Aesthetics and political authority in the English Revolution, 1642–1649

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I, Jack David Sargeant, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Abstract

This thesis explores the role of aesthetics in the assertion and contestation of political authority during the English Revolution (1642–49). It makes two overarching arguments. The first is that ritual acts and artefacts were central to the naturalisation and reproduction of the early modern social order, and that this, up to the 1640s, was underpinned by an understanding of authority as inherent to the material—rather than social—world. In the thesis, the complicity of the aesthetic in the production of authority is revealed through a series of examples in which rival royalist and parliamentarian officials contested, appropriated, and in some cases subverted the symbolic traces of sovereign power during civil war. Spaces, objects, and ritual acts became vectors for the pursuit of entrenched ideological conflicts. In their examination, the thesis draws on a variety of evidence, from newsbooks and printed pamphlets to private correspondence, diaries, parliamentary journals, state papers and civic records. The second argument is that the open contestation of these ritual forms contributed to the formation of immanent conceptions of authority, understood as a social relation rather than an expression of an essential or transcendent order. This, in part, was reflected in the growing participation of common people in political processes as they increasingly came to conceive of their own agency as legitimate. It is also demonstrated in the political writings of the 1640s, and the thesis uses parliamentary speeches, philosophical writings, political manifestos and other printed polemic to uncover examples of how contemporaries, from Thomas Hobbes to Leveller radicals, conceptualised authority in light of the widespread emergence of popular political participation, without recourse to a divine or transcendent majesty.

Impact statement

First and foremost, this thesis is intended as a contribution to the historiography of early modern Britain. It represents an attempt to ask new questions of, and bring new theoretical frameworks to bear upon, one of the most well-studied periods in British history. Over the past three-and-a-half years, I have presented portions of this research at interdisciplinary conferences both in the U.K. and abroad, and hope to have made a convincing case for the potential of political aesthetics in explaining historic events and the unfamiliar mentalities that occasionally appear to have motivated them. More importantly, perhaps, the research presented here has been incorporated into my undergraduate teaching at UCL since 2018. Political aesthetics is not merely an expedient analytical category, but a means of transcending arbitrary boundaries between intellectual, political, and cultural histories. Considering the social use of objects such as texts, maces, and seals is a means of reflecting upon both the politics of the past and the basic assumptions that underpinned day-to-day realities. I hope this research can be used to inspire novel and innovative approaches to the teaching of early modern history, not least through the consideration of aspects of the material culture of politics.

Finally, I hope this thesis encourages readers to reflect on the role of aesthetics in the legitimation and reproduction of the modern social and political order. On the one hand, this thesis demonstrates how political aesthetics can be a weapon in the armoury of civil authorities, both in the obvious sense that we are habituated into obeying certain orders or symbols, and the more abstract sense in which our realities are already subject to a certain kind of framing, itself complicit in the production of social norms: what Jacques Rancière refers to as a 'division' or a 'partition of the sensible'. On the other hand, the 1640s offers not only an example of warring political authorities vying over the control of these symbols, but also of how the symbols themselves might be creatively reimagined to more democratic ends. This is particularly evident in the pamphlets of both radical and moderate parliamentarians, from the Levellers to William Prynne, who reconceptualised the aesthetic foundations of political reality to enable more open, democratic forms of organisation. If the thesis forces readers to consider these questions in relation to modern political predicaments, this would surely be its greatest achievement.

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Acknowledgements

Table of abbreviations

BL	British Library
CJ	*Journal of the House of Commons*
Clarendon	E. Hyde, earl of Clarendon, *The History of the Rebellion and Civil Wars in England* (8 vols., Oxford, 1826)
CSPD	*Calendar of State Papers Domestic*
CSPV	*Calendar of State Papers Venetian*
EHR	*English Historical Review*
F&R	C. H. Firth and R. S. Rait (eds.), *Acts and Ordinances of the Interregnum, 1642–1660* (3 vols., London, 1911) <https://www.british-history.ac.uk/no-series/acts-ordinances-interregnum>
HALS	Hertfordshire Archives and Local Studies
HJ	*Historical Journal*
HLQ	*Huntington Library Quarterly*
HMC	Historical Manuscripts Commission
JBS	*Journal of British Studies*
JRL	John Rylands Library
LJ	*Journal of the House of Lords*
NP	Nicholas Papers
ODNB	*Oxford Dictionary of National Biography*
P&P	*Past & Present*
ROLLR	Record Office of Leicestershire, Leicester & Rutland
Rushworth, *Collections*	J. Rushworth (ed.), *Historical Collections of Private Passages of State* (8 vols., London, 1721–2)
SP	State Papers
SR	G. E. Briscoe Eyre and C. R. Rivington (eds.), *A Transcript of the Registers of the Worshipful Company of Stationers from 1640–1708 A.D.* (3 vols., London, 1913–14)
Stocks, *Leicester*	H. Stocks (ed.), *Records of the Borough of Leicester, 1603–88* (Cambridge, 1923)
TNA	The National Archives

Note on the text

When quoting from primary source material, common contractions have been expanded in square brackets. In quotations containing u/v and i/j conflations, spellings have been modernised. The italicisation of proper nouns has been removed from all quotations. Dates are in Old Style, but with the year taken to have begun on January 1.

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Introduction

'Even Government hath lost its reverence'

In late March 1645, John Ward, the presbyterian minister of Ipswich, was called upon to deliver a sermon in the House of Commons. Speaking before MPs, gathered on their day of monthly fast, Ward expressed grave concern at the social effects of parliament's continued war against King Charles I and his royalist army. At the heart of Ward's unease was the sense that political power was losing its glorious lustre, emboldening common people to meddle in matters of state. The carefully guarded *arcana imperii* was increasingly exposed to public view. Ward lamented the new 'nakednesse' of majesty, and claimed that the 'secrets and mysteries of state which all policie hath ever kept vailed to preserve them venerable and reverend, are now made common and exposed to every eye'. He had a clear and acute sense of the role of appearances in governing how people made sense of the world, the nature of political authority, and the possibilities of resistance.[1]

Ward's allusion to the revelation of 'secrets and mysteries of state' was a thinly veiled reference to the communicative strategies adopted by parliament to win public support after the outbreak of war in 1642. In the intervening years, the Houses of Lords and Commons had commissioned thousands of copies of diverse print publications, ranging from formal declarations and ordinances to sermons, petitions, and political polemic. These texts were carried from London across the country, where they were passed on to local officials, scattered about the streets, or even personally posted up in marketplaces by MPs. Ward, however, feared that to politicise the people was to incite revolution. He cautioned that across the kingdom, 'every man takes liberty to talke, and write, and print of them with all boldnesse and confidence', such that 'the skirts of Majestie are uncovered'. Sounding a note of alarm, he proclaimed that 'even Government it selfe hath lost its reverence, as well as its pomp and lustre'.[2] In its turn to publicity, Ward saw

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[1] J. Ward, *God Judging Among the Gods. Opened in a Sermon before the Honourable House of Commons* (London, 1645), 37; T. J. Hosken, *History of Congregationalism and Memorials of the Churches of our Order in Suffolk* (Ipswich, 1920), 49.

[2] Ward, *God Judging Among the Gods*, 37.

parliament dicing with anarchy. Nevertheless, in accordance with their keen concern for popular opinion, the Commons immediately ordered for a copy of Ward's sermon to be typeset and printed for consumption by the same public that he feared were soon to upturn the social order. It was an irony not lost on the minister, whose bitter prefatory remarks to the printed edition declared a hope 'that it will not be cast aside, as disrelishing or unprofitable; now its come from the *Presse'*.[3]

The practical reworking of the relationship between aesthetics and political authority is the subject of this thesis. Throughout the period of civil war, the words, gestures, objects and images that had hitherto been invoked to essentialise a social order predicated on the 'inherent and natural superiority of elites' became openly contested by and between officials of king and parliament.[4] Parliamentarians burnt proclamations in market squares, melted down the crown jewels, and demanded that subjects violate oaths of loyalty to the king as they vied to mobilise the people in support of their war effort. At other moments, they appropriated the material trappings of royal power, transforming them from inviolable traces of a God-given monarchy to earthly artefacts that derived force from their capacity to embody the collective will of a sovereign people. Radical pamphlets scattered across the country sought to expose the aesthetic operation of royal power, claiming that the 'pomp and lustre' of majesty was a mere facade erected to produce the illusion of monarchy as 'a thing Sacred, Inviolable, as the Breath of our Nostrils, the Apple of our eies'.[5] Such arguments were not the products of idle or abstract philosophising, but concrete responses to the experiences of civil war and the public contestation of authority.

The thesis makes two overarching arguments. The first is that, at least up to the 1640s, authority was understood as inherent to the material—rather than social—world. It therefore substantiates John Ward's understanding of the role of 'pomp and lustre' in the production of political authority and the exercise of

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[3] Ibid., sig. [A1v].

[4] J. Walter, 'Gesturing at authority: deciphering the gestural code of early modern England', in M. J. Braddick (ed.), *The Politics of Gesture* (Oxford, *P&P* supplement, New Ser., iv, 2009), 96–127, at 122.

[5] [J. Wildman], *A Reply To the House of Commons. Or rather to an Impostor* (London, 1648), 2.

legitimate power. It contends that objects such as proclamations, seals, and charters were understood as material traces of sovereign power, themselves bearing a social and political efficacy. The thesis's second argument is that the open contestation of these ritual acts and artefacts exposed a contradiction between epistemic theory and political practice. These 'tools' of mystification became vectors for the waging of ideological conflict and contradictory assertions of sovereignty. Instead of object-sources of authority, they increasingly came to appear as merely formal ciphers, void of any essential meaning. Glimpsing the 'nakednesse' of majesty enabled contemporaries to conceive of authority as an immanent, social relation rather than the expression of a transcendent order. This, in part, is traced here through the participation of common people in political processes, as they increasingly came to conceive of their own agency as legitimate. It is also demonstrated in the political writings of the period. This thesis uses parliamentary speeches, philosophical writings, political manifestos and other printed polemic to uncover examples of how contemporaries, from Thomas Hobbes to Leveller radicals, conceptualised political authority in light of the widespread emergence of popular political participation, without recourse to a divine or transcendent majesty.

The role of appearances in the production of political authority, and the reworking of the relationship between aesthetics and politics in the 1640s, has been largely overlooked in previous studies. This introductory chapter will begin by situating the thesis within the broader historiography of early modern England. It will then outline the theory and methodologies used in its analysis, before outlining the thesis's broader structure and arguments.

i.   *Historiography*

Michael Braddick has previously noted that 'the relationship between politics and aesthetics in the Revolution' is 'rather underresearched'.[6] This may be because aesthetics is a rather nebulous analytical category, cutting across the largely sequestered fields of political, cultural, and intellectual history. This thesis hopes to make a contribution to each of these sub-disciplines. Most obviously, perhaps,

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[6] M. J. Braddick, 'Introduction: the politics of gesture', in Braddick (ed.), *The Politics of Gesture*, 9–35, at 24.

it builds upon studies of 'public politics' in the English Revolution. It picks up from where 'post-revisionist' historians of the civil war have left off, rehabilitating and refining certain research topics explored by Marxist scholars before the revisionist reaction of the 1970s and 1980s.[7] Whereas the Marxist approach was typified by attempts to trace the long-standing socio-economic causes of Revolution, however, post-revisionist scholarship has been marked by the attempt to probe the problematics of contingency within shorter-term analyses which accept that the origins of civil war stretched back far further than 1640, and were comprised of ideological conflicts that divided not only a narrow political elite, but society at large.

The 'post-revisionist' approach to the Revolution emerged as a frustrated response to the revisionism of Conrad Russell, John Morrill, and others, who broke with the 'determinism' of Marxist methodologies to explain the outbreak of war in England as a reflexive response to a series of accidents or crises in the years immediately preceding 1642.[8] This interpretation was perhaps given its clearest articulation in the Russellian 'billiard-ball' thesis, in which the outbreak of civil war was portrayed as the cumulative effect of a series of short-term and more or less discrete events across the three kingdoms.[9] Such narrow accounts of the origins of civil war were freighted with profound implications for our understanding of early modern politics and society more generally. Revisionism rendered 'popular' or 'common' politics essentially unimaginable outside of the narrow units of parish, village or corporate town, and the involvement of ordinary

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[7] For classic examples of the Marxist approach to the English Revolution, see: C. Hill, *The English Revolution* (London, 1940); idem, 'Recent interpretations of the civil war', in C. Hill, *Puritanism and Revolution* (London, 1990), 13–40; B. Manning, *The English People and the English Revolution* (London, 1976).

[8] For examples of the revisionist approach to civil war, see: C. Russell (ed.), *The Origins of the English Civil War* (London, 1973); C. Russell, *The Causes of the English Civil War* (Oxford, 1990); idem, *Unrevolutionary England, 1603–1642* (London, 1990); J. Morrill, *The Nature of the English Revolution* (London, 1993); idem, *Revolt in the Provinces: The People of England and the Tragedies of War, 1630–48* (2nd ed., Harlow, 1999); K. Sharpe (ed.), *Faction and Parliament: Essays on Early Stuart History* (Oxford, 1978); K. Sharpe, *The Personal Rule of Charles I* (New Haven, CT, 1992);

[9] C. Russell, 'The British problem and the English Civil War', *History*, vol. 72, no. 236 (1987), 395–415.

people in civil war was explained as motivated by the defence of local interests, rather than by any positively theorised ideological position. As such, the 'radicalism' of civil war represented not the logical outgrowth of widespread popular grievances in newly tensile political circumstances, but a marginal and unrepresentative fanaticism afforded disproportionate attention in the historical accounts of Christopher Hill and others. Thus, the conservative logic of revisionism compelled the dismissal of some of the most incendiary political writing of the period as mere 'rhetoric', and the Revolution's 'paper war' as constituted of little more than language games between hack writers paid to produce pamphlets for the manipulation of an insensate, or at least indifferent, popular class.[10]

Post-revisionist analyses have rendered such interpretations largely untenable, not least by emphasising the inherently public nature of early modern politics.[11] Ironically, it was in no small part the detailed provincial studies of Clive Holmes, Ann Hughes, and others that first undermined John Morrill's 'localist' paradigm for understanding popular participation in civil war.[12] Based on painstaking archival research and prosopographical methodologies, these accounts revealed that the English provinces were not invariably united in the face of civil war and the defence of a monolithic local interest, but internally divided along partisan lines. Likewise, John Walter's micro-study of Revolutionary unrest in Colchester revealed how riots at the home of royalist Sir John Lucas in 1642 entailed an explicit popular articulation of parliamentarian ideology, demonstrating not only that common people were highly aware of national political affairs, but were equally adept at appropriating the discourses of political elites. More recently, Walter has explored how the enforced parliamentary Protestation of 1641 was not merely a top-down mechanism for

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[10] For an analysis of the political thought of civil war in this vein, see, for example, G. Burgess, 'The impact on political thought: rhetorics for troubled times', in J. Morrill (ed.), *The Impact of the English Civil War* (London, 1991), 67–83.

[11] For a powerful critique of revisionism's tendency to parrot the arguments of Charles I and other contemporary royalists, see P. Lake, 'From revisionist to royalist history; or, was Charles I the first Whig historian', *HLQ*, vol. 78, no. 4 (2015), 657–81.

[12] See, for example, C. Holmes, *The Eastern Association in the English Civil War* (Cambridge, 1974); A. Hughes, *Politics, Society and Civil War in Warwickshire, 1620–1660* (Cambridge, 1987).

securing allegiance, but enabled ordinary people to theorise and justify popular initiatives in political affairs throughout the Revolution.[13]

One of the most fruitful lines of inquiry for post-revisionists has been exploring how the collapse of royal governance and its mechanisms of censorship interacted with advances in print technologies to transform the communicative dynamics of politics. This has occasionally taken the form of general accounts of the emergence of 'popular opinion' during civil war, revealed through textual studies of pamphlets and petitions, and close analyses of legal and governmental records.[14] It has also taken the form of more specialist accounts of particular kinds of print practices. David Zaret has attributed nothing less than the 'origins of democratic culture' to the explosion of petition-writing during civil war, while Jason Peacey's broader surveys of the production, dissemination and reception of a variety of print in the 1640s reveal how the press enabled a much broader base of the population to participate in (sometimes entirely novel) political processes.[15] Focusing on the polemical strategies of civil war pamphleteers, Sharon Achinstein has argued that printed publications, particularly by parliamentarian propagandists, provided common people with a 'textual education in participatory politics', while David Como has argued for the critical role of print in the 'ideological escalation' of the early 1640s, fostering among a radical independent fringe a 'self-conscious community of debate and discourse, in which the boundaries of acceptable religious opinion were … stretched to their very limit'.[16] Each of these analyses share a critical assumption: that the explosion

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[13] J. Walter, *Understanding Popular Violence in the English Revolution: The Colchester Plunderers* (Cambridge, 1999); idem, *Covenanting Citizens: The Protestation Oath and Popular Political Culture in the English Revolution* (Oxford, 2017).

[14] See, for example, D. Freist, *Governed by Opinion: Politics, Religion and the Dynamics of Communication in Stuart London* 1637–1645 (London, 1997); K. Lindley, *Popular Politics and Religion in Civil War London* (Aldershot, 1997).

[15] D. Zaret, *Origins of Democratic Culture: Printing, Petitions, and the Public Sphere in Early-Modern England* (Princeton, MA, 2000); J. Peacey, *Politicians and Pamphleteers: Propaganda During the English Civil Wars and Interregnum* (Aldershot, 2004); idem, *Print and Public Politics in the English Revolution* (Cambridge, 2013).

[16] S. Achinstein, *Milton and the Revolutionary Reader* (Princeton, NJ, 1994), 103; D.

in the availability of print material was not merely a matter of quantitative change, but of a qualitative transformation in how ordinary people conceived of, and participated in, politics.

Post-revisionism has, therefore, revealed how an attentiveness to contingency does not necessarily undermine claims of revolutionary change in the 1640s, but on the contrary, reveals how the rapid embrace of novel communicative tactics enabled radical ideas to be consumed, debated, and reformulated by a remarkably broad base of the population. The emphasis on the role of print in the formulation and circulation of political ideas doubtless informed Michael Braddick's call for scholars of the Revolution to think not in terms of a preordained popular 'allegiance', but rather of the various strategies by which officials of king and parliament sought to 'mobilise' common people for their cause.[17] Braddick has outlined the methodological advantages of embracing this concept, insofar as it 'provides a sociological context in which to understand the legitimation and delegitimation of particular institutions; an insight into the conditions which provoked and enabled one of the most creative periods in English intellectual history'.[18] This thesis intends to provide a fresh insight into the process of mobilisation, not only considering how royalists and parliamentarians each sought to win public support, but the very profound implications of the emergence of a politics predicated on appeals to the people. As such, this thesis seeks to draw attention to a central but essentially underemphasised dynamic of the Revolution: the way that the collapse of institutional political arrangements undermined traditional legitimating ideologies, forcing appeals to the

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R. Como, 'Print, censorship, and ideological escalation in the English Civil War', *JBS*, vol. 51, no. 4 (2012), 820–57, at 829. For Como's related work, see, for e.g., D. R. Como, 'Secret printing, the crisis of 1640, and the origins of Civil War radicalism', *P&P*, vol. 196 (2007), 37–82; idem, *Radical Parliamentarians and the English Civil War* (Oxford, 2018).

[17] Though not a revisionist, David Underdown's *Revel, Riot, and Rebellion: Popular Politics and Culture in England, 1603–1660* (Oxford, 1985) is one influential work that reifies allegiance as a category determined by socio-economic factors.

[18] M. J. Braddick, 'Mobilisation, anxiety and creativity in England during the 1640s', in J. Morrow and J. Scott (eds.), *Liberty, Authority, Formality: Political Ideas and Culture, 1600–1900: Essays in Honour of Colin Davis* (Exeter, 2008), 175–94; M. J. Braddick, *God's Fury, England's Fire* (London, 2009), passim.

commonalty. In turn, these appeals both encouraged and legitimated popular participation in politics.

This leads into the second strand of historiography to which this thesis contributes: the history of ideas in the English Revolution. The thesis emphasises the centrality of conflicts over the nature and origins of political authority to contemporary understandings of the civil war, both at elite and popular levels. It provides evidence for Lawrence Stone's suggestion that authority was 'the fundamental issue' at stake in the 1640s.[19] This marks an important point of divergence from revisionist accounts. As Peter Lake has previously observed, one of revisionism's most pronounced effects was to explain political conflict not as rooted in fundamentally 'antagonistic bodies of political theory or ideology', but rather through 'the manipulation of shared notions, keywords and concerns'.[20] This explains its tendency towards explaining rapid developments in political thought as mere shifts in rhetoric, as well as its claim that political conflicts were essentially superficial policy differences that belied a fundamental ideological consensus. Such arguments owe much to John Morrill's suggestion that the religious was merely one 'mode of opposition' articulated against the Caroline regime in the run-up to civil war, and one that operated relatively autonomously of more obviously political contentions.[21] In contrast, this thesis suggests that religion and politics cannot be separated without anachronism. It stretches Richard Bell's claims about puritanism to early modern religion more generally: it both 'adapted to and conditioned' the worldly experiences of contemporaries, rather than serving as a distinct or discrete mode of apprehending the world.[22] In other words, the thesis considers political and religious ideas to be imbricating, mutually constitutive forms of knowledge.

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[19] L. Stone, *Causes of the English Revolution, 1529–1642* (Abingdon, 2002), 53.

[20] P. Lake, 'The moderate and irenic case for religious war: Joseph Hall's *Via Media* in context', in S. D. Amussen and M. A. Kishlansky (eds.), *Political Culture and Cultural Politics in Early Modern Europe: Essays Presented to David Underdown* (Manchester, 1995), 55–83, at 55.

[21] For the classic articulation of this position, see J. Morrill, 'The religious context of the English Civil War', *Transactions of the Royal Historical Society*, vol. 34 (1984), 155–78.

[22] R. T. Bell, 'The minister, the millenarian, and the madman: the puritan lives of William Sedgwick, ca.1609–1664', *HLQ*, vol. 81, no. 1 (2018), 29–61, at 60.

The revisionist approach to the intellectual history of the English Revolution is perhaps most clearly apparent in the work of Glenn Burgess, who has argued that early modern politics, at least before the civil war, was underpinned by a basic ideological accord. For Burgess, ancient constitutionalism was not 'the ideology of a party but the shared language of an entire political nation'. Concepts such as divine-right monarchy were so ubiquitous in contemporary discourse as to be useless as a means of demarcating rival modes of political thought. Though there may have been distinct political vocabularies used across different contexts, these were underpinned by a universal 'common law mind'.[23] Suffice to say, Burgess's claims have not gone unchallenged. In his self-professed attempt to restore ideological conflict to the politics of the early Stuart period, Johann Sommerville observed that contemporaries had a wide range of (often conflictual) political theory to hand.[24] Other historians have questioned the extent to which shared political vocabularies can be taken as evidence of a basic consensus. Derek Hirst has noted that a 'common political language, whether it is used to address the divinity of kingship or the importance of the past, is not … a sign that all assumptions are shared. Indeed, one of the most marked features of that language may have helped to uncover discordant elements in the vaunted harmony'.[25] Janelle Greenberg's work on the 'radical face' of the ancient constitution has revealed that it was a contested discourse precisely because of its ubiquity. The reason that the language of ancient constitutionalism was spoken by everyone from Sir Dudley Digges to John Lilburne was not because they were in ideological agreement, but because it was a means of packaging extreme conceptions of political authority in broadly acceptable terms.[26]

The most convincing grasp of the history of ideas in the English Revolution has been articulated by historians more attuned to the microscopic contexts in

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[23] G. Burgess, *The Politics of the Ancient Constitution: An Introduction to English Political Thought, 1603–1642* (Basingstoke, 1992), at 17; idem, *Absolute Monarchy and the Stuart Constitution* (New Haven, CT, 1996).

[24] J. P. Sommerville, *Royalists and Patriots: Politics and Ideology in England, 1603–1640* (2nd ed., Harlow, 1999).

[25] D. Hirst, 'Revisionism revised: the place of principle', *P&P*, vol. 92 (1981), 79–99, at 83.

[26] J. Greenberg, *The Radical Face of the Ancient Constitution: St Edward's 'Laws' in Early Modern Political Thought* (Cambridge, 2001).

which they were formulated and articulated.[27] This involves more than an attempt to excavate the language(s) of politics in the Cambridge School fashion, which might offer a deceptive picture of consensus, but rather an effort to recover the precise circumstances of their production and reception.[28] In other words, it involves interrogating the relationship between ideas and their material origins. As Jason Peacey has written, we should be wary of focusing on propaganda simply 'in terms of its ideas and expression, rather than in terms of its ability to fulfil particular political functions at specific moments'.[29] As such, this thesis considers the relationship between political ideas and political practices, not only to open up the various ways that ostensibly shared assumptions provided a battleground for ideological conflicts, but, more broadly, in an attempt to shed new light on some of the basic norms that underpinned early modern political mentalities. It seeks to move beyond a relatively narrow, textual (and contextualist) approach to the history of ideas, and to reintegrate questions of practice and performance into their production, circulation, and reception. Concepts such as sovereignty and tyranny were not merely debated on the pages of political treatises, but were associated with certain kinds of political behaviour. Popular mobilisation, therefore, necessitated an attentiveness to forms of public politics. By studying the variety and partisan nature of these forms, we can uncover fundamental ideological differences between and within royalism and parliamentarianism, but also interrogate the assumptions that underpinned the quotidian exercise of early modern power.

To this end, the third branch of historiography upon which this thesis draws

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[27] See also post-revisionist studies including R. Cust, *The Forced Loan and English Politics 1626–1628* (Oxford, 1987); D. Underdown, *A Freeborn People: Politics and the Nation in Seventeenth-Century England* (Oxford, 1996); A. Hughes, *The Causes of the English Civil War* (2nd ed., Basingstoke, 1998); idem, *Gangraena and the Struggle for the English Revolution* (Oxford, 2004); P. Lake, *The Boxmaker's Revenge: 'Orthodoxy', 'Heterodoxy' and the Politics of the Parish in Early Stuart London* (Manchester, 2001); Como, *Radical Parliamentarians*.

[28] For the archetypal study of the English Revolution through the lens of the Cambridge School's contextualist approach to intellectual history, see J. G. A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century* (2nd ed., Cambridge, 1987).

[29] Peacey, *Politicians and Pamphleteers*, 8.

is that of the 'material culture' of early modern politics. An expanding corpus of scholarship has demonstrated that contemporary rulers, in the absence of a strong coercive state apparatus, depended on a variety of ritual forms in order to authorise their power. Kevin Sharpe played a pioneering role in what he referred to as a 'cultural turn' in the political history of early modernity, observing that '[r]epresentations and images of rule' formed part of the 'contemporary theatre of politics'.[30] His numerous studies on the aesthetic trappings of early modern monarchy bridged a gap between political history and the oft-uncritical histories of 'court culture'.[31] Influenced by the work of anthropologist Clifford Geertz, Sharpe noted that '[l]anguage is only one of the systems through which societies construct meaning', and that historians might fruitfully attempt to recover the meanings of objects, artefacts and rituals as well.[32] But despite introducing a more theoretical approach to the social function of ornaments and images in the operation of power, Sharpe's work remained essentially court-centric: its principal focus was to consider how monarchs 'manipulated' their public image. More recent work has sought to shift the focus from the royal court, taking account not only of attempts to 'project' power before the people, but of the variegated nature of popular responses.[33] Historians have become increasingly

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[30] K. Sharpe, *Remapping Early Modern England: The Culture of Seventeenth-Century Politics* (Cambridge, 2000), 458–9.

[31] See, for example, K. Sharpe, *Selling the Tudor Monarchy: Authority and Image in 16th-Century England* (New Haven, CT, 2009); idem, *Image Wars: Promoting Kings and Commonwealths in England, 1603–1660* (New Haven, CT, 2010); idem, *Remapping*.

[32] Sharpe, *Remapping*, 17. For other work on the spectacular nature of early modern power, see, for example, F. Yates, *Astraea: The Imperial Theme in the Sixteenth Century* (London, 1975); *D. Howarth, Images of Rule: Art and Politics in the English Renaissance, 1485–1649* (Berkeley, CA, 1997); S. Bertelli, *The King's Body: Sacred Rituals of Power in Medieval and Early Modern Europe*, trans. R. B. Litchfield (University Park, PA, 2001); L. Montrose, *The Subject of Elizabeth: Authority, Gender, and Representation* (Chicago, IL, 2006).

[33] J. Peacey, 'The street theatre of state: the ceremonial opening of parliament, 1603–60', *Parliamentary History*, vol. 31, no. 1 (2015), 155–72; A. Calladine, 'Public ritual and the proclamation of Richard Cromwell as lord protector in English towns, September 1658', *HJ*, vol. 61, no. 1 (2018), 53–76; E. Legon, 'Loyalty, disloyalty and the coronation of Charles II', in M. Ward and M. Hefferan (eds.), *Loyalty to the Monarchy in Late*

aware that to 'project' power is not the same as to exercise it.

Such scholarship has demonstrated the complicity of the aesthetic in the quotidian exercise of political power. This has entailed a shift towards a recognition of the performative nature of early modern authority, which was iterated and affirmed through bodily gesture as well as ceremonial spectacle. In Michael Braddick's words, 'gestures can be powerful means of communicating affirmation and solidarity and, for the same reason, can be powerful means of expressing dissent'. Drawing on the work of sociologist Anthony Giddens, Braddick has noted that such actions are 'central to the process of structuration … through individual actions we express, and reproduce, broader social relationships'.[34] On the one hand, therefore, the performance of certain gestures by authority figures was a means of legitimating the exercise of political power before or upon their subjects. On the other, their precarious recognition as authority figures depended on the performative acknowledgement of that authority by their subordinates. For Braddick, an awareness of the 'cultural, or performative, aspects of the exercise of power helps to elucidate the unspectacular ways in which the reactions of the governed … might act as a restraint on the activities of their governors'.[35] For John Walter, '[f]orms of domination based on the premise of the inherent and natural superiority claimed by elites were literally inscribed on the body. They depended on embodied rituals of deference in which routinized gestures of acknowledgement of superiority … played an important part'.[36] Perhaps most famously, such rituals included the removal of one's hat before authority figures—an example of which we will encounter later.[37]

Medieval and Early Modern Britain, c. 1400–1688 (Cham, 2020), 231–52.

[34] Braddick, 'Introduction: the politics of gesture', 10.

[35] M. J. Braddick, 'Administrative performance: the representation of political authority in early modern England' in M. J. Braddick and J. Walter (eds.), *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland* (Cambridge, 2001), 166–87, at 167.

[36] Walter, 'Gesturing at authority', 122.

[37] For further work on the political import of gesture, see, for example, C. R. Kyle, *Theater of State: Parliament and Political Culture in Early Stuart England* (Stanford, CA, 2012), esp. chs. 1 and 2; J. Peacey, 'Disorderly debates: noise and gesture in the 17th-century House of Commons', *Parliamentary History*, vol. 32, no. 1 (2013), 60–78.

This thesis deals not only with bodily gestures but also symbolic artefacts: objects in which authority was understood to inhere. It pays close attention to the way that texts were used to authorise the exercise of political power, building upon the influential work of Adam Fox. In his words, writing was 'both a symbol and an agent of authority', used to 'control and coerce or to protect and preserve'.[38] Although texts were occasionally used as a means of checking or resisting the power of the state, as in cases where land deeds or other historical records were invoked in attempts to ward off the threat of enclosure or disafforestation, they were more often used as tools by which authorities sought to legitimate the exercise of political power. This was most frequently evident in the publication of royal proclamations, but the textual form was crucial to the exercise of power at all levels of politics. The thesis expands upon the work of James Rosenheim, who has argued that 'material adjuncts to personal authority, ranging from legal papers to freshly painted royal coats of arms, contributed significantly to the successful exercise of rule by the landed elite' in the immediate aftermath of the Restoration.[39] The thesis offers evidence that this was true across the early modern period more generally. Several historians have written on the centrality of charters of incorporation to the collective identity of civic authorities, and how they were invoked to legitimate the exercise of political power.[40] Texts had a social life as objects, and, much like 'speech acts', bore the capacity to enact changes in the world. Exploring the way that this was theorised entails considering the vicarious nature of early modern political authority; the way that its various agents and institutions asserted the right to act on behalf of someone or something else; a claim that often took the shape of a charter, writ, warrant, or

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[38] A. Fox, 'Custom, memory and the authority of writing', in P. Griffiths, A. Fox, and S. Hindle, *The Experience of Authority in Early Modern England* (Basingstoke, 1996), 89–116, at 89.

[39] J. M. Rosenheim, 'Documenting authority: texts and magistracy in Restoration society', *Albion*, vol. 25, no. 4 (1993), 591–604, at 592.

[40] S. Bond and N. Evans, 'The process of granting charters to English boroughs', 1547–1649, *EHR*, vol. 91, no. 358 (1976), 102–20; R. Tittler, 'The incorporation of boroughs, 1540–1558', *History*, vol. 62, no. 204 (1977), 24–42; D. Beaver, 'Sovereignty by the book: English corporations, Atlantic plantations and literate order, 1557–1650', in C. R. Kyle and J. Peacey (eds.), *Connecting Centre and Locality: Political Communication in Early Modern England* (Manchester, 2020), 157–73.

some other kind of material object. Here, the thesis might offer new insights into the operation of the early modern 'state', as conceived in the works of Michael Braddick and Steve Hindle as a broad network of offices and officeholders.[41]

The efficacy of texts was derived, in part, from their symbolic form. Proclamations, writs and other formal documents tended to adhere to certain stylistic conventions, by which they were marked out as recognisably official. Proclamations conventionally included the monarch's title and coat of arms, which affirmed the document as the product of their personal, sovereign command. As we shall see, the civil war entailed the contestation of such conventions, evident in episodes such as the parliamentary manufacture of a Great Seal of England marked with Charles I's image in 1643. The thesis draws upon the work of philosopher Giorgio Agamben to suggest that such marks can be understood as 'signatures': iterative and operative symbols, whose trace establishes a text (or, for that matter, any other artefact) within a given, active network of hermeneutic relations.[42] Through encounters with such symbols, subjects, in the words of Kevin Sharpe, 'read and heard and "saw"' the monarch.[43] Scholars have debunked the notion that common people were unaware of, or uninterested in, questions of textual authority or royal power.[44] Most recently, Mel Evans has noted that, as 'semiotic substitutes for the real thing, these iconic objects acquired social meaning in their own right, offering a contact point with both the royal person and royal power'.[45] This thesis will provide ample evidence that the form of texts was one of the ways by which ordinary people sought to verify that official texts were genuine, and, more importantly, were a means of reflecting upon, and publicly contesting, ideas of authority, sovereignty, and tyranny.

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[41] M. J. Braddick, *State Formation in Early Modern England, c. 1550–1700* (Cambridge, 2000); S. Hindle, *The State and Social Change in Early Modern England, 1550–1640* (Basingstoke, 2000).

[42] G. Agamben, *The Signature of All Things: On Method*, trans. L. D'Isanto and K. Attell (New York, NY, 2009), esp. ch. 2.

[43] Sharpe, *Selling*, 21.

[44] For an example of this kind of outmoded scholarship, see S. Anglo, *Images of Tudor Kingship* (London, 1992).

[45] M. Evans, *Royal Voices: Language and Power in Tudor England* (Cambridge, 2020), 138.

The authority of such texts as royal proclamations was doubtless also a result of the *collective* experience of their publication. In the words of Yoshihisa Hattori, 'oral and ritual communication through performative acts in public spaces gave … documents authority and lasting validity in law, engraving the context and situation of the grant of the documents in the memory of the attendants'.[46] Andy Wood has proposed that we think of such occasions as 'speech events' that reinforced the social order by literally displaying who had the authority to speak and who did not.[47] This inevitably forces us to consider not only the ritual forms of the publication of official texts, but the sites at which these acts took place. The iterative performance of political practices imbued spaces with connotations of power and authority. This, most obviously, included buildings that housed formal political business, such as civic guildhalls, which were designed to reproduce 'dominant forms of medieval and early modern discourse and power'.[48] However, even the more banal arenas of urban life came to be associated with civic and national governance, not least due to the role they played in pageantry and the publication of royal proclamations.[49] In Andy Wood's words, '[c]rosses, marketplaces and crossroads' were 'sites at which authority announced itself', and during times of crisis, could become the arena 'at which audiences gathered

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[46] Y. Hattori, 'Communication, conflict, ritual, and order: an introduction', in Y. Hattori (ed.), *Political Order and Forms of Communication in Medieval and Early Modern Europe* (Rome, 2014), 7–29, at 16.

[47] A. Wood, *The 1549 Rebellions and the Making of Early Modern England* (Oxford, 2007), 108–10.

[48] K. Giles, 'Guildhalls and social identity in late medieval and early modern York, c. 1350–1630' (Ph.D. diss., University of York, 1999), 1. On guildhalls, see also R. Tittler, *Architecture and Power: The Town Hall and the English Urban Community c. 1500– 1640* (Oxford, 1991).

[49] For scholarship on civic pageantry, see, P. Borsay, '"All the town's a stage": urban ritual and ceremony 1660–1800', in P. Clark (ed.), *The Transformation of English Provincial Towns* (London, 1984), 228–58; M. Berlin, 'Civic ceremony in early modern London', *Urban History*, vol. 13 (1986), 15–27; J. Knowles, 'The spectacle of the realm: civic consciousness, rhetoric and ritual in early modern London', in J. R. Mulryne and M. Shewring (eds.), *Theatre and Government Under the Early Stuarts* (Cambridge, 1993), 157–89; E. Griffin, 'Sports and celebrations in English market towns, 1660–1750', *Historical Research*, vol. 75 (2002), 188–208; D. Postles, 'The market place as space in early modern England', *Social History*, vol. 29, no. 1 (2004), 41–58.

to witness the symbolic enactment of political struggle'. The 'urban landscape and the calendrical year were not ... merely passive backdrops', but were freighted with 'passionate, and sometimes conflicting, meanings'.[50] It is unsurprising, therefore, that such spaces became particularly important sites of struggle by and between rival officials and common people during civil war. The thesis will consider how the peculiar circumstances of the 1640s altered common understandings of urban space, and the opportunities it provided for exercising forms of political agency.

ii.   Theory, methodology, and structure

The concept of political aesthetics is here adapted from what has been termed the 'aesthetic turn' in contemporary political theory.[51] Broadly speaking, this has involved methodological innovations aimed at probing the experiential aspects of political life, formulated in response to the limitations of the linguistic turn and an overemphasis on discourse in theories of the construction and reproduction of social reality.

In what follows, aesthetics is used as an analytical category in two senses. In the first instance, it seeks to capture how our conceptions of politics and its possibilities are determined by our experiences of quotidian reality, which are not spontaneous but already conditioned by a certain perceptive regime. Following philosopher Jacques Rancière, the thesis considers a crucial function of political power to be the fastidious preservation of an illusion of 'a natural order of things where a society is represented as being divided into functions, into places where these functions are exercised, [and] into groups which are, by virtue of their places, bound for exercising this or that function'. It is, in other words, 'a structuring of the common space', in both metaphorical and literal senses. In Rancière's reading, this careful structuring or partitioning of space is not an after-effect or by-product of political society, but absolutely central to its reproduction, presenting an entirely contingent social order as natural and eternal. As what Mustafa Dikeç has referred to as a 'symbolic constitution of the social', this

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[50] A. Wood, *Riot, Rebellion and Popular Politics in Early Modern England* (Basingstoke, 2002), 117–20.

[51] For a broad survey of the 'aesthetic turn', see N. Kompridis, (ed.), *The Aesthetic Turn in Political Thought* (New York, NY, 2014).

structuring of everyday life presents before its subjects 'an organic vision of the society', where everything is ordered and everyone has their place.[52] Thus, political society appears not as an inherent field of tension or conflict, but as essential and harmonious as nature itself.

If, as Rancière suggests, this is true of modern politics, it is surely even more obviously applicable to the early modern period, in which the social order was often explicitly theorised as the product of God's design. This vision of the world can be glimpsed in John Ward's 1645 sermon before the House of Commons, in which he affirmed God's active hand in earthly affairs. For Ward, God 'is an immediate Agent in the judgement all along, from the first ordaining the power through the ordering of every matter, to the over ruling and disposing of the last issues and events thereof'. This includes the appointments of those chosen to take up political office: in Ward's words, '[t]here is the same influence of God into Government'. As such, 'those persons who have the honour to have the power to exercise Authoritie amongst men, are greater in dignitie and neerer to God in eminencie then other men'. For Ward, here representative of a large body of contemporary opinion, authority did not comprise an immanent social relation between human beings, but a trace of God's workings in and on the world. The crucial corollary is that to upend this order, and extend political participation to those not divinely anointed, was to sin against God and to upset the proper order of the cosmos. Such ideas served to perpetuate a certain aesthetic regime, in which the offices and institutions by and through which society was structured were recognised as marks of divine intervention.[53]

As such, aesthetics is also used in a second, related, sense, to refer to the particular 'tools' by which the early modern social order was essentialised, or made to appear as of an eternal or divine order rather than the product of historical contingencies and human decisions. These 'tools' comprised a variety of ritual words, gestures, objects, and images that served to mystify the operation of sovereign power; what John Ward referred to as the 'pomp and lustre' of majesty. In the words of Dan Beaver, such phenomena communicated 'a fundamental continuity, one of sovereignty's defining effects, through their …

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[52] Rancière quoted in M. Dikeç, 'Police, politics, and the right to the city', *GeoJournal*, vol. 58 (2002), 91–8, at 94.

[53] Ward, *God Judging Among the Gods*, 5.

ordering of concepts, places and offices, people and relationships, and objects and property'.[54] Philosopher Giorgio Agamben has argued that power is unthinkable without such a spectacular, symbolic correlate, which alongside bringing historical legitimacy to bear on officers and institutions, serves to mask the essential vacuity of political power. In Agamben's words, 'the hidden root of all aestheticisms [is] the need to cover and dignify what is in itself pure force and domination'.[55] Kevin Sharpe did not go far enough when he portrayed the crown jewels and other material traces of regal grandeur as mere tools for the 'manipulation' of the monarch's public image; rather, they are a *sine qua non* of sovereign power itself.[56] This, of course, makes the fate of these ritualistic acts and objects particularly important during a period of revolutionary turmoil. The public contestation of these 'tools' served to expose the essential contingency of the early modern political order, opening up possibilities for the formulation and legitimation of alternative concepts of authority.

It should be clear that authority is normally used in this thesis not in the sense of a legal judgement, but rather to describe the production and rationalisation of a certain social relation.[57] The thesis deals principally with the way that a belief in one's authority (whether lawful, divine, or otherwise) is produced in others as a social effect. Authority, therefore, does not rest upon force, but rather on one's capacity, both individual and structural, to convince others of its existence. To paraphrase philosopher Alexandre Kojève, throwing someone out of window is not a demonstration of authority, but someone throwing themselves out of a window on another's orders is.[58] This thesis argues that at least up to the outbreak of civil war, authority was inherently bound up with the material form. Objects such as the Great Seal of England, royal proclamations, and even civic charters had all formed part of the symbolic or ritual apparatus of sovereign power,

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[54] Beaver, 'Sovereignty by the book', 163.

[55] G. Agamben, *The Kingdom and the Glory*, trans. L. Chiesa and M. Mandarini (Stanford, CA, 2011), 212.

[56] J. D. Sargeant, 'Parliament and the crown jewels in the English Revolution, 1641–1644', *HJ*, vol. 63 no. 4 (2020), 811–35.

[57] Though in a particularly legalistic society like early modern England, of course, the law can be invoked in an attempt to produce such social effects.

[58] A. Kojève, *The Notion of Authority: A Brief Presentation*, trans. H. Weslati (London, 2020), 8.

understood as material traces of the monarch's supremacy. They took on an almost mythic significance, as marks of an essential and eternal order. The monarch's coronation ceremony, for instance, was not understood as a hollow 'symbolic' gesture, but as vital to the inauguration of a new reign, and without which the king would not be king. In Marxian terms, we might think of such artefacts as having been subject to a certain kind of 'fetishism', in which, through an ideological operation, they are (mis)recognised as bearing an *inherent* magic or force. We might understand this as an effect of a particular historical 'episteme', associated with what Juliet Fleming, borrowing from Michel Foucault, has termed the 'English Renaissance'. According to Fleming, this vision of the world 'lacked a systematic bifurcation between real and thought objects, and consequently apprehended matter not as that which is deprived of meaning but as a principle of structure that underpins all meaning'.[59] Political power was understood to be inherently bound to the material world, and certain objects conferred authority upon those by whom they were possessed.

The English Revolution, however, exposed a certain contradiction between epistemic theory and political practice. These 'tools' of mystification became vectors for the waging of ideological conflict and contradictory assertions of sovereignty. Though parliament sought to appropriate traditional symbols of monarchical power, such as through the 'counterfeiting' of the Great Seal, parliamentarians simultaneously argued that their right to do so was grounded not in the object itself, but rather their status as the properly representative body of the nation. The seal became the device through which two competing visions of the nature and origins of political authority were asserted. By suggesting that these artefacts were *vectors* rather than *causes* of civil war conflicts, this thesis rejects the revisionist claim that the events of the 1640s had no long-term ideological roots. The scene-setting Chapter One demonstrates the centrality of the question of authority to how contemporaries understood, and responded to, the outbreak of civil war. This is examined through three case studies. The first focuses on how partisan divisions in Bristol were underpinned by differing conceptions of political authority. The second analyses the parliamentary

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[59] J. Fleming, *Graffiti and the Writing Arts of Early Modern England* (London, 2001), 21. For Foucault, see his concept of the 'Renaissance episteme' in *The Order of Things: An Archaeology of the Human Sciences*, trans. A. Sheridan (New York, NY, 1994).

response to disafforestation riots in Dorset between 1643–6, demonstrating how parliament appropriated the authority to issue writs of habeas corpus, but also how intransigence or ideological opposition on the part of local officials challenged parliament's ability to wield this power effectively. The third case study focuses on the emergence of radical independency in St Albans, and explores its role in the production of anti-authoritarian conceptions of political power. The picture that emerges is of a country described by Thomas Hobbes as 'boiling hot with questions concerning the right of dominion and the obedience due from subjects'.[60]

While suggesting that long-term religious and political developments created the faultlines of civil war, the thesis argues that rival attempts at public mobilisation from 1642 brought latent ideological differences out into the open. Rival recruiting officers made competing assertions of political supremacy in marketplaces, streets, taverns and alehouses up and down the country, as a social order invariably portrayed as harmonious, essential, and eternal gave way to open political conflict. This is the central focus of Chapter Two, which reveals how a variety of public spaces became arenas for both the elite contestation of authority, and for popular participation in the politics of Revolution. This entails an attentiveness to subversive acts, including the scattering of illicit pamphlets, the occupation of market squares, and assaults on high crosses and other 'banal' iterations of royal iconography. Following recent scholarship on the spatial aspects of early modern politics, the thesis argues that urban spaces were not passive backdrops to political life, but central to the production and contestation of political authority. The experience of public space as a terrain of open political conflict undermined traditional rhetoric that portrayed society as organically harmonious.

In attempting to legitimate their competing claims to sovereignty, royalist and parliamentarian officials each turned to established symbols of authority. Through their public contestation, proclamations, charters, and seals were transformed from traces of a mystical monarchical power to worldly devices for the organisation (and potentially the reorganisation) of political society. Chapter Three, therefore, focuses on the public uses of texts throughout the 1640s. The

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[60] T. Hobbes, *The English Works of Thomas Hobbes of Malmesbury*, ed. W. Molesworth (11 vols., London, 1839–45), ii, xx.

first section contrasts the textual form and ritual publication of the king's Commissions of Array with parliament's Militia Ordinance to explore differences in how the two parties mobilised the broader public at the very outset of civil war. The second section suggests that royal proclamations and parliamentary declarations were vectors for contradictory assertions of supremacy, but also argues that common people made use of these texts to reflect upon questions of representation, sovereignty, and tyranny, and to justify their own forms of political participation. The final section uses national and local evidence, including the case of the parliamentary Great Seal, to argue that contemporary political authority was founded on a complex network of signs which served to simultaneously delineate the political hierarchy and authorise the texts upon which they were marked.

Finally, Chapter Four centres around the theme of popular political speech. The first section reveals how the ideological tenets of royalism and parliamentarianism shaped their adherents' attempts to mobilise the people. Whereas parliamentarians were willing to incorporate public participation into their deliberative processes, royalists were much more wary of preserving the age-old *arcana imperii*. The comparison brings into stark relief the differences between a monarchical power reliant on an irreducible transcendental mystery, and a parliamentarianism that staked its authority on its capacity to represent a broad political nation. The second section of the chapter draws attention to hitherto overlooked local oaths of allegiance ministered by officials of both king and parliament. It argues that enforced forswearing foreshadowed the emergence of a recognisably modern conception of language as a symbolic system inherently vulnerable to manipulation. Finally, the third section uses the production of scaffold speeches by parliamentarian printer Peter Cole to probe tensions in the relationship between publicity and authority.

The thesis argues that the novel political practices of the 1640s, and the public contestation of the aesthetic trappings of political power, had implications for how people imagined politics and its possibilities. A social order that had hitherto appeared as essential and eternal gave way to open ideological conflict, enabling contemporaries to conceive of political power as grounded in concrete social forces rather than of a divine or essential nature. This was not only reflected in philosophical developments, but in the propaganda pouring off London's printing presses, spurred by a reactive parliamentarianism that staked its own authority,

in opposition to that of the king, on its capacity to represent a broad political nation. These themes are explored through a wide variety of source material. The thesis draws on newsbooks and other printed accounts for evidence of how ideological conflicts were performed before the people, and uses printed polemic to demonstrate how propagandists invoked these 'tools' of 'pomp and lustre' to make rival claims as to the nature of legitimate political power. In doing so, it demonstrates that these technical or bureaucratic questions were not restricted to consideration by a narrow political elite, but confronted by the people at large, with potentially transformative effects for their understanding of the basis of political authority and for popular participation.

Supporting claims of epistemic change involves considering evidence of novel participatory practices in conjunction with a range of contemporary political writing. Traces of popular participation in the politics of Revolution can be found almost everywhere, and the thesis draws upon political pamphlets and newsbooks, private correspondence, diaries, parliamentary journals, state papers, papers of civic corporations and county committees, and court records, among other evidence. In order to understand how novel political practices transformed how people conceived of political authority, it analyses print polemic that would have been scattered about the streets up and down the country, including work by prolific propagandists such as parliamentarians William Prynne and the Levellers, and royalists such as John Taylor and Sir Dudley Digges. However, it also considers philosophical works written in response to the events of the 1640s, including the writings of Thomas Hobbes. Much like the Levellers, Hobbes attempted to ground sovereignty in immanent social forces, rather than in an mysterious transcendental majesty.

This analysis focuses primarily on the period between the outbreak of war in 1642 and the execution of Charles I in 1649, though attention is paid to events outside of this period where additional context is useful. Generally speaking, this thesis focuses less on the experiences of civil war London than those of the localities, and the majority of the thesis deals with events in corporate towns and cities across England. In part, this decision was motivated by a desire to uncover fresh evidence in archives less well-worn by historians of the period. It was, however, also dictated by intellectual considerations. Uncovering the operation of political authority inevitably involves considering how the manifold offices and institutions of the early modern state authorised their power vicariously, with

recourse to other offices and institutions. At a civic level, this was embodied in charters of incorporation, customarily granted to local elites by royal fiat. Focusing on the provinces enables us to explore, at a more granular level, the various discursive and aesthetic resources used to produce authority as a social effect, and the way that this was transformed by the events of civil war.

In addition, the thesis considers the production of authority to have been not merely the effect of spectacular set-piece 'projections' of power, but of quotidian forms of political communication, as banal as the public reading of a proclamation. Focusing on the provinces enables us to consider how such 'speech events' played out in different local contexts, as well as how the events of the 1640s transformed the daily lives of those far removed from the political 'centre'. Whereas the capital had long been a hotbed of dissent, disagreement, and debate, the open ideological conflict of civil war was likely much more striking in a relatively small market town. In these contexts, where conflict was experienced much more intensely, we can see in more stark terms how civil war disrupted or transformed quotidian political practices. Finally, the focus on the provinces is a response to the contemporary feeling that the battle for the hearts and minds of the provinces was critical in the unfolding of civil war more generally. In the words of one Hampshire gentleman, writing to the capital in 1642, '[i]t was formerly our fashion in the Country to send to London to know newes, now London may listen to the Countrey for novelty'.[61]

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[61] J. Parker, *A Letter sent from one Mr. Parker a Gentleman* (London, 1642), 1.

Chapter One

'Slaves to the commonalty'
Institutions, officials and ideological conflict in the 1640s

From the collapse of royal governance and the outbreak of civil war in spring 1642, parliament asserted executive supremacy over the crown. The enforcement of the Militia Ordinance marked the establishment of what David Smith has referred to as the 'omnicompetence of ordinance', the notion that parliamentary legislation was legally effective even in the absence of royal assent.[1] The Houses of Lords and Commons justified their position in a joint declaration in June, which described parliament as 'not only a court of judicature' but also a council capable of exercising 'the king's supreme and royal pleasure ... after a more eminent and obligatory manner than it can be by personal act or resolution of his own'.[2] The following month, Henry Parker, the foremost early theorist of parliamentarianism, claimed that parliament was overruling the king's negative voice and exercising 'Soveraign power' in order 'to save the Kingdom from ruine'.[3] Translating this theoretical supremacy into political practice was, however, an ideological as well as administrative challenge; a matter of winning hearts and minds. The disintegration of Caroline government had given rise to a crisis of authority, as a precarious political consensus unravelled to expose fundamental disagreements among the population over the nature and origins of legitimate political power. The opening chapter of this thesis demonstrates how this process unfolded, tracing the emergence and effects of deep-rooted ideological divisions across a variety of institutional contexts.

Scholars have rightly cautioned against the arch-revisionist assumption that there was no ideological conflict until immediately before the outbreak of civil war. Here, such conflicts are defined not as simple disagreements in policy, but rather as fundamentally incompatible conceptions of the nature and purpose of political authority. It is evident, from the work of intellectual and political

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[1] D. L. Smith, 'The impact on government', in Morrill (ed.), *The Impact of the English Civil War*, 32–49, at 38.

[2] *LJ*, v, 112–13.

[3] [H. Parker], *Observations upon some of his Majesties late Answers and Expresses* ([London], [1642]), 45.

historians, that various modes of understanding the political world were prevalent among the ruling elite throughout the Stuart period, including the divine-right absolutism most obviously associated with James I and VI, classical republican and humanist arguments for mixed government, and ancient constitutionalist and contractualist theories of limited monarchy.[4] In practice, these ideologies held sufficient common ground to co-exist more or less harmoniously. Central to the various outlooks of the governing elite was a particular emphasis on the preservation of social order, constituted at the intersections of hierarchy, patriarchy and precedent.[5] However, the various tensions of the Caroline period shattered this fragile consensus. Exactly what constituted customary authority, and how best to maintain social order, became fraught questions. King and parliament each accused the other of scandalous political innovations, and history itself became a battleground as the nascent factions each sought to demonstrate precedents for their actions.[6] These issues were, however, not only confronted by political elites. The peculiar circumstances of the 'militia crisis' of 1642, in which king and parliament issued irreconcilable proclamations and ordinances, forced common people across the country to reflect upon who to obey. Questions of mobilisation and military occupation brought deep-rooted ideological conflicts out into the open.

The first section of this chapter analyses the splintering of Bristol's corporation into royalist and parliamentarian factions during the militia crisis. It draws on an array of evidence to argue that an ostensibly monolithic civic elite had long been riven by ideological tensions, which surfaced as the prospect of Bristol's occupation by military forces loomed ever larger. Through a

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[4] See, for example, Greenberg, *The Radical Face*; M. Mendle, *Dangerous Positions: Mixed Government, the Estates of the Realm, and the Making of the Answer to the XIX Propositions* (Tuscaloosa, AL, 1985); idem, *Henry Parker and the English Civil War: The Political Thought of the Public's "Privado"* (Cambridge, 1995); M. Peltonen, *Classical Humanism and Republicanism in English Political Thought, 1570–1640* (Cambridge, 1995); L. Sabbadini, *Property, Liberty, and Self-Ownership in Seventeenth-Century England* (Montreal, 2020); Sommerville, *Royalists and Patriots*.

[5] See, for example, Wood, *Riot*, esp. ch. 1.

[6] J. Peacey, '"That memorable parliament": medieval history in parliamentarian polemic, 1641–1642', in P. Cavill and A. Gajda (eds.), *Writing the History of Parliament in Tudor and Early Stuart England* (Manchester, 2018), 194–210.

combination of prosopographical and textual analysis, the case is used to probe the relationship between social and material circumstances, and political and religious ideas. By contrasting printed sermons of Laudian clergymen Richard Towgood and Richard Standfast with the writings of the separatist Robert Purnell, the section seeks to produce a basic schema for understanding how political and religious vocabularies were invoked by royalists and parliamentarians in the articulation of antagonistic conceptions of the nature of legitimate political authority.

The second section of the chapter comprises a novel analysis of a series of disafforestation and enclosure riots in Gillingham Forest to reveal the difficulties parliament encountered when attempting to put its unilateral orders, or 'ordinances', in execution between 1643–6. It contends that revisionist accounts of the ruthlessness and efficiency of 'parliamentary tyranny' have overlooked the practical difficulties that could be posed by the intransigence of local officeholders in the face of central commands.[7] The study reveals how the complexity of the parliamentarian machine created jurisdictional overlaps that could be consciously manipulated by rioters looking to perpetuate their unrest. Most importantly, however, it highlights the piecemeal process by which parliamentary lawyers sought to appropriate the authority to issue writs of habeas corpus, transforming them from a mechanism of judicial review to a means of summoning detained persons to Westminster for arbitrary trial and punishment. It is, therefore, both a story of the limits of parliamentary authority, and the rhetorical and legal strategies parliamentarians adopted in an attempt to transcend them.

The third and final section of the chapter reconstructs a dispute between two members of the parliamentarian standing committee for Hertfordshire, which culminated in a riot at the St Albans home of one of the commissioners. It reveals how parliament's bureaucratic apparatus was itself a site of ideological contestation, in this case, between a radical independent and New Model Army captain, Alban Coxe, and a presbyterian justice of the peace, John King. Through

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[7] Ann Hughes has previously highlighted the extent to which 'localist' explanations of the civil war hinged upon the idea of parliamentary 'tyranny'. See A. Hughes, 'The king, the parliament, and the localities during the English Civil War', *JBS*, vol. 24, no. 2 (1985), 236–63, at 240.

prosopographical analysis, we are able to place Coxe at the heart of a St Albans parish whose parishioners had long articulated opposition to Laudian church reforms. It will demonstrate how the radical independency of the parishioners at St. Peter's manifested itself in the appointment of one of the most radical preachers of the period, the seeker Laurence Clarkson, and, will explore the role of independency in the production of anti-authoritarian conceptions of political power.

Though certain previous accounts of local conflict have treated provincial towns and cities as essentially self-contained political entities, this analysis is founded on the notion that local authority was invariably conceived within a broader, national frame. Though Patrick Collinson was right to highlight the presence of a civic consciousness in early modern England, we should be wary of insisting on a dichotomy between the politics of city and country. Collinson himself recognised that 'citizens' were 'concealed within subjects', rather than existing as a qualitatively different kind of political subjectivity.[8] The oaths sworn by freemen upon admission to civic corporations invariably contained some kind of clause pledging loyalty to the monarch as well as to the city and its elite.[9] Oaths and covenants, and tangible forms of political communication such as writs, warrants, proclamations and declarations served as constant reminders that ultimate power was always external to oneself or one's office. In the words of John Miller, corporate towns 'could never forget that their right to run their own affairs was, ultimately, dependent on the crown'.[10]

The modern philosopher Giorgio Agamben has argued that the structure of governmental power is such that it can only ever be wielded vicariously, on behalf of someone or something else.[11] This was plainly the case in the early modern period. The collapse of royal governance enabled, or perhaps enforced, appeals to alternative sources of political authority. Though parliament maintained, at least

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[8] P. Collinson, 'The monarchical republic of Queen Elizabeth I', *Bulletin of the John Rylands Library*, vol. 69 (1987), 394–424; idem, *De Republica Anglorum: Or, History with the Politics Put Back* (Cambridge, 1990), 23–4.

[9] C. D. Liddy, '"Sir ye be not kyng": citizenship and speech in late medieval and early modern England', *HJ*, vol. 60, no. 3 (2017), 571–96, at 576.

[10] J. Miller, *Cities Divided: Politics and Religion in English Provincial Towns, 1660–1722* (Oxford, 2007), 35.

[11] Agamben, *The Kingdom and the Glory*, 141.

for a while, the rhetoric of fighting the king to save the kingdom, this operated in conjunction with, and was eventually replaced by, appeals to the rights and liberties of the people at large. In the studies that follow, this is evident in the examples of moderate parliamentarians influencing and invoking popular opinion through petitions, and more radical independents directly appealing to the original power of the people, over and above any kind of constituted political authority. Parliamentarian appeals to the public were subject to strong criticism by their opponents. Royalist Sir John Oglander lamented that the civil war witnessed the upending of the traditional structure of political authority, by which the aristocracy was 'made slaves to the commonalty', and deputy-lieutenants and justices of the peace 'over-ruled' by 'a thing here called a Committee'.[12] The idea that politics had become a public business, escaping the control of those supposed to govern, was a common refrain, particularly of royalists and moderate parliamentarians. This chapter explores how this process unfolded.

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[12] J. Walter, 'The impact on society', in Morrill (ed.), *The Impact of the English Civil War*, 104–22, at 117.

1.1 Corporation divided: militarisation and mobilisation in Bristol, 1642–6

From the late fourteenth century, when Bristol's local elite was first granted a degree of political autonomy, the city's corporation developed into a powerful institution for the regulation of civic affairs. Dominated by Bristol's prosperous mercantile class, the corporation affirmed its authority over the people of the town through spectacular projections of power. In the mid-sixteenth century, part of its business was moved to an elaborate council house known as the Tolzey, whose facade was adorned with the heraldry of crown and corporation: a reminder to both townspeople and visiting dignitaries of the power and influence of the local elite.[13] Civic officials, and sometimes their wives, were expected to distinguish themselves from ordinary Bristolians by wearing scarlet gowns, even on holidays and fair days. In the early decades of the seventeenth century, the corporation commissioned portraits of important civic figures, and displayed them in prominent places across the city.[14] Such iconography was designed to project an ideal of harmonious oligarchic rule to outsiders, and to reinforce a sense of group identity to those within.

No amount of civic grandeur could, however, prevent the surfacing of profound ideological tensions among Bristol's civic elite during the militia crisis of spring 1642. The various religious and political controversies of the early seventeenth century placed great strains on the corporation, which quickly splintered into royalist and parliamentarian factions. Bristol, described by the Venetian secretary in April 1643 as 'the greatest and richest city of the kingdom after London', could not remain outside of the conflict indefinitely, and there was disagreement among townspeople over the best course of action.[15] The evidence reveals a multiplicity of ideological positions that cut across an ostensibly monolithic civic elite, entwined with the rise of religious nonconformity overlooked in much previous scholarship. The question that ultimately split the corporation was whether to permit parliamentary forces to establish a garrison in the city. It was a debate that played out in public, through the comings and goings

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[13] The facade of the Tolzey can be seen in James Millerd's 1673 map.

[14] R. Tittler, *The Face of the City: Civic Portraiture and Civic Identity in Early Modern England* (Manchester, 2007), 120, 161.

[15] *CSPV*, 1642–43, 260.

of royal and parliamentary representatives, a petitioning campaign likely orchestrated by parliamentarians within the corporation, and, most spectacularly of all, through the mobilisation of royalist opposition to the entry of parliamentarian forces under the command of colonel Thomas Essex in December 1642.

From the militia crisis on, the occupation of cities by the forces of king or parliament became increasingly likely. Corporations in yet-unoccupied cities weighed up the possible consequences of allegiance and the admittance of soldiers. Bristol's corporation received letters from both king and parliament pertaining to the matter. The former, delivered by sheriff of Gloucestershire, Sir Baynham Throckmorton, reportedly promised that Charles 'would not trouble them with any of his forces' if they resolved to keep those of parliament out. Parliament was more proactive, 'requiring [the corporation] to admit of some forces for the securing of the City, and their own safety'. With the corporation indecisive, there being 'much agitation of the question' among the common council, two parliamentary delegates, including colonel Alexander Popham, arrived to apply further pressure.[16] Some townspeople determined that engagement was the best form of defence. Such was the logic of a petition presented to the corporation by two hundred 'well-affected women', expressing concern that opposing the entry of parliamentarian forces would resolve in a great 'effusion of bloud' and the 'scarcity of victuals … lest the Glocester and Somersetshire men should stop the market-people from bringing provision to the city'. Similar reasoning produced different advice from some of Bristol's common councillors, who feared that admitting Essex's men would make the city a target for royalist retaliation.[17] Doubtless, the reference to the potential 'scarcity of victuals' was a strategy by which the women sought to lend legitimacy to their petition. As John Walter has convincingly argued, the contemporary division of labour tended to designate women as provisioners for their families, affording

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[16] B. Ryves, *Angliæ Ruina: or, Englands Ruine* (London, 1648), 178; *A Declaration from the City of Bristoll by the Maior, Aldermen, Sheriffes and Others of the City* (London, 1642), 1–2.

[17] *A Declaration from the City of Bristoll*, 2–3. This is not the only example of a civic petition addressing the admittance of forces. For an example from Worcester, see S. Porter, S. K. Roberts and I. Roy (eds.), *The Diary and Papers of Henry Townshend, 1640–1663* (Worcester, Worcestershire Hist. Soc., New Ser., xxv, 2014), 103–4.

them some latitude to partake in food rioting and other aspects of the 'politics of subsistence'.[18]

The decision of whether to admit forces into the city was not an entirely free one. According to one contemporary account, three aldermen that had travelled to ask Essex not to march on the city were arrested on account of 'the malignity of their Message', and used as human shields when he eventually arrived at the town gates to demand entry.[19] Bristol's corporation was sufficiently divided that they were unable to resolve upon an answer to the question by the time Essex's forces appeared in December 1642. At this point, Essex and parliament had the support of Bristol's mayor Richard Aldworth, and at least a few of the city's common councilmen. Others, however, were willing to put up violent resistance. According to one parliamentarian pamphlet, a group of 'Malignants' hired some seamen to join their ranks, and stood at the Frome Gate with swords drawn and ordnance charged, notwithstanding the efforts of Aldworth, who 'came down to the gate' in a bid to diffuse the tension. Essex's forces apparently avoided a potentially bloody confrontation by using two different entrances to the city, and upon learning of the failure of their plot, those assembled at the Frome Gate stood down.[20]

In opposition to localist accounts of Bristol's neutrality during civil war, this section will demonstrate that a multiplicity of religious and political ideas co-existed in the city and among its governing elite, each engendering different responses to the unfolding conflict.[21] A parliamentarian pamphlet detailing the circumstances of Essex's entry, written by one John Ball, hinted at the conflict among members of the city's elite, naming one 'Colston' and one 'Yeomans' as two of the royalist 'malignants'.[22] Though we cannot be certain of the individuals

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[18] J. Walter, *Crowds and Popular Politics in Early Modern England* (Manchester, 2006), passim.

[19] *A Letter From Exceter, Sent To the Deputy-Lieutenants of Sommersetshire* (London, 1642), 7.

[20] *A Declaration from the City of Bristoll*, 3-4.

[21] For localist accounts, see P. McGrath, 'Bristol and the Civil War', in R. C. Richardson (ed.), *The English Civil Wars: Local Aspects* (Stroud, 1997), 91–128; J. Reeks, '"Garrison city": the corporation of Bristol and the English Civil War, 1642–1646', *Southern History*, vol. 37 (2015), 40–59.

[22] *A Declaration from the City of Bristoll*, 1.

to whom Ball refers, it is possible to infer. Robert Yeamans, a merchant, was sheriff of Bristol before being executed in 1643 for his part in a royalist plot to betray the city to Prince Rupert, foiled by the parliamentarian governor Nathaniel Fiennes.[23] The subsequent examination of one of his fellow conspirators, John Pestor, made clear reference to divides within the corporation. The plot was justified for the 'defence of the City, against all forces, without the joint consent of the Maior, Alderman, and common Councell, amongst whom there was some difference at that time concerning the admission of forces'.[24] The 'Colston' in question may be William Colston, member of a distinguished Bristol mercantile family.[25] His grandfather, Thomas, had been mayor of the city in the late sixteenth century, and William, having been spared his life for his involvement in Yeamans's plot, became sheriff upon the seizure of the city by royalist forces later in 1643.[26] Like Yeamans, Colston was a member of the Society of Merchant Venturers, which had a monopoly on Bristol's overseas trade and dominated positions within the city's corporation.[27]

The Merchant Venturers had long been under crown protection, and in 1639 a fresh charter not only 'approved of the same severall Letters pattents of the said late King Edward the Sixth and late Queen Elizabeth', but further extended the Society's power to regulate the trade of all Bristolians, including those outside of

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[23] Rushworth, *Collections*, v, 153.

[24] *The Severall Examinations and Confessions of the Treacherous Conspiratours Against the Citie of Bristoll* (London, 1643), 12.

[25] This could also be Thomas Colston, likely a relative of William. Thomas had served as a common councillor from at lest the 1630s, and was elected alderman in June 1645, mere months before Bristol passed back into parliamentarian hands. Thomas was a prominent figure within the Society of Merchant Venturers, and became master of the Society in 1644, a year after William was made warden. See A. B. Beaven, *Bristol Lists: Municipal and Miscellaneous* (Bristol, [1899]), 123.

[26] T. Garrard, *Edward Colston, the Philanthropist* (Bristol, 1852), 3–6. Colston is named as one of the plot's 'chief confederates' in *A Full Declaration of All Particulers Concerning the March of the Forces under Collonel Fiennes to Bristoll* (London, 1643), 9.

[27] The forty-three man corporation was effectively self-perpetuating, as members of the common council were elected by the mayor and two of twelve aldermen. See H. E. Nott (ed.), *The Deposition Books of Bristol, Vol. 1, 1643–1647* (Bristol, Bristol Rec. Soc., vi, 1935), 18.

the Society, and to levy fines for the violation of their statutes. After Bristol fell under royalist control four years later, Charles rewarded the Merchant Venturers for their 'duty and allegiance' with another charter, this time granting the Society expanded free trade and commerce to 'all those parts and places beyond the Seas' where certain other trading companies were permitted to the same.[28] This fresh charter, in the words of David Sacks, 'anointed their loyalty with the chrism of self-interest'.[29] Political alliances within Bristol had long since traced the faultlines established upon the creation of the Merchant Venturers. Its trade monopoly operated much to the detriment and discontent of the city's retailers and artisans, who found themselves excluded from overseas trade and, for the most part, from the politics of the city.[30] Patrick McGrath has described the corporation's common council as 'simply the Society wearing another hat'.[31] It is clear, however, that membership of the Merchant Venturers did not straightforwardly engender support for the king during civil war. Indeed, the parliamentarian mayor in 1642, Richard Aldworth, was both merchant and Merchant Venturer.[32]

As in other cities, civic politics in Bristol was divided along religious lines. This division cut across the simplistic Merchant Venturer insider/outsider binary.[33] It is, after all, no coincidence that neutralist analyses of civil war Bristol largely overlook religious developments. Patrick McGrath has claimed that there 'was hardly any trace of Puritanism in Bristol before 1640'.[34] Further research reveals

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[28] J. Latimer, *The History of the Society of Merchant Venturers of the City of Bristol* (Bristol, 1903), 87–8, 106–7.

[29] D. H. Sacks, 'The corporate town and the English state: Bristol's "little businesses" 1625–1641', *P&P*, vol. 110 (1986), 69–105, at 99.

[30] D. H. Sacks, 'Bristol's "wars of religion"', in R. C. Richardson (ed.) *Town and Countryside in the English Revolution* (Manchester, 1992), 100–29.

[31] McGrath, 'Bristol and the Civil War', 92.

[32] D. H. Sacks, *The Widening Gate: Bristol and the Atlantic Economy* (Berkeley, CA, 1993), 245.

[33] See, for example, M. Stoyle, *From Deliverance to Destruction: Rebellion and Civil War in an English City* (Exeter, 1996), esp. ch. 2; A. Hughes, 'Coventry and the English Revolution', in Richardson (ed.) *Town and Countryside*, 69–99, at 78.

[34] McGrath, 'Bristol and the Civil War', 94.

that this was simply not the case.[35] According to David Como, as early as 1603, Bristol 'boasted a small core of zealous saints' headed by the vicar of St. Philip's, William Yeamans.[36] The puritanical presence was the source of some friction in the town, with one account noting an episode in which the 'rude multitude and seamen' smashed windows of their meeting house, as it was an 'unheard of thing, for people to meet in a church with a chimney in it'.[37] Upon Yeamans's death, the leadership of Bristol's community of religious radicals was taken up by Matthew Hazzard, who soon married another of the town's most prominent puritans, Dorothy Kelly, later to return to prominence in organising resistance to the royalist siege in 1643.[38] The pair were mentioned in a royalist pamphlet that defended the Bristol 'martyrs', with Hazzard described as 'a maine incendiary in this rebellion violently egged on by Wife, whose disciple the silly man is'.[39] This initially 'small core' of religious radicals became increasingly prominent in civic life. In 1639, Hazzard was appointed vicar of St. Ewen's, though found himself reported to royal authorities a year later for reformulating a prayer ordered to be read in every parish church in response to the outbreak of the Bishops' Wars.[40] Hazzard, among other modifications, omitted a line referring to so-called 'traitorous subjects, who, having cast off all obedience to their anointed

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[35] Bristol had a long tradition of religious heterodoxy. In the fifteenth century, this manifested itself in the strong presence of Lollardy, especially among weavers. In 1533, the reformer Hugh Latimer was invited by the mayor to preach at Easter, triggering a response from local conservatives and a polarisation of the populace. From the 1580s the corporation sought to exercise greater control over preaching in the city, including appointing its own stipendiary lecturers. These included Thomas Thompson, who 'preached regularly against drunkenness and other immorality' in the first decade of the seventeenth century. Bristol's merchants reportedly travelled to Stourbridge Fair to hear the preaching of puritan divine William Perkins. For an overview of Bristol's religious history before the civil war, see M. C. Pilkinton (ed.), *Records of Early English Drama: Bristol* (Toronto, 1997), xx–xxiv.

[36] Como, *Radical Parliamentarians*, 39.

[37] E. B. Underhill (ed.), *The Records of a Church of Christ Meeting in Broadmead Bristol, 1640–1687* (London, 1847), 12.

[38] A. Hughes, *Gender and the English Revolution* (Abingdon, 2012), 75.

[39] *The Two State Martyrs, or, The murther of Master Robert Yeomans, and Master George Bowcher, citizens of Bristoll* ([Oxford], 1643), 10.

[40] Ibid., 14.

Sovereign, do at this time, in rebellious manner, seek to invade this realm'.[41] Already, then, we can see how puritanism could be conducive to potentially revolutionary ideas about the nature of authority and the right of resistance.

By 1642, the mayor, Richard Aldworth, was a prominent member of this puritan community, and was soon involved in aiding the parliamentarian cause.[42] He was likely a parishioner at All Saints, near the Tolzey, where his son Robert, an MP for Bristol in the Protectorate parliaments, had been baptised in October 1623.[43] At All Saints, Aldworth would almost certainly have made the acquaintance of the firebrand Dorothy Hazzard. By the mid-1640s, the parish had become the epicentre of Bristol's nascent baptist movement, with Hazzard at its core. Returning to Bristol from London in 1645, after the city had passed decisively into parliamentarian hands, this circle of religious radicals worshipped at 'the parish or public meeting house, called All Saints' on Sunday mornings, and at the home of one Mrs. Nethway in the afternoons.[44] The demand of 'hotter' puritans for parish autonomy is familiar to scholars of mid-seventeenth century England. From the mid-1640s, the parishioners at All Saints were able to put this ideal into practice. Minister Nathaniel Ingello lasted four or five years before falling foul of the congregation, who became 'offended with [his] conversation; as first, with his flaunting apparel'. Ingello's penchant for expensive clothing, music and 'houses of entertainment' led to his eventual replacement by Thomas Ewins, who had succeeded the notable Welsh independent Walter Cradock at Llanvaches in Monmouthshire, and had been identified by the congregation at All Saints as a suitable appointment.[45]

The ideal of parish self-governance had a clear political analogue, soon given explicit articulation in parliamentarian pamphlets: the sovereignty of the people. We can here glimpse the imbrication of religious and political ideas, and the origins of the ideological conflict between Bristol's parliamentarians and royalists. While it would, perhaps, be a stretch to describe Aldworth and his

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[41] *CSPD*, 1640–41, 88.

[42] W. R. Williams, *The Parliamentary History of the County of Gloucester, including the Cities of Bristol and Gloucester* (Hereford, 1898), 115.

[43] Bristol Archives, P.AS/R/1/A.

[44] Underhill (ed.), *Records of a Church of Christ*, 32.

[45] Ibid., 36–7.

corporation allies as advocates of popular sovereignty, it is significant that they sought to influence and invoke public opinion to legitimate the entry of parliamentarian forces. The women involved in the petition in favour of the admittance of Essex's army were wives of the city's common councilmen, including the spouse of the mayor, and it is probable that their husbands had some hand in its organisation.[46] As David Zaret has argued, the recognition of the legitimacy of mass petitions rested on the proposition that the people had at least some right to decide how they were governed.[47] It signified the logical extension of the idea of parliamentary representation to the entire polity. The women's petition, as a popular petition, was thus qualitatively different to attempts from within the corporation to draw up a petition to be presented to king and parliament on behalf of the corporate body. It seems probable that it was corporation royalists that commissioned Laudian clergymen Richard Towgood and Richard Standfast to draft petitions calling for reconciliation, but, in a clear sign of division, the proposals were eventually shelved 'in regard they have been so long retarded'.[48] A petition for peace was eventually sent, though it seems likely to have originated from private individuals rather than the corporation itself.[49]

It is possible to trace, through an array of sources, other members of the corporation's parliamentarian faction. Even before the arrival of Essex's forces in December 1642, Aldworth had dispatched four pieces of ordnance to Marlborough, in Wiltshire, for deployment against the king's army. This incident, recounted in Bruno Ryves's *Angliæ Ruina*, supposedly caused a stir among 'some of the wel-affected Citizens', who 'came and threw them off their Carriages'. However, the opponents were outstripped by a greater number 'who produced

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[46] One royalist pamphlet noted that the petition was written by 'Mistris Mayoresse, the Lady Rogers, Mistris Holsworth, Mistris Vicaris, with other zealous Sisters'. See *The Two State Martyrs*, 9. Richard Holworthy and Richard Vickris were both known as firebrand parliamentarians. See S. Seyer, *Memoirs Historical and Topographical of Bristol* (2 vols., Bristol, 1821–3), ii, 311, 349, 372; Nott (ed.), *Deposition Books, 1643–1647,* 263–7; J. Latimer, *The Annals of Bristol in the Seventeenth Century* (Bristol, 1900), 169.

[47] Zaret, *Origins*, passim.

[48] McGrath, 'Bristol and the Civil War', 97; Latimer, *The Annals of Bristol*, 156.

[49] S. Seyer, *Memoirs Historical and Topographical of Bristol* (2 vols., Bristol, 1821–3), ii, 315.

the Maior and Sheriffs Warrant for their conveyance without let or interruption'. Aldworth and the sheriff in question, Hugh Browne, were described by Ryves as 'two Boutefues in perverting that Citie, with some of their Associates'.[50] Browne was sometime mayor of the city, and master of the Merchant Venturers in 1647, during which time he voted for the admission of preacher Thomas Speed as 'a free Burgesse of this Society'.[51] Speed married the widow of the executed royalist Robert Yeamans, but did not share his politics: in October 1651, he delivered a thanksgiving sermon in the city in which he condemned the idolatry of the Caroline church and the 'Covenant and Uniformity' of presbyterianism, while declaring the triumph of parliamentarianism and the establishment of the Commonwealth to be the work of divine providence. In the 1650s, Speed would go on to become one of Bristol's leading Quakers.[52]

Other members of the city's parliamentarian faction can be identified thanks to dramatic events after Bristol fell to royalist forces in the summer of 1643. Incoming mayor Humphrey Hooke sought to root out the corporation's parliamentarians, enforcing an oath that the swearer would neither consult or assist parliament, and would refuse to pay any parliamentary tax. His predecessor, Richard Aldworth, and nine other members of the corporation, refused to take the oath.[53] The result was a purge: Aldworth and Browne were removed from their posts, alongside Luke Hodges and Richard Vickris.[54] A grocer by trade, Hodges was a staunch parliamentarian, and went on to become an excise commissioner after the regicide.[55] In the election of Bristol's parliamentary representatives in 1646, after the city had been retaken by forces under the command of Thomas Fairfax, Aldworth and Hodges received the backing of puritan divine and parliamentarian officer Samuel Kem, who endorsed the pair in his call for the return of 'a Moses and a Nathaniel, for a self-denying man, and

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[50] Ryves, *Angliæ Ruina*, 178.

[51] P. McGrath (ed.), *Records Relating to the Society of Merchant Venturers of the City of Bristol in the Seventeenth Century* (Bristol, Bristol Rec. Soc., xvii, 1952), 44.

[52] J. A. S. Harlow, 'The life and times of Thomas Speed' (Ph.D. diss., University of the West of England, 2008), 12, 20–1; T. Speed, *Ton Sesosmenon Umnon, or the Song of the Delivered* (London, 1651), 8, 26–7.

[53] Latimer, *The Annals of Bristol*, 185.

[54] Ibid., 208.

[55] Sacks, *The Widening Gate*, 245.

a man without guil'.[56] Vickris, the grandfather of the noted Bristol Quaker by the same name, was also known as a staunch puritan.[57] Aldworth, Browne, Hodges and Vickris were all restored to the corporation after the successful parliamentarian siege in the summer of 1645, and remained in post beyond the regicide. In April 1649, they were named in a parliamentary act designed to encourage 'the more frequent preaching of the Gospel' in the city.[58] In 1651, Aldworth, Hodges, and Vickris's son, Robert, signed a letter requesting that the radical preacher Thomas Ewins take up a role performing 'the work and service of a faithful dispenser of the word of the gospel in this city'.[59]

The appointment of Ewins is indicative of the extent to which the radical theology of Dorothy Hazzard and her congregation had gained currency among Bristol's civic elite. Ewins was not appointed to a particular parish, but, by his own account, 'as a Publike Preacher of the Gospel in the City', lecturing across Bristol's various churches. He wrote in 1657 of his hope that he 'never shall own my self a Minister of any Parish', reflecting the separatist preference for horizontal, self-governing congregations. Ewins caused controversy with his open ministration of the sacraments, avowing the possibility of salvation for all. With regard to those that erred, or believed infant baptism to be alone sufficient for salvation, he affirmed that 'as further light comes in, they are willing to walk up to it, in the mean time we can bear with them in love'.[60] As suggested earlier, the opposition to church hierarchy had a political analogue, and the connections between separatism and radical politics is well-established.[61] In the case of Bristol, we can glimpse this connection through the pamphlets of Robert Purnell, who had been a member of Hazzard's church on Broadmead since 1640, and, like his ally Ewins, eventually came to espouse baptist beliefs. In 1653, Purnell published *Englands Remonstrance*, an explicitly political tract that avowed the sovereignty of the people. He accused MPs of making themselves 'a perpetual

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56 Peacey, *Print and Public Politics*, 199; S. Kem, *The King of Kings His Privie Marks For The Kingdoms choyce of new Members* (London, 1646), 33.

57 M. S. Feola, 'Vickris, Richard (d. 1700)', *ODNB* (Oxford, 2004).

58 *An Act For The more frequent Preaching of the Gospel, and better maintenance of the Ministers in the City of Bristol* (London, 1650).

59 Underhill (ed.), *Records of a Church of Christ*, 32.

60 *The Church of Christ in Bristol, Recovering her Vail* (London, 1657), 42, 59.

61 See especially Como, *Radical Parliamentarians*.

Parliament', forgetting that 'next under God, all Power Fundamentall, was in the People, and that persons intrusted with it as their Trustees: and accordingly it is provided, that such Trustees be Questioned for betraying, or ill managing their said Trust'.[62] Positing a distinction between transcendental and earthly power, Purnell echoed the principle of popular sovereignty articulated by the Levellers: that the people are the origins of all legitimate political authority, and parliamentarians bear the right to exercise this power as trustees only as long as they maintain the consent of the people.[63]

It is easy to see how radical ideas of the nature of political authority would have appeared as particularly concerning to Bristol's royalists, who avowed a strictly hierarchical understanding of religion and politics. David Sacks has suggested that a Laudian faction can be identified among Bristol's civic elite as early as the 1630s, as 'possibilities for a link between religious views and socio-economic outlooks grew commensurately greater'.[64] Arguably the central figure in this group was Humphrey Hooke, who became mayor after the town fell to Prince Rupert's cavalier army in 1643. Before the outbreak of war, Hooke had been a major beneficiary of crown patronage, amassing an extraordinary personal fortune as a result of being granted letters of marque authorising the privateering of French and Spanish merchant ships.[65] His ferocious pursuit of profit landed him in trouble in 1636, when he was identified by a royal commission as one of several Bristol merchants—including one William Yeamans, likely the brother of royalist plotter-in-chief Robert—complicit in a scheme for the illicit exportation of butter.[66] However, Hooke was treated leniently by royal authorities, and the scheming merchants were handed down a fine of only £300.[67] An extant letter

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[62] R. Purnell, *Englands Remonstrance. Or, A Word in the Ear To The Scattered, Discontented Members of the late Parliament* (London, 1653), 2.

[63] For analysis of sovereignty in Leveller thought, see R. Foxley, *The Levellers: Radical Political Thought in the English Revolution* (Manchester, 2013), esp. ch. 1.

[64] Sacks, 'Bristol's "wars of religion"', 113.

[65] Latimer estimates that one of Hooke's ships brought in 'prizes in 1630 to the value of £40,000'. See Latimer, *The History of the Society*, 153.

[66] McGrath (ed.), *Records Relating to the Society of Merchant Venturers*, 123–5.

[67] A. Higgins, 'The Society of Merchant Venturers' attempts to obtain a share in the licence to export Welsh butter in the early seventeenth century' (B.A. diss., University of Bristol, 2009), 20.

bearing Hooke's signature records a payment of £25 to secretary of state Francis Windebank, who operated as an intermediary between the king and the commissioners appointed to investigate the illicit exports, in return for the acquittance of one of the schemers, Thomas Hutchins.[68] It is suggestive not only of Hooke's prominent contacts within royal government, but the interests that bound some of Bristol's wealthiest merchants to the crown.

Hooke was returned as MP for Bristol in the Long Parliament alongside Richard Long, another merchant complicit in the butter scheme, though their positions in Westminster were short-lived. Referred in February 1642 to the Committee for Monopolists, they were expelled from the Commons three months later as 'beneficiaries' of a monopolist project effecting what parliament had determined to be an illegal patent for import duties on wine, and of which both courtiers and the king had earned a cut.[69] Hooke took over as Bristol's mayor a year later upon the seizure of the city by royalist forces. However, after the successful siege by parliament in 1645, Hooke was purged from the corporation, alongside William Colston and eleven others, and ordered to pay £800 as a delinquent.[70] The penalty threatened to ruin Hooke, but for the personal intervention of Oliver Cromwell. In 1650, parliament was set to confiscate Hooke's estate, until speaker William Lenthall received a letter from Cromwell affording him protection from any punishment. Cromwell claimed that he and Fairfax had promised Hooke, upon the capture of Bristol in 1645, that 'he should be secured and protected, by the authority of the Parliament, in the enjoyment of his life, liberty and estate, as freely as in former times'.[71] The reason for Cromwell's clemency is unclear; one account has speculated that the letter may have been secured by Cromwell's private chaplain, William Hooke, the son of Humphrey's first cousin.[72]

Humphrey Hooke died shortly before the Restoration; his will, proved in 1658, offers us some of the best clues to his religious and political outlook.[73] He

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[68] TNA, SP 16/468 fol. 119; *CSPD*, 1640–41, 108.

[69] *CJ*, ii, 156–7, 567; Mendle, *Henry Parker*, 141–4.

[70] F&R, i, 797–8.

[71] T. Carlyle (ed.), *Oliver Cromwell's Letters and Speeches* (3 vols., London, 1846), ii, 175–6.

[72] F. W. Todd, *Humphrey Hooke of Bristol* (New Haven, CT, 1938), 149–50.

[73] TNA, PROB 11/290/248.

bequeathed money to Henry Jones, minister of his parish church of St. Stephen's from 1641.[74] This was perhaps Bristol's most determinedly conservative parish, and became an important centre of the city's royalism. Later writing her own will, the wife of William Yeamans, one of the royalist plotters, requested burial next to her late husband in its chancel.[75] Jones was almost certainly anti-puritan, if not a wholesale advocate of Laudian church reforms. In contrast to Thomas Ewins, who was imprisoned for nonconformity on four separate occasions after the Restoration, Jones was sufficiently orthodox that he was able to maintain his post into the 1670s.[76] According to New Model Army captain George Bishop, later imprisoned in Bristol for his Quakerism, Jones was at one point 'cast out' of his post by parliament, only to be reinstated on account of Bishop's generosity towards a man he condemned as a 'malignant'.[77] After the incumbent at the Bristol parish of St Philip and St Jacob's was ejected in 1662, Jones invited the high anglican Thomas Godwyn to take up the ministry. The appointment was unpopular with what Godwyn rather revealingly described as the 'Phanatical' parishioners, who immediately sought to remove him by engineering a scandal with the complicity of Robert Aldworth, son of the parliamentarian mayor, and MP in the Protectorate parliaments. The parishioners tried to get Godwyn drunk at the King's Arms on Bristol's Christmas Street, hoping he would talk himself into trouble, though Godwyn demurred, and the plot failed.[78]

More tellingly still, Hooke bequeathed three pounds to other 'Ministers of Gods word in Bristoll'. Chief among them were Richard Towgood and Richard Standfast, who had been appointed by the corporation to write a divisive peace petition in 1642. They both embraced Laudian ecclesiology, and served as chaplains to the king.[79] Towgood had been vicar of two churches in the city before

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[74] The Hooke family recur in the St. Stephen's parish register. See Bristol Archives, P.St S/R/1/A.

[75] TNA, PROB 11/328/201.

[76] J. Harlow and J. Barry, *Religious Ministry in Bristol, 1603–1689* (Bristol, Bristol Rec. Soc., lxix, 2017), 9, 157–8

[77] G. Bishop, *A Manifesto Declaring What George Bishope hath been to the City of Bristoll* (n.p., 1665), 27.

[78] T. Godwyn, *Phanatical Tenderness, Or The Charity Of The Non-Conformists Exemplified* (London, 1684), 3–11.

[79] R. Standfast, *Clero-laicum Condimentum* (Bristol, 1644); A. Gordon and S. L.

being appointed chaplain around 1633, only to be removed from his vicarage twelve years later 'for his great disaffection to the parliament'.[80] He was implicated in the royalist plot of 1643 and 'appointed to be shott', though the sentence was never carried out.[81] In the interim, Towgood observed the effects of puritanical rabble-rousing in the city, and later recalled the destruction of the organ in Bristol cathedral and the subsequent procession of 'rude fellows, women, boyes and girles' through the streets with the plundered pipes, 'tooting in triumph'.[82] Upon the Restoration, Towgood was appointed prebendary of Bristol cathedral, and made chaplain to Charles II. In early 1643, he preached a sermon 'against the licencious loosenesse of Seditious TONGUES' in his parish of St. Nicholas, in which he railed against the sin of rebellion. 'For who knows not', Towgood thundered, 'that the fifth Commandement in requiring us to honour our father, doth instruct us in our duty, as well toward our Prince that is over us, as toward our naturall Father that did beget us? and this is the title that the Scripture gives unto Kings and Queens, They are nursing Fathers, and nursing Mothers'. In a refutation of the right of rebellion, Towgood argued that 'if the Lord in his wisdom had fore-seen such a power in the people to have been the best means to prevent the mischiefs that might have befallen that nation, it cannot be conceived, he would have with-held, or have kept it from them'.[83] A year later, once Bristol had passed back into royalist control, Richard Standfast also published one of his sermons, which similarly preached obedience. He warned against men making 'their own conceits and fancies the rule of truth', and claimed that 'if this course had been followed amongst us, in these latter time, neither had the Church been so rent, nor the Kingdom so divided'.[84] In 1645, both Towgood and Standfast were ejected from their ministries by parliamentarian committee.[85]

This hierarchical conception of religious authority informed a clear belief in

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Sadler, 'Towgood, Richard (1594/5-1683)', *ODNB* (Oxford, 2004).

[80] Ibid.

[81] F. McCall, *Baal's Priests: The Loyalist Clergy and the English Revolution* (Farnham, 2013), 126.

[82] Ibid., 178.

[83] R. Towgood, *Disloyalty Of Language Questioned and Censured* (Bristol, 1643), 14, 75.

[84] Standfast, *Clero-laicum Condimentum*, 19.

[85] Harlow and Barry, *Religious Ministry*, 3.

the king's absolute sovereignty. An anonymous pamphlet published in the aftermath of the execution of Bristol's royalist plotters in 1643 can be read as something of a manifesto of the city's royalists. The author described the plotters' motivations as rooted in a 'Conscience to God, not to resist the King, knowing that they that do resist shall receive unto themselves damnation'. To resist one's sovereign was not only a civil offence, but a sin. In a further affirmation of divine-right monarchy, the pamphlet affirmed that 'the Sword of Justice is put immediately by God into the Kings hand, and into His hand onely'. The author attacked the city's parliamentarians by comparing them to 'the damnable Sect of the Hothamites, those state Hereticks', a reference to Sir John Hotham's refusal to grant the king entry to Hull in one of the earliest signs of outright parliamentary resistance in April 1642. This is one of the pamphlet's most intriguing formulations, not least because the religious concept of the heretic is applied to a secular political concept: Hotham's supporters are '*state* Hereticks'.[86] It is evidence, perhaps, for the claim made below: that religious and political vocabularies were mutually constitutive modes of apprehending and articulating reality. Contemporaries themselves drew parallels between religious affiliations and political outlooks; a 1648 publication by the millenarian preacher John Brayne referred to 'the compleat Government left by Christ to be exercised in the Church, representing Monarchy, which Bishops took up; Aristocracie, which Presbyterians took up; [and] Democracie, which Independents took up'.[87] The Bristol pamphlet further associated sovereign monarchy with liberty, claiming the city groaned 'under an unsupportable yoak of bondage and tyranny', whose bonds could not be broken but 'by restoring the King to His rights'. Finally, the pamphlet offered an outright rejection of the notion that 'Authority is originally in the people, as the Jesuits and Puritans shake hands and agree', claiming instead that 'no community of men … can exercise themselves, or give to any other *jus gladii*, the right of the sword, but only he who is *supremus Arbiter vitæ & necis*, the supream Judge of life and death'.[88]

Here, then, we have sketched outlines of two mutually antagonistic ideologies. On the one hand, we have the horizontal, self-governing separatism of Dorothy

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[86] This emphasis is my own.

[87] J. Brayne, *The Smoak of the Temple Cleared, through the Light of the Scripture* (London, 1648), unpag.

[88] *The Two State Martyrs*, 7, 12, 36.

Hazzard and her congregation, which lent itself to affirmations of representative governance and the sovereignty of the people. On the other, we have the rigidly hierarchical Laudianism of Henry Jones, Richard Towgood, and Richard Standfast, which insisted on the church's monopoly of truth, and the king's divinely ordained sovereignty. Of course, this is something of an arbitrary or schematic exercise; in reality, members of Bristol's civic elite were likely somewhere between these binary opposites. As we shall see in the final section of this chapter, parliamentarianism was not a coherent ideology, but a loose coalition of individuals with varying political and confessional affiliations. Furthermore, the experience of civil war likely had a radicalising effect, gradually driving moderates towards more extreme positions in a process of ideological escalation. In other words, not every Bristol parliamentarian in 1642 was an Anabaptist, just as not every royalist was an avowed Laudian. The fact is, however, that support for both of these positions demonstrably existed in the Bristol corporation during the 1640s, and the nature of divine power and worldly authority were faultlines that rived an ostensibly monolithic corporation.

The ideological rifts of the 1640s had a lasting impact on both corporation and Society. Merchants sympathetic to parliament replaced prominent royalists at the top of both city and Society after Bristol decisively fell under parliamentarian control.[89] Hooke, mayor twice and master of the Society on no less than seven occasions, never again held either office. The same is true of his allies Richard Long, who had been mayor and master of the Society in 1636, and Francis Creswick, who had been master of the Society in 1643, and was ousted as mayor upon the surrender of the city in 1645. In contrast, Aldworth's ally, Hugh Browne, frequented the highest offices in city and Society, serving as master four times between 1646 and 1652, and mayor in 1650. Richard Vickris held both offices in the late 1640s; his son Robert was appointed captain of foot in the Bristol militia in 1651, and sheriff in 1656.[90] Miles Jackson and his son Joseph also held the highest offices in city and Society between the mid-1640s and mid-1650s. The

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[89] The following information is taken from an online list compiled by the University of the West of England <http://humanities.uwe.ac.uk/bhr/Main/timeline/1600-1699 .htm>, accessed 12 June 2020.

[90] 'Surnames beginning "V"', in Roberts (ed.), *The Cromwell Association Online Directory* (2017) <https://www.british-history.ac.uk/no-series/cromwell-army-officers /surnames-v>, accessed 12 June 2020.

elder Jackson was elected to parliament in 1654 and 1656; his son, a captain in the Bristol militia upon the outbreak of war, was described by royalist Richard Ellsworth as a 'factious Anabaptist who fined a man … for drinking the King's health'.[91] Beyond the 1640s, an increasing number of Bristol's mayors during the Commonwealth and Protectorate were drawn from trades other than merchandising. Such men included Henry Gibbs, a draper; George Hellier, an ironmonger; and brewers Richard Balman and Arthur Farmer. Unlike in the preceding decade, many of the merchants that did hold mayoral office were never masters of the Society.

Accounting for the origins of the ideological conflict among Bristol's elite is a difficult task. We should resist the urge to place religion and politics in a causal relationship, and instead see them as mutually constitutive. It is far from clear that one's religion was the determinant of one's politics any more than the reverse was true. That should be evident enough from the ever-changing religious affiliations of radicals like Laurence Clarkson in response to concrete political experiences of the 1640s. Likewise, John Lilburne's conversion to Quakerism in the 1650s was consonant with the political ideology he was espousing years before; the doctrine that the 'inner light' of God is in everyone clearly provides the ontological ground for a politics predicated on the sovereignty of the free-born individual. As Richard Bell has written, puritanism was 'flexible', and both 'adapted to and conditioned' worldly experiences of puritans.[92] It is clear that the vocabulary of puritan and separatist theology lent itself to application in discourses about popular sovereignty and more democratic forms of civil governance. Christopher Hill aptly observed that puritans in the 1640s 'attacked, in the same breath, the Merchant Adventurers' export monopoly, the Stationers' printing monopoly, and the Church's monopoly of preaching'.[93] We see, in Lilburne's writings, parallels between trade monopolies, popish prelacy, and

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[91] 'Surnames beginning "J"', in Roberts (ed.), *The Cromwell Association Online Directory* (2017) <https://www.british-history.ac.uk/no-series/cromwell-army-officers/surnames-j>, accessed 12 June 2020; Latimer, *The Annals of Bristol*, 297; *CSPD*, 1660–61, 569.

[92] Bell, 'The minister, the millenarian, and the madman', 60.

[93] C. Hill, *The Century of Revolution, 1603–1714* (New York, NY, 1961), 77. Despite the similarity in name, the Merchant Adventurers and Merchant Venturers were not the same: the former was a London company dealing chiefly in the export of cloth.

'forced Religion'.[94]

As Robert Brenner has suggested, the relationship between socio-economic circumstances and ideology was dialectical, rather than fixed.[95] This section has attempted to show how material interests, religion, and politics overlapped to create the conditions for ideological conflict among Bristol's elite. This manifested itself in differing ideas within the city's corporation about the function of political and economic institutions. In the words of David Sacks, for Bristol's parliamentarians, the Society of Merchant Venturers was likely understood as 'a useful institution for commercial regulation but not … an exclusive organization for promoting the interests of a few'.[96] For the royalists, like Humphrey Hooke, who had benefited greatly from patronage by the crown, the opposite may well have been true. The outbreak of civil war in 1642 did not create these ideological divisions but brought them to the surface, revealing the extent to which ostensibly superficial disagreements were rooted in profound conflicts over the nature and origins of divine power and political authority.

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[94] J. Lilburne, *Englands Birth-Right Justified* ([London], 1645). Lilburne understood all Englishmen to be 'free-born'; see R. Foxley, 'John Lilburne and the citizenship of free-born Englishmen', *HJ*, vol. 47, no. 4 (2004), 849–74.

[95] R. Brenner, 'The Civil War politics of London's merchant community', *P&P*, vol. 58, no. 1 (1973), 53–107; idem, *Merchants and Revolution: Commercial Change, Political Conflict, and London's Overseas Traders, 1550–1653* (London, 2003), passim.

[96] Sacks, *The Widening Gate*, 245.

1.2 Habeas repurposed: the Western Rising, parliamentary sovereignty, and legal revolution, 1643–6

Ideological conflicts inevitably caused difficulties when parliament attempted to implement unilateral ordinances in the localities. Particularly in the early stages of civil war, parliamentarians remained reliant on traditional mechanisms of law enforcement, and officials whose intransigence or outright opposition could seriously compromise parliament's ability to exercise effective executive power. In this section, these problems are explored through a novel analysis of rioting in Gillingham Forest, Dorset, from 1643–6. On the one hand, the case will reveal the limitations of the revisionist thesis of 'parliamentary tyranny'. It demonstrates how local opposition hindered parliament's attempts to bring the rioters to face trial and punishment, and argues that the complexity of parliamentarian bureaucracy created jurisdictional confusion that could be exploited by those seeking to perpetuate their unrest. On the other hand, it explores the rhetorical and legal strategies parliamentary lawyers used to justify their novel powers, manifest in the appropriation of the authority to issue writs of habeas corpus; as well as parliament's willingness to use military force to quell the disorder. The section ends with a brief excursus suggesting that parliament's conscious manipulation of the law, and particularly its appropriation of the mechanism of habeas corpus, informed John Lilburne's belief that common and statute law alone was insufficient to secure the rights and liberties of freeborn Englishmen.

The Gillingham Forest riots of 1643 were first subject to sustained scholarly analysis in a monograph by Buchanan Sharp, in which they formed part of a longer narrative study of the so-called 'Western Rising'. The Rising consisted of a series of disafforestation and enclosure riots that sporadically broke out in western England from the 1620s, in Gillingham Forest, Braydon Forest, and the Forest of Dean. Sharp's account sought to downplay the engagement of the rioters, most of whom were 'virtually landless artisans and cottagers', in matters of high politics. In his analysis of the 1643 riots in Gillingham Forest, Sharp emphasised the continuities of the rioters' grievances with previous disorder, and the 'indifference of many ordinary people in the West to the issues involved in the Civil War'. Indeed, the outbreak of war played into Sharp's explanation of the riots only insofar as the breakdown of authority 'provided occasion to strike with near-impunity at the objects of popular animosity'. He noted that the western

counties of Somerset, Dorset, and Wiltshire became centres of activity for the Clubmen, long invoked by revisionists as the example *par excellence* of the essential passivity or neutralism of ordinary people in the face of Revolution.[97]

By focusing on events in the peripheries, however, Sharp overlooked the political innovations they forced at the centre. In the case of the Gillingham Forest riots, the question of greatest consequence is not whether the rioters consciously conceived of their activity as political; first and foremost, we must ask how parliament used the episode to establish a precedent for its execution of executive powers. The case of 1643 was already unusual insofar as it was parliament, rather than the king, that stepped in to quell the unrest in Gillingham. Charles had been run out of London in 1642, and his prerogative courts had been abolished by act of parliament the year before. This created something of a legal vacuum: the Court of Star Chamber had traditionally claimed jurisdiction over the prosecution of rioters, including those involved in earlier flare-ups of the Western Rising.[98] In practice, this meant that parliament had to devise procedures by which to apprehend those suspected of involvement in the disorder. It needed to assume a set of powers that were previously justified with ultimate recourse to the king's prerogative. The hesitant and uncertain means by which it did so is revealed through a series of surviving letters and drafts of parliamentary ordinances that were hastily composed in the spring of 1643.

The crux of the matter was whether there was a legal basis for parliament to arrest and detain those suspected of involvement in the riots. Its desire for swift retribution was intensified by the fact that the riots took place on the estate of a peer, Thomas Bruce, earl of Elgin, an active parliamentarian who went on to be named a commissioner on the Dorset county committee in 1644.[99] Those at Westminster tasked with quelling the riots sought legal advice. One surviving document, written in an unknown hand, recorded suggestions made by Sir Thomas Hatton 'in discourse concerning Gillingham busines'. Hatton, who had

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[97] B. Sharp, *In Contempt of All Authority: Rural Artisans and Riot in the West of England, 1586–1660* (London, 2010), 99, 154, 159, 160.

[98] Wood, *Riot,* 46–7. The process by which suspected rioters were arrested and detained in these instances has been elucidated by Sharp, see: *In Contempt of All Authority*, 73.

[99] *LJ*, vi, 612.

been an MP in the Short Parliament, suggested that a parliamentary messenger be sent down to arrest three or four of the 'cheefest Actors of ye best quality' and bring them before parliament, leaving the others to be dealt with in more customary common law fashion—in other words, carried before local JPs and bound over to the next quarter sessions, where they could be indicted for riot. Remarkably, Hatton suggested that the messenger might be assisted in the execution of his commission by parliamentarian forces that had been raised against the king in the west, immediately presaging the emergence of the standing army as a means for the government to enforce policies against the will of its own people. Hatton, furthermore, appears to have at least countenanced the prospect of parliamentary messengers being given entirely arbitrary powers of arrest and detention, with the same note containing a query as to whether it would be possible for the messenger to be given the powers to 'app[re]hend such as he shalbe directed unto by Mr. [Thomas] Brunker', the steward of the estate upon which the riots took place, often described in contemporary papers as the 'agent' of the earl of Elgin.[100]

The Lords appear to have taken Hatton's advice. On May 3, an order was issued calling upon the deputy lieutenants in Dorset, Somerset, and Wiltshire, and all commanders of parliamentarian forces in the area, 'to repair with sufficient Forces to those Places' where the rioters might be found, to arrest 'the principall Ringleaders and Abettors, that they may receive such punishment as they deserve'.[101] Little over a week later, the Lords issued another order, summoning before parliament those arrested for involvement in 'Riots, and cutting down of Woods, in the Forest of Gillingham, contrary to the Order of this House'.[102] Yet these orders had little effect, and a surviving copy of a note from Dorset justices William Whitaker and Mathew Davis revealed that they considered it to be 'defective'. Whitaker and Davis called for an enlargement of their powers, requesting that they might examine 'all such p[er]sons who shall be accused unto them or him as offendors or abettors', and take the examinations upon oath of anyone found to be a witness. The note offers a fascinating insight into the JPs grappling with the limits of their legal authority, with several clauses

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[100] JRL, NP/73/8.

[101] F&R, 139. For a draft of the ordinance, see JRL, NP/71/11.

[102] *LJ*, vi, 42.

crossed out and rewritten. It requested that any 'of the said ~~delinquents~~ offendors as the said Justices or Justice shall finde ~~or conceive~~ to be guilty ~~either by confession or probable evidence~~ Then to com[m]itt to the Gaole of the said county to be there safely kept'.[103] The clauses that were struck through implied rather more circumscribed powers than those requested in the 'final' version, which appears to have suggested that the JPs might have the power to charge and detain rioters *without* confession or probable evidence.

Two days later, a letter sent to Thomas Brunker from an unknown party in London provided notice that the Lords had passed an order for the sending down of two messengers to apprehend and arrest rioters 'as shall be knowne & discoved by you there to be most notorious (being well assured yt you are able to prove their Offences to ye full)'. It appears that the messengers were indeed given arbitrary powers of arrest, on the mere assumption that Brunker would later be able to prove their guilt. The other offenders were to be proceeded against 'in ye Countrey, in ye strictest and severest legall way yt can be taken'. Brunker was further given the powers to nominate justices to prosecute the business in the locality on account of the 'extreame coldness' of the JP Mathew Davis, which the letter speculated was the result of either 'feare or disaffeccon'.[104] It would be understandable if a local official feared violent retribution for arresting the rioters, but Davis explained his leniency with recourse to the law. Facing criticism for releasing three of the rioters and bailing others on good behaviour, Davis declared that 'hee would baile any of them if they had sewerties for it was not for Feloney'.[105] In other words, Davis had judged that the rioters' crimes were not sufficiently severe that they might be denied bail. Elsewhere, Davis doubted that he possessed the authority to subpoena witnesses, declaring that the order he had received from parliament was insufficient.[106] There was clearly local uncertainty about the innovations being taken to punish the offenders, which could severely compromise parliament's ability to bring them to trial and punishment.

The rationale for only bringing the most notorious rioters before parliament appears to have been twofold. By arresting those most responsible for the

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[103] JRL, NP/73/15.

[104] JRL, NP/73/18, p. [1].

[105] Sharp, *In Contempt of All Authority*, 149.

[106] JRL, NP/73/23, p. [1].

organisation of the riots, the Lords hoped that it would frighten other rioters into compliance: 'yt ye terror may extend to all, & ye punishm[en]t but to some few'. However, by 'notorious', the order implicitly referred to the rioters of greatest financial means and social standing. Those carried before parliament would have to pay the charges of the messengers that carried them to London, 'theire purses being a principall part of theire punishm[en]t'. Brunker's powers of arrest and detention were to extend indefinitely through his receipt of a warrant dormant, which invested him with the power to arrest and detain any further offenders to be sent immediately to the House of Lords, or, failing that, the county gaol.[107] On May 16, the Lords issued an order declaring that with the riot increasing daily 'towards an open Rebellion', local JPs were to conduct an examination and pass the names of offenders onto the gentleman usher of the Lords, whose messengers would be tasked with arresting and bringing them before the House.[108] This raised the central problem of whether parliament had the authority to bring the 'principall Ringleaders' of the unrest to London so that they might face justice before the House of Lords.

Described by Sir Matthew Hale as 'the high and supreme court of this kingdom', parliament was long recognised as bearing a judicial function, though the extent of the legal powers possessed by the Commons and Lords remained unclear. That both houses had the authority to imprison members for contempt, and non-members who had violated parliamentary privilege, was widely accepted.[109] But the boundaries of such privileges were fuzzy, as was the relation of parliament to other courts and to judicial review. The schemes parliamentarians proposed to arrest, detain, and punish the Gillingham rioters demonstrated their willingness to stretch their authority in legally dubious ways. A potentially radical solution to the problem of bringing the accused before the Lords for trial and punishment was proposed by the MP and lawyer Sir John Maynard, whose 'foule draught' of the order of May 16 survives. Maynard suggested that in order for parliament to obtain the bodies of the persons suspected of involvement in the riots, a writ of habeas corpus should be obtained, '& when a Delinquent is apprehended to deliver it to those in whose Custody the

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[107] JRL, NP/73/18, p. [2].

[108] JRL, NP/74/11; *LJ*, vi, 48.

[109] P. D. Halliday, *Habeas Corpus From England to Empire* (Cambridge, MA, 2012), 31, 162–3.

prisoner is in'. That is to say that a writ of habeas corpus would be used to move the prisoner from local custody—presumably the nearest gaol—and brought up to parliament to face extraordinary trial and punishment. Tellingly, Maynard suggested that the House of Lords might be moved to issue the writ, 'in case a Judge deny it'.[110] Already here we see indications of a tension that marked the relationship between parliament and the judiciary throughout the 1640s. From 1642, judges frequently freed people from imprisonment by parliament by issuing writs of habeas corpus, whereupon their detention was shown to be illegitimate in King's Bench. This was true of people imprisoned for a wide variety of offences, including seditious speech and failure to support the parliamentarian war effort. Parliamentary imprisonment orders that were challenged by writs of habeas corpus usually ended in the release of the detained.[111] Having become something of a *cause célèbre* in the Petition of Right and the Habeas Corpus Act abolishing Star Chamber in 1640, the writ had quickly become a thorn in parliament's side.

Maynard's suggestion that parliament might issue a writ of habeas corpus in order to bring a suspect to trial at Westminster was potentially of profound consequence, insofar as it suggested a conscious parliamentarian appropriation of a power reserved for the monarch. Though writs of habeas corpus were in practice issued by judges, they did so in the name of the royal prerogative, the set of inalienable and insuperable powers vested in the monarch through customary right and divine ordination. It was, therefore, known as a prerogative writ. Writs of habeas corpus *qua* judicial review emerged out of the notion that the monarch had the right to review the circumstances of the imprisonment of their subjects, thereby shielding them from arbitrary detention.[112] Set in its proper legal context, Maynard's suggestion that parliament issue a writ of habeas corpus takes on its full, revolutionary force: that the prerogative power lay not in the possession of the king, but of parliament. To be sure, habeas corpus had not always been used as a means of judicial review. Until at least the mid-sixteenth century, the writ was used to expedite legal process, to bring detainees under a multitude of

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[110] JRL, NP/73/21.

[111] Halliday, *Habeas Corpus*, 217–20.

[112] It should, however, be noted that the emergence of habeas corpus *qua* judicial review was less borne out of a concern for the liberties of the subject than the potential impropriety of the jailer. See ibid., 14.

jurisdictions to trial at King/Queen's Bench.[113] However, the usage of habeas corpus as suggested by Maynard—bringing a suspect to face punishment in parliament—was unquestionably novel.

Whether judicial review via habeas corpus was an inherent right of the subject or a discretionary power of the monarch was a question laden with ideological baggage. It had played an important role in the wrangling between king and parliament in 1627–8, particularly after the arrest of the 'five knights' for resisting the crown's forced loan. The imprisoned knights appealed for a writ of habeas corpus, only for the king and his council to intervene and make return that the knights had been detained 'by his Majesty's special commandment' and were not to be released. The rhetoric of the liberties of the subject marshalled in defence of the five knights proved incendiary, and was taken as an attack on the king's authority. In Mark Kishlansky's analysis, the question of habeas corpus was then disingenuously folded into an assault by House of Commons lawyers on the monarch's time-honoured power of temporary detention without cause shown, in a concerted parliamentary assault on the king's prerogative powers that culminated in the Petition of Right.[114] Certainly, in the parliamentary session that culminated in the presentation of the Petition, a series of arguments were advanced that framed habeas processes as inalienable liberties of the subject. Sir Edward Coke identified habeas within the ordinary course of law rather than the king's prerogative, asserting that 'if a man be in prison … the law … doth give remedy. … There is a habeas corpus that the judges cannot deny'.[115] It was a sentiment echoed by the earl of Devon, who declared before the Lords that a writ of habeas corpus may be no more denied a prisoner than 'any ordinary Original Writ in the Chancery, or other Common Process of Law', even if the prisoner in question had been 'imprisoned by the special Command of the King'.[116] From the articulation of such arguments, it does not seem a great leap for parliament to declare itself capable of issuing its own writs of habeas corpus as a safeguard of

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[113] Ibid., 29.

[114] M. Kishlansky, 'Tyranny denied: Charles I, attorney general Heath, and the five knights' case', *HJ*, vol. 41, no. 1 (1999), 53–83.

[115] L. S. Popofsky, 'Habeas corpus and liberty of the subject: legal arguments for the Petition of Right in the parliament of 1628', *The Historian*, vol. 41, no. 2 (1979), 257–75, at 265.

[116] *LJ*, iii, 722.

the rights and liberties of the people. Whereas Kishlansky saw these claims as the work of radical lawyers mounting a conscious attack on traditional government, other scholars have suggested the advices of Coke and his allies were more conservative than may otherwise appear, concerned less with the aggrandisement of the lower house than the protection of the common law. John Selden, for instance, noted that in accordance with Magna Carta's *per legem terrae* clause, the arbitrary imprisonment of the five knights threatened to deprive every subject of the protections of ordinary common law procedure.[117] In this version of events, it is the king, rather than parliamentary lawyers, who appears as the innovator.

From the late 1620s, therefore, habeas corpus assumed a central position in debates over the limits of the king's prerogative powers and the liberties of his subjects. Parliament was once again at the centre of these debates after it reconvened in 1640, reprising its role as the highest appellate court in the land in disputes occasioned by controversial Caroline policy. Plaintiffs addressed parliament to complain of having suffered for their refusals to collect ship and coat-and-conduct money, among a host of other grievances that could be construed as veiled attacks on royal governance. In offering redress, parliament occasionally demanded the release of imprisoned supplicants into its own custody, either through direct orders to the relevant prison-keeper, or via writs of habeas corpus issued by the Crown Office in Chancery at parliament's behest.[118] Keepers, however, were not always acquiescent in the face of parliamentary authority. In 1640, the keeper of Ludgate Prison questioned the validity of a release order from the House of Lords, and received reply from justices Sir Francis Crawley and Sir Robert Heath that while a writ of habeas corpus 'would have been more formal and warrantable', the Lords were 'not tied to such regularity of proceedings as inferior courts are', and that their order was 'sufficient warrant in this case'.[119] The House of Lords had occasionally obtained writs of habeas corpus in the decades preceding the 1640s, but this was in cases where parliamentary privilege was deemed to have been violated. In most examples, servants of peers had been arrested for debt despite being theoretically protected by parliamentary privilege, and habeas corpus was used as a means by

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[117] Popofsky, 'Habeas corpus', 262–3.

[118] J. S. Hart Jr., 'Judicial review in the House of Lords (1640-43)', *Journal of Legal History*, vol. 5, no. 3 (1984), 65–78.

[119] Ibid., 78n.

which the Lords could release them.[120] Intriguingly, John Maynard appears to have attempted to make this argument to justify the detention of the Gillingham rioters. In a breviate written for the Lords after the arrest and detention of one Richard Butler in June 1643, Maynard argued that the damage done to the estate of the earl of Elgin constituted 'not onely a Ryott but breach of priviledge of the said Earle'.[121] This claim may well have been a means to legitimate Butler's detention at the pleasure of the House, as well as parliament's authority to try him.

Maynard's suggestions in 1643 prefigured more capacious uses of habeas corpus by the Lords later in the decade, including as a form of judicial review. From the mid-1640s, parliament received numerous petitions from imprisoned supplicants, usually debtors, requesting liberation via habeas writs. In many of these cases, service in the parliamentarian army and payment arrears were cited as cause for their release. In 1647, Sir John Lenthall, marshal of the King's Bench prison, was summoned before the Lords for having failed to release one John Erlysman, a captain in the New Model Army, who had petitioned parliament for a writ of habeas corpus and release from prison. Erlysman protested that he had been imprisoned for a debt of £36, which paled in comparison to the £600 arrears he claimed to have been owed.[122] Such cases became relatively common, as parliament appropriated and repurposed the powers of judicial review to release its sympathisers. As Maynard's note suggests, however, as early as 1643 we can see parliament moving towards the appropriation of the prerogative writ. It offers an early example of the principle established more clearly in the landmark imprisonments of John Lilburne and the printer John Streater in the early 1650s: that 'commitment orders made for reasons of state were beyond judicial review'.[123]

In July 1643, parliament had issued a further order for the apprehension of Dorset rioters, this time explicitly calling upon the assistance of parliamentarian

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[120] For representative examples, see the cases of Thomas Rush, servant to the earl of Sussex, in *LJ*, ii, 270–5; and of Marmaduke Redmaine, servant to the Lord Montegle, in *LJ*, ii, 315–17, 319, 327, 337, 341.

[121] JRL, NP/73/5, p. [1].

[122] *LJ*, ix, 103; HMC, *6th Report* (London, 1877), 162, 166.

[123] Halliday, *Habeas Corpus*, 229.

forces under the command of captain Edmund Ludlow. The order named twenty-eight 'notorious Offenders' that had been revealed by the examinations of witnesses under oath, and requested that Ludlow detain them at Wardour Castle, or convey them to the port of Southampton, from where they might be shipped to London and delivered to the gentleman usher of the House.[124] Again unsuccessful, a new scheme was soon drawn up on the advice of John Maynard, consisting of the establishment of a local tribunal by writ returnable in King's Bench, complete with jurors, to hear an 'inquisition' in a place 'neere Gillingham'. The plan appears to have been to ensnare the 'richest of the Rioters', by informing two or three of the 'poorer sort' that they were to be indicted. The hope was that this would force the richest to present themselves before the tribunal and inform on their fellow rioters, whereupon witnesses held in some 'secrett place' would prove 'all the ablest to have beene Actors or abettors in it'.[125] In a further example of parliament's early attempts to co-opt powers previously belonging to the crown, Maynard suggested that the rioters might be punished by the issuing of fines customarily levied by Star Chamber.[126]

In spite of their several orders, the Lords remained largely unsuccessful in bringing the rioters to justice. Richard Butler appears to have been the only one to suffer imprisonment in 1643. A poor linen weaver and one of the most notorious of the Gillingham rioters, Butler was arrested in Holborn in June, whereupon he was committed to the New Prison by an order of the 'lord of Manchester … then speaker of ye howse of Peeres', presumably a reference to Edward Montagu, earl of Manchester.[127] The Lords remained in control of Butler's imprisonment, and after a period in the New Prison had him moved to Newgate, during which time Butler sent a petition to the upper house requesting his case may be heard or that he may be released.[128] Butler complained that he had been bound over to appear at the next Dorset assizes at the time of his arrest, and that he had been remanded indefinitely after no one came to present against him in court. According to a note made in response to the petition, the judge had

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[124] *LJ*, vi, 118. Wardour Castle was soon taken by the king's forces, rendering the first plan unworkable. See JRL, NP/74/13.

[125] JRL, NP/74/24, fol. [1r].

[126] Ibid., fol. [1v].

[127] JRL, NP/74/18, p. [1]

[128] *LJ*, vi, 128.

intended only to remand him until proceedings resumed the next day, and that Butler was only initially committed to New Prison overnight. It was at this point that Manchester apparently intervened to charge Butler in custody, rendering his commitment indefinite. Butler further complained that the constable who had carried him to the New Prison had acted without mittimus, a warrant for commitment to prison. Butler protested that he was a 'poore man' whose wife and children 'suffer[ed]' by his imprisonment, and that he was 'willing to serve the parliam[en]t for Religion liberty &c' if required.[129] While Butler was incarcerated, the Lords drew up plans to refer the business to a committee of Lords and two judges, who were to report on the matter before the house proceeded to a definitive sentence and judgement.[130] Examinations were drawn up against Butler, but he managed to escape prison in June 1644, returning to Gillingham to raise further riots.[131]

Parliament's repeated attempts to design new schemes to apprehend and punish the rioters is indicative of their general lack of success in quelling the unrest. The case, therefore, complicates narratives of 'parliamentary tyranny', which were both articulated at the time, by radicals, royalists, and even moderate parliamentarians, and parroted in revisionist interpretations of parliament's wartime administration.[132] While parliament's appropriation of the power to issue habeas writs could be read as one example of legal 'tyranny', we must place it within the longer-term context of the crown's own attempts to withhold writs for political ends. The case further reveals that there were practical limitations on parliament's ability to exercise executive power, through the resistance of local officials, and even the rioters themselves, who came up with a number of creative excuses to resist parliamentary ordinances. Perhaps the most interesting pertained to the customary signature of the parliamentary clerk, John Browne, which appeared at the bottom of the orders that were sent to Dorset for public reading in church.[133] Though theoretically a guarantee of the parliamentary

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[129] JRL, NP/74/18, p. [2].

[130] JRL, NP/74/17.

[131] Sharp, *In Contempt of All Authority*, 155.

[132] For an overview of the notion of 'parliamentary tyranny', see A. Hughes, 'Parliamentary tyranny? Indemnity proceedings and the impact from the Civil War: a case study from Warwickshire', *Midland History*, vol. 11, no. 1 (1986), 49–78, esp. 51–2.

[133] See, for example, the subscription on the copy of the Lords' order of 3 Jul., JRL,

authenticity of the text, Browne seems to have shared his name with the local heyward, the parish official charged with protecting the hedges and fences of enclosed ground. This led to accusations, including by Richard Butler, that the 'Order was made by John Browne the Dogwhipper', and that 'the ord[er] was made att the house of one Browne the Haiward'.[134] Such confusion enabled flat denials that the order was of legitimate parliamentary origins. According to one account, Butler, hearing the order for the arrest of rioters read in church, 'turned about and Laughed att it, sayinge it was false, & that it came not from the Parliam[en]t house'. Another claimed that Butler had declared that 'hee did not care a farte for Tom Brunker for hee knewe what was done att Parliam[en]t better than Tom Brunker did'.[135] Rioters could also be rather blunt in denying the authority of parliament to interfere. There was, after all, a half-truth in their refusal to hear the order read on the grounds that it was 'made by the said Lord Bruce'.[136]

Whereas parliamentarian committeemen were, and are, often portrayed as examples of 'parliamentary tyranny' incarnate, the Gillingham riots also reveal that the vast expansion of parliamentary bureaucracy created jurisdictional overlaps and interstices through which ordinary people could claim forms of authority to parliament's own detriment. According to a letter sent to the earl of Elgin by Brunker in February 1646, one Richard Henbury was chosen by the outgoing constable of Gillingham to replace him, only for Henbury's appointment to be refused by the local court on the grounds of his 'stubbornness in mayntayning the Ryots in the forrest'. Unwilling to take no for an answer, Henbury travelled with one of the former constables to the parliamentarian committee for Dorset, then sitting at Shaftesbury.[137] Having apparently passed unrecognised as a participant in the rioting, Henbury 'procured himself to be sworne by' the committeemen, thereby becoming 'chiefe constable' who 'rules the rest'. Brunker implicitly blamed Anthony Ashley Cooper, later earl of

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NP/74/2, p. [2].

[134] JRL NP/74/1, pp. [1], [6–7].

[135] Ibid., pp. [1–2].

[136] Ibid., p. [10].

[137] The Dorset committee been inaugurated by parliamentary ordinance in Jul. 1644, and was turned into a permanent standing committee the following month. See *LJ*, vi, 612; F&R, 489–96.

Shaftesbury, a parliamentarian and frequent chair of the Dorset standing committee after October 1645, noting he was present at the time of Henbury's swearing-in.[138] Brunker described events as a 'Great wronge to the court, and privilege of the Libertie' of Gillingham, and recommended that Elgin and Shaftesbury take some course to 'put Henbury beside his constableshipp'.[139]

We should be wary, however, of overstating the possibilities for resistance in the localities. The targets of parliament's ire were, indeed, resourceful in the face of novel circumstances, but could only ever have achieved so much against a state that was both willing and able to deploy military force to enforce a unilateral order upon its own subjects. We might conclude this particular study by turning to the writings of the Leveller John Lilburne, who had an acute and personal understanding of the potential consequences of parliament's legal revolution. Lilburne's attempts to ground popular sovereignty in fundamental, inalienable rights, rather than merely common or statute law, was the result of his understanding of law as open to exploitation and manipulation by an arbitrary state. This understanding emerged, at least in part, out of his own encounters with a parliament that had appropriated the power to issue habeas writs. Languishing in prison on false allegations of a plot to overthrow parliament in 1648, Lilburne wrote an excoriating pamphlet denouncing parliament's refusal to grant him a writ of habeas corpus, contrary to the birthright of the people, the law of the land, Magna Carta, and its own Petition of Right.[140] As Lilburne was aware, by shielding itself from judicial review, parliament had appropriated the very power of imprisonment without cause that it had refused the king in 1628.[141] In response to the upper house's unilateral order of imprisonment, Lilburne cited Sir Edward Coke's *Institutes*, that 'binding and permanent Laws according to the Constitution of this Kingdom, are made by King, Lords and Commons'; an order issued without the assent of all three was not law. As if to highlight the full, ironic extent of parliamentary hypocrisy, Lilburne noted that Coke's *Institutes* were

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[138] T. Harris, 'Cooper, Anthony Ashley, first earl of Shaftesbury (1621–1683)', *ODNB* (Oxford, 2004).

[139] JRL, NP/72/6.

[140] J. Lilburne, *The Prisoners Plea for a Habeas Corpus, or an Epistle writ by L.C. Joh. Lilburne* ([London], 1648), unpag.

[141] Sommerville, *Royalists and Patriots*, 153–63.

'published by [parliament's] own Order'.[142]

Lilburne's political thought is frequently dismissed as unsystematic or incoherent, yet his commitment to a common law tradition is central to both his writings and his political activism. This operated in tandem with a fervent moral opposition to positivistic jurisprudence, defined by Mark Goldie as a jurisprudence predicated on the contention that 'custom is not law; law is the work of sovereign command, wherever sovereignty happens to lie'.[143] Confusion over Lilburne's attitudes toward the law may be occasioned by his frequent public appeals to canonical legal texts, such as Coke's *Institutes*, from which he read extracts at his own treason trial in 1649, at the same time as he denounced the conceit of constituted legal power embodied in the judiciary.[144] But this was not necessarily a contradiction. Much like anyone else hauled before the courts, Lilburne drew upon the law where it could afford him protection. He turned to it in specific instances where he recognised its potential to shield him from the full force of state power, invoking it where it was likely to help, and ignoring it where not. This did not compromise his more fundamental opposition to the positivistic conception of the law that surfaced as parliament assumed the full range of sovereign powers previously in the possession of the crown.

This kind of brute-force legal positivism is perhaps most closely associated with Thomas Hobbes, whose innovative *realpolitik* collapsed the boundary between sovereign power and legal authority, such that the parliament of the 1640s, in Hobbes's words, had no doubt but that it was 'to be obeyed in all that they commanded, as a right absolutely due to the sovereign power in whomsoever it resides'.[145] Lilburne and Hobbes shared the same basic instinct that the law was inevitably at the mercy of those with the power to make and interpret it.[146] But it

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[142] J. Lilburne, *The Legall Fundamentall Liberties of the People of England Revived, Asserted, and Vindicated* (London, 1649), 11.

[143] M. Goldie, 'The ancient constitution and the languages of political thought', *HJ*, vol. 62, no. 1 (2019), 3–34, at 20.

[144] Sargeant, 'Publicity, authority and legal radicalism', *passim*.

[145] Hobbes, *English Works*, vi, 18.

[146] Alan Orr has rightly noted that Lilburne's political thought was rooted in his own personal experience, rather than abstract metaphysical reflections. This, I contend, accounts for exactly Lilburne's *realpolitik* understanding of power in relation to the law. D. A. Orr, 'Law, liberty, and the English Civil War: John Lilburne's prison experience,

was for this reason that Lilburne diverged, conceiving of a popular sovereignty that could scarcely be more different to Hobbes's sovereign body constituted through the absolute alienation of individual rights. Precisely *because* law was inevitably subsumed under sovereign power, Lilburne conceptualised sovereignty as an inalienable liberty of the individual, which could be temporarily transferred, as to a parliamentary representative, but never permanently relinquished. The sovereignty of the individual was not a violable human law, but one of a fundamental and natural order. More simply, whereas Hobbes sought to centralise power, Lilburne sought to deconstruct it. This was the only means of ensuring that the law would remain a resource for the guarantee of one's liberties, rather than a mechanism for constituting and perpetuating arbitrary power.

Through this close study of the parliamentarian response to the Gillingham riots of the 1640s, therefore, we can witness the full significance of ostensibly isolated, 'micropolitical' episodes in the unfolding of Revolution. As early as 1643, we can see parliament and its emissaries exercising powers previously beyond their authority. This was often an act of appropriation as much as invention, as parliament sought to legitimate its actions with recourse to legal precedent. By invoking concepts such as habeas corpus, parliamentarians sought to lend legitimacy to its novel powers of arbitrary detention and the criminal punishment of non-members. Local officials and commoners were able to put up some resistance, and posed parliament a certain degree of administrative problems. Such examples were, however, fleeting and small in scale. Ultimately, parliament lacked the institutional capability or ideological hegemony to exercise true tyranny in the 1640s, and yet Lilburne's characteristically excitable claims betrayed a genuine, and perennial concern for the authoritarian potential of a government that laid claim to both legislative and executive authority. The following section probes the origins of these kinds of intra-parliamentarian conflicts, revealing how parliament's bureaucratic apparatus itself became a terrain of ideological struggle.

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the Levellers and freedom', in M. J. Braddick and D. L. Smith (eds.), *The Experience of Revolution in Stuart Britain and Ireland* (Cambridge, 2011), 154–71.

1.3 Committees contested: St Albans, independency, and intraparliamentarian conflict, 1642–9

Parliamentarianism was less a cohesive ideology than a loose coalition of 'publics', each with its own political and confessional affiliations.[147] As the civil war progressed, so attempts to define the parliamentarian cause became ever more tendentious, not least as presbyterian moderates reacted to the ascendancy of army and civilian radicals with increasingly desperate attempts to reach a negotiated peace. The final section of this chapter demonstrates how the parliamentarian administrative apparatus itself became a terrain of struggle for hegemony, exploring a conflict that played out between two members of the Hertfordshire standing committee. On one side was New Model Army colonel Alban Coxe, a radical independent; on the other was St Albans alderman and Hertfordshire justice John King, a presbyterian moderate. The conflict reached a head shortly after the regicide, when King resigned from the corporation after a riot at his home. Though these individuals are used to explore the constitutive tensions of parliamentarianism, this should not be taken as tacit consent to the revisionist notion that the civil war constituted an ideological crisis only among the politically enfranchised. As shall become clear, Coxe's independency was not projected onto a reluctant or disinterested local population, but was rather a reflection of the radical tendencies of his own parish, St. Peter's, a centre of religious heterodoxy throughout and beyond the 1640s. The bureaucratic terrain upon which these conflicts played out merely refracted broader ideological currents, and both Coxe and King should be seen as embedded within wider 'publics', rather than as isolated individuals.

King, a Leiden-trained physician, was the son of a French merchant said to have fled to London during the massacre of Huguenots on St. Bartholomew's Day in 1572.[148] He inherited his father's estate in Hertfordshire, and married Elizabeth

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[147] This term was used by Peter Lake and Michael Questier, defined as 'both real collectivities of persons of like mind and as rhetorical constructs or entities'. See P. Lake and M. Questier, 'Puritans, papists, and the "public sphere" in early modern England: the Edmund Campion affair in context', *The Journal of Modern History*, vol. 72, no. 3 (2000), 587–627, at 599.

[148] P. Elmer, *Witchcraft, Witch-Hunting, and Politics in Early Modern England* (Oxford, 2016), 160–1; R. W. Innes Smith, *English-Speaking Students of Medicine at the*

Roberts in the parish church of St Leonard's in Bengeo, on the north-west edge of Hertford, in February 1637.[149] The marriage may well have helped to establish King's early parliamentarian credentials. His wife was a member of the prominent Roberts family of Willesden, and, having thrown their support behind parliament during civil war, her brothers would rise to prominence during the interregnum. Sir John Roberts, an absentee commissioner at the trial of Charles I, was awarded further parliamentary commissions after the regicide, became a member of the Nominated Assembly, and took a seat in the Cromwellian House of Lords in 1659. Richard Roberts, another of Elizabeth's siblings, was a clergyman and son-in-law of Westminster divine William Gouge, and was ejected from his post at Colsdon, Surrey after the Restoration.[150]

Records pertaining to King's marriage may, however, also offer an early clue as to the origins of the conflict with Coxe and his independent allies. King was likely married by a presbyterian minister, John Bewick, whose religious moderation is evident in a number of extant print publications.[151] In 1642, royalist bookseller Andrew Crooke published a tract by Bewick against lay preaching, which declared 'Ecclesiasticall Authorization' to be a prerequisite for one 'to doe those acts on which the edification of Christs people publikely depends'.[152] Two years later, Crooke published one of the sermons Bewick gave at St. Leonard's, which assured 'comforts that [England's] present miseries will end in unspeakable lasting mercies to the whole Nation'. Its preface was dedicated to the commander-in-chief of the parliamentarian army, the earl of Essex, though Bewick's peculiar reference to Essex's work in defence of 'his Majesties person' implies an inability or unwillingness to countenance a more radical solution to

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University of Leyden (Edinburgh, 1932), 133; J. King, *A Memoir of the Life and Death of Sir John King, Knight* (London, 1855), 2.

[149] TNA, PROB 11/126/291; HALS, DP/17/1/1.

[150] W. A. Shaw and S. Kelsey, 'Roberts, Sir William, appointed Lord Roberts under the protectorate (1604–1662)', *ODNB* (Oxford, 2004); E. Calamy, *The Nonconformist's Memorial*, ed. S. Palmer (3 vols., London, 1802–3), iii, 301.

[151] Bewick is listed as the vicar of Bengeo between 1635 and 1645 in W. Urwick, *Nonconformity in Herts* (London, 1884), 433.

[152] J. Bewick, *An Antidote Against Lay-Preaching, or the Preachers Plea* (London, 1642), 15.

the conflict.[153] While we cannot be certain, it is possible that King's attendance at St. Leonard's was the result of a similar religious outlook: a moderate puritanism that sought further reformation within a national church structure, resisting the demands of radical independents for self-governing congregations and sweeping political change.[154]

At some point before the civil war, King likely acquired property in the town of St Albans, where his son, the lawyer Sir John King, was born in 1638. The elder King was chosen by the aldermen to join their ranks as a leading man of the town. This was no mean feat for a 'stranger': positions among St Albans' most senior ruling body were usually held for life, and vacancies filled by newly eligible sons of long-established ruling families.[155] Like others among the St Albans elite, King was an ardent opponent of ship money, and he soon took up a series of roles on parliamentarian committees. He chaired the St Albans standing committee, and acted on behalf of the Hertfordshire committee in business throughout and beyond the county into at least the mid-1650s.[156] He was charged with the conveyance of letters and declarations across Hertfordshire and from London, and ordering and collecting the payment of the parliamentarian taxes either side of the regicide. In 1649, King was paid for a trip to the village of Puckeridge to apprehend 'such as were notified to bee Agents for the sonne of the late Kinge'.[157] He was nominated, alongside other leading St Albans men, as a parliamentary agent in in several ordinances throughout and beyond the 1640s, and served as a JP in the county until the Restoration.[158]

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[153] J. Bewick, *Confiding England Under Conflicts, Triumphing in the Middest of Her Terrors* (London, 1644).

[154] As David Scott has noted, few members of the independent faction at Westminster actually worshipped in separated congregations. See D. Scott, *Politics and War in the Three Stuart Kingdoms, 1637–49* (Basingstoke, 2004), 89.

[155] J. T. Smith and M. A. North, *St Albans, 1650–1700* (Hatfield, 2003), 19, 46–7.

[156] A. Thomson (ed.), *The Impact of the First Civil War on Hertfordshire, 1642–47* (Rickmansworth, Hertfordshire Rec. Soc., xxiiv, 2007), xxxi, 222.

[157] TNA, SP 28/233/2, fol. 90.

[158] F&R, 24–57, 285–319, 291–8, 456–90, 614–26, 630–46, 653–88, 958–84, 1058–97, 1072–1105, 1320–42, 1355–1403, 1425–55; *CJ*, ii, 714; *LJ*, v, 207, 683; *LJ*, vi, 166, *LJ*, vii, 207, 227; *LJ*, x, 53; M. A. E. Green (ed.), *Calendar of the Proceedings of the Committee for Compounding, etc., 1643–1660* (5 vols., London, 1889–92), i, 171; Elmer,

However, King's time as an alderman in St Albans came to an abrupt and dramatic end shortly after the regicide. He resigned his post in 1649, the same year as a riot culminated in an assault 'upon the house & person of Doctor King'.[159] Learning of the disturbance in June, the Council of State sent one of their agents to apprehend seven of the rioters, while informing the mayor and justices of the town that the incident passing 'w[i]thout a due prosequution would be a great scandall to the governm[en]t & an encouragem[en]t to disaffected persons to stirre up distemp[e]r among the people and to interrupt the peace of the Comonwealth'.[160] The suggestion that the riot was the result of a long-standing ideological conflict with radical independents is lent credence by the Council's claim that the participants not only attacked King, but endeavoured to 'excit[e] the souldiers of Major Pinchon to muteny & distemper'.[161] In June 1649, government fears of a mutiny by disaffected soldiers were especially acute. A month earlier, three Levellers held responsible for an uprising at Banbury were executed at Burford, shortly after another Leveller was killed for his complicity in a mutiny in Bishopsgate. It was at Corkbush Field near the Hertfordshire town of Ware that army radicals had refused to sign a declaration of loyalty to Thomas Fairfax and the Army Council in November 1647, contributing to the county's reputation as a hotbed of radical activity.

As early as the summer of 1647, St Albans independents had begun to interpret King's moderation as evidence of disaffection. Within a week of Fairfax arriving in the town to establish the new headquarters of the New Model Army, he was handed a petition signed by 'divers Knights, Commanders, Gentlemen, Freeholders, and others, in the County of Hertford', which was immediately forwarded on to parliament.[162] The petition was clearly sympathetic to the ideas of army agitators and civilian radicals, and, borrowing from the vocabulary of John Lilburne, thanked Fairfax and his soldiers for protecting the liberties of the 'Free-born Subjects of this Kingdom' from invasion 'by a powerful and malignant Party'. It requested the parliamentary disenfranchisement of 'disaffected' counties and corporations, and lamented the 'putting in the Malignants, Neuters,

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Witchcraft, 161.

[159] TNA, SP 25/94, p. 233.

[160] TNA, SP 25/62, p. 404; TNA, SP 25/94, p. 233.

[161] TNA, SP 25/62, p. 404.

[162] M. A. Kishlansky, *The Rise of the New Model Army* (Cambridge, 1983), 241.

and Persons who have not shewn any Affection or done any Service for the Parliament during these Troubles ... unto Places of Honour, Trust, and Profit'. According to the petition, John King was one such 'malignant'. The petitioners recounted an episode in which 'one Cordwell, a Man of a most notorious lewd Life and Conversation, and withal a most desperate Malignant', produced a warrant for the apprehension of three parliamentarian soldiers, and brought them before 'one Kinge at St Albans, a Justice of the Peace'. It remains unclear of what crimes the soldiers were accused, though King would reportedly have 'committed them to Hert. Gaol, had not their said Colonel and Captain became bound for their appearing at the next Sessions ... there being but little Favour or Mercy to be had for Parliament Soldiers by the Justices of our County'. Cordwell is said to have presented a bill of indictment against the soldiers, but it was rejected by the men of the grand jury.[163]

The colonel in question was one Alban Coxe, who belonged to a family that had held the manor of Beamonds in the St Albans parish of St. Peter's for over a century.[164] Coxe was both a radical and influential local figure. During the civil war he served in the field as a captain and a colonel, and on a variety of parliamentarian committees, including the Hertfordshire standing committee and the Eastern Association.[165] He was on familiar terms with Sir Harbottle Grimston, resident at Gorhambury near St Albans, and fellow member of the Eastern Association; as well as Oliver Cromwell, who would occasionally summon Coxe to Whitehall during the interregnum, and apparently lodge at Beamonds

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[163] *LJ*, ix, 277–8. The petition was printed, see: *Two Petitions of the Counties of Buckingham and Hertford Presented to his Excellencie S. Thomas Fairfax* (Cambridge, 1647), sig. B3r ff.

[164] W. Page (ed.), *The Victoria History of the County of Hertfordshire* (4 vols., London, 1902–14), ii, 412–24; W. C. Metcalfe (ed.), *The Visitations of Hertfordshire* (London, 1886), 46.

[165] TNA, SP 28/232, fol. 1001; *A Full Declaration of All Particulers*, 1, 5; 'Surnames beginning "C"', in S. K. Roberts (ed.), *The Cromwell Association Online Directory of Parliamentarian Army Officers* (2017) <https://www.british-history.ac.uk/no-series /cromwell-army-officers/surnames-c>, accessed 4 May 2020. For references to Coxe in parliament during the civil war, see: F&R, 356–8, 1233–51; *CJ*, ii, 712; *CJ*, iv, 78; *LJ*, v, 207, 291; *LJ*, vi, 342; *LJ*, vii, 274.

manor when passing through St Albans.[166] Yet Coxe also appears to have had more obviously radical associations, including some of his allies in the army. Coxe was one of the two Hertfordshire delegates at a meeting of the Eastern Association at Bury St. Edmunds in January 1645, in which anxious members met to discuss the existential threat the new-modelling of the army posed for the local Association; he may well have been the unnamed Hertfordshire gentleman who spoke up in favour of the novel proposals for army centralisation.[167] Four years later, in July 1649, Coxe was the signatory of a letter sent by an unofficial army committee at Whitehall to various garrisons and congregations as part of an effort to ensure a potential reconciliation between the post-regicide regime and the parliamentary presbyterians of the 1640s did not come at the cost of radical reform. His co-signatories were an assortment of army radicals, including Edward Sexby, John Okey, and several future Fifth Monarchists.[168]

Coxe's radical political associations appear to have been matched by a heterodoxy in religious matters. He had been embroiled in local controversy even before the outbreak of war, appointed by his fellow parishioners at St. Peter's in May 1642 to carry a petition to the House of Lords protesting against the conduct of the incumbent Anthony Smith, 'whereby the Souls of People are starved, for Want of an honest and godly Preacher to be constantly amongst them'. The petition condemned Smith as a 'non-resident, a pluralist, and accused of many crimes', and noted, in a sign of how closely locals were able to keep tabs on affairs at Westminster, that Smith was like to have to give up his livings at St Albans under a new parliamentary bill against clergymen holding multiple livings. The petitioners' request that Matthew Wren, the Laudian bishop of Ely, not be permitted to appoint Smith's replacement without parliamentary approval, was granted by the Lords.[169] Smith's apparent Laudianism had upset parishioners for at least three years. In June 1639, during the quarter sessions at St Albans, Ralph

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[166] HMC, *Report on the Manuscripts of the Earl of Verulam Preserved at Gorhambury* (London, 1906), 53–4; A. K. Kingston, *Hertfordshire During the Great Civil War and the Long Parliament* (1894), 141–3,

[167] A. Kingston, *East Anglia and the Great Civil War* (London, 1897), 193–4.

[168] D. P. Massarella, 'The politics of the army 1647–1660' (2 vols., Ph.D. diss., University of York, 1977), i, 237.

[169] HMC, *5th Report* (London, 1876), 21; W. Cobbett (ed.), *Cobbett's Parliamentary History of England* (36 vols., London, 1806–20), ii, 843; *LJ*, v, 41.

Pemberton, twice mayor of the town and member of a prominent puritan family, had solicited the opinion of judge Sir Robert Berkley with regard to the possibility of indicting Smith 'for the removal of the Communion-Table out of the usual Place, and not administring the Sacrament according to Law in that Case provided'. Berkley, a future royalist, responded in no uncertain terms, declaring that a similar case had been put before him at Hertford, 'and that he quashed the same, and imprisoned the Promoters; by which threatning and reviling Speeches, unjust Actions and Declarations, he so terrified the Jurors in those Parts, that they durst not present any Innovations in the Church Matters, to their great Grief, and trouble of their Consciences'.[170]

In response to local complaints, the House of Lords took on the responsibility to rubber-stamp the bishop of Ely's ministerial appointments, but this proved insufficient to pacify the parishioners of St. Peter's. They eventually returned to parliament dissatisfied with Robert Tirling, another of the Bishop's nominees. In the interim, they had taken matters of church decoration into their own hands, removing the royal coat of arms that had been set up 'at the east end of the church in a frame of timber', and paying at least a couple of individuals to remove 'the popish sentences from of the graves and windows', as detailed in the churchwarden's accounts for 1644–5.[171] By January 1647, the Committee for Plundered Ministers took the dramatic step of appointing several leading parishioners to 'provide for the cure of the church sequestered from Anthony Smith, and provide for the parson or parsons for the space of three months'.[172] Alban Coxe was among those nominated, alongside several other independents.[173] They included William Hickman, St Albans treasurer to the Hertfordshire committee, who was associated with the puritan Pembertons.[174]

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[170] Rushworth, *Collections*, iv, 321–2.

[171] W. Carey Morgan, 'St Peter's church, St Albans', *St Albans and Herts Architectural and Archaeological Society*, New Ser., vol. 1 (1898), 135–73, at 146, 151; W. Dowsing, *The Journal of William Dowsing: Iconoclasm in East Anglia during the English Civil War*, ed. T. Cooper (Woodbridge, 2001), 360.

[172] Urwick, *Nonconformity in Herts*, 148–9.

[173] Ibid.

[174] For references to Hickman in committee papers, see for instance: TNA, SP 28/233/1, fol. 20; TNA, SP 28/233/2, fols. 48, 53, 87; TNA, SP 28/231/3, fol. 137; TNA, SP 28/233/6, fol. 60.

Hickman's wife, Katherine, sister of the puritan divine Benjamin Whichcote, referred in her will to her 'good friend' Robert Pemberton, a congregationalist issued with a preaching licence in 1672.[175] Perhaps too young, Robert was not among those nominated by parliament, but his father, John, was named. So too was one Robert Sadler, who appears to have refused to pay ship money in 1637, and John Pemberton's brother-in-law, William Foxwist, a Welshman named on the Commission of Array for Caernarfon in 1642, but who later held a variety of administrative posts in St Albans.[176] He was expelled as MP for the Welsh town by colonel Pride in 1648, yet Foxwist's will was unusually forceful in its articulation of a reformed religious outlook, explicitly forbidding such funereal ceremonial as the use of candles, 'the use whereof I am not in my Christian judgment and conscience satisfied'.[177] Two generations of William Aylewards were also named; by 1669, one of the Aylewards' homes, in the parish of St. Peter's, served as a conventicle where 'great' numbers of 'sufficient men' gathered to hear the exhortations of one Mr. Lownes, described as a nonconformist minister, and one Scot, a Cromwellian captain, among others.[178]

These men formed a significant chunk of the city's ruling elite, and were bound by kinship to other prominent town families. John Pemberton's father had twice served as mayor of St Albans; both his grandson Robert and Elizabeth Hickman later named Abraham Cowley as one of their executors. The Cowleys were similarly important: both Abraham's father, Thomas, and elder brother, served as mayor thrice. Thomas Cowley, who, in his will, requested a burial in the churchyard at St. Peter's, was called upon by the Hertfordshire standing committee during civil war to deliver money into the treasury at Goldsmiths Hall, and, after the regicide, was appointed receiver general, responsible for overseeing

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[175] Smith and North, *St Albans*, 107; TNA, PROB 11/370/526.

[176] *CSPD*, 1637–8, 94; Thomson (ed.), *The Impact of the First Civil War on Hertfordshire,* 217–8.

[177] TNA, PROB 11/343/491. Foxwist also bequeathed practical divinity books in his will. While these do not necessarily indicate puritanism, they do suggest a certain degree of godliness. See D. R. Como, *Blown by the Spirit: Puritanism and the Emergence of an Antinomian Underground in Pre-Civil-War England* (Stanford, 2004), 117–20.

[178] G. Lyon Turner (ed.), *Original Records of Early Nonconformity under Persecution and Indulgence* (3 vols., London, 1911–14), i, 92; Smith and North, *St Albans,* 106.

tax collection.[179] More tellingly, he also lent support to congregationalist minister Nathaniel Partridge, who was appointed at both the Abbey and St. Michael's in St Albans in 1657, and was ejected in 1662.[180] The year prior, Cowley was accused of having 'upheld one Partridge to preach, which was never called to the ministry', and of having proclaimed on the outbreak of war: 'I have not wore a sword these twenty years, but now I do it to encourage the people to fight against the King'.[181] Other powerful local families, including the Pollards, Marstons, Newes and Crosfeilds, linked through marriage ties, and from whom the town's mayor and aldermen were frequently drawn, appear to have been clustered around the Abbey rather than St. Peter's, yet during the years of civil war and interregnum were also audiences to heterodox preaching.[182] If ideological divides did compromise the tightness of St Albans's ruling oligarchy, it is not obviously apparent. It may be worth noting that these families were generally not of noble birth, but were moderately successful mercers, drapers, ironmongers and brewers; in other words, examples of the kind of middling sort that formed the backbone of parliamentarianism and independency in the 1640s.[183]

Even if it is generally clear that St Albans tended towards puritanism, the best evidence that something *unusually* radical was taking place at St. Peter's in the 1640s is offered by the autobiography of the notorious Laurence Clarkson, who was associated with some of the most heterodox sects to emerge in the years of Revolution. Clarkson's story is one of rapid religious radicalisation, encouraged by exposure to the preachers of Norfolk and Suffolk while a member of the

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[179] TNA, PROB 11/342/68; TNA, SP 28/233/1, fol. 37; TNA, SP 28/233/2, fols. 93, 94, 95.

[180] Smith and North, *St Albans*, 110; F. A. J. Harding, *Independency in St Albans* (St Albans, 1962), 11–12 <https://www.spicerstreet.org.uk/userfiles/file/INDEPENDENCY%20IN%20ST%20ALBANS-Fred%20Harding.pdf>. Accessed 8 May 2020. St Albans was, by the mid-seventeenth century, emerging as a centre of congregationalism. From 1649 to 1653, congregationalist Job Tookey served as minister at the Abbey, and another, William Haworth, was minister of St. Peter's from 1660, before suffering ejection in 1662.

[181] HMC, *Verulam*, 101.

[182] For the marriage ties that linked these families, see Smith and North, *St Albans*, passim. Ralph Pollard stipulated a burial at the Abbey, see TNA, PROB 11/243/272. Each of these families recur in the Abbey's parish register, see HALS, DP/90/1/1.

[183] Smith and North, *St Albans*, esp. ch. 8.

Eastern Association army, and, more importantly, a visit from seekers William Erbery and William Sedgwick while under house arrest on accusations of sexual impropriety in 1645, after which Clarkson joined the sect.[184] By mid-1649, Clarkson had joined the 'pantheistic antinomians' known as the Ranters, and would go on, in the 1650s, to convert to Muggletonianism.[185] In *The Lost Sheep Found*, Clarkson (or Claxton, his pen name) recounted travelling to Hertfordshire at some point in the mid-1640s, hearing of the presence of fellow seekers. Clarkson was hired in 1646–7 by William Hickman to preach at St. Peter's, with the apparent support of Alban Coxe.[186] It is unclear how long Clarkson was at St Albans, but he recalled 'so being liked' that he was 'hired for a moneth longer', upon which he brought his wife to St Albans. Clarkson eventually secured a permanent ministry at the town of Sandridge, a couple of miles north-east of St Albans, though he continued to draw an audience from St. Peter's; he recalled that 'Colonel [Alban] Coxe, and Justice Robotom came constantly to hear me, and gave me several Gifts'.[187] The latter was likely JP John Rowbotham, another of the St. Peter's parishioners nominated to appoint a replacement for Anthony Smith in 1647, and potentially a relative of the John Robotham that served as army chaplain in the 1650s.[188] In 1647, perhaps while at St Albans, Clarkson published *A Generall Charge*, considered by J. C. Davis to be a deliberate parody of Leveller constitutionalism. More radical than the Levellers, Clarkson argued that bonds of deference had to be broken for a truly representative polity to emerge; anything else was mere legalistic trifling. Christopher Hill, more willing to take the text at face value, noted the class war sentiment prevalent in the pamphlet, in which Clarkson alerted 'the commonalty' of the 'Nobility and Gentry', warning that 'Your slavery is their liberty, your poverty is their

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[184] B. Reay, 'Laurence Clarkson: an artisan and the English Revolution', in C. Hill, W. Lamont and B. Reay (eds.), *The World of the Muggletonians* (London, 1983), 162–186, at 166–8.

[185] W. Lamont, 'Clarkson, Laurence [pseud. Laurence Claxton] (1615–1667)', *ODNB* (Oxford, 2004).

[186] Como, *Radical Parliamentarians*, 248; L. Claxton [Clarkson], *The Lost Sheep Found* (London, 1660), 23.

[187] Claxton [Clarkson], *The Lost Sheep Found*, 23.

[188] Urwick, *Nonconformity in Herts*, 148–9; S. Wright, 'Robotham, John (d. 1664?)', *ODNB* (Oxford, 2004).

prosperity'.[189]

Clarkson's preaching, perhaps more obviously than any other mid-seventeenth century radical, represented a clear threat to established structures of authority. It represented an obviously political challenge, not least through its assertion of the power of the people over king and parliament. In *A Generall Charge*, he declared original political authority to be derived from the people, and 'if Parliament you have chosen & imployed do not act according to the nature of your choyce … so at your demand they must give up that power'. This was a 'prerogative' and a 'privilege' of 'the meanest subject of your Kingdome; yea, the whole Commonaltie of England'. Clarkson attacked 'the Locusts and Caterpillars' of the kingdom: judges, sheriffs, attorneys and solicitors, who imposed 'Assises and Sessions; in which, and by which, they institute a Law of Liberty to themselves, but a Law of bondage and slavery to the Communality'. As with John Lilburne's later turn to Quakerism, Clarkson's Ranterism provided an ontological ground for a radically anti-authoritarian, communalistic politics, particularly in the pantheistic claim that God was in all matter. Clarkson similarly sought to destroy all ecclesiastical authority, declaring it 'more commendable to take a purse by the High-way, th[a]n compell any of the Parish to maintaine such that seeke their ruine, whose Doctrine is poysonable to their conscience as Rats bane to a sound body'.[190] Perhaps the most remarkable aspect of Clarkson's thought, however, was his avowal of sexual freedom, through which he threatened to undermine the patriarchal foundations of early modern authority.[191] It hardly seems surprising that King, a presbyterian and justice of the peace, might take exception to such radical sentiments being articulated under the watch of Alban Coxe at St. Peter's.

It remains unclear exactly who was responsible for the riot that culminated in an assault at John King's house in June 1649, though at least three rioters were likely parishioners at St. Peter's, perhaps exposed to the revolutionary ranting of

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[189] J. C. Davis, *Fear, Myth and History: The Ranters and the Historians* (Cambridge, 2002), 60; C. Hill, *Liberty Against the Law: Some Seventeenth-Century Controversies* (London, 2020), 59; L. Claxton [Clarkson], *A Generall Charge, Or, Impeachment of High-Treason* (London, 1647), 11.

[190] Claxton [Clarkson], *A Generall Charge*, 2, 4, 27.

[191] C. Hill, *The World Turned Upside Down: Radical Ideas During the English Revolution* (London, 1991), 314–23.

Laurence Clarkson. The names of both William Hensman and Thomas Reading, who were among the apparent ringleaders named in an order of the Council of State, appear in the parish register: Hensman was married at St Peter's in November 1640, and Reading in June 1639. Andrew Whelpley, also named, seems likely to have been a parishioner at St. Peter's, where he had a son of the same name baptised in December 1666.[192] The more common names of John Cooper and Thomas Dalton make identifying them with a specific parish a more speculative task. The name of Ralph Pollard, however, stands out. Pollard was the son of the patriarchal head of a St Albans brewing family by the same name, who had served as mayor of the town thrice in the three decades from 1626.[193] The Pollards appear to have attended the Abbey, rather than St. Peter's, where the younger Ralph's daughter was baptised in March 1638, and where his father later requested burial 'as neere to my first wife as possible'.[194] During his time as mayor between 1637–8, the elder Ralph was compliant in the collection of ship money, though at times ambiguously so, writing in one letter that he could not 'obtain' the ship money of certain men, 'nor find any of their goods'.[195] Yet compliance is, of course, not evidence of allegiance, and parliament's ascendancy did not prevent Pollard becoming mayor again by 1647.[196]

The elder Pollard was mayor when the radical petition complaining, *inter alia*, about the conduct of John King was presented to Thomas Fairfax at St Albans in June 1647, reportedly in the attendance of over two hundred 'Knights, Gentlemen, and Freeholders of the County of Hertford', and bearing over 1,200 signatures.[197] It was also around the time that Laurence Clarkson was preaching in the town. It remains unclear who signed or presented the petition, but it is difficult to imagine that there would not have been significant overlap between

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[192] TNA, SP 25/62, p. 404; HALS, DP/93/1/1.

[193] H. Chauncy, *The Historical Antiquities of Hertfordshire* (2 vols., London, 1826), ii, 301.

[194] HALS, DP/90/1/1; TNA, PROB 11/243/272.

[195] *CSPD*, 1637–8, 94.

[196] Chauncy, *The Historical Antiquities*, ii, 301. Other case studies have revealed attitudes towards the collection of ship money to be a poor predictor of allegiance upon the outbreak of war. See, for example, A. R. Warmington, *Civil War, Interregnum and Restoration in Gloucestershire, 1640–1672* (Woodbridge, 1997), esp. ch. 2.

[197] Rushworth, *Collections*, vi, 577.

the signatories and the coterie of radicals that clustered around St. Peter's. The spring of 1647 witnessed the start of a greater polarisation within parliamentarianism, as the apparent ascendency of the presbyterian faction within parliament provoked a response among London militants, and soldiers in the New Model Army began to organise against the threat of being disbanded without pay.[198] Two days prior to the Hertfordshire petition's presentation to Fairfax, army officers had issued a declaration from St Albans that declared the New Model to be 'not a meere mercinary Army, hired to serve any Arbitrary power of a State; but called forth and conjured, by the severall Declarations of Parliament, to the defence of our owne and the peoples just rights, and libertie'. The declaration denied claims of an army plot to overthrow presbytery, but demanded that anyone 'who, upon conscientious grounds, may differ from the established formes, may not (for that) bee debarred from the common Rights, Liberties, or Benefits belonging equally to all'.[199] The declaration would eventually be cited approvingly by John Lilburne, who was operating at the heart of London's militant fringe by early 1647.[200] At the same time, the army called for the impeachment of eleven presbyterian MPs, chief among them Denzil Holles and Sir William Waller.[201] These declarations signalled the army's growing self-conception as a political force, but were drawing upon ideas that had become relatively widespread among politically engaged parliamentarians from 1645.[202]

If King had become increasingly uneasy with the ever more radical demands of the New Model Army and their civilian allies, he was not alone. There is evidence of other parliamentarian committeemen, such as the Eastern Association's Harbottle Grimston, a moderate presbyterian, becoming increasingly uncomfortable with the raising of the ideological stakes.[203] Another

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[198] Scott, *Politics and War*, ch. 5.

[199] *A Declaration or Representation From His Excellency, Sir Thomas Fairfax* (London, 1647), 15.

[200] J. Lilburne, *The Young-mens and the Apprentices Outcry* ([London], 1649), 5.

[201] *A Charge Delivered in the Name of the Army under the Command of His Excellency Sir Thomas Fairfax* (London, 1647).

[202] Como, *Radical Parliamentarians*, 363.

[203] Grimston was involved in the attempt to reach a peace with Charles at Newport in 1648, alongsde another 'archpresbyterian', Denzil Holles. See A. Woolrych, *Britain in Revolution, 1625–1660* (Oxford, 2004), 420.

member of the Hertfordshire committee, William Priestley, had travelled with John King to London in May 1645 to deliver a petition complaining of the 'grievous oppression' of the presence of parliamentarian forces in the county; Priestley became a recruiter MP in place of a secluded Cornwall royalist, but later turned on the army and, like Grimston, was expelled by colonel Pride in 1648.[204] The absence of writings or records pertaining to King himself makes definitively establishing his own religious and political outlook a difficult task. We are forced instead to rely on inference from circumstantial evidence. Certainly, contemporary accounts of King's 'various misdemeanours', drawn up in the winter of 1651–2 upon testimony provided by Alban Coxe, substantiates suggestions of King's presbyterianism.[205] Coxe, seeking King's removal from the justices' bench, accused him of having excluded certain parishioners from communion; a clear faultline between independents, who generally advocated the open ministration of the sacraments, and presbyterians, for whom the sacraments were afforded only to those deemed worthy of receiving them.[206] It is highly probable that King was in ideological accord with the political presbyterians at Westminster, most of whom were less interested in the establishment of a Scottish-style church in England than the preservation of a national church on parliament's terms. This was in conscious opposition to the puritan and separatist zealotry of the likes of Clarkson and Thomas Ewins in Bristol, not least as this kind of firebrand religious radicalism opened the door to democracy or anarchy. Just as they sought to maintain some kind of authority structure in a national church, so political presbyterians were eager to preserve a system of political authority under threat from radical demands for social 'levelling'. This manifested itself in a willingness to restore the king to most of his former powers as late as the attempt to reach a peace at Newport on the Isle of Wight in September 1648.

It seems clear that political presbyterianism had little local sympathy in St Albans, where independency prevailed among the local elite. The men of the grand jury refused to find a bill for the indictment of those involved in the riot at

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[204] Thomson (ed.), *The Impact of the First Civil War on Hertfordshire,* 38, 227.

[205] Elmer, *Witchcraft,* 160–1.

[206] E. Vernon, 'A ministry of the gospel: the presbyterians during the English Revolution', in C. Durston and J. Maltby (eds.), *Religion in Revolutionary England* (Manchester, 2006), 115–36, at 125–7.

King's house in or around June 1649, and Upper Bench indictments were only drawn up in August, when the matter was referred to the attorney general with the request that 'an informacon may be put in the upper bench against them the next terme'.[207] King resigned his post as alderman, and was replaced by one Ralph Gladman, a baker, later described as 'a committee man for the trying of ministers, [who] always upheld and maintained the fanatical party'.[208] A 1654 ordinance for the ejection of 'Scandalous, Ignorant and insufficient Ministers' named both Gladman and Alban Coxe as commissioners for Hertfordshire, along with other independents of the 1640s, including William Hickman and Tobie Combe, a local gentleman, civil war committeeman, and puritan of radical tendencies.[209] Coxe was subsequently involved in the ejection of a minister from Ware, a puritan stronghold, in May 1656.[210] He was returned as MP in the three Protectorate parliaments, while continuing to serve locally as a JP.[211] Coxe's friendship with Cromwell is implied by a letter he received from his 'loving friend' in 1657, which complained that parliament had 'done nothing in fourteen days but debate Whether they should own the Government of these Nations as it is contained in the Petition and Advice', which formally offered the lord protector the title of king. Cromwell urged Coxe to be vigilant to suppress any disturbance 'from any party whatsoever', and to apprehend anyone who had been active in promoting the 'aforesaid treasonable Petition'.[212]

In the interim, despite Coxe's best efforts at ousting King from office, the latter remained a JP for Hertfordshire until the Restoration, still in the occasional employ of the Hertfordshire committee. Eventually, he moved to London, and settled in the parish of St. Anne and Agnes, Aldersgate, perhaps not coincidentally

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[207] TNA, SP 25/94, p. 377; H. Mares, 'Criminal informations of the attorneys-general in the King's Bench from Egerton to North', in M. Dyson and D. Ibbetson (eds.), *Law and Legal Process: Substantive Law and Procedure in English Legal History* (Cambridge, 2013), 167–85, at 173n.

[208] HMC, *Verulam*, 102.

[209] F&R, 968–90; Como, *Radical Parliamentarians*, 247–50.

[210] *CSPD*, 1655–6, 305.

[211] For Coxe during the interregnum, see for example: F&R, 24–57, 285–319, 456–90, 653–88, 753–64, 917–8, 968–90, 1038–42, 1058–97.

[212] T. Carlyle (ed.), *Oliver Cromwell's Letters and Speeches* (3 vols., London, 1846), iii, 504–5.

an epicentre of London presbyterianism during the Revolution, where Richard Heyrick and Christopher Love had served as ministers.[213] More tellingly, perhaps, King spent his later years defending his son, Sir John King, who predeceased his father by four years in 1677, from accusations of popery. Sir John, who rubbed shoulders with the likes of Simon Patrick and Zachary Cradock, future Bishop of Chichester and chaplain-in-ordinary to Charles II respectively, at Cambridge University during the civil war, went on to become a leading lawyer and solicitor-general to the Catholic duke of York, the future James II.[214] John senior died in 1681, and was interred alongside his father at St. Andrew's Undershaft.

Of course, we should note that St Albans was in some ways an exceptional town, almost uniquely well-positioned for news of what was unfolding at Westminster. Situated around twenty miles outside of London, on the main route leading to the Midlands and counties in the north-west, it was a crucial staging post on the road to and from the capital.[215] From the court-martial of Nathaniel Fiennes in 1643, to the establishment of army headquarters in 1647, it was also the site of important and often radical parliamentarian activity. This likely played at least some role in ensuring that independency prevailed not only among Alban Coxe and his fellow parishioners, but the town's ruling elite more generally. Conflicts over the nature of parliamentarianism were not, however, unique to St Albans. It may be a particularly stark case, but up and down the country parliamentarian committees served as terrains of a broader struggle to define the cause for which civil war was being fought. This was not a matter that divided merely political elites, but one that mobilised entire communities in the hope of shaping the course of Revolution.

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[213] T. Liu, *Puritan London: A Study of Religion and Society in the City Parishes* (Newark, DE, 1986), 65.

[214] King, *A Memoir,* 6*;* S. Handley, 'King, Sir John (1639–1677)', *ODNB* (Oxford, 2004).

[215] Page (ed.), *The Victoria History of the County of Hertfordshire*, ii, 469–77.

1.4   Conclusion

This chapter has traced the emergence of ideological conflicts across three different institutional contexts. The opening section revealed how the collapse of royal governance and the militia crisis of 1642 exposed ideological differences among Bristol's civic elite, which almost immediately splintered into royalist and parliamentarian factions. This was followed by an analysis of disafforestation and enclosure riots in Gillingham Forest, which revealed the practical difficulties parliament encountered when attempting to implement unilateral ordinances, and the legal and rhetorical strategies adopted to legitimate the exercise of powers that had hitherto been recognised as part of the royal prerogative. As John Lilburne was aware, parliament's appropriation of executive power exposed the limits of a politics that grounded the rights and liberties of the people in common and statute law. Finally, through the study of Hertfordshire committeemen Alban Coxe and John King, we saw how parliamentarianism was itself subject to internal struggle, as more and less radical factions vied to shape the outcomes of Revolution.

Through the course of this chapter, three important themes have emerged. The first is that these conflicts were not *caused* by the outbreak of war, but that the collapse of governance in 1642 exposed already-existing differences over the nature of political power and legitimate authority. We should understand these ideas in a dialectical relation to material circumstances: they provided a framework for how to understand the world, but one that adapted and transformed in relation to concrete experience. Religious concepts were invoked in making political arguments and vice versa, as mutually constitutive modes of apprehending and articulating a particular understanding of reality. It may be possible to express, in more or less secular terms, concepts such as Richard Towgood's absolute monarch, John Lilburne's free-born citizen, or Laurence Clarkson's sovereign people, but it is important to understand that they emerged in conjunction with ethical or moral judgements on how the world was supposed to be organised, almost invariably justified with recourse to the nature of God and the divine will.

The second, related, theme emphasised here, is that ideas of what constituted legitimate authority divided not only political elites, but the people at large. In certain cases, notions of parliamentary or popular sovereignty could actively

encourage appeals to the broader population, as in the example of Bristol's parliamentarians soliciting a petition from the women of the town. This was the outcome of a political faction willing to countenance the idea that the people held a rightful say in how they were governed. Such ideas were not necessarily imposed from on high, but emerged from within communities exposed to heterodox discourses. The parish of St. Peter's, in St Albans, is a perfect example of how a particular social and religious constellation created a congregation predisposed to independency and political radicalism. Throughout this thesis, other examples of common people exercising critical judgements on political power will be explored, indicative of a population more than able to articulate arguments over what constituted legitimate authority, including in more obviously constitutional terms.

Finally, the chapter has sought to question the revisionist notion of 'parliamentary tyranny'. This, on the one hand, was challenged through the case of the riots in Gillingham Forest, in which the intransigence of local officials and rioters hampered parliament's ability to bring the latter to trial and punishment. The notion was also refuted through the study of the divided parliamentarian committees in Hertfordshire, which were shown to be internally conflictual and terrains of struggle that refracted broader ideological currents. The possibility that parliament was in a position to exercise 'tyranny' over the nation in the 1640s is one that will be disputed throughout this thesis, which will argue that parliamentarians were constrained by the perceived necessity of presenting their actions as political continuities, rather than radical innovations.

Chapter Two

'In the eye of all'
Dissensus and the contestation of public space

The previous chapter offered some indication that public space became a battleground for ideological conflicts during the Revolution. This chapter focuses on the contestation of different kinds of urban space by and between royalist and parliamentarian emissaries, local officials, and common people. In accordance with recent historical work embracing the so-called 'spatial turn', my arguments are founded on the notion that public space was not a passive backdrop to events, but was central to the exercise of early modern power.[1] As is well known, political authority was produced through the repetition of certain kinds of rituals, evident both in spectacular set-piece pageantry and in more banal forms, such as the scarlet robes by which various elites distinguished themselves from their subordinates. Space itself was complicit in this ritual production of authority, and the various associations and connotations of urban sites were frequently co-opted, disrupted, and subverted by authorities and ordinary people during the 1640s. This chapter argues that the politics of civil war was revolutionary because formal political conflict was rendered visible; the banal spaces and symbols of power became obviously contested between rival authorities. This did not happen outside of the worlds of common people, but in the very streets and marketplaces of their parishes.

The chapter is, therefore, indebted to scholarship that has considered the 'accessibility' of early modern politics as an intrinsic element of contemporary

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[1] For recent works of early modern history that consciously engage with theoretical aspects of the 'spatial turn', see, for e.g. A. Flather, *Gender and Space in Early Modern England* (Woodbridge, 2011); J. Peacey, '"To meet in Moorfields": the places and spaces of revolt in early modern London', in P. Bravo and J. C. D'Amico (eds.), *Territoires, Lieux et Espaces de la Révolte* (Dijon, 2017), 127–40; F. Williamson (ed.), *Locating Agency: Space, Power and Popular Politics* (Newcastle, 2010); idem, *Social Relations and Urban Space: Norwich, 1600–1700* (Woodbridge, 2014); F. Williamson and E. Southard, 'Drinking houses, popular politics and the middling sorts in early seventeenth-century Norwich', *Cultural and Social History*, vol. 12, no. 1 (2015), 9-26; Wood, *Riot*, esp. ch. 4.

political and legal processes. However, such work has tended to focus on London, and prescribed popular access to Westminster Palace and other 'official' political spaces.[2] In contrast, this chapter explores the contingent irruption of the formal politics of civil war into the localities, in order to demonstrate that the experience of political conflict could generate new political practices and spatial associations. Whereas previous scholarship has revealed how religious sites, including churches and cathedrals, were frequent targets of popular iconoclasm, this chapter demonstrates that even more banal urban spaces were contested during civil war.[3] This definition of public space, therefore, has much in common with the classical republican identification of the 'public' with those involved in civil governance, and pertains to the sites and spaces under their secular jurisdiction.[4] The chapter is particularly interested in how the organisation and appearance of urban space was understood in ideological terms: in the midst of civil war, banal architectural features of towns and cities, such as market crosses, and the decorative signs adorning inns and taverns, suddenly took on dramatic new meanings, becoming microscopic arenas for the waging of civil war.

The chapter seeks to demonstrate how conflict played out in public space, and to suggest some potential ramifications for how common people related to politics itself. Central to its argument is the concept of 'dissensus', as formulated by political theorist Jacques Rancière.[5] For Rancière, the quotidian operation of

[2] See, for example, C. R. Kyle and J. Peacey, '"Under cover of so much coming and going": public access to parliament and the political process in early modern England', in C. R. Kyle and J. Peacey (eds.), *Parliament at Work: Parliamentary Committees, Political Power and Public Access in Early Modern England* (Woodbridge, 2002), 1–23; C. R. Kyle, 'Parliament and the palace of Westminster: an exploration of public space in the early seventeenth century', *Parliamentary History*, vol. 21 (2002), 85–98.

[3] See, for example, J. Spraggon, *Puritan Iconoclasm During the English Civil War* (Woodbridge, 2003); J. Walter, 'Popular iconoclasm and the politics of the parish in eastern England', 1640–1642, *HJ*, vol. 47, no. 2 (2004), 261–90; A. Milton, 'Religion and community in pre-civil war England' in N. Tyacke (ed.), *The English Revolution, c. 1590–1720: Politics, Religion, and Communities* (Manchester, 2007), 62–80.

[4] R. Cust, 'The "public man" in late Tudor and early Stuart England', in P. Lake and S. Pincus (eds.), *The Politics of the Public Sphere in Early Modern England* (Manchester, 2007), 116–43.

[5] J. Rancière, *Dissensus: On Politics and Aesthetics*, trans. S. Corcoran (London, 2015), passim.

power occurs not through conspicuous force, but through the almost imperceptible social operation by which certain gestures, words, and images are recognised as proper and common-sensical, at the expense of those dismissed as improper and/or non-sensical; as, for example, the designation of certain sounds as speech rather than mere noise. In early modern England, *proper* political speech was authorised through its expression in an appropriate set form, whether in the publication of a proclamation, the swearing of an oath of office, or the deferential formulation of a petition. These set forms simultaneously determined *who* was allowed to speak, *what* they were permitted to speak about, and *how* they were permitted to say it.

'Dissensus', however, refers to a radical interruption in our experience of normality, which bears the potential to expose the absolute contingency of such political norms. In the words of Todd May, dissensus disrupts 'not only the power arrangements of the social order, but, and more deeply, the perceptual and epistemic underpinnings of that order, the obviousness and naturalness that attaches to the order'.[6] The experience of dissensus permits the reorganisation of our sensible worlds; the recognition of the ranting and raving of the 'fanatic' as a proper and legitimate political intervention. This chapter contends that the Revolutionary conflicts that played out in streets, market squares, courtrooms, and alehouses produced moments of dissensus, by which public space was transformed from a site for the simple representation of monarchical power to a terrain of ideological struggle. Whether through the public burning of royal proclamations, the surreptitious scattering of scandalous pamphlets, or the heated debates of the alehouse bench, ordinary people experienced politics as a contingent, earthly struggle rather than a timeless, natural order.

Novel practices of public politics will be traced in this chapter through three different kinds of public space. The first will focus on the open marketplaces and streets of early modern England, which were particularly important as long-established sites for the performance of royal and local authority. The king's proclamations were conventionally published and posted in the marketplaces of villages, towns, and cities across the country, and the market cross was a frequent

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[6] T. May, 'Review of Jacques Rancière, Dissensus: On Politics and Aesthetics', *Notre Dame Philosophical Reviews* (2010), <https://ndpr.nd.edu/news/dissensus-on-politics -and-aesthetics>, accessed 24 Nov. 2020.

stage for performances of power by civic corporations. This ensured that market squares were fiercely contested by rival royalist and parliamentarian emissaries seeking to establish their control over urban territories. The section suggests that the power of these elites was never absolute, and explores the strategies by which ordinary people challenged or undermined it, including through the scattering of printed texts and the vandalism of high crosses. Finally, it argues that the distinctive practices of public space by radical independents should be recognised as a particular form of puritan piety, by which the elect were able to distinguish and affirm their identities before their fellow townspeople.

The second section demonstrates how provincial courthouses were also contested spaces during civil war. On the one hand, it explores the various strategies by which royalist and parliamentarian officials sought to exercise control over court meetings, including the manipulation of grand juries and the intimidation of jurors. This involves exploring the grand jury's distinctive role as the quasi-official voice of the shire, authorised to formulate petitions to the governmental 'centre' on behalf of the county. On the other hand, it demonstrates how court sessions provided a public stage for the articulation of radical ideas, including by defendants such as the independent preacher Christopher Feake, who launched into a scandalous attack on 'Monarchie and Aristocracie' at the Hertford assizes in the mid-1640s. Finally, the section suggests that political radicals such as John Lilburne and Henry Marten deliberately sought to undermine the ritual forms of courtroom authority, where the power of the judiciary was exercised through a glorious supporting apparatus of scarlet robes, formal titles, and legal jargon.

The third and final section of the chapter focuses on the various uses of inns, taverns and alehouses through the 1640s. It demonstrates how public houses were used as organisational bases by royalist and parliamentarian officials throughout the civil war, and suggests that this enabled common people to witness and participate in the nuts and bolts of Revolutionary politics. Inns and taverns were sites of popular initiative, where petitions were formulated and subscribed, and plots hatched. It further explores how such establishments were portrayed as sites of popular politicisation, identified by royalist and presbyterian pamphleteers as the root cause of the civil war conflicts. In the panicked words of presbyterian minister Edward Bowles, faction had escaped walls of taverns and

'got into private houses, and publick streets'.[7] Finally, the section demonstrates how public houses became associated with radical independency, in both its parliamentary political and religious forms.

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[7] E. Bowles, *Good Counsell for Evil Times* (London, 1648), 22.

2.1 Streets and marketplaces

Throughout the early modern period, subjects far removed from Westminster were constantly reminded of their subordination to various kinds of political power. As historians have become increasingly aware, public space was not a neutral stage upon which performances of authority played out, but was itself complicit in the reproduction of certain power relations. At least before the 1640s, one could hardly pass through a market town without encountering architectural iterations of monarchical authority; in enfranchised towns or cities, the dominion of local corporations was marked out not only by the grand facades of guildhalls and the pageantry of local grandees, but through such banal 'spatialising' practices as the cleaning of streets and regulation of market trading, which served to mark out the public spaces of the city as the domain of the local citizenry.[8] During civil war, however, squares, streets, and shopfronts became sites of visible ideological conflict, loci of dissensus, in which the political consensus of early modern politics broke down to reveal its conflicts and contingencies. In what follows, this process will be traced, in part by focusing on the multifarious uses of public space by royalist and parliamentarian officials seeking to establish control over urban areas. However, this section will also focus on the ways that ordinary people challenged or undermined this authority, including through the scattering of printed political polemics, the occupation of market squares, and the vandalism of high crosses.

Much of the public politics of the civil war played out in market squares and at their high crosses. Squares were usually situated in the centre of towns and cities, and, especially on market days, would have guaranteed a large audience for the reading of proclamations and declarations. The puritan cleric Arthur Dent observed that 'they which proclaim any matter, seek some market-crosse, or high place to stand in, where they may be heard'.[9] Crosses were useful for official announcements, guaranteeing large crowds while permitting individuals to speak over the din of the marketplace. Yet they had also long garnered a reputation as official spaces, where local and national politics converged to reinforce the authority of both the king and the local elite. This was partly resultant of the fact that the cross was an official symbol of a town's market status as granted by royal

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[8] See, for example, Williamson, *Social Relations*, esp. ch. 2.

[9] A. Dent, *The Ruine of Rome* (London, 1644), 320.

charter.[10] More obviously, the cross was the location at which royal proclamations were conventionally published, and served as a space of quotidian encounter with representations of royal majesty. In 1603, upon the accession of James VI and I, the new king's image was posted at Bristol's high cross; by 1633, the same structure had become even more egregious a display of regal grandeur, with statues of Henry VI, Elizabeth I, James VI and I and reigning monarch Charles I added, among other 'improvements', at a cost of over two-hundred pounds.[11] The cross formed an important focal point for civic rituals, including the annual swearing-in of the mayor, marked by the gathering of officials under the cross before a procession through the streets.[12] Public statues of the king may have been more common than acknowledged: after his safe return from Spain in 1623, Charles presented a gilt lead bust by the French sculptor Hubert le Sueur to the town of Portsmouth; a chalk bust by the same artist, dated to 1635, adorned the high cross at Chichester.[13] An official account of Charles's visit to Leicester in 1642 noted that he was 'pleased to walke on foote through the streetes by the High Cross to Church', with the mayor carrying the town mace 'before his Majestie and the Aldermen'.[14] The square was, most obviously, a place for the projection of civic honour, but this was in no small part derived from the connection it implied to the monarch, by whose grace and protection the city's corporation exercised its right to govern.

Market squares and high crosses were, therefore, not simply convenient locations for official announcements, but symbolic arenas that reproduced certain conceptions of the nature of sovereignty, authority, and the early modern state. This ideological operation took place as much through banal, quotidian encounters as spectacular set-piece pageantry. It is hardly surprising, therefore, that squares became sites of conflict from the militia crisis onwards. This, most conventionally, took the form of conflicts over the posting of official texts at the market cross. In 1643, John Vicars recounted an incident from the outbreak of

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[10] A. Everitt, 'The market town', in P. Clark (ed.), *The Early Modern Town: A Reader* (London, 1976), 168–204, at 181.

[11] W. Tyson, *The Bristol Memorialist* (Bristol, 1823), 122, 126.

[12] Sacks, *The Widening Gate*, 177.

[13] K. A. Esdaile, 'The busts and statues of Charles I', *The Burlington Magazine*, vol. 91, no. 550 (1949), 9–14.

[14] Stocks, *Leicester*, 316.

war at St Albans, in which the high sheriff of Hertfordshire, Sir Thomas Coningsby, had published a proclamation 'in his Majesties name, that all should forthwith lay downe their Armes' or face the wrath of his *posse comitatus* as traitors. Coningsby had deliberately chosen market day to execute his commission, and after the proclamation was read aloud, it was 'fixed upon severall places in the Market', whereupon six of Oliver Cromwell's parliamentarian troops swooped in and, after a tussle involving some of the locals, detained Coningsby.[15] He was later summoned before parliament, and committed to the Tower of London.[16] The significance of market squares as spaces of authority, as well as their centrality to the life of the town, made them particularly likely sites of confrontation between royalist and parliamentarian emissaries. As we shall see in the following chapter, in areas under parliamentarian control, MPs could publish their declarations in a similar ritual form to royal proclamations, having them read out and posted in the market square.

However, parliamentarian officials occasionally sought to invert or violate norms in the publication of proclamations. Perhaps the most spectacular example is from Bristol, in 1643, while the town was still under parliamentarian occupation. On one Saturday in March, governor Nathaniel Fiennes burst into the city's bustling market square, arriving at the high cross 'attended by a Troope of Horse'. It was, according to one pamphlet, the 'chiefe Market day, when the Market was fullest that the news might be carryed into all parts of the Country'. The day before, a royal proclamation had been published in the city by the town serjeant, forbidding 'all Sea-men, and Mariners, and all Officers of His Navy to take imployment under the Earle [of Warwick]', who had secured control of the navy for parliament in the early summer of 1642.[17] On Fiennes's command, a parliamentary declaration was read, before he declared that 'the Proclamation

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[15] J. Vicars, *God on the Mount, or a Continuation of Englands Parliamentary Chronicle* (London, 1643), 246.

[16] *CJ*, ii, 1000–1; *To All the World to View … to Judge of Thomas Coningsby of Northmynis* (London, 1647); T. Coningsby, *The Many Sufferings of an Undone Gentleman* ([London], 1648).

[17] S. Kelsey, 'Rich, Robert, second earl of Warwick (1587–1658)', *ODNB* (Oxford, 2004). For the proclamation, see *A Proclamation concerning His Majesties Navy* (Oxford, 1643).

published the day before was a scandalous and libellous paper, and such as deserved to be burnt by the hand of a publique Hangman'. Fiennes then held a pistol to the same town serjeant that had published the proclamation against Warwick, and demanded he set it alight, threatening to shoot if the burning text was not held high enough for all to see.[18]

Most obviously, this act can be interpreted as a violent threat. Fiennes's toting of a pistol was clearly a promise of retribution upon those that failed to obey his, and, by association, parliament's commands. Yet we might also understand it as a deliberate subversion of the ritual form by which royal power was instantiated. The fact that the king's authority announced itself in the localities in a certain fixed form, through proclamations read by local officials at the high cross, wearing scarlet robes and uttering formal, iterative phrases, is an example of the way power operates through 'so many repetitions of the inaugural act of institution carried out by a universally recognized authority'. Charles I was king not by his own pretensions, but through 'collective belief, guaranteed by the institution and made concrete through qualifications and symbols like stripes, uniforms and other attributes'. The iteration and reiteration of ritual form, including the organisation of the space in which authority speaks, is one of the means by which power reproduces itself. Disrupting these symbolic iterations of power is, therefore, a potentially revolutionary act, not least through its implicit suggestion of a political *alternative*, forcing subjects to reconsider the very 'dispositions' that render symbolic acts effective.[19] In Jacques Rancière's terminology, it produces the possibility of dissensus, in which the established ways of doing and seeing are revealed to be a mere perceptive scaffold, upholding a contingent social order.

If Fiennes's theatrics constituted a mere *threat* of violence, he was equally willing to use the space of the market square to make good on the promise of retribution. The marketplace had traditionally been used as an arena of public punishment for both spiritual and civil offences, and during the civil war became one for the exemplary punishment of traitors.[20] In 1643, Bristol's royalist plotters

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[18] *The Two State Martyrs*, 7–8.

[19] P. Bourdieu, *Language and Symbolic Power*, ed. J. B. Thompson, trans. G. Raymond and M. Adamson (Cambridge, 1991), 125–6.

[20] D. Postles, 'The market place as space', passim.

Robert Yeamans and George Bowcher were handed down a death sentence by a public council of war at St Albans.[21] Receiving word of the imminent execution, Charles I subsequently wrote to Bristol's corporation. He addressed 'the mayor, aldermen, sheriffs, and common-council', declaring that Yeamans and Bowcher were imprisoned for performing 'their duty & loyalty to us & for refusinge to joyne or assist this horrid & odious Rebellion against us', and warned that unless they prevented the 'murder', the corporation's members would be looked upon as 'most desp[er]ate betrayers of us and the lawes & libertyes of yo[u]r fellow subjects'. The letter was to be used as a 'warrant' to prevent the execution of the men, and thus was designed to provide legal authority to 'kill & slay' all of those that attempted to do so.[22] Having received intelligence of its imminent arrival, Fiennes 'kept the Gates shut to keepe out the Messenger, untill their intended Murthers were fully finished'. The messenger was eventually admitted into the city, only to be committed to prison.[23] Fiennes claimed that the letter was not merely to induce the addressed into halting the execution of Bowcher and Yeamans, but also to 'stirre … up' the townspeople, apparently evidenced by the fact the letter was accompanied by a trumpeter to the end that all were to be aware of its arrival. Fiennes careful control of the city's gates proved sufficient to ensure a routine execution. Bowcher and Yeamans were eventually hanged 'at midday and in the middle of the Town', with Fiennes eager to use the opportunity to display his power over Bristol.[24]

Aside from the fact that public space was used for the exemplary punishment of traitors to the parliamentarian cause, the case reveals how the regulation of space involved both putting events on display and concealing others from view. The same year, during the royalist siege of Gloucester, Charles dispatched two 'Heraulds at Armes' to deliver his notice to 'the inhabitants of, and all other persons within that City, as well Souldiers as others … that if they shall immediately submit themselves, and deliver this City to Us, We are contented

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[21] William Prynne and Clement Walker mention 'the trials of Yeomans and Butcher at Bristoll before Colonell Fiennes himself, which were publike'. See W. Prynne and C. Walker, *A True and Full Relation of the Prosecution, Arraignment, Tryall, and Condemnation of Nathaniel Fiennes* (London, 1644), 12; *The Two State Martyrs*, 11.

[22] TNA, SP 16/497, fol. 158.

[23] *The Two State Martyrs*, 19.

[24] Prynne and Walker, *A True and Full Relation*, 20.

freely and absolutely to pardon every one of them without exception'.[25] An account written by the town clerk John Dorney reveals that the heralds were admitted into the city, and read the message at the 'talsey' or town hall, where their audience seems likely to have been restricted to corporation officials and the governor of the parliamentarian garrison, Edward Massey, perhaps with a few citizens and soldiers in attendance. Dorney claimed that one of the heralds 'mentioned the publishing of this message openly in the streete, but his Majesty by his message not requiring the same, the Governour would no wayes permit it'.[26] In other words, the royal delegates wanted the king's message to be read in public before the townspeople, seemingly in the hope it would induce them into compelling the governor to accede to the royal demand. That the king did not order the message to be read in the street appears to have given Massey an easy excuse to avoid a potential confrontation with the city's royalists. In spite of Richard Baxter's observation that the people of Gloucester were, in general, parliamentarian in allegiance, Massey remained cautious of permitting them to hear the words of the king.[27] These are instances of pragmatic censorship, where genuine publicity threatened to encourage support for the king, and compromise the parliamentarian war effort.

Occasionally, parliamentarians found themselves on the other side of this kind of careful control of public space, and had to find strategies to circumvent it. In advance of the siege of the royalist-held Worcester in 1643, parliamentarian general Sir William Waller sought to take advantage of the temporary absence of governor Sir William Russell, who was away in Oxford, in order 'to induce the citizens unto him'. Waller 'scattered abroad the streets some papers', in which he declared it his divine mission to rescue 'the dangers of your religion, your persons and goods, and the privileges of your corporation ... from the oppression of your present governors'. He promised 'that all such as shall appear willingly to welcome my endeavours shall be not only received to free quarter, but protected

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[25] J. Corbet, *An Historicall Relation of the Military Government of Gloucester* (London, 1645), 42

[26] J. Dorney, *A Briefe and Exact Relation of the ... Seige laid before the City of Glocester* (London, 1643), 3.

[27] L. Bacon (ed.), *Select Practical Writings of Richard Baxter* (2 vols., New Haven, CT, 1831), i, 68.

to the utmost of my power'.[28] The episode made it into the royalist newsbook *Mercurius Aulicus*, which reported that Waller 'sent Tickets signed with his owne hand ... which by some private brethren were scattered about the streetes in the night, on purpose to raise a factious party amongst them'. However, it claimed that Waller's 'tricks would not draw the honest and loyall Inhabitants of Worcester from their Allegiance', resulting in an attempt at a rather more candid address. Waller reportedly dispatched a trumpeter to 'summon in the Towne', though without much success: the trumpeter was thrice told to leave before being shot at by a royalist captain, at which point he finally fled the city.[29]

As shall be seen later in this thesis, streets and marketplaces were locations for popular political discussions and disagreements. It was also a place where people could encounter unauthorised and occasionally incendiary political tracts. The scattering of texts in the streets may be most closely associated with the Levellers in London, but such tactics were employed by dissidents in the north even before the outbreak of war in England. Such a case is revealed by a letter sent by Alexander Davison, the mayor of Newcastle, to the secretary of state Francis Windebank in February 1639. Davison was alarmed by the sudden appearance of a number of unnamed books, which had been sent in the running post from Scotland with 'direc[ti]ons for the publisheing thereof'. Worse still, under the cloak of darkness the same night, 'diverse of the same bookes were scattered abroad; and cast in al the doores and shopp windoes of diverse severall people' in Newcastle. In all, eighteen copies of the book had been brought before the mayor, though a few may have been secretly retained by those rather more amenable to its scandalous contents. Davison had taken immediate advice from the royalist Sir Jacob Astley, ordering, in open market, all copies to be brought to the mayor; as well as commanding the town's ministers to 'advice and admonish the people of this place to beware of being any way misled or seduced by this booke'.[30] Newcastle's geographical proximity to the Scottish border may offer some clue as to the book's contents. In a pamphlet published in 1643, one John Fenwicke, a merchant, recalled having been sent a copy of the National Covenant by 'a worthy Minister ... with a relation of the solemne taking of it in that

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[28] Porter, Roberts and Roy (eds.), *The Diary and Papers of Henry Townshend*, 127.

[29] *Mercurius Aulicus*, May 28–Jun. 3, (1643), 287–8.

[30] TNA, SP 16/413, fol. 10r.

Kingdom'. A letter from Windebank in May 1642 accused Fenwick and one Thomas Betelston, a Newcastle tanner, of having 'subscribed to the covenant and carried with them the names of diverse others which will doe the like'. Fenwick and Betelston were ordered to be arrested and committed 'immediatly to Prison'.[31] The highly public distribution of these texts appears to have been particularly alarming for both local and national authorities.

The public distribution of texts could also be used to wage factional struggles within parliamentarianism. In 1644, the godly official James Whinnell of Wisbech, Cambridgeshire, had become embroiled in an intra-parliamentarian controversy that partly played out in public, when he was added to the county's sequestration committee along with a handful of other modest but zealous parliamentarians.[32] The appointments upset the original sequestrators, who procured a letter of condemnation from the earl of Manchester accusing the new appointees, in presumably a barb at their humble social status, of failing to understand the relevant parliamentary ordinances 'through their ignorance and illiteratenesse'. Remarkably, the letter was printed and 'set upon Posts in the Market-places where they dwell', in a clear public attack on their reputations. Whinnell and his allies subsequently petitioned parliament, enumerating several reasons why Manchester's letter must have been a forgery.[33] However, they were to be disappointed: the letter appears to have been genuine, and Whinnell would spend the following years embroiled in disputes with various factional rivals. He wound up imprisoned in the Fleet for having reportedly spoken words against the Viscount Saye and Sele, consisting of an allegation that he had too easily surrendered Leicester to royalist forces. In Whinnell's own account, the accusation was a lie fabricated by powerful local figures, including the son of the viscount, Richard Fiennes, as revenge for Whinnell's vigorous enforcement of sequestration and the parliamentary excise.[34]

Such a case, however, reveals how the marketplace became the arena where

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[31] J. Fenwicke, *Christ ruling in midst of his Enemies* (London, 1643), 2, unpag.

[32] S. L. Sadler, '"The smoke of war": the impact of the civil war on Cambridgeshire', *Cromwelliana* (1996), 19–28.

[33] *To the Right Honorable the Lords and Commons Assembled in Parliament* ([London], 1644), sig. A2v, A3r, passim.

[34] *LJ*, vii, 707; J. Whinnell, *Matters of great Concernement: both in the wars and Commonwealth* ([London], 1646), 47.

all kinds of political struggles could play out. In this instance, Whinnell's antagonists may have tried to play on popular stereotypes of the tyrannical committeeman or fanatical exciseman in an attempt to drum up public discontent. According to one 1648 pamphlet, the 'Excize upon bread and beer, and flesh and cloathes, and such like things as are sold in the market for mans use' was the result of monopolisers coming to be 'Members and Favourites of the Parliament', who had 'opened this Pandora's Box, and let loose amongst us all those Dutch miseries'. This argument was framed as justification for a return to royal absolutism, for such taxes had not been so burdensome 'while the King had the sole power in His Hands'.[35] Other attempts at intimidating Whinnell were, however, rather more direct: he later recalled soldiers being sent to his house, who 'broke up two or three doores, took divers sums of mony, appointed men to inventory my goods', and imprisoned him for forty days.[36]

The marketplace could also be the location for the burning of scandalous texts and images by authorities. Examples of pamphlets and petitions ordered by parliament to be burnt in London are legion, yet similar episodes can be found in the localities too.[37] This was as evident as early as 1637, when puritan lawyer and polemicist William Prynne was paraded through Chester en route to his imprisonment in Caernarfon Castle for the publication of a sequence of seditious pamphlets. A local pamphleteering campaign organised by a puritan lawyer, John Bostock, reportedly precipitated a spirit of sympathy among Chester's locals, and Prynne was well-received by prominent citizens upon his arrival at the city.[38] Five portraits were commissioned of Prynne by like-minded locals, which were seized and burnt at the high cross on the instructions of the archbishop of York, Richard

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[35] E. Symmons, *A Vindication of King Charles: or, a Loyal Subjects Duty* (n.p., 1648), 110; For more on the trope of the parliamentarian exciseman, see C. Boswell, *Disaffection and Everyday Life in Interregnum England* (Woodbridge, 2017), ch. 4.

[36] Whinnell, *Matters of great Concernement*, 9.

[37] For more on book-burning in general, see A. Hessayon, 'Incendiary texts: book burning in England, c.1640–c.1660', *Cromohs*, vol. 12 (2007), 1–25.

[38] G. Blomfeld, 'On puritanism in Chester in 1637: an account of the reception of William Prynne', *Journal of the Chester Archaeological Society*, vol. 3 (1885), 271–88. For more on Bostock, see: J. Fielding (ed.), *The Diary of Robert Woodford 1637–1641* (Cambridge, Camden 5th Series, xlii, 2012), 252n.

Neile.[39] Though the burning of texts appears to have been relatively commonplace during civil war, this was not necessarily something which people were accustomed to witnessing. According to Mark Kishlansky, it was not until May 1634, and the scandal occasioned by the publication of Prynne's *Histrio-mastix*, that the hangman first publicly burnt a book.[40] During civil war, book-burning itself may have been a symbolically efficacious act, not least given the associations royalists drew between scandalous pamphleteering and parliamentarianism. In the indicative words of royalist soldier Sir George Wharton, parliament's print publications were a means for 'seducing' a 'Many-headed-Monster Multitude', and of politicising those unfit to partake in public life, and turning them against their rightful monarch.[41] An account of the 1642 arrival of royalist troops at Marlborough, Wiltshire, in 1642, described by the earl of Clarendon as 'a town the most notoriously disaffected of all that county', detailed the extensive damage soldiers dealt to its bookshops.[42] According to the pamphlet, soldiers 'tooke all the greatest Bookes the Booke-sellers had in their shops, and all the smaller Bookes they burnt', maintaining a 'great fire for five houres ... with nothing but Bookes and Papers'.[43] It is impossible to explain their apparent dedication to book-burning without taking account of the associations of the printed word with a kind of seditious parliamentarianism that was deemed guilty of making political appeals to the masses.

We can see, then, how the marketplace was a space where political authority was presented, encountered, and in some cases, subverted. As Dave Postles has previously noted, however, the marketplace was not only a secular space, but one that was overlaid with spiritual import.[44] The occupation of public space on

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[39] D. Cressy, 'Different kinds of speaking: symbolic violence and secular iconoclasm in Early Modern England', in M. C. McClendon, J. P. Ward and M. MacDonald (eds.), *Protestant Identities: Religion, Society, and Self-Fashioning in Post-Reformation England* (Stanford, CA, 1999), 19–42, esp. 29–30.

[40] M. Kishlansky, 'A whipper whipped: the sedition of William Prynne', *HJ*, vol. 56, no. 3 (2013), 603–27, at 604.

[41] Achinstein, *Milton*, 11.

[42] *Clarendon*, iii, 340.

[43] T. B., W. B., O. B., J. H., *Marlborowes Miseries, or, England turned Ireland by the Lord Digby and Daniel Oneale* (London, 1643), 5.

[44] Postles, 'The market place', passim.

certain holidays was, for instance, a means for puritans and separatists to perform their godliness within view of their fellow townspeople. Dorothy Hazzard, the Bristol separatist encountered in the previous chapter, was reported to have spent Christmas days in the 1630s refusing to observe 'the superstitions and traditions of those days … their invented times and feasts, called holy days', instead opening her grocer's shop on Bristol's High Street, near the high cross, where she would sit sewing 'as a witness for God … in the face of the sun, and the sight of all men'.[45] In the midst of civil war, such visible contempt for traditional holidays and feast days could prove controversial. At Bury St Edmunds in 1646, around 150 apprentices and others hatched a plot to gather at the market cross and punish 'whosoever should set open their Shops' on Christmas day by plucking out the owners, setting fire to their houses, and murdering anyone who dared resist. Fortunately, some renegade apprentices gave the local magistrates advance notice of the plot. The magistrates gathered with local constables in the town on December 25, and were able to quell the unrest before anyone was killed.[46] The rioters had reportedly targeted the open shop of mercer John Lanseter, a central figure in Bury's separatist congregation, which had been established the year prior with the help of the Leveller-associated London separatists, Samuel and Katherine Chidley.[47] A year later, a royalist insurrection in Canterbury was triggered when the mayor of the town ordered the crier to proclaim 'that Christmas day, and all other Superstitious Festivals should be put downe, and that a Market should be kept upon Christmas day'. The order was poorly received, and the few shopkeepers that complied found themselves at the mercy of the multitude, by whom 'their ware was thrown up and down, and they at last forced to shut in'.[48]

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[45] Underhill (ed.), *The Records of a Church of Christ*, 10.

[46] L. M., *A Perfect Relation of the Horrible Plot, and bloudy Conspiracie, of the Malignant party at Edmondbury in Suffolk* (London, 1647), 2–5, at 3.

[47] A. L. Morton, 'John Lanseter of Bury', *Proceedings of the Suffolk Institute of Archaeology*, vol. 28 (1961), 29–53; J. Halcomb, 'Godly order and the trumpet of defiance: the politics of congregational church life during the English Revolution', in M. Davies, A. Dunan-Page and J. Halcomb (eds.), *Church Life: Pastors, Congregations, and the Experience of Dissent in Seventeenth-Century England* (Oxford, 2019), 25–44, at 38.

[48] *Canterbury Christmas: or, a True Relation of the Insurrection in Canterbury on*

The historiographical attention to puritan iconoclasm and vehement opposition to Catholic sacraments may well have blinded historians to the performative dimensions of puritanism itself. Giorgio Agamben has previously drawn attention to the 'mystical' fact that Christian sacraments are not symbolic 'representations' of an exterior rite, or mere performances, but are absolutely *performative*, insofar as their very acting-out enacts transformations in the world through the salvation of those that partake.[49] Yet we might fruitfully think of Hazzard and Lanseter's provocative presence in public space on Christmas day as themselves acts that formed part of a 'puritan habitus', in accordance with a theological discourse that 'constructed puritan identity communally, as an obligatory, liminal participatory process that ... abandons the ordering categories of the dominant culture, and constructs itself as a resistant force opposed to those categories'.[50] Read through this lens, the provocative uses of public space by puritans and separatists were not mere protests against a Catholicised Anglicanism, but integral to a distinctive form of piety by which the elect were able to distinguish and affirm their identities as such.

At times, the marketplace could be used to display even more egregious rituals of anti-Catholicism. In 1643, the Norwich corporation sanctioned the burning of 'scandalous' religious images in the market square.[51] In a pamphlet published in 1647, royalist clergyman John Barwick complained that a Cambridge preacher had been chased across the town's marketplace 'by a confused number of Souldiers' crying 'A Pope, A Pope'. In order to 'propagate their owne wickednesse, and make us odious and abominable to the whole Country', Barwick complained, the soldiers 'invented a pretty device to reserve out of their plunder all sorts of pictures ... paper prints of the twelve Apostles', which the soldiers burnt in the square every market day, proclaiming them the 'Popish Idols of the University'.[52]

Christmas day last (London, 1648), 1.

[49] G. Agamben, *Creation and Anarchy: The Work of Art and the Religion of Capitalism*, trans. A. Kotsko (Stanford, CA, 2019), 10.

[50] S. du Toit, 'The antitheatrical body: puritans and performance in early modern England, 1577–1620' (Ph.D. diss., University of Maryland, College Park, 2008), 4.

[51] Wood, *Riot*, 119.

[52] [J. Barwick], *Querela Cantabrigiensis: or a Remonstrance by way of Apologie, for the banished Members of the late flourishing University of Cambridge* (n.p., 1647), 10, 13.

In at least some towns, high crosses themselves fell victim to puritanical zeal. The structure represented the intersection of earthly and divine authority, and pamphlets from early in the 1640s reveal puritan condemnations of crosses, not only as idolatrous, but as the sites of sacraments redolent of 'popery'. The cross in the Somerset town of Wells, for instance, was used from at least the sixteenth century for public penance, often for individuals found guilty of sexual indiscretions.[53] However, this was not uniformly the case. In 1642, parliament attacked the bishop of Bath and Wells, William Piers, an Arminian and close ally of archbishop William Laud, with a list of articles of impeachment subsequently printed for popular consumption. *Inter alia*, Piers was accused of having been responsible for the indictments of churchwardens in the parish of Beckington in 1636, 'as for a Riot in hindring the removing of the Table in that Church', as well as other churchwardens for 'not rayling in the communion Table, and placing it Alterwise against the East wall of the Chancell'. The churchwardens at Beckington were not absolved from excommunication until they 'had done such open and ignominious pennance, as the said Bishop enjoyned them', at the market cross in Wells. One of those punished, James Wheeler, was said to have found the penance so 'against his Conscience' that he 'fell into a consumption through griefe, and so dyed'.[54] The cross in Wells appears to have remained standing after the civil war, though others were not so fortunate. In June 1643, parliamentarian colonel William Purefoy, a puritan, ordered his soldiers to demolish the market cross in Warwick.[55] Crosses elsewhere, including in Manchester and Sandbach, were also destroyed.[56] Doubtless there are many more examples.

Perhaps the most famous episode of vandalism involved the pulling down of Cheapside Cross in London in 1643. One attempt at its defacing was

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[53] See, for example, HMC, *Calendar of the Manuscripts of the Dean and Chapter of Wells* (2 vols., London, 1907–14), ii, 328, 329, 389, 413.

[54] *Articles of Accusation and Impeachment of the House of Commons, and all the Commons of England against William Pierce* (London, 1642), 6.

[55] Spraggon, *Puritan Iconoclasm*, 118.

[56] D. Lysons and S. Lysons, *Magna Brittania: Being a Concise Topographical Account of the Several Counties of Great Britain, Vol. II Part II, Containing the County Palatine of Chester* (London, 1810), 459; F. Moss, 'Address on early Manchester', *Transactions of the Lancashire and Cheshire Antiquarian Society*, vol. 26 (1909), 170–4 at 173.

memorialised in a 1641 publication by Henry Peacham, which featured a woodcut of two men climbing onto the cross, one labelled an 'Anabaptist' and the other a 'Brownist'. The pamphlet, written as a satirical conversation between Charing Cross and Cheapside Cross, emphasised the iconoclastic nature of attempts at their destruction. The character representing Cheapside Cross complained that 'if my Cross were fallen, I should live at a great deale more hearts ease then I doe', and that 'I am accused for a Papist, and not not [*sic*] thought fit to have my abiding in the heart of the Citie ... The Brownist spit at mee as they come along, the Familists hide their eyes with their fingers, the Anabaptist wishes me knocked into a thousand pieces, the sisters of the fraternity will not come neere me'. Finally, it asked 'why doe they not as well goe tell his Majesty there is a Crosse standing above his Royall Crown, and wish him to file it off, as they did in Boston the Crosse upon their Towne Mace'. The pamphlet went on to extend the iconoclastic logic of puritan zealots to apparently absurd extremes, noting that all the crosses would have to be taken down from the king's ships, and from 'every Market Towne where the Countrey wenches sit with their butter and cheese ... for feare of giving offence to a Feltmaker and his fellowes'.[57] Peacham's pamphlet, published mere months before the outbreak of war, betrays no awareness that soon parliamentarians would not only take issue with the crown's cross, but the crown altogether.[58] After the regicide, corporations up and down the country not only paid for the removal of popish symbols from their maces, but of all traces of royal insignia.[59]

As in the previous chapter, here we are again confronted with the difficulty of disaggregating religious iconoclasm from political activism. According to one pamphlet account of royalist atrocities from 1644, the king's soldiers commonly swore that 'they will make the Round-heads bowe to a Crosse'.[60] In some cases, it appears scandal was occasioned precisely because crosses were understood as representations of monarchical authority. As in Bristol, the market cross that stood in Chester appears to have been decorated with royal insignia. We know

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[57] R. Pameach [H. Peacham], *A Dialogue Between the Crosse in Cheap, and Charing Crosse* (n.p., 1641), title-page, sig. A2r, A3r, A3v.

[58] Sargeant, 'Parliament and the crown jewels', passim.

[59] S. Kelsey, *Inventing a Republic: The Political Culture of the English Commonwealth, 1649–1653* (Manchester, 1997), 101–2.

[60] *A Copie of the Kings Message sent by the Duke of Lenox* (London, 1644), 4.

this from an unusual record of its destruction, surviving in the form of a petition from one Ralph Wilcoxon, a procurator from Bury St. Edmunds, written to Chester's royalist mayor, Randle Holme. The petition must have been written between 1643–4, when Holme held office, and was sent while Wilcoxon was imprisoned in the city. His offence was the destruction of the high cross, for which he claimed to have 'ingenuously confessed and unfainedly sorrowed'. Wilcoxon's petition emphasised his loyalty to the king, and he claimed to have fled Suffolk after refusing to 'enter into the associat[i]on against his Ma[jes]tie … as also to take an oath to assist the forces raised by the pretended Authoryty of the two houses of Parliam[en]t'. He excused his offence by explaining that 'he being a stranger in Chester knew not the Situation of the Crosse and (being in the darke) did not discerne any forme of a Crosse, much lesse of any Crowne or Armes thereon, and how infirme the Crosse was'.[61] We cannot ultimately be sure whether or not Wilcoxon's destruction of the Chester cross was a deliberate act of symbolic violence against the king, but his emphasis on the presence of the royal crown and coat of arms suggests that the act was punished as an assault on the king's honour.

After the regicide, much of this kind of royal iconography was removed or replaced.[62] The statue of Charles I that adorned Bristol's market cross was taken down.[63] In 1651, Hertfordshire committeeman John King received a payment for 'carrying out of ye warr[an]ts for pulling downe ye Kings Armes', which were often displayed in public places, including sites of civic administration.[64] In 1653, Oliver Cromwell was proclaimed lord protector in the localities in much the same manner as the monarchs before him, to the sound of bell-ringing and celebration in the marketplace. The accounts from St Albans record a payment of eight shillings for sack, drank in celebration at the town's high cross.[65] Doubtless, the ritual form of Cromwell's proclamation, and eventually that of his son, Richard, can be framed as an attempt by the post-regicide regime to co-opt the symbolic form of its royal predecessors. As demonstrated by Amy Calladine, such events were welcomed by civic corporations, not least because of the opportunities they

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[61] BL, Harley MS 2135, fol. 74r.

[62] Kelsey, *Inventing*, ch. 2.

[63] Latimer, *The Annals of Bristol*, 230.

[64] TNA, SP 28/233/6, fol. 94.

[65] A. Kingston, *Hertfordshire*, 95.

provided to curry favour with the new government.[66] Yet we should not assume that the relationship of ordinary people to public space and politics in general remained unchanged from before 1642.

Before the outbreak of war, the streets and marketplaces of towns and cities were some of the most carefully 'practiced' spaces in early modern England, subjected to strict regulation by both local and national officials. The habitual performances of authority that took place within these spaces were means of reproducing a certain kind of political subjectivity, in which commoners were simultaneously reminded of their double subordination, to the crown and the local elite. When, in a sermon in the 1620s, puritan Thomas Scott declared that 'publique persons should do publique actions in publique, in the Gates of the City, in the Kings high-way, in the eye of all', he was reaffirming the exclusive category of the 'publique person', and, more specifically, the public man.[67] The 'public man' was a familiar early modern trope that both described and extolled the virtuous *vita activa* of the enfranchised citizenry.[68] Evidently, this was a category of exclusion as much as one of inclusion, from which women and the 'lower sort' were, by their very nature, debarred.

The civil war, however, transformed how public spaces were practiced. Streets, shopfronts and marketplaces became loci of dissensus, where ordinary people encountered, articulated, and acted out forms of ideological conflict, both authorised and underhand. Attempts by parliamentarian officials to subvert established symbolic forms to terrify or intimidate locals was complicit in this process, threatening to undermine the ritualistic 'glory' that sustained monarchical power. Ultimately, the attempts of officials to use public space to establish their authority over towns and cities was only ever partial, often undermined by the surreptitious scattering of papers and pamphlets that presented political polemics or scandalous libels for popular consumption. In the market square, the politics of Revolution was experienced by ordinary people as an earthly struggle, in which everyone had 'the ability to see and the talent to

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[66] Calladine, 'Public ritual', 53–76.

[67] T. Scott, *The High-Waies of God and the King* (London [Netherlands], 1623), 69–70.

[68] Cust, 'The "public man"', passim.

speak'.[69]

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[69] J. Rancière, *The Politics of Aesthetics: The Distribution of the Sensible*, trans. by G. Rockhill (London, 2004), 13.

2.2 Courthouses

From the open streets and marketplaces of Revolutionary England, we might now turn attention to the courthouses that played host to the assizes and quarter sessions. These court sessions were not merely legal institutions, but conspicuous public events, described by Douglas Hay as 'the most visible and elaborate manifestation of state power to be seen' outside of London.[70] The meetings were crucial nodes in a system of remote governance dependent on reliable networks of communication. At the assizes, letters, declarations, and proclamations were published at the behest of central government, and petitions were debated and drawn up among grand jurors authorised to speak on behalf of the county. This ensured that the sessions immediately became sites of ideological conflict from the militia crisis onward. This section explores the various ways in which royalist and parliamentarian officials sought to exercise control over the assizes. As shall be seen, attempts to manipulate the composition of grand juries and to intimidate recalcitrant jurors appear to have been relatively commonplace. However, it also suggests that the public nature of these sessions opened them up for subversion, including by providing a platform for defendants to articulate radical political and theological positions. Crucially, it will consider these sessions as emplaced, urban phenomena, which did not exist apart from the lives of ordinary people, but intrigued and attracted them in equal measure, perhaps in unprecedented numbers. The assizes were also spaces of dissensus, where established political authority broke down and common people confronted and participated in debates over profound political questions.

From the spring of 1642, king and parliament each issued direct instructions for the proper conduct of assize officials. After Charles had issued his Commissions of Array in June, some of which were actually published at the assizes, parliament responded by requiring the judges and justices to declare in open court that 'the said Commissions of Array are against Law and against the Liberty and Property of the Subject'.[71] A month later, the king reminded assize

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[70] D. Hay, 'Property, authority and the criminal law', in D. Hay, P. Linebaugh, J. G. Rule, E. P. Thompson and C. Winslow (eds.), *Albion's Fatal Tree: Crime and Society in 18th-Century England* (London, 2011), 17–63, at 27.

[71] *The Petition and Resolution of the Cityzens of the City of Chester* (London, 1642), unpag; *CJ*, ii, 685–6.

judges that 'in former times the constant custom' was for the lord keeper to inform them, in advance of commencing their circuits, 'of such things as weere then thought necessarie for ye present for the good government of ye Kingdome'. Reprising the custom, Charles ordered that care be taken to quash the twin threats of popery and 'Anabaptisme and other scismes', but also that the people of the counties be informed that 'according to our kingly dutie and oath wee are allsoe constantly resolved to maintaine the Lawes of this o[u]r Kingdom'. Specific changes were requested to the form of the assizes, in the appointment 'in everie place of yo[u]r sessions som of the ablest lawiers whoe ride that circuite ... to assist in such pleas of the crowne as may be most necessarie for o[u]r subjects in the examination and punishment of notorious delinquents'.[72] These instructions were printed and handed out to the foremen of grand juries, as well as to anyone else that desired a copy.[73]

It was not only in the communication of messages to the public that assizes became sites of factionalism and conflict. It was also evident when attempts were made, ostensibly upon local initiative, to send messages back towards the centre on behalf of the county. This was most obviously apparent in the myriad petitions addressed to king and parliament in the early 1640s, often subsequently printed. Assize petitions derived an authority from the grand jury's status as a genuinely public body, the 'most representative institution available to the English people' in the seventeenth century.[74] They are evidence for the claim that from the 1640s, 'assizes increasingly came to resemble a political forum in which judges and local factions lobbied for support and competed openly for control of the grand jury'.[75] We are able to gain a glimpse, in more granular detail than is normally possible, at some of the tactics that could be used by factions to exploit assize meetings through sources pertaining to the infamous Kentish petition of March 1642.[76] The

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[72] TNA, SP 16/491 fol. 139r-v; A. Fletcher, *The Outbreak of the English Civil War* (London, 1981), 300–1.

[73] *The King's Majesties Charge Sent to All the Judges of England* (London, 1642), 4.

[74] S. K. Roberts, 'Juries and the middling sort: recruitment and performance at Devon quarter sessions, 1649–1670', in J. S. Cockburn and J. A. Green (eds.), *Twelve Good Men and True: The Criminal Trial Jury in England, 1200–1800* (Princeton, 1998), 182–213, at 182.

[75] Cockburn, *A History of English Assizes*, 115.

[76] For a detailed secondary account of the drawing up of the petition, interpreted in a

petition was something of a watershed moment, revealing some of the first signs of a nascent royalist 'party' in the country, and it resulted in the imprisonment by parliament of those complicit in its design. *Inter alia*, the petition called for the maintenance of the established Church of England liturgy and episcopacy, and for 'speedy and good provision' to rectify the 'odious and abominable scandall of schismatical and seditious Sermons and Pamphlets'. It was declared in print to represent 'the gentry, ministers, and commonalty of the county ... agreed upon at the Generall assizes last holden'.[77]

This was, however, a deliberately misleading superscription. Sir John Coke junior wrote a letter recounting proceedings at the assizes in Maidstone in late March, revealing that there was far from unanimity among the Kentish men. He noted that attempts to organise a royalist petition had begun when 'Sir Edward Dering and others of the Justices and gentlemen offered themselves from the Bench to serve upon the Grand Jury, and were by the Judge accepted to that employment'.[78] Having initially appeared as one of the parliamentarians most amenable to religious reform, by the summer of 1641, Dering had completed a volte-face to attack independency and presbyterianism, and align himself with future royalists.[79] It is likely that at the assizes, Dering, with the complicity of the presiding judge Sir Thomas Mallet, tried to 'pack' the grand jury with his supporters in advance of proposing the petition. In the 1640s, 'packing' became a relatively well-known political trick, by which grandees attempted to exercise control over business in the county. The usual power to empanel grand jurors rested with the sheriff, and was undertaken in advance of the sessions; the ad-hoc appointment of a jury was not standard procedure.[80] Summoned before parliament the following month, one of those complicit in the Kentish petition, Sir George Strode, who was in arms for the king at the siege of Lyme two years

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classically revisionist vein, see T. P. S. Woods, *Prelude to Civil War, 1642: Mr. Justice Malet and the Kentish Petitions* (Salisbury, 1980), esp. ch. 4.

[77] *The Petition of the Gentry, Ministers, and Commonalty of the County of Kent* (London, 1642), unpag.

[78] HMC, *The Manuscripts of the Earl Cowper, K.G., Preserved at Melbourne Hall, Derbyshire* (3 vols., London, 1888–9), ii, 311.

[79] For an analysis of Dering's 'defection', see J. Peacey, 'Sir Edward Dering, popularity, and the public, 1640–1644', *HJ*, vol. 54, no. 4 (2011), 955–83.

[80] Cockburn, *A History of English Assizes*, 111–6.

later, admitted that the 'Sheriff did return a Grand Jury; but [Strode] doth not remember that That Jury was called'.[81] Certainly, judge Thomas Mallet was not shy about his adherence to the king, and refused to obey parliament's instructions against speaking out in favour of the Commissions of Array. The minister of Maidstone was later called into parliament to answer for 'endeavouring to prove the legality of the Commission of Array, and commending Judge Mallets speech to that purpose'.[82]

However, not even the appointment of Dering 'and others of the Justices and gentlemen' to the jury proved sufficient to overwhelm the strength of feeling among other grand jurors against the petition. According to Coke, while on the jury, Dering and his coterie 'agitated the heads of a petition to be presented to the Parliament, whereunto because nine of nineteen dissented the petition could not be presented in the open court in the name of the Grand Jury'.[83] It is unclear exactly how large a majority was required for a petition to be presented in the name of the jury, but it may have been twelve votes, as required for a criminal indictment or the prima facie dismissal of a case.[84] Dering and his coterie had lost the battle, but not the war. According to Coke, their next move was to 'publi[sh] [the petition] upon the Bench, when the Judge was withdrawn from the Court of Pleas to the Court of Nisi Prius'.[85] That is, while the judge had removed to oversee nisi prius cases—civil cases normally heard before a single judge—votes were held on individual articles of the petition.[86] At Maidstone, civil cases were heard in a different courthouse, to the east of the Elizabethan building in which criminal cases were tried.[87] The second time around, the petition's organisers appeared to have more success. Coke reported that 'in this manner the several articles of the petition, which are seventeen, were voted by all that were present except some

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[81] *CJ*, ii, 507; B. D. Henning (ed.), *The House of Commons, 1660–1690* (3 vols., London, 1983), iii, 509. For Blunt's account of proceedings, see *CJ*, ii, 502–3.

[82] *A Perfect Diurnall of the Passages in Parliament*, Aug. 8–15 (1642), sig. Kv.

[83] HMC, *Cowper*, ii, 311.

[84] O. A. Darr, *Marks of an Absolute Witch: Evidentiary Dilemmas in Early Modern England* (Farnham, 2011), 50.

[85] HMC, *Cowper*, ii, 311.

[86] For a discussion of juries and *nisi prius* cases, see J. C. Oldham, 'The origins of the special jury', *The University of Chicago Law Review*, vol. 50, no. 1 (1983), 137–221.

[87] Woods, *Prelude to Civil War*, 37.

few'.[88] The petition could not be published in the name of the grand jury, but it could be deceptively branded as 'agreed upon at the Generall assizes'.

Coke's account of events at Maidstone is supported by that given before the Commons by one Thomas Blunt, a Kent JP, on March 29.[89] Blunt, who would go on to become one of the leading parliamentarians in the county, highlighted the complicity of Mallet in events, claiming that first, 'a good Grant Inquest was desired by the Judge', upon which Dering 'first stood up, and offered himself to serve for the Body of the County'.[90] When George Strode also stood up and offered himself to the jury, Blunt became suspicious that 'something was on foot; and [he] desired to see the Play'.[91] The jury then assembled, and a motion was framed for the drawing up of a petition, against which Blunt spoke out 'because we should contradict the Petition already delivered by the County to the Parliament'. Blunt was referring to two parliamentarian petitions that had been delivered to parliament in February, which accused evil counsellors of manipulating the king.[92] The opposition of Blunt and a few others of the grand jury did not stop Dering and Strode returning the next day with more concrete propositions. Instead of merely advocating the drawing up of a petition in the abstract, they presented specific 'heads', some, according to Blunt, 'so high, that I wish I might not reveal them myself'. Once the petition had been drawn up, it was presented at the bar. Those against the petition urged the judge 'to take notice that they were not all of Opinion with him that spoke first', upon which the royalist party

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[88] HMC, *Cowper*, ii, 311.

[89] Blunt had already attended parliament in January 1642, informing members of the suspicious movement of six trunks to the house of one Anthony Roper, 'a great recusant', and of how some recusants had 'said that they hoped blood would be as cheap in England ere long as milk'. See W. H. Coates, A. S. Young and V. F. Snow (eds.), *The Private Journals of the Long Parliament, 3 January to 5 March 1642* (New Haven, CT, 1982), 49.

[90] A 'grand inquest' appears to have been synonymous with a 'grand jury'. See P. Seaward, 'Parliament and the idea of political accountability in early modern Britain', in M. Jansson (ed.), *Realities of Representation: State Building in Early Modern Europe and European America* (Basingstoke, 2007), 45–62, at 47.

[91] *CJ*, ii, 502–3.

[92] J. Eales, 'Kent and the English civil wars, 1640–1660', in F. Lansberry (ed.), *Government and Politics in Kent, 1640–1914* (Woodbridge, 2001), 1–32, at 13.

resorted to intimidation, saying 'they would post our Names'. Blunt responded in kind: '[w]e said, we then would post their Names'.[93]

Parliament sent for several of those complicit, and placed them under arrest.[94] Special committees were established by both the Commons and the Lords to deal with the matter, and a list of questions to be asked of Mallet were drawn up.[95] Called before parliament, Strode denied that he had discussed the formulation of a petition with Mallet in advance of the assizes, though Mallet was reported to have told him: 'If you do it, you do a good Work to your Country'.[96] Sir Roger Twysden, who had also been present, similarly hinted at Mallet's collusion, reporting that the justice had recommended that 'it was very necessary to have a good Grand Jury', albeit without explanation.[97] Blunt claimed that there had been at least some advance discussion of a special grand jury, telling the Commons that on the Monday before the assizes, 'something was spoken at large, of naming a Grand Inquest'.[98] Twysden admitted that the drawing up of a petition had been 'Table Discourse'.[99] It appears to have been generally established practice for presentments of the grand jury to have been thrashed out during its sitting, though the 'paper war' that accompanied the militia crisis clearly allowed preparations to be made and petitions to be written in advance of the assizes. Sir Robert Foster of the western circuit noted that such a degree of organisation had been facilitated by 'his Ma[jes]ties letter being in print and common in most places before my first sittings'.[100] It is likely that the formulation of a royalist petition had been floated in Kent while the local elite mingled in advance of the formal commencement of assize proceedings.

Summoned before the Lords, Mallet denied having had prior knowledge of the petition, and claimed to have told Strode that he did not want to see it until after the assizes were concluded. The accounts of Coke and Blunt, however, suggest

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[93] *CJ*, ii, 502–3.

[94] *LJ*, iv, 676; *CJ*, ii, 503.

[95] *LJ*, iv, 676; *CJ*, ii, 501.

[96] *CJ*, ii, 507.

[97] Ibid. This has been interpreted as a jury of men of 'good quality', i.e., of relatively high social status. For this see Woods, *Prelude to Civil War*, 32.

[98] *CJ*, ii, 502.

[99] Ibid., 507.

[100] TNA, SP 16/491 fol. 279r.

that Mallet was not only aware of the petition before Strode had brought it to his attention, but that he may have been complicit in its design. Such was the thinking of John Vicars, who suggested that Dering had acted with the 'encouragement' of Mallet.[101] Upon eventually taking receipt of a copy of the petition from Strode, Mallet had sent it on to another future royalist, George Digby, earl of Bristol, who ordered his servant to take a copy. The Lords determined that Mallet was guilty of a dereliction of duty for failing to report the petition, parts of which were 'voted to be seditious', and Mallet and the earl of Bristol were both committed to the Tower the same day.[102] Further punishment was meted out to those complicit: Twysden and Strode were removed from the Kent committee for scandalous ministers, and the former was kept in custody until he was bailed on April 9. The petition's printer, one Thomas Fawcett, was forced to confess his crime before the Commons, and all copies of the petition were ordered to be burnt by the hangman. Finally, parliament set impeachment proceedings in motion against Strode and Dering, though this does not appear to have resulted in further retribution.[103]

The Kent case gives us a microscopic picture of some of the weak points of the early modern governmental apparatus, at which local grandees could relatively easily exploit their social status and influential connections to exert forms of improper influence that are, in most instances, invisible in the historical record. There was clearly nascent royalist sentiment in the county, though it might have taken the illegitimate engineering of a grand jury petition by Dering and his allies to bring it into being as a concrete political coalition. Indeed, in the letter to his father, Sir John Coke junior implied that the petitioners had wasted no time in spreading the petition about the county, quoting the earl of Bristol as having told parliament that it was 'strange he should be committed for concealing that which was publicly acted at the Assizes and after proclaimed in several market towns in Kent'.[104] There could hardly be a better indication that the petition was designed not to articulate the sentiments of the Kentish people, but rather to influence them.[105] As Mallet, Dering and others knew, there were ways of speaking on

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[101] J. Vicars, *God in the Mount* (London, 1642), 85.

[102] *LJ*, iv, 677–9.

[103] *CJ*, ii, 516, 518, 520, 536, 549.

[104] HMC, *Cowper*, ii, 311.

[105] For a previous analysis of petitions as propaganda, see Zaret, *Origins*, 221–31.

behalf of the county that were representative in name only.[106] It is possible that the kinds of change we see here are of degree rather than kind, and that grand juries had previously been used as a means to exercise influence over local policy. However, James Cockburn has noted that records pertaining to the civil war provide the first conclusive evidence of the packing of grand juries for political purposes, and it certainly seems plausible to suggest that, at the very least, the 1640s witnessed a dramatic intensification of open ideological conflict at assize meetings.[107]

There were, however, limits to how far proceedings could be manipulated, not least because grand jury presentments could spark a backlash from those excluded from its deliberations or ideologically opposed to its declarations. Such was the case at York in the summer of 1642, when the institutions of both town and county were under the control of the king's supporters.[108] In a dramatic moment of escalation, the grand jury ordered the muster of local forces 'for the Defence, Peace, and Quiet of this County', though any pretence that this was really intended as a defensive move was belied by the response elicited from several gentlemen and freeholders not present at the assizes. Their response, which was signed by Thomas Fairfax and other future Yorkshire parliamentarians, accused the grand jury of a 'lawless and unprecedented Presentment … being framed to give more strength and colour to part of those propositions' for the raising of troops. This 'protestation' announced the refusal of its signatories to raise forces, and warned that they would 'endeavour to resist and suppress' any that threatened the peace of the county. Fairfax and his allies attempted to ensure their counter-declaration had maximum reach, ordering it to be 'published in all the Parish-Churches and Markets of this County'.[109]

At York too there had been evidence of partisan behaviour on the part of the judge. Accusations fell upon Sir Robert Heath, a justice of the king's bench, who had travelled with Charles to the city in June, and was made lord chief justice in

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[106] For other examples of these kinds of discrepancies 'between appearance and reality', see Zaret, *Origins*, esp. 93–6.

[107] Cockburn, *A History of English Assizes*, 115.

[108] For a study of the politics of York during the civil war, see D. A. Scott, 'Politics, dissent and Quakerism in York, 1640–1700' (Ph.D. diss., University of York, 1990), esp. ch. 4.

[109] Rushworth, *Collections*, iv, 649.

October.[110] According to one newsbook, Heath 'altered the names of the grand-Jury returned by the Sheriffe', an allegation later confirmed by the sheriff himself.[111] A pamphlet published in London reporting 'Intelligence from Yorke' claimed that the grand jury had been 'packt … for the purpose' of raising forces for the king, as betrayed by the appointment of one Robin Hillyard, a 'grand Delinquent to both Houses of Parliament', as foreman.[112] The man in question may in fact have been Robert Hildyard, member of a long-established Yorkshire family. Hildyard was named to the Commission of Array for the county in 1642, and rose to become lieutenant colonel in Sir Marmaduke Langdale's regiment of horse.[113] He was knighted during the civil war, and was recorded as a gentleman of the privy chamber at Oxford during the king's surrender in 1646.[114] His two brothers were also in arms for the king, and all three ended up being fined by the compounding committee, Robert as a 'Principal Agent' for the royalist cause.[115] Like Thomas Mallet in Kent, Robert Heath took advantage of his platform at the assizes to make 'a speech for the legality of the Commission of Array', and the judges of the bench were accused of applying pressure on the grand jurors in advance of the drawing up of their incendiary petition. '[D]ivers of the Gentry upon the Bench' were said to have 'made Orations to the grand-Jury, to present what they thought fit … for the defence of that County'. But in spite of Heath's intimidation, his power over the jury at York was not absolute. He 'could not prevaile to finde the Indictment against Sir John Hotham', who had seized Hull on parliamentary orders in January, and famously refused Charles entry to the city in April.[116]

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[110] P. E. Kopperman, 'Heath, Sir Robert (1575–1649)', *ODNB* (Oxford, 2004); Fletcher, *The Outbreak*, 301.

[111] *LJ*, v, 303.

[112] *Intelligence from Yorke: Relating the Unlawfull Proceedings of The Malignant party there* (London, 1642), 5.

[113] P. R. Newman, 'The royalist army in northern England, 1642–45' (2 vols., Ph.D. diss., University of York, 1978), ii, 114–5.

[114] *CSPD*, 1645–7, 486.

[115] Green (ed.), *Calendar*, i, 799; Newman, 'The Royalist Army', ii, 115; Green (ed.), *Calendar,* ii, 1093–4, 1283.

[116] *Speciall Passages And certain Informations from severall places*, Aug. 23–30 (1642), 18.

It was clearly an assumption on the king's part that the justices of the assize were to act as agents of the royalist cause, and that this responsibility stretched to attempts to manage the business of the grand juries. It was with some sheepishness that Sir Robert Foster of the western circuit wrote to the king in August enclosing a petition from the grand jury at Devon, which declared the Commission of Array to be 'a thinge of extreame greivance & terror to us all'.[117] Foster admitted that the petitions 'be not as happelie [as] they might have binn', though, in apparent opposition to Mallet and Heath, wrote that he had not seen fit to publicly state his opinion on the legality of the Commission of Array at the assizes, in spite of reports in print to the contrary.[118] We might imagine that Foster's reticence was resultant of the fact that his circuit took him into parliamentarian territory. At the assizes in Bath, petitioners had demanded Foster read out the parliamentary ordinance against the Commission of Array.[119] Notwithstanding the presence of William Seymour, marquess of Hertford, who had travelled to put the Commission of Array in execution, the justice steered a neutral course. According to one pamphlet account, he, 'in his Charge ... sayled betwixte wind and water, very politiquely'.[120] At Exeter, the assize sermon, later printed on the orders of parliament, was given in Foster's presence by the puritan Thomas Trescot, who called for a greater godliness among the 'younger Gentrie', and urged them to 'study garbs and fashions, and complements lesse, and study God, and Christ, and themselves more ... To give over Ben, and Shakespeare, and fall upon Moses and the Prophets'. Trescot reminded those present of 'a most wholsome order ... made by the Judges of this Circuit, for the suppressing of Church-Ales and Revells, which in many places is Sabbath-day work'.[121] The implication was clearly that Foster and the judges of the bench were expected to carry out similar work in promoting godly reformation. It seems probable that assize sermons, which had long been used as opportunities for the performance of royal propaganda, became increasingly contentious as civil war drew nearer.[122]

Between 1643–5 there was a break in the regular assize circuits, spurred by a

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[117] TNA, SP 16/491, fol. 253r.

[118] Ibid., fol. 279r-v.

[119] Cockburn, *A History of English Assizes*, 240.

[120] *Certaine Observations of both Houses of Parliament* (London, 1642), 8.

[121] T. Trescot, *The Zealous Magistrate* (London, 1642), 11, 24–5.

[122] Cockburn, *A History of English Assizes*, 66.

parliamentary ordinance for their adjournment in July 1643.[123] The motivation for the ordinance was almost certainly pragmatic rather than ideological, resultant of the need to shut down potential avenues of royalist organisation in the provinces. In royalist territory, the assizes provided a platform to condemn those in arms against the king: in the mid-1640s, parliamentarian commander William Brereton claimed to have been one of almost three-hundred men indicted in absentia at the assizes in Chester for high treason 'when the enemy was potent in Cheshire'.[124] Suggestions that the ordinance for the adjournment of the assizes symbolised the end of 'all sense of tradition' are almost certainly over-egged.[125] The end of fighting resulted in the piecemeal re-establishment of traditional common law process, including assizes and quarter sessions, albeit with occasional instructions to avoid royalist strongholds.[126] The return of the assizes could occasionally cause embarrassment for parliamentarians, as was the case at Canterbury in May 1648, when a grand jury twice refused to find a bill against the ringleaders of the so-called Christmas rising, much to the annoyance of the radical MP John Wilde, who had caused witnesses to be twice examined at the bar, 'and very much importuned and pressed hard the business to the jury'.[127] Roger L'Estrange reported that the grand jury had drawn up a petition 'insisting upon the Kings Rights, and the Peoples liberties according to the Lawes of the land'; by his own admission, the petition was 'not so luckily contrived or worded', and the deputy lieutenants reportedly 'fell in immediatly with their Troupes to suppresse it'.[128] Indeed, order was maintained at the Kent assizes perhaps only by the presence of parliamentarian forces, as the session was followed 'almost immediately' by a county-wide uprising.[129]

Packing grand juries was not the only means by which justices could influence

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[123] Ibid., 272; F&R, 191–2.

[124] *CSPD*, 1645–7, 428.

[125] J. Morrill, *Revolt in the Provinces*, 93.

[126] S. K. Roberts, 'State and society in the English Revolution', in Braddick (ed.), *The Oxford Handbook of the English Revolution*, 294–311, at 304; Cockburn, *A History of English Assizes*, 243.

[127] Cockburn, *A History of English Assizes*, 243.

[128] R. L'Estrange, *L'Estrange His Vindication From the Calumnies of a Malitious Party in Kent* (n.p., 1649), unpag.

[129] Cockburn, *A History of English Assizes*, 243.

the outcome of proceedings. Occasionally, brute force appears to have been used to bend juries to their will. In 1647, Thomas Fairfax took up the case of several prisoners held at the county gaol at the White Lion in Southwark, an inn that had been converted into a prison in the late sixteenth century, and was known for its terrible, crowded conditions.[130] Fairfax petitioned the Commons on behalf of four men indicted and imprisoned by justice Sir Francis Bacon for speaking a variety of words against the king: Francis Wade had refused to drink the king's health; Robert White declared that had he met the king in battle, 'hee would have as soon killed him, as another man'; James Symball, a deputy keeper of the prison at Winchester House, stated that he 'hoped to see the Kings head upon the Tower block'; and Roger Crabb compared the king to the biblical idol of the golden calf. Fairfax accused Bacon, who acted in concert with judge and MP Richard Cresheld, of indicting Symball without a cognisance, and convicting him 'by the onely testimony of the said Cavalier'. More controversial still was the conviction of Crabb, whose words the jury found to be 'neither seditious, Scandalous, nor pernitious', notwithstanding Bacon's impassioned attempts to persuade them to find against him. Having twice failed to convict Crabb, Bacon ordered the jury to be locked up 'all night without meat, drink, fire, or candle, untill they had returned him, as hee stood indited'. Bacon got his way: Crabb was eventually fined 'an hundred Marks', and was confined to gaol until he paid.[131]

The episode became something of a *cause célèbre* among New Model Army agitators, who had first brought the incident to Fairfax's attention. Henry Foulis claimed that news of the imprisonment of Crabb and company 'made such a noise in the Army' that it reached as far north as regiments in Yorkshire, where soldiers under the command of colonel-general Sydenham Poyntz were said to have written 'a grievance to Fairfax'.[132] Parliament referred Fairfax's petition to the committee of indemnity, who subsequently sent for the prisoners and the 'Calander or booke of entryes that certifyes the cause of theire imprisonme[n]t',

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[130] I. Darlington (ed.), *Survey of London: Volume 25, St George's Fields* (London, 1955) <https://www.british-history.ac.uk/survey-london/vol25/pp9-21>, accessed 17 June 2020.

[131] T. Fairfax, *An Humble Remonstrance From his Excellency Sir Thomas Fairfax* (London, 1647), 3–5.

[132] H. Foulis, *The History Of the Wicked Plots and Conspiracies Of Our Pretended Saints* (London, 1662), 110.

as well as the judicants and all record of proceedings against the imprisoned.[133] The case was heard before the committee on September 23, but unfortunately no detailed account of proceedings survive.[134] On September 25, the committee reported back to parliament, though the paper trail disappears until October 28, when the Commons ordered Symball to be released on bail and the indemnity committee's Miles Corbett to draw up an ordinance for his pardon. It is unclear whether the other prisoners were so fortunate.[135]

It was not only royalists that sought to manipulate assize meetings for their own ends. In 1648, Marchamont Nedham accused independent grandees, including William Purefoy and Sir Arthur Haselrig, of implementing similar strategies to drum up support for radical proposals formulated in response to the king's intransigence in peace negotiations. Nedham highlighted Edmund Prideaux's failed ambitions to win the support of the people of Somerset for proposals to break off negotiations entirely, an idea that had first been proposed by Thomas Rainsborough at the Putney debates in November 1647. According to Nedham, Prideaux had little success, prevailing 'no further then with a few Sectaries of the Town of Taunton'.[136] A petition had been circulated throughout the county, thanking parliament for its votes of no addresses, binding its signatories to 'live and die with the Parliament and Army', and expressing a desire that Somerset 'might be freed from Malignants, Neuters, and Apostates', or, in the words of the presbyterian moderate Clement Walker, men 'who will not daunce about the flame when the Independents make a bonfire of the Common-wealth'. According to Walker, far from being a grassroots initiative, the Somerset petition had in fact been drafted by John Pyne, a man 'often inspired with Sack', a dominant figure on the Somerset Committee, and a radical republican; Prideaux had merely been Pyne's 'Postmaster'. The petition was circulated in the county's western division by the committee's sequestrators, with individuals forced to sign on threat of the confiscation of their estates.[137]

The strategy of gaining support by force backfired: those forced to sign under

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[133] *CJ*, v, 301; TNA SP 24/1, fol. 34r.

[134] TNA, SP 24/1, fol. 37r.

[135] Ibid., fol. 38v; *CJ*, v, 345.

[136] M. Nedham, *A Plea for The King and Kingdome* ([London], 1648), 5.

[137] C. Walker, *The History of Independency* ([London], 1648), 61.

duress soon produced a counter-petition declaring their subscription to have been 'contrary to their judgement and conscience, and extorted by terror of Sequestrators'.[138] *Mercurius Pragmaticus* was in little doubt that Pyne's petition had been a concerted public relations exercise by Westminster grandees, 'ingaging Parties in the Counties abroad, to signe Petitions to themselves, of their owne framing, that their Proceedings may be brought into the more Credit, and Reputation'.[139] Nevertheless, Pyne's petition was presented to parliament in February 1648 and ordered to be printed.[140] Described by minister John Bond in 1644 as the 'Western Bastion of Puritanism', Taunton was strongly parliamentarian in its affections, as attested by references in the Commons to its 'eminent Faithfulness'.[141] The city's corporation effectively went into abeyance during the Restoration, when its members were expelled from office without replacement.[142] Prideaux's failure to win wider support for a more aggressive attitude to the king resulted in more subtle manipulation on the part of West Country independents. Radical MP and assize judge John Wilde reportedly packed the grand juries of the western circuit full of what Clement Walker described as a mix of 'Schismaticks and Sequestrators blended together'.[143] In April 1648, he told the Commons of 'the good Affections, generally, of the People of those Counties', and read a presentment of the grand inquest at the assizes held at Chard the previous month.[144] According to Walker, the presentment from Chard was identical to that which had been forced upon the people of Somerset by the sequestrators.[145]

Pyne, Prideaux, and Wilde did not act in isolation in their attempts to

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[138] Ibid.

[139] *Mercurius Pragmaticus*, no. 25, Feb. 29–Mar. 7 (1648), unpag.

[140] *CJ*, v, 460.

[141] D. Underdown, *Somerset in the Civil War and Interregnum* (Newton Abbot, 1973), 81; *CJ*, v, 592.

[142] P. D. Halliday, *Dismembering the Body Politic: Partisan Politics in England's Towns, 1650–1730* (Cambridge, 2002), 183

[143] Walker, *The History of Independency*, 62. James Cockburn has found evidence of Pyne's involvement in the packing of Somerset grand juries. See Cockburn, *A History of English Assizes*, 241–2.

[144] *CJ*, v, 534.

[145] Walker, *The History of Independency*, 62.

establish widespread support for a more radical approach to dealing with the uncompromising king. Henry Mildmay was charged with a similar task in Essex, which he went about by assembling a public meeting in Romford, complete with a packed grand jury. According to *Pragmaticus*, Mildmay's petition '(as the custome is) was framed at Westminster, and then sent into Essex, to draw in the Freeholders to a Subscription'. In the presence of two or three hundred freeholders, Mildmay was reported to have 'pack't a whole conclave of New-model'd Justices, and dirty committee-men, in number 24, as a Grand Jury of Saints, to give up their verdict against Monarchy'. Mildmay acted in concert with Sir Henry Holcroft, a member of the Essex committee and a man clearly known for his radical sympathies; he was named alongside regicides Sir John Danvers and the Lord Grey of Groby as an electoral commissioner in the *Agreement of the People* drawn up by the general council of officers in January 1649.[146] Holcroft presented the petition, which *Pragmaticus* claimed had been manifestly drawn up at Westminster, 'for, it had their Image and Superscription', in open court, to the acclamation of those on the carefully engineered jury. The conference might have succeeded in drumming up popular support for the petition, but for the intervention of Henry Mildmay's cousin, Carew Mildmay, who declared that they should not sign it until they had examined and debated 'every word and Phrase'. His protest was greeted with some applause in the court, and undermined the exhortations of Holcroft and his cadre such that 'the Assembly brake up, being confused; for some spake one thing, some another, and as the greatest part knew not wherefore they were come together, so they resolved to meet no more'.[147]

As Mildmay's unsuccessful outing in Romford proved, the public nature of court proceedings ensured that they always contained the latent potential to undermine rather than reinforce the authority of those in charge. It seems likely that the incendiary political debates and weighty proceedings at court meetings of the 1640s attracted a greater audience than would otherwise have been expected. According to Roger Twysden, almost two thousand were in attendance at the assizes in Maidstone to hear the reading of Dering's royalist petition.[148] MPs John Wilde and Humphrey Salwey reported witnessing 'the greatest

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[146] S. R. Gardiner (ed.), *The Constitutional Documents of the Puritan Revolution, 1625–1660* (Oxford, 1906), ch. 81.

[147] *Mercurius Pragmaticus*, Feb. 29–Mar. 7 (1648), unpag.

[148] *CJ*, ii, 507.

Assembly that hath been seen for many yeers past' at the quarter sessions in Worcester in July 1642.[149] The double-edged nature of publicity was a problem that parliament grappled with throughout the 1640s, not just at quarter and assize sessions, but also in debates over the 'openness' of extraordinary trials, such as courts martial and the high court of justice that tried Charles I and other leading royalists. On the one hand, opening trials up to the public enabled parliament to 'stage' justice, producing an illusion of legitimacy. In the words of one scholar, opening up trials to the public may not have made tribunals 'fairer than traditional courts-martial … But they might have appeared fairer to those watching them or reading about them in parliamentary news-books'.[150] On the other hand, open proceedings provided a public platform for the very ideas that authorities wanted to suppress. Such a platform was brilliantly exploited by John Lilburne at his treason trial in October 1649, which started with a debate over whether or not the doors to the courtroom in London's Guildhall were to be kept open. Not only did Lilburne proceed to expose the aesthetic artifices by which the justices sustained the illusion of a transcendental glory—the 'glittering of [their] scarlet Robes', their 'harsh, austere deportment', and their 'un-legeable' Latin warrants—but he was also able to express radical ideas about the nature and origins of legal authority before a mass audience.[151]

The paradox of publicity was at its most threatening for constituted authority at such widely publicised trials, but the same logic was nevertheless in operation at relatively small-scale assize sessions. Thomas Edwards recalled an episode from the assizes at Hertford in the mid-1640s, where notorious independent preacher and future Fifth Monarchist Christopher Feake had been summoned before the bench by a local JP for misdemeanours in his preaching at 'the greatest Parish and Church of that Town', All Saints. Edwards lamented the replacement of a sequestered minister by Feake without the assent of the Westminster Assembly, and complained that Feake had never used the Lord's prayer, sung a psalm, or conducted a baptism since taking up the living. Feake was eventually

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[149] J. Wilde and H. Salwey, *A Letter Sent from Mr Sergeant Wilde, and Humphrey Salwey, Esq* (London, 1642), title-page.

[150] J. M. Collins, *Martial Law and English Laws, c. 1500–c. 1700* (Cambridge, 2016), 186.

[151] Sargeant, 'Publicity, authority and legal radicalism', passim; T. Varax [C. Walker], *The Triall, of Lieut. Collonell John Lilburne* (London, 1649), 103.

presented before the assizes accused of having declared that 'Christ would destroy not only unlawfull Government, but lawfull Government … and as he had begun to destroy it in England, so would he by raising combustions in the bowells of France and Spaine; and that he would destroy aristocracy in Holland, for Tolerating Arminianisme'. Initially, Feake denied having spoken the scandalous words, but upon the affirmation of several witnesses, he went on the offensive, explaining that 'there was in Monarchie and Aristocracy an enmity against Christ, which he would destroy'. This proved the cue for some of Feake's supporters to shout from the gallery, 'my Lord, My Lord … we will maintaine our Minister with our bloud'. Despite having initially ordered all of Feake's 'Heterodoxies' to be 'read openly', the judge appears to have decided the case was more trouble than it was worth, and 'threw away the paper, and said he would heare no more of it'. The judge had acted too late to deprive the radical ideas of all publicity: Feake's performance at the assizes drummed up added interest, and Edwards reported that the following Sunday, Feake 'in the Pulpit endeavored to answer all the Articles put up against him to the Judges, in a great Auditory'.[152]

As scholars of the period have already argued, authority in the early modern period was underwritten by the ability of elites to 'extract a quotidian and embodied recognition of their superiority' through gesture.[153] This was no better illustrated than in the courtroom, where the authority of judges was reinforced by a glorious supporting apparatus of scarlet robes, formal titles, and legal jargon. There was a clear and obvious insistence on deference, as revealed by Simonds D'Ewes's scandalised observation that a Kentish royalist, Richard Lovelace, had shown 'great contempt' to the bench at the quarter sessions in Maidstone by having put on his hat and 'in a furious manner, cried "No, No, No"', before tearing up a parliamentarian petition organised by JP Thomas Blunt.[154] In some instances, judges demanded gestural subordination before a case could be heard, as at Lilburne's trial in 1649, which only started in earnest after a long and laborious exchange in which he demanded an explanation for the necessity of

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[152] T. Edwards, *The third Part of Gangræna* (London, 1646), 147–8.

[153] Walter, 'Gesturing at authority', 125; Braddick, 'Administrative performance', 166–87.

[154] W. H. Coates, A. S. Young, and V. F. Snow (eds.), *The Private Journals of the Long Parliament: 7 March to 1 June 1642* (New Haven, CT, 1987), 249–50, 254. For Blunt's counter-petition, see Woods, *Prelude to Civil War*, 80–3.

holding his hand up while identifying himself. Rather tellingly, the judges did not have a meaningful explanation, only that it was established procedure.[155] We might suggest that the function of such demands is entirely resultant of the fact that they are inexplicable. They are examples of the process of 'formalisation', acts of mystification designed to present the hierarchy of the court not 'as the result of the acts of anybody in particular, but of a state which has always existed and is therefore of the same kind as the order of nature'.[156] As nature, they permit no rational explanation. Yet by forcing those before the bench to comply, they immediately established the power relations of the court. This, unsurprisingly, made them particular targets for radical parliamentarian advocates of legal reform.

Lilburne may be the most famous example, but his close friend Henry Marten is reported to have similarly violated codes of courtroom deference at the quarter sessions in Reading in 1648. According to *Mercurius Pragmaticus*, Marten ordered the jury and other assembled commoners not to remove their hats before the Bench, 'telling them they ought not, because they were the supreame Authority and Majesty of England'.[157] This behaviour may have been particularly incendiary, as it spoke to ongoing debates over the nature of the relationship between the people and the law. At his trial a year later, John Lilburne echoed the demands made in the Levellers' third *Agreement of the People*, that convictions of 'life, limb, liberty or estate' may not be made except by 'twelve sworn men of the Neighbor-hood; to be chosen in some free way by the people'.[158] He outraged the judges with the claim that they were nothing more than mere ciphers of the jurors, whose powers lay in determining both law and fact.[159] Though not usually identified as a Leveller, Marten, a trained lawyer, was clearly close to the group, and attempted to take up the task of radical law reform within parliament after the regicide, albeit without success.[160] In asserting the people as the 'supreame

[155] Varax [Walker], *The Triall*, 23.

[156] M. Bloch, 'Introduction', in M. Bloch (ed.), *Political Language and Oratory in Traditional Society* (London, 1975), 1–28, at 16–17.

[157] *Mercurius Pragmaticus*, Aug. 15–22 (1648), unpag.

[158] J. Lilburne, W. Walwyn, T. Prince and R. Overton, *An Agreement of the Free People of England* ([London], 1649), 6.

[159] Varax [Walker], *The Triall*, 123; Achinstein, *Milton*, esp. 46–50.

[160] J. S. Hart Jr., *The Rule of Law, 1603–1660* (Abingdon, 2014), 253–6.

Authority' of the nation, Marten was making a revolutionary comment on the people as the legitimate foundation of both political and legal authority.

It is clear that courthouses were arenas of ideological conflict during the English Revolution. Instead of signifying the glory and potency of royal government, they came to embody the profound antagonisms that rived the polity. As Ann Hughes has suggested of indemnity proceedings, the presence of common people at civil war assizes would almost certainly have provided an opportunity for political edification and participation. Just as indemnity cases enabled people to make sense of the 'implications of their war-time experiences', and to reflect 'on profound questions of legality, justice, necessity and tyranny', so it was in the formulation and contestation of grand jury petitions that answers to crucial questions of sovereignty, authority, and governance, both in church and state, were formulated and contested.[161] Yet the assizes did not merely expose high political conflicts to public consideration, but provided a stage for the likes of Christopher Feake and Henry Marten to challenge the very power relations of early modern society. If dissensus was in part an inadvertent consequence of elite political conflict, it could also be deliberately acted out. Feake and Marten consciously disrupted rituals of authority hitherto recognised as natural and 'common-sensical', revealing authority to be not fixed and immutable but contingent and open to contestation. In a revolutionary instant, the 'dramaturgy of law' was revealed as an aesthetic artifice that cloaked the concrete operation of power.[162]

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[161] A. Hughes, 'Parliamentary tyranny?', 71.

[162] Rancière, *Disagreement*, 30; J. Etxabe, 'Jacques Rancière and the dramaturgy of law', in M. López Lerma and J. Etxabe (eds.) *Rancière and Law* (London, 2018), 17–43.

2.3 Inns, taverns, and alehouses

The third and final form of political space to be explored in this chapter is that of the inn, tavern, and alehouse. It is well-known that these sites could provide a space for the utterance of seditious words, the drinking of forbidden healths, or the surreptitious scheming of those wishing to escape the eyes and ears of authority.[163] Less focus has, however, been paid to the uses of inns, taverns, and alehouses by authorities themselves, and the opportunities this created for direct political intervention by ordinary people. The civil war presented royalist and parliamentarian officials with substantial logistical challenges, and the task of military organisation necessitated appropriate meeting places and resting houses for itinerant emissaries. When towns and cities were not under military occupation, and delegates had no permanent residence within their walls, particular inns could be repurposed as ad-hoc spaces of organisation and fraternisation. This section will explore the uses of the Revolutionary public house as organisational bases by royalist and parliamentarian officials. It will then demonstrate how the alehouse was understood as a site of popular politicisation, invoked as a metonym for Revolutionary society as a whole. Finally, it will reveal how public houses were portrayed as sites for the acting-out of subversive religious practices associated with independency.

From as early as the militia crisis, royalist and parliamentarian officials used inns as organisational bases, both as places to lodge and as magazines for the storage of weaponry. In Leicester, the struggle played out between two inns: the Angel and the Crane. The Angel, which lay on a corner of the principal market square, close to the guildhall, was Leicester's most illustrious inn. The parish of St. Martin's was the city's most prosperous, and the inn's situation therein partly

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[163] See, for example, A. Everitt, 'The English urban inn 1560–1760', in A. Everitt (ed.), *Perspectives in English Urban History* (London, 1973), 91–137; K. Wrightson, 'Alehouses, order and reformation in rural England 1590–1660', in S. Yeo and E. Yeo (eds.), *Popular Culture and Class Conflict 1590–1914: Explorations in the History of Labour and Leisure* (Brighton, 1981), 1–27; P. Clark, *The English Alehouse: A Social History, 1200–1830* (London, 1983); B. Kümin, *Drinking Matters: Public Houses and Social Exchange in Early Modern Central Europe* (Basingstoke, 2007).
M. Hailwood, *Alehouses and Good Fellowship in Early Modern England* (Woodbridge, 2014); Williamson and Southard, 'Drinking houses'.

explains how the Angel became a 'hub of the local elite'.[164] It was not uncommon for the inn to host civic business, and the city's corporation frequently purchased wine to be consumed at the Angel during meetings of the mayor and aldermen, and local justices.[165] From at least the sixteenth century, Leicester's corporation made payments for the entertainment of passing royalty and nobility at the Angel: Thomas Cromwell; Mary, Queen of Scots and her granddaughter, princess Elizabeth; the earls of Shrewsbury and Huntingdon; the duke of Württemberg; and the elector palatine of the Rhine were among those to have lodged at the inn. The arrival of such guests could be extravagant public spectacles, accompanied by the sounding of trumpets and the ringing of the bells of St. Martin's.[166] Such entertainment could come at significant cost to Leicester's corporation, but also presented the civic elite with the opportunity to curry favour with influential dignitaries.

It was within this politically charged space that tensions over the militia crisis in Leicester first erupted in 1642. The parliamentarian lord lieutenant, the earl of Stamford, arrived to attend to the organisation of the militia in June, intending to lodge at the Angel while doing so. Upon his arrival, however, Stamford happened upon a royalist recruiting officer sent there for 'the same businesse'. This officer reportedly spoke many 'sharpe and uncivill words … which so incenst' Stamford that he drew his sword, urging the royalist to depart 'or he would make that place too hot for him'. A 'desperate Combate' ensued, with only the intervention of townspeople milling around on market day preventing the encounter from turning deadly. The majority reportedly took Stamford's side, and the royalist officer left the town to cries of 'Popish Lord'.[167] A few weeks later, Henry Hastings, the son of the earl of Huntingdon, arrived in Leicester to formally put the king's Commission of Array in execution. By this time, parliamentary officials were occupying another of the city's inns, named in one

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[164] Y. Kawana, 'Social networks and urban space: the social organisation of a county town, Leicester, c. 1550–1640' (Ph.D. diss., University of Leicester, 1996), 109, 287.

[165] ROLLR, BR/III/2/82, fol. 66r.

[166] C. J. Billson, *Mediaeval Leicester* (Leicester, 1920), 26; W. Kelly, *Royal Progresses and Visits to Leicester* (Leicester, 1884), 312, 341–2; *Transactions of the Leicestershire Architectural and Archaeological Society, Vol. 1, Part 1* (Leicester, 1862), 118; Stocks, Leicester, 287.

[167] *Horrible Newes From from Leicester* (London, 1642), sigs. A2v–A3r.

pamphlet as 'the Hearon'.[168] The absence of references to such an inn in corporation records suggests that this may have been an ornithological error occasioned by the sign that adorned the inn: the heron, like the crane, is known for its long legs and neck. As early as January 1642, perhaps to avoid the eyes of the Angel's clientele, Leicestershire's high sheriff Archdale Palmer had used the Crane as an organisational hub of parliamentarian activity, sending out warrants to the bailiffs of the county's hundreds requiring them to 'assemble the justices of the peace ... at the Crane in Leicester' towards the fulfilling of a parliamentary order 'for the purpose of suppressing unlawful assemblies and securing of magazines'.[169] Contemporary sources reveal little about where the Crane stood, though it seems likely that it occupied the same site as the inn known by the eighteenth century as the Three Cranes. This was on the eastern side of Gallowtree Gate, also within the parish of St. Martin's, and likely within view of the Angel.[170]

Hastings arrived in the city at the same time that parliamentary messenger John Chambers was staying at the so-called 'Hearon'. It was there that Chambers witnessed a barrel being brought into the inn by a porter, who confessed upon questioning that it contained gunpowder sent by the son of Sir Richard Hawford, one of Hastings's associates.[171] A confrontation subsequently broke out after a group of royalists, present in Leicester to assist Hastings, 'in a Warlike manner Rid into the yard of the said Inne', though after another intervention by passing locals, the episode ended with nothing more than words being exchanged. Instead, it merely portended the spectacular standoff that would take place outside of the city gates later the same day, when Hastings narrowly escaped arrest by Chambers while attempting to read the commission—an episode explored in more detail in the subsequent chapter of this thesis. Having derisively invited Chambers to continue the quarrel at the Angel, where they intended to

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[168] *A true Relation of the Transaction of the Commands of both Houses of Parliament in the execution of the Militia in the County of Leicester* (London, 1642), sig. B1v.

[169] *CSPD*, 1641–43, 267.

[170] The Three Cranes was, in the eighteenth century, also referred to as 'the Crane' and 'the Cranes'. See Billson, *Mediaeval Leicester*, 34.

[171] Sir Richard Hawford was named in the parliamentary article of impeachment against Henry Hastings and his associates. See *LJ*, v, 192.

lodge, Hastings and his companions proceeded back into Leicester before fleeing under the cover of night.[172]

It is clear that the use of inns for militia organisation not only attracted the interest of local people, but also enabled them to influence the course of events. In this regard, Leicester was no exception. A letter sent from Shrewsbury by MP William Pierrepont in August 1642 reported an incident in which the reading of a parliamentary declaration was hindered by a royalist commissioner's 'Words of Scorn'. Eventually the declaration was read, after which 'many Hundred Persons came … to our Inn, whom we again acquainted with the Inconveniences of the Commission of Array, destructive to the Laws and Liberties'.[173] The parliamentarian commissioners at Lincoln were subject to an attempt at intimidation by locals or local officials, who had 'officiously fixed' a royal proclamation 'upon the Gates of the Inn where we met'.[174] At South Molton, Devon, the earl of Bath was indulging in a banquet at the inn of one Henry Hearder when 'the common sort of the Towne fell in a great rage with the Maior and his company, for giving licence that they should enter, and swor that if they did attempt any thing there, or read their Commission of Array, they would beate them all downe and kill them'. This episode is particularly interesting when considering the spatial and symbolic aspects of Revolutionary politics, not least because the assembled masses subsequently laid stones upon the town's market cross and occupied the surrounding square armed with muskets, halberds, and other weaponry, expressly to prevent the formal proclamation of the commission. For the pamphleteer, the moral of the story was that 'God is able with his smalest creatures to daunt the hearts of Kings'.[175]

In this chapter, we have already seen how popular parliamentarianism manifested itself in assaults on architectural representations of monarchical power. Royalist publications suggested that the signs that adorned inns and taverns could be targets of such iconoclasm. In a 1643 tract written from the perspective of a 'Mis-led, Ill bred, Rebellious Round-Head', the royalist

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[172] *A true Relation*, sigs. B1v, A4r, B3r.

[173] *LJ*, v, 269-70

[174] Ibid., 104.

[175] *A Declaration made by the right Honourable the Earle of Bath* (London, 1642), unpag.

pamphleteer John Taylor reported an incident from Mansfield in which a band of parliamentarians tore down the market cross before spotting a wooden 'Signe of the Crowne' hanging above an inn or tavern, which, 'in reverence to the Crowne, & duty to the King', they 'drag'd ... through the dirt, and kick'd it about the streets (O brave Rogues) so that the Widdow Hall, who was owneresse of the house, was faine to have a new Signe made at her owne charge'.[176] This episode may have been satirical, but there is sufficient evidence to suggest it could plausibly have occurred. Another royalist pamphlet, published five years later, railed against the 'destruction of senselesse stony crosses, [and] Reformation of Tavern signs by fantasticall cringers inserted instead of Angels pictured'.[177] Such episodes were clearly invoked in stereotypical representations of the parliamentarian zealot, yet there is evidence of inns and taverns replacing their signs after the regicide in accordance with a parliamentary order for the removal of regal insignia from 'all publick Places'.[178] It is likely that there were indeed assaults on tavern signs during the civil war, particularly where they obviously resembled forms of royal iconography.

The Angel in Leicester continued to receive prominent royalist visitors throughout the civil war. Royal emissary Sir Henry Hungate dined at the Angel in September 1642 after his arrival with a letter from Prince Rupert demanding payment from the corporation, and one historian has inferred that Rupert himself set up headquarters there after taking the town in 1645.[179] Two years later, Charles spent a night at the Angel during his conveyance to Holdenby House after being handed over to parliament by the Scots army.[180] A letter, likely addressed to the mayor, was sent by harbinger Robert Bradford a day prior to the king's arrival, and ordered the picking out of 'the most convenient Lodgings for his majesty if not a private howse I conceyve att the Angell'.[181] There were clearly political considerations to the appointment of a lodging house, and visiting dignitaries expected to be treated to appropriate hospitality. Between common

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[176] J. Taylor, *The Conversion, Confession, Contrition, Comming to himselfe, & Advice, of a Mis-led, Ill-bred, Rebellious Roundhead* (n.p., 1643), 9.

[177] *The Loyall Covenanter, or, Peace & Truth revived* (n.p., 1648), 32.

[178] Kelsey, *Inventing*, 86.

[179] ROLLR, BR/III/2/82, fol. 63ar; *Kelly, Royal Progresses*, 435.

[180] J. Thompson, *The History of Leicester* (Leicester, 1876), 123.

[181] Stocks, *Leicester*, 348.

alehouses, taverns, and well-patronised inns were significant gradations of status; as the bishop John Earle dryly observed, a tavern is 'a paire of stayres above an Alehouse, where men are drunke with more credit and Apologie'.[182] MP Bulstrode Whitelocke was disappointed upon his arrival in Oxford to present peace proposals to the king in November 1644, when he and his fellow delegates were taken to their quarters at 'a mean Inn, the sign of the Katherine Wheele ... which house was little above the degree of an Alehouse'.[183] It seems likely that Whitelocke interpreted his invitation to lodge at such a 'mean Inn' as a deliberate act of contempt on the king's part.

The creation of parliamentarian standing committees in each county in the winter of 1642–3 resulted in the regular use of certain inns for their business. The Hertfordshire committee regularly met at the King's Arms in Hertford, a property owned by the town's corporation.[184] The committee racked up large bills at the tavern, where they would be charged for everything from practical necessities like firewood and paper to consumables such as beer, ale, sack, sugar, bread and cheese.[185] The extent to which the nomination of 'official' inns depended on the consent of the innkeeper remains unclear. Certainly, it seems that hosting such gatherings could be profitable business. However, it may also be the case that refusals to host itinerant officials were deliberate attempts at hindering their business. An innkeeper was presented at the quarter sessions in the North Yorkshire town of Malton in July 1636 for 'denying to lodge any person whatsoever for the whole yeare, and being demaunded why he would not, saith "he hath no bed for them"'. The episode has been interpreted by one scholar as a sign of passive resistance to the collection of ship money in the county.[186]

The use of inns for official parliamentarian business unsurprisingly resulted in the portrayals of parliamentarian committeemen as idle tipplers. In the second part of his *The Committee-man Curried*, published in 1647, royalist poet Samuel

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[182] J. Earle, *Micro-cosmographie, or, A Peece of the World Discovered* (London, 1628), unpag.

[183] B. Whitelocke, *Memorials of the English Affairs* (London, 1682), 107.

[184] Thomson (ed.), *The Impact of the First Civil War on Hertfordshire,* 21n.

[185] See, for example, TNA, SP 28/231, passim.

[186] J. C. Atkinson (ed)., *Quarter Sessions Records* (North Riding Record Soc., iv, 1886), 53.

Shepard referred to parliament's officials as a:

Common Curse, one borne to tyrannize,
A gatherer of the Excise,
With Time-Server, a two fac't Priest
Within a Tavern meet and feast,
And there when warm'd with wine, bewray
How they the Commons doe betray[187]

There was likely a grain of truth in the stock character of the drunk committeeman. The accounts of the Hertfordshire committee do not give the impression that their meetings were particularly austere affairs. As scholars have noted, however, royalists too became associated with the alehouse, not least because the 'ritual drinking of loyal "healths" … to the King had become a central expression of royalist identity'.[188] From early in the civil war, parliamentarian pamphlets were published detailing the divine punishments meted out to royalists that drank seditious or even blasphemous healths. In 1643, one Turner, an Oxford vintner, was said to have joined in with the drinking of healths 'to the confusion of the Round-heads' at his tavern at the sign of the Half-Moon in Oxford, whereupon he immediately 'fell down and brake his leg', eventually dying of his injury.[189] More remarkably still, a royalist soldier, Andrew Stonesby, was said to have drunk a health to the devil while billeted at the sign of the Dolphin at a town in Cornwall in October 1642. No sooner were his blasphemous words spoken than the devil himself appeared in the middle of the room, leaving Stonesby 'groveling on the ground, raving and blaspheming' until he too succumbed.[190]

While associating royalists with the drinking of scandalous healths was a rhetorical strategy of parliamentarian propagandists, there is also evidence of concrete action being taken against those that drunk such healths. In November 1642, one Thomas Warner was informed against by two Exeter fullers for declaring that 'he had been to drink a health to the King and the Cavaliers, and to the confusion or condemnation of the Roundheads and the volunteers', for which

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[187] [S. Sheppard], *The Second Part of the Committee-Man Curried* (n.p., 1647), sig. A2r.

[188] Hailwood, *Alehouses*, 63.

[189] *God's Revenge Upon his Parliaments and Peoples Enemies* (London, 1643), 1–2.

[190] *A wonderfull and Strange Miracle or Gods Just Vengeance against the Cavaliers* (London, 1642), 5.

he was committed to prison. The previous month, at the Exeter sessions, one Richard Rosser, a yeoman, was committed to prison for 'speaking divers seditious words' at the inn of one Richard Kelly.[191] Royalist pamphlets in particular came to portray alehouse controversies not merely as reflections of a divided society, but as its root cause. This was less due to drunken disorder than the role inns, taverns, and alehouses played in enabling political discussion among common people. A proto-royalist pamphlet in 1641 complained of English society's having become 'Amsterdamnified by several opinions; religion is now become the common discourse and table talk in every tavern and alehouse, where a man shall hardly find five together in one mind, and yet every one presumes he is in the right'.[192] A year later, a royalist pamphlet articulated a similarly proto-Hobbesian explanation for the outbreak of war, bemoaning that the Bible had become 'so abused and mangled with variety of Opinions that it is become the common subject of discourse, aswell in tavernes and upon Alehouse benches'.[193] In 1645, another royalist bemoaned the presumption 'to make every Taverne and Alebench a Tribunall, whereat to accuse, arraigne and condemne the sacred and dreadfull person of the Lords Annoyted … and to censure all his Actions, before their Companions as confidently as if he were the vassal, and they the Monarch: Hath not former experience told us, this is the high way to all Treasons and Rebellions?'[194]

Such concerns were likely exacerbated by the concrete political practices that took place in inns, taverns, and alehouses. Ordinary people's participation in civil war politics was frequently enabled by their encounters with royalist and parliamentarian officials in their towns and cities. These were not always dramatic confrontations, but could consist of surreptitious eavesdropping on military or political intelligence that might then be published in print. One 1642 tract reported information on the intended movements of the royalist army gleaned by one Anthony Vaux's chance encounter with the secretary of state Sir

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[191] E. A. Andriette, *Devon and Exeter in the Civil War* (Newton Abbot, 1971),175–8.

[192] J. Peacey, 'An "Amsterdamnified" public sphere: English newsbooks, pamphleteering, and polemic in European context', in S. B. Dobranski (ed.), *Political Turmoil: Early Modern British Literature in Transition, 1623–1660* (Cambridge, 2019), 189–204, at 189.

[193] *The Round-Head Uncovered* (London, 1642), 4.

[194] [F. Quarles], *The Profest Royalist: his Quarrel with the Times* (Oxford, 1645), 29

Edward Nicholas at the Katherine Wheel in Oxford, with whom Vaux 'entr[ed] into discourse' over 'a pint of wine'.[195] Six years later, one John Everet, a parliamentarian excise officer, was taking his lodging at an inn at Windsor when he 'over-heard some in another roome' speaking of plans for the New Model Army to march on London. He immediately informed the lord mayor of the information, and was called to depose on oath before the common council.[196] The limits of contemporary communicative technologies ensured that the secrets of state were considerably harder to keep secret.

Perhaps more worrisome was the fact that inns and alehouses were sites of local political organisation, including the formulation and subscription of petitions. This, however, was the case for royalists and parliamentarians alike. Sir Roger Twysden and Sir George Strode met some forty-five justices at the Star in Maidstone in advance of the infamous 1642 assizes; if, as suggested above, the royalist grand jury petition was indeed planned in advance, it is easy to imagine that it might have taken place at the Star. While Thomas Blunt's parliamentarian counter-petition was debated by magistrates and gentlemen of the bench during the Maidstone quarter sessions the following month, local royalists were said to have been holding a meeting in favour of Dering's original petition in a local tavern.[197] The 1643 plot to betray Bristol to Prince Rupert's royalist forces was cooked up by Robert Yeamans and George Bowcher in Bristol's Rose tavern, while in May 1648, a group of thirty 'Cavaleers, Apprentices, Innes of Court Gentlemen, and others' surreptitiously gathered at the sign of the Three Tuns at London's Newgate market to thrash out the details of a plot to raise horse and foot 'For God, For Kinge, and Citty'.[198] More concrete evidence that petitions were formulated and subscribed in inns and taverns survives in the form of a strident parliamentarian petition from Northamptonshire knights, gentlemen, and freeholders, which was signed at one of the town's most prominent inns, the

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[195] A. Vaux, *Prince Robert His Proceedings with His Majesties Army in Berkshire* (London, 1642), 3.

[196] *The True Answer of the Parliament to the Petition of the Lord Maior, and Common-Councell, for removing the Army* (London, 1648), unpag.

[197] Woods, *Prelude to Civil War*, 35, 80.

[198] *The Severall Examinations*, 2; 'The Examination of William Paradine', in C. H. Firth (ed.), *The Clarke Papers: Selections from the Papers of William Clarke* (4 vols., Camden Soc., New Ser., xlix–lxxii, 1891–1901), ii, 5-6.

Swan, in January 1642.[199] A month earlier, Edward Curle, a London druggist, deposed before the lord mayor that one John Greensmith, a tobacconist, had come to his shop to ask 'if he had set his hand to the petition to be preferred to the Parliament'. Upon Curle's negative reply, Greensmith 'desired him to go and subscribe it at the White Lion tavern' on pain of having his 'throat cut'.[200] It is likely that public houses in the provinces were also sites for the subscription of oaths and petitions, by common people as well as local elites.

Conservative condemnations of taverns and alehouses were doubtless also rooted in their associations with religious and political radicalism. It is well known that much Leveller business took place in specific London taverns, including, most famously, the Windmill and the Whalebone.[201] However, alehouses, taverns, and inns elsewhere were also sites for the articulation and contestation of radical ideas. In the summer of 1647, at the 'chiefest Inne' at Market Harborough, Leicestershire, 'a great Company of young men and others' gathered to discuss parliamentarian politics; according to one report, 'most of the Roomes were filled, and many strong arguments there held'. In the end, a 'great fight' broke out between independent and presbyterian factions over the New Model Army's Solemn Engagement, and the defections of officers Sydenham Poyntz and Edward Massey to London's presbyterian common council. While some approved of the 'late Engagement of Poyntz and Massie', others declared that they 'would live and dye with his Excellencie Sir Thomas Fairfax'. According to the report, written by one Thomas Blagne, two or three were killed in the ensuing skirmish.[202] A year later, the same inn played host to a regiment of parliamentarian forces under the command of Henry Marten, the arrival of which so frightened locals, 'for preservation of their ancient rights and libertes [*sic*], against their new design of levelling', that Marten made proclamation at the market cross that 'no violence or wrong should be executed upon any'.[203]

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[199] *CSPD*, 1641–3, 279.

[200] Ibid., 197.

[201] For an analysis of the Leveller alehouses and taverns, see J. Rees, 'Leveller organisation and the dynamic of the English Revolution' (Ph.D. diss., Goldsmiths, University of London, 2014), 69–80.

[202] *A Great Fight at Market-Harborough in Leicestershire, Betwixt the Presbyterians and Independents* (London, 1647), unpag.

[203] *Terrible and bloudy Newes from the disloyall Army in the North* (n.p., 1648), 2–

As we have seen in Samuel Shepherd's *Committee-Man Curried*, parliamentarians occupied a paradoxical position in royalist discourse, at once portrayed as the enemies of alehouse revelry and as puritanical hypocrites. The latter was a familiar literary trope dating back to the sixteenth century, and, in the words of Peter Lake, characterised the puritan as capable of disguising 'lust, greed or gluttony behind an apposite scriptural phrase or aside'.[204] One 1648 pamphlet, which drew attention to the manifold 'damnable and dangerous errours and blasphemies' of puritan and separatist preachers, was printed with a woodcut frontispiece that set an 'Orthodox true minister' against a 'Seducer and false Prophet' (*fig.* 1).[205] While the former was depicted delivering a sermon at the pulpit of an ornate church, wearing cap and surplice, the latter was depicted preaching from the window of an inn at the sign of the bell. The woodcut is highly gendered: while the 'Orthodox' minister is shown sermonising before an orderly, all-male audience, his radical counterpart is depicted speaking to a scene of general disorder, in which women are climbing a tree for a better view. Doubtless the woodcut was playing on associations of radical independency with an assault on the patriarchal order. But what of the preacher's presence in a drinking house? While it might also be interpreted as reprising the classic trope of the hypocritical pietist, it could also have been a comment on the unusual alehouse practices associated with radical independents.

Independents could use inns as places of congregation, as revealed by a scandalised John Bastwick in a pamphlet published in 1646. Bastwick made mocking reference to London's Coleman Street, or 'Toleration-streete, which they call the holy streete', where 'as many meeting houses as [independents] have, so many Churches … they have'. He recalled having been on Coleman Street when he 'saw many of the Independents going into the Nags-head a Taverne', which served not only as a religious meeting house, but an organisational hub, where 'they call their Parliament, and make Committees and Chayre-men, for preparing of businesses for the great Councell, and for the advising of them what to do, and there they order how they will deale with the Presbyterians; and this is … also

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[204] P. Lake, 'Anti-puritanism: the structure of a prejudice', in K. Fincham and P. Lake (eds.), *Religious Politics in Post-Reformation England: Essays in Honour of Nicholas Tyacke* (Woodbridge, 2006), 89–97, at 95.

[205] T. C., *A Glasse for the Times* (London, 1648).

whither the Saints resort upon all occasions to consult together about the affairs of the Church & State'.[206] Coleman Street Ward was notorious for its associations with militant puritanism, and the Nag's Head had been known as its epicentre from at least 1639, when it hosted a 'recurring series of puritan conferences' attended by future civil war radicals.[207] The Nag's Head featured, in woodcut form, on the title-page of a series of pamphlets written by the aforementioned royalist satirist and pamphleteer John Taylor in the early 1640s, suggesting it was instantly recognisable as a centre of radical puritanism. The woodcut features similar tropes to that discussed above, including the 'preaching Cobler' Samuel Howe stood inside what appears to be a beer barrel, with a woman stood directly to his left (*fig.* 2). In one pamphlet, Taylor mocked Howe, a separatist who had lectured at the tavern in 1639[208]:

> And at the Nags head, neare to Coleman-streete,
> A most pure crew of Brethren there did meete,
> Where their devotion was so strong and ample,
> to turne a sinfull Taverne to a Temple[209]

The use of taverns for religious assembly and even the ministration of sacraments was subject to criticism throughout the 1640s. In 1647, Scottish presbyterian minister Robert Baillie wrote a scathing assault on Anabaptism, 'the true fountaine of Independency', in which he observed that the 'Lords Supper is brought by them almost to a civill Table, in any Innes when they have made a public feast'.[210] By the 1650s, Ranters were depicted in pamphlets as filled with insatiable appetites for tobacco and alcohol; in his journal, Quaker founder George Fox recalled having been visited in prison in Charing Cross by Abiezer Coppe and a 'great company of Ranters', who 'began to call for drink and tobacco'. They were chastised by Fox, who demanded that if they wished to drink and smoke, 'they might go into another room'.[211] Doubtless, the associations of radical

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[206] J. Bastwick, *The Utter Routing of the whole Army of all the Independents and Sectaries* (London, 1646), 190.

[207] Como, *Radical Parliamentarians*, 57–60.

[208] Ibid., 57–8.

[209] J. Taylor, *A Swarme of Sectaries, and Schismatiques* (n.p., 1642), 8.

[210] R. Baillie, *Anabaptism, the True Fountaine of Independency, Antinomy, Brownisme, Familisme* (London, 1647), 54.

[211] A. Hessayon, 'Abiezer Coppe and the Ranters', in L. L. Knoppers (ed.), *The Oxford Handbook of Literature and the English Revolution* (Oxford, 2012), 346–374, esp. 357–

independency with alehouse debauchery was exaggerated for rhetorical effect, yet it also seems clear that taverns did play a significant role in their organisation and religious practices.

In 1648, in a sermon at St. Paul's, the presbyterian minister Edward Bowles expressed fears that society at large was coming to be governed by the lawless logic of the alehouse. He urged people to 'avoid and abhor that frequent drinking healths, not so much of good fellowship, as of faction, which were wont to be confined to Taverns, but are now got into private houses, and publick streets, and are ready to fill us with drunkennesse, and dash us one against another'. He warned that the 'reckoning of these drinkings is like to be very sharp, unless we be more sober and vigilant'.[212] The intriguing implication is that taverns were newly recognised as factional spaces. In other words, though the civil war clearly did not mark the point at which the inn and alehouse first became a site for political discussion and organisation, at least some contemporaries perceived a dangerous intensification of this process, which posed a new threat to the social order. More obviously novel was the contestation of inns and alehouses by rival authorities, and their occasional designation as quasi-official administrative bases. There is evidence that the associations produced by these practices lasted throughout and beyond the civil war period. Steve Pincus has previously noted that after the Restoration, both republicans and royalists alike 'had their favourite coffeehouses'.[213] Yet the evidence is sufficient to suggest that a similar phenomenon had already emerged in alehouses and inns from the 1640s.

For an example of the lasting spatial effects of civil war, we can return to Leicester, and the use of the Crane inn as a site of parliamentarian organisation from the militia crisis onwards. Corporation records either side of the regicide hint at a new prominence in civic life: the inn seems to have benefited from its parliamentarian connections. Having previously received scant mention in corporation records, the Crane begins to feature more regularly, including in the chamberlain's accounts for 1646–7 as the site of meetings between the mayor and

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63; W. Armistead (ed.), *A Journal of the Life, Travels, Sufferings, Christian Experiences, and Labour of Love, of George Fox* (2 vols., London, 1852), i, 187.

[212] Bowles, *Good Counsell*, 22.

[213] S. Pincus, '"Coffee politicians does create": coffeehouses and Restoration political culture', *Journal of Modern History*, Vol. 67, No. 4 (1995), 807–34, at 816.

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Figure 1. Woodcut from T. C., A Glasse for the Times *(London, 1648).*

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Figure 2. Woodcut from J. Taylor, A Swarme of Sectaries, and Schismatiques *(n.p.,*

unspecified commissioners 'when they went to vewe the Towne ground where the Houses were pluct downe', and when the mayor, recorder and town justice 'went to satisfie the Country Justices, concerninge the Jurisdiccon in Bishopps Fee'.[214] The account books for 1648–9 mention a payment made during the 'Auditts holden att the Crane', while between 1649 and 1651 the same inn is mentioned in payments for wine, beer, and tobacco enjoyed in meetings of the mayor and aldermen with such notable parliamentarians as the Lord Grey of Groby and Sir Arthur Haselrig.[215] Moreover, it was at the Crane that captains of the New Model Army were entertained en route to their decisive victory at Worcester in 1651, at the further expense of the corporation.[216]

In contrast, the Angel vanishes from civic records until, intriguingly, the year of the Restoration, at which point the annual audit appears to have returned to its former site. By the mid-1670s, seemingly after the death of its former owner, one Anthony Wigley, the 'messauge or Tenement commonly called or knowne by the name or signe of the Angell' came into the possession of Joseph Cradock, later mayor of Leicester. It appears to have continued as a site of civic entertainment, as the same year the corporation paid for 'bisketts and sweetmeates presented to ye Earle of Aylsbury and ye Gentle-weomen with him at the Angell'. In 1688, the corporation ordered a 'day of feasting and rejoycing' at the Angell to mark the birth of prince James, shortly before his father was deposed in the Glorious Revolution.[217] However, according to one scholar, it was the Crane that 'deprived the once famous Angel Inn of its former prestige', and would go on to become a favourite haunt of Leicester's Whigs.[218] By the late eighteenth century, the Three

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[214] ROLLR, BR/III/2/83, fols. 51r, 57r. The manor of the Bishop's Fee lay in the east fields of the town, and was home to an estate of the Bishop of Lincoln. Uncertainty over its jurisdictional status had emerged as early as the 12th century, and centred around the whether or not the borough had the authority to levy taxes in the liberty. See R. A. McKinley (ed.), *A History of the County of Leicester, Vol. 4: The City of Leicester* (London, 1958), 350.

[215] ROLLR, BR/III/2/83, fol. 122r; Stocks, *Leicester*, 406–7.

[216] Kelly, *Royal Progresses*, 452.

[217] Stocks, *Leicester*, 478, 544, 588.

[218] Ibid., 497; Billson, *Mediaeval Leicester*, 37.

Cranes, as then known, remained the city's 'pre-eminent' inn.[219] Through such microscopic studies, we are able to trace the process by which certain sites become produced as 'spaces', and which may have garnered political associations that lasted long after the regicide in 1649.

In sum, this section has demonstrated the varied uses and associations of inns, taverns, and alehouses throughout the 1640s. Drinking houses were sites of dissensus from at least the militia crisis, during which common people were able to witness and intervene in conflicts between royalist and parliamentarian officials. They were also used by local corporations called upon to host visiting dignitaries, including the king himself. The 'practicing' of such spaces by authorities gave rise to rhetorical tropes, by which both royalist and parliamentarian propagandists associated their enemies with alehouse excess. Perhaps more serious was the concern that the tavern was a site where common people came to formulate ideas and opinions about politics. This was a fear with at least some basis in reality, and evidence reveals public houses serving as sites of political discussion, debate, and participation throughout the 1640s, whether in the subscription of petitions, the drinking of healths, or debates over parliamentary politics. Yet the conservative reaction against inns, alehouses and taverns was surely also a product of its associations with radical independency, and the uses of inns as meeting houses and organisational spaces. It seems clear, from the panicked sermons of royalist and presbyterian ministers, that drinking houses had long been sites of political discussion and disagreement, but which they now saw spilling out into all areas of public life. Conflicts that previously played out within the walls of the tavern were now also contested in the market square.

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[219] A. Temple Patterson, *Radical Leicester: A History of Leicester 1780–1850* (Leicester, 1954), 2.

2.4 Conclusion

This chapter has advanced two central arguments. The first is that the English Revolution generated new public political practices, as a divided elite vied to assert political supremacy before the people at large. The peculiar need for parliamentarian officials to establish their authority over and above that of the king resulted in spectacular and scandalous assaults on traditional iterations of royal power, perhaps best encapsulated by Nathaniel Fiennes's burning of a proclamation in Bristol's market square. Such episodes enveloped common people in the politics of civil war, forcing them to reflect upon foundational political questions. Politics was more obviously not something peripheral to their worlds, but was visible in the very streets, marketplaces, courtrooms, and pubs of their parishes; a proximity that enabled them to intervene in encounters between officials and participate in debates with their neighbours. The final chapter of this thesis will question the extent to which such debates were sanctioned, or even encouraged, by royalist and parliamentarian officials.

My second, more speculative claim, is that these experiences transformed how people conceived of politics. Applying the theoretical concept of dissensus forces us to consider how microscopic bodily encounters can alter how people make sense of the world, or, in Bourdieusian terms, disrupt the very 'dispositions' upon which symbolic power depends. The arcane ceremonial traditionally used to present the early modern social order as natural and eternal was subject to a violent disruption, exposed through elite contestation and popular participation as a deliberate exercise in mystification, a glorious facade that cloaked the earthly operation of power. Revolution brought common people into everyday encounters with ideological conflicts; encounters that were themselves loaded with radical potential insofar as they opened up the imagination to the possibility of an alternative political order. Conceiving of their own agency, common people participated in these conflicts, whether through the scattering of subversive pamphlets, the strategic occupation of public space, or assaults on banal symbols of royal authority. Such actions were predicated on a novel conception of politics as a terrain of human struggle, rather than the exclusive domain of an anointed few.

That, in more abstract terms, is to suggest that the experience of civil war encouraged the formulation and circulation of materialist conceptions of politics,

in which the production of authority is an immanent, worldly process rather than one of divine or transcendent origins. Authority, in this reading, comes to constitute a certain social relation, rather than a God-given quality. Such ideas are evident in Leveller pamphlets of the late 1640s. John Wildman, for instance, declared the divine right of kings to have been a deliberate political fiction, manufactured and perpetuated by a vast ideological apparatus that consisted of 'Scholers to preach it … Lawyers to plead it; the Officers and Power of the Kingdom to support it', such that it was no wonder that the king was esteemed 'a thing Sacred, Inviolable, as the Breath of our Nostrils, the Apple of our eies, in all causes, and over all Persons, next and immediate under God … accountable only to him'. These arguments betray a strikingly modern understanding of power as in constant social (and ideological) operation, rather than the divine or natural possession of a certain individual or social class. As such, Wildman saw the work of politics as regulating the social distribution of power; of breaking up sovereignty by creating legal safeguards like 'nets of sisters thred, made for necessity, and to divert … the present Torrent of Power'.[220] The telos that marked predominant modes of political thought before the Revolution gave way to an understanding of politics as perpetual struggle; in the words of Reinhardt Koselleck, 'the course of the seventeenth century [was] characterized by the destruction of interpretations of the future'.[221] It is easy to see how immanent conceptions of political power could open up the possibility for popular participation by enabling people to theorise and legitimate their own agency. This argument is further substantiated over the following two chapters.

Finally, the arguments made here complement Sharon Achinstein's claim that the explosion in the availability of printed material in the 1640s produced 'revolutionary readers', encouraged to interrogate authorities, formulate political arguments, and rebut objections from ideological opponents.[222] By the same

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[220] [Wildman], *A Reply To the House of Commons*, 5–6, 12–3. For attributions to Wildman, see M. Dzelzainis, 'History and ideology: Milton, the Levellers, and the council of state in 1649', *HLQ*, vol. 69, nos. 1–2 (2005), 269–87, at 282; R. B. Seaberg, 'The Norman conquest and the common law: the Levellers and the argument from continuity', *HJ*, vol. 24, no. 4 (1981), 791–806, at 803.

[221] R. Koselleck, *Futures Past: On the Semantics of Historical Time*, trans. K. Tribe (New York, NY, 2004), 17.

[222] Achinstein, *Milton*, 103.

token, novel experiences of public politics offered ordinary people a crash course in political activism, creating opportunities for the interrogation of, or even direct action against, authority figures deemed to be acting out of line. This practical edification extended to more nuanced forms of political organisation, whether in the selective scattering of pamphlet polemics and libels, the formulation of popular petitions, or the strategic occupation of public space. In sum, these novel forms of participation broadened common understandings of politics and its possibilities.

Chapter Three

'Under my hand and seal'
Authority, innovation and the textual form

The following chapter will explore the role of texts in the production, contestation, and subversion of political authority in the 1640s. As Adam Fox has argued, early modern England was 'permeated by documentary standards of reference and proof, a culture deeply imbued with literate habits of mind', and texts were used as a 'reservoir of authority, a means through which to control and coerce or to protect and preserve'.[1] It is hardly surprising, therefore, that textual artefacts took on a particular importance in the unfolding of Revolution, not least as tools to influence and mobilise the public. Though much scholarly work has been undertaken on the explosion of print during the civil war, this has tended to focus on printed propaganda, such as pamphlets and newsbooks, which were only occasionally published with official approval.[2] In contrast, this chapter focuses on what we might term the official 'paper war' of the 1640s, constituted of the formal public communications of king and parliament. This includes, but is not limited to, royal proclamations and parliamentary declarations. Through a novel focus on this particular aspect of the paper war, I will demonstrate that texts were not simply tools of communication, but vectors for asserting and resisting contentious claims to political powers.

Whereas work by Adam Fox and Andy Wood has demonstrated the potency of texts as 'weapons of the weak', this chapter focuses on texts as tools of governance, which served to authorise the exercise of political power.[3] Giorgio Agamben, as noted earlier in the thesis, has argued that the structure of sovereign

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[1] Fox, 'Custom, memory and the authority of writing', 89–90.

[2] See, for instance, E. Skerpan, *The Rhetoric of Politics in the English Revolution 1642–1660* (Columbia, MO, 1992); Achinstein, *Milton*; S. Wiseman, *Drama and Politics in the English Civil War* (Cambridge, 1998); J. Raymond, *The Invention of the Newspaper: English Newsbooks 1641–1649* (Oxford, 1996); Peacey, *Politicians and Pamphleteers*; idem, *Print and Public Politics*; D. R. Como, 'Print, censorship, and ideological escalation', passim; idem, *Radical Parliamentarians*.

[3] Fox, 'Custom, memory and the authority of writing', 89–116; A. Wood, *The Memory of the People: Custom and Popular Senses of the Past in Early Modern England* (Cambridge, 2013).

power is such that it can only ever be wielded vicariously, on behalf of someone or something else. In early modern England, the vicarious operation of power was embodied in the textual form at practically every level of politics. The authority of local officeholders, for example, rested not in their person, but in the writ or warrant that authorised their use of institutional force. The authority of civic corporations, meanwhile, derived from their charters of incorporation, traditionally granted by the monarch. Even the king's proclamations derived their potency from the Great Seal of England, which brought the customary authority of the body politic to bear on the monarch's body natural—though, as we shall see, certain royalists claimed that the king had an intrinsic right to dispose of the Great Seal as he personally deemed fit. As such, each of these 'official' texts had features that marked them out as recognisably authoritative. This authority was reified in iterative symbolic forms, which were used by contemporaries as a means to distinguish authentic documents from forgeries or counterfeits. These symbols were contested by and between royalists and parliamentarians throughout the Revolution. As such, this chapter focuses on the formal, aesthetic aspects of texts, over and above their particular linguistic content.

The first section of the chapter focuses on the legal instruments by which king and parliament sought to raise troops in 1642. Through a close study of the unfolding of the militia crisis in Leicester, it argues that differences between the aesthetic form and ritualistic publication of parliament's Militia Ordinance and the king's Commissions of Array reflected ideological differences between the two parties. The king's Commissions, which were written in Latin and issued to local aristocrats, or, in the king's words, the 'ancient Nobility', were designed as highly stylised appeals to the mythic feudal notion of unconditional obligation to one's lord and sovereign monarch.[4] In contrast, the publication of parliament's Militia Ordinance was designed to appeal to burgeoning notions of the representative function of parliament, to the extent that local MPs were present to personally affix copies of the ordinance to posts in the marketplace. More broadly, the section is used to argue that focusing on the 'performance' of texts—their life as objects, rather than as discourses—is useful when analysing different strategies of public mobilisation.

The second section of the chapter focuses on the hardening of parliament's

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[4] *LJ*, v, 149.

position against the publication of royal proclamations from the militia crisis onwards. This involves considering the strategies by which parliament sought to prevent the king's communications from being published, including by applying sanctions on local officials, messengers, and printers that abetted the king's cause. More abstractly, the section argues that the parliamentary censorship of proclamations represented a contentious assertion of the power to rule on the legality of royal commands, and to actively intervene when it found the king to have acted in contravention of the law. It will suggest that proclamations had a particular performative logic, insofar as they came into force only upon their publication in the localities. To prevent their publication was, therefore, to deny the king's divinely ordained sovereignty and to demonstrate the practical limits of the royal prerogative.

The third and final section of the chapter theorises the relationship between authority and the textual form. In doing so, it draws upon examples from both the political 'centre' at Westminster and civic governments in the localities to argue that early modern politics operated through the perpetuation of a certain 'visual order', in which seals, signatures, charters and other ritual or symbolic artefacts were used as a means of mystifying the operation of power, but also of restricting who was able to lay claim to political authority. Though parliamentarians and local officials spent much of the 1640s seeking to reproduce or appropriate traditional symbols of authority, including the Great Seal and various charters of incorporation, the section concludes by suggesting that the textual contestation of the civil war may have transformed the relationship of subjects to textual artefacts, encouraging people to reflect on whether texts were legitimate by considering their *content*, rather than their mere *form*.

3.1 Performing texts: Leicester and the militia crisis, 1642

In March 1642, having declared an 'imminent Danger' to king, parliament, and kingdom by the 'Rebellion and Insurrections' of 'Papists, and other ill-affected Persons', parliament passed the Militia Ordinance, by which it asserted control of the country's county militias.[5] Little over a month later, the king responded by issuing his first Commission of Array, sent into Leicestershire with a proclamation that declared the power to 'order and govern the Militia of the Kingdom' to be the exclusive right of the king and his council.[6] The importance of the militia crisis in the militarisation of the country is undisputed. In the indicative words of Thomas Cogswell, it represented 'one of the last signposts, if not the last one, on the high road to Civil War'.[7] This section will analyse the Militia Ordinance and Commissions of Array as textual objects, each designed to convince the public of the legitimacy of their respective cause. As Michael Braddick has argued, civil war allegiance was neither predetermined nor static, and people were mobilised through a variable mixture of force and persuasion.[8] We can identify ways in which the Militia Ordinance and Commissions of Array were designed to both reflect and appeal to competing visions of political authority. Exploring their differences will involve considering how both sides used texts to undermine their opponents' claims to authority. The militia crisis was not simply a matter of raising troops, but of discrediting the enemy; as Thomas Hobbes noted, 'on both sides they thought it needful to hinder one another' through 'declarations in print'.[9]

These themes will be explored through a close study of the unfolding of the militia crisis in Leicester. This is partly because the case is unusually well-documented, with extant news accounts and private letters allowing us to glimpse

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[5] M. Mendle, 'The Great Council of Parliament and the first ordinances: the constitutional theory of the Civil War', *JBS*, vol. 31, no. 2 (1992), 133–62, at 133.

[6] *LJ*, v, 148–9.

[7] T. Cogswell, *Home Divisions: Aristocracy, the State and Provincial Conflict* (Stanford, CA, 1998), 315.

[8] M. J. Braddick, 'Mobilisation, anxiety and creativity', passim; idem, 'War and politics in England and Wales, 1642–1646', in M. J. Braddick (ed.), *The Oxford Handbook of the English Revolution* (Oxford, 2018), 96–113.

[9] Hobbes, *English Works*, vii, 311.

the public performance of these texts in more detail than is usually possible. However, the Leicester case also brings into stark relief some of the broader historical dynamics that influenced attempts at public mobilisation in the critical weeks of spring 1642. As we shall see, royalist recruiting officer Henry Hastings's particular hostility towards the people of Leicester reflected his attitudes towards an ascendant puritanism in both city and county, which coalesced in his shock defeat in elections to both Short and Long Parliaments in 1640. In contrast to elected MPs Arthur Haselrig and the Lord Grey of Ruthin, who appealed to the aesthetics of representation in their attempts to mobilise support, Hastings responded with appeals to mythic feudal notions of obligation. Finally, the case reveals how the militia crisis marked a radical break with political norms by presenting the commonalty with a choice over whether to obey a parliamentary ordinance 'in preference to a commission from the King'.[10] In Leicester, this was particularly evident when Hastings attempted to put his Commission in execution, only to be confronted by parliamentary messenger John Chambers, who began to read 'the last Votes of both Houses concerning the illegality of the Commissions of Array' and 'the last Declaration of both Houses concerning the Militia'.[11] One could hardly imagine a starker demonstration of the collapse of the political order, or of how civil war suddenly thrust the politically disenfranchised into the position of arbiters of legitimate authority.

Hastings's confrontation with Chambers represented the culmination of his attempts to rally the people of Leicester to the king's banner, which took place over several days. According to a letter written by MPs Sir Arthur Haselrig and the Lord Grey of Ruthin, Hastings first appeared at Leicester the day before the county's trained bands were due to muster in the town upon parliamentary summons. Hastings reportedly 'had divers Proclamations of the Militia; and some he sent to the Head Constables, writing on the back Side that they should publish them in the Towns, subscribing his own Name'.[12] A pamphlet account claimed that 'Mr. Hastings had his man at Leicester ready upon the comming downe of the [parliamentarian lord-lieutenant, the] Earle of Stamford to carry him word,

[10] Braddick, *God's Fury*, 210.

[11] *A true Relation*, sig. B2v. Chambers appears to have been the messenger sent to Leicester 'by Order of both Houses' mentioned in the Commons journal. See *CJ*, ii, 654–5.

[12] *LJ*, v, 147–8.

and that hee immediatly posted away to Yorke, and brought back with him Proclamations, which he disposed about the Country'.[13] The political dilemmas encountered by local officials in receiving contradictory proclamations and declarations will be explored in more detail in the following section.

The following day, Hastings entered Leicester and invited the mayor, Thomas Rudyard, to read a proclamation. He further ordered 'that His Majesty had heard ill of the Town of Leycester, and expected an exact Account of that Day's Work'. Notwithstanding that Rudyard had, according to Haselrig and Ruthin, earlier 'promised all Obedience to the [Militia] Ordinance', the mayor subsequently 'refused ... to send forth the Trained Men of the Town', and some of those already en route to the parliamentarian muster were 'met by Strangers, affirming that [parliament] had declared that they needed not to appear'. Sometime later, Hastings returned with the Commission of Array, written in Latin, and its translation in English, which was read by the town clerk in front of the town hall. Hastings secured from the mayor the appointment of a guard for the protection of the town's magazine 'Day and Night'.[14] An unsigned letter sent from the king's base in York on June 17 reported that 'the mayor of Leicester and divers gentlemen of the county opposed Lord Stamford's proceedings at Leicester', as a result of which the king 'sent a letter of particular thanks to the mayor for that service'.[15] Rudyard was later imprisoned by parliament for the assistance he lent Hastings, though this may be indicative of the genuine bind in which local officials found themselves when confronted by royalist commissioners. Rudyard had been one of the members of the Leicester corporation involved in its ministration of the parliamentary Protestation a year earlier, and, as we shall see, was probably a puritan.[16]

Parliament responded to this royalist provocation by issuing a warrant for the seizure of Hastings and several of his companions 'for interrupting the Execution of the Ordinance of the Militia in the said County of Leicester', and removed 'a

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[13] *A true Relation*, 5.

[14] *LJ*, v, 147–8. Haselrig and Ruthin were two members of a four-man parliamentary commission for the execution of the Militia Ordinance in the county; the other members were the lord lieutenant the earl of Stamford, and his son the Lord Grey of Groby. See J. W. Hollings, *The History of Leicester During the Great Civil War* (Leicester, 1840), 13.

[15] *CSPD*, 1641–3, 342.

[16] Hollings, *The History of Leicester*, 18; Thompson, *The History of Leicester*, 362.

great Part' of the magazine to the 'Dwelling-house' of the earl of Stamford. Things reached a head when Hastings returned to Leicester on or around June 22, accompanied by 'Forces of Horse and Foot, to the Number of Three Hundred Persons'.[17] One pamphlet reported that '[w]ithin three miles of the Towne of Leicester, [Hastings] caused powder, match and bullets to be delivered to every Musketier, and commanded by a Sergeant that every man should charge with powder and bullet, which was done immediately'.[18] A standoff ensued on the Horse Fair Leys, a field which lay outside of the city's gates, where parliamentary messengers read the Militia Ordinance and parliament's response to the Commissions of Array, before attempting to arrest Hastings.[19] According to parliament's article of impeachment of Hastings and his associates, they escaped only by drawing pistols and muskets upon the messengers, and riding 'upon them with their Horses'.[20] The quarrel ended with Hastings barricading himself into the Angel inn and fleeing under the cover of night.[21]

Hastings and his associates were portrayed in parliamentarian propaganda as willing to use violence to enforce their Commission, and reportedly declared, 'to the terror of the people … that they would fetch away the Magazine from [the earl of Stamford], fire his house, have his heart bloud, and never leave him till they had made him turn up the white of his eyes'.[22] However, various accounts, including those written by parliamentarians, also emphasised the extent to which Hastings used local officials as a mouthpiece for the king's orders. According to Haselrig and Ruthin, during one of Hastings's earlier visits to Leicester, he had informed the mayor 'that the King, with His own Hands, gave [Hastings] a Proclamation, commanding him to deliver it to the Mayor, and that he should proclaim it'.[23] Correspondingly, when Hastings returned with the Commission of Array, he first requested that the sheriff read the accompanying proclamations

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[17] *LJ*, v, 150, 191–2.

[18] *A true Relation,* sigs. A3r–v.

[19] See E. Warburton (ed.), *Memoirs of Prince Rupert and the Cavaliers* (3 vols., London, 1849), i, 297.

[20] *LJ*, v, 192.

[21] *A true Relation,* sigs. A4r, B3r.

[22] Ibid.; sigs. A3r–v.

[23] *LJ*, v, 147–8.

aloud.[24] Ultimately, this does not seem to have stopped Hastings personally proclaiming the commission, but his initial attempt to force a civic official to do so is indicative of the role of these officials in the 'proper' execution of early modern authority. The attempt to use established ritual forms for the publication of royal commands in the localities makes perfect sense when considered as an aspect of what David Zaret has termed the 'paradox of innovation', an instance 'of discontinuous change in which the practitioners of innovative behavior do not acknowledge and even deny innovation'.[25] While authority was wholly endowed by tradition and precedent, any kind of political novelty had to be disguised as established procedure in accordance with common law. Relying on established mechanisms for the publication of royal proclamations was one means of cloaking innovation under the veil of custom.

Indeed, the entire legitimacy of the Commissions of Array rested on the notion that they were not constitutional innovations, but a revival of a medieval instrument used for the raising of troops in the absence of parliamentary assent. Here, a focus on the textual form of the Commissions reveal something about how political aesthetics could be consciously manipulated in attempts at mobilising the public. Royalists attempted to demonstrate the customary legitimacy of the Commissions by literally writing them in Latin: according to Edward Hyde, earl of Clarendon, they were 'grounded upon a statute made in the fifth year of king Henry the Fourth, and in the very words in Latin prescribed by that statute'.[26] As such, the Commissions were highly stylised documents, revealed by the extant Commission of Array for Worcestershire, which is written in an antique script and features the king's personal signature and a large wax seal bearing the relief of the Great Seal of England.[27] The physical form of the Commissions, therefore, blended a fabricated constitutionalism with a healthy dose of regal mystification; it would have been obvious that the vast majority of common people would have been unable to read Latin, and the decision to compose it therein can only be explained by the desire to represent the purportedly historical basis of a provocative constitutional innovation. The king and his allies were clearly aware that we see texts before we read them; that our engagement with a text does not

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[24] *A true Relation*, sigs. B2r–v.

[25] Zaret, *Origins*, 21.

[26] Clarendon, iii, 572.

[27] Worcestershire Archive and Archaeology Service, BA15911/1.

begin with, nor is contingent upon, the process of deciphering letters on a page. In the words of James Rosenheim, '[t]he illiterate, the recalcitrant and the recidivist also understood the importance of the written word'.[28]

However, that the Commissions of Array were written in Latin posed immediate practical problems for royalists, and particularly for commissioners unable to read them. Having failed to persuade the sheriff of Leicester to publish his Commission, Henry Hastings attempted to read it aloud himself, but its 'being in Latine, and he not being ready therein, did there indevour to comment upon the meaning thereof in English, which being altogether then unable to doe, one Master Edward Palmer the Towne Clarke of Leicester tooke the said Commission out of his hand, saying, it ought to be read, who read it in Latine, to which most of the people gave eare, but answered nothing'.[29] Not only was the Commission incomprehensible to the people of Leicester, but also to the very officer appointed to put it in execution. Worse still, according to the earl of Clarendon, the marquess of Hertford's attempt to execute his Commission was thwarted by 'the other party', who sought to take advantage 'of the commission's being in Latin, [and] translated it into what English they pleased; persuading the substantial yeomen and freeholders, that at least two parts of their estates would, by that commission, be taken from them; and the meaner and poorer sort of people, that they were to pay a tax for one day's labour in the week to the king'.[30] In other words, the Commissions' being in Latin enabled parliamentarians to make mendacious claims as to the scale of demands that the king was placing upon common people.

Royalist officials were clearly aware of the potential language barrier, though the degree to which they sought to mitigate popular incomprehension remains unclear. After all, mystique and obfuscation could have its uses. The future regicide Sir John Danvers quipped that the Commissions' being in Latin had some advantages for the king, insofar as MPs unable to read the text were blind to its illegalities.[31] The letter from Haselrig and Ruthin differs from pamphlet accounts in its claim that upon his first visit to Leicester, Hastings had brought 'a

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[28] Rosenheim, 'Documenting authority', 592.

[29] *A true Relation*, sig. B2v.

[30] Clarendon, iii, 198.

[31] TNA, SP 16/491 fol. 202r.

Translation in English of a Commission, to be read by the Town Clerk; which he reading, the Under Sheriff held the Original; and where Defects were, he read the Latin, and turned it into English'.[32] A few days prior to Hastings's arrival at Leicester's gates, on or around June 22, a proclamation 'to inform all our loving Subjects of the Lawfulness of our Commissions of Array' was issued from the king's court at York, seemingly intended to accompany the Commission, and possibly forming part of the 'two bundels' of proclamations and books that Hastings had tendered to Leicester's sheriff upon his arrival at the town.[33] The proclamation in question consisted of an explanation and justification of the Commission of Array in English, 'warranted by the Precedents of the like Commissions in all Ages, both before and since the Grant of the Great Charter by King Henry the Third, down to the very Time that Commissions of Lieutenancy were granted'.[34] Royalists were, however, clearly concerned about the reception of their commissioners, and by July 1642 there was talk that they were 'lyke to procure a new Commission more legall as for appearance att ye musters.[35]

Nevertheless, the Commission would doubtless have appealed to those that envisioned the monarch as the figure from whom all earthly authority flowed. This appears to be the kind of political ideology into which Henry Hastings was schooled. A manuscript written by his father, Henry, earl of Huntingdon, containing 'Certaine Directions' for the education of Henry's older brother, Ferdinando, declared the 'cap and surplice' to be 'but indifferent things in the power of the King to command or to prohibit, being within his kingdom supreme governor', and that 'being commanded it is a sin not to conform'.[36] Huntingdon thus articulated an Erastian kingship in which control over doctrine and church discipline was understood as an inalienable mark or right of the king's supremacy.[37] Such claims, however, took harder and softer forms: the notion that

[32] *LJ*, v, 147–8.

[33] *Certain Information from Devon and Dorset*, 9.

[34] Rushworth, *Collections*, iv, 659–61.

[35] TNA, SP 16/491 fol. 202r.

[36] HMC, *Report on the Manuscripts of the Late Reginald Rawdon Hastings, Esq., of the Manor House of Ashby de la Zouche* (4 vols., London, 1928–47), iv, 329–35, 331.

[37] Erastian notions of the relationship between church and state were not exclusively the preserve of royalists: according to Alan Orr, the 'primary mode of "opposition" to the policies of Charles I … was erastian'. See D. Alan Orr, 'Sovereignty, supremacy and the

the king's powers were absolute was not universally accepted, even among his own supporters. The earl of Clarendon noted that by 1642, royalists as well as parliamentarians were appealing to the maxim of *salus populi suprema lex*, and the vast majority of the king's lawyers had formulated their defence of ship money in the language of common good rather than of absolute monarchy.[38]

Even so, when the Viscount Falkland and Sir John Culpeper drafted the king's response to parliament's Nineteen Propositions in June 1642, declaring the monarch to be but one of the three estates, an unimpressed Clarendon responded by arguing that the king was no estate, 'but the head and sovereign of the Whole'.[39] Though Clarendon retained a belief in the authority of the ancient constitution, he held that the royal prerogative formed an essential part of it.[40] He later wrote that at no time must 'the Soveraign … be at the mercy of his Subjects'.[41] Clarendon's words, as Michael Mendle has astutely noted, were not merely those of the politician, but also of the 'believer', whose pronouncement of faith simultaneously exposes the vital tautology of sovereign power: the king is sovereign *because he is king*.[42] Indeed, we might interpret Hastings's attempts to drum up support for the king in Leicester as verging on the paradoxical: an attempt to convince people of their own subjection and debt of allegiance. The idea of allegiance being always-already owed is essential, for the recognition of this obligation rests not on the force of rational argument, but on a shared notion of the origins of the political *per se*; it resides within the realm of faith. Symbolic power, in the words of Pierre Bourdieu, depends on 'collective belief'.[43] As Michael Braddick and John Walter have argued, the need to conform to 'wider expectations and symbols of legitimate power' paradoxically acts as both a source

origins of the English Civil War', *History*, vol. 87, no. 288 (2002), 474–90, at 474.

[38] Clarendon, ii, 444; Sabbadini, *Property, Liberty, and Self-Ownership*, 30–5.

[39] E. Hyde, *The Life of Edward, Earl of Clarendon* (3 vols., Oxford, 1827), i, 154–6. In his *History*, Clarendon conceded that 'the crown had … extend[ed] its authority and power beyond its bounds, to the prejudice of the just rights of the subject'. See *Clarendon*, ii, 444.

[40] Pocock, *The Ancient Constitution,* 148.

[41] J. Parkin, 'Clarendon against Hobbes', in P. Major, *Clarendon Reconsidered: Law, Loyalty, Literature, 1640–1674* (Abingdon, 2018), 84–99, at 87.

[42] Mendle, *Dangerous Positions*, 7–8.

[43] Bourdieu, *Language and Symbolic Power*, 125–6.

of power and a constraint upon it. In short, the assertion of authority succeeds only where its symbolic form is recognised and accepted by the very people it attempts to make its subjects.[44]

Parliamentarians sought to undermine the efficacy of the Commissions of Array by presenting the militia crisis as a matter of legal interpretation rather than of simple obligation.[45] One pamphlet, written as a conversation between the Militia Ordinance and a Commission of Array, disputed the notion that the latter was a legitimate revival of a prerogative power, claiming instead that it was 'an upstart peece of the military strength of this Kingdome'.[46] Though the 'Commission' responded by claiming to 'derive my antiquity from the raignes of many former Kings', the ideological damage was already done: the king was presented as bound by the law rather than existing above and beyond it. The implications of this notion are profound. If the monarch was indeed capable of breaking the law, then obedience was conditional, and the responsibility of the subject was active interrogation rather than passive servility in the face of royal authority. Such ideas were reinforced by the circulation of more technical publications, including one pamphlet that examined the Commissions of Array in relation to a series of statute and common law precedents. Though it granted 'that Commissions of Array have long been in use', this was 'not in that sense those men would have them to be, with a Legislative power in the Commissioners to impose what Armes they think fit … at their pleasure'. In contrast, all previous grants of arms to the king had been 'by vertue of some Act of Parliament' or 'by grant of the Subject'.[47] Such texts provided practical training in political and legal argumentation, but, more profoundly, articulated a vision of the political world in which the king's power was not inalienable but subject to the authorisation of parliament and the will of his subjects. This was clearly how Arthur Haselrig

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[44] M. J. Braddick and J. Walter, 'Grids of power: order, hierarchy, and subordination in early modern society', in M. J. Braddick and J. Walter (eds.), *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland* (Cambridge, 2001), 1–42, at 27.

[45] A. Hitchman, '"They themselves will be the Judges what commands are lawfull": Legal pamphlets and political mobilisation in the early 1640s' (Ph.D. diss., University of Sheffield, 2017), 68.

[46] *A Discourse or Dialogue between the two now Potent Enemies* (London, 1642), 4.

[47] *The Case of the Commission of Array Stated* (n.p., 1642), 5–7.

envisioned the proper division of powers. In the aftermath of his attempted arrest by the king in January 1642, he had delivered a speech to parliament in which he articulated a unitary political vision founded on 'but one forme of Government; One sort of Fundamentall Lawes, that is, the Common Lawes of this Land, and acts, Statutes, and Ordinances of Parliament … he that subverts the one, breaks and infringes the other'.[48] In other words, the king's prerogative powers were neither boundless nor immutable, but operated within the space demarcated by common and statute law.

One anonymous parliamentarian pamphlet published in 1642 reproduced extracts from the Commissions of Array and other, associated, royal warrants in order to offer close critiques. It was not merely a negative assault on the powers of the monarch, but a positive affirmation of the original rights of the people. It cautioned that the Commission of Array, 'if put in Execution', would 'overthro[w] and destroy[e] all the fundamentall Laws of the Land and Liberty of the Subject, of the Commons especially'. Couched in the language of evil counsel, the pamphlet mocked royalist attempts to supplement their Commissions with printed publications, accusing the 'Cabinet or Cavalier-Councell' of having 'pumped hard, and most notoriously abused His Majesty and the Lawes, (unto which He is sworne) to set out in Print in his name, so many sheets (about eight) of paper, The Booke entituled (pretending) to shew the legalitie of the Commission of Array'.[49] At other times, however, so apparently self-evident did parliament consider the Commissions' illegality that they ordered for them to be reprinted in their entirety, without either annotation or critique. In August, the House of Commons took receipt of a copy of the marquess of Hertford's Commission, and immediately ordered for it to be printed for popular consumption. Within two days, the work had been carried out, and copies were on sale at the London bookshops of Edward Husbands and John Frank.[50]

However, parliament's use of the printing press during the militia crisis was not merely reactive. Whereas the king's Commissions of Array were large, distinctive documents, the Militia Ordinance took the comparatively banal form

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[48] *Sir Arthur Hasselrigg his Speech in Parliament* (London, 1642), 2–3.

[49] *The Commission of Array Arraigned and Condemned* (London, 1642), 5, 8.

[50] *CJ*, ii, 730; *A Copy of the Commission of Array Granted From His Majesty to the Marquesse of Hertford* (London, 1642).

of thousands of printed copies of parliament's decree, which were occasionally disseminated by MPs themselves. This much is clear from accounts of the Ordinance's publication in Leicester. Having received advance intelligence of Hastings's arrival in the city, one pamphlet reported that Haselrig and Ruthin gave 'their personall attendance in the fore-noone and had with their owne hands and others stuck upon posts in the market place, & other places, orders from the trusty & honourable House of Parliament'.[51] We here see an attempt on the part of the MPs to co-opt the space of the city for the dissemination of the Ordinance. A second account reported that Haselrig 'had fixed the Votes of both Houses on the In[n]-Gates, where they said Master Hastings, and the other Delinquents were to lye'.[52] Upon Hastings's return to the town, he reportedly pulled down these parliamentary orders and 'vilified [them] with opprobrious words', much to the dismay of the assembled people, who 'took it very heynously, and said, It was a high affront, and great indignity to the Parliament'.[53]

Appeals to the dignity of parliament were loaded with a particular import in Leicester, where both county and corporation had successfully challenged the long-standing electoral patronage of the earl of Huntingdon to return surprise burgesses to both Short and Long Parliaments. In the elections of 1640, Huntingdon had backed his son, Henry Hastings, and another future Commissioner of Array, Sir Henry Skipwith, and pressured the city's corporation to 'send your constables in their several wards to the freeholders to signify my desire unto them that as my son in the first place so for Sir Henry in the second'. However, in an unexpected turn of events, two zealous puritans, Haselrig and Ruthin, were returned for the county, marking the first time in over three decades that one of Huntingdon's clients had failed to win at least one of the county's seats. The suggestion that Huntingdon had become too closely associated with the Caroline regime appears to have some merit.[54] In spite of his moderate

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[51] *The Petition of Right: exhibited to His Majestie, By the Lords and Commons assembled in Parliament, concerning divers Rights, and the Liberties of the Subject* (London, 1642), sig. A4v.

[52] *A true Relation*, sig. B1v.

[53] *The Petition of Right*, sig. A4v.

[54] J. K. Gruenfelder, 'The electoral influence of the earls of Huntingdon 1603–1640', *Transactions of the Leicestershire Archaeological Society*, vol. 50 (1974–5), 17–29, at 24–5.

Calvinism, Huntingdon embraced the Arminian ceremonial of the Laudian church, as indicated by his support for beautification of church interiors as the place 'where God's ambassador doth deliver his word unto us and the sacraments, God's greatest seals'.[55] The election of the Leicester's parliamentary burgesses brought more bad news for Huntingdon, where, in the autumn, Thomas, Lord Grey of Groby, the teenage son of Huntingdon's great rival, the earl of Stamford, was returned to parliament alongside the more moderate Thomas Coke, who was expelled from the Commons as a royalist in 1645.[56] Called upon to nominate a replacement, Leicester's corporation elected Peter Temple, a former apprentice and linen draper, and an active parliamentarian committeeman.[57]

Such developments appear to lend support to claims that puritanism prevailed among the Leicester corporation. The mayor in 1641, Thomas Rudyard, was likely a parishioner at the church of All Saints, in whose chancel he was interred in 1656.[58] The parish incumbent for at least two decades from 1632 was one Thomas Ward, who fell foul of the Leicester archdeaconry court several times in the 1620s and 1630s. While curate in 1627, Ward was indicted for 'not wearing the surplice at the ministration of the sacrament, and for omitting to make the sign of the crosse in Baptism'. Seven years later, he was again indicted for 'not catechising on Sundays in the afternoon, and reading, praieing and churching a woman in St. Martin's without gowne and surplice'.[59] Ward was one of the ministers summoned to the town hall for a meeting with aldermen in 1641 over the ministration of the Protestation, and it appears that he was happy to oblige.[60]

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[55] Cogswell, *Home Divisions*, 211; Sharpe, *The Personal Rule*, 739.

[56] Gruenfelder, 'The electoral influence', 24–5; Cogswell, *Home Divisions*, ch. 12; Stocks, *Leicester*, 600; J. Simmons, *Leicester Past and Present* (2 vols., London, 1974), i, 86.

[57] Stocks, *Leicester*, 338; Cogswell, *Home Divisions*, 293.

[58] 'The annual excursion', *Transactions of the Leicestershire Archaeological Society*, vol. 8 (1896), 362–79, at 377.

[59] P. Hepworth, E. Morris, H. Hartopp and H. Collinson, 'All Saints, Leicester', *Transactions of the Leicestershire Archaeological Society*, vol. 26 (1950), 93–132, at 106–7.

[60] Stocks, *Leicester*, 307. This is inferred from the suggestion that attendance at the meeting was indicative of a willingness to minister the Protestation. Only four ministers reportedly came to the town hall, where they were 'requested to undertake that service

The evidence indicates an ardent puritanism, and his long-held benefice is suggestive of at least some support among the local elite. If not so easily identifiable as puritans, other figures in Leicester's corporation were active in the parliamentarian war effort. Richard Ludlam and Edward Cradock, mayors of the city in 1642 and 1645 respectively, had some involvement in parliamentarian committees from 1644 at the latest.[61] In the mid-1640s, the corporation, having been seriously impoverished by the repeated financial demands of royalist officials, drafted a petition to parliament on behalf of the 'well affected Inhabitants' of Leicester, requesting maintenance for 'able ministers in the paryshes' to be funded out of the sequestered estates of the bishop of Ely and the Leicestershire royalist Sir John Pate.[62]

An attentiveness to the electoral context of the militia crisis in Leicester, therefore, helps to explain Hastings's conspicuous hostility. Indeed, one contemporary correspondent suggested that the very reason that Hastings executed his Commission with such fervour in June 1642 was a desire for revenge against the local electorate for having spurned him for a shire seat. The parliamentarian pamphlet noted how Ruthin and Haselrig, contrary to the royalist Commissioners' 'desire and expectation prevailed with the County, and were chosen Knights of the Shire, and worthily preferred in their behalfe to consult with the high and honourable Assembly of Parliament'.[63] Hastings's frustration manifested itself in a public exhortation to the people of Leicester during the standoff outside the city gates, that 'ye stand for the King and the Hastings, who have ever been true to the Crown'. In a yet more bizarre claim, an increasingly desperate Hastings twice asserted that his own person represented the 'Kings body and Soul'. One might imagine that this constituted a hopelessly antiquated appeal to quasi-feudal obligation before citizens and aldermen that not only had ideological motivations to resist the arbitrary will of the king, but had turned to electoral politics and parliament as a means of doing so. Hastings's rallying cry was reportedly met by shouts of 'we are all for the King and the

in obeydyence to the house'.

[61] F&R, 470–2.

[62] Stocks, *Leicester*, 339.

[63] *The Petition of Right*, sig. A4v.

Parliament'.[64]

The triumph of Ruthin and Haselrig over the nominees of a long predominant local magnate might be seen as both a cause and an effect of an increased provincial interest in parliament and its affairs, but also of what David Zaret has referred to as the '[g]rowing emphasis on the representative capacity of MPs'.[65] This was not merely a long-term consequence of the institutionalisation of corporate agency by parliamentary enfranchisement, nor simply an unintended result of political polarisation in the Caroline polity, though doubtless these factors played a part. It was also a deliberate mode of parliamentarian self-fashioning.[66] In 1641, Oliver Cromwell made a revealing appeal to the corporate identity of the Cambridge elite in a bid to encourage the ministration of the Protestation, couching his requests of the mayor and aldermen as 'in the practice of the representative' desiring the approval of 'the Body represented'.[67] Such discourse was the result of a confluence of dynamics that enabled parliamentarians to portray themselves as the legitimate representatives of civic institutions, even if that representation took the form of outright opposition to a monarch with the nominal power to grant or confirm their charters of incorporation.[68]

A growing interest in the 'representative capacity' of MPs helps to explain the significance attributed to Haselrig and Ruthin's 'personall attendance' in Leicester to affix votes and declarations to public places 'with their owne hands'.[69] The emphasis on this seemingly trivial fact is suggestive of its symbolic value and

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[64] *A true Relation*, sig. B2r–v.

[65] Zaret, *Origins*, 65.

[66] For the history of Leicester's incorporation, see Simmons, *Leicester Past and Present*, i, 55–6, 67–8.

[67] P. Withington, 'Agency, custom and the English corporate system', in H. French and J. Barry (eds.), *Identity and Agency in England, 1500–1800* (Basingstoke, 2004), 200–22, at 218.

[68] William Prynne held that the monarch's prerogative included powers of 'erecting new Corporations, or confirming old', but apparently not of revoking existing charters. In other words, while the king could create new corporations, or grant corporations new powers, they could not abolish them. See W. Prynne, *The Opening of The Great Seale of England* (London, 1643), 17.

[69] *The Petition of Right*, sig. A4v.

rhetorical effect. Ultimately, Haselrig and Ruthin did not have to publish the texts themselves, as revealed by the fact that after his brief public appearance, Haselrig departed to meet with the earl of Stamford, leaving two parliamentary messengers and one of his servants 'to mannage the businesse as the Sheriffe and they were required'.[70] It therefore seems likely that this was a deliberate attempt at convincing the townspeople of the legitimacy of the Ordinance by signifying the accessibility of parliament and its attentiveness to local concerns. It is worth noting that publishing parliamentary votes was, at least theoretically, a qualitatively different business to publishing a royal proclamation. The former was a means of presenting parliament's rulings back to the people it claimed to represent as part of an ongoing dialogue; the latter was a decidedly one-way diktat that averred the monarch's sovereign will. As shall be seen in the following chapter, MPs appear to have increasingly understood their role as directly voicing the opinions of their constituents. This is hardly surprising in a context in which parliament's legitimacy was more forcefully staked on its capacity to enact the will of the people, regardless of whether sovereignty remained in that people, as for the Levellers, or rested in parliament itself, as suggested by Henry Parker's early parliamentarian publications.

It is clear that parliament took pains to publicise its business in print from the militia crisis onwards. One of the most striking aspects of parliament's official paper war in spring 1642 is the scale of its print runs: some 9,000 copies of parliament's response to Charles's proclamation against the Militia Ordinance were printed and dispersed about the country, enough for every parish in the realm.[71] There was an awareness among certain royalists that they had to match parliament's use of the printing press. In 1643, the printer Henry Hall was commissioned to produce a copy of the king's Commission of Array for Middlesex, to which was affixed a short note, declaring it a 'true Copie of the Commission it selfe'. The intentions of the publication were made clear: that 'all good people may perceive what bottomlesse slanders the Authors of this Rebellion raise to seduce His Majesties Subjects into perjury, by taking this new Oath and Covenant'.[72] However, despite royalist forays into print, it is clear that

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[70] *A true Relation*, sig. B1v.

[71] *CJ,* ii, 616.

[72] *His Maiesties Late Commission of Array for the County of Middlesex* (n.p., 1643), 6.

the ideological framework of parliamentarianism was more able to incorporate such concepts as representation (and its corollary, popular opinion), without being seen to compromise its fundamental principles.[73] While parliament was able to claim legitimacy from the public, royalists could ultimately only ever present before the people an image of a divine or patriarchal authority that was transcendent in its origins, a mode of self-presentation described by Jürgen Habermas as a 'representative publicness'.[74] Parliament's greater ideological capacity to incorporate the 'public voice' will be analysed further in the subsequent chapter of this thesis.

Ronald Hutton has argued that the Commission of Array was not the 'instrument which created the Civil War'; more important was a 'different sort of commission, issued to a single man to raise a number of regular soldiers for service'. In making this claim, Hutton sought to correct an impression left by Clarendon that the king's forces were, 'like a feudal host, recruited from the tenants and dependents of Royalist magnates'.[75] Yet perhaps just as interesting as the facticity of Clarendon's interpretation is the particular political vision it betrays. Certainly, he appears to have imagined, or at least wanted his readers to imagine, the king's forces as constituted of locals rallying to the cries of their beneficent lords. Such sentiments are in evidence throughout his *History*, as in the claim that the earl of Lindsey succeeded in raising a regiment in Lincolnshire and Northamptonshire 'principally out of … personal affection to him'. Similarly, Clarendon described the Cornish army as having been raised 'by the gentlemen of that county amongst their neighbours and tenants who depended on them'.[76] The failure of the Commissions may in part be explained by the fact that they too were predicated on the mistaken assumption of a universal belief in unconditional allegiance to the king and his noblemen.[77] The Commissions

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[73] Peacey, *Print and Public Politics*, 81.

[74] J. Habermas, *The Structural Transformation of the Public Sphere*, trans. T. Burger and F. Lawrence (Cambridge, MA, 1991), 5–14, 7.

[75] R. Hutton, *The Royalist War Effort, 1642–1646* (2nd ed., London, 1999), 22.

[76] R. Hutton, 'Clarendon's History of the Rebellion', *EHR*, vol. 97, no. 382 (1982), 70–88, at 74.

[77] Here we might find fruitful connections with the work of royalist writers in consciously 'generat[ing] connections between Civil War royalism and the chivalric loyalism of the feudal era'. As Thomas Corns has noted, much of this literature sets aside

represented an antiquated appeal to 'representative publicness', in contrast to what we might refer as parliament's public representativeness. This was as clear in the practical conduct of Henry Hastings as in the retrospective exposition of Clarendon. We will see in the following section that an appeal to unconditional obligation was not the only weapon in the armoury of royalist officials and propagandists. Yet it seems clear that it dominated the thinking behind the highly ritualistic Commissions of Array.

More abstractly, the case offers a demonstration that bodily practices can be fruitfully considered alongside political writings when investigating the ideologies and strategies of political actors. Concepts such as sovereignty, obligation, and representation existed not only on the pages of political treatises, but were performed, legitimated, and challenged through the concrete actions of their proponents and opponents. The microscopic study of the militia crisis offers a fresh glimpse into the ideological framework of royalism, and how it might have practically translated into attempts to win support for the king's cause. We have also seen the conscious emphasis parliamentarians placed on acting-out the idea of representation, seeking to earn the support of urban populations and their governing elites by co-opting the authority of local corporations and freely disseminating its votes and declarations. These rival performances of authority might be seen as intrinsic to the process of mobilisation, by which political elites sought to command the support of the people at large.

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the 'revolutionary alternative' of a questioning subject to invoke a 'a medieval code of unquestioning fealty'. See T. N. Corns, *Uncloistered Virtue: English Political Literature, 1640–1660* (Oxford, 1992), 74.

3.2 Encountering 'innovation': censorship and sovereignty in the localities

From a microscopic analysis of how the performance of the militia crisis reflected fundamental ideological divisions, the thesis will now focus on the hardening of parliament's position against the publication of royal proclamations. This section will first explore the strategies by which parliament sought to stop the king's communications being published from the militia crisis onwards. The wider context of debates over the legal force of proclamations will then be used to argue that such interventions represented the enactment of latent ideas of parliamentary sovereignty before the people. By preventing proclamations from being published, parliament asserted the contentious power to rule on the legality of royal orders, and to actively intervene when they found against the king. Abstract constitutional conflicts were thus encountered and contested through the textual form. In the words of Thomas Hobbes, before civil war broke out in earnest, 'though it were a war … they shot at one another nothing but paper'.[78] This official 'paper war' exposed the critical constitutional questions at stake from the very outset of Revolution.

Parliamentary interference into the publication of proclamations was evident from at least January 1642, when MPs responded angrily to the circulation of a royal edict accompanying Charles's attempted arrest of the so-called 'five members'. The proclamation declared certain parliamentarians, including Arthur Haselrig, to be under suspicion of high treason, and ordered the closure of the kingdom's ports in order to prevent the suspects fleeing abroad.[79] Parliament's committee at Grocers' Hall attempted to discredit the text, claiming that while it was 'a forme like a Proclamation', it was in fact 'nothing but a scandalous Paper and libell', and a parliamentary declaration was arranged to the same effect. A letter written by Commons speaker William Lenthall described it as merely 'a printed paper in the form of a Proclamation'. Parliamentarians, therefore, initially challenged its status as a proclamation, rather than the legal force of proclamations in general. One of the king's printers was summoned to answer for its publication, and declared that he 'had the like order as he hath for all

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[78] Hobbes, *English Works*, vii, 298.

[79] *Diurnall Occurences in Parliament*, Jan. 2–10 (1642), 5–6; J. Forster, *Arrest of the Five Members by Charles the First* (London, 1860), 385.

Proclamations, only he was commanded not to divulge the same in the City'.[80] Royalists were clearly aware of the incendiary potential of such texts.

Four months later, the coming of the militia crisis and the outbreak of open hostilities transformed sporadic parliamentary interference into systematic attempts to censor the king's proclamations. In May 1642, with Charles having declared the Militia Ordinance illegal, the Commons issued a request that the king 'recall his Declarations and Proclamations against the Ordinance made by the Lords and Commons concerning it'. A day later, MPs went further, requesting the drawing up of a declaration 'to shew the Illegality of such Proclamations; and how it is illegal to injoin Ministers to publish and read Proclamations and Declarations in the Churches'.[81] The strategy of ordering the publication of proclamations by the clergy had long been used, but had become more obviously controversial from early 1639, when a denunciation of the Scottish rebels was ordered to be disseminated during service so that, according to Charles, 'all our people to the meanest, may see the notorious carriages of these men, and likewise the justice and mercy of our proceedings'.[82] However, the king's travelling press remained in operation at St. William's College in York, where Charles had fled in March, and proclamations continued to be dispatched across the country.[83] By the end of June, the Commons referred the question of the legality of three proclamations, including one 'to inform the Subjects of the Lawfulness of the Commissions of Array', to a parliamentary committee. By July 5, parliament issued a general ban on proclamations that challenged its own orders, declaring that no official or clergyman 'shall ... publish or proclaim ... any such Proclamations, Declarations, or Papers, which are ... contrary to any Order, Ordinance, or Declarations of the said Houses of Parliament'.[84]

The arrival of contradictory orders from king and parliament presented local officeholders and clergymen with the unusual question of which to obey. In May 1642, Norfolk JP Thomas Knyvett was at Westminster when he was handed a

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[80] *Diurnall Occurences in Parliament*, Jan. 2–10 (1642), 5–6; *A Copy of the Speakers Letter to the Vice-Chancellour ... of the University of Oxford* (Oxford, 1642), 12.

[81] *CJ*, ii, 596, 597.

[82] L. Bowen, 'Royalism, print, and the clergy in Britain, 1639–1640 and 1642', *HJ*, vol. 56, no. 2 (2013), 297–319, at 301.

[83] W. K. Sessions, *The Spread of British Printing 1557 to 1695* (York, 1988), 151.

[84] *CJ,* ii, 643, 652.

commission signed by the earl of Warwick for the raising of a trained-band company for parliament. Hours later, he encountered a version of the royal declaration published against the Militia Ordinance, and wrote to his wife remarking that he was 'in a greate strayght what to doe'.[85] Such dilemmas were not unique. In mid-July, a Mr. Castle of Abingdon, Oxfordshire, affirmed before the Commons that 'certain Proclamations were proclaimed ... by the Serjeant of the Town: That the Mayor was not present at the Proclaiming of them: And that the Proclamations were watched every Night'. Both the mayor and serjeant of Abingdon were hauled before the Commons, with the latter admitting to having published a proclamation upon the mayor's command. The mayor declared himself 'sorry he had proclaimed the Proclamation against the Earl of Essex; and would not hereafter do any thing that concerned the Proceedings of the House, without Order of the House'.[86] Tensions were running so high in the localities that attempts to put proclamations in execution could incite the anger of those within earshot. In August, one John Coventry witnessed the town crier of Ely begin to read a proclamation against the earl of Essex at the town's assizes, only to be subjected to the opprobrium of William Dodson.[87] Dodson, a future lieutenant-colonel in the parliamentarian army, threatened that 'he would cut off his hand that should read that Proclamation'. Under investigation on the orders of assize judge John Godbolt, Dodson asserted that the proclamation 'was contrary to the Parliament, they having disclamed the publishing of it', to which Godbolt replied that 'the fellow is mad, or besides himself to hinder this Proclamation'. Dodson was ushered away, and the proclamation was read without further interruption.[88]

A month earlier, John Gwynn, vicar in the parish of Cople, Bedfordshire, was summoned before the Commons upon reports of his 'Reading the King's Declaration: and absolutely refusing to read the Declarations from the Parliament'. A parishioner and the Cople churchwardens informed against

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[85] Holmes, *The Eastern Association*, 33.

[86] *CJ,* ii, 666, 783. The lord mayor of London was also summoned before a parliamentary committee for publishing a royal proclamation. See *Diurnall Occurences in Parliament*, Jun. 20–25 (1642), 6.

[87] C. Holmes, 'The identity of the author of the "Statement by an opponent of Cromwell"', *EHR*, vol. 129, no. 541 (2014), 1371–82.

[88] Whinnell, *Matters of great Concernement*, 15.

Gwynn, who had published the king's declaration in spite of the fact that there was 'upon the Backside of One of those from the Parliament, a Command, that he should not'. Taking matters into his own hands, the vicar had 'scornfully' thrown the parliamentary declarations aside, claiming that '[b]y God's Word I am commanded to obey the King; I find no such Command for the Parliament'. The churchwardens attested that Gwynn was 'a Man of a debauched, lewd, and contentious Disposition, and very averse to all Proceedings of Parliament; and likewise that he spoke divers opprobrious and scandalous Words of this House; and in particular of Mr. Pym'. With consent of the Lords, the Commons resolved to fine Gwynn and commit him to Newgate.[89] Lloyd Bowen has demonstrated that offences pertaining to the reading of royal proclamations could be held against 'scandalous' ministers long after the event, such as in the case of Richard Watts, the minister of Mildenhall, Suffolk, who was later accused before a local parliamentarian committee of having 'commented upon the King's procklimation against the Scotts, calling them trators & villans'.[90]

Parliament's attempts to suppress the publication of royal proclamations intensified through 1642 and continued into the following year. Its constant reiteration of the injunction suggests it was difficult to enforce. The mayors of Chichester, Salisbury, St Albans, and Hertford; the deputy mayor of Reading; the undersheriff of Middlesex; and the town clerk of Woodstock were among those summoned before the Commons for publishing royal proclamations, with their punishments ranging from discharge upon being acquainted 'with the Heinousness of [the] Offence', as in the case of the mayor of Chichester, to being imprisoned, a fate that befell the mayors of both St Albans and Hertford.[91] Though certain cases appear as powerful indicators of personal allegiance, such as that of the deputy mayor of Reading, reported to have responded to the parliamentary declaration on the Commissions of Array by stating that '[h]e would take no Notice of it; nor of any thing else that came from the House', others are more suggestive of the genuine bind in which local officials found themselves. In July 1642, the mayor of Salisbury was called in for 'publishing Proclamation against the Ordinance of the Militia, and other Proclamations for the Commission

[89] *CJ*, ii, 682, 691–2.

[90] Bowen, 'Royalism, print, and the clergy', 306.

[91] *CJ*, ii, 666, 674, 696, 775, 792.

of Array, [and] against Contributions', though before doing so had reportedly 'asked the Recorder what was to be done, in Case the King commanded one thing, and the Parliament another'. He was committed to the Gatehouse prison.[92] The imprisoned mayor of the fiercely parliamentarian St Albans, William Newe, was probably not a royalist; he was made mayor of the town again in 1649, the year of the regicide.[93]

In some cases, the cost of paying for the delivery of proclamations may have proven prohibitive to their receipt by civic governments. As early as 1640, the Northampton corporation bemoaned the payment of a 'meane gratuitie which is growen to be verie chargeable to this corporation' for the delivery of 'writts with bundles of Proclamations', and ruled that 'there shall not be hereafter any such former allowance' paid on top of the base rate of a shilling.[94] In Leicester's account books, payments for the delivery of two proclamations are listed for 1641–2, but such expenses do not appear again until after the regicide and the 1650–1 accounts, in which a payment is recorded 'to the Sergeants and drummers when proclamacion was published against the Scots King'.[95] Other corporations clearly *did* receive proclamations, and perhaps unwilling to run the risk of reprisal, they occasionally consulted the Commons before deciding whether to publish them. In June 1642, the sheriff of Essex 'presented unto the House divers Proclamations, which he had received', and was told 'not to publish these Proclamations, or any of the like Nature, that concern the Parliament'.[96] A month later, the Commons acknowledged receipt of several letters from the mayor of Exeter, 'touching some Proclamations concerning the Militia, and other Proceedings of this House; which they have received from his Majesty'. Denzil Holles and John Pym replied with 'a Letter of Thanks to the Mayor of Exon' which, *inter alia*, required him 'not to publish the Proclamations he hath received'.[97] Part of the justification for this order was that the 'the Great Seal is not in the Custody of Edw[ard] Lord Littleton, the sworn Officer, in whose

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[92] Ibid., 666, 696.

[93] Smith and North, *St Albans*, 241.

[94] Northamptonshire Archives, BOR 3/2, p. [61]. I am grateful to Professor Chris Kyle for this reference.

[95] Stocks, *Leicester*, 324–406 ff.

[96] *CJ,* ii, 622.

[97] Ibid., 674, 755.

Custody it ought to be'.[98] This was significant, as the sealing of a proclamation formed part of its formal issuing procedure, customarily after it had been signed by the king, and before it was printed.[99] As we shall see in the following section, the Great Seal itself became a crucial vector for the contestation of sovereignty a few months later.

Not only did the Commons seek to stop subjects from being exposed to these texts by threatening those responsible for their publication, but they also tried to cut the supply chain by targeting both printers and messengers. The latter is evident in one vivid episode from Ware, Hertfordshire, dated to August 1642, which also gives us some indication as to how royal proclamations and declarations were distributed. According to the journal of the House of Commons, 'some gentlemen' were summoned before MPs after apprehending a royal messenger 'that fixed the Proclamation upon a Post in the Town, that proclaims the Earl of Essex, and all his Adherents, Traitors and Rebels; and that they took with him a Bag with Letters, and a Cloak-bag'. Under questioning, the messenger, one Newbolton, revealed that he had received the proclamations from 'the Lord Keeper's own Hands, with a Command to disperse them; and that he left some of them at Lincolne, Boston, and Cambridge, as he came along', suggesting he may have travelled southwards from the king's court at York. Newbolton was 'committed to the Serjeant's Custody' as punishment.[100]

Messengers imprisoned for their role in delivering royal proclamations escaped lightly. One Daniel Knifton was arrested by the sheriffs of London in October 1643 and hauled before the Commons. He was found to have been carrying several bundles of proclamations and writs from Oxford, accused of being a royal spy, and executed after trial 'by Martial Law'.[101] Messengers were particularly open to accusations of involvement in espionage, particularly if found to be carrying seized correspondence. As such, they could be particularly well remunerated for their work. One messenger was paid a considerable £10 for

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[98] Ibid., 755.

[99] A. Lehto, 'Text structure and coordination in early modern English proclamations', in A. H. Jucker, A. Seiler and N. Studer-Joho (eds.), *Meaning in the History of English: Words and Texts in Context* (Amsterdam, 2013), 233–56, at 235.

[100] *CJ,* ii, 720.

[101] L. Bates, 'Nationwide fast and thanksgiving days in England, 1640–1660' (Ph.D. diss., Durham University, 2012), 189; *CJ,* iii, 307.

having delivered to parliament 'intercepted letters from Malmesbury' in July 1644.[102] Among the cache delivered to the Committee for Both Kingdoms from Malmesbury, which had been stormed by parliamentary forces two months earlier, were letters sent by and between the king and queen. Among the more interesting of the intercepted missives was a draft of a letter written by the queen to Robert Devereux, earl of Essex, the chief commander of the parliamentarian army, with the intention of persuading him to 'lay a lasting obligation upon the king and to preserve the kingdome' with the promise of 'a testimony of [Charles's] favoure towards you'.[103] Evidently, such information could be strategically significant, and the task of conveying it came with potentially fatal risk. Those unfortunate to encounter opposing forces could be summarily executed. A messenger of the parliamentarian Committee of Both Kingdoms was killed in 'a barbarous manner' while in service in 1644.[104] In Lancashire the same year, a royal messenger was 'basely put to the sword' by troops under the command of parliamentarian colonel Alexander Rigby.[105] Such were the dangers of messengers being caught by opposing forces that there is evidence of extra precautions being taken by parliamentarian officials to ensure the delivery of their letters. The Committee of Both Kingdoms sent certain letters twice by different messengers in the event that one 'should miscarry'.[106] By June 1644, the same committee required delivery receipts, stipulating that every messenger would be given a note 'which they shall returne signed by the party to whom they are sent'.[107] The same month, letters from the Committee assured the earl of Essex and the Lord Robartes of the 'discretion and fidelity' of the messenger by whom they were communicating, and reported having 'good experience' of their service.[108]

As it was targeting messengers, parliament was trying to stop certain texts being printed at all. In June 1642, the king's printer, Robert Barker, was called

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[102] TNA, SP 21/7, p. [120].

[103] TNA, SP 16/502, fol. 81r; *CSPD*, 1644, 314.

[104] TNA, SP 21/18, p. 194.

[105] *A Briefe Relation of the Most Remarkeable Feates and Passages of what his most Gracious Majesties Commanders hath done in England* (Waterford, 1644), sig. B2v.

[106] See, for example, TNA, SP 21/18, p. 22.

[107] TNA, SP 21/1, p. 25.

[108] *CSPD*, 1644, 217.

upon 'to satisfy the House, by what Authority he printed a Paper, intituled, "The Petition of the Nobility, Gentry, Barons, Ministers, and Commons of the Kingdom of Scotland"'.[109] Two months later, with Barker nowhere to be found, the Commons issued another order that 'the King's Printer, and all other Printers, shall be injoined not to print' three specific proclamations, and a further parliamentary declaration to which the king's response had been appended.[110] In November, with Barker still noncompliant, the Commons summoned him once more, upon the grounds that he had published a royal proclamation 'notwithstanding that an Order had passed this House, that they should not print any thing that concerned the Parliament, without first acquainting this House therewith'.[111] There is no evidence of Barker ever actually presenting before the Commons, but at least part of the reason for this is that he may in fact have been confined within the debtors' prison of King's Bench, seemingly unbeknown to parliament. In 1634, Barker had been ruined by a fine for the publication of a scandalous edition of the Bible, and he died while incarcerated in 1646.[112] It appears that during this time other printers operated the royal presses under Robert's name: John Legatt, Robert's nephew, acted on Robert's behalf during the Bishops' Wars, and Christopher Barker, Robert's grandson, was active throughout the civil war at York, Shrewsbury, Bristol and Exeter, and seems to have used the 'Robert Barker' imprint.[113] While parliament had some success in preventing proclamations being delivered and published, they were unable to entirely prevent their printing.

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[109] *CJ*, ii, 625. The petition declared its authors 'sworn to defend and maintain the Person, Greatnesse and Authority of our dread Soveraign as Gods Vicegerent, to the uttermost of our power, with our means and lives, in every cause which may concern His Honour'. See *The Petition of the Nobilitie, Gentrie, Burrows, Ministers, and Commons of the Kingdom of Scotland* (London, 1642), 3.

[110] *CJ,* ii, 724.

[111] Ibid., 835.

[112] V. Westbrook, 'Authorized Version of the Bible, translators of the (*act.* 1604–1611)', *ODNB* (Oxford, 2004); H. R. Plomer, *A Dictionary of the Booksellers and Printers who Were at Work in England, Scotland and Ireland from 1641 to 1667* (London, 1907), 13–4.

[113] C. H. Timperley, *A Dictionary of Printers and Printing* (London, 1839), 479; J. Feather, *A History of British Publishing* (London, 1988), 43.

The ability to operate a printing press was bound up with the matter of territorial control. While a travelling press ensured the king was able to keep disseminating printed material during the court's peripatetic existence, more royalist propaganda was printed at Oxford between 1642 and 1647, when the city was occupied by the king and his forces.[114] By contrast, though the University of Cambridge was sympathetic to the royalist cause, it was set in largely parliamentarian territory. It did not take long for parliament to capitalise on its local support base, and in June 1642, while the University's printer Roger Daniel was disseminating a proclamation forbidding '[a]ll levies of forces without his Majesty's expressed pleasure', parliament sent down its burgesses for the University to ensure their own orders were also read in the colleges.[115] Daniel was himself involved in the printing of royalist texts, and in August he was called before parliament and ordered not to print anything concerning it without its express permission.[116] Within months Daniel earned the ire of the House again, and was arrested for the publication of a pamphlet by one of Charles's chaplains-in-ordinary, Henry Ferne's *The Resolving of Conscience*, a royalist screed that reaffirmed divine right monarchy and denied any right of resistance, though Daniel was released on bail.[117] Less fortunate was the University's vice-chancellor Richard Holdsworth, who was arrested for ordering its printing, and more generally 'in licensing Books to be printed, in Prejudice, and to the Scandal, of the Parliament'. He still appears to have been imprisoned as of October 1645, when the House of Lords journal made mention of 'the Petition of Doctor Holdsworth, desiring he may be bailed … in regard of his great Indisposition of his Health'.[118]

To understand the tenacity with which parliament sought to halt the production, circulation, and publication of royal proclamations, we can look to the wider context of debates over their legal force, and evidence of attempts by Charles I and his advisers to use proclamations as a means of legislating without

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[114] H. Carter, *A History of the Oxford University Press* (Oxford, 1975), 37.

[115] Kingston, *East Anglia*, 46–7.

[116] S. C. Roberts, *A History of the Cambridge University Press 1521–1921* (Cambridge, 1921), 61; *CJ*, ii, 733.

[117] *CJ*, ii, 951. For the version of Ferne's text printed at Cambridge, see H. Ferne, *The Resolving of Conscience* (Cambridge, 1642). For Ferne as chaplain-in-ordinary, see B. Quintrell, 'Ferne, Henry (1602–1662)', *ODNB* (Oxford, 2004).

[118] *CJ*, iii, 124; *LJ*, vii, 669.

parliament. Debates over the constitutionality of proclamations were not novel, but a theme of early Stuart politics more generally. Parliamentary complaints over James VI and I's frequent issuing of proclamations led to a court case before the justices of King's Bench in 1610, commonly believed to have ruled that the monarch could only legislate through parliament. However, as Esther Cope has determined, the ruling was merely advisory, and 'did not prevent the King from issuing proclamations which altered the law'.[119] Since the ruling was not published until 1656, it did not feature in sporadic parliamentary discussions of proclamations in the 1610s or 1620s.[120] By the 1640s, the question of the legal force of proclamations remained unresolved. The matter was hardly clarified by a 1641 royal declaration, which admitted that 'by the constitution of the frame and policy of this kingdom proclamations are not of equal force with laws', but with the caveat that:

> we think it a duty appertaining to us and inseparably annexed to our crown and regal authority to restrain mischiefs and inconveniences we see growing in the commonweal, against which no certain law is extant, and which may tend to the great grief and prejudice of our subjects, if there should be no remedy provided till a Parliament.[121]

The declaration thus reserved the right for the king and his council to rule by decree when deemed necessary. At least theoretically, the declaration paved a route to absolutist monarchy.

A few months earlier, in September 1640, a royal commission had conferred upon a number of the king's close advisers, including the secretary of state Sir Francis Windebank, and, more provocatively, archbishop William Laud, the 'full power and authority … by all good waies and meanes to p[ro]vide for the peace and safety of our Kingdome and People' while Charles tended to affairs in Scotland. The commission stipulated that in the event of any 'riott, tumult, unlawfull assembly, attempt, act or other suddaine accident of State', the aforementioned would 'make and sett forth Proclamat[i]ons in [the king's]

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[119] E. S. Cope, 'Sir Edward Coke and Proclamations, 1610', *The American Journal of Legal History*, vol. 15, no. 3 (1971), 215–21, at 220.

[120] Ibid., 221; R. W. Heinze, 'Proclamations and parliamentary protest, 1539–1610', in D. J. Guth and J. W. McKenna (eds.), *Tudor Rule and Revolution* (Cambridge, 1982), 237–59, at 254–7.

[121] *CSPD*, 1640–1, 443.

name'.[122] The authority to issue proclamations was at once delegated and affirmed as a prerogative power of the monarch's body politic. Laud held particularly strong views about the extent of the royal prerogative and the legal force of proclamations. A remarkable 1643 deposition by a London soapmaker, Edwin Gryffin, presumably made as part of the parliamentary trial that found Laud guilty of high treason, recounted an episode in which the archbishop had railed against 'contemnours or breakers of Proclamac[i]ons', declaring '[t]hat if I live and sitt in this place, I will make a Proclamac[i]on equall with a statute lawe. And speaking further of the Kings power and p[re]rogative … That those that fell uppon the King should be brused, but those that the king fell uppon should be broaken to peic[e]s'.[123] Such evidence suggests leading royalists saw proclamations as a potential mechanism of absolute rule.

From at least the militia crisis, printed parliamentarian propaganda contested the king's power to legislate without parliamentary assent. The legal limitations upon proclamations were used by parliamentarian theorists as a means of establishing the illegality of the king's Commissions of Array. Barrister John March wrote that 'the King can neither create a Law, nor alter the Law, by his Patent or Proclamation', from which he deduced that the Commissions were 'absolutely unlawfull, and therefore ought not to be submitted unto'. Any legal judgements on the matter made by the king during parliament's sitting was *coram non judice*, as parliament itself was the highest court of the land, in which 'his Majesties judgement is superseded, and bound up in theirs'.[124] Other parliamentarian tracts showed a keener concern for the economic ramifications of sanctioning rule by proclamation, noting that it would add an extra incentive for 'Court flatterers and Royalists' to 'maintaine absolute and Prerogative power in the King … and … have Proclamations to be Lawes, that so they might have

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[122] TNA, SP 16/467, fol. 62r–v. According to a note on the reverse, the commission was 'directed to the Lords and of other of his Ma[jesties] privy Councell not nowe attending the Kings Ma[jestie] in the North'. The note in question is signed by one Willys, possibly prominent royalist Sir Richard Willys, who served in the campaigns against the Scots. See D. E. Underdown, 'Sir Richard Willys and secretary Thurloe', *EHR*, vol. 69, no. 272 (1954), 373–87.

[123] TNA, SP 16/499, fol. 271.

[124] J. March, *An Argument or, Debate in Law: Of the Great Question Concerning the Militia* (London, 1642), 40–1.

Monopolies and projects to serve their turne'.[125]

Royalist writers responded by accusing parliamentarians of hypocrisy. As we have already seen, the militia crisis not only provoked parliament into preventing the publication of royal proclamations, but incentivised parliamentarians to publish their own declarations, votes, and ordinances in much the same fashion. In August 1642, justice of the assize Sir Robert Foster noted that by the time he had arrived in the various towns of the western circuit, parliament's vote and order pertaining to the Commission of Array had been 'posted up upon all publique places'.[126] This shift towards open publicity did not go unremarked. In 1643, the royal chaplain Griffith Williams noted how parliament 'command their *owne* Orders, Ordinances and Declarations to be printed *Cum privilegio*, and to be published in publike throughout the whole Kingdome'.[127] The reference to the phrase '*cum privilegio*' represented a subtle suggestion that parliament was usurping a rightful power of the crown. Having first been instituted by proclamation under Henry VIII, the imprimatur had endured to indicate a book's printing by royal patent.[128]

Indeed, it is striking that much royalist theorising on the official paper war was accusatory rather than defensive. In contrast to the Commissions of Array, the focus was less on demanding obedience to the king than questioning parliament's own right to legislate unilaterally. Sir Dudley Digges conceded that proclamations might 'justly [be] accompted grievances' if imposed against the will of parliament, but claimed that 'Subjects are equally miserable, whither their birthright, the lawes of this land, are overthrowne by Royall Proclamations or Ordinances of one or both Houses'.[129] The same year, Sir John Spelman underscored the divine origins of the king's power at the same time as he accused

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[125] *Questions resolved, and propositions tending to accommodation ... betweene the King ... and both Houses of Parliament* (n.p., [1642]), 14.

[126] TNA, SP 16/491, fol. 279v.

[127] G. Williams, *The Discovery of Mysteries: or, the plots and practices of a prevalent faction in this present Parliament* (Oxford, 1643), 76.

[128] C. S. Clegg, 'Censorship and the courts of Star Chamber and High Commission in England to 1640', *Journal of Modern European History*, vol. 3, no. 1 (2005), 50–80, at 58.

[129] [D. Digges], *The Unlawfulnesse of Subjects taking up Armes against their Soveraigne, in what case soever* ([Oxford], 1643), 141–2.

parliament of subverting the rights and liberties of the subject. He referred to a Henrician act of parliament that declared the monarch's power to derive directly from God, and that 'in case of necessity, that would not abide the calling of Parliament' the king might 'provide for the safety of the Realme' by 'Proclamation, or Edicts'. If parliament might 'dispose of the Militia, by vertue of an Ordinance by them made,' Spelman queried, 'might not the King by his Proclamation declare the Militia of that Ordinance, and forewarne his Subjects, not to be abused by it?'. Echoing a general rhetorical shift to portraying parliament as the threat to subjects' liberties, Spelman claimed that the king had never alone claimed supreme legislative authority, but now the 'major part of the two Houses do claime to themselves … this supreme power'.[130] Writers on both sides sought to demonstrate that their enemies were guilty of malicious innovations.

These debates were doubtless made more controversial by the fact that proclamations were an iconic symbol of royal power, and a point of contact between the king and subjects far removed from his court. As Chris Kyle has argued, proclamations were both instructions for the proper and legal conduct of subjects, and sources of political news for those distant from the governmental centre.[131] More abstractly, however, the act of proclamation instantiated royal authority through the reiteration of a certain ritual form, or 'the reproduction of relatively standardised performances'.[132] Proclamations were not merely pieces of paper or parchment, but also public spectacles, read before subjects 'at market crosses, in front of guildhalls, and other customary places throughout the realm … not infrequently'.[133] They were both seen and heard: displayed in prominent civic locations, and at least occasionally accompanied by the ringing of bells or

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[130] [J. Spelman], *A View of a Printed Book intituled Observations upon his Majesties late Answers and Expresses* (Oxford, 1643), sigs. B3v, D2r, F2r–v. For more on this rhetorical shift, see R. Ashton, 'From cavalier to roundhead tyranny, 1642–9', in J. S. Morrill (ed.), *Reactions to the English Civil War 1642–1649* (London, 1982),185–207.

[131] C. R. Kyle, 'Monarch and marketplace: proclamations as news in early modern England', *HLQ*, vol. 78, no. 4 (2015), 771–87.

[132] Braddick, *State Formation*, 77.

[133] B. J. Shapiro, *Political Communication and Political Culture in England, 1558–1688* (Stanford, CA, 2012), 26; F. A. Youngs, *The Proclamations of the Tudor Queens* (Cambridge, 1976), at 3.

the beating of drums.[134] Their standard textual format, and the iterative manner in which they were publicly proclaimed, marked them out as recognisably official.

Proclamations differed from other legislative mechanisms insofar as they were rendered effective only upon their publication. In the words of one scholar, they only came into force 'after they were proclaimed by … local officials'.[135] Much like oaths, which are explored in more detail in the following chapter, proclamations derived force from their orality, as 'speech acts'. In Harold Love's understanding, the proclamation, like many official texts in the early modern period, 'possessed a latent authority awaiting release by utterance'.[136] It was precisely the verbalisation of the proclamation by a vicarious authority that brought the text to life, rendering its orders effective through the common experience of its publication. In a letter to the governor of Dartmouth in December 1643, secretary of state Sir Edward Nicholas noted 'that some of our late proclamations much importing our service and the public weal of our good subjects have been scarce heard of in some parts of our kingdom', resultant of officers having 'either resolutely refused or else excused the doing thereof without a writ … yet in a time of so general disorder and distraction we hold it fit to dispense with such a formality'. Upon receipt of proclamations, the governor of Dartmouth was ordered to:

> immediately take effectual order for publishing and proclaiming the same in the market or other place or places in that our town most convenient for the purpose. And that thereupon the same be affixed upon some posts or walls where it may be publicly seen, to the end that all men who shall pretend ignorance to our commands may be less inexcusable.[137]

Similarly, a few months later, Prince Rupert wrote to the mayor and sheriffs of Chester to demand the 'Publique Proclamation' of a royal order regarding an 'imposition by way of excise … on three Severall markett daies to read openlie in open markett the said L[ette]re[s] Pattents'.[138] Such evidence offers a glimpse of

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[134] Canterbury Cathedral Library, CC/F/A/25, fol. 241v. I am grateful to Professor Jason Peacey for this reference.

[135] Lehto, 'Text structure and coordination', 235.

[136] H. Love, *The Culture and Commerce of Texts: Scribal Publication in Seventeenth-Century England* (Amherst, MA, 1998), 159.

[137] Devon Heritage Centre (Devon Record Office) 1392M/L1643/46. I am grateful to Professor Jason Peacey for this reference.

[138] BL, Harley MS 2135, fol. 29r.

how the 'publication' of the proclamation, its reading and affixing to a public place, was understood as vital to its legal force.

The performative nature of proclamations opened up space for resistance or outright opposition to the king's orders, which could be harshly punished if reported to authorities. In the fragmentary remains of the Middlesex gaol delivery register pertaining to Charles's reign, one Benjamin Hardwood is said to have been indicted 'for speaking words against the proclamation of the Lord the King'.[139] One correspondent, reporting from Charles's visit to Nottingham in 1642, expressed surprise that the town's mayor was not 'Committed, for refusing to goe to Yorke to His Majesty, being twice sent for, not publishing Proclamations sent to him and other things'. Instead, the king expressed his displeasure rather more implicitly: while he 'accepted [the mayor's] Mace, and delivered it to him againe', he offered 'no hand to kisse'.[140] The royalist plot to betray Bristol to Prince Rupert in 1643, meanwhile, was justified by the city's royalists in reaction to 'Scandalous and disloyall Speeches ... belched out against His Majesties Person, His Protestations, Declarations, Proclamations, indeed all his actions'.[141] Speaking words against a proclamation was itself a seditious act, tantamount to speaking against the king himself.

It is hardly surprising, therefore, that radical parliamentarians used official texts as dramatic props in the staging of resistance to royal authority. MP Henry Marten was accused, in a pamphlet published after the Restoration, of having 'tore in pieces, with [his] own hands, the Kings Commission of Array'.[142] We might also return to the episode discussed in the previous chapter, in which Nathaniel Fiennes ordered the public burning of a royal proclamation in Bristol's market square.[143] This case clearly reveals how textual artefacts were vectors for the contestation of foundational political ideas. The burning of the proclamation was not only an attempt at intimidating Bristol's dissident royalists, but a very public challenge to their understanding of the origins of monarchical power. A

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[139] J. C. Jeaffreson (ed.), *Middlesex County Records*, (4 vols., London, 1886–92), iii, 115.

[140] *Truths from Leicester and Notingham* (London, 1642).

[141] *The Two State Martyrs*, 7.

[142] *Coll. Henry Marten's Familiar Letters to his Lady of Delight* (Oxford, 1662), sig. A3r.

[143] See above, pp. 104–5.

royalist pamphlet described the incident, in revealing terms, as a 'blaspheme' against 'His Soveraigne'.[144] This was, in part, an oblique appeal to divine right. However, as Francisca Loetz has suggested, the invocation of blasphemy is not, or not merely, related to metaphysical questions of faith, but a concept denoting a social 'norm transgression that may undermine the legitimacy of … claims to power'.[145] In short, blasphemy can be invoked in order to reproduce a certain social order with a given set of power relations. When the pamphlet declared Fiennes's conduct to be sinful, it reasserted the divine as the proper source of royal authority and political power.

In contrast, Fiennes's destruction of the proclamation constituted a clear challenge to the notion of royal sovereignty. In declaring that the text was a 'scandalous and libellous paper', Fiennes asserted parliament's authority to rule on the legality of the king's commands, concretely demonstrating the limits of the king's prerogative. Fiennes had publicly questioned the notion that the king was divinely ordained even before the outbreak of war, including in a remarkable couple of parliamentary speeches in favour of the abolition of episcopacy in 1640 and 1641. Though formulated in defence of the king's civil authority, which Fiennes claimed might be undermined by bishops with a monopoly on knowledge of the divine, the potential for a more radical, anti-monarchical politics was not hidden very far beneath the surface. In the second of his parliamentary speeches against the Canons of 1640, Fiennes disputed that 'Kings are an Ordinance of God, of Divine Right, and founded in the Prime Lawes of Nature, from whence it will follow that all other formes of government, as Aristocracies, and Democracies are wicked formes of Government contrary to the Ordinance of God, and the Prime Lawes of nature'. Fiennes declared it 'such new Divinity as I never read in any Booke, but in this new Booke of Canons'. He went on to critique clerical defences of the extra-parliamentary tax levies, declaring the confiscation of one's goods without consent to constitute the destruction of their 'propriety', and accused the bishops of assuming 'unto themselves a Parliamentary power' in asserting the authority to define treason. In a rejoinder to the Arminian churchman William Beale, Fiennes asserted that 'the Legislative power is the

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[144] *The Two State Martyrs*, 7.

[145] F. Loetz, *Dealings with God: From Blasphemers in Early Modern Zurich to a Cultural History of Religiousness* (Farnham, 2009), 2.

'greatest' and 'highest' power.[146]

We might interpret Fiennes's proclamation-burning as the public enactment of parliamentary sovereignty. The royal proclamation, an almost mystical object that represented the authoritative voice of the monarch in the far-flung corners of the kingdom, was demonstrated to be subject to the adjudication of parliament and the bounds of law, rather than an ineffaceable mark of an inviolable royal will. More abstractly, such episodes reveal how textual artefacts were objects through which foundational questions of power and sovereignty were imagined, represented, and contested. The proclamation's performative logic meant that deeds such as Fiennes's were not just acts of iconoclasm, but politically effective challenges to the inherent authority of the royal word. By the spring of 1643, parliament made an outright claim to the symbols of sovereignty. Just two months after Fiennes set fire to the proclamation in Bristol's market square, parliament, unable to sustain the fiction of fighting the king to defend the king, ordered the manufacture of its own Great Seal, as the concealed notions of parliamentary sovereignty that had hitherto underpinned its interference into the publication of royal proclamations became unambiguous. The third and final section of this chapter will deal more closely with the matter of the Great Seal, and the relationship between authority and the textual form.

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[146] N. Fiennes, *A Second Speech of the Honourable Nathanael Fiennes ... in the Commons House of Parliament* (London, 1641), 3–7. This was part of a concerted parliamentary attack on Beale that clearly reveals the interweaving of the religious and the political. See Burgess, *The Politics of the Ancient Constitution*, 183–7.

3.3 Manufacturing authority: signatures, seals, and the 'visual order' of politics

The final section of this chapter aims to theorise the role of texts in the production and contestation of early modern political authority. It draws on a variety of evidence, both from the political 'centre' at Westminster, and civic governments in the localities, to analyse the significance attached to seals, charters, and other symbols of authority. This involves reconsidering parliament's notorious 'counterfeiting' of the Great Seal of England in 1643, as well as exploring episodes in which seals and charters of civic corporations were destroyed and replaced during civil war, sometimes at considerable local expense. It concludes by expanding upon Dan Beaver's concept of a 'literate ordering' of early modern authority, suggesting we should consider seals, signatures, and other iterative symbols as part of a broader 'visual order' that delineated the social hierarchy and authorised the exercise of political power.[147] In doing so, it argues that historians should consider the aesthetic form of texts not as merely decorative, but as bearing the potential to produce social effects in their own right. As John Bastwick wrote of proclamations, 'the very manner of their penning … do ever convince the readers both of the Dignity of their matter, and of the excellencie of the personages that set them forth'.[148] It is, in other words, worth our while to pay attention to style as well as to substance.

In the early modern period, textual forms of political communication relied on the incorporation of recognisable symbols to signify their authority. As already mentioned, the Commissions of Array bore the large wax imprint of the Great Seal of England; more perfunctory royal proclamations usually featured the king's coat of arms. These symbols were not merely decorative, but socially effective; examples of what Giorgio Agamben has referred to as 'signatures'. According to Agamben, signatures are not merely reflections of political authority, but 'efficacious likenesses', whose presence inscribe the texts upon which they are marked within a field of social and political operation. The archetype of the 'signature' is quite literally the signature itself; Agamben's exemplar is the mark made by an artist on a painting, which 'displaces and moves

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147 Beaver, 'Sovereignty by the book', 157–73.

148 J. Bastwick, *A Declaration Demonstrating and Infallibly Proving That all Malignants … are enemies to God and the King* (London, 1643), 24.

it into another domain, thus positioning it in a new network of pragmatic and hermeneutic relations'.[149] It serves as something akin to a written 'speech act', which does not merely signify the artist, but establishes the artwork within a certain authorial and legal network, decisively altering our relationship to the work itself.

Early modern people understood the signature as bearing a similar social magic, and indeed royal authority was bound up with the signature of the monarch in precisely this form. This was particularly evident in a controversy in the aftermath of the Irish Rebellion of 1641. Parliamentarians accused the king of having reacted suspiciously slowly in condemning the uprising, and that when he finally did, it was with such little vigour as to suggest complicity or at least tacit approval of the Catholic rebels. In Lucy Hutchinson's biography of her husband, parliamentarian commander John Hutchinson, she alleged that the king had 'obstructed all [parliament's] proceedings for the ... relief of Ireland ... there were but forty proclamations printed, and care was taken that they should not be much dispersed'.[150] However, a 1648 pamphlet denouncing parliament's Vote of No Addresses defended Charles's response to the uprising, claiming that the king had issued twice as many proclamations as had been requested by the Lord Justices of Ireland, and that:

> whereas ordinarily, the King never signes more then the first draught of a Proclamation, fairly ingrossed in Parchment, and by it Copies are printed, and dispersed the Lords Justices and Counsell, taking notice of the rumour spread amongst the Rebells, that they had the Kings Authority for what they did, desired that they might have 20 Proclamations sent over signed by the Kings Sign Manuall; to the end, that besides the Printed Copies which they would disperse according to custome, they might be able to send an Originall, with the Kings hand to it, to those considerable persons, whom they might suspect to be misled by that false rumour; and who when they saw the Kings very hand, would be without excuse, if they persisted; Whereupon the King signed double the number; and for expedition of the service, commanded them to be printed[151]

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149 Agamben, *The Signature of All Things*, 40, 52.

150 L. Hutchinson, *Memoirs of the Life of Colonel Hutchinson* (London, 1848), 94–5.

151 *The Returne of the People of England* ([London], 1648), 19. A similar defence was offered by Edward Hyde. See [E. Hyde], *A Full Answer to An Infamous and Trayerous Pamphlet* ([London], 1648), 44. 'Sign manual' could also refer to a stamp used to sign documents, as, for example, in the king's absence, but in this case it appears to refer to Charles's personal signature. On sign manuals, see J. McGovern, 'Was Elizabethan England really a monarchical republic?', *Historical Research*, vol. 92, no. 257 (2019),

The rationale for requesting the king's handwritten signature is clear. The presence of Charles's personal 'Sign Manuall' visibly reaffirmed the proclamation's identification with the monarch's sovereign command, and sought to discourage potential rebels by exposing them to the mercy of the royal prerogative. The case was clearly exceptional, and the particular emphasis on the presence of Charles's personal signature deemed necessary to counter the malicious rumour that the rebels had acted with royal backing. However, we should understand the signature as part of a broader symbolic network, through which official orders were marked out as such.

It is clear that seals, for example, were understood to confer authority on a text. The Great Seal was vital to the writs, warrants, proclamations and other official documentation upon which it was marked, and might be conceptualised as an institutional simulacrum of the monarch's signature. David Cressy has noted how the Great Seal rendered the king 'virtually present', enabling other members of the Privy Council to assume the authority of the king's body politic in the absence of his body natural.[152] The affixing of the seal formed part of the customary issuing procedure of royal proclamations, carried out by the lord keeper between being signed by the king and printed for public display.[153] Theoretical scholarship on the political efficacy of seals has demonstrated that they had their own operative logic, serving, in the words of Brigitte Bedos-Rezak, to translate 'notions of transcendental hierarchy into organising principles of earthly domination', facilitating the reproduction of the political order by reifying an abstract notion of 'kingship' independent of the king himself.[154] Much like the crown jewels, the seal was imbued with the gravity of the ancient constitution, extending monarchical authority outside of the body natural.[155] Thomas Hobbes differentiated between acts done in the king's 'natural capacity … either by word

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515–28, at 525.

[152] D. Cressy, *Charles I and the People of England* (Oxford, 2015), 119.

[153] Lehto, 'Text structure and coordination', 235. To this end, the signature and the great seal represented, together, the king's two bodies: the signature representing the will of the king's body natural, and the seal the king's body politic.

[154] B. Bedos-Rezak, *When Ego Was Imago: Signs of Identity in the Middle Ages* (Leiden, 2010), ch. 4, at 75. We see here traces of Ernst Kantorowicz's famous argument about the king's two bodies.

[155] Sargeant, 'Parliament and the crown jewels', passim.

of mouth, or warrant under his signet or private seal', and those under 'the Seal of England … done in his politic capacity'.[156] In the words of Sean Kelsey, the seal was 'a recognisable guarantee of the authenticity of the sovereign's appointment, gift or adjudication'.[157] The case of its parliamentary 'counterfeiting', therefore, brings into relief the role of the symbolic form in the early modern political imagination, and the centrality of the aesthetic to the operation of power. It offers perhaps the best example of how material objects could become vectors for the contestation of sovereignty in the 1640s.

Parliament first confronted the problem of operating without the Great Seal after it was surreptitiously removed to Charles's court at York in May 1642.[158] The following months represented a gradual escalation in tactics, from the issuing of an ordinance in September that all peers appointed since the Great Seal 'was surreptitiously conveyed away' could not sit without parliamentary assent, to the Commons' resolution the following May that a Great Seal 'shall be forthwith made … for Dispatch of the Affairs of the parliament and Kingdom'. The motion was clearly contentious, and passed by only 12 votes.[159] The Lords equivocated over assenting, 'startled', according to Clarendon, by a statute dating back to Edward III declaring such a 'counterfeiting' to be high treason. Clarendon understood the Great Seal to have been 'in all times before understood to be the sole property of the king, and not of the kingdom, and absolutely in the king's own disposal'.[160] In June, radical MP William Strode launched into a fierce attack on the upper chamber over their prevarications, declaring that the 'Lords did but like Lords w[i]th some other particulars of the like nature'.[161] Without the Seal, parliament had found it, in the words of the Venetian ambassador, 'impossible to meet the ordinary requirements of civil justice'. A list of 'Mischiefs proceeding through want of the Great Seal' was presented by MPs to members of the House of Lords in July. It expressed fears that the king's party were using the old seal to issue out proclamations and install sheriffs and other officeholders prejudicial to parliament, and noted that in the absence of the seal, parliament could not sue

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[156] Hobbes, *English Works*, vi, 152.

[157] Kelsey, *Inventing*, 92.

[158] Clarendon, ii, 487.

[159] *CSPD*, 1641–3, 394; *CJ,* iii, 86.

[160] Clarendon, iv, 338–9.

[161] BL, Harley MS 165, fols. 95v–96r.

any writs, including for the election of new MPs, or issue proclamations for the arrest of delinquents accused of high treason. Perhaps most seriously of all, the absence of the Great Seal, as noted by the Venetian secretary, threatened the breakdown of 'civil justice'. In the early modern period, every action at law was initiated by a so-called 'original writ' issued from Chancery. These writs were issued in the name of the king, and usually sealed with the Great Seal. The conveyance of the seal from London meant that no one could request a writ without travelling to the royalist headquarters at Oxford; as MPs noted, this was impossible for anyone who sided with parliament, 'without peril of [their] life or liberty'.[162] In spite of fervent opposition within the House of Lords and cries of treason from the royalist parliament at Oxford, a parliamentary seal was ordered to be manufactured in November.[163]

It is clear that many, if not all contemporaries, understood this to represent not a hollow symbolic gesture, but a decisive grab for sovereignty. Political authority was not simply reflected by the seal, but was inherent within it. Charles responded with a declaration accusing parliament of having taken 'the three most glorious jewels in our Diadem, Our power to doe, Our justice to inforce, and Our mercy to pardon, three such inherent Prerogatives that as without them We are no King'.[164] Chief among those that had advocated parliamentary control of the great seal was Henry Marten, who described it as 'the supream badge of supream power'.[165] MP John Maynard, who had opposed the ordinance, argued that there was 'no end in making a new Great Seal unlesse they intended making a new king', or, perhaps, doing away with kings altogether.[166] According to the Venetian secretary Gerolamo Agostini, archbishop Laud attempted to escape his execution

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[162] Prynne, *The Opening of The Great Seale*, 32.

[163] *CSPV*, 1642–3, 168; *CSPD*, 1644, 47; F&R, 340–2. An analogous complication arose at the Prerogative Court of Canterbury in May 1643. See C. Kitching, 'Probate during the Civil War and Interregnum, part I: the survival of the prerogative court in the 1640s', *Journal of the Society of Archivists,* vol. 5, no. 5 (1976), 283–93.

[164] *The Declaration and Ordinance of the Lords & Commons Touching the Great Seale of England and His Majesties Declaration to All His Loving Subjects Upon Occasion Thereof* (Oxford, 1643), 17–8.

[165] C. M. Williams, 'Extremist tactics in the Long Parliament, 1642–1643', *Historical Studies*, vol. 15, no. 57 (1971), 136–50, at 143.

[166] Kelsey, *Inventing*, 93.

in January 1645 by presenting parliament with a pardon from the king, but 'it was not allowed on the pretext that it was under the old seal of the realm'.[167] The case of the Great Seal, therefore, represents the ways in which the contestation of authority necessarily entailed a contestation of power's aesthetic form. 'Magnificence', as John Adamson has noted, was 'not merely a public affirmation of power, but a component of power itself'.[168] It was by and through the presence of these marks that the field of politics and legitimate power was demarcated.

William Prynne justified parliament's manufacture of its own Great Seal in a pamphlet published in 1643. Couched in a familiar complaint against the Norman yoke, Prynne conjectured that Edward the Confessor, 'addicted to the customes of the French', was the first king to order the manufacture of a Great Seal, having declared 'that all charters, patents should be thenceforth sealed with his royall seale, or else be reputed invalid in law'. The pivotal implication of this historical exposition was that the necessity of the Great Seal in legislation was a perversion of an ancient constitution that made no such requirement in law. Nevertheless, Prynne recognised that through their use in the exercise of 'politique capacities … the whole Kingdom and Parliament … came to gaine a publike interest in and jurisdiction over these Seals as well as our Kings', and that seals themselves thus came to embody the commonweal. Just as the seals of civic corporations were 'made onely for their common good and affairs', so parliament, as the representative body of the kingdom, came to 'have a right in, and a power over' the Great Seal of England. Prynne defended parliamentary possession of the Great Seal on the grounds that it was a public possession, rather than the private property of the monarch. Here, he drew a parallel between local and national government, noting how the seals of civic corporations were not hereditary possessions of the mayor, but rather the public property of the corporate body. He concluded that the Great Seal was '*Clavis Regni*", the key to the kingdom, and therefore ought to be in the custody of parliament, the representative and supreme political institution, during its sitting.[169]

The work provoked a typically florid riposte from royalist John Taylor. He cautioned that the people were beginning to perceive that they had been

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[167] *CSPV*, 1643–7, 172.

[168] J. Adamson, *The Noble Revolt: The Overthrow of Charles I* (London, 2007), 3.

[169] Prynne, *The Opening of The Great Seale*, 4, 7, 12, 16–7, 23, 32.

'coozened with Publique Faith', having paid 'great summes' on the back of parliament's 'large promises', and were 'unwilling to be sealed for fooles, and pay for the sealing too'. He advised parliament to save money on expensive wax, and suggested that their seal might 'make an excellent mould to make Wafer Cakes, or cast well kneaded Ginger-bread in'.[170] In autumn 1646, the seal further became the object of intra-parliamentarian conflict, when moderate MPs sought to wrest it from the control of Edmund Prideaux, then commissioner of the Great Seal, and several of his radical allies.[171] In the interim, what appears as a legal technicality caused concern for those far removed from Westminster. Opening the assizes at Devizes in December 1643, the royalist justice Sir Robert Heath raged that there have been:

> an inconsiderable number of men now gotten together, (who are as mad as I think) that have gone about to frustrate and make void the king's broad seal, by which authority we sit here; for the king speaks by his broad seal, and it is and ever was called "the king's broad seal."

Declaring the parliamentary counterfeit, which continued to bear a portrait of Charles and the Stuart coat of arms until after the regicide, to be 'undoubtedly treasonable in whomsoever', Heath went on to urge the assembled gentlemen that the men in question 'ought to be enquired after, and be presented and indicted here, together with all those that adhere to them, as many as you can find'.[172] The same day, the officers of the assizes were tasked with publishing a royal proclamation decreed at the king's court in Oxford a month prior, which warned subjects of any 'degree, place, office or Function soever' to 'presume not in any sort … to exercise any Jurisdiction, Power, or Authority … by, or under that new and Counterfeit Great Seale'. The proclamation outlined the extent of the Great Seal's utility, ordering that no one may 'write, make, frame, fit, prepare or present any Writs, Commissions, Letters-Patents, Grants, Presentations, Leases, Pardons, Faculties or any other Instrument, act, writing or thing whatsoever to

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[170] J. Taylor, *Crop-Eare Curried, or, Tom Nash His Ghost, Declaring the pruining of Prinnes two last Parricidicall Pamphlets* ([Oxford], 1645), 37.

[171] D. Underdown, 'Party management in the recruiter elections, 1645–1648', *EHR*, vol. 83, no. 327 (1968), 235–64.

[172] J. Waylen, *A History, Military and Municipal, of the Ancient Borough of the Devizes* (London, 1859), 185; P. E. Kopperman, 'Heath, Sir Robert (1575–1649)', *ODNB* (Oxford, 2004). For more on the design of the parliamentary seal, see Kelsey, *Inventing*, 93.

passe under the said Counterfeit Seale'.[173]

It remains unclear whether anyone was presented at the Wiltshire assizes for complicity in the counterfeiting of, or adhering to, the parliamentary Great Seal. However, the proclamation, printed alongside a royalist pamphlet that contained both the 'treasonous' parliamentary declaration and the king's response, reveals that the matter was not simply debated among political elites, but became the object of innovative public discourse. The contestation of the Great Seal was reported and circulated as propaganda by both royalists and parliamentarians, intended to persuade ordinary people to obey certain orders and ignore others by reflecting on the legitimacy of the texts they encountered. Such reflection would not necessarily have been unusual; as we shall see, contemporaries were clearly aware of the standard presentational formats of official texts, and used this as a means to determine their authenticity. However, Prynne's pamphlet had the potential to fundamentally transform how the Great Seal was understood. Instead of an essential, time-honoured mark of the monarch's supremacy, it was re-conceptualised as the property of the public, disposed of by parliament on behalf of the people at large. By identifying the concrete circumstances of the Great Seal's creation, and its position within England's broader constitutional history, Prynne stripped the object of its mystical veneer. The radical implication was that determining the authority of texts was not the same as simply verifying their authenticity, but rather an ideological act. It concerned fundamental, contested ideas about the nature and origins of political authority.

For evidence that contemporaries looked to the aesthetic form of texts as a means of verifying their legitimacy, we might return to the case of James Whinnell and the waging of an intra-parliamentarian conflict by the posting of a letter from the earl of Manchester on posts in the market square of Wisbech in 1644.[174] Whinnell and his allies quite literally could not believe the letter was genuine, and wrote to parliament with a list of reasons that they suspected it had been forged by their rivals on the Cambridgeshire sequestration committee. The case offers an insight into how contemporaries understood authority to present itself formulaically, through the repetition of certain textual and linguistic

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[173] *A Proclamation touching the Counterfeit Great Seale, Ordered by the two pretended Houses of Parliament to be put in use* (Oxford, 1643), p. [1].

[174] See above, pp. 109–10.

devices. They explained that as the document was missing the standard superscription and title of an official letter, such that they 'know not what to name it, but a Printed Paper'. If it were a 'Speech, or an Oration, or a Remonstrance, or … an Ordinance', they declared, 'we should have expected a Title to that purpose, but there is no such thing to it'.[175] In short, the unusual form of the letter, as much as its provocative content, led Whinnell and his allies to suspect that the text was a counterfeit. Further evidence of this kind can be found elsewhere. In August 1642, a parliamentarian builder, John Biggs, involved in the construction of fortifications at Portsmouth, identified a king's messenger by noting that he was carrying 'three particular wrightings w[i]th Charles Rex upon the top of all of them'.[176] A 1648 edition of *Mercurius Pragmaticus* claimed that a radical parliamentarian petition presented in Essex, supposedly representing the opinion of locals, had in fact been concocted at Westminster, 'for, it had their Image and Superscription'.[177] Contemporaries clearly believed themselves to be capable of identifying both royal and parliamentary texts merely on the basis of their aesthetic form.

Scholars have previously identified that certain texts acquired a particular symbolic value during the Revolution. At the outbreak of war, parliamentarian trained bandsmen fastened copies of the Protestation to their pikes.[178] Later in the 1640s, regiments of the New Model Army wore copies of the *Agreement of the People* in their hats, as conspicuous signifiers of their Revolutionary cause.[179] Texts were, however, not merely badges of allegiance, but a means by which people made sense of, and sometimes sought to exercise influence over, the unfolding of civil war. In 1642, constable Thomas Clare was reportedly asked by the parson of Ibstock, Leicestershire, John Loveton, on what authority Clare had sent for the trained bandsmen to travel to Leicester for the muster of the parliamentarian army. Clare responded that he was acting upon a warrant of the

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[175] *To the Right Honorable the Lords and Commons*, sig. [A4r].

[176] TNA, SP 16/501, fol. 226r.

[177] *Mercurius Pragmaticus*, Feb. 29–Mar. 7 (1648), unpag.

[178] D. Cressy, 'The Protestation protested, 1641 and 1642', *HJ*, vol. 45, no. 2 (2002), 251–79, at 267.

[179] I. Gentles, 'The Agreements of the People and their political contexts, 1647–1649', in M. Mendle (ed.), *The Putney Debates of 1647: The Army, The Levellers and the English State* (Cambridge, 2001), 148–74, at 155.

high constable, upon which Loveton 'desired to see the Warrant, and asked him whether they used to warn Men to appear without a Warrant'. Though Clare did not have the warrant to hand, he attested to having seen it, 'and heard it read Twice, to that Intent'. Unimpressed, Loveton then produced a proclamation, presumably that drawn up against the Militia Ordinance, and read it twice, only for Clare to state that as he 'could not undo what he had done', he 'would not discharge the Soldiers from their Appearance'.[180] For Loveton, therefore, the authority of the command was inseparable from the material form of the warrant. Similarly, when one Hereford clergyman refused a request to read a royal proclamation, he was shown 'the King's order for the reading of it, in the frontispiece of the book'.[181]

Occasionally, official texts appear to have been retained and used to legitimate resistance to contradictory orders. A deposition of a Leicestershire trained bandsman, John Milles, claimed that he was stopped by one 'Ancient Dudley', who asked him 'to what End he would go' to the muster in Leicester. There is some suggestion that the Dudley in question was the metallurgist and royalist soldier Dud Dudley, illegitimate son of Edward Sutton, fifth Baron Dudley.[182] Upon Milles's justification for his muster as '[t]o serve the King', Dudley replied that '[t]he King had not Commanded him; and thereupon produced a Proclamation … for, if he did, he said, his Estate was lost, and his Life hazarded'. Both Loveton and Dudley were subsequently sent for by parliament as delinquents 'for the opposing and giving Obstruction to the Execution of the Ordinance of the Militia in the County of Leicester'.[183] There is no record of either being presented, though one Dudley of Worcestershire, where Dud Dudley seems to have originated, was named in a 1652 act of 'persons whose Estates are hereby adjudged to be forfeited for Treason'.[184] Though Dudley was clearly convinced by the king's case, for others, the orders of parliament bore as much legal force as a royal proclamation. While touring the western circuit in the summer of 1642, justice of assize Sir Robert Foster recalled being showed 'som orders in

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[180] *LJ*, v, 132.

[181] Zaret, *Origins*, 198.

[182] S. Smiles, *Industrial Biography: Iron-Workers and Tool-Makers* (Boston, 1864), 76; P. W. King, 'Dudley, Dud (1600?–1684)', *ODNB* (Oxford, 2004).

[183] *LJ*, v, 133.

[184] F&R, 623–52.

Parlim[e]nt' by men of Dorchester, 'to enable them to stand upon gard for their defence'.[185] Here, parliamentary orders, presumably in print, were invoked to legitimate popular initiative in much the same way as the 1641 Protestation was throughout the Revolution.[186] In August of the same year, parliamentarian rioters in Essex justified a rampage on the property of local royalist Sir John Lucas on the grounds that it was sanctioned by a parliamentary declaration, though the claim was quickly revealed to be spurious.[187]

The centrality of the textual form to the exercise of political power generated great concern among authorities over the production and circulation of counterfeit material. Jason Peacey has demonstrated that pamphlet propagandists, vying for profit and influence, were frequently involved in the production of counterfeit newsbooks and the fraudulent use of the parliamentary imprimatur on unlicensed printed material.[188] References to counterfeiting can also be found in official records; forgeries of writs, warrants, and receipts were produced to innumerable ends. One of the more common motives was financial gain, and the civil war brought novel temptations for those involved in the compounding of royalist estates. One messenger to parliament's Committee for the Advance of Money accused a Mr. Hudson of counterfeiting its orders to impersonate the official appointed to sequester and raise money on the estate of James Stuart, the Duke of Lennox and Richmond, and cousin of the king.[189] Other royalists, having had their estates sequestered, attempted to forge receipts as evidence of proof that they had paid their parliamentary fines.[190] Forgeries were also produced in attempts to circumvent draconian parliamentarian ordinances. Having had a horse stayed at Northampton in 1642, one Mr. Neville called in some personal favours. He enlisted his friend, the royalist baronet William Savile, to write a letter to the influential Northampton landlord, Thomas Holland,

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[185] TNA, SP 16/491 fol. 279r–v.

[186] J. Walter, *Covenanting Citizens*, passim.

[187] Holmes, *The Eastern Association*, 43.

[188] J. T. Peacey, '"The counterfeit silly curr": money, politics and the forging of royalist newspapers in the English Civil War', *HLQ*, vol. 67, no. 1 (2004), 27–57; Peacey, *Politicians and Pamphleteers*, passim.

[189] Green (ed.), *Calendar*, i, 133.

[190] Ibid., iii, 1680.

desiring the recovery of the confiscated horse.[191] Within a month, a 'counterfeit Warrant', purportedly written by the Commons speaker William Lenthall 'for the Discharge of Mr. Nevill's Horse' had been reported to parliament, upon which MPs enjoined the mayor of Northampton, and ordered other members of the town's corporation to take care that he did not flee the town.[192]

It may be that the fear of the counterfeiting of official texts was greater than its real threat. Noah Millstone has argued that 'dissimulation, deception, and fraud were regarded as ubiquitous, even structuring features of the world', and yet evidence for ideologically motivated forgeries is relatively scarce.[193] Just as isolated examples of seditious speech caused no real danger to the material stability of the polity, so small-scale counterfeiting was unlikely to seriously undermine the government. Yet both seditious speech and petty forgeries were subject to such stringent punishment because they presented a more profound, ideological challenge to the social and political order. Signatures, seals, charters and other ritual artefacts were fundamental to the process by which power was authorised. They formed a complex network of signs which served to simultaneously delineate the political hierarchy and authorise the texts upon which they were marked.

This was as true at the level of civic politics as it was of national governance. Detailed accounts of the ransacking of corporate towns during civil war, and the responses of local officials, are indicative of the centrality of symbolic artefacts to urban politics. In Leicester, the corporation's mace, a 'virtual necessity' for a town to acquire upon its official incorporation, was plundered 'by the Kings Armie' during the first civil war.[194] Notwithstanding the enormous financial demands that conflict had placed on the town, the corporation quickly ordered the purchase of a new mace, two chamberlains' staves 'with silver and gilt bosses ingraven with the townes Armes', a common seal for the corporation, a seal of office, and a mayor's seal, 'accordinge to the former Seales lately used for the

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[191] Parliamentary Archives, HL/PO/JO/10/1/124, see letter dated 13 Jun. 1642. For Thomas Holland, see A. Everitt, *Landscape and Community in England* (London, 1985), 185.

[192] *CJ*, ii, 664.

[193] N. Millstone, *Manuscript Circulation and the Invention of Politics in Early Stuart England* (Cambridge, 2016), 146.

[194] Tittler, *Architecture and Power*, 109.

Towne and taken away allsoe at the takeinge of the towne'.[195] Such objects were not only central to set-piece pomp and ceremony, but also quotidian corporation business. In most towns, the mace was carried before the mayor every time they stepped out of their houses, as a banal, routinised means of affirming the dignity of civic office.[196] Seals, meanwhile, were customarily affixed to decrees of the collective body corporate, as well as letters and other documents produced in the mayor's official capacity. Much like the Great Seal of England, they imbued texts with a certain historical and institutional authority. Civic charters, which embodied the various powers entrusted in corporations by royal fiat, appear to have been less central to day-to-day business, but no less prized by local elites. Nottingham's charters were so precious that in 1645 the common council resolved that 'the Charters, Leases, and Towne's writeings … shalbee secured in the Castle in theis tymes of danger'.[197] The Leicester corporation ended up paying an eye-watering sum of £100 to 'redeeme the towne Charters', which had reportedly also been seized by royalist forces. To whom the fee was paid remains unclear, but it is indicative of the value that these texts held in the eyes of local authorities.[198]

In at least some towns, charters of incorporation were specifically targeted for destruction during civil war. In the aftermath of the storming of Marlborough, Wiltshire, by the king's forces in 1642, one pamphlet reported that the soldiers had stormed the town hall, breaking open the chests and coffers that contained the 'Records and Court-bookes and Deeds and Leases of the Townes land'. They broke off the seals and 'rent the writings in peeces', carrying away 'the townes Grand Charter'. According to the pamphleteer, the spoiling of lawbooks and the liberation of prisoners were such that they 'thought that Jack Straw and Wat Tylers dayes had beene come again, and their complices … broken in upon us'.[199] The confiscation of Marlborough's 'Grand Charter' may have had a symbolic value that the destruction of maces and seals did not. As Robert Tittler has noted, by the end of the Elizabethan period, at least some maces were particular to

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[195] Stocks, *Leicester*, 331.

[196] Tittler, *The Face of the City*, 107.

[197] W. T. Baker, E. L. Guilford and W. H. Stevenson (eds.), *Records of the Borough of Nottingham* (6 vols., London and Nottingham, 1882–1914), v, 234.

[198] There is a gap in the chamberlain's accounts where the name of the payee should have been recorded. See ROLLR, BR/III/2/82, fol. 146r.

[199] T. B., W. B., O. B., J. H., *Marlborowes Miseries*, 5.

individual mayors, featuring engravings of their name or coat of arms.[200] Such artefacts may have represented a spectacular projection of individual wealth, but said nothing of the source of their authority, or of their position within a broader network of offices and officeholders. In contrast, civic charters functioned to imbue individual officeholders with an authority greater than themselves, and customarily, at least, represented one's protection by the monarch. We might speculate that the confiscation of Marlborough's charter represented a symbolic revocation of this royal favour. Meanwhile, the destruction of historical records—court books, deeds, leases and so on—represented the destruction of the authority bestowed upon institutions by history itself.

According to Dan Beaver, the power of charters lay in their ability to communicate 'a fundamental continuity, one of sovereignty's defining effects, through their literate ordering of concepts, places and offices, people and relationships, and objects and property'.[201] We can see here clear parallels with Brigitte Bedos-Rezak's argument that seals are effective precisely because they bring the time-honoured authority of an institution to bear on an individual (or body of individuals).[202] In the early modern period, as Keith Thomas has suggested, 'the most common reason for invoking the past was to legitimise the prevailing distribution of power'.[203] Here Agamben's thought is again particularly incisive, revealing of how rite 'annuls the disjuncture between a mythic past and the present', enabling individuals in the possession of ritual objects (whether, for example, the king's crown, or a corporation charter) to invoke the past in authorising their exercise of power.[204] We might fruitfully expand Beaver's notion of 'literate ordering' to that of 'visual ordering', in which a variety of symbols, both textual and more broadly aesthetic, played precisely this structuring role. This explains why, during a period of contested sovereignty and great social unrest, both parliamentarians (through the 'counterfeiting' of the Great Seal) and local

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[200] Tittler, *The Face of the City*, 107.

[201] Beaver, 'Sovereignty by the book', 163.

[202] Bedos-Rezak, *When Ego Was Imago*, ch. 4.

[203] K. Thomas, 'The perception of the past in early modern England', Creighton Lecture, London University (1983), 2–4.

[204] C. Mills, 'Playing with law: Agamben and Derrida on postjuridical justice', in A. Ross (ed.), *The Agamben Effect* (*South Atlantic Quarterly* special issue, vol. 107, no. 1, 2007), 15–36, at 20.

officials (through the replacing of charters, seals, maces, and so on) sought to reinforce their authority through the appropriation and reproduction of established ritual artefacts.

In December 1656, the mayor and burgesses of Marlborough wrote to the lord protector, recalling that 'in 1642, being in arms for Parliament, we were besieged and plundered by the late King's party', and that their goods had been stolen, citizens imprisoned, and the town's charter taken away. The petition begged for the charter's 'renewal, with further acts of grace for our better government'.[205] The request was warmly received by the Cromwellian regime, who referred the business to the committee on charters, and by the following January had ordered the attorney-general to 'prepare the draft of a charter'.[206] Paul Halliday has noted that 'at no time during the Interregnum was there any suggestion … that corporate rights resulted from voluntary association'. Instead, it was universally acknowledged both at the centre and in the localities that corporations derived their rights from 'the sovereign authority once embodied in the King, and now in the Lord Protector'.[207] This, however, might not be as surprising as it appears. In short, it was politically useful for officials in the localities to be able to legitimate their powers with appeal to an external sovereign core, just as they had once justified their rule by invoking the authority of the monarch. Civic charters maintained essentially the same function after the regicide, enabling officials in the localities to vicariously lay claim to an external sovereign authority. The relationship between the authority of officials at the centre and in the peripheries was thus reciprocal rather than antagonistic.

In his analysis of the official iconography of the Commonwealth and Protectorate, Sean Kelsey demonstrates instances of the Cromwellian regime replacing 'the old signs of the Caroline monarchy with the emblems of the new state', even before the regicide in January 1649. From Pride's purge a month prior to Charles's execution, parliamentary orders and declarations deployed the Commonwealth coat of arms in a manner analogous to that of the arms of the House of Stuart on royal proclamations, and following the regicide, royal insignia was ordered to be removed from public display and replaced with the

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[205] *CSPD*, 1656–7, 208.

[206] Ibid., 241.

[207] Halliday, *Dismembering*, 66.

iconography of the new regime. These 'new visual discourses', however, merely repackaged the symbolic forms of royal authority.[208] Official textual forms, for instance, reveal formal continuities after the regicide in January 1649. We might look, for an illustrative example, to the similarities between the proclamation announcing the death of James VI and I and the accession of Charles I, and the printed parliamentary act declaring England a republic after the latter's execution (*figs*. 3 and 4). Visually, the two texts are strikingly similar. Both contain a prominent coat of arms, a gothic black-letter body text beneath a title set in roman type, an affirmation of the origins and authority of the order, and the year of publication and printer's name. Symbolic repetition ensured that proclamations were recognisably authoritative not merely because of what they said, but also because of how they looked. That the declarations of the Commonwealth not only resembled, but appear to have deliberately copied the established style of royal proclamations, can only be explained by a desire to co-opt existing symbols of authority in official texts.

One of the uses of iconography for officials is that it enables the authorisation of their power by reference to something external and greater to themselves. As discussed above, for civic corporations, this was embodied in civic charters, which implied connections to a sovereign core, whether monarchical or otherwise. For monarchs, the crown jewels, coats of arms, and other aesthetic trappings brought historical authority to bear on their bodies natural (see, for instance, the emphasis on the crown as the Confessor's crown), but also embodied the irreducibly mystical element of kingship as of a divine or transcendental order.[209] The iconography of the Commonwealth and Protectorate also sought to legitimate its power with reference to a mythic narrative, albeit one of a different kind. As Sean Kelsey has noted, much Cromwellian symbolism appealed to a bygone English past, not least through the prominent deployment of the cross of St. George and an oak tree motif.[210] Such iconography is indicative of the process to which Robert Zaller has referred as the 'sanctification of Parliament', in which 'both civil and sacred legitimacy' coalesced 'in the representative institution of the

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[208] Kelsey, *Inventing*, ch. 7, at 87.

[209] Sargeant, 'Parliament and the crown jewels', 826–7.

[210] Kelsey, *Inventing*, 97.

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Figure 3. The proclamation announcing the death of James VI and I and the accession of Charles I (London, 1625).

Image removed due to copyright restrictions.

Figure 4. The printed act declaring England to be a republic (London, 1649).

realm'.[211] Parliament manufactured new trappings of sovereignty, superficially different but structurally similar to the aesthetic artifices that had long cloaked the operation of royal power. As Giorgio Agamben has noted, the structure of sovereign power is such that it necessarily relies on ritual artefacts, the 'glorious fuel burnt by the motor of the [governmental] machine'.[212]

That, however, does not mean that there was no qualitative change driven by the Revolution's symbolic contestation. The circumstances of war encouraged visible resistance to official orders, in which the material form of texts could be explicitly invoked. Stephen Frye of Mere, Wiltshire, responded to a parliamentary order for the apprehension of rioters in the west of England in the spring of 1643 with the pronouncement that 'he cared not for their orders and the Parliament might have kept them and wiped their arses with them'.[213] It is possible that the paper war of the 1640s occasioned a specific kind of dissensus, in which established symbols of authority were no longer taken as straightforward guarantees of the authenticity of a text. Such ideas were lent credence through the public discussion of the 'counterfeiting' of the Great Seal, in which royalists and parliamentarians urged subjects to carefully consider questions of textual authority.

We have seen, in this section, how the paper war encouraged individuals to inspect texts in attempts to determine their authenticity, but that this was not always possible or successful. Furthermore, the increased capacity for the production and reproduction of texts, evident in the explosion of printed material in circulation from 1641, may have exacerbated a popular mistrust of the authenticity of the printed word. One possibility is that this encouraged people to reflect on whether texts were legitimate by considering their content, rather than mere form, leading to individual judgements on the lawfulness of royal and parliamentary commands. In 1643, rioters in the west of England declared that 'they Regard not the orders of Parlam[en]t nor the Kings proclamations, but they will doe what themselves thinke Good'.[214] It seems likely that the contestation of

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[211] R. Zaller, *The Discourse of Legitimacy in Early Modern England* (Stanford, CA, 2007), 706.

[212] Agamben, *The Kingdom and the Glory*, 246.

[213] JRL, NP/72/9.

[214] JRL, NP/72/2.

sovereignty and the breakdown of effective mechanisms of coercion encouraged common people to embrace the idea that they could rule on what was and was not lawful. Such notions were, of course, soon given explicit articulation and philosophical legitimacy in John Lilburne's pamphlets envisioning a society of sovereign individuals.

In *The Common-Wealth of Oceana*, published six years after the regicide, James Harrington approvingly paraphrased Hobbes's *Leviathan*, noting 'of the law, that without [the] sword it is but paper'.[215] Such an understanding of political power is predicated on the notion that the law, as flimsy 'paper', is not sufficient for effective rule; it needs to be backed up by coercive force. It is worth considering that part of the context to the production and circulation of these radically materialist conceptions of power was the Revolution's official paper war, in which symbolic contestation forced ordinary people to question the inherent authority of textual artefacts. Whereas proclamations and other official texts previously bore a certain 'social magic', commanding obedience through the reiteration of 'naturalized' ritual forms, post-Revolutionary political writers articulated a much more acute awareness of the social fragility of symbolic power.[216] Though politics after 1649 still relied on a certain visual order, this order operated in conjunction with appeals to representation and popular opinion, rather than in opposition to them.

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[215] J. Harrington, *The Common-Wealth of Oceana* (London, 1656), 6.

[216] Nicola Ingram and Kim Allen describe the Bourdieusian concept of 'social magic' as 'the means of obscuring the conditions in which value is constructed so that fit comes to be seen as "natural" and the cultural arbitrary is denied'. See their '"Talent-spotting" or "social magic"? Inequality, cultural sorting and constructions of the ideal graduate in elite professions', *The Sociological Review*, vol. 67, no. 3 (2019), 723–40, at 729.

3.4 Conclusion

This chapter has argued that texts were central to the authorisation of political power in the early modern period. Official communiqués featured operative 'signatures' or symbols, by which they were marked out as recognisably authentic. The publication of royal proclamations, which conventionally involved their public reading by a local official in the market square, was complicit in the production of both local and royal authority through the reiteration of established ritual forms. This reciprocal or vicarious structure of authority is further revealed by the particular importance attributed to corporate charters and seals, which enabled civic elites to legitimate their rule by invoking the monarch's sovereign will. Even at the governmental 'centre', seals held a particular significance. The affixing of the Great Seal of England formed part of the customary issuing procedure of royal proclamations before they were printed and circulated for local publication. The insistence on charters, seals, and other aesthetic forms reproduced a politics in which authority presented itself visually. Such objects mystified the concrete operation of power at the same time as it structured the social order, serving to restrict who could legitimately invoke authority, and the powers to which they could lay claim.

Texts were central to the collapse of the political order and the outbreak of war. This, as we have seen, was most obviously manifest in the militia crisis, in which king and parliament each produced rival legal mechanisms, presented to the public as symbolic, textual artefacts. The different aesthetic forms of these objects were indicative of different strategies of popular mobilisation: in parliament's case, through open appeals to representation; in the royal case, through a highly stylised appeal to feudal notions of obligation. However, whereas the militia crisis presented to the public two very different kinds of texts, other aspects of the official paper war were fought on the same symbolic terrain. This was most obviously apparent in the parliamentary 'counterfeit' of the Great Seal, understood by both advocates and opponents as a decisive assertion of parliamentary sovereignty. Royalists were likewise scandalised by parliament's move towards the open publication of its own orders and ordinances, in what appeared as an appropriation of the proclamatory authority of the monarch. Textual artefacts were vectors for the practical enactment of constitutional innovations. By censoring the king's proclamations, parliamentarians

demonstrated the limitations upon the royal prerogative, asserting its own power to rule on the legality of the king's conduct, and to intervene in cases where the monarch was adjudged to have exceeded his lawful authority. By manufacturing its own Great Seal, parliament, more forcefully still, asserted its own unilateral legislative power.

Though this chapter has been partly about the ways that constitutional conflicts took on material forms, it has also indicated some of the ways that those nominally excluded from politics used and encountered official texts. From the militia crisis onwards, it is clear that common people witnessed rival officials arriving in their villages, towns, and cities with contradictory orders in print, each bearing recognisable symbols of authority. As previously noted, these texts were scattered in public places, affixed to high crosses, and stuck on posts. These small details enable us to assemble a bigger picture of how the fracturing of political authority was encountered in the localities. The idea that political power flowed downwards from a divinely ordained king became subject to public dispute, as alternative sources of authority appeared both in person and in print. The effect of this new experience of politics for the political imaginations of ordinary people requires further research. For now, we can concretely identify examples of official texts being retained and used by ordinary people to political ends. This was, of course, not the first time that common people had used official texts to hold authorities to account. But the qualitative difference in this case was that they encouraged and legitimated ideological opposition to the king.[217]

Finally, this chapter has suggested that the vast explosion of printed material, in all its forms, encouraged people to consider whether texts were *legitimate*, rather than merely *authoritative*. This was partly encouraged by parliamentarian pamphleteers, whose legal and political publications provided common people with more and less sophisticated arguments against the legality of the king's actions. It may also be worth considering that the contestation of established symbolic forms, such as the Great Seal, served to undermine what Pierre Bourdieu referred to as their 'social magic', revealing them to be hollow signifiers

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[217] For one earlier example of official texts being used in negotiations between common people and governmental powers, see E. H. Shagan, 'Protector Somerset and the 1549 rebellions: new sources and new perspectives', *EHR*, vol. 114, no. 455 (1999), 34–63.

open to appropriation and redefinition rather than efficacious and inviolable marks of the sovereign will. If Dagmar Freist is correct, that the Revolution witnessed the shattering of 'the belief in the divine authority of the King', to be replaced by a view in which 'the legitimacy of the monarch was judged by his or her deeds', then the symbolic contestation of civil war surely played a part.[218]

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[218] Freist, *Governed by Opinion*, 23.

Chapter Four

'Hostility filled the eares and tongues'
The uses of Revolutionary speech

The final chapter of this thesis will explore how the rival authorities of king and parliament sought to exercise control over popular political speech during the 1640s. It is well known that early modern people understood language to bear a particular, even divine, force. As Garthine Walker has noted, the 'verbal utterance was understood to be a form of action, not merely its weak, binary other'.[1] Such events as the public reading of a proclamation were not hollow rituals, but legally effective 'speech acts'. Mel Evans has demonstrated that proclamations sometimes included self-referential clauses such as 'upon this proclamation proclaimed', which signalled the 'act of oration' as 'the point at which the message becomes legally binding'.[2] Andy Wood has argued that such episodes were 'speech events', whose role rested in reproducing the social hierarchy by rendering it visible.[3] By the same token, popular murmurings of political discontent were understood as serious threats to the social order that required active suppression. The politically unenfranchised were not supposed to meddle in matters of state.

Whereas modern, Cartesian subjectivity is predicated on the existence of an irreducible gap between the objective world and the subjective experience of each individual, such a distinction would have been essentially alien to those in mid-seventeenth-century England. Aesthetic experience was understood to reveal universal truths about the world and its creator. Actions and words were not considered as merely symbolic or superficial, but as always-already loaded with meaning, disclosing the inner intentions of those by whom they were undertaken or spoken. This explains why early modern people so frequently 'discovered' evidence of malevolent plots to destroy kingly rule and the Protestant settlement. To speak seditiously was an act in contradiction of good government, and a sin

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[1] G. Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 1999), 99.

[2] Evans, *Royal Voices*, 138.

[3] Wood, *The 1549 Rebellions*, 108–10.

against God.[4] The divine force of language, therefore, had a utility for authority. Precisely *because* contemporaries did not understand language as a free-floating system of signification, but as enmeshed within the fabric of the world, early modern people believed it possible to bind themselves and others to certain modes of action on threat of divine retribution. This was most obviously evident in the enforcement of oaths of allegiance, explored in further detail below. However, the chapter will argue that the civil war exposed critical, and potentially terminal paradoxes in traditional attitudes towards popular speech. Though both king and parliament attempted to police seditious speech throughout the 1640s, this was cut across by the need to mobilise civilian populations. Officials on both sides recognised that the circulation of news and rumour played a potentially decisive role in influencing and mobilising common people, and that political speech could be manipulated rather than customarily suppressed. There were, however, tensions inherent to the need for elites to appeal to the public by appropriating and authorising new forms of political communication while still preserving the time-honoured *arcana imperii*. Popular politicisation, as a condition of allegiance, inevitably came at the cost of the 'secrets of power'.

The opening section of the chapter focuses on the role of the public voice in the various ideologies of royalism and parliamentarianism. Though royalists understood the value of influencing public opinion by engaging with the people, the ideological framework of parliamentarianism was such that it not only enabled, but actively encouraged popular political participation. This resulted in the creation of ad-hoc fora for the articulation of common grievances, most obviously at the debates at Putney in late 1647, at which the traditional binary

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[4] On the policing of speech see, for example: L. Gowing, 'Gender and the language of insult in early modern London', *History Workshop Journal*, No. 35 (1993), 1–21; idem, 'Language, power and the law: women's slander litigation in early modern London', in J. Kermode and G. Walker (eds.), *Women, Crime and the Courts in Early Modern England* (Chapel Hill, NC, 1994), 26–47; A. Fox, 'Rumour, news and popular political opinion in Elizabethan and early Stuart England', *HJ*, vol. 40, no. 3 (1997), 597–620; Walker, *Crime, Gender and Social Order*; Wood, *The 1549 Rebellions*; D. Cressy, *Dangerous Talk: Scandalous, Seditious, and Treasonable Speech in Pre-Modern England* (Oxford, 2010); H. Taylor, '"Branded on the tongue": rethinking plebeian inarticulacy in early modern England', *Radical History Review*, vol. 121 (2015), 91–105; E. Legon, *Revolution Remembered: Seditious Memories after the British Civil Wars* (Manchester, 2019).

between authorised, legitimate speech, and the dangerous 'murmuring' of the multitude gave way to an assertion of the equality of voices. This was in stark contrast to a royalism necessarily predicated on the legitimacy of an hierarchical social order.

The second section of the chapter will focus on the ministration of 'garrison oaths' by officials of king and parliament in towns and cities across the country. Both sides sought to fix inherently slippery popular allegiances and root out their enemies through the enforcement of these local oaths, sometimes several times over in the same garrison. In certain cases, these oaths were ministered to a remarkably broad base of the population. In Chester, royalist officials at least countenanced forcing women to swear an oath of allegiance, binding them to report any military intelligence to the governor of the city. The section will argue that these oaths politicised swathes of people excluded from the formal business of politics, sufficient in at least one case to alarm the established civic elite, whose power was traditionally authorised through the conspicuously exclusive ministration of citizen's oaths and oaths of office. More abstractly, it will suggest that the contradictory content of these enforced oaths called into question the power of language to bind the consciences of those by whom they were sworn. Royalists and parliamentarians came to adopt a paradoxical position, in which they sought to use oaths to secure popular allegiances at the same time as they authorised the breaking of vows to the enemy, anticipating the emergence of modern conceptions of language as a symbolic system inherently vulnerable to misinterpretation and manipulation.

The third and final section of the chapter will turn attention to the nexus between public oratory, propaganda, and the press, using the career of radical parliamentarian printer Peter Cole as a lens through which to analyse the function of, and responses to, printed editions of royalist scaffold speeches. This close case study will reveal how condemned royalists were able to subvert the norms of the scaffold speech to undermine the legitimacy of the interregnum regime, concomitant with a parliamentary retreat from authorisation to suppression of the genre as it sought to consolidate its political power. More abstractly, the case study will consider the double-edged nature of publicity. On the one hand, by staging public trials and executions, and publishing scaffold speeches, parliament sought to demonstrate the openness and legality of its processes. On the other, such openness exposed parliament to public critique, not

least by Leveller radicals like John Lilburne, and royalists that sought to demonstrate the fanatical brutality of parliamentarian zealots.

4.1 'Casting rumours abroad': speech, spectacle, and the public voice

A considerable amount of scholarly work has been dedicated to exploring the role of the printing press in the formation of a Revolutionary public sphere.[5] Less attention has, however, been paid to the use of more direct communicative tactics in the popular mobilisation of the 1640s, or to how different forms of public politics were enabled or precluded by the ideological frameworks of royalism and parliamentarianism. The opening section of this chapter will argue that officials and propagandists on both sides had a similarly sophisticated understanding of the centrality and utility of popular opinion, and of the ways it could be shaped through the dissemination of news and rumour by speech and political spectacle. However, while parliamentarians were able to justify appeals to popular opinion by citing parliament's role as the representative body of the political nation, royalists were rather more circumspect, fearing the ramifications of exposing the *arcana imperii* to an inherently rebellious multitude, and of undermining the king's claims to a transcendental political authority. The section will begin with examples of popular political speech through the 1640s, and of how the circulation of news and rumour could influence allegiance and political decision-making. It will then compare royalist and parliamentarian approaches to public politics, demonstrating that while royalists were willing to make some direct appeals to the people, this did not stretch to parliament's readiness to incorporate the public voice into deliberative processes.

It is, of course, well-known that the early modern period was marked by the suppression of popular political speech. Common people were not permitted to talk of politics for fear of the erosion of the foundational distinction between the governors and the governed. Andy Wood has noted that rulers of early modern England 'often represented both authority and its subversion in auditory terms: the former as "quietude"; the latter as a threatening "murmuring"'.[6] At the same time, it is clear that discussion and debate of political events was more or less commonplace, even if generally undocumented, and the unfolding of civil war was no exception. In the early 1640s, popular political talk frequently took the

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[5] See, for example, Zaret, *Origins*, 35; J. Peacey, 'The revolution in print', in Braddick (ed.), *The Oxford Handbook of the English Revolution*, 276–93, at 281.

[6] Wood, *The 1549 Rebellions*, 110.

form of a general anti-Catholic hysteria. In 1641, the mayor of Norwich informed the Privy Council of intelligence that the city was to be attacked by twelve-thousand Catholics.[7] Such rumours were treated seriously by local elites, and information of this kind was occasionally deemed worthy of remuneration. The corporation of Leicester, for example, paid a messenger from Lichfield that brought the mayor news of a 'plott intended to be done by the Papist upon the Protestants'.[8] In Dorchester, talk of an imminent Catholic plot led the corporation to take stock of the arms and munitions of townsmen, fearing that they would have to resort to self-defence.[9]

Soon, however, popular 'murmuring' turned away from the more nebulous popish threat, and towards the concrete formation of royalist and parliamentarian parties. In the famous words of puritan divine Richard Baxter, 'Warre ... beg[a]n in our streets before the King or Parliament had any Armies'.[10] John Corbet reported from Gloucester that 'rumours of warre and first acts of hostility quickly filled the eares and tongues of people'.[11] Justice of assize Sir Robert Foster noted that by the summer of 1642, news of parliament declaring the king's Commission of Array to be illegal was 'in all mens mouthes'.[12] News and rumour could have direct consequences in the localities, and was invoked to legitimate popular political initiative. In September 1642, the 'trained soldiers and commons' of Worcester wrote to their mayor having been 'credibly informed' of his intention to billet royalist troops in the city. They opined that the Commission of Array was 'unlawful', and requested that no forces be admitted, having read in 'several letters and sundry printed papers' that 'cavaliers and soldiers in divers parts of the kingdom' had plundered towns, and robbed, assaulted, and killed subjects.[13]

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[7] Sharpe, *The Personal Rule*, 910.

[8] ROLLR, BR/III/2/82, fol. 62r.

[9] D. Underdown, *Fire from Heaven: Life in an English Town in the Seventeenth Century* (New Haven, CT, 1994), 194.

[10] R. Baxter, *A Holy Commonwealth* (London, 1659), 456.

[11] J. Washbourn (ed.), *Bibliotheca Gloucestrensis: A Collection of Scarce and Curious Tracts Relating to the County and City of Gloucester* (Gloucester, 1825), 12.

[12] TNA, SP 16/491 fol. 279v.

[13] Porter, Roberts and Roy (eds.), *The Diary and Papers of Henry Townshend,* 103–4.

The increased availability of printed political material played a key role in the mobilisation of people for king or parliament. Parliamentarian captain John Hodgson reported having 'read and heard' that 'the safety of the people is the supreme law both of nature and nations; and that there was a people before there were rulers and governors chosen and set over them; and when these turned the government, laid down by law, into an armed force, then did the people betake themselves to thoughts of reformation'.[14] Five years later, one Francis Wade was indicted and imprisoned in Southwark for having refused to drink the king's health, on the grounds that Charles had renounced his claim to the throne by waging war on parliament. Wade quoted James VI and I in articulating a notion of contractual kingship, informing his drinking partner that 'King James said, that the King which ruled not according to his Laws, is no longer a King but a Tyrant'. As Charles 'had put the Parliament out of his protection, and in them the whole kingdome', Wade held that he was 'no King'.[15] Such cases reveal how debate and discussion was not necessarily crude or reflexive, but could be based around more intricate theories of political authority, often gleaned from printed propaganda.

The extent to which royalists and parliamentarians were willing to make direct appeals to the public was inflected by their various ideological commitments. As suggested in the previous chapter, the conceptual framework of parliamentarianism was such that it more easily justified top-down appeals to the people parliament claimed to represent. This, however, entailed a qualitative reclassification of popular political speech, from the dangerous 'murmuring' of a 'Many-headed-Monster Multitude' to a legitimate means for the articulation of common grievances. The idea that ordinary people had an authoritative political voice was already scandalising future royalists by the parliamentary elections of 1640, in which electors were frequently accused of paying undue attention to the wishes of the commonalty. In Kent, the agent of Sir Edward Dering noted that electors in Maidstone paid as much attention to 'any cobbler or tinker as to a gentleman'. At nearby Sandwich, the defeated Lord Grandison claimed that the elected MPs had been returned 'by the unruly multitude'. He revealingly invoked

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[14] *Original Memoirs, Written During the Great Civil War; Being the Life of Sir Henry Slingsby and Memoirs of Capt. Hodgson* (Edinburgh, 1806), 91–2.

[15] Fairfax, *An Humble Remonstrance*, 4.

a vocal metaphor, noting that 'the voices of the better sort' had been drowned out by 'the meanest sort of people'.[16]

In spite of their suspicion of popular politics, however, Charles and his advisers understood the need to appeal to the people. In 1642, royalist officials organised public meetings with the king in each of the three ridings of Yorkshire. Tens of thousands of people were said to have gathered at the first, on Heyworth Moor near York, where a printed speech was disseminated in place of a personal oration by Charles. Reactions appear to have been mixed, with some of the crowd said to have shouted in favour of the king, and others for a reconciliation with parliament, or for God to 'turn the king's heart'. That there is almost no surviving evidence from the two subsequent meetings is perhaps indicative of the plan's failure in propaganda terms.[17] There is some further evidence that the king was personally involved in attempts to win the support of the people through direct address later in the 1640s. When Charles visited Chester in September 1645, shortly before its fall to parliamentarian forces, the king swore a 'protestation … in the head of his Army', which was subsequently ordered to be read in all the churches of the city. The protestation is an intriguing text, not least because it reveals the king's desire to appear publicly conciliatory. He pledged to 'mentayne the true protestant Religion', to 'governe by the knowne lawes of the land', and to 'observe inviolably the lawes consented to by … this parliament', and called upon 'the chearfull assistance of all good men' in advancing the cause.[18]

Royalist attempts to mobilise the people were not always so spectacular. As demonstrated in previous chapters, the king relied heavily on the willingness of local officials and clergymen to read proclamations aloud in market squares and in church, as well as to spread news of battlefield triumphs. In April 1644, the Venetian secretary reported that royalists had ordered ministers in the parishes of Reading to 'return thanks to God' for victory over parliamentarian forces, likely at the battle of Cheriton in Hampshire, 'and at the same time to urge the people to devote their goods and even their lives to win once and for all the end of this

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[16] D. Cressy, *England on Edge: Crisis and Revolution, 1640–1642* (Oxford, 2007), 372.

[17] J. L. Malcolm, 'A king in search of soldiers: Charles I in 1642', *HJ*, vol. 21, no. 2 (1978), 251–73, at 257.

[18] BL, Harley MS 2135, fol. 83r

great calamity'. In actual fact, parliament had recorded a decisive victory at Cheriton, yet the 'false impression' did 'what was required of it', encouraging locals' spirits, raising 'great sums of money', and encouraging 'citizens to take the field'.[19] Such strategies of misinformation did not go unnoticed by parliamentarians. In a letter to the Committee of Both Kingdoms the same year, Sir William Waller and Sir Arthur Haselrig claimed that 'false rumours hinder the public service, and it is the enemy's policy to cast them abroad'.[20] Leading royalists clearly understood the vitality of popular opinion, and sought to influence it in ways beyond the mere printing of pamphlets and newsbooks.

Of course, royalists made further attempts to control popular discourse through the time-honoured punishment of seditious speech. As we have seen, as late as 1647, justice of assize Sir Francis Bacon imprisoned four men in Southwark for a series of scandalous remarks against the king.[21] However, the turmoil of civil war and the vagaries of local allegiance compromised the reliability of court sessions, as well as the ecclesiastical channels through which seditious speech had occasionally been punished. Two years before the outbreak of civil war in England, Thomas Collyer, a Bristol starchmaker, was reported to royal authorities for relaying 'newes [from] Bristol' that archbishop William Laud 'was turned Papist & that the King & His Jester had found the Crosse & the Crucifix in His Brest'.[22] The secretary of state, Sir Francis Windebank, dispatched a notice to the bishop of Bristol, Robert Skinner, an Arminian with close ties to the archbishop and the royal court, requiring him to oversee Collyer's examination and punishment.[23] Once Skinner's examinations were complete, he sent to the mayor of Bristol, John Tayler—later expelled from parliament as a royalist—to request 'a sufficient Guard' to carry Collyer to prison.[24] Though Collyer's arrest and examination theoretically took place through ecclesiastical channels, in practice his imprisonment depended upon the capricious support of local elites. It is difficult to imagine that Richard Aldworth, the parliamentarian mayor of

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[19] *CSPV*, 1643–7, 89.

[20] *CSPD*, 1644, 516.

[21] See above, pp. 130–1.

[22] TNA, SP 16/456, fol. 66r.

[23] V. Larminie, 'Skinner, Robert (1591-1670), *ODNB* (Oxford, 2004); TNA, SP 16/459, fol. 131r.

[24] Beaven, *Bristol Lists*, 223; *CJ*, iii, 389; TNA, SP 16/459, fol. 131r.

Bristol in 1642, would have offered similar support. By 1646, episcopacy had been formally abolished by parliamentary ordinance, and the see remained vacant until the Restoration.

Much like the king and his allies, parliamentarians sought to spread news and rumour as a means of influencing popular opinion. In 1643, the Viscount Saye and Sele was accused of having attempted to 'ingage the people of Oxfordshire' by holding a public meeting in Woodstock, at which he falsely declared 'upon his honour that the King had neither men, nor money, nor arms, but the Parliament had all these'.[25] Fears of a royalist invasion of Gloucester the same year were calmed by the governor Edward Massey, who reassured locals of parliament's ascendancy in the aftermath of the fall of neighbouring Bristol to Prince Rupert's forces. According to John Corbet, the need for 'the hearts of the people ... to be held up' meant that 'the governour appeared in publicke, rode from place to place with a cheerfull aspect, and bearing before him no change in the sudden alteration of fortune. To them that enquired into his very thoughts, he gave assurance of safety, concealing the danger, or lessening its esteem'.[26] Royalists, in contrast, sought to undermine Massey's brave face by 'deal[ing] underhand', attempting to solicit a surrender 'by the mediation of seeming friends ... with terrible information of our manifold losses abroad, of the rage of the king's army, and inevitable desolation'.[27] Corbet's claim echoes the Machiavellian notion that effective governance lies partly in the managing of appearances; deceit, in other words, is sometimes in the best interests of rulers and their subjects. Massey and his forces managed to hold Gloucester against the odds, and parliament called a day of public thanksgiving 'in all the Churches of London and Westminster'.[28]

Parliamentarians vied with royalists for control of the pulpit, and punished 'scandalous' ministers that continued to read the king's proclamations in churches. Writing after the Restoration, John Nalson accused parliament of having assembled a 'Spiritual Militia ... to Muster their Troops', which, though it 'appeared a Religious and Pious design, yet it must go for one of their *piæ fraudes* [pious frauds], Politick Arts, to gain an an Estimate of their Numbers, and the

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[25] *The Two State Martyrs*, 5.

[26] Washbourn (ed.), *Bibliotheca Gloucestrensis*, 40–1.

[27] Ibid., 41.

[28] *LJ*, vi, 218.

strength of their Party'. According to Nalson, the parliamentarian lecturers '[ran] about tickleing the Peoples Ears with stories of Legends and Miracles, in the mean time picking their Pockets', and were 'ready in all places to Preach up [parliament's] Votes and Orders, to Extol their Actions, and applaud their Intentions'.[29] Days of thanksgiving were perhaps some of the clearest evidence in support of Nalson's claim, used by parliament as a means of publicising news of important victories on authority. In the aftermath of Bristol's 'deliverance' from the royalist plot in March 1643, presbyterian minister John Tombes called a day of public thanksgiving, during which he preached two sermons defending the right of resistance. Seeking to maximise its reach, the parliamentary printing committee ordered the sermon's reproduction, complete with a short narration of the foiled plot.[30] In the aftermath of the royalist surrender of Chester in March 1645, the Hertfordshire committee's John King received a payment for travelling to St Albans with 'Orders for the day of thanks giveinge for Chester', and did the same again after the capture of Dartmouth in early 1646.[31] Such occasions were a means of controlling the popular narrative under the guise of divine worship. Unsurprisingly, therefore, they could also be subject to surreptitious attacks by disgruntled royalists. In May 1648, attempts were made to undermine a day of thanksgiving called to mark a victory of the New Model Army over a renegade parliamentarian regiment in Wales. A libel was scattered around Covent Garden, mimicking the shouts of a town crier, and declaring that anyone who knew of the upcoming day of thanksgiving should 'come to the cryer, and hee shall bee hanged for his paynes'. The libel concluded, 'God save Kinge Charles and hange all his Enemies'.[32]

According to other royal commentators, parliamentarians were still more brazen in their staging of political spectacle. In 1643, *Mercurius Aulicus* accused parliamentarians of concocting a rumour of the death of royalist commander Sir Ralph Hopton at Plymouth, 'for which there were great triumphs and rejoycings

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[29] J. Nalson, *The Second Volume of an Impartial Collection of the Great Affairs of State* (London, 1683), 478.

[30] J. Tombes, *Iehovah Iereh: or, Gods Providence in Delivering the Godly* (London, 1643), at 10.

[31] TNA, SP 28/223/5, fols. 84r, 93r.

[32] 'A Libell dispersed att Covent Garden', in Firth (ed.), *The Clarke Papers*, ii, 11.

the last weeke in Windsor, both by Bells and Bonefires'.[33] More spectacular was an episode reported in *Aulicus* earlier the same month, when parliamentarian officials travelled to negotiate with Charles at Oxford. *Aulicus* claimed that in order to perpetuate a rumour that had been 'cunningly … raised in London, the better to create a faith in the people there, that the King could not long subsist but by conforming himselfe to His two Houses of Parliament', the delegates brought with them not only their cooks but also conspicuously exaggerated stocks of food and other provisions. It was, for *Aulicus*, a 'handsome Artifice', intended to 'gaine credit' to accounts of the king's destitution.[34]

Such reports offer a glimpse at parliamentarian propaganda strategies, and also the sophistication of royalist conceptions of popular opinion. Peter Heylyn, the editor of *Aulicus*, criticised parliament for their public dissembling, but implied the effectiveness of the 'Art' by which they kept up their 'reputation … among simple and infatuated people'.[35] The king's close adviser Edward Hyde was similarly aware of the propaganda value of public politics, and the role it played in parliamentarian mobilisation. Hyde noted that the 'imputation raised by parliament upon the King of an intention to bring in, or … of conniving at and tolerating Popery, did make a deep impression on the people generally'.[36] Of the day of thanksgiving called by parliament after the foiling of the Waller plot in 1643, Hyde claimed that it was intended to 'shut out any future doubts and disquisitions, whether there had been any such delivery; and, consequently, whether their plot was in truth, or had been so framed'.[37] Such statements reveal an attentiveness to the spectacular nature of politics, and of the role of appearances in the construction of political realities. Much like Niccolò Machiavelli, Hyde had an acute awareness of the fact that to act politically 'is to be on stage, to be an actor, to play a role, to manipulate an audience, and to engage in the "engineering of imagination."'[38]

It is clear that both royalists and parliamentarians recognised the vitality of

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[33] *Mercurius Aulicus*, Feb. 19–25 (1643), sig. P1r.

[34] *Mercurius Aulicus*, Jan. 29–Feb. 4 (1643), 5.

[35] *Mercurius Aulicus*, Feb. 19–25 (1643), sig. P1r.

[36] R. Clifton, 'Fear of popery', in Russell, (ed.), *The Origins of the English Civil War*, 144–67, at 145.

[37] Clarendon, iv, 70–1.

[38] Y. Winter, *Machiavelli and the Orders of Violence* (Cambridge, 2018), 46.

popular opinion, and made some attempt to influence it through direct address. Parliamentarians, however, demonstrated a willingness to take this further, conspicuously incorporating the public voice into their deliberative processes. Their recognition of the strategic importance of public opinion did not, therefore, necessarily rest on a conception of politics as an art of deception *tout court*. Parliamentarians disagreed over the extent to which their political legitimacy depended on their fidelity to popular opinion. Though Henry Parker described the people as the 'essence' of parliament, this essence was woven into parliament's own institutional fabric. In his version of representation, in which parliament 're-presents' the public, making present 'something that is in fact absent', the will of the people is effectively made subordinate to that of parliament itself.[39]

Others, however, held that MPs had a much more directly representative responsibility. In a 1644 pamphlet offering advice in the selection of suitable parliamentary burgesses, George Wither affirmed that the Commons was the 'Representative Body of our Commonaltie', and bemoaned those that, once elected, put 'an immeasurable distance, betwixt themselves and others, of that Body whom they represent, and out of which they were chosen, as if they had forgotten what they were'.[40] After he was secluded from parliament by colonel Pride in 1648, William Prynne wrote to the gentlemen of his constituency in Newport, Cornwall, declaring that though he was 'judicially accountable only to the Commons House … I hold my selfe in some sort ministerially accomptable unto you for whome I serve as the properest Judges, without the House doores, of what I spake or voted in your behalfe'. In the letter, Prynne expressed a desire to know the opinions of his electorate, and whether he had 'betrayed or broken the Trust you reposed in me or not, by what I spake or voted' in a debate on the king's answers to parliament's peace propositions, in which Prynne had advocated reaching a settlement.[41] Though Prynne here was addressing a relatively narrow 'public', it is indicative of how MPs were beginning to

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[39] This phrase is Lorenzo Sabbadini's. See L. Sabbadini, 'Popular sovereignty and representation in the English Civil War', in R. Bourke and Q. Skinner (eds.), *Popular Sovereignty in Historical Perspective* (Cambridge, 2016), 164–186 at 169.

[40] G. Wither, *Letters of Advice: Touching the Choice of Knights and Burgesses* (n.p., 1644), 3–4.

[41] W. Prynne, *Mr. Prynnes Letter to the Borrough of Newport* (n.p., 1648).

reconceptualise how representation might be practiced, and, perhaps, reconsider the ultimate ground of sovereign power.

Scholars have attributed some of parliament's success in the civil war to its sophisticated administration, which rendered parliamentarians more capable of conducting and resolving disputes through public mediation than their royalist rivals.[42] This can be glimpsed from the formation of local committees relatively soon after the outbreak of war, and the swift establishment of wider intermediate institutions for the management of regional affairs. The Committee of the Eastern Association, which met from April 1643, did not simply oversee the execution central parliamentarian orders in the localities, but served as 'a meeting of the accredited agents of the constituent counties, with both consultative and executive functions'. It was, in other words, a means for local grievances to be reported upwards, and by 1644 served as the most effective means of informing parliamentary leaders at Westminster of pressing local issues.[43] However, scholars may have underestimated the extent to which the institutionalisation of representation began to take more radically democratic forms in the 1640s. In 1643, for example, the governor of Nottingham, John Hutchinson, agreed in conjunction with the city's corporation that in order 'for a more free intercourse and better understandinge to bee had in future betwixt the Governor of the said Castle and Committee there, and the Inhabitants of this towne and County', there should be the election of 'some particuler members thereof in assistance of their Maior, and by them upon all occasions to represent the greevances, state, and condicion of the said Towne'.[44] This appears to have been a relatively organic form of political organisation autonomous of interference from Westminster. Such institutions arguably presaged more radical plans for general participation articulated by Levellers from at least October 1653, when copies of *A Charge of High Treason*, which called for 'all the people of England' to 'elect and choose' new MPs and march them down to London, were 'scatred about the streets'.[45]

Indeed, more radical parliamentarians understood parliament's legitimacy as

[42] See, for example, A. Hughes, 'The king, the parliament, and the localities', passim.

[43] Holmes, *The Eastern Association*, 85, 122.

[44] Baker, Guilford and Stevenson (eds.), *Records of the Borough of Nottingham*, v, 221–2.

[45] Peacey, *Print and Public Politics*, 360.

directly contingent upon its institutional capacity to listen and respond to popular grievances. As James Holstun has suggested, this was perhaps most clearly evident at the Putney debates between the New Model Army leadership, radical army agitators, and London's civilian radicals, in October and November 1647.[46] The debates were, of course, remarkable for their incendiary political content, but just as revolutionary was the logic by which the discussions were structured.[47] Implicit throughout was the notion of the equality of voices, which constituted a flattening of the traditional hierarchy between authorised, legitimate speech and the dangerous 'murmuring' of the multitude. Cromwell opened the discussions with the declaration to all 'that had anything to say concerning the public business, they might have liberty to speak'. Throughout the debates, the 'voice' was invoked as a metonym for participation in political process. Colonel Thomas Rainsborough questioned 'why any man that is born in England ought not to have his voice in election of burgesses', and noted that 'every man hath a voice' by law of nature as a metaphysical justification for universal male suffrage.[48]

At the same time, Rainsborough was aware that representation could imbue decisions with legitimacy. He argued for the debates to be 'as public as possible', and noted that debating 'thus publicly may be an advantage to us'.[49] Deliberative process, in other words, was not merely the just basis of political authority, but an aesthetic spectacle that permitted the staging of consensus decision-making. Whereas for Holstun, the debates at Putney were the direct result of soldiers having organised themselves into a 'New Model soviet', it is worth noting that arguments for more direct forms of representation emerged among radical independents and moderate presbyterians alike, from Rainsborough to William Prynne. The tabling of these more and less radical forms of representation reflected a fresh struggle over the meaning of parliamentarianism and the civil war settlement. An ideology broadly predicated on parliament's capacity to represent the people had gained widespread traction, though the concrete means

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[46] J. Holstun, *Ehud's Dagger: Class Struggle in the English Revolution* (London, 2000), ch. 6.

[47] For an analysis of the 'theory of debate' at Putney, see Achinstein, *Milton*, 104–9.

[48] A. S. P. Woodhouse (ed.), *Puritanism and Liberty: Being the Army Debates (1647–9) from the Clarke Manuscripts with Supplementary Documents* (London, 1974), 1, 55, 59.

[49] Achinstein, *Milton*, 106.

by which this representation was to be translated into political practice, and its implications for the locus of sovereignty—was it in people or parliament?—remained unresolved.

We should not overstate the extent to which parliament's attentiveness to popular opinion resulted in a disregard for seditious speech. Like royalists, parliamentarians were still engaged in the policing of political speech throughout the 1640s. In the early years of civil war, individuals from far and wide were hauled before the Commons to respond to allegations of having spoken 'scandalous words'.[50] Gradually, this responsibility appears to have been delegated to the various arms of parliament's bureaucratic machine. In 1644, the committee at Stafford received word that one Mr. Berie, the parson at Norbury, had 'given forth … diverse scandalous speeches against the Parliament', including the declaration that parliamentarians were 'usurpers'. The committeemen called upon the local captain, Henry Stone, to bring Berie before them, and seize his horses and cattle 'for the state service'. Berie was imprisoned after examination, ostensibly entirely on the initiative of local officials.[51] The increasing entanglement of civic corporations in the politics of civil war ensured that they too could take on a proactive role in the policing of popular speech. There is evidence of particularly zealous local officials detaining individuals accused of having spoken words against parliament. In January 1643, the mayor of Colchester, likely the 'well-affected' Thomas Lawrence, who held office again after a purge of the corporation's crypto-royalists in 1655, wrote to parliament to inform them of the arrest of one Robert Pallent, who was reported to have spoken words against the earls of Essex and Warwick.[52] MPs quickly ordered the Commons' serjeant-at-arms to send for Pallent as a delinquent.[53]

At other times, corporations detained offenders upon precise parliamentary orders. In June 1648, parliament sent to the Norwich corporation to request the arrest of one William Ansell for the 'spreading of false rumours … tending to the

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[50] *CJ*, ii, 427, 461, 577, 698, 718, 730, 743.

[51] D. H. Pennington and I. A. Roots (eds.), *The Committee at Stafford, 1643–1645* (Manchester, Staffordshire Record Soc., 4th Series, i, 1957), 56, 83.

[52] For Lawrence, see B. Capp, *Puritan Reformation and Its Enemies in the Interregnum, 1649–1660* (Oxford, 2012), 50.

[53] *CJ*, ii, 930.

stirring up the people'.[54] Parliamentarians had reason to pay close attention to signs of sedition in Norwich, where a royalist riot had broken out two months earlier, culminating in a catastrophic explosion of a store of gunpowder. The trigger for the unrest was the arrival of a parliamentarian messenger for the arrest of the mayor, John Utting, who had been accused of conniving with royalists. Utting voluntarily rode to parliament the day after the disaster, and was confined to his home in Suffolk until July.[55] Appointed to deputise in his absence was Christopher Baret, a puritan who parliament had long identified as a suitable replacement.[56] Writing to Baret in June, the Derby House committee thanked him for 'takeing care to secure' Ansell, and requested that Ansell be detained 'till the Assises to be … proceeded against as a spreader of false newes'.[57] In each of these cases, however, it was not so much that people were speaking of politics that concerned parliament, so much as that they were speaking words liable to prejudice their war effort. It is notable that the charge against Ansell was not that he was spreading news, but spreading 'false news'. These examples represent parliament's more repressive attempts at controlling public discourse, and, in the case of Ansell, a targeted intervention to prevent further unrest in an already volatile context. This evidence qualifies, but does not disprove, the notion that popular speech fulfilled a critical ideological role for a parliament that staked its authority on its unique capacity to represent the people at large.

Parliament's willingness to incorporate the commonalty into their political deliberations brought criticism from both royalists and presbyterians. One royalist pamphlet from 1643 noted with some alarm that, emboldened by parliament's insolence in the face of the king's commands, 'men generally began to consider not onely what might be the issue of two powerfull Armies, more equally poised then at first they thought them; which was the Consideration of

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[54] TNA, SP 21/24, p. [134]. Ansell had reportedly claimed 'that Kent are wholly upp for the kinge & that Collonell Whaley is slayne', and that 'there are forety thousand in Essex up for the kinge'. See A. Hopper, '"The Great Blow" and the politics of popular royalism in civil war Norwich', *EHR*, vol. 133, no. 560 (2018), 32–64, at 60.

[55] Hopper, '"The Great Blow"', passim.

[56] F. Blomefield, *An Essay towards a Topographical History of the County of Norfolk* (11 vols., London, 1805–10), iii, 393–6.

[57] TNA, SP 21/24, p. [134].

worldly Politicians'.[58] Implicit here, perhaps, is not only the notion that the commonalty had no right to meddle in affairs above their station, but that they lacked the requisite expertise in the politic arts to decipher the complexities of events. By the early seventeenth century, the noun 'politic' had 'come to mean an observer who interpreted the world as if it were populated by prudent, Machiavellian actors', one bearing a particular skill to see through flattery and deceit in the manner proper of a 'statist' or 'statesman'.[59] Of course, such rhetoric functionally served to reinforce the same binary between elite/popular, and speech/noise that had long since formed the basis of justificatory theories of the early modern social order.

Other theoretical opponents of affording the commonalty a political voice were more sophisticated in their reasoning. In *Behemoth*, Thomas Hobbes accused parliamentarians of having incited civil war by engaging in 'discourses and communication with people in the country, continually extolling liberty and inveighing against tyranny, leaving the people to collect of themselves that this tyranny was the present government of the state'.[60] In other words, by affirming the virtues of liberty, and accusing Charles of tyranny, parliament had lent legitimacy to dissent, authorised a multitude of opinions, and given rise to the factionalism at the root of civil war. Chapter Two's examples of royalist and presbyterian pamphleteers concerned with the destabilising effects of alehouse debate reveal that such ideas were not exclusive to Hobbes. In *Leviathan*, Hobbes reaffirmed that public discussion of politics was anathema to the stability of a polity. He argued that faction was an inherent result of the proclivity of people to 'debate with themselves, and dispute the commands of the commonwealth', to the extent that obedience becomes a matter of private judgement.[61] In opposition to Rainsborough and the Leveller radicals, Hobbes held that political stability could only be maintained when popular speech was, quite literally, silenced.

However, the king's own ideological position appears to have been predicated

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[58] *The Two State Martyrs*, 5.

[59] N. Millstone, 'Seeing like a statesman in early Stuart England', *P&P*, vol. 223, no. 1 (2014), 77–127, at 77–8.

[60] Hobbes, *The English Works*, vii, 192.

[61] T. Hobbes, *Leviathan, or, the Matter, Form and Power of a Commonwealth, Ecclesiastical and Civil,* ed. H. Morley (2nd ed., London, 1886), 186; Achinstein, *Milton*, 98.

on a more profound opposition to involving the commonalty in political deliberation. Notwithstanding the constitutionalist royalism embraced by Hyde, Falkland, Culpeper and others, at root, Charles conceived of kingly power as predicated on a transcendental authority that defied secular rationalisation. The kind of sacred vision of kingship to which he subscribed was outlined by William Laud in a 1625 sermon, in which Laud declared the king to be 'God's immediate lieutenant on earth', and that 'God's power is in the king'.[62] Monarchy's glorious supporting apparatus of crowns, jewels, thrones and maces were material marks of the king's inherent and inviolable dignity, and his political authority was bestowed by God, rather than derived from the will of any earthly power. Though much attention has been focused on the scandalous fact that Falkland and Culpeper referred to the king as one of the three 'estates' in their response to parliament's Nineteen Propositions, arguably just as controversial was their assertion that though, if parliament's proposals were implemented, they 'may have Swords and Maces carried before us, and please our self with the sight of a Crown and Scepter ... as to true and real Power, we should remain but the Outside, but the Picture, but the Sign of a King'.[63] Implicit here is the notion that such artefacts were nothing more than hollow signifiers complicit in the mystification of a worldly power, exactly the kind of notion that would be articulated more explicitly by radical parliamentarians later in the 1640s. To make direct appeals to the public, therefore, threatened to undermine the entire edifice of sacred kingship by exposing the very earthly constraints on the monarch's power.

The careful preservation of the *arcana imperii* was occasionally understood, much like monarchy's aesthetic trappings, as a means by which the king sought to mystify his power. In the introduction to this thesis, we witnessed how the presbyterian minister of Ipswich, John Ward, equated the popularisation of politics with the new 'nakednesse' of majesty, and the exposure of the arcane mysteries of state with 'Government it selfe ... los[ing] its reverence, as well as its pomp and lustre'. Once again, here, we can detect a particular concern for political aesthetics; the sense that the civil war had enabled common people to peek behind the veil of majesty, and catch a glimpse at the essential vacuity of

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[62] D. Cressy, 'The blindness of Charles I', *HLQ*, vol. 78, no. 4 (2015), 637–56, at 643.

[63] Rushworth, *Collections*, iv, 728.

sovereign power.[64] Royalist divines understandably shared Ward's concerns, and sought to reverse the damage by mystifying monarchical power in celestial terms. Robert Mossom, chaplain to the king's forces, delivered a sermon at York Minster in 1642 in which he noted that there 'have been too many Bethshemites of late, who have curiously pry'd into Arcana Imperii, the Ark of Sacred Royalty'. For Mossom, just as all may 'enjoy the benefit of the Sunnes glorious Light, and it's [*sic*] refreshing Heate, but know not the quality of it's Celestiall Body, nor the greatnesse of it's Heavenly Orbe', so it was fallacious to believe that all could make sense of the workings of kingly power.[65]

It is clear that both royalists and parliamentarians recognised the importance of popular opinion in public mobilisation, and of the various 'arts' that might be employed in order to shape it. This involved the familiar recourse to the printing press, but also the physical staging of politics, which might be used to raise spirits or maintain morale among one's supporters, or discourage the enemy. Edward Hyde's clear awareness of the value of such tactics not only gives us an insight into the sophistication of contemporary notions of public opinion, but perhaps gives us renewed reason to challenge the assumption that royalists *ipso facto* lacked the propaganda savvy of their parliamentarian enemies. Instead, the royalist reluctance to engage in direct forms of public politics was resultant of their broader ideological commitments; in the words of Sharon Achinstein, royalists 'chose the private sphere in which to conduct politics because to them, politics *was* a private matter'.[66] As such, royalist propagandists attacked parliamentarian print by claiming it was nothing more than gossip reported as fact; the idle murmuring of those with no right to dabble in political affairs. A 1643 edition of *Mercurius Aulicus* claimed that mendacious parliamentarian rumour started out 'in the streets of London' and 'became a part of their printed newes-bookes'.[67] Royalists defended, in more and less constitutional ways, a notion of inherent political authority, and a strictly hierarchical social order. This entailed a close commitment to the idea of the *arcana imperii*, that the 'secrets of power' were the rightful possessions of an anointed ruling class. The duty of

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[64] Ward, *God Judging Among the Gods*, 37.

[65] R. M. [R. Mossom], *The King on his Throne* (York, 1642), 3.

[66] Achinstein, *Milton*, 133.

[67] *Mercurius Aulicus*, Feb. 19–25 (1643), sig. P1r.

the subject was obedience.

In contrast, emboldened by burgeoning theories of parliamentary sovereignty, parliamentarians made increasing appeals to public opinion to legitimate their resistance to the king. This did not only play out in the pages of political treatises, but could be translated into practice in more or less radical ways. If John Hutchinson's institution of a popular council for the articulation of grievances in Nottingham was pragmatic in its motivations, it was nevertheless predicated on the same recognition of the authority of popular opinion that reached its logical conclusion in the assertion of the equality of voices at Putney in the winter of 1647. In the mind of Thomas Rainsborough, parliament's representative obligation was immediate and absolute; the very condition of parliament's legitimacy was its willingness to listen to popular grievances and provide redress. Ultimately, the ideological framework of parliamentarianism was such that it both enabled and actively encouraged appeals to the people. The degree to which popular opinion was held to be politically authoritative varied among parliamentarians, but almost all were more willing to accept the legitimacy of the popular voice than royalists inclined to dismiss it as the rebellious murmuring of a many-headed monster.

4.2 Authorising participation: garrison oaths and civic community

Royalist and parliamentarian authorities shared not only a recognition of the propaganda value of political speech, but also of the way certain words, permeated with divine force, could bind the consciences of subjects. In this section, I will turn attention to attempts made by officials of king and parliament to use language to fix slippery popular allegiances and root out potential enemies, focusing on the ministration of 'garrison oaths' in towns and cities across the country. Though scholars have long been cognisant of parliament's attempts to use 'state oaths' to test and enforce allegiance, there has been no specific scholarly focus on garrison oaths, notwithstanding the geographical breadth and social depth of the phenomenon.[68] Evidence suggests that these oaths may have been ministered to a remarkably broad base, including women and children, and the lower as well as middling sorts. This could raise fears among local elites of the razing of civic hierarchies, legitimating popular intervention by turning even the lowliest residents into active citizens. The section will argue that the enforcement and counter-enforcement of such oaths by rival authorities may have undermined the claim that words bore a divine or magical force, and encouraged the articulation of recognisably modern philosophies of language, in which words are treated as units of a symbolic system inherently vulnerable to manipulation and misinterpretation.

The enforcement of local oaths of allegiance was a clear parliamentarian strategy from early in the civil war. The earliest identifiable example was enforced in Hull in the immediate aftermath of the king's being refused entry by governor Sir John Hotham in April 1642. Having been officially 'proclaimed Traitor by two Heralds at Armes', and unnerved by the prospect of further royalist retribution,

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[68] For studies of state oaths, see D. M. Jones, *Conscience and Allegiance in Seventeenth Century England* (Rochester, NY, 1999); E. Vallance, *Revolutionary England and the National Covenant: State Oaths, Protestantism and the Political Nation, 1553–1682* (Woodbridge, 2005); Walter, *Covenanting Citizens*. For references to local or 'garrison' oaths, see D. Cressy, 'Vow, covenant and protestation: sources for the history of population and literacy in the seventeenth century', *The Local Historian*, vol. 14, no. 3 (1980), 134–41, at 139; Stoyle, *From Deliverance to Destruction*, 210–1; Hutton, *The Royalist War Effort*, 170–1; A. Hopper, *Turncoats and Renegadoes: Changing Sides During the English Civil Wars* (Oxford, 2012), esp. ch. 6.

Hotham deemed it 'necessary to try and engage the Inhabitants, by a Protestation for the maintenance of Hull, for the King and Parliament, and Kingdomes use'.[69] By October, MP John Pym had floated a plan for an English 'covenant of association' to parallel the Scottish National Covenant, as a means of rooting out 'who are for us and who are against us'. Though the proposal was never implemented, it proved influential in the formation of the Eastern Association upon an ordinance drafted by parliamentary radicals in late 1642. The ordinance empowered local authorities to summon the inhabitants of their counties to swear an 'oath of Association', binding them 'to maintain and defend, with our lives, powers and estates, the peace of the said counties' under the authority of those appointed by parliament. The proposal proved highly divisive, and the moderate MP Simonds D'Ewes reported fears of 'the whole kingdome' being 'sett in combustion'.[70]

A pamphlet from October 1642 suggests that royalists quickly adopted the same tactic, reporting that people in 'Shropshire, Denbi-shire, [and] Flintshire, have taken a forced Protestation to assist his Majestie against both houses of Parliament'.[71] A further parliamentarian garrison oath was enforced in Bristol the following February, having been framed by the city's governor Thomas Essex.[72] This was copied and printed in a royalist pamphlet, and read as follows:

> I A. B. doe protest and vow in the presence of Almighty God, that I will to the utmost of my power and to the hazard of my life and fortunes oppose all such Forces as shall attempt anything against the City of Bristol, without the consent of the King and Parliament so to doe.[73]

Essex's oath adhered to the early rhetorical conventions of the Long

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[69] *Hulls Managing of the Kingdoms Cause: Or, A brief Historicall Relation of the Severall Plots and Attempts against Kingston Upon Hull* (London, 1644), 7.

[70] Holmes, *The Eastern Association*, 63–5.

[71] *A Famous Battell Fought by the Earle of Bedford against the Marques of Hartford and the Lord Pawlet* (London, 1642), 6.

[72] Later in 1643, similar parliamentarian oaths were apparently imposed on the people of Plymouth and Southampton. See: Hopper, *Turncoats and Renegadoes*, 124. There is also pamphlet evidence of an analogous 'Oath or Covenant, to be taken by all Persons within the Cities of London and Westminster, or line of Communication' in 1643. See J. Vicars, *Gods Arke Overtopping the Worlds Waves, or the Third Part of the Parliamentary Chronicle* (London, 1646), 24–6.

[73] *The Two State Martyrs*, 9.

Parliament, insofar as it claimed to also act for the defence of the king. Not until the Vow and Covenant, sworn in the Lords and Commons in June 1643 and subsequently sent into the provinces, was this convention broken.[74] This, however, did not stop the oath offending Bristol's royalist dissidents. According to a pamphlet detailing the actions of Robert Yeamans and George Bowcher, the 'state martyrs' executed for their roles in a conspiracy to betray the city to royalist commander Prince Rupert, the oath was a work of casuistical mischief, 'for when they say (King and Parliament) they meant the two Houses without the King, for if actions be the best interpreters of the agents words, it is more than manifest that by this Protestation they intended to ingage the City in Rebellion against the King'.[75] If there was any remaining doubt about the intentions of Bristol's parliamentarian occupiers, Essex's initial oath was followed by a second, which 'spake more plainly', pledging Bristolians to 'protest with their lives and fortunes to resist Prince Rupert' and a series of other leading royalists, including the marquess of Hertford and Sir Ralph Hopton.[76]

Essex's oath is similar to garrison oaths imposed on the people of Chester by its royalist occupiers both in advance of and during the decisive siege by parliamentarians between February 1645 and January 1646, a period in which royalist garrison oaths appear to have been widespread. In February 1644, field marshal general John Byron, who commanded royalist forces throughout Lancashire, Cheshire and north Wales, wrote to the corporation of Chester demanding the imposition of an oath on its inhabitants.[77] The note suggests his decision to impose an oath was a direct reaction to parliamentarian equivalents, and that it was developed out of a printed protestation initially subscribed by royalist soldiers. Byron noted that the king's 'Rebells & Enemyes … by newe invented oaths … do daylie collegue themselves and unite all theire strength to assaile us, the want so thereof breeds much destraccion in this citty'. As a result, he ordered that a printed protestation ministered to royalist forces be tendered

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[74] Vallance, *Revolutionary England and the National Covenant*, 56.

[75] Intriguingly, each of the conspirators in Bristol's royalist plot were made to swear a protestation drawn up by Bowcher, holding them to 'defend my dread Soveraigne Lord King Charles, His Rights, Crowne, and Dignity, against all Force and Forces which are or shall be raysed … without His Royall assent'. See *The Two State Martyrs*, 11–2.

[76] Ibid., 9.

[77] R. Hutton, 'Byron, John, first Baron Byron (1598/9–1652)', *ODNB* (Oxford, 2004).

to all men of the city over the age of sixteen, and that a protestation 'formerly tendred … to some of the women of this Citty' be ministered to all women over the age of fourteen.[78]

Byron's note provided instructions for the ministration of the oath, ordering that the high sheriff, mayor and wardens of Chester, or any two of them, shall have an alderman call the members of his ward before them and 'Mynister the said Protestac[i]on'. In order that townspeople may 'better be incouraged' to take the oath, the mayor and aldermen were ordered to assemble themselves to swear 'the said protestac[i]on … in the presence of any two of the offi[ce]rs affore said'.[79] A subsequent document, containing a copy of an oath of 'loyaltie & obedience to his sacred Ma[jes]tie … and fidelitie to this Cittie', reported that the mayor, recorder and aldermen had all sworn the oath in the 'Pentice'.[80] This was a building attached to the southern side of St. Peter's church in the centre of the city, adjacent to the market cross, and was the headquarters of Chester's municipal government. By the late sixteenth century, it was where the mayor could usually be found tending to civic affairs, and by the seventeenth century it had become the site of ritual performances of local authority.[81]

That Chester's civic officials were made to swear the oath in such a prominent place may well have been a function of Byron's desire to not merely bind the conscience of the local elite, but to encourage others to follow suit. It is worth emphasising the nature of the oath as a public 'speech act', whose binding force was produced through the very act of speaking. People upon whom the oaths were forced were expected to swear them aloud, unlike, for example, the Engagement of 1647, to which people had to merely subscribe in writing, as when signing a petition.[82] Here there are clear parallels with the parliamentary Protestation of 1641, whose efficacy was intimately tied to its orality, predicated on 'the simple linguistic truth that promissory oaths had to be performed'. Much like the

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[78] BL, Harley MS 2135, fol. 75r–v. Jason Peacey has previously found evidence of printed royalist protestations being signed by such figures as Lord Capel in 1643. See Peacey, *Print and Public Politics*, 339.

[79] BL, Harley MS 2135, fol. 75r–v.

[80] Ibid., fol. 95r.

[81] A. T. Thacker and C. P. Lewis (eds.), *A History of the County of Chester: Volume 5 Part 2, the City of Chester: Culture, Buildings, Institutions* (London, 2005), 15–20.

[82] Massarella, 'The Politics of the Army', i, 257.

Protestation, the garrison oaths under analysis here appear to have generally been written in the first-person singular, beginning 'I A.B.'.[83]

The precise wording of the oath sworn by Chester's officials may have differed from that eventually ministered to the people at large. A subsequent document entitled 'The kings Protestac[i]on to be tendred to all his Ma[jes]ties faithfull and loyall subjects' contains an oath that is both longer and more specific than that aforementioned.[84] It is also possible that as in Bristol, the people of Chester had more than one oath imposed upon them, though they may not have always been ministered.[85] One oath 'tendred to the women in Chester', dated to April 1645 and signed by John Byron, contains a note, possibly added later, that reads: 'The womens protestation to be given when the city was besseged but never taken'.[86] Nevertheless, the content of these oaths is broadly similar. As with the parliamentarian protestations in Bristol, Byron's oaths reflect the process of ideological escalation as battle-lines hardened. After general vows to protect the 'true Protestant religion' and the just power and privilege of king and parliament, the Chester oath specifically named prominent parliamentarian commanders—the earl of Essex, Sir William Brereton, Sir Thomas Middleton and Thomas Mitton—as enemies. It was not merely a vow of conscience but a promise of action: the oath-taker swore to 'doe mine utmost indeavour to procure, and re-establish the peace, and quiet of the kingdome'.[87] The women's protestation, meanwhile, was more concerned with the control of intelligence than legitimating violent resistance, binding the oath-taker to 'not give, nor suffer to be given, any aid or Intelli[ge]nce to S[i]r William Brereton, or any forces under the comand of

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83 Walter, *Covenanting Citizens*, 198.

84 BL, Harley MS 2135, fol. 107r–v.

85 One eighteenth-century history of the city claimed that Prince Maurice ordered an oath to be imposed on the city of Chester in 1645, demanding that the mayor and leading royalists active in the defence of the city 'administer the protestation hereunto annexed, lately made for the security of this city, to all the nobility, gentry, divines, citizens, and all, other inhabitants of this city; and to all and, every the officers [sic], soldiers, and others, that shall come into, or have any commerce within, the said city'. See *An Account of the Siege of Chester: During the Civil Wars between King Charles I and his Parliament* (Chester, 1790), 25–6.

86 BL, Harley MS 2135, fol. 86r.

87 Ibid., fol. 107r–v.

the parliament', and to 'discover any plott, designe or practice w[hi]ch shalbe intended against the said Citty or forces therein … to the Governor'.[88] It is worth noting the novelty and significance of such an oath being administered to women, whose role in civil war politics is largely obscured by the historical record. In her study of women and espionage in seventeenth-century Britain, Nadine Akkerman concluded that women spies are largely 'invisible' in the archives because they were also invisible at the time; their letters were not intercepted and archived as they were 'not considered suspicious', or capable of bearing political influence.[89] However, the women's oath from Chester is clearly indicative of a contemporary understanding of women's capacity to act politically. In binding them to not give 'aid or Intelli[ge]nce' to parliamentarian forces, the oath simultaneously betrays an understanding of how women could be complicit in the organisation of its war effort.

Though the women's oath appears unique, other garrison oaths were administered to male civilian populations elsewhere. One of the first royalist examples, imposed on the people of York by the earl of Newcastle, was reported in a parliamentarian pamphlet from June 1644. The oath declared, *inter alia*, that 'Charles is the true and lawfull King of England … and that neither the two Houses of Parliament, the people nor any part of them have any power, or authoritie over him, or the Crowne'. The swearer pledged 'to my power' to assist and defend the king and the city.[90] A year later, in April 1645, a parliamentarian newsbook reported that the 'cruel plunderings' of Prince Rupert's royalist soldiers in Hereford had been compounded by an enforced protestation tendered unto 'all Commanders and Souldiers, Gentrey, Citizens, Free-holders and others … by the high Sheriffe and Commissioners of the County'. It was, according to the correspondent, 'such a Protestation as never was heard of to be given by Turks, or Jewes'.[91] According to Ronald Hutton, this oath was extended to Worcestershire, Monmouthshire and south-east Wales by the following month.[92] By the end of August, a similar oath was imposed on the people of Exeter by their

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[88] Ibid., fol. 86r.

[89] Akkerman, *Invisible Agents*, 221.

[90] *A New-come Guest to the Towne* (London, 1644), 2–3.

[91] *Perfect Passages of Each Dayes Proceedings in Parliament*, Apr. 23–29 (1645), 211.

[92] Hutton, *The Royalist War Effort*, 170–1.

royalist occupants, binding them to 'maintain and defend this city ... against all forces raised or to be raised without his Majesties consent upon any pretence whatsoever'.[93] The eight-point oath from Hereford was the most detailed and unambiguous, and represented the hardening of battle-lines, both literal and metaphorical. Instead of a vow to protect the privileges of parliament as well as of the king, Rupert's oath bound the swearer to the assertion that 'the two Houses of Parlliament (without the Kings consent) have no Authority to make Lawes, or to bind and oblige the Subject by their Ordinance'. The oath identified the earls of Essex and Manchester, Thomas Fairfax, William Waller and Edward Massey as 'actuall Rebells, and all such ought with their adherents and pertakers to be prosecuted'. Though it held its swearer to 'never beare armes in their Quarrell', it stipulated that 'if I shall be thereunto called, [I] will assist my Soveraigne and his Armies ... unto the utmost of my skill and power, and with the hazard of my life and fortunes', as well as to 'endeavour (all I may) to hinder popular tumults, risings, Rendevouz, meetings, confederacies, and associations of the people ... not warranted to assemble by His Majesties expresse Commission'.[94]

Most obviously, these oaths enabled parliamentarian and royalist commanders to root out potentially troublesome dissidents in the garrisons they were occupying. Much like John Walter's crowds, Revolutionary cities were 'complex, polyphonic phenomena' of 'groups and individuals with varying motives', liable to change over time.[95] Ted Vallance has noted that resistance to or equivocations in the swearing of oaths were not always on religious or political grounds, but as a way for concerned contemporaries to 'avoid forswearing or perjuring themselves'.[96] Yet there can be little doubt that there must have been many royalists among those who believed parliament's oaths to be unlawful, and that many of those who refused to swear did so on ideological grounds. The need

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[93] *Sir Thomas Fairfax's Letter to the Honorable William Lenthall Esq* (London, 1645), 7–8. This should not be confused with a 1644 oath imposed on all adult males throughout the royalist-occupied counties of Devon and Cornwall after they entered into a formal Association. See: Stoyle, *From Deliverance to Destruction*, 93–4.

[94] *Perfect Passages of Each Dayes Proceedings in Parliament*, Apr. 23–29, (1645), 210–2.

[95] Walter, *Understanding Popular Violence*, 342.

[96] E. Vallance, 'Protestation, vow, covenant and engagement: swearing allegiance in the English Civil War', *Historical Research*, vol. 75, no. 190 (2002), 408–24, at 417.

to identify dissidents was especially pressing in Bristol in 1643, which, as we have seen, was fiercely divided at both elite and popular levels. Indeed, Bristol's royalist plotters, executed by governor Fiennes for attempting to betray the city to Prince Rupert in the spring of 1643, had drawn up their own oath of allegiance in response to that imposed upon them by Thomas Essex, designed to guarantee the loyalty of their co-conspirators.[97] Chester's popular allegiance was similarly ambiguous. Despite the relatively long period of royalist occupation during civil war, many of its inhabitants were clearly sympathetic to the parliamentarian cause. We have already encountered the warm reception William Prynne received when he was paraded through the city en route to his imprisonment in Caernarfon Castle for the publication of a sequence of seditious pamphlets in 1637. Upon the attempted imposition of the Commission of Array five years later, a petition was presented to commissioners by 'loyall subjects' of Chester, expressing concern that the order was 'illegal' and 'contrary to … expresse ordinance and orders of parliament'.[98] Such murmurings of discontent, combined with the strategic importance of occupying Chester, meant that royalist occupiers were likely to do all they could to identify and eliminate opponents.

In most cases, it remains unknown what happened to those that refused to swear the oaths. In Hull, those that refused to swear Hotham's oath were reportedly expelled from the city.[99] In Bristol, a royalist pamphlet reported that those refusing to swear Essex's first oath were stripped of their weapons and called to witness 'that they had no other Armes concealed in their houses'. Those who further refused to swear his final 'Protestation' were 'imprisoned as an enemy to the State, and a man not to be confided in'.[100] Elsewhere, it is less clear. Anyone refusing to swear Byron's oath in Chester was ordered to be 'brought before his Lo[rdshi]pp the said feild Marshall to be dealt with as his Lo[rdshi]pp shall see cause', though precisely what his punishment entailed is unknown.[101] Delivered alongside the royalist oath in Hereford was a warrant from Prince Rupert to the high sheriff and other local officials, ordering that 'if any person or persons shall refuse to take the said protestac[i]on that without delay yo[u] seize

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[97] *The Two State Martyrs*, 12.

[98] BL, Harley MS 2135, fol. 65r.

[99] *Hulls Managing of the Kingdoms Cause*, 7.

[100] *The Two State Martyrs*, 9.

[101] BL, Harley MS 2135, fol. 75r–v.

upon them, And keepe all such persons in safe Custodie until yo[u] receive further Orders from me'.[102] Ronald Hutton has suggested that those refusing to swear were enlisted in Rupert's army.[103] The governor of Dartmouth was ordered by Sir John Berkeley, governor of Exeter, to 'secure all' that refused to swear a royalist oath in June 1644.[104]

John Walter has written that the swearing of the parliamentary Protestation of 1641 'was an event charged with political import in local communities where subscription to the oath accorded a share in the political process to groups otherwise marginalized or excluded from the political nation'.[105] Garrison oaths had a comparable effect. Though they were relatively small in scale, these oaths clearly demonstrate the imbrication of local and national identities. We may turn, for instance, to Prince Rupert's oath from April 1645, in which the defence of Hereford was bound to the belief that 'no power of Pope or Parliament can depose our Soveraigne Lord King Charles, or absolve me from my naturall Allegiance and obedience unto his royall Person and successors'. In certain cases, parliament's state oaths were referenced in royalist garrison oaths, with the eighth and final clause of Rupert's protestation from Hereford being that 'I detest from my heart, that seditious and trayterous late invented Nationall Covenant, and protest never to take it'.[106] Shortly after this protestation was imposed upon Worcester, the parliamentarian county committee at Warwick published a reply, requiring all officers and inhabitants in the county, on authority of parliament, to 'forbear to take the said Oath or Protestation, upon paine of Sequestration of Land & Goods', not least because it contained many clauses 'expressly contrary to the …

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[102] J. Webb, *Memorials of the Civil War Between King Charles I and the Parliament of England as it Affected Herefordshire and the Adjacent Counties*, ed. T. W. Webb (2 vols., London, 1879), ii, 161–2.

[103] Hutton, *The Royalist War Effort*, 171.

[104] Hopper, *Turncoats and Renegadoes*, 123.

[105] Walter, *Covenanting Citizens*, 153.

[106] *Perfect Passages of Each Dayes Proceedings in Parliament*, Apr. 23–29 (1645), 210–2. An oath apparently imposed upon Chester by Prince Maurice similarly included a clause that 'I do likewise from my soul abhor the taking of the damnable and late invented Covenant, commonly called the National Covenant'. See: *An Account of the Siege of Chester*, 25–6.

Protestation lately taken by you'.[107] In Bristol, the parliamentarian Protestation was even invoked by royalists as a way of justifying their opposition to Essex's oath, which they described as 'contrary to the Protestation recommended from the Parliament to the Subjects of this Kingdom'.[108]

This kind of intertextuality allows us to think about the ways in which these oaths had a narrativising effect on the complex unfolding of civil war. Just as David Zaret has claimed that petitioning and counter-petitioning of the Revolution led to the imposition of a 'dialogic order on political conflict', so the process of enforced oaths, which evidently became more specific and pointed as the conflict progressed, encouraged ordinary people to recognise the civil war as a battle for the very organisation of political society.[109] This oppositional form of political discourse was both a cause and effect of a dialectic by which both royalist and parliamentarian positions hardened and radical ideas became increasingly mainstream. This, as Zaret has demonstrated, was partly resultant of new print technologies and their propaganda potential. That many of these protestations were printed in pamphlets is indicative of the ways in which political polarisation was driven by the textual medium. Yet the oaths are also a clear example of how the exigencies of war forced royalist and parliamentarian elites into politicising common people, both to identify troublesome dissidents and to secure their aid in the prosecution of the war effort.

Here there are further parallels with the parliamentary Protestation, which, in the words of John Walter, 'carried a deliberate invitation to the people to participate in the work of protecting and promoting the programme of reformation in Church and State'. According to Walter, the Protestation had success in promoting a form of 'active citizenship'.[110] In March 1642, for example, one Francis Jones of Kent presented information of a petition read at the assizes in Maidstone 'which is of a dangerous Consequence … being bound thereunto by virtue of the Protestation which lately I have taken'.[111] Though contemporary terminology was slippery, garrison oaths might best be characterised as

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[107] Webb, *Memorials of the Civil War*, ii, 163.

[108] *The Two State Martyrs*, 8.

[109] Zaret, *Origins*, 176–84.

[110] Walter, *Covenanting Citizens*, 250–1, 258.

[111] *LJ*, iv, 675.

covenants, traditionally more associated with the parliamentarian war effort. However, the examples assembled here reveal that even royalist oaths could take on the character of a covenant, binding common people not to simple obedience, but emboldening them to act in the king's defence.[112] It remains unclear whether these oaths were enforced upon orders from the centre. Prince Rupert was certainly in contact with the king, but Byron's letter to the corporation of Chester seems to suggest his oaths were imposed on his own initiative. It may be that what started out as central initiatives became increasingly ad-hoc measures by officials in the localities. Certain parliamentarians portrayed royalists as particularly liberal in the creation of oaths, with Hugh Peters said to have declared in a sermon before parliament that 'the Cavaliers gave a reward of four shillings to every one who could invent a new oath'. For Peters, the royalists' inventiveness in oaths was comparable to other blasphemies as evidence of their willingness to take God's name in vain.[113]

Popular politicisation caused concern for civic elites, for whom garrison oaths occasionally represented a threat to the established political order. Scholars have established that civic oaths were important rituals of power throughout early modern England, as 'speech events' that reproduced the civic order by making it visible. In Bristol, for instance, the annual swearing of corporation oaths by the mayor and other local officials was accompanied by what James Lee has termed 'a display of civic authority and splendour'. The accounts of Leicester's corporation reveal a careful concern for the pageantry of civic oath-swearing, and the personnel involved in the accompanying ceremonial, with payments made to sextons for the ringing of church bells as the mayor was inaugurated, as well as for civic officials to travel to meet with the earl of Huntingdon to 'knowe his Lord[shi]pps pleasure whoe should administer the Oath'.[114] While oaths taken by corporate officeholders ostensibly served to bind them to the responsibilities of the office, their very speaking served to delineate the urban hierarchy, the gap between the 'socially, politically and economically "included" and the

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[112] Hopper, *Turncoats and Renegadoes*, 124.

[113] Warburton (ed.), *Memoirs of Prince Rupert*, ii, 316; H. Peters, *Gods Doings and Mans Duty, Opened in a Sermon Preached before both Houses of Parliament* (London, 1646), 15.

[114] ROLLR, BR/III/2/82, fols. 90, 93, 118, 145, 147.

"excluded"'.[115] Christian Liddy has similarly reflected upon the reproductive function of the 'citizen's' or 'freeman's' oaths, insofar as they generated an impression of 'the urban polity as a community of equal citizens' while still marking the subscribed as 'privileged insiders'.[116] However, Liddy has noted that such oaths contained an internal paradox, as, by swearing, the 'citizen' agreed to render obedience to their civic superiors, but also do all they could to advance the interests of the town; urban freemen 'were to be active collaborators in town government'.[117] In other words, these oaths could be seen to legitimate popular initiative in civic politics. The same may be said for the garrison oaths of the civil war, which almost invariably contained some kind of vow that the swearer would do all they could in the defence of their city.

This element of 'active collaboration' caused particular concern in Bristol, where the protestation imposed by Essex was explicitly understood by contemporaries as a challenge to the oath sworn by those admitted into the city as citizens. A royalist pamphlet presented its opposition as casuistical: if the parliamentary protestation was understood to bind its swearer to prospective resistance against the king, it conjured the possibility of forswearing the citizen's oath that pledged loyalty to the monarch. According to the pamphlet, the 'use and interpretation' of the protestation was 'directly opposite to the Oath of Allegiance, the Oath of the City taken by every Citizen when he is elected into the place of a Burgesse, in which they sweare in the sixt[h] Article of that oath not to enter into any Oath or Confederacy against the King'. Yet the prospect of forswearing may only have concerned Bristol's civic elite as much as the prospect of broad swathes of the city's population, hitherto excluded from corporation politics, being politicised in an oath of mutual aid; one that contained the potential to justify various forms of popular political initiative. As noted already, many of those complicit in the royalist plot against Essex's successor, Nathaniel Fiennes, were firmly embedded within the existing civic elite: Robert Yeamans, one of those identified as a plotter-in-chief, had served as Bristol's sheriff; also named among

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[115] J. Lee, '"Ye shall disturb noe mans right": oath-taking and oath-breaking in late medieval and early modern Bristol', *Urban History*, vol. 34, no. 1 (2007), 27–38, at 37.

[116] Liddy, '"Sir ye be not king"', 583, 579.

[117] C. D. Liddy, *Contesting the City: The Politics of Citizenship in English Towns, 1250–1530* (Oxford, 2017), 29.

its 'chiefe Confederates' was a Mr. Greene, a lawyer and steward of the city.[118] It may well be that fears of a razing of the civic hierarchy played a part in their scheming. It remains unclear whether Essex's oath was ministered to as broad a base as Byron's in Chester, but it is certainly plausible: *Mercurius Aulicus* claimed that it was to be taken by 'all the trained Souldiers and other people in that Citie'.[119]

The garrison oaths of the civil war appear to confirm, rather than challenge, the broad conclusions of scholarship on Revolutionary state oaths, but allow us to refine them in various ways. It is clear that political and military elites considered oaths as a more or less effective means of identifying opponents, and that occupying forces could evict or detain those that refused to swear allegiance. It is also apparent that these oaths were recognised as politicising a broad base of the population—remarkably so, at least in the case of Byron's oaths in Chester— both in crucial questions of monarchical and parliamentary authority, and in potentially legitimising popular initiative in defence of the city. That the oaths became more precise, and, indeed, more radical as the conflict progressed is indicative of how they were both shaped by and part of the imposition of a dialogic, antagonistic discourse on the extraordinarily complex events of civil war. In attempting to identify and secure popular allegiances, elites opened up profound political questions to the people at large, on a mass scale. If these oaths proved ineffective, it may well be precisely because the vast proliferation of such media undermined their efficacy. Mark Stoyle has noted that by the time a royalist garrison oath was imposed on the people of Exeter in the summer of 1645, it was the fourth oath of allegiance that they had been made to swear since the parliamentary Protestation of 1641.[120] Scholars may have overlooked the extent to which the forced swearing of contradictory oaths became a part of the lives of ordinary people. This was a potentially traumatic development for contemporaries, who almost invariably appear to have earnestly believed that oaths were performed on threat of divine retribution. The cynical swearing of oaths of allegiance occasioned comment in pamphlet propaganda, as in one 1648 'vindication' of the king that claimed no such 'perfidious wretches' had hitherto

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[118] Rushworth, *Collections*, v, 148–54; *A Full Declaration of All Particulers*, 9.

[119] *Mercurius Aulicus*, Feb. 19–25 (1643), sig. P3v.

[120] Stoyle, *From Deliverance to Destruction*, 210.

'broken more Oaths of Allegeance, Bonds of obedience, and Protestations of Loyalty' than parliamentarians.[121]

The apparent proliferation of forswearing may have had profound consequences for how language was imagined and portrayed. In at least two garrison oaths, we can identify statements that indicate an emergent understanding of language as a system of signs that might be manipulated to deceive. In the royalist pamphlet from Bristol, for instance, Essex's oath is interpreted as having bound its swearer not to king and parliament, as the oath stipulated, but the exact opposite, 'for when they say (King and Parliament) they meant the two Houses without the King'.[122] The divine force of language here dissolves in the face of the radical proclamation that 'actions be the best interpreters of the agents words'. A similar concern for hermeneutic slips was evident in the oath imposed by Prince Rupert in Hereford, which bound the swearer to hinder 'associations of the people ... which are not warranted to assemble by His Majesties expresse Commission ... *in the sense he meanes it'*.[123] As we have already seen, the contestation of authority throughout the civil war afforded ordinary people the possibility of interpreting the legitimacy of conflicting commands. Here, Rupert's oath paradoxically acknowledges its own impotence in binding its swearers to a particular linguistic interpretation, recognising the irreducible gap between speech and meaning, a 'weakness' inherent to language itself. Indeed, here we may identify signs of a disaggregation between word and deed, speech and action; a move away from a conflation characteristic of Foucault's 'Renaissance episteme'.

Hannah Dawson has suggested that 'the unturnable tide of print culture, [and] the pockets of and the pressure for press liberty ... worked vigorously against oaths of allegiance'.[124] It is certainly true that during civil war, we can find suggestions that oaths were not binding at all, but could legitimately be broken. In a response to the oath imposed by the earl of Newcastle in York in June 1644,

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[121] Symmons, *A Vindication of King Charles*, 114–5.

[122] *The Two State Martyrs*, 9.

[123] *Perfect Passages of Each Dayes Proceedings in Parliament*, Apr. 23–29 (1645), 211. This emphasis is my own.

[124] H. Dawson, *Locke, Language and Early-Modern Philosophy* (Cambridge, 2007), 170.

a parliamentarian pamphlet authorised those by whom it was sworn to 'breake your vow'.[125] Ordered to swear the Engagement—an oath of loyalty to the Commonwealth—upon his release from prison in 1649, John Lilburne complied, but later justified breaking his vow on the grounds that 'commonwealth' referred to the people and their fundamental laws, rather than the Council of State and its governmental apparatus.[126] Once oaths take on such a character, as language games whose terms are defined by those swearing rather than the authority forcing them to swear, they inevitably lose their utility as tools of power. Such evidence suggests that the 'explosion of signification' that David Zaret recognised as one consequence of the 'print revolution' may have served to undermine a particular understanding of language's power to bind the conscience.[127] Once again we might return to the radical philosophy of Thomas Hobbes, who understood that 'profession with the tongue is but an externall thing', entirely disconnected from one's internal beliefs or moral worth.[128] Tracing the ministration of oaths of allegiance during civil war enables us to see royalists and parliamentarians coming to adopt a paradoxical position, in which they sought to use oaths to secure popular allegiances at the same time as they authorised subjects to break their vows to the enemy.

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[125] *A New-come Guest to the Towne*, 8.

[126] M. Loughlin, 'The constitutional thought of the Levellers', *Current Legal Problems*, vol. 60, no. 1 (2007), 1–39, at 15.

[127] Zaret, *Origins*, 278.

[128] Dawson, *Locke, Language*, 170.

4.3 Justice or martyrdom?: Scaffold speeches, print, and the 'paradox of publicity'

The final section of this chapter explores the relationship between speech and print. It uses the parliamentarian printing of royalist scaffold speeches as a means of interrogating what we might term the 'paradox of publicity', the process by which putting something on view exposes it to alternative and potentially adversarial interpretations. It argues that the fluctuating attitudes of parliamentarians towards the printing of these speeches was indicative of a growing awareness of how ideological divisions undermined the symbolic efficacy of violence dealt against the king and his supporters. Though parliamentarians used these scaffold speeches to confirm the inherent wickedness of their enemies, and to justify the capital sentences passed against them, the paradox of publicity ensured that they also created martyrs around whom royalists could rally. It exemplifies the process by which our understanding of texts, but also our aesthetic experience more generally, is conditioned by ideological dispositions. These themes are explored through the case study of the radical parliamentarian printer Peter Cole, who secured licence to print the final words of several leading royalists in the 1640s, including the archbishop William Laud and Charles I.

From early in the 1640s, parliament encouraged the printing of scaffold speeches of condemned royalists, and Cole was involved from the outset. In 1643 he was commissioned by parliament to publish the last words of Richard Challenor and Nathaniel Tomkins, who were tried and condemned in July for their complicity in Edmund Waller's plot to betray the capital to the king's forces. Cole obliged, producing two pamphlets, both of which contained declarations that it was 'this day Ordered by the Committee of the House of Commons in Parliament concerning printing, that the Confession … be printed by Peter Cole'.[129] Though the parliamentary imprimatur had increasingly been used fraudulently, it is clear that Cole did indeed have parliamentary authorisation: a day prior, licencer John White, who chaired parliament's licensing committee with Sir Edward Dering, signed Cole's publications into the official register of the

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[129] *Mr Challenor his Confession and Speech made upon the Ladder before his Execution* (London, 1643), sig. A1r; *The Whole Confession and Speech of Mr. Nathaniel Tompkins, Made upon the Ladder at the time of his Execution* (London, 1643), sig. A1r.

Stationers' Company 'by order of the Comittee for Licensing of Bookes'.[130]

Parliament's decision to print Challenor's and Tomkins's scaffold speeches is hardly surprising. Public executions were not merely a means of signifying the terrifying power of the state, but also implied a certain legalism that sanctioned state violence in the first instance.[131] As Susan Amussen has noted, state violence was 'legal and generally legitimate' across the early modern period, and 'made explicit the violence that was always implicit in the exercise of power'.[132] At executions, the condemned were customarily expected to acknowledge their guilt and admit the legitimacy of the sentence passed against them. In the words of Charles Carlton, a 'public admission of guilt from the scaffold' helped to 'allay doubts about the procedures that brought the condemned thither, and the speed of his fall'.[133] Both trial and execution, therefore, formed part of the 'theatre' of justice, in which the retributive action of the state was intended to visibly right the wrongs committed by those condemned. Parliament was clearly aware of the role of publicity in this process, and parliamentarians more attuned to the vitality of public opinion were beginning to call for parliament's courts-martial to be opened to the public. Tomkins and Challenor had been tried in open court before the earl of Manchester at London's Guildhall, and William Prynne later called for the same at the court-martial of Nathaniel Fiennes, 'to satisfie both the Parliament and People'.[134] A similar appeal to public justice likely determined the decision to try Charles I and his allies in open court later in the 1640s.[135]

Happily for parliament, Tomkins and Challenor appear to have adhered to the

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[130] *SR*, i, 60. For White and the fraudulent use of the parliamentary imprimatur, see Peacey, *Politicians and Pamphleteers*, 139, 143.

[131] For a classic analysis of public execution as a means of inscribing the power of the state on the bodies of transgressive subjects, see J. A. Sharpe, '"Last dying speeches": religion, ideology and public execution in seventeenth-century England', *P&P*, vol. 107 (1985), 144–67.

[132] S. D. Amussen, 'Punishment, discipline, and power: the social meanings of violence in early modern England', *JBS*, vol. 31, no. 1 (1995), 1–34, at 12.

[133] C. Carlton, 'The rhetoric of death: scaffold confessions in early modern England', *Southern Speech Communication Journal*, vol. 49, no. 1 (1983), 66–79, at 71.

[134] Prynne and Walker, *A True and Full Relation*, 11–2.

[135] Collins, *Martial Law*, esp. ch. 5; Sargeant, 'Publicity, authority, and legal radicalism', 667–71.

conventions of the scaffold speech genre. Tellingly, Cole's pamphlets were billed not as speeches, but as 'confessions'. Cole's pamphlet was entered into the stationers' register under this title a day before the executions had even been carried out. The parliamentary committee had managed to extract a confession from the Waller plotters a month prior to their execution, as reported by John Pym in the Commons on June 6.[136] This was, of course, no guarantee that Tomkins and Challenor would acquiesce on the scaffold, but it may well have been taken as a good sign that they would publicly acknowledge the legitimacy of the sentence passed against them. So it proved: Cole's pamphlet quoted Tomkins as having said that he was 'glad' the plot was 'discover'd, because it might have occasioned very ill consequences; and truly I have repented, having any hand in it', while Challoner similarly acknowledged that he was 'in an errour; and that I am confident, I was in a great deale of fault; And I confesse I doe now die justly'.[137] These were full and frank acknowledgements of the crimes they had committed, and implicitly of the justice of the sentence passed against them. As parliament would have desired, its processes of trial and punishment were publicly acknowledged to be legitimate by the condemned.

Things, however, became more controversial two years later, when Peter Cole secured licence to print the scaffold speech of archbishop William Laud under the hand of Edmund Calamy, licencer and presbyterian divine active in the Westminster Assembly.[138] Cole appears to have collaborated with the stenographer John Hinde, whose brief discourse with Laud shortly before the execution formed an addendum to Cole's pamphlet.[139] Cole's version of Laud's rather less-contrite speech was otherwise published without editorial interpolation. Royalist Peter Heylyn, who printed a version of Laud's speech copied from the original script, accused parliamentarians of having tampered with Hinde's transcript before publication, though analysis by Paul Klemp has

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[136] *CJ*, iii, 117.

[137] *The Whole Confession and Speech of Mr. Nathaniel Tompkins*, 6; *Mr Challenor his Confession and Speech*, 1.

[138] *SR*, i, 142. Earlier in January, Cole had also secured a licence to publish the scaffold speech of Sir John Hotham, though it is unclear whether this was published at the time. The pamphlet cannot be found in the Thomason collection.

[139] W. Laud, *The Archbishop of Canterbury's Speech: Or His Funerall Sermon* (London, 1645), 17–19.

suggested this may have reflected the difference between the speech as written, and Laud's own modifications before a hostile crowd on Tower Hill.[140] Certainly, any alterations in Cole's version were not sufficient to pacify Marchamont Nedham, editor of *Mercurius Britanicus*, then the mouthpiece of radical independency.[141] Nedham accused Cole of having become involved in the printing of Laud's speech for economic gain, claiming that he had been 'so in love with a Golden calfe, as to fulfill the desires of this High-Priest [Laud] in printing and publishing a thing so offensive'.[142] Nedham's allegations were perhaps underpinned by a concern that the publication of Laud's scaffold speech did more harm to the parliamentarian cause—or perhaps the independent cause—than it did good.

The claim that Cole was willing to put profit before parliamentarianism is doubtful. Work by David Como has placed Cole at the heart of the group that operated the so-called Cloppenburg Press, which was confiscated by the authorities in 1641 and restored to Cole, acting as trustee for the pamphleteer and eventual Leveller, Richard Overton, two years later.[143] Como has found evidence of Cole's own separatist tendencies in Thomas Edwards's *Gangræna*, in which Edwards mentioned having been told by Cole in 1644 that he had considered joining a 'Church of Brownists'.[144] By then, Cole had himself been in trouble with the authorities as the first known victim of the tightening of printing regulations in June 1643, which required all works to receive parliamentary approval before publication.[145] As punishment for flouting the new ordinance, Cole had confiscated 'the keys of the room where [his] printing presses and materials' were stored, and returned only after he entered into a £1,000 bond 'not to remove the said presses or dispose of them' without the assent of the wardens of the

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[140] P. J. Klemp, 'Civil war politics and the texts of archbishop William Laud's execution sermon and prayers', *English Literary Renaissance*, vol. 43, no. 2 (2013), 308–42.

[141] J. Peacey, 'The struggle for Mercurius Britanicus: factional politics and the parliamentarian press, 1643–1646', *HLQ*, vol. 68, no. 3 (2005), 517–43, at 530.

[142] *Mercurius Britanicus*, Jan. 13–20 (1645), 519.

[143] Como, 'Secret printing', 70.

[144] Ibid., 70n.

[145] D. R. Como, 'Print, censorship and ideological escalation', passim.

Stationers' Company and parliament.[146] In 1644, in a statement before the company court, Cole confessed, albeit 'in a very carelesse and slight manner', to having 'disobediently Carr[ied] my selfe in resistance of the Warden of my Company … in a search and taking downe a presse in the house of Gregory Dexter', radical and prolific pamphleteer and former parliamentarian dragoon, in whose home, Cole admitted, were 'divers bookes Contrary to a late ordinance of Parliament Concerning Printing'.[147]

Among the religious works likely printed by Cole in late 1643 was Overton's *Mans Mortallitie*, a pamphlet that denied the orthodox notion of the incorporeal, immortal soul to become, in David Como's words, 'one of the most notorious unlicensed books of the civil war'.[148] Cole's other publications in the genre were equally indicative of his independent connections, including sermons by Westminster divines William Bridge and Jeremiah Burroughs.[149] The same year as *Mans Mortallitie* was printed, Cole published more obviously political material, including an incendiary London petition to parliament calling for a general rising; John Pym's account of the discovery of the Waller plot, 'corrected by his own hand for the Presse'; and a pamphlet reporting *Three Speeches Delivered at a Common-hall*, at which Pym, Henry Marten, and the earl of Manchester had espoused 'war party' sentiments.[150] It is possible that Cole steadily drifted away from the radicals with whom he associated in the first years of the 1640s. In Como's analysis, by December 1644, Cole had grown 'disillusioned with the frenzied ideological ferment amongst his friends', and drifted towards 'a more orthodox congregationalism' manifest in the 1645 publication of Thomas Hooker's rebuttal of Overton's *Mans Mortallitie*, and an

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[146] *CSPD*, 1641–3, 512.

[147] Como, 'Print, censorship and ideological escalation', 829–30, 834–5.

[148] Como, *Radical Parliamentarians*, 201–2. For the pamphlet, see: [R. Overton], *Mans Mortallitie* (Amsterdam [London], 1643).

[149] *Catalogue of the Pamphlets, Books, Newspapers, and Manuscripts relating to the Civil War, the Commonwealth, and Restoration, collected by George Thomason, 1640–1661* (2 vols., London, 1908), i, 471, 625, 679.

[150] *To the Right Honourable the Knights, Citizens, and Burgesses in Parliament Assembled* (London, 1643); *A Discovery of the great Plot for the utter Ruine of the City of London and the Parliament* (London, 1643); *Three Speeches Delivered at a Common-Hall* (London, 1643).

anti-Separatist pamphlet by the presbyterian Josiah Ricraft that attempted to prove the 'unlawfullnesse of a sudden separation from a corrupted Church'.[151] But even if Cole is seen to have retreated from a position of religious radicalism, this did not necessarily signal a political retreat.

Indeed, evidence indicates his close connections to parliamentarian and Leveller radicals through to the regicide. In one 1649 publication, Leveller pamphleteer William Walwyn recounted an episode in which a man had spied him at Cole's bookshop in Cornhill, and subsequently accused Cole of being 'acquainted withall the sparcks in the town'. The man claimed to have heard that Walwyn was 'a notorious drunkard, and a whore master, and that he painted his face', whereupon Cole 'having some knowledge of me, became troubled on my behalf; and fell to be very serious with him'.[152] In September 1645, Cole had received licence for the publication of a long letter by John Lilburne to a 'friende', described by Jason Peacey as an 'egocentric and reckless' attempt by Lilburne to exculpate himself from accusations of having spoken 'scandalous words' against Commons speaker William Lenthall and presbyterian grandee Sir Robert Harley, levelled by William Prynne and his presbyterian allies.[153] Three years later, Cole published licensed work by Lilburne's ally and radical parliamentarian Henry Marten, in a tract attacking the loyalty of Scottish commissioners to the Solemn League and Covenant and Charles I. Instead of settling for peace, Marten urged that 'there is another and a more naturall way to peace and to the ending of a warre … namely by conquest'.[154] Certainly, Cole had connections to the Levellers, and appears to have had a reputation as operating within a network of such radicals into the late 1640s.

The claim that Cole was motivated to publish Laud's scaffold speech for

[151] Como, *Radical Parliamentarians*, 210; T. Hooker, *The Immortality of Mans Soule* (London, 1645); J. Ricraft, *A Looking Glasse for the Anabaptists and the Rest of the Separatists* (London, 1645), at 3.

[152] W. Walwyn, *Walwyn's Just Defence Against the Aspersions Cast Upon Him* (London, 1649), 13–4.

[153] *SR*, i, 194; J. T. Peacey, 'John Lilburne and the Long Parliament', *HJ*, vol. 43, no. 3 (2000), 625–45, at 630–1. For the pamphlet itself, see: J. Lilburne, *Col: Lilburnes Letter to a Friend* (London, 1645).

[154] *SR*, i, 284; H. Marten, *The Independency of England Endeavoured to be Maintained* (London, 1648), 15.

economic gain, therefore, seems unlikely. Nedham's attack might instead be taken as evidence of his awareness of how the reproduction of Laud's speech bore the potential to incline readers towards sympathy for the archbishop, or become a rallying cry for the king's supporters. Suffice to say, printing the enemy's words without ribald editorial or satirical commentary was at odds with Nedham's truculent journalistic style. But if he was more attuned to the mechanics of propaganda and public opinion than Cole, this may be because he was not a partisan in the raging ideological conflict between royalists and parliamentarians. As Blair Worden has suggested, Nedham's particular brand of anti-puritan republicanism enabled him to 'mov[e] beyond Roundhead and Cavalier orthodoxies alike'.[155] Nedham's relative distance from the faultlines of the 1640s enabled him to conceive of the printing press not as a means of disseminating an essential truth, but as merely a tool for the manipulation of popular opinion. Whereas for Cole, perhaps, Laud's scaffold speech self-evidently revealed the corruption of the Caroline church, Nedham understood the vagaries of interpretation, or, in postmodern terms, the death of the author. It was not enough to simply reprint the speech without comment: propagandists had to provide a partisan exegesis, helping their readers to grasp the veil of dissimulation in which the enemy was cloaking their malice.

By the time of Laud's execution in 1645, both royalists and parliamentarians were using printed accounts of executions as a means of demonstrating the fanatical brutality of their enemies. In 1643, a parliamentarian pamphlet reported that a parliamentary messenger, William Needle, had been commissioned by Elizabeth Philips, the wife of one of Banbury's magistrates, to inform parliamentarian forces at Bicester of the intended conveyance of an injured royalist captain to Oxford, 'that so by the way, he might be apprehended as an enemy to the State'. Unfortunately for Needle, while on his journey he encountered royalist troops, and was deceived into disclosing his true mission. Needle and Philips were handed death sentences, and were brought to 'the place of execution in the Market-place', where a proclamation comprising the verdict was published. A remorseless Needle was duly executed, but not before declaring that the royalist captain in question, one Trist, was 'an enemy to the Church of

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[155] B. Worden, '"Wit in a roundhead": the dilemma of Marchamont Nedham', in Amussen and Kishlansky (eds.), *Political Culture and Cultural Politics*, 301–37, at 302.

God, peace of this Kingdome, and the quiet of that place where he was'. Onlookers were said to have been in 'wonderment' at Needle's calm in the face of imminent death, much 'to the fury and malice of his adversaries'. Even the royalist soldier that cut the corpse from the noose apparently declared himself 'perswaded that [Needle's] soule was gone to Heaven … he being unjustly executed', and expressed a fear of divine retribution 'upon all those, who had a hand in his death'.[156]

Royalists, meanwhile, made much of the suffering and execution of the Bristol plotters-turned-martyrs George Bowcher and Robert Yeamans, who had been at the centre of the scheme to betray the city to Prince Rupert's forces in 1643. The pair were brought to trial only after 'seventy six dayes hard imprisonment', during which parliamentarian governor Nathaniel Fiennes had taken liberty to 'clap Irons on them, tye them head and feet together, commit them close Prisoners … and used them with that barbarousnesse and inhumanity, as cannot be imagined, could be practiced by one Christian upon another'.[157] The martyrdom motif was further conjured in the narration of their eventual executions. Yeamans, having been kept in prison for days after his sentencing, was 'laden with chaines, stifled with the nastinesse of a Dungeon, macerated with want of food; but filled with the scornfull reproofe of the proud', soon to be 'inrolled in the noble Army of Martyrs'. Before being hanged, Bowcher and Yeamans had reportedly asked for the presence of royalist clergymen Richard Towgood and Richard Standfast, but instead were given spiritual guidance in their final moments by puritan preachers Walter Cradock and Christopher Fowler, 'two Emissaries sent to that City to poyson it with Schisme and Rebellion, that so they might fill up the measure of their sinnes and ripen them for destruction'.[158] The account chastised Clement Walker, who presented evidence at the plotters' trial, for having told 'the world in print that Master Yeomans did confesse that he was convicted in conscience of the justnesse of the Parliaments cause'. Instead, it claimed that with his head pointing skywards, Yeamans had underscored 'the justice of that cause for the defence of which he suffered, affirming that if he had more lives he would sacrifice them to all to the service of his Soveraigne'.[159] Eventually, Yeamans's insolence

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[156] *A Perfect Relation of the Cause and Manner of the Apprehending, by the Kings Souldiers, William Needle and Mistris Phillips* ([London], 1643), 1–6.

[157] *The Two State Martyrs*, 12–13.

[158] Ibid., 20–1.

[159] Ibid., 23. Here the pamphlet is likely referring to an anonymous tract, probably

became too much for the parliamentarian officials to bear, and the hangmen were ordered to throw him from the ladder, 'hardly giving him so much time as in some short ejaculations to recommend his soule to God'. Bowcher appears to have been better prepared for his oration upon the scaffold, having apparently brought a written statement affirming the righteousness of the king's cause, and of 'the Schysmaticks that domineere at this time'. Once again it was deemed unacceptable, and Bowcher was 'not permitted to speak so largely to the assembly', all the while heckled from the sidelines by one Rosewell, a 'cract-brain Seperatist' who insisted on shouting the 'odious names of Hypocrite and Apostate'.[160]

Even before the execution of Laud in 1645, therefore, propagandists were aware of the fact that publicity was a double-edged sword. Writers, printers, and censors might be able to control what was inscribed on the page, but not how the text was understood. This, of course, does not apply only to writing, but to aesthetic experience more generally. In the words of Peter Lake and Michael Questier, '[o]ne person's martyr may have been another person's traitor'.[161] Whereas for Peter Heylyn, for example, Laud's performance prior to his execution on Tower Hill represented the vindication of king and church by Laud the 'glorious Martyr', for London artisan Nehemiah Wallington, who appears to have been among the thousands that thronged to witness the occasion, Laud's scaffold gestural confirmed everything he had suspected about the Catholic corruption of the Caroline church. Wallington noted that all of Laud's prayers had been performed with his 'face towards the East after the popish manner', and that he 'would not accept of any godly protestant Devine, to pray with him on the Scaffold'.[162] For Heylyn and Wallington, Laud's execution merely confirmed exactly what they thought they knew: in Heylyn's case, of Laud's pious dignity in

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written by Walker, containing the 'confessions' of Bowcher and Yeamans, in which the latter indeed claimed to have now become 'thoroughly convinced in my conscience of the justnesse of the Parliaments Cause'. See: *The Severall Examinations*, 4.

[160] *The Two State Martyrs*, 24–6.

[161] P. Lake and M. Questier, 'Agency, appropriation and rhetoric under the gallows: puritans, Romanists and the state', *P&P*, vol. 153 (1996), 64–107, at 103.

[162] [P. Heylyn], *A Briefe Relation of the Death and Sufferings of the Most Reverend and Renowned Prelate the L.Archbishop of Canterbury* (Oxford, 1644), 25; Tatton Park MS 68.20, p. 14.

the face of puritan extremism; and in Wallington's, of Laud's inherent corruption by the Catholic antichrist. Paul Klemp has succinctly demonstrated this paradox with the observation that the same edition of a printed scaffold speech could satisfy both the victim's friends and foes.[163]

The question of whether to memorialise royalist scaffold speeches in print became even more controversial after the execution of Charles I. In January 1649, Cole appeared to have won the race to publish Charles's scaffold speech, with a pamphlet entitled *King Charles his speech upon the scaffold with the manner of his suffering* entered into the stationers' register under the hand of licencer and journalist Gilbert Mabbott, a known political radical, on January 31, the day after the regicide.[164] The pamphlet was duly published under Cole's name, claiming to be by 'Spetiall Authority', and featured a transcription of events from the scaffold as well as a brief introduction describing the scene. It was not a sympathetic account, and observed in a marginal note that the location of the scaffold was 'neare (if not in) the very place where the first blood in the beginning of the late troubles was shed, when the Kings Cavaliers fell upon the Citizens'.[165] This proved just the start of Cole's forays into publishing accounts of the demise of prominent royalists in 1649, with the most famous being a full account of Charles's trial, for which he received licence from Mabbott alongside two other stationers, John Playford and Francis Tyton, on February 22.[166] By March 8, the trio received further licence to print the scaffold speeches of three other prominent royalists, the earls of Cambridge and Holland, and the Lord Capel.[167]

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[163] Klemp, 'Civil war politics', 321.

[164] For Mabbott, see J. Peacey, 'Reporting a revolution: a failed propaganda campaign', in J. Peacey (ed.), *The Regicides and the Execution of Charles I* (Basingstoke, 2001), 161–80, at 166.

[165] *SR*, i, 309; *King Charles his Speech made upon the Scaffold at Whitehall Gate* (London, 1649), at 5.

[166] *King Charls his Tryal* (1st ed., London, 1649).

[167] *SR*, i, 311, 313. Four days after Cole, Tyton and Playford received licence to publish the scaffold speeches of Cambridge, Holland and Capel, another prominent printer, Robert Ibbitson, received licence to print a pamphlet entitled *The Manner of the Beheading of Duke Hamilton Earle of Holland & Lo: Capell*. For Cole, Tyton and Playford's version, see *The Several Speeches of Duke Hamilton Earl of Cambridg, Henry Earl of Holland, and Arthur Lord Capel* (London, 1649).

Once again, it seems clear that these accounts were not intended to be sympathetic: in the aftermath of the king's execution, Cole had printed a pamphlet by John Cooke, chief prosecutor at Charles's trial, justifying the proceedings against the king. Tyton did similar, printing the speech of lawyer William Steele before the High Court of Justice at the trial of the earl of Cambridge.[168] Soon, however, the Council of State turned on the previously authorised, even 'official' account of proceedings against the king and his allies. Initially, it was the accounts of Cambridge's trial and execution that were censored. In April 1649, serjeant-at-arms Edward Dendy was ordered to 'repair to any place where you shall understand a book to be that is intituled or concerning the life & death of the late Earl of Cambridge … [a]nd the said bookes where ever you shall finde them you shall seize & bring them & the printer to this Councell'.[169] It is unknown who was detained or how they were punished, but seven months later, the Council of State turned their attention to the accounts of Charles's trial. On November 21, Dendy was ordered to apprehend Cole, Tyton, and Playford to answer for their 'printing a Booke intituled King Charles his tryall &c: and alsoe to seize the said Bookes, & bring them to this Councell'.[170] Two days later, a committee was appointed to examine the printers, suggesting they were indeed arrested.[171] It seems likely that Cole was not particularly harshly dealt with. He was soon in the employ of the Council of State, not only printing official government propaganda, but acting as an agent in the enforcement of its stringent regulations against unlicensed publishing.[172]

Parliament's sudden reversal over the publication of royalist scaffold speeches

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[168] J. Cooke, *King Charls his Case* (London, 1649); W. Steele, *Duke Hamilton Earl of Cambridge His Case* (London, 1649).

[169] TNA, SP 25/62, p. 154. It is worth noting that John Lilburne was soon to earn the ire of the Council of State for publishing pamphlets that declared the proceedings against the royalists to be extrajudicial. See, for example, J. Lilburne, *The Legall Fundamentall Liberties of the People of England Revived, Asserted, and Vindicated* (London, 1649). See also M. Braddick, *The Common Freedom of the People: John Lilburne and the English Revolution* (Oxford, 2018), 160–1.

[170] TNA, SP 25/63/2, p. 281.

[171] Ibid., p. 288.

[172] A. Tubb, 'Printing the regicide of Charles I', *History*, vol. 89, no. 4 (2004), 500–24, at 509; *CSPD*, 1650, 544.

was likely a response to a post-regicide royalist propaganda sortie, 'a response', in Jason Peacey's words, 'to the way in which royalists were turning the king's performance to political advantage'. By November, a second edition of *King Charls his Tryal* had been published, with small but arguably significant amendments. As Peacey has noted, the second edition included the full charge against Charles, as well as a full account of events on the scaffold, including the king's speech.[173] A further difference was that the second edition also included the scaffold speeches of the earls of Cambridge, Holland, and the Lord Capel, with the pamphlet coming to comprise a macabre compendium of the final words of several leading royalists. This was potentially significant, as each of these speeches either denied wrongdoing, questioned the legitimacy of the sentences passed against them, or both. The condemned sought to portray themselves as moderates subject to the violent will of a fanatical parliament. Cambridge declared that he 'never was an ill instrument betwixt the King and his People', and denied that he ever 'acted to the prejudice of the Parliament'. Moments before the final blow was struck, he declared: 'I go with so clear a Conscience, That I know not the man that I have personally injured'. Holland's performance on the scaffold was arguably even more impressive; he conjured the martyr motif with the declaration that 'since that the death is violent, I am the less troubled with it, because of those violent deaths that I have seen before; principally my Saviour that hath shewed us the way, how and in what manner he hath done it, and for what cause'. Calling into question the legitimacy of his trial, Holland described it 'as extraordinary, as any thing I think hath ever been seen in this Kingdom', and, pointing to the soldier that had taken him prisoner, questioned parliament's claims to speak for the people, declaring the soldier an 'honest man' who 'little thought I should have been brought to this'. Along similar lines, Capel was reported to have claimed that he was condemned to die 'not by any Law of England; Nay, shall I tell you more (which is strangest of all) contrary to all the Laws of England that I know of'.[174] It was, of course, a far cry from the deferential contrition of Tomkins and Challenor in 1643.

Two years later, Cole was appointed by the Stationers' Company, on his own request, to assist in the enforcement parliamentary printing regulations. The very

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[173] Peacey, 'Reporting a Revolution', 175–6.

[174] *King Charls his Tryall* (2nd ed., London, 1649), 98, 104, 114, 117, 124, 130.

same day, he seized a heap of the first part of Clement Walker's *History of Independency* and a printing press, and delivered them both into Stationers' Hall.[175] Cole's motives for this kind of official involvement remains unclear. He may, in part, have acted on a desire to target his competitors in the trade; analysis by Adrian Johns has suggested Cole was a particularly shrewd operator, a man of 'notorious' business strategies, active in the 'appropriation and reappropriation of images, texts, and ideas'.[176] Yet it may also have been a means of targeting political opponents; Walker's seized pamphlet was a fierce attack on parliamentarian independents, and such figures as Lilburne and Marten, to whom Cole appears to have had ties. That Cole maintained certain radical connections throughout the interregnum is suggested by an intriguing 1660 petition by Cole's apprentice, Oliver Hunt, to the secretary of state, likely in the months following the Restoration. In the petition, Hunt claimed that Cole believed Hunt to have informed 'ag[ains]t him in the Ma[jes]t[ie]s behalfe concerning his Seditious & treasonable booke', leading Cole to 'beate and misuse yo[u]r pet[itione]r'. Hunt requested that he be released from his apprenticeship, and that Cole 'be called to accompt'.[177] It is, however, unknown what the 'treasonable book' contained, or whether Cole was punished. Cole's eventful career reached a tragic end five years later, when he committed suicide at his London warehouse.[178]

The case of Cole and his scaffold speeches provide some further evidence for this thesis's broader considerations of early modern symbolic power. Cole appears to have been embedded in radical parliamentarian networks throughout the 1640s. His printing operation suggests a politics that differed from, but often overlapped with, those at the heart of the parliamentarian war effort. In other words, it seems unlikely that he would have consciously acted in a manner that he believed to compromise the parliamentarian cause. This claim is supported by the involvement of the likes of Gilbert Mabbott, army agent and parliamentary licencer, in lending official sanction to the publication of Cole's texts. It is worth reiterating that at no time were Cole's scaffold speeches printed without

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[175] The Stationers' Company Archive, Court Book, C, fols. 269v–270r.

[176] Johns quoted in E. L. Furdell, '"Reported to be distracted": the suicide of puritan entrepreneur Peter Cole', *The Historian*, vol. 66, no. 4 (2004), 772–92, at 780–1.

[177] TNA, SP 29/22, fol. 91r.

[178] Furdell, '"Reported to be distracted"', 779.

parliamentary licence. We might, therefore, speculate that Cole believed that royalist scaffold speeches were useful texts for parliament because, as for Nehemiah Wallington, they demonstrated the inherent wickedness of royalists, and demonstrated a providentially anointed parliament exacting justice against them. However, as Yves Winter has argued, if it is to be politically efficacious, 'violence must be understood semiotically, that is to say as the meaning generated through the production and circulation of signs … For acts of violence to signify, they are subject to the formal rules by which signs operate'.[179] The corollary of this semiotic conception of violence is that its political efficacy essentially rests on a fundamental ideological accord among its 'audience'. The people have to agree upon *what* the violence symbolises. As we have seen throughout this thesis, such an accord did not exist in 1640s England. For the king's supporters, the printed scaffold speeches did not merely represent parliament's puritanical excesses, but confirmed the divine sanctity of the royalist cause.

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[179] Winter, *Machiavelli and the Orders of Violence*, 63.

4.4 Conclusion

This chapter has traced the intersection of early modern understandings of language with the dramatic ruptures wrought by civil war, in order to indicate how the experiences of the 1640s may have transformed ideas about and attitudes towards popular political speech. At the core of its argument is the notion that the Revolution exposed paradoxes at the heart of early modern ideas of language and of politics. During civil war, political speech was both forbidden *and* encouraged. Elites largely sought to preserve the *arcana imperii*, the foundational political distinction between the included and the excluded, the rulers and the ruled; and yet the peculiar circumstances of war—particularly the need to secure and maintain popular support—necessitated a certain degree of popular politicisation through speech. This politicisation appears to have taken a greater variety of forms than previously understood, here evinced in my analyses of the widespread enforcement of garrison oaths, and in the selective dissemination and concealment of news and rumour. The upshot may have been the creation of a much broader base of consciously political subjects, a considerably larger population afforded the responsibilities of thinking, speaking, and acting for what they believed to be the good of their city and nation. Even so, the willingness of political elites to politicise the people was always inflected by ideological tensions within and across parliamentarianism and royalism, ranging from Leveller assertions of popular sovereignty and the vital political function of the public voice to forms of absolutist royalism that rejected the people's right to meddle in matters of state.

The second tension exposed by competing attempts to control Revolutionary speech is that between the divine efficacy of language and the acknowledgement that it is a symbolic system inherently vulnerable to manipulation and misinterpretation. This emerges most clearly in the constant enforcement and counter-enforcement of oaths, which paradoxically undermined the very logic that rendered the oath operative in the first instance. For oaths to 'succeed', they were necessarily dependent on a common understanding of their swearing as 'a forceful speech act in which intent, veracity and divinity were intermingled … b[inding] their takers in the eyes of God'.[180] However, their incongruous application through the 1640s eventually led to suggestions of the weakness of

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[180] Wood, *The 1549 Rebellions*, 131.

language; of the fact that 'actions be the best interpreters of the agents words'; and, ultimately, affirmations that people had the right to break their vows. An understanding of the instability of language also emerges, albeit more implicitly, in parliament's decision to censor accounts of royalist scaffold speeches after 1649, when the interregnum state seems to have become cognisant of the fact that they could be interpreted to subversive, royalist ends. Texts designed to prove the legitimacy and authority of parliament could, in fact, be read as a demonstration of its tyranny and brutality.

Indeed, the third and final tension worth noting here is one that runs throughout the thesis more generally. As already established, the breakdown of political authority in the 1640s led to attempts by royalists and parliamentarians to appropriate established ritual forms in an attempt to demonstrate their own authority. Such concerns for the staging of politics were particularly obvious in public executions, whose 'theatrical' characteristics have been ubiquitous in scholarship on the genre. Yet the speeches of Charles, as well as of the earls of Cambridge and Holland, and the Lord Capel, provide examples of the ways in which public politics simultaneously opens up space for subversion by opponents. Peter Lake and Michael Questier have argued that early modern executions of Catholics for treason always contained the potential for popular agency, for every time a priest was thrust onto the scaffold 'the issue of where legitimate royal authority ended and tyranny and persecution began was, through speech and gesture, reopened and thrust onto the public stage'. More generally, 'the very ideological means by which the state sought to encode its own purposes in these proceedings opened up spaces in which those purposes could be challenged and subverted'.[181] Throughout the civil war, and in the aftermath of the regicide, parliament confronted this same problem. Opening up judicial and punitive procedures to a public audience was understood by some as a means to demonstrate their legitimacy, but, as revealed by the 1649 scaffold speeches, royalists could use the public nature of these moments, both at the site of execution and in print, to subvert them, refusing to adhere to convention by acknowledging the legality and fairness of their sentence. In doing so, they disrupted the symbolic efficacy of the violent act, which threatened to signify not retributive justice but fanatical brutality.

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[181] Lake and Questier, 'Agency, appropriation and rhetoric under the gallows', 73, 69.

Conclusion

This thesis has explored how royalist and parliamentarian officials presented themselves as legitimate authorities before the public during the English Revolution. In doing so, it has conceptualised authority not as a matter of legal judgement, but as a certain social effect: the production in another of a belief in one's ability to legitimately exercise powers upon or against others. The thesis has revealed the centrality of ritual acts and artefacts to the performance of authority both before and during the outbreak of civil war. By combining questions of aesthetics and material culture with more conventional, textual approaches to the history of ideas, the thesis has demonstrated the value of an attentiveness to the tangible, emplaced nature of early modern politics. Questions of sovereignty, tyranny, and representation were not merely disputed on the pages of political pamphlets, but also in the concrete assertion and negotiation of political power. In its focus on the irreducibly material nature of the political process, the thesis has taken a lead from Filippo De Vivo, who has argued that early modern 'communication *was* politics ... in the very real sense that political communication was itself the terrain of both conflict and compromise, possibilities and difficulties'.[1] It is through the analysis of moments of encounter that we are able to glimpse the strategies by which contemporaries sought to pursue, avoid, or mitigate ideological conflicts.

Chapter One demonstrated the centrality of questions of authority to how contemporaries understood, and responded to, the outbreak of civil war. It revealed that ideas of what constituted legitimate authority divided both the political elite and the people at large, and argued that radical religion was conducive to the kinds of anti-authoritarian political philosophies articulated by the likes of John Lilburne and Laurence Clarkson. Chapter Two demonstrated the ambivalent role of space in the exercise of authority. Sites such as market squares and courthouses were highly 'practiced' political spaces, making them platforms for both the performance of authority and its subversion during the turmoil of Revolution. Chapter Three turned attention to the role of the textual form in the instantiation of authority. By interrogating differences between royalist and

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[1] F. De Vivo, *Information and Communication in Venice: Rethinking Early Modern Politics* (Oxford, 2007), 16.

parliamentarian approaches to political communication, it probed more foundational ideological oppositions. This was perhaps clearest in the microscopic study of the unfolding of the militia crisis in Leicester, which revealed how royalist official Henry Hastings appealed to quasi-feudal notions of obedience, in contrast to the conscious attempts of the city's MPs to act out an ideal of parliamentary representation. The differences between royalist and parliamentarian strategies of popular mobilisation were further evident in Chapter Four, which demonstrated how the pervasive invocation of representation in parliamentarian propaganda began to transform how politics was thought and practiced. The thesis has argued that it was not only firebrand radicals that conceived of more directly democratic forms of political organisation in the 1640s, but also more moderate parliamentarians, such as William Prynne. Staking its authority on its capacity to represent the people ensured that parliament constructed much more open and flexible institutional forms than a comparatively rigid royalism, which remained largely wedded to notions of the king's essential, divine sovereignty, and of governance as the responsibility of an anointed few. At the same time, however, Chapter Four demonstrated that even parliament's commitment to publicity had its limits. This was perhaps most obviously apparent in the case study of Peter Cole and the printing of royalist scaffold speeches, which revealed how ideological divisions undermined the political utility of parliament's symbolic violence.

However, just as interesting as the differences between royalist and parliamentarian forms of public politics in the 1640s are their similarities. Through an attentiveness to the significance of ritual acts and artefacts in the instantiation of authority, the thesis has contributed not only to the historiography of the English Revolution, but to the history of early modern public politics more broadly. From attempts of both royalist and parliamentarian recruiting officers to use the market square and high cross to publish their orders, as revealed in Chapter Two, to the public contestation of the Great Seal explored in Chapter Three, the thesis has demonstrated the extent to which political authority was understood to be bound up with the material form. In doing so, it has drawn upon the Foucauldian insights of Juliet Fleming, and drawn out the implications of an early modern or Renaissance 'episteme' for contemporary politics. The thesis has argued that objects like the Great Seal were not understood as hollow signifiers, but loaded with meaning, themselves bearers of

authority. This particular understanding of the interface between the material world and the political order served to regulate who could claim authority, and the powers that they could legitimately exercise. It was a means of delineating and preserving the social order in the absence of a strong repressive state apparatus.

Throughout the thesis, we have encountered examples of parliamentarians appropriating established symbols of sovereign authority. The example of the Great Seal is one of the most striking, not least because it reveals ideological conflicts within parliamentarianism itself. In the minds of moderate MPs like John Maynard and Simonds D'Ewes, who remained opposed to all attempts to divest Charles of his sovereign authority, the 'counterfeiting' of the Great Seal represented a scandalous innovation. For radical MP Henry Marten, meanwhile, manufacturing a parliamentary Great Seal was a means of asserting sovereignty over a tyrannical king. The case, therefore, reveals the *shared* assumptions of the relationship between materiality and authority upon which critical ideological conflicts played out. These artefacts of authority became vectors through which foundational political questions were disputed. William Prynne's history of the Great Seal may have been characteristically soporific, but by revealing the device to have concrete origins in Britain's constitutional history, he demystified an object that had derived its potency from the essential mystery of kingship, transforming it into a means of constructing an argument for parliamentary sovereignty. For Prynne, a parliamentary presbyterian, affirming parliament's rightful possession of the seal *on behalf* of the public was also a means of rebuffing more radical anti-authoritarian arguments that located sovereignty in the freeborn English people, rather than in parliament as an institution.

An attentiveness to the 'material culture' of the politics of the 1640s helps, perhaps, to capture some of the dynamics of revolution: the intersections of ideology and expediency; the relation between political ideas and their material forms. As revealed in Chapter One, the outbreak of civil war and the emergence of radicalism, broadly defined, was prefigured by deep-rooted political and religious divisions. The language of radical puritanism provided parliamentarians with a vocabulary in which to express and legitimate notions of popular sovereignty in their propaganda assaults on the king. Yet it is also clear that the fear of wholesale social revolution was one that loomed large in the minds of all but the most radical MPs. The thesis has argued that parliamentary

moderates and officials in the localities sought to preserve some semblance of political order even after its decisive collapse with the outbreak of civil war. It is, for example, striking that parliament did not simply do away with the Great Seal or declare it constitutionally unnecessary, but went to the trouble of manufacturing their own. Appropriating the aesthetic trappings of sovereign power was a means by which parliament could imbue its acts and ordinances with legitimacy, enabling appeals to custom and precedent even in cases of innovative political behaviour. Much of the intellectual experimentation of the 1640s may, in fact, have been little more than improvisation, as parliamentarians and local officeholders appealed to the ancient constitution in political discourse, and demonstrated their time-honoured legitimacy by appropriating (or subtly redefining) traditional symbols and rituals of power.

That said, we might conceive of the relationship between ideas of authority and their material expressions as dialectical. This thesis has sought to emphasise that aesthetic forms are not merely 'decorative', but have social effects. Of course, parliament was not intent upon manufacturing its own Great Seal upon the outbreak of war in spring 1642. Neither, for the most part, was its decision to do so borne out of a desire to divest the king of his traditional powers any more than to legitimate the unilateral execution of parliamentary ordinances at a time of emergency. However, the effects of 'counterfeiting' the Great Seal perhaps had much further-reaching consequences than most had intended. It is clear that the appropriation of this 'supream badge' of authority was understood as an absolute assertion of parliamentary sovereignty, regardless of the immediate context in which it took place. The episode contributed to the process of 'ideological escalation', the raising of the stakes by which parliamentary sovereignty eventually came to be established as central to the cause for which civil war was fought. An awareness of the material culture of contemporary politics enables us to newly explore, if not definitively resolve, the age-old historiographical problem of the origins of civil war radicalism. Paradoxically, the appropriation of established symbols of authority may have had largely conservative motives, but have ultimately contributed to the radicalisation of parliamentarianism itself.

More profoundly, perhaps, this thesis has attempted to offer some consideration of the epistemological effects of such a visible contestation of authority. As John Walter has previously noted, early modern political authority

was predicated on the 'inherent and natural superiority of elites'.[2] The notion of the *naturalisation* of superiority is crucial here; the process by which a contingent social relation is essentialised as an expression of nature or a transcendental order. This phenomenon is not, of course, unique to early modern England, and is perhaps a universal mark of political power. As Terry Eagleton has written, a 'dominant power may legitimate itself by promoting beliefs and values congenial to it; naturalizing and universalizing such beliefs so as to render them self-evident and apparently inevitable'.[3] However, this thesis has argued that the mentalities or epistemologies that govern how this process unfolds can be historicised. This involves considering the material forms used in the exercise of 'legitimate' political power, as well as how they were rationalised in contemporary political philosophy.

The introduction to this thesis briefly demonstrated that the presbyterian minister of Ipswich, John Ward, recognised the political order as an expression of God's active involvement in the world. For Ward, the division of society into rulers and ruled was merely an extension of the divine creation, and that to upturn this order was thus to sin against God. In Chapter Two, we saw how royalist and presbyterian pamphleteers condemned the discussion of politics in alehouses and taverns as equally *unnatural*, railing against the 'Alebench' being turned into 'a Tribunall, whereat to accuse, arraigne and condemne the sacred and dreadfull person of the Lords Annoyted'.[4] Again, here, we can see how a transcendental order was invoked in order to foreclose the possibility of popular participation in politics; ultimately, to regulate what common people were able to say and do. However, the open contestation of material traces of sovereign authority, from market squares and high crosses to proclamations, maces, and civic charters, had the potential to trigger moments of 'dissensus', in which authority was revealed as a contingent social relation, entirely immanent to the social world, rather than the effect of divine intervention.

Tracing fundamental epistemological transformations, or developments in basic assumptions or mentalities, is clearly a challenging task, not least as they may have unfolded unconsciously or gone largely unspoken. Throughout the

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[2] Walter, 'Gesturing at authority', 122.

[3] T. Eagleton, *Ideology: An Introduction* (London, 1991), 5–6.

[4] [Quarles], *The Profest Royalist*, 29.

thesis, therefore, a range of different evidence has been marshalled in support of these claims. Firstly, the thesis has demonstrated how the objects and rituals traditionally complicit in the naturalisation of the social order were *openly* contested. Proclamations were burnt in market squares and replaced with parliamentary declarations, civic records were torn in pieces and maces smashed, and even the 'counterfeiting' of the Great Seal was discussed publicly at assizes and in royalist and parliamentarian propaganda. These were, in short, not high political matters, but central to how the Revolution was encountered, contested, and rationalised up and down the country.

Secondly, the thesis has demonstrated how the events of the 1640s enabled ordinary people to participate in politics on a scale, and with a disregard for authority, previously unthinkable. Whether we consider the people of South Molton massing at their high cross to prevent the publication of the Commission of Array, the rioters of Gillingham Forest expressing open disregard for parliamentary ordinances, or the widespread circulation of the radical Hertfordshire petition attacking JP John King, it is clear that the civil war opened up possibilities for popular participation in novel kinds of political practices, necessarily predicated on the assumption of common people as bearing at least some autonomous political authority. As revealed in Chapter Four, these developments were, to some extent, legitimated and encouraged by the establishment of parliamentary institutions precisely for the articulation and resolution of popular grievances.

Thirdly and finally, the thesis has offered some indication of how political and philosophical writers explicitly or implicitly acknowledged these profound epistemological shifts. The conclusion to Chapter Two offered a brief demonstration of how Leveller pamphlets began to conceive of an entirely human politics, which operated autonomously of divine or transcendent agency. This involved conceiving of politics as a mechanism for regulating the social distribution of power, through the creation of legal safeguards like 'nets of sisters thred'. John Wildman offered a strikingly modern understanding of divine right monarchy as a constructed ideology, crafted and perpetuated by the various tentacles of the state, including scholars, lawyers, and officeholders. In many ways, Thomas Hobbes is rightly recognised as the antithesis to such Leveller radicals of the 1640s, not least in the sense that his philosophical system sought to consolidate sovereign power rather than deconstruct or decentralise it.

However, this thesis has also argued that Hobbesian philosophy, like that of the Levellers, was predicated upon an entirely immanent conception of power. We might, in other words, think of Hobbes's work as an acknowledgement of the impossibility of establishing sovereign power on divine foundations, confirmed by his experiences of the 1640s.

This, unsurprisingly, had implications for how Hobbes conceived of the role of aesthetics in politics. Though this is an area that would merit further research, the political philosopher Giovanni Fiaschi has argued that Hobbes's sovereign must manufacture its own legitimacy through the 'regulation of the cultural production of images [*immagini*]'.[5] In Hobbes's epistemology, there is an intimate relationship between the imagination and knowledge, such that he asserts, in *De Corpore*, that 'the first beginnings … of knowledge are the phantasms of sense and imagination'.[6] Our encounters with the world are mediated by the imagination, and by and through its images we produce the concepts, or 'trains of thought', that structure our reality. Conceptualising politics is itself a poetic act. Fiaschi argues, therefore, that Hobbes's sovereign must stabilise 'antagonistic' forces of representation that could undermine its claims to power. This involves a careful attentiveness to political aesthetics: the images, ornaments, and myths by which the sovereign produces its own authority. Hobbes is absolutely cynical about ritual, and denies that it has any substantive relation to the transcendent. The case brings into relief his purely formal (as opposed to ideological) understanding of the political, and his conception of a sovereign with 'the capacity to sustain an absolute power only because it is essentially void of content'.[7] Much as we might imagine political ritual today, Hobbes appears to consider it a fig leaf covering the reality of power, and functioning as a retroactive means of legitimation.

Throughout this thesis, we have caught occasional glimpses of how the aesthetics of politics could be conceived as a means of popular manipulation. We might recall John Bastwick's astute observation that 'the very manner' in which proclamations were written were designed to convince readers of their inherent

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[5] G. Fiaschi, 'Un'ontologia politica: potere e realtà in Thomas Hobbes', *Filosofia Politica*, vol. 31, no. 2 (2017), 195–216, at 215.

[6] Hobbes, *English Works*, i, 66.

[7] Fiaschi, 'Un'ontologia politica', 214.

authority, or Griffith Williams's suggestion that parliament's appropriation of the royal imprimatur *'cum privilegio'* represented a cynical attempt at presenting print publications as official. Even more surprising, perhaps, was the suggestion of the Viscount Falkland and Sir John Culpeper that the aesthetic trappings of monarchy, its 'Swords and Maces … Crown and Scepter' represented the mere 'Picture, but the Sign of a King'. However, for the best example of the practical application of this 'Hobbesian' redefinition of political aesthetics, we might skip forward to the Cromwellian Protectorate, and parliamentary attempts to persuade the lord protector to accept the proposals outlined in the 1657 Humble Petition and Advice.

The same year, Cromwell met with a parliamentary delegation at Whitehall to discuss the petition, most notable for its attempts to convince him to accept the crown and title of king. Three years later, in the aftermath of the Restoration, a transcript of the meeting was published as evidence that monarchy was 'the best, most Ancient and legall form of Government'. However, much of the discussion centred not on the substantive qualities of monarchy, so much as its purely formal advantages. Nathaniel Fiennes, then commissioner of the Great Seal, was a leading member of the faction calling for Cromwell to accept the terms of the petition, and had a pragmatic understanding of the reasons for Cromwell to accept the crown. His rationale was not based upon the inherent majesty of kingship; indeed, Fiennes acknowledged that 'he that hath all the powers and authorities of a King, is a King though he have not the name'. However, he claimed that there were politique reasons why Cromwell should accept the crown: that 'it is a thing clear to all the world that the people are more willingly obedient to old things and names then to new, and so farre as old things can be retained without danger or inconvenience, it is the wisdome and due of all Governours to retain them'.[8] That parliament urged Cromwell to accept the title of king for political expediency is hardly a novel claim, but scholars have overlooked the implications of this for contemporary political mentalities. Though others at the Whitehall meetings tabled different arguments in favour of Cromwell's acceptance of the crown, these tended to be legal or constitutional in nature, rather than with recourse to the transcendent majesty of monarchy. The very

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[8] *Monarchy Asserted to be the best, most Ancient and legall form of Government, in a conference had at Whitehall* (London, 1660), 22–3.

ontological ground of politics thus appears to have shifted. In the words of Robert Zaller, '[w]hen monarchy was restored in 1660, divinity no longer hedged a king, and its trappings rapidly fell away'.[9] A similar sentiment underpins James Rosenheim's suggestion that the renewed reliance of local officials on written documentation after the Restoration reflected an appeal to legal precedent in the face of insecurities over the legitimacy of their political power.[10]

This is not to suggest that politics after 1649, or indeed today, should be conceived of as in any way 'post-aesthetic'. Indeed, the thesis represents a challenge to Walter Benjamin's famous characterisation of the 'aestheticisation of politics' as a hallmark of modern (and in particular fascist) regimes.[11] Instead, it has demonstrated that a concern for aesthetic spectacle has long been a concern of governments, and is certainly not exclusive to the modern age. Nevertheless, by seeking to establish connections between the role of aesthetic forms in political life, and contemporary mentalities, we are able to historicise the perceptive or epistemic regimes through which authority operates. After the regicide, the Commonwealth and Protectorate regimes still relied on spectacular forms of politics. However, these no longer represented a transcendent majesty but a sovereign parliament that derived its authority from the people. At the same time, their continued use of the Great Seal, appropriation of the right to grant and confirm civic charters, and adoption of an array of nationalistic iconography all served to imbue the post-Revolutionary government with a fabricated historical legitimacy.

In the present day, civil authorities continue to rely on an array of ritual or symbolic forms. A recent collection of sociological essays on contemporary parliamentary ceremonial includes considerations of the cultural practices by which modern politicians 'perform' representation at Westminster, as well as an argument for understanding Prime Minister's Questions as a 'ritual of deliberation'.[12] Furthermore, modern politics occasionally furnishes us with

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[9] Zaller, *The Discourse of Legitimacy*, 706.

[10] Rosenheim, 'Documenting authority', 604.

[11] W. Benjamin, 'The work of art in the age of mechanical reproduction, in H. Arendt (ed.), *Illuminations*, trans. H. Zohn (New York, NY, 1969), 217–51.

[12] S. M. Rai and R. E. Johnson (eds.), *Democracy in Practice: Ceremony and Ritual in Parliament* (Basingstoke, 2014).

peculiar examples of how it continues to be haunted by the artefacts of authority of a bygone age. In October 2020, amid disputes over fishing waters during negotiations over Britain's exit from the European Union, Flemish prime minister Geert Bourgeois unfurled a black and white facsimile of a 1666 charter granted by Charles II, promising Belgian fishermen 'eternal access' to British waters. The stunt was indicative of the peculiar fact that in the present, as in the seventeenth century, the text's ability to produce a certain social effect is bound up with its aesthetic form.[13] Now, instead of symbolising the will of a sovereign monarch, the document perhaps derives its authority from history itself, represented in its conspicuously antique appearance.

Finally, though this thesis has largely focused on political aesthetics as a means of reproducing a highly stratified social order, it is worth emphasising that this need not be the case. The inverse of considering how the experiential aspects of political life can be complicit in subjugation is considering how they might be rearranged to permit more democratic institutional and organisational forms. We have seen examples of how different conceptions of political authority were articulated through the very artefacts of sovereign rule, as for example in William Prynne's reconceptualisation of the Great Seal. More obviously, the Levellers clearly conceived of openness, accessibility, and visibility as a cornerstone of a politics of sovereign individuals. This was evident in their constant calls for the laws to be made simple and plain, and printed in a book to be kept in every parish church. It was also present in John Lilburne's request that his 1649 treason trial be opened to anyone that wished to attend. Lilburne, more obviously than any of his contemporaries, was aware that legitimate authority was always wielded openly and with explanation, not least so that it may be challenged by those subject to it.[14] Further research would shed light on the ways that the Levellers conceived of the bureaucracy of early modern politics—its writs, warrants, and lawbooks—as a means of putting popular sovereignty into practice. Ultimately, reflecting on questions of political aesthetics may shed light on our contemporary

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[13] M. Torfs, "'Bruges fishermen can continue fishing in British waters after Brexit thanks to 1666 Charter'", *vrt NWS* (2020) <https://www.vrt.be/vrtnws/en/2017/07/06/_bruges_fishermencancontinuefishinginbritishwatersafterbrexittha-1-3018117/>, accessed 12 Feb. 2021.

[14] Sargeant, 'Publicity, authority and legal radicalism', esp. 671–5.

predicaments, as well as profound historical transformations.

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Tatton Park Estate, Cheshire

MS 68.20	Diary of Nehemiah Wallington

The John Rylands Library, Manchester

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NP/72   Nicholas Papers: documents concerning the Gillingham riots
NP/73   Nicholas Papers: documents concerning the Gillingham riots
NP/74   Nicholas Papers: documents concerning the Gillingham riots

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SP 16   Secretaries of State: State Papers Domestic, Charles I
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SP 25   Council of State: books and accounts
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