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*Crown Revenue
and the
Political Culture
of
Early Stuart England*

Thesis submitted for the degree of Doctor of Philosophy

in the University of London

by

Simon Mark Healy

of

Birkbeck College, University of London

2015

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ABSTRACT

Economic historians conventionally date the origins of the English fiscal state to the foundation of the Bank of England in 1694. By European standards this was a belated innovation; the Spanish, Dutch and French had developed effective methods of debt service around a century earlier, based upon high tax revenues and borrowing. This study will explore the reasons why the English lagged behind their rivals in developing a fiscal state.

England was not a poor country, and the reasons for its low tax base and poor creditworthiness were largely political. However, political historians, accustomed to analysing texts, rarely appreciate the significance of figures. This study will use financial data to contextualise debates about Crown finances, showing that a significant proportion of the political nation was dissatisfied with important areas of domestic and foreign policy. However, a political culture which sought to establish a consensus encouraged them to subvert, rather than confront the regime; keeping the Crown underfunded was an effective way of achieving this goal.

The 'power of the purse' is usually interpreted as Parliament's propensity to vote inadequate sums of direct taxation; but it included the ability to block attempts at financial reform, often portrayed as arbitrary government. When King Charles implemented significant reforms despite widespread criticism, he raised sufficient revenue to govern without recourse to Parliament. However, this undermined the consensus on which his regime relied, and became a key factor in its abrupt collapse in 1640.

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Style conventions:

- Dates are given in the Old Style (Julian) calendar, with the year beginning (according to modern usage) on 1 January rather than 25 March.
- Spelling and punctuation in quotations has been modernised and anglicised; translations are my own.
- Capitalisation: the royal Court is capitalised, to distinguish it from the lawcourts (although individual lawcourts, such as Chancery or Parliament, are capitalised). Some historical events are also capitalised, including the Reformation, the Armada, the Union (of England and Scotland), the Forced Loan of 1626-8, the 1628 Petition of Right and Ship Money of 1634-40. The Civil War(s) refers to the conflicts of 1642-51.
- In a parliamentary context, ‘the House’ can signify either Lords or Commons. It can also be used as a shorthand for debates or reports ‘on the floor of the House’, as opposed to debates held in select committee, or in a committee of the Whole House.
- Individuals are generally referred to by the titles they used at the time, although the inflation of honours after 1603 creates confusion. To minimise this, Francis Bacon will be referred to as Bacon, Robert Cecil as Cecil or Salisbury, Lionel Cranfield as Cranfield, James Hay as Doncaster, Thomas Sackville as Buckhurst or Dorset, Richard Weston as Weston, and George Villiers as Buckingham, the favourite, or (from 1623) the Duke.

Footnote conventions:

Printed works are cited in full at their first mention in the footnotes of each chapter, then abbreviated as follows:

<i>Volume title</i>	published source material
Author, <i>Volume title</i>	contemporary or modern book
Author, 'Essay title' in <i>Volume title</i>	article in a volume of essays
Author, 'Essay title', <i>Journal</i>	published journal essay
Author thesis	unpublished thesis

Websites are cited as follows: [title] website, with full details of the address in the bibliography.

Abbreviations (full citations in bibliography)

<i>AHEW</i>	<i>Agrarian History of England and Wales</i>
<i>APC</i>	<i>Acts of the Privy Council</i> (+ dates) ed. J.A. Dasent <i>et alii</i>
<i>Bacon Letters</i>	<i>Life and Letters of Francis Bacon</i> ed. J. Spedding
<i>Bacon Papers</i>	<i>Papers of Nathaniel Bacon of Stiffkey</i> ed. A. Hassell Smith <i>et alii</i>
[<i>BI</i>] <i>HR</i>	[<i>Bulletin of the Institute of</i>] <i>Historical Research</i>
BL	British Library
<i>Boderie</i>	<i>Ambassades de Monsieur de la Boderie en Angleterre</i> (5 volumes, no place, 1750)
Bodleian	Bodleian Library
<i>C&T James</i>	<i>Court and Times of James I</i> [ed. T. Birch]
<i>C&T Charles</i>	<i>Court and Times of Charles I</i> [ed. T. Birch]
<i>Chamberlain Letters</i>	<i>Chamberlain Letters</i> ed. N.E. McClure
<i>CPR</i>	<i>Calendar of Patent Rolls</i> (+ dates) ed. H.C. Maxwell Lyte <i>et alii</i>
<i>Crown Estates</i>	<i>The Estates of the English Crown, 1558-1640</i> ed. R.W. Hoyle
<i>CSPD</i>	<i>Calendar of State Papers, Domestic</i> (+ dates) ed. R. Lemon <i>et alii</i>
<i>CSP Colonial EI</i>	<i>Calendar of State Papers Colonial, East Indies</i> (+ dates) ed. W.N. Sainsbury
<i>CSPV</i>	<i>Calendar of State Papers, Venetian</i> (+ dates) ed. R. Brown <i>et alii</i>
CUL	Cambridge University Library
GL	Guildhall Library
HEHL	Henry E. Huntington Library

<i>HMC</i>	<i>Historical Manuscripts Commission</i>
<i>Holles Letters</i>	<i>Letters of John Holles, 1587-1637</i> ed. P.R. Seddon
<i>HoP1604</i>	<i>House of Commons 1604-29</i> ed. A.D. Thrush and J.P. Ferris
Kent HLC	Kent History and Library Centre
KHHC	Kingston-upon-Hull History Centre
Kyle thesis	C.R. Kyle, ' <i>Lex Loquens</i> : Legislation in the Parliament of 1624' (Auckland PhD, 1993)
LMA	London Metropolitan Archives
NLW	National Library of Wales
<i>OHLE</i>	<i>Oxford History of the Laws of England</i>
Outhwaite thesis	R.B. Outhwaite, 'Studies in Elizabethan government finance: royal borrowing and the sales of Crown lands, 1572-1603' (Nottingham PhD, 1964)
<i>Proclamations</i> I & II	<i>Stuart Royal Proclamations</i> ed. J.F. Larkin and P.L. Hughes
RO	Record Office
rot.	rotulet
Russell, <i>PEP</i>	C. Russell, <i>Parliaments and English Politics</i>
Russell, <i>FBM</i>	C. Russell, <i>The Fall of the British Monarchies</i>
sig.	signature (for unpaginated books)
<i>SR</i>	<i>Statutes of the Realm</i> ed. T.E. Tomlins <i>et alii</i>
TNA	The National Archives
<i>TRP</i>	<i>Tudor Royal Proclamations</i> ed. P.L. Hughes and J.F. Larkin
UL	University Library
<i>Winwood</i> <i>Memorials</i>	<i>Memorials of Affairs of State... from the original papers... of Sir Ralph Winwood</i> ed. E. Sawyer

Sources for parliamentary debates

- CJ* *Commons' Journal* (many volumes, London, 1803 onwards)
- LJ* *Lords' Journal* (many volumes, London, 1846)
- D'Ewes* Sir Simonds D'Ewes, *Journal of all the Parliaments during the Reign of Queen Elizabeth* (London, 1682)
- PPEliz* *Proceedings in the Parliaments of Elizabeth I*
ed. T.E. Hartley (3 volumes, London, 1981-1995)
- CD1604-7* 'Commons Debates 1604-7' ed. S.M. Healy in *Parliaments, Politics and Elections, 1604-48* (Camden Society 5th series XIX) ed. C.R. Kyle (Cambridge, 2001)
- Bowyer* *Parliamentary Diary of Robert Bowyer*, ed. D.H. Willson
Diary (New York, NY, 1971)
- PD1610* *Parliamentary Debates 1610*, (Camden Society, original series LXXXI) ed. S.R. Gardiner (London, 1862)
- PP1610* *Proceedings in Parliament 1610*, ed. E.R. Foster (2 volumes, New Haven, CT, 1966)
- Paulet diary Hampshire RO, 44M69/F2/15/1, Sir Richard Paulet diary, 1610. T/S by Eric Lindquist, consulted at History of Parliament Trust (speeches cited by date)
- HMC Hastings* Earl of Huntingdon's journal of Lords' proceedings, 1610 & 1614
- PP1614* *Proceedings in Parliament 1614 (House of Commons)* ed. M. Jansson (Philadelphia, PA, 1988)
- CD1621* *Common' Debates 1621* ed. W. Notestein, R.H. Relf and H. Simpson (7 volumes, New Haven, CT, 1935)
- PD1621* [Edward Nicholas], *Proceedings and Debates of the House of Commons in 1620 and 1621* (2 volumes, Oxford, 1766)
- LD1621-8* *Lords' Debates 1621, 1625 and 1628* (Camden Society 3rd

series, XLII) ed. R.H. Relf (London, 1929)

Commons' diaries for 1624 (speeches cited by date)

NB manuscripts for all the Commons' diaries for 1624 are now accessible on the History of Parliament Trust website.

Erle diary	BL, Add. 18597
Holland diary	Bodleian, Tanner 392 and Rawlinson D1100
Holles diary	BL, Harl. 6383, ff.80-141
Nicholas diary	TNA, SP14/166
Pym diary	Northamptonshire RO, FH51; BL, Harl. 6799; BL, Add. 26639
Rich diary	BL, Add. 46191
Spring diary	Harvard University, Houghton Library MS Eng. 980

PP1625 *Proceedings in Parliament 1625* ed. M. Jansson and W.B. Bidwell (New Haven, CT and London, 1987)

PP1626 *Proceedings in Parliament 1626* ed. W.B. Bidwell and M. Jansson (4 volumes, New Haven, CT and London, 1991-6)

PP1628 *Commons' Debates 1628* (volumes 1-4) and *Proceedings in Parliament 1628* (volumes 5-6) ed. R.C. Johnson, M.F. Keeler, M. Jansson Cole and W.B. Bidwell (New Haven, CT and London, 1977-83)

CD1629 *Commons' Debates 1629* ed. W. Notestein and R.H. Relf (Minneapolis, MN, 1921)

HMC Lonsdale Lowther diary 1629

PP1640 *Proceedings in the Opening Session of the Long Parliament*

ed. M. Jansson (7 volumes, New Haven, CT and
London, 2000-7)

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Conventions for graphs and tables

- The four standard quarter days are abbreviated LD (Lady Day, 25 March), SJB (St. John Baptist, 24 June), M (Michaelmas, 29 September) and X (Christmas, also used for 24, 26 or 31 December).
- Accounting periods are expressed as Quarter Year Ending (QYE), Half Year Ending (HYE) and Year Ending (YE). Also 1½YE, 2YE etc.
- Figures for annual Crown revenues generally use the Exchequer year, ending at Michaelmas (29 September). Where necessary, accounts ending at other times have been recalculated to conform to this basis.

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INTRODUCTION

During the years 1598-1603, military commitments in Ireland, the Low Countries and on the high seas stretched the Elizabethan state to its limits.¹ By contemporary standards, the scale of this war effort was not particularly large, but when the Privy Council debated whether to sue for peace with Spain in May 1602, Lord Treasurer Buckhurst argued,

it was fittest to have peace with Spain before we be too far spent, for he [Spain] hath a spring that yieldeth continual supply, his Indies, & we are like a standing water, which war will exhaust & make dry & barren.²

The torrent of American bullion so envied by Buckhurst served the Spanish as collateral for loans from Flemish, Italian and Portuguese bankers, leveraging their revenues on a scale far beyond anything the English could aspire to.³ At her death, Elizabeth left debts of between £400,000 to £600,000 – about a year's peacetime revenue – but apart from £160,000 borrowed from the City and wealthy subsidymen (and never repaid), these sums were raised via involuntary credit: unpaid bills to suppliers, and debased coinage used to pay the Irish army.⁴ Yet even without wealthy colonies, England's landed and mercantile classes did not lack means in 1603; so why did the state have problems raising money?

The problem was political; as Sir Francis Seymour told the Commons in 1624, 'the King is greater by the hearts of his people, than

¹¹ For which see P.E.J. Hammer, *Elizabeth's Wars* (Basingstoke, Hampshire, 2003), pp.182-264; N.A. Younger, *War and Politics in the Elizabethan Counties* (Manchester, Lancashire, 2012), pp.200-23.

² *Wilbraham Journal* ed. H.S. Scott in *Miscellany X* (Camden Society, 3rd series, IV), (London, 1902), 49-50.

³ Spanish credit networks are discussed below.

⁴ Contemporary estimates of Elizabeth's debts differed considerably, see F.C. Dietz, *English Public Finance, 1558-1641* (New York, NY and London, 1932), pp.108-9; J. Cramsie, *Kingship and Crown Finance under James VI and I, 1603-1625* (Woodbridge, Suffolk, 2002), pp.67-9.

prerogative'.¹ Taxpayers and lenders respond positively to what economists call 'credible commitment' – a state's resolve to honour its financial obligations; and willingness to build consensus over policymaking and revenue raising – which, the economists Douglass North and Barry Weingast argue, is what happened in England during the 'financial revolution' of the 1690s.² The economic and political assumptions of the North/Weingast thesis are hotly debated,³ but the general principle holds true: a regime which inspires public confidence is better able to tax and borrow than one guided by autocratic whim, aristocratic faction or populist demagoguery. Yet why did the near-universal support propagandists claimed for the early modern Crown not translate into creditworthiness?

In 16th century England, royal revenues were generally used to build political credit among courtiers, the nobility and Crown tenants, rather than financial credit in the capital markets of London and Europe. The Tudors, finding it difficult to borrow, resorted to various alternatives: asset sales; debasement of the coinage; requisitioning of men, arms and ships; exploitation of regulatory and monopoly patents; and tardy payment of suppliers and lenders.⁴ Although some of these expedients proved controversial, many became institutionalised, which freed the Crown from

¹ Holles diary, 13 April 1624.

² The central argument of D.C. North and B.R. Weingast, 'Constitutions and Commitment: the evolution of institutions governing public choice in seventeenth-century England', *Journal of Economic History*, XLIX (1989), pp.803-32.

³ The North/Weingast thesis is critiqued in *Questioning Credible Commitment: Perspectives on the Rise of Financial Capital* ed. D. Coffman, A. Leonard and L. Neal (Cambridge, 2013). J.S. Wheeler, *The Making of a World Power* (Stroud, Gloucestershire, 1999) and D. Coffman, *Excise Taxation and the Origins of Public Debt* (Palgrave Studies in the History of Finance), (Basingstoke, Hampshire, 2013) both argue that the development of public credit started well before the Glorious Revolution.

⁴ Dietz, *English Public Finance*, 45-6, 53-5, 73-6; Younger, *War and Politics in the Elizabethan Counties*, 160-231; C.E. Challis, 'Lord Hastings to the great silver recoinage, 1464-1699' in *A New History of the Royal Mint* ed. C.E. Challis (Cambridge, 1991), pp.232-51. For asset sales see Chapter 2.

complete dependence on parliamentary supply, but made public credit a divisive issue. Debates over a range of schemes to increase Crown revenues resonated throughout the reigns of Elizabeth and James: purveyance in 1589 and 1604-6, patents in 1601 and 1621, impositions in 1606-14, wardship in 1604-6 and the Great Contract in 1610. Most acrimonious of all were the 'new counsels' which funded Charles's Personal Rule, revoked by the Long Parliament, and damned to the memory in the Grand Remonstrance of 1641.¹ During the Civil War both sides established the modern revenue system Charles had aspired to build in the 1630s, based on direct taxation, customs and excises, which evolved into the revenue base for the fiscal-military state after 1689.²

This narrative of fiscal modernisation is a staple of economic history, so why re-examine the issue? First, because economic historians focus on the financial revolution of the 1690s, and while increasing attention is being paid to the modernisation of state finances between 1642 and 1689, there has been little discussion of why the fiscal state remained so attenuated before 1640. Secondly, while financial constraints were an important factor in politics before 1640, political historians, unaccustomed to handling figures in the critical manner they would use in analysing a speech, manuscript or book, rarely appreciate the sophisticated level of contemporary debate over political economy – the political implications of economic policy.³

¹ *Historical Collections* ed. J. Rushworth (8 volumes, London, 1721-2 edition), IV.437-51.

² Wheeler, *Making of a World Power*; Coffmann, *Excise Taxation*; R. Hutton, *The Royalist War Effort, 1642-1646* (London, 1982); C.D. Chandaman, *The English Public Revenue, 1660-1688* (Oxford, 1975); J. Brewer, *The Sinews of Power* (London, 1989).

³ C. Russell, 'Parliament and the King's finances' in *The Origins of the English Civil War* ed. C. Russell (Basingstoke, Hampshire, 1973), pp.103-4, argued that many politicians were financially illiterate; few other historians have considered whether early

There have been monographs on important aspects of the English revenue system before 1640, and on relations between the City and the Crown, but the revenue system as a whole was last examined by Frederick Dietz, since whose time the spreadsheet has transformed our capacity to manipulate and analyse figures.¹ This study assembles data about what was collected, when, and from whom, and correlates this information with policy debates. Statistics rarely tell the whole story, but where political disputes cannot be resolved equitably, one of the most effective forms of passive resistance is to plead poverty or ignorance of the costs of government.² Financial data provides an economic context which can illuminate the motives of those who uttered polite fictions about Crown finances. What emerges is that many contemporaries had a keen – if untutored – grasp of both fiscal policy and self-interest, and could be more sensitive to the impact of policy than the Crown itself.

This study examines how the political economy of early modern England worked out in practice. Were the taxpayers, ratepayers and Crown tenants of early modern England financially literate? When faced with a royal demand for funds, could they weigh profit against risk in an uncertain

Stuart politicians knew what they were talking about, or whether economic constraints were appreciated by contemporaries. Russell's views altered considerably before his death: C. Russell, *James VI and I and his English Parliaments* ed. R. Cust and A.D. Thrush (Oxford, 2011), pp.154-76.

¹ Dietz, *English Public Finance; The Estates of the English Crown, 1558-1640* ed. R.W. Hoyle (Cambridge, 1992); H.E. Bell, *An Introduction to the History and Records of the Court of Wards and Liveries* (Cambridge, 1953); M.J. Braddick, *Parliamentary Taxation in Seventeenth Century England* (Woodbridge, Suffolk, 1994); R. Ashton, *The Crown and the Money Market, 1603-1640* (Oxford, 1960); R. Ashton, *The City and the Court* (Cambridge, 1979). Cramsie, *Kingship and Crown Finance* examines monopoly patents. The only recent overview of the seventeenth century fiscal state is M.J. Braddick, *The Nerves of State* (Manchester, Lancashire, 1996), which focuses on fiscal policy and administrative developments, rather than political consequences.

² This strategy is more normally associated with peasant societies resisting the power of feudal or capitalist masters, see J.C. Scott, *Domination and the Arts of Resistance: hidden transcripts* (New Haven, CT and London, 1990).

world, as they would in their own affairs? Were they capable of appreciating the trade-off between principle and profit which Crown was sometimes obliged to make on their behalf? This study will furnish evidence to confirm all these assertions, and to illustrate the ways in which those expected to fund the Crown's policies sometimes chose to ignore or subvert royal policy if they decided it controverted their interests. Thus when the merchants and shopkeepers of London, or the landed gentry, declined to lend money to the Crown, it was because experience suggested they would not be repaid in a timely fashion (Chapters 1 and 4). Where private investors paid seemingly inflated prices for Crown lands, it was because they could, with better management, be made to yield far more than the Crown's meagre rentroll (Chapter 2). The fluctuation of subsidy yields, in response to the Crown's strategic prospects and financial demands, suggests a lively appreciation of the local and international context of the fiscal-military state (Chapter 4). On the other hand, the Great Contract, the most ambitious fiscal reform plan of the era, was undermined because neither James nor his subjects could calculate the costs and benefits of the deal with any certainty (Chapter 3). Impositions were a perennial *cause célèbre* for lawyers, but merchants were unlikely to sacrifice their cash flow on the altar of principle, and it took extraordinary provocation to push them (briefly) into a tax strike in 1628-9 (Chapter 5).

Finally, why does a study of the state finances of early modern England exclude any detailed consideration of expenditure? At a practical level, the assembling of further data about expenditure would have made this project unfeasibly large. In macroeconomic terms, while expenditure usually exceeded revenues by 5-20% annually during 1585-1630, the English state was no more incompetent, venal or corrupt than its rivals.¹ Its

¹ For a brief discussion of expenditure, see Braddick, *Nerves of State*, 21-34.

financial problems derived from the Crown's inability to modernise its revenue and credit facilities, without provoking serious resistance from the moneyed elites who would have borne the brunt of such an increase. Why was this so? It is first necessary to examine the nature of the financial transformations taking place on the Continent, and then to ask why England failed to effect similar reforms.

The Financial Revolution in early modern Europe

States generally claim an effective monopoly of coercion within their own jurisdiction. Those which dominated early modern Europe were additionally defined by the evolution of bureaucratic forms – ‘centralized, differentiated and autonomous structures’ – although the rudimentary development of institutions encouraged the co-optation of social, economic and religious elites into the processes of governance, thus bolstering the state's authority.¹ The pre-modern state raised taxation in exchange for protection: the maintenance of order at home and defence against commercial and military rivals abroad, but, more broadly, the rule of law, the suppression of religious heterodoxy and a secure dynastic succession; many political disputes ran along these ideological faultlines.²

The implementation of this agenda was expensive, particularly warfare, the costs of which increased exponentially during the early modern period with the advent of gunpowder weapons, *trace italienne* fortifications

¹ C. Tilly, *Coercion, Capital and European States, AD990-1992* (Oxford, 1992), pp.1-5; M.J. Braddick, *State Formation in early modern England, c.1550-1700* (Cambridge, 2000), pp.11-20; M. Mann, *The Sources of Social Power* (2 volumes, Cambridge, 1986-93), I.1-32.

² Tilly, *Coercion, Capital and European States*; F.C. Lane, *Profits from Power* (Albany, NY, 1979), pp.22-36; D.C. North and R.P. Thomas, *The Rise of the Western World: a new economic history* (Cambridge, 1973); J. Gleason, *War and the State in Early Modern Europe* (Abingdon, Oxfordshire, 2002), pp.42-66.

and specialised warships.¹ States which exploited these capital intensive technologies undertook an open-ended investment, expressed succinctly in Cicero's dictum, 'the sinews of war is infinite money'. A protracted war cost far more than taxation or plunder could supply, and required credit, the legal and fiscal framework for which developed from the 12th century, in the trading cities of the Mediterranean and the Low Countries.² In the early 16th century, the Hapsburg and Valois monarchies circumvented the problem of procuring credit under a monarchical system – where the Crown stood above the law – by selling *rentes* or *juros* (long-term annuities) to their urban elites, as security for cash advances.³

American silver helped Spain secure loans from the international banking houses of Germany and Italy; but long-term debt in Spain, as elsewhere, had to be funded by taxation which was not assigned to any existing purpose.⁴ This required a broader tax base than most monarchies commanded in 1500, when demesne estates and feudal rights still comprised a significant part of Crown revenues. Spain and France imposed new taxes on economic activity, but the most successful example of a 'tax state' was

¹ The vast literature on the 'military revolution' is discussed in J. Black, *European Warfare, 1494-1650* (London, 2002); J. Glete, *Warfare at Sea, 1500-1650* (London, 2000).

² Lane, *Profits from Power*, 72-81; J.D. Tracy, 'On the dual origins of long-term urban debts in medieval Europe' and L. Pezzolo, 'The Venetian government debt, 1350-1650' in *Urban Public Debts: urban government and the market for annuities in western Europe (14th – 18th centuries)* (Studies in European Urban History, 3) ed. M. Boone, K. Davids and P. Janssens (Turnhout, Belgium, 2003), 13-26, 61-74; D. Stasavage, *States of Credit: size, power and the development of European politics* (Princeton, NJ and Woodstock, Oxfordshire, 2011), pp.25-46, 110-31.

³ Glete, *War and the State*, 67-139; Stasavage, *States of Credit*, 132-50; M. Wolfe, *The Fiscal System of Renaissance France* (New Haven, CT and London, 1972); I.A.A. Thompson, 'Castile: polity, fiscality and fiscal crisis'; *idem*, 'Castile: absolutism, constitutionalism and liberty'; and P.T. Hoffman 'Early modern France, 1450-1700', all in *Fiscal Crises, Liberty and Representative Government, 1450-1789* ed. P.T. Hoffmann and K. Norberg (Stanford, CA, 1994), pp.140-252.

⁴ M. Drelichman and H.-J. Voth, *Lending to the Borrower from Hell: debt, taxes and default in the age of Philip II* (Princeton, NJ and Woodstock, Oxfordshire, 2014), pp.26-31.

the Dutch model established in the 1580s, comprising land taxes, customs, and excises, which funded the sophisticated network of credit holding the mighty Army of Flanders at bay.¹ This was the fiscal yardstick against which both contemporaries and historians have gauged the performance of rival states, and by this measure, early modern England performed woefully badly.

Politics and Crown Finances in Early Modern England

While English taxpayers between 1560 and 1640 often complained about their insupportable burdens, when their situation is compared with either their continental neighbours or their descendants, they were lightly taxed: in England, Crown revenues between 1560 and 1640 represented around 1-2% of GDP in peacetime and 2-4% in wartime; whereas in France, Spain and Holland (though maybe not the rest of the United Provinces) wartime revenue yields were much greater, perhaps 5-10% of GDP. English wartime revenues rapidly converged with Continental norms after 1640: 6-7% of GDP until the Glorious Revolution, then 10% or more after 1689.² Yet if the English were comparatively under-taxed before 1640 – and merchants, financiers and diplomats who had lived and worked abroad were clearly aware of this – why did the Crown find it so difficult to secure a political consensus over tax increases?

¹ J. Schumpeter, 'The crisis of the tax state', *International Economic Papers* IV (1954), pp.5-38; A.J. Veenendaal jr., 'Fiscal crises and constitutional freedom in the Netherlands, 1450-1795' in *Fiscal Crises, Liberty and Representative Government, 1450-1789* ed. Hoffmann and Norberg, pp.96-139; L. Van der Ent, W. Fritschy, E. Horlings and R. Liesker, 'Public finances in the United Provinces of the Netherlands in the Seventeenth and Eighteenth centuries' in *Crises, Revolutions and Self-Sustained Growth* ed. W.M. Ormrod, M. Bonney and R. Bonney (Stamford, Lincolnshire, 1999), pp.249-92; J.D. Tracy, *The Founding of the Dutch Republic: war, finance and politics in Holland, 1572-1588* (Oxford, 2008).

² R. Bonney, *The European Dynastic States, 1494-1660* (Oxford, 1991), pp.352-60; P.K. O'Brien and P.A. Hunt, 'The rise of a fiscal state in England, 1485-1815', *HR*, LXVI (1993), pp.148-63.

The fiscal regime inherited by the Stuarts in 1603 had its origins in the 14th century, when English invasions of Wales, Scotland and France were funded by an income derived from demesne lands, feudal revenues, direct taxation¹ and customs. This system had undergone periodic renovation, most recently during the mid-Tudor period, with the acquisition of huge amounts of monastic and chantry property in 1536-48, the subjection of the clergy to First Fruits and annual Tenths from 1536, the emergence of the assessed subsidy as the mainstay of lay taxation in the 1540s, and substantial increases to customs tariffs in 1558. However, this immense new endowment failed to meet the prodigious expense of warfare in 1542-62, when the shortfall was covered by a disastrous debasement of the currency and the alienation of part of the Crown's newly acquired demesnes.² The Elizabethan regime retrenched, paring expenditure and remaining upon the strategic defensive, which rendered the cost of warfare supportable until the final years of the reign, when the Irish army and other commitments in France, the Low Countries and at sea bequeathed the Stuarts a legacy of wartime debt.

When James came to the throne, his councillors were debating the need for structural reform, yet the financial reforms of the 1640s proved beyond the capabilities of the early Stuarts. Parliament attempted to evade the Crown's demands for supply by appealing to the medieval notion that the King should 'live of his own' in peacetime, while efforts to increase

¹ M. Braddick, *Nerves of State* (Manchester, Lancashire, 1996), pp.11-12 outlines the conventional definition of direct taxation as any charge levied directly upon individuals; but in this study, wardship and purveyance will be discussed as examples of fiscal feudalism.

² P. Cunich 'Revolution and crisis in English state finance' in *Crises, Revolutions and Self-Sustained Growth*, 110-37; R.W. Hoyle 'War and public finance' in *Reign of Henry VIII* ed. D. MacCulloch (Basingstoke, Hampshire, 1995), pp.75-99; J.D. Gould, *The Great Debasement: currency and the economy in mid-Tudor England* (Oxford, 1970); Hammer, *Elizabeth's Wars*.

revenue via the prerogative instigated several of the key political conflicts of the age.¹ Failure to consider available options in peacetime meant that fiscal policy was either changed arbitrarily at moments of crisis (1598, 1626-8, 1641-5, 1660-1 and the 1690s), or developed incrementally from judicial and administrative decisions. Neither approach fostered the development of a political consensus, which cost the Crown dearly, particularly during the military crisis of 1639-40.

Both contemporaries and historians have ascribed many of the Stuarts' financial problems to the spendthrift practices of the monarchs themselves, but this is not entirely fair.² Rewards lavished on the Bedchamber Scots and the Villiers affinity can be traced in the Exchequer accounts;³ but Elizabethan courtiers also derived huge, unrecorded profits from discounted leases and monopoly patents, discussed only in hostile polemics such as *Leicester's Commonwealth*. The annual cost of the royal Household – about £200,000 in Elizabeth's final years – increased substantially after 1603,⁴ but this included provision for dowagers, consorts and children, the natural corollary of a settled succession, and the Jacobean *largesse* which attracted such unfavourable comment appears less exceptional when compared with that of his son and grandson (Table 0.1).⁵

¹ G.L. Harriss 'Medieval doctrines in the debates on supply, 1610-1629' in *Faction and Parliament* ed. K. Sharpe, (Oxford, 1978), pp.73-103; Wheeler, *Making of a World Power*; Cramsie, *Kingship and Crown Finance*.

² For a classic critique, see Dietz, *English Public Finance*, 103-8. Cramsie, *Kingship and Crown Finance*, 40-66 explains the political logic behind James's generosity.

³ Though the gains from some remain obscure, such as the sale of honours (see Chapter 1), or profits from Ireland (see V. Treadwell, *Buckingham and Ireland, 1616-1628: a Study in Anglo-Irish Politics* (Dublin, Ireland, 1998))

⁴ Dietz, *English Public Finance*, 45-7, 73-6; P.R. Seddon, 'Household reforms in the reign of James I', *BIHR* LIII (1980) pp.44-55; Chapters 2, and 3 below; M.C. Questier, 'Elizabeth and the Catholics' in *Catholics and the 'Protestant nation': religious politics and identity in early modern England* ed. E.H. Shagan (Manchester, Lancashire, 2005), pp.76-84.

⁵ The figures in Table 0.1 differ considerably from those cited in Braddick,

Historians tend to emulate contemporary Exchequer officials in focussing on the Crown's financial problems, but it should be recalled that the public squalor of James's reign contrasted with private opulence, indicating a revenue potential which went largely untapped by the state.

Table 0.1 Expenditure on the royal Court under James I, Charles I and Charles II

	YE M1618	Annual average for 4YE M1635	YE M1664
Households	£119,177	£207,847	£116,967
Wardrobe	£24,046	£31,261	£58,390
Stables	£1,700	£2,250	£2,718
Works	£10,000	£16,162	£12,354
Privy Purse	£6,200	£7,248	£20,986
Other departments	£16,775	£27,603	£12,743
Diets	£3,175	£379	£1,972
Wages, pensions, rewards	£110,931	£60,280	£83,144
Court expenditure	£292,004	£353,066	£309,274
Ordinary revenue	£488,200	£618,379	£1,021,893
Sources	T48/87, pp.1-2	E407/78/5	Chandaman, <i>English Public Revenue</i> , 349-51

Notes: (1) figures rounded to nearest £; (2) pensions to courtiers for 4YE M1635 have been reconstructed from assignments upon receipts; (3) Ordinary revenue for YE M1664 calculated from receipts plus relevant assignments.

The clearest empirical assessment of a state's power is its ability to raise revenues, which can be measured in three ways: in cash terms; strategically, by comparison to its contemporary rivals; or historically, with reference to past and future performance. By all these indicators, English

Nerves of State, 26, because I define the cost of a Court in a broader way. The Exchequer's own accounting standards were palpably inconsistent across the three sets of figures in Table 0.1.

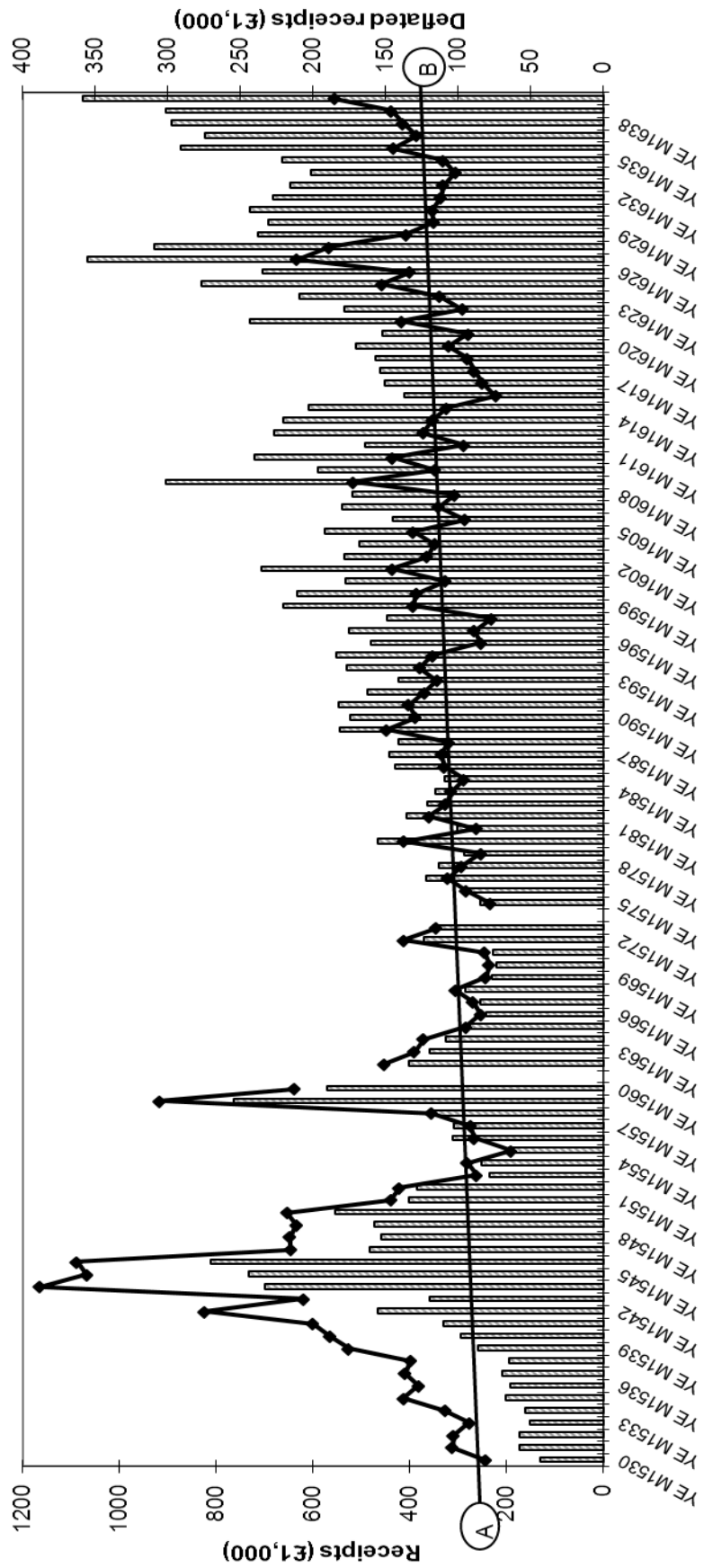
Crown finances experienced two low points, 1430-70 and 1563-1626, following protracted wars which overstretched the state's resources. Under Mary, Elizabeth and James, peacetime revenues (line A-B in Graph 0.1) amounted to little more, in real (deflated) terms, than those of Henry VIII *before* the dissolution of the monasteries.¹ War compounded these problems, as the Crown's ordinary income was never intended to cover military expenditure. Land sales and currency manipulation enabled Henry VIII to quadruple his peacetime revenues during the wars of the 1540s, while Elizabeth briefly managed to triple hers during 1559-62. However, Charles I struggled to raise his income by 50% during the wars of 1625-30 and 1639-40, while during the Anglo-Spanish war of 1585-1603, Elizabeth's revenues increased by no more than 30% over peacetime norms, and that only in the crisis years of 1588 and 1599-1602.

Fiscal weakness had political consequences: strategically, it forced the English onto the defensive, to the regret of those who sought to resurrect the Angevin empire, or to acquire a new colonial empire.² Domestically, it afforded taxpayers leverage over royal policy, a boon for those who did not wish to foot the bill either for religious war or colonial conquest. Crown finances improved under Charles I, yet while his regime achieved solvency during peacetime, it could not raise the means to sustain a protracted war, as his English critics were perfectly aware, in encouraging the Covenanters to

¹ Graph 0.1 can be criticised on two counts: (1) figures for Crown revenues are largely taken from the researches of Frederick Dietz, which are not entirely comprehensive; (2) the O'Brien/Hunt index (explained in O'Brien and Hunt, 'Fiscal state in England', *HR*, LXVI.171-2) is not wholly satisfactory as a deflator for Crown revenues. However the trends are sufficiently accurate to be usable.

² Hammer, *Elizabeth's Wars*. However, N.A.M. Rodger, *Safeguard of the Sea* (London, 1997), pp.327-46 suggests that Elizabethan navy was adequate for the task in hand.

Graph 0.1: Crown Revenues (actual & deflated) 1530-1640



Source: ESFDB database (O'Brien/engd002.txt to 005.txt). Some data for 1561 and 1574-5 is incomplete.

Line A-B represents a crude average of the (deflated) value of peacetime revenues across the period.

prolong their resistance in 1639-40.¹ Why did the Crown's arguments fall on deaf ears? On 15 November 1610, Richard Martin, scorning a vote of supply, remarked that 'the King cannot want when there is fit and just occasion for him to have it'.² In other words, taxpayers did not trust the Crown sufficiently to offer generous peacetime funding. Nor were they prepared to subsidise offensive warfare, something their predecessors had done as recently as the 1540s, and their heirs were to do again after 1649. Tempting as it is to blame Charles for the breakdown of 1640, the fiscal history of early Stuart England suggests a deeper, systemic failure within the English state, which is rarely discussed by historians.

The Historiography of Early Modern England

Until the 1970s, the historiography of early modern England was dominated by Whig and Marxist narratives which, in the words of an earlier critic, 'emphasise certain principles of progress in the past and... produce a story which is the ratification, if not the glorification of the present'.³

Revisionism attacked these linear narratives by prioritising contingent factors, concluding that while James and Charles faced opposition to their

¹ L.J. Reeve, 'The politics of war finance in an age of confessional strife: a comparative Anglo-European view', *Parergon*, XIV (1996), pp.85-109; S.M. Healy, 'Oh, what a lovely war? War, taxation and public opinion in England, 1624-29', *Canadian Journal of History*, XXXVIII (2003), pp.439-65; Russell, *FBM*, 61-3, 99-101, 149-51; J.S.A. Adamson, *The Noble Revolt: the overthrow of Charles I* (London, 2007), pp.45-8, 54-6, 59-60, 72-3.

² *PP1610*, II.332.

³ H. Butterfield, *The Whig Interpretation of History* (London, 1931), preface. For Whig and Marxist historiography, see M. Bentley, *Modernizing England's Past: English Historiography in the age of Modernism, 1870-1970* (Cambridge, 2005); C. Hill, *The English Revolution, 1640* (London, 1940); P. Corrigan and D. Sayer, *The Great Arch: English State Formation as Cultural Revolution* (Oxford, 1985); R.A. Cosgrove, 'Reflections on the Whig interpretation of history', *Journal of Early Modern History*, IV (2000) pp.147-67; J.S.A. Adamson 'Introduction: high roads and blind alleys – the English Civil War and its historiography' in *The English Civil War: conflicts and contexts, 1642-49*, ed. J.S.A. Adamson (Basingstoke, Hampshire, 2009), pp.5-21.

policies, the political culture of the age was ‘consensual’ – there was no formal ‘Opposition’ before 1640.¹

Revisionism was a useful corrective to the teleology into which any narrative is prone to lapse, yet the divisions which led to Civil War cannot have arisen from nothing.² The ‘new British history’ shows that any political settlement which might have proved viable for one of Charles’s three realms during 1637-51 provoked armed resistance in at least one of the others,³ while those who sought to put the polemic back into political history – generally described as ‘post-revisionists’, for want of a more precise term – use printed tracts, newsletters and libels to establish that issues of national and international significance were debated, criticised and even subverted at all levels from the royal Court to parish elites, long before the prospect of civil war arose.⁴ This fed into a larger debate about

¹ M. Kishlansky ‘The emergence of adversary politics in the Long Parliament’, *Journal of Modern History*, XLIX (1977), pp.617-40, dates the concept of adversarial politics to the aftermath of the first Civil War; others place it around 1640, for whom see Adamson ‘Introduction’ in *The English Civil War*, 30-33.

² An argument cogently, if controversially, made in J.C.D. Clark, *Rebellion and Revolution* (Cambridge, 1986).

³ C. Russell, *FBM and The Causes of the English Civil War* (Oxford, 1990). G. Burgess, ‘Introduction – the new British history’, A.I. MacInnes ‘Regal union for Britain, 1603-38’ and T. Harris ‘Critical perspectives: the autonomy of English history?’ in *The New British History: founding a modern state, 1603-1715* ed. G. Burgess (London, 1999), pp.1-64, 266-86 explore the broader historiography. See also P. Lake ‘Retrospective: Wentworth’s political world in revisionist and post-revisionist perspective’ in *The Political World of Thomas Wentworth, Earl of Strafford, 1621-1641* ed. J.F. Merritt (Cambridge, 1996), pp.279-83.

⁴ R. Cust, *The Forced Loan and English Politics, 1626-1628* (Oxford, 1987); T. Cogswell, *The Blessed Revolution: English politics and the coming of war 1621-1624* (Cambridge, 1989) and *Home Divisions: aristocracy, the state and provincial conflict* (Manchester, Lancashire 1998); A. Bellany, *The Politics of Court Scandal in Early Modern England* (Cambridge, 2007).

For the methodological context of this approach, see F.J. Levy, ‘How information spread among the gentry, 1550-1640’, *Journal of British Studies* XXI (1982), pp.11-34; R. Cust, ‘News and politics in early seventeenth-century England’, *Past & Present* CXII (1986), pp.60-90; P. Lake and M.C. Questier, ‘Puritans, Papists and the “Public Sphere” in early modern England: the Edmund Campion affair in context’, *Journal of Modern History* LXXII (2000) pp.589-92; N. Mears, *Queenship*

the public sphere – the physical and conceptual space in which European intellectuals, generally excluded from political power before the later 19th century, met to exchange opinions, in an environment where the calibre of one's argument (theoretically) outweighed conventional considerations such as wealth, social status and gender.¹ Peter Lake and Steve Pincus have applied this concept to the post-Reformation period, suggesting that 'issues of religious identity and division came together with issues of dynastic and geopolitical rivalry to create a series of public spheres'.² Such controversies did not always evolve in a linear fashion, and while princes, ministers and lobbyists often appealed to public opinion, they were quick to condemn such tactics when turned against them. Yet attempts to suppress debate merely forced it underground, where it evolved into something far more radical.

None of these critiques necessarily invalidates the revisionist notion of consensual politics: both Kishlansky and Russell acknowledged that such a system could accommodate dissent, if expressed in measured

and Political Discourse in the Elizabethan Realms (Cambridge, 2005), pp.12-32.

For work on opinion formation at humbler social levels, see P. Seaver, *Wallington's World* (Stanford, CA, 1985); P. Lake, *The Boxmaker's Revenge* (Stanford, CA, 1999); S. Hindle, 'Hierarchy and community in the Elizabethan parish: the Swallowfield articles of 1596', *Historical Journal*, XLI (1999), pp.835-51; S. Hindle, *The State and Social Change in early modern England* (Basingstoke, Hampshire, 2000); E. Shagan, 'Rumours and popular politics in the reign of Henry VIII', A. Wood, "'Poore men woll speke one daye": plebeian languages of deference and defiance in England, c.1520-1640', S. Hindle 'The political culture of the middling sort in English rural communities, c.1550-1700' and M. Goldie 'The unacknowledged republic: officeholding in early modern England', all in *The Politics of the Excluded* ed. T. Harris (Basingstoke, Hampshire, 2001), pp.30-98, 125-94.

¹ J. Habermas, *The Structural Transformation of the Public Sphere* translated by T. Burger (Cambridge, MA, 1991), pp.1-50; C. Calhoun, 'Introduction' in *Habermas and the Public Sphere* ed. C. Calhoun (Cambridge, MA and London, 1992); J.A. Downie, 'Public and Private: the myth of the bourgeois public sphere' in *A Concise Companion to the Restoration and Eighteenth Century* ed. C. Wall (Oxford, 2005), pp.58-79 provides a comprehensive critique of Habermas.

² P. Lake and S. Pincus, 'Rethinking the public sphere in early modern England', *Journal of British Studies* XLV (2006), p.274.

terms.¹ Of course, the frustrations unleashed in the Long Parliament represented more than this: the chief proponents of Personal Rule were arrested or fled into exile, while most of the political nation remained aloof – hardly indicative of a smoothly functioning political system. Yet Charles's critics planned reforms to the constitution, law, finances and the church, most of which would have strengthened the English state – which suggests their objection was not to the existence of royal power, but to the manner of its exercise.² So what went wrong in the 1630s?

Some placed the onus for breakdown on Charles, whose belief that the prerogative lay above criticism undoubtedly complicated the political process. However, while all long-serving monarchs argued with their subjects over key policies, most did not meet the outright defiance he encountered.³ The irony was that his greatest success caused his chief problem: peace and alterations to the legal and financial basis of the state relieved the Crown of the pressing need to negotiate with its critics over his ambitious programme of reforms to church and state. However, the resulting lack of dialogue during the 1630s persuaded Charles that he faced no significant opposition, even as it convinced his critics that a measured response would not suffice.⁴

What follows is a study of the financial tensions within a dynamic political system between James's accession and the collapse of Charles's

¹ M. Kishlansky, *Parliamentary Selection: social and political choice in early modern England* (Cambridge, 1986), pp.12-21; Russell, *PEP*, chapter 1.

² Russell, *FBM*, 237-73. There are, perhaps, parallels with the Rockingham Whigs' campaigns against Lord Bute in 1764 and Lord North in 1782.

³ It is excessively crude to say that revisionists blame Charles for the Civil Wars, but a focus on the short term highlights the King's flaws as a politician.

⁴ A.D. Thrush 'The Personal Rule of James I, 1611-1620' in *Politics, Religion and Popularity in early Stuart England* ed. T. Cogswell, R. Cust and P. Lake (Cambridge, 2002), pp.84-102 argues that James attempted to establish his own 'Personal Rule' in the 1610s, but financial weakness did not permit him to dispense with Parliament entirely, as Charles did in 1629.

Personal Rule in 1640, looking backwards, where necessary, into Elizabeth's reign, or earlier. It focuses on the mechanisms of a flawed, but usually viable political system at a time when the Crown and the political nation considered a range of options about their future, the long-term consequences of which were not always apparent – and even when they were, difficult choices were often avoided or postponed. There was more to early Stuart politics than meets the eye of many historians – issues where debate was suppressed, or not even started; my aim is to bring some of these 'hidden transcripts' into the open, using debates about fiscal reform as a way into a broader consideration of the stresses of modernisation in early Stuart England.

In addition to its primary focus, this study touches upon two other historiographies: it has relevance to debates on the 'origins of the English Civil War', although it concentrates on the regime which collapsed in 1640, not what followed; it also engages with the debate on the origins of the 18th century fiscal-military state, offering a political explanation as to why there was no thoroughgoing fiscal modernisation under the early Stuarts.

Sources and Methodology

Differing approaches to the historiography of early Stuart England are partly founded upon contrasting source materials: the official memoranda and parliamentary speeches favoured by revisionists tend to employ consensual language; whereas post-revisionists who focus upon polemical literature, such as printed tracts, sermons, libels and newsletters, are more likely to perceive debate as adversarial.¹ This study will combine a range of these conventional sources with financial data and other sources

¹ Lake and Pincus, 'Rethinking the Public Sphere', 286-9. The difference between these approaches is apparent in Russell, *PEP* and Cogswell, *Blessed Revolution*.

less widely used by political historians.

Much recent scholarship has focussed on the processes of governance, particularly the negotiations involved in the making and implementation of policy at all levels.¹ The activities of an extensive network of local lobbyists at Whitehall can be traced in urban and legal records. Londoners were long accustomed to air their views before Court and Privy Council, but under Elizabeth, provincial interest groups developed regular contacts which afforded them leverage over economic and social policymaking.² The significance of legal precedents such as *Bate's case* (Chapter 5), has long been appreciated by constitutional historians, but more routine lawsuits, contextualised in the records of corporations, trading companies and guilds, furnish important narratives: courtiers prosecuting those who purchased knighthoods, for unpaid fees (Chapter 1); the long prehistory of the controversy over customs rates among the London merchants (Chapter 5); the controversy between the London brewers and the Board of Greencloth over purveyance (Chapter 3); while harassment of the Turkey merchants over non-payment of currant duties in 1628-9 provoked a serious confrontation between Crown and City (Chapter 5).

One important consideration highlighted by social historians in recent years is the fact that magistrates, deputy lieutenants and militia officers, churchwardens, constables and town aldermen held a tacit veto over the implementation of Crown policy at local level. The arrival of a letter, writ or warrant, constable, churchwarden, purveyor, pursuivant, patentee or soldier to be billeted required those whose assistance was

¹ For which see Braddick, *State Formation* and Hindle, *State and Social Change*.

² *HoP1604*, II.242-62, 338-45, 488-94, 509-13; C.F. Patterson, *Urban Patronage in Early Modern England* (Stanford, CA, 1999). I am grateful to Helen Good for discussions about lobbyists.

commanded to make a choice between national imperatives and local and personal needs. It is sometimes possible to discern the responses of the 'middling sort', which varied from compliance, through negotiation and evasion to outright refusal (Chapters 1, 3 and 4). None of this was new under the early Stuarts, but the expanding remit of the early modern state meant that such demands arrived with increasing frequency, and became a more serious issue in local politics.¹

As mentioned above, one important aspect of early Stuart history which has been largely overlooked since the 1970s is Crown finances. Money talks, and most Crown revenues paid into the Receipt of the Exchequer between 1580 and 1640 have been re-examined for this study, alongside the accounts of the Court of Wards, the duchies of Lancaster and Cornwall, and the main customs farms.² Fiscal policy was one of the major flashpoints of early Stuart politics, but it is only once the figures are added into the debates that their significance becomes apparent. This was rarely stated at the time, because politicians preferred not to hold their monarchs to ransom openly, hiding behind the medieval dictum that the Crown should 'live of its own' in peacetime.³ It is difficult to believe that landowners who doubled or trebled their rents in a generation, merchants who made fortunes from risky trade ventures, or diplomats who saw the might of the Crown's rivals, could fail to perceive the magnitude of the Crown's financial weakness. As little was done to address these problems before 1640, we should ask whether the political nation kept the Crown

¹ Hindle, 'The political culture of the middling sort' and Goldie, 'The unacknowledged republic' in *Politics of the Excluded*, 125-94.

² The main record classes searched for this project are all at TNA: E401, E351, DL28 and SC6. One important revenue continues to defy my efforts at quantification: land revenue, much of which was appropriated at local level and unaccounted for at Westminster. Minor revenues I have not yet tabulated include the Alienations Office and the Hanaper; while the Privy Purse ceased to render accounts in 1605.

³ Harriss 'Medieval doctrines' in *Faction and Parliament*, 73-104.

short of cash from ignorance, or design.

Finally, something must be said about the relationship between parliamentary debate and public opinion, perceptions of which have evolved rapidly over the last generation. Conrad Russell observed that before 1640, Parliament was an event rather than an institution, therefore ‘parliamentary history must be liable to constant revision in the light of new discoveries about events elsewhere’.¹ If this downgrades the significance of parliamentary politics, it remains clear that the institution, if properly managed, could serve as the fulcrum about which policy decisions turned. Under Elizabeth, Parliament was managed by Councillors, courtiers and ‘men of business’ such as minor bureaucrats, ministerial relatives and those with aspirations to public office.² Even then, control of the Commons’ agenda sometimes slipped from official hands, and procedural changes made management even more difficult to manage under James: in 1610 and 1614, there were protests against MPs who had offered the King a private undertaking to sway the voices of the rest.³ Yet this was the way parliaments came to be managed thereafter, with indifferent success, by the ‘patriots’ of the 1620s, or the Junto of 1640-2.⁴

This state of flux encouraged the belief that rhetoric could alter the course of debates – as the number and circulation of parliamentary diaries testifies in the 1620s. Yet it is difficult to know how far rhetoric shaped opinion.⁵ Many doubtless arrived at important parliamentary debates with

¹ Russell, *PEP*, 2.

² D.H. Willson, *The Privy Councillors in the House of Commons* (Minneapolis, MN, 1940); M.A.R. Graves, *Thomas Norton, the Parliament Man*, (Oxford, 1994); *idem*, “‘Men of Business’ revisited”, *Parergon*, XIV (1996), pp.111-27.

³ *PP1610*, II.337-8, 389-92; *PP1614*, pp.65-9, 120-1, 244-7; C. Roberts, *Schemes and Undertakings* (Columbus, OH, 1985), pp.3-30; *HoP1604*, I.369-439.

⁴ Cogswell, *Blessed Revolution*; Russell, *FBM*; Adamson, *Noble Revolt*.

⁵ Two recent studies address this question: D. Colclough, *Freedom of Speech in Early Stuart England* (Cambridge, 2009); M. Peltonen, *Rhetoric, Politics and*

their minds already made up, but a succession of eloquent speeches could build up a sense of momentum; if this technique had not worked, it would hardly have become a staple of parliamentary practice. During key debates the chamber was invariably packed to capacity, but the floor was usually dominated by a modest 'stage army' of ministers, courtiers and aspiring politicians. However, in the absence of a consensus, it was the silent majority who carried the day, and occasionally (the Lords on 24 May 1614, or the Commons on 19 March 1624) a vote went against the prevailing wisdom of the speeches.¹ Yet for all the drama of a set-piece debate, Parliament made few irrevocable decisions in the heat of the moment, as legislation required multiple readings, and Commons and Lords needed to co-operate in order to sway the King, while principled rhetoric sometimes served as a smokescreen behind which the search for a practical compromise could be mounted. Nevertheless, where politicians insisted on having their way over a key issue such as impositions, Buckingham's impeachment or extra-parliamentary taxation, the Crown held the option of veto or dissolution, albeit at a price.

Popularity in Pre-Revolutionary England (Cambridge, 2012).

¹ C. Russell, 'Sir Thomas Wentworth and anti-Spanish sentiment, 1621-1624' in *Political World of Thomas Wentworth*, 62. For 24 May 1614 see Chapter 5; for 19 March 1624, see Chapter 4.

CHAPTER I: The QUEST for CAPITAL

The persistent shortage of revenue in the period 1560-1640 (Graph 0.1) forced ministers to embark upon a quest for capital which yielded only indifferent results: by the standards of northern and western Europe, England was very lightly taxed in 1560, a situation which had altered only slightly by 1640.¹ Parliament, approached for a vote of direct taxation to cover extraordinary expenses almost every time it met,² tended to discount pleas of royal need when uttered with monotonous regularity, and the funds it voted rarely covered the expenditure for which it was allocated – usually war or diplomacy.³ In the 1570s, Lord Treasurer Burghley achieved a modest annual surplus, accruing a war chest of £300,000 by the time hostilities with Spain broke out in 1585; this reserve was severely depleted by Leicester's campaigns in the Low Countries, and exhausted by 1597.⁴ Thereafter, Crown finance was dominated by deficit and debt, which was difficult to service, as ordinary revenues were devoted to funding recurrent expenses. After 1603, there were concerted efforts to increase existing revenues (detailed in Chapters 2-5), but many of these were stymied by vested interests. So where did the Crown seek additional funds?

This chapter will examine two aspects of early Stuart finance which provoked significant political controversy. The first is efforts to raise loans from the capital markets in London and abroad, which highlights the Crown's failure to convince private investors of its credible commitment to

¹ C. Tilly, *Coercion, Capital and European States, AD990-1992* (Oxford, 1992), pp.1-37 notes that in eastern Europe, the crucial determinant of power was people, not capital.

² The 1572 and 1606-7 sessions of Parliament were not asked for supply.

³ G.L. Harriss, 'Medieval doctrines in the debates on supply, 1610-1629' in *Faction and Parliament* ed. K. Sharpe (Oxford, 1978), pp.73-103.

⁴ F.C. Dietz, *English Public Finance, 1558-1641* (New York, NY 1932), pp.47-8, 80-1.

debt service. The second concerns the sale of titles of honour – used here an example of the many revenue projects of the time – where most of the cash raised ended up in the pockets of courtiers and entrepreneurs, rather than the Exchequer.¹ The economic and social aspects of both these initiatives have been studied before,² but this chapter will also consider the political implications: in choosing whether to invest in government debt, titles of honour, or any other project, individuals make implicit judgements about government policy and probity; while those who already hold such investments must judge whether the inflation of such assets devalues their existing holdings.

The Crown and the London Capital Market, 1575-1628

Historically, English monarchs secured large-scale credit from two sources: Italian and Flemish bankers; and London merchants. The Tudors borrowed heavily on the Antwerp exchange during the war years of 1544-58, but Thomas Gresham paid off these loans by 1574, and Elizabeth never borrowed abroad again: her questionable legitimacy affected her creditworthiness, and Philip II, as the chief customer of most European financiers, ensured that she was denied funds. After the Army of Flanders captured Antwerp in 1584, many Flemish financiers moved to Amsterdam. It would have made strategic sense for them to bankroll the English, but Elizabeth's high-handed treatment of her allies in the 1580s left an unpleasant legacy, and Dutch investors preferred to lend to the provincial

¹ For more detailed studies of monopolies, see J. Thirsk, *Economic Policy and Projects: development of a consumer society in early modern England* (Oxford, 1989) and J. Cramsie, *Kingship and Crown Finance under James VI & I, 1603-25* (Woodbridge, Suffolk, 2002).

² Government debt has been studied in Outhwaite thesis and R. Ashton, *The Crown and the Money Market, 1603-1640* (Oxford, 1960); the sale of honours in L. Stone, *The Crisis of the Aristocracy* (Oxford, 1965), pp.65-128 and R. Cust, *Charles I and the Aristocracy, 1625-1642*, (Oxford, 2013), pp.22-41, 87-119.

estates of Holland and Zeeland, which they dominated politically.¹

The early Stuarts made only one attempt to raise capital at Amsterdam, pawning the Crown jewels in November 1625. Charles hoped to raise £300,000, but the Dutch demanded extra security and lent him only £7,000 directly, a stark demonstration of their lack of faith in the English Crown. The Elector Palatine – then an Anglo-Dutch pensioner – secured a further £11,400, while Buckingham pawned £40,000 of his own jewels. Dutch scepticism was vindicated when it took a decade for the last of these loans to be redeemed, and the Stuarts did not borrow at Amsterdam again until 1689.²

The only domestic centre with sufficient liquidity to serve the state's capital needs was London, which handled up to 75% of overseas trade.³ Yet the Crown had uneasy relations with the City, being unable to offer creditors a reliable return on capital invested in government debt.⁴ In the

¹ I. Blanchard, 'English royal borrowing at Antwerp, 1544-1574' in *Public and Private Finances in the late Middle Ages* ed. M. Boone and W. Prevenier (Leuven-Apeldoorn, Belgium, 1996) pp.63-71; T.A. Kirk, *Genoa and the Sea* (Baltimore, MD and London, 2005); Outhwaite thesis, 70-118, 377-402; L. Stone, *An Elizabethan: Sir Horatio Palavicino* (Oxford, 1956). pp.5-90; D. Stasavage, *States of Credit: size, power and the development of European politics* (Princeton, NJ and Woodstock, Oxfordshire, 2011), pp.150-4; J.D. Tracy, *The Founding of the Dutch Republic: war, finance and politics in Holland, 1572-1588* (Oxford, 2008), pp.101-15, 171-93, 242-68.

² TNA, C66/2361/1-2; CSPV, 1625-6, pp.345, 445; Ashton, *Money Market*, 58-9, 64-5; V. Barbour, *Capitalism in Amsterdam in the 17th Century* (Baltimore, MD and London, 1953) pp.119-26. For post-1689 developments, see L. Neal, *Rise of Financial Capitalism* (Cambridge, 1993); C. van Bochove, 'The economic consequences of the Dutch: economic integration around the North Sea, 1500-1800' (Utrecht PhD, 2008), pp.127-49.

³ F.J. Fisher, *London and the English Economy* ed. P.J. Corfield and N.B. Harte (London and Ronceverte, WV, 1990), pp.81-130, 173-98; B. Dietz, 'Overseas trade and metropolitan growth', A.L. Beier, 'Engine of manufacture: the trades of London', and J.A. Chartres, 'Food consumption and internal trade', all in *London, 1500-1700: the making of the metropolis* ed. A.L. Beier and R. Finlay (Harlow, Essex, 1986), pp.113-96. N.J. Williams, *The Maritime Trade of the East Anglian Ports, 1550-1590* (Oxford, 1988), pp.1-3, 25-33 claims smuggling in the outports exaggerated London's preponderance.

⁴ D.C. North and B.R. Weingast, 'Constitutions and commitment: the evolution

Dutch Republic and Bourbon France, high risk was usually offset by high interest rates, but until the Exchequer developed revenue streams not tied to ordinary expenditure – customs receipts, in the first instance – the English Crown had no means of guaranteeing payments to private investors.

By 1600, many European states were raising capital from domestic lenders via interest-bearing bonds – an integral part of Venetian finances since the twelfth century, adopted by the French and Dutch in the sixteenth.¹ However, the Tudor state constituted a poor credit risk: the Crown could not be sued for debt in its own lawcourts; its record of repayment was irregular; and foreign and domestic threats reduced royal creditworthiness.² The French Crown resolved similar problems by raising money on the credit of the Paris *Hôtel de Ville* in 1522 and 1536, and issuing bonds paying annual interest (*rentes*) from 1544. The Tudors used the London corporation to guarantee loans from foreign creditors, but borrowed only occasionally on the domestic market, and for short periods: £22,666-13-4 in 1522; £28,000 during 1554-8; and £10,000 in 1563. However, Elizabeth's exclusion from Antwerp after 1570 obliged her to resort to London for funds more regularly (Table 1.1).³

In the 1570s, London's economy, while dwarfed by those of Antwerp, Seville or Venice, was worth over £1M annually, and growing

of institutions governing public choice in seventeenth-century England', *Journal of Economic History* XLIX (1989), pp.803-32 coined this term, applying it to the Financial Revolution of the 1690s. Failure to provide such assurances to investors before 1640 circumscribed the Crown's geopolitical ambitions.

¹ F.C. Lane, *Profits from Power* (Albany, NY, 1979), pp.72-81; Stasavage, *States of Credit*, 132-55.

² Ashton, *Money Market*, 67-70; Weingast and North 'Credible commitment', 805-14.

³ Stasavage, *States of Credit*, 134-7; Outhwaite thesis, 175, 387-95.

rapidly; the Crown's problem was how to access this capital.¹ Over the ensuing 60 years, the corporation acted as a contractor, rating contributors and holding royal guarantees of repayment. Various groups were approached for loans: the largest was the freemen or ratepayers (40-50,000 strong), but the collection

Table 1.1: Crown loans from the City of London, 1575-1628

<i>Date</i>	<i>Sum raised</i>	<i>Incidence of loan</i>
1575	£28,873	Freemen
	£1,127	Livery companies
1588	£47,852	Livery companies
1590	£15,000	129 wealthy citizens
August 1598	£20,000	Livery companies
November 1598	£60,000	Wealthy citizens
August 1604	£14,924	Livery companies
1608	£63,000	400 wealthy citizens
1610	£100,000	Aldermen
1617	£96,467	280 wealthy citizens
1625	£60,000	Aldermen & Common Councillors
July 1626	£20,000	Aldermen
August 1626	£17,000	Livery companies
January 1628	£60,000	Livery companies
August 1628	£65,000	Livery companies

Sources: See text; Outhwaite thesis; Ashton, *Money Market*; TNA, E401; LMA, Reps., Jors.

and repayment of many small sums must have been an administrative nightmare, and this option was used only once, in 1575. The commonest resort was to the wealthier guild members – several thousand individuals –

¹ For the development of European credit facilities, see Tilly, *Coercion, Capital and European States*; Stasavage, *States of Credit*; Körner, 'Expenditure' in *Economic Systems and State Finance* (Origins of the Modern State in Europe, theme B) ed. R. Bonney (Oxford, 1995), pp.393-422.

but many of these were shopkeepers, who held most of their assets as stock, not capital, and could only be approached occasionally. Thirdly, the City Chamber and livery companies controlled vast charitable assets, but any default on their obligations left their membership personally liable for the debt. Finally, the corporation could appeal to its own membership, and other wealthy merchants (around 500 men), but their goodwill was also finite.¹ Ultimately, none of these options provided a permanent solution to the regime's financial problems, because the question of repayment remained unresolved.

In 1575, £30,000 was assessed on the freemen, with the livery companies covering a shortfall of £1,127.² The companies lent £47,952-10-0 in the autumn of 1588, while £15,000 was borrowed directly from 129 wealthy citizens in 1590 (Table 1.1). Controversy arose over a loan of £20,000 in August 1598: the aldermen proposed to charge (wealthier) householders in every ward; but the Common Council voted to raise money via the livery companies. Ominously, this sum was repaid nine months late. In December 1598, the Queen sought £150,000 towards Essex's expedition to Ireland, mortgaging Crown lands as security. The loan was assessed upon wealthy individuals, but while the corporation rated 'mean men', and the Privy Council grilled recalcitrants, only £60,000 was raised.³

Despite the corporation's repeated appeals for restitution, this final

¹ S. Rappaport, *Worlds within Worlds: structures of life in sixteenth-century London* (Cambridge, 1989), pp.215-84; C. Carlton, *The Court of Orphans* (Leicester, 1974), pp.90-6, 134-5; V. Harding 'The Crown, the City and the Orphans: the City of London and its Finances, 1400-1700' in *Urban Public Debts* (Studies in European Urban History, 3) ed. M. Boone, K. Davids and P. Janssens (Turnhout, Belgium, 2003), pp.51-60.

² Outhwaite thesis, 174-85, 203-6; Ashton, *Money Market*, 57.

³ Outhwaite thesis, 185-200, 209-10; *Chamberlain Letters*, I.56, 59-61, 66-8; TNA, C54/1627/10; APC, 1598-9, pp.350-1, 376-7, 382, 401, 414, 431-2.

Elizabethan loan was never repaid. In January 1603, the City was offered prize goods in lieu, on condition that a further loan of £20-30,000 would be advanced; eventually, in August 1604, the livery companies raised £14,924-10-0. Several companies raised the money in unusual ways, which suggests this new levy provoked controversy: two met their quotas from their common treasury; three borrowed from wealthy merchants. The Fishmongers assessed 126 of their members, over half of whom declined to lend their own capital, leaving their governing body – most of whom also declined to pay – to underwrite the loan by advancing company funds to bridge the shortfall, and collecting interest from the defaulters.¹ King James promised repayment of the 1604 loan when ‘the commodity of our affairs may give us means to discharge her [Elizabeth’s] credit’, but Parliament’s decision not to vote supply in 1604 (Chapter 4) gave him a pretext for delay. A ‘great number’ of lenders demanded repayment in October 1604; the corporation called for possession of mortgaged Crown lands, but were (again) offered prize goods in lieu. The 1604 loan was repaid, with two years’ interest, in 1606-7.²

The controversies over the loans of 1598 and 1604 eroded the City’s confidence in the Crown. The next loan, in 1608, raised £63,000 from 400 wealthy citizens, half the sum originally requested; but Salisbury created a good impression by repaying this promptly, a year later.³ However, when James sought a further £100,000 in 1610, only the aldermen were assessed –

¹ Outhwaite thesis, 198-200; LMA, Rep. 25, f.34v, 36v, 119v; LMA, Remembrancia 2/195, 220, 224-5, 235; LMA, Jor. 26, ff.241v-3v; GL, 5570/1, pp.486-8; *HMC Hatfield*, XVI.340-1; Ashton, *Money Market*, 114-17.

² LMA, Jor. 26, f.163v; LMA, Rep. 26/2, ff.453r-v, 469, 503; LMA, Rep. 27, ff.43v-4v, 137r-v, 272, 278; LMA, Remembrancia 2/256, 277; *Chamberlain Letters*, I.238; *Wardens’ Accounts of the Worshipful Company of Founders* ed. G. Parsloe (London, 1964), pp.235-8; Outhwaite thesis, 200-2.

³ TNA, E401/2410-11; Lambeth Palace Library, MS3203, f.460; LMA, Remembrancia 2/310; LMA, Rep. 28, ff.177, 214, 280v; Rep. 29, ff.42v, 46; CSPV, 1607-10, p.320; Ashton, *Money Market*, 117-18.

the livery companies were probably discouraged from contributing because the loan coincided with the assessment for the first tranche of the £60,000 they were raising towards the Londonderry plantation. Repayment of the 1610 loan was, in theory, predicated upon the customs, but was actually met from general Exchequer funds, in 1613-14. In the summer of 1614, after the failure of the Addled Parliament, there were calls for a loan of £100,000, but with the Cockayne project disrupting the cloth trade, Lord Mayor Sir Thomas Myddelton persuaded James to accept a benevolence of £10,000 instead, half from the City Chamber, the rest from the livery companies.¹

In January 1617 James asked for £100,000 for one year, to fund his visit to Scotland. Having declined jewels as security, the City accepted a bond under the Great Seal, plus the nebulous ‘royal word and promise’. The capital was raised from the aldermen and other rich merchants, but almost all the 280 lenders required the corporation to pledge its own credit, the same guarantee the Parisian *bureau de ville* offered purchasers of French Crown *rentes*.² As in 1598-9, the Privy Council disciplined refusers, ordering five to attend the King in Scotland – whereupon four paid promptly – but it still took eight months to raise £96,466-13-4. This sluggish response earned a rebuke from the Council, and compared unfavourably with the East India Company’s second joint stock issue of January 1617, which raised £200,000 in weeks (see below).³

¹ *Chamberlain Letters*, I.298; LMA, Rep. 29, ff.207-9v, 225; CSPD, 1625-6, p.203; *Winwood Memorials*, III.239; GL, 5570/2, pp.113-14; Ashton, *Money Market*, 118-22; T.W. Moody, *The Londonderry Plantation, 1609-41* (Belfast, county Antrim, 1939), pp.63-96, 176-7.

² *Chamberlain Letters*, II.49; LMA, Jor. 30, f.159; APC, 1616-17, pp.122, 172-3; LMA, Rep. 33, f.67; APC, 1616-17, pp.203-4; Ashton, *Money Market*, 122-4; Stasavage, *States of Credit*, 137-9.

³ APC, 1616-17, pp.172-3, 219-20, 256-7, 285-6, 298-9; *Chamberlain Letters*, II.59, 62, 70, 85; LMA, Remembrancia 4/77, 81, 84; Ashton, *Money Market*, 123-5.

Few expected prompt repayment of the 1617 loan: an Oxford don was questioned by the Privy Council for his Paul's Cross sermon suggesting 'that kings might steal as well as meaner men... by borrowing and not paying'. Meanwhile, the corporation moved from guarantor to underwriter, lending £3,300 to those reluctant to venture their own capital.¹ In fact, it was 15 years before most lenders saw any return on their investment, and many only did so then because they were prepared to sell their debt, at a discount, to speculators prepared to invest in Crown lands. So England's first market for government debt evolved as a means of coping with the Crown's inability to establish its credible commitment.

In March 1618 the Crown paid one year's interest, the only compensation most investors saw for over a decade. Plans to recoup the principal from customs revenues came to nothing, appeals for further loans during 1621-2 received short shrift, presumably because the trade slump of that year made customs receipts unattractive as collateral. In February 1623 the City Chamber paid various aldermen £7,850 – five year's interest on loans of £15,700. Humbler lenders lobbied for repayment in the autumn of 1624, but only £10,400 of the principal was cleared before James's death.²

In April 1625 Charles called for a fresh loan of £60,000. A new monarch could hardly be refused, but only 20 aldermen and 100 common councillors contributed; these loans, and those outstanding from 1617, were notionally secured against a mortgage of Crown lands. Over half of the new loan (£31,000) was borrowed from the City Chamber by the lenders, suggesting low investor confidence, a dismal assessment which was vindicated in November, when Charles failed to repay either principal or

¹ *Chamberlain Letters*, II.71; LMA, Rep. 55, f.76r-v; Ashton, *Money Market*, 125-7.

² *APC*, 1618-19, p.73; *Bacon Letters*, VII.76; LMA, Rep. 34, ff.424v, 437, 466; Rep. 39, f.60v; Rep. 55, f.76r-v; LMA, Remembrancia 5/72, 103, 114; Remembrancia 6/1, 54, 125; *Chamberlain Letters*, II.460.

interest.¹ In June 1626, after the angry dissolution of Parliament, appeals for another £100,000 were rebuffed; but following threats to the City's charter, the aldermen raised £20,000 for the Ordnance and the Navy, which was recouped from the petty customs.² This, and a further £17,000 advanced to hire ships for the Royal Navy, exhausted the Crown's credit with the City; Londoners expressed discontent by paying only 17% of their quota for the Forced Loan (Graph 4.7).³

Negotiations to repair Charles's credit began in November 1626. Under the 'Royal Contract' concluded fourteen months later, Crown lands worth £12,500 *per annum* passed to the City, to clear accrued debts of £230,000, and to raise a further £125,000 (Chapter 2).⁴ The corporation's offer to pay 6% interest on the £60,000 raised from the guilds in January 1628 left those companies which had borrowed from private creditors (usually at 7-8%) slightly out of pocket. However, companies which assessed their membership directly for the advance experienced greater problems, as deadlines for payment were very tight – the wardens of five small companies, having failed to deliver £1,108 promptly, were briefly incarcerated.⁵ There were cases of outright refusal in other companies,¹ and

¹ LMA, Jor. 33, ff.85v-6v, 103r-v, 107-8, 112; *Chamberlain Letters*, II.612; LMA, Rep. 39, ff.210, 268r-v; Rep. 41, ff.122v-5; LMA, Remembrancia 6/78; C66/2351/4; Ashton, *Money Market*, 127-9.

² LMA, Remembrancia 6/89-90; *Private Correspondence of Jane, Lady Cornwallis Bacon, 1613-1644* ed. J. Moody (Cranbury, NJ, Mississauga, ON and London, 2003), p.153; *C&T Charles*, I.115-17; SP16/31/39; Kent HLC, U269/1/E28 (Greville to Middlesex, 28 June 1626); NLW, 9061E/1423; *HMC Skrine*, 76-8; Ashton, *Money Market*, 129-31.

³ TNA, SP16/84/20; M.C. Wren, 'London and the Twenty Ships', *American Historical Review* LV (1950), pp.321-35.

⁴ Cheshire Archives, DCH/X/15/5, ff.1, 2v, 5, 21v; LMA, Rep. 41, f.67; TNA, SP16/69, f.55, 56v, 67v, 86r-v; *C&T Charles*, I.272, 303-4, 307; LMA, Jor. 34, ff.190-203v; Ashton, *Money Market*, 132-5.

⁵ Ashton, *Money Market*, 135-7; LMA, Jor. 34, ff.191v, 195v-6; Rep. 42, ff.58v-61, 64-5; E. Glover, *A History of the Ironmongers' Company* (London, 1991), pp.57-8; GL, 5445/14 (minute of 8 Jan. 1627/8); *C&T Charles*, I.314-15; GL, 5385, ff.133v,

some refractories petitioned at the start of the 1628 Parliament: a scrivener who complained on 27 March was apparently released promptly, as his case was dropped; the draper and Alderman John Chamberlain – sacked from the bench, fined £300 and imprisoned – petitioned the Commons, and then sued a writ of *habeas corpus* in King’s Bench.² Nicholas Clegate, one of six vintners detained for refusing subscriptions totalling £275, petitioned Parliament (26 March) after the Privy Council denied him a writ of *habeas corpus*. The corporation claimed their right to assess rates was analogous to that of parliamentary taxation – although if this were the case, as Sir Edward Coke observed, refusers should probably have been distrained rather than imprisoned – but MPs condemned Clegate’s imprisonment on 25 April. A petition to the King was pre-empted by the prisoner’s release, but he was still seeking compensation for his losses in 1641.³

Probably because of these complaints over refusers of the 1628 advances, the City committee handling the Royal Contract estates resolved to settle the outstanding debts in reverse order: the 1628 loans were repaid first (in 1629), while from December 1627 the annual interest rate for the 1617 and 1625 loans was reduced from 8% to 5%, and redemption of these debts only began in 1630.⁴ Even then, those who offered additional cash to purchase Crown lands were repaid first; others, often those in acutest financial straits, sold their bonds to speculators at well under par. In 1632,

135; *Accounts of the Worshipful Company of Founders*, 289; GL, 2208/1 (account for YEM1628).

¹ GL, 5570/2, pp.652, 655, 657.

² LMA, Rep. 42, ff.55v-7, 64v, 183v; *C&T Charles*, I.314; *PP1628*, II.144, 181, 185-6. Chamberlain’s fine (for resigning as alderman) was later reduced to 100 marks: LMA, Rep. 43, f.14v.

³ LMA, Rep. 42, ff.59v-61v, 96r-v, 99r-v; Rep. 43, f.74; Rep. 55, f.62v; LMA, Remembrancia 6/144-6; GL, 15201/2, pp.438-44, 447, 452-3, 455; *APC*, 1627-8, p.287; *PP1628*, II.119-20, 127-8, 132, 139, 181-5, 380-2; III.76-8, 208-9, 217-18; IV.51; J.R. Jones, ‘The Clegate case’, *English Historical Review*, XC (1975), pp.262-86.

⁴ LMA, Jor. 34, ff.191v, 203r-v, 265, 295v; LMA, Rep. 42, ff.167r-v, 202-3; LMA, CLA/44/1/7A&B; Ashton, *Money Market*, 142.

the Crown claimed this discounting breached the ‘unexpressed trust’ under which any surplus from the land sales was to be repaid to the Exchequer. Meanwhile, to add further insult, the Londonderry plantation was prosecuted in Star Chamber for failure to observe covenants specified in the grants of 1610. The City surrendered Irish estates worth £5,000 a year in 1637, and was fined a further £12,000 to cover alleged misconduct over the Irish plantation and the Royal Contract.¹

The chequered history of the Crown’s relations with the City explains why appeals for contributions to the Bishop’s Wars fell upon deaf ears. In March 1639, Recorder Sir Thomas Gardiner persuaded the aldermen to solicit the ratepayers, but only £5,000 was raised, which Lord Mayor Sir Maurice Abbot reckoned ‘unworthy to be presented from so rich a city’; the Common Council voted to deliver this sum to the King with a grievance petition, but Charles refused them an audience.² In June 1639, shortly after Charles signed a truce with the Covenanters at Berwick, the Privy Council sought a loan of £100,000, to be repaid from the new soap and wine duties. Abbot and two-thirds of the aldermen refused to lend, and even those who agreed would not accept the contentious duties as security. The Common Council voted to give Charles a benevolence of £10,000 from the Chamber receipts, but the aldermen refused a motion to add a further £5,000 to this sum.³ In March 1640, Lord Mayor Sir Henry Garway approached the wealthiest City merchants for loans, but only £7,000 was raised, while seven

¹ Ashton, *Money Market*, 144-9; Moody, *Londonderry Plantation*, 211-67, 355-69, 380-9; *Strafforde Letters* ed. W. Knowler (2 volumes, London, 1739), I.374. Speculators subsequently offered to buy the plantation at much higher rates, see J. Ohlmeyer ‘Strafford, the “Londonderry business” and the “New British History”’ in *The Political World of Thomas Wentworth, Earl of Strafford 1621-1641* ed. J.F. Merritt (Cambridge, 1996), pp.209-29.

² V. Pearl, *London and the Outbreak of the Puritan Revolution* (Oxford, 1961), pp.94-6; BL, Add. 11045, ff.5v-8.

³ Pearl, *London*, 96-9; BL, Add. 11045, ff.31, 43v.

aldermen who refused to rate their wards were prosecuted in King's Bench. Four months later, Garway circumvented the Common Council by summoning the aldermen and two representatives from each ward to consider another loan, but this assembly denied it had the power to levy a rate, and efforts to raise money from the livery companies produced nothing before the King's defeat at Newburn.¹

The Crown's mishandling of relations with the City damaged its credibility as a borrower, but even if this glaring shortcoming is overlooked, government debt compared poorly with other investment opportunities (Table 1.2).² Land was, as ever, the safest investment, but delivered a disappointing annual return; private moneylending produced up to 10% return on capital invested (8% from 1624), minus the transaction costs of chasing defaulters.³ While such yields were unspectacular, these investments were negotiable: investors could access their capital by selling or mortgaging land; or by assigning (good) debts to their creditors. By contrast, the unpredictability of the Crown's relations with the City meant that there was no secondary market in government debt until the Royal Contract linked loans to land sales in 1628 – and even then, it was heavily discounted (see above).⁴

For an investor seeking capital growth, trade offered the best profits, albeit with risk. Lionel Cranfield, who made his fortune as a Merchant

¹ Pearl, *London*, 99-104.

² Stasavage, *States of Credit*, 72-81 analyses the econometrics of investor choice.

³ G. Clark, 'The Cost of Capital and medieval agricultural technique', *Explorations in Economic History* XXV.265-94; *AHEW*, IV.674-94; V.ii.170-98; Stasavage, *States of Credit*, 40-1; A.H. Dodd, 'Mr. Myddelton the Merchant of Tower Street' in *Elizabethan Government and Society* ed. S.T. Bindoff, J. Hurstfield and C.H. Williams (London, 1961), pp. 261-75; N. Jones, *God and the Moneylenders* (Oxford, 1989), pp.66-90.

⁴ Ashton, *Money Market*, 125-7.

Adventurer, reckoned the cloth trade to Germany and the Low Countries yielded 20% annual return on capital invested.¹ Except during wartime, this was a low-risk trade, conducted over short distances, with high-volume sales to regular customers. Larger profits involved longer distances and

Table 1.2: Investment options in Jacobean England

<i>Investment</i>	<i>Annual return on capital invested</i>	<i>Risks</i>
Land	5%	Low
Private moneylending	10% (8% from 1624)	Transaction costs
Loans to Crown	Write off to 10%	Unpredictable
Trade	Write off to 80%	Variable
Customs farming	15-40%	Low (in peacetime)

Sources: discussed in text.

greater risks: in the 1580s the Muscovy Company yielded 0-30% *per annum*, but its diversification into Arctic whaling operations was much more remunerative, returning annual profits averaging 42% during 1609-16.² The most lucrative – but risky – trade was that conducted by the East India Company. One early expedition suffered total loss, but otherwise profits were astronomical: between 85% and 234% per voyage during 1600-12, an annual return on capital invested of 30-80%.³ Thus when the company floated a joint stock in 1613 it raised the £100,000 initial stake in two weeks, while the second joint stock of January 1617 raised twice as much, almost as swiftly; James was (rashly) advised to appropriate some of

¹ BL, Lansdowne 152, f.175. This memorandum of 1615 took no account of the chaos caused by Alderman Cockayne's project.

² W.R. Scott, *The Constitution and Finance of English, Scottish and Irish Joint-Stock companies to 1720* (3 volumes, 2nd edition, Gloucester, MA, 1968), II.45-54; *Chamberlain Letters*, I.482.

³ Scott, *Constitution and Finance*, II.89-104; BL, IOR/H/40, ff.35-6.

the latter stock for his own purposes.¹

Under James, merchants often diversified into customs farming, reaping profits comparable to those from overseas trade, without the associated risks of currency fluctuation, fraud, shipwreck or piracy (Table 1.3). The growth in trade and customs revenues during the Jacobean peace (Graph 5.1) enriched consortia of bureaucrats, courtiers and capitalists, who simultaneously ran much of the nation's trade, farmed most customs revenues, and advanced large sums to the Treasury on the security of Crown land sales and customs (Graph 1.2, Graph 5.3). These entrepreneurs handled up to half the annual revenues of the early Stuart state, affording them a systemic influence to which Parliament or the City corporation could hardly aspire.

Table 1.3: Profits from customs farms, 1604-12

<i>Farm</i>	<i>Term</i>	<i>Annual profit (% of turnover)</i>
Great Farm	7YE X1611	£26,479-18-1 (17.14%)
Sweet wines	6YE M1612	£11,673-10-4½ (35.44%)
Currants	5YE M1610	£3,253-13-0 (16.76%)
Unwrought cloth licences	7YE M1611	£458-6-8 (31.43%)

Sources: Kent HLC, U269/1/OEc6-7, 10, 18; *HMC Hatfield*, XXI.252.

King James acknowledged the political debt he owed these men in January 1621: 'my customs are the best part of my revenue, and in effect, the substance of all I have to live on'.² It is likely that those who raised a storm over customs and impositions were aware that the rule of law might be superseded by the allure of capital – Chapter 5 will focus on the political controversies which erupted around these questions.

¹ *Chamberlain Letters*, I.488; II.53; *CSP Colonial EI*, 1617-21, pp.133, 222; TNA, SP14/90/54; Ashton, *Money Market*, 76.

² *LJ*, III.251a.

Sale of Honours

The early modern state was bombarded with a constant stream of revenue projects formulated by bureaucrats, entrepreneurs, optimists and charlatans, who promised the Crown a significant income, in return for a grant of monopoly rights and a share of the profits to the projector. Most schemes were never implemented, while few of those that were yielded significant income for the Exchequer. This provoked extensive complaints in Parliament, particularly in 1601 and 1621, thanks to which monopolies have received extensive scrutiny from historians. Yet while we know a great deal about these controversies, less information survives about the implementation and profitability of patents, the very factors which explain their unpopularity. In most instances, the projectors reaped the lion's share of the spoils, while the Crown bore the opprobrium for approving projects

Table 1.4 Estimated yield from sales of honour, 1603-29

Type of honour	Number	Revenue	Beneficiaries
Knighthood	3100	£120,000	Courtiers
Baronetcy	92	£100,485	Exchequer
	199	£46,000	Courtiers
English peerages	144	£46,000	Exchequer
		£254,000	Courtiers
Irish & Scottish peerages	35	£45,000	Courtiers
TOTALS		£146,485 (24%)	Exchequer
		£465,000 (76%)	Courtiers

Source: Stone, *Crisis of the Aristocracy*, 127; TNA, E401.

of questionable social or economic value. This section will examine one category of projects, the sale of honours, which yielded the Exchequer around 25% of the revenues raised (Table 1.4), but did significant damage

to the Crown's relations with its own social elites.

In early modern England, unlike much of Europe, noble status was conferred by social convention rather than privileges defined by the monarch.¹ Contemporary theorists identified the English elites as the gentry and peerage, yet disagreed over the empirical qualifications required for gentility. The barrister John Ferne exemplified the conservative viewpoint:

the worthy merits of any man born of unnoble parents cannot make him a perfect gentleman, although thereby he may condignly deserve by law to possess both ensign and title of gentleness... (I say a gentleman of blood, endued with virtues is to be preferred before all others in the receiving of a dignity, offices or rule in the commonweal).

Sir Thomas Smith offered a less exclusive definition:

whosoever studieth the laws of the realm, who studieth in the universities, who professeth liberal sciences, and to be short, who can live idly and without manual labour, and will bear the port, charge and countenance of a gentleman... shall be taken for a gentleman.

Claims to gentle status were regulated by the royal heralds, who awarded fresh grants of arms, recorded existing pedigrees and (from 1552) issued public disclaimers of those who could not furnish the requisite ancestry.² These powers could have sown discord among the elites if implemented strictly, but heralds bolstered their income through a liberal definition of gentility, and a Jacobean project to charge fees for the ratification of

¹ M.L. Bush, *Noble Privilege* (Manchester, 1983), pp.27-64; J. Dewald, *The European Nobility, 1400-1800* (Cambridge, 1996), pp.15-107; *The European Nobilities in the Seventeenth and Eighteenth Centuries* ed. H.M. Scott (2 volumes, Harlow, Essex, 2006).

² J. Ferne, *Blazon of Gentry* (London, 1586), pp.22-3; T. Smith, *De Republica Anglorum* ed. M. Dewar (Cambridge, 1982), 72; J.P. Cooper, *Land, Men and Beliefs* ed. G.E. Aylmer and J.S. Morrill (London, 1983), pp.43-77; L. Stone, *The Crisis of the Aristocracy* (Oxford, 1965), pp.66-9; F. Heal and C. Holmes, *The Gentry in England and Wales, 1500-1700* (Basingstoke, Hampshire, 1994), pp.28-33.

armigerous status was not implemented.¹ Even Ferne, champion of the virtues of lineage, waived his exacting social standards in one instance – his own – insisting that barristers required no proof of gentle ancestry. In practice, this argument would have been rejected by the heralds; and thus the pedigree Ferne’s father registered artfully concealed his descent from a Staffordshire yeoman.²

The rise in gentry numbers during the 16th century increased pressures for social differentiation beyond the degree of esquire. Knighthoods and peerages were the exclusive preserve of the Crown and its plenipotentiaries,³ but the Tudors, particularly Elizabeth, dubbed knights sparingly (Graph 1.1). This was a source of frustration to many ambitious families: in 1601 Joan Thynne informed her husband ‘my brother [Henry] Townshend shall be knighted; if it be true I can be but sorry that your standing and credit at Court cannot procure you as much grace as he were [in]’.⁴ The impact of Elizabeth’s policy can be seen in Yorkshire, where Sir George Savile of Thornhill was the last head of a gentry family known to have been knighted by the Queen in person, while serving as sheriff of Yorkshire in 1587. Of the 15 Yorkshire sheriffs the Queen pricked thereafter, only four were knights at the time of their appointment. The rest were from prominent families – two were heirs to peerages – but only two

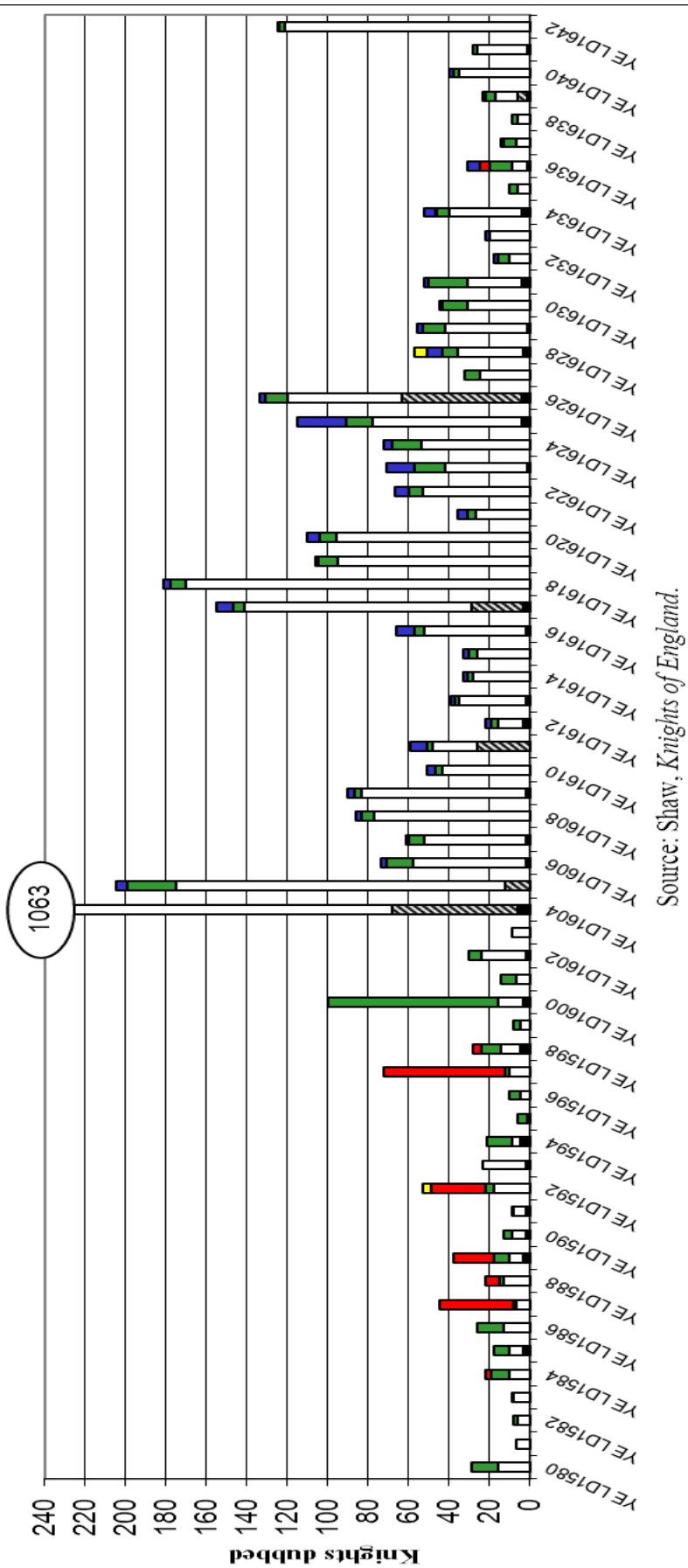
¹ Stone, *Crisis of the Aristocracy*, 69-71.

² HoP1604, IV.244; TNA, C142/313/69; *Doncaster Courtier* ed. A. Brent (Doncaster, Yorkshire, 1994), p.22; Ferne, *Blazon of Gentry*, 38-44. Ferne’s uncle’s pedigree was disowned by the heralds at Uttoxeter, Staffordshire in 1583: *Visitation of Staffordshire, 1583* ed. H.S. Grazebrook (London, 1883), pp.15, 70-1.

³ Some generals and Irish viceroys were allowed to confer knighthoods.

⁴ *Two Elizabethan Women: correspondence of Joan and Maria Thynne, 1575-1611* (Wiltshire Record Society XXXVIII) ed. A.D. Wall (Devizes, Wiltshire, 1983), p.19. Townshend was not actually knighted until 1604: Shaw, *Knights*, II.133

Graph 1.1 Knights, 1580-1642



Source: Shaw, Knights of England.

more were knighted before 1603. The situation altered swiftly after James's accession: within two years, all except William Wentworth were knighted, ennobled or dead (Table 1.5).¹

Table 1.5 Yorkshire Sheriffs (1586-1602) and their Honours

Year of Shrievalty	Name	Year of Knighthood	Other Information
1586-7	Sir George Savile	1587	Baronet 1611
1587-8	Robert Aske		Died early 1590s
1588-9	Sir Richard Mauleverer	1584	
1589-90	Sir John Dawnay	1580	
1590-1	Philip Constable	1603	
1591-2	Richard Goodrick		Died 1601
1592-3	Sir William Mallory	1560	
1593-4	Ralph Eure		3 rd Baron Eure 1594
1594-5	Francis Vaughan		Died c.1599
1595-6	Sir Christopher Hildyard	1578	
1596-7	Francis Boynton	1603	
1597-8	Thomas Lascelles	1600	
1598-9	Marmaduke Grimston	1603	
1599-1600	Robert Swift	1603	
1600-1	Francis Clifford	K.B. 1605	4 th Earl of Cumberland 1605
1601-2	William Wentworth		Baronet 1611
1602-3	Thomas Strickland	K.B. 1603	

Sources: *List of Sheriffs* (List and Index Society IX) compiled A. Hughes (New York, NY, 1963), p.163; W.A. Shaw, *Knights of England* (2 volumes, London, 1906); *Complete Baronetage* ed. G.E. Cokayne (5 volumes, Exeter, Devon, 1900); *Dugdale's Visitation of Yorkshire* ed. J.W. Clay (3 volumes, Exeter, Devon, 1917), I.54.

The cascade of knighthoods James showered upon his English

¹ Shaw, *Knights*, I.155, II.85, 100-1; *List of Sheriffs*, 163. John Savile of Howley (knighted 1595-6) may have been dubbed by the Queen, but the details are unknown. *CSPD*, 1595-7, p.166; *YCA*, House Book 31, f.215.

subjects in 1603 (Graph 1.1) were intended to manufacture instant loyalty to the new dynasty, but his actions created as many problems as his predecessor's inaction. Only weeks into the reign, the (un-knighted) courtier Philip Gawdy unfairly sneered that most of the northerners dubbed at York were 'of much less worth' than Elizabeth's knights; in fact, almost all of the 21 Yorkshiremen honoured on this occasion were heads of county families.¹ However, the situation changed after James arrived in London, when the recently dubbed Sir William Woodhouse offered to procure his Norfolk countryman Henry Gawdy a knighthood for £50; instead, Gawdy paid 'somewhat roundly' (over £500) to distinguish himself from the common herd of 432 knights bachelor created at the Coronation, by securing a knighthood of the Bath.² James restrained his generosity somewhat thereafter, but was never as discriminating as Elizabeth in his choice of knights. In 1617 it was said (in London) that he dubbed so many Yorkshiremen on his journey to Scotland, that 'there is scant left an esquire to uphold the race'. This was unfair, as the 24 Yorkshiremen knighted that summer included John Hotham and Marmaduke Wyvell, recent inheritors of large estates, and local officials including Sheriff Michael Warton, William Ingram and William Ellis of the Council in the North, Lord Mayor Robert Askwith and Recorder Richard Hutton of York.³

While complaints about the humble origins of Jacobean knights were often unfounded, the cost of the honour was undeniable: a list of fees, formalised in 1604, stipulated payment of around £50 to a long list of courtiers, from £5 shared among the Gentlemen Ushers to 10s. for the Court

¹ *Letters of Philip Gawdy* (Roxburge Club CXLVIII) ed. I.H. Jeayes (London, 1906), p.128; J.T. Cliffe, *The Yorkshire Gentry* (London, 1969), p.6. Gawdy's remark was more applicable later in James's reign.

² *Letters of Philip Gawdy*, 130, 134; Shaw, *Knights*, I.155; II.113-27.

³ Stone, *Crisis of the Aristocracy*, 74-8; *Chamberlain Letters*, II.79; Shaw, *Knights*, II.162.

Jester.¹ Sir Thomas Lake admitted these were an ‘over-great... exaction’, but in 1612 and 1624 the courtiers involved pooled their resources to sue dozens who had refused payment.² The private traffic with courtiers, bureaucrats and tradesmen in order to secure a knighthood was also perceived as undignified. In 1606 Arthur Ingram (not yet knighted himself) was dealing in nominations wholesale, valuing half a dozen at £373-1-8; while in 1611 Queen Anne’s secretary William Fowler sued Thomas Humphrey, knighted at James’s Coronation, for payment of £100.³

This disreputable trade was exposed in 1618, when the courtier Sir George Marshall sued his brother-in-law Sir William Pope for payment for his role in securing Pope’s nomination as a Knight of the Bath in 1603. Pope denied the allegation, insisting his wife had approached Lord Chamberlain Suffolk (one of the official selection committee); the case looked set for dismissal until the King personally vouched for Marshall’s role to Lord Chancellor Bacon, who awarded the plaintiff a fee of 1,000 marks in November 1620.⁴ Five months later Pope petitioned the Commons, when a dozen MPs (with only one dissenter) attacked the sale of honours in general. James abandoned Marshall, claiming that he ‘knoweth not how the letter [to Bacon was] gotten from him, condemneth the course and giveth consent to the taking off the file the decree’. The execution of Marshall’s decree was suspended indefinitely by royal order on 1 February 1622 – not

¹ CSPD, 1603-10, p.284; *HMC Hatfield*, XXI.142; Northamptonshire RO, IC141; TNA, SO3/6 (October 1616); *Liber Famelicus Famelicus of Sir James Whitelocke* (Camden Society, original series, LXX) ed. J. Bruce (London, 1858), pp.93-4; BLAS, TW.1134.

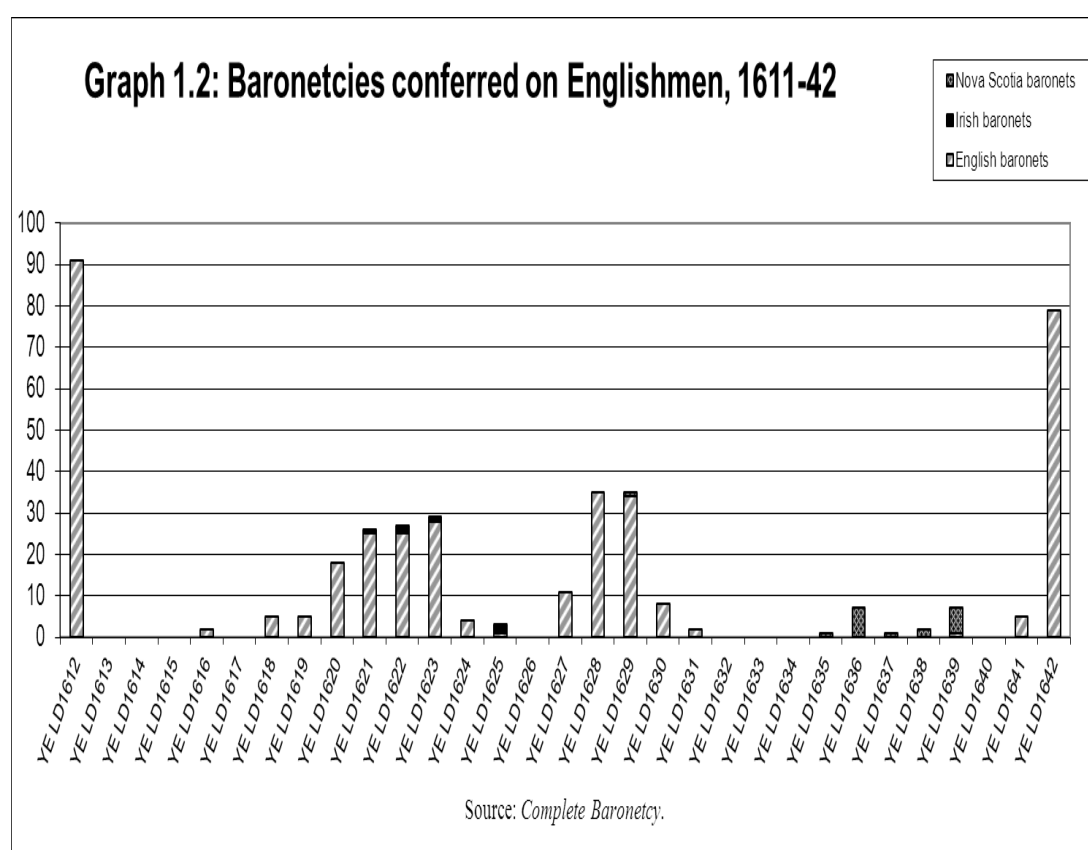
² TNA, REQ2/393/109 (58 defendants); REQ2/395/2/1 (37 defendants). See also TNA, C2/Jas.I/B33/12.

³ Shaw, *Knights*, II.115; *HMC Sackville/Knole*, I.123; TNA, REQ2/397/36. See also TNA, C2/Jas.I/F2/54.

⁴ TNA, C2/Jas.I/M16/9; TNA, C33/136, ff.366v, 1540; C33/137, f.994v; C33/139, f.215v; C38/36. Stone, *Crisis of the Aristocracy*, 83 misinterprets the outcome of this case.

quite the official erasure James had originally conceded. The decree was re-examined by the Commons in 1626 and 1628, but James's action ensured that Marshall never got his money.¹

While courtiers reaped the financial benefit of knighthood nominations, the Crown's financial problems encouraged new proposals to channel profits from the sale of honours to the Exchequer. The order of



baronetcy was inaugurated in 1611 as a revenue-raising device, with a price of £1,095 (Graph 1.2).² This was justified by making the title hereditary, by granting baronets precedence over the ever-expanding cohort of knights,

¹ *PD1621*, I.342; *CJ*, I.599; C33/141, f.542; *PP1626*, III.145, 150, 152; *PP1628*, III.469, 475. See also *CD1621*, II.329-30, 333; III.111-16; IV.283-5; V.106-9, 123-6, 357; VI.151-7, 397; VII.596-8.

² This sum maintained 30 soldiers in Ireland for three years, at 8*d.* a day.

and by undertaking to create a maximum of 200 titles. As a gesture towards social exclusivity, candidates were required to certify that their paternal grandfathers had been armigerous, and that they were worth at least £1,000 a year, social qualifications which were still being enforced in 1623, when Sir Thomas Harris, Bt. of Boreatton, Shropshire was prosecuted in the Earl Marshal's court for concealing his plebeian origins.¹

The first tranche of baronets, closely vetted by the earls of Salisbury and Northampton, were created in 1611-12; they included seven Yorkshiremen. William Wentworth, the only Elizabethan Sheriff not honoured since James's accession, was granted seniority on 29 June, ahead of Sir George Savile of Thornhill (whose heir was Wentworth's son-in-law), and Wentworth's youthful neighbour Sir Francis Wortley. Sir Henry Belasyse and William Constable took precedence in the North and East Ridings respectively, while Sir Marmaduke Wyvell, a relative of the Yorkshire magnate Lord Scrope, secured a grant on 25 November 1611.² The other Yorkshire baronet of 1611, Sir Henry Savile of Methley, was nominated by Chancellor of the Exchequer Sir Julius Caesar (his father-in-law), who wished both to ensure the financial success of the scheme, and also to provide an hereditary dignity for his newborn Savile grandson. Sir Henry, meanwhile, was preoccupied with his social standing:

for my place amongst my countrymen I desire neither to be first nor last; I can be content to follow Mr. [William] Wentworth & Sir Henry Belasyse, for any other I yet hear of I may without any great

¹ Stone, *Crisis of the Aristocracy*, 78-9, 84-5; P. Croft 'The Catholic Gentry, the Earl of Salisbury and the Baronets of 1611' in *Conformity and Orthodoxy in the English Church c.1560-1660* ed. P. Lake and M.C. Questier (Woodbridge, Suffolk, 2000), pp.263-7; E112/103/1428; CSPD, 1623-5, pp.65, 77, 95, 118, 506; BL, Add. 6297, ff.196-8; *Chamberlain Letters*, II.532, 590. Sir Paul Bayning paid extra to evade the pedigree requirement.

² *Complete Baronetage*, I.30, 43-4, 48-9, 55, 103. Yorkshire baronets are listed in P. Roebuck, *Yorkshire Baronets 1640-1760*, pp.367-9, who overlooks the order of precedence laid out in *Complete Baronetage*.

incongruity be ranked afore them.

The implication of the letter was that Caesar should secure him precedence over Sir George Savile, head of his own family, while allowing him to deny any accusation of self-promotion. In the event, Sir Henry was ranked last among the six Yorkshire baronets created on 29 June.¹

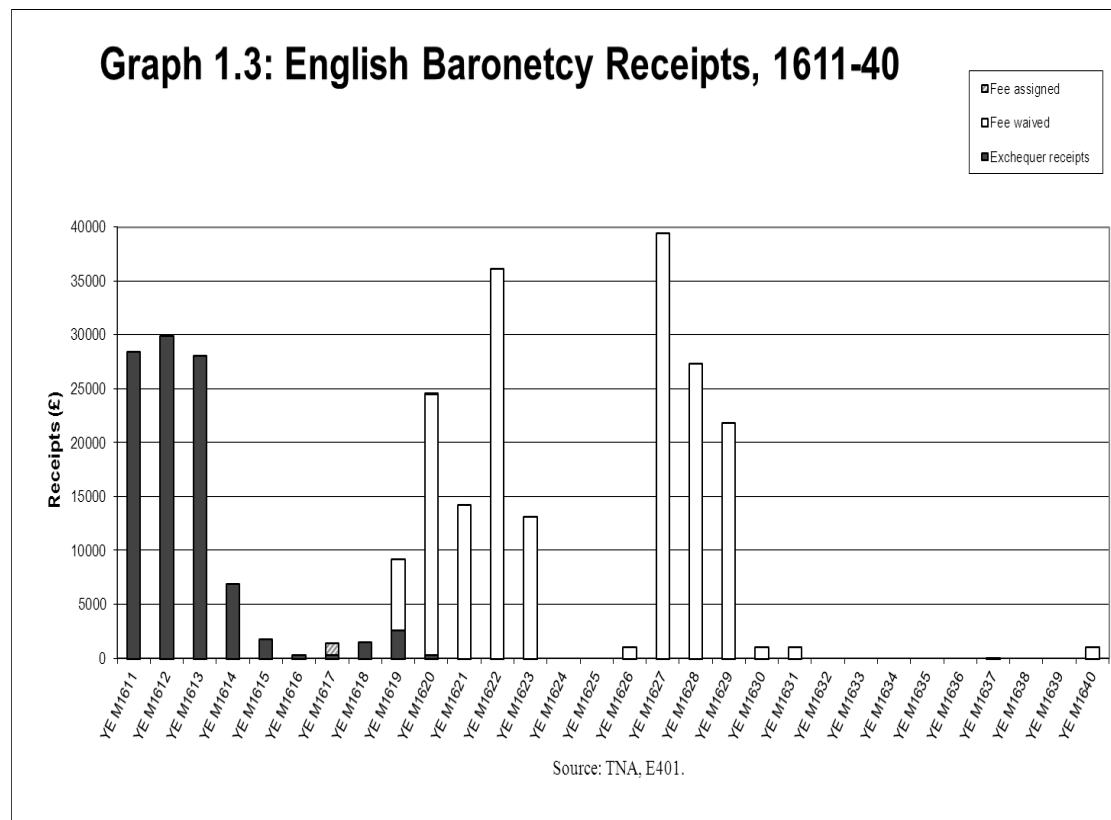
At Whitehall it was held that the privileges the new honour conferred 'seem somewhat in sound, and [yet] are nothing in substance', but their impact in the provinces was divisive, as baronets vaulted ahead of knights on public commissions. The barons, whose younger sons were to have been outranked by the new order, secured precedence after complaint to the Privy Council in April 1612, a seniority which was extended to Privy Councillors and the Westminster judges. In Yorkshire, Sir Henry Belasyse and Sir Henry Savile demanded precedence over the Justices of the Council in the North, but the assize judges, deputed to investigate in 1614, ruled against them, whereupon they pleaded 'rather to be put from the Council than to serve the King to his prejudice and their own dishonours'. The Council's next commission in 1616 restricted the Justices' precedence to judicial and public functions, precisely the occasions on which the baronets wished to establish their superiority.²

The one group offered no relief was knights, whose dignity had been summarily superseded. On 23 May 1614 the Commons debated a petition which condemned baronetcy as 'a temporal simony and dishonourable to the state'. Secretary Winwood protested that this

¹ Dugdale's *Visitation of Yorkshire* I.333-6; J.J. Cartwright, *Chapters of Yorkshire History* (Wakefield, Yorkshire, 1872), pp.344-8. For the motivation of other purchasers see Croft, 'Baronets', 269-78; L.L. Peck, *Northampton: patronage and policy at the Court of James I* (London, 1982), pp.51-4.

² Bodleian, Carte 121, ff.29-30; Stone, *Crisis of the Aristocracy*, 86-91; R.R. Reid, *The King's Council in the North* (London, 1921), pp.375-6; *CSPD*, 1611-18, p.247; *HMC Various*, II.113.

constituted an attack on the prerogative, but the issue was referred to a committee stuffed with knights, and when Sir Anthony Cope (Bt.) complained of this partiality, Sir Jerome Horsey (knight) quipped, ‘he speaks for his penny’. The early dissolution quashed this investigation, but complaints against baronetcy resurfaced in 1621, during the *Marshall v. Pope* investigation. Secretary Calvert made it clear that James’s offer to compromise over Marshall’s case was conditional upon termination of the investigation into baronets, and the cause was dropped, ‘not without some muttering that it was a grievance to the gentry’.¹



The status of baronetcies was affected when sales were revived in 1618, as the Crown started waiving payment of the £1,095 fee to the Exchequer (Graph 1.3), and procurement became the exclusive preserve of

¹ *PP1614*, pp.320-9; *CJ*, I.599a; *CD1621*, IV.283; TNA, SP14/121/13.

enterprising courtiers and social climbers. Most of the fresh creations were nominated by members of the Villiers affinity, who must be presumed to have reaped the financial rewards – anecdotal evidence suggests the price was quickly discounted to around £250. Sales were still brisk in Yorkshire, where the original seven baronets were joined by a further nine in 1618-22. However, none save Sir John Hotham was from a leading county family, and several eminent Yorkshiremen, having missed the opportunity to claim precedence in 1611, eschewed the honour altogether, including Sir John Savile, the Fairfaxes, the Slingsbys, Sir Christopher Hildyard and even Sir Arthur Ingram, erstwhile peddler of knighthoods.

Tales of snobbery relating to baronetcies began to circulate freely. In 1620 Sir Samuel Tryon sought a baronetcy to secure precedence over his brother-in-law, the London Alderman Sir Sebastian Harvey. When his overtures via Sir William Alexander, the Scottish Secretary of State, foundered because of difficulties in proving the gentle origins of his Dutch ancestors, he turned to his brother-in-law Sir Francis Crane, who had purchased the nomination of four baronetcies from a Household servant. John Barker of Suffolk had his suit delayed by his younger half-brother, who wanted precedence for his own baronetcy; while Hugh Myddelton had the Wardrobe official Sir Bevis Thelwall procure his patent in secret, so he could claim it had been a personal reward from the King, for services rendered.¹

In Cheshire, baronetcy became the political badge of one gentry faction – their rivals acquired Irish peerages (see below). In Yorkshire, however, social tensions did not align with political rivalries so neatly. During the 1626 Parliament Sir John Savile took a crafty swipe at his

¹ TNA, E112/102/1311; E112/103/1428; TNA, C2/Chas.I/M63/60, M81/165; *Complete Baronetage*, I.140-1, 192.

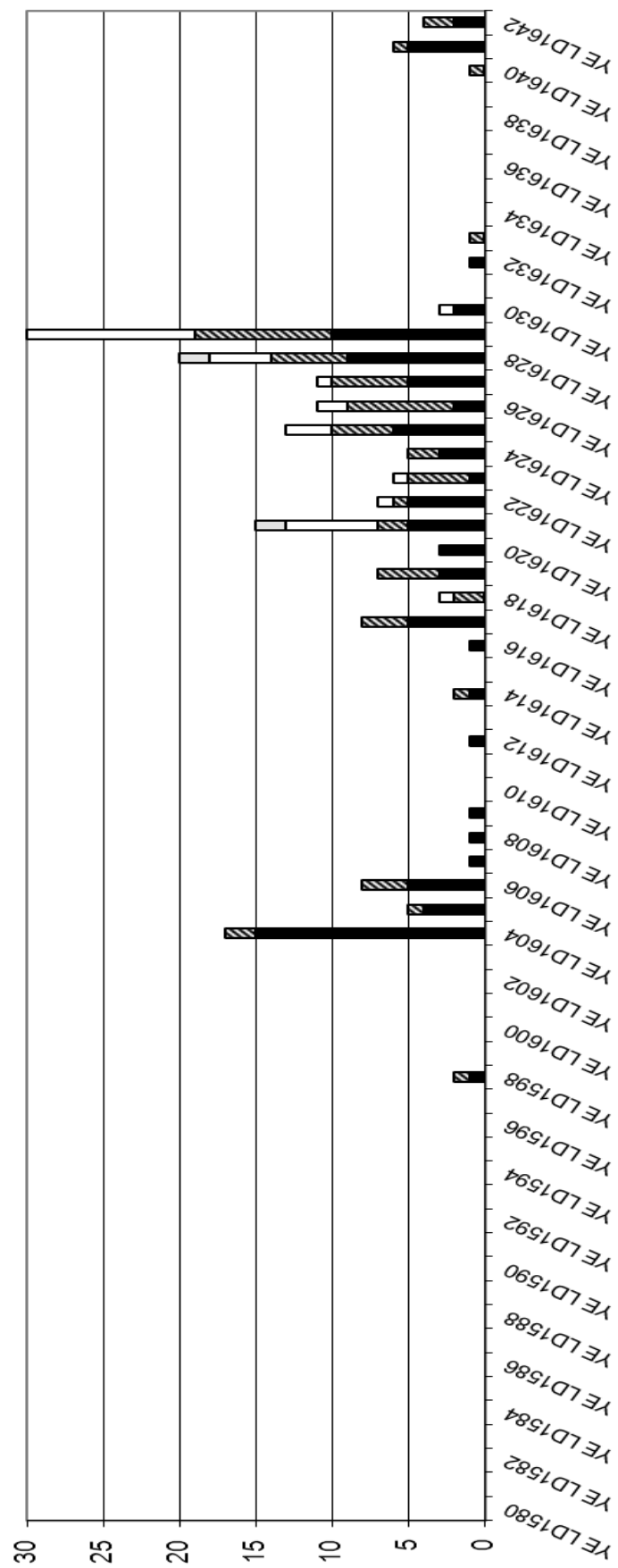
rival, Sir Thomas Wentworth (2nd Bt.), with a motion that baronets should be rated at £100 minimum for subsidies. However, in 1628, it was Wentworth's ally William Mallory who proposed a minimum subsidy rating of £50 for baronets: he was backed by Sir Thomas Hoby and two baronets; but Wentworth protested that only aliens and recusants had been burdened with such quotas. The motion was adopted, but Sir Robert Phelips's report commended the role of certain baronets in opposing the Forced Loan, and at the vote, 'to that clause for English baronets, the House cried, away with it'. Wentworth, one of the baronets to whom Phelips had referred, and doubtless the orchestrator of this rejection, allowed himself a moment of self-congratulation: 'I should have been sorry to have gone from this House with any mark of displeasure upon me'.¹

In the second half of James's reign, disputes about status shifted from knights and baronets to peerages. In 1603-4, James distributed titles among those who assisted his uncontested succession, but made only a handful of creations for money or upon inheritance of estates (Graph 1.4). This changed abruptly with the rise of the ambitious but (initially) untitled Villiers family at Court: during 1616-29, eighty individuals were ennobled or elevated within the English peerage, most of whom were either members of the favourite's affinity, or paid him handsomely for the honour. The older nobility bitterly resented this dilution of their order, but it was impossible to criticise this abuse of the prerogative without offending James.

At the start of the 1621 Parliament, the English peers discovered an avenue of protest which touched the King's honour less directly: the sale of

¹ *Complete Baronetage*, I.114, 131, 135, 153-4, 183, 205; J.S. Morrill, *Cheshire, 1630-60*, (Oxford, 1974), pp.32-4; *PP1626*, II.307; *PP1628*, IV.17-18, 222, 228-9.

Graph 1.4 Peerages awarded to Englishmen, 1580-1642



Sources: Complete Peerage; Peerage Creations.

Irish and Scottish peerages to Englishmen who held neither land nor office in either kingdom. Where English peerages fetched £8,000 to £10,000 apiece in 1620, Buckingham's servants accepted £1,000 to £2,000 for a 'foreign' barony or a viscountcy at this time. As an agreement made after James's accession allowed English holders of 'foreign' titles to claim precedence over Englishmen of lower rank, purchasers could leapfrog their rivals at a substantial discount.¹ This grievance took practical form after James sold two Scottish viscountcies and four Irish baronies to Englishmen between May and December 1620.² The Venetian ambassador wondered whether this was done 'to render the old ones [English peers] less proud', but instead, it prompted the English barons to circulate a grievance petition at the start of the 1621 Parliament. This was signed by 33 barons – almost every member of the baronage present at Westminster who was not a Privy Councillor or Household official – and six English earls, whose eldest sons lost precedence to the Scottish viscounts.³ According to the French ambassador, Buckingham, learning of this petition before it was presented, accused the ringleaders, the earls of Salisbury and Dorset, of plotting to oppose the prerogative, which they vehemently denied. In the Lords on 20 February, Prince Charles pressed

¹ Stone, *Crisis of the Aristocracy*, 116; G. Holles, *Memorials of the Holles Family* (Camden Society, 3rd series, LV) ed. A.C. Wood (London, 1937), p.99; Northamptonshire RO, Montagu 3/139; BL, Harley 1581, f.411. CSPV, 1617-19, p.281 states that three English earldoms were purchased for 100,000 crowns (£25,000).

² Henry Carey, Viscount Falkland; Henry Constable, Viscount Dunbar; William, Lord Maynard; Edward, Lord Gorges; William, Lord Hervey; William, Lord Fitzwilliam. Viscount Grandison and Viscount Wilmot were English, but held Irish office. *Complete Peerage* ed. G.E. Cockayne *et alii* (14 volumes, London and Stroud, Gloucestershire, 1910-98); *Peerage Creations* (Parliamentary History Texts and Studies I) compiled J.C. Sainty (Chichester, Sussex, 2008), pp.74-5.

³ CSPV, 1619-21, pp.562-3; TNA, SP14/119/99; *Chamberlain Letters*, II.348; Arthur Wilson, *The History of Great Britain, being the life and reign of King James the First* (London, 1653), pp.187-8. Thanks to Andrew Thrush for this last reference and discussions about this petition.

Lord Hunsdon to surrender the petition; he declined, and Lord Sheffield even suggested it should be forwarded to the Commons. That afternoon, Dorset surrendered the original to Prince Charles and the Council. The King, interviewing each signatory individually on their knees, was infuriated when they claimed parliamentary privilege, and the earls of Oxford and Southampton were later recalled to have left in tears. Buckingham, it was said, argued that Dorset and Salisbury should be sent to the Tower, but James correctly judged that the impetus of the protest had been dissipated, and the petition was laid aside without further royal intervention.¹

The old nobility's sense of grievance still simmered, bursting out briefly in the Lords on 8 May 1621 when the Earl of Arundel opposed allowing Sir Henry Yelverton to speak in mitigation of the crimes for which he had been impeached. While arguing that due process should be followed, Lord Spencer (a Jacobean creation) unkindly recalled that two of Arundel's own ancestors had been attainted in similar circumstances. The earl retorted that 'my ancestors have suffered and it may be for doing the King and country good service, and in such time as (when) perhaps the lord's ancestors that spake last kept sheep'; he was committed to the Tower for this insult. This was hardly a simple clash of old and new, as Arundel, who aimed to spare the King embarrassment at Yelverton's hands, found himself lionised by adherents of the *parvenu* Buckingham, and was rewarded with an appointment as Earl Marshal, which allowed him to revive the Court of Chivalry.²

¹ TNA, PRO31/3/54 [Tillières to Puisieux, 27 February/9 March 1620/1]; LD1621-8, pp.10-11; LJ, III.24a; APC, 1619-21, pp.352-3; TNA, SP14/119/106; CD1621, VII.579; TNA, C115/99/7242.

² Stone, *Crisis of the Aristocracy*, 97-117; LD1621-8, pp.75, 91; *Chamberlain Letters*, II.374-5; R. Zaller, *The Parliament of 1621* (Berkeley and Los Angeles, CA and

Parliament had no sooner adjourned for the summer than James exercised his prerogative power again, by awarding the Welsh courtier Sir John Vaughan an Irish barony. However, when further Irish peerages were created in 1622, two of the four Englishmen nominated did not receive their grants. In May 1624, MPs debated whether to allow Viscount Grandison precedence over two English barons named in the subsidy bill. No vote was taken on this question, but in the lists of subsidy commissioners, no 'foreign' peer was permitted to outrank any English peer. Six more Englishmen secured Irish peerages in 1624-5, but Charles's advancement of numerous English barons to earldoms at his Coronation may have defused tensions.¹ One of the articles of Buckingham's impeachment charges of May 1626 urged the King to bestow titles 'upon such virtuous and industrious persons as had merited them by their faithful service', a form of words which was deliberately circumspect, as witnesses were reluctant to testify against the favourite. The prospect of a futile clash led the Commons to confine themselves to a single allegation on this point, that Lord Robartes had been bullied into buying his title.²

In the first four years of his reign, Charles awarded two Scottish baronies, two Irish baronies and 14 Irish viscountcies to Englishmen, while Baron Vaughan was raised to the earldom of Carbery, and Sir William Pope created Earl of Downe. Early in the 1628 Parliament, John Holles (Earl of Clare in the English peerage since 1626) reported 'the barons purpose a fling against the new English-Irish nobility', but the

London, 1971), pp.121-2; K. Sharpe, 'The Earl of Arundel, his circle and the opposition to the Duke of Buckingham, 1618-1628' in *Faction and Parliament* ed. K. Sharpe (Oxford, 1978), pp.214-15.

¹ *Peerage Creations*, 75-8; *Chamberlain Letters*, II.437; Nicholas diary, 11 May 1624; TNA, C212/22/23.

² *PP1626*, I.469-70; Holles, *Memorials*, 103.

controversy over the Petition of Right caused this issue to be laid aside.¹ Buckingham's assassination removed the chief promoter and beneficiary of peerage sales from the political landscape, and the English House of Lords took up the cudgels over 'foreign' titles on 9 February 1629, when Lord Fauconberg made 'a temperate and discreet motion'; nevertheless, the debate stagnated until Lord Montagu broke the ice:

If this courtesy to them be now taken for a right by those that are advanced to the nobility of those nations, residing and abiding amongst us, to the disinherision of all the nobility of England, for our places are our inheritance, to them it may not remain so much as a courtesy.

After much discussion, it was unanimously agreed to petition the King that 'no foreign nobility hath any right of precedency before any peer of this kingdom'. Yet one commentator observed, 'the King cannot in honour grant it; if he do, the barons will not only take place of these viscounts, but their sons are resolved to do it'. The difficulties this petition might cause were illustrated when a fresh patent for the ennoblement of the Yorkshireman Sir Thomas Fairfax as an Irish Viscount was discovered in the Signet Office; his defender was none other than Fauconberg.²

The petition delivered on 17 February asked Charles not to grant 'foreign' titles to Englishmen in future; warned against giving strangers a voice in the Irish Parliament; criticised the new peers as being 'of meaner quality, in whom little cause appears but ambition to precede others'; and urged him not to devalue the honours system, which might invite 'contempt to nobility itself'. Charles asked for time to consider his answer, but reminded the peers that 'there is a greater difficulty to reverse a thing

¹ *Peerage Creations*, 78-82; *Holles Letters*, III.380. This figure represented half the Irish titles created during these years.

² *LJ*, IV.25b-6a; *HMC Buccleuch*, III.334-6; *Fairfax Correspondence* ed. G.W. Johnson (2 volumes, London, 1848), I.158-9.

that is done, than to prevent it'.¹ By this time, the Irish viscount George Chaworth was urging other 'foreign' peers to hasten to London, warning that loss of precedence would leave them without any status at all. On 24 February Chaworth and three other Irish viscounts – Savile, Lumley and Monson – delivered a counter-petition which insisted that the 'foreign' nobles were 'anciently barons of this realm, or gentlemen of the best rank, even from the Conquest', and asked for time to consider their response; Charles enigmatically gave 'no answer but a smile'.²

After the angry dissolution of Parliament, Chaworth spread a damaging rumour that the English peers had planned to censure 'foreign' honours on 10 March – the similarity to Eliot's protestation of 2 March (Chapter 5) was clearly designed to alarm the King. Not every 'foreign' peer rallied to the cause: Viscount Scudamore opted to stay in Herefordshire; Viscount Kilmorey insisted he should be exempted from any censure, having owned Irish estates since the 1590s; while Downe and Carbery believed their earldoms raised them above this controversy. However, Viscount Monson – all too eager to defend his honour – had to be restrained from duelling with Lords Mandeville and Paulet, for having jostled him at Westminster Abbey.³

With advice from Attorney-General Heath, Chaworth, Savile and Lumley drafted a carefully-worded petition, submitted in April, which appealed to 'your Majesty's care to preserve your own undoubted prerogative and the honour of your own acts'. At this time, Arundel was said to be the 'mortal adversary' of the 'foreign' peers, while Lord Keeper Coventry and Lord Treasurer Weston denigrated the Irish peers' petition

¹ TNA, SP16/36/4; Bodleian, North.b.1, f.66; *LJ*, IV.34a; *HMC Buccleuch*, III.340.

² TNA, C115/99/7238-40; Bodleian, North.b.1, ff.53-6.

³ TNA, C115/99/7240-2; Salop RO, 746/B/758; Bodleian, North.b.1, f.58. Mandeville and Paulet were both eldest sons of earls.

before the King. Heath advised his clients to pursue a less direct approach, as Charles was ‘naturally slow & loves not to be hastened’. Thus Savile gave the King a list of precedents relating to ‘foreign’ peerages – including the 1621 petition – while the Countess of Denbigh (Buckingham's sister), whose younger son had recently inherited the Irish earldom of Desmond, and whose husband was the only dissenter from the Lords’ petition delivered on 17 February, gave the King a breviat of the Irish peers’ case.¹ Charles resolved the dispute with an Order in Council on 28 June: Irish viscounts were granted precedence in theory, but removed from public office in practice, and none was thenceforth to be included on local commissions without special order.²

In 1658, Gervase Holles recalled that his uncle John Holles, Earl of Clare, had called the sale of honours ‘temporal simony’.

I once took the liberty... to ask him why he would purchase himself, seeing he condemned the King for selling. He answered that he observed merit to be no medium to an honorary reward, that he saw divers persons who he thought deserved it as little as he (either in their persons or estates) by that means leap over his head, and therefore seeing the market open and finding his purse not unfurnished for it, he was persuaded to ware his money as other men had done.³

Such views were not merely the product of rueful reminiscence: in 1621 the lawyer Christopher Brooke likened Sir George Marshall’s sale of knighthood to payment of fees for arranged marriages, which were invalid at law ‘because the contract was to procure affection, which cannot be valued’. The affection Brooke questioned was James’s, and the King’s

¹ Bodleian, North.b.1, ff.67-73; TNA, C115/99/7241-2; *LJ*, IV.31a.

² *APC*, 1628-9, pp.69-70; TNA, C231/5, pp.13, 103. Viscount Fairfax was restored as a JP in 1633.

³ Holles, *Memorials*, 99. The date of his comments suggests a coded critique of the monarchical pretensions of the Cromwellian regime.

willingness to vouch for Marshall in Chancery (and then to deny his action when challenged) suggests a cynical disregard for the honours system, of which his subjects were abundantly aware. It was Charles – for all his reputation for insensitivity – who rectified the situation: his adroit handling of the confrontation over the sale of Irish peerages proved to be a watershed, and the unrestrained sale of honours was not resumed until the eve of the Civil War.¹

Conclusion

Credit and projects became politically sensitive issues for opposing reasons. The payment of interest on government debt should have been one of the highest priorities for the Crown's tax revenues, as this would have encouraged private investors to start treating them as negotiable instruments, circulating at a cash value which reflected public confidence in the government's solvency. However, until 1613 investors could expect to be repaid tardily, if at all, usually without interest. This meant that the Privy Council had to apply a significant level of compulsion to procure compliance, and that a secondary market in government debt never developed. The investors of 1617 and 1625, promised better treatment, were disappointed: having received almost no dividends until 1628, they were then paid in land, and unless they had the resources to 'double up' their contribution, they were expected to cash in their debts at a discount, depriving them of much of the interest they were due.

The problem with projects was precisely the opposite: the Crown ascribed an exclusively financial value to commodities many regarded as social assets. No-one disputed that the Crown had the right to confer honours, to fine recusants, to control the manufacture and trade of

¹ *PD1621*, I.342; Stone, *Crisis of the Aristocracy*, 72, 95, 98.

commodities such as grain or cattle, or the maintenance of infrastructure such as roads, bridges, lighthouses, inns and alehouses.¹ Yet when the enforcement of such regulation was subcontracted to private individuals – often courtiers – who focussed on maximising their own profit and ignored issues of the public good, outrage quickly ensued; hence the number of projects which flourished for a few years, but were then suppressed.

What do these failures tell us about attempts at fiscal reform? Revenues were neither sufficiently buoyant nor well-managed to allow the Crown to borrow its way out of trouble; while innovative projects, even where they produced occasional windfalls, were unlikely to resolve the long-term problems of low revenue yields, either. The Crown's best financial brains, such as Dorset, Salisbury, Caesar, Cranfield and Weston, realised that major structural reforms were needed to secure significant increases in the Crown's existing revenues, and it is to these we must now turn.

¹ The literature on this subject is too vast to list here. For the tensions between the financial and social purposes of one type of legislation, see M.C. Questier, 'Sir Henry Spiller, recusancy and the efficiency of the Jacobean Exchequer', *HR*, LXVI (1993), pp.251-66.

CHAPTER II: CROWN ESTATES

The Crown's ancient demesnes produced around £42,000 a year under Henry VII, a figure dwarfed by the revenues from the ex-monastic and chantry estates acquired during 1536-48, which yielded perhaps £136,000 annually.¹ This new endowment, if properly managed – the court of Augmentations was established to circumvent the cumbersome 'ancient course' of the Exchequer – had the potential to liberate the Tudor state from its dependence upon Parliament for extraordinary finance. The squandering of this opportunity was a fiscal and political failure all too rarely commented upon by historians.²

In fairness, contemporaries rarely discussed mismanagement, an omission which is the more remarkable because important aspects of such shortcomings must have been common knowledge: immediately prior to the Crown's seizures, many clerical landlords sealed long leases of their estates at discounted values, depressing rents for decades thereafter; huge alienations of these estates occurred during the French and Scottish wars of 1542-62; while the heavy burden of pensions due to ex-monastic inmates depressed the Crown's net land revenues for a generation after the Dissolution. This last consideration can be quantified: in 1551, net receipts for the court of Augmentations were only 40% of gross land revenues; in 1560, the Exchequer received 67% of ex-monastic gross revenues; and

¹ B.P. Wolffe, *The Royal Demesne in English History* (London, 1971), p.219; P. Cunich, 'Revolution and crisis in English state finance, 1534-47' in *Crises, Revolutions and Self-Sustained Growth* ed. M. Ormrod, M. Bonney and R. Bonney (Stamford, Lincolnshire, 1999), pp.122-8; R.W. Hoyle, 'Introduction: aspects of the Crown's estate, c.1558-1640' in *Crown Estates*, 33-5; R.W. Hoyle, 'War and public finance' in *Reign of Henry VIII*, 78-84.

² M.J. Braddick, *The Nerves of State* (Manchester, Lancashire, 1996), pp.68-70 takes the disappointing performance of the Crown estates for granted. Hoyle, 'Introduction' in *Crown Estates*, 1-4 discusses the sparse literature on the overall performance of the Crown estates, and the reasons for its paucity.

only in 1572 did this proportion rise to a more conventional 85%. The death of clerical pensioners improved net revenues without any administrative effort, which bred complacency. Thus net yields rose sharply under Elizabeth, but gross revenues increased only slightly: land revenues of around £115,000 *per annum* in 1560 rose to £142,000 in the later 1590s; but sales reduced this figure to £123,000 in 1641.¹

By European standards, the Crown estates were a disappointment: in Denmark, profits from demesnes and Sound tolls enabled Christian IV to evade constitutional restrictions imposed upon him in 1596; while in France, the duc de Sully sought to redress decades of abuse by repurchasing royal demesnes in 1607-10.² The English Crown's failures must also have been glaringly obvious to private landowners, whose incomes doubled or trebled during 1560-1640, while royal land revenues stagnated. Two lords treasurer, the earls of Dorset (1598-1608) and Salisbury (1608-12) – themselves improving landlords – attempted to apply a range of modern management practices to the Crown estates: the first option was to increase annual rental income through acquisition, new agricultural techniques or rent increases; secondly, low rental value could be offset by maximising revenues from windfalls such as tenurial reforms, entry fines, profits of manorial courts, timber resources and mills; third, tenants could be obliged to compound for some real or notional shortcoming in their lease; finally, land could be sold, preferably at rates which reflected the purchaser's hopes for increased revenue potential. This

¹ Hoyle 'Introduction' in *Crown Estates*, 9-13, especially Table 1.1 on p.10. Hoyle generally forbears to speculate about net receipts, which are even harder to calculate.

² E. Laedwig Petersen, 'Defence, war and finance', *Scandinavian History Journal* CII (1972); E. Laedwig Petersen, 'Domain State to tax state', *Scandinavian Economic History Review* XXIII (1975); R. Bonney, *The King's Debts* (Oxford, 1981), pp.62-3.

chapter will explain why the first three options proved unworkable for the royal demesne, leaving land sales as the only viable policy during the crisis years of 1542-62, and again with increasing frequency after 1590.¹

Until recently, it was difficult to undertake a systematic examination of the politics of the royal demesnes, because there was no coherent study of the early modern Crown estates as an economic, social or institutional entity. In 1992, this important question was addressed by a volume on *The Estates of the English Crown, 1558-1640*, which still dominates the field.² Many of its conclusions about the shortcomings of royal estate management policies, the handling of land sales to preserve existing revenue, and the reactions of Crown tenants and others to shifting initiatives are adopted here, but this chapter also examines policymaking and the incidence of political controversy over the Crown estates, issues considered only briefly in the 1992 volume.³ Two important conclusions should be noted at the outset: first, the statistics for revenues, where they can be accurately charted,⁴ show that the Crown's fiscal and political imperatives sometimes contradicted each other: defective title proceedings, which generated revenues averaging a little over £6,200 a year during 1603-40, were hardly worth the complaints they provoked;⁵

¹ Private estate management practices are outlined in *AHEW*, IV and V. The Crown's unique problems are most fully studied in *Crown Estates* (see below).

² The editor, Richard Hoyle, wrote half the book, including a lengthy introduction addressing key issues not covered elsewhere in the volume.

³ R.W. Hoyle, 'Reflections on the history of the Crown lands, 1558-1640', *Crown Estates*, 418-32.

⁴ Neither Hoyle's researches nor those of the present author have produced annual figures for gross or net land revenues. Desirable as such data would be, there are important gaps in the sources – particularly the Duchy of Lancaster, Duchy of Cornwall and queens' jointure estates – and vagueness about whether other revenues are recorded as net or gross.

⁵ Compositions for defective title yielded about 12% of the £1.8M casual revenues raised from land revenue during YE M1603-40, according to the cumulative figures in Graphs 2.2 to 2.5.

whereas initiatives such as tenurial reforms and land sales had huge economic and social impact, but were barely noticed in political debate. Secondly, it is difficult to believe that the same political elites who pursued improvements to their own estates with vigour were completely ignorant of the scale of mismanagement or undervaluation of the royal demesne; in fact, their silence suggests an awareness of the scale of the profits they stood to make from the Crown's shortcomings, either as tenants or as purchasers of Crown lands.

Annual Rentals

Land rentals were the mainstay of the Crown's ordinary finances, funding much of the royal Court, and providing rewards to courtiers, either in cash, or in the form of Crown leases at preferential rates, which were usually sold on to the sitting tenant. As private landowners were well aware, rents could be increased in several ways, although Queen Elizabeth and her ministers proved unable or unwilling to exploit many of the opportunities open to them.

The most effective way in which the Crown could have increased its annual revenues was by improving its own estates, in emulation of many private landowners. As the royal demesnes were not cultivated directly, micro-economic agricultural innovations such as manuring, new crops and four or five year annual rotations offered no benefit.¹ However, larger capital projects were undertaken in partnership with private entrepreneurs: disafforestation and fen drainage, where successful, realised huge profits for entrepreneurs, and provided the Crown with large tracts of newly-improved land, but most were quickly sold rather than used to enhance land revenues.²

¹ *AHEW*, IV.161-99.

² Sir Cornelius Vermuyden paid £16,316-13-4 for the Crown's share of the

The Crown took over the drainage of the Great Fens from the Earl of Bedford's syndicate in 1638, in hope of significant revenue increases, but technical problems and opposition from the fenmen meant that the project did not realise a profit for decades.¹ Other projects had some success: following considerable capital investment, the Yorkshire alum works, the New River Company and the Cardiganshire silver mines all returned annual profits for the Crown;² while the Duchy of Lancaster's support for the free miners of the Derbyshire Peak District, against the wishes of local landowners, yielded the Crown the 'ninth dish' (11%) of lead ore production, worth around £1,000 a year.³

As feudal overlord, the Crown could claim the forfeiture of an estate by escheat if a subject died without heirs. The most conspicuous example under the early Stuarts was that of the Dudley estates formerly held by the Elizabethan earls of Leicester and Warwick, which were seized by the Crown after the illegitimate heir, Sir Robert Dudley, fled to the Continent in 1605. However, as most escheats originally derived from the Crown estates, and many were redistributed to other courtiers, such acquisitions made little long-term difference to land revenues.⁴ In the century to 1550

Hatfield level drainage project in 1629, and £12,000 for King's Sedgmoor in 1631-2: see E401/2445, 2451; L.E. Harris, *Vermuyden and the Fens* (London, 1953), pp.48-53; T.G. Barnes, *Somerset 1625-1640: a County's Government During the "Personal Rule"* (Cambridge, MA 1961), pp.150-5. For capital projects which failed to produce any revenue for the Crown, see Barnes, *Somerset 1625-1640*, 155-61; B. Sharp, *In Contempt of All Authority* (Berkeley and Los Angeles, CA and London, 1980), pp.203-6.

¹ H.C. Darby, *The Draining of the Fens* (Cambridge, 1940), pp.38-44, 48; L.E. Harris, *Vermuyden and the Fens* (London, 1953), pp.67-72; D. Summers, *The Great Level* (Newton Abbot, Devon, 1976), pp.63-73.

² R.B. Turton, *The Alum Farm* (Whitby, Yorkshire, 1938), pp.118-69; B. Rudden, *The New River: a Legal History* (Oxford, 1985), pp.23-6, 273-90; J.W. Gough, *Sir Hugh Myddelton: Entrepreneur and Engineer* (Oxford, 1964), pp.61-3, 66-71; *HoP1604*, V.460-1.

³ A. Wood, *The Politics of Social Conflict* (Cambridge, 1999).

⁴ S. Adams, *Leicester and the Court* (Manchester, Lancashire, 2002), pp.310-45;

the Crown made huge gains from the attainder of traitors, but there were fewer seizures thereafter. The lands of the Neville earls of Westmoreland remained with the Crown after the 1569 rebellion, but the Percy estates were returned to the family, and the Howards eventually regained most of the patrimony forfeited at the execution of the Duke of Norfolk in 1572. Under James, Sir Walter Raleigh's estate at Sherborne, Dorset was seized by the Crown and sold to the favourite Robert Carr, Earl of Somerset; recovered after his disgrace, it was then assigned to John Digby, Earl of Bristol in lieu of his ambassadorial expenses.¹

Medieval monarchs habitually replenished their estates through acts of resumption revoking earlier Crown grants, usually those made during a royal minority or by an earlier regime; the last such English statute was passed in 1515. In Scotland successive royal minorities ensured regular revocations, most recently in 1587. Charles inaugurated a fresh revocation there in 1625, but as many of the lands involved were held by Scottish Privy Councillors the scheme encountered stiff opposition, and was only implemented in a diluted form.² No equivalent was attempted in England: most Crown lands alienated since 1540 had been sold rather than given away; and any prospect of a resumption raised fears about the tenure of all former Crown lands, most notably in Parliament in 1555. However, two loopholes were exploited by the Duchy of Cornwall: in 1606 some of Elizabeth's Crown land sales were reversed upon a judicial ruling that tenure of the 'assessionable' lands entailed upon the Duchy in 1337 could

A.G. Lee, *Son of Leicester* (London, 1964); Hoyle, 'Introduction' in *Crown Estates*, 14-15.

¹ A. Pollard, *North-Eastern England during the Wars of the Roses* (Oxford, 1990), pp.91-6; L. Stone, *Family and Fortune* (Oxford, 1973). pp.268-72; TNA, C66/2090/9, C66/2115/2.

² Wolffe, *Royal Demesne*, 76-158; M. Lee, *Road to Revolution* (Urbana, IL, 1985) pp.21-71; A.I. Macinnes, *Charles I and the Making of the Covenanting Movement* (Edinburgh, 1991), pp.49-97.

only be overturned by statute; while at Charles's creation as Prince of Wales in 1616 existing Duchy leases were voided, on the grounds that no Prince could bind his successors. This yielded £14,500 in entry fines, but infuriated Duchy tenants, and the legal loophole was blocked by statute in 1624.¹ Parliament rarely broached the topic of resumptions: Sir Robert Phelips considered the prospect in a draft speech of 1625; and in the following year, when Charles pressed the Commons for an increase in supply, two speakers urged resumption as an alternative, but this option was not seriously pursued.²

Routine management of the Crown estates was neglected under the later Tudors, and while this glaring failure was obvious to various projectors who urged reform, it hardly featured on the political agenda of the day. Reform was urged by the revenue commission of 1552, and the incorporation of the court of Augmentations into the Exchequer in 1554 provided an obvious opportunity to restructure, but little happened during the next half century. In an age where private landlords began to commission professional estate surveys in order to assess and exploit the full potential of demesnes, manorial dues, mills and timber, this constituted a scandalous neglect.³ For all his fascination with maps, Lord Treasurer Burghley never commissioned a general survey of the Crown's assets, as the 1552 commission had recommended. This was an important

¹ G. Haslam, 'Jacobean Phoenix: the Duchy of Cornwall in the principates of Henry Frederick and Charles' in *Crown Estates*, 267-9; J. Thirsk 'The Crown as projector on its own estates, from Elizabeth I to Charles I' in *Crown Estates*, 292-5; C.R. Kyle, 'Prince Charles in the Parliaments of 1621 and 1624', *Historical Journal*, XLI (1998), pp.614-16.

² J. Loach, *Parliament and the Crown in the Reign of Mary Tudor* (Oxford, 1986), pp.129-31, 136-43; Somerset RO, DD/PH/216/8; *PP1626*, III.65, 78.

³ D.L. Thomas, 'The administration of the Crown lands in Lincolnshire under Elizabeth I' (London University PhD, 1979), pp.108-9; D. Thomas 'Leases of Crown lands in the reign of Elizabeth I' in *Crown Estates*, 72; S. Bendall, *Dictionary of Land Surveyors* (London, 1997) pp.22-34.

oversight, as the 1535 *Valor Ecclesiasticus* of church lands, and the chantry certificates of 1548-9 omitted precise information about acreages, yields and tenures, making it difficult to formulate a coherent investment strategy. Internal rivalry within the Exchequer further hampered policymaking: there were protracted tensions among bureaucrats over control of the Receipt; the auditors and Lord Treasurer's Remembrancer failed to communicate over collection of rent arrears; and Exchequer auditors resented the activities of the private surveyors commissioned by the Crown after 1603.¹ The political impetus for reform was also lacking: Burghley's generation, mindful of the peasant revolts of 1536-7 and 1549, avoided any initiative which might provoke social unrest.²

Bureaucratic inertia was compounded by legal difficulties. Demesne lands provided the easiest prospects for revenue increase, as the issue of several hundred leases a year was handled by a commission dominated by the Treasurer and Chancellor of the Exchequer. Burghley and Mildmay cannily insisted that new leases shift the often substantial onus for building repairs onto Crown tenants, but generally preferred to use Crown lands for patronage purposes rather than as a financial resource. Many tenants renewed their leases at the ancient rent by surrendering their existing lease before the term was fully expired, while in the second half of Elizabeth's reign courtiers were commonly granted reversionary leases of Crown estates at a discount, which would then be passed to the sitting tenants at market

¹ Thomas thesis, 110-15; Thomas, 'Leases' in *Crown Estates*, 64-76, R.W. Hoyle "'Shearing the hog": the reform of the estates, c.1598-1640' in *Crown Estates*, 204-27; G.R. Elton 'The Elizabethan Exchequer: war in the Receipt' in *Elizabethan Government and Society* ed. S.T. Bindoff, J. Hurstfield and C.H. Williams (London, 1961), pp.213-48; C. Coleman 'Artifice or Accident? The reorganization of the Exchequer of Receipt, c. 1554-1572' in *Revolution Reassessed: Revisions in the History of Tudor Government and Administration* ed. C. Coleman and D. Starkey (Oxford, 1986), pp.163-98.

² This point remains unexplored by historians, even S. Alford, *Burghley: William Cecil at the Court of Queen Elizabeth I* (New Haven, CT and London, 2008).

rates, while the courtier pocketed the difference. Thus around 1600 many properties were still leased at rents set by the last monastic owner in the 1530s, which – after three generations of inflation and poor estate management – fell far short of their potential. Leases for 21 years or three lives (the usual terms for Crown estates), which commanded entry fines of 4-7 years' rental (16-25% of total yield) on the open market, paid fines worth only 5-7% of the rental value to the Crown, while copyhold lands, which habitually returned less than 10% of their market value to the Crown, were hedged about with customary restrictions which were peculiar to each manor, and costly and difficult to overturn at law.

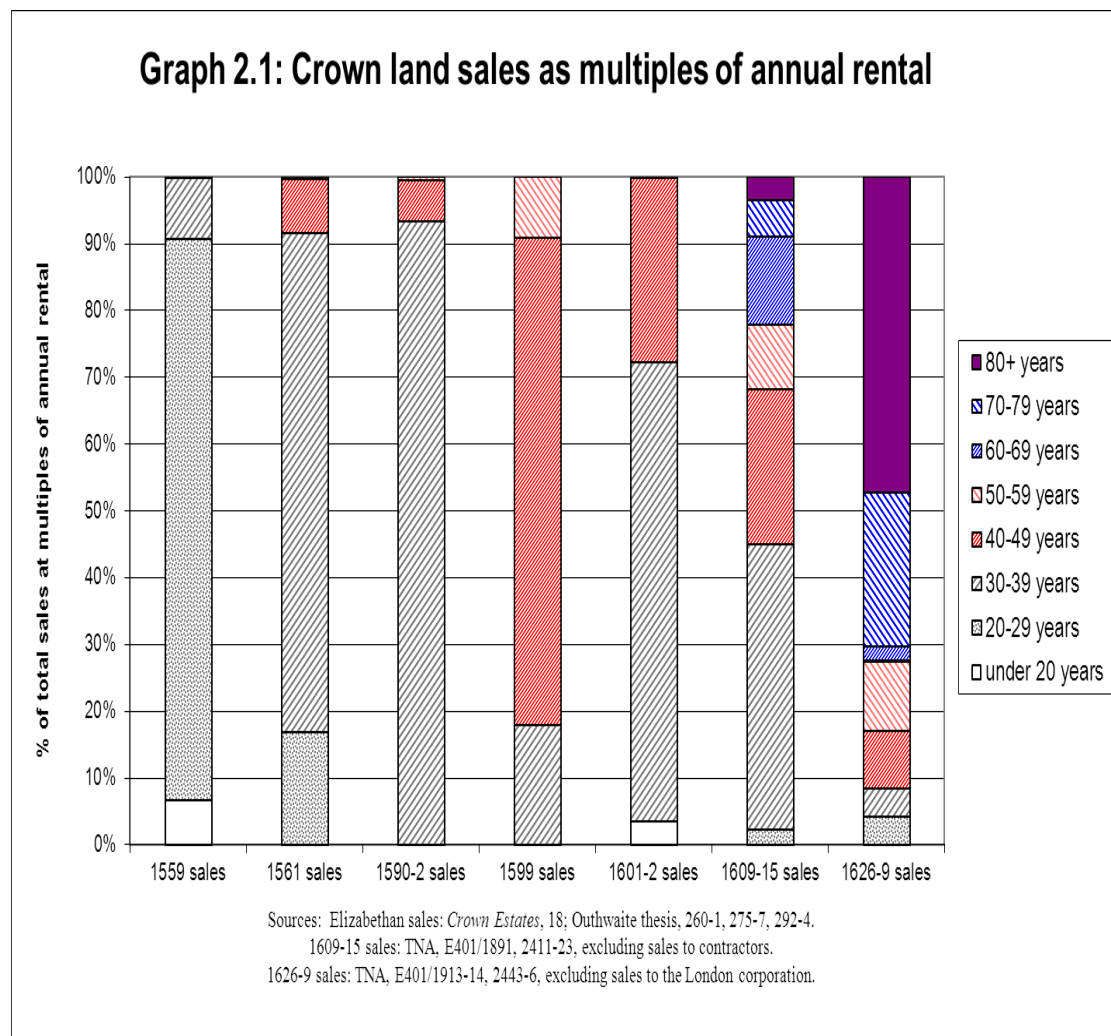
Profit margins were also eroded by administrative shortcomings: fees and repairs often outweighed rental yield; much of the profits from manorial courts and mills was pocketed by local officials; and heriots due upon the death of customary tenants were not collected.¹ Local officials on the larger Crown manors sometimes used their position to pursue a private agenda: Sir John Savile, his father-in-law and son, stewards of the lordship of Wakefield for 70 years, allowed the conversion of encroachments into copyholds at £1 entry fine and the ancient rent of 4*d.* an acre, a fraction of market value. This built up their own political affinity, explaining much of the family's electoral influence in early Stuart Yorkshire.²

The widening gap between Crown rents and market values is best charted from sale prices, which reflect buyers' views of the real economic potential of their purchases, expressed in multiples of the annual Crown rent. Arable land in lowland England was usually priced at 20 times annual yield (in modern parlance, a 5% annual return on capital invested), the value

¹ Hoyle, 'Introduction' in *Crown Estates*, 72; Thomas 'Leases' in *Crown Estates*, 169-90; Outhwaite thesis, 255; Thomas thesis, 131-7.

² *Pennine Valley* ed. B. Jennings (Otley, Yorkshire, 1992), pp.55-7; R. Somerville, *Duchy of Lancaster* (2 volumes, London, 1953 and Chichester, Sussex, 1972), I.523; II.152; *HoP1604*, VI.224.

at which most Henrician sales of monastic lands took place.¹ As shown in Graph 2.1, at the start of Elizabeth's reign Crown lands fetched a modest



premium, around 25-35 years' purchase, while sales in the last 15 years of the reign reached 35-40 years' purchase. Those of 1608-15 took place at similar rates, but one-third of sales by private treaty during this period also carried a perpetual fee farm equivalent to the existing rent, which effectively

¹ H.J. Habakkuk, 'Long-term rate of interest and the price of land in the seventeenth century', *Economic History Review*, (1957-8), pp.26-45; H.J. Habakkuk, 'The market for monastic property, 1539-1603', *Economic History Review* (1952), p.363.

added another 20 years' purchase to the price.¹ This was standard practice in the later 1620s, when some contracts doubled the ancient rent; a sale at 40 years' purchase plus a double feefarm (another 40 years' purchase) implied that the ancient rent was worth only 25% of market value – a dismal 1¼% return on capital invested.²

Such figures indicate a spectacular collapse in land revenues under the early Stuarts; but are they credible? Sitting tenants were prepared to pay over the odds for their freehold in order to avoid the prospect of an asset-stripping speculator as their landlord, particularly in the 1620s, as the Crown became more diligent in putting land sales out to competitive tender (see below). Yet even if Graph 2.1 exaggerates the shortcomings of land revenues in the 1620s, and the actual yield of the lands sold was nearer 2% annually, the Crown was still receiving a pitifully low rate of return on its vast landed assets; an increase to a 4% annual yield – still unimpressive by the standards of the private sector – would have turned the Jacobean deficit into a surplus. This was what Dorset and Salisbury aimed to achieve with their ambitious plans for tenurial reforms in the first half of King James's reign.

Casual Revenues

Systematic reform of the Crown estates began under Lord Treasurer Dorset, who commissioned surveys of land and timber resources from 1603; the Duchy of Cornwall inaugurated a similar process in 1607. Armed with this information, Dorset's successor, Salisbury, was able to make strategic decisions about the future of the demesne. In May 1609, he

¹ The additional value of the feefarm rents is overlooked by Hoyle, 'Introduction' in *Crown Estates*, 24-7. Graph 2.1 is calculated with the feefarm rents added in.

² Contractors handled some 70% of land sales in 1609-15, and 45% of those in 1626-9. As these generally attracted preferential rates, they are excluded from the sales in Graph 2.1.

established an entail (‘annexation’) of the Crown’s best estates, which were not to be alienated without the assent of eight Privy Councillors – a weak safeguard, but the best available in the absence of a parliamentary statute. Other properties which the surveys had proved uneconomical to manage, especially rectories, mills and small ‘quilletts’ of ex-chantry land, were offered for sale. However, from its inception, this carefully managed retrenchment was haunted by the spectre of mounting royal debts, reckoned at £600,000 (just over one year’s annual revenue) when Salisbury took office. His original plan was that this debt, and the annual deficit of almost £100,000, would be eradicated by the Great Contract, but the collapse of this scheme in the autumn of 1610 (see Chapter 3) meant that receipts from land sales were allocated to this purpose instead (see below). Yet even before this setback, changes to estate management focussed on short-term profits from casual revenues such as entry fines, copyhold confirmation and timber sales.¹

The short-termist nature of estate policy became apparent only two days after the sealing of the annexation, when Salisbury contracted with a syndicate headed by John Eldred and William Whitmore to issue 60-year reversionary leases of Crown lands worth £2,000 *per annum* ancient rent. The Duchy of Lancaster had earned windfall profits of £10,000 at the end of Elizabeth’s reign by the cynical device of sealing leases of Crown estates about to be offered for sale, but in 1603 Lord Treasurer Dorset proposed a more fruitful policy of ‘taking small fines and doubling or trebling the rents’. However, this approach was rejected in 1609, when contractors were given no remit or incentive to increase rental income,

¹ Hoyle ‘Introduction’, in *Crown Estates*, 21-3; R.W. Hoyle, “‘Shearing the hog’: the reform of the estates, c.1598-1640’ in *Crown Estates*, 220-7; Thirsk ‘Crown as projector’ in *Crown Estates*, 21-3, 220-7, 266-74, 292-6; F.C. Dietz, *English Public Finance, 1558-1641* (New York, NY, 1932), pp.121-2.

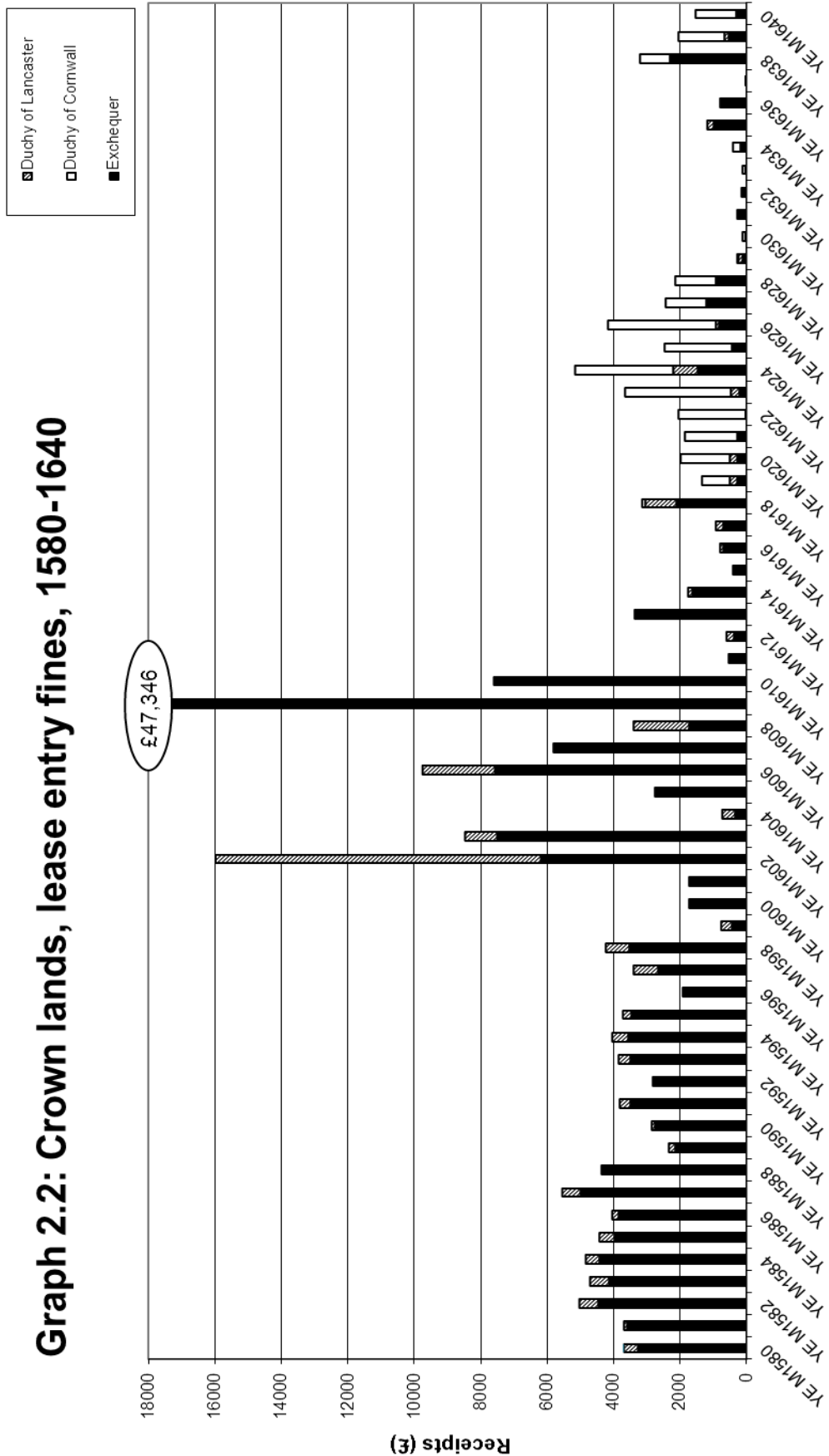
paying 22 years' purchase (£44,000) for leases at the ancient rents, most of which were sold on to tenants.¹ With much of the royal estate already let on long leases or reversions, this contract, and concurrent leases of other Crown lands by normal Exchequer procedures, exhausted the supply of quickly improvable estates, and between 1614 and the Civil War, the only significant receipts for entry fines came from the Duchy of Cornwall estates, which had been excluded from this contract (Graph 2.2).²

Dorset's surveyors also reported that many copyholders might pay to improve the terms of their tenure: copyhold rents were usually fixed at 4*d.* an acre, a fraction of their real worth; but the Crown could raise revenue either by increasing entry fines, or by allowing tenants to pay a fine to convert their tenure to freehold ('enfranchisement'). On manors where copyhold leases for lives were the custom, the Crown was in a strong position, as it could fix the entry fine at will upon expiry of the last surviving life, much as it would for a leasehold. However, most of those who held copyholds by inheritance, tenant right or other perpetual tenures claimed to have their entry fines fixed by custom or legal decree. Dorset proposed to enfranchise perpetual tenants for a lump sum and a permanent feefarm, which would have produced a modest increase in rentals, but Salisbury altered this policy, opting for a confirmation of entry fines, which were to be calculated as multiples of the values at rack-rent, as

¹ The undervaluation of Crown rentals is illustrated by the fact that the usual entry fine for a 60 year lease in present possession was 12 years' rental, with discounts for a lease in reversion. See John Penkethman, *The Purchasers Pinnacle* (London, 1629), sig.A2r-v.

² Hoyle 'Shearing the hog' in *Crown Estates*, 233, 256-60; Shropshire Archives, 5586/10/6/1; *Wilbraham Journal* ed. H.S. Scott in *Miscellany X* (Camden Society, 3rd series, IV), (London, 1902), pp.62-3.

Graph 2.2: Crown lands, lease entry fines, 1580-1640



Sources: TNA, E401; TNA, DL28/11-12; TNA, SC6/Jas.I/1680-7, SC6/Chas.I/1630-45.

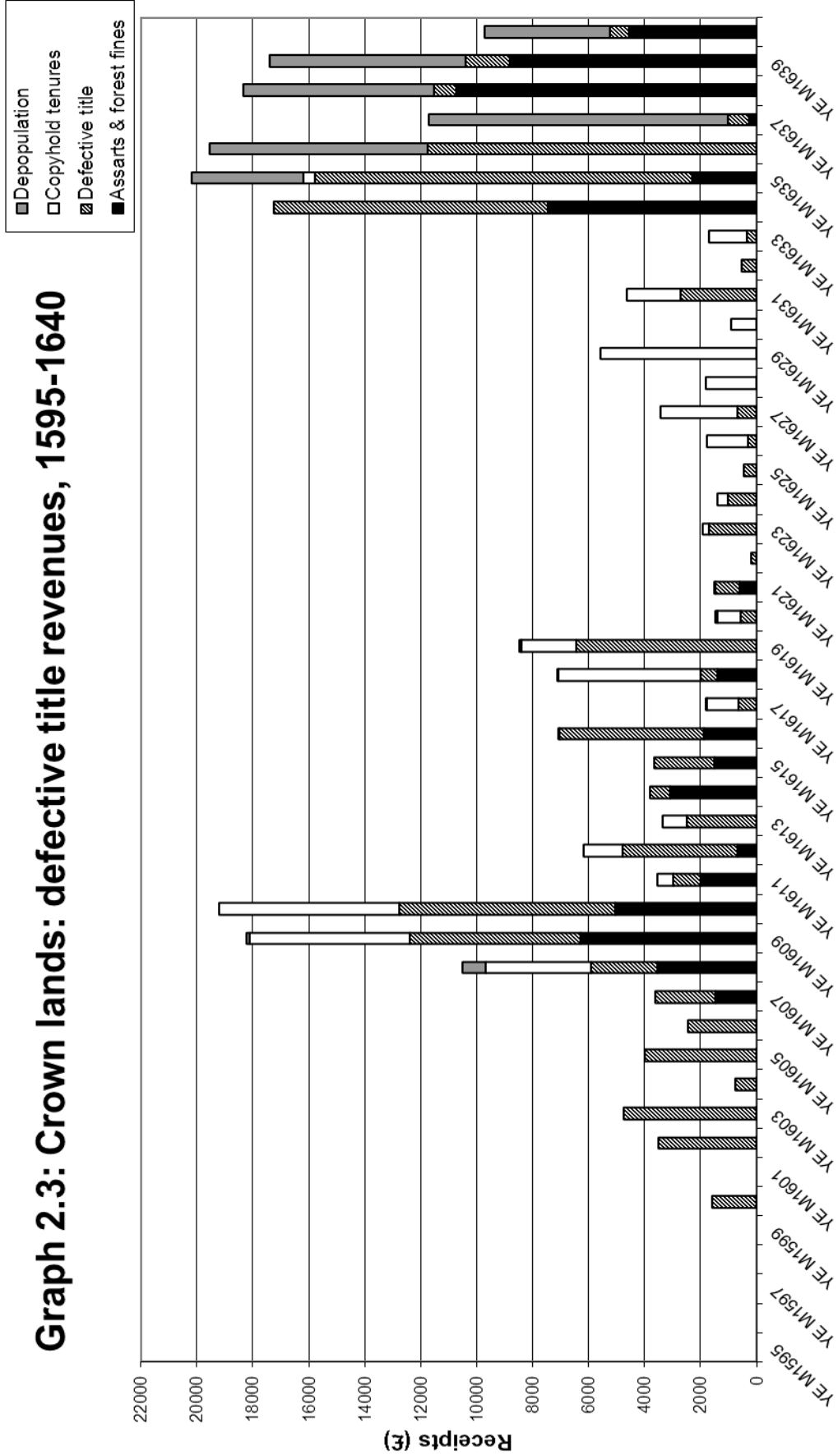
assessed by professional surveyors, rather than the ancient rent.¹ Under Salisbury's instructions, the Exchequer court ordered that copyholders by inheritance who failed to establish 100 years' custom for their entry fines had to compound to fix their fines, which caused unrest at many manorial courts at Michaelmas 1608: libels about this issue circulated in the manor of Wakefield; while irate tenants appeared at Westminster to argue their case, persuading Salisbury to reduce his demands. In 1610 a statute offered pre-emptive confirmation for any compositions agreed with Exchequer and Duchy of Lancaster tenants over the next three years, while the Wakefield copyholders who had already compounded were covered by a separate Act. This initiative raised almost £20,000, although a separate drive for enfranchisement, launched after the failure of the Great Contract, petered out after Salisbury's death in 1612.²

In 1615 Lord Treasurer Suffolk attempted to intimidate copyholders with the 'Great Restraint', a suspension of court proceedings on all Exchequer manors, which barred tenants from confirming inheritance or sale of their lands. This must have caused chaos in many communities, but tenants proved obdurate, and the scheme yielded the derisory sum of £80 before being abandoned in 1618. However, a less confrontational initiative by the Duchy of Lancaster raised £8,900, while the tenants undertook to pay a similar sum upon receiving statutory confirmation (which did not happen before the Civil War). Meanwhile, tenants on several Duchy of

¹ Interestingly, at the same time Chancellor Caesar's son-in-law Sir Henry Savile of Methley sought to impose entry fines of 2½ times the annual market value upon his own Yorkshire copyholders: TNA, C2/Jas.I/S6/20.

² R.W. Hoyle, "'Vain projects': the Crown and its copyholders in the reign of James I" in *English Rural Society* ed. J. Chartres and D. Hey (Cambridge, 1990), pp.73-89; Hoyle 'Shearing the hog' in *Crown Estates*, 233-43; L.M. Hill, 'Sir Julius Caesar's journal of Salisbury's first two months and twenty days as Lord Treasurer', *BIHR*, LXV (1972), p.323; TNA, STAC8/258/5; SR, IV.1180-2; HLRO, Original Act 7 James I, c.26.

Graph 2.3: Crown lands: defective title revenues, 1595-1640



Sources: TNA, E401; TNA, DL28/11-12; TNA, SC6/Chas.I/1630-45; TNA, E405/547.

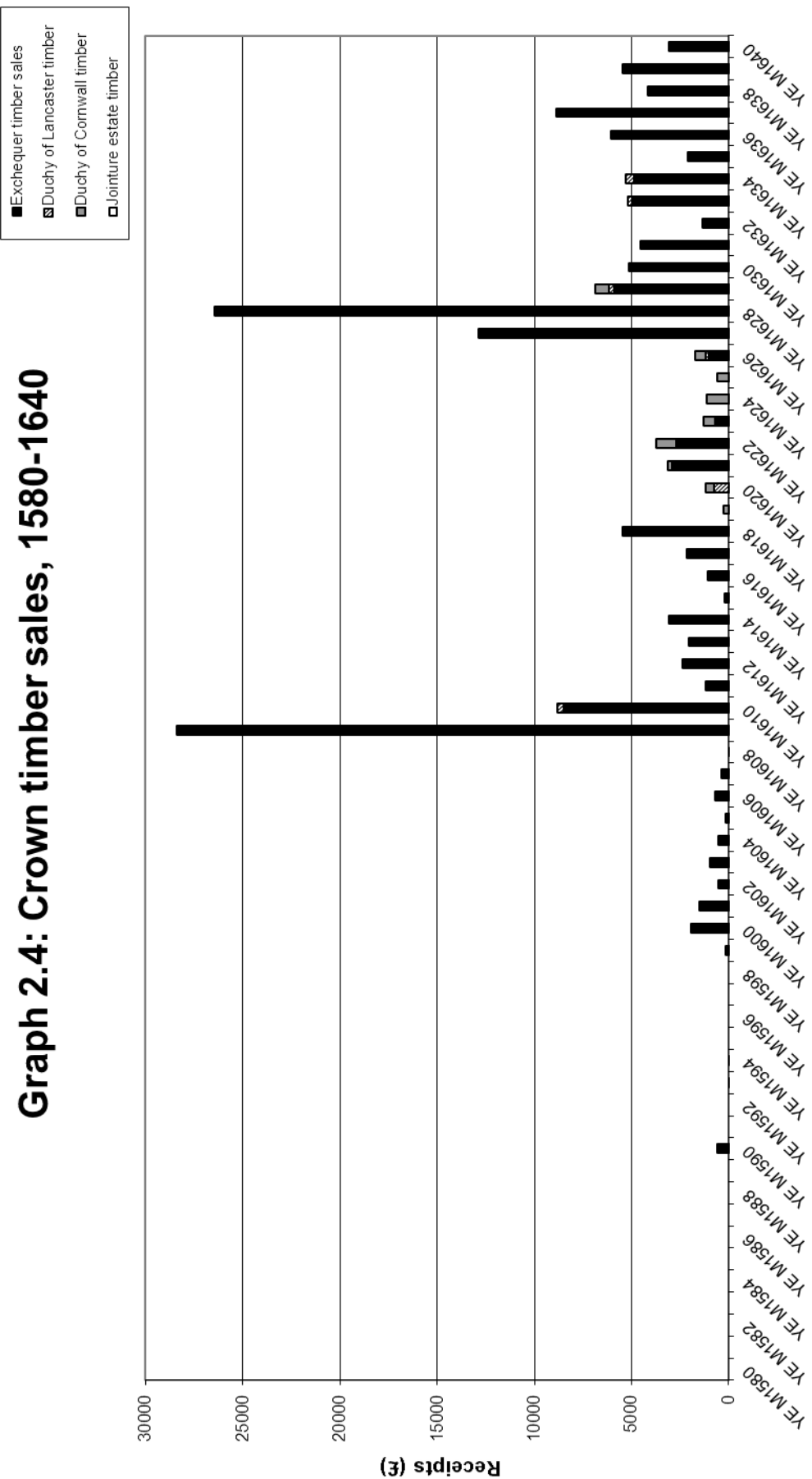
Cornwall manors confirmed their copyholds during 1619-21. Copyhold compositions were implemented on 43 of the Crown's 300-odd manors, but enfranchisement only took place in the lordship of Bromfield and Yale in 1624, an agreement confirmed by statute in 1628 (Graph 2.3).¹

Royal forests were governed by their own administrative structure and a prerogative-based lawcode, but their management involved a similar balance between annual yield and windfall profits. They produced little profit for the Exchequer before James's reign, although a large but unquantifiable amount of naval timber was employed in the construction of the Elizabethan navy. Stocks of shipbuilding timber were sorely abused in the first half of James's reign: Sir John Trevor, Surveyor of the Navy, inflated the price of timber he supplied to the royal dockyards by up to 20%; sold the 'lops and tops' of trees for his own profit; and embezzled timber to build a ship for the Newcastle coal trade, another of his business interests. This speculation ended with Buckingham's appointment as Lord Admiral.² Salisbury, aiming to exploit the forests more systematically as a financial resource, hoped to raise revenue from fines for the spoil of woods, of which surveys provided ample evidence, but his efforts achieved little, and the subsequent dispersal of many woods as part of the Crown land sales put an end to such prospects. Grazing could be leased to local landowners and commoners, but the competing requirements of private livestock and royal deer created tensions, and forest officials habitually exploited their

¹ Hoyle, 'Vain Projects', 90-5, 103-4; Hoyle 'Shearing the hog' in *Crown Estates*, 245-55; E. Kerridge, *Agrarian Problems in the Sixteenth century and after* (London, 1969), pp.35-48; TNA, SC6/Chas.I/1630-6; SR, V.31-3.

² P.E.J. Pettit, *The Royal Forests of Northamptonshire* (Northamptonshire Record Society XXIII), (Gateshead, county Durham, 1968), pp.18-31; N.A.M. Rodger, *Safeguard of the Sea* (London, 1997), pp.364-78; *Jacobean Commissions of Enquiry, 1608 and 1618* (Navy Records Society, CXVI) ed. A.P. McGowan (London, 1971), pp.7-10, 55-6, 83-5, 150-3, 242-4, 304-5; L.L. Peck, *Court Patronage and Corruption in early Stuart England* (London, 1990), pp.116-26.

Graph 2.4: Crown timber sales, 1580-1640



Sources: TNA, E401, TNA, DL28/11-12; TNA, SC6/Jas.I/1680-7, SC6/Chas.I/1630-45.

bailiwicks for their own benefit, particularly once the prospect of disafforestation (mooted from 1612) removed the long-term benefits to be derived from good husbandry.

Timber sales were the most certain way of realising assets, although care had to be taken not to denude forests which might take decades to renew, and to ensure replanting.¹ Little Crown timber was sold under Elizabeth, but once again Salisbury used surveys to identify and sell ‘surplus’ timber worth £46,000 during 1609-14 (Graph 2.4). In 1617 Sir Giles Mompesson proposed to sell £100,000 of non-naval timber over four years: in six months he raised £7,270, but Crown officials protested at his usurpation of their jurisdictions, and his patent was not renewed; complaint was made about this abuse in Parliament in 1621, and it was terminated by Mompesson’s disgrace.² Sales of charcoal timber for iron foundries in the Forest of Dean raised significant revenue from 1627: the project was promoted by the 1626 Revenue Commission, and the Earl of Pembroke secured the contract at 4,000 marks *per annum*, although the Grand Remonstrance complained of extensive sales to local Catholic ironfounders.³

Defective Titles

Selling resources for cash rather than husbanding revenue potential raised considerable sums, but legal antiquarianism offered promising

¹ Pettit, *Royal Forests*, 51-61; Hoyle ‘Introduction’, in *Crown Estates*, 54-7; D. Thomas ‘The Elizabethan Crown lands: their purposes and problems’ in *Crown Estates*, 67-9; P. Large, ‘From swainmote to disafforestation: Feckenham Forest in the early seventeenth century’ in *Crown Estates*, 400-6; G. Hammersley, ‘Crown woods and their exploitation’, *BIHR*, XXX (1957), pp.136-61.

² Pettit, *Royal Forests*, 61-3; *APC*, 1616-17, pp.137, 174, 209-10, 284-5; *CSPD*, 1611-18, pp.473-4; TNA, E101/539/4; *Autobiography of Phineas Pett* (Navy Rec. Soc. LI) ed. W.G. Perrin (London, 1918), p.118; BL, Add. 64876, f.43; *CDI621*, V.519-21.

³ London UL, Goldsmiths’ 195/1, ff.2v-3, 7, 12v-14v, 17-18; *Historical Collections* ed. J. Rushworth (8 volumes, London, 1721-2 edition), IV.441.

alternatives, either by redefining private landowners as Crown tenants through the discovery of some real or notional defect in their title, or through reviving long-forgotten claims held by the Crown. Concealment hunting flourished in the 1550s, under patents for the discovery of chantry lands which had been hidden from the dissolution commissioners in 1548-9. Local inquiries, which often took evidence from informers rather than Exchequer commissions and juries, proved unpopular, and such grants were revoked by proclamation in 1572 and 1579. By then concealment hunters had uncovered a less onerous *modus operandi*: official records were searched for drafting errors in seizures and grants, the discovery of which thereby invalidated all subsequent tenures of those estates. The current holders of such lands were then ordered to produce their title deeds, which were scrutinised for further defects.¹ Some concealment hunters specialised in church and collegiate lands, almshouses or corporation lands: during the 1580s many London guilds were threatened with forfeiture of their lands for superstitious uses; while the Hull corporation contested an allegation that they had failed to maintain the town's fortifications, which, if upheld, would have led to the forfeiture of lands worth £150 *per annum* granted for this purpose in 1552. Such claims were vigorously contested in the courts, and some loopholes were closed: in *Cheney's case* (24 Elizabeth) it was ruled that hospitals and almshouses founded as chantries would not be liable to forfeiture; while a 1593 statute exempted most church lands from seizure by confirming Henrician foundations against any drafting defects.²

¹ C.R. Kitching, 'The quest for concealed lands in the reign of Elizabeth I', *Transactions of the Royal Historical Society* (5th ser. XXIV, 1974), pp.63-71; *TRP*, II.355-7, 451-3; *Two Elizabethan Women: Correspondence of Joan and Maria Thynne, 1575-1611* (Wiltshire Record Society XXXVIII) ed. A.D. Wall (Devizes, Wiltshire, 1983), pp.44-5; Chester Archives, ZML 2/266; *CD1621*, V.61-2.

² Kitching, 'Concealed lands', 72-5; *Egerton Papers* (Camden Society XII) ed. J.P. Collier (London, 1840), pp.88-9; KHHHC, BRF2/452-5, M.89; *Hull Charters* translated

The earliest concealment hunters were granted outright title to their discoveries, but the Crown soon claimed a share of this revenue: in 1581 the diplomat Sir Edward Stafford was granted 60-year leases of all concealments he discovered; while two years later Sir James Croft, Comptroller of the Household, was allowed to compound with tenants for the concealment, but any rent arising from the land was to come to the Crown. Towards the end of Elizabeth's reign a rental income worth £1,632 *per annum* was reckoned to have been acquired in this way. Stafford and many of his successors consigned the execution of their patents to the Chancery clerk William Typper, who with his son Robert dominated the administration of defective title proceedings for the next 50 years. No more than a few dozen landowners were successfully prosecuted each year, but hundreds more had their title called into question, leading to vociferous complaints.

In January 1600 the policy of increasing the Crown's rental income was overturned when Elizabeth, acknowledging that subjects had been 'greatly vexed, sued and put to intolerable charges', issued a proclamation inviting those whose tenures were threatened to avoid further proceedings by compounding for their titles at modest rates, usually 7 years' purchase. This scheme, also administered by Typper, produced most of the £2,500 a year received for defective titles at the Exchequer over the next 21 years (Graph 2.3); while Typper pocketed £500 a year as expenses.¹ Five years later, the Privy Council conceded that defective title proceedings 'do breed great distraction and scandal', and in 1606 Typper's activities were included in the Commons' grievances petition. Nothing was done about this

J.R. Boyle (Hull, Yorkshire, 1905), pp.69-75; Sir Edward Coke, *Institutes of the Laws of England* (4 volumes, London, 1628-44), I.342; D. Dean, *Lawmaking and Society in late Elizabethan England* (Cambridge, 1996), pp.128-30.

¹ Kitching, 'Concealed lands', 72-7; Thomas 'Elizabethan Crown lands' in *Crown Estates*, 70; TNA, LR2/88-9; Cheshire Archives, ZML/2/266; TRP, III.202-4.

complaint, but in 1607 the London livery companies, with government backing, secured a statute confirming their endowments against prosecution.¹ The Great Contract proposed to extinguish the Crown's claims to defective titles after 60 years' unchallenged tenure, and to allow subjects to plead 'the general issue', which allowed them to retain possession of their lands during defective title suits; the general issue proposal reappeared as a bill in 1614, when fresh complaints were made against Typper at its second reading in the Commons.²

Financial difficulties following the dissolution of the Addled Parliament produced a fresh crop of defective title patents. In 1617 the Scottish courtier Viscount Doncaster was granted concealed lands worth £200 *per annum*, a concession he quickly sold to Lord Treasurer Suffolk's servant Sir John Townshend for £5,000. The price of 25 years' purchase implied confidence in a quick return, and in three years Robert Typper, acting as Townshend's agent, held 30 inquiries into hospitals and almshouses identified as chantry land. Townshend also acquired a share in Sir Thomas Somerset's patent to compound with corporations for grants of tolls at markets and fairs, while in July 1620 Sir Giles Mompesson secured another grant of defective titles worth up to £200 a year: within six months his agent George Geldard, an experienced concealment hunter, had identified lands worth £40 *per annum*; while his papers suggest that he planned to target the endowments of the London livery companies.³ As most

¹ 'Collection of several speeches and treatises of the late Lord Treasurer Cecil' ed. P. Croft in *Camden Miscellany XXIX* (Camden Society, 4th series XXXIV, London 1987), p.275; *Bowyer Diary*, 106-7, 132-4, 147-8; LMA, Rep. 27, f.242; London Clothworkers' Company, Orders of Courts 1605-23, ff.19-22v; London Drapers' Company, Minute Book 13, ff.45v-48v; Parliamentary Archives, Original Act 4 James I, c.23.

² *LJ*, II.660-1; Kyle thesis, 264-7; *PP1614*, p.169.

³ TNA, C66/2302 (dorse), C66/2221/18, C66/2235/14; TNA, C2/Jas.I/S3/19, T8/75; Parliamentary Archives, Main Papers, 9 July 1620; TNA, E112/99/1067;

of these titles were covered by legal precedent and statute, it is hard to know how Typper and Geldard hoped to proceed; they probably hoped to intimidate the tenants into offering composition.

The concealment hunters were frustrated by the 1621 Parliament: on 19 February 1621 William Noy attacked Mompesson and Townshend; and three days later Solicitor-General Heath gave official sanction to an investigation. Mompesson, said to have undervalued many of his concealments to increase his profits, quickly fled into exile, but Townshend remained, and was examined by the Commons' grievances committee. Numerous complaints were made about his threats to hospitals, while corporations protested about the *quo warranto* proceedings over market tolls. Townshend's grants were noted to have contravened the rules laid down in the King's 1608 Book of Bounty, while *Cheney's case* was cited as a precedent for the exemption of charitable foundations from the Chantries' Act. As the client of a long-disgraced minister, Townshend had few friends, and the Commons condemned his patents as grievances on 26 March, the same day on which Mompesson was sentenced in the Lords (Chapter 5); all concealment patents were revoked by proclamation on 10 July.¹

The profits from defective title proceedings naturally collapsed in 1621 (Graph 2.3), although the abrupt dissolution of Parliament in December, and the King's return to a pro-Spanish foreign policy thereafter, offered some hope to patentees. A new concealment commission was issued only six weeks after the dissolution, and in July 1622 Sir William Heydon was authorised to collect £4,800 of arrears owing from an earlier patent.² In July 1623 Townshend, hotly pressed for payment by investors who had

CD1621, IV.147; VI.57; VII.343-4, 461-2.

¹ *CJ*, I.530, 573; *CD1621*, II.210, 264; IV.92, 147, 187-8; V.52, 66-7, 290, 310; VI.57, 75, 83, 196, 249, 464; *PD1621*, I.63-4, 145-6, 195-6, 218-19, 222-3; *LJ*, III.62, 68-72; *Proclamations*, I.514-15.

² TNA, C66/2260/47 (dorse), C66/2276 (dorse); Kent HLC, U269/1/OE1734.

backed his earlier scheme, persuaded Doncaster to secure a fresh grant of all the hospital lands identified by Typper before 1621. The new patent included a clause permitting the refoundation of such institutions, which was presumably designed to mollify Parliament, but the Commons condemned it regardless on 15 Mar. 1624, and it was included in the grievance petition submitted to the King at the end of the session.¹ King Charles endorsed this censure in 1625, and undertook to approve any bill the Commons passed to invalidate all such concealment proceedings. This was unnecessary, as in 1624 the Statute of Limitations already granted clear title to any concealments held without challenge for 60 years, while another Act of the same Parliament allowed Crown tenants to plead the general issue.² Townshend, undaunted by these reverses, offered to find fresh concealments worth £1,000 *per annum* in the autumn of 1624, and advised the 1626 Revenue Commission about defective title proceedings. Two years later he was searching for encroachments upon the foreshore of the Lower Thames, while his patron, Doncaster, secured a fresh concealment patent in January 1630, which raised over £26,000 during the next six years, with Typper taking £3,100 of the proceeds as expenses.³ The only other scheme from which the Crown derived significant benefit after 1624 was the seizure of the Ulster estates of the London livery companies, worth £5,000 a year, which were forfeited in Michaelmas 1634 on the grounds that the investors had failed to fulfil the terms of the original grant (see Chapter 1).⁴

¹ TNA, C2/Jas.I/S3/19, T8/75; TNA, C78/295/13; TNA, C66/2302 (dorse); BL, Egerton 2595, f.183; Nicholas, 27 February, 15 March 1624; Erle, 8 March 1624; Pym, 8 March 1624; *CJ*, I.705b, 777a.

² *PP1625*, pp.302, 307; Kyle thesis, 243-7, 264-7; Kitching, 'Concealed lands', 77; Thirsk 'Crown as projector' in *Crown Estates*, 335-6.

³ *CSPD*, 1623-5, pp.338, 357; London UL, Goldsmiths' 195/1, ff.9v-10; TNA, SP16/118/6; SP16/121/21; TNA, C54/2953/41.

⁴ R. Ashton, *The Crown and the Money Market, 1603-1640* (Oxford, 1960), p.148; T.W. Moody, *The Londonderry Plantation, 1609-41* (Belfast, county Antrim,

While Elizabethan concealment hunters made some contribution towards increasing land revenues, the composition project inaugurated in 1600 was a straightforward revenue-raising exercise: the sitting tenants were invariably given the chance to compound. Several other schemes were subsequently established to exploit specific legal loopholes in similar ways. In 1600 the Chancery examiner Otho Nicholson was granted a patent for the discovery of assarts¹ and encroachments upon ancient forest lands in Northamptonshire; he quickly identified 650 acres, but the tenants petitioned to compound. Meanwhile, in 1604 Sir Thomas Leighton, who had been granted assart lands discovered in Feckenham Forest under Elizabeth, promoted a bill to confirm such titles. The tenants, knowing of the Northamptonshire inquiry, lobbied Parliament, where Leighton's bill encountered official opposition in the Commons from the King's Counsel, Sir Francis Bacon, and Speaker Phelips; it was rejected by the Lords. In 1605 the assarts project was extended to cover the whole country, realising £37,000 over the next 10 years, 25% of which went to Nicholson as expenses (Graph 2.3). As with ordinary concealments, tenants were invited to compound, but if they refused Nicholson's price, he was prepared to sue for possession in the Exchequer court.² In 1614 James offered to drop this project in a speech to Parliament, and the patent apparently lapsed before Nicholson's death in 1619, although it took some years to clear his accounts.³

1939), pp.355-69, 380-9; T.G. Barnes, 'Cropping the Heath: the fall of a Chief Justice, 1634', *BIHR*, LXIV (1991), pp.331-43.

¹ Woodland put under the plough.

² TNA, C2/Chas.I/N28/54; Pettit, *Royal Forests*, 72-82; TNA, E214/393; Lambeth Palace Library, MS3203, f.222; *CJ*, I.194b, 197b, 227a; *LJ*, II.324b; *Proclamations*, I.107, 113-14; TNA, C66/1680; TNA, E351/404-7; R.W. Hoyle, 'Disafforestation and drainage: the Crown as entrepreneur?' in *Crown Estates*, 325-8; Large 'swainmote to disafforestation' in *Crown Estates*, 399-400; TNA, E112/122/196, 201, 203.

³ *PP1614*, pp.52, 140; *CSPD*, 1611-18, p.463; Kent HLC, U269/1/OE1189.

Another revenue opportunity arose as a consequence of the enclosure riots in the Midlands in the summer of 1607. The King, determined not 'to suffer any toleration of that which may be any occasion to decay or diminish our people', instituted an enquiry commission throughout the Midland areas most affected by depopulations, which raised £930 in fines and ordered the overthrow of a number of enclosures.¹ Landowners were required to provide surety to raze their enclosures, and in 1610 Sir John Townshend was granted the profits arising from the forfeiture of 46 of these bonds; the extent of his gains is unknown, but they presumably funded the substantial land purchases he made over the next few years. Townshend also shared in the 1614 patent to compound for enclosure of rabbit warrens, and the Duke of Lennox's 1618 patent to compound for breaches of the early Tudor enclosure statutes. These projects raised a mere £271 between them before the 1621 Parliament expelled one of the promoters, Sir Henry Britton, and procured the suppression of both grants.²

Official interest in depopulation revived in 1630, as part of the Privy Council's drive for efficiency in local government. A test case was brought in Star Chamber in 1634, when Sir Anthony Roper was sentenced to pay £3,000 to the poor, £100 to rebuild cottages he had razed in Kent, and a further £100 to the informer. Fresh enquiry commissions active from 1635-9 netted the Crown just under £28,000, but misgivings about the social costs of enclosure saved them from opprobrium in the Long Parliament: the Grand Remonstrance of 1641 condemned not the fines, but the enclosers, who were said to 'have driven many millions out of the subjects' purses,

¹ J.E. Martin, *Feudalism to Capitalism* (Atlantic Highlands, NJ, 1983), pp.161-215; *Wilbraham Journal*, 91-5; *HMC Buccleuch*, III.117-20; *Proclamations*, I.154-8; TNA, C205/1/1-6.

² TNA, C66/1829/4; *CD 1621*, VII.449-50, 466, 512-13; *Proclamations*, I.514-15. Britton was unseated over an election dispute, but his status as a patentee cannot have helped: *CJ*, I.511-12.

without any considerable profit to his Majesty'.¹

The most audacious defective title project of the Personal Rule was the campaign to compound with those found to have encroached upon the medieval boundaries of royal forests. This began as a by-product of rivalry between Lord Treasurer Weston and the Earl of Holland, Chief Justice in Eyre for southern England, who fined Weston's dependents for cutting charcoal timber in the Forest of Dean in 1634. However, the wider revenue implications were also pursued: the next Eyre, for Waltham Forest in Essex, claimed competence over the maximum extent of the ancient bounds; and similar claims were subsequently made for the New Forest in Hampshire, Rockingham Forest in Northamptonshire, and the Oxfordshire forests. Punitive fines were imposed on landowners and commoners alike, as an incentive to compound at 20% of the value of the fine: even Mompesson was not forgotten, being fined £3,300 for timber sales under his patent of 1617. In Northamptonshire, the modest scope of the Jacobean forest jurisdictions were extended to cover half the shire, and it was feared that most of the nation would be declared ancient forest. The project eventually yielded £38,667 to the Exchequer, but the threat to tenures impelled the Long Parliament to confine forest jurisdictions to their extent in 1623, and to confirm all subsequent disafforestations.²

Land Sales

With land revenues sluggish under Elizabeth and stagnant

¹ K. Sharpe, *Personal Rule of Charles I* (New Haven, CT, 1992), pp.471-3; Harvard Law School, 1101, ff.83v-4; TNA, E405/547; Pettit, *Royal Forests*, 146-7; *Historical Collections*, IV.441. Roper paid a fine of £4,000 to the Exchequer in 1635.

² Pettit, *Royal Forest*, 83-94; G. Hammersley, 'Revival of forest laws under Charles I', *History*, XLV (1960), pp.85-102; Sharpe, *Personal Rule*, 116-20; TNA, C115/106/8428, 8432, 8434, 8436, 8438, 8441, 8443, 8851-2; SR, V.119-21; *Historical Collections*, IV.441.

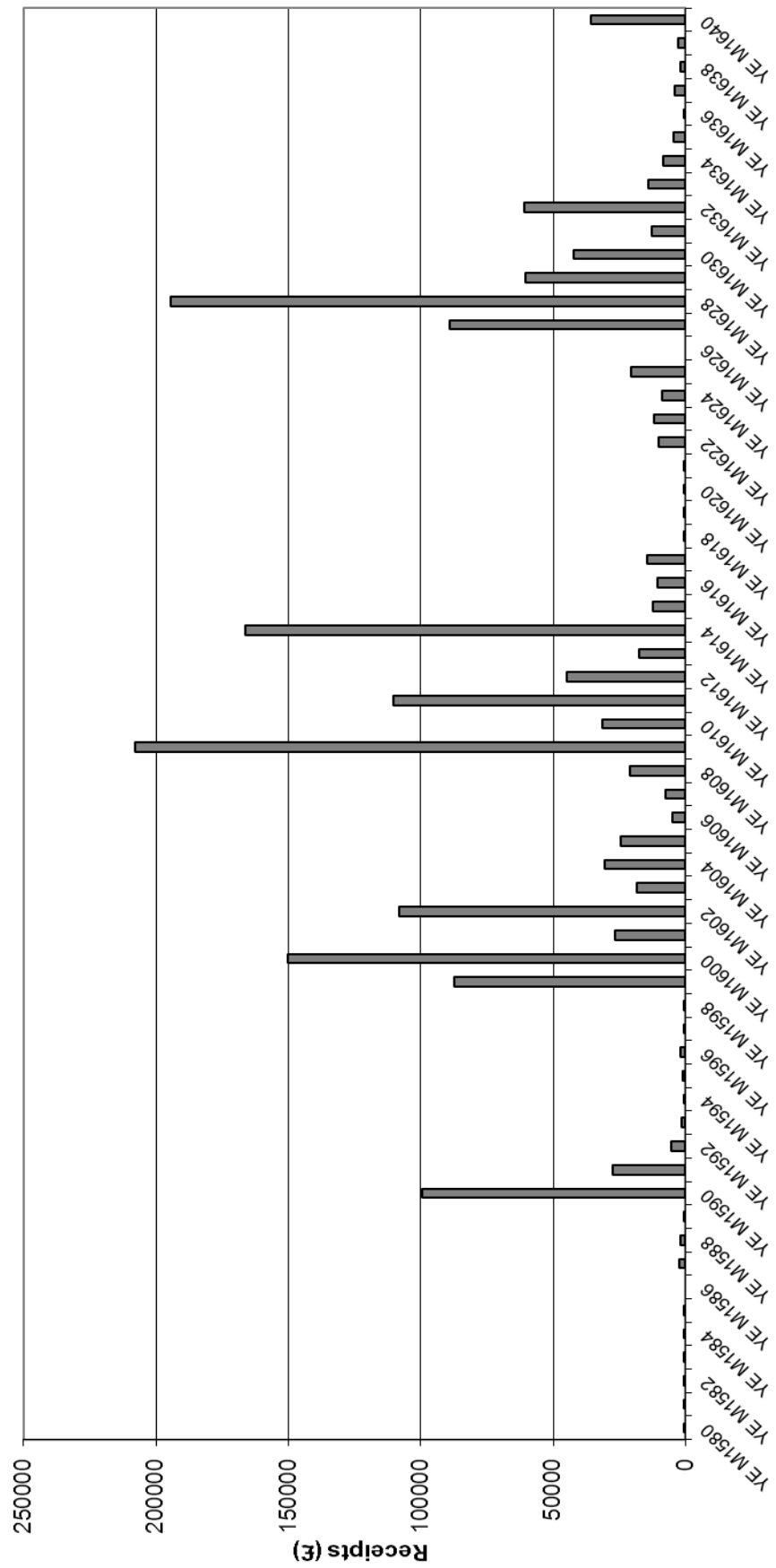
thereafter, and concerted efforts to maximise casual revenues and defective titles of all kinds yielding an annual average of no more than £11,500 (a little under 10% of total land revenues), the obvious recourse to resolve the problem of royal indebtedness was land sales. Massive alienations helped pay for the wars of 1542-62, but Burghley rejected this policy: in 1576 Chancellor Mildmay promised the Commons that land sales were ‘not hereafter to be used, seeing that by the same the revenues of the Crown are greatly diminished, which it can no more bear’. However, war with Spain quickly dissipated the cash reserves Burghley had amassed in the 1570s, forcing land sales in 1589-92; most of the £132,000 raised was spent on the Queen’s forces in France and the Low Countries.¹

Burghley’s death and the disaster which befell the Irish garrison at Yellow Ford, both of which occurred in August 1598, allowed Lord Treasurer Dorset to pursue a more wide-ranging policy of land sales, which realised £372,000 in the last four years of Elizabeth’s reign, almost as much as the £425,000 collected in parliamentary taxation during the same period.² Land sales picked up again in 1607, when Salisbury’s client Sir Walter Cope formed a consortium to handle rectories, chantry lands and ‘quilllets’. Salisbury accelerated the pace in order to pay off Crown debts, raising £410,000 during his four year tenure as Treasurer. Further sales occurred during the financial crisis which preceded the meeting of the Addled Parliament, but this policy was curtailed by Lord Treasurer Suffolk in 1615 and halted altogether after his fall in 1618. The 1626 Revenue Commission, having pondered various schemes to pay for a war in the

¹ *PPEliz.* I.443; TNA, AO1/593/2.

² P.E.J. Hammer, *Elizabeth’s Wars* (Basingstoke, Hampshire, 2003), pp.210-35.

Graph 2.5: Crown Land Sales, 1580-1640



Sources: Outhwaite thesis; TNA, E401; TNA, AO1/593/2.

In YE M1628 a further £35,000 of land was alienated to clear debts to the London corporation.

absence of parliamentary supply, concluded £340,000 worth of sales during the war years, and assigned a further £230,000 of lands to the London corporation in settlement of existing debts (Chapter 1). Sales continued at a lower level until 1640, but the scale of Tudor and Jacobean alienations left the Crown unable to resort to further land sales during the Bishops' Wars (Graph 2.5).¹

Land sales raised £2 million for the Crown between 1598-1640, and wrought huge changes in estate management policy, but few of the implications of this upheaval were explicitly considered by politicians: when the Commons was asked for supply in June 1604, Dorset correctly predicted that 'if the King have not a subsidy he must sell land', but his argument swayed no-one.² Purchasers rarely complained about the excellent value of their investments; while ministers were disinclined to draw attention to their policy failures; and apart from isolated calls for an Act of Resumption, the Commons avoided the issue. Even the Grand Remonstrance of 1641, otherwise comprehensive in its cataloguing of royal mismanagement, remained silent on this point. Writing in 1602, Sir Robert Johnson warned that uncertainty about the market value of lands offered for sale had cost Elizabeth dearly; 'then was sold the pig in the panier'. This criticism was at least partly justified: plans to realise 50 or 60 times the ancient rent for the best properties sold in 1599 were quickly abandoned; and while larger properties retained their liability for wardship, when the need for cash was acute, key pricing considerations such as the duration of existing leases and the potential for improvement were ignored in order to procure quick sales.

Dorset's estate surveys (see above) provided an accurate picture of

¹ *Bacon Letters*, V.185; Hoyle 'Introduction' in *Crown Estates*, 23-8; Ashton, *Money Market*, 132-5.

² TNA, SP14/8/69.

revenue potential, and Jacobean sales to private individuals undoubtedly exploited this information. However, whereas late Elizabethan purchasers had mostly been the sitting tenants, their neighbours, or scriveners acting on their behalf, 70% of the mid-Jacobean sales were handled by syndicates of courtiers, bureaucrats and City merchants, who received preferential treatment in return for cash advances to the Crown. The Eldred/Whitmore consortium for the sale of crown leases, for which detailed accounts survive, was presumably representative of the others, in that it was offered preferential terms at minimal risk to the investors. The Crown demanded 22 years' purchase for the 60-year leases, but the consortium, having taken two years to select its quota of lands worth £2,000 *per annum* at lease, during which a number of properties were exchanged or returned, realised an average of just over 31 years' purchase through resale, a 37% profit; meanwhile, several investors made purchases for their private benefit as part of the transaction.¹

Similar arrangements were reached with the 'Royal Contract' sales to the London corporation in 1628, when £355,000 of Crown land was alienated at 28 years' purchase:² the first tranche of sales by the City raised £111,000 at an average of 38 years' purchase, while further sales in 1630-2 raised £195,000 at 33 years' purchase. Private sales concluded by the Crown Revenue Commission realised far higher prices (Graph 2.1), but at the time the bargain was struck in December 1627, Charles was facing bankruptcy, and his ministers leapt at the £120,000 cash advance the City offered, even agreeing to waive wardship rights by reducing all tenures to free socage for an extra £5,000.³

¹ Outhwaite thesis, 279-337, 355-6; Shropshire Archives, 5586/10/6/1.

² The Royal Contract also included a feefarm rent usually valued at 20 years' purchase, making a full price of 48 years' purchase.

³ Ashton, *Money Market*, 132-53; S.M. Healy, 'Oh, what a lovely war? Direct

One key Jacobean innovation was the inclusion of a perpetual feefarm charged upon the purchaser, equivalent to the ancient rent. £1,500 *per annum* was reserved in this way during 1609-14, and feefarming became routine under Charles, when some lands were even charged with double the ancient rent.¹ Sales in feefarm meant that the Crown surrendered nothing more than the opportunity to increase land revenues, a prospect which seemed remote after decades of mismanagement. As Charles was receiving, at best, a 2% annual return on the capital invested in his estates, but paying 8% interest to his creditors, the policy of land sales, which seems highly irresponsible at first glance, makes sense when viewed in a broader economic context.

Away from Westminster, Crown tenants were aware that sales would spell the end of low rents and easy terms. It is difficult to know how many acquired their own freeholds, as purchases were often made through intermediaries, but around 20% of the late Elizabethan sales were explicitly made to tenants, while a further 70% went to local men.² Every sale involved some degree of co-operation with the tenants, whose interests purchasers neglected at their peril. In 1634, when the lordship of Ruthin was alienated to Sir Francis Crane in settlement of debts owed by the Crown, bids for the estate were received from the tenants, the local landowner Sir Thomas Myddelton and a syndicate from the Ordnance Office; Crane decided to keep the manor, whereupon the tenants opened negotiations to

taxation and politics in England, 1624-9', *Canadian Journal of History* XXXVIII (1993), pp.446-8.

¹ The prices at which bargains were struck for land sales recorded in Graph 2.1 include a valuation of 20 years' purchase for those with feefarm rents attached, and 40 years' purchase for those with double feefarms. This may slightly overestimate the true value of the feefarm rents.

² Outhwaite thesis, 303-25.

confirm the fines for their copyholds.¹ From 1626, three rival interests coveted the lordship of Arwystli and Cyfeiliog, Montgomeryshire: Sir Thomas Myddelton acquired the property in 1629 on the understanding that he would enfranchise the copyholders, but sold his interest to another landowner; his heirs were sued in the Exchequer by Attorney-General Bankes, and the case dragged on until the Civil War.² In extraordinary circumstances, powerful men could even find themselves bested by tenants: in 1628 the copyholders of Pontefract applied to buy their freeholds from the London corporation, but Sir John Savile, Comptroller of the Household, lobbied to have the manor excluded from the Royal Contract, offering 40 years' purchase rather than the 28 the City had agreed; King Charles decided in the copyholders' favour.³

Conclusion

While Crown finances did not depend solely on landed revenues, the failure of the royal estates to match increases in private land rentals, to keep up with price inflation, or even to do much more than hold their own in cash terms, was the single most important cause of the budgetary deficit which plagued the early Stuarts. The last English monarch to manage the Crown estates effectively was Henry VII, whose servants Empson and Dudley had become bywords for ministerial rapacity: in 1621 it was noted that 'Mompesson' was an anagram of 'mo[re] Empsons'; while in 1625 Sir Guy Palmes voiced the hope that Buckingham would be executed by the new King, as Empson and Dudley had been by the young Henry VIII. Politicians could criticise, but they had little to offer by way of reform: in

¹ TNA, C2/Chas.I/W87/1; TNA, E112/274/73; *HoP1604*, III.718-19.

² TNA, SP16/69, ff.35-56v; NLW, Powis 11363; TNA, C66/2500/1; TNA, E112/276/34; NLW, Chirk F14060; NLW, Wynnstay L12-41.

³ LMA, CLA/44/5/28, ff.15v-19v.

August 1625 Sir Edward Coke advocated increasing land revenue by raising Crown rents, developing wastes, assarting forests and taking entry fines. Having served as a Treasury commissioner in 1618-20, he should have been aware that all of these projects had been tried out on earlier occasions, to little effect.¹

Reform of land revenue required time, money and determination: a private landowner might spend a lifetime rebuilding, replanting, draining and enclosing, while disputing with manorial tenants over common rights, entry fines, heriots and other incidental dues. All these options (and more) were explored for the Crown estates, but individual initiatives were rarely followed through to completion. Historians have long been aware that the Crown managed its estates poorly, but a detailed consideration of the figures reveals the dismal scale of this failure: by the 1620s, land revenues were yielding around one-third of what could have been achieved by a ruthless private landlord, and perhaps half what any competent estate steward could have delivered. The political consequence of this failure was that the Crown squandered its best opportunity to balance the ‘ordinary’ (peacetime) budget without resort to Parliament.

Could this disaster have been foreseen, let alone averted? If any man could have conceived and implemented a wholesale reform of the royal estates, it was Burghley; yet as the premier statesman of the age, he faced a vast range of challenges, and the fact that this immense but potentially lucrative task hardly registered on his crowded agenda says something important about the priorities of the Elizabethan regime.² First, such a policy could only be inaugurated in peacetime, with the assistance of a budgetary

¹ *Chamberlain Letters*, II.350; *PP1625*, pp.398-405, 444-5, 451; Russell, *PEP*, 248-51. Admittedly, the forest fines project worked in the 1630s.

² Alford, *Burghley* does not discuss management of the Crown estates in any detail.

surplus to fund long-term capital investments – and such surpluses as Burghley raised in the 1570s were hoarded against the prospect of a war with Spain. Secondly, Burghley opted to use the Crown lands as a source of patronage rather than revenue – so courtiers both great and obscure obtained leases on preferential terms, while royal tenants paid vastly discounted rents.

Tudor estate policy was designed to husband existing resources rather than develop their potential – a prudent strategy for the deflationary late Middle Ages. The currency devaluation of the 1540s prompted a sharp burst of inflation, which was continued thereafter by steady population growth. This abrupt change in the macroeconomic context was overlooked both by the reform commission of 1552, and by Burghley, who pursued deeply conservative social and financial policies, even as private landowners awoke to the benefits of more aggressive estate management. Burghley's approach looked desperately outdated by 1598, but the vested interests of the courtiers and tenants who had benefited from the Tudors' *rentier* attitude were by then too deeply entrenched to be overturned.¹ James's chronic inability to control his expenditure then forced Salisbury to convert Dorset's careful reforms into an asset-stripping exercise, which continued intermittently until the assets ran out in the 1630s. The only exception to this trend was the Duchy of Cornwall, which, insulated from many of the pressures facing the Exchequer by its status as Charles's personal appanage, proved better at maintaining its integrity.² The glaring failures of estate management under the early Stuarts obliged the Crown to look elsewhere for revenues; the following chapters will examine the alternatives pursued, with varying degrees of success.

¹ Hoyle, 'Introduction' in *Crown Estates*, 31-9.

² Haslam 'Jacobean Phoenix' in *Crown Estates*, 284.

CHAPTER III: FISCAL FEUDALISM

Feudal revenues were prescriptive rights which predated statute law: purveyance derived from the tribute exacted by peripatetic Saxon kings; while wardship was a Norman device to ensure that the Crown did not lose the services of tenants-in-chief unable to perform military duties because of youth or lunacy.¹ These revenues, which furnished 10-15% of the early Stuarts' income, provided much of the revenue for the royal Households, while after 1610 wardship receipts grew particularly rapidly, at a rate exceeded only by customs (Chapter 5).

Controversy arose over the unequal incidence of feudal dues: purveyance for the royal Households fell disproportionately on parts of the country which lay on the Court's annual itinerary; while wardship fell randomly upon those with underage heirs at their death. Corruption was also an issue: administrators made huge profits, particularly the Cecils and their clients in the Court of Wards, a fact many contemporaries tactfully forbore to comment upon, and historians often downplay in discussing the greatest political dynasty of Elizabethan England.² The first two sections of this chapter will examine the incidence of purveyance and wardship, the

¹ Sir Edward Coke, *Institutes of the Laws of England* (4 volumes, London, 1628-44), II.542-3; A. Woodworth, 'Purveyance for the royal Household in the reign of Queen Elizabeth' *Transactions of the American Philosophical Society* (new series, XXXV, part 1; Philadelphia, PA, 1945), p.4; H.E. Bell, *An Introduction to the history and records of the Court of Wards and Liveries* (Cambridge, 1953), pp.1-2; J. Hurstfield, *The Queen's Wards: wardship and marriage under Elizabeth I* (London, 1958), pp.3-6.

² J. Hurstfield, *The Queen's Wards: wardship and marriage under Elizabeth I* (London, 1958), pp.264-7, 299-304 offers anecdotal evidence for the profits made by the Cecils, which is overlooked by L. Stone, *Family and Fortune* (Oxford, 1973), pp.21-3 in his discussion of this issue. M.J. Braddick, *The Nerves of State* (Manchester, Lancashire, 1996), pp.73-5, citing Hurstfield, estimates that three-quarters of the profits from Elizabethan wardships went to courtiers, while S. Alford, *Burghley: William Cecil at the Court of Elizabeth I* (New Haven, CT and London, 2008), p.339 observes 'it is clear that Burghley made a vast amount of money' from the Court of Wards, but neither explores the political ramifications of such rampant cronyism.

revenues raised and the hidden costs of these duties, and the attempts to reform or replace them in Elizabethan and early Jacobean England.

In 1610, Lord Treasurer Salisbury proposed to replace both revenues with an annual land tax, or other permanent revenue. The debates over this scheme, known as the Great Contract, have been scrutinised by political historians,¹ but the financial implications of the proposed settlement – never fully worked out at the time – have not been discussed in detail by historians. It will be argued below that economic considerations were a key factor in the rejection of the Contract, it being impossible for either the Crown or taxpayers to compare the costs and benefits of the existing dues with those proposed for the new tax regime; the concurrent debate about impositions, which might have been included in the compensation package (Chapter 5), further complicated such calculations.

The collapse of the Contract, the boldest fiscal initiative of the early Stuart period, discouraged ministers from including Parliament in debates about fiscal reform until the 1640s. Historians, with the benefit of hindsight, sometimes regard the period after 1610 as the ‘last years’ of fiscal feudalism,² but these dues remained a significant part of Crown revenues until 1640: administrative procedures were overhauled, vastly increasing the yields from wardship; while the county composition scheme for purveyance was extended to cover more goods and services. Finally, a new purveyance on malted barley, introduced in London, imposed a modest excise on beer. Significant though they were, these increases were insufficient to bridge the annual deficit which had become the norm in early Stuart finances. The true scale of the opportunity foregone by the failure of the Great Contract only

¹ A.G.R. Smith ‘The Great Contract’ in *The English Commonwealth, 1547-1640* ed. P. Clark, A.G.R. Smith and N. Tyacke (Leicester, 1979); E.N. Lindquist, ‘The failure of the Great Contract’, *Journal of Modern History*, LVII (1985).

² G.E. Aylmer, ‘The last years of purveyance, 1610-1660’, *Economic History Review*, new series X (1957).

became apparent after 1660, when feudal dues were exchanged for a lucrative general excise on beverages, which became one of the mainstays of the 18th century fiscal state.¹

The Political Economy of Purveyance

Purveyance comprised the Crown's right to commandeer and transport supplies for the royal Household, Wardrobe, Stables and stud farms, the Royal Navy, the King's Works, the Ordnance and saltpetremen, and the councils in the North and the Marches. As recently as the mid-sixteenth century, royal armies had been provisioned by such means, but while billeting provoked controversy during the 1620s Charles never claimed purveyance for his troops.² It is impossible to quantify annual receipts, as much of this revenue was received in kind as foodstuffs, fuel, building materials and transport services. Most accounts for the county compositions were lost with the dispersal of the pre-1640 records of the Board of Greencloth, and those of the Cofferer and Comptroller of the Household record only cash received from the sale of surplus goods, a modest proportion of a revenue worth £50,000 to £75,000 annually.³

Supplies for the Household were originally commandeered by purveyors who claimed pre-emption over other buyers in any market they visited, and the right to purchase goods at a fixed rate, the 'King's price'. The Crown also requisitioned transport for its supplies, and for the removal

¹ Braddick, *Nerves of State*, 99-101; J. Brewer, *The Sinews of Power* (London, 1989), pp.145-51; D'Maris Coffman, *Excise Taxation and the Origins of Public Debt* (Palgrave Studies in the History of Finance), (Basingstoke, Hampshire, 2013).

² C.S.L. Davies, 'Provisions for armies 1509-50', *Economic History Review*, (2nd series) XVII (1964-5), pp.236-8; TNA, E101/613/30; Kent HLC, U269/1/OE474; *Sir Henry Whithed's Letterbook*, 45-6, 51; HEHL, HM50657/1, f.7; TNA, C231/1, ff.148v, 151v; Staffordshire RO, D593/S4/60/5; Bradford Archives, 32D86/38, f.60v; TNA, SP46/164, ff.50-84; *OHLE*, VI.96.

³ TNA, E351/1795-1836. The Comptroller's accounts are scattered through TNA, E101.

of the Court from one venue to another. The value of these concessions fluctuated: inflation, a poor harvest or bulk purchases might send prices rocketing; while areas regularly frequented by the Court bore heavier burdens than elsewhere. Purveyance was also, as the French Ambassador noted, a regressive tax which fell heavily on smallholders: ‘a poor peasant has no sooner fattened a bullock, or half a hundred sheep, than these men the purveyors take them’. Finally, as the Board of Greencloth – which controlled Household finances – was quick to reject defective goods, purveyors invariably requisitioned more than their quota, selling any surplus in their own shops.¹ Between Magna Carta and 1555 several dozen statutes were passed to curb abuses, but most were ignored: purveyors took bribes to avoid certain farms or markets, requisitioned goods only to release them for cash, or refused their legal obligation to pay cash for goods valued under 40s. at the King’s price; while many expected a percentage from the funds they did disburse.²

Although remunerative, purveyance was contentious and cumbersome to administer, and the Crown considered various schemes to commute its rights. The first was a 1549 Act imposing a tax on sheep and cloth, which became a grievance in that summer’s peasant revolts, and was quickly revoked. The legal position of purveyance was re-established in 1555, when a new statute codified previous legislation and made the paperwork more straightforward for local officials.³ Statutory arrangements were gradually superseded by local compositions, where shires contracted to

¹ Woodworth, ‘Purveyance’, 27-34, 53-62, 67-8, 71-4; *Boderie*, II.292.

² Woodworth, ‘Purveyance’, 18-19, 37-8; *CJ*, I.190a; *Bacon Papers*, III.142-6, 148-57; *Las Reportes del Cases in Camera Stellata* ed. W.P. Baildon (London, 1894), pp.193-5; NLW, Carreglwyd I/1694, pp.17-20; A. Fletcher, *Sussex, 1600-1660: a County Community in Peace and War* (London, 1975), p.214.

³ Woodworth, ‘Purveyance’, 19-20; M.L. Bush, *The Government Policy of Protector Somerset* (London, 1975), pp.52-3; M. Jurkowski, C.L. Smith and D. Crook, *Lay Taxes in England and Wales, 1188-1688* (Richmond, Surrey, 1998), p.150.

deliver supplies to the Court at fixed times, with penalties for defective goods. Those who compounded were spared the attention of purveyors for the goods they agreed to supply in kind – except during royal progresses – and received the Queen’s price for goods delivered, levying a local rate to make up the difference between this and the market price. However, inflation or bad harvests led some to break or renegotiate their agreements, while as late as 1590 Wales and one-quarter of English shires had not compounded at all. London was largely exempt from purveyance until a poorly drafted statute of 1536 created a loophole: the poulterers compounded with the Greencloth in 1564; wine merchants in 1579; and grocers in 1584.¹

Composition notwithstanding, purveyance attracted controversy throughout Elizabeth’s reign: in 1563 the Queen vetoed a bill to make profiteering by purveyors a felony; while parliamentary calls for a national composition in 1571 and 1581 were ignored.² In March 1587 a bill aimed to restrict the jurisdiction of the Board of Greencloth; Burghley’s clients intervened to have it redrafted, but it was ultimately vetoed by the Queen.³ In February 1589 John Hare tabled a bill abolishing the Greencloth’s jurisdiction, and allowing purveyors to be sued for damages. Treasurer Sir Francis Knollys, ‘much nettled’, defended his department, observing that most grievances could be resolved by composition agreements, but after the bill passed, Knollys revealed that the Queen intended to undertake ‘due reformation’ of the Household herself. Four MPs were nominated to discuss reforms with the Privy Council and Household officials, but nothing was

¹ Woodworth, ‘Purveyance’, 40-62, 67-8, 77-81; TNA, SP12/31/5, 17; Staffordshire RO, D593/S4/61/1-6; *HMC Buccleuch*, III.40-1.

² Woodworth, ‘Purveyance’, 21-2; G.R. Elton, *The Parliament of England, 1559-1581* (Cambridge, 1986), p.192; *PPEliz*, I.203.

³ Woodworth, ‘Purveyance’, 14, 22; *PPEliz*, II.392, 397, 399; *D’Ewes*, 412-14; D. Dean, *Lawmaking and Society in late Elizabethan England* (Cambridge, 1996), p.81.

accomplished before the dissolution.¹

Burghley, who aspired to wrest control of the Household budget from the Greencloth, probably sponsored the 1589 bill: he secured Hare, its promoter, a lucrative position as Clerk of the Wards. The debate provided a pretext for Burghley's 1591 reform commission, which led to sackings and prosecutions of purveyors.² Twenty-six shires were then pressured to compound, and while it was objected in Norfolk that this procedure was 'without the compass of the law',³ the threat of fresh visitations from purveyors eventually secured general compliance.⁴ In 1603 the Greencloth swiftly quashed notions that compositions had lapsed upon Elizabeth's death, but one of James's earliest proclamations warned purveyors to avoid 'any manner of oppression, grievance or wrong'.⁵

Secretary Cecil – who, like his father, had little influence over the Household bureaucracy – promoted radical reform of purveyance in the 1604 Parliament: at the start of the session, his client Sir Robert Wroth attacked purveyors as 'the hellhounds of England'. John Hare, Lawrence Hyde and others swiftly drafted a bill which condemned purveyors' commissions as 'contrary to law', abrogated existing compositions and abolished the Greencloth's jurisdiction over purveyors.⁶ Household officials

¹ *PPEliz*, II.470-1, 473; *D'Ewes*, 432-3, 440, 444, 446, 448; BL, Lansdowne 58/50; *Letters of Philip Gawdy* (Roxburghe Club, CXLVIII) ed. I.H. Jeayes (London, 1906), p.46; Dean, *Lawmaking*, 81-2.

² Bell, *Court of Wards*, 26; *Bacon Papers*, III.142-6, 148-57, 325-6; BL, Lansdowne 69/67, 83/53.

³ The argument was not that composition was illegal, but that, as a private treaty, it would not be covered by statutes regulating purveyance.

⁴ *Reportes del Cases*, 58; Woodworth, 'Purveyance', 41-2; E.N. Lindquist, 'The King, the People and the House of Commons: the problem of early Jacobean purveyance', *Historical Journal*, XXXI (1988), pp.553-6; A. Hassell Smith, *County and Court: government and politics in Norfolk, 1558-1603* (Oxford, 1974), pp.294-302; J.J.N. McGurk, 'Purveyance in Kent, 1580-1604', *BIHR*, L (1977), pp.60-4; Staffordshire RO, D593/S4/50/2; D593/S4/60/5; TNA, C231/1, ff.143v, 147v, 149.

⁵ *Sir Henry Whithed's Letterbook*, 18; *Proclamations*, I.13.

⁶ *CJ*, I.151a, 153b, 937a; *CD1604-7*, p.22; E.N. Lindquist, 'The bills against

rushed to protest: at the bill's second reading on 3 April, Griffith Payne (purveyor to the Bakehouse and MP for Wallingford) objected to 'the vehemency of the House', whereupon his election was questioned, and he was suspended.¹ An unnamed official (perhaps Sir Richard Browne, Clerk Comptroller of the Household and MP for Harwich) conveyed James's wish 'that we shall not, or must not have any law to pass herein', and the bill was replaced by a petition which recited grievances against cart-takers, complained about the illegal use of deputies by purveyors, and included a protest about Welsh composition. Despite further objections from Household officials, James allowed the Commons to confer with the Privy Council, and had a purveyor arrested for abusing his commission.²

Thus far, the 1604 debate resembled that of 1589, but on 8 May the Lords suggested a national composition of £50,000 'for all purveyances whatsoever' – a reasonable bargain for country compositions and cart-taking valued at £37,500, plus the London compositions and other purveyance. Hare offered £20,000 *per annum*, plus a subsidy by way of entry fine; Browne called for a better offer, but Hyde wondered whether any statute could abolish the prerogative right.³ The Exchequer official Robert Johnson suggested a bill restating existing legislation, while Speaker Phelips warned that if Hare's bill were passed, 'the King may, by a *non obstante*, dispense with it', and Greencloth officials defended themselves. Extensive debate failed to reach a consensus: on 2 June Hare's improved

purveyors', *Parliamentary History* IV (1985), pp.38-40; N.R.N. Tyacke, 'Wroth, Cecil and the parliamentary session of 1604', *BIHR*, L (1977), pp.120-5; P. Croft, 'Parliament, purveyance and the City of London', *Parliamentary History* IV (1985), pp.13-14; Lindquist, 'early Jacobean purveyance', 557.

¹ *CJ*, I.162b; *CD1604-7*, pp.38-9. Payne was readmitted on 6 March 1610: *CJ*, I.406b.

² *CJ*, I.190-3, 946b; BL, Add. 5847, ff.163v-164; Croft, 'Purveyance', 14-15.

³ TNA, LS13/280, f.30; *LJ*, II.294-5; *CJ*, I.207a, 969b. *HMC Hatfield*, XVI.79 may come from this debate.

offer of two subsidies was ignored; and the House was too divided even to endorse Wroth's motion to seek improved terms from the Lords.

Negotiations ended there, but the Commons' Apology of 20 June, despite claiming that purveyance was illegal, left open the possibility of a national composition.¹

The 1604 debate was largely a dialogue between Cecilians and the Greencloth, but debates over the precise terms for a composition suggest that public opinion also influenced MPs' calculations. In November 1604 Hertfordshire freeholders attached a petition to the collar of a royal hound, protesting that 'we are not able to entertain him longer'. James took complaints against 'thievish purveyors' seriously: the Council announced reductions in cart-taking, and ordered the shires to raise a rate to augment the Crown's meagre cartage fee of 2*d.* per mile; while several purveyors were prosecuted in Star Chamber before Parliament reconvened.² However, attempts to secure a new composition for wax upset northern shires, while London and Bristol campaigned against the compositions for wine and grocery wares.³

Hare reopened the question of purveyance early in the next parliamentary session (24 January 1606), moving either to apply to the Lords for better composition terms, or to proceed by bill. The Commons chose the latter course, but the measure which emerged proposed abolition without composition. This was probably a bargaining position – James either had to reduce the £50,000 composition demanded in 1604, or veto the

¹ *CJ*, I.207a, 223a, 974-5, 978a; Croft, 'Purveyance', 16-19; Lindquist, 'early Jacobean purveyance', 557-61; *HMC Hatfield*, XXIII.150.

² TNA, LS13/168, f.81v-89, 110v-112v; *Illustrations of British History* ed. E. Lodge (3 volumes, 2nd edition, London, 1838), III.108; *Whithed's Letterbook*, 31-2; *HMC Hatfield*, XVI.326, 426; *Reportes del Cases*, 193-5, 248-9; *Chamberlain Letters*, I.211. Commercial rates for cartage were around 12*d.* per mile.

³ TNA, LS13/168, f.65v; Bradford Archives, 32D86/38, ff.98v-101, 107v; NLW, 9052E/354-5; Croft, 'Purveyance', 20-3.

bill – but on 31 January Sir Robert Johnson revived a more moderate alternative, his 1604 purveyance reform bill.¹ The King urged MPs to discuss composition with the Lords, and the committee for Hare's bill, having completed their scrutiny, agreed to suspend their labours pending negotiations. At the conference Hare recited the 1604 petition against the purveyors' recent excesses, but offered to drop his bill in return for 'the execution of such good laws as now stand in force' – which would have abolished the King's price and the Greencloth's jurisdiction. Salisbury attacked those who presumed themselves 'tribunes of the people', but Hare protested that he spoke for the whole Commons; James rankled at this, and at the suggestion that 'the times before me were golden, and these times iron'.² This confrontation overshadowed Lord Treasurer Dorset's report on Crown debts, which failed to put a price on composition, an omission which prompted the Commons to revive Hare's bill, whereupon Salisbury warned that 'the King's necessity should not admit that this bill should pass'. Lord Chancellor Ellesmere's spokesman Francis Moore urged a composition, but the obvious way to levy this charge, an annual land tax, proved unacceptable; and while Hare suggested 'some other requital', no-one could agree what this might be.³ James, grumbling that his subjects would see him starve, eventually indicated that a lump sum would suffice. The Commons procrastinated until immediately after Hare's purveyance bill passed its third reading, and even then, MPs only resolved to hold a supply vote by the

¹ *CJ*, I.259a; *Bowyer Diary*, 6, 17; Croft, 'Purveyance', 23-4; Lindquist, 'Bills against purveyors', 40-1; *Wilbraham Journal* ed. H.S. Scott in *Miscellany X* (Camden Society, 3rd series, IV), (London, 1902), pp.79-80.

² *CJ*, I.267b; *Bowyer Diary*, 32-4, 39-42; *LJ*, II.373a; 'Yelverton's narrative' ed. J. Cumming, *Archaeologia*, XV (1806), pp.48-9. See also TNA, PRO31/3/41 [Fontaine to Villeroy, 27 February/8 March 1605/6]; *PD1610*, I.278.

³ *Bowyer Diary*, 42-52, 57, 59-60, 62-4, 75, 371-5; *CJ*, I.272-3, 276-8; *Wilbraham Journal*, 75-8, 80-1; *HMC Hatfield*, XVIII.88-90; Croft, 'Purveyance', 25-8; Lindquist, 'early Jacobean purveyance', 563-5.

narrowest margin, 140-139.¹

The subsidy and two fifteenths MPs conceded on 18 March would hardly have persuaded James to relinquish purveyance, and King and Commons quickly fell to blaming each other for a failure both considered inevitable.² The judges offered a way out, advising that the bill misinterpreted the law, and was ‘unfit to be further proceeded in’; Nicholas Fuller doubted whether a judicial opinion could bind a Parliament, but the Lords killed the bill on 11 April.³ There were tentative moves towards a compromise after Easter: a proclamation offered sweeping reforms of purveyance; on 3 May Johnson’s reform bill, long ignored, belatedly received a second reading; and Sir Edwin Sandys suggested raising the money to compound for purveyance via a scheme for draining the Great Fens. However, James quickly dismissed Sandys’s project, while in Star Chamber Ellesmere extolled the virtues of the prerogative in sentencing a purveyor for troubling Samuel Backhouse, MP for New Windsor. The Commons, meanwhile, ignored Johnson’s bill in favour of a new draft by Lawrence Hyde, apparently identical to Hare’s, which was rejected by the Lords on 17 May.⁴

The next parliamentary session was dominated by the Union, and when Sir Nicholas Saunders called for a bill ‘against the purveyors and cart-takers’ on 27 November 1606, there were no takers.⁵

¹ TNA, PRO31/3/41 [Dujardin to Villeroy, 1/11 March 1605/6]; *CJ*, I.285-6; *Bowyer Diary*, 79-85; *Wilbraham Journal*, 82-6.

² TNA, PRO31/3/41 [Fontaine to Villeroy, 23 March/2 April 1605/6].

³ *CJ*, I.297-9; *Bowyer Diary*, 120-3; *LJ*, II.412b; *Dudley Carleton to John Chamberlain* ed. M. Lee (New Brunswick, NJ, 1972), pp.76-7; Croft, ‘Purveyance’, 29-31; Lindquist, ‘early Jacobean purveyance’, 566-7.

⁴ *Proclamations*, I.136-41; *CJ*, I.304b; *Bowyer Diary*, 177; *Carleton to Chamberlain*, 82; *HMC Hatfield*, XVIII.131; *Reportes de las Cases*, 278-9; *LJ*, II.435b; Lindquist, ‘early Jacobean purveyance’, 567-8.

⁵ *CJ*, I.325b, 1005a.

The Political Economy of Wardship

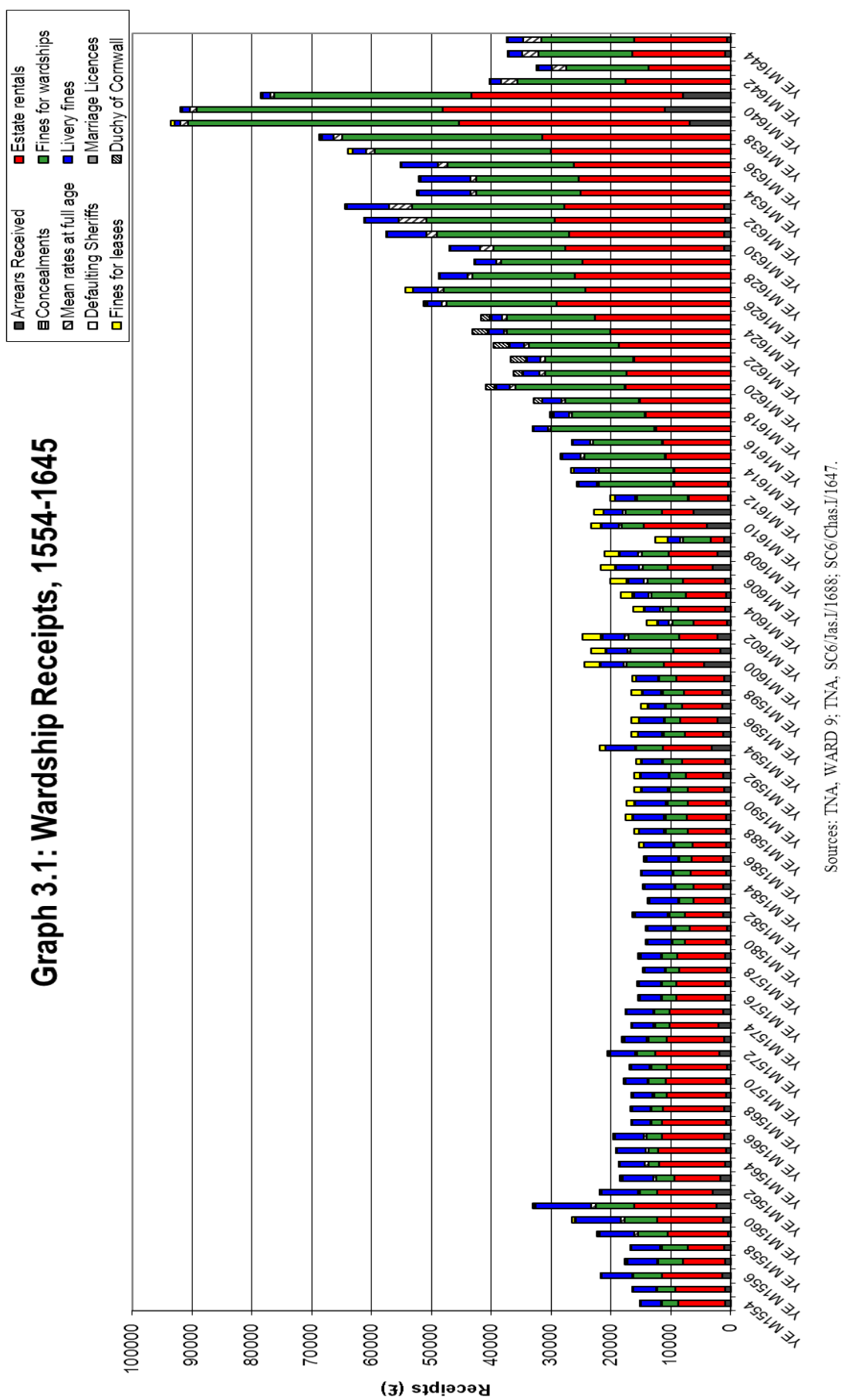
Wardship and livery of seisin fell upon those – mostly gentry – who held any part of their estate directly from the Crown by knight service or other military tenure. Medieval landowners often evaded liability via trusts, but these were curtailed by the Statute of Uses (1536), while the alienation of ex-monastic estates under military tenures significantly increased the number of landowners liable to wardship. Administration, long divided between Chancery, Exchequer and the Household, was gradually subsumed into a specialist court of Wards, the functions of which were confirmed by statute in 1540. These reforms produced an impressive rise in wardship revenues, from around £1,000 a year in the 1520s to £15,000 by the 1550s.¹

Wardship receipts, swollen by the sweating sickness epidemic of 1557-8, peaked in the opening years of Elizabeth's reign, but stagnated after Sir William Cecil took over as Master in 1561. During the next half century revenues barely covered standing charges of £15,000 a year (Graph 3.1), a disappointing performance given the growing number of those liable for wardship, and their rising incomes. Some speculated that large sums were being diverted into the pockets of Cecil and his servants, and the fact that many of these critics were Catholic does not invalidate their argument.² The unofficial costs included, first, a multitude of fees: in 1607 Thomas Ottley of Shropshire paid £8-16-8 for his livery and 5s. for respite of homage, plus £3-5-4 to his attorney, and a staggering £32 to Wards,

¹ OHLE, VI.229-31, 653-86; Bell, *Court of Wards*, 1-15.

² M.C. Questier 'Elizabeth and the Catholics' in *Catholics and the 'Protestant Nation'* ed. E.H. Shagan (Manchester, Lancashire, 2005), pp.76-84; N. Mears 'Regnum Cecilianum? A Cecilian perspective of the Court' in *The Reign of Elizabeth I: Court and culture in the last decade* ed. J. Guy (Cambridge, 1995), pp.46-64; Hurstfield, *Queen's Wards*, 338-42, 348.

Graph 3.1: Wardship Receipts, 1554-1645



Chancery and Exchequer officials.¹ Secondly, there was embezzlement: county feodaries threatened investigation of those not liable to wardship, or made false returns in cases of contested inheritance;² Receiver-General George Goring was £25,800 in arrears at his resignation in 1594, and his successor Sir William Fleetwood owed the court £18,822 when he was bankrupted in 1609.³ Finally, there was overt bribery: Sir George More paid £80 for the wardship of Edward Herbert of Montgomery, but laid out £800 ‘in the obtaining of it’, not an exceptional sum.⁴

Where did the money go? As with Crown lands (Chapter 2), courtiers and bureaucrats were granted wardships at discounted rates. Wards officials were best placed to benefit: Auditor William Tooke was a key broker under Burghley; and Richard Percival, the secretary who handled Salisbury’s wardship business, allegedly made £2,000 *per annum* from bribes and the profits of a dozen wardships. The chief beneficiaries were the Cecils themselves, a significant proportion of whose fortunes derived from the court of Wards.⁵ When Parliament discussed abolition in 1610, Wards officials claimed compensation of £30-40,000 *per annum*. They would doubtless have settled for less, but even the £20,000 considered in draft legislation (see below) would have equalled the Crown’s annual receipts prior to Fleetwood’s bankruptcy; the line A-B in Graph 3.1 is a crude attempt to estimate the gross revenue raised from wardship, including the

¹ Hurstfield, *Queen’s Wards*, 170-5, 188-96; NLW, Pitchford 1019; V. Larminie, *Wealth, Culture and Kinship: the 17th century Newdigates of Arbury and their world* (Woodbridge, Suffolk, 1995), pp.36-7. Bell, *Court of Wards*, 193-205 lists fees in 1623.

² Hurstfield, *Queen’s Wards*, 188-94, 209-10; TNA, STAC8/209/29, ff.4, 24.

³ Hurstfield, *Queen’s Wards*, 199-205; Bell, *Court of Wards*, 37; TNA, WARD9/387, f.212; WARD9/405, f.409v; *HMC Downshire*, II.138; *HMC Hatfield*, XXI.133.

⁴ TNA, WARD9/159, f.35v; *Loseley Manuscripts* ed. A.J. Kempe (London, 1836), pp.353-4. For similar examples see Hurstfield, *Queen’s Wards*, 342-3.

⁵ Hurstfield, *Queen’s Wards*, 227, 343-6; J. Anderson, *History of the House of Yvery* (London, 1742), II.124-36; TNA, C2/Jas.I/T12/74; Yorkshire Archaeological Society, DD56/M2/13; Stone, *Family and Fortune*, pp.21-3.

sums palmed by the Cecil affinity.¹ Of course, this massive diversion of funds rewarded many underpaid royal servants, and funded the Cecils' first-class secretariat,² but allegations of corruption can hardly be dismissed as unjustified.

Those liable to wardship were naturally resentful of such burdens: Dorothy Bacon feared the prospect for her sister's children as 'the burned child dreads fire'. Yet its incidence was capricious: only 30% of Yorkshire gentry families experienced a wardship in the 80 years before the Civil War.³ Matters were worst for the insane, unable to settle leases, jointures or annuities without a court order; such problems were occasionally circumvented by partition of estates prior to inheritance.⁴ Where the ward was unrelated to the guardian, unsuitable marriages and asset-stripping of estates were common, and prosecutions for fraud and waste were routine. A succession of untimely deaths could prove expensive, but for those whose guardianship was granted to their families, wardship was not an onerous burden. In 1586 Sir John Leveson secured custody of his stepson Edward Barrett, whose estates (worth £500 annually) he managed until 1607, spending only £312 on wardship charges – Barrett's grandfather, Chancellor Mildmay, may have secured preferential terms – while he laid out £4,600 on dowries for Barrett's aunts and sister, and £2,000 on his ward's Grand Tour.⁵

Whereas Burghley encouraged debate about purveyance, he did not

¹ *HMC Hastings*, IV.227; *Diary of Walter Yonge* (Camden Society XLI) ed. G. Roberts (London, 1848), p.19.

² I owe this point to Pauline Croft.

³ *Bacon Papers*, IV.32; J.T. Cliffe, *The Yorkshire Gentry* (London, 1969), pp.129-30.

⁴ Bell, *Court of Wards*, 128-32; *HoP1604*, III.263; IV.218-19.

⁵ M.J. Hawkins, 'Wardship, royalist delinquency and too many children: the Portmans in the seventeenth century', *Southern History*, IV (1982), pp.62-7; Cliffe, *Yorkshire Gentry*, 130; Staffordshire RO, D593/P5/2/1-2.

wish to see his stewardship of the court of Wards questioned in Parliament. In 1586 the Commons rejected legislation voiding trusts designed to evade wardship, but John Hare pursued administrative reforms after his appointment as Clerk of the Wards in 1590.¹ After Burghley's death there was talk of restructuring the court, or even of replacing wardship with an annual composition fee, but revenues were increased in 1600-2 by the simple expedient of comparing petitioners' valuations of the ward's estates against feodaries' official returns (Graph 3.1).² In 1603 Cecil revived plans for a composition, but orders to compile a comprehensive list of Crown tenants created suspicion. Enquiries about another scheme – allowing landowners to nominate guardians for their children during their lifetime – generated some interest, largely among the parents of minors.³ Cecil's client Sir Robert Wroth included composition for wardship in the reform agenda he presented to the Commons on 23 March 1604, and MPs, acknowledging the need to compensate Wards officials for loss of income, proposed to petition the King. The Lords agreed, relaying James's wish that alienation fines and respite of homage should be included in the composition.⁴

Other disputes diverted attention from wardship, but on 11 May, when Hare offered £20,000 a year for purveyance, Sir Edwin Sandys unsuccessfully moved to include wardship in a general composition. Sir Maurice Berkeley raised same question five days later, when Hare (who, as a Wards official, can hardly have welcomed the proposal) persuaded the

¹ Dean, *Lawmaking*, 83-4; Bell, *Court of Wards*, 26-8, 63-4.

² *Chamberlain Letters*, I.48; Bell, *Court of Wards*, 55-7; Hurstfield, *Queen's Wards*, 288-97, 312-14; TNA, WARD9/164.

³ *Wilbraham Journal*, 63; *Registrum Vagum of Anthony Harrison* (Norfolk Record Society XXXII-XXXIII) ed. T.F. Barton (2 volumes, Norwich, Norfolk, 1963-4), pp.166-8; *Illustrations of British History*, III.41-6; TNA, SP46/61, f.41; Staffordshire RO, D593/S4/60/17; Folger Shakespeare Library, L.a.438; Hurstfield, *Queen's Wards*, 310-12; Croft, 'Wardship', 45-6;

⁴ Croft, 'Wardship', 40; *CJ*, I.153-5, 937a; *CD1604-7*, pp.22, 29; *Wilbraham Journal*, 63.

House to make a separate approach to the King about wardship. The scheme Sandys presented on 26 May had changed little since March, except that it co-opted Cecil's 1603 plan to survey all wardable lands for composition. However, Wroth now protested that it was 'impossible that any good could come of this course', urging an alternative measure to allow every man to compound for his children's wardship in his will.¹ His disapproval was reinforced by the Lords, who moved 'to forbear any further dealing therein', a plea later seconded by the King. This sudden reversal of official policy baffled many and provoked a formal protest, which developed into the Commons' Apology. Cecil was clearly behind this change of heart, which was apparently prompted by a petition from Wards officials. It indignantly refuted charges of misconduct and warned against the surrender of 'so principal a prerogative', but conceded that if composition were to be considered, a bargain should be struck swiftly, for a minimum of £120,000 *per annum*. This figure, around four times the Crown's annual income from wardship and alienations, was clearly unrealistic, and it was laid aside once James expressed himself unwilling to barter two prerogative rights at once.²

Wardship did not resurface in the next parliamentary session, but in December 1606, Nicholas Fuller and William Holt sneaked it into the Union debates by observing that the abolition of escuage, a military tenure on the Scottish borders, would eradicate a form of wardship. The judges swiftly ruled that payment would continue even if the tenure were abolished. However, it was reported that Salisbury had been offered £50,000 [presumably *per annum*] for composition. At the end of the session, the French Ambassador noted that wardship and purveyance remained the chief

¹ *CJ*, I.207a, 227-8, 969b; *LJ*, II.301b; Croft, 'Wardship', 40-2.

² *LJ*, II.309b; *CJ*, I.230-1, 983-4; *HMC Portland*, IX.12; *HMC Hatfield*, XXIII.150-1; Croft, 'Wardship', 42-4. The Wards officials' petition is TNA, SP14/52/88.

grievances of the kingdom.¹

The Great Contract

Public criticism of feudal revenues sounded like ingratitude to the King. In rejecting proposals for the abolition of wardship on 26 May 1604, the Lords echoed James's opinion in recalling that, at Elizabeth's death, 'we would have given half that we had, to have that we now enjoy'.² Memories of this deliverance faded rapidly, particularly as the influx of Scottish courtiers, and new establishments for Queen Anne and Prince Henry, doubled the Household budget in the first year of the new reign. Costs were also swelled by the relocation from Edinburgh, and the plague outbreak which exiled the Court to Winchester in the autumn of 1603.³ Finally, James's concept of kingship involved a level of generosity which consistently outpaced the cost-cutting efforts of his councillors, and survived the promise of self-restraint he made to Parliament in March 1607.⁴

Despite an admonition from the Privy Council about the need for economy in July 1605, the Jacobean Court grew inexorably. Plans to reduce expenditure on diets in 1605 and 1607 were never implemented, while the Queen's Council, though dominated by Cecil clients, failed to curb Anne's

¹ CJ, I.1007, 1011a; *Bowyer Diary*, 201; B. Galloway, *The Union of England and Scotland* (Edinburgh, 1986), pp.96-8; TNA, PRO30/3/41 [Boderie to Villeroy, 23 December 1606/2 January 1607]; *Boderie*, II.292-3. Boderie's figure was 200,000 *écus*.

² CJ, I.230a.

³ *Ibid.*, 190-1; CSPV, 1603-7, p.285; TNA, LS13/168, ff.67, 77; NLW, Carreglwyd I.1694, pp.5-9; Croft, 'Purveyance', 11-13; R.C. Munden 'James I and the 'growth of mutual distrust': King, Commons and reform, 1603-1604' in *Faction and Parliament* ed. K. Sharpe (Oxford, 1978), pp.50-1; P.R. Seddon, 'Household reforms in the reign of James I', *BIHR* LIII (1980), pp.44-6; Lindquist, 'early Jacobean purveyance', 556.

⁴ J. Cramsie, *Kingship and Crown Finance under James VI and I, 1603-25* (Woodbridge, Suffolk, 2002), pp.25-8; Seddon, 'Household reforms', 44-5; James VI and I, *Political Writings* ed. J.P. Somerville (Cambridge, 1994), p.166.

expenses. Prince Henry's Household was briefly disbanded in 1604-5, but its expansion thereafter was unchecked by 1607 reform proposals.¹

Salisbury made retrenchment a priority upon taking office as Lord Treasurer in May 1608, aiming to pay off accumulated debt of £730,000, and a deficit of £100,000 a year, both of which undermined the Crown's long-term fiscal prospects. In 1609 he inaugurated an entail barring alienation of the most lucrative Crown estates (Chapter 2), and a 'Book of Bounty' which imposed bureaucratic restraints upon royal grants to suitors. However, plans to settle duchy of Cornwall estates of £22,000 *per annum* on Prince Henry in 1610 dissipated the benefit of Salisbury's economies, leading him to devise a radical plan to surrender existing revenues in return for a substantial annual income.²

The Great Contract began with several memoranda delivered to James early in 1610, which dwelt upon reducing expenditure.³ The speech Salisbury made to Parliament on 15 February, however, focussed on raising revenue, for which he promised 'a general redress of all just grievances'. At this stage, neither the 'contribution' expected from the subject, nor the 'retribution' to be conceded by the Crown was specified, although the earl warned that attacks on impositions, wardship or penal fines would not be tolerated. On 19 February Chancellor Caesar suggested wardship and

¹ 'Collection of several speeches and treatises of the late Lord Treasurer Cecil' ed. P. Croft in *Camden Miscellany XXIX* (Camden Society, 4th series XXXIV, London 1987), pp.273-8; Seddon, 'Household reforms', 45-6, 49-50; *Illustrations of British History*, III.96; H.M. Payne 'Aristocratic women and the Jacobean Court, 1603-1625' (London PhD, 2001), pp.123-6, 141-60.

² *CD1621*, VII.461-5; 'Collection of several speeches and treatises' ed. Croft, 254-9, 282; G. Haslam 'Jacobean Phoenix: the Duchy of Cornwall in the principates of Henry Frederick and Charles' in *Crown Estates*, 269-71; *HMC Hatfield*, XXI.270-1; *HMC Downshire*, II.199.

³ *HMC Hatfield*, XXI.182-4, 196; 'Collection of several speeches and treatises' ed. Croft, 263-8, 278-312.

purveyance as retribution, while five days later Salisbury called for £600,000 to settle Crown debts and provide a contingency reserve, and annual revenues of £200,000 to maintain the royal Households. He offered ten concessions as retribution, including a statute of limitations over concealed lands, purveyance composition, the waiver of old debts and reform of wardship and alienation fines.¹ Although some of these items were valuable, the Commons insisted upon the abolition of wardship, which James conceded on 12 March.²

MPs doubtless balked at the scale of the proposed contribution, but James, too, may have had misgivings: it was only on 21 March that he signified his active consent to Salisbury's plan, insisting that 'the means of your King are the sinews of the kingdom both in war and peace', excusing the prodigality of his first years in England, and (again) promising self-restraint.³ The Commons responded with terms for wardship composition: all tenures to be reduced to free socage; wardship, liveries, respite of homage and alienation fines to be abolished; feudal aids (Chapter 4) to be fixed at £25,000. For this, MPs offered £100,000 *per annum*, a remarkable figure given that Crown receipts from these sources were reckoned at £40,000 annually.⁴ However, courtiers believed 'that will not fetch it': the Lords' leisurely scrutiny of this proposal suggested hopes for a better offer; and James, 'more averse' to a deal after Easter, declined to surrender the honorific titles of military tenures along with the revenues.⁵ On 26 April,

¹ *PD1610*, pp.4-8, 12-16; *PP1610*, II.32; *HMC Downshire*, II.240; *LJ*, II.558; *Winwood Memorials*, III.128; Lindquist, 'Great Contract', 627-8.

² *CJ*, I.402-3; *LJ*, II.565b; *PP1610*, II.34-6; *HMC Downshire*, II.251-2, 257-8; Lindquist, 'Great Contract', 629.

³ James, *Political Writings*, 192-8; *CSPV*, 1607-10, p.451.

⁴ *PP1610*, I.53-4; II.64-5; Paulet diary, 23 March 1609/10, 26 March 1610; *LJ*, II.573-4; *HMC Downshire*, II.267-9; *Winwood Memorials*, III.144-5; *CSPV*, 1607-10, p.462; Lindquist, 'Great Contract', 629-30.

⁵ Bodleian, Carte 74, f.400; *LJ*, II.575-6, 580-1; *PP1610*, I.56-60, 63-6; Paulet

James insisted that the £100,000 offered for wardship be added to the support already demanded, to which ‘excessive and exorbitant demands’ Sir Roger Owen responded ‘that silence best, or else... a message that we can go no higher’. There were rumours of a dissolution and Privy Seal loans, but James, though irritated, instructed Salisbury to ascertain what terms would be acceptable.¹

On 4 May Salisbury advised the Commons that ‘though we asked £200,000, yet did we not say we would not take less’.² Discussions stalled until James gave permission to debate impositions (Chapter 5), whereupon Salisbury offered a revised tariff for the Contract (26 May): if purveyance (valued at £40,000 annually) were dropped from the deal, and the £60,000 profit the Crown stood to gain from wardship were included in the £200,000 support, then the Commons had to find another £140,000 annual revenue. This dubious arithmetic impressed no-one: Sir John Savile held the concessions on offer ‘not fit to [be] bargained for’; and John Tey insisted that only ‘a general statute of explanation of the King’s prerogative’ merited such a grant.³ Salisbury changed tack on 11 June, urging that grievances and ‘the matter of support, which seems not to be understood of many’ be left to the autumn session, and proposing a grant of supply instead.⁴ Solicitor-General Sir Francis Bacon’s report of this speech prompted a debate which apparently caught Crown spokesmen unprepared: Recorder Montagu asked for a single subsidy, whereas Chancellor Caesar wanted two. Furthermore,

diary, 21 April 1610; TNA, PRO31/3/41 [Boderie to Puisieux, 5/15 April 1610]; *Winwood Memorials*, III.152-3.

¹ *HMC Downshire*, II.271, 285; *PP1610*, I.67-71; *Winwood Memorials*, III.153-5; *CSPV*, 1607-10, pp.481, 486; *HMC Hatfield*, XXI.216-17; Lindquist, ‘Great Contract’, 630.

² *PP1610*, I.80-1; Paulet diary, 3-5 May 1610.

³ Tey was presumably arguing for a bill to bring impositions under statutory control.

⁴ *PP1610*, I.92-3, 104-6; II.120-4; *PD1610*, pp.46-8; Paulet diary, 2 June 1610; *CSPV*, 1607-10, p.508; Lindquist, ‘Great Contract’, 631-2.

Salisbury's indication that grievances would not be considered until the autumn dampened enthusiasm for any grant. Caesar delivered a royal undertaking to answer the grievances before the end of the session, but sceptics managed to postpone supply 'till the grievances be proceeded in'.¹

After this fiasco, the Commons reconsidered the terms for support, pressing for a reduction in price and further retribution.² At a conference on 26 June, James settled for £140,000 plus the profits waived from concessions allowed as retribution (reckoned at £80,000), while Salisbury, supported by Ellesmere and Northampton, conceded additional retribution.³ The Commons yielded nothing until James answered their grievances on 10 July; he granted most of their demands, but delegated Salisbury to rebut their case against impositions (Chapter 5). As promised, the subsidy debate was rejoined on the following morning, when vigorous efforts to secure two subsidies were rejected in favour of one subsidy and one fifteenth. Following a private meeting between Salisbury and eight influential MPs, on 12 July the Commons agreed to offer £180,000 for annual supply. With a deal now seriously in prospect, Greencloth officials urged that any deal preserved their right to commandeer fuel and transportation for the Household – which was, inevitably, denied.⁴ When MPs presented their figure to the Lords with additional demands on 16 July, Salisbury supported the complaints from the Greencloth, and haggled over other details. However, he rode to Theobald's that evening, where James rejected some of the minor demands but dropped his price to £200,000, which MPs formally

¹ *CJ*, I.437-9; *PD1610*, pp.55-8; Paulet diary, 13-14 June 1610; *PP1610*, II.144-5; *CSPV*, 1607-10, p.516; *C&T James*, I.115-16; Lindquist, 'Great Contract', 633.

² *CJ*, I.440; Paulet diary, 16 June 1610; *PD1610*, p.58; *LJ*, II.616b; BL, Add. 64875, f.56.

³ *PP1610*, I.117-20; II.167-8; *PD1610*, pp.121-3; *LJ*, II.660-1; Lindquist, 'Great Contract', 633.

⁴ *PP1610*, I.129-34; *CJ*, I.448-50; Paulet diary, 11-12, 14 July 1610; *C&T James*, I.122-3.

accepted on 20 July. At the prorogation on 23 July, the terms of the Contract were entered into the Lords' Journal.¹

This agreement, after six months of controversy, briefly created euphoria, but Dudley Carleton justly called it 'preposterous' because it ignored the question of where the money was to come from. In debates during the spring session of 1610, it emerged that the benefits to be gained from the proposed abolitions of duties would vary with each taxpayer, while the costs would fall upon different groups, depending on which of the suggested funding schemes was adopted.² This meant that neither Crown nor taxpayers could be sure who would gain or lose financially under the Contract, which encouraged a sceptical reappraisal of the scheme over the summer.

In late March, when the Commons offered £100,000 a year for wardship, it was observed that 'there will remain no small difficulty in the rating of everyone that hath wardable land' – would the rate apply to all lands held by tenants-in-chief (as under wardship), or only to estates granted *in capite*? Salisbury favoured a land tax for convenience, but when James demanded £300,000 in April, the Commons protested themselves unable to raise 'so huge a sum' this way 'without grieving a multitude of his Majesty's poor subjects'.³ The rating debate revived on 26 June, when the Lords resolved to let the Commons broach the subject, although Salisbury now suggested laying 'part of the burden upon those things the King hath nothing' [*i.e.* impositions], and the rest upon land, 'either by way of subsidy

¹ *PP1610*, I.140-6; Paulet diary, 17 July 1610; *LJ*, II.648a, 660-2; *CSPV*, 1610-13, p.20; *C&T James*, I.128-9; Lindquist, 'Great Contract', 635-6.

² *HMC Downshire*, II.328; *CSPV*, 1610-13, pp.19-20, 24; TNA, PRO31/3/41 [Boderie to Puisieux, 27 July/6 August 1610]; *C&T James*, I.131; Smith 'The Great Contract' in *The English Commonwealth, 1547-1640*, p.120.

³ *Winwood Memorials*, III.145, 160; TNA, SP14/52/87; *CJ*, I.423b; *LJ*, II.589b.

the acre, or the 100th part of a man's estate'.¹ MPs resolved to levy £100,000 upon land, but Sir Robert Johnson asked whether this should be rated upon ancient rents, acreage, wardable lands, or by fixed quota on each township, and what proportion should be borne by the landlord and tenant. Sir Roger Owen recalled that Edward III's demand for a quota tax in 1340 had been 'found so grievous as the King was [fain] to remit much of it', while Sir Roger Wilbraham noted that ancient rents – the notional valuations cited in inquisitions *post mortem* – were 'incertain & obsolete' and recommended an acreage assessment. However, if the land tax paid for wardship, a flat rate per acre would unfairly penalise those who held no lands *in capite*.² On 11 July the Commons resolved to levy a rate of 2*d* per £ on the 'racked value' of all lands, but it was questioned whether this would produce the £100,000 required.³

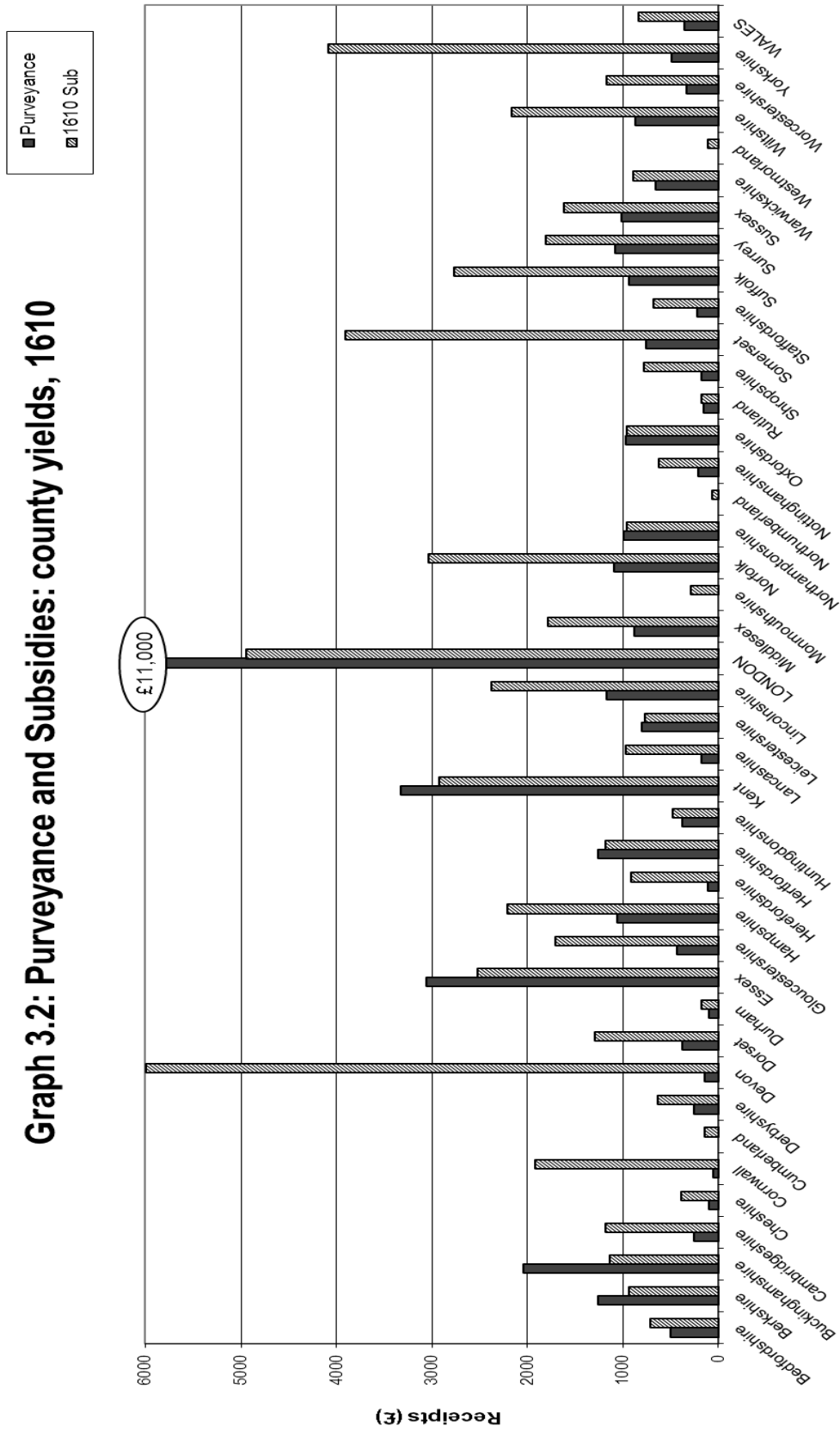
Purveyance involved different calculations: in 1610 those who lived near regular royal itineraries – the Home Counties, the Upper Thames valley and east Midlands – paid annual compositions equivalent to a subsidy, whereas other areas escaped more lightly (Graph 3.2). Thus northern and western shires pressed to exclude purveyance from the agreement, and when this was refused, they sought alternative compensation. Cornwall and Wales secured concessions over leases on Prince Henry's estates, and the

¹ *PP1610*, I.114-15, 120; II.168; *PD1610*, pp.122-3.

² *CJ*, I.444a; *PP1610*, II.169; Paulet diary, 28 June, 9 July 1610; *Wilbraham Journal*, 104; Jurkowski *et alii*, *Taxes*, 43-6.

³ Paulet diary, 11-13 July 1610; *CJ*, I.449; *PP1610*, II.277. A draft bill (TNA, SP14/55/60) specified 1½*d.* per acre for meadow and marsh, and 1*d.* for pasture, arable and wood.

Graph 3.2: Purveyance and Subsidies: county yields, 1610



Sources: TNA, LS13/279; TNA, E401.

abrogation of the Crown's right to make law for Wales by proclamation.¹ More surprisingly, the Marcher shires were to be removed from the jurisdiction of the Council in the Marches, a project tacked to the Contract at the last moment by its chief advocate, Sir Herbert Croft. The Commons, fearful of jeopardising the Contract, resolved that this issue be 'no breach or hindrance of the main bargain', but Salisbury tamely concurred, an indication of his need for an agreement.² Compensation for Wards officials also caused controversy: Richard Martin insisted this was included in the price for support (18 July); but Salisbury hinted at his own losses, and commended Wards Attorney-General Sir James Ley and Clerk John Hare as deserving of recompense. Draft legislation allowed a levy of 2d. per acre for four years, which would have raised £400,000 – £20,000 a year at 20 years' purchase. However, nothing was settled, and feodaries lobbied James on his summer progress, 'because there is no proviso in the agreement which cares for them'.³

On 20 July, Sir George More belatedly reminded the Commons that 'ways and means for payment' had not been settled. Martin recalled the £100,000 cap for the land tax, but Walter Gawen insisted the entire sum could be raised this way – yet the quota he recommended for Wiltshire was only half what his shire was paying for the subsidy then being collected.⁴ At Sandys's behest, it was agreed that there would be no excises on beer or bread, and no poll tax – options suggested earlier – but details of the land tax remained unresolved. Meanwhile, the Lords reached different

¹ *CJ*, I.447a; *PP1610*, II.271; *LJ*, II.660-1; Lindquist, 'Great Contract', 636.

² *CJ*, I.451-3; *PP1610*, II.286-9; Paulet diary, 19, 21 July 1610.

³ *PP1610*, II.286, 288; *CJ*, I.451b; Paulet diary, 19 July 1610; TNA, SP14/55/60; *HMC Downshire*, II.328; Lindquist, 'Great Contract', 636-7. Feodaries were local officials for the court of Wards.

⁴ Wiltshire paid £2,249 out of the £70,102 raised from the 1606C subsidy; Gawen recommended that Wiltshire pay £2,000 out of £130,000 charged on 36 English shires.

conclusions. Salisbury urged that purveyance as well as wardship be charged to the land tax, 'for if the King be left upon uncertain profits, the revenue may decay', and on the final day of the session the Lords resolved that support should be 'firm and stable' and not 'difficult in the levy'.¹

Misgivings about the Contract surfaced over the summer, largely because of the Commons' resolution that it be discussed at meetings of the subsidy commissioners, and the conclusions reported to the Commons in the autumn session.² In Nottinghamshire, Sir John Holles found support for the abolition of purveyance and the tenurial inquisitions of feodaries, but noted the uneven spread of the costs and benefits: 'everyone will find stuff to his fancy, though of much they suppose they have no use, and consequently not to be bargained for by them'. Others questioned the terms of the bargain: Sir Thomas Beaumont's Leicestershire neighbours 'assent to go forward... and to add something for supply, so that the impositions and other our grievances may be cast in'.³ At Court, there were ideological reservations about the surrender of prerogative revenues, and practical concerns about retrenchment. In August, Chancellor Caesar scrutinised the Contract's financial consequences. He recalculated the net annual value of the 'support' at £85,000, a sum easily raised 'by improvement of those things so parted with by this bargain' and by Household economies. The Crown's debts and capital investments, he argued, could be funded from land sales, and only the planned contingency reserve of £150,000 need be abandoned. His assumption that land revenues could be increased by £84,000 a year seems questionable (Chapter 2), but he wisely warned that a fixed income

¹ *PP1610*, II.289-90; *CJ*, I.453a; Paulet diary, 28 June, 21 July 1610; *LJ*, II.656-7, 662; *CSPV*, 1610-13, p.2.

² *PP1610*, II.290-2; Paulet diary, 19, 21 July 1610; *CJ*, I.453; Smith 'The Great Contract' in *English Commonwealth*, 121-3.

³ *Holles Letters*, III.515; *PD1610*, p.130; *PP1610*, II.318.

would be eroded by inflation, and that annual taxation would give Parliament a pretext for refusing peacetime supply.¹

Diverging expectations among taxpayers, courtiers, Privy Councillors and the King became apparent when Parliament reconvened in October. Despite Salisbury's forceful reminder that the existing agreement was merely 'an entrance to a bargain', the Commons, pleading poor attendance, focussed upon grievances.² On 31 October James – having admitted his own misgivings about the bargain – chastised MPs for 'slackness and many delays' and pressed them to decide whether to proceed with the Contract. Caesar, Bacon and others backed his call, but sceptics questioned the Crown's claim to impositions and whether prerogative dues could be abolished by statute. James curtailed this debate by demanding a supply of £500,000, 'though it will be less than will pay his debts', and urging a definitive decision about the means by which the annual support of £200,000 would be raised; he also insisted the Commons bear the charge of compensating the Wards officials.³ Salisbury, perhaps surprised by this final condition, waived any claim for compensation, but in the Commons, only Christopher Brooke spoke for supply, while no-one was prepared to concede support without the abolition of impositions; the Contract was voted down almost unanimously.⁴

After several days, James accepted the Commons' decision – the delay suggests he required some persuasion. Ministers then launched a fresh campaign for supply: on 14 November Salisbury, Northampton and

¹ *PD1610*, pp.164-79; Lindquist, 'Great Contract', 638-9; L.M. Hill, *Bench and Bureaucracy: the public career of Sir Julius Caesar, 1580-1636* (Stanford, CA, 1988), pp.167-71.

² *PP1610*, II.299, 305; *LJ*, II.672-3; *CSPV*, 1610-13, p.65.

³ *HMC Hatfield*, XXI.256; *PD1610*, pp.126-8; *PP1610*, II.308-11, 392-400; Paulet diary, 5 November 1610.

⁴ *PP1610*, II.316-23, 327; *PD1610*, pp.128-31; Paulet diary, 7-9 November 1610; TNA, PRO31/3/41 [Boderie to Puisieux, 7/17 November 1610]; *CSPV*, 1610-13, p.79.

Ellesmere undertook to levy no more impositions without parliamentary consent, and as further inducement, offered several of the concessions formerly attached to the Contract.¹ Richard Martin spurned this compromise: ‘if the kingdom want, the King must needs be poor; if the kingdom be rich, the King cannot want when there is fit and just occasion for him to have it’. Samuel Lewknor, brother of the King’s Master of Ceremonies, who was perhaps speaking to a brief, recounted James’s favourite tale of Cyrus, the Persian Emperor whose wants had been relieved by his courtiers, and urged ‘that the King would be pleased to live of his own, and to resume his pensions and lessen his charge’. The courtier Sir George More advocated supply, but Sir Nathaniel Bacon disagreed: ‘the wants of the King drew on all these subsidies formerly granted, and must now draw on this’.²

Such criticisms echoed Salisbury’s personal opinions, but the public forum in which they were deployed gave James a convenient pretext for dissolution, which – surprisingly – he rejected. Instead, he met with 30 MPs privately, asking ‘whether they think it fit to relieve him’: Sir Nathaniel Bacon repeated his earlier speech, whereupon the King asked Sir Henry Neville whether ‘his wants ought to be relieved’. Sir Herbert Croft diverted attention by speaking about the Marches, but those present left considering themselves ‘well and graciously used’.³ Other MPs were upset at the prospect of an agreement being made behind their backs, but James insisted that there was no private undertaking, and promised a fresh initiative after a brief adjournment.⁴ The plan, apparently suggested by some MPs, was to

¹ *HMC Rutland*, I.424; *HMC Hastings*, IV.223-6; Paulet diary, 14 Nov. 1610; *PD1610*, pp.131-4.

² *PP1610*, II.331-7; *PD1610*, pp.134-6; Paulet diary, 16 November 1610; *Boderie*, V.492; *HoP1604*, V.121, 124-5; Cramsie, *Kingship*, 25-8.

³ *HMC Hastings*, IV.226-7; *PP1610*, II.337-8.

⁴ TNA, SP14/58/21; *PP1610*, II.339-40; Paulet, 17 June 1610.

revive wardship composition, presumably as first mooted on 26 March. Salisbury seized the opportunity, but James, more sceptical, departed for the hunting field, leaving his ministers to clinch the deal, or take the blame for its collapse.¹

In order to succeed, wardship composition had to be presented as a private initiative, and thus when the House reconvened on 21 November, it was not mentioned in the King's message, which focussed on impositions (Chapter 5). Sir Robert Harley broached the subject of wardship, but his motion was swamped by calls for an order forbidding private meetings between MPs and the King – which suggests the House was reluctant to consider his plan.² Eventually, on 23 November, the issue of wardship composition resurfaced. Once again, it was sidetracked by attacks on the favour James showed his courtiers, particularly the Scots: Beaumont complained about preferential treatment of the Scots over customs rates; Thomas Wentworth of Oxford observed that 'we would be glad to hear of Spain, that the King spent all upon his favourites and wanton courtiers'; while John Hoskins bluntly insisted that 'the royal cistern had a leak', which could not be blamed on the English, the Irish or the Dutch. MPs then voted to end the discussion of wardship composition.³

James, at Royston, ordered an adjournment as soon as he heard of this vote. News of the obstructive agenda MPs planned to implement at their next meeting confirmed his intention to end the session; ministers disagreed, asking to meet at Theobald's to argue their case, but James objected that this would raise misplaced hopes of fresh royal concessions. He was further angered by news of the anti-Scots rhetoric of 23 November, which he

¹ TNA, SP14/58/26. The anonymous author of the anti-Cecil libel in *HMC Hatfield*, XXI.260-2 may have known of this offer.

² *PP1610*, II.340-2; *PD1610*, pp.138-41; Paulet diary, 21 November 1610; TNA, SP14/58/26; *HMC Downshire*, II.396; *CSPV*, 1610-13, p.86.

³ *PP1610*, II.343-4; *PD1610*, pp.142-5.

considered ‘scandalous’, and ‘near to the point of treason’, while the French Ambassador noted disquiet at Westminster that James’s attendants at Royston were largely Scots.¹ On 29 November Speaker Phelips adjourned an almost empty Commons for another week, apparently forestalling a motion barring MPs from private consultations with the King. Matters worsened when Sir Thomas Lake told James that MPs planned to petition to send the Scots courtiers home, a rumour the Bedchamber man Sir Robert Carr used to stoke his master’s latent fear of anti-Scottish xenophobia.² When the Commons met on 6 December, Speaker Phelips peremptorily delivered James’s order to end the session.³

Following the prorogation, James chided Salisbury for ‘being a little blinded with the self-love of your own counsel in holding together of this Parliament’; this has been interpreted as a general loss of confidence in the earl, but, taken in context, it seems to apply to the final weeks of the autumn session alone.⁴ James announced his intention to dissolve Parliament on 31 December 1610, by which time his ministers were searching for alternatives to the supply and support forfeited with the Contract. City merchants refused to lend, and new Privy Seal loans were deferred until after the 1610 subsidy was collected, but a temporary solution was found in baronetcies (Chapter 1).⁵ In January 1611 Salisbury offered his master another lecture about ‘the stay of bounty and the stay of your expense’, but the Household

¹ *PD1610*, p.145-6; TNA, SP14/58/31-2, 38; *Boderie*, V.510-11.

² *PP1610*, II.345; *HMC Hatfield*, XXI.262-5; TNA, SP14/58/54. *Boderie*, V.510, speculated that James might mount his own “Sicilian Vespers” against the Scots’.

³ *PP1610*, II.347-8; Paulet diary, 6 December 1610.

⁴ *HMC Hatfield*, XXI.265-6; E.N. Lindquist, ‘The last years of the first Earl of Salisbury, 1610-1612’, *Albion* XVIII (1986), pp.23-41. Hurstfield, *Queen’s Wards*, 322-5 argues the opposite.

⁵ *Proclamations*, I.237-8; *HMC Downshire*, II.406; *Winwood Memorials*, III.239; *CSPV*, 1610-13, pp.110, 122, 135, 146-7; P. Croft ‘The Catholic gentry, the Earl of Salisbury and the Baronets of 1611’ in *Conformity and Orthodoxy in the English Church c.1560-1660* ed. P. Lake and M.C. Questier (Woodbridge, Suffolk, 2000), pp.263-78.

budget resisted attempts at pruning until Cranfield took over the Wardrobe in 1618.¹

Could the Contract have succeeded? The difficulties which surfaced in 1610 over price, the levying of support, compensation for officials and legal assurances over the surrender of prerogative rights had all been raised before, and the decision to resolve a multiplicity of grievances via a single agreement, while undoubtedly bold, was always likely to magnify such problems. The provisional agreement over the memorial of 23 July was a political triumph, albeit one achieved by ignoring the economic analysis which ultimately overthrew the Contract. The only spontaneous initiative undertaken by the Commons was that for wardship composition, at a far higher rate than that offered in either 1604 or 1606-7, and, ironically, the offer to revive this deal in November 1610 may have been made in earnest – Salisbury was not the only politician anxious to have something to show for so much effort.²

Reforms and Restructuring, 1611-40

After the failure of the Great Contract, piecemeal reforms of both wardship and purveyance were pursued intermittently. Administrative retrenchment at the Wards followed Caesar's advice of August 1610 that 'monies which heretofore were the objects of private men's desires... be employed to the King's proper use and benefit'. New instructions of February 1611 specified that the ward's family should be given priority in bidding for custody (offered as part of the Great Contract on 24 February 1610); that the preferences of the ward's ancestor, where indicated, should

¹ 'Collection of several speeches and treatises' ed. Croft, 312-17; Seddon, 'Household reforms', 46-9; *HMC Rutland*, I.427; *CSPV*, 1610-13, pp.121-2.

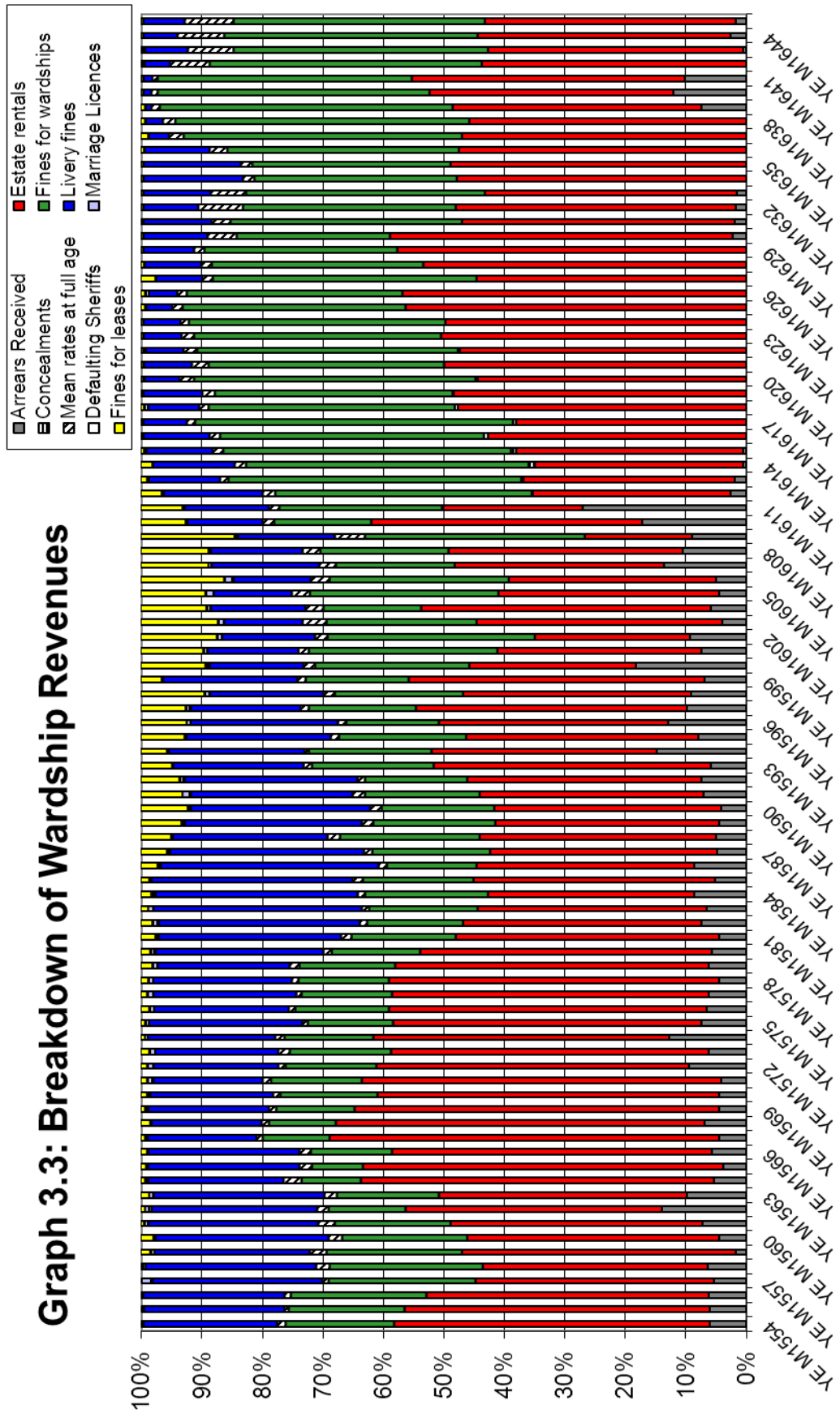
² Lindquist, 'Great Contract', 629-31.

(as suggested in 1603) be heeded; that no wardship be granted at a discount ‘in way of reward or benefit’; that the purchaser swear under oath that they had given no bribe; and that leases of wards’ lands be offered at ‘the best improved yearly rent’.¹ These rules were designed to ensure that profits hitherto reaped by courtiers and officials came to the Crown, while wardship hunters – like purveyors – were only allowed to operate if the new rules were ignored.

The financial results of the 1611 reforms were impressive: receipts increased steadily (Graph 3.1), exceeding even Caesar’s optimistic projections. Almost all of this increase derived from entry fines for wardships (the red bars in Graphs 3.1 and 3.3) and annual rentals for wards’ estates (the green bars in Graphs 3.1 and 3.3), which grew by 377% and 291% respectively between 1612 and 1638. Other income declined both relatively and absolutely: fines for sealing the leases of wards’ estates (the yellow bars in Graphs 3.1 and 3.3) dwindled after Salisbury’s death, while in the later 1630s, under the mastership of Sir Francis Cottington, fines for securing livery of seisin when the heir took possession of the estate (the blue bars in Graphs 3.1 and 3.3) collapsed. However, the growth of entry fines and rentals was so prodigious that revenues from the Court of Wards increased by 242% during 1612-38. During the Bishops’ Wars (1639-40) rentals and entry fines were squeezed even harder to meet the Crown’s urgent military needs, which, in tandem with a drive to collect arrears, raised revenues to over £90,000 *per annum*. This level could not be

¹ *PD1610*, pp.16, 170; *Collectanea Curiosa* ed. J. Gutch (2 volumes, Oxford, 1781), I.127; *Instructions... to the... Court of Wards* (London, 1610), pp.5-7, 12-13; Bell, *Court of Wards*, 49, 137.

Graph 3.3: Breakdown of Wardship Revenues



Sources: Graph 3.1, excluding Duchy of Cornwall figures, for which no breakdown is available.

sustained, and complaints about administrative frauds in the Short and Long Parliaments inspired changes, particularly over the tutelage of Catholic heirs.¹ However, abolition of the court was never seriously considered. Viscount Saye, one of the leaders of the parliamentary Junto, served as Master of the Wards from 1641-6, and receipts, though latterly confined to areas under parliamentary control, remained buoyant until its abolition in 1646 (Graph 3.1).

Corruption was, of course, never eradicated from the court of Wards. Several of the impeachment charges laid against Cranfield in 1624 concerned the alteration of these instructions to benefit his servants, but a hostile Commons indicted him only for an increase in livery fees, and the misuse of a signature stamp by his secretary.² His successor as Master, Sir Robert Naunton, initially pruned such sharp practices as had developed, but by the end of the decade the wardship hunters were active again, and were apparently a factor in persuading the court's most scrupulous attorney, John Winthrop, to resign.³

The steady increase in wardship revenues after 1612 might have been expected to have provoked renewed controversy in Parliament; but the reverse was true.⁴ A 'grace bill' of 1614 promised changes to the administration of liveries, but was criticised as a ploy to augment the fees of

¹ M.A. Jervis, 'The Caroline Court of Wards and Liveries, 1625-41' (York PhD, 2011), pp.68-70.

² *PD1610*, p.164; Bell, *Court of Wards*, 147; *A Commission with Instructions and Directions...* (London, 1622); M. Prestwich, *Cranfield: Politics and Profits under the early Stuarts* (Oxford, 1966), pp.450-1.

³ R.E. Schreiber, *The Political Career of Sir Robert Naunton, 1589-1635* (London, 1981), pp.97-108; F.J. Bremer, *John Winthrop: America's Forgotten Founding Father* (Oxford, 2003), pp.144-6.

⁴ Jervis thesis, 79-80 argues that wardship was squeezed out of the parliamentary agenda under Charles I by more pressing issues; but this surely indicates it was not as contentious as it had been in 1604-10.

Wards officials, and never emerged from committee.¹ A bill penalising failure to make public proclamation of inquisitions *post mortem* received two readings in the Commons in June 1625, but the lawyer Henry Sherfield complained that it only served to increase fees, while Sir Edward Coke argued that the bill impeded the subject's right to sue for possession in the common law courts.² A similar measure reached the report stage in 1626, but the stalemate over Buckingham's impeachment prevented its further passage.³

The revival of the Great Contract, or aspects thereof, was occasionally mooted in the debates on revenue reform which took place in the early years of Charles's reign, but negotiations were never reopened. On 11 August 1625 John Whistler urged the commutation of wardship in the Commons, a frivolous motion in the context of a supply debate to avert an imminent dissolution.⁴ On 25 Apr. 1626, Buckingham's client Sir Nicholas Saunders objected to a motion to increase the existing vote of supply (Chapter 4), suggesting instead that the Great Contract be revived at the 1610 price of £200,000. On the following morning, John Wylde, one of the Duke's enemies, agreed that wardship could be commuted, and was seconded by Sir John Savile, who, overlooking his opposition to the project in 1610, now reminisced that 'if the proposition concerning the court of Wards had not been neglected, the Crown had by this [time] received 2 millions of money'. By 1626 Savile was moving into the favourite's orbit, which suggests bipartisan support for the proposal. In a broader debate of 4

¹ *PP1614*, pp.233-5, 242-3; Bell, *Court of Wards*, 146.

² *PP1625*, pp.238, 241; Jervis thesis, 59-60, which misidentifies Sherfield as Thomas Sherwill. The identification is clarified in *HoP1604*, VI.301.

³ *PP1626*, II. 25-6, 33-4, 39, 81-2; III.107; Jervis thesis, 64-5. The concealments bill, discussed in Jervis thesis, 60-1, 63-4, 68, was primarily concerned with the issue of concealed Crown lands (Chapter 2), rather than wardships.

⁴ *PP1625*, pp.567, 470. Jervis thesis, 58-9 takes the proposal more seriously.

May on improving the Crown's revenues, two more of Buckingham's opponents, Edward Bysshe and Sir Peter Heyman, endorsed commutation of wardship, but it is unclear whether this was mentioned in the resulting petition.¹

Prospects for commutation continued to be explored after the dissolution of June 1626, when Savile joined the revenue reform commission, and undertook a pilot scheme to compound for small tenures in Yorkshire. However, the rival proposal of Sir Miles Fleetwood, Receiver-General of the Wards, to promote composition for respite of homage cut across his plans, and the yield of both came to only a few thousand pounds.² Towards the end of the 1628 parliamentary session, Fleetwood recommended a fresh plan to the Commons, under which wardship, recusancy fines and forest fines would be commuted for up to £250,000 *per annum*. The Exchequer Auditor Sir Robert Pye, Sir Robert Phelips and Sir Thomas Wentworth – who all clearly perceived that this project could provoke endless haggling, as the Great Contract had in 1610 – persuaded MPs to delay this debate until the next session, where it failed to resurface. While this ill-defined project hardly got off the drawing board, it suggested one possible avenue of co-operation between the Crown and its critics in the 1629 session, a prospect which was undermined by the dispute over Tunnage and Poundage (Chapter 5).³

Why did political controversy over wardship decline after 1610? Although aggressive initiatives over other forms of taxation met with storms of protest, successful pressure to increase wardship revenues did not provoke a backlash – a paradox historians have largely overlooked.

¹ *PP1626*, III.62, 65, 74, 76-8, 155, 157, 159; *HoP1604*, III.379-81; VI.214, 875; Jervis thesis, 61-3.

² London UL, Goldsmiths' 195/1, ff.2v-3v; Goldsmiths' 195/2, ff.14, 26r-v, 33-4, 38-9v, 44v-8v; TNA, C66/2384/2 (dorse); *HMC Buccleuch*, III.315.

³ *PP1628*, IV.406, 410, 413-14, 416-17, 419-20; Jervis thesis, 66-8.

Wardship generated controversy a-plenty during the *regnum Cecilianum*, when gentry incomes were rising rapidly but the Crown's yields were stagnant, a dismal performance which was undoubtedly due to increasing levels of corruption. Anecdotal evidence suggests that the gross income the Crown, bureaucrats and courtiers derived from wardship far outstripped the audited receipts; a line drawn on Graph 3.1 between the receipts in the 1560s and those of the 1630s would provide a crude indication of the level of peculation. As the negotiations of 1604-10 suggested, most families were prepared to pay over the odds to ensure an unchallenged title to a ward's estates and marriage. The instructions of 1611, by guaranteeing their rights, reduced the leverage courtiers and bureaucrats had previously enjoyed to solicit bribes, a fact which must have been obvious to contemporaries. Even if it is impossible to assess the figures for gross revenues with any accuracy, this hypothesis makes sense of a political paradox which is otherwise inexplicable.

Unlike wardship, purveyance continued as a serious bone of contention after 1610. The most cumbersome aspect of the Elizabethan county compositions was the delivery of goods in kind. Missed deadlines and defective goods created friction between the Greencloth, ratepayers and the contractors delivering their quotas. In March 1611 the Privy Council offered 'to discharge... all compositions' – including 'petty purveyance' of goods still taken in kind, and cart-taking – for an annual cash payment.¹ Nothing came of this initiative: Yorkshire apparently ignored it; negotiations with Kent, Leicestershire and Lincolnshire proved

¹ *Maynard Lieutenancy Book, 1608-39* (Essex Historical Documents III) ed. B.W. Quintrell (2 volumes, Chelmsford, Essex, 1993), II.294; G.E. Aylmer, 'The last years of purveyance, 1610-1660', *Economic History Review*, new series X (1957), pp.81-2.

inconclusive. It seems likely that the multiplicity of charges on each shire and the uneven burden made it difficult to secure agreement.¹

Having failed with county compositions, the Greencloth turned to London. The most significant Household commodity exempt from purveyance was beer, excluded as a manufactured product. A royal brewery supplied the Household in the 1580s, but thereafter beer was purchased on the open market, until unpaid bills bankrupted the King's brewer in 1614.² The Privy Council imposed a levy of 4*d.* per quarter upon malt used by London brewers from July 1614, despite complaints that it was an arbitrary exaction, and that London was exempted from purveyance under a charter of 1327. Recalcitrant brewers had their stock impounded by purveyors, and several were imprisoned in the Marshalsea for resisting these seizures. A trial seemed likely, but the case was eventually heard before the Privy Council, which upheld 'his Majesty's prerogative in this point of purveyance'.³ Threats of further proceedings for breach of the assize of beer persuaded the Brewers' company to supply the Court with 2,000 tuns annually, for which they were assigned the 4*d.* composition, worth £3,700 a year.⁴

'Composition groats' proved difficult to collect, both because of fluctuations in the brewing trade, and also because suburban brewers

¹ Bradford Archives, 32D86/38, ff.199-200; BL, Add. 34218, f.30v; HEHL, HA4122; *HMC Rutland*, I.430; *CSPD*, 1611-18, p.74; R. Cust, 'Purveyance and politics in Jacobean Leicestershire' in *Regionalism and Revision: the Crown and the Provinces in England, 1250-1650* ed. A Gross and J.R. Lander (London and Rio Grande, OH, 1998), pp.157-9.

² Coke, *Institutes*, II.545; Woodworth, 'Purveyance', 57-8; BL, Lansdowne 165, f.100; *PP1628*, IV.85.

³ GL, 5445/13 (21 July, 26 October 1614); GL, 5442/5 (Desmaistres' account, YE M1615); *Chamberlain Letters*, I.559, 579; *APC*, 1613-14, pp.647-9; 1615-16, pp.9, 17, 51-2; Erle diary, 19 April 1624.

⁴ *APC*, 1615-16, pp.51-2, 82-3; GL, 5445/13 (31 March, 27 June, 13 July 1615); TNA, LS13/168, f.185.

resisted payment; in February 1616 the charge was reduced to £3,000.¹ However, ratings, based upon self-certification by brewers, were notoriously inaccurate, and in November 1617, shortly after the purveyor Christopher Smyth took over the beer contract, he filed the first of numerous lawsuits in the court of Requests. The Brewers' company were also authorised to search private houses for unlicensed breweries, which they used to call their suburban rivals to account.² Smyth ultimately sued most brewers for unpaid composition, which probably explains why four London brewers took over the contract when it was renewed in 1620. However, the terms remained the same, and a group of refusers petitioned the King for relief in the following spring. The Greencloth forced the company to disavow this petition in July 1621, but in November the Brewers appealed to the Commons for relief. The Southwark brewer and MP Richard Yearwood complained of a 'composition in the nature of an imposition', and Sir Robert Phelips feared 'this may lead the way to have a tax or excise on all our victuals', but Sir Thomas Edmondes, Treasurer of the Household, insisted it had been 'a voluntary composition'. Sir Julius Caesar moved to hear testimony from the Greencloth, but before this could be done the session was derailed by a dispute over foreign policy.³

The beer composition was not the only purveyance to receive scrutiny in the Commons. In 1614 Serjeant Robert Barker, MP for Colchester, sponsored a bill 'against outrageous carriages', apparently intended to regulate cart-taking; being poorly drafted, it was rejected at the second

¹ GL, 5445/13 (14, 16 February 1615/16, 2 July 1616); GL, 5442/5 (account YE M1616); TNA, REQ2/420/133, f.3.

² TNA, REQ2/420/133; GL, 5445/13 (12 August 1617, 3 February 1617/18, 1 June 1618, 22 Nov. 1619, 5 May 1620); TNA, LS13/168, f.211; APC, 1617-18, pp.33-4, 81.

³ TNA, LS13/168, ff.246-7, 251, 255v; GL, 5445/14 (27 November 1621); GL, Broad sides 24.20; CJ, I.652b; PD1621, II.253; CD1621, II.476-7, 480-1; VI.213-17.

reading. The Board of Greencloth subsequently negotiated with Essex JPs for a composition for carts, without success.¹ In 1621 draft legislation, promoted by Middlesex and Buckinghamshire interests, awarded local magistrates oversight of cart-taking, ordered that carriers be paid in advance, and limited the length of their journeys, all of which recalled Hare's tactics in 1604 and 1606. Its chief opponent was, predictably, Treasurer Edmondes, who protested that the bill would raise the price of cartage; as Sir Richard Browne had done in 1604, he moved to petition the King for reform. At the third reading on 25 May, Solicitor-General Heath observed 'this bill takes away the King's prerogative' and signified James's wish for consultation with Greencloth officials. Regulations about price and distance were apparently settled over the summer, but the bill was read only once in the Lords before the dissolution.²

In the winter of 1621-2, a shortage of coin bankrupted numerous purveyors, leaving the Household accounts £10,000 in arrears, and counties unable to fulfil their composition quotas.³ Lord Treasurer Cranfield, citing the parliamentary complaints of the previous year, revived the 1611 initiative for commutation of all purveyance, and during the summer of 1622 a commission negotiated with county magistrates.⁴ Fourteen compositions were concluded: Middlesex's quota doubled to £1,800, and Surrey's increased from £1,100 to £1,500, but this included cart-taking; Cornwall, Devon and Shropshire secured modest reductions in their composition. Some shires refused or declined to negotiate, while Berkshire

¹ *PP1614*, pp.101, 171, 174; *Maynard Lieutenancy Book*, II.298-9, 303-4.

² *PD1621*, I.220-1, 291; II.103-4; *CJ*, I.572b, 585b, 619a, 627; *CD1621*, II.308-9; III.234-5, 305-7; V.322; VI.168-70; *LJ*, III.177; TNA, LS13/168, f.254; Kyle thesis, 409-11.

³ Kent HLC, U269/1/OE1458; TNA, LS13/168, f.257v. For the account for HYE LD1622, see CUL, Oo.vii.19.

⁴ Hampshire RO, 44M69/G3/1110; TNA, C66/2271 (dorse); *HMC Cowper*, I.73-5.

and Hertfordshire pressed unsuccessfully for the inclusion of purveyance for hawks, hounds and hunting horses. In Essex, the freeholders objected to a handful of magistrates speaking for the whole county, and doubts were expressed as to whether composition 'were safe'.¹ In February 1623, Sir William Hewitt was appointed receiver of such compositions as had been agreed, but he required a subsidy of £4,000 from the Exchequer in his first year, and his account closed heavily in arrears at Michaelmas 1624; the Elizabethan compositions were reinstated a year later.²

In 1624 the Commons briskly passed the cart-taking bill, which then received two readings in the Lords. Lord Steward Montgomery asked for a conference with the Commons on 15 April, but the presentment of Cranfield's impeachment charges the following day diverted attention, and the bill was quietly forgotten.³ One of the charges brought against Cranfield involved the composition for grocery wares in the outports, but the investigation exposed no more than minor misconduct.⁴ Later in the session, the London Brewers revived their petition over composition groats, but when Clerk Comptroller Sir Simon Harvey was summoned to testify, this investigation was swamped by petitions against Harvey's mishandling of county compositions. Treasurer Edmondes's plea to refer Harvey to his colleagues on the Board of Greencloth failed to prevent his inclusion in the grievance petition, but he escaped punishment and was promoted the

¹ BL, Add. 64875, ff.69-74; Add. 64878, ff.13-14, 67; Kent HLC, U269/1/OW165; U269/1/OE1065; *Maynard Lieutenancy Book*, II.309-11, 317.

² TNA, E101/436/19; TNA, LR6/154/11; TNA, E101/627/16; TNA, LS13/169, pp.277-9; Aylmer, 'Last years of purveyance', 86-8; TNA, PC2/48, ff.64-5; *APC*, 1626, pp.45-6; London UL, Goldsmiths' 195/1, ff.14v, 25v. The plague of 1625 presumably added to the chaos in the Greencloth.

³ *Maynard Lieutenancy Book*, II.304-6, 312; Kent HLC, U269/1/OE474; *Hertfordshire County Records: Sessions Rolls 1581-1698* ed. W.J. Hardy (Hertford, Hertfordshire, 1905), p.56; *CJ*, I.679a, 685a, 739b; Erle diary, 13 March 1624; *LJ*, III.287-8, 306a; Kyle thesis, 411-12.

⁴ Kent HLC, U269/1/OW169; U269/1/OI32; *LJ*, III.366-7, 378a; Prestwich, *Cranfield*, 452.

following year.¹

The dislocations of war relegated purveyance to a minor irritant under Charles. In 1626 a patent for purveyance of poultry for the royal hawks was condemned, while two years later a bill to reduce the trespasses committed by saltpetremen received two readings in the Commons.² The counties bickered about their liabilities until the Civil War, but only the malt levy generated serious controversy. The brewers' composition fell into arrears during Hewitt's receivership, but a fresh consortium took over the contract in November 1624, when the composition was increased to £3,300. The plague of 1625 caused chaos in the London brewing trade, and while the Greencloth allowed the contractors a discount, the Brewers petitioned the Commons about composition once again in June 1626; nothing was resolved before the dissolution, although this modest effort cost the company £107.³ In September the Brewers offered Buckingham £1,000 to secure a similar reduction in their annual composition, but this was rejected. In the 1628 Parliament, the Westminster brewer and MP Joseph Bradshaw had some success in promoting a fresh petition, unsupported by his company. Sir Edward Coke considered it 'dangerous to set an imposition upon a native commodity', and another MP feared that this levy had served as the template for an excise on beer discussed by the Privy Council shortly before the session began. It was condemned, but the King ignored the grievance petition.⁴

¹ GL, 5445/14 (20 February 1623/4); Pym diary, 19 April 1624; Erle diary, 19, 23 April, 11 May 1624; *CJ*, I.787; Aylmer, 'Last years of purveyance', 86n4.

² *PP1626*, III.330-5, 384, 435; *PP1628*, II.46; III.70-1; IV.347-8; *Maynard Lieutenancy Book*, II.275-6.

³ TNA, LS13/168, ff.301v-302, 321v-322; GL, 5445/14 (17 January 1625/6, 23 June 1626, 27 June 1627); *PP1626*, III.344-5.

⁴ London UL, Goldsmiths' 195/1, f.28v; *PP1628*, III.173-4, 180-1; IV.85-6, 97, 373, 376; R. Cust, *The Forced Loan and English Politics, 1626-1628* (Oxford, 1987), pp.76-7; P. Christianson, 'Two proposals for raising money by extraordinary means',

After the end of the 1628 session, resistance to impositions by some Levant Company merchants (Chapter 5) apparently inspired similar recalcitrance among brewers. On 12 November, the Privy Council interviewed ‘divers refractory persons’, and demanded to know whether composition groats would be paid. The company initially resolved to withhold payment until the question had been examined by Parliament, but a delegation sent to the Privy Council either failed to convey this decision, or lost their nerve. At a fresh meeting of the company’s membership, reinforced by brewers from the suburbs, all but twelve of the 80 men present voted to resist the composition, but the company’s wardens declined to bear the cost of any initiative ‘concerning the payment of the groats’.¹ Nothing was achieved during the 1629 parliamentary session, and the angry dissolution encouraged discretion. Nevertheless, the opponents of composition returned to the fray in September 1629, though once again at their own charge. The London corporation were persuaded to support their case for exemption under the 1327 charter, but the Privy Council rejected this plea on 10 December 1629. By way of consolation, the brewers’ composition was reduced to £2,762-10-0, but around one-third of those liable still refused to pay.²

Conclusion

Political controversy over feudal revenues, particularly at the start of James’s reign, stemmed from their inequitable incidence. However, reform initiatives between 1586 and 1610 arose not from public discontent, but from the Cecils – and even with such powerful support, they were

English Historical Review, CXVII (2002) pp.363-6, 372-3.

¹ APC, 1628-9, pp.228-9, 237, 295-6; GL, 5445/15 (23 December 1628; 15, 27 January, 12 February 1628/9).

² GL, 5445/15 (15 September, 12 November, 15, 30 December 1629); APC, 1629-30, pp.205-6; LS13/169, pp.129-30.

complicated by the bureaucratic interests of Greencloth and Wards officials. For taxpayers, the chief priority was an equitable form of administration: the 1611 instructions established that profits from wardship were to come to the Crown rather than courtiers or informers; while the widening remit of county compositions reduced the capricious activities of purveyors. The impact of these reforms was that the Crown's net receipts increased significantly. As this produced little political controversy (except among the London Brewers), it can be assumed that the gross yield of feudal revenues did not increase – so the main losers from these initiatives were the Wards officials and purveyors whose income from fees, bribes and peculation was reduced.

Purveyance and wardship both featured in the Grand Remonstrance, but the Long Parliament did not accord priority to the abolition of either: purveyance was suspended by the Commons in December 1642; while the court of Wards yielded a healthy revenue for the parliamentary cause until its abolition in 1646 (Graph 3.1).¹ Cart-taking was revived for the royal Household in 1661, continuing until 1689, but wardship and purveyance, though both eligible for reinstatement in 1660, were commuted for a lucrative excise on beverages. Thus Salisbury's hopes of 1610 for a fixed land tax were ultimately surpassed by an excise on beverages which grew dynamically.²

¹ *Historical Collections* ed. J. Rushworth (8 volumes, London, 1721-2 edition) IV.442, 446; *CJ*, II.886b; Bell, *Court of Wards*, 148-59; Aylmer, 'Last years of purveyance', 89-90.

² *SR*, V.259-61, 310-11; Aylmer, 'Last years of purveyance', 91-2.

CHAPTER IV: DIRECT TAXATION

Direct taxation has long been central to historiographical debates about parliamentary politics and the public sphere. Whig historians held the ‘power of the purse’ to be a key factor in the Commons’ struggle to wrest control of the political agenda from the early Stuarts, but in the 1970s Conrad Russell warned against projecting the hostilities of the 1640s back into the earlier period. The early modern political system, he insisted, was motivated by the search for a workable consensus, and quarrels over supply should not be seen as attempts to hold the government to ransom.¹ He further speculated – without much supporting evidence – that early Stuart politicians were unaware of the growing cost of the early modern state and contemporary warfare, and suggested that the Crown’s financial problems were caused more by ignorance rather than malice.²

Russell’s critics put the politics back into Crown finance by setting tax demands in their local context. Post-revisionist studies of the Forced Loan and militia finance show that contemporaries were keenly aware of the political and strategic implications of direct taxation, and carefully calibrated their responses.³ This chapter will extend this approach,

¹ H. Butterfield, *The Whig Interpretation of History* (London, 1931), preface; W. Notestein, ‘Winning of the initiative by the House of Commons’, *Proceedings of the British Academy* XI (1924-5), pp.125-175; Russell, *PEP*, 3-11, 49-53. The Whig approach was defended against Russell’s criticisms by J.H. Hexter, ‘The early Stuarts and Parliament: Old Hat and *nouvelle vague*’, *Parliamentary History*, I (1982), pp.181-215.

² C. Russell, ‘Parliament and the King’s finances’ in *The Origins of the English Civil War* ed. C. Russell (Basingstoke, Hampshire, 1973), pp.103-4. His examples derive from debates about specific military initiatives proposed in 1624 and 1626, not war finance in general. Russell never developed his point, nor offered any alternative to the obvious explanation that an inadequate vote of supply carries an implicit critique of official policy.

³ R. Cust, *The Forced Loan and English Politics, 1626-1628* (Oxford, 1987); T. Cogswell, *Home Divisions: Aristocracy, the State and Provincial Conflict* (Manchester,

considering the broad incidence of direct taxation, which fell not only upon the elites, but further down the social spectrum than any other Crown revenue. It will then examine each of the various forms of taxation levied during 1580-1640, when widespread evasion undermined the two main parliamentary taxes, the subsidy and the tenth and fifteenth, while the extra-parliamentary taxation the Crown sought to compensate for the shortfall in statutory revenues provoked overt resistance.

The social impact of direct taxation

Between 1580 and 1640 direct taxation furnished 20-40% of Crown revenues – the annual figures fluctuated widely, as the Crown's demands and tax yields varied according to political, economic or strategic necessity.¹ Votes of supply comprised the 'Alpha and Omega' of almost every parliamentary session, particularly during wartime, although ministers had to broach the subject carefully.² Furthermore, the revenues from direct taxation extended well beyond parliamentary subsidies: out of the £6.25M received at the Exchequer during 1580-1640, one-third came from non-statutory exactions (Graph 4.1).

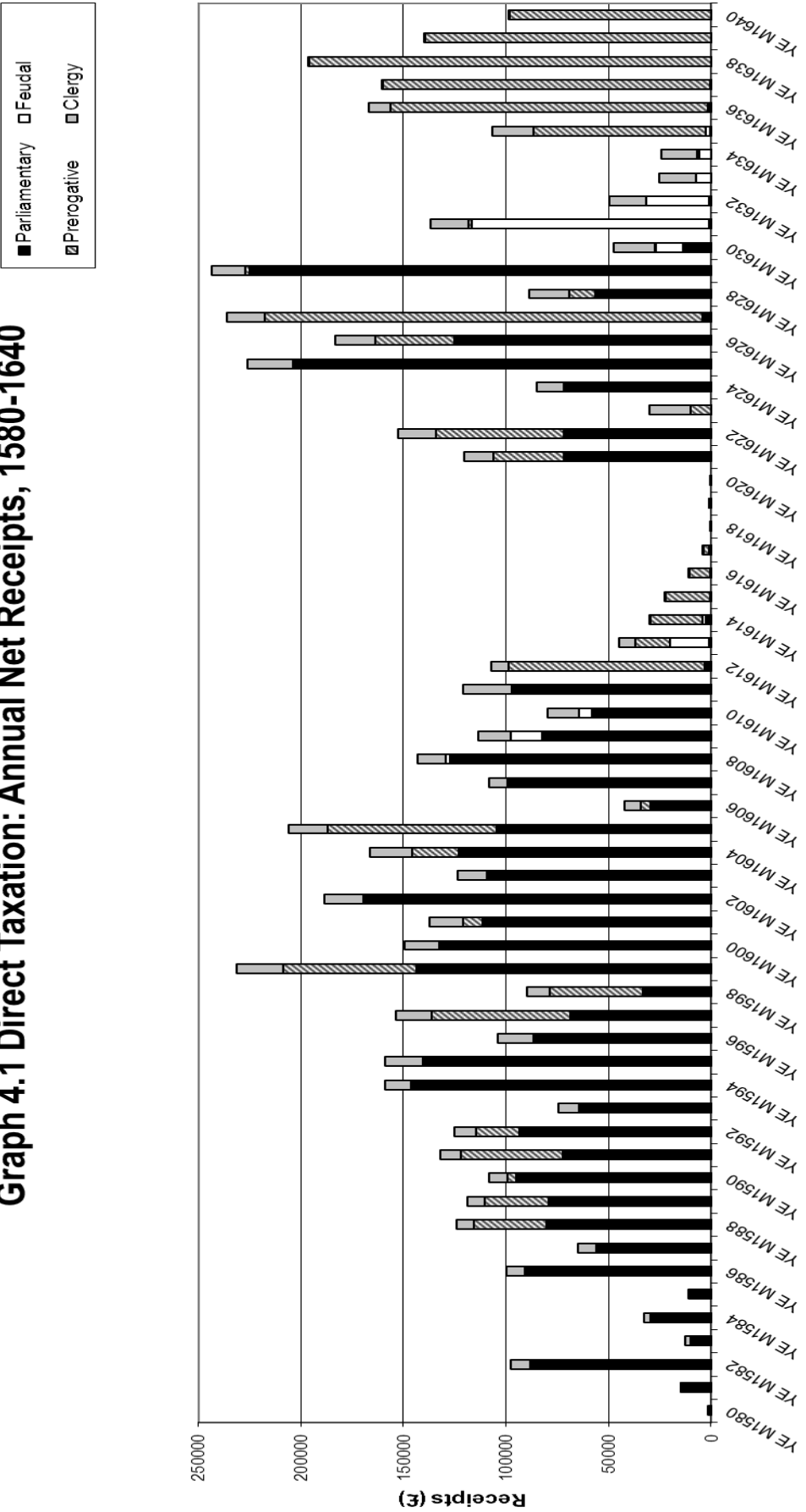
It was the incidence of direct taxation rather than the scale which made it a focus of political controversy: individual taxes were charged upon anywhere between 1% and 60% of the nation's householders (Table 4.1). Because of this, levies which were innovative or coerced with excessive vigour by the Crown – particularly if not voted by Parliament – encountered widespread evasion. Tax rebellion has been studied by

Lancashire, 1998).

¹ Figures taken from M.J. Braddick, *The Nerves of State* (Manchester, Lancashire, 1996), Table 1.3 (columns f and g); ESFDB database, /obrien/engd002.txt to 005.txt (accessed May 2014).

² D'Ewes, 632.

Graph 4.1 Direct Taxation: Annual Net Receipts, 1580-1640



Sources: TNA, E401; Healy, 'Lovely War?' 452-8; Langeludekke, 'Ship Money', 533-41.

historians, but the sources for tax avoidance are often overlooked.¹

However, the only politically acceptable way to renege upon tax obligations was by procedural devices which were (intentionally) difficult

Table 4.1 Incidence of direct taxation, 1603-40

Tax	Yield (approximate)	Incidence	Number of taxpayers
Subsidy	£55-70,000	Subsidymen	100,000 or more
Tenths and Fifteenths	£29,000	Ratepayers	Several hundred thousand
Privy Seal loans	£45-110,000	Wealthier subsidymen	2-5,000
Feudal aids	£20-25,000	Crown tenants-in-chief	Thousands
Benevolences	£27,500-73,000	Wealthier subsidymen	Thousands
Knighthood fines	£176,000	£40 freeholders not knighted at Coronation	10,000
Ship Money	£80,000 to £210,000	Ratepayers	Several hundred thousand

Sources: discussed in text.

to detect. From the 1580s, ministers ineffectually chastised assessors for conniving at evasion; their failure prompted fresh tax demands, and further incentives for evasion.²

Tom Cogswell argues that the key factor in the politics of tax

¹ M.L. Bush, 'Tax reform and rebellion in early Tudor England', *History*, LXXVI (1991), pp.379-400; Braddick, *Nerves of State*. The administration of direct taxation has been studied by R. Schofield. *Taxation under the early Tudors, 1485-1547* (Oxford, 2004) and M. Braddick, *Parliamentary Taxation in Seventeenth Century England* (Woodbridge, Suffolk, 1994), but neither considers the political impact of their findings.

² Braddick, *Nerves of State*, 155-67.

evasion was the aggregate incidence of all taxes upon personal wealth, national *and* local, in any specific year. The receipts for national taxes returned to the Exchequer (Graph 4.1) show little growth in yields across the period 1580-1640, except during acute wartime crises such as 1599-1603 and 1625-9 (which produced temporary and episodic increases), and a sharp fall during the mid-Jacobean peace. The yield of local militia rates is more difficult to establish: Cogswell's figures for Jacobean Leicestershire, and data for three other counties during Elizabeth's wars, provide a shaky basis for extrapolation. However, these do suggest that while peacetime military charges were modest and sporadic, wartime levies constituted a significant additional burden on local ratepayers, particularly in crisis years such as 1588, 1599-1601 and 1626.¹

Even when allowance is made for militia rates, direct taxation, which was theoretically supposed to support the costs of the Crown's diplomatic and military initiatives, clearly proved inadequate in 1598-1603; while the situation only worsened thereafter, as the Stuarts were out-taxed and outspent by several Continental rivals.² The fact that MPs who welcomed the Crown's geopolitical initiatives were often reluctant to back their rhetoric with hard cash suggests that – contrary to Russell's assumption – England's elites were aware of the costs of an effective fiscal-military state, and keen to avoid such burdens wherever possible. This aim was assisted by the cumbersome machinery for tax assessment, as data gathered at local level about individual wealth was either kept from

¹ Cogswell, *Home Divisions*, 305-8 (especially Figure 5); N. Younger, *War and Politics in the Elizabethan Counties* (Manchester, Lancashire, 2012), pp.204-11. Cogswell's decision to include purveyance and depopulation fines among his figures is disputable, as these were not related to military and diplomatic expenditures.

² G.L. Harriss, 'Medieval doctrines in the debates on supply, 1610-1629' in *Faction and Parliament* ed. K. Sharpe (Oxford, 1978), pp.73-103.

the Exchequer, or recorded in ways which precluded an accurate estimate of net worth. Thus it proved difficult to centralise the assessment process, and when this was attempted from 1634, the county quotas imposed for Ship Money provoked endless rating disputes.¹

The mainstay of parliamentary taxation was the subsidy, assessed upon householders whose names were returned to the Exchequer. Subsidy lists purported to be a comprehensive listing of the propertied classes, but from the 1560s they became increasingly detached from economic reality, as assessors adjusted ratings to their own benefit. Thousands of taxable households were also silently excluded by the evolution of an unofficial 'bearer' system: in some cases, the subsidy lists were filled by a rota system, while in others, half the sum assessed on each named taxpayer was borne by two or more other, unregistered, householders.² So the surviving lists of tens of thousands of subsidymen probably recorded less than half those who actually paid.

Fifteenths were charged as local rates assessed in a variety of formats, upon freeholders or tenants, residents or foreigners. It was widely complained that this tax fell more heavily upon the poor than subsidies – although charitable trusts alleviated the burden in some parishes – and this perception contributed to their demise after 1624.³ Their incidence was undoubtedly far broader than that of the subsidy, but central government

¹ A.A.M. Gill, 'Ship Money during the Personal Rule of Charles I: Politics, Ideology and the Law, 1634 to 1640' (Sheffield PhD, 1990), pp.259-83, 318-24.

² R. Schofield 'Taxation and the political limits of the Tudor state' in *Law and Government under the Tudors* ed. C. Cross, D. Loades and J.J. Scarisbrick (Cambridge, 1988), pp.227-55; M.J. Braddick, *Parliamentary Taxation in seventeenth century England* (Woodbridge, Suffolk, 1994) pp.74-8. Each subsidyman usually had two bearers, but in 1627 four apiece were assigned for the Forced Loan in Scarborough: *Scarborough Records, 1600-40* ed. M.Y. Ashcroft (2nd edition, Northallerton, Yorkshire, 1993) pp.10-11, 182-3, 197-8.

³ Braddick, *Parliamentary Taxation*, 24-5, 61-2.

had no access to assessment data, which could have furnished an accurate survey of the nation's landed wealth.

Demands for non-parliamentary taxation were more *ad hoc*, and were levied in a less systematic way. Some assessments were linked to subsidy lists: Privy Seal loans were charged upon wealthier subsidymen; benevolences probably had a similar incidence, though little information survives about assessments; while knighthood fines fell on subsidymen who had not been knighted – some 10,000 in 1630-4. All Crown tenants-in-chief were theoretically liable for feudal aids, but while some shires (particularly in Wales) assessed large numbers of smallholders, many, with the Crown's encouragement, targeted wealthy landowners, who compounded at fixed rates. In most counties, only defaulters had details of their estates returned to the Exchequer, so it is impossible to be specific about its incidence, although it clearly ran into the thousands.¹ Ship Money was assessed as a local rate, on a broader basis than tenths and fifteenths: in Essex, 60% of households were charged with contributions in 1637.²

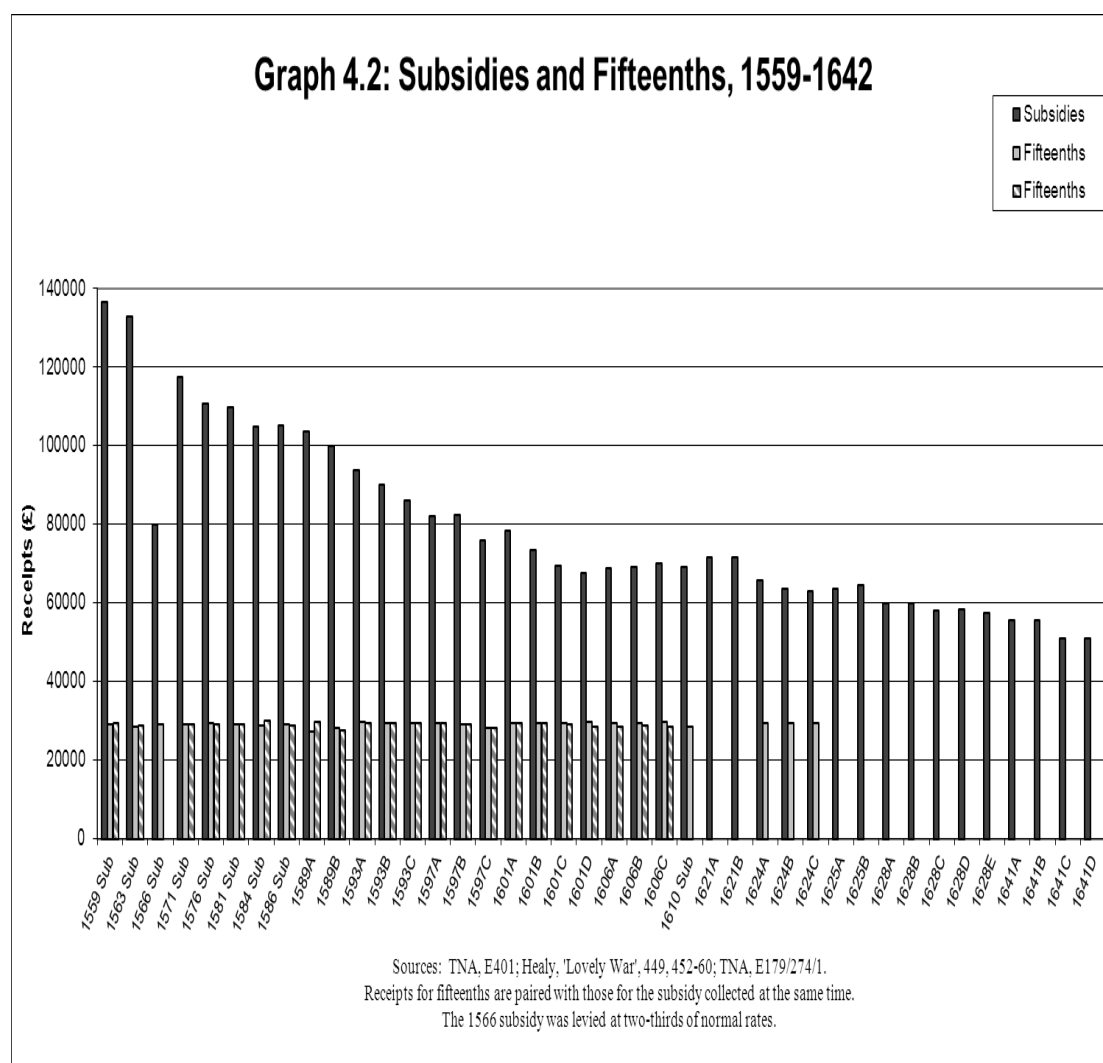
Assessed taxation

The Commons was indulged over supply debates because consensus over the necessity of taxation among elites improved the efficiency of revenue collection at local level. Nevertheless, while Parliament voted taxation regularly, subsidy yields declined precipitously between 1559 and 1642 (Graph 4.2). An assessed tax charged at 20% (4s. in the £) on land

¹ TNA, E179/88/287; E179/93/340; E179/105/301; E179/222/391; E179/224/596; E179/245/4.

² H. Langelüddecke, "‘I finde all men & my officers all soe unwilling’: the collection of Ship Money, 1635-1640", *Journal of British Studies*, XLVI (2007), pp.512-13, 521; W. Hunt, *The Puritan Moment* (Cambridge, MA, 1983), pp.13-15, using data from TNA, SP16/358. See also Gill thesis, 327-30.

and 13⅓% (2*s.* 8*d.* in the £) on goods, the subsidy was rated afresh with every grant, and yields should therefore have reflected the slow but consistent trend of economic growth. However, as early as 1586



Chancellor Mildmay complained that ‘not the sixth part of that which is given by the statute doth come to her Majesty’s coffers’. A generation later, commissioners were attacked for ‘sparing themselves and others when justly they might have increased the subsidy without any oppression or grievance of the subject’. Assessors (usually parish elites) were criticised for ruling

that men may not rise in the subsidy book... only the plain countryman and those of meaner sort, th'artificer & the tradesman cannot hide away their abilities. The wealthiest of the flock have both skill and goodwill to conceal their riches.

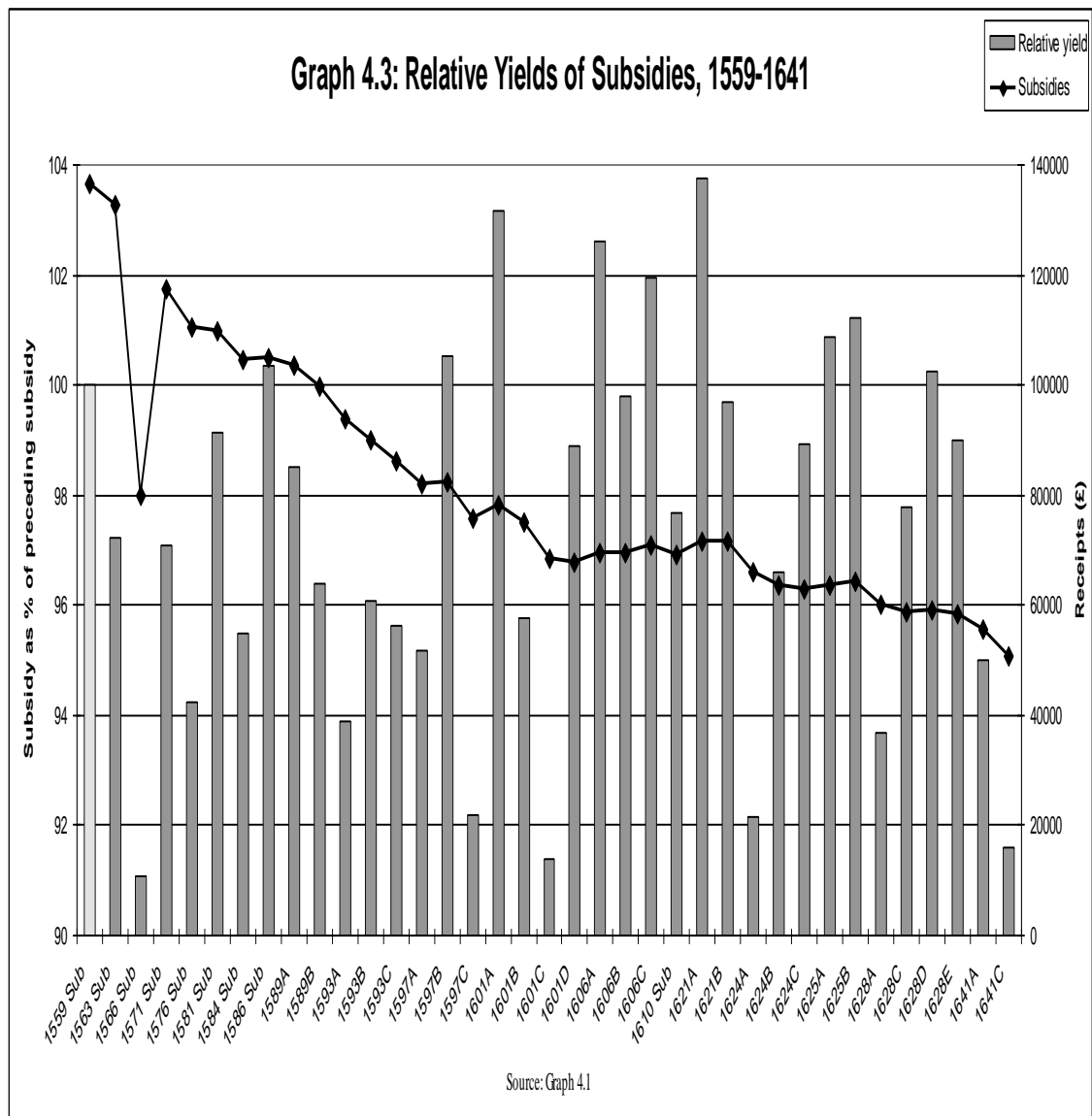
In 1614 the Northamptonshire gentry made a plausible attempt at rebutting this case, noting the absence of industry in their shire, and the high proportion of lands owned by the Crown, noblemen (assessed separately), colleges (exempt) and absentee landlords.¹

Institutional inertia was easy to identify, but difficult to reverse. From 1593 JPs were repeatedly threatened with dismissal for rating themselves at less than the £20 a year in lands, the minimum statutory qualification for their office – by then a derisory income for a gentleman. Nor were peers any more public-spirited: by the 1590s the wealthiest of the nobility, with landed incomes around £10,000 a year, were being assessed at £600 or less in the subsidy rolls. Two other administrative changes also eroded subsidy yields: from 1559, London merchants were allowed to be rated upon their (usually modest) landholdings in rural shires, while from 1566 assessors were deprived of the right to examine taxpayers about their wealth under oath, making it impossible to challenge claims of poverty.² Only the feeblest attempt was made to reverse this situation: in January 1598, a bill to make

¹ *PPEliz.* II.275; *Montagu Muster Book* (Northamptonshire Record Society VII) ed. J. Wake (Peterborough, Northamptonshire, 1935), pp.235-6; BL, Harley 188, ff.11v-12, 15v-16, 28v-30. This tract was attributed to William Tooker, Dean of Lichfield (for whom see L.L. Peck, *Northampton: Patronage and Policy at the Court of James I* (London, 1982), pp.57-8). See also *The Sermons of John Donne* ed. G.R. Potter and E.M. Simpson (10 volumes, Berkeley and Los Angeles, CA, 1953-62), IV.172.

² Braddick, *Parliamentary Taxation*, 64-125; Braddick, *Nerves of State*, 91-5, 209-13; F.C. Dietz, *English Public Finance, 1558-1641* (New York, NY, 1932), pp.384-93; Shropshire Archives, 3365/2621 (Rowland Barker to Shrewsbury Bailiffs); NLW, 9057E/970-1, 974; 9058E/1011; A. Wall, "The Greatest Disgrace": the making and unmaking of JPs in Elizabethan and Jacobean England', *English Historical Review*, CXIX (2004), pp.319-20, 323.

wealth taxable ‘in the same parish where it lieth’ – the means by which local rates were usually assessed – was tabled, only to be rejected by the Commons at its first reading. Meanwhile, in the same session, the benefits of self-certification were so widely understood that Francis Bacon buttressed his call for a generous grant of supply by reminding MPs that ‘we know we live in a government more happy because free from extreme and



miserable taxes, the time being not to be compared to the days of Queen

Mary, when every man was sworn to the uttermost of his lands and goods'.¹

Subsidy yields can be analysed by expressing each as a percentage of the previous subsidy (Graph 4.3). The abolition of the ratings oath in 1566 produced an immediate drop of almost 9%, and a steady decline thereafter, which was only briefly reversed with the 1586 subsidy, collected under threat of the Armada. From 1589, votes of multiple subsidies and the incidence of alternative forms of direct taxation (tenths and fifteenths, Privy Seal loans, benevolences and local militia rates) had a greater impact on yields than the burden of any individual charge (Graph 4.1). Thus during the 1590s, famine and the cost of recruitment for Ireland and the Low Countries, much of which was borne by local rates, accelerated the decline of subsidy yields, although good harvests and military crises in Ireland secured modest increases in subsidy yields in 1599 and 1602 (Graph 4.3).² Elizabeth's death and her successor's prompt declaration of a ceasefire undermined the collection of the final wartime tax grant of 1601, as many taxpayers silently awarded themselves a peace dividend: the 1601D³ subsidy (collected in 1604-5) yielded £67,660, a fall of 13.5% over the 1601B subsidy (collected in 1602, see Table 4.2); while yields from London, Norfolk and Somerset, three of the most highly taxed shires in the country, declined by over 20%.⁴

Peace did not dissipate wartime debts, but the medieval notion that

¹ D'Ewes, 582; *PPEliz.* III.232.

² D. Dean, *Lawmaking and Society in late Elizabethan England* (Cambridge, 1996), pp.41-8; M. Jurkowski, C.L. Smith and D. Crook, *Lay Taxes in England and Wales, 1188-1688* (Richmond, Surrey, 1998), pp.163-9; P.E.J. Hammer, *Elizabeth's Wars* (Basingstoke, Hampshire, 2003), pp.211-23; M.C. Fissel, *English Warfare, 1511-1642* (London, 2001), pp.222-3; N.A. Younger 'War and the Counties. The Elizabethan Lord Lieutenancy, 1585-1603' (Birmingham PhD, 2006), pp.212-30.

³ Multiple votes of subsidy are distinguished alphabetically: 1601A, 1601B *etc.*

⁴ Dean, *Lawmaking*, 48-9; Jurkowski *et alii*, *Taxes*, 169-70.

the Crown should subsist upon ordinary revenues during peacetime made it more difficult to justify extraordinary taxation. It was particularly impolitic

Table 4.2 Instalments of subsidy receipts, 1602-7

Subsidy	First instalment	Due date	Second instalment	Due date
1601B	£48,679-9-4	30 June 1602	£26,272-2-0	28 Feb. 1603
1601C	£43,438-19-2	30 June 1603	£25,034-14-6	29 Feb. 1604
1601D	£43,659-6-8	30 June 1604	£24,001-5-9½	28 Feb. 1605
1606A	£43,368-18-5	1 Aug. 1606	£25,473-1-4	1 May 1607

Source: TNA, E401. Receipts include arrears to 1630.

to ask for further supply during collection of the 1601 subsidies, but overtures were made for a grant in June 1604, apparently at James's behest, to demonstrate English resolve during the peace negotiations with Spain. Sir Francis Hastings, deputed to take private soundings among MPs, tactfully reported that

the remainder of an whole subsidy lying still... to be paid, the continuing of them long in payments of late years without small intermission, and the poverty the country is generally grown into thereby causeth the Commons to be loath to hear of a subsidy yet.

Despite his advice, the question was put, but MPs declined to vote subsidies 'in reversion'; the King then intervened to quash the motion before it was rejected.¹ In 1606 two subsidies were granted without difficulty, but stormy scenes ensued when James demanded more. To smooth the process, the Commons was allowed to give a third reading to

¹ *CJ*, I.242a, 994-5; *LJ*, II.323a; TNA, SP14/8/69; *CSPV*, 1603-7, p.165; R.C. Munden 'James I and the 'growth of mutual distrust': King, Commons and Reform, 1603-1604' in *Faction and Parliament*, 69-70; *Letters of Sir Francis Hastings* (Somerset Record Society LXIX) ed. C. Cross (Frome, Somerset, 1969), pp.85-6.

the purveyance bill (Chapter 3), despite which the motion to hold a vote to increase supply only squeaked through by 140 votes to 139.¹ The Privy Council kept a close eye on receipts, and when these proved disappointing, commissioners were castigated for

careless and remiss proceeding in the assessment of the first payment of the last subsidy [1606A]... a thing so full of private respects and prejudice to his Majesty as we must needs tell you that it makes you unexcusable [*sic*] when it shall be brought into question.

The irate tone of this letter apparently had some effect, as the yield of the second instalment of the 1606A subsidy showed an increase of 6% over the last payment of the 1601D levy (Table 4.2). This was an isolated improvement, so in 1609 the Council tried again. Portraying the King as ‘loath to draw that from his loving subjects which the law doth give him in the rates of subsidy’, they urged that James saw the 1606 grant as ‘the first trial of all your goodwills in this kind’, and was dismayed that he received ‘but two subsidies in value where there are three given him in name’.² In 1610 the question of supply became entangled with the debates over the Great Contract (Chapter 3): shortly after collection of a single subsidy began in October 1610 negotiations for the Contract broke down, and the yield fell again, to £69,000.³

Parliament failed to offer any supply in 1614, but in 1621 the Commons voted two subsidies for the assistance of the Elector Palatine, James’s son-in-law, whose territories faced occupation by Catholic forces.

¹ J. Cramsie, *Kingship and Crown Finance under James VI & I, 1603-25* (Woodbridge, Suffolk, 2002), pp.67-80; *CJ*, I.266, 285-6; *Bowyer Diary*, 30-1, 77-85; P. Croft, ‘Parliament, Purveyance and the City of London’, *Parliamentary History* IV (1985), pp.26-9; *HMC Hatfield*, XVIII.89-90; *CSPV*, 1603-7, p.329.

² Bradford Archives, 32D86/38 ff.143-6; Northamptonshire RO, F(M)C223.

³ *CJ*, I.437-9, 448-9; Paulet diary, 14 June, 11 and 14 July 1610; *PD1610*, pp.55-8; *PP1610*, II.144-5.

This grant, coming at the start of a session, required some explanation, and Sir Thomas Wentworth anticipated a rough ride when addressing Yorkshire's subsidy assessors in April 1621. Admitting that 'it may be objected that we have given away your money and made no laws', he described some of the bills which had already passed the Commons, and highlighted Secretary Calvert's 'excellent service' as knight of the shire, in order to allay fears that local interests were being overlooked.¹ The popularity of the Palatine cause apparently buoyed receipts on this occasion: each subsidy produced around £71,500; while London's contribution approached £6,000, a figure not seen since the end of Elizabeth's reign (Graphs 4.2 and 4.3). Anglo-Spanish tensions escalated in the autumn of 1623, when Prince Charles and Buckingham returned from Madrid set upon war with Spain. James, who preferred a diplomatic solution, initially demanded a grant of £780,000, which was quickly whittled down to £300,000, to be collected in a single year and allocated to defensive preparations.² The yield from the first of these subsidies fell sharply (Graph 4.3), suggesting that few believed that James would actually declare war, but the increasing tempo of military preparations stabilised receipts thereafter, albeit at a significantly lower level than in 1621; the 1624C subsidy, collected during the plague epidemic of 1625, produced only £63,000.³

¹ *Wentworth Papers* (Camden Society, 4th series, XII) ed. J.P. Cooper (London, 1973), pp.152-7; Bradford Archives, Sp St 11/5/3/1.

² Kent HLC, U269/1/OE1375; T. Cogswell, *The Blessed Revolution: English politics and the coming of war, 1621-1624* (Cambridge, 1989); T. Cogswell 'Phaeton's chariot: the Parliament-men and the continental crisis in 1621' and C. Russell 'Sir Thomas Wentworth and anti-Spanish sentiment, 1621-1624', both in *Political World of Thomas Wentworth, Earl of Strafford, 1621-1641* ed. J.F. Merritt (Cambridge, 1996), pp.24-62; Russell, *PEP*, 185-6.

³ 1624 subsidy yields are reconstructed from TNA, E359 and S.M. Healy, 'Oh,

When Charles's first Parliament assembled in June 1625, fiery spirits in the Commons offered a mere two subsidies as a 'free gift', which pre-empted official attempts to secure a more realistic contribution towards the imminent war with Spain, and led to an angry dissolution in August.¹ In such unpropitious circumstances, yields held up relatively well: the first subsidy produced £63,550, and fresh complaints from the Privy Council about under-assessment lifted the second to almost £64,400. The 1626 Parliament initially offered three subsidies and three fifteenths towards the war effort (around £280,000 at 1624-5 yields), but Charles demanded an increase. A deliberately vague resolution was passed 'to augment and enlarge the supply already intended', which prompted some MPs to waste time by calling to revive the Great Contract. Others echoed the Privy Council's reform agenda: abolition of residency certificates; minimum ratings for JPs, knights, baronets and Irish peers; a return to Elizabethan subsidy yields; and even an increase in the basic rate of 4s. in the £ for lands. However, none of these proposals was adopted, and the grant was lost when Charles dissolved Parliament to save Buckingham from impeachment.²

In lieu of parliamentary supply, Charles raised a Forced Loan (see below) at five times the rate of the last subsidy of 1625, penalising counties such as Anglesey and Flintshire, which had obeyed Council orders to increase their assessments in 1625-6. In 1628 Charles, having grudgingly acknowledged the illegality of his actions, secured a vote of five subsidies. The commissions were dispatched with a copy of the 1563 subsidy rolls,

what a lovely war? Direct taxation and politics in England 1624-9', *Canadian Journal of History* XXXVIII (2003), pp.452-7.

¹ Russell, *PEP*, 225-7, 235-7, 241-59.

² *PP1625*, pp.274-9; Russell, *PEP*, 219-27, 235-59; *APC*, 1625-6, pp.364-5; *PP1626*, II.381; III.61-3, 65-6, 74-80.

‘that it may appear how much a subsidy is fallen from that it was’, and instructions which summarised the official frustrations of the previous forty years: JPs to be rated at a minimum of £20; commissioners ‘to enquire of the number and value of every freeholder and men of ability in every town’; the bearer system to be discontinued, as ‘by this means a third part of the freeholders of the county are neither presented nor assessed’; subsidy quotas not to be filled up with absentees who would then certify payment elsewhere. For all this effort, enthusiasm for war had long since evaporated, and with the whole sum due for payment in a mere nine months, yields fell below £60,000 per subsidy. Further supply was anticipated when the Parliament reassembled in January 1629, but the session ended in chaos (Chapter 5) on 2 March 1629, the day after the last of the 1628 subsidies fell due.¹ The government postponed collection of this subsidy for a month, but at the end of the year it had only realised the miserable total of £57,285.²

Quota taxation

By 1629 the subsidy was neither an accurate nor an equitable assessment of national wealth. The obvious solution to these shortcomings was a quota tax, such as the assessment introduced in 1642. The concept was not new: in 1334 parliamentary taxation was standardised at one-tenth of the then current value of royal demesne and urban property, and one-fifteenth of all other property. The national quota for this tax was set at £30,100 in 1468, and while some discounts were allowed thereafter, during 1559-1625 yields varied by no more than 5% around a mean of £29,078

¹ APC, 1627-8, pp.516-17; 1628-9, pp.377-8; CSPD, 1625-6, pp.276, 307, 315, 329; Healy, ‘Lovely War?’ 441-3.

² A further £1,300 was collected during the 1630s (TNA, E401).

(Graph 4.2).¹ Fixed quotas were a boon to the Crown, but a burden for those areas which had suffered economic decline since 1468. Attempts were made to work around the problem: parishes sometimes rated outsiders higher than locals; or provided charitable relief for poorer taxpayers, upon whom the incidence of this tax fell heavily; while in Norfolk (and presumably elsewhere) parts of the shire which were heavily taxed for the fifteenth were under-rated for the subsidy.² These inequalities mattered little during the mid-16th century, when fifteenths formed a relatively small proportion of the tax burden, but the rapid decline in subsidy receipts after 1585 placed a greater onus upon payers of the fifteenth. Tensions quickly surfaced between counties which were exempted from this charge, such as Cheshire, Monmouthshire, Wales and the northern borders; and those which paid almost as much for a fifteenth as a subsidy by the end of Elizabeth's reign, including Lincolnshire, Norfolk, Northamptonshire, Nottinghamshire, Oxfordshire and Rutland: with two fifteenths normally voted for each subsidy, this meant that some shires were being taxed at up to three times the rate of others.

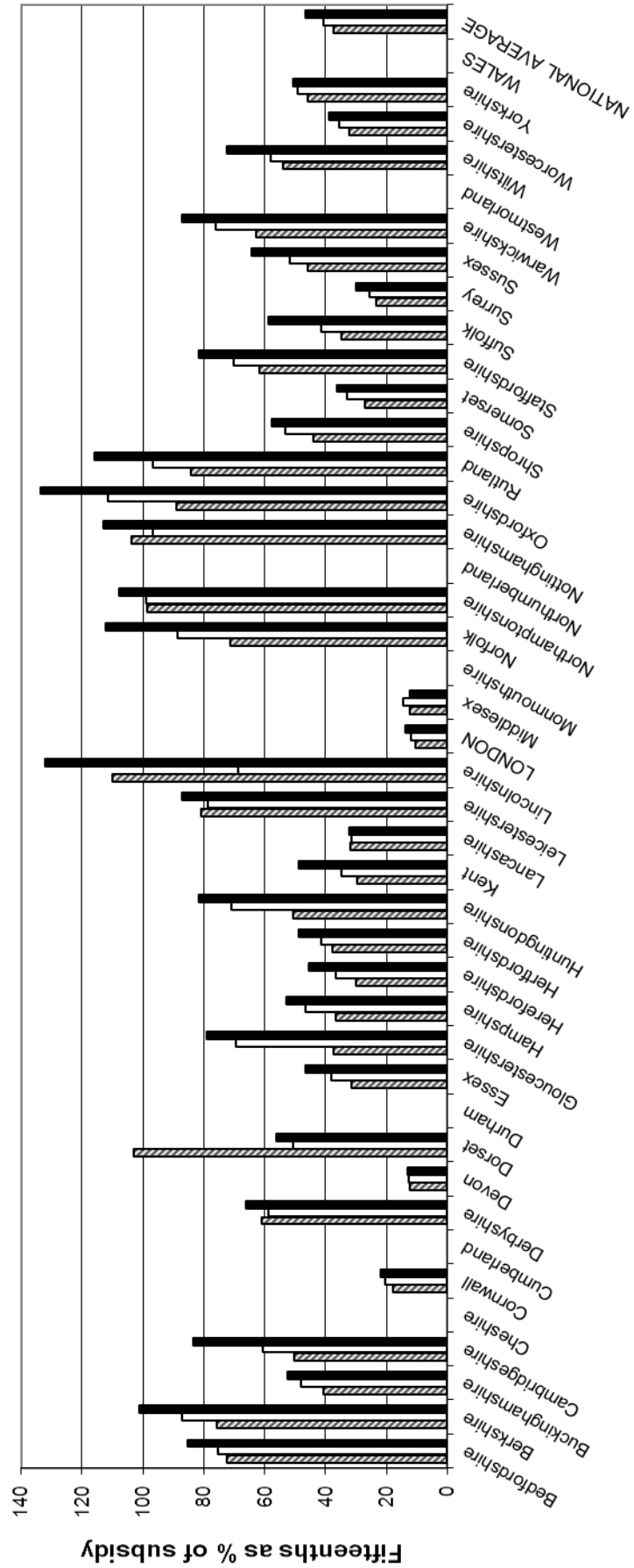
One way to alleviate high quotas for fifteenths was by driving down the subsidy assessment (Graph 4.4):³ in Norfolk, subsidy yields halved between 1602 and 1629, and in Lincolnshire they fell by a third. However, shires less heavily burdened also followed this approach: in Suffolk, Essex and Kent, where a fifteenth was worth around 40% of a subsidy in 1602, subsidy yields fell by almost as much as those of Norfolk. Complaints about

¹ A recalculation of the figure in Healy, 'Lovely War?' 443.

² SR, V.146; Jurkowski *et alii*, *Taxes*, pp.xxxi-xxxiv; M. Jurkowski, 'Parliamentary and Prerogative Taxation in the Reign of Edward IV', *Parliamentary History*, XVIII (1999), pp.271-90; Braddick, *Parliamentary Taxation*, 23-63.

³ In this graph, the value of a fifteenth as a proportion of a subsidy increases most rapidly in counties where subsidies were being sharply under-assessed

**Graph 4.4: Relative yield of Fifteenths and subsidies
by county, 1602, 1610 and 1625**



Sources: TNA, E401; Healy, 'Lovely War', 452-7.

the inequitable burden of fifteenths first surfaced in the Commons during 1606, when Sir Robert Wingfield of Northamptonshire protested that ‘inequality in the subsidies and fifteenths [is] the greatest grievance’. Sir Robert Hitcham of Norfolk was the only other MP who backed him in this session, while the courtier Sir George More (from Surrey, where a fifteenth was worth one-quarter of a subsidy) moved ‘not to spare fifteenths, the corporate towns only against fifteenths, the general not against them’.¹

When supply was discussed in June 1610, all but a handful of those in favour of a grant assumed that two fifteenths would be voted for each subsidy, but the details were left unresolved, allowing dissenters time to organise a counter-attack. On 11 July Sir William Maynard of Essex moved to dispense with fifteenths, ‘because they pinch the poor’, and was seconded by Sir John Mallory. Sir John Leveson called for a traditional grant of one subsidy and two fifteenths, but was countered by John Whitson and Edward Mercer, while Sir Edwin Sandys urged ‘fifteenths only in time of war, not for mere magnificence’. Sir John Harpur offered a compromise: ‘if gentlemen for their demesnes pay rateably, then a [single] fifteenth may be very well’; he was backed by Nicholas Fuller. However, John Tey, Sir William Strode and Adrian Stoughton all spoke against fifteenths, as, apparently, did Edward Alford: ‘one subsidy and pay presently’. The House voted by 149-129 to endorse Harpur’s suggestion of a single fifteenth.²

The utility of fifteenths was hotly contested during the 1620s. In February 1621 Christopher Brooke’s motion for a supply of two subsidies

¹ *CJ*, I.266b, 284b.

² *Ibid.*, I.437-9, 448; Paulet diary, 13-14 June 1610; *PD1610*, 55-8; *PP1610*, II.144-5.

seems to have been made on the assumption that the usual pair of fifteenths would be granted with each, but when Sir Julius Caesar, a former Chancellor of the Exchequer, spoke up for only two fifteenths, John Whitson, Sir William Strode and Sir Edwin Sandys rehearsed the contrary arguments they had made in 1610, and for the first time in almost a century, subsidies were granted without fifteenths.¹ In 1624 the King's opening speech still assumed a grant with double fifteenths, but by the time of the subsidy debate, official spokesmen and their 'patriot' allies agreed upon three subsidies and three fifteenths. In a lone protest, Edward Alford recalled 'the last Parliament there could not be given any fifteenths in respect of the poverty of the meaner sort; what cause have they since to grow richer?' In 1625, the situation was reversed:

Debate wavered a great while: some would have one, others two subsidies with the addition of one, others two, others four fifteenths. But the most were inclinable to no fifteenths at all, being very burdensome to the poorer sort, especially in towns and ancient boroughs... and pitched upon two subsidies.²

The 1626 supply debate began with an offer of three subsidies and three fifteenths, the other half of the sum voted in 1624, but this provoked an intense debate, as MPs from shires where a fifteenth yielded more than a subsidy urgently sought to minimise their burden, whereas others could afford to consider the wider political agenda. Thus impassioned pleas from Lincolnshire (where a fifteenth yielded 132% of a subsidy in 1625 – see Graph 4.4) and Oxfordshire (134%) were answered by Sir George More (Surrey, 30%), who defied convention by insisting that they were a more equitable form of taxation than subsidy, and Christopher Brooke, who

¹ *CD1621* II.85-91; IV.58; V.464-5; *PD1621*, I.48-9.

² *CJ*, I.741; Holland diary, 19 March 1624; *PP1625*, pp.277-7.

claimed ‘fifteenths as ancient as Danegeld’. Sir Henry Whithed (Hampshire, 53%), who had supported fifteenths in 1625, insisted ‘that the objections [to fifteenths] are answered by the statute’, though another Hampshire resident, Sir Henry Wallop, spoke against them. William Strode (Devon, 13%), like his father in 1610, proposed to replace two fifteenths with a fourth subsidy, and urged that two of these subsidies be borne by wealthier taxpayers rated at £5 and above in the subsidy books. Crucially, in proposing fifteenths, Strangways and Eliot, not normally avid promoters of the Crown’s revenues, linked their motion to satisfaction over grievances (*i.e.* Buckingham). Their call was echoed by Sir Thomas Hoby, who was prepared to trade the Duke’s scalp for a confessional war, while the godly Exeter MP Ignatius Jourdain offered full payment in a mere six months if grievances were redressed; this linkage struck a chord with numerous speakers, and at the end of a long debate, the grant of three fifteenths was confirmed by voice vote, suggesting a substantial margin in favour.¹

When the Privy Council fixed quotas for the Forced Loan in 1626, the fifteenth, from which one-third of the country was exempt, was naturally excluded as a template. In 1628 the supply vote had to match the quota of the Forced Loan as *quid pro quo*: some proposed four subsidies and two or four fifteenths, but Sir Francis Barrington urged a parliamentary grant of five subsidies, the same as the loan; ‘I denied the loan, but now in this way I will give as much as the [loan], because it is this parliamentary way’.² This grant was duly adopted, and fifteenths were not voted thereafter, forcing the Crown to rely upon the dwindling subsidy as the mainstay of direct taxation.

¹ *PP1626*, II.376-83; Russell, *PEP*, 291. A close call would have required a division.

² Cust, *Forced Loan*, 46-8; TNA, SP16/84/89; *PP1628*, II.297-319.

Extra-parliamentary taxation

Although parliamentary taxation disappointed as a revenue source under the early Stuarts, medieval precedents permitted the Crown to raise direct taxation without statutory approval; such revenues accounted for 33% of receipts from the laity during 1580-1640.¹ Demands were grounded upon the subject's obligation to provide contributions where time did not permit the summons of a Parliament, or existing grants of supply had proved inadequate, but the Crown had to argue its case in each particular instance, which gave the subject legitimate – albeit restricted – opportunities to express dissent.

From 1347, the most common form of extra-parliamentary taxation was loans raised from wealthier taxpayers. Lenders were usually promised repayment within a specified period, often guaranteed by a Privy Seal letter, but the system was abused by Henry VI and collapsed in the 1450s. Edward IV replaced loans with benevolences, collected on a similar basis but never intended to be repaid; these were outlawed by statute in 1484. However, the early Tudors revived both forms of taxation, with varying success: their demands provoked rebellions in 1497 and 1525; but similar levies raised to fund the wars of the 1540s produced substantial revenues, even though they overlapped with subsidy payments.²

¹ Figures from Graph 4.3. Excluding Ship Money receipts of £750,000, just over 20% of remaining lay taxation came from non-parliamentary sources.

² G.L. Harriss, 'Aids, Loans and Benevolences', *Historical Journal*, VI (1963), pp.1-19; H. Kleineke, 'The Commission *de mutuo faciendo* in the Reign of Henry VI', *English Historical Review*, CXVI (2001), pp.1-30; Jurkowski *et alii*, *Taxes*, pp.xlvii-xlix, 49-50, 70-71, 73-109, 115-20, 126-8, 135-40, 153-4; R.W. Hoyle 'War and public finance' in *Reign of Henry VIII* ed. D. MacCulloch (Basingstoke, Hampshire, 1995), p.93.

Elizabeth raised five loans from wealthier subsidymen at times of crisis, but the large sums demanded provoked evasion, and exposed frauds in the tax rolls. Repayment was never as swift as the 12-18 months usually promised, while failure to repay the 1597 loans undermined the credibility of the enterprise.¹ James, having waived a vote of supply in 1604 (see above), raised £109,546-10-0 by Privy Seals in 1604-5, a handsome sum, but only 45% of the £244,500 originally rated.² These loans were repaid in 1607-9, from the receipts of the 1606 subsidies, an initiative which helped buttress royal creditworthiness.³ After the collapse of the Great Contract in November 1610, a further loan was announced in October 1611, on the grounds that ‘present occasions of public service... cannot attend the length of time wherein it might be raised by contribution from the generality of the subjects’. This loan was earmarked for Ireland, the navy and fortifications: those who had subscribed in 1604 were offered a one-third discount; while the newly created baronets, having already contributed to the Irish garrison, were released altogether. It raised £103,227, repaid in 1615-18. In May 1613 further loans of £13,420 were raised from 86 peers, senior bureaucrats and London aldermen.⁴

While Elizabethan and Jacobean loans followed medieval precedents in being ostensibly voluntary, they were often controversial and sometimes coerced: the Privy Council had berated and imprisoned loan refusers as recently as 1557. The Elizabethan regime inclined to leniency, allowing a variety of plausible excuses such as death, poverty or removal from the shire

¹ BL, Lansdowne 68/25; *Bacon Papers* IV.28, 47-51; BL, Add. 34218, f.88. The Crown originally planned to repay the 1597 loans: *Bacon Papers*, IV.50-1.

² Assessments in CUL, Ff.ii.28; receipts in TNA, E401/2585.

³ *Wilbraham Journal* ed. H.S. Scott in *Miscellany X* (Camden Society, 3rd series, IV), (London, 1902), p.76; KHHHC, L.160; CSPV, 1610-13, p.110.

⁴ BL, Lansdowne 156, ff.74-86; TNA, E401/2584-5; BL, Add. 27877.

to which the demand was sent: 14% of those rated in 1604 were excused for such reasons. Counties were assessed by commissioners (deputy lieutenants from 1588), who were given a quota for their shire, scrutinised subsidy rolls and earlier loans to establish credible lists of lenders, applied pressure to potential recalcitrants, and made up any shortfall by sending out additional Privy Seals. The process was quite cumbersome: the 1604 commissioners sent Privy Seals to 8,232 individuals, to the value of £244,000, in order to secure payment of £109,500 from 3,430 individuals.¹ Sir Arthur Atye, the collector for Middlesex, recorded some of the exchanges he had with recalcitrants, including the redoubtable Lady Dorothy Scott, who complained that her contribution towards the 1597 loan had not been repaid, and that she had lately paid the first instalment of the 1604D subsidy. Atye responded that her excuses ‘were common, I thought, to all men that had Privy Seals’, and while admitting he knew nothing of her circumstances, he urged her ‘not to be the first’ to refuse. Elsewhere, towns such as Coventry spread the burden by using the same system of bearers employed for the subsidy.²

Another medieval project was revived in 1609, with the demand for a feudal aid from Crown tenants-in-chief upon the knighting of the King’s eldest son. This had not been levied since 1401-2, although a subsidy was conceded in place of another demand in 1504. The rates for this aid had been fixed at a modest level by statute in 1352, but the Jacobean initiative encouraged tenants-in-chief to compound rather than have their estates

¹ D. Loades, *The Reign of Mary Tudor* (2nd edition, Harlow, Essex, 1991), p.341-2; *HMC Hatfield XVI*.191; *Bacon Papers*, III.91; IV.28-9, 47; TNA, E401/2585; CUL, Ff.ii.28.

² York City Archives, House Book 33, ff.285-7; Coventry Archives, BA H/C/17/1, f.154; BL, Cotton Titus B.V, f.18v. Lady Scott paid her £20.

surveyed.¹ In western Kent, detailed surveys were made of precise acreages, which persuaded Crown tenants to compound for 50% of a subsidy, considerably better than the national average yield of 35%. In most cases, only those who failed to compound were certified into the Exchequer, except in Wales, where thousands of smallholders were charged modest sums, and several shires returned complete surveys. There was initial confusion over whether ecclesiastical estates were liable, and the clergy contributed only £700 of the £22,600 collected.² This fiscal device caused some concern in Parliament the following spring, when one clause of the Great Contract capped the yield of such aids at £25,000. In 1612 a fresh aid was levied for the marriage of Princess Elizabeth. The implementation was somewhat different: refusers were certified into the Exchequer; but several English counties returned complete rolls of payers, which included large numbers of small contributors; on this occasion, several Welsh shires opted to compound for lump sums. Despite this administrative effort, the levy yielded only £21,900.³

In 1614, a benevolence (the first levied since 1546), was raised in lieu of the supply the Addled Parliament had conspicuously failed to offer the King. First mooted by Sir Robert Cotton and Sir Henry Marten in 1612-13, the idea was taken up by the bishops after the dissolution. James, fond of the tale of the Persian Emperor Cyrus – whose wants had been relieved by those who benefited from his generosity – was said to have been delighted ‘that

¹ Jurkowski *et alii*, *Taxes*, pp.xxiv-xxvi, 73, 129; HEHL, HM171, ff.1-10v, 15-18; NLW, Clenennau 248.

² Staffordshire RO, D593/S4/59/2-17; TNA, E179/88/287; E179/112/582; E179/222/391; E179/224/596; E179/238/127; TNA, E359/5, mm.28-36; HEHL, HM171, ff.66-8; Shropshire RO, LB8/3/5A.

³ *LJ*, II.660b; TNA, E179/85/111; E179/105/301; E179/106/13; Staffordshire RO, D593/S4/59/18; TNA, E359/5, mm.37-50.

there were some persons who had feeling of his necessities'.¹ However, the levy engendered little enthusiasm beyond Court circles: Sir John Wynn explained to his son (then in service with Lord Treasurer Suffolk)

I perceive... that my Lord Treasurer expecteth my gift to the King; let time wear the remembrance away and answer him with silence, but if he press you then you are to acquaint him with my late [law]suits, which were many & great, my late contribution to the King of XI hundred pounds for his wars in Ireland, my purchases & buildings, which all have cast me far in debt. I dealt with the country [Caernarvonshire] most earnestly & at sundry times in that behalf, but they had it not, neither gentleman nor yeoman.²

Despite an endorsement by Chief Justice Sir Edward Coke, there were reports of this benevolence being 'refused in divers counties westward'. In Kent, guarded support for the levy evaporated upon the suggestion that JPs subscribe a minimum of £20 apiece, while in Bedfordshire Lord St. John of Bletsoe was taken to task for presiding over a meeting at which 'your coldness was noted and did harm'. He eventually donated £100, but his distant cousin Oliver St. John of Wiltshire achieved instant notoriety by citing the 1484 Benevolences Act as grounds for his refusal, and protesting that

it is against reason that the particular and several commons, distracted, should oppose their judgment and discretion to... the wisdom of their land assembled in Parliament, who have there denied any such aid.

This letter was widely circulated, and its author hauled before the Privy Council. St. John delivered a public recantation in Star Chamber, following which several counties suddenly delivered their outstanding contributions,

¹ BL, Add. 72242, ff.27-30; *Bacon Letters*, V.78-80; *Chamberlain Letters*, I.542; *HMC Downshire*, 429, 458; Cramsie, *Kingship*, 25-8, 34-6.

² Denbighshire RO, DD/WY/6627. '£1,100 for Ireland' refers to Wynn's baronetcy; he clearly hoped baronets might be exempted, as they had been in 1611/12.

but three years of effort realised only £63,500 from the laity, 10% less than the 1610 subsidy, and nearly 40% down on the 1611 Privy Seal loan. The government had clearly hoped for more, and in Shropshire, Staffordshire and the North Riding of Yorkshire none beyond a handful of gentry offered anything at all (Graph 4.5).¹

Disappointment over the 1614 benevolence discouraged further recourse to extra-parliamentary taxation, and no further national appeal was made until 1620, when emissaries from King James's son-in-law, the Elector Palatine, privately raised a benevolence for the defence of their master's recent acquisition, the kingdom of Bohemia.² Receipts were not recorded in the Exchequer, but scattered evidence suggests it yielded around one subsidy, more than the 1614 benevolence.³ In October 1620, news of the Hapsburg attack on Prague spurred James to collect a benevolence of his own, which raised £27,545 from 106 peers, bishops and bureaucrats, plus another 10,000 marks from the London corporation. However, Sir John Holles refused to be pressed to a contribution by the Privy Council, protesting that he had already sent one of his sons to Bohemia, while contributions from the provinces were later refunded.⁴

Parliament gave two subsidies in February 1621, but another voted in November was lost at the dissolution. In 1622-3, a fresh benevolence for the

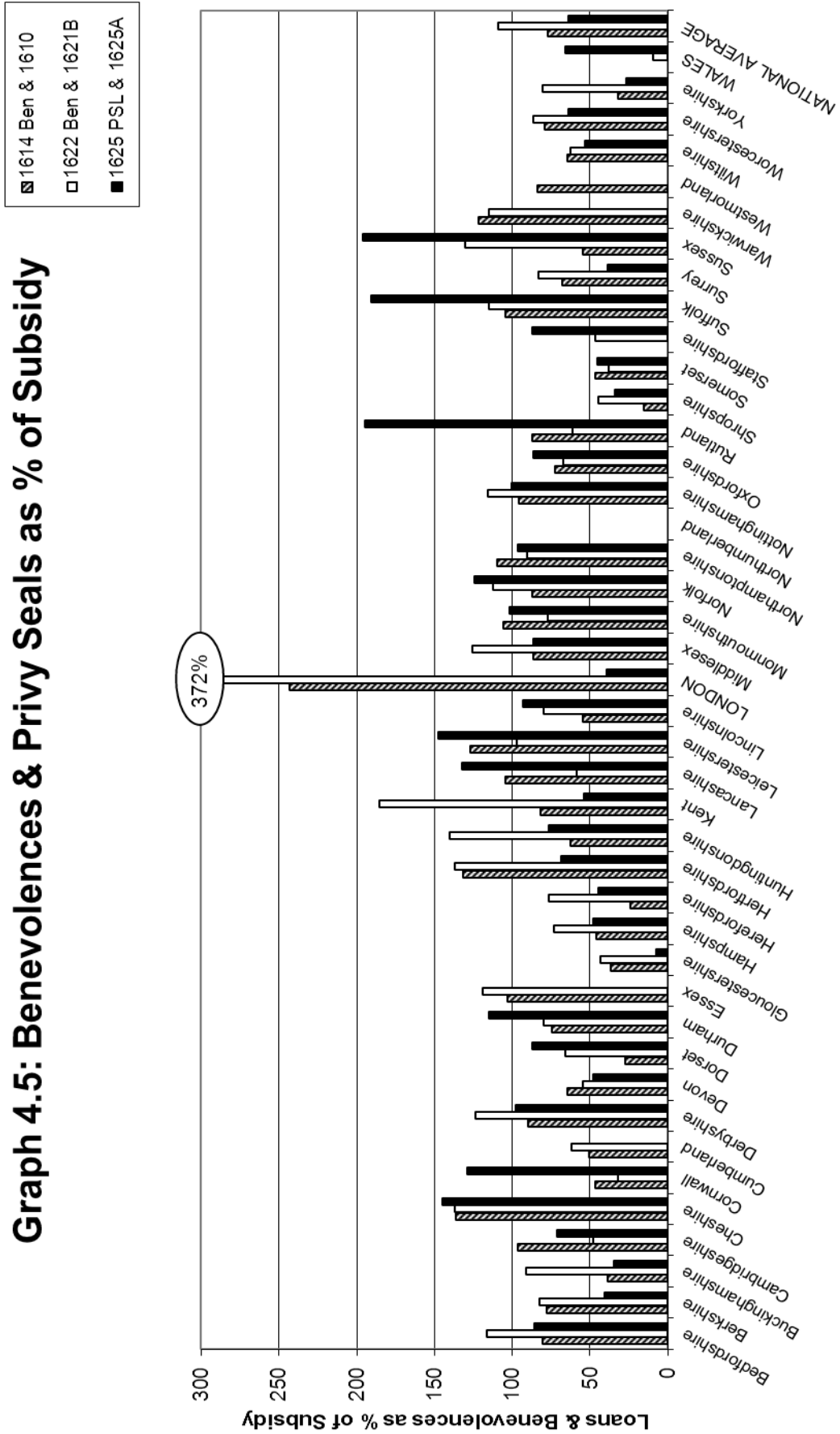
¹ BL, Lansdowne 160, f.118; TNA, PRO30/53/7/7, 11; BL, Add. 34218, f.146v; APC, 1613-14, pp.582-3, 641, 654-5; TNA, E351/1950; *Cabala, Sive Scrinia Sacra*, (London, 1653), pp.332-3; *Chamberlain Letters*, I.568; Bodleian, Carte 121, f.112.

² Cogswell, *Home Divisions*, 34-7.

³ This benevolence produced contributions of 1½ subsidies from Leicestershire and Rutland [HEHL, HAF box 6/8], around one subsidy from Hertfordshire [*HMC Hatfield*, XXII.126], and two-thirds of a subsidy from Surrey [*Loseley Manuscripts* ed. A.J. Kempe (London, 1836), p.223].

⁴ TNA, SP14/117/2; SP14/118/13; *Holles Letters*, 64; York City Archives, House Book 34, f.225v.

Graph 4.5: Benevolences & Privy Seals as % of Subsidy



Sources: TNA, E401; TNA, E351/1950; TNA, SP14/135/62; SP14/156.

Palatinate produced lay contributions of £72,740, slightly more than the lost subsidy.¹ However, the levy, while officially portrayed as a spontaneous gesture, began with the Council applying pressure on MPs to give generously to the cause they had offered their ‘lives and fortunes’ in their declaration of 4 June 1621.² Refusers were lectured by the Privy Council, and when the King learned that Sir Francis Seymour, one of the ‘most refractory’ MPs, had been spared, he ordered him ‘called again & put hard to it, & rather than he should escape the contribution, that he be sent into the Palatinate in person, that others may be scared by the example’. The most eminent refuser, Lord Saye, was imprisoned, while other parliamentarians contributed grudgingly, encouraging similar ‘refusals and almost plain denials’ in a number of counties (Graph 4.5). In Caernarvonshire the gentry sounded out neighbouring counties before resolving upon a contribution worth one subsidy (which was never paid); while in the West Riding, outstanding arrears were still being chased a decade later.³

Charles’s accession in 1625 brought war with Spain, and further financial demands: that autumn the lieutenancy assessed Privy Seal loans amounting to £86,950, with London rated at a further £45,400. The levy was officially justified on grounds of urgent necessity, and the King’s presumption of ‘the love and affection of our people when they shall again

¹ BL, Egerton 2595, f.32v. Receipts for the 1622 Benevolence are recorded in TNA, SP14/156, corrected from TNA, E401/1908 and E401/2434-5.

² R. Zaller, *The Parliament of 1621* (Berkeley and Los Angeles, CA and London, 1971), pp.104-14, 136-8; *PD1621*, II.168-9; C. Russell, ‘The foreign policy debate in the House of Commons in 1621’, *Historical Journal*, XX (1977), 294.

³ Kent HLC, U269/1/OE108 (3 Feb. 1621/2); Shropshire Archives, LB7/1692; APC, 1621-3, pp.222, 404; M. Schwarz, ‘Lord Saye and Sele’s objections to the Palatine benevolence of 1622’, *Albion*, IV (1972), pp.12-22; *Chamberlain Letters*, I.436-9; NLW, 9058E/1034; TNA, SP17/A/12. Lists of refusers can be found in TNA, SP14/89/5; SP14/127/81-2; Kent HLC, U269/1/OE1409.

assemble in Parliament'. Nevertheless, it was a failure when compared to Jacobean equivalents, yielding just over £40,000. This was largely because it followed a plague epidemic and what Holles called 'a chaos of miseries coming fast upon us... perpetual subsidies, privy seals, benevolences, projects, improve[ment] of customs, presses and levies for the sea, for the coasts, for Ireland... and all other extremities of a necessitous state'.

Buckingham's associate Sir George Paule warned Secretary Conway of discontent in London, while in the 1626 Parliament Sir Thomas Hoby protested that 'aids for war ought to be but aids'. Many of those expected to implement the loan dragged their feet, partly because of existing burdens, but also, perhaps, in the hope that further parliamentary supply would lead to its abandonment, or at least to speedy reimbursement.¹

Initial receipts reached the Exchequer in December 1625, and over the next three months the promise of a new parliamentary session encouraged half the shires in England and Wales to make remittances. However, the inauguration of impeachment proceedings against Buckingham by the Commons in early March boded ill for the survival of the Parliament, and payments slumped until mid-April, when it became clear that the King would allow the case against the Duke to proceed.² During this period, government and local elites repeatedly probed each other's resolve: London, owed £211,000 for private loans to the Crown (Chapter 1), remitted only £1,600, an insignificant fraction of its quota; in Caernarvonshire, Sir John Wynn was reminded 'if your money be once paid there is no redeeming of it back again', and advised to offer a small sum and

¹ R. Ashton, *The Crown and the Money Market, 1603-1640* (Oxford, 1960), pp.127-9; TNA, E34/58; TNA, SP16/8/34, 44, 86; SP16/18/101; *Holles Letters*, 309; *HMC Cowper*, I.230-1; *PP1626*, III.78.

² Russell, *PEP*, 292-9.

petition for a reduction; while a delegation of Yorkshire MPs led by Sir John Savile (then rising in Buckingham's favour) secured a discount of 60% of the county's £10,000 quota. This last concession was granted in expectation of prompt collection of the remaining loans, and in the West Riding collection was consigned to Savile's creatures, who were quick to cite refusers before the Privy Council. Sir Henry Savile, the former collector, denied expenses for his earlier labours and ordered to pay £30 towards the levy himself, was outraged, asking 'hath he [Sir John] had the good luck to befool a whole Council of State, to the King's prejudice?'¹

On 13 June 1626 the Commons passed a Remonstrance which censured the 'new counsels' behind unparliamentary taxation, and the abrupt dissolution two days later wrecked the collection of the Privy Seal loan.² Remittances dried up within weeks, and the levy was superseded by a demand for a benevolence equivalent to the four subsidies and three fifteenths lost at the dissolution. Some counties attempted to negotiate: the taxpayers of Cumberland (where a subsidy was worth only £146) agreed to pay the whole sum, provided other burdens were lifted; while in Rutland the JPs set an example by offering three subsidies from their own pockets, but asked 'that if other countries do not give at all, that then they might not be made a singular precedent'. However, many counties emulated Bedfordshire, where the subsidymen 'much insisted that the parliamentary way of raising money was most equal and indifferent' and refused to pay. Unhappily, this levy coincided with militia reforms costing between one

¹ Healy, 'Lovely War?' 444; Russell, *PEP*, 270-3, 279-81, 289-322; NLW, 9061E/1395, 1412; *APC*, 1625-6, pp.421-2; TNA, SP16/26/32; *Wentworth Papers*, 250-2.

² *PP1626*, III.440.

and two subsidies in local rates, and instead of the £340,000 demanded, the Exchequer received a mere £845 from Middlesex, Surrey and Warwickshire, and a further £100 from the courtier John, Lord Vaughan. In August, as a complement to the benevolence, fresh Privy Seals for loans of £55,400 were sent to 49 lawyers and 150 gentry, many of whom were former MPs. Such punitive loans, for hundreds of pounds apiece, could not resolve the Crown's financial problems, but merely exacerbated political tensions. Chief Baron Sir John Walter paid £200, but nothing more was received before both the benevolence and these fresh Privy Seals were rescinded by proclamation on 22 September.¹

The cancellation of existing schemes had nothing to do with failing resolve; it cleared the way for a fresh demand, known to posterity as the Forced Loan,² which Charles promised

shall not in any wise be drawn into example, nor made a precedent for after times... by our people's affection now shewed to us in this way of necessity, they shall the sooner invite us to the frequent use of parliaments, being confident in the hearts of our people.

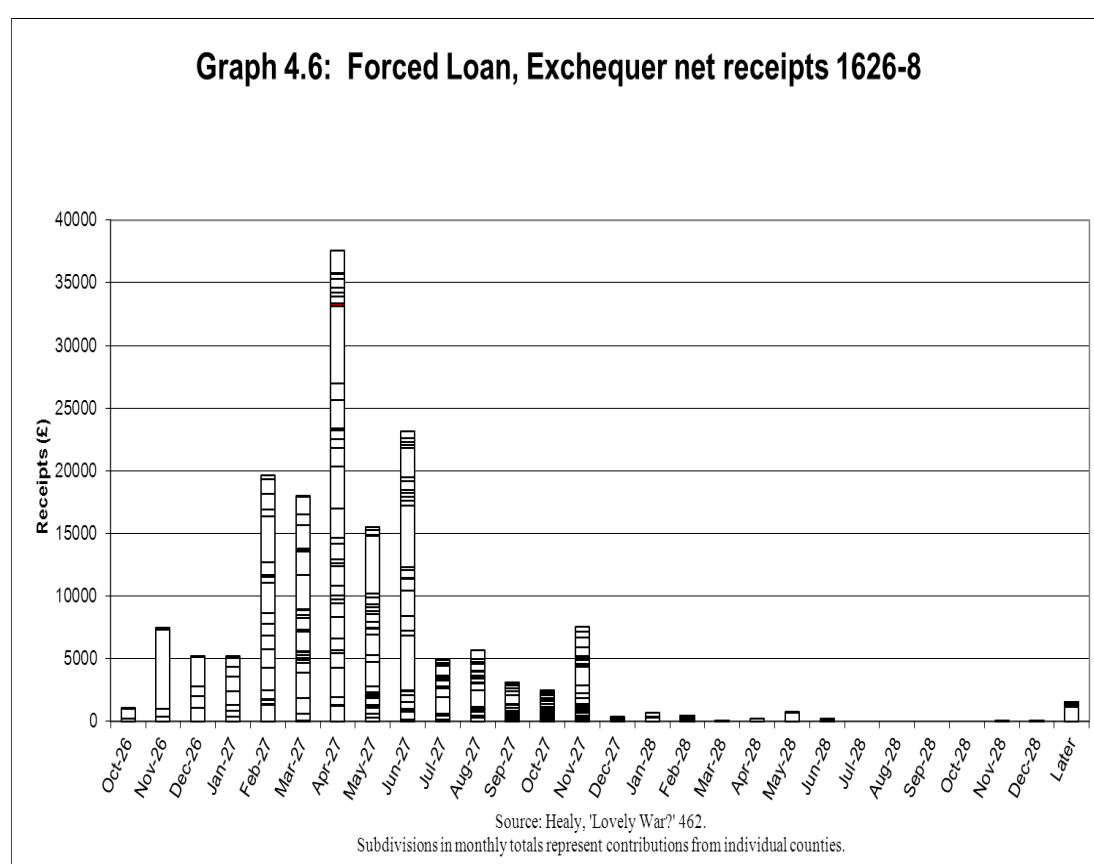
Having thus raised the political stakes, the King ensured that the new levy, rated at five times the subsidy received a few months earlier, was implemented with unprecedented vigour: bureaucrats and lawyers were pressed to make early payment directly into the Exchequer, while Privy Councillors were dispatched across the country to ensure that the Loan received official support at local level.³ In southern England receipts were

¹ Cust, *Forced Loan*, 31-9, 158-64; *HMC Cowper*, I.280; SP16/35/10; Healy, 'Lovely War?', 445, 454-5; Cogswell, *Home Divisions*, 122-6; TNA, E401/2442-3; E401/2586, pp.459-76; TNA, E34/58; *Proclamations*, II.108.

² Contemporary accounts refer to the 'loan of five subsidies' or 'loan for the King'.

³ BL, Add. 34324, f.256; *HMC Buccleuch*, III.306-10; *Proclamations*, II.110-12; TNA, SP16/54/28; SP16/84/89; Cust, *Forced Loan*, 46-52.

assigned to pay for troops billeted since the return of the Cadiz expedition, which encouraged high yields: Devon collected 83.95% of its quota, while commissioners in mainland Hampshire recorded promises for payment of 75.54% of theirs.¹ Outside the south of England, just under 72% of the original quotas eventually reached the Exchequer, a remarkable achievement in the aftermath of failures over the 1625 Privy Seals and 1626 benevolence.



The rate at which these remittances arrived provides some indication of public opinion (Graph 4.6): the Loan was inaugurated almost everywhere between November 1626 and January 1627, but at Easter 1627 half the

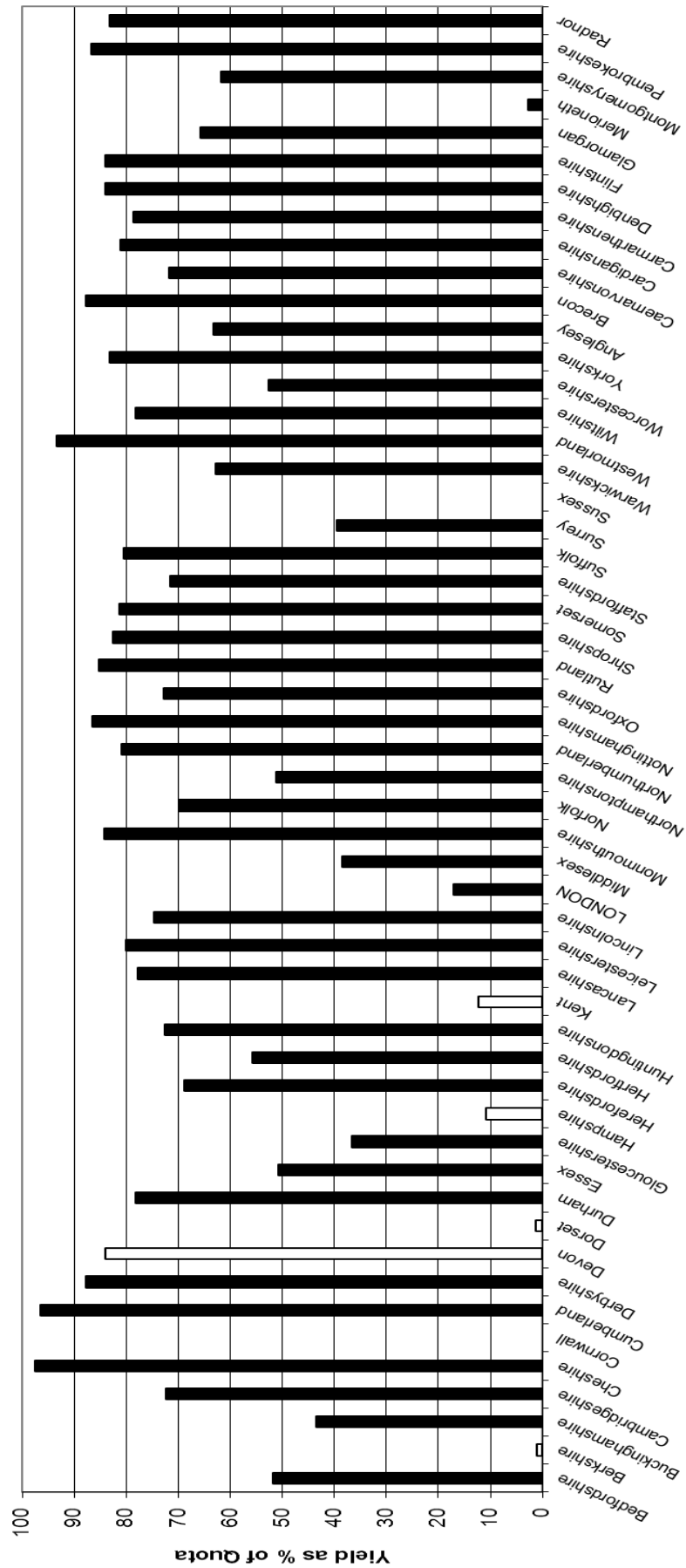
¹ TNA, E401/2444 (Devon). The quota for mainland Hampshire was £9,938-4-2 (TNA, E359/68), payment was promised for £7,514-16-8 (Hampshire RO, 44M69/G5/48/54).

counties due to make payment to the Exchequer had returned nothing, and alarmist rumours of a fresh Parliament circulated. Nevertheless, the government's resolve, indicated by the growing number of refusers convened before the Privy Council, was clear to all. Moreover, the Stuart war machine, almost moribund for a year, made energetic preparations to succour the Huguenots of La Rochelle. By the time the fleet sailed at the end of June, 62% of Loan quotas had been received, but thereafter any sense of urgency expired, while much of the £87,467 then outstanding was due from the most obdurate refusers. Receipts averaged £5,000 a month over the summer, but at the end of November the return of the defeated expeditionary force and the impact of the *Five Knights' case* led to a collapse in receipts.¹

Despite the furore raised in Parliament in 1628, Charles had every reason to feel vindicated by the receipts from Forced Loan, when almost three-quarters of the nation's taxpayers contributed to a levy with no statutory basis and little prospect of repayment. While he was subsequently obliged to concede the Petition of Right, which prohibited the collection of loans and benevolences in the future, he discounted parliamentary protests as the machinations of a handful of troublemakers. Yet the Loan upset the political balance not merely in the half dozen counties where it failed (Graph 4.7), but in many others where ancient enmities were invigorated, or new resentments created: Londoners, still awaiting payment of earlier loans (Chapter 1), returned only 17% of their quota; while in Bedfordshire the St. Johns, who had dominated the county for 40 years, opposed the Loan, frustrating collection there; and in Leicestershire the Earl of Huntingdon,

¹ Healy, 'Lovely War?' 446-7; BL, Egerton 2715, ff.327, 341; M. Kishlansky, 'Tyranny denied: Charles I, Attorney-General Heath and the Five Knights' Case', *Historical Journal*, XLII (1999), pp.60-5.

Graph 4.7: Forced Loan Quota/Yield ratios, 1626-9



Sources: Healy, 'Lovely War', 463 (with corrections from TNA, E401).

Counties which paid into the Exchequer are shown in black; those where most receipts were assigned to billeting are shown in white.

hitherto a diligent Crown servant, refused to pay and was attacked by a clique of Buckingham's crypto-Catholic relatives.¹

Feelings ran particularly high in Yorkshire, where Sir John Savile had had Sir Thomas Wentworth, Sir William Constable, Sir Thomas Hoby and Sir John Hotham removed from local office in the summer of 1626. Savile's appointment as a Privy Councillor in November 1626 was correctly interpreted as a move to bolster collection of the Loan in Yorkshire, which virtually obliged his enemies to pursue a course of obstruction. Hoby paid in London, but the other three evaded their initial summonses, and the county elites waited to see what would happen: at Easter 1627 the Exchequer had received nothing from Yorkshire, and the Loan teetered on the brink of disaster.² The deadlock was broken by a combination of negotiation and main force: in the East Riding, Savile secured the assistance of Viscount Dunbar and other Catholics who had long chafed at their exclusion from public office; while Sir Thomas Belasyse in the North Riding and Sir Thomas Fairfax of Denton in the West Riding were persuaded to co-operate with offers of peerages. Meanwhile, over Easter, Constable, Hotham and Wentworth's lawyer George Radcliffe were hauled before the Privy Council; Radcliffe promised his wife 'when my opposition appears that it can do no good, I resolve not to stand out longer than is fit', but his bluff was called when he was imprisoned. These examples finally galvanised waverers into paying: by the end of May half of Yorkshire's Loan quota had arrived at the Exchequer; while Wentworth, now isolated, appeared before

¹ SR, V.23-4; Cogswell, *Home Divisions*, 137-60. This issue is examined in greater depth in Cust, *Forced Loan*.

² TNA, C231/4, ff.206v-209v; APC, 1626, p. 353; *Holles Letters* 337-8; TNA, E179/214/389.

the Privy Council on 15 June and was consigned to the Marshalsea prison.¹

Although earlier Privy Seal loans and benevolences had encountered opposition, the Forced Loan polarised opinion because Charles's financial problems were the direct result of his dissolution of the 1626 Parliament. As Sir Benjamin Rudyard observed in March 1628,

this is the crisis of Parliaments, by this we shall know whether parliaments will live or die... Seems it a slight thing unto you that we have beaten ourselves more than our enemies could have done, and shall we continue so by our divisions and by our distractions?... the nearness of relation between the King and subjects is such as neither can have existence without the other.²

Rudyard, who had not opposed the Loan, was troubled by the consequences of an open rift between the King and his subjects which went beyond the political elite. Dissent against the Loan took many different forms. Gentry refusers were summoned to London, where some were imprisoned, but many were simply ordered to attend the Privy Council, waiting weeks for an audience. Some were even sent home and recalled, perhaps a ploy to test their resolve, while Sir Humphrey May gave Constable 'a long lecture' about 'not hearkening to his moderate advice in the Parliament'. Wentworth consulted widely before taking a stand against the Loan: his friends advised him not to bandy words with Savile's local commission, but to come before the Privy Council; while even Wandesford, who avoided payment by hiding in his own home, advised 'it is no time now to play at sharp with the Crown'. Refusers faced the Board alone: some made vociferous denunciations of the levy; but Wentworth was praised by Lord President

¹ *Life and Correspondence of George Radcliffe* ed. T.D. Whitaker (London, 1810) pp.138, 157; *APC*, 1627, p.240; TNA, E401/1914; *Fairfax Correspondence* ed. G.W. Johnson (2 volumes, London, 1848), I.68-9; *Strafforde Letters* ed. W. Knowler (2 volumes, London, 1739), I.37-9; *Holles Letters*, 350; TNA, SP16/60/52; SP16/65/12.

² *PP*1628, II.58-60.

Manchester for his moderate critique. Those who reached this stage were unlikely to yield, but many were willing to exchange imprisonment for confinement in counties far from their homes, although some, including the five who eventually sued writs of *habeas corpus*, refused even this modicum of co-operation.¹

Further down the social scale, the Privy Council had neither the time nor the resources to deal with individual subsidymen, and in Bedfordshire, Essex and Lincolnshire, where aristocratic refusers provided a lead, or Boston, Norwich and Gloucester, where godly corporations offered solidarity, the Loan encountered a broad range of resistance strategies. In Gloucester, one man not rated for subsidy made a voluntary contribution of £5, but 130 taxpayers (25%) escaped assessment, some by refusing or

Table 4.3 Gloucester City & Inshire Forced Loan assessments, 1627

Response	Yield	Proportion
Payment received	£572-3-4	51.08%
Uncollected	£272-13-4	24.34%
Refused/absent	£79	7.05%
Living elsewhere	£74-6-8	6.64%
Dead/impoverished	£100	8.93%
Other	£22	1.96%

Sources: TNA, E179/116/531; TNA, E401/1914.

absenting themselves from the meetings, others because of death, impoverishment or being rated elsewhere (Table 4.3). Some protested they had contributed to the 1625 Privy Seal loan, but were rated regardless, although this was not always the case elsewhere – one-sixth of the

¹ *Fairfax Correspondence*, I.68-9; *Strafforde Letters*, I.36-40; *Holles Letters*, II.350, 356; TNA, SP16/89/2; Cust, *Forced Loan*, 58-62; *Wentworth Papers*, 267-8.

Carmarthenshire Loan quota was assigned to repay Privy Seals. The aldermen of Gloucester clearly worked hard to implement the rating procedure, but all but one then refused to pay the Loan itself; they were joined in their defiance by a further 25% of the local subsidymen, and only half the city's quota of £1,120-3-4 ultimately found its way to the Exchequer.

The response was not much better in Hampshire: initial returns from Basingstoke division in January 1627 reveal 4 refusers (1%), an absenteeism rate of 11%, and a further 17½% of the Loan quota waived for technical reasons. However, troops had only recently arrived in the area, and matters were very different in Coldridge hundred in Devon, where outstanding billeting charges already amounted to more than the Loan assessment of £1,609, and 54% of subsidymen were owed billeting money. Here, only 4 individuals refused the Loan (½% of quota), while rates of absenteeism and non-residence (6%), poverty and death (10½%) were relatively low. However, it is unlikely that any cash left the area, such sums as were raised being redistributed locally to settle billeting charges.¹

On 20 November 1627, shortly before the judges gave their verdict upon the Five Knights' case, the Crown exhumed another revenue-raising expedient, fines upon landowners worth at least £40 *per annum* who had failed to respond to a general summons to be knighted at the Coronation. Originally instituted to raise troops, knighthood fines had become a fiscal expedient under the Tudors, raising £5,000 for Queen Mary in 1553.

¹ Cust, *Forced Loan*, 253-306; TNA, E179/220/127A; E179/116/507; TNA, E359/68; Hampshire RO, 44M69/G4/1/36/9; PRO30/26/59. The Gloucestershire and Hampshire calculations are based on cash receipts, those from Devon on numbers of taxpayers.

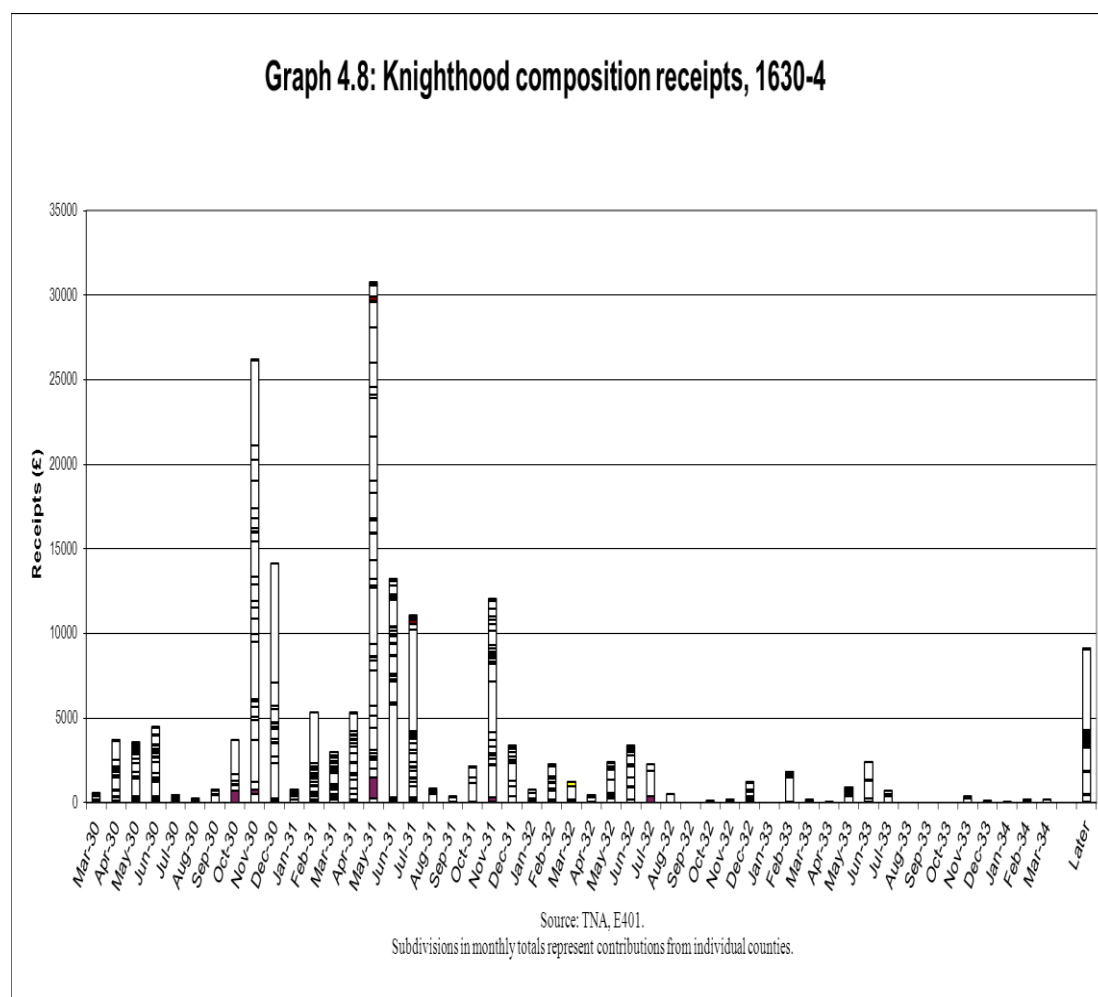
Thereafter, summonses were only made *pro forma*, although in January 1626 two Shropshire men unexpectedly presented themselves for knighthood on the eve of Charles's Coronation. In November 1627 (as the Forced Loan collapsed), the Exchequer was instructed to distrain those reported for failure to appear. The sheriffs' returns proved hopelessly defective: six counties from northern England and another six from Wales made no returns; others returned only a handful of names, and Nottinghamshire none at all; while in Somerset Sheriff Sir Robert Phelips opted to return his old enemy John Poulett. Being a provocation to Parliament, the project was laid aside until 29 May 1628, when, doubtless in anticipation of an imminent dissolution, a composition commission was established; this was allowed to lapse after Charles accepted the Petition of Right a week later.¹ Distrain was revived in the autumn of 1629, and while Attorney-General Sir Robert Heath brought proceedings against 145 recalcitrants, by June 1630 the Exchequer had received compositions of £12,238 from 742 individuals, 80% of whom came from the Home Counties (Graph 4.8).²

From June 1630, much of the work of compounding was delegated to county commissioners (most of whom were already knights), who were instructed to assess men at two-and-a-half times their rating in the subsidy book. The first commission raised some £44,000 by the end of the year, but this achievement disguised a great deal of recalcitrance: thousands refused, argued over details or failed to appear; and some commissioners

¹ TNA, E159/466 (Michs), recorda rot.99; H.H. Leonard, 'Distrain of Knighthood: the last phase, 1625-1641', *History*, LXIII (1978), pp.23-4, 34-5; BL, Lansdowne 152, f.36; Lambeth Palace Library, MS3204, f.393; BL, Add. 34324, f.274v; Russell, *PEP*, 385-9.

² Leonard, 'Distrain', 24-5. For an example of Exchequer proceedings, see TNA, E159/470 (Easter) recorda rot.90.

omitted to report refusers.¹ Yields fell in anticipation of a test case brought by Edward Stephens of Gloucestershire, whose cause was argued



in the Exchequer in February 1631. His counsel, Edward Littleton, conceded the legality of the summons and the fine, basing his defence upon technicalities: the sheriff had not included Stephens in his original return; the writ was poorly drafted and could not be executed according to its literal sense; the summons had not been served upon Stephens in person. With one eye on public opinion, Heath's response dwelt upon the

¹ Leonard, 'Distrain', 25-9; TNA, E178/7154, ff.300-20; Bodleian, Carte 74, ff.193-4; TNA, E101/668/12.

legality of the demand – already conceded by Littleton – while Baron Trevor’s verdict stressed that ‘no gentlemen should think themselves champions for the country by taking away any right from the King’; it was also ruled that the specific form of the writ, having altered over the years, was unimportant.¹ On the day after the verdict, new commissions were issued to the counties, increasing composition rates to three-and-a-half times subsidy assessments. The next four months saw receipts of £40,000 from the shires, while another 800 individuals compounded for almost £20,000 at the Exchequer. Later commissions produced diminishing returns (Graph 4.8), but knighthood fines eventually yielded almost £176,000 – three subsidies at 1628-9 rates.

The final extra-parliamentary levy raised by the early Stuart regime – and by far the most successful, in financial terms – was Ship Money. The Crown had long exercised the right to commandeer merchant ships, while in 1588 various ports provided ships for the summer without payment. No legal justification was offered for this demand, but the imminent threat from the Armada discouraged complaint, and in several cases the ports sought contributions from their hinterlands. A similar levy was made in 1596, while in February 1603 a national charge for coastal defence was proposed, only to be cancelled upon the Queen’s death. From 1625 the threat from Dunkirk privateers persuaded several East coast ports to provide the navy with contributions in cash and kind, and Sir John Savile assembled a squadron of six armed colliers for coastal defence. Plans for a national levy were revived in February 1628, as a means of postponing the forthcoming parliamentary

¹ BL, Add. 11764, ff.54-85; TNA, E159/470 (Michs), recorda rot.38; Leonard, ‘Distrain’, 29-31.

session; but wiser counsels prevailed, and the project was cancelled.¹

In 1634 Charles's desire to use the navy for diplomatic leverage led him to implement the Ship Money scheme. Each port and its hinterland was set a quota, roughly based upon yields from the 1628 subsidies, which was subdivided at the discretion of the sheriffs who executed the writ – as most counties assessed local rates in several different ways, this offered considerable scope for dispute. The scheme was extended across the nation in the following year, when, although commuted into a cash payment everywhere except London, the government argued that it constituted not a tax but a service, and was therefore not banned by the Petition of Right. As with the Forced Loan, the Privy Council was quick to remonstrate with refusers, while those who disputed the apportionment of quotas within a shire often received a sympathetic hearing, and sheriffs who collected the levy were allowed to recoup their expenses.²

Until the Bishops' Wars, levels of compliance for Ship Money were remarkable, exceeding those for the Forced Loan (Table 4.4). However, once the new demand became an annual charge, procrastination became commonplace, particularly during the protracted hearings of 1637-8 over John Hampden's legal test case: receipts for the 1636 writ came in more slowly than before, and yields for the 1637 writ fell by 5% (£10,000).³

Despite official pressure, Hampden's case did not provide a wholehearted endorsement of Ship Money. The judges endorsed the

¹ Cust, *Forced Loan*, 49, 83-6, 130-5; A.D. Thrush, 'Naval finance and the origins and development of Ship Money' in *War and Government in Britain, 1598-1650* ed. M.C. Fissel (Manchester, Lancashire, 1991), pp.133-62; A.H. Lewis, *Elizabethan Ship Money* (Philadelphia, PA, 1928); TNA, E351/2595; C.W. Brooks, *Law, Politics and Society in early modern England* (Cambridge, 2008), p.201.

² K. Sharpe, *Personal Rule of Charles I* (New Haven, CT, 1992), pp.545-95; Langelüddecke, 'Ship Money', 533-7; Gill thesis, 165-9, 254-88, 317-29.

³ Gill thesis, 341-72.

Crown's case when asked for their opinion in advance of the trial, but Hampden was

Table 4.4 Ship Money yields, 1634-40

Writ date	Quota	Receipts	Receipts as % of original quota
20 Oct. 1634	£80,609	£79,385-7-9	98.5%
4 Aug. 1635	£199,700	£193,309-12-0	96.8%
12 Sept. 1636	£196,400	£189,526	96.5%
9 Oct. 1637	£196,400	£179,509-12-0	91.4%
5 Nov. 1638	£69,750	£56,427-15-0	80.9%
18 Nov. 1639	£214,400	£44,809-12-0	20.9%

Sources: M.D. Gordon, 'The collection of Ship Money in the reign of Charles I', *Transactions of the Royal Historical Society* (3rd series, IV, 1910), p.143; Gill thesis, 57-8, 62-3, 162, 350, 358-9, 595-603. London provided ships rather than cash for every writ except that of 1639.

ultimately judged liable to pay the £1 he owed by the narrowest possible margin, 7-5. Moreover, Baron Vernon weakly claimed to be too ill to justify his verdict for the Crown, while Chief Baron Davenport and Chief Justice Bramston highlighted technicalities which proved 'that the King might command the service, but he could not receive the money'. On these grounds, Justice Jones's verdict that Ship Money was legal because it was predicated upon the maintenance of the navy was proven to be mistaken, so if Jones had spoken after Davenport he should, by his own logic, have ruled for Hampden, leaving the court deadlocked and the Crown unable to enforce its demand.¹ The controversy aroused by Hampden's case and the decision to raise an army against the Covenanters persuaded Councillors to

¹ *State Trials* ed. W. Cobbett and T.B. Howell (33 volumes, London, 1809-26), III.1125-7; C. Russell, *Unrevolutionary England* (London, 1990), pp.137-44; J.S. Hart, *The Rule of Law, 1603-60* (Harlow, Essex, 2003), pp.148-57; Brooks, *Law, Politics and Society*, 203-8; Lambeth Palace Library, MS3391, ff.62-4.

reduce the 1638-9 Ship Money quota by two-thirds, but compliance still fell to 80.9%, while the final demand, implemented (after some hesitation) in the spring of 1640, realised only 20.9% of its £214,400 quota before the summons of the Long Parliament caused its abandonment.¹

Conclusion

For all the controversy arising from direct taxation in the decades before 1640, the sums raised were trivial, when compared with those levied during the Civil War and thereafter. Yet ignorance was not always bliss: in 1613 the Earl of Cumberland's steward bemoaned the £200 assessed upon his master for a Privy Seal loan; 'if a man in his ordinary charge live always at the height of his means or above, he must needs fall far behindhand when these extraordinary occasions of charge happen'. His protest was perhaps disingenuous: as one commentator observed in 1608, 'the commonwealth, consisting of many private men's wealths, is not so bare or unfurnished as it should not be able to answer a subsidy'.² This point was repeated in the Commons in 1626, when Sir Thomas Hoby retorted that 'if the King's revenues may be handled as they were in Queen Elizabeth's days, the subjects will give as they did in Queen Elizabeth's days'.³

The fact that many of the elites who administered direct taxation, and some humbler taxpayers, were capable of weighing the economic, social and political merits of the various levies imposed upon them, and of

¹ P. Lake, 'The collection of Ship Money in Cheshire during the sixteen-thirties', *Northern History* XVII (1981) pp.61-7; Langelüddecke, 'Ship Money', 537-41.

² BL, Althorp B2; BL, Harley 188, f.24v. Sir George More echoed the later point in the Commons on 16 November 1610: *PP1610*, II.335-6.

³ Braddick, *Nerves*, 27-34, 95-9; J.S. Wheeler, *The Making of a World Power* (Stroud, Gloucestershire, 1999); *PP1626*, III.75; Healy, 'Lovely War?' 447-8.

calibrating an appropriate level of compliance or defiance, should come as no surprise to those familiar with the work of Cust and Cogswell. The broader perspective taken in this chapter suggests that all forms of direct taxation involved negotiation between the Crown, local elites and taxpayers, whereby the regime tendered its political credibility in return for financial credit. Taxpayers were willing and able to give short shrift to any monarch whose policies were perceived as controversial or over-ambitious: Elizabeth's foreign policy commitments of 1559-62 and 1598-1603 tested public loyalty, James's hesitant diplomacy at the start of the Thirty Years' War frustrated his 'patriot' critics, and Charles misjudged the balance in 1625-9 and 1639-40. None of these controversies provoked riot or rebellion, but they did encourage taxpayers to evade their responsibilities, to the point where Charles found it difficult to meet the relatively modest financial challenge posed by the Covenanter rebellion.¹ His decision to opt for a military response in 1639-40 was not founded upon expectations of generous support from the nation's taxpayers, but rather from hopes of extending his credit with the mercantile interests of the City of London, whose relations with the Crown form the subject of the next chapter.

¹ Discussed at length in M.C. Fissel, *The Bishops' Wars* (Cambridge, 1994), pp.111-51.

CHAPTER V: CUSTOMS REVENUES

Between 1558 and 1640, many of the Crown's ordinary revenues were underdeveloped, while reform was stymied by political, social and administrative considerations. With many revenues dedicated to funding recurrent expenses, the regime had limited options for raising extraordinary funds: the Crown estates proved immune to repeated attempts at reform (Chapter 2); feudal revenues increased considerably, but proved insufficient to meet all the Crown's needs (Chapter 3); direct taxation, with or without parliamentary consent, was irregular in its incidence (Chapter 4); while private loans were difficult to raise (Chapter 1) in the absence of a budgetary surplus against which repayment could be secured.

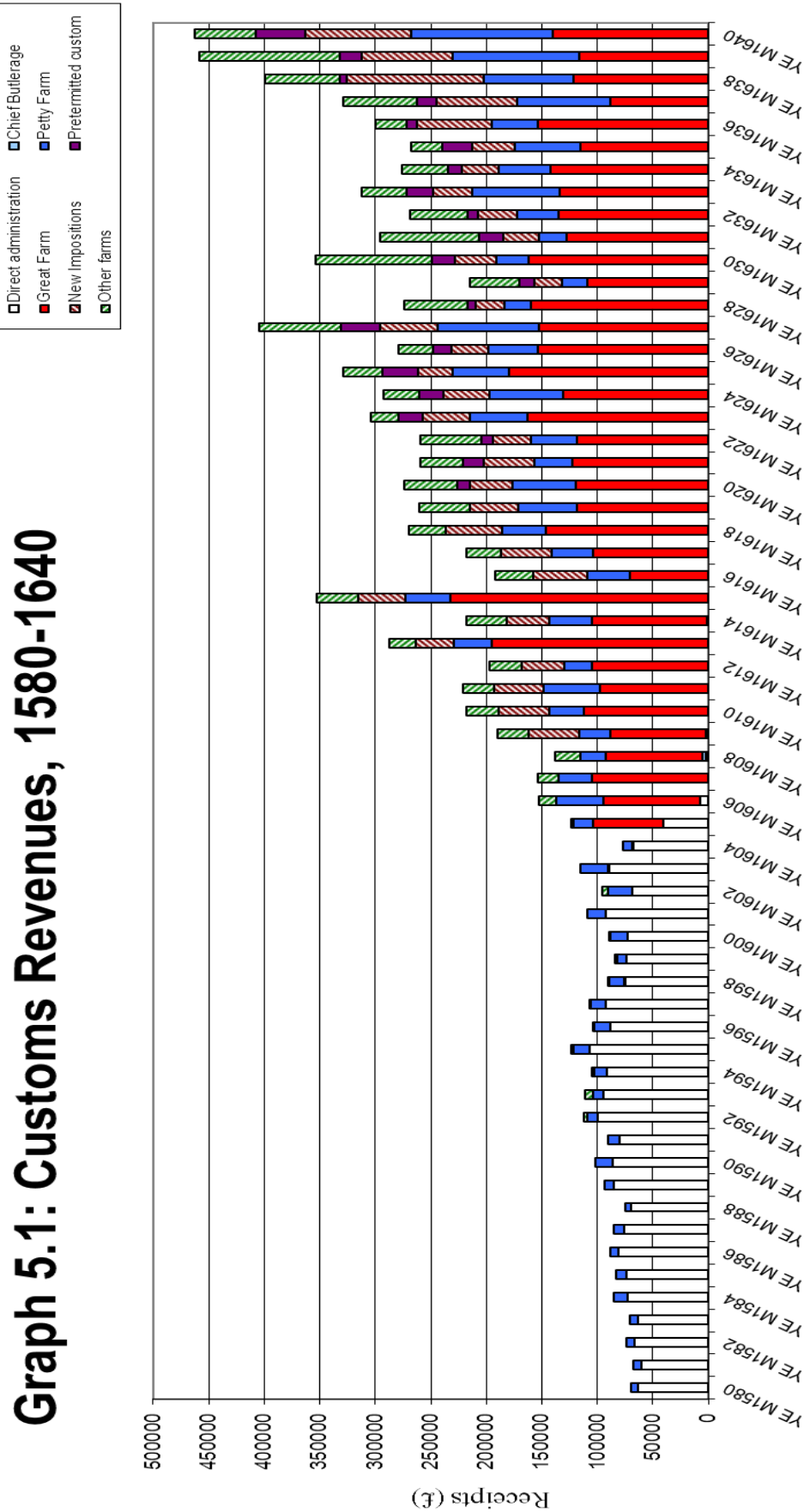
So where did the money come from? The only revenue stream to grow dynamically during 1580-1640 was the customs, which yielded £80,000 annually in the 1580s (about 20% of Crown revenues), but £400,000 by the later 1630s – around 40% of Charles's much larger income (Graph 0.1, Graph 5.1).¹ Moreover, the consortia which farmed the customs from 1604 gradually replaced the London corporation and guilds as the Crown's lenders of first resort, initially advancing cash in anticipation of land sales and subsidies, and subsequently offering short-term credit on the security of customs receipts (Graph 1.1). This arrangement allowed Charles to bridge the deficits which had bedevilled his father.²

Politically, rising customs yields and the ability to raise short-term loans on the security of these revenues provided Charles with an opportunity to pursue 'new courses' independent of Parliament or the

¹ M. Braddick, *Nerves of State* (Manchester, Lancashire, 1996), pp.10-11, 52-5.

² R. Ashton, *The Crown and the Money Market, 1603-1640* (Oxford, 1960), pp.154-94.

Graph 5.1: Customs Revenues, 1580-1640



Sources: Dietz, Exchequer in Elizabeth's Reign, 84-9; TNA, AO1, E351, E401; BL, Lansdowne 169, ff.76-7.

London corporation. This chapter suggests that such developments were not entirely unanticipated. Customs rates had been a potential flashpoint since May 1558, when increases were imposed without parliamentary sanction. Political and strategic imperatives made Elizabeth's government reluctant to risk a confrontation, but the postwar trade boom after James's accession allowed further tariff increases with minimal fuss from the merchants. However, lawyers and politicians, alert to the political consequences of taxation without representation, attacked impositions as an abuse of the prerogative, leading to a political impasse. Charles was forced to collect customs without any statutory approval, and rising tensions among merchants and MPs caused the angry dissolution of the 1629 Parliament, which prompted the King to inaugurate the Personal Rule.

The Reform of Customs, 1558-1606

Customs became a key issue of Jacobean politics with the verdict in *Rex v. Bate* (1606), which allowed the Crown to alter rates on imports and exports without parliamentary approval – revenues the Exchequer termed 'new impositions'. The impact of Bate's case on contemporary perceptions of the prerogative has been discussed extensively by historians of the law and political thought,¹ while the economic and fiscal consequences of the judgement have also been considered.² Yet these ideological and practical

¹ G.D.G. Hall, 'Impositions and the courts, 1554-1606', *Law Quarterly Review* LXVI (1953), pp.200-18; J.P. Somerville, *Politics and Ideology* (2nd edition, Harlow, Essex, 1999), pp.151-3; G. Burgess, *Politics of the Ancient Constitution* (University Park, PA, 1992), pp.140-4; A. Cromartie, *The Constitutionalist Revolution* (Cambridge, 2006), p.201; C. Brooks, *Law, Politics and Society in early modern England* (Cambridge, 2008), pp.136-8.

² F.C. Dietz, *English Public Finance, 1558-1641* (Urbana, IL, 1921 and London,

contexts must be studied in tandem to illuminate the politics of fiscal reform.

Customs tariffs had been a bone of contention since 1558, though both Crown and merchants were wary of direct confrontation over this issue, as a dispute which was ostensibly a matter of administrative convenience could swiftly turn into a confrontation over whether the prerogative or the law had ultimate jurisdiction over private property rights. The judges avoided this Gordian knot until 1606, when the Exchequer Barons promulgated an ingenious legal fiction which justified impositions on imports without infringing other property rights: as customs fell due before a cargo was landed, the valuation of such goods was deemed to lie outside the jurisdiction of the Westminster courts.

Following this judgement, the Crown had the good sense to avoid killing the goose that laid the golden eggs: customs were increased at a rate which made only modest inroads into profit margins, and merchants paid with little demur. However, any challenge to the sanctity of private property represented an affront to the common law, and it was largely lawyers, not merchants, who sustained the controversy after 1606, for political, not economic reasons.¹ The impositions dispute only connected with wider concerns in the later 1620s, when the Crown's failure to use increased customs revenues to protect trade during wartime encouraged some merchants to refuse payment of customs.

Customs became a significant element of Crown revenues in 1275,

1964), pp.364-6; *A Tudor Book of Rates* ed. T.S. Willan (Manchester, Lancashire, 1962); P. Croft, 'Fresh light on Bate's case', *Historical Journal* XXX (1987), pp.523-39.

¹ The merchant Robert Myddelton alluded to this point in 1614: *PP1614*, p.95.

when Parliament voted perpetual duties on wool, woolfells and hides. Edward III financed his wars from temporary grants of new tolls: tunnage on wine, and poundage, a 5% tax on other goods; from 1484, these rates were conceded for the duration of each reign. Merchants frequently undervalued their stock when calculating poundage, which led to the introduction of an official Book of Rates for London in 1507, and nationally in 1536.¹

Tariffs were revised in May 1558, shortly after the loss of Calais, when poundage rates increased by an average of 118.8%. The duty on cloth – England’s main export commodity – rose by 457% (14*d.* to 6*s.* 8*d.* per shortcloth), which approached the value of the wool content (10*s.* per shortcloth, about 2*d.*/lb.). The Crown insisted these increases adjusted for the inflation of the 1540s, but the failure to consult Parliament or the London merchants was contentious.² The passage of Elizabeth’s Tunnage and Poundage bill in February 1559 provided an obvious opportunity to debate the controversy in Parliament, but, according to Chief Justice Sir James Dyer, the question was referred to the judges, who concluded that the right to restrain a subject from leaving the realm also extended to his goods.³ Diplomats were instructed to emphasise that the new rates still

¹ W.M. Ormrod, ‘The Origins of Tunnage and Poundage’, *Parliamentary History* XXVIII (2009), pp.210-17; N.B. Gras, ‘Tudor “Books of Rates”: a chapter in the history of English customs’, *Quarterly Journal of Economics* XXVI (1912), pp.767-71; Dietz, *English Public Finance*, 306-7; *Tudor Book of Rates*, pp.xx-xxii.

² Braddick, *Nerves of State*, 49-52; A. Friis, *Alderman Cockayne’s Project and the Cloth Trade* (Copenhagen, Denmark and London, 1925), pp.49-50, 434-40; Dietz, *English Public Finance*, 207-9; *Tudor Book of Rates*, pp.xxv-xxx, xlviv-xlvii; Hall, ‘Impositions’, 209-11; D. Loades, *The Reign of Mary Tudor* (2nd edition, Harlow, Essex, 1991), pp.354-5.

³ Sir James Dyer, *Reports of cases in the reigns of Henry VIII, Edward VI, Queen Mary and Queen Elizabeth* ed. J. Vaillant (3 volumes, London, 1794), II.165b; *D’Ewes*, 44-5. Dyer records no decision, but any misgivings from the judges would surely have been cited in 1606: William Hakewill, *The Libertie of the Subject* (London, 1641),

undervalued most goods, an assertion largely borne out by merchants' accounts.¹ While this ruling confirmed the increased customs on cloth exports, it offered no validation of the new import duties, which continued regardless. In 1559 the Crown prosecuted several Venetian merchants in the Exchequer court, for fines due upon breach of letters patent requiring all sweet wines to be landed at Southampton. This might have constituted a useful precedent for enforcement of the Book of Rates, but at Easter 1561 the verdict went against the Crown, both for the restraint of trade and for the legality of the fines. A statute of 1563 reimposed this restriction upon alien merchants, but not denizens; yet there was no further attempt to challenge the new import tariffs.²

The fiscal impact of the 1558 Book of Rates was significant: customs receipts tripled to £80,000 a year, and although commercial disputes with Spain and the Dutch Revolt subsequently depressed the cloth trade, new markets were developed in eastern Europe and the Mediterranean. In 1577 a commission was issued to revise tariffs, but duties in the 1582 Book of Rates remained unaltered. However, many previously unvalued items were added, and in 1584 the cloth duty was increased by 20*d.* per shortcloth.³ War hindered commerce after 1585, but revenues initially remained buoyant (Graph 5.1), as indirect trade with Spain continued, and prize goods were

pp.93-6; [Sir James Whitelocke], *A Learned and Necessary Argument* (London, 1641), pp.50-1.

¹ P. Forbes, *A Full View of the Public Transactions in the reign of Queen Elizabeth* (2 volumes, London, 1740), I.132-4; *Book of Rates*, pp.xv-xix; Braddick, *Nerves of State*, 120-1.

² TNA, E159/340, recorda rot.53; *Reports from the lost Notebooks of Sir James Dyer* (Selden Soc. CIX) ed. J.H. Baker (London, 1994), pp.49-50; G.R. Elton, *The Parliament of England, 1559-1581* (Cambridge, 1986), p.132.

³ *Tudor Book of Rates*, pp.xxxiii-xxxvi; *CPR*, 1575-8, p.385. The 1584 cloth duty was mitigated by discounting for 'wrappers': Friis, *Cockayne's Project*, 49-50.

customable.¹

Revenue collection was hampered by cumbersome Exchequer procedures. Lord Treasurer Winchester privatised administration in 1570, when Thomas Smyth, customer of London, secured a lease of general customs in London and the south-eastern ports, on terms which set the precedent for subsequent farms: he paid an entry fine (£5,000); his rent was calculated as an average of earlier receipts; and he kept the fees, paying his officials salaries.² Meanwhile, in 1585 customs at other outports were leased to Secretary Walsingham. These farms collapsed under the strains of war: Smyth surrendered his in 1588; and Walsingham's terminated upon his death in 1590. However, instead of reverting to medieval administrative practices, Smyth's innovations were continued.³

War, dearth and inflation depressed customs revenues during the 1590s (Graph 5.1), and in December 1594 Lord Treasurer Burghley and Chancellor of the Exchequer Sir John Fortescue were commissioned to revise the rates; initial projections suggested revenues would increase by £7,000 a year.⁴ In 1596 Burghley prosecuted the executors of Customer Smyth over a duty on alum imports, presumably to set a precedent. Yet, as Sir Edward Coke later explained, this judgement avoided considering the

¹ R. Brenner, *Merchants and Revolution: commercial change, political conflict and London's overseas traders, 1550-1653* (Princeton, NJ, 1993), pp.6-23; P. Croft, 'Trading with the enemy, 1585-1604', *Historical Journal* XXII (1989) pp.281-302; K.R. Andrews, *Elizabethan Privateering* (Cambridge, 1964) pp.22, 46. Prize goods also paid custom in the 1620s: TNA, C66/2390/2 (dorse).

² Discussed in BL, Cotton Titus B.IV, ff.303v-4.

³ A.P. Newton, 'Establishment of the Great Farm of the English customs', *Transactions of the Royal Historical Society* (4th series), I (1918), pp.132-33; Dietz, *English Public Finance*, 308-10, 314-25; Williams, *Maritime Trade*, 11-23; Braddick, *Nerves of State*, 56-62.

⁴ TNA, C66/1441/2 (dorse); TNA, SP12/250/30-2; BL, Cotton, Titus B.IV, ff.303-4; TNA, E159/411, recorda rot.420; *HMC Hatfield*, VI.174; IX.226; Newton, 'Great Farm', 143-4; *Tudor Book of Rates*, pp.xxxvii-xli.

substantive question of property rights, being resolved upon the technicality that impositions would come under the jurisdiction of the common law if farmed to a subject.¹ The revised rates were never implemented, and the charges introduced over the next few years also avoided touching upon property rights: duties on gold and silver thread (1599), silk (1601) and tobacco (1604) applied to commodities previously unrated; while those on seacoal (1600), currants (1601), and the tin pre-emption (1601) were agreed by private treaty with the relevant merchants.² However, two of these agreements failed in 1603, when the tin patent was surrendered, and the Levant Company defaulted on its annual rent of £4,000 for the currant farm.³

King James's accession required a new Tunnage and Poundage bill, tabled in the Commons at the end of May 1604. A swift passage would have signalled England's resolve to maintain the navy – the purpose for which customs were ostensibly levied – to Spanish diplomats newly arrived at Somerset House for peace talks. However, some controversy clearly ensued, as the Commons spent two weeks scrutinising the bill. Few details of these deliberations were recorded, but at the final report on 14 June, Sir Maurice Berkeley asked 'whether this bill of tunnage and poundage were of

¹ Sir Edward Coke, *Twelfth Report* (London, 1738) (Bate's case). Solicitor-General Fleming deployed similar arguments in Darcy's case (1601), see G. Burgess, *Absolute Monarchy and the Stuart Constitution* (New Haven, CT and London, 1996), pp.84-6. BL, Hargrave 27, f.92v and Sir Edward Coke, *Institutes of the Laws of England* (4 volumes, London, 1628-44) II.63 insist 'the validity of the imposition was never questioned'; thus Hall, 'Impositions', 214 is wrong to claim it was.

² Newton, 'Great Farm', 146-7; Dietz, *English Public Finance*, 326-30; *Select Charters of Trading Companies, 1530-1707* ed. C.T. Carr (New York, NY, 1970), pp.36-7; S.M. Healy, 'The Tyneside lobby on the Thames, c.1580-1630' in *Newcastle and Gateshead before 1700* ed. D. Newton (Newton Abbot, Devon, 2009), pp.222-7.

³ G.R. Lewis, *The Stannaries: a study of the English Tin Miner* (Boston, MA, 1908), pp.144-7; Croft, 'Bate's case', 525-6.

necessity, of policy or merely a gratuity'.¹ Sir Henry Beaumont responded, 'that it was neither of necessity nor policy, but a mere gratuity', which it was hoped would 'quell the rumour of distaste between the King and the House'. Berkeley was related by marriage to Secretary Cecil, who may have choreographed this exchange.²

In the Upper House, Lord Treasurer Dorset noted 'some omission or imperfection' at the second reading. A conference (19 June) failed to address this issue, being distracted by Cecil's criticism of the Commons' refusal to vote supply (Chapter 5), but the judges ruled that the measure 'might pass as it was, without inconvenience or prejudice to his Majesty'.³ The controversy may have involved the Book of Rates, which was not mentioned in the statute.⁴ With this act in place, Dorset, having made further adjustments to rates (an average 13.17% increase), invited tenders for a national customs farm. The lease was granted to a merger of two consortia, headed by Secretary Cecil and the merchant William Garway, paying an annual rent of £112,400, an improvement of £28,600 over the previous seven-year average.⁵ The farmers correctly gambled that the postwar trade boom would make them even larger profits (Table 6.3).⁶

Meanwhile, the dispute over tariffs focussed on the currant duty of 5s. 6d. per hundredweight, collected by the Crown since 1603, and leased to

¹ 'Necessity' was presumably a claim by prerogative right; 'policy' a negotiated settlement; and 'gratuity' a free gift.

² *CJ*, I.228b, 232b, 239a, 992b; *HoP1604*, III.208-9. The first reading went unrecorded.

³ *CJ*, I.245a; *LJ*, II.322b, 326b. For Cecil's speech see also TNA, SP14/8/69.

⁴ *SR*, IV.1062-4.

⁵ *Tudor Book of Rates*, pp.xli-xliii; *HMC Hatfield*, XVI.319, 328, 348, 354; *Illustrations of British History* ed. E. Lodge (3 volumes, 2nd edition, London, 1838), III.104; *HMC Cowper*, I.58; *CSPV*, 1603-7, p.192; Newton, 'Great Farm', 148-52.

⁶ For a summary of debates about trade under the early Stuarts, see B. Coates, *The Impact of the English Civil War on the Economy of London, 1642-50* (Aldershot, Hampshire and Burlington, VT, 2004), pp.6-14.

Lord Chamberlain Suffolk, with Cecil as sleeping partner.¹ The Turkey merchants paid under protest, but their offer of September 1605 to take over the farm prompted Dorset to speculate that this duty, ‘and consequently all other impositions’ might be ‘settled forever’ – the precedent that had eluded Burghley in 1596. In a separate dispute, the Crown’s seizure of currants in lieu of purveyance provoked the London corporation to sue for restitution in November 1605.² On 25 February 1606 the Commons gave a first reading to a bill against impositions, which required parliamentary approval for any ‘tax, imposition or charge’ upon trade, and declared that any customs official levying unauthorised duties would forfeit his office.³ This loosely-worded proposal was probably unenforceable, but served as an invitation to further negotiations. However, on 2 April the Privy Council raised the stakes, by committing the London merchant John Bate to the Marshalsea for resisting seizure of his currants. Five days later, Nicholas Fuller reported the currant imposition to the Commons as a grievance; Speaker Phelips conceded it might be ‘warranted by law, yet fit to be redressed’, indicating the Crown’s willingness to compromise.⁴

Counsel debated Bate’s case before the Commons on 11 April, when Bacon, opening for the Crown, insisted that the legal position was irrelevant, as the Levant Company had conceded the imposition in return for their charter; he was backed by Fortescue, who also urged the cases of cloth

¹ CSPV, 1603-7, pp.184-5, 192-3, 198, 217-18, 225, 237-8; *HMC Hatfield*, XVI.380-1; XVII.16-17, 20; SP14/20/25; Croft, ‘Bate’s case’, 526-30.

² TNA, SP14/20/25; *HMC Hatfield*, XVII.419; LMA, Rep.27/1, ff.67v, 116r-v; *The Spanish Company* (London Record Society IX) ed. P. Croft (London, 1973), p.64; Croft, ‘Bate’s case’, 530-3.

³ *CJ*, I.274a, 287a; *PD1610*, pp.162-3.

⁴ *LJ*, II.412b; TNA, SP14/20/25; TNA, E159/430, recorda rot.32; CSPV, 1603-7, pp.333, 338; *Bowyer Diary*, 105-6; *CJ*, I.294-5; Croft, ‘Bate’s case’, 533-5; Hall, ‘Impositions’, 203-4.

(1558) and alum (1596) as precedents. Thomas Hitchcock, counsel for the Levant Company, argued feebly that foodstuffs were a necessity of life, and more pertinently that the judges' ruling upon the 1558 cloth imposition was an opinion, not a verdict. The Turkey merchant Robert Myddelton warned against conceding this principle: 'the like imposition may be imposed on all other commodities, and then merchandise [*i.e.* trade] must fall'; whereupon Sir Walter Cope proposed a seven-year moratorium on further impositions.¹ This offer probably originated with Salisbury rather than James, then hunting at Royston, but Britain's Solomon doubtless approved the notion that the Commons should concede a principle which he then declined to exploit. The Venetian ambassador assumed the merchants had capitulated, but the postponement of Fuller's attempt to report the long-delayed impositions bill (29 April) suggests talks continued behind the scenes, at least until Attorney-General Coke prosecuted Bate in the Exchequer (7 May). From this point, a confrontation loomed: three days later Fuller reported the impositions bill and the grievances, including the currant imposition. As the Lords would have quashed the impositions bill, MPs delayed their third reading until 24 May, two days before the prorogation, thus depriving the Upper House of the opportunity to reject it.²

For want of a parliamentary solution, Bate's case was heard in the Exchequer court in the week following the prorogation. Solicitor-General Doddridge and Bacon argued that customs rates were determined by the King's 'absolute power': the Crown could restrain or license the person – and, implicitly, the goods – of any man from leaving the kingdom. By

¹ *CJ*, I.297a; *Bowyer Diary*, 117-20; *Dyer, Reports*, II.165b; *HoP1604*, V.463; Croft, 'Bate's case', 535.

² *CSPV*, 1603-7, pp.343-4; *CJ*, I.301a, 307b, 312a; TNA, E159/430, recorda rot.32; *Bowyer Diary*, 154.

contrast, Bate's counsel insisted that peacetime customs duties were not part of the *arcana imperii*, and must therefore be explicitly authorised by statute.¹ Having discussed the case privately with the judges, Lord Treasurer Dorset assured Salisbury that the verdict would provide 'an assured foundation for the King's impositions forever', and on 8-10 November, the Exchequer Barons agreed that goods, as well as persons, could be restrained by the absolute prerogative. Chief Baron Fleming additionally ruled that, as goods could not be landed before paying custom, Bate's currants lay outside the realm, and hence the jurisdiction of the common law; and that absolute prerogative 'tends to the preservation of the entire kingdom, and is governed not by rules of equity and justice, but by policy'; thus impositions derived their legitimacy from reason of state, of which the Crown was sole arbiter.²

Chief Justice Coke expressed reservations about this vindication of the prerogative in a private conversation with Chief Justice Popham, and (years later) stated in print that 'that judgement was against law'. More immediately, Bate sued a writ of error, but the technicalities pleaded in mitigation were dismissed on 17 November.³ When Parliament reconvened the following day, James answered the grievance petition the Commons had submitted at the end of the previous session. Claiming credit for allowing his prerogative 'to be disputed in the common form of law', he warned that

¹ TNA, E159/430, recorda rot.32; BL, Hargrave 34, ff.55-8, 60v-63; CUL, Ee.iii.45, ff.13-14; Brooks, *Law, Politics and Society*, 136-7.

² *HMC Hatfield*, XVIII.396-7; TNA, E159/430, recorda rot.32; BL, Hargrave 34, ff.58-9v, 63-73v [Fleming on f.59v]; CUL, Ee.iii.45, ff.14v-18, 28-9; *State Trials* ed. W. Cobbett and T.B. Howell (33 volumes, London, 1809-26), II.387-94; Brooks, *Law, Politics and Society*, 137-8; Burgess, *Ancient Constitution*, 140-2; Burgess, *Absolute Monarchy*, 78-86.

³ Coke, *Twelfth Report* (Bate's case); Coke, *Institutes*, II.63; BL, Hargrave 34, ff.59v-60v; TNA, E159/430, recorda rot.32.

‘if any other persons... shall further importune them [the Commons] to deal with his Majesty in cases so greatly concerning them, he expecteth they shall be rejected’. The Commons, having agreed to focus on the Union (Chapter 1), laid the issue aside, though later in the session, Fuller and Sandys tartly noted that Scottish merchants were not burdened with impositions.¹

The Impositions Controversy, 1608-24

The tariff controversy reignited in June 1608 when Salisbury, newly appointed Lord Treasurer, used O’Doherty’s rebellion in Ireland as a pretext for increasing customs rates. Following consultation with merchants, these ‘new impositions’ doubled existing rates, although most foodstuffs and domestic manufactures, including cloth, were exempted; the currant imposition was also reduced to 3s 4d per hundredweight, presumably to mollify the Levant Company. There was ‘some little contradiction’ among the London merchants when the increases were announced, but the annual revenue of £60,000 (Graph 5.1), while short of the £100,000 projected, was collected without significant controversy.² In fact, impositions had a marginal impact on trade: in 1615 Lionel Cranfield, Merchant Adventurer and Surveyor-General of Customs, reckoned the new rates still undervalued goods by 20-33%, making impositions, at most, a 2% tax on gross turnover

¹ CJ, I.317a, 335a, 345b, 1013b. In 1611 Scottish customs were brought in line with the new English rates: M.R. Greenhall, ‘The evolution of the British economy: Anglo-Scottish trade and political Union, an inter-regional perspective, 1580-1750’ (Durham PhD, 2011), pp.26, 94.

² L.M. Hill, ‘Sir Julius Caesar’s journal of Salisbury’s first two months and twenty days as Lord Treasurer’, *BIHR*, LXV (1972), pp.318-19; *The Rates of Marchandizes...* (London, 1608), sigs.B1-C4; *CSPV*, 1607-10, pp.142-6, 174; Croft, ‘Bate’s Case’, 537; Brenner, *Merchants and Revolution*, 205-6.

– perhaps one-tenth of a merchant’s profit margins.¹

Nevertheless, complaints were anticipated when Parliament reassembled in 1610: in a speech to the new Lord Mayor on 30 October 1609, Salisbury blamed the controversy on ‘ill-disposed shopkeepers’ who had ‘raised all commodities to a treble and quadruple value, and yet impudently and untruly laid the cause thereof upon that imposition’. Broaching the subject at the start of the parliamentary session on 15 February, Salisbury warned against infringement of the prerogative, but emphasised that impositions were not intended to harm trade – leaving room for negotiations over the rates for specific goods.² However, the Commons’ grievance committee, chaired by Sandys, insisted on debating the point of principle. This was clearly intended to link impositions to negotiations over the Great Contract: James was expected to concede the principle of no taxation without representation in order to secure augmentation of the Crown’s ordinary revenue.

The Commons’ grievance committee, having considered the principle of imposing on 24-5 April, resolved to undertake the herculean task of collating legal precedents.³ The Lords, debating the Great Contract on 26 April (Chapter 3), advised MPs against questioning impositions, and on 11 May James urged them to ‘take heed they touched not upon the point of prerogative’; this merely provoked a heated dispute over freedom of speech.⁴ Solicitor-General Bacon and Attorney-General Hobart repeated

¹ BL, Lansdowne 152, f.175. Salisbury had already made this point on 10 July 1610: *HMC Downshire*, II.334-6.

² BL, Add. 12497, ff.279v-80; *CJ*, I.396a; *PD1610*, p.8.

³ Paulet diary, 19, 22 February, 25 April, 10 May 1610; *HMC Lords*, XI.117-19; *CJ*, I.421a-3a; *PP1610*, II.365; *CSPV*, 1607-10, p.486.

⁴ Paulet diary, 11, 14, 18-19 May 1610; *CJ*, I.327b; *PP1610*, II.68, 84, 88-90, 93-6, 217-18; *PD1610*, pp.32-4; *HMC Lords*, XI.119-24; *CSPV*, 1607-10, pp.496, 500-1; *Winwood Memorials*, III.175; *C&T James*, I.112-13. *HMC Hatfield*, XXI.286 refers to

Salisbury's invitation to discuss specific rates; while on 21 May James offered 'hereafter not to take them [impositions] but in Parliament', in order to halt the debate about the prerogative.¹ The Commons stood firm, and on 24 May James allowed the debate to proceed, on condition that MPs promised 'not to impugn his prerogative' by reversing the Exchequer judgement, and to make good any diminution in his revenue.² The Commons resumed the scrutiny of precedents, but on 11 June, Salisbury, pursuing a vote of subsidy, announced that impositions would be reduced by £20,000 annually, and that no more would be inaugurated before the next parliamentary session. These concessions failed to sway the Lower House: Sir Francis Goodwin recalled the King's reluctance to permit debate, while Fuller called for a bill against unparliamentary impositions.³

The impositions debate began on 23 June, and continued, after the end of the law term, from 28 June to 2 July; 23 of the 27 recorded participants were lawyers.⁴ Yet for all the forest of precedents cited, polemic swayed the Commons as much as legal erudition: Fuller stated 'the King cannot impose without assent of Parliament'; while Thomas Wentworth invoked the Ten Commandments as proof that 'subjects as well as kings should enjoy their own'. Several MPs raised the spectre of arbitrary government: James Whitelocke noted 'the greatest use they [kings] make of assembling of Parliament... is the supply of money', which would be superfluous if impositions were allowed to stand; Hakewill deplored those

this debate.

¹ *PP1610*, II.94; Paulet diary, 18, 21, 26 May 1610; *PD1610*, pp.36.

² *PD1610*, pp.41-2, 111-12; *PP1610*, II.372; C. Russell, *James VI and I and his English Parliaments* ed. R. Cust and A.D. Thrush (Oxford, 2011), pp.83-4.

³ *PD1610*, p.54; *PP1610*, I.106; *CJ*, I.439a-b; *CSPV*, 1607-10, p.503; *C&T James*, I.115-16.

⁴ Paulet diary, 23, 27-30 June, 2-3 July 1610; *PD1610*, pp.72-120; *PP1610*, II.152-248.

who would countenance temporary impositions upon ‘sudden and extraordinary occasions’; John Hoskins, Sir Robert Hitcham and Hakewill suggested ‘judges or jury’ should set customs rates – although Hoskins suspected none ‘can judge what gains is reasonable for a merchant his adventure’.¹ The only merchant to speak, Richard Gore, moved for impositions to be replaced by domestic excises, a Dutch innovation which would have relieved the burden on merchants, but provoked another controversy.²

In a sceptical House, little was gained by extolling the prerogative; Henry Yelverton, bidding for royal favour with a robust defence of the Crown’s actions, was ridiculed for his ‘tyrannical positions’.³ Crown counsel echoed Chief Baron Fleming in insisting that the common law had no jurisdiction over foreign trade; and if so, Recorder Montagu insisted, ‘the object [of the Crown’s critics] is the King’s power’.⁴ In fact, the agreement not to question the judgement in Bate’s case meant that advocates of the prerogative did not need to be as aggressive as their opponents. Serjeant Doddridge recited the many limitations on the Crown’s revenue-raising powers; Recorder Montagu stressed that impositions were laid in response to O’Doherty’s rebellion, and had been proportionably rated; Solicitor-General Bacon observed that while impositions had sometimes been rescinded, there was no record of any being struck down by the lawcourts;

¹ [Whitelocke], *Learned and Necessary Argument*, 15-16 (for authorship see *Liber Famelicus of Sir James Whitelocke* (Camden Society, original series, LXX) ed. J. Bruce (London, 1858), p.24); *PD1610*, pp.58-62, 76, 78, 119; Hakewill, *Libertie of the Subject*, 10-13, 21-2; Paulet diary, 23 June 1610.

² *PD1610*, p.116. Excises caused significant controversy after their introduction in 1643: Braddick, *Nerves of State*, 99-101, 220-5.

³ *PD1610*, pp.85-8; Paulet diary, 2 July 1610; *C&T James*, I.121-2; *HoP1604*, VI.895-9.

⁴ *PD1610*, pp.61-2; *PP1610*, II.199; Paulet diary, 23 June 1610.

Sir Walter Cope invited MPs to ratify impositions retrospectively by statute.¹ Wrapping up for the Crown, Dudley Carleton spurned Yelverton's extremism, insisting that 'reason of state is preservation of the state, and not the ruin of the state'.²

Despite the best efforts of the Crown's supporters, the Commons' grievance petition of 7 July urged 'that all impositions set without assent of Parliament may be quite abolished and taken away'.³ Salisbury responded three days later, recapitulating earlier arguments: impositions were a response to the threat of rebellion in Ireland; there had been consultations with merchants before rates were set; the Exchequer court had ratified the duties; and they had not diminished trade. MPs registered their dissatisfaction in the supply debate of 11 July, voting only a single subsidy and fifteenth (Chapter 4).⁴ A bill was also tabled to abolish impositions, which, like the 1606 draft, barred anyone collecting such duties from office. However, it also stipulated that impositions collected 'without assent of Parliament... are and shall be adjudged in the law void'. Nullification without compensation was a deliberate provocation, and the Lords naturally spurned this bill, giving it only one reading before the prorogation; it was presumably understood that the issue would be revisited during the next session.⁵ Finally, the Commons collected their precedents relating to impositions, but plans to have them printed were never implemented.⁶

During the summer, Sir Herbert Croft drafted an economic critique of impositions, claiming they would invite retaliation from foreign princes;

¹ *PP1610*, II.109, 202-3; *PD1610*, pp.62-3; *Bacon Letters*, IV.191-2; Paulet diary, 28 June 1610; Russell, *English Parliaments*, 84-5.

² *PD1610*, pp.110-11.

³ *Ibid.* II.266-7. *Holles Letters*, III.524 is an earlier draft of this petition.

⁴ *C&T James*, I.122; *PP1610*, II.129-34; *HMC Downshire*, II.332-9.

⁵ *PP1610*, II.410-12; *CJ*, I.448b-51a; *LJ*, II.646b, 653a.

⁶ *CJ*, I.447b; *PP1610*, II.272-3; Paulet diary, 10, 17 July 1610.

would depress the trade of English merchants; and would excite criticism of James's profligacy.¹ In September, Salisbury kept his promise of 11 June, removing many impositions on exports, and halving some on exports, a move which reduced impositions receipts by 25%, or £15,000 *per annum* (Graph 5.1).² An extra 3*d.*/lb tariff was subsequently imposed on imports by alien merchants, which raised £3,000 a year; this proved less controversial, because it reduced the competition for English merchants, and was based on medieval precedents.³

Parliament reconvened amid widespread misgivings about the Great Contract (Chapter 4): on 25 October 1610, Salisbury claimed that financial concessions, including the reductions in impositions promised on 11 June, would undermine the economic basis of the Contract, and insisted 'the King must not want'. Sir Roger Owen provoked a confrontation on 3 November by moving that impositions be repealed completely. James responded by demanding an impossibly large supply of £500,000 above the annual revenue offered by the Contract, whereupon several MPs attacked impositions, and other grievances supposedly resolved on 10 July.⁴ Negotiations over the Contract were presently abandoned; on 14 November Salisbury offered a modified list of concessions, including parliamentary approval of impositions, in return for supply.⁵ Two days later, Samuel Lewknor insisted – despite the evidence of buoyant customs receipts (Graph 5.1) – that impositions 'will make the merchants both unable and unwilling

¹ BL, Cotton, Titus B.VII, ff.455-6.

² *The Rates of Marchandizes...* (London, 1612); TNA, E401/688-91, 708-11, 723-6, 796-9, 828-30A; TNA, AO1/726/403.

³ TNA, E351/765-75; Dietz, *English Public Finance*, 372-3.

⁴ *PP1610*, II.299-300, 317-21, 398; *PD1610*, pp.127, 129-30; Russell, *English Parliaments*, 86-9.

⁵ *PD1610*, p.133; Paulet 14 November 1610 (pm); *HMC Hastings*, IV.223; *HMC Rutland*, I.424; Russell, *English Parliaments*, 89-90.

to yield supply'; James raised the issue with a group of MPs that afternoon, and on 21 November he again offered not to take further impositions without parliamentary approval. James Whitelocke, who had opposed impositions in July, urged acceptance of this deal, but others demurred, while hopes for a separate agreement over wardship (Chapter 4) were lost after John Hoskins and Thomas Wentworth slandered James, who terminated the session.¹

Contrary to Lewknor's assertion, merchants showed little opposition to impositions: in April 1611 a consortium offered a £200,000 entry fine for an 11 year farm, provided rates remained unaltered.² Sir Henry Neville, discussing the management of a future Parliament with James in 1612, assumed MPs would refrain from demanding 'anything unjust, or unreasonable, or that may derogate from his Majesty in point of sovereignty'.³ However, at the start of the 1614 Parliament, the Commons gave two readings to a bill 'concerning taxes and impositions on merchants' – doubtless a revival of the draft of July 1610, as it characterised impositions as being 'against the law'. This aggressive stance – clearly prearranged – was endorsed by many who had spoken in the 1610 debates, although the courtier Sir George More cautiously advised that the Exchequer judgement be re-examined before it was overturned. The bill committee was scheduled for 3 May, and it was agreed that supply should not be debated until it was passed.⁴ King James intervened on 4 May,

¹ *PP1610*, II.334, 337-44; *HMC Hastings*, IV.226-7; Paulet diary, 17 November 1610; *PD1610*, pp.142-5; Russell, *English Parliaments*, 91-4.

² *CSPV*, 1610-13, p.135. This offer presumably covered both the Great Farm and new impositions.

³ *PP1614*, p.250.

⁴ *PP1610*, II.410-12; *PP1614*, pp.93-7, 101; *Wentworth Papers* (Camden

promising ‘I never will upon home-bred commodities, spent within the land, lay any imposition’, and offering to have this confirmed by the judges. However, he also rescinded his 1610 offer of statutory ratification for any further impositions: ‘to bar me from my right, to rob my Crown of so regal a prerogative... is mere obstinacy’. This signalled an ideological divide deeper than that of 1610; the debates which followed sought to establish whether there were grounds for a compromise.

On 5 May, official spokesmen moved to hold the subsidy debate, but the House opted to hear Sir Edwin Sandys’ report from the impositions committee, which had, he said, concluded that ‘we are bond[men], if the King may at his pleasure impose’. Yet the bill, it transpired, had been laid aside, in favour of a petition to James to reconsider his stance;¹ MPs resolved to appeal to the Lords for support, and a committee was named to prepare for a conference. At this stage, few non-official speakers expressed any sympathy for the Crown: Sir Herbert Croft objected to the interruption of the motion for supply; the lawyer Leonard Bawtree pronounced himself reluctant ‘to cross the King’s pleasure’, for which he was hissed at; while the merchant Robert Myddelton – original sponsor of the impositions bill – vainly urged the vote of a single subsidy.²

During the week spent planning the conference on impositions, pressure was clearly applied on the Crown’s behalf, as on 16 May it was agreed to hear objections to the Commons’ case. Naturally, these were all

Society, 4th series, XII) ed. J.P. Cooper (London, 1973), pp.66-9; Russell, *Addled Parliament*, 16. After the dissolution, this collusion was interpreted as a plot to wreck the session: *Chamberlain Letters*, I.540-1; *C&T James*, I.345-6.

¹ Presumably a petition of right, where (as in 1628) the King’s answer would define the law. This would have left James some room for negotiation. See Russell, *PEP*, 352-7, 377-8.

² *PP1614*, pp.59, 142, 145-6, 148-52, 156-8; *Wentworth Papers*, 73-6; Russell, *English Parliaments*, 114-16; *HoP1604*, III.161-2; V.464.

dismissed: the relevance of Chief Justice Dyer's report on the judges' conference of 1559 was discounted; and when Thomas Hitchcock argued the Crown might levy a charge within the realm if it were 'of more profit than hurt to the subject',¹ it was observed that the Crown's lawyers had already conceded 'that the King could not impose on anything within the land'. On 19 May, Leonard Bawtree's objections were held so 'tedious' that the House emptied before he had finished speaking.² Two days later, as the Commons rehearsed the case they planned to present to the Lords, the diplomats Sir Henry Wootton and Secretary Winwood argued that many European princes laid impositions without parliamentary approval. Owen, Sandys and Digges expressed alarm that such 'tyrannical courses' might come to pass in England, while Sandys and Thomas Wentworth feared that James, like Henry IV of France, risked assassination by pursuing arbitrary government.³

When MPs requested a conference with the Lords on 21 May, Bishop Neile intervened, attacking the Commons' interference over a '*noli me tangere*...'⁴ [for] in this conference we should... strike at the root of the imperial Crown'. This provocative stance took everyone by surprise. Lord Chancellor Ellesmere, supported by the two archbishops, spoke to a completely different brief, moving to consult the judges, a pragmatic initiative repeated by several Privy Councillors on 23 May. Neile then repeated his slanders, fearing that 'if we should meet with the Lower House, there would pass from them undutiful and seditious speeches unfit for us to hear'. The Lords turned to the judges, but Chief Justice Coke nullified

¹ Hitchcock, it should be recalled, had argued *against* impositions in 1606.

² *PP1614*, pp.214, 226, 261-2, 265-6, 285-8, 291, 293; *HoP1604*, III.162; IV.711.

³ *PP1614*, pp.311-16; *Chamberlain Letters*, I.532-3.

⁴ 'Do not touch me', *i.e.* a prerogative right.

Ellesmere's efforts by ruling that 'it should be good to hear somewhat from the Lower House, and that answered by the King's counsel, and then us to judge of it'. There remained no option but to reject a conference, a motion driven through the Lords on the following day by the bloc votes of Privy Councillors and bishops. There were protests from many lay peers, including the Earl of Southampton, who lamented this decision to ignore 'the just complaints of the people in a matter of right'.¹

News of the Lords' decision spurred the Commons to scrutinise Neile's speeches, which caused outcry when quoted the next morning; the courtier Sir Walter Chute even claimed James himself had deplored the activities of such an 'ill-wisher'. By the time the Lords sent word about their decision to refuse a conference, MPs had resolved to make a formal protest about Neile.² This complaint divided the Lords, but as no-one had called the bishop to order when he spoke, peers were obliged to exonerate him in order to defend their own honour. When questioned on 31 May, Neile tearfully denied any 'evil intent' in his speeches. Sir James Perrott dismissed this as 'an answer answerless', and attempted to discredit the bishop by claiming he had once granted a false certificate of conformity to a recusant. The clamour which ensued demonstrated the breakdown of the session, and when James insisted on a vote of supply, the Commons defiantly insisted

¹ *LJ*, II.705a-7a; *HMC Hastings*, IV.249-64; *Chamberlain Letters*, I.533-4; *C&T James*, I.316; *CSPV*, 1613-15, pp.132-3; C.C.G. Tite, *Impeachment and Parliamentary Judicature in early Stuart England* (London, 1974), pp.74-5; C. Russell, *The Addled Parliament of 1614: the limits of revision* (Reading, Berkshire, 1992), pp.21-2; Russell, *English Parliaments*, 119-20.

² *LJ*, II.707b; *HMC Hastings*, IV.264-5; *PP1614*, pp.339-57; *Chamberlain Letters*, I.533-4; Tite, *Impeachment*, 75-7; Russell, *English Parliaments*, 120-1; D. Colclough, *Freedom of Speech in early Stuart England* (Cambridge, 2005) pp.161-2. MPs obtained a very full account of Neile's speeches: *LJ*, ii. 709b.

their case against impositions receive a hearing first.¹ On the day after the dissolution, those who were to have presented the case against impositions had their notes burnt before the Privy Council.²

The impositions controversy wrecked the Addled Parliament. Neile, sometimes identified as the key saboteur, would hardly have acted without encouragement from the King, who, on both ideological and financial grounds, could ill afford to have impositions struck down by Parliament. Coke's motives are harder to discern, but his private misgivings about Bate's case, and ongoing quarrels with James about the common law, suggest malice aforethought. Yet the session should not have reached this impasse – both the decision to sideline the impositions bill in early May, and the hearing MPs later granted those who dissented from their case signalled a willingness to compromise. This indicates that James was the one being intransigent, which made it difficult to discuss impositions for the remainder of his reign.³

Deadlock over impositions soured the prospects for any future Parliament. When Privy Councillors discussed a fresh summons in September 1615, they broadly agreed with Secretary Lake's assertion that 'the smart which hath most grieved the people and been most insisted upon is the matter of impositions'. Lord Treasurer Suffolk feared 'the point of right would be insisted upon' in Parliament, but Lord Chancellor Ellesmere hoped the Commons would agree, as in 1610, to waive the debate over principle. To promote compromise, Cranfield planned to restructure the

¹ *HMC Hastings*, IV.267-78; *PP1614*, pp.402-13, 435-6; *LJ*, II.713; Tite, *Impeachment*, 77-80.

² *Liber Famelicus*, 41-3; *C&T James*, I.324.

³ Russell, *English Parliaments*, 118-19; Brooks, *Law, Politics and Society*, 142-50.

customs, ‘not directly, as a laying down of the impositions, but in respect of advancing the exportation above the importation’, a refinement of Hitchcock’s argument from 1614; Attorney-General Bacon hailed this scheme as ‘revenue that cannot be questioned in point of law’.¹

While James rejected a summons of Parliament, Suffolk still declined to confront the issue of impositions. In November 1618, shortly after the treasurer’s fall, the pretermitted custom – one of the projects Cranfield had submitted to the Privy Council in 1615 – was inaugurated. This imposed an extra 1s. 8d. on each shortcloth exported, raising cloth duty to 2d./lb. wool content, equivalent to the medieval custom on wool; it was imposed on the same basis as the cloth duty of 1558, and thus avoided reliance on Bate’s case as a precedent.² The Merchant Adventurers, having recently paid £50,000 to recover their monopoly of cloth exports to the Low Countries and Germany, objected to this additional burden, but the £20,000 annual revenue could not be foregone, being required, in the first instance, to reimburse the Queen’s creditors.³ Anne died only months later, and in February 1620, with many of her debts cleared, the Exchequer took over the revenues.⁴ Also in 1618-19, Cranfield secured minor alterations to duties on coal exports and sugar and tobacco imports, while the imposition on

¹ *Bacon Letters*, v. 187, 197-8, 204-5; *APC*, 1616-17, pp.353-5; M. Prestwich, *Cranfield: Politics and Profits under the early Stuarts* (Oxford, 1966), pp.186-90; J.D. Alsop, ‘The Privy Council debate and committees for fiscal reform, September 1615’, *HR*, LXVIII (1995), pp.191-211; J. Cramsie, *Kingship and Crown Finance under James VI and I, 1603-25* (Woodbridge, Suffolk, 2002), pp.152-9.

² *APC*, 1618-19, pp.195-6, 203; TNA, C66/2167/5; Friis, *Cockayne’s Project*, 218-19; Dietz, *English Public Finance*, 377-8; Prestwich, *Cranfield*, 191. For the projectors of this duty, see TNA, C2/Chas.I/N12/14.

³ *APC*, 1618-19, pp. 223-4; *HMC Downshire*, VI.487; BL, Add. 72253, f.18; Friis, *Cockayne’s Project*, 366-9.

⁴ TNA, E214/409; *Chamberlain Letters*, II.258; Kent HLC, U269/1/OEc171, 174; Bodleian, Tanner 74, ff.239-40; *Bacon Letters*, VII.81; TNA, E351/741-3, 763, 779-81. Cranfield may have been behind the reassignment of this farm: Prestwich, *Cranfield*, 245.

currants, reduced in 1608, was reinstated at the rate of 5s. 6d./cwt authorised by Bate's case, in return for which the Levant Company was awarded a monopoly on trade to the eastern Mediterranean.¹

In October 1620, the Bohemian crisis obliged James to summon another Parliament. Careful preparations for the session, including a proclamation against licentious speech in matters of state, made no specific mention of impositions. James also avoided the subject in his opening speech (30 January 1621), although in granting freedom of speech on 3 February, he insisted that MPs 'should not be lion-like to speak of prerogatives above their capacities', echoing his position of 4 May 1614 over impositions.² On 5 February 1621 Sir Edward Giles complained about the arrests made after the dissolution of 1614, and Sir Robert Phelips moved for a bill to guarantee free speech. Freedom to debate the legality of impositions was one aspect of this dispute: on 12 February Sir Henry Poole complained about the burning of MPs' notes about impositions, while Phelips recalled the Lords' refusal to accept a conference about impositions.³ The confrontation over free speech was resolved on 15 February, when James offered an anodyne formula which reiterated the traditional privilege he had granted the Commons on 3 February.⁴ An agenda had clearly been agreed behind the scenes, as the Commons promptly voted two subsidies (Chapter 2), while MPs were permitted to

¹ *Bacon Letters*, VII.62; TNA, C66/2167/2; Dietz, *English Public Finance*, 177, 348; Prestwich, *Cranfield*, 243; Brenner, *Merchants and Revolution*, 66.

² *Bacon Letters*, VII.145-52, 155; *CD1621*, II.12, 15; IV.10; *Proclamations*, I.495-6; R. Zaller, *The Parliament of 1621* (Berkeley and Los Angeles, CA and London, 1971) pp.19-26, 32-5; Colclough, *Freedom of Speech*, 168-70.

³ *CJ*, I.517b; *CD1621*, V.433; Zaller, *1621 Parliament*, 37-41; Russell, *PEP*, 92-3; Colclough, *Freedom of Speech*, 137, 171-3.

⁴ *CD1621*, IV.10; VII.575-6. Colclough, *Freedom of Speech*, 131-8 understates the machinations behind this declaration.

investigate alleged abuses by patentees and the judiciary.¹

The agreement between James and his critics apparently included an undertaking to avoid questioning the legality of impositions, an issue barely mentioned during the session.² However, duties not covered by Bate's case were treated as fair game: on 13 March there were complaints about the Merchant Adventurers' private tariffs on cloth and lead;³ and on 31 May John Delbridge unsuccessfully moved to petition for the suspension of duties imposed since 1614.⁴ Sir Edward Coke, now an MP, was clearly privy to this undertaking: while he asserted that 'no impositions... can be laid on the subject, but by their consent' during the Virginia tobacco debate (18 April), he left the wider application of this principle unexplored.⁵ In December 1621, when King and Commons fell out again over free speech, Phelps explicitly protested that MPs 'never meddled with impositions (though highly concerning the subject's interest), to make this a Parliament only of union', while the 'Dialogue' he wrote in preparation for the 1624 Parliament alluded to an agreement over this issue in 1621.⁶

The truce over impositions continued in 1624, as the 'patriots' worked hard to avoid provoking the King in any way.⁷ When Sir Edwin Sandys reported complaints to the Commons' committee for decay of trade on 2 April, he dismissed the legality of impositions as a question 'fit not to enter into... now'. On 11 May, Edward Alford moved to add impositions in

¹ Zaller, *1621 Parliament*, 47-51, 55-9; Russell, *PEP*, 89-91, 99-107.

² Briefly discussed in L.S. Popofsky, 'The Crisis over Tunnage and Poundage in Parliament in 1629', *Past & Present*, CXXVI (1990), p.48.

³ *PD1621*, I.152-3; II.66-7; *CD1621*, VI.60; Zaller, *1621 Parliament*, 102-3.

⁴ *CD1621*, II.416; III.373; *PD1621*, II.139-40; Prestwich, *Cranfield*, 320-1; *HoP1604*, IV.40.

⁵ *PD1621*, I.269; Zaller, *1621 Parliament*, 101-2.

⁶ *CJ*, I.658a; Somerset RO, DD/PH/227/16.

⁷ Brenner, *Merchants and Revolution*, 219.

the Commons' grievance petition; and while conceding that 'the dispute of the right be waived', he argued it was 'fit to continue our claim'.¹ As in 1621, customs increases not founded upon the 1606 Exchequer judgement faced more strident criticism: on 9 April the pretermitted custom, tariff alterations in the 1623 Book of Rates, new duties on wine imports, and purveyance on grocery imports came under investigation, as part of a wider attack on their promoter, Lord Treasurer Cranfield. On 13 April, the lawyer Robert Berkeley argued that the pretermitted custom was 'not due by any law or statute, but by prerogative law', while Sir Francis Seymour dismissively referred to 'mere impositions'. Yet when King's Serjeant Sir Robert Hitcham, responding for the Crown two days later, attempted a detailed justification of the principle of impositions; he was halted, and his speech razed from the Commons' Journal. These debates were reported on 28 April, when William Noy urged the House not to question 'the point of imposition' or the 1558 cloth duty; the final grievance petition confined its complaint to the original currant duty of 1606.² Cranfield's impeachment included allegations of bribes taken from the farmers of the duties introduced in 1622 to support the Palatine cause; after careful consideration, the Commons resolved not to discuss the legality of these impositions in the charges submitted to the Lords.³ The session also saw concerted attacks on the Merchant Adventurers' levies on cloth exports, which were, again,

¹ CJ, I.752b, 787b; PP1625, pp.304-5, 309.

² CJ, I.693a-b, 759b-60b, 764b-5b, 794a; Holland, Holles and Pym diaries, 13 April 1624; Pym diary, 16 April 1624; PP1625, pp.303-4; R.E. Ruigh, *The Parliament of 1624: Politics and Foreign Policy* (Cambridge, MA, 1971), p.50; Russell, *PEP*, 199; Brenner, *Merchants and Revolution*, 219-20; HoP1604, IV.709. For a complaint from York, see York City Archives, House Book 34, ff.290v-1.

³ TNA, PSO5/4 (14 January 1622); CJ, I.760b, 764a; Pym diary, 12 April 1624; Holland, Nicholas and Holland diaries, 15 April 1624; Dietz, *English Public Finance*, 374-5; Prestwich, *Cranfield*, 439-46; Tite, *Impeachment*, 150-4; Popofsky, 'Crisis over Tunnage and Poundage', 48.

included in the grievance petition.¹

Why did MPs discontinue their vehement protests over the principle of impositions? The dissolution in 1614 established that James would brook no argument on this topic, but the fact that other customs duties were criticised in 1621 and 1624 suggests that the issue still rankled. Two factors had changed: the dispute over the prerogative was, for many, trumped by the desperate plight of the Protestant cause in Germany; while James's grave illness in the spring of 1619 provided stark evidence of his mortality.² This made it possible to postpone a confrontation until the next reign, when the need for a new Tunnage and Poundage statute would give the Commons extra leverage over impositions. None of this boded well for Charles's relations with his subjects.

Tunnage and Poundage Disputes, 1625-8

The Tunnage and Poundage Act lapsed with James's death, and duties were thereafter collected under Privy Seal warrants.³ Customs legislation should have been a priority during the 1625 Parliament, but Charles's quest for war finance obscured the issue. On 22 June 1625 Sir Robert Phelips moved to resolve the impositions dispute with fresh legislation; Sir Edward Coke demurred, but called 'to establish a settled book of rates'. Either proposition would have required lengthy debate,

¹ CJ, I.698b-9a, 752b-3a, 764b-5b, 783b-4a; Nicholas diary, 22, 30 April 1624; Holland and Nicholas diaries, 5 May 1624; Pym diary, 10, 15 May 1624; *PP1625*, pp.303-4; Russell, *PEP*, 198; Brenner, *Merchants and Revolution*, 214-17.

² R. Lockyer, *Buckingham* (London, 1980), pp.55-6; R.E. Schreiber, *The First Carlisle: Sir James Hay, first Earl of Carlisle as courtier, diplomat and entrepreneur, 1580-1636* (Transactions of the Americal Philosophical Society LXXIV, part 7) (Philadelphia, PA, 1984), pp.25-6.

³ *CSPD*, 1625-6, pp.2, 533. The 1604 Act claimed no validity beyond the end of James's reign: *SR*, IV.1062-4.

unfeasible in a time of plague.¹ Draft legislation, which received two readings in a rapidly thinning Commons on 5 July, neglected to mention impositions, the pretermitted custom or a new Book of Rates, for fear, it was said, of ‘what might become of these things if none but the courtiers were remaining’. When Sir Walter Erle and Phelips recommended passing a temporary grant, to last a year, Solicitor-General Sir Robert Heath grudgingly acquiesced; but ministerial opinion had clearly changed by the time the bill reached the Lords, where it foundered after a single reading.² Opinion also hardened in the Commons: on 11 August, when Buckingham’s competence as Lord Admiral was attacked, Erle recalled that Tunnage and Poundage was granted for defence of the seas; while Henry Rolle noted that under Edward III, merchants had threatened to withhold customs and defend themselves.³

Meanwhile, the Crown argued with the syndicate leasing the Great Farm of the customs, headed by Sir Maurice Abbot and Henry Garway, about the £160,000 annual rent due under their lease of 1621 – the contract for the year ending Christmas 1625 was only signed in October 1625. The depredations of the Dunkirkers that autumn cost the farmers £5,000 in lost revenue, and they cancelled their lease in December, but continued to administer the farm until new terms could be agreed.⁴ Offering a reduced rent of £148,000, they faced a rival bid of £150,000 from Alderman Cockayne and Sir Paul Pindar. The latter may have been encouraged by

¹ *PP1625*, pp.215-16, 220. Somerset RO, DD/PH/216/8 may be Phelips’s notes for this speech.

² *PP1625*, pp.110, 313-14, 317-18, 336, 349, 372-3, 510-11; KHHHC, L.212; NLW, 9060E/1363; Popofsky, ‘Crisis over Tunnage and Poundage’, 50-1; Brenner, *Merchants and Revolution*, 221.

³ *PP1625*, p.460.

⁴ *CSPD*, 1625-6, pp.203, 550; *APC*, 1625-6, p.280; BL, Stowe 326, f.57v; Ashton, *Money Market*, 92-5.

Buckingham, who doubtless wished to see Abbot – brother of his critic Archbishop Abbot – removed from a key position in the Crown's finances. Cockayne and Pindar co-opted two of the outgoing syndicate, Sir John Wolstenholme and Abraham Jacob, and secured a five year contract on 5 April 1626, a bargain struck on the assumption that disputes over customs rates would be resolved in the 1626 Parliament.¹

Complaints about customs resurfaced in the Commons on 15 February 1626, when Richard Spencer introduced a bill to seize the goods of Edmund Nicholson, projector of the pretermitted custom. That afternoon, the Londoner Robert Bateman tendered a petition to stay proceedings against those refusing to pay the additional imposition placed on wine in 1622. The Devon merchant John Delbridge moved, provocatively, 'to deal with all impositions in general', and while Archbishop Abbot's client Sir Dudley Digges advised the House to stick to particular complaints, Richard Spencer objected to the collection of Tunnage and Poundage by Privy Seal.² The Londoners' petition was reported on 20 February, when Thomas Wentworth, Recorder of Oxford, punctiliously insisted that Charles had laid no new impositions since his accession; Mr. Ashton, more aggressively, asserted 'no King before *Jac[obus]* claimed imposing as his right without assent of Parliament'; and while Solicitor-General Sir Richard Shilton called for 'the question [of principle] not to be disputed', a committee was appointed to examine all tariff revisions since 1603, which opened the general issue of impositions to debate.³

¹ BL, Stowe 326, ff.58v-9; *CSPV*, 1625-6, pp.336, 364; *APC*, 1625-6, pp.351, 412-13; Dietz, *English Public Finance*, 334; Ashton, *Money Market*, 95-8; Popofsky, 'Crisis over Tunnage and Poundage', 52.

² *PP1626*, II.45-51; *APC*, 1625-6, p.28; Russell, *PEP*, 278-9. NLW, 9061E/1392 claimed Nicholson was to have been exiled.

³ *PP1626*, II.73-5; NLW, 9061E/1392. 'Mr. Ashton' was probably William

Despite this hostility to impositions, Sir John Coke's motion of 25 February, for a bill for a wartime duty on coal to fund escorts for the east coast shipping, attracted considerable support, although Spencer remained 'loath to countenance the project'. Yet on 6 March, when ministers protested about the lack of funds for the Navy – the original purpose of Tunnage and Poundage – Sir John Strangways made the obvious retort: 'what became of the money which we gave for that end?'¹ Complaints about the Crown's continued failure to table a Tunnage and Poundage bill eventually secured two readings for a draft on 23-24 March. The committee first met on the afternoon of 27 March, when, with an euphoria perhaps reflecting the Commons' grant of supply that morning, Sir Nathaniel Rich hinted that King James's offer of 1610 – confirmation of existing customs revenues in return for parliamentary approval of future impositions – might form an acceptable compromise. A sub-committee was appointed to draft a composite Book of Rates, presumably superseding the committee of 20 February.²

Negotiations over customs were tacitly linked to the progress of Buckingham's impeachment, which proceeded apace. On 27 April Rich encouraged a chorus of complaint about the collection of duties without statutory authority since Charles's accession. Despite Sir Humphrey May's protest that Elizabeth and James had collected customs before meeting their first parliaments, MPs resolved to draft a remonstrance. However, another hostile motion, to summon customs officials to explain their actions, was defeated.³ The unauthorised collection of customs was added to the

Ashton, rather than the youthful Ralph Assheton: *HoP1604*, III.62-3, 66.

¹ *PP1626*, II.54-5, 130-1, 203-4, 208-9.

² *Ibid.* II.279-80, 283, 322, 341, 349, 356, 382; Russell, *PEP*, 290-1.

³ *PP1626*, III.83-6. This highlights the intransigence of Eliot's prosecution of the

grievance petition (24 May), and was censured in the draft petition of 13 June as an example of ‘new counsels’ condemned as being ‘against the ancient settled course of government’.¹ The Tunnage and Poundage committee, meeting on 8 June, was informed that consultations about revaluing the Book of Rates would prove ‘a work of great labour’, and risked disclosing information which might be used to raise fresh impositions after the end of the Parliament. This gloomy prognosis, on the same day the King offered a modest concession to the Lords, by allowing the Earl of Arundel to resume his seat in the Upper House, indicates that MPs had abandoned any hope of compromise with the Crown. The Commons agreed to petition Charles to honour his father’s promise not to raise any further impositions without parliamentary approval, but this remonstrance was incomplete at the dissolution on 15 June.²

As the Privy Council delicately noted on 8 July 1626, the dissolution of Parliament ‘before those things which were there treated of could be perfected’ left customs without statutory authority. Letters patent were sealed, ordering collection to continue ‘until such time as by Parliament, as in former times, it may receive an absolute settling’; meanwhile, the Council was authorised to imprison refusers for contempt.³ Although such ‘new courses’ had been attacked in Parliament, few customs duties attracted serious controversy over the next eighteen months. One exception was the 2s. 2d./cwt currant imposition, removed in 1610, but reinstated in 1619 and

customers in 1629.

¹ Ibid. III.320-1, 323, 325-6, 440. Curiously, a complaint about the pretermitted custom was dropped from the draft of 13 June.

² Ibid. III.383, 387, 392, 395-8, 414, 445. For the rates sub-committee, see TNA, SP105/148, f.149.

³ APC, 1626, pp.63-5; TNA, C66/2390/2 (dorse).

farmed to the Earl of Arundel. Charles had little incentive to exert himself on behalf of one of Buckingham's chief critics, but in September 1626 Lord President Manchester offered to take over Arundel's currant farm, together with the pre-emption of tin (one of the Levant Company's chief exports).¹ When Manchester raised his bid for the contract to £17,000 a year, it emerged that widespread evasion of this currant imposition would affect revenue projections, thus in February 1627 the Privy Council embargoed the landing of currants with outstanding duties unpaid. Governor Hugh Hammersley asked the Levant Company whether they wished to leave the merchants affected by this order to complain individually; members resolved upon a general protest, not with any expectation of success, but 'to free them from any future imputation that may be cast upon them if they should consent without complaining'.²

Resistance to the currant imposition suggests principled opposition to impositions among merchants, but in this instance, economics reinforced politics: from 1619, currants paid multiple duties worth 7s./cwt to the Crown, and a further 12d./cwt as consulage to the Levant Company – a surcharge for providing diplomatic representation in the Ottoman Empire, which attracted criticism from Samuel Vassall and other merchants.³ With currant prices soaring to 60s./cwt in 1627, duties of 8s./cwt eroded much of the merchants' gross profit margin (perhaps 15s.-20s./cwt), hence the

¹ Dietz, *English Public Revenue*, 177; Russell, *PEP*, 327; London UL, Goldsmiths' 195/1, f.36. Popofsky, 'Crisis over Tunnage and Poundage', 53-4, overlooks Manchester's interest.

² London UL, Goldsmiths' 195/2, ff.34, 42v-3; *APC*, 1627, pp.103-4; 1627-8, p.126; TNA, SP105/148, ff.162v-5, 169, 173, 184; M.F.S. Hervey, *Life, Correspondence and Collections of Thomas Howard, the Earl of Arundel* (Cambridge, 1921), pp.258-9; *CSPD*, 1627-8, pp.549, 551, 594.

³ For protests about consulage, see TNA, SP105/148, ff.152v-4v.

controversy over enforcement of this levy.¹

Alongside the currant dispute, from October 1627 the Privy Council embargoed the goods of merchants who failed to pay the 1622 charge of £1/tun on French wine landed in London, and 13s. 4d./tun in the outports. Collection of this duty had also collapsed after King James's death, and it was presumably the Petty Farmers, whose arrears had been waived in their new lease of September 1627, who required its enforcement thereafter.² The customers seized wines to cover the cost of unpaid duties, and in February 1628 nine London vintners, having refused orders from their company and the Council to purchase a proportion of these seizures, were gaoled for contempt.³

Controversies over currants and wine were an embarrassment to the Crown, but the fiscal impact was trivial. Meanwhile, the farmers rendered invaluable service to the Crown by extending a line of credit predicated on future customs yields. The Great Farmers and collectors of the pretermitted custom advanced £18,000 at the dissolution of Parliament in June 1626; while during June to December 1627 – after receipts from the Forced Loan dwindled (Graph 4.6) – Charles raised £106,600 from anticipations, chiefly in return for improving the terms under which the Great and Petty farmers held their leases (Graph 5.2).⁴ At a time when Auditor Sir Robert Pye and Sir George Goring, two of Buckingham's closest confidants, privately admitted that 'his Majesty's revenue of all kinds is now exhausted', these sums, together with the Royal Contract concluded with the London

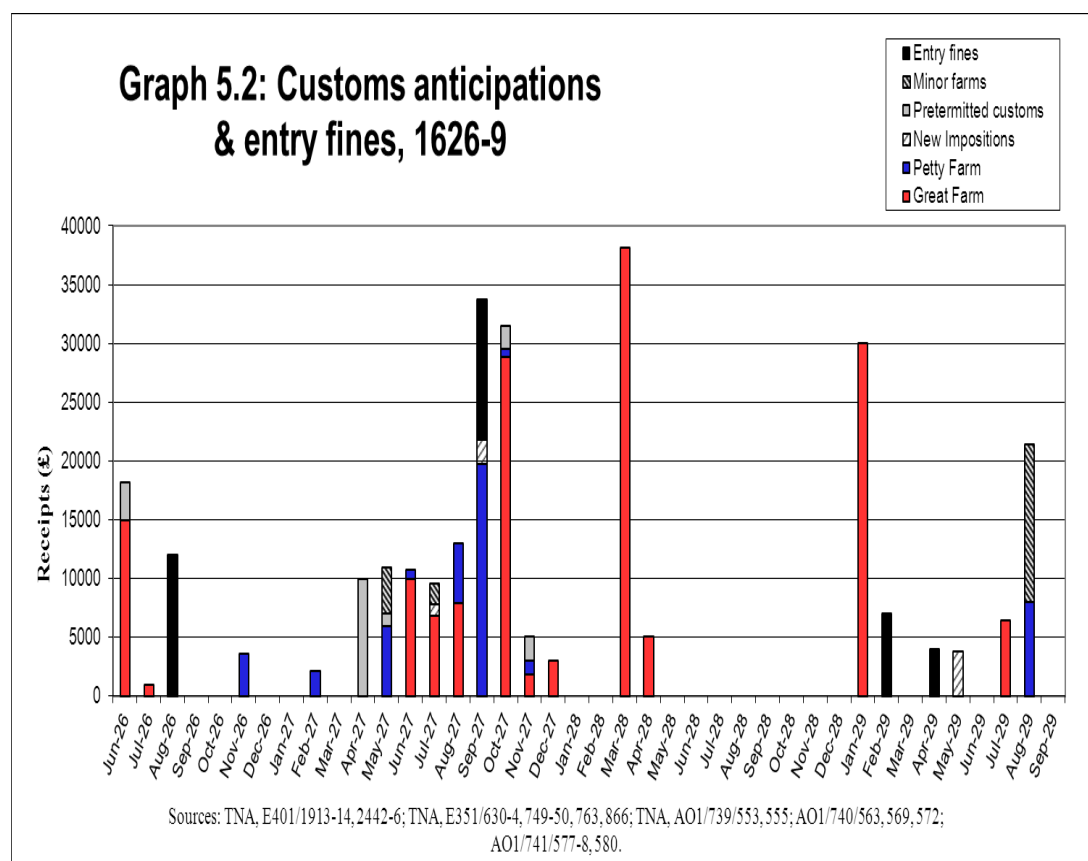
¹ Valuation in *CSPD*, 1627-8, p.282. Conjectural profit figures assume a markup of 33%-50% over prices in the Levant. *CJ*, I.710b quotes currants at 28s./cwt in 1624 (a figure indirectly confirmed by *PPI*1628, III.447), but prices clearly fluctuated wildly.

² *APC*, 1627-8, pp.24-8, 84-5; *CSPD*, 1627-8, p.421. TNA, AO1/736/521, 523; AO1/738/543 show almost universal evasion of this duty in 1625-6.

³ *APC*, 1627-8, pp.246, 278, 302, 315-16; GL, 15201/2, pp.445, 449.

⁴ *APC*, 1627-8, pp.24-8, 118-23.

corporation in January 1628 (see above), allowed the regime to stave off bankruptcy and attempt a reconciliation with Parliament.¹



During 1626-8, those urging Charles to dispense with Parliament needed to raise new sources of revenue without parliamentary approval. One of the more controversial options was a revision of the Book of Rates, ordered by the King in December 1626 and discussed by the Crown's commissioners for revenue reform. A proposal was submitted to the King in July, and allowance was made for such alterations in the new contract for the Great Farm in October – little change seems to have been envisaged in the duties on wines or currants, as the Petty Farmers were allowed to pocket any increases made during the four-and-a-half years remaining on their

¹ TNA, SP16/79/2; SP16/84/20.

contract of September 1627.¹ Also at this time, the customs official John Harrison suggested a radical plan to resume direct administration of the customs for the first time since 1604, which would have allowed the Crown to enjoy the full profits of its most lucrative revenue. The farmers opposed to the idea, and their invaluable role as creditors persuaded Buckingham to oppose this scheme on his return from the Île de Ré in November 1627.² Charles's continued doubts about the wisdom of summoning a fresh Parliament led him to issue a commission 'for raising of moneys... by impositions or otherwise' on 29 February 1628, but he later rescinded this decision, and the commission apparently never met.³

On 21 March 1628, the first day of business in the new Parliament, Richard Spencer urged the Commons to proceed with the Tunnage and Poundage bill, which received two readings on 2 and 4 April. The House was preoccupied with the issue of arbitrary imprisonment, but in the supply debate of 2 April Edward Alford and Sir Edward Coke observed that the Crown was making a poor fist of coastal defence, the purpose for which customs were granted. At the bill's second reading Coke objected to the clause requiring payment of arrears accrued since King James's death, while John Delbridge moved 'that no other imposition may be laid on merchants but what is by this bill given' – which suggests that the draft avoided the subject of impositions.⁴ Charles was unlikely to accept a deal on these terms, but on 9 April the Commons raised the stakes further, deciding to revive the remonstrance against impositions drafted in June 1626, and to

¹ Cust, *Forced Loan*, 27-36, 87-90; BL, Add. 12496, f.357; *CSPD*, 1627-8, pp.75, 256-7; *APC*, 1627-8, pp.26-7, 120.

² BL, Stowe 326, ff.58v-9.

³ *PP1628*, IV.241-2; Cust, *Forced Loan*, 77-86. One of the proposals was for an excise on meat and beer.

⁴ *PP1628*, II.48, 244-5, 255, 257, 262, 266, 296-7, 316-17. For the bill's terms, see *ibid.* 313.

update the Book of Rates. This latter task could be advanced or delayed according to political circumstances, and throughout the session, customs disputes served both the Crown and its critics as a proxy to test mutual resolve in the confrontation over the Petition of Right.¹

In first months of the 1628 session, MPs complained about wine, currant and coal duties. On 22 March French wine merchants petitioned about the Council's incarceration of those who refused the £1/tun duty of 1622. Edward Alford criticised the illegality of impositions, while four days later Phelips observed that the Great Farmers' patent of 1604 had claimed an inappropriate 'power to impose' on wines. Sir Edward Coke warned against provoking the King, arguing that the specific revenue under consideration – the 1622 increases – had been condemned at Cranfield's impeachment in 1624. At Phelips's entreaty, MPs petitioned to rescind the wine duty; the vintners were ordered to be released on 21 May, giving bond to pay such dues as were ratified by Parliament.² Their release was held up for several days, at a key moment in the debates over the Petition of Right, when the Lords debated whether to add a 'saving clause' for the prerogative. Henry Waller raised a complaint about this delay in the Commons on 24 May, when he was reassured by Sir Humphrey May, Chancellor of the Duchy of Lancaster, that the release would be arranged for the following morning.³

On 7 April, the London MP Henry Waller complained about the seizure of currants – said to be 'half perished already' – for non-payment of

¹ Ibid. II.375, 379-80, 386-7, 389, 394, 415-16; Popofsky, 'Crisis over Tunnage and Poundage', 54-5.

² *PP1626*, II.54-5, 66, 125-7, 136, 138-9, 144-5, 181, 211, 329, 383, 387, 411; TNA, SP14/12/54; *APC*, 1627-8, pp.436-7; Russell, *PEP*, 344.

³ *PP1628*, III.594-5, 598-601. For the 'saving clause', see J.S. Flemion, 'A Savings to Satisfy All: the House of Lords and the Meaning of the Petition of Right', *Parliamentary History*, X (1991), pp.39-42.

the 2s. 2d./cwt imposition; Secretary of State Sir John Coke undertook to consult the King. It was also claimed that merchants been required to give bond for payment regardless of any future judgement about the legal merits of their case, which provoked Sir John Eliot to claim this as grounds for impeachment proceedings. On 17 May, Secretary Coke explained that the bonds were only required for ‘so much as by law upon trial shall be adjudged’. However, MPs, then awaiting the Lords’ decision about the Petition of Right (Chapter 1), were in no mood to listen: Sir Edward Coke pronounced his disillusionment with the principle of impositions, and was seconded by Phelips. Charles quickly cancelled the 2s. 2d./cwt duty, presumably in hope of concessions over the Petition of Right.¹

The other duty investigated by the Commons was the 6d./chaldron imposed on coastwise shipments of Newcastle coal in July 1627 to fund convoy protection for the east coast trade (Chapter 2). Collection ceased on 27 November, the day of the verdict in the Five Knights’ case, and merchants, when consulted about its renewal, opted to provide their own protection – plans to reimpose this duty in February 1628 were apparently never implemented.² On 7 May 1628 the Newcastle Hostman Sir Thomas Riddell moved for an investigation, while Phelips warned that an imposition upon a domestic commodity set a dangerous precedent.³ Ten days later, the Ipswich coal merchant William Cage complained about this duty, while Digges cited King James’s censure of this duty in 1610: ‘God forbid any imposition should be laid on anything within the land, it were an

¹ *PP1628*, II.329-31, 411; III.357-8, 449-53, 457-8, 463.

² *Trinity House Transactions* (London Record Society XIX) ed. G.G. Harris (London, 1983), pp. 83-4, 89-90; *Records of the Hostmen’s Company of Newcastle-upon-Tyne* (Surtees Society CV) ed. F.W. Dendy (Durham, London and Edinburgh, 1901), p.74; *APC*, 1627, pp.312-13; 1627-8, pp.244, 256, 319; *TNA*, E351/2595; Healy, ‘Tyneside lobby’, 238.

³ The 12d./chaldron coal duty was, in effect if not in name, an excise.

abomination'.¹ Sir Peter Riddell and Sir Thomas Grantham made further complaints about the coal duty, but it went unmentioned in the remonstrance of 14 June.²

A more controversial issue was raised on 17 May, when John Harrison named the Exchequer auditor Sir Edmund Sawyer as author of two new Books of Rates, one to increase annual revenue by £50,000, the other by £100,000. No-one doubted the utility of this project – the Commons' sub-committee for the Book of Rates asked to see his papers – but it highlighted Charles's fascination with 'new counsels'; unsurprisingly, Sawyer went into hiding.³ It was initially expected that controversies over customs would be resolved after the King's assent to the Petition of Right. However, the furore which followed Charles's first, unsatisfactory answer to the Petition (2 June), and his rejection of the Commons' remonstrance against Buckingham (17 June), apparently led MPs to retaliate by delaying the Tunnage and Poundage bill.⁴ It is unclear how much progress the bill committee had made in its many meetings since 4 April, but protestations of lack of time, made over two months later, sound a little hollow.⁵

Charles, like his critics, could play at brinkmanship – on 15 June he reinstated the recently cancelled currant imposition. When Tunnage and Poundage was next debated, on the afternoon of 19 June, it was hoped that a temporary bill would settle matters until the next parliamentary session.

¹ *PP1628*, III.311, 453-4. The quote from King James presumably derived from his meeting with a delegation of MPs on 24 May 1610, which Digges had attended: *CJ*, I.432a; *PP1610*, II.114-5.

² *PP1628*, IV.203, 211, 300, 311-17.

³ *Ibid.* III.447-8, 454-8, 463, 512; *CSPD*, 1627-8, pp.256-7; Popofsky, 'Crisis over Tunnage and Poundage', 56; *HoP1604*, VI.240.

⁴ Russell, *PEP*, 378-86; L.J. Reeve, *Charles I and the Road to Personal Rule* (Cambridge, 1989), pp.24-30. For the remonstrance, see *PP1628*, IV.311-17.

⁵ *PP1628*, II.375; III.464, 492, 512; IV.197, 289-90, 308, 361, 373, 378. Russell, *PEP*, 386-7 understates the committee's activities.

Attitudes had hardened by the following morning, when the Commons sidelined the currant imposition, and sought to make a scapegoat of Auditor Sawyer: he and his associate Abraham Dawes claimed to have acted on Charles's orders, but John Glanvill insisted 'the King's command contrary to law is void, and the actor stands single'. This notwithstanding, on 21 June Charles confirmed that Sawyer and Dawes had acted under his instructions; Sir Thomas Wentworth called for Sawyer's impeachment, but the latter was merely expelled from the House and committed to the Tower.¹

Speaker Finch then tried to reassure the King that legislation would confirm most existing impositions – the deal offered in 1626 – but on 23 June Charles proposed an abrupt end to the session, just three days later. This raised a storm of protest: Digges gently suggested the prorogation be changed to an adjournment, which would allow the bill committee to meet over the summer; but Sir Nathaniel Rich provocatively moved to revive the 1610 bill abolishing impositions; while others attacked a wide range of impositions, and the pretermitted custom. The House eventually heeded Sir Robert Phelips's advice that legislation 'is a work of long time which our few hours will not admit', and resolved upon a remonstrance 'of our right, and of the undue taking of Tunnage and Poundage and impositions without Act of Parliament'.² The text reported to the Commons on 25 June condemned both Jacobean impositions and the collection of customs without statutory authority since 1625, and disingenuously hoped Charles would refrain from taking action against 'loving subjects who shall refuse to make payment' – an open invitation to a tax strike. Charles brought the prorogation forward by several hours, to forestall the presentation of this

¹ Ibid. IV.378, 390-9, 403-9, 411-19; *HMC Cowper*, I.351-2; Russell, *PEP*, 386; Popofsky, 'Crisis over Tunnage and Poundage', 57; Reeve, *Road to Personal Rule*, 31.

² *PP1628*, IV.427, 442, 447-59, 461-2; VI.197-8; BL, Add. 35331, ff.21v-2.

remonstrance, insisting in his valedictory address that ‘it is not in the power of the Houses to declare or enact any law without my consent’, and that customs were revenues ‘without which I neither may nor can subsist’.¹ Sawyer was released from the Tower as soon as Parliament rose, and unfounded rumours circulated that he was to be made a peer, and Chancellor of the Exchequer.²

Confrontation and Compromise, 1628-40

Failure to pass the Tunnage and Poundage bill in June 1628 encouraged resistance to customs duties, which came from members of the Levant Company. The first refuser, Samuel Vassall, failed to pay the pretermitted custom on cloth exported on 25 May 1628. After parliamentary debates about the 2s. 2d./cwt currant duty were reported to the company on 2 July, other merchants began refusing this duty, and on 20 July Charles issued an Order in Council summoning such ‘private men of refractory humour’ before the Board. From 13 August the Levant Company faced an additional, punitive measure, when the Council ordered cargoes of currants to be detained until this duty was paid.³ Protestors insisted this violated a statute of 33 Henry VIII,⁴ and Secretary Coke, speaking in the Commons on 17 May, had acknowledged that merchants were entitled to take possession of their goods, provided they entered a ‘bill of sufferance’ for payment of duties ultimately judged lawful. However, from 13 August, refusal of *any*

¹ *PP1628*, IV.468-72, 476-7, 481-4; VI.198-9; *CSPV*, 1628-9, p.168; *HMC Skrine*, 157; Russell, *PEP*, 387-8; Popofsky, ‘Crisis over Tunnage and Poundage’, 58; Reeve, *Road to Personal Rule*, 31-2. Noah Millstone notes that while a remonstrance had no legal force, it did acquire some status as a public document.

² *PP1628*, VI.198; *HMC Cowper*, I.356; BL, Add. 35331, f.23r-v.

³ TNA, E351/749; TNA, SP105/148, f.187; *APC*, 1628-9, pp.44-5, 98.

⁴ I cannot find this statute; it was cited again in a lawsuit of 1629: TNA, E112/206/248, f.3.

currant duty, even the contentious 2s. 2d./cwt levy, led to immediate sequestration of a merchant's *entire* cargo. This provocative order was said to have provoked a widespread refusal of *all* customs on currants; by Easter 1629, Attorney-General Heath claimed £30,000 was due to the Crown, which (at 7s./cwt) would comprise more than a year's imports.¹

The Council order of 13 August, if strictly enforced, threatened merchants with swift bankruptcy, for two reasons: first, as currants were perishable, delays could render a cargo unsaleable; secondly, as long distance trade involved considerable financial leverage, interruptions to cash flow had a major impact upon profit margins. During the month after the order was issued, eleven Turkey merchants removed currants from the Custom House by 'force'. It is likely their actions constituted forcible entry only in a technical sense, as several later pleaded in the Exchequer court that they had (as before 13 August) entered bills of sufferance. The fact that a servant of Nicholas Leate (formerly deputy governor of the Levant Company) broke the locks on the warehouses suggests the degree of resentment involved, while those who removed their goods included the Petty Farmers Alderman Sir Maurice Abbot and William Garway, who stood to lose revenue if the collection of other currant duties was affected. Royal messengers were dispatched to the Custom House to re-establish order, and admiralty officials set to watch for merchants smuggling goods onshore.²

Confrontation erupted in late September, when Richard Chambers,

¹ TNA, E112/206/248; *C&T Charles*, I.433-4; *HMC Lonsdale*, 61. 3,410 tons of currants were imported in YE X1628, and 2,338 tons in YE X1629: TNA, E351/632-3. Heath's figure is implausible, unless it comprises customs owed on all goods seized from refusers of currant duties.

² *APC*, 1628-9, pp.123, 154-5; TNA, AO1/741/580; TNA, SP16/117/20; TNA, E112/206/248; Ashton, *Money Market*, 107; Popofsky, 'Crisis over Tunnage and Poundage', 59; Brenner, *Merchants and Revolution*, 231-2.

facing the detention of £7,000 worth of silks and other goods, protested to the Council that ‘merchants are in no part of the world so screwed and wrung as in England. In Turkey they have more encouragement’; his goods, and those of another merchant, John Foulke, were sequestered. Chambers was committed to the Marshalsea, but bailed four weeks later by King’s Bench upon a writ of *habeas corpus*. He obtained his release upon a technicality – the return did not recite the words of his contempt – but was presently cited into Star Chamber.¹ On 30 October, ten days after Parliament was again prorogued, the Council denied other merchants the right to remove their currants from sequestration. This made a confrontation with the Commons almost inevitable, as one of those affected was the MP John Rolle, who had goods worth £5,000 seized, despite claiming parliamentary privilege, at which the customers jeered, ‘if all the Parliament were in you, this we would do and justify’.² In the first instance, Rolle and four others secured writs of *replevin* from the court of Common Pleas for restoration of their goods. Lord Treasurer Weston issued injunctions from the Exchequer court to suspend these writs, but avoided a substantive hearing by insisting that the case was ‘only fit for the Parliament now shortly to be reassembled, there to be finally settled, as the desire of his Majesty and of the discreeter sort of merchants is it should be’.³

¹ APC, 1628-9, pp.170-1; TNA, E112/206/236; S.R. Gardiner, *History of England from the accession of James I to the Outbreak of the Civil War* (3rd edition, 10 volumes, London, 1904), VII.7; PP1640, I.418-19, 423; Popofsky, ‘Crisis over Tunnage and Poundage’, 59-60; P.D. Halliday, *Habeas Corpus: from England to Empire* (Cambridge, MA, 2010), p.106.

² CD1629, pp.7, 88-9, 129, 162, 228; HMC Lonsdale, 60-1; HoP1604, I.lii; VI.88.

³ TNA, E125/5, ff.174v-5; TNA, E126/3, ff.259r-v, 262v-3; C&T Charles, I.438-40; *Barrington Family Letters, 1628-32* (Camden Society, 4th series, XXVIII) ed. A. Searle (London, 1983), p.39. The Exchequer order is more circumspect than suggested by C. Thompson, ‘The divided leadership of the House of Commons in 1629’ in

Divisive as proceedings against the Turkey merchants were, they do not indicate a general refusal to pay Tunnage and Poundage, although events were reported thus by some contemporaries,¹ and are often so interpreted by historians.² In November 1628 the Cambridge don Joseph Mead claimed East India merchants had refused Tunnage and Poundage, but his information was either wrong or garbled: many merchants invested in both the Levant and East India companies, but the records of the latter do not discuss customs refusal. Indeed, the Indiamen were preoccupied with restructuring their venture and bolstering their share price, which would have collapsed at the threat of a dispute with the Crown.³ Nor did the Great Farm accounts for the year ending Christmas 1628 make any allowance for defaults, although the handful of merchants whose cargoes were sequestered apparently withheld Tunnage and Poundage as well as impositions. Henry Waller probably hit the mark in February 1629 when he claimed that ‘500... are discontented’, but the administrative and legal evidence suggests that outright refusal was, to that point, confined to around 15 Turkey merchants.⁴

In December 1628 Lord Goring claimed ‘the Turkey merchants only pinch hard to awaken us’, but in the New Year crowds of armed men oversaw the landing of some of the 1,300 tons of currants held on ships in the Thames; this may have been the point at which merchants not involved

Faction and Parliament ed. K. Sharpe (Oxford, 1978), pp.248-9.

¹ *C&T Charles*, I.432-4; *HMC Skrine*, 172.

² Popofsky, ‘Crisis over Tunnage and Poundage’, 61; M. van C. Alexander, *Charles I’s Lord Treasurer* (Basingstoke, Hampshire, 1975) p.134; R. Cust, ‘Was there an alternative to Personal Rule? Charles I, the Privy Council and the Parliament of 1629’, *History*, XC (2005), pp.332, 341; Brenner, *Merchants and Revolution*, 233-4. Dietz, *English Public Finance*, 375 offers a more conservative estimate.

³ *CSP Col. EI*, 1625-9, pp.525-614; Brenner, *Merchants and Revolution*, 230-2.

⁴ TNA, E351/632-3; *CD1629*, p.198, misquoted in Popofsky, ‘Crisis over Tunnage and Poundage’, 61.

in the currant dispute began to enter bills of sufferance, the first step towards a more widespread defiance of royal authority. The Council stationed two royal messengers at Custom House quay thereafter, and ordered officials of the Levant Company to urge payment of the currant duties upon their members. This motion was rejected on 5 January, as was Governor Hammersley's attempt to confine protests to the 2*s.* 2*d.*/cwt duty.¹ Four days later, the Privy Council, possibly advised by Hammersley, allowed those who refused the 18*d.* subsidy and 3*s.* 4*d.* imposition on currants to enter bills of sufferance (as before 13 August 1628). Refusers of the 2*s.* 2*d.* duty were to have currants sequestered to three times the value of the duty owed; while only those who refused all customs were to have their entire cargoes seized.²

A final consequence of the refusal of currant duty was that it affected the revenues of the Petty Farmers, who were discouraged from making advances to the Crown on the strength of an uncertain income. The Great Farmers may also have been worried at the prospect of other merchants joining this tax strike: it was only in January 1629, as Parliament reassembled, that they loaned £30,000 (Graph 5.2). Thus both the Crown and its critics played for high stakes in the 1629 parliamentary session.

John Rolle reported the seizure of his goods to the Commons on 22 January 1629, when Phelips condemned 'violations by inferior ministers that overdo their commands' and called for a committee to investigate. Secretary Coke and Sir Benjamin Rudyard urged moderation, but Edward Littleton moved to summon the customers 'to have their doom', and was

¹ TNA, SP16/123/8; *APC*, 1628-9, pp.292-3; TNA, SP105/148, ff.195v-6; *C&T Charles*, II.5-6; *CSPV*, 1628-9, p.502.

² LMA, Remembrancia 6/160, an expansion of the order in *APC*, 1628-9, pp.295.

seconded by Eliot, who urged the breach of privilege be investigated by the whole House, which would have offered the widest forum for his views.¹ Rolle's complaint was, instead, referred to a select committee, while two days later, King Charles offered his critics an olive branch, insisting that his speech of 26 June 1628 was 'to show you the necessity and not the right by which I was to claim' Tunnage and Poundage; he urged the dispute be resolved by passing the required legislation.²

On 26 January Secretary Coke tabled a Tunnage and Poundage bill, but Eliot attacked his assumption that customs were an 'ordinary' revenue,³ and that the Crown had 'power to lay impositions at pleasure' – shorn of rhetorical flourishes, this suggests that Coke's draft placed fewer limitations on the prerogative than that of 1628. The courtier Sir Robert Harley called for it to be read, but John Selden quibbled that it contravened the custom of the House to have a royal servant move a supply bill. Digges disagreed, but he, too, was dissatisfied with the existing draft, suggesting that 'a fit bill' be framed to answer Eliot's criticisms. Phelps and the Grimsby MP Henry Pelham then urged that Rolle's case take precedence, and Coke's bill was laid aside.⁴

Two points arise from this debate: first, while anti-Spanish MPs such as Harley and Digges were prepared to support the Crown, Secretary Coke

¹ *CD1629*, pp.7-8; *HMC Lonsdale*, 60-1; Thompson, 'Divided leadership' in *Faction and Parliament*, 250-1.

² *CJ*, I.921a; *CD1629*, pp.10-11; *HMC Lonsdale*, 63-4; TNA, SP16/133/4; *Barrington Family Letters*, 59; *CSPV*, 1628-9, p.530.

³ The implication was, presumably, that an ordinary revenue would be passed without lengthy scrutiny. Eliot cited Sir John Fortescue, *On the Laws and Governance of England* translated and ed. S. Lockwood (Cambridge, 1997), pp.96-7 on customs as an extraordinary revenue.

⁴ *CD1629*, pp.11-12, 108-9; *HMC Lonsdale*, 62; TNA, SP16/133/24; *CSPV*, 1628-9, p.530; Thompson, 'Divided leadership' in *Faction and Parliament*, 251-2; Popofsky, 'Crisis over Tunnage and Poundage', 62-3; Cust, 'Alternative to Personal Rule?' 346-7.

had failed to persuade a backbencher – Rudyard was the obvious choice – to propose this draft bill; and secondly, some of the Crown’s critics, particularly Eliot and Selden, were determined to punish the customers as the price of legislation. These differences explain why Francis Rous, John Pym and Sir Nathaniel Rich diverted the House’s attention to the problem of Arminianism, hoping that an agreement over this issue might create the goodwill needed to resolve differences over customs.¹ Charles twice urged MPs to give priority to the Tunnage and Poundage bill, but did not order the House to forbear its investigation of Arminianism. Customs remained a potential flashpoint: Eliot persuaded the Commons to protest that royal messages wasted time better spent on business; and Secretary Coke, accused of misquoting Charles’s intentions in the Tunnage and Poundage debate of 26 January, craved pardon for his error.²

While some MPs sought compromise, attitudes hardened at the Levant Company on 22 January, when Deputy Governor Anthony Abdy tendered a draft petition for submission to the Commons about the 2s. 2d./cwt currant duty, a complaint which would have precluded a wider-ranging protest. This apparently upset many of those present, as Governor Hammersley, having argued the same case on 5 January, kept silent on this occasion. Abdy’s proposal was rejected in favour of ‘a general complaint, as well for all duties upon other commodities as this of currants’; another vote resolved that the whole company should endorse the petition, not merely those directly affected. This controversy influenced the company elections

¹ Russell, *PEP*, 403-6 suggests the rejection of this bill wrecked the Parliament, but Thompson, ‘Divided leadership’ in *Faction and Parliament*, 251-3 is sceptical; Cust, ‘Alternative to Personal Rule?’ 347 explains why Russell was mistaken.

² *CD1629*, pp.18, 22, 29-33, 111-14, 121; *HMC Lonsdale*, 65; *CJ*, I.923b, 925b; Thompson, ‘Divided leadership’ in *Faction and Parliament*, 254-5, 262; Reeve, *Road to Personal Rule*, 72-3. Charles’s subsequent messages suggest Coke had understood his brief perfectly well.

on 3 February, when Hammersley's offer to resign in favour of the customs farmer Sir Paul Pindar was rejected; yet Abdy, who had sought re-election, stood down; while Richard Chambers was elected one of the company's assistants.¹

The Levant Company petition was delivered to the Commons on 28 January, as was another from Chambers; both were referred to the committee for Rolle's complaint. Chambers made another fruitless attempt to execute his *replevin* on 29-30 January, while on 6 February the Commons received petitions from John Foulke and Bartholomew Gilman, leaders of the break-in at the Custom House in early January.² However, such defiance was exceptional: the customer Abraham Dawes later testified that ten other erstwhile refusers had quietly promised 'they will pay all duties', asking 'to have their names concealed from other merchants'.³

With the attack on Arminianism stymied, the Commons returned to the customs dispute on 7 February, scheduling a fresh debate on Tunnage and Poundage for 12 February. Concessions by both sides might have secured a reading for a draft bill at this stage, but moves were afoot to frustrate this aim. First, a *subpoena* was sealed on 7 February, summoning Rolle before Star Chamber on a charge of conspiracy 'against the peace of the kingdom'. It was no sooner served (9 February) than Attorney-General Heath rescinded it, but news of this fresh breach of privilege caused offence.⁴ Secondly, on 9 February, Eliot, chairman of the committee

¹ TNA, SP105/148, ff.196v-8; Brenner, *Merchants and Revolution*, 234-5.

² *CJ*, I.923b-6a; *CD1629*, pp.112, 115; *PP1640*, I.418-19, 423-4; TNA, E112/206/236, f.1; *APC*, 1628-9, p.293. Another merchant, Thomas Symons, petitioned for restitution on 21 February: *CJ*, I.932a; *CD1629*, pp.87-8, 161, 228.

³ *CJ*, I.924b; *CD1629*, pp.156, 222.

⁴ *CJ*, I.928a-9a; *CD1629*, pp.55-8, 135-8, 186-7, 195-8; *HMC Lonsdale*, 71; *CSPD*, 1628-9, p.470; Thompson, 'Divided leadership' in *Faction and Parliament*, 263-5. Rolle's prosecution was presumably worded to convey the impression of a

investigating seizures of merchants' goods, reported William Acton, one of the sheriffs of London, for failing to execute Chambers's *replevin*, a contempt which earned Acton two nights in the Tower.¹ It should be noted that Eliot attacked Acton before Rolle's *subpoena* was served, indicating that there were those on both sides working to frustrate a settlement. On 12 February, Waller reported that Chambers, Foulke and Gilman had also been cited into Star Chamber; the resulting protests drowned out Treasurer Edmondes's plea to read the Tunnage and Poundage bill. Eliot and Coryton then secured an order to the Exchequer court to lift its injunctions against the merchants' writs, but the Barons responded that while their orders 'did not determine the right of Tunnage and Poundage', a *replevin* was 'no lawful action or course in the King's case'.² On 15 February the Privy Council repeated earlier orders detaining merchants' goods, and asked the East India Company to borrow a warehouse to store further seizures.³

Having failed to reverse the Exchequer injunctions, the Commons grilled three customs officials on 19-20 February. With over a week's notice to attend, they had been briefed: when they denied that Rolle's goods were covered by parliamentary privilege, Duchy Chancellor May and Solicitor-General Shilton insisted privilege did not extend to Crown revenues. However, their claims to be acting under royal orders were dismissed on the grounds that the King could not order his subordinates to commit an illegal

treason charge, against which privilege did not lie.

¹ *CJ*, I.928a-b; *CD1629*, pp.52-3, 56-7, 60, 134, 136-7, 181-2, 187-9; *HMC Lonsdale*, 69; Thompson, 'Divided leadership' in *Faction and Parliament*, 263; *Barrington Family Letters*, 53.

² *CJ*, I.929b-31a; *CD1629*, pp.60-3, 73-4, 81, 140-4, 147, 196-203, 207, 217-18; *HMC Lonsdale*, 70-2; Thompson, 'Divided leadership' in *Faction and Parliament*, 265-6.

³ *APC*, 1628-9, p.331. The request for a warehouse was denied: *CSP Colonial EI*, 1625-9, pp.626-7.

act.¹ It was eventually resolved that the customs farmers could not prove they were accountable to the Crown; their seizures were therefore deemed to be made for their personal gain, and thus Rolle could be allowed privilege without impugning Charles's honour. However, the question of whether to censure of the customers as delinquents proved more controversial, and was terminated abruptly on 23 February, when Secretary Coke reported Charles's confirmation that his officers had, indeed, acted 'by his own direct order and command'.²

The 1629 session did not collapse; it was wrecked by the ill-will of both ministers and their critics. The issues at stake over Tunnage and Poundage were little different from those rehearsed during June 1628, and a happier outcome required concessions on both sides. Pym's plan to trade customs for the Arminians – though uncongenial to Charles – addressed this problem, but Eliot's determination to censure those who violated property rights offered the King nothing but humiliation. This point was grasped by the godly MP Sir Thomas Barrington at the end of February 1629: 'princes should in policy have some time and way left to evade when point of honour is in competition'; while John Davenant, Bishop of Salisbury, believed the dispute should have been 'presently settled to the contentment of all' after Charles's speech of 24 January.³ Of course, Eliot's criticisms went higher than the customers: on 23 February he alluded to the machinations of 'some great persons near the King'; and on 2 March he accused Bishop Neile and

¹ Glanvill had made this observation on 20 June 1628: *PP1628*, IV.393.

² *CJ*, I.928b, 931a-2b; *CD1629*, pp.83-95, 137, 155-69, 221-39; *HMC Lonsdale*, 72-4; Surrey, LM/COR/4/81; *CSPV*, 1628-9, p.566; Thompson, 'Divided leadership' in *Faction and Parliament*, 266-70; Cust, 'Alternative to Personal Rule?' 348.

³ Reeve, *Road to Personal Rule*, 80-4; *Barrington Family Letters*, 59; Bodleian, Tanner 72, f.310.

Lord Treasurer Weston of plotting to ‘break Parliaments, lest Parliaments break them’.¹ Bishop Williams had attempted to reconcile Weston and Eliot at the end of February, when Eliot was said to have insisted the customers be censured, but conceded that Charles could pardon them. No agreement was reached, and when Parliament met for prorogation on 2 March, Eliot and his associates held Speaker Finch in his chair while the House passed his motion censuring Arminians and customs officials, and declaring those who paid Tunnage and Poundage ‘betraye[r] of the liberties of England and an enemy to the same’.²

Although the Commons’ remonstrance of 25 June 1628 had inspired only a handful of merchants to refuse payment of customs duties, Eliot’s declaration of 2 March 1629, coming at the end of six months of rising tensions, provoked mass disobedience. While Charles’s proclamation of 27 March dismissed refusers as ‘unworthy of our protection’, those who paid were – as Eliot had urged – slandered as ‘traitors to the country’.³ The Council reiterated its orders for royal messengers to arrest ‘any merchants, freighters, porters or others’ removing goods by force, but the unrest apparently spread to Colchester by the end of March, and Hull thereafter. In August some Londoners attempted to load their goods onto ketches at Dover, and smuggle them ashore at small havens, while others were said to have advised their factors not to freight any inbound cargoes until further notice. Council orders against customs evasion were repeated for two years, while in 1633 the Great Farmers were allowed to defalk £3,000 from their

¹ *CD1629*, pp.102-3, 169-71, 259-61.

² *Scrinia Reserata* ed. J. Hacket (2 volumes, London, 1693), II.82-3; *CSPV*, 1628-9, p.580; Alexander, *Charles I’s Lord Treasurer*, 141-4; Reeve, *Road to Personal Rule*, 85.

³ *CSPV*, 1628-9, p.599; 1629-32, p.29; William Whiteway of Dorchester *His Diary 1618 to 1635* (Dorset Record Society XII) (Dorchester, Dorset, 1991), p.104; *Proclamations*, II.227-8; Reeve, *Road to Personal Rule*, 109-12.

rent to cover accumulated losses, and the messengers remained at the Custom House until 1637.¹ In Easter term 1629, Chambers and other Levant merchants had the effrontery to sue the customs officials in the Exchequer court for restitution of their goods, a challenge which never reached a verdict. The Crown counter-sued Chambers in the Exchequer, and revived the proceedings against him Star Chamber, where he was fined £2,000. The Council ordered that his goods were not to be restored until *after* he had paid this fine, and he remained in the Fleet prison for six years. In December 1640, he and Samuel Vassall claimed losses of £10,000 apiece.²

Although open defiance damaged Charles's authority, the Great Farmers' losses of £3,000 on import duties represented a tiny fraction of their revenues. The most alarming aspect of the resistance during the spring of 1629 was the refusal of the great trading companies to *export* any cloth. The Venetian ambassador claimed Weston, 'as if he foresaw this rupture', had husbanded his cash reserves since autumn 1628, a wise precaution, as the cessation of trade prevented the farmers from offering the Crown any significant revenue anticipations in the spring of 1629 (Graph 5.2).³ The slump also disrupted cloth-making districts: on 16 April the weavers of north-eastern Essex petitioned the Chelmsford quarter sessions for relief, claiming sales had slumped in the previous 5-6 weeks – since Eliot's demonstration. Once the clothiers stopped buying, problems mounted swiftly, and in May unemployed weavers pillaged a shipment of grain at

¹ APC, 1628-9, pp.356-7, 378-80; 1629-30, pp.50, 127-8, 173, 184-5, 353; TNA, PC2/41, ff.48, 79r-v; TNA, E351/636-7, 639, 641; TNA, AO1/741/580, 742/588, 744/613, 746/636.

² TNA, E112/206/236, 248; E112/207/264; TNA, E126/3, ff.310-11; BL, Add. 27962E, f.281; APC, 1629-30, pp.6, 66-7; *PP1640*, I.418-19, 423-4; Reeve, *Road to Personal Rule*, 101, 123n.

³ CSPV, 1628-9, p.581; TNA, SP16/141/16.

Maldon, Essex.¹

The Council kept its nerve, seeking accommodation with merchants who – anticipating a swift resolution to the crisis – had stockpiled cloth bought at a discount. In mid-March, as the East India fleet was warped down the Thames laden with 400 bales of cloth, Governor Sir Maurice Abbot and Treasurer Robert Bateman persuaded the company to solicit the customers for a bill of sufferance. With investors at loggerheads over future ventures, the convoy promised a vital infusion of cash; thus when the bill of sufferance was refused, the majority still agreed to pay without protest (18 March), a decision upheld even after the customers relented, and granted this request.² The Treaty of Susa (14/24 April 1629), which re-opened French markets closed to English merchants for two years, offered some an incentive to compromise, while others pledged compliance in the event of a peace with Spain.³ In late April,⁴ the Merchant Adventurers attended the King in Council to explain their cessation of trade. When a merchant cited Charles's undertaking to indemnify customs officials against parliamentary proceedings and Eliot's protestation, the Earl of Manchester rehearsed the Crown's case, and observed that the company enjoyed its license to export undyed cloth under the prerogative. These arguments were unanimously rejected by the Adventurers, while similar approaches to the Dutch strangers and the Levant Company were also spurned.⁵

¹ CSPV, 1629-32, pp.7, 44-5; BL, Add. 27962E, ff.258v, 263, 283v-4; *Maynard Lieutenancy Book, 1608-39* (Essex Historical Documents III) ed. B.W. Quintrell (2 volumes, Chelmsford, Essex, 1993), pp.252-64; *C&T Charles*, II.17.

² BL, IOR/B/13, pp.362, 364-5, 367; Brenner, *Merchants and Revolution*, 236.

³ TNA, SP16/140/24; CSPV, 1629-32, pp.19, 45; BL, Add. 27962E, f.266; *C&T Charles*, I.256-7 [should be dated 20 March 1629]; P.H. Wilson, *Europe's Tragedy: a history of the Thirty Years' War* (London, 2009), pp.441-3.

⁴ BL, Add. 27962E, f.274.

⁵ TNA, SP16/141/16; Bodleian, Tanner 71, ff.1-2; *C&T Charles*, II.14; TNA,

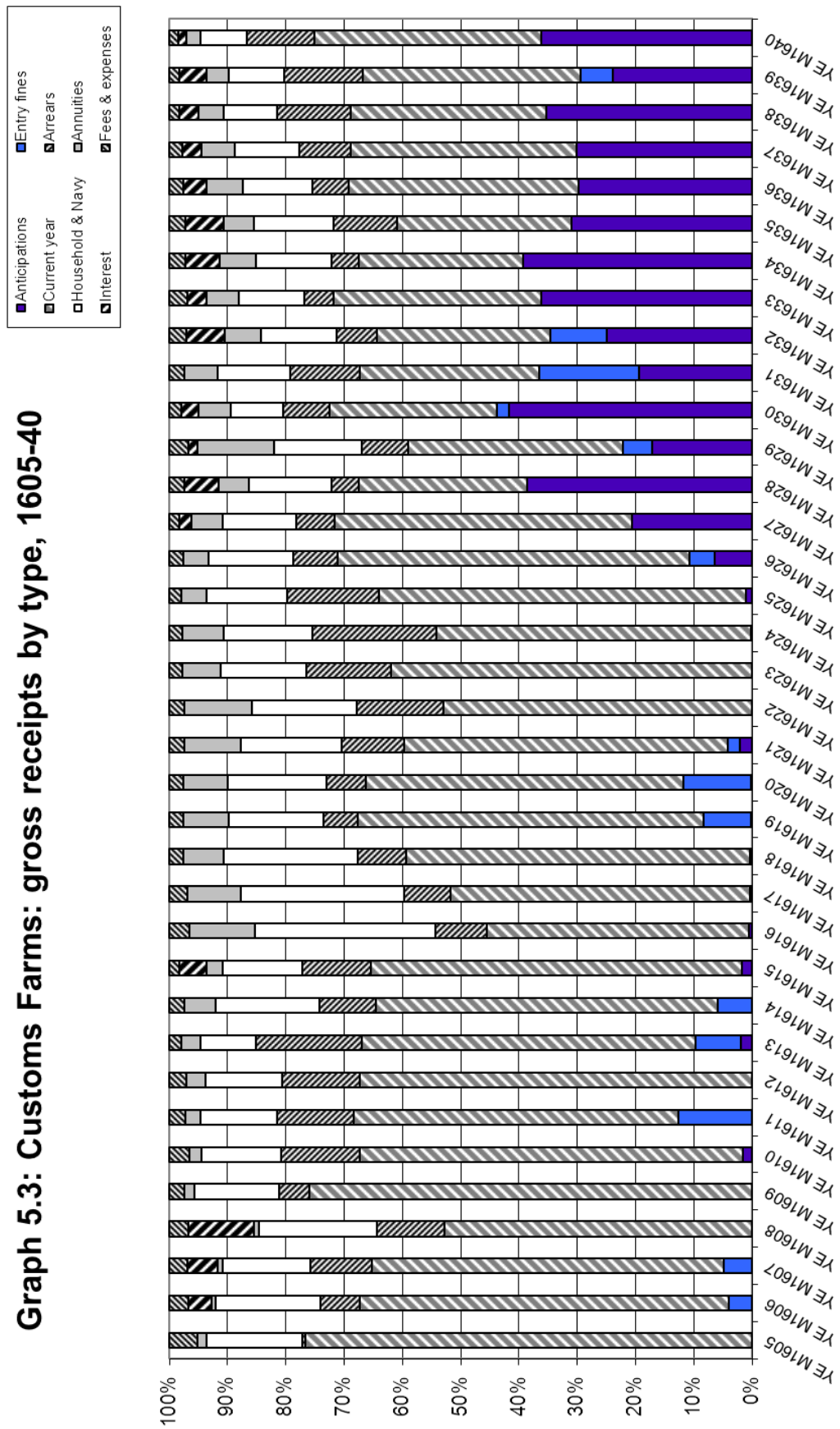
Towards the end of May, the Merchant Adventurers were won to compliance with promises of protection against the Dunkirkers; many other merchants resumed trade over the summer, to protect their cash flow; and in August the Levant Company bowed out of the controversy over the 2s. 2d./cwt currant imposition, leaving its members 'to their own liberty' in pursuing a further petition to the Privy Council.¹ At just over £214,000, customs revenues for 1629 were substantially reduced, but this was due more to the anticipations of the previous two years than the temporary cessation of trade (Graphs 5.1 and 5.2). Under Weston's stewardship, short-term loans on the security of tallies struck for future receipts of customs revenues became a mainstay of Crown finances: Charles borrowed £90,000 to £170,000 (30-45%) of customs revenues annually during 1628-40 (the blue bars in Graph 5.3). Weston also renegotiated the contracts for the customs farms, and by his death in March 1635, preparations were afoot for a revision of the Book of Rates, including a reduction of 1s. 2d./cwt in the contentious currant imposition.² These tariffs were implemented in the following November, increasing the yields of the petty farm and new impositions by around £80,000 annually. By 1638 customs revenues exceeded £400,000, which, together with anticipations of £150,000 a year, played a major part in funding the Bishops' Wars, even in the absence of loans from the City (Graphs 6.1, 6.2).

SP105/148, f.204v.

¹ CSPV, 1629-32, p.75; *C&T Charles*, II.15, 20; TNA, SP105/148, ff.207v-8.

² TNA, PC2/44, f.247; BL, Egerton 2715, f.374; BL, Stowe 326, ff.59v-61; *The Rates of Marchandizes...* (London, 1635); Dietz, *English Public Finance*, 375-6; Alexander, *Charles I's Lord Treasurer*, 164-5; Brenner, *Merchants and Revolution*, 283-4.

Graph 5.3: Customs Farms: gross receipts by type, 1605-40



Sources: TNA, AO1, E351 and E401; BL, Lansdowne 169, ff.76-7.

Conclusion

Customs and credit engendered political controversy because they offered the prospect of revenue streams flexible enough to meet the contingencies faced by the early modern state without regular recourse to Parliament. Elizabeth managed to retain her sister's swingeing tariff increases in 1559, yet any major reforms thereafter were sure to be challenged. Thus proposed revisions to the Book of Rates were abandoned when legal precedents were found wanting, and legislation was not contemplated, presumably because Burghley decided against exposing the prerogative to parliamentary veto.

What changed after 1603? James's exalted conception of the prerogative encouraged lawyers such as Ellesmere and Fleming to express similar views, which undoubtedly worried the legal profession at large. However, Dorset and Salisbury were more concerned about the practical matter of the Crown's growing burden of debt, and the City's reluctance to extend its credit. Bate's case was a gamble, and while the King may have been surprised by the parliamentary outcry in 1610, the merchants' payment of the new duties undercut the lawyers' protests. James remained unwilling to subject Bate's case to parliamentary review in 1614, when the angry dissolution banished impositions to the margins of the political agenda for the remainder of the reign.

Exchequer officials kept tinkering with customs rates throughout the 1620s, but the distractions of Court faction and war meant that Parliament did not address the issue seriously until 1628; the victimisation of the Turkey merchants that autumn galvanised the merchants to support a tax strike most had hoped to avoid. Yet in attacking the government over this issue in the 1629 Parliament, Eliot and his associates overlooked the fact

that the deficit which rendered the Crown dependent on Parliament could, by then, be bridged by a combination of peace, domestic economies and short-term credit from the customs farmers. This delivered the Caroline regime into the hands of different vested interests – Court factions and City financiers – for the next decade.¹

¹ In the absence of comprehensive figures for revenues or expenditure before 1640, budgetary deficits cannot be precisely calculated. They probably peaked in James's reign, at around £100,000, approximately 20% of annual revenues (Graph 0.1).

CONCLUSION:

Revenue and the political culture of early modern England

What can a study of revenues tell us about the broader political culture of early modern England? It is universally appreciated that disputes over Crown finances were part of the political landscape, but the theoretical implications of these practical debates are rarely explored by historians of political thought.¹ This is partly because the 'political arithmetic' of state finances only developed later in the 17th century,² and partly because the Crown actively discouraged its subjects from articulating broad critiques of the functions and purposes of state, church and society,³ However, rival visions of what England was, and might become, did exist, and informed the political practices of the early 17th century, even if they did not evolve into overtly partisan politics until after the Civil War.⁴

Was it possible to have a 'loyal opposition' in early modern England? Monarchy, focussed upon the will of an individual, requires some

¹ The study of early Stuart political thought focusses on the constitution, law and the church, but not finances, see J. Pocock, *The Ancient Constitution and the Feudal Law: a study of English historical thought in the seventeenth century* (2nd edition, Cambridge, 1987); J.P. Sommerville, *Royalists and Patriots: politics and ideology in England, 1603-1640* (2nd edition, Harlow, Essex, 1999); G. Burgess, *The Politics of the Ancient Constitution* (University Park, PA, 1992) and *idem*, *Absolute Monarchy and the Stuart Constitution* (New Haven, CT and London 1996); A. Cromartie, *The Constitutionalist Revolution* (Cambridge, 2006); M. Peltonen, *Classical Humanism and Republicanism in English Political Thought, 1570-1640* (Cambridge, 1995); C.W. Brooks, *Law, Politics and Society in early modern England* (Cambridge, 2008).

² J.O. Appleby, *Economic Thought and Ideology in Seventeenth-Century England* (Princeton, NJ and Guildford, Surrey, 1978).

³ *Proclamations*, I.495-6, 519-21, 527-34; II.93-5, 226-8; D. Colclough, *Freedom of Speech in Early Stuart England* (Cambridge, 2009).

⁴ For a radical reinterpretation of the Catholic critique of post-Reformation England, see M.C. Questier, *Catholicism and Community in Early Modern England* (Cambridge, 2006).

degree of common purpose, whereas the management of vested interests tends to promote faction. However, the consensual politics of the period did not require unanimity, merely a willingness to strive towards consensus.¹

What this meant in practice was that serious disagreements had to be expressed in non-partisan language. Considerable attention has been paid to the importation of the classical republican concept of 'the state' into common usage, as a governmental entity distinct from monarchy; Elizabeth's ministers used it to make the case for institutional continuity at a time of religious and dynastic uncertainty, and it achieved a wider currency because it facilitated criticism which avoided personal attacks on the monarch.²

Disputes over revenue were another political language, with a technocratic vocabulary which allowed its exponents to call the Crown to account, not just in the narrow financial sense, but as part of a broader critique of policy – many of the direst consequences of war, dynastic marriage and Court factionalism could be silently mitigated by keeping the Crown short of funds. This approach was intentionally difficult to detect, and most financial historians fail to engage with the political subtext of arcane debates about legal and administrative technicalities.³

In taking a thematic approach, this study is as short-sighted as many others, so in conclusion, it is appropriate to stand back from the sources, and offer a critical analysis of the political economy of early modern England,

¹ M. Kishlansky, *Parliamentary Selection: social and political choice in early modern England* (Cambridge, 1986), pp.225-30.

² For the wider implications of this trend, see P. Collinson, *Elizabethan Essays* (London, 1994), pp.31-58 and essays in *The Monarchical Republic of Early Modern England* ed. J.F. McDiarmid (Aldershot, Hampshire, 2007). 'Evil counsellor' rhetoric performed a similar function in the 1620s.

³ One exception is J. Cramsie, *Kingship and Crown Finance under James VI and I, 1603-25* (Woodbridge, Suffolk, 2002).

addressing the questions posed at the start of this study: were debates over Crown finances a ‘hidden transcript’ of criticism in early Stuart politics? Why did it prove impossible to achieve a political consensus over increasing revenues in early Stuart England? Was there a systemic failure in English state finances in the early modern period?

The Fiscal Conservatism of Elizabethan England

Mid-Tudor England was dominated by a succession of regimes which promoted radical reforms in religion, diplomacy, social policy, administration and finance. The early Elizabethan regime was the last of these, espousing an agenda which Patrick Collinson called the ‘monarchical republic’, the origins of which have been traced back to the writings of William Cecil and Sir Thomas Smith in the later 1540s. They advocated a realm Protestant in religion and diplomacy; governed by a monarch whose prerogatives were exercised in consultation with Parliament and limited by the common law; supported by parliamentary taxation; and united with a (Protestant) Scotland.¹ This was a partisan agenda in 1558, and significant aspects of it were never fully accepted, even by the Queen and some of her Councillors, but Elizabeth's longevity allowed the ambitions of her tight-knit governing clique to become identified with the national interest.

For all their success, the first generation of Elizabeth's Councillors never forgot their origins as a radical faction leading a conservative nation, and Burghley, the most influential and longest-lived of their number, tempered confessional diplomacy and sympathy for domestic puritans by

¹ P. Collinson, *Elizabethan Essays* (London, 1994), pp.31-58; D. Hoak 'Sir William Cecil, Sir Thomas Smith and the monarchical republic of Tudor England' in *The Monarchical Republic of Early Modern England* ed. J.F. McDiarmid (Aldershot, Hampshire, 2007), pp.37-54.

pursuing social and financial policies which were deeply conservative.¹ In this, he was doubtless affected by his experience as secretary to Lord Protector Somerset, when a combination of war, religious change and inflation provoked uprisings toppled his master and briefly called the social order into question.² As Lord Treasurer from 1572, Burghley pursued financial policies which were intended to build the largest possible affinity for the Crown, as a bulwark against religious, factional or social unrest. Critics attacked the Elizabethan elite for cronyism, but it was not merely Councillors who helped themselves to lands, office and economic concessions: the humblest of Court officials could expect leases of Crown lands or wardships at preferential rates (Chapters 2 and 3); Crown tenants enjoyed artificially low rents (Chapter 2); and tax evasion was allowed to flourish unchecked (Chapter 4). If there was a systemic failure of Crown finances in early modern England, it derived from Burghley's refinement of the Machiavellian compact Henry VIII had offered his subjects: low taxes and a share of the material spoils of the pre-Reformation church, in return for compliance with a controversial religious and diplomatic agenda – a bargain many were prepared to accept.

Burghley's conservative instincts precluded financial reform, which would have undermined the vested interests whose political support the regime relied upon. It is difficult to believe that a statesman of his calibre can have failed to appreciate the pressing need to overhaul the

¹ Burghley's confessional radicalism is emphasised in P. Collinson, *The Elizabethan Puritan Movement* (London, 1967); D.J.B. Trim, 'Seeking a Protestant alliance and liberty of conscience on the Continent, 1558-85' in *Tudor England and its Neighbours* ed. S. Doran and G. Richardson (Basingstoke, Hampshire, 2005), pp.139-77.

² A. Wood, *The 1549 Rebellions and the Making of Early Modern England* (Cambridge, 2007), pp.21-88; S. Alford, *Burghley: William Cecil at the Court of Elizabeth I* (New Haven, CT and London, 2008), pp.38-40.

administration of Crown lands in the 1570s, but with net yields increasing naturally upon the death of ex-monastic pensioners, reform was postponed for another generation (Chapter 2). As the chief beneficiary of perquisites from the Court of Wards, Burghley was never likely to address its problems; although he took an interest in the revenues of the royal Household, which lay outside his purview as Lord Treasurer (Chapter 3). Subsidy yields were allowed to continue their decline until 1605 (Chapter 4), and in 1597, fears about dearth trumped the need for funds in the war against Spain: payment of the first of the subsidies voted in that year was deferred until the autumn of 1598.¹ This proved a false economy, as the rebel Earl of Tyrone's victory at the battle of Yellow Ford (August 1598) caused the collapse of English authority throughout Ireland. Thanks to Queen Mary's initiative, customs were not an urgent priority early in Elizabeth's reign, but Burghley was reluctant to press the case for tariff reform, for fear of provoking both merchants and lawyers (Chapter 5).

Even in a narrative of fiscal modernisation, it is not entirely fair to portray Burghley as the villain – his role as the Crown's chief minister saddled him with the unenviable task of weighing the relative perils of short-term deficit and long-term debt, diplomatic imperatives and financial necessities. One criticism which can be offered is that, in gathering so many of the reins of power into his own hands, he diminished the likelihood that the Privy Council or Parliament would undertake the strategic analysis which might have increased awareness of the urgent need for reform – it is hard to imagine the 1602 exchange about peace with Spain, with which this study opens, taking place during Burghley's tenure, as this would only have

¹ The parliamentary debates offer no evidence as to how this decision was reached; it presumably took place at the committee stage.

invited criticism of his policies as either statesman or Treasurer.

Reform and Vested Interests in Jacobean England

Burghley's financial administration was predicated on the assumption that he was the custodian of a weak regime which constantly needed to appease its faint-hearted supporters. This was a plausible assessment for the 1560s, but discouraged him from addressing the implications of change later in the reign. The task of reform was bequeathed to his successor, Lord Buckhurst (later Earl of Dorset), who came from a younger generation more confident about the durability of the Elizabethan state, but alarmed at the fiscal implications of Burghley's financial stewardship. Happily, the new King's decision to declare a ceasefire with Spain in 1603 created both the opportunity for sweeping reform, and the economic prosperity which looked likely to smooth its passage. So what went wrong?

James enjoyed all the advantages and disadvantages of a new monarch, particularly a foreigner: he had the option to initiate sweeping reforms while his new subjects were still keen to win his favour; but needed to reassure them that their interests would not be neglected, or granted to Scottish favourites. After a brief honeymoon where many of the diplomatic, religious and financial priorities of the Elizabethan regime were questioned, reform was allowed to slip down the political agenda.¹ However, the *largesse* showered upon English and Scottish favourites was continued, fuelling the resentment of those expected to pay for this generosity, while increasing the need for retrenchment.

¹ The radicalism of James's early years is discussed in R.C. Munden, 'James I and the 'growth of mutual distrust': King, Commons and Reform, 1603-1604' in *Faction and Parliament* ed. K. Sharpe (Oxford, 1978), pp.73-104; D. Newton, *The Making of the Jacobean Regime* (Woodbridge, Suffolk, 2005).

Despite James's lukewarm enthusiasm, Dorset embarked upon reform with a vigour which suggests considerable forethought. He rebuilt some measure of public credit with his handling of the Privy Seal loans of 1604 (Chapter 4), and a smaller loan from the City of London (Chapter 1). He also intervened to ensure that the Exchequer Barons' judgement in *Bate's case* (1606) provided the long-awaited precedent for tariff reform (Chapter 5). His inauguration of the Great Farm of the customs (Chapter 5) fostered the development of a plutocratic elite among the London merchants, who became the chief investors in subsequent Crown revenue projects, particularly land sales (Chapter 2). Meanwhile, he proceeded with a comprehensive survey of the Crown estates, distinguishing those which might yield significant profit from those which would not (Chapter 2). After Dorset's death in May 1608, his reforms were continued by Salisbury:¹ *Bate's case* was used as a precedent for tariff increases (Chapter 5), and sales of uneconomic 'quilllets' of Crown land were stepped up (Graph 2.5). However, tenants on the larger Crown estates fought doggedly to defend their low rents and security of tenure, and little benefit was ultimately derived from Dorset's painstaking and costly surveys: Salisbury admitted defeat in May 1609, when he granted the Eldred-Whitmore consortium a contract to issue reversionary leases of unimproved Crown lands (Chapter 2).

Dorset's initiative was superseded by a visionary reform plan, devised by Salisbury and Caesar, which aimed to bind both Crown and subject to a comprehensive financial settlement. James was required to accept an entail on the main Crown estates – presumably intended to be confirmed by statute

¹ His initial efforts are effusively chronicled in L.M. Hill, 'Sir Julius Caesar's journal of Salisbury's first two months and twenty days as Lord Treasurer', *BIHR*, LXV (1972), pp.311-27.

– and a 'Book of Bounty' establishing bureaucratic limitations on royal generosity towards courtiers.¹ Parliament was offered a deal to replace wardship, purveyance and other revenues with a perpetual land tax – to be voted in perpetuity, like the French *taille* – while impositions and a Dutch-style excise on beer were subsequently suggested as part of the new revenue package. These reforms, if implemented, would have inaugurated a modern revenue system,² and while Caesar reckoned the Crown's net gain would barely have covered the annual deficit (Chapter 3), increasing the yield of this carefully calibrated new tax system would have been a straightforward political exercise. There is no empirical evidence that contemporaries made this connection, but the controversy which erupted at the same time over impositions (Chapter 5) suggests the link between fiscal reform and arbitrary government was clear to all. Both sides backed away from a confrontation in the autumn of 1610, but Crown and Parliament did not negotiate over the question of fiscal reform again until 1660. It may be concluded that James had tacitly reached the same calculation as Burghley, allowing vested interests to trump reform.

The decade after 1610 has been described as a Jacobean 'Personal Rule', but aspirations to dispense with Parliament altogether required a degree of financial planning which was conspicuously lacking.³ Royal finances were kept afloat by a succession of temporary expedients: the sale of baronetcies and Crown lands, loans, fines, projects, and the repayment of

¹ Cramsie, *Kingship and Crown Finance*, 89-94.

² This conforms to the 'tax state' defined in J. Schumpeter, 'The crisis of the tax state', *International Economic Papers*, IV (1954), pp.5-38.

³ A.D. Thrush, 'The Personal Rule of James I, 1611-1620' in *Politics, Religion and Popularity in early Stuart England* ed. T. Cogswell, R. Cust and P. Lake (Cambridge, 2002), pp.84-102.

Elizabethan loans by the Dutch and the French.¹ The vigour with which the London brewers opposed the purveyance on beer (Chapter 3) suggests fears that it might be the harbinger of a general excise, but Lord Treasurer Suffolk placed his faith in projects rather than fiscal reform.² Meanwhile, the financier Lionel Cranfield helped the Exchequer squeeze more out of the customs farmers, and slashed costs in the Great Wardrobe by cutting waste and using his personal credit to ensure that bills were paid promptly.³ Following his appointment as Treasurer in October 1621, Cranfield promoted efficiency across the board, with some success, notably in balancing the Irish budget. However, his mania for cost-cutting undermined the financial interests of Buckingham and his affinity, who promoted his impeachment in 1624.⁴

The Potential for absolutism in Caroline England

The ‘canker of want’ haunted later Jacobean politics, particularly after 1618, when the chronic lack of funds circumscribed plans to intervene in the war in Germany. James was content to operate within these limitations, even turning them to his advantage – when Parliament clamoured for war in 1621 and 1624, he sought refuge behind huge (but not unrealistic) costings for a Continental expeditionary force.⁵ His

¹ F.C. Dietz, *English Public Finance, 1558-1641* (New York, NY, 1932), pp.141-81; Cramsie, *Kingship and Crown Finance*, 123-79.

² Cramsie, *Kingship and State Finance*, 137-42.

³ M. Prestwich, *Cranfield: politics and profits under the early Stuarts* (Oxford, 1966), pp.116-20, 227-32, 259-64.

⁴ *Ibid.*, 350-64; Cramsie, *Kingship and Crown Finance*, 191-3; V. Treadwell, *Buckingham and Ireland, 1621-1628: a study in Anglo-Irish politics* (Dublin, Ireland, 1998), pp.186-241.

⁵ R. Zaller, *The Parliament of 1621* (Berkeley and Los Angeles, CA and London, 1971), pp.47-8; Russell, *PEP*, 89-90; R.E. Ruigh, *The Parliament of 1624: politics and foreign policy* (Cambridge, MA, 1971), pp.209-16. The 1621 estimates for an

interventionist critics – calling themselves 'patriots', in the Roman republican tradition – chafed at this fiscal straitjacket, but were hoist by their own petard in 1625, when their patron, Prince Charles, came to the throne and embarked upon the war they had long advocated.¹ Their reluctance to underwrite Charles's costly anti-Hapsburg alliance in a fluid diplomatic situation was (as subsequent developments proved) only prudent,² but the new King regarded the linkage of the 1626 subsidy bill to Buckingham's impeachment as a betrayal, and there was talk of a resort to 'new counsels' to fund the war without parliamentary supply.³

Fiscal reform had, in fact, been broached in the Commons on 5 August 1625, when Sir Edward Coke recommended the reduction of bureaucratic fees, economies in the royal Household and Ireland, an end to customs farming, reform of land revenues, and the sale of royal forests and parks; while the subsidy debate of 25-6 April 1626 threw up other alternatives to supply, including collection of arrears of recusancy fines, charges on fees, usury and the sale of public office, and even calls to revive the Great Contract (Chapter 3).⁴ The only practical outcome of these debates was a petition urging Charles to undertake 'the rectifying of

expeditionary force are printed in *HMC Hatfield*, XXII.140-4.

¹ For a discussion of the patriots' motives, see T. Cogswell, 'Phaeton's chariot: the Parliament-men and the continental crisis in 1621' and C. Russell, 'Sir Thomas Wentworth and anti-Spanish sentiment, 1621-1624', in *The Political World of Thomas Wentworth, Earl of Strafford 1621-1641* ed. J.F. Merritt (Cambridge, 1996), pp.24-62. Clearly, for some patriots, strategic considerations were ultimately trumped by the domestic political agenda.

² The diplomatic circumstances of the period are discussed in T. Cogswell, 'Prelude to Ré: the Anglo-French struggle over La Rochelle, 1624-7', *History LXXI* (1986), pp.1-21; P.H. Wilson, *Europe's Tragedy: a history of the Thirty Years' War* (London, 2009), pp.373-84.

³ The Privy Councillor Dudley Carleton provoked an angry response when he mentioned the prospect of 'new counsels' in the Commons on 12 May 1626: *HoP1604*, III.447-8.

⁴ *PP1625*, pp.398-405; *PP1626*, III.62-6, 74-80; Russell, *PEP*, 244-6.

your own revenue' (4 May), which he did shortly after the dissolution: a commission for revenue reform inaugurated fresh sales of Crown lands, timber and charcoal rights (Chapter 2); proceedings against the holders of concealed Crown lands (Chapter 2); negotiations for the Royal Contract to pay off the Crown's debts to the City (Chapter 1); and composition for recusancy fines. Disafforestation and tobacco duties were also considered, but only carried into effect in the 1630s.¹

The prime mover of 'new counsels' was Charles himself, who proclaimed the Commons' remonstrance against Buckingham 'an insufferable wrong' and resorted to unparliamentary means to raise the supply lost at the dissolution of June 1626. In circumstances of military necessity, the Privy Council supported him, devoting considerable personal effort to promoting the Forced Loan (Chapter 4).² Despite the political furore which erupted, the revenue yield of this venture encouraged Charles to pursue further innovations, including regular anticipations from the customs farmers and increased customs on coal and wine (Chapter 5). Preparations were also made for the levying of knighthood fines and substantial increases in customs tariffs (Chapters 4 and 5). Other projects considered but discarded at this time included Ship Money (Chapter 4) and the debasement of the currency;³ while a commission to consider fresh revenue options, including a tax on officeholders, and excises on salt or beer, was suppressed following

¹ *PP1626*, III.170-1; London UL, Goldsmiths' 195/1, ff.2, 4, 6v, 9v-10, 23r-v, 27r-8v, 31r-v; Goldsmiths' 195/2, ff.32v-42v, 45-8, 68; K. Sharpe, *The Personal Rule of Charles I* (New Haven, CT and London, 1992), pp.116-17, 120, 128; Dietz, *English Public Finance*, 354-5.

² *Proclamations*, II.94; R. Cust, *The Forced Loan and English Politics, 1626-1628* (Oxford, 1987), pp.18-23, 27-31.

³ *Select Tracts and Documents Illustrative of English Monetary History, 1626-1730* ed. W.A. Shaw (London, 1896), pp.5-45.

parliamentary complaints.¹

Most of these innovations were either common knowledge, or uncovered by the 1628 Parliament, and when their revenue potential is considered, it is hardly surprising they provoked fears of arbitrary government:² on 5-6 June 1628, dismay at the King's first answer to the Petition of Right, reinforced by threats to bring the session to a premature end, provoked wild speculation in the Commons that a royal *coup d'état* was imminent.³ Charles intended nothing of the sort; in fact, Buckingham's sudden demise and the fall of La Rochelle provided an opportunity to make peace with his enemies, both foreign and domestic.⁴ However, his determination to proceed against customs refusers provoked Eliot's clique into wrecking the 1629 Parliament (Chapter 5). The decision to dispense with Parliament altogether was a gamble, because it was impossible to predict whether the tax strike Eliot had demanded on 2 March 1629 would be sustained; but with financial alternatives to hand, Charles could afford to take the risk.

The Personal Rule depended on financial innovation, which succeeded beyond all reasonable expectations (Graph 0.1). Some of the new revenues – knighthood fines (Chapter 4), forest fines, disafforestation and enclosure fines (Chapter 2) – were no more than windfalls, although aggregate yields of £300,000 proved worth the effort. Administrative reforms produced substantial increases to existing revenues. The Court of

¹ *PP1628*, IV.241-2; *C&T Charles*, I.327; Cust, *Forced loan*, 76-7.

² A point discussed in a much broader perspective by J. Miller, 'The potential for 'absolutism' in later Stuart England', *History* LXIX (1984), pp.187-207.

³ Russell, *PEP*, 377-84.

⁴ Wilson, *Europe's Tragedy*, 438-46; L.J. Reeve, *Charles I and the Road to Personal Rule* (Cambridge, 1989), pp.36-117; R. Cust, 'Was there an alternative to the Personal Rule? Charles I, the Privy Council and the Parliament of 1629', *History*, XC (2005), pp.330-52.

Wards yielded around £60,000 a year during the 1630s; while Cottington raised wardship revenues by a further 50% during the Bishops' Wars (Graph 3.1). Compositions for recusancy fines produced £175,000 in 1628-40, twice the sum raised from enforcement of the recusancy statutes in 1612-24.¹ The Book of Rates censured by the Commons in 1628 was finally implemented in November 1635, increasing customs by around £80,000 a year (Chapter 5). The most lucrative innovation was Ship Money, and for all that *Hampden's case* revealed a sharp divergence of opinion among the judiciary, and encouraged passive resistance among taxpayers, this initiative yielded £750,000 in six years (Table 4.4).² Excises also returned to the political agenda with less fanfare, and while many projects failed, some produced significant returns: after two decades of losses, the alum industry finally posted profits averaging £15,000 a year; the sale of licences to retail wine (from 1629) and tobacco (from 1634) raised a total of £105,000; soap duties (from 1633) produced £120,000, and a levy of £2 per tun on wine raised £23,000 in 1638-40.³

The consequence of these sweeping changes was that, for the first time since the 1570s, the Crown was solvent – a trend which looked set to continue indefinitely until the Covenanters rebelled, forcing Charles to the prodigious effort of raising an army without parliamentary support. During the Bishops' Wars, a host of short-term expedients were attempted, on the assumption that a quick victory would buy the time to resolve any financial problems which might arise. Customs and wardship revenues

¹ TNA, E351/416-32, 2596-7; TNA, E101/527/9, 630/9; TNA, LR7/87/1-3; TNA, SC6/Chas.I/1653.

² Brooks, *Law, Politics and Society*, 201-8.

³ Dietz, *English Public Finance*, 265, 275-6, 283, 286, 356-7; P.K. O'Brien and P. Hunt, 'The emergence and consolidation of excises in the English fiscal system before the Glorious Revolution', *British Tax Review* I (1997), pp.35-43; Sharpe, *Personal Rule*, 120-3, 128, 259-62.

were heavily anticipated (Graphs 3.1, 5.1 and 5.3); peers were summoned to serve in person or provide cash in lieu; and northerners who held their lands by tenant right were ordered to render unpaid military service.

Additional measures contemplated after the Short Parliament refused supply in April 1640 – confiscation of bullion and spices, and currency debasement – smacked of desperation; and lack of funds meant royal forces had to remain dispersed until mobilization was complete. This allowed the Scots to catch Charles's army off guard at Newburn.¹

Something was rotten in the state of England in 1640: the capture of London's coal supply by Scottish rebels who controlled a smaller population, a lower tax base and almost no credit facilities was a minor reverse which should have marked the beginning of the war, not its end. Yet the Caroline regime collapsed within months: Cottington and Finch fled into exile; Strafford was executed; Laud, the judges who had given their verdicts for Ship Money, and the customs farmers were impeached; and most of the fiscal innovations of the 1630s were proscribed by statute.² The political elites of England and Wales (and their Scottish and Irish counterparts) quickly fell to disputing what might replace the Personal Rule, but this should not obscure the remarkable fact that almost no-one except Strafford – not even those who would take up arms as royalists two years later – made any serious effort to defend the *status quo*.

How did a regime which had faced remarkably little overt criticism since 1629, and dealt swiftly with those who did cause problems, founder in a calm sea of indifference? The immediate trigger was military failure;

¹ Sharpe, *Personal Rule*, 587-90; M.C. Fissel, *The Bishops' Wars* (Cambridge, 1994), pp.114-29, 152-62.

² Russell, *FBM*, 144-5, 206-73. For the scale of the Scottish war effort, see L.A.M. Stewart, *Urban Politics and the British Civil Wars: Edinburgh, 1617-53* (Leiden, Netherlands, 2006).

successful resistance to the Personal Rule in one kingdom changed the matrix of politics in all three, and ultimately propelled them all into civil war.¹ The crisis spread to England with the encouragement of the first organised opposition in English politics since 1569 – the ‘Junto’, a coalition of the Crown’s aristocratic critics and radical clerics. Many of them had been dismayed in the 1620s, when Charles had forsaken the ‘patriot’ cause in favour of ‘new courses’, but his determination to stifle criticism forced such views underground, where they mutated into the outspoken and often radical forms which resurfaced in the early 1640s. Furthermore, Charles’s natural supporters – those who had profited from the Personal Rule, or disliked Presbyterians, Scots or rebels – remained un-co-ordinated, a perverse testimony to efforts to narrow the parameters of debate during the 1630s.²

The Junto was spurred into action in 1640 not by the failings of the Personal Rule, but by its one undeniable success: the fiscal reforms which relieved the Crown from dependence on parliamentary supply, and fostered the development of a political culture something like the oligarchic absolutism then evolving in France.³ Thus one of the Junto’s first priorities in the Long Parliament was the proscription of many of the Caroline financial innovations – although they then had to reconstruct a

¹ C. Russell, *The Causes of the English Civil War* (Oxford, 1990), pp.109-30.

² J.S.A Adamson, *The Noble Revolt: the overthrow of Charles I* (London, 2007), pp.21-88.

³ H.L. Root, *The Fountain of Privilege: Political Foundations of Markets in Old Regime France and England* (Berkeley and Los Angeles, CA and London, 1994).

A comparison with contemporary France is particularly valid in the light of scholarship which emphasises the limitations of Bourbon absolutism: D. Parker, *The Making of French Absolutism* (London, 1983); Y.-M. Bercé, *The Birth of Absolutism: a history of France, 1598-1661* (Basingstoke, Hampshire, 1992); J.B. Collins, *The State in early modern France* (Cambridge, 1995); R. Mettam, *Power and Faction in Louis XIV’s France* (Oxford, 1988).

more efficient version of the same to sustain their war effort against the King.¹

How was it that a people prepared to fight and die for grand causes during the Reformation and the Civil Wars became so circumspect in articulating their political beliefs during the intervening decades? One conclusion of this study is that pleas of ignorance are no defence – many contemporaries understood that the financial resources of the state were being outpaced by those of its rivals, and lamented that England had become little more than a regional power, in stark contrast to the Continental horizons of the Plantagenet state during the Hundred Years' War, or the global reach of the fiscal-military state after 1689.

The solution – more revenue – was obvious, but the issue of how the burden should be apportioned, and what it should be used for, raised questions best avoided, because there was little agreement over fundamentals: how could one dispassionately weigh the costs and benefits of a Protestant, *politique* or Catholic confessional state? Prerogative or the rule of law? Little England or greater Britain? Most monarchs became adept at quashing or diverting such arguments, and great issues were often discussed in terms of practical outcomes rather than general principles. However, this does not mean that the attacks on the prerogative about which King James fretted were a figment of Whig historiography.²

¹ B. Coates, *The Impact of the English Civil War on the Economy of London, 1642-50* (Aldershot, Hampshire and Burlington, VT, 2004), pp.22-89; D. Coffman, *Excise Taxation and the Origins of Public Debt* (Palgrave Studies in the History of Finance), (Basingstoke, Hampshire, 2013); J.S. Wheeler, *The Making of a World Power* (Stroud, Gloucestershire, 1999).

² The Whig position was trenchantly overstated in W. Notestein, 'The winning of the initiative by the House of Commons', *Proceedings of the British Academy* XI (1924-5), pp.125-75, but reframed sympathetically in J.H. Hexter, 'The early Stuarts

Post-Reformation England evolved into a polity of low taxes and low strategic aspirations because this reconciled the interests of a divided social elite, where the state was run by a succession of partisan cliques held together by ideological, factional and financial self-interest. This is not to say that Elizabeth and her successors were unaware of the need to broaden their support base, or that there were no disagreements over policy within close-knit governing circles. However, debates over issues such as dynastic politics, religion and fiscal reform invariably exposed visceral differences, because they addressed the fundamentals of the relationship between state and society, which were a matter of perpetual contention. By undertaking radical and controversial reforms in church and state at the same time across three kingdoms, Charles exposed the fragility of the social compact upon which the early modern state rested, and, like Samson, brought the pillars of the temple down upon himself.

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 CP correspondence, personal
 E estate papers
 OE official papers, Exchequer
 OEc official papers, economic
 OI official papers, impeachment
 OW official papers, Court of Wards

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SP94	Spain
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