

THE GOVERNMENT AND ITS RECORDS, 1640-1660

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The printed *Calendars of State Papers Domestic* are one of the great achievements of Victorian scholarship, but their uniform bindings and regular size conceal the many disruptions, anomalies and duplications associated with government during the period 1640 – 1660. The summoning of the two parliaments which met in 1640 was perceived by contemporaries as marking an end to the long period of personal rule by Charles I, but in institutional and archival terms, it was the year 1642 that marked the start of a unique phase in the history of English government. As soon as the Long Parliament met in November 1640, it began to add a new dimension to its historic function as the legislative representative body by making significant inroads into the executive functions of government. With the departure from London of the king with his council came an end to the strained pretence that he ruled with the advice of his two houses of parliament. In the build-up to civil war in 1642, the rival authorities of king and parliament were in competition firstly for the loyalties of the people over control of the militia. Once armed conflict had broken out, it became apparent that both sides would need to build a governmental structure in the areas of the country they controlled. To summon the peers and gentry to his standard, the king chose the commission of array, an instrument deriving from the reign of Henry IV, which had been obsolete since 1557.¹ It was typical of the effort to maintain the king's personal government that his advisers should dust off ancient precedents and instruments of government. The parliament, by contrast, unfettered by any legitimate history as an executive authority, seized upon the committee as the natural vehicle for its bid to provide the country's government. It had little or no choice in this. Against a background of a small central bureaucracy historically located in the courts of chancery and exchequer, the bulk of the work of government at local level had since the Tudors been delivered by unpaid committees. The explosion of committee activity under parliament can thus be seen as an expression of continuity in method, if not in executive authority.²

Volumes 441 to 499 of SP 16, which are calendared in *Cal. SP Dom. 1639-40, 1640, 1640-1* and *1641-3*, follow the format established in earlier volumes in the series of State Papers Domestic, Charles I. The bulk of the material is the correspondence between the king's

principal officers and a huge range of informants and contacts in the country and overseas. In the run of intelligence reaching the government about affairs in the country at large come accounts of the hotly contested parliamentary elections in such places as Gloucestershire³ and Kent.⁴ For the correspondence as a whole, the quality of the Victorian calendars is most impressive. The benefits of consulting the original manuscript material is more evident in tabular or quantitative material, such as the list of names of those hostile to parliament in Northumberland during the civil war;⁵ and in the specially formed volumes dealing with particular topics, such as the collection on the trial of Archbishop Laud.⁶ The calendared volume covering 1641-3 is interesting because it contains letters and various instruments issued by the king from his court at Oxford, which can best be identified through the index to the printed volume.⁷ Among this material are a few items which cast light on the king's rationale for summoning a rival parliament to meet at Oxford.⁸

With *CSPD 1644*, we arrive at a new kind of material to be classified in the State Paper Office: the order books and papers of the Committee for Both Kingdoms.⁹ The committee was brought into being as a result of parliament's alliance with the Scots Covenanters, by which a Scots army was brought into the field against Charles I, after an agreement was reached which would have united the churches in Scotland and England under a presbyterian system of government. The members of the Committee of Both Kingdoms were selected from both houses of parliament, together with a number of representatives of the Scots. It was not the first select body to provide an executive steer for parliament's war policies: the first was the Committee of Safety, of 1642-3. The proceedings of the order books are calendared, and attendances of the members of the committee at meetings may be traced. After mid-December 1645, the formal order books are missing, but the business can be reconstructed to some extent until May 1646. After that no orders survive, but the correspondence despatched in the name of the committee is evidence that it continued to meet. Using the calendars and the original order books, the movements of important military commanders during the civil war, such as Edward Massie, may be traced in detail. In the calendars, the entries from the committee's order books are interlaced with the committee's papers on a chronological basis, so that proceedings for one day are followed by the papers dated that day, many of them the letters authorising actions approved at the meetings. The papers are a prime source for tracing the development of the civil war in any particular region. They include long reports on military manoeuvres and accounts of skirmishes and battles, and however full the calendar, the corresponding original papers will add more of the flavour of the events described.

There were members of the Long Parliament who from the beginning were sceptical or even hostile to the alliance made in 1643 with the Scots, and after the king and the Scots began to collude against the interests of parliament during 1647, the Scots withdrew and the Committee of Both Kingdoms was during 1648-9 known as the Derby House Committee, after the London address where it met. Under the Rump Parliament, from January 1649, after the trial and execution of the king, England was proclaimed a republic and the office of king abolished, and executive power was vested in four successive councils of state (February 1649 – April 1653), elected by the members of the Rump from among themselves. The order books of the councils of state are to be found in SP 25, and their calendaring follows the same pattern adopted for their predecessors, the Committee for Both Kingdoms and the Derby House Committee, in that council orders for the day are followed in the calendar by the day's papers. Taken together, these records provide a full picture of the day-to-day working of government. Despite the complexity of constitutional changes in this period, the stability in the format of an executive council, really the successor body of the king's privy council, is striking. Even under the Cromwellian protectorate, there was a council, and the papers and order books, continued in SP 25, were calendared in the same pattern. Petitions and papers of all kinds reached the council, such as those on the election in Tiverton, Devon, in 1654¹⁰ which the calendars can only sketch in.

At the core of these state papers, therefore, are order books and papers of the supreme executive body of each successive interregnum regime. They also contain a number of series of records which were generated by other executive committees working under the overarching authority of parliament. A number of these were designed to help the friends of parliament in the country at large. The Committee of Plundered Ministers (SP 22) was set up in December 1642, and began life as a committee of members of the House of Commons intended to help ministers of religion harassed or evicted from their livings ('plundered') by royalists. It remained a body of Commons men only, but became the principal means by which parliament, both before and after the trial and execution of the king, regulated the parochial ministry by appointing ministers and moving the local financial resources of the church around, in order to meet the imperatives of population and demand for preaching. The uncalendared order books of this committee are unusual in that they were written up by their clerk, John Phelps (who also played a clerical role in the trial of Charles I) in only roughly chronological order from minute books that are now lost.¹¹ As the orders have marginal

annotations to attribute each order to the county to which it related, it is possible to build up a picture of the committee's activities in any county of England and Wales. To take a county at random, in SP 22/1, running from 1645 to 1647, there are at least 34 references to the ministry in Northamptonshire. Typical of the format is the order of 4 November 1646, by which £50 was taken from the inappropriate rectory of Horninghold in Leicestershire, sequestered from a royalist, John Prettyman, and bestowed by the committee on the minister of Whitwick, which, as the committee commented, contained the 'three great towns' (settlements) of Whitwick, Thringstone and Swannington.¹² Not until the legislation under the protectorate in 1654 did this committee cede its primacy in this field, to the Trustees for the Maintenance of Preaching Ministers, which carried on essentially the same redistributive policies.

Another group of beneficiaries (or intended beneficiaries) from parliament's major policies were soldiers in the various armies which had fought against the king. While demands for pay were difficult to settle because of chronic problems in raising taxes, the soldiers' clamour for indemnity – legal immunity from prosecution for acts done while on military service – could be more immediately addressed by legislation. In May 1647, an ordinance was passed which provided the basis for the Indemnity Committee's activities. SP 24 contains the order books of this committee between 1647 and 1655. The cases were initiated by petitions from those who found themselves prosecuted for things done during the civil war. The case of Robert Cheeke is an illustration. When a soldier he had been required by his superior officer, Captain-lieutenant Searle, to arrest John Crosse, a yeoman in the Devon parish of Holcombe Rogus. Crosse was suspected of sheltering Sir William Portman, a royalist. Now Cheeke was being sued by Crosse for the arrest. In November 1647, the committee ordered Crosse or his attorney to attend.¹³ Sometimes these cases can be traced in the order books as they evolved before the committee, but rarely, unfortunately, is it possible to be sure of their outcome. Even so, the order books of this committee are among the best surviving sources for tracing the impact of civil war on relationships in the communities of England and Wales, and are full of fascinating case histories.

An important aspect of government between 1642 and 1660 was the punitive treatment meted out by the government towards its political enemies, or 'delinquents', as they were known. For most royalists and papists (Roman Catholics, determined by parliament and its successor governments of the commonwealth and protectorate to be by definition enemies of the state),

finances were payable, under the procedure known as compounding or composition. The core of the papers relating to this process are to be found in SP 23, and the *Calendar of the Committee for Compounding with Delinquents*, not included in this collection. But the fate of a minority was to have their lands confiscated for an extensive period, and these confiscations came under the supervision of the Committee for Sequestrations, whose uncalendared papers are in SP 20. This was a committee of both houses of parliament, and the attendances at the committee meetings may be followed through the pages of the order books, which run from 1643-9. The format of these order books is the familiar one of a case appearing before the committee on a certain day and then reappearing erratically thereafter, and the breadth of the committee's scope is quite striking. As many parliamentarians as royalists came before the committee, including MPs such as Sir Simonds D'Ewes, who was asked in January 1646 to appoint a tenant to a property in Suffolk confiscated from the Roman Catholic widow of Sir Thomas Skinner.¹⁴ The extent of these sequestrations meant that even the most mighty were affected. Robert Devereux, 3rd earl of Essex, commander-in-chief of parliament's main field army during the early years of the civil war, was rewarded with grants of lands. Some of these were sequestered from delinquents, so his name appears as a subject of the committee's deliberations.¹⁵ These papers provide us with the names of winners as well as losers in the outcomes of the war. Grants of office are recorded, such as the grant in March 1646 to William Herbert of Colebrook in Monmouthshire of the privilege of holding manorial courts of the sequestered lands of Monmouthshire and Pembrokeshire.¹⁶

An enormous amount of material in this collection of state papers relates to the navy. It is well-known that the commonwealth and protectorate governments developed the navy, firstly as a military force against the royalists and their allies, and subsequently as a vehicle for protecting English trading interests and as an agency of overseas expansion. The records generated during this development were the products of a complicated pattern of committees. The Committee for the Navy and Customs (usually called the Navy Committee) was set up in August 1642 even before hostilities broke out between king and parliament. It was a committee drawn from the House of Commons only, and concerned itself in theory with the bigger picture of naval policy. It worked with another group of MPs and experienced naval commanders called the Navy Commissioners, whose task was to direct naval affairs in detail. A third body, the Admiralty Commissioners, was supposed to direct the strategy of parliament's naval fleet. This pattern was shaken up after the trial and execution of the king, when naval affairs came under the direction of a sub-committee of the Rump's Council of

State, called the admiralty committee.¹⁷ In addition there were other committees for the customs revenues, which funded the navy, and in practice naval affairs tended to be directed in any case by experts and specialists working across the committee structure. This helps explain why naval material in the *Calendars of State Papers* has not generally been attributed accurately to its originating body. For the civil war years, naval papers have been lumped together in volumes¹⁸ where the confusing complex of committees has been smoothed over in the calendar but is apparent in the original papers.

Finally, mention should be made of that bran-tub or *omnium gatherum* for the historian of the civil war in the localities, SP 28. These wholly uncalendared papers, formerly known as Commonwealth Exchequer Papers, are really, as the name implies, strays from the Court of Exchequer, and consist largely of financial accounts of one kind or another. Despite that rather unpromising description, the class is a first port of call for anyone interested in how the parliamentary armies organized themselves, recruited, raised money from the countryside for their subsistence, organized their garrisons and mustered their men. Certain boxes and volumes in the series contain the orders and warrants of specific central committees, such as SP 28/261-4, the orders and warrants of parliament's committee of safety, 1642-3. Elsewhere, life in individual garrisons can be reconstructed from surviving accounts, such as those which contain relating to the garrison of Plymouth¹⁹. Despite the sprawling nature of this class and its huge size (356 volumes), it is treasure trove for researchers willing to invest time and patience in straying far from the safer territory of the *Calendars of State Papers*.

Citation

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Notes

¹ R. Hutton, *The Royalist War Effort* (Oxford, 1982), p. 6.

² A clear and detailed discussion of these patterns is to be found in G. E. Aylmer, *The State's Servants* (London, 1973), pp. 8-57.

³ *Calendar of State Papers, Domestic Series, of the reign of Charles I, 1639-40*, pp. 580-2 / SP 16/448 item no.79.

⁴ *Ibid* pp. 526-7 / SP 16/447 item no. 43.

⁵ *CSPD 1641-3*, p. 516 / SP 16/498 item. 103.

⁶ *CSPD 1641-3*, pp. 517-53 / SP 16, item no. 499.

⁷ Publisher's note: each reference in the index is hyperlinked to its Calendar entry in *State Papers Online*.

⁸ *CSPD 1641-3*, p. 508 / SP 16/498, item no. 82.

⁹ Found in Series SP 21.

¹⁰ *CSPD*, 1654, pp 279-80 / SP 18/74, item nos. 1-2.

¹¹ For Phelps, see *Oxford Dictionary of National Biography*.

¹² SP 22/1, f. 117v

¹³ SP 24/1, f. 76v.

¹⁴ SP 20/2, f. 56.

¹⁵ SP 20/2, ff. 88, 116.

¹⁶ SP 20/2, f. 128.

¹⁷ For an accessible account of the navy between 1649 and 1660, see B. Capp, *Cromwell's Navy* (Oxford, 1989).

¹⁸ e.g. *CSPD 1641-3*, pp. 429-34 / SP 16/494.

¹⁹ SP 28/128,197 and 227.