

ROYALIST COMPOSITION FINES
AND LAND SALES IN YORKSHIRE,

1645 - 1665

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CHAPTER I - INTRODUCTION.

" The worst of Rebels never arm
To do their Kings or Country harm;
But draw their Swords to do them good,
As Doctors cure by letting blood." (1).

The problems posed by the sufferings of the Royalists during the civil wars and Interregnum have troubled historians for centuries. Drawing the majority of their material from the Cavalier ballads, pamphlets, memoirs and letters, many of the earlier chronologists claimed that the delinquents were completely crippled by the anti-Royalist legislation. Hume alleged that, at the Restoration, "... the greater part of the Royalists still remained in poverty and distress"². This view prevailed for many years - John Lingard, in the following century, asserted that "Since the year 1642, a considerable portion of the landed property in every county had passed from the hands of the original owners into the possession of new claimants ..."³. But it was not until the records of the Committee for Compounding were calendared towards the turn of the century (1889-92) that a detailed examination of the problem became possible.

Hitherto the Royalists had been divided into two sharply-defined categories: the victims of the Acts of Sale, and the

1. "Rebellion", in Satires and Miscellanies, by S. Butler, (1928), p.262.
2. Hume, History of England, VII, (Oxford, 1826) p. 348. This work was originally published between 1754 and 1761.
3. J. Lingard, History of England, VII, (1829), p.358.

average delinquents. This classification was intensified by the Restoration Settlement, which seemed to reverse all the former's forfeitures, whilst recognising the 'voluntary' sales made by the latter (in order to raise their composition fines). Thus the compounders were thought to have been crippled by these fines, whilst those whose lands had been confiscated were seen as the fortunate few who regained all that they had lost.

Recent scholarship has completely exploded this theory. Although Dr. Chesney, working directly from the Calendar of the Committee for Compounding, claimed that many delinquents had been forced to sell their property, research by Professor Habakkuk and Dr. Thirsk has challenged this interpretation of the problem. Professor Trevelyan had already suggested that the Royalists "had not lost their lands or more than a certain proportion of their wealth by fines"¹. Habakkuk endorsed this view with his study of thirty-two families in the counties of Bedford and Northampton. Dr. Thirsk dealt with the other side of the question and, from a selection of fifty families in the south-east, showed that although the vast majority of the Royalists recovered their forfeited estates, the cost could be - and was - sometimes prohibitive.²

1. H.E.Chesney, The Sequestration of Estates, 1643-60, (unpublished Ph.D. thesis, University of Sheffield, 1928), passim. G.M.Trevelyan, English Social History, (1944), p. 252.
2. H.J.Habakkuk, "Landowners and the Civil War" in Ec.H.R., 2nd. series, XVIII (1965) pp. 130-151. I.J.Thirsk, The Sale of Delinquents' Estates during the Interregnum and the Land Settlement at the Restoration, (unpublished Ph.D. Thesis, University of London, 1950). At present, more work is being done on the subject.

As yet, however, no detailed examination has been made of all the delinquents in any one locality.¹ The value of such a survey is that it enables the compounders and the "traitors"² to be treated together, where the same conditions (such as the efficiency and ability of the county committee) prevailed. For there was, in fact, no difference between these two types of Royalist. Those who did not pay their fines had their lands confiscated³, and conversely, the delinquents in the later Acts of Sale were offered the opportunity of compounding for their forfeited property. This thesis is an attempt to make such an examination of the Royalist gentry in the county of York, showing how they suffered during the years after 1645.

Yorkshire is a convenient unit to use for a study of this kind. As a region, it is large enough to warrant an independent survey, yet small enough to keep that survey within easy, manageable proportions. The advantage of using a single administrative area lies in the fact that the gentry and politically-conscious inhabitants were orientated around one regional centre, and were part of one local unit. Despite the nominal division of the county into four (the three ridings

1. Dr. Thirsk was concerned solely with 50 victims of the Acts of Sale, and Professor Habakkuk with 32 compounders.
2. This was the term in the Acts, applying to those whose lands were confiscated.
3. There were five cases in Yorkshire where the delinquent never completed his composition, and thus lost his lands. In other instances, the Cavalier had never attempted to compound.

and the Ainsty), the gentry regarded Yorkshire as a single entity, with York as the political and social centre.

Unlike some counties, Yorkshire was divided in allegiance. The Royalists, led first by the incompetent Earl of Cumberland, and later by the Earl of Newcastle, were opposed by Lord Fairfax in the West Riding and Sir John Hotham at Hull. Both sides made an initial attempt to keep the peace, but after the failure of this Neutrality Treaty in September, 1642,¹ the county became a battleground between rival forces. Newcastle's mighty army² was at first held at bay by the superior mobility and ingenuity of the Fairfaxes. Even after the latter had been defeated at Adwalton Moor in June 1643, the resistance of Hull kept the Parliamentary flame alight, and precipitated Newcastle's retreat from Lincolnshire later in the year. The conflict was essentially insular in character: the local gentry fought amongst themselves, and the course of the war was relatively undisturbed by events elsewhere, until the advent of the Scots army upset the balance of power.

The size and relative independence of the county of York thus makes it a convenient unit to use for the study of the effects of the anti-Royalist legislation upon the Cav-

1. The Treaty was signed on 29 September, at Rothwell, Fairfax made his signature conditional upon Parliament's approval, and Sir John Hotham refused even to sign the document (which Parliament later condemned). F. Drake, Eboracum, (1736), p. 160; C.R. Markham, The Life of the Great Lord Fairfax, (1870), p. 53-4; Reasons why Sir John Hotham ... cannot ... agree to the Treaty of Pacification...
2. 'Mighty' by local standards - 12,000 to 16,000 men (Lord Fairfax, Short Memorials (1676), p. 36; E. Broxap, "Sieges of Hull ...", in E.H.R. XX (1905) p. 470.

aliers. This is helped by the considerable amount of material covering the period in question (in addition to the central records). Although the committee books do not reveal much about the administrative organisation of the county, they do provide quite a lot of information relating to composition and the rack-renting of sequestered properties¹. Several families have left substantial archives, enabling almost half of the Royalist gentry to be traced during the decades in question. These sources are augmented by a wealth of secondary information from the pens of various antiquaries and local historians².

This thesis is restricted to a study of the gentry: no consideration has been given to the yeomanry or nobility. These omissions have been made on purely practical grounds. Many of the members of the peerage owned extensive lands in several counties³, and to single out individual properties in one locality would obviously be unwise. On the other hand, the inclusion of all non-Yorkshire estates could create inaccuracies in one direction or another, and limit the value of any such survey. The yeomanry have been excluded for exactly the opposite reason. The majority were relatively unimportant in county affairs, and very few of their records

1. Committee Books:- PRO, SP28/215; SP46/107; York Sequestration Book, 1645-52. (York Reference Library).
2. See note on sources, Appendix VIII.
3. So did some of the gentry.

remain, with the exception of casual mentions in the Composition Papers. By limiting the field of research to the gentry, it is hoped to avoid both extremes.

Within the ranks of the gentry, however, there were great variations in both wealth and social status. The term was commonly taken to embrace all armigerous families below the ranks of the peerage: those whose heads could justifiably call themselves gentleman, esquire, knight or baronet. The privilege of bearing arms was hereditary, and descended to all sons - thus a younger member of a cadet branch might be far poorer than a wealthy yeoman. On the other hand, a prosperous squire could easily have a larger income than some of the peers. The ranks of the pre-war Yorkshire gentry included such extremes as Sir Arthur Ingram of Temple Newsam, who left estates worth roughly £12,000 a year on his death, and John Monckton of Northcliffe, who received a mere personal annuity of £10¹. But, although the term 'gentry' embraced such contrasts, it is a convenient means of limiting the subjects of this study to an easily identifiable group.

Before the question of the Yorkshire Royalist gentry can be discussed, these three terms must be clearly defined. The distinction 'gentleman' was greatly abused in the seventeenth century; many people claimed to be entitled to bear arms, although they had no such right². Thus Thomas Edmunds

1. J.T.Cliffe, The Yorkshire Gentry on the Eve of the Civil War, 1603-40 (unpublished Ph.D. thesis, University of London, 1960) p. 96. R.C.P., II, p.183. Both gentlemen were heads of their respective families.

of Worsborough called himself 'gentleman' when he compounded in 1646, but he certainly did not acquire this title until the following year¹. In defining the true gentry, I have followed Dr. Cliffe's example, and included only those who had definitely the right to bear arms in 1642². It must be remembered that this definition has been used purely as an arbitrary means of identifying a representative group of Yorkshire Royalists, and not with the intention of discovering a united class of people.

The basic unit in this thesis will be the gentry family. Obviously such huge clans as the Constables and Saviles can not be regarded as single families. The term has therefore been taken to include the head, his wife and descendents, unmarried brothers and sisters, aunts, childless male relatives, and the widowed mother and grandmother. Where, however, two male cousins were both over the age of twenty-one in 1642, their respective fathers are regarded as the heads of two separate families.³

1. R.C.P., II, 19. J.W. Clay, Dugdale's Visitation of Yorkshire, III, 137 (hereafter cited as Dugdale). E. Elmhirst, Peculiar Inheritance (1951), p. 59.
2. Cliffe, op. cit., 5-6.
3. Ibid., 9-10.

(cont. from p. 6).

2. Arms were officially granted only by the College of Herald's. Dugdale, in his 1665-66 Visitation of Yorkshire, recognised arms which had been claimed by families for over a century (even if they had not officially been awarded).

The second term to be defined is 'Royalist'. I have used the words 'delinquent' and 'Cavalier' as synonyms for this expression (as did the government), but it is clear that the Parliamentary definition of delinquency varied considerably throughout the years and from place to place. Originally the term embraced all who had fought for, or actively aided, the King; those who had left their normal residences to live in a Royalist stronghold (whatever the excuse), and, in some cases, any who had refused to aid the Roundhead soldiers when asked.¹ Ironically, however, those who had voluntarily guaranteed a loan to the King in 1643 were not treated as enemies². For the sake of uniformity, I have taken Parliament's definition of Royalism, and applied it to all those accused of delinquency. Thus the signatories to the Yorkshire Engagement, the bondholders, and those who failed to offer a satisfactory explanation when accused of supporting the King, are all classified as Cavaliers.

Finally, who were the Yorkshire gentry? Some families, especially those living near the border, possessed estates in neighbouring counties. Laurence Sayer and John Errington held property in Durham, and Richard Braithwaite owned lands in Westmoreland. The Yorkshire gentry are regarded as those

1. See case of Francis Layton of Rawden, R.C.P., I, p.30.

2. See the Yorkshire Engagement, Chapter IV.

landholders who were normally resident in that county, or who, if peripatetic, were living in Yorkshire when hostilities commenced¹. Thus Sir Thomas Strickland, living mainly at Thornton Bridge in the North Riding, is considered to be a Yorkshireman, whereas Sir Gervase Eyre of Laughton and Rampton, who dwelt principally on the latter estate in Nottingham^{side}, is not included.

The Yorkshire gentry have been closely examined by J.T. Cliffe in his excellent study, covering the first four decades of the seventeenth century². In 1642, there were 679 gentry families in Yorkshire, representing all levels of the social and financial scales. When the advent of the civil war led over half of them to choose sides, the decision was certainly not made on any economic grounds. Both factions could claim the allegiance of wealthy landowners, as well as the support of the poorer gentry. Sir Arthur, the eldest son and heir of the wealthy Sir Arthur Ingram, became a Parliamentarian, whilst the two Middleton brothers, with a combined annual income of well over £2500, fought for the King³. Nor was there a great difference in the composition

1. The 'foreign' estates of these landowners have also been included in the survey, as they were not extensive.
2. Cliffe, op. cit.
3. Ibid, pp. 9-10; J.Foster, Pedigrees of the County Families of Yorkshire (1874); West Riding; Leases of the Middleton estates are in PRO, SP28/215.

of the two parties on any other grounds, with the obvious exception of political affinities and, to some extent, religious loyalties. The majority of both sides were Anglican, but Puritans were more likely to gravitate towards the Parliamentary service, and the government's strict, uncompromising anti-Papist legislation compelled all but the weakest Catholics to support the King, or to remain in benevolent, pro-Royalist neutrality¹.

There were at least 288 gentry families who were connected to some extent with the Royalist cause². 229 of these families remained loyal to the King throughout the war, but the remaining 59 either changed sides, or were divided in allegiance between the two factions³. The degree of Royalism varied greatly from the unshakeable Cavaliers to the profiteers and schemers who were only trying to be on the winning side. Sir Henry Slingsby fought continuously for his cause, and was finally executed for attempting to undermine the loyalty of the garrison at Hull during his imprisonment there.

1. See Cliffe on civil war loyalties, op. cit., Chapter VII, pp. 364-424.
2. Some gentry who cannot be clearly identified are omitted - e.g., Captain Scudamore who was captured at Selby (Rushworth J., Historical Collections, III, ii, (1692) p.619) might belong to either the Overton or the Leeds branch - or neither.
3. Cliffe cites 231 Royalists and 57 of divided loyalties. (op. cit., p. 406).

On the other hand, John Morris changed sides twice, each time being prompted by personal motives, whilst John Thornhill of Fixby gave assistance to both parties¹.

The activities of the warring armies also encouraged several landowners to seek the support and protection of nearby garrisons. Some delinquents had been in active service for only a short time: if their various protestations can be believed, there was a considerable floating force in the Royalist camp. Supporters drifted away at harvest time or whenever the campaign appeared to be faltering. This was encouraged by the practice of enforced recruiting - men who were compelled to act as assessors and collectors, or to fight in the Royalist army, naturally deserted as soon as possible².

The gentry involved in this struggle were representative of all sections of county society. They ranged from the prosperous and influential landowners down to the insignificant younger members of cadet families, who survived on very small annuities. The 'particulars of estate' and surveyors' reports (the latter made just prior to the sale of confiscated lands)

1. D.N.B. (Slingsby); Historical Yorkshire Families (bound scrapbook of newspaper articles in the Yorkshire Archaeological Society Library) - Morris.
2. The Parliamentarians also seem to have used forced recruiting, but the Royalists, being supreme at first, were more successful.

do not cover all of the Royalist gentry, but they do give a rough indication of the landed estates of over seventy per cent of the Cavaliers¹.

Table I:- FINANCIAL POSITION OF THE ROYALISTS IN 1642.

<u>Annual Income</u>	<u>Number</u>
Over £2,000/ year	5
£1001 - £2000 "	12
£751 - £1000 "	14
£501 - £750 "	23
£251 - £500 "	48
£101 - £250 "	63
under £100 "	47
	<hr/>
Total	<u>212</u>

At one end of the scale, the three Hildyard brothers of Winestead shared at least £2600 per annum, whilst Cuthbert Morley, Christopher Wandesford and Sir Michael Warton had much the same income. At the other extreme, Miles Newton received about £26 a year, and Francis Withes a mere £6! The richest gentry lived in palatial style, like the nobility, whilst the poorest delinquents were little better than husbandmen, and could afford none of the luxuries of gentry life. It will be seen that the majority of the gentry came from the lower end of the income scale.

1. The 'particulars' represented 1642 values, the surveys 1652 raked values. Wherever possible, allowance has been made for this. Both must be used with care, especially the former, because of heavy bias. The table represents the incomes of the Royalists in each family, and not necessarily of the head of the family (as quoted in Cliffe).

Besides presenting a cross-section of the financial scale, the Royalists presented a varied range of economic positions. Some were prosperous landholders, like Sir Henry Slingsby, or merchants, like Brian Cooke of Doncaster. Others were in a declining position, such as Arthur Aldburgh of Aldborough, whose manors were already heavily mortgaged in 1642¹. The Composition Papers give a good indication of the pre-war position of the Cavaliers, but care must be taken in interpreting them, as the Royalists often took the opportunity of undervaluing their estates. The following table gives a summary of the economic position of the delinquents on the eve of the civil wars, in relation to their incomes².

Table II:- THE YORKSHIRE ROYALIST GENTRY IN 1642.

Prosperous	55	}	50 %
'Comfortably-off'	89		
Average	37		12.8 %
Financially unstable	50	}	23.2%
Declining	17		
Unknown	40		14 %
Total	<u>288</u>		

Thus the majority of the Royalist gentry were in a relatively stable economic position on the eve of the civil war. Some were rising, whilst others were declining. Most

1. Slingsby MSS, DD56/121; R.C.P., II, pp. 95-6; id., II, p.217.
2. These terms relate income to economic position: a man with £600 a year might be better off than one with £6000, but who had heavy debts and liabilities.

of them looked to the land for their support, although several were connected with trade and commerce, whilst a few, such as Brian Cooke of Wheatley and Doncaster, owed their prosperity almost entirely to their financial exploits¹.

The Royalist gentry were also divided by their religious beliefs. Although the majority were Anglican of one shade or another, there were a few Puritans and a considerable number of Catholics - in at least 63 families, one or more Royalists proved to be of the latter persuasion. The King lost a considerable amount of popularity through granting commissions to recusants, and the latter were later to suffer very severely for their loyalty. Forty-five Papist families eventually had some, if not all, of their lands confiscated, although the remainder succeeded in avoiding the full penalties for their religion².

The ranks of the Royalists³ included a considerable number of titled gentry: there were 52 families where the Cavalier was a knight, 15 where he was a baronet, and 9 where he held both honours. In the case of 15 families, at least one delinquent had sat in Parliament before the war. As mem-

1. Cooke of Wheatley MSS, passim.
2. The Methams, with Lord Fairfax's aid, succeeded in compounding like normal delinquents. The remaining Catholics were never proceeded against.
3. This term, unless otherwise specified, includes those who changed sides, and the Cavalier members of families who were divided in allegiance.

bers of the gentry, those who served the King usually received commissions in the army - 101 of these families could boast of at least a captain who had fought for his monarch.

Dr. Cliffe has closely examined the Yorkshire gentry on the eve of the civil war. With the exception of the Catholics, there was no real division in the financial or social standing of the two parties. Both factions contained a representative cross-section of the gentry. The only principal difference between the two sides was in numbers. Omitting those who supported both factions, 229 families were Royalist, and only 103 Parliamentarian¹. But, although Yorkshire had been geographically divided between King and Parliament during the war, there was no such regional distinction between the two parties. I had expected that the West Riding woollen towns and their immediate hinterland, having supported the Long Parliament during the conflict, would be a local centre for the Parliamentarian gentry, but in fact this is not so. The Royalist gentry were far stronger in the West Riding than their opponents. Admittedly, the inhabitants of towns such as Bradford and Halifax were loyal to London, but the surrounding district is scattered with the seats of Cavalier gentlemen. The only distinctions that can be made in the location of the two parties are in South Yorkshire (there was a definite preponderance of Roundheads around Sheffield), and in the East Riding, where, with the exception of Beverley and South

1. Cliffe, op.cit., p. 406.

Holderness, the hinterland of Hull was mainly populated by the Parliamentarians¹.

The relatively large numbers of Royalists in the West Riding does not indicate that this area was a centre of loyalty to the King; there were simply more gentry in the region, and the proportion of inhabitants who adhered to the Royalist cause was not noticeably higher than in the other ridings. The concentration of fighting around the hastily-fortified river crossings and the woollen towns did not (contrary to my expectations) force most of the local landowners to take sides in order to protect their property. In fact, the percentage of the gentry who remained neutral throughout the conflict is one of the most constant features in the comparison of the ridings².

It is, however, noticeable that the families who were divided in allegiance, or who changed sides during the struggle, were not so evenly distributed: the majority lived near to centres of Parliamentary influence. Thus several gentry in close proximity to Bradford were uncertain of their loyalties, as were four out of nine in the Beverley area, fifty per cent of those near Bridlington (the centre of Parliamentary

1. See Map I (in pocket at end).

2. See Map I. The percentage of neutrals varied from 42.4 % (North Riding) to 45.4 % (York). That of Royalists varied from 27.2 % (York) to 36.2 % (West Riding). If, however, the Royalists and the divided families are combined, the variation is considerably less - from 39.4 % to 45.4 %.

influence here was at Flamborough, Sir William Constable's residence), and a number of families on the periphery of the Roundhead-held Vale of Pickering. In contrast, the Pennine regions and Richmondshire, where Catholicism was still strong, were supporters of the royal cause, and several families there suffered from the Acts of Sale¹.

For the purposes of this thesis, I have divided the county into eight regional divisions². The following table, based on these areas, illustrates the strong preponderance of Royalists in the West Riding (due mainly, as explained before, to the large numbers of gentry in that region).

Table III:- GEOGRAPHICAL DISTRIBUTION OF ROYALISTS.

Area	Royalists	Changed Sides or Divided	Total	Percentage of whole.
Hull	12	5	17	5.9
Ainsty	6	4	10	3.5
E. Yorks.	29	11	40	13.9
Richmond	28	3	31	10.8
Cleveland	38	13	51	17.7
Pennine	10	-	10	3.5
W. Yorks.	80	17	97	33.6
S. Yorks.	26	6	32	11.1
Totals	229	59	288	100.0

Not only were the Roundheads and Cavaliers linked by

1. There are, however, a number of families who changed sides in the Ripon area - this is difficult to explain, as Ripon was generally in Royalist hands, and was not a notable centre of action.
2. See introduction to Appendix V for description and explanation of these regions.

their common social and economic background, by a common education and the rôle they played in 'local government'¹ - they were also united by the bonds of marriage and descent. Although gentry of similar political and religious views (especially the Catholics) tended to intermarry, matrimonial alliances were generally made with families of the same social status, rather than for purely political reasons. Influence and good birth were the cardinal requisites for a satisfactory match, although wealth was occasionally regarded as a substitute for breeding.^{1a}

Thus the Royalist gentry, although they were closely linked together, were also bound by matrimony and descent to their Parliamentary neighbours. For example, the twin branches of the Armitages of Kirklees and Netherton were related to the Rockleys, Stringers of Whiston and Danbys of Farnley (Royalist); the Arthingtons and the Saviles of Lupset (Parliamentarian) and to Thomas Thornhill of Fixby (who supported both sides). Roger Portington, who raised and commanded his own troop of horse for the King, was nephew to the ardent Roundhead, Sir Richard Darley of Buttercrambe². Clans such as the Slingsbys, Goodrickes and Constables were divided in their allegiance, different branches supporting different sides.

1. See Cliffe, op. cit., passim; and especially Chapter VII.

2. Dugdale, II, 411 ff; 428 ff.

1a. See Appendix VII for the interrelationship between the two parties.

Such interrelationship could have widely differing effects. Stephen Hutchinson of Wykeham, a firm supporter of Parliament, disinherited his son because the latter had fought for the King. Sir Richard Maleverer, when he compounded in 1649, complained that his father, the regicide Sir Thomas, had stopped his annuity of £500. Sir Thomas refused to pay any maintenance at all, denying that he was responsible for a son whom he regarded as a traitor¹.

On the other hand, close relations with the victorious side often worked to the Royalist's advantage. It seems that Sir John Goodricke received some financial assistance from his Parliamentarian cousins when he began to rebuild his estates. It was the regicide Sir William Constable who contacted John Rushworth to act as the trust purchaser for the confiscated estate of his kinsman, Sir Philip Constable of Everingham. And the Republican Slingsby Bethell, nephew of Sir Henry Slingsby, was largely responsible for the recovery of his uncle's estates from the Treason Trustees².

It is not clear as to how far these family and pre-war social relationships modified official Parliamentary policy. The government had often considerable difficulty in getting its orders obeyed in the provinces, but such troubles occurred

1. Dugdale, II, 439; R.C.P., III, 5-6.

2. History of the Goodricke Family, by C.A. Goodricke, (1885), p. 24; H. Aveling, "Catholics and Parliamentary Sequestrations" in Ampleforth Journal (June, 1959) p. 111; D. Parsons (ed.) Diary of Sir Henry Slingsby (1836), passim.

in strongly Parliamentary counties, as well as in the centres of Royalism. Before 1649, the local committees were too independent - after their reorganisation, they lacked the authority to act quickly and efficiently. Around 1647, the composition of the Yorkshire county committee was modified, the ranks of the old gentry families being augmented by loyal merchants and lesser members of the squirearchy. This may have been to some extent dictated by a search for a more efficient and obedient bureaucracy, but too little is known of the workings of the Yorkshire committee to give a final answer to the problem¹.

This thesis is intended to cover a fairly wide field - in fact, all the anti-Royalist legislation from the beginning of the civil war until the Restoration. The selection of the two terminal dates is purely arbitrary. Only three Royalists compounded before 1645, and hardly anything is known about any of them. 1665 has been quoted as the termination of the work, as 29 May of that year was the last date on which legal actions could be initiated for the recovery of land confiscated during the Interregnum. However, wherever possible, families have been studied up to about 1680 (and in some cases to 1700) to discover the long-term effects of the fines and sales.

1. See Chapter II for a fuller study of the question. Around 1647-8, there were identical changes in the personnel of other county committees.

The majority of the Royalists were faced with a fine, proportionate to the value of their estates, its level being determined by their degree of delinquency. No detailed examination of the compositions has so far appeared, with the exception of the work of Professor Habakkuk¹. Further regional studies of the fines (and their efficiency with relation to the local committees) are needed to give a fuller picture of the post-war situation. As far as Yorkshire was concerned, however, Dr. Chesney was certainly correct when he described the delinquent's rôle as "seldom merely passive. He knew how to fend for himself"². But was the situation in Yorkshire typical of the country as a whole, or did the Cavaliers in strongly-Royalist areas fare differently from their compatriots in Parliamentary districts? Only when a great deal more work has been done on the fines can such questions be answered.

The compositions are relatively well documented, with one important exception - the dates on which the fines were paid to the Goldsmiths' Hall Committee³. We cannot definitely say how many of the delinquents neglected to pay their compositions on time, although the evidence suggests that it

1. Dr. Chesney's opinions have been strongly challenged of late, and in any case, he treats the problem only generally. Habakkuk has published his findings, but with no detailed statistics. M.Coate has also some figures on Cornwall in her Cornwall in the Great Civil War, 1642-60, (Oxford, 1933).
2. H.E.Chesney, "The Transference of Lands in England, 1640-1660" in T.R.H.S., 4 series, XV (1932) p.. 182.
3. The lists of overdue fines only tell us when they were not paid, and there are no lists before 1649.

was a considerable number. Nor do we know for certain if the threatened re-sequestrations were ever imposed for such delays.

It is also difficult to gauge the true effect of the fines upon the Cavaliers. The 'particulars of estate' (statements of income which the delinquents had to submit to Goldsmiths' Hall) were supposed to quote pre-war income, yet the only general post-composition valuations with which they can be compared - the assessments - were concerned with current receipts at the time that they were levied. Thus the difference does not represent the consequences of the fines alone: allowance has to be made for war damage, over-generous gifts to the King, and the practice of putting estates into trust to evade further taxation. From such sources, it is difficult to isolate the individual results of the composition fines.

These 'particulars' can be used only tentatively for assessing the economic position of the Cavaliers prior to the civil war. Evidence placed before the Committee for Advance of Money shows that a number of delinquents deliberately undervalued their property, attempting to reduce the amounts of their fines. Where the 'particulars' can be closely checked against estate records, there is often a slight undervaluation (small enough to avoid detection, yet large enough to make an appreciable difference to the fine), and in some cases, the size of the omissions is startling. Hidden assets, such as mines, debts owing to the delinquent, and investments in trading enterprises, were apparently also frequently con-

cealed. Brian Cooke suppressed nearly £3000 in debts for almost four years¹.

In theory, all Cavaliers² were supposed to compound, but in actual fact many avoided paying anything at all. Some simply remained undiscovered, despite the encouragement given to informers; others, although their Royalism was well known, were never charged with any delinquency. Thus, whilst those who had fled for safety to a Royalist stronghold, or who had voluntarily contributed to the King's war effort, were regarded as enemies, ironically the Cavaliers who signed the Yorkshire Engagement never suffered for their faults. In all, 28 per cent of the families supporting the King evaded all punishments for their offences.

Only 56 per cent of the Royalist families were fined for their delinquency. This was the principal punishment they had to suffer after the war, but two other exactions are considered in this thesis, as they shed light on the Cavaliers' financial position in the post-war period. The first of these was the twentieth. This assessment was originally limited to London, but was gradually extended to cover the whole country. Later, its scope was restricted to those who had never financially aided Parliament, and finally it

1. R.C.P., II, p. 95ff; C.C.C., pp. 945-7.

2. With the exception of the Catholics, and those excluded from pardon, who were not permitted (at this stage) to compound.

became a tax upon the delinquents alone. But the twentieth differed from the compositions in one important respect - it was assessed on the Cavaliers' current financial situation, and not on their pre-war revenues. Thus, from the reductions in the levy, we can gain some valuable information as to the cumulative effects of the wars and the fines¹.

For some delinquents, there was an extra burden in the shape of the Engagement guarantees. Certain Royalists had voluntarily² offered bonds as security for a loan to Charles I during the early stages of the war. Parliament now confiscated these bonds (thus depriving the creditors of all hope of redemption), and demanded the immediate payment of the guarantees. For several years it had been evident that the King would be unable to meet the debt, and therefore the signatories of the Engagement would have to pay in any case. The only hardship, therefore, was the compulsion to pay the debts immediately, whereas the original creditors had been prepared to continue the loans almost indefinitely. In fact, the government was bitterly disappointed at the poor results of this tax, although the failure was partially due to its own mismanagement of the situation.

Therefore the only punishment that the average delinquent had to face was the composition fine³. The twentieth

1. See, however, pp. 223. War sufferings varied greatly.
2. A few, however, had been compelled to sign.
3. The decimation tax has been omitted. No records remain, except for a few scattered references in PRO, SP 28. It came six years after composition, and most estates would

was paid by almost all (including Parliamentarians and neutrals), and the Engagement was a (mainly) voluntary association entered into by a group of Yorkshire gentry. In this thesis, I intend to examine (as far as is possible) the financial situation of the Royalists before and after the war, and to estimate the effects of these fines upon their estates.

Fifty-four of the Yorkshire gentry families (representing sixty-one delinquents) suffered the extreme punishment of the confiscation and sale of all of their property. Early historians blandly assumed that such estates were restored wholesale at the Restoration, but the picture is far more complex than this. Dr. Thirsk's pioneer study of fifty victims of the acts in the south-east revealed that the vast majority of the Royalists recovered their lands from the Commonwealth purchasers, either before or after the Restoration. But, except for isolated instances where Acts of Parliament or brute force were employed, the principal means of recovery involved the use of litigation, or the direct or indirect purchase of the property, both of which could be very expensive. Recovery was not automatic - it depended upon the abilities of the individual Royalist, and the existing owners naturally employed every means at their disposal to

(cont. from p. 24).

be able to bear it. Other isolated taxes, such as militia assessments, were only sporadic, and do not seem to have been excessively high.

retain the lands they had bought.

The majority of these delinquents were Catholics, who were punished more for their religion than for their loyalty to the King. Fifty-two (85 per cent) were recusants, whilst only nine lost their lands for other reasons. Such a severe retribution was very unfair for most of these Cavaliers, many of whom were relatively minor gentry. Of the forty-five Catholic families, only twelve had incomes of over £500 per annum - the majority, thirty, received between £100 and £500 a year. Parliament, in selling the estates of these poorer Royalists, was using a steamroller to crack an egg!

Here, as Dr. Thirsk discovered, government policy was again modified by the activities of the delinquents themselves. Parliament, facing the problem of disposing of a considerable number of small estates, amended its original intentions, and allowed the majority of the "traitors" to compound for their lands at a high rate. The remainder immediately planned to use every possible subterfuge in their attempts to regain their property.

Unfortunately, the sales are not as well documented as the compositions. The proceedings leading up to the actual transactions were made under the aegis of the Treason Trustees, whose records have been lost, but the actual contracts are nearly always recorded on the Close Rolls¹. However, once the new owner was in possession (providing that he had paid

1. Occasionally there are no Close Roll deeds of a sale - e.g., that of the estate of Marmaduke Holtby of Skackleton.

the full price), the government lost interest in the property, and this, together with the gradual decline of the central committees under the Protectorate, leaves a gap in the history of these estates.

There is regrettably little information concerning these lands at the Restoration, at a time when information is badly needed. For the whole crux of the land question rests upon whether the Royalists recovered their property, and, if so, at what cost. Much reliance has to be placed upon the indirect evidence of the law courts and central government departments, as well as the material contained in Clay's edition of Dugdale's Visitation¹.

The question of whether the victims of the Acts of Sale recovered their lands is only half of the problem. The period from 1640 to 1660 had been a time of great expense for the delinquents: would they succeed in overcoming their difficulties, and regain their pre-war economic positions? This is a crucial part of the Royalist problem during the middle years of the century, and Cavalier propaganda in the months following the Restoration painted a dismal picture which many earlier historians accepted at its face value. Some of these claims are erratic in the extreme. For example, Sir John Oglander suggested that a hundred Yorkshire gentry families were beggared by the civil war². As there were only

1. See note on sources, Appendix VIII.

2. Quoted in Habakkuk, loc. cit., p. 131. (See p. 277, 2nd. quotation).

288 Royalist gentry families, of which only 205 suffered composition or sale, Oglander ~~was~~ claiming that almost fifty per cent of the gentry were in such an unstable financial position that they were irrevocably crippled by a fine of three times their unimproved annual revenue, or the sale of their property!¹

Admittedly, the cost of recovering forfeited lands by repurchase was extremely expensive, far more so than the price of compounding. But, as I hope to show later in this thesis, the majority of the victims of the confiscations succeeded, not only in regaining their lost properties, but also, ⁱⁿ managing ~~ing~~ to afford the high cost of recovery. If such people were able to raise sums equal to half the capital value of their property (ten years' annual rental or more), the ordinary compounders must surely have been able to meet their own relatively small fines.

However, it is extremely difficult to discover the post-Restoration economic position of many of the delinquents. Evidence is scarce, and often not really to the point - most of the material is indirect information. The contemporary sources must certainly be treated with extreme care. After the civil war, the Royalists had a vested interest in under-estimating their resources when they had to compound: thus the 'particulars of estate' are not a good basis for assessing

1. I have omitted those who did not compound or suffer the confiscation of their property, as their expenses would be no greater than those of the average Parliamentarian.

pre-war financial positions, and certainly not the future potential of the estates. Following the Restoration the Cavaliers, in their propaganda and petitions to the King, exaggerated both their own services and their losses. The calculation that Sir Marmaduke Langdale lost £160,000 in the King's service obviously includes not only the lands which he was compelled to sell, but also war damage (which most landowners suffered), lost rentals, and probably the lost profits on his pre-war offices as well¹.

Thus the full post-Restoration situation cannot be accurately discovered. Some families have left no records (except for their brief appearance in the annals of one of the central committees), whilst others died out in the male line or became totally extinct². Only about half of the Royalist families can be traced after 1660, and even here much of the information is sketchy. Detailed family accounts are rare, and most of the evidence has to be gleaned from other sources³.

The post-Restoration situation is an integral part of the study of the compositions and land sales. It mattered little to a Royalist whether he retrieved his confiscated

1. F.H.Sunderland, Marmaduke, Lord Langdale,..., (1926) p. 231.

2. 12 families died out in the male line during the Interregnum, and another 10 soon afterwards; 10 became extinct by 1660, and 7 more shortly afterwards.

3. See Appendix VIII.

property if the cost of recovery was going to bankrupt him. Nor would the compounder rush to pay his fine if he knew that he was unable to afford the expense. Contemporary sources claim that the compositions were really crippling: their bias is evident, but is there any truth in the statements?

Professor Habakkuk has described the constant market in land, which is comparable to the constant movement of gentry families up and down the ^{financial} ~~social~~ scale, some rising, some falling. The problem is to separate these normal occurrences from the effects of the composition fines and land sales. Were the sufferings of the Royalists the principal reason for the sale of property (for there certainly was an appreciable market in private land during the middle decades of the century), were they just one of a number of contributory causes, or had they little or nothing to do with the sales?

More crucial were the results of the confiscations upon the Catholic delinquents, and the other victims of the sales. Did they regain their property and, if so, at what cost? Did mortgages and crippling debts compel the early resale of the newly-recovered lands? Or was the Interregnum merely a brief interlude in the normal life of the times?

The Restoration Settlement of 1660 allowed the victims of the Acts of Sale to recover their property at law, but sales made (or endorsed) by the 'voluntary' acts of the Royalists were not to be reversed. Several authorities, assum-

ing that the compositions had precipitated a flood of 'voluntary' sales, saw in the post-1660 rivalry between the 'ruined' Cavaliers and 'prosperous' Parliamentarians the origin of the growth of political parties. "Throughout the nation the seeds of later quarrels were sown, for the alienation of royalist estates led to ^{the} establishment of rival landowners in practically every district, and thus provided ready-made leaders of opposing factions in the years which were to witness the rise of Tory and Whig"¹. But was it the loss of estates which embittered the former Royalists, or was it merely the results of differing political views, crystallised during the Interregnum?

This thesis is not concerned with the Parliamentarians, and therefore no attempt will be made to discuss the possibility of a 'rise of the Roundheads' in contrast to a 'collapse of the Cavaliers'. Naturally, if the latter did not decline greatly as a result of the anti-Royalist legislation, the former cannot be said to have filled their pockets at their rivals' expense. But an attempt to differentiate between the two parties is fraught with pitfalls. Even during the pre-war days, county society was split by petty jealousies and factions, each group attempting to benefit at their rivals' expense. Such divisions continued into the sixteen-forties, even causing splits in the ranks

1. P. Hardacre, The Royalists during the Puritan Revolution, (Hague, 1956), p. 169.

of the Parliamentarian county committees¹, which sometimes worked to the advantage of the Royalists.

The aim of this thesis is to study the various punishments inflicted upon the defeated side, and to estimate their effect upon the Royalists. Were the Cavaliers ruined by the composition fines? Did the martyrs of the confiscations succeed in regaining their estates, and if so, how? I do not propose to attempt an answer to the thorny question as to how far the Royalists' losses contributed to the post-Restoration development of parties, but I hope to show to what extent the Cavaliers' disgust at the settlement was based on actual losses, and how far it was a psychological reaction to the liberal terms granted to their old enemies.

1. See Chapter II.

CHAPTER II - THE SHARKING COMMITTEE-MAN.¹

(The Anti-Royalist Legislation).

Parliamentarian policy towards the Royalists was empirical in character: it developed slowly through trial and error, originating from the two main legacies of the civil war - the question of how to deal with the defeated party, and the problem of meeting the cost of the conflict.

That the Royalists should be punished was never in any doubt. In the Nineteen Propositions, the thirteenth clause demanded: "That the justice of Parliament may pass upon all delinquents, whether they be within the kingdom or fled out of it", and the following proposition called for a general pardon "with such exceptions as shall be advised by both Houses of Parliament"². But Parliament itself had no concrete idea as to how this should be accomplished. The elaborate arrangement of sequestration and composition developed piecemeal through the gradual accumulation of regulations, its final shape being very different from the original ideas of its founders.

After the King had set up his standard at Nottingham, Parliament responded by declaring the punishment of the Royalists to be one of its future intentions³. During the

1. Title of work by Sir Francis Wortley.

2. S.R.Gardiner, The Constitutional Documents of the Puritan Revolution, 1625-1660, (1958) p. 253.

3. Hardacre, op. cit., p. 18.

early stages of the conflict, those refusing to co-operate, or guilty of withholding their support, were treated as opponents, and the revenues from their estates were seized for the benefit of Parliament's war effort - in other words, they were sequestered. The same punishment naturally applied to the Royalists, and both classes were encompassed within the broad category of delinquents.

But the definition of delinquency - a word which embraced far more than the true Royalists - was vague, and at times seemed to become even vaguer. It was impossible to furnish regulations to cover every contingency, and therefore Royalists with a legal turn of mind, a good excuse, and the correct degree of deference sometimes avoided punishment, whilst the less fortunate suffered¹. But for those in positions of responsibility there was no escape. Members of Parliament were accused of delinquency for mere absence from the House, and if the case was proved, were deprived of their seats². When York surrendered in 1644, the members of the City Council who had been in office under the Royalists were dismissed, although, according to the articles of surrender, no fines were inflicted upon them, provided that they had engaged in no other subversive activities³.

1. Francis Layton of Rawden, who refused to aid either side, was treated as a delinquent; John Thornhill of Fixby, who supported both, was not.

2. O.P.H., XII and XIII, passim; Firth & Rait, I, p. 458.

3. C.J., IV, 4, 80; L.J., VII, 120.

The great majority of delinquents had been in active service for the King, either on the field, or as contributors to the royal cause. But a number of people were prosecuted for relatively insignificant offences, such as fleeing to a Royalist stronghold to escape plundering soldiers, or neglecting to contribute towards the Parliamentary armies. The scope of 'delinquency' gradually extended, and in the prosecution of many minor cases, some important Royalists escaped detection.

Besides the pecuniary measures inflicted upon the delinquents, the latter suffered considerable losses of rights and privileges. All who were convicted of Royalism were disqualified from holding any office and lost their rights to vote: decrees repeating these provisions continued to be passed up to the Restoration. Limitations on their movements were made for the duration of the fighting, but even after the war was over, delinquents were liable to be restricted to their own localities, or ordered out of London and Westminster during times of crisis¹.

The adoption of sequestration as a source of revenue early in the war was prompted not only by fiscal necessity, but also by the logical desire to punish the opposing side, and deprive the King of possible sources of income. On

1. For example, on 3 April 1646 (O.P.H., XIV, 315; C.C.C., 35-6); 12 December (C.S.P.D., 1645-7, 495; C.J., V, 11) and 9 July 1647 (L.J., IX, 322).

3 February, 1643, the Commons appointed a committee to consider the sequestration of the estates "of all such Persons as have been, are, or shall be, in actual War or Arms against the Parliament"¹. The basic sequestration ordinance followed on 27 March. Besides several named persons, all who aided the Royalists, plundered loyal Parliamentarians, or joined in any oath or association detrimental to Parliament, were to be sequestered. This meant the seizure of all property, real and personal. The former was leased year by year to the highest bidder, and the profits paid into the Treasury of the newly-created central Committee for Sequestrations, or used to support local armed forces. Personal estate was auctioned, the previous owner having been first offered an opportunity to repurchase it. Local committees for sequestrations were appointed, and granted powers to administer the running of estates, as well as authority to demand the payment of debts owed to delinquents, and to give legal discharges in return². A clause indemnified these officials whilst they were carrying out their tasks: it proved of doubtful value at first, since the Royalists still controlled many areas, and the possibility of their victory was not

1. O.P.H., XII, 162.

2. Debts, as personal estate, could be seized by the State at any time before the delinquent petitioned to compound, - and even afterwards, if they had been concealed. Few debtors paid their debts to the government, unless forced to do so, because of the doubtful legality of the discharge.

extinguished until after Marston Moor¹.

Regrettably, Parliament's constant demand for money led to the widening of the scope of delinquency. One of the classes originally included for sequestration comprised those who " ... have voluntarily contributed (to the King) not being under the kings army at the tyme of such contribution"². Despite the pleas of many Yorkshire Royalists that only force had induced them to give money and assistance to the Earl of Newcastle, such persons were treated as delinquents. This was due to a much more severe ordinance of 18 August, which added to the list of Royalists, all who would not contribute to Parliament's forces, who left home for a royal stronghold and did not return to offer a valid excuse³, or who concealed their estates from the assessors. The county committees were granted further powers, and an introduction was made to the nefarious practice of encouraging informers by offering a shilling in the pound for the discovery of concealed property⁴.

One benefit, however, was granted to the delinquent in this second ordinance. A fifth of his sequestered revenue

1. Firth & Rait, I, 106 ff; O.P.H., XII, 227.
2. Spencer-Stanhope MSS (Sheffield), 60263 (n.d.).
3. A number of Yorkshiresmen claimed that they had fled to York to avoid marauding soldiers (Royalists, of course!) but had been prevented from leaving the city before the siege. The Committee, however, refused to accept this as a valid excuse.
4. Firth & Rait, I, 256.

was allowed to his wife and family. In practice, the county committees were often tardy in paying the sum, and frequent abuses led to the termination of the system in 1647. But while it lasted, this grant was instrumental in keeping many Royalist families above the level of extreme poverty.

Thus sequestration was established. It relied a great deal upon the abilities of the local committeemen¹. In counties under Royalist control, the ordinance naturally proved to be a dead letter at first, but even where the Parliamentarians were in power, inefficiency on the part of the county committee or its officers could ruin the scheme. It appears that these latter had considerable difficulty in administering estates under their authority: they were supposed to raise the rents to the highest possible level, but in practice had to be content to let matters stay much as they were². This lack of success is understandable, however, for it was in the interests of all parties concerned (except the commissioners) to undervalue the property. The Royalist hoped that some revenue might still come into his hands, the tenant wanted a low rent, and the prospective State lessee aimed for as great a profit as possible. In the case of estates damaged during the wars, or where necessary maintenance had been neglected (such as the upkeep of the banks of the River Humber), the single-year leases gave

1. See pp. 55 ff.

2. C.C.C., Part I, passim.

insufficient incentive to occupiers to improve the value of the property, or to effect repairs. The county committees, as the agents in the middle, were attacked by both sides; by the local inhabitants for the unpopularity of their actions, and by the Committee for Sequestrations for being (allegedly) sympathetic to the Royalists.

It is not really surprising that the income from sequestrations was disappointing, and always seemed to be in arrears. The arrangements for paying the revenues to the Committee's treasury in London (at Haberdashers' Hall) were haphazard in the extreme. Local authorities were supposed to render their accounts regularly, along with such funds as remained in their hands, and receipts for money disbursed locally. But a great deal of the sequestered revenues was spent in the provinces. During times of war, all the profits were awarded to the local commander in the area (who would probably have seized them anyway), which resulted in the central Committee losing not only the money, but probably all trace of it as well¹.

In an attempt to increase the revenues from sequestered estates, Parliament issued comprehensive instructions, and aimed at preventing the widespread evasion of its ordinances.² It is very doubtful whether these would have succeeded: the seventeenth-century government was hardly capable of admin-

1. BM - Add. MSS. 5508; C.C.C., p.151.

2. 25 May, 1644 (Firth & Rait, I, 437); 8 December, 1646, (C.J., V, p.4).

istering a system which needed a twentieth-century bureaucracy. The sequestration machinery was an immense and complex organisation, frequently on the verge of breaking down. As an income-producing device, it was relatively inefficient; - Dr. Everitt has calculated that over half the total revenues received were employed in the administration of the estates concerned¹. It provided ideal opportunities for fraud and peculation to the unpaid local committeemen, although the vast majority of officials seem to have been fairly honest. It is hardly surprising, therefore, that the system was superceded by another method of penalising the delinquent: the composition fine.

The development of sequestration into some arrangement similar to composition was virtually inevitable. Some historians have pictured the transition as one necessitated principally by financial need². Although the fiscal motive was ever-present, the continuance of sequestration on its own would have been a suicidal policy. Despite the impossibility of administering the system efficiently, as mentioned above, it offered nothing in the way of an olive branch to the Royalists. They would have been financially annihilated, and any future move towards 'reconstruction' would have been doomed at the outset. Another factor to note is that, had

1. A.M.Everitt: The County Committee of Kent, (Leicester Occasional Papers in Local History, no. 9, March, 1957), 39.
2. For example, S.J.Madge, The Domesday of Crown Lands, (1938), p. 68.

financial need been the sole motive for introducing composition, the rate of two years' value for the fine was relatively low - most Royalists were capable of paying considerably more. After all, the assessment imposed by Parliament upon its own supporters was roughly equal to half the basic fine¹.

The reason for the swing to composition was most likely a combination of a number of factors. Parliament wanted money urgently, (and/^{extra}too high fines might have delayed payments); a more efficient method of raising revenue was needed; and it was hoped that generous terms would induce the Royalists to leave the King's side. This latter aim can be seen in the offering of lower fines to all who surrendered before a certain date. Despite its success, the many Royalists who deserted the King during late 1644 did so mainly because of the collapse of the Royalist cause in the north, and proved unwilling to compound until after the King's final defeat in 1645.

The foundations of composition rested upon the "Declaration of Both Kingdoms" of 30 January, 1644. This offered a free pardon to all common soldiers, but warned those of higher rank to expect some type of fine before they were fully pardoned. Catholics, to whom most of the past troubles were attributed, were to receive scant mercy².

1. Admittedly, the Royalists had to pay the assessment as well, but this was not considered when the fines were calculated.
2. C.C.C., Part V, Introduction, vi-ix.

Originally, Royalists submitted their petitions to compound to Parliament, the first composition being that of Sir Edward Dering on 7 February, 1644¹. The Commons also took the initiative in offering this opportunity to imprisoned Royalists, who were usually quick to accept, as it was their only means of obtaining their freedom². But Parliament had not the time to administer the technicalities of the system itself - these it placed in the hands of a committee which soon became an object of hatred for the Royalists: the Committee of Goldsmiths' Hall.

Originally created to consider the raising of money to pay the Scots army, (2 October, 1643)³, Goldsmiths' Hall Committee had the control of compositions thrust upon it during the following three years. On 13 September 1644 it was empowered to compound with delinquents in order to raise £15,000 for a month's pay for Fairfax's army⁴. Throughout the next fifteen months, the Committee gradually obtained greater control over the administration of fines, being made the sole authority for them in October, 1645⁵. After 2 December, petitions to compound had to be presented directly to Goldsmiths' Hall, instead of through the medium of Parl-

1. C.C.C., Pt. V, Introduction, p. ix.

2. Ibid., p. 20: E.g., Sir John Goodricke (C.J., IV, 492).

3. C.C.C., p.1. It recommended the prosecution of compositions, with the sale of the lands of those who would not compound.

4. C.C.C., p. 10.

5. Ibid., pp. 26-7.

liament¹. Finally, in 1646 and early 1647, the Committee was awarded powers to despoil estates, administer oaths, and summon and imprison those who were slow in compounding².

A set procedure had to be followed by Royalists wishing to compound. Armed with a pass to come down to London, the delinquent presented his petition, his 'particular of estate'³, and a certificate of his having taken the Covenant, to Goldsmiths' Hall Committee. Here he took the Negative Oath (never to aid the King's forces without the permission of Parliament). Royalists who were physically incapacitated were allowed to take the oath before their local committees, and then compounded by proxy. A second oath was also imposed - the Oath of Abjuration, which sweepingly denied all the principles of Catholicism, and thus any who refused to take it were branded as Papists, and denied the right to compound.

Some Royalists took these oaths well in their stride - a piece of doggerel of the times illustrates the current attitude towards the Committee for Compounding (as Goldsmiths' Hall Committee came to be called).

1. C.C.C., Pt. V, Preface, ix.
2. C.J., V, 481; C.C.C., pp. 33-40.
3. The 'particular' was a sworn statement by the delinquent of his real and personal estate, upon which his fine was based.

"Since Goldsmiths' Committee
 Affords us no pity,
 Our sorrows in wine we will steep 'em;
 They force us to take
 Two oaths, but we'll make
 A third, that we ne'er meant to keep 'em"¹.

It is not certain what importance the Committee placed on the effects of these oaths, but it is significant that those Royalists who broke the Negative Oath, and fought for the King in the second civil war, were simply fined at a sixth (for surrendering after 1 December, 1645), and received no extra penalties for their disloyalty.

Once the oaths/^{had}been taken, the evidences of the Royalist's delinquency, together with the particulars of his income, were submitted to the Committee's lawyer, who prepared a report, summarising the value of the property, and recommending a fine. When the delinquent had paid half, and given security for the remainder, his sequestration was suspended, conditional upon payment of the rest of the fine within six weeks of Parliament's approving the sum². Similarly, within a month (a period later extended to six weeks), the delinquent had to sue out a pardon under the Great Seal, or else his composition became invalid³.

1. Quoted in Hardacre, op. cit., p. 22.
2. Later, in March 1648, those with fines of two-thirds were desequestered upon payment of only a quarter of the fine.
3. C.J., IV, 304; C.C.C., Pt. V, Preface, p.x. Christopher Hill considers that the pardon was only granted after the whole fine had been paid ("Agrarian Legislation of the Interregnum", in E.H.R., LV (1940) p.231). However, out of the nine cases in Yorkshire where the dates of both final payments and pardons remain, the former precedes

As the Royalist himself gave notification of his estate, the opportunities to undervalue it, or to conceal part, were naturally great. The Commons endeavoured to prevent this by threatening dishonest compounders with the loss of all personalty and an additional fine of four times the annual value of the real estate. This threat had little success, as the numerous informations of such practices show. Eventually, in March 1649, Parliament offered an amnesty for concealed or undervalued estates - they could be compounded for at the original rate paid by the delinquent, unsequestered Royalists paying the basic rate of a tenth¹. There followed a wave of compositions, motivated by these generous terms, but a considerable number of Royalists still remained undiscovered, and their delinquency was never revealed.

The original rates of the composition fines had been mentioned in the Treaty of Uxbridge in November 1644. The average delinquent was to pay a tenth of his estate, but those who had been in positions of trust or responsibility,

1. C.C.C., 138-9.

(cont. from p. 44)
 the latter in only one instance. When half the fine was settled, the delinquent signed a bond for the remainder: this made him merely a State debtor on a short-term loan. This principle was later amplified when re-sequestration for non-payment was replaced by interest charged at 8% (see p.65).

such as members of the clerical, legal and teaching professions, or who had sat in Parliament, were to be fined at a ^{third} sixth. Catholic delinquents, Royalists engaged in the Irish rebellion, and fifty-eight named delinquents were to lose all their estates¹. These provisions were later modified to apply only to Royalists surrendering before 1 December 1645; the rest were to be fined at a sixth and a half respectively².

These penalties were somewhat ameliorated by the method of assessing the capital value of the estates. At a tenth, this was calculated at twenty years' purchase, which meant two years' income for land held in fee simple. For a sixth, the estate was regarded as eighteen years' value (three years' income), and for fines at a third or a half, the property counted as fifteen years' purchase (five and seven-and-a-half years' income respectively). In cases of land held in tail, fines were correspondingly lower, depending on whether the estate fell to the delinquent's issue on his death. Complicated tables were drawn up to allow for every possible contingency³. Where the Royalist was, by entail, the prospective inheritor of property, he had to compound for it "in

1. Gardiner, op. cit., 278-81. The number of those excluded from pardon varied from time to time.
2. C.J., IV, 297 (4 October 1645); C.C.C., 35 (31 March 1646).
3. PRO - SP 23/G249/£. 70, 71.

expectation": this proved especially unfortunate if both father and son happened to be delinquents. In situations where the compounder was engaged in litigation, and did not want to pay the fine before the estate was recovered, he was allowed a "saving to compound". This enabled him to pay (at the original rate) on regaining ownership, without any excess charges for concealment. However, this scheme was soon adapted by the Royalists as another convenient method of concealing assets¹.

At first, those with less than £10 a year in land or £200 in money were allowed a free pardon. Abuses of this system soon led to its repeal: the result was a vindictive prosecution of all delinquents, resulting in ridiculous fines such as two-and-a-half marks and £1-3-4d.².

The process of composition proved expensive, apart from the fines. There was a set scale of fees for each official, and every copy and order had to be paid for by the delinquent concerned. Even where the charge of delinquency was dismissed, and the rents restored, the various agents were authorised to deduct their fees. A heavy waiting list of cases before the Committee offered a great incentive for bribery to obtain speedy decisions. Although the commissioners themselves appear to have been relatively honest, their poorly-paid clerks were forever facing temptation³.

1. PRO - SP 23/G 12/pp. 513-21.

2. Marmaduke Monckton (R.C.P., III, 26); Christopher Metcalfe, (id., III, 41).

As the machinery of composition swung slowly into action, Parliament attempted to close the various obvious gaps in the system. One ordinance of 9 September 1645 denied the fifth to families who were normally resident in Royalist strongholds (and only left them to collect their allowance). This demand for evidence of a true change of heart often made it difficult to obtain the money, especially if the county committee was very anti-Royalist¹. Also, sequestered estates were forbidden to be farmed out to their delinquent owners unless the latter could prove that they were actually in the process of compounding². Thus the government attempted to employ financial measures to compel the delinquents to surrender. Such orders were punctuated by frequent exhortations to the local committees to tighten up on regulations and administration, a well-nigh impossible task in some areas, where the countryside was still suffering from the dislocations of war.

Although, as has been noted, many Royalists left the King's side and surrendered during 1644 and 1645, compositions were not quickly forthcoming. The majority of these delinquents were waiting on the sidelines for the outcome of the struggle. Sir David Watkins, examining the work of the Committee, advanced seventeen points which he considered to be instru-

1. Firth & Rait, I, 769; L.J., VII, 574.

2. C.J., IV, 718.

3. The Committee for Compounding was accused of many crimes by the Royalists, but there is little in the way of concrete evidence.

mental in obstructing the free flow of compositions¹.

Besides the obvious reason that many Royalists wanted to see the King victorious, he suggested that there were two principal causes for the hesitation in compounding. Firstly, the higher fines of a half and two-thirds would, when added to the debts incurred prior to and during the war, leave little or nothing to the Cavaliers. Even where only a tenth was paid, the assessment which became due afterwards² deterred many from compounding. Secondly, a combination of vague regulations and red tape slowed down proceedings which were already difficult enough, since the local committees had a tendency to emphasize their own independence. He added that the central committee had insufficient powers to check on the accuracy of the delinquents' 'particulars of estate'³.

All these points were quite valid - the empirical development of the Committee had led it to outgrow its powers, and its authority in the provinces was weak. Therefore, during 1646, its powers were to some extent rationalised⁴. It received detailed instructions from Parliament, and was allowed to formulate policy in a limited way. But to the very end of its existence, the Committee for Compounding was

1. See Chapter III for the rate of compounding in Yorkshire.

2. See Chapter IV and pp. 70 ff.

3. ? 12 August, 1645 (C.C.C., 23-4).

4. Supra, pp. 42-3.

hampered by the need to ask permission over various matters from a Parliament which was unwilling to delegate full authority, and yet rarely had the time to deal with the subject itself.

The Commons characteristically attempted to expedite the payment of compositions by force. Regulations were introduced commanding all who surrendered before December 1645 to compound by the following February¹. This time limit was continually being extended due to the poor response. On 3 September 1646, certain delinquents who did not commence proceedings within a month were threatened with forfeiture - again, to no avail². Following the second civil war, a similar campaign of nerves was instituted; eventually, on the recommendations of Goldsmiths' Hall, the deadline was deferred so frequently that it went completely unheeded³.

It was the collapse of the King's cause in mid- and late 1645, rather than the menaces of Parliament, which precipitated the great wave of compositions in the following year. Now that there was no hope of relief, Royalists suffering from sequestration hurried to London to make their peace with the government.

In this first flush of victory, as the revenues began

1. December, 1645 - C.C.C., 29.

2. C.J., IV, 661; C.C.C., 45.

3. C.C.C., 139, 144-5.

to pour in, Parliament showed its erratic method of dealing with the financial crisis. Despite heavy outstanding debts to City merchants, and the arrears of pay due to the troops, it liberally rewarded its successful generals, and freely granted compensation to all who had suffered for the Cause. Thomas Stockdale of Bilton Park received £1200 from Sir John Goodricke's fine, and Sir William Lister of Thornton-in-Craven was accorded £1500 from the estate of a Gloucester Royalist¹.

Composition revenues began to decline in 1647, and slumped heavily at the time of the second civil war. The Committee for Compounding was also finding that it was one thing to collect half the fine under duress from the delinquents - it was quite another matter to extract the remainder! (It is true that some Royalists were models of propriety - probably the majority paid their fines on time, for where the compounder obeyed his instructions, no trace of any punitive action remains. It is only where the Committee for Compounding had to take steps to collect the sum that we are left with any records.)

But a considerable number of Royalists, in trying to avoid paying their full fines, collided with the authorities. Technically their estates should have been resequestered, but in practice this procedure fell into arrears, especially during the second civil war. After hostilities had ceased

1. C.J. IV, 487; C.C.C., 38.

a new principle was therefore introduced: overdue fines would be charged interest at eight per cent, plus a quarter of the original fine as punishment.¹ This had the immediate effect of hastening payments. But probably the most successful method of enforcing settlements was the First Act of Sale, of 16 July 1651. In the following January, when everyone knew that a second act was passing through the Commons, the Committee challenged all semi-compounded Royalists with their outstanding debts. The result was astonishing. A subsequent survey on the 5 May discovered that nearly all had paid their full dues - the writing on the wall had been plain to see!

One of the most unfortunate developments of the composition system was the custom of allowing a percentage of the profits to informers who discovered concealed or undervalued estates. This often meant that the poorer delinquents went undetected, whilst the richer Royalists were continually being subjected to the wildest accusations². The resulting wave of informations in early 1645, many of them false, led the Commons in April to demand that all would-be accusers gain Parliamentary approval before tendering their evidences³.

1. Act of 9 April, 1649: Firth & Rait, II, 57 ff.

2. Brian Cooke, a rich Doncaster alderman, carried on a running battle with Lieutenant Sanderson over the matter of allegedly concealed debts.

3. C.C.A.M., 39 ff.; 29 April 1645 (ibid., 43-4); C.J. IV, 126.

Originally the informant was allowed between a half and a fifth of the profits of the fine¹. This share was not so generous as it appears, since the discoverer had to produce full particulars, including the names and testimonials of witnesses, and, at a later time, had to deposit a £200 bond in Parliament as evidence of his good faith².

Soon the proportion of the discovered estate which went to the informant was reduced (June, 1648) to five per cent, although soldiers with arrears of pay were generally allowed more favourable terms³. The number of indictments dropped drastically, and the Committee for Advance of Money (which dealt with informations) was bombarded with cryptic messages demanding at least a fifth as the price of discovery. This was finally granted, but the increasing regulations surrounding informants prevented any improvement in the situation⁴.

The unfortunate fact was that informations were necessary in this situation where the Committee for Compounding had to rely upon the honesty of the Royalist. But it lent an unsavoury note to the whole proceedings; the regulations suggest that there was much abuse of the practice, and that

1. If an officer with arrears, the informer was usually allowed a half (and occasionally the whole fine); other informers generally received only a fifth. C.C.A.M., Introduction, p. x.
2. C.C.A.M., 41; ibid., Introduction, p. x-xi.
3. C.C.C., 125-6.
4. C.C.A.M., 97, 101.

the system was used to settle personal scores. As the reward for the ordinary informer was only a twentieth of the estate (a third of the minimum fine the delinquent would have to pay)¹, there was every incentive for blackmail on the part of the informant, and bribery on the part of his victim. But there is the other side to the matter. The Royalists could no doubt bribe witnesses as well as the informer, and discovering delinquents' estates was probably the only means the latter had of obtaining his arrears of pay for war service. Colonel Alexander Rigby's touching appeal to the Committee for Advance of Money (that illegal informers were depriving his men of their only way of earning their living) may be exaggerated, but it is certainly symbolic of the frustration of those who had fought long for Parliament, and now felt cheated of their just reward².

The whole system might have been unbearable but for the fairness of the central committees. Royalists at the time viciously attacked them, but, in general, they interpreted the laws with studied honesty. If there was no concrete proof of delinquency, the accused was dismissed, with full arrears of rent. To prevent numerous ill-founded claims of innocence, the Committee for Compounding demanded that half

1. The fine for concealed lands depended upon the rate of original compositions, usually being raised one step: thus 1/10 rose to 1/6; 1/6 to 1/3; 1/3 to 1/2, and 1/2 to 2/3. C.C.C., Pt. I, Preface, p. xvi.
2. C.C.A.M., 47-8.

the fine be paid before the case could be heard; where the charge was dismissed, full restitution was made. In several instances, the fine was reduced where the delinquent had compounded upon Articles of War, or where the estate was incorrectly assessed¹.

The Committee for Compounding was only one half of the administration - at the local level, there were the county committees. Each county had its general committee, usually nominated by Parliament from among the loyalists who had fought against the King. In Kent, however, the county authority developed from meetings of the deputy lieutenants which were gradually invested with the necessary powers of local rule. As each new piece of anti-Royalist legislation was passed, regional Committees for Assessments and Sequestrations were created by Parliament, though in practice they proved to have the same personnel as the general assembly. The sole outsider was the Accounts Committee, which was firmly controlled from London, to ensure some measure of financial supervision over the county authorities².

1. C.C.C., Pt. V, Preface, xvi-xvii. These Articles of War were not recognised in some cases, where the local commander had had no authority to grant them, and even where they had been accepted, local committees sometimes attempted to contravene them.
2. In the absence of any study of the Committee of York, and since the committee books are relatively devoid of information, much reliance for this section has been placed on works covering other counties. These are: A.M.Everitt,

Each of these county committees worked as a unit for the general administration of its area, but divided into sub-committees based on the major towns to maintain more direct control over the various divisions of the county. Though there was only one such General Purposes Committee for Yorkshire, four separate bodies existed for sequestrations and assessments: one for each riding, and one for the City and Ainsty of York. (Occasionally Hull was also treated as a separate entity.) These latter worked on the same principles as the General Committee. They acted both as united assemblies, and as individual councils of two or three members to deal with the organisation of their specific hundreds or groups of parishes.

The habit of nominating the same men to the different committees year by year gave the latter some measure of continuity, though it tended to overwork the members, (who, after all, had their own estates and private lives to consider)¹. After 1647, with the gradual decline in the numbers

1. The weekly assessment of 24 February 1643 created a 22-man committee in the West Riding. On the Sequestration Committee of 27 March, and five subsequent assessment committees 1642-47, the numbers of the original members (and the total numbers) were as follows: 19 (22 total); 22 (23); 20 (22); 20 (26); 15 (30); 11 (21).

(cont. from p. 55).

Suffolk and the Great Rebellion, 1640-60, (1961); and The County Committee of Kent; M. Coates, Cornwall in the Great Civil War; J. Batten, "Somerset Sequestrations during the Civil War", in Somerset Archaeological and Natural History Society Proceedings, IV (1854) pp. 60-77; XVI (1871) pp. 13-34; D.H. Pennington & I.A. Roots, The Committee at Stafford, 1643-45, (Staffordshire Historical Collections, 4 series, I, 1957); and Mayo, C.H. (ed.) Minute Book of the Dorset Standing Committee, (Exeter, 1902).

of the Yorkshire Committee, its personnel also changed, resulting in an increase in the percentage of merchants and men of lower gentry status. This development is comparable with the transformation in the Kent Committee following the 1648 rebellion¹.

The commissioners were aided by paid officials, who acted in capacities such as clerks, treasurers and agents. Most were allowed a small salary, but the assessment and rent collectors took a minute percentage of their net profits. There was considerable competition for such posts, which usually went to ex-soldiers, especially those with unpaid arrears. In order to avoid unnecessary duplication, Parliament placed a limit on the number of agents that each committee was allowed - this meant a great deal of work for officers in large counties, such as Devon and the West Riding. The agents and collectors led a hard life, spending much of their time in the saddle, collecting both rents and frequent abuses.

The character of the county committees depended upon the character of the local gentry who staffed them. That of Suffolk was virtually controlled by the powerful Barnardistons, whilst Kent was ruled in a dictatorial fashion by a small group of wealthy local gentry led, for part of the time, by Sir Anthony Weldon. A democratic custom prevailed in Staffordshire, each of the members holding the chair in rotation.

1. Everitt, Kent Committee, p. 27; Firth & Rait, passim (for the committee members).

In Yorkshire, the nominal leader was Lord Fairfax, but since he took little part in county government, authority devolved upon a clique of York merchants and ex-soldier gentry¹.

Theoretically, the county committees were supposed to be the agents and representatives of Parliament: in actual fact they all tried to be (and in part, succeeded in being) independent. The extent of their success depended largely upon the attitude and temperament of their leaders. Sir Anthony Weldon in Kent even challenged the authority of Parliament at times, but in general, the furthest most committees dared to go was in neglecting the instructions of the Committee for Compounding. Orders to despoil lands of delinquents acquitted of Royalism were ignored for several months, and the multitudinous demands of the central committees often ended in the waste paper basket.²

The power and influence of the county committees in their own localities depended to a large extent on the strength of Royalist sentiment in the area, and the ruthlessness with which the commissioners were prepared to suppress it. Although they had nominal authority to employ the trained bands, this method failed in practice in strongly-Cavalier regions,

1. Everitt, Suffolk, 26; Kent, 21-29; Pennington & Roots, Stafford, 24-5; Firth & Rait, I, passim.
2. Everitt, Kent, 13; Pennington & Roots, op. cit., 31. Everitt claims that the poor success of centralisation was due to the weakness of Parliament (Kent, 18).

where the soldiers sometimes refused to act against their former peacetime commanders¹. Where local sentiment led to difficulties in collecting sequestered rents, the commissioners were often accused by their superiors in London of being far too lenient towards the delinquents². This charge is certainly not borne out by the attacks of the Royalists upon their oppressors:

"... Now a Committee-man is a party-Colour'd officer ... He out-dives a Dutch man, gets a noble of him that was never worth sixpence; ... He aliens a Delinquent's Estate with as little Remorse as his other Holiness gives away an Heretick's kingdom."

"No matter what's the Crime, a good Estate's Delinquency enough to ground their hate." 3

Most of these accusations were unfair, although the delinquents had a case in that desequestration was often very slow. There certainly were some instances of injustice and personal vengeance: Sir Richard Vyvyan suffered from the deprivations of the Cornish Committee, and Sir Robert Hildyard in Yorkshire had great difficulty in forcing the Committee of Hull to relinquish some of his property.⁴ However, there were also times when the Royalists were quite prepared to take advantage of a dishonest official. Martin Iles,

1. C.C.C., Pt. I, passim.

2. Ibid., Pt. I, Preface, ix.

3. "The Character of a County-Committee-Man" and "A Committee" from J. Cleveland, Works, (1699), 73-5; 208.

4. Coate, Cornwall, 228-30; C.S.P.D. 1645-7, 581.

sequestrator of Skyrack parish, accepted a lease at half value from John Harrison of Leeds in return for not sequestering him, and when Harrison's delinquency was finally discovered, Iles tried to obtain his discharge. When this failed, he leased the sequestered estates, worth £200 a year, to Harrison for twenty marks, and neglected to account for even this pittance. The informer of this fraud claimed that Iles "refrained from prosecuting those who would give him money" ¹.

Although accusations were made against officers in other counties, and a committee was established to enquire into such matters², local officials appear to have been comparatively honest - at least, by seventeenth-century standards. But tales of greed and peculation persisted. "I find, upon inquiry, that Corney is only a surveyor of delinquents' lands, but has got a very great estate together, and has lately married to a great fortune" ³.

But, from the government's point of view, the greatest failing of the local committees was their lack of efficiency in managing sequestered estates.⁴ There seems to have been little trouble in discovering the delinquents - this part of the operation, assisted as it was by the informers, was

1. C.C.A.M., 1327.
2. C.C.C., 400-401; 409; 512-3; C.J., IV, 244 (August 1645).
3. C.S.P.D. 1652-3, 443.
4. See Appendix I for the consequences of this upon rates of composition.

well organised. After all, even in Royalist Yorkshire, less than twenty per cent of the delinquents evaded sequestration at some time or other. Parliament's main objection was that the administration of the estates was faulty - the revenues should have been much higher and far more promptly paid.

In part, the blame lay at the government's own door. The local authorities had been created in a very haphazard fashion - duty had been piled on top of duty, and various acts and regulations had issued instructions, amended them, and cancelled them, with astonishing rapidity. Parliament had neither endowed the county committees with sufficient authority to act independently, nor yet restricted them to the position of mere local representatives: thus, suspended half-way between power and obedience, they showed considerable diversity in the ways in which they carried out their orders¹.

The commissioners were also badly over-worked, with insufficient staff, and appeals for more officers were firmly rejected. In the case of some of the agents, pay was determined by the sums collected or the numbers of journeys undertaken: as the sequestration revenues declined with the increase in compositions, these officials suffered accordingly².

1. Badgered as they were, by three separate central committees, (for Compounding, Sequestrations, and Advance of Money), it is a tribute that these committees worked at all!
2. Both commissioners and paid officials were allowed expenses; Dr. Everitt suggests that they made the most of them. The Kent Committee's house at Knole was described as a "glorious seraglio" by the Royalists (Kent, 37.)

Overwork and underpayment led to slackness in supervising the discharging of estates. The efficient administration of lands, which was necessary to increase revenues, demanded a far closer control of their management and rent collection than could be provided by the over-extended county organisation¹. The result was that the profits from the sequestered estates suffered. In some counties, the authorities engaged in a whirlwind of activity: in others, relatively little was done.

Even when collected, payment of the revenues to London could be a lengthy matter. Although only a third of the income was supposed to be retained by the county, in practice the proportion was much higher, and provincial disturbances were used as excuses for spending the money locally.² The method of conveying the moneys to London appears to have been extremely haphazard. When the majority of the Hull Committee was incapacitated by illness, and a request was made for a messenger to come and collect its revenues, over a year drifted by before any action was taken.³ At a later time, a discrepancy of twenty-five per cent appeared between

1. For example, State farmers had to be carefully supervised. They were not supposed to raise rents, enclose lands, cut timber, etc., without proper authority. See survey of Willitoft, PRO - SP 23/G 58/f.81 ff.
2. Everitt, Kent, 35; Pennington & Roots, op. cit., 27.
3. Two appeals were made by the Hull Committee, 9 April & in July, 1650 (C.C.C., 197, 285). Action was not ordered until 5 December (ibid., 367), but nothing was done until 7 May 1652 (ibid., 576).

the actual funds and the official receipts of the Yorkshire Committee. The loss was attributed to the carrier, Alderman Beale who, besides being suspected of secret Royalism, had heavy debts and was living far beyond his means. Beale's estate was sequestered, but, from its precarious financial situation, it is doubtful if much of the money was ever recovered¹.

After the first wave of compositions had subsided, and far fewer estates remained sequestered, a marked decline appeared in the efficiency of the county committees. Too little is known of these bodies to offer a definite analysis, but they were apparently simply unable to meet the heavy commitments placed on them by Parliament².

This fall in the profits from sequestrations, matched as it was by a corresponding decrease in the revenues of Goldsmiths' Hall, proved very embarrassing to Parliament, especially as these sources of income reached their nadir at the time of a sudden increase in expenditure, in the form of the second civil war. If the example of Yorkshire can

1. C.C.C., 497, 507-8, 520.
2. There was also a conflict of authorities in local government. The Sequestration Committee sequestered estates, but the Committee for Compounding tried the cases, and ordered their desequestration. The Committee for Advance of Money could also sequester lands on receipt of informations. These central bodies were notoriously slow in informing their sister authorities of their decisions - thus the Sequestration Committee might be demanding rentals from an estate which Goldsmiths' Hall had discharged, but which had recently been re-sequestered by Haberdashers' Hall as a result of (probably false) informations!

be accepted as any indication, few Royalists who had already compounded took up arms a second time, but the defeat at Preston led many hitherto-undiscovered delinquents to come to terms with the government. In order to derive the maximum advantage from this, Parliament drastically overhauled the whole machinery of both central and local committees.

In August 1648, two ordinances issued fresh regulations for sequestrators, demanding regular payments to London, and the keeping - and auditing - of strict accounts. Lands were to be let at their extreme value, and all feudal rents and profits, including manorial courts, were to be developed to their fullest extent.¹ Regulations of 13 March 1649 established new rules for compositions, reaffirming the fines of a sixth and a third, but adding the new rate of a quarter for Royalists engaged in both wars, and a half for Catholic delinquents, and those who had previously been excluded from pardon. Delinquents were encouraged to compound "on their own discovery" for concealed or undervalued lands, for which they could pay at the level of their original fine (or, if they had never compounded before, at a tenth)².

The times established for payments in the above regulations were quickly superseded by an act of 9 April,

1. Firth & Rait, I, 1179, ff; 1186 ff.
2. C.C.C., 138-9. The clause fining the delinquents at a quarter was never imposed (except for the case of Roger Portington), nor were the Catholics allowed to compound, although a few tried to do so.

which ordained that half was to be paid within a fortnight of the fine being set, and the remainder six weeks later. Overdue sums were to be charged at eight per cent interest, with a punitive fine of a quarter of the composition¹. A time limit was imposed for those coming in to compound - it proved to be a dead letter, as the government's uncomfortable financial situation and the delinquents' slackness in paying necessitated its continual extension². A final attempt to attract prompt payments was made in late May, when Parliament offered the Lady Day rents to all who compounded before 1 July³.

The full force of this wind of change was felt in late 1649. The local committees of sequestrations were abolished, being replaced by three commissioners for each county (and each riding of Yorkshire), with authority to lease estates for three years. This was followed by the liquidation of the central Committee for Sequestrations, and the transference of its powers to the Committee for Compounding. These combined functions were soon afterwards placed in the hands of a small body of seven men, none of whom were to be members of Parliament (each commissioner receiving the comfortable salary of £300 a year).⁴

1. Firth & Rait, II, 57-8.
2. C.C.C., 138-9; 140; 144; 145.
3. On 26 May, C.C.C., 143. Catholic delinquents and certain leading Royalists were still excluded from composition.
4. C.C.C., 162; Firth & Rait, II, 329; C.C.C., 167, 188; C.J., VI, 386. The old Committee for Advance of Money was later merged with this body (see pp. 77).

Administrative reorganisation was followed by more comprehensive regulations to enable the poorer Royalists to compound. As half the fine had previously to be paid before the estate was desequestered, those with no ready money, or who were unable to borrow on the security of a personal bond, could not start proceedings. An act of 1 August 1650 relieved this situation. With the Committee's permission, delinquents were allowed to sell or mortgage land prior to paying the fine in order to raise the money. Another past difficulty had been that lands held by creditors as security for loans to Royalists were sequestered for the latter's delinquency, which suited neither party. Now these mortgagees were permitted to compound for the mortgaged part of the estate, and to enjoy the lands until fine, principal and interest were repaid by the Royalist¹.

As some estates remained sequestered however, Parliament made a bid to increase its annual revenues by consenting to leases for up to seven years. This move was long overdue: tenants and farmers had been unwilling to accept single-year leases of any but the best properties, since the annual rent reviews would penalise them for any improvements. On its part, the State had been afraid that it would lose its share of increasing rentals. But it was now apparent that longer-term leases were the only means of increasing the revenues from sequestered estates².

1. Firth & Rait, II, 402; C.C.C., Pt. V, Preface, xxvii.

2. 25 January, 1650 - Firth & Rait, II, 331-2.

The new instructions, combined with the humiliating failure of the Royalist uprisings, and the generous offers concerning concealed lands, precipitated a flood of compositions in 1649 and early 1650, rivalled only by the record year of 1646. The vast majority of sequestered delinquents, and a considerable number of undiscovered Royalists, hastened to pay their fines. But the attempt to reinvigorate the administration of sequestrations and the discovery of delinquents proved a failure. The massive reorganisation, by making a single committee responsible for the Royalists, initiated a wave of fresh instructions to the local authorities. The latter seem to have been completely bewildered - which is quite understandable, for there were two fundamental alterations to the system. The Committee for Sequestrations and Advance of Money and for Compounding with Delinquents - the new monopoly in London - kept most authority in its own hands, leaving the county committees as mere local agents, instead of semi-independent powers. Secondly, the compounded delinquent, although deprived of all official positions, was increasingly being recognised as a citizen, with legal rights enforceable in courts of law. Complaints to the central committee were fairly heard, and restitution quickly made. Thus the local authorities were expected to raise as much money as possible, when an error in one direction could lead to an expensive legal wrangle with a Royalist, and a mistake

in the other might result in a heavy fine from the central committee. Receiving little praise but many reproaches, it is small wonder that many committees sheltered behind a facade of red tape, requesting official approval for every action¹.

Interminable requests were made for further instructions. If a delinquent had been dismissed as being worth under £200, was he liable to sequestration if he unexpectedly inherited a large estate? And could the committee proceed against a Royalist for arrears of rent if he had been discharged by Parliament?² The Committee for Compounding did its best to satisfy these queries, showing commendable patience. But the key to the trouble was the main complaint of the county committees - their lack of authority. How could they expedite payments and discover concealed estates when they were not empowered to pay witnesses' expenses, or to give a worthwhile percentage to informers?³

The simple truth was that the central committee could not trust its local agents to obey orders without question and perform their duties efficiently and honestly. Besides

1. C.C.C., Pt. I, passim. 2. Ibid., 145.
3. Much of the Calendar of the Committee for Compounding after 1650 is filled with such complaints. The York Committee grumbled that "we sit to no purpose when we cannot have our desires made good" (C.C.C., 197). Soldiers and county officials distrained rents, and the committee had no powers to prevent them - see the case of Sir Edward Rhodes, the sheriff, in 1650 (Ibid., 217-8, 353, 500, 607).

the obvious dangers of peculation, there was the chance of pro-Royalists becoming members of the committees, and that moneys would be squandered locally instead of being paid up to London. Painful experience with the independent and insubordinate pre-1650 committees led Parliament to swing to the opposite extreme. The unfortunate result was the swift deterioration of the effectiveness of its legislation.

Thus, at the local level at least, the anti-Royalist organisation was already grinding slowly to a halt. At one time, there was no North Riding Sequestration Committee¹. The practice of appointing a new body each year, although the same people tended to be re-nominated, led to the mislaying of documents, (which no amount of threats from London could prevent). The authorities at York complained of the high charges involved in submitting accounts to Goldsmiths' Hall to be audited - it cost £2-10s each time, and the committee had no funds with which to meet the expense. Sometimes these accounts were never sent, or arrived late, and demands for explanations met with excuses and evasions. Replies to letters took two months or more. Orders for interminable up-to-date lists of sequestered Papists and delinquents proved to be too much for the local commissioners: the instructions had often to be repeated several times before they were obeyed, and many lists had to be returned as being unsatisfactory. The commissioners regarded these lists as being a

1. C.C.C., 623.

ridiculous nuisance - in any case, the number of Catholics hardly altered from one year to the next¹.

Exacerbated by such demands and confrontations, relations between the Committee for Compounding and its harassed local subordinates steadily deteriorated. They had always been on a coldly formal level, but the way in which committees such as that of York bluntly informed Goldsmiths' Hall that its instructions were "defective in several particulars" was not likely to lead to a more amicable atmosphere². The central committee had frequently to reprimand its agents for their inattention to these instructions, and their dilatory attitude. The York Committee replied to one such letter with spirit: "Though we are fallen low in your eyes, .. we are not guilty of a breach of trust". This caused Goldsmiths' Hall to moderate its tone in an attempt to restore cordial relations³. But the local committees were fast disintegrating, and developing into nests of faction-fighting and petty intrigue: the anti-Royalist campaign was fast dying on its feet⁴.

Thus far the activities of only the Sequestration and Compounding Committees have been considered, but there was a third committee which was closely concerned with the del-

1. C.C.C., 630, 687, 421, 469-70, 485, 370-71, 697.

2. 22nd. February, 1650 - Ibid., 175.

3. Ibid., 550

4. Ibid., 725; Everitt, Kent, 26.

inquents - the Committee for Advance of Money. This body was responsible for providing the extraordinary revenues needed to meet the increased costs of army and government. Originally, it taxed Royalist and Parliamentarian alike, but gradually it turned its attentions more and more towards the former.

Parliament had originally intended to augment its normal revenues by voluntary contributions (August, 1642), requesting those lending money to pay in three equal monthly instalments. Despite a promise of eight per cent interest, the response was disturbingly poor. Therefore, on 26 November, compulsory assessment was introduced for London and Southwark¹. This was to apply to all who had not donated voluntarily, and was limited to a twentieth of the estate. An assessment committee of aldermen was established to supervise the operation of the tax².

Far more important for the future was Parliament's creation, on the same day, of the Committee for Advance of Money, comprising five lords and eleven members of the Commons³. It was authorised to consider and improve ways of raising money for the war, but soon new regulations gave it control over the assessment, together with authority to impose that levy by force⁴. Financial need compelled Parl-

1. Firth & Rait, I, 24.

2. Ibid., I, 38.

3. C.C.A.M., 1. This was the first of the Parliamentary committees. The permanent officers were allowed salaries, whilst the agents, such as collectors, received a commission. (Ibid., Preface, p. vi.)

4. Ibid., 12, 17.

liament to follow this with a weekly tax to maintain the armed forces¹, but, despite this new imposition, the enforcement of the original assessment continued - and indeed, was widened in scope. In May 1643 it was extended to include all persons living within twenty miles of London, and eventually developed into a forced loan imposed upon non-Parliamentarians alone². This move began with an order of 6 August 1646, commanding Goldsmiths' Hall to send particulars of all compounders to the Committee for Advance of Money so that these delinquents could be assessed³. Three weeks later, the tax was restricted to delinquents and those who had never contributed to Parliament, and finally, on 5 June 1648, its scope was further limited to comprehend only those Royalists who were within the ordinance of sequestration⁴.

The assessment comprised a twentieth of the full capital value of land, and a fifth of personal estate. A detailed

1. This must not be confused with the first-mentioned assessment. The latter (i.e., the first-mentioned assessment) was a kind of benevolence raised only once, and calculated at a twentieth of real and a fifth of personal property. The monthly assessment was imposed for varying lengths of time. To provide a given monthly income, each county was ordered to raise a certain sum every month, the ratios between the counties being calculated on the highest return for a subsidy. The local officers then divided their quotas between the various hundreds, and each constable assessed the individuals according to a kind of rateable valuation. It was this tax which was to prove the backbone of Interregnum finance.*

2. CCAM, 21. 3, Ibid., 56.

4. Ibid., 56 (25 August 1646); 70 (5 June 1648).

* The monthly assessment replaced an earlier weekly assessment.

schedule of rates was calculated for assessing realty according to the length of tenure; no distinction was made, however, between land held in fee simple and that in tail, both being taken as fifteen years' value (thus making the twentieth three-quarters of the annual income). Lands in trust were charged upon the beneficiary, also at the standard rate¹.

Those paying within ten days were allowed the public faith for repayment (although this provision naturally did not apply to the delinquents). Re-appraisal was granted upon payment of half the original sum within ten days; the sworn evidence of the assessed was generally accepted, although the original fine would be reimposed if the testimony proved to be false.² Provision for such appeals became necessary, especially when the assessment was extended outside London, since it was originally based on the parish Book of Rates, and made no allowance for war damage, or falling land values due to uncertain conditions³.

1. C.C.A.M., Preface, vii. Ashley, Financial and Commercial Policy under the Cromwellian Protectorate (1934), (p. 39), and M.A.E. Green are firm on this point. However, Pennington & Roots (op. cit., 34), Hardacre (op. cit., 29), and W.P. Harper, (Public Borrowing, 1640-60, unpublished M.Sc.(Econ.) thesis, 1927, University of London, p. 75) consider that the rate was a fifth of the annual revenue and a twentieth of personal estate. Note, however, the list of rates for the twentieth on land, C.C.A.M., p. 8.
2. C.C.A.M., 18, 23.
3. Order of March ?, 1643, C.C.A.M., 18.

At first the assessments were paid slowly. Both assessors and collectors were unsure of themselves, and were rather reluctant to exert their full authority, especially if they met determined opposition. They received very varied reasons for non-payment, some being as bold as a blank refusal, or an ironic promise to pay when Parliament honoured its own debts¹. Even the amounts charged on the delinquents, though they were prosecuted with greater energy, had little better success. The Committee excused itself to Parliament in the familiar way - by enumerating the obstacles in its path. The Royalists were periodically banned from London and therefore were unable to pay, or, if they did, paid the sum to their local committees, which meant further delay in collecting the moneys. Even where the delinquent had the opportunity to contribute, he was generally unable to do so, because of the large debts incurred during the civil war, and through the payment of the composition fine. In fact, the Committee's relations with the Committee for Compounding became quite strained at one time, due to the resentment at the preference given to the latter².

But the major obstacle to the free payment of assessments was the ordinance of 5 June, 1648, limiting them to sequestrable delinquents. The commissioners strongly objected, complaining that many semi-Royalists would be exempted by

1. C.C.A.M., 8, 30-31.

2. Note on Obstructions, 5 June 1648, Ibid., 70.

this new rule. These representations were ignored, and therefore the Committee attempted to increase its revenues by discovering more concealed Royalist estates. As early as February 1645, it had been responsible for dealing with such informations, and during the years 1648 to 1650, it received waves of evidences relating to uncompounded delinquents.¹ The subsequent restrictions placed on informers (because of the high percentage of false accusations) were a severe blow to the Committee's revenues, from which they never really recovered.

In actual fact, the vast majority of assessments were drastically modified. Although war debts were not allowed by the Committee for Compounding, both these and the charges incurred in paying the composition fine were considered when the assessment was calculated. Some assessments were discharged altogether in view of the indebtedness of those concerned. Of the 106 assessments imposed upon the Royalist gentry in Yorkshire, 52 per cent were reduced, and a further 42 per cent were either wholly discharged or never prosecuted. The Committee for Advance of Money recognised this indebtedness as a major cause of its unsatisfactory revenues, but it was never able to persuade Parliament to do anything about it.

The twentieth never embraced anything like the total number of Royalists, or even non-Royalists. Examination of

1. C.C.A.M., Pt. I, Preface, p. x. See also supra, p. 52 ff.

the cases for Yorkshire shows that, of nearly 290 Royalist gentry families, only 92 were assessed. Even here, there were several cases of an assessment being made, but never acted upon. In short, the Committee's attempts to make the twentieth a comprehensive tax failed lamentably, principally because of the continued limitation of the range of the assessment.

One other facet of anti-Royalist legislation administered by the Committee for Advance of Money can conveniently be mentioned here - namely, the Engagement bonds. The Engagements (of Yorkshire, Oxford and Newark)¹ were mutual agreements by certain Royalists to stand security for money loaned to the King, in case there appeared no legitimate means of repaying it through the normal methods of taxation. Parliament obtained copies of these documents, and demanded that each Royalist should pay the sum for which he stood bound to the State. Ironically, being a signatory to an Engagement was apparently not regarded as being proof of delinquency, and those concerned were not forced to compound unless other charges of Royalism were proven. The Engagements were a dismal failure: the Royalists refused to pay, and the creditors

1. The Yorkshire Engagement was signed by a large number of gentry from the county, whilst those of Oxford and Newark were limited to their Royalist garrisons. The Newark Engagement only concerned a handful of delinquents, and is of little importance. See Chapter IV, and C.C.A.M., pp. 895 ff.

were most reluctant to surrender their bonds. In the face of united opposition, Parliament finally conceded defeat.

The Committee for Advance of Money also fell victim to the reorganisation of early 1650. It disappeared as an independent body, and the Committee for Compounding took over its functions. Communications had still to be addressed to the commissioners in their correct capacity, or they tended to be ignored; but the unification of the authority which dealt with the discovery of delinquents' estates, and the committee which fined them, was long overdue.

This new all-powerful body fared little better than its predecessors¹. Its authority proved to be too limited for the task before it, but Parliament was too busy with other matters to remedy these defects. In any case, the death knell of the new body was soon to be sounded by the Act of Oblivion.

A resolution to introduce such a measure had been passed in the Commons as early as 25 April 1649, and was shortly followed by the establishment of a commission to hear and judge cases concerning delinquents who were sued over actions committed during the civil war². These moves to give relief to Royalists culminated in the Act of Oblivion, of

1. C.C.A.M., Preface, pp. xi-xii. See pp. 65 ff. The Committee was all-powerful over its subordinates, but was still under the authority of Parliament, which had neglected to give it the authority and powers of punishment necessary for the enforcement of compositions.

2. O.P.H., XIX, 109; Firth & Rait, II, 148.

24 February, 1652. It pardoned delinquencies committed prior to the Battle of Worcester (3 September, 1651), and acquitted those who were not actually sequestered on 1 December of that year. Although it only applied to those who had taken the Engagement¹, although it omitted a whole host of offences, and although it did not include the many cases still pending before the various committees, this act does not deserve the bitter and satirical comment hurled at it by contemporaries and modern historians alike.

" For where there's money to be got,
I find this Pardon pardons not;
Malignants that were rich before,
Shall not be pardon'd till they're poor."²

Admittedly, its greatest failing was its omission to cater for undervaluations and concealments. But it released many Royalists from the powers of the committees. Those who had so far avoided discovery (a considerable number) were henceforth free from fear of prosecution. The growing practice of 'seizing' the property of sequestered delinquents (simpler than sequestration, it involved the freezing of rents and taking double security for personal estate) meant that all such estates, being unsequestered, were now discharged. Even where the order for sequestration had been issued, it appears

1. An oath to be taken by all males over eighteen, and by all officeholders, swearing allegiance to the government as it then stood, without a king or House of Lords. It was nothing to do with the Yorkshire Engagement.
2. "Upon the Pardon Pass'd by the Rump" (1652), in W.W. Wilkins (ed.) Political Ballads of the Seventeenth and Eighteenth Centuries, I, (1860) p. 98.

that if it had not actually been carried out, the case was dismissed¹. Parliament and the Committee were both bombarded with / frantic appeals from informers, faced with the loss of weeks of patient research and considerable expense. The local committees, now that their existing instructions had been rendered obsolete, appear to have been completely bewildered: they were also considerably alarmed at the clause penalising officers who disturbed any person discharged by the Act. This alone was enough to seal the death warrant of the anti-Royalist committees - all that remained for them to do was to complete the cases still before them - a process which dragged on into 1655. But it is significant that no new charges were initiated against any Yorkshire Royalist after the passing of the Act of Pardon².

The processes of composition had been intended to embrace the vast majority of the Royalists, with two notable exceptions. Firstly, certain named delinquents were expressly

1. There are several instances of appeals for guidance on such doubtful points from the county committees (e.g., C.C.A.M., p.99). Even the central committee could not reply, and referred the question to Parliament (C.C.C., 592). Unfortunately the answer is not known, but several individual cases show that the delinquent generally benefitted.
2. C.C.C., 607. S.R.Gardiner accepted the benefits of the Act: "Nevertheless, after all allowances are made, the Act of Oblivion liberated a considerable number of persons from danger of prosecution, and contributed to the widening of the basis of the Commonwealth". (History of The Commonwealth and Protectorate, 1649-56, II, p. 82).

excluded from pardon - the various peace propositions offered to the King ordained that such people should be pronounced guilty of high treason¹. Secondly, all Catholics were prohibited from compounding: those only guilty of their religion suffered the sequestration of two-thirds of their estate (although they were allowed to lease it themselves), whilst Catholic delinquents had all their property seized. An order in Parliament of 26 October 1649 instructed Goldsmiths' Hall that no such person could compound (unless on specific Articles of War), whilst the Committee was to prepare an act for the sale of their lands².

The idea of the sale of delinquents' lands was by no means a new suggestion. The Committee for Compounding had been ordered to consider the possibility as early as July 1644, and later recommended it as the punishment for all who petitioned to compound but neglected to do so³. On 19 August of the following year, the Commons passed an ordinance to sell the estates of some delinquents but the Lords, reluctant to go too far in this direction, substituted the bishops' lands, with the addition of a few confiscated estates, if it should prove necessary⁴. Thus episcopal lands were committed to trustees, and finally sold on 17

1. Gardiner, Constitutional Documents, pp. 278-80, 298-300.

2. C.C.C., 161, 162, 163. Ibid., 6, 8.

4. C.J., IV, 163, 246; O.P.H., XIV, 51.

November, 1646¹.

The expenses of the second civil war, combined with the eventual declining of revenues from Royalists, led to the disposal of the rest of the estates of Crown and Church. The abolition of the House of Lords removed the last obstacle in this field. Capitular lands were sold on 30 April 1649, the personal estate of the Royal Family on 4 July; Crown lands followed on 16 July, fee farm rents on 11 March 1650, ecclesiastical glebe lands on 16 October, and the remainder of the King's property on 17 July 1651². To meet the ever-increasing expenses of army and government, the market was flooded with land, and act followed act in an attempt to 'Remove Obstructions' and expedite the sales.

Even while the above estates were being disposed of, Parliament was pressing forward with the First Act of Sale of Delinquents' Estates. It was already under consideration in mid-1650, and during the remainder of that year and the early months of 1651, debate continued over the names to be included. Most of the notable Royalists were inserted, together with a handful of Catholics³. Becoming law on 16 July 1651, the act shocked many who had believed confiscation to be an idle threat⁴. The Second Act was already before the

1. Firth & Rait, I, 887.

2. Ibid., II, 81, 160, 168, 358, 429, 546.

3. C.J., VI, 422 ff.

4. For example, Sir Henry Slingsby never believed that Parliament would go that far. The Diary of Sir Henry Slingsby, ed. D.Parsons (1836), pp. 343-4.

House in November 1651, and finally passed on 4 July 1652. The Third and final Act entered the Statute Book on 18 November, encompassing the remainder of the uncompounded delinquents¹.

The sales were controlled by seven trustees, sitting at Drury House. Most were merchants - men with experience in the manipulation of finances. They nominated surveyors, who were to appraise the size and value of the confiscated properties. When these had been checked and registered, a copy of the survey (but not the valuation) was posted publicly, and after ^{the} thirty days pre-emption offered to tenants or delinquents, contracts were made with the highest bidder. A minimum of ten years' purchase for land in fee simple was established by the First Act of Sale. Half of this was to be paid within eight weeks of the contract, at which time the purchaser signed a bond for the remainder, due after six months. If the full sum was not paid on time, the buyer forfeited a third of the total price, which was either added to the contract or sequestered from his estate².

The vast majority of the Royalists concerned in these three Acts of Sale were Catholic delinquents - men who had been excluded from composition because of their religion³.

1. Firth & Rait, II, 520, 591, 623; C.J., VII, 40, 161.
2. Rules in the Acts of Sale - see note 1 for references.
3. There were also a handful of women, usually compounding for their dowry, inherited from a Royalist: e.g., Lady Katherine Girlington, widow of Sir John, who remarried Adam Bland of South Cave.

Some had already attempted to compound, but had been prohibited from completing the payments (such as Sydney Constable of Sherburne and Robert Dolman of Badsworth). A handful of delinquents who had been unable to pay their fines were also included - for example, Richard Lowther of Ingleton. The remainder were the cream of the Royalists, men like the Earl of Newcastle and Sir Marmaduke Langdale, who had been excluded from pardon because of their unswerving loyalty to the King, or their implacable hostility to Parliament, (which was not necessarily the same thing!)¹

This general introduction is not the place for a detailed discussion of the complex regulations which governed the sale of estates². But it should be noted that, whilst total confiscation was an excessively harsh punishment for the crime of religion, the acts were not as vicious as might at first appear. A Committee for Removing Obstructions had been established to consider the demands of creditors and others with claims on the estates. The former had to be satisfied first, which not only discharged all the delinquent's liabilities, but also substantially reduced the government's profit³. Full allowance was made for annuities, jointures,

1. It is not altogether certain whether Constable was prevented from compounding, or whether he was unable to raise the money.
2. Both Dr. Thirsk and Dr. Chesney have treated the subject fully in their respective theses and articles. See also Chapter V.
3. For example, the government received only 15 per cent of the total purchase price of Cuthbert Morley's estate - see Appendix III.

and reversionary claims. Estates in tail could only be sold for the life of the owner, and copyhold lands could not be sold at all¹. The two acts of 1652 allowed the Catholics to compound at two-sixths (six years' purchase), provided ^{that} they sold the estate and emigrated within a year². Thus the provisions of the acts greatly increased the chances that the delinquent (or his heirs) would retain his lands in some form or another.

In all, the three Acts of Sale comprised the estates of about 770 Royalists: the First Act contained 71 names, the Second 29, and the Third about 670³. Not all of these properties were actually sold. In some cases the delinquent compounded, or the sale was negatived at the last minute (as happened to Richard Theakstone of Bedale). Sometimes the lands were granted as a present to a Parliamentarian - much of Sir Marmaduke Langdale's property was disposed of in this fashion. Even so, the sales stretched throughout 1653 and 1654 and beyond, in one case an estate only being disposed of in 1659.

1. Slingsby MSS. Counsel's opinion to Sir Henry Slingsby; this view is supported by other evidence.
2. O.P.H., XX, 91; Firth & Rait, II, 623 ff.
3. Firth & Rait, II, 520, 591, 623. Most authorities, whilst citing Firth & Rait, follow Green (Preface to C.C.C.) in quoting the numbers in the acts as 73, 29, and 678. The correct totals from Firth and Rait are 71, 29, and 680. The Third Act, however, enumerates the delinquents by county, and repeats the name if lands were held in more than one county. In the case of Yorkshire, five such duplications occur, and the same feature applies to other areas. But to gain an accurate total of delinquents

These three acts were the last of the successful anti-Royalist legislation¹ with one exception - the decimation tax. During the Protectorate, the attempt to 'reconstruct' the Royalists failed with Penruddock's rising. This was followed by the introduction of the decimation, a tax intended to support a militia which would keep the delinquents in check. It was to be paid by all Royalists who could not show sufficient evidence of a change of heart, and was assessed at a tenth of real estate over £100 and a fifteenth of personalty². In actual fact, although hardly any records remain, it appears that very few Royalists were excluded on the grounds of having reformed. But there are cases which suggest that lands in trust were regarded as the property of the trustee - thus certain forms of mortgage and entail would be exempt³. Each case seems to have been decided

1. The word "successful" excludes the pathetic attempt to revive sequestrations and sales in 1659, following Sir George Booth's rising (C.C.C., 745). The attempted compositions with the Catholics have been omitted, as not applying to the Royalists, although, strictly speaking, it did concern several Catholic delinquents such as Richard Forster of Stokesley, who had managed to keep their delinquency secret.

2. C.C.C., 731.

3. Hardacre, *op. cit.*, 128. Francis Layton of Rawden was excused paying the tax on the grounds that his lands were in trust - probably also because the trustee was Francis Thorpe, a Baron of the Exchequer. (C.C.C., 1005).

(cont. from p. 84).

in the Third Act, a complete cross-check will have to be made with the C.C.C., Firth & Rait, and the county visitation records.

on its own particular merits. The attempt by Desborough to have the tax accepted as a permanent levy was eventually defeated in Parliament by thirty-six votes¹.

During the Protectorate, therefore, with the exception of the decimation tax, and the nagging restrictions on personal liberty and social life, the Royalists suffered relatively little. A feeble attempt was made by the emasculated Rump to reintroduce compositions and sales in 1659 - this came to nothing. In any case, by that time, the old county committees had disintegrated, and most aspects of local government were supine. Ex-Royalists had infiltrated into Richard Cromwell's Parliament of 1659, and there is good reason to believe that they already possessed some hold over whatever local government^{that} remained².

Thus the official attitude towards the Royalists graduated from sequestration and composition through to confiscation and sale. The latter was only an extreme measure, inflicted on those who would not, or could not, compound, and on the fringe of delinquents whom Parliament could not trust - the ultra-Royalists and the Catholics. The latter could not be allowed to control their own resources, and when the government found itself unable to live on its

1. On 28 January, 1657, (C.H.Firth, The Last Years of the Protectorate, 1656-58, (1909), I, 108-25, passim).
2. Writing to the new Committee of Sequestration (created in 1659), two members of the Yorkshire Committee plainly admitted that few people ever attended their meetings: (11 February, 1660; C.C.C., 776).

income alone, the confiscated lands had to go.

Ironically, whilst most modern historians point to the frantic sale of all capital assets as an indication of the penurious state of the government¹, one foreign observer saw this as a sign of the wealth of the country. Pietro Basadonna, Venetian Ambassador in Spain, commented in 1651:

"The revenue, which is the basis of all the rest, is now augmented by saving the cost of the royal family, by the spoliation of church property and by the confiscation of the estates of royalists. It is reasonable to infer that with good management, upon which there is some doubt, the English might at this moment maintain double the force they now have and at the same time accumulate immense treasure." (2).

This thought is comparable to the hope expressed by an unknown Parliamentarian in 1644, who considered that the revenue from the Royalists "could well bear the whole charge of the (civil) war"³. Both were wrong - although it might not have been fully evident at that moment, the government was living on borrowed time, realising its reserves of

1. Habakkuk comments that the State could only be solvent by disbanding the army, yet without this protection, it would collapse. "The régime was caught in a vicious fiscal system. The wonder is that it did so much and held together so long". ("Public Finance and the Sale of Confiscated Property during the Interregnum", in Ec.H.R., XV (1962) p. 85.).
2. Calendar of State Papers, Venetian, 1647-1652, p. 187. Basadonna, however, recognised that the government's stability rested on military force alone.
3. C.C.C., 17.

capital in return for temporary solvency. It mattered little whether Cromwell's charge that the Long Parliament was £700,000 in debt in 1653 was true or not¹: the heart of the matter was that the government had been unable to support an army and pay for the war out of the annual revenue alone, and had therefore dispersed its considerable capital assets. Its legacy to Cromwell, irrespective of any debt, was that of a revenue inadequate to meet the national expenditure, with no financial reserves whatsoever, and a heavy debt of unpaid securities in the hands of London merchants and bankers. The expenditure was artificially inflated to keep the Royalists in check, yet the attempts of successive governments to pacify this section of the community had failed². The Royalists might not have borne "the whole charge of the war", but they, together with Church, Crown and Catholics, had enabled the government to be reasonably solvent up to 1653. Conversely, Royalist intransigence and non-cooperation doomed the Protectorate to a life of semi-solvency. Whatever financial effect the civil war was to have upon the delinquents, its economic aftermath, and the need to keep the peace, was to create nightmares for every government from 1646 to the Restoration.

1. Habakkuk, loc. cit., pp. 77-81.

2. It would be interesting, though unprofitable, to speculate on the outcome of events had the government continued with its original policy of sequestering all Royalists' estates. The resultant confusion would most likely have forced it to turn to some solution akin to composition in the end.

CHAPTER III - COMPOSITION AND THE DELINQUENT.

" Under the rose be it spoken, there's a damn'd
Committee
Sits in hell (Goldsmiths' Hall,) in the midst of the
city,
Only to sequester the poor Cavaliers —
The devil take their souls, and the hangmen their ears."
(1).

As soon as the Battle of Marston Moor was over, and the royal cause in Yorkshire doomed, the sequestration ordinances were put into effect. Naturally their scope was limited at first: in areas around Royalist strongholds, such as Pontefract or Skipton, the powers of the Yorkshire Committee were temporarily restricted. But, after their crushing defeat, most delinquents readily accepted the situation; the majority surrendered fairly promptly, and only a few held out in last ditch stands.

The war had resulted in a certain amount of devastation, but apart from areas in close proximity to the main centres of fighting, (such as the regions around besieged towns, like York and Pontefract, Bradford and Skipton) the damage had been relatively slight. The main culprits, according to most contemporary sources, were the Scots troopers: they seemed to regard Yorkshire as a foreign land to be plundered at will. The dislocation of trade (several of the market towns had been in different hands to their respective hinterlands) and the neglect of estates had led to a general fall in rents, so that the delinquents returning to claim their

1. "Prattle Your Pleasure under the Rose" in The Cavalier

lands had first to repair and reorganise their property after the dislocations of war¹.

Unfortunately for the Royalist, Parliament made little or no allowance for any such war losses when assessing estates for the purposes of composition. The fines were calculated from the pre-war values of land, plus all personal property then in the possession of the delinquent. Although this meant that the latter would not be paying for stock and crops which had been requisitioned (or confiscated, as being personal estate), he still had to compound for realty, even if his lands lay waste, or he had no implements with which to till his fields. Mortgages made since 20 May 1642 were not recognised, nor were any personal debts. Not only did the fine include lands bought by the Royalist after the beginning of the war, but also (since a delinquent could not legally sell property) all estates disposed of since that time.² No allowance was made for the depreciation in land values caused by the uncertain times, or by lack of maintenance. (The necessities of war had led Lord Fairfax to flood large areas of land in Holderness during the siege

1. The question of war damage is considered more fully in Chapter VII.
2. Usually, however, the purchaser of such property had to compound for it.

(cont. from p. 89).

Songs and Ballads of England from 1624 to 1684 (1863),
(ed. C. Mackay), p. 66.

of Hull, and many acres of property in Holderness were also under water.)

Some slight consideration was given to delinquents in war-ravaged areas, but only in the form of a moratorium on their fines. Francis Nevile of Chevet was allowed a three-months postponement; when this time had passed, he delayed payment for a further nine months by claiming that Scots raiders were active in the district¹. Henry Curren of Skipton was permitted to withhold payment of his fine until the Royalist garrison in the castle had surrendered. His lands depreciated nearly forty per cent in value due to damage resulting from the siege².

In addition to noting the more material effects of the civil wars upon the defeated side, it should be remembered that the individual Royalist was in a very vulnerable position. The reliance placed on informations provided personal enemies with an ideal opportunity for revenge, by 'discovering' concealed estates or various offences committed during the war. Even if Thomas Metcalfe of Bellarby could claim that he "is ready to satisfy for any wrong done to any man whilst he so was in arms, which he is confident no man can tax him of to the value of sixpence"³, this was certainly not the case with many others. Sir Francis Wortley the younger was charged with the murder of a prisoner-of-war at

1. Letter of 2 June, 1646, R.C.P., II, 3 ff.

2. Ibid., II, 52-3.

3. Petition on 24 March, 1645/6, Ibid., II, 114.

Ashby de la Zouche. Sir Francis had been an officer in the garrison when the prisoner was executed, but had omitted to sign his name to the Articles of Surrender (doubtless hoping to avoid sequestration). He was discovered and arrested; after a long period in prison whilst his case was considered, he finally gained his freedom, but only after a personal appeal to the Lord Protector in November, 1657¹.

Sir Hugh Cholmley, the turncoat governor of Scarborough Castle, appears to have ^{been} subjected to a kind of semi-persecution. The Commons specifically ordered the Committee for Compounding to ensure that Cholmley paid his full composition (7 February 1650), and later Luke Robinson, M.P. for Scarborough, was given special permission to commence any suit against the Royalist, despite the Act of Limitations. Sir Hugh was also arrested on a writ of outlawry and trespass: fortunately his friends stood by him, and the accuser had to pay £300 in damages².

Despite their apparent vulnerability, the Royalists were not completely at the mercy of the authorities. When he compounded, the average delinquent had several opportunities to conceal parts of his property, and thus reduce his fine; -

1. C.S.P.D., 1657-8, p. 160.
2. C.J., VI, 358; 557; The Memoirs of Sir Hugh Cholmley, (1870), p. 46. These memoirs are extremely biased, and it is difficult to discover whether Luke Robinson had a legitimate case.

especially as he himself declared his assets in his own "particular of estate". With very few exceptions, the report of the Committee's lawyer follows the Royalists' own statements word for word. Although the local officials could have checked the truth of the 'particulars'; (and in some cases apparently did so), such examples were extremely rare - it would have been physically impossible to investigate every estate. And in the majority of cases where the report does differ from the 'particular', it was because the delinquent had unlawfully allowed for war damage to his property.

The Yorkshire Royalists used many and varied methods of undervaluing their lands. Perhaps the easiest and surest way was to ignore any money owed to them. The debtor naturally appreciated the opportunity of extended credit, and was unlikely to inform the authorities, since Goldsmiths' Hall frequently confiscated all debts due to delinquents, irrespective of the original terms of the loan.

A conspiracy of silence descended over many such transactions, broken only when an informer happened to discover the tacit agreement. It is obviously impossible to estimate the number of debts suppressed in this way, except, of course, where they were discovered. But it appears that such concealments were not as widespread as might be expected: a considerable number of creditors openly admitted their assets, although some of them qualified their statements by declaring

such debts to be 'desperate' - in other words, the debtor was unable, or unlikely, to pay¹.

Other delinquents resorted to the practice of undervaluing rents, or omitting to mention small outlying parts of their property. This method involved a certain amount of risk, as the majority of the estates had been sequestered, and therefore the county officials knew their approximate value. But some Royalists found a means of avoiding this danger. They quite honestly stated the pre-war value of the lands, but declared them to be rack-rented, when in fact there was considerable latitude for improvement. Therefore the commissioners were given the correct 1642 rentals, which were already virtually obsolete, as once the delinquent had compounded, the annual revenue was increased by squeezing the tenants and improving the estate. The Calverley rents were declared to be £505 per year, over half being on the rack, and yet after 1648 they rose by between thirty and a hundred per cent!²

It is interesting to note that these 'particulars' made hardly any mention of financial or trading ventures. Admittedly, one or two Royalists confessed to the ownership

1. It is possible that the delinquents who admitted to being creditors were trying to confuse the issue by only revealing part of their assets, but there is no evidence of such practices.

2. R.C.P., II, 188-9. Yorkshire Archaeological Society Library, MS 527. With the few other estates where the 'particulars' can be compared with actual rentals, the pattern of slight undervaluation continues.

or part-ownership of ships, but there is relatively little concerning the profits of mines or commercial undertakings. The latter might be accounted for by the laconic mention of various credits owing to the delinquent, but apparently there were large-scale omissions of this kind. The ownership of goods in transit was difficult to determine, as was the actual value or annual production of a mine. At least forty-two delinquents lived within the workable coal belt in the West Riding¹. Of the thirty-one who compounded, only two mentioned coal mines, and a third admitted ^{to the} ownership of iron works. None of these three were wealthy gentlemen. As the profits of coal were often used as a means of recuperating from composition fines, it is surprising that so few Royalists should have been involved in mining - unless, of course, they were deliberately concealing such assets.

Timber was another profitable source of revenue which seems to have been largely ignored. Naturally, an extensive park would almost certainly be declared, but references to small woods and copses are notably absent from the 'particulars'. Timber had the added advantage of being a most negotiable asset, and many delinquents cut and sold woods to satisfy an urgent need for money. The market in wood, particularly oak, was especially profitable, because of the

1. J.U.Nef, The Rise of the British Coal Industry, (1932), I, map of English coalfields at the end of the seventeenth century.

repairing of the ravages of war, and the rebuilding and increasing of the navy¹.

Apart from deliberate concealment, the Royalists had various other opportunities to avoid paying the full fine. Most of these have already been mentioned in Chapter II². Entails gave some measure of protection, and the heirs of Royalists killed during the war had a good chance of concealing the estate. Bribery and force were also used where there was a chance that they would succeed.

A few Royalists managed to defer part of their composition almost indefinitely by requesting a 'saving to compound'. This enabled those engaged in litigation to delay their composition until they recovered the disputed properties. However, a sharp challenge to some defaulters shows that, once the lands were regained, the delinquents were in no hurry to admit the fact, and often attempted to avoid paying any further fine³.

It is clear that the Royalists had considerable oppor-

1. Admittedly, some timber would have been cut by the sequestrators, but surely not all of it? Henry Calverley cut down his woods to raise money - he wrote from London to his wife - "... ffor Gods sake if y^e cann get the wod sold that I may end wth Goldsmith Hall & come home and monie is now soe hard to come unto that I thinke I shall let Sr Hugh Calverleys estate fall." BM, Add MS.27411, p. 65.
2. Supra, Chapter II, passim.
3. PRO, SP 23/G 127 pp. 513-21.

tunities to disguise the full value of their estates. That a number of them did so can be seen from the records of the Committee for Advance of Money. In Yorkshire, at least 40 out of the 195 compounders were guilty of this - just over 20 per cent. The only means the Committee had of checking the delinquents' honesty was either by making a direct survey through its own officers (a clearly impossible task), or by relying on informers. The merits and drawbacks of the latter system have already been discussed¹; as a means of ensuring full compositions, it proved a dismal failure. Most informers aimed at the more prosperous families: thus the minor gentry and yeomanry had an excellent chance of escaping detection. The all-embracing red tape of Interregnum administration, the rivalry and lack of communication between the various central committees, and the subsequent paralysing regulations for informers because of the multitude of false claims - all helped to protect the delinquent against discovery. Less than half of the certain undervaluations - 16 out of 40 - were ever discovered. The rest, and probably many more whose secret has remained hidden, were left in peace.

All the above factors had a direct effect upon both the progress of composition, and the ability of the estate to recover from the fines². The value of the loan which a

1. Supra, p. 52 ff.

2. Infra, Chapter VII.

Royalist could raise on the security of his property, and the rate of interest he would have to pay, depended not simply upon his annual income, but also upon the actual condition of his lands after the war. The more he could conceal from the eagle-eyes of the Commissioners for Compounding, the better would be his financial position. Thus some of the more devious and unscrupulous Cavaliers fared much better than their more honest neighbours¹.

The majority of the compounders came from the north-eastern, eastern and central parts of the county². With the exception of the Ainsty (where a surprisingly large proportion of the delinquents remained undisturbed), the percentage of Royalists who compounded remained constant over the whole of Yorkshire. The following table illustrates the relatively modest numbers of Cavaliers who were forced to pay their fines.

1. Francis Nevile of Chevet was one such untrustworthy Royalist. Though an ultra-Cavalier, he later swung over to Parliament, trying to ensure that, if he suffered, everyone else was going to do the same. If some sources are to be believed, he was not above using bribery and forgery to gain his own ends. R.C.P., II, 3 ff; C.C.A.M., general proceedings about the Yorkshire Engagement, pp. 895-907; House of Lords, MSS, Committee of Petitions, 18 February, 1664/5.
2. From the eastern part of the North Riding, the East Riding, and the central and northern areas of the West Riding. These areas were those which had the most delinquents - the Ainsty was the only region with an erratic percentage of non-compounders.

Table IV: GEOGRAPHICAL LOCATION OF COMPOUNDERS.

	a	b	c	d	e
	Total Roy. families	No. of Compoundg families	% age (b) of (a)	No. of Royalists undisturbd	% age of total Royalists (in area)
Hull	17	11	64	5	29.5
Ainsty	10	3	30	6	60.0
E. Yorks.	40	23	57.5	8	20.0
Righmond	31	17	55.0)	6	19.5
Cleveland	51	29	57)	11	21.5
Pennine	10	6	60)	3	30.0
W. Yorks.	97	53	54.5)	34	35.0
S. Yorks.	32	19	59.5)	10	31.0
Totals	288	161	56.0 (av.)	83	28.8(av)

Although there were naturally more compounders in the most populous parts of the county, there were no regions which can be specially noted for their allegiance to Charles I.¹

Even though most Royalists left the King's service after the defeat at Marston Moor, few thought of compounding in the months that followed. Most delinquents were content simply to surrender to some senior army commander, and receive a certificate of their submission, a pass to return home, and an order protecting them from molestation by the soldiery. For it was still possible that a reversal of fortune might lead to a Royalist victory, and no one wanted

1. Supra, Chapter I.

to be branded as a defeatist or a turncoat. But as the toll of Parliamentary successes mounted, and the King's cause collapsed in ruins, more and more Royalists decided to come to terms with the de facto government in London.

The decision to compound was prompted by several motives. Primarily there was the need to recover the family estates whilst there was something left to recover. If the sequestrators had fulfilled their duties efficiently, the delinquent was denied all his sources of revenue, except for the fifth granted to his wife and children - a hopelessly inadequate income, and often allowed only after long negotiations with the county authorities.

Besides this financial motive, another reason can be found in the attitudes prevalent at the time. The Royalists had made their enemies suffer during their brief period of supremacy, and expected to receive similar treatment themselves. Any undue leniency would no doubt have been interpreted as weakness, and could have led to a fresh outbreak of fighting. Finally, there was the fatalistic view, as promoted in Hobbes' Leviathan: service to the monarch was due only so long as he afforded some measure of protection in return. The final defeat of the King in 1645 proved that the royal cause was lost, and that its supporters must needs make the best bargain they could¹.

1. Hardacre, op.cit., 14; G. Davies, The Early Stuarts, 1603-1660, (Oxford History of England, IX; Oxford 1959), 170.

The initial reluctance to compound is well illustrated by the attitude of the Yorkshire gentry. Despite the Royalist collapse in mid-1644, hardly anyone attempted to negotiate for their fines before the winter of the following year. This feeling was also strengthened by the - as yet - unformalised ritual of compounding. However, those who did pay their fines at the beginning generally benefitted, in that the sums assessed bore little relationship to the value of the property concerned. Sir John Kaye of Woodsome quoted his estate as being £500 per annum, and charged with £3000 debts. His fine, assessed in March 1645, was a mere £500: under the later regulations, (even had his debts been allowed), the sum would not have been less than £700, and might well have been as high as £1000. There is also good reason to believe that Sir John had considerably undervalued his property¹.

Only three members of the Yorkshire gentry compounded in 1644², - all of them after September, and in none of these cases do complete records survive. Four more followed in 1645. It is significant that, of these seven, four changed sides and aided Parliament, whilst two more had been former Parliamentarians, only withdrawing their allegiance when the King's success had seemed assured.

1. R.C.P., II, p. 1 ff.

2. For the purposes of uniformity, the date of composition is regarded as being the date on which the fine was set.

This hesitant beginning was followed by a flood of eighty-six compositions in 1646, after which the number decreased sharply during the subsequent two years. 1649 saw a fresh wave, both from those who had remained intransigent until the fiasco of the second civil war, and also from a handful of Royalists who had already compounded, but had once more thrown their fortunes into the balance. From then onwards, the number declined swiftly until the compositions on the Acts of Sale in 1653.

Table V: COMPOSTIONS (excluding those on the Acts of Sale).¹

		No. of People Compounding.											Totals
		'44	'45	'46	'47	'48	'49	'50	'51	'52	'53		
First Comps.		3	4	86	28	10*	39	12	11	2	-	195*	
Second Comps.	Due to 2nd war	-	-	-	-	-	6	-	1	-	-	7	
	Due to under- valuatn.	-	-	-	-	-	3	5 ^φ	1	2	1	12 ^φ	
Totals		3	4	86	28	10*	48	17 ^φ	13	4	1	214	

As yet there is no other detailed study of compositions available, with the exception of Mary Coate's study of Cornwall.²

1. This table records the number of people, not families, compounding.

* The widow of Francis Topham of Agglethorpe compounded for her dower in 1648, but her son only compounded for the rest of the estate in 1651. Thus the composition date has been set as 1651.

^φ Five people compounded for undervaluations in 1650, but there were six compositions, as Brian Cooke of Doncaster had to pay twice for successive undervaluations.

Thus there were 195 people (from 161 families) involved in compositions: 216 compositions in all, although, for the above reasons, only 214 are counted.

2. Infra, p.122.ff.

But the pattern in Yorkshire, of two principal waves of compounders in 1646 and 1649, mirrors the overall picture of the whole country as given in the Calendar of the Committee for Compounding. The high totals in these two years were the result of military events and administrative reforms of the previous months. 1645 and 1648 saw the decisive defeat of Royalist military power in the civil wars, and also the introduction of simpler regulations for compounders. In December 1645, the administration of compositions was handed over to the Goldsmiths' Hall Committee, and firm rules of procedure were established. In 1649, new regulations permitted delinquents to compound on their own discovery at low rates, and thus tempted more Royalists to surrender¹.

The 195 Yorkshiremen who compounded came from 161 gentry families. Thus 127 Royalist families were not involved in primary compositions. Of these, 44 were in the Acts of Sale, but the remaining 83 were never punished at all. The majority of these latter avoided paying any fines through good fortune, or their own natural abilities. Twenty-three

1. C.C.C., 138-9. Only 9 took advantage of the offer to compound on their own discovery; among the lesser landowners (those who claimed to be gentry, but could offer no proof), the numbers were higher - 12%. This is understandable, as the latter's smaller estates would be easier to conceal.
2. There were actually 54 families in the Acts of Sale: these 44, plus 5 families who commenced (but never completed) composition proceedings, plus 5 members of the gentry who belonged to the same family as a compounder.

were killed during the war, leaving entailed estates, or heirs who were overlooked by the local authorities. Thirteen more had signed the Yorkshire Engagement¹, which was not regarded as proof of delinquency. The remainder, forty-seven, (16 per cent of all Royalist gentry families), evaded composition through good luck or good judgement, or a combination of both. Some were discovered, but successfully claimed their innocence, whilst others remained hidden until the Restoration, and can only be traced through their self-glorification in the records of Dugdale's 1665-66 Visitation².

The composition fines were paid in two equal instalments, the sequestration of the estate being suspended upon receipt of the first portion. It was natural, therefore, that this should be paid as soon as possible; in some cases, almost immediately after the fine had been set. Sir Thomas Bland of Kippax Park paid the first half of his £405-6-8d. fine the day after it was levied, and Brian Cooke, the wealthy Doncaster merchant, took only three days to raise £1166-10s. Even the near-bankrupt Arthur Aldburgh managed to find £200 within 18 days³. This alacrity shows a considerable

1. Infra, Chapter IV.

2. The percentage of those families who evaded discovery is surprisingly high, especially in such areas as Hull and the West Riding, (see Table IV, p. 99). These families are families where at least one member was a Royalist, but where no-one was punished for delinquency. There are many more families where the Royalist head compounded, although younger brothers and sons who had supported the King avoided punishment.

amount of borrowing by the Royalists, and suggests that many came down to London armed with ready supplies of money, or that London money-lenders frequented Goldsmiths' Hall, readily offering loans on the security of land. The first half of the fine had to be raised on the security of a personal bond, to be translated into charges on the estate as soon as the sequestration was lifted.

Some delinquents tried to raise loans from their friends and relations, occasionally securing the debt by settling an annuity upon the creditor. Arthur Aldburgh apparently borrowed most of his fine from local gentry and merchants, mortgaging his already heavily-indebted estates to meet the expense¹. But such limited resources could not cope with the vast demand, and much of the money was borrowed in the City. The development of this money-market was necessary for the swift payment of the composition fines, and eventually reached its zenith with the loans raised to regain confiscated lands in the sixteen-fifties.² In fact, it is quite probable that the financiers who worked for the compounders were the same as those who advanced the money to the victims of the Acts of Sale.

1. See case in Chancery, PRO, C78/600/11.

2. See Chapter V.

(cont. from p. 104).

3. R.C.P., II, 76-77; L.J., X, 199. R.C.P., II, 96.
Ibid., II, 217; PRO, SP23/G 248/86.

The dates of the initial payments on the fines are fairly easy to trace: they are mentioned in the individual pardons passed by the Lords, in orders to desequester estates, and in the various lists of those whose second payments were overdue. Of the 195 primary compositions, 74 cannot be accurately dated in this way. But the following table illustrates the speed with which the remaining 121 primary compositions were paid: - or at least, the first portions, necessary for the desequestration of property.

Table VI: PAYMENT OF THE FIRST HALVES OF PRIMARY COMPOSITION FINES.

Date	Total Comps	Nothing known	Time lag in payment after fine set: up to -										Total
			1 week	2 wks	1 mth	2 ms	3 ms	6 ms	9 ms	1 yr	after 1 yr		
1644/5	7	3	3	1	-	-	-	-	-	-	-	-	4
1646	86	29	20	4	8	3	1	9	4	1	7	57	
1647	28	17	4	-	1	-	-	-	-	-	6	11	
1648	10	2	1	-	-	-	-	3	1	2	1	8	
1649	39	13	6	4	7	5	-	2	-	1	1	26	
1650/1	23	9	6	3	1	3	-	-	-	1	-	14	
1652 +	2	1	-	-	1	-	-	-	-	-	-	1	
Totals	195	74	40	12	18	11	1	14	5	5	15	121	

Nearly sixty per cent of these first payments were made within a month of the fine being set - over thirty per cent within the first week. It should be noted that the date taken for the setting of the fine is that of the first

assessment: in some cases the sum was later revised, but the delinquent had generally to deposit half the original fine prior to such a review.

This early payment becomes the more significant when we consider the twenty-five compositions (about twenty-one per cent of the total examined) which were paid over six months after the date of the fine. The highest annual percentage fell in 1647 and 1648 - at the time of the second civil war, which delayed compositions and disrupted payments. The Royalists who had not yet settled their fines naturally hesitated to do so until the outcome of the struggle became clear.

If we examine the financial situation of these twenty-five Royalists, it soon becomes apparent that lack of capital was the major barrier to the payment of the first half of the compositions. One delinquent's estate had dissolved into economic ruin, eight were in a precarious financial position, and four more possessed estates which were so small (little more than personal property) that raising money became extremely difficult. This accounts for thirteen Royalists. Of the remainder, three were in debt (but little else is known about them), and three more, whilst owning extensive estates, had large financial commitments. Only six delinquents, therefore, were not in economic difficulties. One, Sir Henry Griffith of Burton Agnes, had a very large estate, but the majority was entailed, and thus could not be touched.

Walter Hawkesworth and Jonathan Jennings were both hindered by the seizure of their personal property, war damage, and the billeting of troops on their lands. Robert Slingsby of Hemlington delayed his composition whilst negotiating over a saving to compound. Sir Brian Palmes was prevented from compounding by the fresh outbreak of hostilities in 1648. No satisfactory explanation can be offered for the hesitation of the sole remaining delinquent, Edward Copley, (a fairly prosperous gentleman), unless his procrastination (for six-and-a-half months, until the winter of 1646) was due to his hopes of a Royalist revival.

Financial instability did not always delay composition - the relatively swift settlement of most of the first instalments proves this. However, where the delinquent was already in debt, much must have depended upon the attitude of the principal creditor. If he was willing to advance further loans, then composition would swiftly follow. On the other hand, he might refuse more credit - especially if he had already made an agreement with the local sequestration committee. Some creditors gained advantageous farms of the sequestered estates, and others, who held their security in the form of trusts or annuities, would not be affected by sequestration in any case.

In 1650, the government finally settled this anomalous situation. Mortgagees, and others who had a financial claim to sequestered property, were permitted to compound for

the lands, and to add the fine to the existing debts. This development had little effect in Yorkshire however, where the majority of the delinquents had already commenced composition proceedings¹.

But the full weight of composition fell upon the Royalists' estates when the second instalments on the fines became due. Within six weeks of paying the first part, the delinquent had to raise a similar sum which was, on the average, equal to a year's rent. Admittedly, he now had full control of his own estate, and could exploit it to the full. But, unless he was exceptionally fortunate, the only solution was to raise a further mortgage on his property.

Unfortunately, the records relating to such second payments are few²; only after the great reorganisation of 1649-50 do detailed records appear to have been kept by the Yorkshire Committee³. But the absence of any mention of overdue fines prior to 1649 cannot be taken as indicative of their regular payment: Yorkshire was among the many counties

1. Firth & Rait, II, 402-3; C.C.C., Pt. V, Introduction, p.xxvii; R.C.P., passim.
2. Apart from the occasional receipts in family papers, the best evidence we have are the lists compiled by the county commissioners of those whose estates had been resquestered, or who had not paid their second halves. These only tell us when the fines were not paid, and rarely disclose the dates of the final payments. Even the individual case histories often terminate in the middle of inquiries over the matter.
3. Although the fines were paid to the Committee for Compounding, the local committees regularly sent up (or were supposed to send up) lists of sequestered and seized estates.

noted for their slackness in tendering accurate lists and schedules to the central committees. The records of the local committee go back no further than 1649 - earlier minutes have either disappeared, or were not kept at all.¹

Only 86 of the 121 fines studied in Table VI can be traced through to the date of their final payment. Sixteen were paid in one single instalment, and thus do not add to the picture. It would be expected that the speed with which these second halves were paid would bear some relation to the economic position of the delinquents who paid them - but such is not the case. Only one fine was settled within the required six-week period - and only six more within six months! In other words, at least 69 Royalists were overdue with the second halves of their fines - 31 per cent of all first compositions.

Table VII: RATE OF PAYMENT OF SECOND PARTS OF FINES:

86 ROYALISTS.

Date	All paid at once	Time elapsed after first half paid								Totals
		6w	2m	3m	6m	9m	1yr	2yr	after 2 yr	
1644/5	1	-	-	-	-	-	-	-	-	1
1646	4	-	-	-	1	3	3	5	20	36
1647	1	-	-	-	1	3	-	2	4	11
1648	-	-	-	-	-	1	2	2	1	6
1649	3	-	1	-	-	6	1	3	4	18
1650/1	7	1	2	-	-	-	-	2	1	13
1652 +	-	-	-	-	1	-	-	-	-	1
Totals	16	1	3	-	3	13	6	14	30	86

[Footnotes on p.112]

The pattern indicated by the above table seems to argue that the delinquents, once they had regained their property (by settling half the fine), were generally reluctant to pay out any further sums of money unless they were forced to do so. The re-sequestration imposed for overdue fines was apparently very slack and inefficient. The Royalists, therefore, naturally attempted to avoid both payment and re-sequestration for as long as possible.

But, to discover whether financial reasons played any part in the delay in the payment of fines, I have examined the cases of the 63 Royalists who took over six months to complete their payments. Nearly half - 28 - were at least reasonably prosperous prior to the civil war, and should have had little trouble in raising the money. And yet there is no special pattern relative to wealth - the delinquents who delayed payment the longest were not necessarily the poorest.

Table VIII: RELATION OF 1642 FINANCIAL POSITION TO THE
SPEED OF PAYMENT OF THE COMPOSITION FINES.

Economic Situation, 1642	Time elapsed between 2 halves of fine				Totals
	6-9m.	9m-1yr.	1-2yr.	2yr +	
Prosperous	3	1	3	8	15
'Comfortably-off'	1	2	1	9	13
Average	2	-	6	6	14
'Uncomfortably-off'	6	3	4	3	16
Declining	1	-	-	4	5
Totals	13	6	14	30	63

The delay among the financially-unstable Royalists is easy to understand - their heavily-burdened estates could provide very little security for an additional loan. Lyon Bamford took over four years to raise the second half of his fine. His extravagance and the need to provide for a large family had already brought him to the brink of insolvency: composition dealt the final blow. By 1660 almost all of the estate had been sold, and the family, who later vainly attempted to recover the lands at law, were reduced to penury. Francis Danby of South Cave, in debt long before 1640, was forced to mortgage his manor in order to raise the first half of his fine. The creditor, Francis Harrison, refused to pay the full sum agreed, and thus the Royalist lost both lands and money¹. It took Danby nearly thirteen months to find the £160 needed to settle his composition.

But only a minority of delinquents were in a weak financial position. Two-thirds of the "slow-payers" were in no immediate economic difficulties, although some possessed very small estates - for example, the Cockerells of Whitby and John Monckton of Northcliffe. Such Royalists naturally felt the weight of composition more than their richer neigh-

1. Bamford:- R.C.P., II, 70 ff; L.J., X, 109; Spencer-Stanhope MSS (Sheffield) 60264; Elmhirst MS, MT/20 - 63302; PRO, C78/629/5. Danby:- R.C.P., II, 160-61; Harrison-Broadley MSS, DDHB/42/6; Barnard of S. Cave MSS, DDBA/4/113; PRO, C54/3373/2; J.G.Hall, A History of South Cave, (Hull, 1892), pp. 14-15.

(cont. from p. 110)

1. The only records surviving are an order book of the Ainsty Committee, 1645-52 (in York Reference Library), two order books of the county committee (PRO, SP28/215), and two of orders to the committee from London (PRO, SP46/107).

bours, even though the fines were proportionate to their resources¹.

However, 45 per cent of the Royalists who ignored the injunctions of the Committee for Compounding, and postponed the completion of their composition fines, were in a satisfactory financial position prior to the war: their only apparent reason for delay was a desire to pay as little as possible. Arthur, the third son of Sir William Caley of Brompton, waited nearly three-and-a-half years before he settled his £150 fine. The family, prosperous North Riding landowners (whose head was an undiscovered Cavalier) remained in the forefront of post-Restoration society, acquiring lands and possessions from their less fortunate neighbours, even during the Interregnum. Sir Richard Tancred of Whixley delayed over five years before he paid the final instalment of his composition - yet in the meantime he bought some estates in Green Hammerton for £1455, double the amount of his fine².

In other words, the delay in the settlement of the second part of the compositions was not necessarily caused by financial reasons³. Many of the delinquents were quite

1. R.C.P., II, 214; Ibid., II, 183.

2. R.C.P., I, 42 ff; York Wills, Registered Copies, vol. LIX, F. II6. R.C.P., I, 65 ff; L.J., IX, 78; PRO, C54/3373/3.

3. With the payment of the first part of the fine, the recovery of the estate hung in the balance, and therefore the money was generally paid as soon as possible.

able to meet the expense if necessary - but they were simply reluctant to spend money in support of a cause which they heartily detested. This thesis is supported by a brief comparison of the above gentry before and after the civil war¹. Unfortunately, there is sufficient information about only 43 of the people concerned, but it is enough to illustrate that the effort of paying the fines did not necessarily bring financial collapse, except in the cases of estates which were already on an insecure foundation.

Table IX: HISTORY OF 43 "SLOW-PAYERS", 1642-1660.

Effect of Compositions	1642 Financial Positions.				
	Prosperous	Well-off	Average	Unstable	Declining
State in 1642	8	12	11	10	2
Fine had little or no effect	2	5	-	-	-
Temporary embarrassment, then recovery	3	4	4	2	-
Slight decline in fortunes	3	2	5	2	-
Financial decline	-	1	1	3	1
Financial collapse	-	-	1	3	1

It will be noticed that the first two classes - the financially-comfortable gentry - survived reasonably well. The only exception was Roger Portington of Barnby-super-Don, who, after paying half his composition fine in 1646 (£175),

1. See also Chapter VII for a fuller treatment of the problem.

supported the Royalists in the second civil war, and was assessed for a further £1715 in 1649. The two compounders of "average" financial position in 1642 who found themselves in similar difficulties were Henry Calverley and Lyon Bamford. Calverley, because of existing debts and bad estate management, began at a disadvantage: the bulk of his estate was also in tail, but was incorrectly assessed as being in fee. Instead of raising loans on the security of his property, Calverley panicked and began to sell large portions of his estates. Lyon Bamford wasted his resources by reckless extravagance - he would most likely have gone bankrupt even if he had not had to compound¹.

In contrast to the above, those Royalists who were in a precarious financial position in 1642 had less chance of surviving the ordeal of composition with their estates intact. In such cases, it is always highly controversial to try to estimate what part the fines played in the economic downfall of such persons: some, undoubtedly, would have come to grief in any case.

It can be seen that the delays in paying the second halves of the composition fines did not necessarily emanate from financial insecurity, or from the inability to raise

1. Calverley: R.C.P., II, 188 ff; BM Add.MSS (Calverley MSS) 27410-12, 27418-19; Calverley MSS (DD12); Bamford: see p. 112, n. 1.

loans. Indeed, the effects of compositions were not necessarily fatal, except for those who were already in a critical financial position. The hesitation was more due to a reluctance to pay the rest of the fine, where there was the slightest chance of avoiding detection.

There were, in fact, several reasons for the slowness in completing compositions. In some instances, the delinquent was negotiating for a reduction in his fine, on the grounds that no account had been taken of debts, or that lands in tail had been assessed as though in fee simple. Such cases could drag on for many years, during which time the Royalist remained in possession of his lands, yet without paying any more of the fine. Sir John Mallory was assessed at half of his estate, as he had been Governor of Skipton Castle at the time of its siege. He appealed against this unfair punishment, but it was over two-and-a-half years before the fine was reduced to a third. Mallory was fortunate, in that he was not compelled to pay half of the original fine prior to the hearing, although he was apparently permitted to enjoy at least some of the profits of his estates¹.

The Committee for Compounding faced a long list of such objections, and at one time had to extend its sitting hours

1. R.C.P., II, 135 ff; York Sequestration Book, f. 115. Shortly before the fine was readjusted, Mallory's trustees were selling lands (which they held as security for debts) - PRO, C54/3441/7; *ibid*/3441/6.

to deal with the extra weight of business. In an attempt to limit the numbers of petitions, the Commons decreed, in May 1649, that such fines as were already approved by Parliament were to stand without any future alterations¹.

Time was also spent on negotiations as to how the fine should be paid. In most cases it was in cash, but occasionally part was in income or land. The Committee of Plundered Ministers was always looking for an opportunity to augment clerical salaries, and to this end accepted annuities and the revenues of impropriate rectories as part of the fine. These were usually allowed at ten years' purchase (if in perpetuity), with reductions for shorter periods. Thus Richard Harebred's fine of £350 was completely discharged when he settled £50 per annum from his impropriate rectory of Wistow (which he held for three lives) on the minister there².

The widow of Sir Gervase Cutler promised to grant £30 from her impropriate chapelry of Dodsworth to the minister of Barnsley in return for a £300 reduction in her husband's fine. She later discovered that the property was entailed to her son (a minor) and therefore could not be sold. Her Ladyship, however, kept silence about this fact, and simply neglected to make any settlement. The deception was only discovered when the irate parishioners of Barnsley complained

1. 19 May, 1649, C.C.C., 142-3.

2. R.C.Pl., II, 153.

to London, four years later¹.

Lady Anne, widow of Sir Edward Osborne of Kiveton Park, offered to oblige in a similar manner. In this case, £100 a year was settled from the rectory of Seaton Rosse, and the fine^{was} consequently reduced by £1000. When the heir, Sir Thomas, came of age, he refused to endorse the grant, and his mother had to deposit a sum of money as alternative security².

Thirty Yorkshire delinquents conveyed away inappropriate rectories in this manner: in some cases, more than one impropriation was involved. Although this practice enabled a considerable part of the fine to be written off without heavy debts on the estate, the Royalists were generally opposed to such settlements, regarding them as virtual sales of land. As the revenues of the impropriation had been assessed at between fifteen and twenty years' value (according to the level of the fine) for the purposes of composition, but were allowed at a mere ten years' income when settled on a minister, the delinquents understandably saw this arrangement as a kind of fraud. But in fact this system had its advantages - at the Restoration, all such impropriations were returned to their original owners, and the deeds of conveyance and settlement were negatived³.

1. R.C.P., I, 232 ff.

2. Ibid., II, 159; C.C.C., 1027-8. At the Restoration, Sir Thomas was unable to regain the £1000 settled by his mother, which had been seized by a penurious king, A. Browning, Thomas Osborne, Earl of Danby, 1632-1712, (Glasgow, 1951), I, 19, 25.

A few Royalists were able to settle parts of their fine with other kinds of property. Parliament had occupied Scarborough Castle, offering its owner, the Royalist Stephen Thompson of Humbleton, the alternatives of an annual rent or an outright sale. Thompson preferred the latter, but demanded the arrears of rent since 1642, which Parliament refused to pay until Thompson settled the outstanding portion of his fine. He declined to do this, fearing that he would thus lose a valuable bargaining counter. A stalemate occurred until the Royalist appealed to Cromwell in 1654, and was allowed to charge the outstanding arrears of rent against his fine. In another instance, Henry Hildyard's house in Hull was bought by Parliament and granted to that town as a reward for its valiant defence in the civil war. Hildyard was allowed £2230 in payment, being the second half of his fine¹.

But, as suggested earlier, the principal cause of the delayed payments was a deliberate policy of non-cooperation on the part of the Royalists. In theory, the sequestration on a delinquent's estate was merely suspended when he accounted for the first half of his fine, to be reimposed if the remainder was not discharged on time. In actual practice,

1. R.C.P., I, 3-9; Ibid., I, 97-106.

(cont. from p. 118).

3. Act passed 19 May, 1662, L.J., XI, 472.

the authorities were generally content to order the tenants to withhold their rents until the matter was settled. Even this order was often delayed for a considerable length of time. As there might be up to six months before the next rent day, the delinquent had a substantial amount of latitude, and in any case could - and did - use threats to induce his tenants to continue paying their rents.

Administrative troubles prevented swift and efficient control by the county committees, whilst distance and overwork limited the central committees' surveillance over their regional subordinates. These authorities, both central and local, were too understaffed, too overworked and underpaid, to provide full supervision over individual compositions. As a result, Royalists in distant localities could rely on several weeks, perhaps months, passing before any direct action was taken. It was only natural that they should take advantage of the situation.

Much of the correspondence between the central and local committees hinges around this point. Compositions could be delayed for a number of years whilst some legal technicality was being argued out between Yorkshire and London. The new committees, as reorganised in 1650, proved to be no more able to expedite payments than their predecessors. Therefore Parliament eventually decided to confiscate the lands of all who had not compounded, or had neglected to pay their compositions. On 16 January 1652, whilst the surveys

of lands confiscated in the First Act of Sale were in progress, the Committee for Compounding demanded the immediate payment of all outstanding fines. With the uncomfortable example of the confiscated estates before their eyes, the Royalists needed no second warning. A subsequent report of 12 May showed that, with the exception of a few near-bankrupt families, the arrears had been speedily paid¹.

Composition came slowly, and was directly dependent upon the fluctuations in Royalist fortunes during the civil wars. After the collapse of the King's cause in 1648-9, all but a few of the Yorkshire delinquents surrendered. The fines that they paid were by no means as crushing as has been suggested². It is perhaps a little light-hearted to "... regard the fine as the equivalent of an extra daughter or so ..."³, but it was extremely rare for them to exceed three years' annual revenue, even for lands in fee simple.

1. Apparently this final demand covered all compositions, both primary and secondary, although the rules were stretched in some cases. When Francis Baildon neglected to pay his extra fine (for undervaluation), it was levied on his estate by the authorities: his quietus is dated 1655/6. Leeds Reference Library, DDCS/45/7.
2. Dr. Chesney has claimed that private sales, caused by the compositions, were very extensive - H.E.Chesney, The Sequestration of Estates, 1643-60, (unpublished Ph.D. thesis, University of Sheffield, 1928) p. 197. C.H.Firth believed the same - he mentioned many private sales on a flooded market - "The Royalists under the Protectorate", E.H.R., LII, (1937), pp. 639-40. Christopher Hill adds that over half of these sales were to creditors - C.Hill, "Agrarian Legislation of the Interregnum", E.H.R., LV (1940) p.230.
3. H.J.Habakkuk, "Landowners and the Civil War", Ec.H.R., 2nd. series, XVIII (1965) p. 136.

Table X: RATES OF FINES LEVIED ON YORKSHIRE COMPOUNDERS.¹

	Rate (and annual revenue for fee simple).							Totals
	Un-known	Dis-charged	under 1/10	1/10 (2 yrs rev.)	1/6 (3 yrs rev.)	1/3 (5 yrs rev.)	1/4 (7½ yrs rev.)	
First Compositions	-	2	2	98	83	9	2	196
Later Comps.	2	-	-	4	13	1	-	20
Totals	2	2	2	102	96	10	2	216

Thus 94.5 per cent of all Yorkshire fines were at the level of three years' income or less.

There is no really detailed study of compositions for any other county, with the exception of Cornwall. Here the rate at which the fines were paid was even slower than in Yorkshire - only 30 out of 274 estates were redeemed by 1648, and only 27 more by 1649. (It is not stated whether redemption refers to the full payment of the fine, or merely to the first half.) The great bulk of compositions followed the Battle of Worcester in 1651².

In contrast, out of the 195 persons compounding in Yorkshire, at least 78 had paid the whole of their fines by October 1649, and a further 34 by mid-1650³. Thus, by the

1. These figures include the two extra compositions - see Table V, p. 102 supra.
2. M. Coate, op.cit., 237 ff. Professor Habakkuk has quoted no statistics in his article.
3. There is an account, dated 19 October 1649, of second

time that 20.8 per cent of the Royalists in Cornwall had compounded (1649), 40.2 per cent, or nearly twice as many, had compromised themselves in Yorkshire¹. It needs, however, figures from other counties, such as Lancashire, Devon and the Midlands, to give a clearer insight into the picture of compositions. The wide divergence in the figures for Cornwall and Yorkshire may be due to many factors, not the least of them being the relative efficiency of the individual local committees.

In the face of such diverse evidence, it would be rash to suggest that either county could be regarded as typical of the country as a whole. In fact, it may eventually appear that there is no nation-wide pattern, and the speed of composition depended upon purely local factors (although I think that this is unlikely). But whatever may be the final answer to the problem, it remains clear that 1646 and 1649

1. M.Coate presumably includes all compositions, and not just the gentry, to whom this study is limited. Even though it would naturally be easier to conceal a small estate, evidence in Yorkshire suggests that the rate of composition amongst the smaller landowners would echo the results of the study of the gentry. However, an eighth of these yeomanry compounded after the second civil war, on their own discovery (in Yorkshire) - thus, because of my omission of both nobility and yeomanry, the comparison between York and Cornwall must be treated with caution.

(cont. from p. 122).

payments overdue from those who had already paid their first instalments (PRO, SP23/G 248/f. 86). A further list, dated 18 April 1650, records fines still overdue, (ibid., SP23/G 9/pp. 45-6.

were peak years for compounders - a claim borne out by the Committee for Compounding's own records. Another undoubted fact was the vast difference between setting a fine and collecting it: the Royalists were quite prepared to pay half in order to regain their estates, but once in possession, they used every possible subterfuge to avoid paying any more¹. The Committee for Advance of Money never completely solved the problem of discovering concealed lands, and the government only found the answer to the related question of collecting fines when it threatened to sell all uncompounded property².

The value of compositions has been variously estimated. To Gardiner, they appeared as a fatal mistake. "From a modern point of view, the most faulty part of Parliamentary finance was the exaction of the Royalist compositions,"³ But what other alternative faced Parliament? To excuse the Royalists completely was unthinkable - to the seventeenth-century mind,

1. It would naturally be easier for Royalists in counties like Yorkshire and Lancashire (where many people had supported the King) to take advantage of the local Committees' overwork, than in regions where there were only a few delinquents. The county authorities were only allowed a fixed number of staff, irrespective of the number of Royalists in their area, or the amount of ground they had to cover.
2. At least one such estate, Ingleton Manor, was sold by the Treason Trustees because its owner had failed to compound. However, where small properties had been undervalued, the commissioners only sequestered them, leasing them to their delinquent owners at a high rent - no attempt was made to sell such undervaluations or concealments.
3. S.R.Gardiner, History of the Great Civil War, III, 196.

such action would have appeared as weakness, and could have encouraged the Royalists to continue their resistance. Apart from this point of view, Parliament desperately needed to use the defeated side as a source of revenue to pay for the war. The failure of sequestration showed the difficulties in administering the estates centrally, and to sell all - or even a part - of them would have upset the value of land, and created a social problem of the first magnitude.

Composition was the only answer: a fine of some description, calculated as a percentage of the estate, and graded according to the degree of delinquency. Not only would it act as a most effective form of punishment, but it would also limit the ability of the delinquents to cause any further trouble. There were excellent precedents for such a course of action - fines were the normal method of punishing those who deviated from the norm, and worshipped or acted in unorthodox ways. Defiance of official authority in the past had generally been met with amercements or confiscations. In short, a fine was the best solution. The reason why the system proved to be so unwieldy was not the idea itself, but the means of execution.

John Stevens has estimated that the compositions produced £1,277,226: £118,000 of this (about ten per cent) was raised from the Yorkshire gentry¹. Parliament relied to

1. The proportion raised from Yorkshire is the total of the sums assessed in fines - the figure is necessarily vague, as in some cases the fine is expressed as one of two alternatives, and no final decision is recorded.

a surprisingly large extent upon the profits wrung from its victims - Stevens calculated that over a third of the revenues raised by the Long Parliament from 1640 to 1659 came from this source¹.

Unfortunately, Parliament was never able to take full advantage of these profits - most of them were assigned to various uses long before they were collected. Except for the "boom" years of 1646 and 1649, Goldsmiths' Hall Treasury was generally empty, acting principally as a financial clearing-house for the armed forces and government. The illusion that the revenues from the Royalists would be sufficient to abrogate all need for alternative taxation was soon rudely shattered.

Despite the logical intentions behind the policy, compositions had only a limited success. A large number of Royalists evaded sequestration, and remained anonymous throughout the whole period. And even though the forced payment of the fines met with better success than the ill-fated attempts to impose the Engagement levies upon the Yorkshire delinquents, the latter deliberately withheld payment for as long as possible, and thus helped to defeat Parliament's ultimate objectives.

The reason for the difficulty in collecting fines was

1. £35 million out of £95 million. J. Stevens, The Royal Treasury of England, (1725), pp. 289-96. Maurice Ashley considers that composition raised £1,304,957 - Financial and Commercial Policy under the Cromwellian Protectorate, (1934), p. 41.

both administrative and personal. The harassed local officials in counties where there were a large number of delinquents were generally several weeks, if not months, behind with their work, which often necessitated the persecution of friends and relatives. That the system under such conditions proved slow and grossly inefficient was only to be expected: that it worked for so long, and accomplished so much, is a tribute to the honesty and tenacity of Parliament's servants.

It was the intention - and expectation - of Parliament that the delinquents should pay for the war. Had the money been forthcoming as was intended - the whole fine spread over not more than six weeks - the sums collected might have been put to good use. As it was, the fines were raised sporadically, and in small amounts, to be immediately swallowed up by the ever-hungry needs of the Parliament. With the exception of the years 1646 and 1649, Goldsmiths' Hall was generally bankrupt. It was the tragedy of composition that, whilst it had a severe effect upon the financial position of the Cavaliers, it provided the government with hardly more than a breathing space in its fight for economic survival.

CHAPTER IV - ASSESSMENT AND ENGAGEMENT.

"For there are agents sent abroad
Most humbly for to crave
Our alms; but if they are deny'd,
And of us nothing have;

Then by a vote ex tempore
We are to prison sent,
Mark'd with the name of enemy,
To King and Parliament: " (1)

Although compositions proved to be the Royalists' major economic headache, they were by no means the only financial burdens that the Cavaliers had to bear. Various fiscal experiments matured into regular features of taxation, weighing upon both Royalist and Roundhead alike. "In the taxes imposed by the parliamentary ordinances we find the germs of our subsequent fiscal system"². According to Dowell, the country had never been so extensively taxed. "Under the commonwealth the taxpayers were rated by the local authorities at what they were really worth ..."³ Even if the landed estates were somewhat undervalued, they were assessed far more realistically than at any previous time.

The backbone of Commonwealth finance was the monthly assessment. I shall not deal with it here, for it was never

1. "A Mad World, my Masters", (1646) from Political Ballads of the Seventeenth & Eighteenth Centuries, (ed. W.W. Wilkins) (1860) I, p.20, verses 6 & 7.
2. S.Dowell, A History of Taxation and Taxes in England, (1888), II, p. 4.
3. Ibid., II, p. 5.

intended as a specifically Royalist tax, and always remained universal in its application. The only element of partiality in its collection lay in the fact that the Royalists would be more accurately assessed than their late opponents, as the local officials already knew the approximate annual income of their estates from the days of sequestration. The delinquents would naturally also feel the weight of the assessments more than the non-compounders.

The tax which did weigh heavily against the Cavaliers was the twentieth. This was originally created as a voluntary levy, and as 'voluntary' taxes tended to do, soon became compulsory. Its ever-widening scope quickly enveloped the Home Counties, and in 1646 was extended to include all Royalists. Parliament instructed Goldsmiths' Hall to send particulars of all recently-compounded delinquents to the Committee for Advance of Money so that they could be assessed. This tax was finally limited to the Royalists alone in June 1648 (by which time all non-Cavaliers were supposed to have contributed)¹.

In theory, the twentieth was levied on persons with over £100 in property (real or personal), special care being taken that no delinquents avoided paying it². Despite this, many people - including a number of Royalists - apparently did so³. The assessment was not a universal tax - it was

1. Orders of 6 August and 25 August, 1646, 5 June 1648 - C.C.A.M., pp. 56, 70.

2. Ibid., Preface, p. x.

only imposed on those who had not made a substantial contribution to the Parliamentary cause. Even some Royalists could claim exemption on these grounds - Richard Legard had donated £50 (his true twentieth) to Lord Fairfax before he had defected to the Cavaliers¹.

By no means all of the Yorkshire Royalists - even all of the compounders - were assessed. Only 106 delinquents, representing 92 families, were faced with the twentieth. It is noticeable that a mere 7 of these were non-compounders, of which only two actually paid their assessment in any case. (Of the remaining five, three had been deliberately excused from the levy, and the others were pardoned as their whole estates were forfeited by the Acts of Sale².) The

1. R.C.P., II, 7; C.C.A.M., 811.

2. The two who paid were Sir John Wolstenholme (who had been fined for being a customs farmer), and Sir Robert Strickland (whose son had compounded). Wolstenholme's fine is well summarised in W.P. Harper, Public Borrowing, 1640-60, (unpublished M.Sc. thesis (Econ.), University of London, 1927), pp. 103-121.

(Cont. from p. 129).

3. Without full examination of all the records of the Committee for Advance of Money, lying uncalendered in the Public Record Office, no firm decision can be given on this point. The three volumes of the Calendar list only the following assessment cases: 1) Titled people (knights and above); 2) Assessments of £1000 and over; 3) Ministers of churches; 4) Men prominent in legal, literary, official or diplomatic circles; 5) Cases where there are many papers; 6) Cases in the later order books, thereby presuming that the parties are delinquents. A note of the uncalendered records (C.C.A.M., Preface, pp. xix-xxiv) indicates that almost all of the delinquents' papers have been calendered: for the purposes of this chapter, I have assumed this to be so.

Committee for Advance of Money, despite its own organisation for tracing concealed delinquents, relied heavily upon Goldsmiths' Hall for the names of its victims. Thus those who evaded composition had a good chance of avoiding the attentions of Haberdashers' Hall as well¹.

The Royalists who compounded earlier were more likely to be assessed than those who surrendered after 1647. This was possibly due to a gradual decline in the efficiency of the Committee for Advance of Money, as it became burdened with other responsibilities, such as the gathering of information against delinquents. Another reason lies in the fact that the original assessments were often grossly inaccurate, and thus had to be extensively revised: the Committee was thus still working on the twentieths of the earlier compounders when it should have been dealing with new cases.

Table XI: CHRONOLOGICAL COMPARISON OF COMPOSITIONS & ASSESSMENTS.

	44/5	46	47	48	49	50	51	52 +	Non-compdrs	Act of Sale
No. who compounded	7	86	28	10	39	12	11	2	v. many	61
No. of above who were assessed	4	70	16	0	6	1	2	0	6	2
Percentage	57	81	57	-	15	8½	18	-	?	3

Without other studies on the twentieth, it is impossible to say whether this marked decline in the assessment of

1. This only applies to the north, where the assessments

compounded delinquents was a purely local feature, or whether it represented the national scene as a whole. Until this is known, we cannot with any certainty discover its cause. But, as suggested above, the excessive concern with current cases seems to have prevented the Committee from pressing forwards with the prosecution of the later compounders. This development can be compared ^{with} the gradual decline in the efficiency of the Committee for Compounding, as its bureaucratic organisation slowly collapsed under the weight of steadily-accumulating business¹.

1. The decline is not due to the omission of later cases, as M.A.E.Green specifically includes all such material: (see note 3 on p. 130).

(cont. from p. 131).

were not fully imposed until 1646 and later. In the south, especially in London and Middlesex, everyone was heavily assessed. Haberdashers' Hall was the London headquarters of the Committee for Advance of Money.

Table XII: RATE OF ASSESSMENT AMONG COMPOUNDERS.

Date of Assessment	Dates when compounded, & no. of compounders.									Total
	44/5	46	47	48	49	50	51	52 +	Non-compdrs	
1644/5	-	3	2	-	1	-	-	-	6	12
1646	1	15	-	-	1	-	-	-	-	17
1647	3	25	1	-	-	1	-	-	-	30
1648	-	1	-	-	-	-	-	-	-	1
1649	-	19	9	-	1	-	-	-	-	29
1650	-	5	2	-	-	-	-	-	-	7
1651	-	-	2	-	3	-	2	-	-	7
1652 +	-	1	-	-	-	-	-	-	-	1
unknown	-	1	-	-	-	-	-	-	1	2
Total	4	70	16	-	6	1	2	-	7	106

As can be seen from the above table, the early efficiency of the Committee in seeking out and assessing delinquents (in some cases, before they had compounded), was not maintained. Before 1646, all twelve cases handled by the Committee were of uncompounded delinquents (although, admittedly, most of these were notable delinquents whose Royalism had long been known). In 1649, however, 65 per cent of the new cases brought before Haberdashers' Hall were of Cavaliers who had compounded at least three years before. 74 per cent of those who compounded before 1648 had to pay the twentieth - less than half that proportion of the later compounders

were assessed. This steady decline in the efficiency and supervision of the anti-Royalist legislation is typical of all the punitive committees of this period.

It is interesting to note the geographical distribution of those who were assessed. On an average, 32 per cent of the Royalist families paid the twentieth - if only those who compounded are considered, 55 per cent of such families had at least one member assessed. Yet in some areas the Cavaliers were more likely to be disturbed than in others: the following table illustrates the regional distribution of the twentieth among the compounding families.

Table XIII: GEOGRAPHICAL DISTRIBUTION OF ASSESSMENT BY FAMILIES (only compounding families considered).

Area	Total of compounding families	No. of assessed belonging to these families (1)	Percentage
Hull	11	9	82
Ainsty	3	1	33
E. Yorks.	23	13	56½
Richmond	17	7	41
Cleveland	29	11	38
Pennine	6	2	33
W. Yorks.	53	31	58
S. Yorks.	19	14	74
Totals	161	88	54½ (av.)

1. This refers to the number of assessed families, and not to the total number of assessed persons.

The assessment of compounded delinquents was clearly the most efficient in the easily accessible areas of Yorkshire - the East Riding, Hull, and the lowland districts of the West Riding. The only exception to this is the Ainsty of York, (which has generally proved to be a statistical anomaly in all matters relating to the Royalists).

The actual levying and administration of the assessments illustrates the shortcomings of the Committee for Advance of Money. The bureaucratic organisation was excellent in theory, but frequently proved to be inadequate in practice. To calculate each individual contribution, the government established a schedule of rates at which various types of property were to be assessed¹. Lands, both in fee simple and tail, were appraised at three-quarters of their annual revenue. Improvements were valued at slightly less - twelve years' purchase (even though such property was still only rated at ten years' value if it was confiscated, or taken in part payment of a composition fine). Estates held for a period of years, or a number of lives, were allowed at proportionately lower rates.

The majority of these original assessments were round sums, usually a multiple of fifty pounds, and apparently based solely on the Committee's opinion of each delinquent's capacity (or liability) to pay. They bore very little relationship to the Royalists' estates, either before or after

1. C.C.A.M., p. 8 (Dec ? 1642).

the war. In March 1649, Parliament modified the system, ordering all assessments to be calculated from the 'particulars of estate'. The Committee for Advance of Money was to decide whether or not to allow personal debts¹. But even after this ordinance was passed, the sums levied (and those actually collected) bore little relationship to the 'particulars' in many cases.

It is therefore not surprising that a considerable number of these assessments were modified when the true values of the estates were considered. In fact, many were never collected at all - 45 out of the 106. In 16 of these cases, all proceedings ceased, and no attempt was made to obtain the money. Six other delinquents were discharged because they had completed their compositions and had paid the full amount of the fine. (Not all of those who had compounded pleaded their completed fines as an excuse - Francis Bunney, assessed in 1647, meekly settled his twentieth although he had received his acquittal from Goldsmiths' Hall the previous year².) Six more were excused because they had surrendered on specific terms, such as the Articles of Oxford, although they were only allowed such benefits if they had already commenced composition proceedings³.

1. 13 March, 1649 - C.C.A.M., p. 74.

2. Ibid., p. 735.

3. Article XI of the Articles of Oxford allowed those who had compounded to "...enjoy their Estates ... discharged of Sequestrations, and from Fifth and Twentieth Parts, and other Payments and Impositions, except such as shall

The other discharges were made for various reasons. The Hothams had been assessed when their treason was discovered, but the impositions were removed after their execution. Two more Royalists had died before assessment leaving entailed estates, and were therefore acquitted. Three were discharged on the Act of Pardon, and four more for individual reasons. The remaining six Royalists had their assessments removed because of indebtedness.

In addition to the considerable number of absolute discharges, fifty-five of the assessments were reduced upon review. There were two principal causes of this. The majority of compounders were still suffering from the after-effects of their fines: but even if they had no debts, the twentieths, especially those made before 1649, were far too high, valuing the estates at completely unrealistic levels¹.

The fact that the assessments followed close on the

1. The reductions in the assessments were generally due to a combination of indebtedness and inaccurate assessing.

(cont. from p. 136).

be general, and common to them with others." - J. Rushworth, Historical Collections, IV, i, (1701) p. 283.

An administrative error led to Robert Haldenby being re-sequestered, despite his legitimate discharge on the Articles of Oxford, 25 July, 1649. The Committee confused lists of those who were liable for payment, and sequestered Haldenby's property on 26 December, 1649. C.C.A.M., 1042, 1041.

heels of composition must necessarily have found the Royalists in an unfortunately weak economic position. Mortgages and annuities to creditors, settled on their estates to repay the debts incurred in compounding, naturally increased the delinquents' liabilities, a fact well realised by the Committee for Advance of Money. The latter openly complained to Parliament that the low receipts from assessments were directly due to the general indebtedness caused by the prior payment of compositions¹.

But the large number of reductions due to debts does not necessarily indicate that the Royalists as a class were crippled by the fines. Some certainly were, but in most cases, as the twentieth was demanded fairly soon after the delinquent had compounded, the loans raised to settle his fine would not have been repaid. Half of the fine was usually paid with alacrity, in order to regain the sequestered estate². The debt involved was equivalent to at least one year's income and, whilst not necessarily embarrassing the estate in any way, would take several years to discharge (depending on the size of the property and its post-war condition). Even the unpaid half of the fine, as it was acknowledged by a bond in the hands of the Committee for Compounding, could be classed as an outstanding debt.

1. Note on Obstructions, 5 June 1648, C.C.A.M., 70.

2. See supra, p.104, ff.

In such cases, the Royalist's own sworn statement was accepted as evidence of his financial position. This naturally provided ample opportunities for over-valuing liabilities, and thus minimising the amount that had to be paid. It is difficult to estimate the extent of such practices, as there are no means of checking the statements of debts against established facts. Therefore, except in the few rare cases where enough reliable alternative evidence exists to make a comparison, it is impossible to judge the amount of such evasions.

A certain amount of undervaluation was definitely practised. George Dawson of Azerley stated in his 'particular' that his estate was £50 a year with £100 in reversion, and charged with a £40 annuity and £1000 debts. As the sum in reversion was his mother's dower (two-thirds of the estate?), his own income seems surprisingly small. He compounded in 1646 for £203, and three years later was assessed at £100. This was completely discharged because his debts, estimated at £2128, exceeded the total value of the estate. Apart from the suspicious increase in indebtedness, Dawson's will, made in 1653, left a £1000 portion to his daughter, even though his mother was still living and receiving her dower. Such sudden affluence suggests that Dawson had considerably over-estimated his liabilities (and probably also undervalued his estate): it would be impossible to raise £1000 on the security

of land already crippled with debt¹.

The other major cause of the wholesale reductions in the assessments was the wild inaccuracy of the original estimates. Admittedly, those made after 1649 were more realistic, but the earlier twentieths bore little relationship to actual fact. Sir Hugh Cholmley was assessed twice - at £3000 (July 1644) and £1000 (October 1646), but was finally discharged on paying a mere £40. Henry Hildyard's £3000 (October 1646) was gradually scaled down to a more realistic £400 (May 1649)².

In fact, a mere six of the original assessments were left untouched. In only one of these cases is there any definite evidence of payment: Henry Calverley's £200 was settled just over a month after it was demanded. (This was apparently a modified version of an earlier unrecorded assessment.) None of the five remaining cases are complete - the records terminate whilst proceedings were still in progress before the Committee for Advance of Money. It is therefore quite possible that even these assessments were finally amended in some way³.

1. R.C.P., II, 158; C.C.A.M., 1042; will, 15 July 1653 - Somerset House, Alchin (1654) f. 337. The reference to the debts being £500 and £500/year is obviously a clerical error for £500 and £500 settled by an annuity.
2. Cholmley: C.C.A.M., 423, 729-30 (his final assessment was made on an undervalued 'particular'). Hildyard: Ibid., 733.
3. BM, Add MS, 27411, f. 172.

The reductions and discharges on the twentieth resulted in a great decline in the Committee's estimated revenues. Had the first assessments been enforced, over £60,000 would have been collected from the Yorkshire gentry. But by the time that the demands had been modified, the sum total was a mere £13,155-1-0d.¹. The Committee, however, sometimes used these reductions to its own advantage. In several cases, the lower assessment was offered only on condition that it was paid within a stated time limit, usually a month. This, although by no means guaranteeing immediate payment, expedited the collection of the tariff in a number of cases.

Unfortunately there is relatively little information on the payment of assessments. Some were definitely paid fairly quickly, whilst others were equally certainly not settled for many months. Most Royalists (unless they were offered special conditions for prompt payment) preferred to delay until the final threats of sequestration or distraint. They contemplated the assessment with the same grudging acceptance as they regarded composition - as a necessary evil, made bearable by the fact that - in theory - everyone had to pay it. But soon afterwards Parliament embarked upon an operation which proved to be an unqualified failure - the attempt to extract the moneys lent to the

1. It must be remembered that these figures relate solely to the Yorkshire gentry Royalists. The Parliamentarians and neutrals were also supposed to contribute unless they had previously aided Parliament.

King under the guarantees of the various Engagements.

The Engagements had arisen out of the King's urgent need for money. In the case of the Yorkshire agreement, the value of Charles' credit was so low that he was unable to borrow money without concrete security. Thus a number of Yorkshire gentry offered to guarantee the loan in case there was no legal means of settling the debt after the war. On 13 February 1643, the Cavaliers¹ signed a document to this effect, promising to pay between £100 and £500 each (according to the value of their estates) should the King default on his liabilities. They also signed bonds which were handed over to the various creditors who had advanced the money.

Unfortunately, Parliament discovered a copy of this covenant, and sequestered the debt as a punishment for lending money to the King.² Thus began the long and complicated struggle over the Yorkshire Engagement - one battle that Parliament did not win.

Two similar agreements were discovered and treated in the same way: the Oxford Engagement, and the pact of the Newark Garrison. The latter involved a mere eleven guarantors

1. The Yorkshire Engagement was also signed by a number of peers and non-gentry. All of the signatories were Yorkshiresmen, or held substantial lands in the county.
2. Debts were normally sequestered only if owing to a delinquent. The creditors suffered as they had advanced the money, but surprisingly the guarantors were not affected. Neither were prosecuted as normal Royalists, and forced to compound.

and five creditors, who had endeavoured to raise money to maintain the defence of the town during the final stages of the war. But that for Oxford closely resembled the Yorkshire Engagement: 84 creditors advanced the money, the loan being guaranteed by 27 prominent Royalists. The former included men of all classes, from Lord Capel (who besides standing as a surety, also lent £2500) to William Mason, a clothier from Northley (who advanced £8). Little documentary evidence relating to either of these engagements has survived, but, as with the Magna Charta of Yorkshire, the government had considerable difficulty in collecting the debts guaranteed in the agreements¹.

There is no one complete and exact record of the signatories to the Yorkshire Engagement. 107 people are catalogued by the Committee for Advance of Money, whilst two other accounts give 103 and 120 names respectively². The latter is probably the most authentic and accurate list. Not all of the signatories were Royalists however - a few had been forced to sign. Both Christopher Pearcehay and John Dodsworth were prominent Parliamentarians who had added their names only after long periods of imprisonment and threats of the

1. C.C.A.M., 881-5 (Newark); Ibid., 996-1005 (Oxford).

2. Ibid., 907-8 gives 111 names, but four are father-son combinations, guaranteeing one sum. Attorney-General Prideaux mentions 113 names (id., 907). Other lists give 103 (Dib-Lupton MSS, DB/204/1, pp. 215-6) and 120 (Wentworth of Woolley MSS, (University), Box 16).

destruction of their property. Both were excused from all penalties because of their considerable past services to Parliament¹.

The sum borrowed on the security of the estates of these Yorkshire gentry amounted to £14,800, raised by the Corporation of York, the Merchant Adventurers, and twenty-eight individuals. The total of the thirty-five bonds held by these creditors was, however, £18,235-6-10d; even when due allowance is made for interest, this suggests that the original loan was somewhat larger than was at first realised. The amount guaranteed by the Yorkshire gentry was in the region of £25,000, which meant that each individual would have to pay about thirty per cent less than the sum promised².

The government apparently discovered a copy of Yorkshire's Magna Charta in 1646, but no action was taken until mid 1648. On 21 July of that year, it was suggested that the guarantors should pay the sums due into the Treasury of Haberdashers' Hall, and would have their bonds cancelled in return.³ The successful operation of such a sequestration presupposed two things. Firstly, the creditors who were

1. C.C.A.M., 918, 929-30.

2. Ibid., 895. This mentions £14,800 debt, but this is elsewhere stated to be £19,455½ (id., 896). A list of bonds and bondholders appears on p. 933 of the Calendar. The amount guaranteed was £25,000 (id., 895) but note total of promises as £24,400 (Dib-Lupton MSS, DB/204/1, p. 215-6) and £26,100 (Wentworth of Woolley MSS (University) Box 16).

3. C.C.A.M., 895. Commons' order to compound with signatories, 16 June 1649 - id., 896.

being punished for lending money to the King would have to surrender their bonds, which meant the loss of their debts. Secondly, the government had to discover a method of differentiating between those who had signed the Engagement willingly, and the victims of force. Although the Committee for Advance of Money was able to fulfil this latter requirement, it never managed to collect all the bonds from the creditors, and, in fact, could not even force the delinquents to pay their debts.

The Committee again requested the aid of informers. A fifth was promised to any who could discover new bondholders or signatories, but there is only one instance of any such intelligence.¹ In any case, the government had a fairly accurate list of the guarantors, and had managed to trace nearly all - if not all - of the creditors.

On 20 March 1650, the reorganised Committee for Advance of Money began its attempt to collect the Engagement debts. The guarantors were ordered to pay the amounts due into the Committee's treasury within three weeks, under penalty of distraint. In May, due to the poor response, the order was repeated - this time half the sum was to be paid by 24 June. The creditors were also instructed to surrender their bonds, so that the guarantors could be given a full and legal discharge².

1. C.C.A.M., 895-7 :(the only information was on 7 June 1654, Ibid., 904).

2. Ibid., 896.

The Committee intended to distinguish between those who freely admitted their signatures and willingly paid the sums demanded, and the delinquents who denied all knowledge of the Engagement¹. As the sum guaranteed exceeded the total debt, the commissioners apparently planned to charge the recalcitrant delinquents the full amount of their pledges, and make a consequent reduction in the debts of the more amenable Royalists. Such promises led a number of the subscribers to pay the first part of their liabilities fairly promptly. But the response to these instructions was generally not encouraging. In fact, when the signatories were ordered to pay half of their debts (or to give a good reason to the contrary), only 42 admitted signing, 22 denied it, and the remainder simply ignored the summons to appear. A few even changed their evidence during examination. Roger Portington confessed to signing, but later contradicted himself; Sir Andrew Young first pleaded his innocence, yet subsequently admitted signing voluntarily; whilst Thomas Beaumont, though steadfastly denying the accusations, declared that he was quite ready to pay if his guilt could be proved².

Even by mid 1651, the situation had hardly improved. Thomas Fowle, Parliament's solicitor, recommended that all the first halves should be paid before the second portions

1. C.C.A.M., 896.

2. Ibid., 907-8, 930, 933, 911.

were collected. This would not only ensure that any surplus moneys could be fairly distributed among the signatories, but would also prevent the more submissive Royalists from feeling discouraged¹. But whilst this suggestion was admirable in theory, it proved to be well-nigh impossible to enforce the payments when both debtors and creditors were firmly in opposition to government policy. On 31 July 1651, the Committee wrote urgently to the local authorities at York, instructing them to sequester the estates of all recalcitrant delinquents, lest the example of government inaction in the face of defiance should prove damaging to the State²..

It was only natural that many subscribers to the Engagement should deny their signatures. The Royalists considered that they had expiated their crimes (if they regarded them as crimes) by compounding, and since they had received pardons for their delinquency, strongly objected to paying any more money. They were offered an official discharge if they paid their debt to the State: many regarded such an acquittal as having little value, especially as several of the creditors had not yet surrendered their bonds to the Committee.

It is unlikely that any of the Royalists had already paid their debts - certainly none pleaded this as an excuse

1. 27 May 1651, C.C.A.M., 897.

2. Ibid., 898.

when their case was examined, There is little doubt however, that, had they done so, they would have been discharged, and the money recouped directly from the creditors. The Committee for Advance of Money, despite the doubtful legality of its whole proceedings, attempted to act with scrupulous honesty wherever possible. But the whole process of the Engagement was cloaked with such suspicion and so many glaring anomalies that it is small wonder that many of the debtors refused to pay any money at all.

The government's policy received an equally unfavourable reception from the thirty bondholders. For the offence of lending money to the losing side, they were to have their debts sequestered¹. The fact that a number of creditors were also compounded Royalists who had already received a full pardon from Parliament for their delinquency was ignored. In the face of this semi-legal procedure, the majority of the creditors at first simply refused to surrender their bonds, despite all the Committee's threats. Some claimed that they had been forced to contribute, others that they had lost or mislaid their bonds, and a few denied lending any money at all. Parliament, for the first time in its experience of dealing with delinquents, was faced with an almost solid wall of opposition.

It is interesting to note that the majority of the

1. However, it could be considered that they were lucky not to be forced to compound, as had some other creditors of the King.

creditors petitioned that they had been forced to lend the money to the Royalists. How true this was we shall probably never know: whilst the Cavaliers were quite capable of compelling the bondholders to advance the money against their will¹, the latter were equally likely to try and lie their way out of trouble. Eventually the Committee recovered most of the bonds, or obtained releases where they had been lost. But the majority of the creditors only submitted after many threats, and some later succeeded in proving their innocence, whereupon they were reimbursed from the proceeds of the Engagement². The government never recovered all of the bonds - some had apparently genuinely been lost, others could not be traced, and a few were kept hidden³.

However, the Committee soon discovered that possession of the bonds did not facilitate collection of the Engagement debts in any way. The subscribers still resisted its demands, delaying matters by petitioning for a retrial of their cases, (which could take many months). Past experience had taught the Royalists that all central committees were unwilling to delegate authority, and tried to consider each case personally. In this way, a judgement could be delayed almost

1. But, if this was the case, would the Royalists have bothered to guarantee the debt?

2. For the case of the creditors, see C.C.A.M., 933 ff.

3. This could result in post-Restoration proceedings - see William Lowther's case, HMC, VII, (House of Lords MSS), p. 117.

indefinitely by petition and counter-petition, whilst the delinquent remained in possession of his property.

Not all of the gentry proved stubborn, however. A few - probably as many as a half - settled the first part of their debts in accordance with the demands of the Committee. But when it appeared that their fellow guarantors were not being fully prosecuted for their refusal to pay, some of these Royalists refused to co-operate any further, whilst others actively aided Parliament in an endeavour to ensure that, if they had to pay, so did everyone else.

One such person was Francis Nevile of Chevet - he was to become a principal actor in the Engagement drama. The Committee for Advance of Money pointedly informed him that if many delinquents managed to disprove their signatures, the remaining gentry would have to make up the loss. (This was the reason why the full amounts of the pledges were being collected, although they exceeded the debt by over £8000.) Nevile immediately recommended that all those accused of signing be forced to pay half of their debts before their defence was heard. He also advised that the second halves of the bonds be paid six months after the first parts, (but only so much as would be needed to satisfy the sequestered loan). Entails should not be allowed, and the sons of the signatories ought to be liable for their late fathers' debts¹.

1. Letter to Nevile, 5 September 1651; notes on his reply, 15 September: C.C.A.M., 898-99.

Besides these practical suggestions, Nevile requested that a definite distinction be made between those who were willing to pay their bonds, and the more reluctant Royalists. He suggested that, in order to discover who were the voluntary subscribers, the Committee should examine Edward Stockdale, a prisoner in the Fleet who (as one of Newcastle's late officers) could attest to the authenticity of the signatures.¹ Nevile's advice was taken, and Stockdale and William Watts were questioned about the Magna Charta². Their evidence supported Nevile's suspicions - all those accused of signing the Engagement had, in fact, done so in person, and none of the signatures were forgeries³.

The government soon lost patience with the hopelessly slow rate of payment - less than half of the delinquents had paid their first halves by the end of 1651. Despite Fowle's advice, the Committee for Advance of Money declared that the final instalments were now due⁴. The result was exactly the opposite to that intended: with a handful of exceptions, nobody paid anything at all. Those who had already contributed refused to honour the remainder of their

1. C.C.A.M., 898-99.

2. Order for the two Royalists to be examined, 26 September, 1651, ibid., 899.

3. Letter, Nevile to Committee for Advance of Money, 23 Sept., 1651, ibid. 899.

4. Nevile's statement, 26 November, ibid., 900. Order to pay, 3 December, id. 900.

pledges until everyone had paid some part of the debt.

The rest of the delinquents, however, still continued adamant in their refusal to make any payments at all.

The context of this ill-fated order suggests that many of the delinquents had not been punished for their disobedience.¹ Despite the Committee's frequent exhortations to Josiah Beverley (the Yorkshire Committee's agent) to take action, virtually none of the offenders were ever sequestered, and apparently only a few suffered the lesser penalty of seizure². Beverley had little more success in his attempts to force the creditors to surrender their bonds.

All this time, the central Committee had been attempting to increase its income from the Engagement by dividing one section of the Yorkshire gentry against the other. The authorities continually reminded Nevile and his colleagues of the extra amount they would have to pay for each delinquent who was acquitted. Early in 1652, Nevile repeated his plea to Martin Dallison, the Committee's registrar, for a distinction between the willing and the reluctant debtors. He urged that the former be encouraged by reducing their shares, or ^{that} the latter be forced to pay - by seizure and

1. None of the signatories to the Engagement appear in the lists of those sequestered in 1650, 1651, 1652 or 1655. However, there is no way of telling whether their estates had been seized or not. There are a number of letters amongst the Engagement proceedings from Beverley, telling the Committee of those he had warned or sequestered.

2. For an explanation of these terms, see supra, p. 78, 36.

distrain if necessary¹.

There was sound logic in this argument. The threats of Goldsmiths' Hall had not led to swifter compositions: it had been the added inducements of lower fines and the repayment of back rents (combined with the Royalist military defeats) which had encouraged most delinquents to compound. This principle might have had some success with the Engagement, but the central Committee never put it into practice. In fact, its peremptory demand to the more submissive delinquents to settle the remainder of their debts lost it what few supporters it had.

The Act of Oblivion of 24 February 1652 threatened to terminate all Engagement proceedings, as many of the signatories had not been sequestered since the previous December. Parliament debated the question, and in October 1652 excluded all those who had been ordered to pay their debts from the provisions of the act². But the central Committee was finding it increasingly difficult to deal with the numerous petitions, and many cases had been virtually in abeyance for a considerable time. Nevile, in a fit of disgust, wrote to Dallison that "If the committee forgive those who have not paid, but petitioned, I shall heartily thank them, and am only sorry that I did not petition before I paid"³.

1. 27 January, 1652, C.C.A.M., 901.

2. 15 October, 1652, ibid., 901.

3. 20 December, 1652, id., 902.

With the advent of the Protectorate, and Cromwell's brief honeymoon with the Royalists, the Committee for Advance of Money suspended its activities whilst it enquired about its powers under the new régime¹. Almost immediately there was a reaction in Yorkshire. Sir John Kaye, Francis Nevile, and other "trimmers" appealed to the Protector. Only half of the gentry had paid any part of their bonds, and although " ... Much pains were taken to settle all interests justly..." the lapse of the old Committee's authority had terminated all actions. They begged that the Committee's powers be revived, and recommended the full payment of the Engagement subsidies, by force if necessary. In response to these requests, the new Committee was empowered to continue all suits over the Engagement, and to arrest those who did not pay their full debts².

These tactics continued sporadically until the Restoration, although few individuals were prosecuted after 1655. As late as May 1656, some creditors had still not surrendered up their bonds³: the government never managed to collect them all. It did not even succeed in its object of raising the £14,800, the debt which it had originally sequestered. In the face of opposition from all sides, Parliament eventually had to concede defeat.

1. 9 May, 1654, C.C.A.M., 903.

2. Petition of 25 May, 1654 (ibid., 903); orders of June 1654? and 7 June '54, id., 904.

3. id., 906.

An admission of this failure was made on 8 May 1658, over eight years after the first demands for payment. Attorney-General Prideaux gave a brief summary of the proceedings over the Yorkshire Engagement. Of the 113 names on Parliament's list of signatories, 25 had been officially discharged, (over half because they had been in the Acts of Sale, and therefore had no estate of their own). Only 2 had paid in full, 4 in part, 48 had settled half of their debt, and the remainder - 34 - had paid nothing at all. The total sum for which these people stood bound was £24,500: in actual fact, only £6300 had been collected¹. Parliament responded to this dismal tale with a half-hearted attempt to revive the Engagement fines, but met with no success.

The principal cause of the government's failure was that official policy ran contrary to the interests of all parties concerned. The creditors, several of whom were prominent Royalists, had lent money to the King in good faith, and did not intend to lose it without a struggle. Some, such as Maulger Norton and Sir Roger Jacques, had already compounded and received a full pardon for their delinquencies. And, of course, it was the avowed intention of all Royalists to pay as little as possible as seldom as possible.

No doubt the declining efficiency of the Yorkshire Committee also hindered the collection of the debts. The effect of the ill-fated reorganisation of both central and

1. 8 May, 1658 - C.C.A.M., 907. Of the £6300, all but £1000 had been paid before November 1651 - ibid., 900.

local authorities has already been discussed¹. The county commissioners, many of them members of several bodies, had to deal with the non-payment of composition fines, sequestrations, twentieths, the ^{monthly} weekly assessments, and the administration of the Yorkshire Engagement, all at once - with unfortunate consequences. Their gradual decline under the sheer weight of business and lack of independent power must have greatly encouraged the Royalists' resistance.

The majority of the 107 guarantors listed by the Committee for Advance of Money were members of the gentry - 83, coming from 80 families². I have decided to concentrate upon these delinquents, who presented a clear cross-section of ability and ingenuity. For both ability and ingenuity were needed in negotiations with the central Committee. Some Royalists relied upon bureaucratic inefficiency - they ignored all instructions and waited for the authorities to take action - but many of the delinquents depended upon their powers of invention. The principal excuse was that of compulsion: the accused claimed that he had been forced to sign (and, occasionally, that his signature was a forgery). At first, over 40 of the guarantors used this excuse. The majority were most likely lying, as nearly all of the subscribers to the Engagement were staunch Royalists³.

1. See supra, p. 67 ff.

2. Peers: 10; lesser 'gentry': 7; Parliamentarians: 3; unclassified: 4.

3. C.C.A.M., 907-8. Also, Stockdale attested that all the signatures were genuine, even if some were compulsory.

In some cases however, the allegations were true - both Christopher Pearcehay and John Dodsworth were enemies of the King who had been compelled to sign. Francis Childers of Doncaster pleaded the same extenuating circumstances - the only corroborative evidence he could produce were the sworn statements of two other signatories, each using the same defence. Surprisingly, the Committee accepted this self-supporting evidence, and all three were acquitted¹.

Sir Walter Rudston of Hayton also petitioned for a discharge on the grounds of force. His only other delinquency had been to entertain the King in 1642, when Charles had been preparing to besiege Hull. After long deliberations, the Committee finally accepted his protestations, and his estate was discharged.²

Besides these simple denials or allegations of force, (which Stockdale and Nevile were soon able to disprove), the Royalists depended upon a variety of excuses. Both Sir Francis Cobb and Sir Paul Neile pleaded that they had surrendered on the Articles of Oxford, which exonerated them from any further enquiries into their wartime activities. They each had to pay half of their bonds before their cases were considered, but apparently their petitions were allowed³.

1. C.C.A.M., 914-5. Finally discharged on the Act of Pardon, 17 March 1654/5, PRO, SP 19/A 45.
2. C.C.A.M., 930-31; G.E.C., Complete Baronetage, (Exeter, 1900-1904), II, 194.
3. C.C.A.M., 911, 926.

In a few instances, the accused managed to avoid payment by simply confusing the issue, and losing the Committee's officials in a maze of conflicting and diverse evidence. Edward Copley of Batley was ordered to pay the £100 share of his elder brother John, who had been killed during the war. Copley claimed that the signatory was not his brother, but John Copley of Doncaster, member of another branch of the family, who had been firmly loyal to Parliament. This latter indignantly denied the charge, whilst Edward reaffirmed his own brother's innocence. The result was that no one paid John Copley's share of the debt¹.

Such attempts to confuse the Committee between two possible subscribers, if firmly prosecuted, could lead to both persons avoiding payment. Francis Rockley, as executor, was charged with the late Francis Burdett's £100, but alleged that all Burdett's personal estate was in the hands of his widow, who had recently married Sir John Kaye.² Both parties claimed extensive debts on the lands, and denied responsibility; and neither apparently paid anything. The case of the late Sir Christopher Dawney's bond for £500 followed exactly the same pattern. The heir, Sir John, and the widow's second husband, Sir Thomas Strickland, each asserted that the other was liable for the charge; and both refused to pay³.

1. C.C.A.M., 915.

2. They were engaged in a lawsuit over the debts on Burdett's estate at this time.

3. C.C.A.M., 912-3; 918.

Sir Ferdinando Leigh evolved an even more Gilbertian excuse. When his £100 was demanded, he claimed that he had been ill at York " and with such pains in his head that he knew not what he did". He could not remember signing the Engagement. The sceptical Committee ordered that his estate be sold to raise the debt, but over two years later the sum was still unrecovered¹.

A handful of delinquents were also able to avoid payment on the grounds that the signatory had died before the Engagement was declared to be a debt to the State. The heirs of Sir Ralph Hansby, Sir Jordan Metham and Sir John Reresby all pleaded this as an excuse. Unfortunately, none of the cases are complete, but it appears that no money was ever paid, even if the charges were not officially dismissed.² In other instances where the original signatory was dead, the heirs often claimed ignorance of any association with the Engagement, and added that, due to entails and the lack of any personal estate, they had inherited none of the delinquent's property.

No account was taken of most of these claims. It was resolved at Haberdashers' Hall that the heirs of signatories should bring up their 'particulars of estate', and pay the Engagement without any special concessions³. Despite this

1. C.C.A.M., 924.

2. Ibid., 922, 926, 930.

3. Wentworth of Woolley MSS (University), Box 16 (1 June, 1655)

order disallowing entails (based on Nevile's recommendations in 1651), at least one person was discharged on these grounds - the widow of Michael Fawkes of Farnley. Her husband had died before the Engagement was made payable to the State, and as her son was a minor, she was declared responsible for the debt. She successfully pleaded that, due to entails and debts, she had inherited nothing from her husband, and was therefore not liable for his responsibilities. Other similar cases do not record the final decision, but the lapses in proceedings suggests that they were not prosecuted very energetically.¹

Apart from such varied claims and counter-claims, the most frequent excuse offered for non-payment was that of indebtedness. As with the assessment, the Engagement debt came soon after composition, and found the Royalists in a strained financial position. But, surprisingly - and perhaps significantly - few delinquents claimed that their insolvency was the result of compounding - it was more usually caused by the confiscation of their estates. Only three people who pleaded indebtedness were not Catholics or in the Acts of Sale: Richard Horsfall, Sir John Mallory and Sir John Wolstenholme. Two of these had been in a delicate economic position prior to the war: Horsfall had personal debts

1. Recommendation of 15 Sept., 1651 - C.C.A.M., 899. The delinquent could only dispose of entailed property during his life and could not bequeath it - therefore his heirs had technically inherited nothing from him, except personal estate (which usually meant a pile of debts). Cases.

amounting to four times his annual income which had not been allowed against his composition fine, and Mallory's estate had been swaying on the brink of insolvency for several decades. Wolstenholme's pre-war prosperity swiftly declined into bankruptcy when he was heavily fined for his activities as a customs farmer¹.

The remainder of those who pleaded indebtedness were, with the exception of the Catholic Ralph Crathorne, in the Acts of Sale. Francis Nevile indignantly claimed that these Catholics " ... are as able to pay as we, but (he added) if the Committee think fit to acquit them, they have (the) power ..." ². (Nevile was quickly losing patience with the incomprehensible twists and turns of official policy.) The Royalists pleaded that the bonds of those who had suffered confiscation should be paid by the State: Parliament rejected the request, and ordered that their shares be divided amongst the rest of the Yorkshire gentry³.

1. Horsfall:- R.C.P., I, 164; C.C.A.M., 923. Mallory:- Ibid, 925-6; R.C.P., II, 135-7; V.C.H., North Riding, I, (1914) p.404; Clarke-Thornhill MSS, DDI2/34/29; will of William Mallory (1645)- York wills (Registered Copies) vol. 48, f.161. Wolstenholme:- C.C.A.M., 921-2; PRO, C54/3783/8; W.P. Harper, Public Borrowing, pp. 103-121 .
2. Letter to Dallison, 22 Jan., 1653, C.C.A.M., 902.
3. 18 July, 1655, ibid., 905.

(cont. from p. 160.)

on these grounds include Fawkes, C.C.A.M., 920-1; Killingbeck and Aldburgh, pp. 908-9; Payler, p. 929, etc.

In fact, the Committee for Advance of Money was reluctant to excuse anyone from paying the Engagement. Unlike composition, where the fine was arbitrarily assessed on the estate at a rate which was relative to guilt, (not to any ability to pay), the sums vouched in the Engagement represented free¹ admissions of ability and desire to aid the King. Naturally a guarantor would only offer what he could afford. Thus the Committee saw no reason to reduce any fines, and only discharged them where the debtor proved to be innocent, or was obviously incapable of paying the sum. Apart from those who were in the Acts of Sale, there were only seven certain discharges granted to the gentry signatories (excluding the two Parliamentarians). Richard Aldburgh, Michael Fawkes and Michael Warton had all died, leaving entailed property and no personal estate. Richard Horsfall was insolvent, Francis Childers and Sir Walter Rudston had been forced to sign, and Edward Copley managed to have his debt transferred to John Copley of Doncaster. But, in addition to these seven Royalists, a considerable number of the subscribers (although not officially discharged) never paid anything, and were not seriously prosecuted².

1. (for the most part).

2. C.C.A.M., 908-33, passim. Sir Edward Payler was discharged on the Act of Pardon, but we do not know whether or not he had paid anything. Nor is it certain if Cobb's or Neile's pleas were accepted.

The Yorkshire Engagement was a dismal and unfortunate episode in the history of the county gentry. The whole event is full of unexplained contradictions. The creditors who had lent the money on the security of the Engagement were treated as enemies, and lost their bonds without hope of redress. Those who had signed as guarantors received a less harsh punishment: they would have had to pay the money anyway, and thus lost nothing by the transaction. The sequestration of the debt could not be justified on normal grounds, as the creditors were not sequestered or forced to compound like normal Royalists. The debt was seized simply because it was a useful source of revenue from those who had aided the King.

Yet, despite the assumption of anti-Parliamentary activities inherent in the sequestration of the Engagement debts, neither those who had signed the covenant, nor the bondholders, were treated as Royalists in any other way. No composition was extracted from any person connected with the Engagement unless he had indulged in other Royalist activities. Sir Christopher Dawney and Sir Edward Payler, William Grimston and James Ellerker - these and more were parties to ^{the} Engagement, but never compounded. In all, twenty of the signatories paid no fines - nine were active Royalists known to the Committee for Compounding, who had been saved by death and entailed estates. But the remaining eleven were never charged with any delinquency. As Francis Layton of Rawden had been branded as a Royalist for merely

refusing to aid either side, it is surprising that Parliament did not take the advantage offered by the Engagement¹. It was certainly not a belated sense of justice - the guarantors were just as guilty as the creditors, yet it was the latter who were selected for punishment.

The Engagement also illustrates the split in the ranks of the ex-Royalist gentry. Nevile, Kaye and Sir George Wentworth, though firm and loyal supporters of the King during the war, had been swift to make their peace with the ruling powers. All paid the first half of their covenants fairly promptly: but when the rest of the debt was demanded before hardly more than half of the signatories had contributed, they strenuously objected to the unfairness shown towards obedient Royalists. If they were going to pay, so was everyone else! Nevile was the most forward in providing information for the Committee for Advance of Money, and encouraged the collectors in every possible way. When the powers of the old Committee lapsed, he led the petition to revive its authority. To such people, the right cause was apparently the winning cause.

Little is known about Sir John Kaye, but Francis Nevile of Chevet was, according to most reports, a most unpleasant person. Originally an active Royalist (he conscripted men into Newcastle's army, and lent Sandal Castle to the King's party), he surrendered voluntarily in August 1644, and

1. Layton's delinquency was that "... he refused for to assist the Parliamts fforces att bradford when they sent for him

immediately began to aid Parliament. At his composition, he must have fallen foul of the presiding official, who reported that he "answered very impudently that he had done all the mischief he could". Later, he tried to ingratiate himself with the authorities by offering information, and actively aided with the Engagement (though not without making sure that he was paid for his trouble). He begged that he should "... not be looked on as an informer, but a servant to both parties". And, if John Levett's petition to the Lords in 1665 can be believed, Nevile was also quite prepared to forge documents and bribe judges to gain his own ends¹.

For all the trouble and acrimony that it caused, the Yorkshire Engagement produced a very disappointing result. It illustrated the futility of attempting to enforce a measure against almost one hundred per cent opposition. Some of the gentry refused to pay anything at all, and the Committee's attempts at coercion met with very little success. Those who had paid half their debt refused to pay any more until all had paid their half: a logical precaution, as the debt was less than the sum guaranteed, and the difference was to be subtracted from the final payments. Most delin-

1. R.C.P., II, 3. Letter to Dallison, 22 Jan., 1653, C.C.A.M., 902. House of Lords MSS, Comt. of Petitions Book, 18 Feb., 1664/5. All the above evidence against Nevile is highly biased, and it is not certain what value can be placed on it.

(cont. from p. 164.)

to ioyne (them)" , R.C.P., I, 30.

quents were convinced that if they paid the full sum, they would never receive any rebate from the Committee's Treasury. The creditors regarded the whole proceedings as unjust, and simply refused to co-operate whenever possible.

The episode showed that Parliament had not yet learnt that there was a limit to the amount of taxation that people would stand, especially if they believed it to be unjust. The failure to enforce the debts by sequestration and seizure emphasized the conclusions that were slowly becoming painfully evident: it was one thing to levy a tax - it was quite another to collect it. The weight of business on the local committees prevented them from performing any single task with efficiency. In the absence of any new sequestrations, it appears that the penalties ordered for the non-payment of the Engagement were as difficult to enforce as the debts themselves¹.

The problem of the Engagement rose again after the Restoration. A proviso was added to the Act of Indemnity to exclude the signatories from paying their debts if they had already contributed to the Committee for Advance of Money under penalty of sequestration². Cressy Burnet and other bondholders also petitioned that Francis Nevile, Samuel

1. See supra, n. 1, p. 152.

2. 11 June, 1660, Proviso no. 37 - HMC, (House of Lords MSS), VI p. 97.

Moyer and the various collectors and committeemen should be made to repay the losses they had caused by the seizure of the bonds¹. Some other creditors employed more direct methods of recovery: William Lowther attempted to exclude his debtors from the benefits of the Act. Led by Sir Thomas Gower and Sir Paul Neile, the latter appealed to the Lords, demanding a fair hearing².

The actual Act of Indemnity made no direct reference to the Engagement, but its broad provisions encompassed the case of the guarantors. Anyone who was accountable for moneys received since the outbreak of war until the execution of the late King, and who had "... beene robbed or plundered by souldiers or others of the moneys in their hands, or of any Notes ... then the Oath or Oathes of such party or partyes ... shall be a good discharge for soe much of their accompt."³ This not only covered royal officials who had been forced to surrender their revenues to Parliament, but could, with little difficulty, be applied to the guarantors of the Engagement. In any case, there was no dispute over the covenant after the Act was passed.

Had the twentieth and the Yorkshire Engagement been enforced in full, many of the delinquents would have been

1. 11 June, 1660, petition no. 5, HMC, (House of Lords, MSS), VI p. 95
2. 13 July 1660, ibid. VII (ibid.) p. 117.
3. 12 Car II, cap. 11 - Statutes of the Realm, V, (1819), 229.

faced with a fine equivalent to over half their composition. The twentieth rated realty at an average of three-quarters of annual income, but made no concession for entailed property (which Goldsmiths' Hall normally assessed at a lower value). The sums promised on the Engagement were mainly voluntary, but each Royalist who subscribed generally offered as much as he could comfortably afford. Together, following on the compositions¹, the assessment and Engagement could have seriously embarrassed the Cavaliers.

But, unlike composition, circumstances enforced a considerable modification of the original demands. Most assessments were pared down to a reasonable amount, consideration being taken of war debts and the aftermath of the fines. The modifications on the Engagement were unofficial, but by no means less substantial. The Committee for Advance of Money refused to make any allowances, so the delinquents themselves ignored, excused or manipulated themselves out of paying the debts. Their success is as much an indication of the declining efficiency of the anti-Royalist committee system, as a tribute to their own ingenuity.

In short, the economic effects of the assessments² and

1. The assessments on the Yorkshire gentry ran (generally) from 1646 to 1650, though most of them were crowded into the eras after the two civil wars. The collection of the Engagement debts began in March, 1650, and payment continued sporadically for two-and-a-half years, then lapsed, reviving briefly from 1654 to mid-1655.
2. The monthly assessment was paid by all: like the twentieth, it was based on current values, and would therefore make allowance for war debts, etc.

occasional impositions placed upon the delinquents were by no means as severe as the burdens of composition. Their amendment, both official and unofficial, reduced them to reasonable sums which could be - and were - left unpaid for as long as possible, until the family estate was better able to deal with them.

CHAPTER V - THE ULTIMATE DETERRENT.

(The Confiscation & Sale of Royalist Estates.)

"About this time they Passed another act, which as that struck at the Root of the Royalty of England, so this lopt the Branches that clave to it, viz an Act for the Sale of Delinquents Lands ..."

"You are in the greate booke of sellinge Estates, & manie frends your name had when it was voted against you, therefore let not your Estate be ruined, nor your woods felled, etc: but cum vp & sollicit it your selfe, & I am assured by one of your frends that yet it may be saved yf you came in time. Once againe let me desire you to cum vp spedily,... " (1).

The three Acts of Sale were intended as the ultimate punishment for those who had been guilty of political or religious treason. With few exceptions, the victims were either Catholic delinquents (representing the great majority), or the principal military and titled leaders of the King's party. A handful of Royalists also suffered because they had been unable - or unwilling - to pay their composition fines.

Parliament had adopted the policy of confiscation fairly early in the civil war. The Declaration of Both Kingdoms, of 30 January 1644, blamed the hostilities on Catholics and the "wicked and divellish spirits" who were to be excluded from pardon if they did not surrender within

1. J.Heath, A brief chronicle of the late intestine wars in the Three Kingdoms ... 1637-63, (1663) p.535; Lord Fauconberg to Sir Henry Slingsby, 12 January, 1650, in The Diary of Sir Henry Slingsby, ed. Rev. D. Parsons (1836), p. 343.

a month¹. These qualifications were clarified in the Propositions of Uxbridge, and became a cardinal point of Parliament's peace settlement². At this early date however, the government had no firm plans for the disposal of such confiscated estates - they were simply farmed as a means of augmenting the normal State revenues.

When composition was introduced, Parliament still retained control of the forfeited lands. Their revenues were collected by the local sequestrators, and paid into the treasury of the Committee for Compounding at Goldsmiths' Hall. They were simpler to administer than the estates of the normal delinquents, as the tenants paid all their rents to the local authorities. Since the owners were forbidden to compound, there was no question of overdue fines, undervaluations, or re-sequestrations: the only detail which concerned the county committees was the payment of the fifths (if allowed), and the granting of annuities.

The reason for the ultimate sale of these lands was essentially financial: the second civil war had left the government with very heavy debts. Parliament found that it could no longer raise money on the guarantee of anticipated revenue alone - bankers and merchants alike demanded some sort of tangible security. The Commons tried to meet this need by disposing of their capital assets: houses, palaces, lands,

1. C.C.C., Pt. V, Introduction, pp. vii-ix.
2. Gardiner, Constitutional Documents..., 278 ff.; Propositions of Newcastle, ibid., 298 ff.

timber, and the personal estates of the Royal Family were all put up for sale. Each in their turn, the estates of Church and Crown were sacrificed in an attempt to regain national solvency: the future was mortgaged to meet the needs of the present. And once these lands had gone, Parliament turned without hesitation to the forfeited estates of the Royalists¹.

By 1651, the government had considerable experience in the disposal of confiscated lands. The first mistakes over the sale of episcopal property had led to improved methods, so that the machinery established by the three acts of 1651-52 was quite comprehensive and relatively efficient. Each of the different groups of land - Church, Crown or Royalist - had its own organisation, with a hierarchy of officials to govern the sales, survey the lands, copy and record the contracts, and collect the money. Seven trustees were responsible for the Royalists' estates, having authority to contract with individuals for the sale of the confiscated properties. Under them was an elaborate network of officials, each with his own responsibilities and powers clearly defined by Parliament².

1. See supra, pp. 79-83.

2. The First Act, of 16 July 1651, established the machinery, which the subsequent acts simply adopted and used. Firth & Rait, II, pp. 520 ff; 591 ff; 623 ff.

Not all of the lands seized from the delinquents were intended to be sold. Rectories and impropriate church property were excluded, their revenues being transferred to the Committee for Plundered Ministers, in a laudable attempt to augment incumbents' salaries¹. And occasionally specific properties were reserved by Parliament for certain people - Laurence Maidwell was granted half of Cuthbert Morley's extensive estates as a reward for his part in their discovery².

Other provisions safeguarded the rights of the Royalists' families. Entailed property could only be sold for the life of the delinquent concerned, and reverted to the next heir on his death. Dowers and other annuities settled on the lands before 20 May 1642 were recognised, provided that they were claimed and allowed within a certain time.³ And, although not specifically mentioned in the acts, copyhold lands were also excluded from the sales. John Latche gave his legal opinion on Sir Henry Slingsby's estates in the manor of Knaresborough: the general words of the First Act of Sale

1. These awards of impropriate property have been omitted, as they were not within the province of the Acts of Sale. They remained sequestered throughout the Interregnum (the profits going to certain members of the clergy), and were restored to their original owners on the Restoration. (Firth & Rait, II, 524).
2. Ibid., II, 540-41.
3. By 1 November for those in the Second Act, and 1 February for the Third Act (Ibid., II, 593, 643).

did not settle copyhold on the Treason Trustees¹, nor did it attain anyone by which such lands would be forfeited. Thus Sir Henry would retain his title to the property (although its revenues remained sequestered)².

The authority which considered such claims was the Committee for Removing Obstructions. This body³ was empowered to pass judgement on all vested interests, and its decisions were legally binding upon the Drury House Trustees. Each act of sale established a certain period for bringing cases before the Committee. A similar time limit was imposed for all reversionary claims - tenants in tail had to be in actual possession of the lands (through the death of the delinquent) by 25 March 1652, or else their title was forfeited⁴.

The Committee was also responsible for determining the rights of creditors and mortgage-holders to the confiscated properties. The question of such liabilities was solved by granting parts of the estates to the appellants in full settlement of their debts. The remainder of the lands could then be disposed of, free from all incumbrances.⁵ Some

1. The Trustees for Selling Confiscated Lands were commonly known as the Treason Trustees (as they sold "traitors'" lands) or the Drury House Trustees (from the name of their office building).
2. Note of 11 March 1651/2, Slingsby MSS, DD56/107.
3. Created by the First Act, it had 49 members, with a quorum of 5 (Firth & Rait, II, 523-4).
4. Ibid., II, 596-7, 648-9.
5. Tenants holding seven-year leases remained in possession, (until their leases expired), but paid the rent to the purchaser. This was possibly one reason why some purchasers

estates, however, were occasionally sold charged with liabilities (such as annuities to the delinquent's relatives), these being allowed for in the purchase price. For example, Gilbert Crouch and others bought the Manor of Marricke and other estates for £2126-13-1d., on condition that they accepted £4277-19-6½d.-worth of debts on the property¹.

These allowances, although they were necessary to protect purchasers, considerably reduced Parliament's income from the sales. The majority of the victims were Catholics, who had learnt from past experience the value of having an entailed estate. Nearly half of those whose lands were confiscated - twenty-nine out of the sixty-one - had some type of reversionary claim on their property. The estates of fifteen were entailed, seven had jointures settled on their lands, five more had large debts or mortgages, and two were completely discharged because of various settlements. Through such methods of tenure, a number of Royalists either retained part of their estates, or at least passed on a reversionary claim to their heirs².

1. Sale of 13 July, 1654: PRO, C54/3785/40.
2. The above cases are those where the jointure or claim was actually allowed by the Committee for Removing Obstructions. There were claimants to parts of the estates of nearly every Royalist, but many of them were not officially recognised.

(cont. from p. 174.)

were unwilling to buy the lands: the price was based on the survey, which was generally considerably higher than the value of the lease. Thus a purchaser would have to pay a high price, but would be unable to recoup much profit until the lease expired.

The Acts of Sale established regulations for the survey of all confiscated estates, so that their values could be calculated as accurately as possible. The surveyors, appointed by the Trustees, were authorised to examine the tenants (by force if necessary), and to assess the lands at their highest possible value, irrespective of the current seven-year leases. This presented the danger that the tenants would undervalue their farms, in the hope of making future use of their pre-emptive rights. Even so, the surveys were far more accurate than the delinquents' 'particulars'. Robert Doleman of Badsworth, attempting to compound in 1650, had declared his income to be £537-15s. a year, whereas the lands were valued at a minimum of £683 per annum in 1652, whilst the 1653 surveys were even higher¹.

Such a deliberate attempt to squeeze the sequestered estates led to a meteoric rise in rents. This was especially noticeable when seven-year leases were introduced in 1652: previously the lands had been let separately each year, so that the rents could be kept under constant review. But, with the introduction of long-term contracts, many delinquents or their agents tried to regain control of the properties, and the subsequent cross-bidding pushed up the prices, quite apart from the aims of Parliamentary policy. The

1. R.C.P., III, 22. 1652 leases - PRO, Order Book of County Committee, 1651-2, SP28/215. The 1653 surveys for the whole of the estate are not known.

Manor of Plumpton rose from £168 a year (1651) to £225 (1652); that of Ruffarlington from £35 to £70¹. The 1653 surveys valued these lands at even higher rates - £428 and £89 respectively. How accurate such assessments were is difficult to say - when the Plumptons repurchased their estates, Ruffarlington was let at over £100 per annum, and Plumpton at sums varying from £316 to £420 per year².

The lands were to be sold at a minimum price of ten years' purchase (based on the official surveys), with consequent reductions for property in reversion, or for one life only. Although these rules were generally adhered to, there were some exceptions. William Bulmer's lands in T^errington were sold slightly under the prescribed rate (at nine-and-a-half years' value) - probably because of an allowance for war damage. The latter part of Sir John Lawson's contracted price was remitted because of the Royalist's acute financial distress; and Lord Strickland, after paying only half the sum due for Matthew Boynton's lands, was granted the remainder by Parliament in recognition of his past services³.

1. The leases of sequestered estates appear in the Yorkshire Committee's order books - PRO, SP28/215. Post-war leases: Gascoigne MSS, GC/E10/1, passim.
2. Surveys - PRO, SP23/G 58a/ f.425 ff. Post-1660 leases - see n. 1.
3. Bulmer:- PRO, SP23/G.58a/ 349, sale, for £324-16s., id. C54/3783/15. Lawson:- C.J., VII, 315, 335. Boynton:- PRO, SP46/107 (first book) f.164.

But most of the prices were equal to, or above, the ten years' purchase. Ludlow proudly asserted that "... such was the good opinion that the people had conceived of the Parliament, that most of those lands were sold at the clear income of fifteen, sixteen, and seventeen years; ..." ¹. If this was an exaggeration, it is still true that the lands were often sold above the official minimum rate. The Manors of Plumpton and Ruffarlington each sold at twelve-and-a-half years' purchase, whilst Robert Doleman's Manor of Badsworth realised £9949-8-6d. - over twenty-three times the annual rent! There must have been some valuable assets on these lands, unknown to the Treason Trustees, for the Commonwealth purchaser, John Bright, had just bought the estate and title from the ex-owner for £8600 ².

After the estates had been surveyed and valued, notice of the impending sale was officially posted, together with a copy of the survey. The Drury House Trustees were responsible for making contracts with the respective buyers, the first half of the purchase price falling due eight weeks after the contract had been signed ³. When the lands had

1. Memoirs of Edmund Ludlow, esq., 1625-72, (ed. C.H.Firth), (Oxford 1894), I, 231.
2. Plumpton:- survey - see supra, p. 177, n. 2. Sales- PRO, C54/3835/31, id./3832/33. Doleman:- Bright MSS, BR 194, sale, PRO, C54/3663/3; id./3748/39.
3. Before the lands could be offered to private purchasers, there was a thirty day pre-emption period for either tenants or Royalist ex-owners.

actually been conveyed to the purchaser, the estate was offered as security for the remainder of the sum, due in six months. As none of the properties were repossessed by the Trustees, it appears that all the contractors paid the money within the prescribed periods¹.

The government borrowed £1,050,000 (by means of doubling) on the security of these estates, guaranteed at six per cent interest². Unfortunately, the revenues were not as substantial as had been expected. The provisions made for creditors and other claimants on the lands considerably reduced the acreage to be sold. Even so, doubling proved to be highly popular - indeed, many State creditors saw it as their only opportunity to recover their debts from the government. Professor Habakkuk has illustrated that the majority of the money raised by the sales was in the form of doubled bills: thus a large proportion of Parliament's profit was merely the cancellation of outstanding debts³.

1. Contracts are listed in the book of orders received by the Yorkshire Committee, PRO, SP46/107, second book, 1652-55, passim.
2. £250,000 on the First Act, £200,000 on the Second, and £600,000 on the Third. Firth & Rait, II, 531, 594-5, 647.
3. Doubling was where State creditors, on advancing a sum equal to their original loan plus interest, could have the whole debt counted against their purchases of confiscated property. For a clear summary of the problem, see H.J.Habakkuk, "Public Finance and the Sale of Confiscated Property during the Interregnum", in Ec.H.R., 2nd. series, XV (1962), pp. 70-88., especially pp. 78-9.

The first two Acts of Sale included the names of a hundred delinquents, principally those of the prominent Royalist political, military and social leaders. It was, however, the Third Act, containing 680 names, which was the most significant¹. Virtually all of the victims of this final proscription were delinquents of no special distinction, who had suffered because of their religion, or their refusal to pay any composition fines. Not all of them can be traced, as some are incorrectly named, or their estates are not recorded. But two counties stand out prominently for their extreme degree of Royalism: 213 delinquents came from Lancashire, and 118 from Yorkshire. The rest of the country was a long way behind by comparison - the next highest totals are Somerset (34), Northumberland (30) and Chester (29)².

1. Although 680 names appear on the lists, some are repetitions, as a delinquent is sometimes listed separately for each county in which he held lands, (with the exception of members of the peerage). It is virtually impossible to arrive at a correct total without undertaking a complete survey of the whole country, and therefore, for the purposes of this brief comparison only, I have taken 680 as the basic figure, and have made no corrections (except to enter some Lancashire delinquents, listed under Derbyshire, in their correct placings).
2. The figures for the rest of the country are as follows:-
 20 delinquents each (Durham, Devon); 16 - Lincs.;
 15 - Cumberland; 13 - Monmouth; Dorset, Hants; 12 - Staffs, Worcs.; 11 - Westmorl'd, Wales; 10 - Cornwall;
 8 - Essex; 7 - Norfolk, Suffolk, Derby; 6 - Hereford; Gloucs.; 5 - Shrops., Kent; 4 - Notts., Oxon., Sussex, London; 2 - Hunts., Surrey, Middlesex, Northants.; 1 - Berks., Herts., Rutland, Leics.; Untraced = 11.
 (Wales is treated as one area, though Monmouth is regarded separately; London is also treated as an individual region.)

Together, the six northern counties accounted for 407 delinquents - nearly 60 per cent of all those mentioned in the Third Act. The majority of the victims were recusants and, in the north, where Catholicism was still a force to be reckoned with, they provided the government with a considerable amount of revenue. Of this, but it has been for the most part. In Yorkshire, 82 per cent of the victims of confiscation were Catholics - 50 out of the 61 members of the gentry¹. Their heaviest numbers came from the East Riding - here of many members of the various branches of the Constable and Doleman families had supported the King. In the West Riding (excluding the Pennines), the delinquents came from the north-east of the region².

Table XIV:- DELINQUENTS IN THE THREE ACTS OF SALE:
(by families).

(a) Area	(b) Total Roy. families	(c) Families in Acts of Sale	(d) Percentage (c) of (b)
Hull	17	1	6
Ainsty	10	1	10
East Yorks.	40	12	30
Richmond & Durham border	31	10	32
Cleveland	51	11	21½
Pennine	10	3	30
West Yorks.	97	12	12
South Yorks.	32	4	12½
Totals	288	54	18¾ (av.)

(Footnotes - see p. 182)

In actual fact, the Catholic delinquents suffered less than is normally supposed. By a combination of good fortune, skill, and government liberality, they succeeded in evading the worst provisions of the statutes, and many were able to recover their estates. But it is doubtful if they could have accomplished any of this, had it not been for the relatively generous terms of the three acts, and the way in which Parliament chose to interpret them.

The acts were not simply designed for the benefit of the government's creditors, whose demands had been instrumental in precipitating the sales. With its novel mixture of opportunism and social justice, Parliament attempted to associate first tenants, and then the "traitors" themselves, in the purchase of confiscated property. The First Act allowed thirty days pre-emption to immediate tenants, but in Yorkshire, no one took advantage of this offer.¹

1. There were three exceptions, but none were true tenants. Thomas Hescott and William Taylor had purchased lands from Henry Marshall during the war; the Trustees did not recognise the sale, and therefore the two 'tenants' had to repurchase the title from Drury House. The same thing happened to Richard Fawcett, who had bought lands from the Dolemans (PRO, SP23/G 58/11; C54/3755/6; C.C.C., 1749.)

(cont. from p. 181).

1. These delinquents represented 54 families. Five had already commenced, but not completed, composition proceedings. These 61 delinquents are from all three Acts of Sale.
2. North of Barnsley and east of Leeds. See Map II. In the following table, the families listed in the third column are located in the various districts by the residence of the senior Royalist who suffered from the Acts of Sale.

The two acts of 1652 permitted the delinquents to compound for their own estates at two-sixths (or six years' purchase), on condition that any Catholics sold their lands within a year, or became liable to the full weight of the recusancy laws.¹ On the surface this appeared to be a severe penalty - after a year, the compounded estates would still be saddled with heavy debts, and in a flooded market, it was most unlikely that the Catholics would be able to obtain a fair price. Alternatively, the re-sequestration of two-thirds of the estate (for recusancy), when the remainder of the property had been mortgaged to pay the fine, would simply bankrupt the unfortunate Royalists.

Despite this, thirteen of the delinquents named in the Third Act compounded for their estates, of which all but one were Catholics². Five more compounded for parts of their property. Only one of the former definitely sold his lands: this was John Constable of Kirby Knowle, whose small estate was already heavily mortgaged. Soon after paying the fine, his three co-heiresses were forced to sell the dilapidated property to their creditor, James Danby of York³.

1. The provision to allow delinquents to compound is not expressly mentioned in the Second Act, but it was approved by the Commons, OPH, XX, 91; C.J., VII, 156 (20 July 1652); Firth & Rait, II, 644-47.
2. Henry Marshall's brother compounded for that part of the estate which had not been sold early in the war. For reasons mentioned supra, (p. 182, n. 1), parts of the lands he had sold were resold by the Treason Trustees.
3. R.C.P., III, 60; V.C.H., North Riding, II, 46; PRO, CP25(2)/Bundle 614, Trinity 1654.

The other Royalists apparently conveyed their estates in trust to pay off their compounding debts, like William Constable of Cathorp. His small but reasonably prosperous estate was burdened with expenses of £1050, all incurred during the period 1653-4¹.

These compositions were, in fact, much the same as the normal fines imposed upon the average Royalists, even though they were much higher. The sum had to be settled in two separate halves - the first part within sixty days, and the remainder within six months, of the return of the survey to London². These later fines were, however, based on the Commonwealth valuations, and not on the highly inaccurate 'particulars of estate' (which, even if honestly representing the 1642 rentals, greatly underestimated the potential of the property). But the fines, administered by Goldsmiths' Hall, were in every other respect parallel to the earlier compositions: reductions were made for entailed property and other such allowances on the estates. The late Henry Marshall's lands were compounded for by his brother and heir Samuel, who was ordered to pay a fine of £228-0-4d. After half had been paid, the remainder was remitted, as the Commissioners for Compounding had just recognised the claims of Anne, Henry's widow, to part of the estate. Two

1. R.C.P., III, 73; Constable MSS, DDCC/133/22.

2. Firth & Rait, II, 644 ff.

portions of the property were in fact sold - to William Taylor and Thomas Hescott. They had each bought some lands from Henry Marshall during the civil war, but the sale was not recognised by Parliament, and therefore both had to re-purchase their property from the Treason Trustees¹.

Charles Thimelby of Snyderal represents a typical example of a compounding "traitor". Within five months of his fine being set, he was completely discharged, and soon afterwards the whole estate was conveyed to John Wolstenholme and Thomas Stringer (close neighbours and friends) to create a trust, and thus prevent any further sequestrations. Thimelby received an income from the lands during the rest of the Interregnum, and also farmed his still-sequestered tithes of Carlton, Tanshelf and Snyderal from the local committee for £54 a year. With careful management, his estate swiftly recovered from the ill-effects of composition, and was in its pre-war condition by the mid-1660's².

Although those Catholics who compounded were apparently faced with the grim choice of selling their estates on a buyer's market, or suffering a crippling sequestration for their recusancy, the majority succeeded in avoiding both evils by settling their lands on trustees. This was ostensibly

1. R.C.P., III, 58; PRO, SP23/G 58/11; C54/3755/6; C.C.C., pp. 2857-8.
2. Survey:- PRO, SP23/G 58/48; compounds:- R.C.P., III, 59; leases sequestered lands:- PRO, SP28/215, account book of 1655 farms.

to repay their debts, but in actual fact it enabled them to evade re-sequestration. During the year's grace after the fines were set, the compounded Royalists were not prosecuted for either delinquency or recusancy, and there was thus no legal barrier to prevent them from conveying their lands to whomsoever they wished.

On examination of the records of the estates sequestered in 1655,¹ it is clear that the government never fully imposed the measures threatened in the Third Act. The Long Parliament had rigidly sequestered two-thirds of the estates of all recusants², but whilst normal Catholics still suffered this punishment, no delinquent or papist delinquent was re-sequestered for not selling his lands³.

Only two of the eighteen Royalists who compounded in whole or in part were ever charged with recusancy during the remainder of the Interregnum, and in both instances they were fined on the Recusancy Rolls in the traditional manner. The result was that their estates were ridiculously undervalued. Charles Thimelby was assessed at £35 for two-thirds of his Manor of Snyder - less than a seventh of its true worth. John Vavasour of Willitoft, whose lands had been

1. PRO, SP28/215 "Book of A/cs for $\frac{1}{2}$ year ending Mich 1655" (rentals of estates sequestered from Catholics and Catholic delinquents).
2. Dom Hugh Aveling, "Catholics and Parliamentary Sequestrations", in Ampleforth Journal, (June, 1959), p. 103.
3. The estates sequestered in 1655 consisted of the undervaluations made by normal delinquents, and not compounded for; two-thirds of the lands of recusants; and inappropriate tithes, etc.

surveyed as £80 a year, was charged a mere £6 for his recusancy. These extremely low valuations had little effect upon the Royalists concerned, and it seems unlikely that they were ever paid¹.

It is therefore clear that the threatened recusancy laws were never really imposed upon the Catholic compounders. Thus the only burden that these Royalists had to bear was their heavy fine. No doubt this affected them severely, but for those with no appreciable debts, it could not have been too difficult to raise the money. There was also no question of interference from the Committee for Removing Obstructions - where the delinquent compounded, the creditors received no preferential treatment, and could not claim any part of the property without a legal cause².

The remaining five compositions were for only parts of confiscated estates³. In each case, the Royalist deliberately compounded for a specific portion of his lands, and not simply for what he could afford. Robert and James Ayscough paid for the property which they had recently inherited from their Royalist father, and Sir Philip Constable compounded for some lands in Holderness which had been granted by Henry

1. PRO, SP23/G 58/48, 81; recusancy rolls:- PRO, E377/61.
2. The money was raised in very much the same way as the normal compounders raised it - see supra, p. 104~~ff~~ When compounding in this way, the delinquents could not, ^{use} doubled bills.
3. William and Thomas Doleman also petitioned to compound, but apparently never paid, as their lands were sold.

VIII in tail for his family. George Metcalfe recovered his mother's dower lands, confiscated through the delinquency of her second husband, Marmaduke Frank. William Bulmer and Thomas Tankard each compounded for that portion of their lands which was not settled in tail to their respective heirs¹.

It is significant that sixteen of these eighteen compositions (whether for all or part of the forfeited estate), were made for lands which were held in fee simple, and could therefore be sold in perpetuity. In the other cases, abnormal circumstances dictated the necessity for composition. Mrs. Frank's dower from her first husband was to be sold for the delinquency of her second, unless some action was taken. And the Constables, who were planning to repurchase their lands through trustees, had discovered that part of the estate, due to its peculiar entail, could not be sold, and would therefore remain sequestered if no fine were paid. Thus the opportunity to compound was eagerly grasped by those who were not protected by entails - six years' purchase by fine was considerably less than ten years' purchase by contract with the Treason Trustees².

1. Ayscough:- R.C.P., III, 83-4; PRO, SP46/107 (Second Bk.) f. 129.

Constable:- R.C.P., III, 88; Aveling, op. cit., 111.

Bulmer:- R.C.P., III, 79 (rest of lands were mortgaged).

Frank:- R.C.P., III, 69-70; PRO, Index 17349, f. 36.

Tankard:- C.C.C., 1119-20 (an error for T. of Brampton); PRO, Index 17349, f. 71.

2. Where the estates were entailed, the delinquents doubtless expected that the property would pass to the next heir, and that therefore they would have to pay no fine, and the lands would not be sold.

On the expiry of the thirty days pre-emption period, the estates were sold to the highest bidder. However, even at this late juncture, three delinquents were fortunate enough to have their lands completely discharged. In two cases, the Royalist had died, and the entailed property was vested in his heirs before 25 March 1652 (the latest date for the recognition of reversionary claims). Philip Anne's lands were all in trust: Burghwallis entailed to his son and heir Michael, and the Frickley estates mortgaged to settle £2400 debts and £1800 portions. Richard Theakstone's Manor of Bedale had actually been sold for the delinquency of his grandfather, but Theakstone successfully pleaded that both father and grandfather had died before sequestration: thus the Committee for Removing Obstructions cancelled the sale, and restored the property¹.

The third case of discharge is rather an unusual one. Little is known of the victim, Peter Pudsey, who was distantly related to the Pudseys of Bolton and Stapleton. His small estate, consisting of a quarter of the Manor of Sandhutton, was sold to James Nelthorpe, but James Harwood claimed the property on the grounds that his wife was Pudsey's sister. Since the Royalist did not die until 1676, it is not clear on what grounds the Committee for Removing Obstructions discharged the lands, but the sale was certainly cancelled.

1. ANNE:- PRO, SP46/107/ First Order Bk, f. 192, 194; PRO, C5/19/3; C.C.C., 2933.
 THEAKSTONE:- PRO, C54/3750/25; id., Index 17349, f. 72;
 H.B.McCall, The Early History of Bedale, (1907), 67-70,
C.C.C., 3071-2.

Exactly who finally gained the manor, Pudsey or Harwood, is uncertain. The Victoria County History notes the latter as being in possession in 1655 and 1677, yet Pudsey was deforciant to a fine on the lands in 1663, and left his estates in Sandhutton (whether these included the manor is not known) to Edward Trotter and Walter Vavasour in his will in 1676. It seems likely that the manor, or some part of it, was offered as security for his sister's portion, and thus James Harwood could claim an interest in the property. But, whoever owned the estate after 1653, it is certain that it was never sold¹.

The remainder of the delinquents - forty-five - suffered the sale of all or part of their estates. The size of these properties varied considerably - from the eight manors of Sir Henry Slingsby to the few acres of William Brigham of Wyton. Altogether, the confiscated lands of the Yorkshire gentry totalled at least 103 manors and 108 other parcels of land. The following table illustrates the considerable amount of property that was finally sold.

1. PRO, C54/3749/31; C.C.C., 1992; VCH, North Riding, II, 95; Fine, PRO, CP25(2)/752, Hilary 1662/3, no. 6.
Will:- (18 April 1676), Y.W., vol. 57, f. 189.

Table XV:- NUMBER OF ESTATES CONFISCATED BY PARLIAMENT.

	Confis- cated	Compdd.	Dis- chargd.	Not sold because of copyhold, entails, etc. (1)	Sold.
No. of People	61 (+ 5 in part)	13	3	-	45
Manors	103	13	3	5	82
Non-manors	108	16	9	9	74
Total of estates	211	29	12	14	156

The majority of the estates confiscated - nearly 74 per cent - were sold by the Treason Trustees. But of these, a considerable number were for life only, due to entails or reversionary claims on the property. This not only meant that the delinquents' heirs would recover the property on the deaths of the Royalists, but also lessened the value of the estate as an investment. State purchasers naturally preferred to buy lands in fee simple, where they could gain an absolute title in perpetuity.

In all, 35 manors and 31 other parcels of land sold by the Drury House Trustees were for life only - over 42 per cent. The majority tended to be grouped in the possession of a few rich delinquents; for example, the Middletons' seven manors were entailed, as were seven out of Sir Henry

1. These represent lands which were definitely held by the family, but which were not sold, because of some form of entail, or because they were held in the names of people other than the Royalist. Such were reversionary claims to dowers which did not fall due before 1660.

Slingsby's eight, all five of Sir Philip Constable's, and Thomas Tankard's three. But, despite the certainty of ultimate reversion, these Royalists still attempted to recover their lands from the Trustees: in this, they had the advantage of buying on a limited market.

There were four broad classifications of purchasers for these 156 estates. The majority were bought by agents acting for the Royalists or their heirs. A few were directly repurchased by relations of the delinquent. Some fell into the hands of creditors or grantees, and the remainder were acquired by outside forces, either speculators or people hoping to enlarge their own estates. The following table illustrates the various classes of purchasers.

Table XVI:- CLASSES OF PURCHASERS OF CONFISCATED LANDS.

Purchasers	Total	Manors	Non-manors	No. of persons affected(1).	
				whole estate	part of estate
Royalists' agents	88	42	46	18	3
Possible Royalists' agents	14	11	3	4	1
Direct repurchase	3	3	-	2	-
Creditors (for debts)	16	10	6	4	1
Creditors (buying)	2	1	1	1	-
Gentry: local	5	3	2	2	2
London	8	4	4	2	2
other	4	2	2	1	2
Non-gentry: local	8	2	6	4	1
London	3	-	3	-	2
Grantees	5	4	1	1	1
Totals	156	82	74	39	15

45

A large number of estates were bought by agents acting for the delinquents. Most of these were London lawyers or merchants - men with experience in land conveyancing and the handling of money, who were better able to contract with the Treason Trustees. The expense of travelling to London and staying there whilst the sale was negotiated could be quite considerable, and much time might be lost by someone

1. When the whole of an estate went to one class of purchaser, it is entered in the "whole estate" column; when two or more classes of purchaser took the property, an entry is made in each of the relevant "part of estate" columns.

unacquainted with official procedures. The use of agents to handle these arrangements was quite natural, but under the impetus of the Royalists' attempts to regain their lands, it developed into a wholesale trust system¹.

Dr. Chesney saw these middlemen as mass speculators, buying and re-selling on a huge scale for their own profit². Certainly some speculators were involved in the sales (it would have been surprisingly abnormal had there not been any), but many of the bulk purchases were made by the delinquents' representatives. Contemporaries realised what was happening - Lucy Hutchinson arraigned John Wildman as "... a cunning person, Major Wildman, who was then a great manager of papists' interests, ..." ³. Without the help of such people, it is very doubtful whether the delinquents could have regained so great a portion of their estates. It was the

1. The class of "possible trust purchases" embraces those estates which were bought by an ex-Royalist or a close friend, and were back in the hands of their original owners after the Restoration, but where the fate of the lands cannot be discovered immediately after the sales.
2. Dr. Thirsk, in her study of the Royalists in the south-east, first suggested the role of these agents in the recovery of confiscated estates. See I.J. Thirsk, The Sale of Delinquents' Lands, (unpublished Ph.D. thesis, University of London, 1950), passim; H.E. Chesney, The Sequestration of Estates, 1643-60, (unpublished Ph.D. thesis, University of Sheffield, 1928) pp. 186 ff.
3. Lucy Hutchinson, Memoirs of the life of Colonel Hutchinson, (ed. C.H. Firth) (1906), 282. "Wildman's lack of any violent religious convictions enabled him to act, without worrying, in several business deals as an agent for Roman Catholic families", M. Ashley, John Wildman, Plotter and Postmaster, (1947), p. 72.

agent's name and reputation which secured the loans from the London merchants, and it was he (or his bailiff) who managed the property during the rest of the Interregnum, paying an annuity to the Royalist ex-owner¹. It is unlikely that the delinquents were using these trustees to disguise the fact that they were repurchasing their lands: the government must have realised what was happening, and accepted the situation with good grace². The real value of men like Crouch and Rushworth was that they simplified the purchase procedure, and safeguarded the estates against future re-sequestration³.

It is clear that the greatest part in regaining confiscated property was played by Londoners. Even Slingsby Bethell, though a relation of Sir Henry Slingsby, lived in the City. Most of these agents were lawyers, (like John Blunt, Gilbert Crouch and John Rushworth), or merchants, (such as John Fullerton and Slingsby Bethell). Wildman was an exception - a soldier who had apparently first speculated in confiscated lands, he later turned to the equally profitable (but far less hazardous) profession of buying in trust for the delinquents⁴.

1. Rushworth managed the Constable estate (Constable MSS, passim), whilst Crouch did the same thing for William Blundell's lands in Lancashire (M. Blundell (ed.), Cavalier: Letters of William Blundell to his friends, 1620-98, (1933), pp. 41 ff).
2. The government had permitted the Catholic delinquents to compound - it apparently treated trust purchases with the same benevolence.
3. See Appendix II b.
4. See DNB (Rushworth, Bethell, Wildman); Asley, Wildman, 72.

Thus the London trustees were chosen mainly for their legal or commercial connections. The local agents, however, were a far less cohesive group. Bellassis, Byerley, Cobb, Gower, Ingram, Strickland and Wentworth were all ex-Royalists who were apparently helping their friends out of embarrassing situations. Certainly, the lands they bought were recovered by the Restoration. Troutbeck, a Parliamentary army surgeon, had already farmed much of Sir Walter Vavasour's estate in trust for the ex-owner¹. Thompson was a prominent York merchant, who tried to keep in touch with both sides, whilst Prickett and Humphreys were both members of the local gentry who gave assistance to the families with whom they were closely connected.

Apart from Slingsby Bethell (whose activities were limited to his uncle's estate), the two greatest trust purchasers were Gilbert Crouch and John Rushworth. Both were mainly concerned with the north of England. Little is known about the former, except that he was of northern origin, and settled down in the North Riding after the Restoration. He was related by marriage to the Catholic Salvins, and this, together with his legal background, was probably the origin of his career as an agent. Altogether, he bought 38 properties (15 of them in conjunction with other trustees), amounting to over 23 manors and 36 other parcels of land².

1. H.Aveling, "The Catholic Recusants of the West Riding of Yorkshire, 1588-1790" in Proceedings of the Leeds Phil. and Literary Society, Part VI, p. 234.
2. C.C.C., 3161, & passim (for the purchases).

John Rushworth had had a very varied career before he turned to land purchase. A Northumbrian with Yorkshire connections, he was educated in the law, and called to the bar in 1647. He became clerk-assistant to the Commons in 1640, a Parliamentary messenger during the civil wars, and later secretary to Lord Fairfax and Cromwell. His purchases consisted of 16 manors and 21 parcels of land, as well as eight acquisitions in association with Gilbert Crouch¹.

Other such agents included Samuel Foxley of Westminster, Major-General John Wildman (who collected 62 estates in various parts of the country, mainly Lancashire), and John Fullerton, a clothworker of St. Martin's-le-Grand. Some of the local trustees were equally prosperous and important men: Sir Francis Cobb and Sir Thomas Gower, both compounded Royalists, bought lands in Saxton and Biggin for the owner, Sir Philip Hungate². Altogether, these agents rescued at least 88 (and probably 102) manors or parcels of land from the hands of the Drury House Trustees.

The success of such trust-buying naturally depended upon the financial stability of the delinquent's estate. The money was secured by a mortgage on the property, and the agent then administered it himself, paying an annual maintenance to the late owner. This not only avoided the possib-

1. D.N.B., and C.C.C., passim.

2. PRO, C54/3760/15.

ility of requestration for recusancy, but also secured the steady cancellation of the debt. The only instances where the delinquent was fined for his religion occurred where he had secured the seven-year lease of the property, and was therefore the definite tenant. Such leases, being with "traitors", became technically void when the lands were sold, but in the case of trust purchases, the agent usually allowed the late owner to remain in possession.¹ When the delinquent only received a maintenance allowance from his estates, he was hardly ever molested for his recusancy.

There is, unfortunately, not a great deal of information covering the raising of money to buy the confiscated lands. Professor Habakkuk has suggested that the majority of the sales were made with doubled bills². The creditors would naturally take this chance - probably their last - of obtaining repayment in some concrete form. Habakkuk mentions that all but 1.2 per cent of the moneys raised by the sale of Royalists' lands were secured in this way³.

1. For example, Philip Hammerton and John Ryther each retained their leases, and were fined as recusants (on the Recusancy Rolls) in 1655: PRO, SP28/215 (2nd Order Bk, for leases), id., E377/61.
2. See supra, p. 179, n. 3, for an explanation of this term.
3. H.J. Habakkuk, op. cit., in Ec.H.R., XV (2nd. series) (1962), pp. 71-74. Since a large number of the delinquents were using trustees to recover their lands, yet almost all of the money was paid in doubled bills, this indicates that the Royalists' agents were raising the money from the London speculators. This could be one reason why relatively few speculators appeared in Yorkshire - they could make safer (and sometimes larger) profits simply by lending the money, and thus getting rid of their useless public faith bills.

Dr. Thirsk endorses this opinion that public faith bills played a major part in the sales. There had been considerable speculation in these government securities - bills were bought and sold at deflated rates, the smaller creditors being forced to sell in order to recoup at least some part of their losses, whilst the richer accumulated them in the hope that one day they might be honoured. Walker mentions that debentures were bought up at five and six shillings in the pound, and used to buy confiscated lands: "... they purchase upon such easy particulars, as brings it down from ten years purchase (the price of forfeited lands) to two or three years purchase"¹. This "doubling" substantially reduced the government's profit on the sales - its capital assets were only realising a quarter of their value in fresh loans².

In only one instance of trust purchase can we be sure of the origins of the money. John Rushworth, buying Sir Philip Constable's estates, borrowed the capital from Richard Shireburne of Stonyhurst (in Lancashire), who raised most of it in the City at six per cent interest³. Apparently some

1. C.Walker, The compleat History of Independency, (1661), Pt. II, p. 207.
2. I.J.Thirsk, The Sale of Delinquents' Lands, (unpublished Ph.D. thesis, University of London, 1950), pp. 171-179. The new loan represented only half of the purchase price, which was itself (at ten years' purchase) only a half of the capital value of the lands.
3. Dom Hugh Aveling, "Catholics and Parliamentary Sequestrations", in Ampleforth Journal, p. lll.

of the money was in the form of public faith bills. This was the obvious way to raise loans for the repurchase of confiscated estates, and necessitated the services of agents. The City merchants advanced the money (if possible) in the form of doubled bills - for them, it was the ideal solution. They thus disposed of these dubious securities (making a handsome profit if they had bought them at deflated rates) without being burdened by lands, which tied up their credit in the form of a questionable title. The debt was secured by a mortgage on the property, and the careful administration of the agent or his bailiff guaranteed the regular repayment of the loan plus the interest. The fact that almost all of the purchase money was in the form of doubled bills shows that the majority of the agents used this method¹.

Sir Henry Slingsby's lands were most likely bought in this manner by his nephew, Slingsby Bethell, in association with a close friend, Robert Stapleton. Writing to his uncle, Bethell mentioned the cost of the lands which, as life estate, " ... cost six yeres purchase, and ... your estate comes to a great summe ... the whole as contracted for with the State amounts to £11,220-16-7d, which I reckon is money £6400 ..."². This strongly suggests that the remaining £5000 was paid in the form of public faith bills, bought on the

1. Habakkuk mentions that "... the total raised by doubling amounted to £604,934-8-3d.: (i.e., that amount in money, and an equivalent sum in bills) the money received in ways other than doubling amounted to only £15,048-1-6d". (H.J.Habakkuk, loc. cit., in Ec.H.R. (2 series) XV, p. 73.
2. Slingsby Bethell to Sir Henry Slingsby, 13 March, 1651/2, in W.Wheater, Knaresburgh and its rulers, (Leeds, 1907) 243.

London market.

The use of Yorkshire agents for the repurchase of some of the lesser properties suggests that part of the money was raised locally. Certainly, the York merchants were quite capable of advancing enough credit to buy the smaller estates. The difference in the size and amounts contracted for between the London and local trustees appears to indicate that the former were employed principally for their connections with the London money market. Their guarantee that the estate would be settled as security for the loan was needed when large sums of money were involved. In lesser cases however, the delinquents preferred to employ friends and relations.

Although the money was raised in the name of the Royalists, the agents were apparently mainly responsible for negotiating the loans. Sir Henry Slingsby left all the transactions over his estates to Bethell and Stapleton, while Sir Roger Bradshaigh and Gilbert Crouch (who also acted as trustees) advanced the funds needed to repurchase William Blundell's lands¹. This direct interest was natural, as the agent would be the person to suffer if he could not pay the price on the day appointed. However, John Rushworth, when he acted in this rôle, usually left all the financial matters to the delinquents themselves².

1. The Diary of Sir Henry Slingsby, (appendix on letters), passim; M. Blundell (ed.), Cavalier, pp. 40-41.
2. Both Sir Philip Constable and Robert Doleman (Rushworth's protégés), had to make their own arrangements: Aveling, op.cit., 111; Bright MSS, BR 185(b) v/112.

Once the money had been raised and the estate recovered, the lands were usually mortgaged to the agent or his creditors as security for the loan. Sir Philip Constable's property was saddled with a £12,488 debt; £7500 to pay the Treason Trustees, and the rest to settle the baronet's own personal liabilities. Some of the debts were transferred into life or personal annuities, and gradually the residual mortgage was reduced. But even in 1671, the charges on the estate stood at £6230, carrying £375 interest¹.

As soon as the first half of the purchase price was paid, the rents and other dues fell to the new owner. Some of the agents paid these first instalments fairly soon after the contracts were signed - in a few cases, within a fortnight². As most of the surveys on the Third Act of Sale took place in early 1653, prompt action could secure the Lady Day - or at least the Mayday - rents. If the estate was in fee, and therefore assessed at ten years' purchase, the yearly rate of interest for the sum borrowed (at six per cent) would be over half the annual rental of the property. Thus an extra quarter's rent would be a most welcome asset.

Bethell and Stapleton adopted this practice with Sir Henry Slingsby's estate. The first half of the price was paid well before it was due, in order to gain the rents on

1. Constable MSS, DDEV/56/408.

2. List of contracts with the Treason Trustees, PRO, SP46/107, (Second Order Book), passim.

the property. "Wee haue for payment eight weekes for the first halfe, and six moneths after for the second moyety. But because it is our designe to saue lady-dayes rents, and if wee will doe that wee must pay in our first payment before the 25th Mche, I haue therfore made use of my credit..."¹

Other purchasers also used this method - there was a wave of premature payments in the weeks preceding Lady Day, 1653. After this, few people bothered to expedite their instalments until the first days of September, just before the Michaelmas rents fell due. When there was no immediate financial inducement, the buyers usually took the full two months before they settled their accounts with the Drury House Treasurers.

The use of agents did not always guarantee the recovery of the lands. In a few cases, the delinquent was unable to raise enough money, and the estate had to be sold soon afterwards. This was no reflection upon the abilities of the trustee - he did not, unless he was a close friend, pledge his own credit. It was the Royalists' lands which were bound as security, and if they had suffered during the war, or were burdened with debts, the question of raising money naturally became a problem.

Robert Doleman of Badsworth was unfortunate in this respect. He had attempted to compound in 1650 but had been prevented from doing so, either through debts or because of

1. Bethell to Slingsby, 13 March 1651/2, in Wheater, op. cit., 243.

his Catholic religion. When he appeared in the Second Act of Sale, he contracted John Rushworth to act as his agent. But Doleman could not raise the money, and had to sell parts of his estates in order to recover the rest. The Parliamentarian John Bright of Carbrook bought Badsworth for £8600, and then purchased this manor from the Treason Trustees, using Rushworth as his agent¹.

Rushworth's letter to Bright indicates Doleman's precarious financial position. "I understood this day by M^r Doleman that you are inclinable to buy Badsworth of him: Wh(ich) hee must sell, or some other land, to redeem the rest: ... the estate is contracted for in my Name; for the use of his wife and children. & I should be very gladd, to passe the Interest to you: but there must bee nor delays in the business, for his 2 moneths (between contracting and paying) is almost expired; & (I) must procure moneys some other way ... I can say nothing of ye value of y^e land, but of a clean title you need not doubt ..." ².

Even with these additional funds, Doleman was unable to meet the high cost of recovering his lands (which, being in fee, were valued at a minimum of ten years' purchase). He had to allow his manors of Gunby and Weedley to be bought

1. PRO, C54/3748/39; Fine CP25(2)/614 (Hilary 1652/3); C54/3663/3; Bright MSS, BR 185 (b) v.
2. Bright MSS, BR 185 (b) v/112.

by Robert Cutts of Gray's Inn, and later sold his title to the property. In the end, the only parts of the Doleman estates which were recovered were the Manors of Waplington, Boulton and half Pocklington, purchased through Rushworth for £3105-17-4½d¹.

Marmaduke Cholmley also lost some of his estates in this way. Both his manors of Brandsby-cum-Steersby and Brafferton were repurchased through the services of Gilbert Crouch, and were later mortgaged as security for the cost of their recovery. Brandsby remained in the hands of the Cholmley family, but Brafferton fell to Ralph Rymer, a member of the Yorkshire Committee. When Rymer was attainted for his involvement in the abortive Farnley Wood Plot of 1663, Brafferton escheated to the Crown, and Cholmley petition^{ed} for its restoration. The estate, however, was eventually restored to the Rymer family, and the Royalist never recovered it².

The only other person who was forced to surrender a recent trust purchase was Sir Marmaduke Langdale of North Dalton. At the time of the confiscations Langdale was in exile, whilst his three daughters attempted to protect his interests. Much of the family's property was granted to

1. PRO, C54/3663/10; id., C54/3748/12; id., C54/3665/1.
2. PRO, C54/3791/8, 10; id., C54/3792/21; id., C54/3840/17. Rymer's attainder, PRO, E178/6556; Cholmley's petition, C.S.P.D., Addenda, 1660-70, 694; VCH, North Riding, II, 100.

Parliamentary supporters, but the Manor of North Dalton was put up for sale. It was bought in 1652 by Robert Prickett of Allerthorpe, who later married one of Sir Marmaduke's daughters. Although Prickett raised the money with little difficulty, the family had hardly any means of subsistence, and the manor therefore had to be sold the following year to Edward Barnard of Gray's Inn for £2150. When Sir Marmaduke returned in 1660, he endorsed the sale and guaranteed Barnard's title¹.

Twenty-one delinquents recovered all or part of their estates through the intervention of agents, and another five probably regained their property in the same manner. This involved them in very heavy debts, and in two cases led to the almost immediate resale of some of the lands concerned². The remainder of these Royalists succeeded in retaining possession, at least until 1660, by which time their lands were in a much more healthy position. The enforced social isolation during the Interregnum, and the careful estate administration of the trustees or their representatives, contributed in a large measure to the repayment of the outstanding debts. Thus those who were able to repurchase their property through

1. PRO, C54/3659/20; *id.*, C54/3756/23; *id.*, CP25(2)/614 (Trinity 1654); *id.*, CP25(2)/7752 (Trinity 1660).
2. These two examples are Sir Marmaduke Langdale and Marmaduke Cholmley. Robert Doleman is not included, as the three manors that he lost were not, in fact, bought by trustees (even though Rushworth had been employed to act as an agent).

a broker had an excellent chance of retaining their lands intact.

The trustees doubtless charged some commission for their services, although it is not certain in what form it was paid. Apart from any profits they could make by using public faith bills, such middlemen probably received substantial legal fees as agents and estate managers. Their services were available to all ranks of society - not only the peerage and gentry, but also the yeomanry employed trustees to recover their estates. The ubiquitous Gilbert Crouch bought lands in Bishopton and Swillmire for Thomas Staveley, and estates in Markington for James Singleton¹. Dr. Chesney visualised a land revolution, with people like Crouch and Rushworth, Wildman and Foxley, in the guise of speculators². In fact, such persons were performing exactly the opposite rôle - they were preventing a land revolution. Sixty-five per cent of all the lands of the gentry sold by Drury House were purchased by agents or probable agents, and only two per cent of these were lost before 1660.

There was another way in which the Royalist might regain his lands prior to the Restoration - by direct repurchase from the Treason Trustees. This was, in fact, an extension

1. PRO, C54/3767/3; id., C54/3783/20.

2. H.E.Chesney, "The Transference of Lands in England, 1640-1660", in T.R.H.S., (4 series) XV (1932) pp. 196-7.

of the trust purchase system, where the agent happened to be the heir, or a close relation, who had avoided the stigma of delinquency. Only two families recovered their estates in this manner - the Lowthers of Ingleton and the Washingtons of Hampole.

Colonel Richard Lowther, Royalist Governor of Pontefract Castle, had died in 1645, and his heir Gerrard failed to complete his father's composition, being unable to pay the fine because of heavy debts. When the estates were confiscated, Lancelot (the second son) repurchased them in September 1653 for £1707-15-5³/₄d. Besides this forfeited property, the family had only the mines on Ingleton Moor, and from such slender resources was quite unable to raise the necessary credit: Ingleton Manor was therefore mortgaged to Anthony Bouch of Cockermouth (Gerrard's brother-in-law) for £1800. But the expense of recovering the estate, combined with war losses, bankrupted the family. All their interests in the coal mines were sold in 1658, and when they attempted to redeem the mortgage on Ingleton, they were unable to pay the £3000 for which the manor then stood security. As a result, the whole of the family estates passed away into the hands of creditors¹.

The Washingtons were more fortunate. Their two manors of Adwicke and Hampole were bought by the merchant Robert Washington, second son of the delinquent Darcy the elder.

1. PRO, C54/3750/16; id., C54/3750/9; Y.A.S., DD123; PRO, C10/468/132.

The money was apparently paid promptly, and the lands were entailed to protect them in the future. The will of Richard Washington, Darcy's grandson and heir (proved in 1678) mentions debts which exceeded his personal estate, but there is no direct evidence as to whether these were the result of confiscations, or of later expenses. Hampole had been mortgaged for £1000, and the context of the will suggests that the family were in some financial difficulties.

Although the lands had been valued by the Commonwealth surveyors at about £333 a year, Richard restricted his son's income to £50 per annum until the outstanding debts were paid. This seems to indicate that the Washingtons, too, were suffering somewhat from the aftermath of the Interregnum¹.

In the remainder of the sales, the purchasers were not acting directly for the Royalist ex-owners. Virtually all of the delinquents who were unable to regain their lands by composition or repurchase were limited from taking such action by external circumstances. They were either in exile, like Cuthbert Morley and Sir Marmaduke Langdale, or were in a straitened financial position due to having a small estate or extensive debts. They therefore had no option but to leave their lands to the mercy of the Drury House Trustees.

1. PRO, SP23/G 58/65-7; *id.*, C54/3785/41; *id.*, C54/3800/21; Y.W., vol. 59 f. 386. There is no evidence that the losses from the war contributed to this indebtedness, but it seems likely that ~~it~~ ^{they} would have, ^{at least} weakened the estate.

In a number of instances, the delinquent held the seven-year lease on his own property. If it was in his wife's, or a relation's name, he could continue to enjoy the revenues, although there would be considerable rents to be paid to the Commonwealth purchaser. Thus Jane Plumpton, grand-daughter of the Catholic delinquent Sir Edward, held the leases on all of her father's and grandfather's lands (with the sole exception of Plumpton Manor), and from this favourable position was able to rebuild the estate¹. But the majority of the delinquents had leased their property in their own names, and when it was confiscated, their title, being that of a "traitor", became invalid. John Baker, surveying Robert Doleman's estate, reported: " I conceive this is Robert Doleman the delinquent to whome the Lease is granted, & if soe ... then the Lease to be voyd"². Therefore, unless the Royalists had cautiously bought the leases through an agent, they forfeited all interest in the property.

The employment of such representatives to act as tenants was not always to the delinquent's ultimate advantage. Whilst it gave him some sort of revenue for the following seven years, everything depended upon the agent's honesty. There could obviously be no open arrangement as this, being technically illegal, would immediately invalidate

1. See infra, p. 230.

2. Bright MSS, BR/194; PRO, C10/69/68.

the settlement. Therefore the transaction had to be one of mutual trust and respect.

Occasionally however, the trust was all on one side. Marmaduke Holtby of Skackleton made a gentleman's agreement with Thomas Reynolds of York, by which the latter would take up the lease on the Manor of Skackleton at £102 per annum, paying the profits to Holtby. Soon afterwards, Reynolds broke his word, and ceased all payments. After the Restoration, Holtby sued him in Chancery, and managed to recover the arrears of rent (although it is not known whether or not he regained the manor). In November 1661, he petitioned the King for a commission to fell old trees in Rockingham Forest in recognition of his services during the wars: another victim of the sufferings of the Interregnum¹.

Apart from such occasional leases or agreements, the delinquents who were unable to recover their lands had to survive on credit (or the charity of their neighbours), for their lands were sold by the Commonwealth². The largest single group of new owners were the Royalists' creditors - they accounted for eighteen parcels of land, belonging to six delinquents. In actual fact, half of these estates were the property of one man, Cuthbert Morley of Seamer. His

1. R.C.P., III, 116; PRO, SP28/215 (2nd Order Bk, showing lease); id., C10/59/68; id., C78/624/10; Calendar of Treasury Books, I, 173.

2. When the lands were sold, no allowance was made for any dependants, unless there was some dower or entail settled upon the estate.

father had built up a considerable domain in the North Riding just prior to the war, and many of the loans raised to buy the lands were as yet unsettled. Thus the majority of Morley's estates went to satisfy his creditors, the government receiving only £3714-2s. out of the total purchase price of £28,154-3-11¹/_d.

The estates of four of the other five Royalists went to creditors almost in their entirety, and only one - the lands of Marmaduke Frank of Knighton - brought any substantial gain to the government. In this case, William Colegrave and Henry Savage, agents for the creditor (the Marquis of Dorchester) purchased the Manor of Knighton and lands in Sandhutton from the Drury House Trustees for nearly £2000. There was a mortgage of £1500 settled on the property, redeemable at any time as long as £120 a year interest was regularly paid. During the Interregnum Frank, deprived of his lands, fell into arrears with the payments, and had considerable difficulty in regaining his lands after 1660².

This arrangement for paying creditors out of the confiscated estates was admirable in theory, but had its limitations in practice. One of the major drawbacks occurred in cases where the property was insufficient to meet all the respective liabilities. Lands were normally valued at between

1. See Appendix III, p. 344 for a summary of the Morley case.
2. PRO, C54/3834/34; id, C10/119/41; id, C10/120/35. ~~The remaining case was that of John Plumptre, whose lands (half the family estates) were secured for portions and debts. They represented less than 50 per cent of the total landed wealth of the family.~~

fifteen and twenty years' purchase, but the Trustees sold them for only ten times their annual revenue. Thus estates heavily in debt might be inadequate to meet all the various claims.

This question arose in the case of Sir George Radcliffe of Thornhill. He had fled to the continent, and his estates were confiscated and marked for sale. The government had allowed £1900 out of the profits of these lands to Henry Stewart and James Grey, as compensation for their sufferings in Ireland. However, Richard Elmhist of Houndhill, a prosperous ex-Royalist yeoman, also claimed a share of the property in settlement of the debts Radcliffe owed him. He alleged that Sir George had borrowed the money to buy the Manors of Colton (Cowton) and Fairburne (the lands in question), of which nearly £5000 still remained unpaid. As he had already compounded for these manors, Elmhist was quite justifiably annoyed when the Committee for Compounding gave judgement in favour of Stewart.

In response to the Royalist's petitions, the case was reopened, and this time the Committee decided in favour of Elmhist. He was to have the Manor of Colton, and half that of Fairburne, until his debt was settled: the other half of Fairburne was sold to a syndicate of three Londoners.

Despite all her pleas Agnes, Stewart's daughter and heiress, never received any more of her inheritance, nor even the debts which Radcliffe owed to her father¹.

The Committee for Removing Obstructions only awarded property to creditors if the latter could produce concrete evidence of a debt which was actually settled on the estates prior to the war. Since such lands were already secured for legitimate debts, they were obviously unredeemable at the Restoration - unless the delinquent was prepared to adopt the mortgage, and repay the charges on the estate. This method of satisfying creditors proved very satisfactory to the mortgagees, but was a source of great embarrassment to the Royalists, who were threatened with the irreplaceable loss of their lands. Fortunately however, some delinquents were able to make agreements with their creditors, by which the latter treated the property as a funded mortgage, using the profits to offset the outstanding debts¹.

Parts of the estates of two delinquents were presented to various loyal Parliamentarians as a reward for their services, or in compensation for war losses. Five properties were granted away in this fashion. The Manor of Holme in Spaldingmoor was presented to Sir William Constable of Flamborough, who had sold it to the Royalist, Sir Marmaduke

1. As in the case of Cuthbert Morley (Appendix III). See also p. 366H for the attempted recovery of such lands.

(cont. from p. 213).

1. Apparently Stewart was also one of Radcliffe's creditors: Letter from Sir G.R. to John Hodgson, 8 March 1647/8, in T.D. Whitaker, The Life and Original Correspondence of Sir George Radcliffe, etc. (1810), 258-9. See also R.C.F., III, 105-7; id., I, 224-8; C.S.P.D. 1657-8, 158; PRO, SP46/107 (2nd Order Bk) 184 ff.

Langdale, in 1633. Most of Langdale's other lands experienced the same fate. The Manors of Pighill and Molscroft were presented to Isaac Knight by an act of 1 May 1650, in compensation for his sufferings at the hands of the Court of High Commission¹. Gatenby, originally destined to provide for the Cavalier's family, found its way into the possession of John Lambert. Parliament regarded Langdale as one of the leading malignants, and therefore used his lands to compensate those who had suffered at the hands of the Royalists².

The remaining grant was of lesser importance. Colonel Matthew Boynton, late Governor of Scarborough Castle, who had been killed in the Battle of Wigan, had his lands bestowed upon Lord Strickland³. These awards took no account of any charges on the estates, and the Royalists' dependants suffered considerably. Theoretically, the grantees continued to pay a maintenance portion of a fifth for the delinquents' families, but in practice the latter frequently had to seek for other sources of income.

The remainder of the confiscated lands were sold to independent purchasers. Thirteen of the properties went to

1. Alum. Oxon.; Calamy, II, 447; Calamy Revised, 311.
2. W.Smith (ed.) Old Yorkshire, II, 237; W.H.Dawson, Cromwell's Understudy (1938), 406-410; F.H.Sunderland, Marmaduke, Lord Langdale, passim; (see also n. 1, supra); C.C.C., 243; D.Lloyd, Memoires of ... excellent personages ..., (1668), 549; C.J., VI. 407.
3. PRO, SP46/107 (1st. Order Bk) 164.

Yorkshire people, eleven to London buyers, and the remaining four to non-local provincial gentry. With the exception of Edward Greene of Mattherne and Thomas Redshawe of Ripon, none of the above were large-scale buyers¹. Some were Royalist in sympathy, whilst others had supported Parliament during the war. It is impossible to make any generalisations: each bought lands for his own particular reasons. It is possible that a number of these purchasers were buying estates as agents for the Royalists, but this is by no means certain.

The non-Yorkshire provincial contractors were all buying for their own advantage. Edward Greene had acquired the Manors of Landogga and Mattherne from the Trustees for the Sale of Bishops' Lands, and he now bought Sir Edward Plumpton's two Yorkshire manors. A syndicate of three Derbyshire landowners took Robert Doleman's small estate in Wakefield, whilst Sydney Constable's lands in Brompton fell to Anne Godschalk of Plaistow in Essex. Greene was almost certainly a land speculator, whilst the other two were also acquiring property in their own interests.

The motives of the London purchasers are harder to define. Like some of the Yorkshire gentry, they may have been acting as trustees. Robert Cutts purchased the Manors of Gunby and Weedley, yet willingly combined with the late owner, Robert Doleman, in reselling them to a Hull merchant².

1. Both had purchased ex-Church lands, Coll. Top et Gen., I, 3 ff. Thomas Redshawe was apparently related to the Royalist Redshawes of Ripon.

2. See supra, p. 204-5.

Unless Cutts was merely an agent for Doleman, it is difficult to explain the alacrity with which the latter sold his title (unless the Londoner had paid him substantial compensation). William Toomes, William Moseley and John Pratt, who each purchased a part of Cuthbert Morley's estate, were certainly working for their own advantage. Toomes held lands in Normanby after the Restoration, and had developed financial connections with a number of leading Yorkshire families¹.

Little is known of the other three London buyers. Philip Brace of St. Giles-in-the-Fields, Middlesex, purchased the Manor of Cold Ingleby from the Drury House Trustees, and soon afterwards also bought the title from its late owner, Thomas Beckwith². Unfortunately the estate cannot be traced after 1660, and we do not know whether Brace recovered the property (although it is highly unlikely). Neither of the remaining London purchasers, William Arscotte or Henry Rawlins, bought lands of any considerable size.

The purchasers whose motives are the hardest to analyse are the Yorkshire gentry and merchants. Some were certainly acting as agents, and have been classed as such: for example, Thomas Wentworth and Toby Humphreys combined to buy the con-

1. PRO, C7/580/106; C.C.A.M., 464; C.C.C., 2530.

2. The manor had originally been sold for life only, as it was entailed. PRO, C54/3754/3; CP25(2)/614 (Trinity, 1654) no. 81.

fiscated estates of John Percy of Stubbs Walden. Humphreys was a close friend of the family, and had acted as a trustee in 1653 when the lands had been entailed to provide a portion on the marriage of one of Percy's daughters¹. Apart from such clear cases, however, there are several instances where it is impossible to ascertain if the purchaser was buying in his own right, or on behalf of the late owner. Joseph Micklethwaite of Swyne, a newcomer to the ranks of the gentry, with extensive trading and commercial interests, bought the Manor of Acomb Grange from the Trustees, yet in 1662 the original owner, Robert Gale, was back in possession.²

There is no decisive evidence either way in the above case, but there are firm grounds for the belief that some of the Yorkshire gentry were buying lands in trust for their friends. The classification of "probable trust purchasers" embraces such cases. Anthony Byerley, a Royalist, bought the lands of both John Danby and Michael Metcalfe, but no trace of the estates remains until they appear in the hands of their original owners in 1660. It is almost certain that Byerley was acting for his fellow-Cavaliers, but unfortunately there is no concrete proof that such was the case³.

1. PRO, C54/3785/43; Langdale of Holme MSS, DDLA/7/7.
2. PRO, C54/3752/20; Everingham MSS, DDEV/1/36 (letter to Shirburne); PRO, C54/4161/12. (Redshawe might also have been buying in trust.)
3. PRO, C54/3755/29; id., C54/3781/26.

But some of the local gentry and merchants were apparently concerned solely with their own profit - and these were not necessarily Parliamentarians. Francis Driffield of Easingwold, who came from a Cavalier family, bought some of the lands of the Dolemans in Wellambrigg¹. Such local buyers, trying to enlarge upon their own estates, were naturally limited by their resources, and most of their acquisitions were of minor significance. With the exception of the two possible trusts mentioned above,^{1a} only two of the eleven purchases were of any considerable size, and in both cases a firm title was involved. John Bright of Carbrook bought the Manor of Badsworth from the Drury House Trustees soon after he had procured the title from its original owner at twenty years' purchase. The Manor of Roundhay was acquired by William Lowther of Leeds, an extremely wealthy Royalist, who almost immediately bought the full title from the late owners, the Tempests of Broughton. With these exceptions, the rest of the properties gained by Yorkshiremen were either small, or of little value².

The 28 estates which were bought by independent purchasers belonged to 12 gentry families. Several of these properties were only lost because of their owners' inability to

1. PRO, C54/3756/1.

2. See supra, p. 204 ; PRO, C54/3755/29; id., CP25(2)/614 (Easter 1654) no. 22.

1a. I.e., the estates bought by Micklethwaite and Redshawe.

make alternative arrangements. Seven of the families were in an uncomfortable economic position. William Brigham, the Dolemans of Duncotes,¹ and Ralph Pudsey each possessed very small estates which would be poor security for a loan or a mortgage. Stephen Tempest of Broughton, the Plumptons and Cuthbert Morley of Seamer were all in delicate financial situations - the two latter had substantial parts of their property sold to meet the demands of their creditors. Robert Doleman of Badsworth attempted to regain his lands through agents, but was unable to meet the high costs involved.

The reasons why the five remaining families lost their lands are more difficult to explain. Marmaduke Holtby (like Cuthbert Morley) was in exile, but had arranged for his estate to be maintained by an agent - an agent who betrayed his trust, and turned the lands to his own use. The majority of Sir John Redmaine's estate was bought by William Dodsworth, who, as the husband of the Royalists' daughter by his first marriage, successfully claimed the property against the sons of a later alliance. Little is known of the remaining three Royalist families - Constable of Sherborne, Gale of Acomb Grange and Beverley of Cold Ingleby: not enough is known of the history of their lands to give any definite answer.

1. Thomas Doleman had sold some lands to Richard Fawcett, in an attempt to raise enough money to compound. Later his widow, Mary, claimed her dower on this property. PRO, SP23/G 58/85; id., C5/398/26; C.C.C., 1749; R.C.P., III, 65 ff.

It is notable that, through composition, open repurchase, or trust buying, the delinquents regained 134 properties from the Drury House Trustees. These represented 73 per cent of all lands which the Committee for Removing Obstructions had authorised to be sold¹. In contrast, Dr. Thirsk discovered that in the four counties of Essex, Hertford, Kent and Surrey, only 25 per cent of the estates were repurchased by Royalists or their agents. The following table illustrates the relative percentage of purchasers between Yorkshire and these four southern counties².

Table XVII:- COMPARISON OF PURCHASERS BETWEEN YORKSHIRE AND FOUR SOUTH-EASTERN COUNTIES.

Purchasers	No. of parcels of land.		Percentages.	
	Yorks.	S-E.	Yorks.	S-E.
Royalist agents, Royalists (& probable Royalist agents).	105	9	67.3	25
Creditors	18	4	11.5	11
Parliamentary grantees	5	4	3.2	11
Local people	13	13	8.4	36
Strangers (i.e., Londoners & others)	15	6	9.6	17
Totals	156	36	100.0	100

1. 26 properties were either discharged, or remained sequestered, because of entails.

2. I.J.Thirsk, op. cit., figures from Table IV, p. 130 (reproduced by kind permission of Dr. Thirsk). Dr. Thirsk omits one unidentified purchaser. The Yorks. figures exclude compositions.

The most noticeable fact is the great contrast between the percentages of estates bought by Royalists or their representatives. In Yorkshire, such people completely dominated the sales - in the four south-eastern counties, there was no such picture¹. Parliamentary grantees and individual purchasers played a far larger part in the southern sales than in the north, where there seems to have been hardly any rush to acquire the forfeited lands.

Some suggestions can be offered to account for these differences. Dr. Thirsk's survey includes a number of peers and other leading Royalists, some of whom were in exile in the early sixteen-fifties, with therefore little opportunity to contract for their property. Lands near to the capital were much more attractive to the London merchants and government creditors than scattered estates in the provinces. Although such purchasers were quite willing to speculate in properties in the north, they naturally preferred to acquire lands for their own personal use within easy reach of the City. And, where the Royalist ex-owners were willing to repurchase their own estates (as in Yorkshire), it was far more profitable for the speculators to lend them money or act as their agents, than to try and bid for their

1. The figures for the four counties of Berks, Hants, Oxon, and Sussex show that 25 out of 64 estates (39 per cent) were recovered through agents. However, the overall picture for Dr. Thirsk's area of study shows that, by 1660, only 45 out of 179 parcels of land (25 per cent) had been recovered - Thirsk, op. cit., Tables II & X, pp. 111 & 270.

lands¹.

These south-eastern counties were mainly Parliamentary in allegiance. There were a number of indigenous gentry, many of them on the local committees, who were quite ready to profit at their Royalist neighbours' expense². This contrasted strongly with Yorkshire which, with a few regional exceptions, was basically Royalist, and where family relationships spanned the gulf between Roundhead and Cavalier. It was the regicide, Sir William Constable, who urged John Rushworth to act as an agent for his kinsman, Sir Philip Constable of Everingham³. Blood was thicker than water, and, with the exception of a few who turned their coats according to the political climate⁴, it was the ties of blood that shaped Yorkshire county life during the Interregnum.

But the main reason why more of the independent purchasers were unable to buy these Yorkshire lands was that they had very little opportunity to do so. Many of the properties were entailed, and therefore lending money to the delinquent was more profitable than buying the lands. Of the 156 estates sold or granted away, 66 were held in some form of trust. The majority of Royalists quickly found an

1. Most of the speculators seem to have been getting rid of their public faith bills by selling them to delinquents or their agents - see supra, p. 199 ff.
2. Thirsk, op. cit., pp. 123-32.
3. Aveling, loc. cit., p. 111.
4. Such as Francis Nevile, Richard Richardson, etc. These "trimmers" were generally fairly loyal to whatever side they happened to be supporting at the time.

agent to contract for their lands. By the time that the copies of the surveys were posted, those delinquents who had been able to raise the money had already completed their arrangements.

Prospective purchasers only learnt of the value of the forfeited lands when the surveys were officially posted at Drury House, and were not allowed to bid for them until the thirty days pre-emption period had expired. The Royalists, knowing the probable contents of the surveys even before they were made, had a considerable time in which to arrange for either the composition or repurchase of their property. The London merchants, local gentry and speculators bought so few estates because they never had the opportunity to purchase any more. Where the delinquent wanted to regain his lands, (provided ^{that} they were not financially encumbered), circumstances favoured him in every possible way.

The Yorkshire Royalists who suffered confiscation were generally successful in regaining their lands directly from the Drury House Trustees. Some were unable to do so, because their lands were presented to Parliamentarians, or awarded to mortgagees. Out of all the 185 estates marked for sale, nearly 12½ per cent passed to Parliamentary grantees or creditors, and 15 per cent to independent purchasers. The rest - 72½ per cent - were redeemed at first hand by their ex-owners¹.

1. These statistics include the 29 estates which were compounded for.

Where the lands fell into other hands, the reason usually lay in the physical or financial inability of the delinquents to regain them. But such misfortune did not necessarily preclude their eventual recovery, any more than the repurchase of lands through agents signified their inalienable redemption. The fortunes of the delinquents during and after the Interregnum governed the future of their estates just as much as their ability to manipulate the purchase of the property at the time of its confiscation. Each Royalist attempted to recover his lands (for no one could foresee the Restoration), and the majority of them did so. But the years after 1653 were extremely critical ones for all who had suffered the axe of confiscation, and tested to the full the delinquents' abilities of self-preservation.

CHAPTER VI - THE LAND SETTLEMENT.

"And because, in the continued distractions of so many years, and so many and great revolutions, many grants and purchases of estates have been made to and by many officers, soldiers, and others, who are now possessed of the same, and who may be liable to actions at law upon several titles, we are likewise willing that all such differences, and all things relating to such grants, sales and purchases, shall be determined in Parliament, which can best provide for the just satisfaction of all men who are concerned." (1).

The land question loomed prominently at the Restoration; it affected virtually all of the Royalists. Those whose property had been confiscated demanded vehemently that they should be indemnified for their losses. In contrast, the purchasers asserted their rights - some had acquired the lands at second-hand (from the original Commonwealth buyers), and had thus paid a fair price for what they believed to be a secure title. To this clamour of dissident voices were added the petitions of the ordinary delinquents, each Cavalier claiming compensation for the fine he had been forced to pay for his loyalty to the late King.

Clearly no one single formula could satisfy every appellant - the only hope was to attempt to please as many people as possible. Both Charles II and Clarendon realised that the country's prime need was a firm and lasting settlement - something that would be unattainable if the

1. The Declaration of Breda, (section relating to estates), 4 April 1660, in S.R.Gardiner, Constitutional Documents, p. 466.

Royalists were allowed to launch a fresh wave of vengeance against their former opponents. It was far better that some Parliamentarians should go unpunished, than that all the dormant hatreds and jealousies of the civil war be resurrected in a fresh conflict.

The land situation in 1660 presented a considerable problem: the position had hardly altered since the time of the sales. Although a considerable number of Royalists had regained their lands through agents, many properties were still in the hands of their Commonwealth purchasers (or their later purchasers). Only 25 per cent of the lands actually sold in the south-east had been retrieved by 1660, although in Yorkshire as many as 67 per cent were back in the hands of their former owners¹.

The majority of these properties had been recovered directly from the Treason Trustees, though there had been some changes in ownership since the Parliamentary sales. By judicious care and the husbanding of scarce resources, a few Royalists had succeeded in regaining their lands by direct repurchase from the Commonwealth buyers. These were only a limited number - all who could easily raise the necessary money had already compounded or engaged the services of an agent. But one estate in each of the counties of Essex,

1. Thirsk, op. cit., Table X, p. 270. This is the only work on the subject which is as yet available. (Dr. Chesney only summarises the problem.) The figures for Yorkshire omit compounded estates, so that they can be compared with the south-east.

Kent, and Hampshire was recovered in this way¹, and in Yorkshire the Plumpton^s/^{had}succeeded in retrieving three of their properties from their new owners.

There had also been some movement in the opposite direction - a few of the Royalists had relinquished all title to their confiscated estates, in return for some financial consideration. Most delinquents were extremely reluctant to take this final step, but for those who had little hope of repurchasing their lands, and could foresee no chance of them being legally restored, it must have seemed the logical thing to do. Thus they sacrificed all future possibility of regaining their property by attempting to fulfil their present needs:

" From duresse, and their dolefull tale,
Who, famisht by a lawless sale,
Compounded it for cakes and ale,
God bless, etc. " 2.

In this way, five Royalists surrendered their title to lands they had been unable to recover. Robert Doleman lost three of his manors, Thomas Beckwith his estate in Cold Ingleby, and the Tempests sold Roundhay to William Lowther³. In addition Faith, the sister and heiress of Ralph Pudsey of Stapleton, disposed of all her interests in her brother's lands to Richard Marshall. The fifth delinquent, Richard

1. Thirsk, op. cit., Table II, and a comparison of Tables IV and X.

2. "The Cavaleers Litany" (25 March 1660), from Mackay (ed.), Cavalier Songs, p. 206.

3. See *supra*, pp. 203-5, 217, 219.

Vincent of Great Smeaton, had already sold his manor to a creditor, but now he was blackmailed into excusing the buyer from the outstanding purchase money in return for a small annuity¹. Such a sale of title, being officially regarded as 'voluntary', cancelled any claims that the late owner had upon the lands. But it did not necessarily terminate all controversy over the ownership of the property. Elizabeth, the widow of Ralph Pudsey, was deprived of her dower when the Manor of Stapleton was sold to Richard Marshall. She therefore sued the new owner, and succeeded in obtaining her jointure, which continued to be paid, even after 1660, when Sir Marmaduke (now Lord) Langdale established his right to a lease on the property. The ambitious widow began to demand a larger portion, alleging that in fact her dower was two-thirds of the estate, and that her claim was superior to Lord Langdale's mortgage on the property. Although the outcome of the suit is not known, there seems little doubt that Elizabeth's scheming plans had little foundation in law, and that therefore she would lose the case².

In addition to these sales of title, a number of the Royalists who had recently regained their lands were forced to resell them almost immediately. Both the Lowthers of

1. Pudsey: PRO, C10/97/114; VCH, North Riding, I, 167-8.

2. Vincent: VCH, North Riding, I, 198; PRO, C54/3894/4; id., C10/492/157.

2. Claim for jointure, 4 Sept., 1651 - C.C.C., 2355; suit - PRO, C10/97/114; see also note 1, supra.

Ingleton and Marmaduke Cholmley of Brandsby mortgaged their estates so heavily that they were unable to redeem them, whilst Robert Prickett (who had bought Sir Marmaduke Langdale's Manor of North Dalton) was compelled to sell it in order to provide for his wife and sisters-in-law¹. But the majority of the Cavaliers who had already recovered their lands managed to keep hold of them, although a few families went bankrupt in the years following the Restoration.

The delinquents who were in a better financial position had the opportunity of attempting to repurchase their estates from their new owners. Few were, in fact, able to do this - without any security they could not raise the money, and their previous revenues (from the septennial leases on sequestered properties) had been confiscated at the time of the sales. Only one Yorkshire family succeeded in redeeming its estates during the Interregnum - the Catholic Plumptons.

This family was in an exceptionally advantageous position, as they held the leases on all their forfeited estates, with the exception of Plumpton itself. In 1652, the head of the clan, Sir Edward, had been over seventy, and as the heir was only nine years old, Jane Plumpton (Sir Edward's granddaughter) became the official lessee. Being innocent of any delinquency, she retained the title after the property had been sold, and could thus begin the slow task of rebuilding the shattered family fortunes.

1. See supra, p. 205 ff.

As sitting tenants, the Plumptions were in a more favourable position than the Commonwealth purchaser, Edward Greene. He had bought the Manors of Ruffarlington and Plumpton at twelve-and-a-half years' purchase (based on the official surveys), but he only received the profits of the 1652 leases, which were considerably less than the surveyor's estimation of the property. Thus, if we consider his actual income for the first five years (until the leases expired in March 1659), he had paid sixteen-and-a-half years' purchase for Ruffarlington, and over twenty-three years' purchase for Plumpton¹. Greene did not, however, keep the lands for long - within a year, both manors had been sold, Ruffarlington to George Rhodes, a London stationer, and Plumpton to John Floyd and Sir David Watkins².

By early 1657, the Plumptions were ready to begin the slow repurchase of their lands. William Worthington, whose son Thomas had recently married Jane Plumpton, was put in charge of the management of the estates, and became largely responsible for their recovery. Although Watterton (in Lincolnshire) and most of Uslett and Wolfeparke had fallen to creditors, (as satisfaction for the late John Plumpton's many debts), some of Uslett had been bought by Richard Rhodes of Knaresborough for £291. On February 20th, 1657,

1. Seven year leases - PRO, SP28/215 (2nd Account Bk); sale - id., C54/3835/31; id., C54/3832/33.
2. PRO, C54/3834/14; (CP25(2)/614 (Trin. 1655) no. 26); id., C54/3841/33 (CP25(2)/614 (Hil., 1655/6) no. 72).

Worthington repurchased these lands for £300, the money being borrowed from Francis Gedlow. Ruffarlington soon followed, being bought by Worthington's agent, Sir David Watkins, for £891¹.

The final achievement was the recovery of Plumpton itself. This manor had been acquired by Watkins and Floyd in 1655 through an arrangement with Worthington, by which the family were to have the rents in return for £400 per annum. But this sum proved to be far too high - Worthington was unable to maintain the annual payments. Therefore, in early 1660, " ... My ffather (i.e., Worthington), perceiveing that 400^{li} y^e yeare could not bee payed to M^r ffloyd according to the bargaine without utter destruction of the woods ..." made a new agreement. The annual premiums were reduced to £200, with an initial fine of £1100, and a final payment of £2700 in 1666 to complete the transfer².

Needless to say, these transactions involved the family in a great deal of expense. The interest on the sums borrowed amounted to over £350 each year (sometimes including interest on overdue interest!), although the debts were gradually repaid. In 1660, Uslett and Watterton were recovered,

1. PRO, C54/3965/8; Gascoigne MSS, GC/E10/1 (Plumpton A/c Bk), ff. 23, 29-30.
2. PRO, C54/3841/33; *id.*, C54/4063/27; Gascoigne MSS, GC/E10/1, ff. 46, 48. As Ruffarlington was bought at £250 less than Greene^{had} paid for it, (and Plumpton at £1700 less), it appears that Greene was buying the property with doubled bills acquired at considerably less than their face value.

along with Wolfe-parke, and returned into the hands of the trustees who had originally held them (as security for debts and portions) since the death of John Plumpton in 1644. Even though these lands were eventually sold to meet the aforementioned liabilities, the family still had to face the heavy mortgages involved in the recovery of the main estates. In 1669, Robert Plumpton's will mentioned that "I found my estate charged with neare five thousand pounds debt occasioned wholly by the sequestracōn and miserable times". The property was mortgaged to the hilt - woods were cut down and sold to meet the interest payments. But the one thing that Robert Plumpton refused to countenance was the sale of his patrimony - the entail on the property automatically deprived anyone who tried to sell any part of the lands of all his interest in the estates¹.

Such a recovery by purchase from the new owners was basically the same as a direct contract with the Treason Trustees (or a repurchase through an agent) - in both cases, the family was involved in very heavy expenses, and had of necessity to make stringent economies². But at least it meant the restoration of the family estates, upon which a new life could be built. The success of the Plumptons in

1. Gascoigne MSS, GC/E10/1, f. 51 ff.; PRO, C10/63/102; *id.*, C78/693/12; *id.*, C5/52/87; *id.*, C78/684/2. Will of Robert Plumpton - Y.W., vol. 50, f. 211.

2. The money was raised in the same way - through London and local merchants and financiers. Samuel Foxley, Gilbert Crouch and Sir David Watkins all played a part in the recovery of the Plumpton estates.

regaining their property, despite their already heavily-encumbered estates, illustrates that such an operation was quite possible, provided that the Royalist could avail himself of the services of men of the calibre of William Worthington and Sir David Watkins.

The only Yorkshire estates recovered from their purchasers before the Restoration were these three properties of Sir Edward Plumpton; they represent a mere two per cent of the estates sold by the Drury House Trustees. Dr. Thirsk also discovered that only a small proportion of the confiscated estates in the south-east were regained in this way - three out of a hundred properties¹. This low recovery rate was principally due to the economic situation in which the remaining delinquents found themselves: all those who had wanted to keep their estates, and had the financial resources to do so, had already repurchased them (either directly or through agents) from the Treason Trustees².

For some Royalists, there was another possibility that they would regain their patrimony before the Restoration. Entailed property could be sold for life only - therefore, on the death of the delinquent, it would pass, freed from all incumbrances³, to his next heir. Sixty-six Yorkshire

1. Thirsk, op.cit., Table II; cf. Tables IV and X.
2. See supra, pp. 192ff. A few delinquents relied on agents to rent their estates (e.g., Holtby), or on litigation and appeal (e.g., Theakstone).
3. The seven-year leases, if still running, would naturally be honoured.

estates were secured in this way, but only three were sold to independent purchasers - the remainder were regained by the Royalists themselves through direct repurchase or the intervention of agents¹. Where the new tenant was merely a trustee, it mattered little whether the estate was entailed or not - if the Cavalier died, the agent transferred his interest to the son and heir, who then adopted the outstanding mortgages on the property. Sir Henry Slingsby, Sir John and William Middleton, Sir George Palmes and Darcy Washington - all perished before 1660, but the change in nominal ownership made no difference at all to their estates.

Therefore the existence of entails had no noticeable effect on the situation in Yorkshire - no lands were recovered through the deaths of any convicted delinquents. The total of estates redeemed by 1660 thus varied only slightly in number from that of the lands regained directly from the Treason Trustees - a change neatly counterbalanced by the number of properties sold after recovery. Three were retrieved and, conversely, three were resold².

Whereas in Yorkshire 105 estates (67.3 per cent) were in the hands of their original owners on the eve of the Restoration, only twenty-five per cent had been regained in the south-east³. Thus the question of unredeemed lands still

1. The three entailed properties thus sold were Cold Ingleby (Beckwith), Bishop Wilton (Doleman), and Skackleton (Holtby).
(None of these three gentlemen died before 1660.)
2. The three resold belonged to the families of Langdale, Cholmley and Lowther. The ten estates where the title was sold have been omitted, as the actual property was never recovered.

presented a considerable problem, which affected both Royalists and Parliamentarians alike.

As the inevitability of the Restoration became clear to everyone, the old forms of government crumbled into chaos. Local county committees, long dormant, but briefly revived by the Rump's return to power, collapsed completely, and their members either withdrew to their own homes or joined in the demands for a free Parliament, according to their loyalties. Royalist hopes ran high, but soon turned into bitterness when the predicted Utopian settlement was shown to be a piece of cold political calculation¹.

Not only was there the problem of the lands to be settled - there was also the question of the fate of the regicides, and the other anti-Royalists, to be considered. In Yorkshire, however, time and the exigencies of political necessity had removed many of the leading Parliamentarians from the scene. Some were dead, whilst others had changed their allegiance in time to welcome the victor. Thus John Bright and George Marwood, who had both fought against the late King, were created baronets in recognition of their

1. Infra, pp. ^{{237 ff.} 249ff. For good summaries of the settlement, see Thirsk, op. cit., pp. 228-294; Hardacre, op. cit., pp. 136-156; and D.Ogg, England in the Reign of Charles II, (1955), I, 142-4, 153-64.

(cont. from p. 235.)

3. In Yorkshire, however, the titles to 5.2 per cent of the estates had been surrendered to their purchasers before 1660 - therefore only 27½ per cent of the Yorkshire lands remained to be settled.

services immediately preceding the Restoration. The regicide Sir John Bourchier having recently died, his lands were granted to his son and heir Barrington, who had also supported the King's return. Sir Henry Cholmley, another anti-Royalist who had opportunely changed sides, smugly requested compensation for his losses from the fine that the King would doubtless lay upon young Bourchier's estate¹.

Nobody believed that all the ex-Parliamentarians would be punished for their past offences, nor was it generally expected that lands sold voluntarily to pay composition fines, or to repurchase confiscated property, would be returned². But most of the Cavaliers hoped to receive some compensation in the form of positions of preferment, advantageous leases of Crown lands, or farms of various royal revenues. For over two years after 1660, the King was swamped by floods of petitions and requests for offices and emoluments. It was impossible to satisfy everybody - there were simply not enough vacant positions, "... so there was little regard had to men's merits or services"³. The angry reaction from the disappointed Cavaliers at this supposed lack of recognition found expression in attacks on the late Parliamentarians,

1. PRO, C66/2923/11; id., C66/2928/3. M.Noble, Lives of the English Regicides, (1798), I, 102-4; C.S.P.D., 1660-61, 446, 501. PRO, C66/2962/41.
2. Compulsory sales were those made by the government, involving the forfeited lands of the "traitors". Voluntary sales were those made by the owners themselves, whether purely voluntary, or under duress. Hardacre, op. cit., 141.
3. G.Burnett, History of His Own Time, (1833), 296.

who were accused of filling all the posts at court, using their ill-gotten gains to bribe their way into the King's favour.

"For he that is wise,
And means to rise,
He must be a Turn-coat too."

" ... Calmly I did reflect;
'Old services (by rule of State)
Like almanacs grow out of date, -
What then can I expect ?' " (1).

It was only natural that many of the Royalists should feel bitter and disappointed. They could obviously not all be satisfied by the King's generosity, and it was physically - and legally - impossible to reverse the voluntary sales made by some of the delinquents to pay their composition fines. The number of these has been greatly overestimated - most of the Cavaliers (like all landowners of the time) resisted the pressures to sell their estates for as long as possible². But even where the property had been sold, it was wholly impracticable to reverse the position. The purchasers had bought the lands in good faith - were they to be punished for buying from a delinquent? And what would

1. "A Turn-Coat of the Times" (1661); and "A Cavalier's Complaint" in Wilkins, Political Ballads, pp. 171, 164.
2. Dr. Chesney's opinion that there were a considerable number of voluntary sales (Chesney, "The Transference of Lands in England, 1640-60" in T.R.H.S., 4 series, XV (1932) passim, and The Sequestration of Estates, 1643-60, p. 163 ff) has been strongly challenged by Professor Habakkuk in "Landowners and the Civil War" (Ec.H.R., 2 series, XVIII, (1965), 130-151). Habakkuk points out that the sales were really an indication of families already on the decline.

happen to people such as the Wentworths of Woolley ?

Although Royalists, they had added to their already large estates by acquiring property from the Aldburghs, Brettons, and Wheatleys, all Cavalier families who had been severely hit by compounding¹. How could such a problem be resolved ?

Clearly there was no solution to this enigma, nor did the government ever try to find one. The losses that Charles I's supporters had suffered in his cause were to be forgotten: the new administration could not afford to meet them, and it would have been suicidal to attempt to collect them from past enemies. Thus the King and Parliament limited themselves to the dual problems of pardoning the Parliamentarians, and settling the question of the confiscated lands.

The Declaration of Breda had promised a full amnesty to all who accepted it within forty days, "excepting only such persons as shall hereafter be excepted by Parliament, those only to be excepted"². The question of the land settlement was also left in Parliament's hands: although the Declaration promised that the former opponents of the King should not suffer for their past offences, "either in their lives, liberties or estates ...", this was qualified by a later provision which agreed that " ... all such differences, and all things relating to such grants, sales

1. Wentworth MSS, DD57/d/Old Deeds, II, no. 361; Y.A.J., XII, p. 162.

2. Gardiner, Constitutional Documents, 465-466.

and purchases, shall be determined in Parliament, which can best provide for the just satisfaction of all men who are concerned".¹

The two questions of the land settlement and the amnesty were closely allied. Each Roundhead who was excluded from pardon would provide more compensation (in the form of fines and forfeited estates) for the King's supporters. The Royalists would not, however, benefit greatly from the restoration of confiscated lands bought by these people: relatively few of the prominent Interregnum officials had acquired confiscated estates².

The new Parliament's first steps were to legitimise its own existence, and to recognise the legality of all pending lawsuits³. Soon afterwards, the Commons turned to the question of the indemnity: "... private passions and animosities prevailed very far .." in the debates - at one time it was suggested that all past members of the judiciary, decimators and abjurors should be prohibited from official positions; and it was only the King's known hostility to this recommendation that prevented it

1. Gardiner, op. cit., 466. The sale of the forfeited lands was de facto invalidated by the non-recognition of the Interregnum governments, but no act specifically restored them to their late owners.
2. Only 10 per cent of the lands in the south-east were bought by Parliamentarians in official positions, or acquired by grantees (Thirsk, op. cit., Table VIII, p. 167) and only 5 per cent in Yorkshire. This excludes Parliamentarians acting specifically as trustees.
3. W. Cobbett, The Parliamentary History of England, 1066-1803, IV (1808), p. 64 (1 June 1660). Statutes of the Realm, V, 179, 180.

from becoming law¹.

The Indemnity Bill finally passed the Commons on 11 July 1660, and the Lords began to repeat the process of giving detailed consideration to the names of all ex-Parliamentarians, before allowing them the benefit of the amnesty. The King became alarmed at the slow progress of the bill, and urged the Upper House to expedite its passage as much as possible². The Lords returned the measure to the Commons on 10 August, and after four conferences between the two Houses, it was finally presented for the royal assent on the 29th. of that month³.

The Act, in its final version, was fairly liberal in scope. Apart from felons such as murderers and pirates, the principal miscreants to be excluded from pardon were those who had been engaged in plotting the Irish Rebellion (with certain exceptions), traitors (who had to be prosecuted before 25 April 1662), and forty-nine named persons connected with the execution of Charles I. The ordinary Parliamentarians were completely acquitted - all offences not specially mentioned in the act were granted a general pardon⁴.

1. E. Hyde, E. of Clarendon, The Life of Edward, E. of Clarendon, (Oxford, 1857) I, 398; Cobbett, op. cit., IV, 76-7.
2. Cobbett, op. cit., IV, 88.
3. Ibid., IV, 92-111, passim.
4. Statutes of the Realm, V, 226 ff. Cobbett, op. cit., IV, 90. The Act also discharged all grants of wardships since Lady Day 1641. Charles himself had already cancelled all arrears of rents on the Crown lands.

This measure precipitated a wave of criticism against the generosity with which the ex-Roundheads were being treated. The Royalist whose estates had been severely burdened by his composition fine now had to endure seeing his erst-while opponents exonerated from all their past misdeeds. This act of "indemnity for the king's enemies, and of oblivion for his friends"¹ launched a flood of satirical ballads and songs aimed at the Roundhead politicians, who were regarded as the principal cause of all the Cavaliers' sufferings.

"From pardons which extend to woods,
Entitle thieves to keep our goods,
Forgive our rents as well as bloods,
God bless, etc.

From judges who award that none
Of our oppressours should attone
(The losses sure were not their own),
God bless, etc."

"But truly (at court) there were swarms of those
Who lately were our chiefest foes,
Of pantaloons and muffs;
Whilst the old rusty Cavalier
Retires, or dare not once appear,
For want of coin and cuffs." 2

The Royalists found the land settlement, which followed upon the heels of the Act of Indemnity, even more objectionable. Few can really have expected the return of the estates

1. Quoted in T.H.Lister, The Life and Administration of Edward, 1st. Earl of Clarendon, (1837-8), II, 36.
2. "The Cavaleers Litany", in Mackay, Cavalier Songs, 205-6; "The Cavalier's Complaint", verse 5, in Wilkins, Political Ballads, 163.

they had voluntarily sold, but many believed that they would receive some sort of financial compensation¹. But the pardon granted to the Parliamentarians precluded such a settlement, and the King was certainly not going to endanger his solvency by paying his father's supporters from his own resources!

However, a separate solution was envisaged for the confiscated lands. By not recognising the legality of the Interregnum governments, Charles invalidated their acts (which included the forfeitures and sales). But the problem was exceedingly complex - confiscated lands were held in many forms of tenure. Some were in the hands of their original owners - in fee simple, in trust or mortgaged; others were in the possession of Parliamentary grantees, creditors, friends and relations, or various private purchasers. The question of title was just as complicated as that of actual possession: several Royalists still retained their nominal rights to the property, whilst others had mortgaged or sold their equity to the Commonwealth buyers. Clearly no single settlement could be fair and impartial, and whatever course the government was to take, it would be attacked by some faction or other.

The unsettled political situation in early 1660 had led to considerable chaos over the ownership of the confiscated lands. With a restoration steadily growing nearer

1. £60,000 was provided for Cavaliers in extreme poverty, to be raised by a tax on offices (C.J., VIII, 403, 433, 501).

every day, the tenants were most unwilling to pay their rents to the Commonwealth landlords, especially as the Royalist ex-owners seemed likely to recover their property. The unknown temper of the future government encouraged the latter to press for the restoration of their lands, and the purchasers in their turn offered to buy their absolute titles. Whilst the local officials who should have maintained law and order remained supine before the growing tide of Royalism, both sides contended for control of the confiscated estates¹.

The King attempted to settle the immediate problem by retaining the current owners in possession of their property "till Our Parliament shall take Order therein, or an Eviction be had by due Course of Law"². This royal proclamation was greatly resented by the Cavaliers: a foreign observer noted that -

"This severity greatly distresses many depressed families which have been in want during his Majesty's exile solely because they remained loyal to him, and who with his return hoped to enjoy their own. They now have the mortification of seeing themselves still shut out and unable to claim anything until it pleases parliament to decide, and God knows what decision it will take upon this." (3)

The long-awaited Bill for the Confirmation of Sales was introduced into the Commons in July 1660: it soon became evident that it would have as difficult a passage as its

1. The number of Royalists in Richard Cromwell's Parliament shows the changing tide: 25 per cent of the Yorkshire members were Royalists or the sons of Royalists.

twin brother, the Indemnity Bill. Members who had been unable to deprive their enemies of the benefits of the latter now sought revenge by voting for the restoration of confiscated estates. At one time, the Commons' Committee for Sales recommended the summary repossession of all lands bought by any of the prominent Interregnum officials, irrespective of whether their title had been confirmed by the late owners¹.

This bill had very little hope of succeeding - there were too many members who wished to include their own particular reactionary or revolutionary measures. The royal estates had already been withdrawn from the Commons' jurisdiction², and it soon became increasingly doubtful if the House would ever reach a united solution. Each party had already been active in publishing its views: one author claimed that the purchasers had been constrained to accept the confiscated lands, as being the only way in which the government could discharge its debts. Many of the present

1. O.P.H., XXII, 415 ff.

2. Cobbett, op.cit., iv 82.

(cont. from p. 244).

2. 29 May, 1660 - L.J., XI, 46.

3. F. Giavarrina to Doge and Senate of Venice, 18 June 1660, Cal. S.P.Venetian, 1659-61, 159. The King and Commons had also to act to prevent the clergy from making new leases of Church lands before the question of ecclesiastical property was fully settled (6 August 1660, O.P.H., XXII, 417).

owners had bought the lands in good faith, paying a fair price for the property. This allegation was answered by William Jackson in The Free-Born English Mans Plea for Justice: he claimed that the authority which confiscated the lands was "scarce half the Parliament". The problem ought to be left to the true Parliament to solve; how could those who had been trafficking in stolen lands "... hope that so Free a Parliament as this is, can make good the receipt of their roberies .."¹.

The Bill had progressed no further when the House recessed on 13 September: the matter was therefore referred to a Commission under the Great Seal. The Commons hopefully urged all interested parties to give the commission an opportunity to evolve a solution to the problem². But the subject was, in fact, quietly dropped - Charles and Clarendon, realising the explosive nature of the land controversy, had already reached the conclusion that the Bill would create more problems than it settled. Thus the question of the restoration of the forfeited lands was left principally to the arbitration of the Courts of Law.

Some definite measures were, however, taken in the form of the Act for the Confirmation of Judicial Proceedings.

1. Some Considerat^{ns} offered to publique View ..., (3 July 1660), BM, E1030(11). The Free-Born English Mans Plea for Justice (24 August 1660), BM, E1040(14).
2. 12 September 1660, O.P.H., XXII, p. 476.

This statute legalised common law decisions, and such routine matters as fines and recoveries which had been taken during the Interregnum. It also dealt briefly with the Royalists, reversing their impeachment for treason, although clause six deliberately excluded the forfeited property from the comprehension of the act. But some progress was made in a negative sort of way - those with claims or grievances dating from pre-Restoration times were allowed five years (until 29 May 1665) in which to commence legal action for the recovery of their confiscated estates¹.

Thus the Royalists were allowed to recover their lands at law, provided ^{that} they had not sold the title during the Interregnum. The Cavaliers were bitterly disappointed by these limitations - some had expected the automatic return of all confiscated property, irrespective of any subsequent surrenders of title.

There was, however, one type of forfeited estate which was directly restored to the original owners by act of Parliament. Grants of advowson were invalidated, as were the sequestrations of inappropriate tithes and rectories, whether awarded voluntarily (as part of the composition~~fine~~) or confiscated by the late government. During the Interregnum, these estates had been used to augment clerical salaries, but upon the Restoration they were returned without question to their pre-war owners. No one had ever paid any money for

1. Statutes of the Realm, V, 234 ff.

these lands, and therefore nobody (except the vicars concerned) suffered¹.

The land settlement was admittedly unfair, but it is difficult to see what alternative faced the government. Charles had promised a free pardon to all except the extremists, and thus there could be no wholesale proscription from which the Royalists might be compensated. It was clearly impossible for the King to recompense all his supporters - their collective losses were far too great to be settled in this way. But it is unfortunate that the actual terms of the Act for the Confirmation of Judicial Proceedings weighed heavily against those who had already succeeded in recovering their lands through their own efforts. To regain parts of his estates, Robert Doleman had been compelled to sell his three manors of Badsworth, Gunby and Weedley: had he left his lands to the mercy of the Trustees, he might possibly have reclaimed them all in 1660. This could equally apply to the other families who had lost land at the time of the confiscations in their attempts to regain some part of their patrimony².

Thus the Restoration Settlement only went a little way

1. 19 May 1662, L.J., XI, 472; Statutes of the Realm, V, 420. See also supra, pp. 17ff.
2. It is obviously impossible to predict if such families would have regained their estates in 1660, had they not sold the title. Doleman was heavily burdened with debts, and the Lowthers were also seriously embarrassed in this way.

towards remedying the Cavaliers' legitimate grievances. It restored confiscated estates to those who had done nothing to alienate their title (provided ^{that} they could afford the legal expenses involved), but gave no compensation to others who had been constrained to sell lands in an effort to retain some part of their property. Nor did it make any distinction between voluntary sales and those made by the Royalists under pressure of circumstances: neither could be recovered. In the face of this bleak future, some Cavaliers turned to satire, attacking the courtiers (especially Clarendon)¹, to whom they attributed all their present troubles. Gone was the old spirit:

" Though we are beggar'd so's the king
Tush! poverty's a royal thing!" (2)

In its place, the Royalists accused the courtiers of cynical opportunism, and alleged that all the principal offices of state were filled by time-serving ex-Parliamentarians:

" Poor knaves (Cavaliers), they know not how
To flatter, cringe and bow,
For he that is wise,
And means to rise,
He must be a Turn-coat too." (3).

Such claims were wild exaggerations - the majority of the places at court went to Royalists, or to those who had

1. Lister, Clarendon, 36.
2. Mackay, op. cit., "The Royalist", p. 10.
3. Wilkins, op. cit., "A Turn-Coat of the Times" (1661) p. 171.

been instrumental in assisting the Restoration¹. The King deliberately tried to soften the harsh effects of the Interregnum by using the profits of office as compensation. But there were relatively few offices compared to the number of Royalists, and several of the positions had to return to their pre-war occupants. As a result, the majority of the Cavaliers received neither compensation nor reward for their past services and losses.

Thus the Royalists were left largely to fend for themselves. Provided that they had not sold their titles, they could always regain their lands at law. Even so, not all of the Cavaliers were successful in recovering their estates, or even in retaining them, once recovered. Some were unable to meet the high legal expenses involved, whilst others were severely hampered by past debts. In any case, the Restoration Settlement tended to favour the party with the longest purse - a purchaser could always ensure that a case dragged on for several years, and then offer to buy the title from the impoverished Royalist.

It is not always possible to trace the estates at the Restoration. Manors can be identified fairly easily through fines, recoveries, and the Hearth Tax records², but small

1. Ormond calculated that, out of 298 post-Restoration servants in the Household, only 2 were ex-Cromwellians - Hardacre, op. cit., 147.
2. The Hearth Tax records list the head of the house and the number of hearths - it is usually easy to identify the manor house (and thus have a rough indication of the ownership of the manor). However, these records must be

parcels of land are exceedingly difficult to trace. Apart from the wills of purchasers and the delinquents themselves, (and the evidences mentioned above), the principal sources for the recovery of lands are the records of the law courts. Dr. Thirsk discovered the use of writs of trespass and ejectment to challenge the title of the Commonwealth tenants; the only evidence of this in Yorkshire is in the case of Cuthbert Morley, who attempted to regain some lands in Lackenby and Normanby. Such writs led up to a trial at the local assizes - unfortunately, no such records remain for the county of York. Thus the principal source of information rests in the Court of Chancery¹.

The advantages of Chancery were twofold. The procedure granted a firm title, which could then only be questioned before the House of Lords; it also allowed the plaintiff to claim for past rents and compensation for any damage to the property. (However, such compensation would only be granted if the appellant succeeded in proving that there had been some prior agreement over the distribution of the profits, as in the cases of Cuthbert Morley and Marmaduke

1. Other sources include private acts; the records of the House of Lords; the Interregnum and 1660 Recusant Rolls; indirect evidence in Chancery bills and answers; Dugdale's 1665-66 Visitation; family papers and deeds, etc.

(cont. from p. 250.)

analysed with care, especially in populous areas, and they are quite useless in this context in towns.

Holtby¹.)

The majority of the delinquents had regained their lands at the time of the Acts of Sale through the services of agents². All that was necessary was for the property to be transferred to the direct ownership of the Royalists concerned, there now being no need for any subterfuge. Thus 51 manors and 49 other parcels of land passed into the hands of their original proprietors (or their heirs), having been in the unofficial custody of these Royalists' representatives ever since their sale³.

Of the properties recovered by direct repurchase, the Manors of Hampole and Adwick remained in the possession of the Washingtons. Henry Lowther, the heir to Ingleton, made an abortive attempt to recover his patrimony at law, but although a Chancery decree granted him an equity of redemption, he was unable to raise the necessary capital, and thus the manor remained in the hands of Anthony Bouch, the mortgagee⁴. The Plumpton, who alone had succeeded in repurchasing some of their property from its Commonwealth buyers, also retained possession of their estates.

1. See supra, p.211.; also Appendix III.

2. See Chapter V, passim.

3. These figures include the probable trust purchases - 11 manors and 3 non-manors. Two manors were sold soon after recovery - supra, p. 205-6.

4. Supra, p.208. PRO, C10/468/132.

There is, however, greater difficulty in tracing the lands which passed to grantees, creditors, or independent purchasers. This is especially true where the property concerned was relatively small: eleven of the twelve estates which cannot be detected after 1660 were non-manors. The problem of identifying these lands is also increased by the fact that their owners were generally minor gentry, who have left hardly any records behind them.

The simplest properties to recover at the Restoration were those in the hands of Parliamentary grantees. Sir Marmaduke Langdale regained all his four manors. Holme was forfeited as part of the lands of the regicide Sir William Constable (and was regranted to Langdale by the King), whilst Pige-hills (Pighill) and Molscroft, which had been given to Isaac Knight, had been restored by the time that the minister was expelled from his cure in 1662. Gatenby, belonging to John Lambert, was also confiscated, and returned to its original owner¹.

Colonel Matthew Boynton's estate, which had been granted to Lord Strickland, cannot be traced after 1653. The Royalist, who had been killed during the Worcester campaign, left no male heirs: his widow and daughters each received a pension at the Restoration, and the two girls later married into the peerage, but no trace can be found of their father's

1. Sunderland, Langdale, 231; VCH, North Riding, I, 359-60; Beverley Record Office - DDX/85/3.

lands¹.

Property granted to creditors was more difficult to reclaim as the Royalist had to adopt the outstanding debts on the estate. In many cases, after a long period in straitened financial circumstances, this was quite impossible. Thus Cuthbert Morley's lands in Haxonby and Northchurch remained in the possession of the creditor, William Commondell of Ormesby. Morley had, however, made an agreement with another mortgagee, Jeremy Elwes, by which the latter was to hold the lands (and use their revenues to cancel the debt, as well as paying a small annuity to the Royalist). After Elwes' death, his son broke the agreement, and turned the estates to his own use. Morley sued him in Chancery in 1662 - the result was a nine-year-long lawsuit which bankrupted both parties².

In general, however, the Royalist whose lands had been used to pay his debts never recovered them or, if he did, sold them soon afterwards to meet outstanding liabilities. The trustees for the young Robert Plumpton, when they regained the estates vested in them by Robert's father, were ordered by Chancery to sell the properties and settle the pressing demands of the impatient creditors³. Miles Newton never redeemed

1. PRO, C66/2999/24; C.S.P.D. 1660-1, 502; Dugdale, II, 147-8; Boynton's estate is always referred to as the estate of Matthew Boynton - it is never specifically identified.

2. PRO, C54/3664/5; id., C54/3724/20; id., C5/42/69; id., C78/745/5. See Appendix III.

3. PRO, C78/693/12; id., C5/52/87; id., C78/684/2. The lands

his lands, which had fallen to London moneylenders in their entirety¹.

The temporary loss of property was sometimes caused more by the opportunism of the creditor, than by the financial position of the debtor. The Earl of Dorchester ^{had} bought the forfeited lands of Marmaduke Frank from the Treason Trustees, and this loss prevented the Royalist from paying the annual interest on the mortgage which Dorchester held. The purchaser then claimed that Frank had forfeited his equity of redemption: the result was a Chancery lawsuit in 1666, through which Frank (or his co-heiresses) eventually recovered the lands².

In another instance, Richard Vincent had sold his estate in Great Smeaton to a creditor, Henry Simpson, on the understanding that he would remain in possession, enjoying the rents, until the full purchase price had been paid. Simpson used this debt to claim an interest in the forfeited property, and immediately ousted Vincent, arbitrarily forcing

1. Except for some copyhold, which could not be sold; PRO, Index 17349, f. 57; id., C54/3891/32.
2. PRO, C54/3834/34. Frank held some lands in Knighton in 1655 (inquisition for debt, PRO, E159/495 (Mich '55) r. 3), but apparently not the manor: id., C10/119/41; C10/120/35. The estates were eventually recovered - VCH, North Riding, I, 194-5.

(cont. from p. 254).

had originally been sold to the use of creditors: PRO, C54/3828/5; id., C54/3844/18; id., C54/3832/31; id., C54/3786/14.

a new agreement upon the Royalist. Simpson's son and heir even broke this bargain, refusing to pay anything at all, and thus deprived the victim of both money and lands.

Vincent's consent to the modified sale prevented him from recovering his estate in 1660, but he hopefully attempted to win some compensation in Chancery in 1671¹.

Of the six Royalists whose lands - or part of them - went to meet the demands of creditors, only four recovered any portion of their estates. Cuthbert Morley's case is an exceptional one, and will be dealt with separately.² The Plumpton family regained their possessions in Watterton, Wolfeparke and Uslett, although the property was almost immediately sold to meet the demands of the various creditors. The ease of recovery can be explained by the fact that most of the lands were not directly granted to creditors, but fell to purchasers, who contracted to discharge the debts and annuities on the property³.

The other two delinquents who recovered their lands from the hands of moneylenders were Sir George Radcliffe and Marmaduke Frank. The former had already attempted to seize his patrimony from the mortgagee, Richard Elmhirst, claiming that the debt had long since been paid. The lands

1. C.C.C., 1291-2; PRO, Index 17349, f. 76; id., C54/3894/4, C10/492/157. The result of the Chancery suit is not known.
2. See infra, Appendix III.
3. Sale: PRO, C54/3828/5, C54/3786/14, C54/3844/18, C54/3832/31; Sold by order of Chancery, PRO, C78/693/12, C78/684/2.

were finally restored by Act of Parliament and, as there is no trace of any subsequent lawsuit, some amicable arrangement was apparently worked out. Marmaduke Frank, although he did not redeem his estates within the statutory five-year period, succeeded in obtaining an equity of redemption to the property, and eventually either he or his heirs regained the whole estate¹.

Financial instability was the principal cause of the difficulty in recovering such lands, but there was another possible reason. Some of the mortgagees had been only too eager to seize the opportunity to acquire land at a substantial discount, for the Drury House Trustees' method of assessing property enabled such claimants to make a comfortable profit. Whereas estates were normally valued at twenty years' income, the Trustees had sold them at between ten and fifteen years' purchase. Richard Vincent's lands in Great Smeaton were disposed of for only eight times their annual value, and the Manor of Watterton, bought by Samuel Foxley, at just over sixteen years' purchase. Thus, when the creditor could obtain property at such reasonable rates, and with a fairly secure title, there was every incentive for him to try and retain the estate despite all the Royalist's attempts to reclaim it².

1. PRO, C5/22/98; Statutes of the Realm, V, 319-20; PRO, C10/119/41, C10/120/35; VCH, North Riding, I, 194-5.
2. Great Smeaton: PRO, C54/3894/4; Watterton: id., C54/3828/5.

Where the Royalist's lands had been sold to an independent purchaser, there was no such obstacle to his recovering the property. Provided that he still retained a legal title, the ex-owner could regain his possessions at law. It is, however, sometimes very difficult to trace all the steps by which such estates were redeemed, although in most cases it is possible to discover the final result of the action.

A few of the Royalists simply used coercion to recover their estates. The royal proclamation of 29 May was intended to stop this growing use of violence, whether or not it had the semblance of legal backing. Aided by Royalist sympathisers, and by the collapse of the county committees¹, some delinquents had been forcibly ejecting the Commonwealth tenants and replacing them by their own nominees. Although there is no actual evidence of such compulsory acts in Yorkshire, the fact that the King had to intervene shows that it was widespread enough to cause concern for the peace of the country.

This proclamation limited the Royalists' fields of activity to the sphere of the courts. The ex-owners could sue out a writ of trespass and ejectment, claiming that the present tenant had gained his lease by illegal means. This led to a trial at the local assizes where witnesses attested to the past ownership of the land and the validity of the present tenant's title. As the latter's claim to the

1. See supra, p.69-70.

property rested upon its (now illegal) confiscation and sale during the Interregnum, the judgement would normally be in favour of the plaintiff.

Cuthbert Morley attempted to recover his lands in Hawnby, Lackenby and Normanby in this way. He received a favourable verdict in the case of the first two estates, but John Hill, a lawyer who held the Manor of Normanby, succeeded in delaying proceedings: this encouraged the tenants of the other two estates to complicate matters by suing out writs of error. Morley petitioned the Lords to make an order installing his tenants so that the Commonwealth purchasers should not benefit from their delaying tactics. Their Lordships refused to oblige, and instructed the Royalist to proceed at Common Law. Despite this, Morley eventually retrieved the lands in question¹.

Where the Common Law proved insufficient, the Royalist could turn to Chancery or, in the last resort, to the House of Lords. Cuthbert Morley and his heirs bankrupted themselves in a long legal battle with the Elwes family. Marmaduke Holtby used the Court of Chancery to recover the revenues he had lost during the Interregnum². Dame Sarah Redmaine, however, was less successful: she failed in her attempts to regain the family estates from her step-daughter, Mary Dodsworth.

1. HMC, VII (House of Lords MSS), 147. All three properties were in Morley's hands at a later time - PRO, CP25(2)/ 755 (Hilary 1670/71) no. 34).
2. See supra, p. 211. There is some uncertainty as to whether he regained his manor.

The essence of the Redmaine-Dodsworth case was that, although Dame Sarah's dower was allowed, the remainder of Sir John Redmaine's estates went by purchase to William Dodsworth, the husband of Mary, Sir John's daughter by his first wife. Sarah and her son John petitioned in vain for their title to the lands, and the family were reduced to living on the widow's dower. The Redmaines sued Mary Dodsworth in Chancery in 1662 and 1668: they alleged that she had gained a lease to the sequestered property, but had omitted to pay any maintenance to Sir John's widow. Mary counter-claimed that this had been her only means of receiving her portion, which her step-mother had refused to pay. Despite the apparent justice of their claim, it is clear that the Redmaines never recovered the alienated lands¹.

Some of the more influential Royalists by-passed the Courts of Law, and gained immediate restoration of their property by means of a private act. This method was not necessarily used because the alternative means were inefficient - for those with large estates, it was far simpler and cheaper than suing each individual purchaser in turn. And, as Parliament was the highest court, a private act removed the danger of long legal battles in Chancery over the various claims and interests on the property.²

1. R.C.P., III, 103; C.C.C., 1765-6; PRO, C7/290/25; W. Greenwood, The Redmans of Levens and Harewood, (Kendal, 1905), p. 167.

The King became alarmed at the number of these bills - especially as they were delaying work on more important issues - and suggested that "the good old rules of law are the best security"¹. Partly because of this royal warning, and partly because the majority of the applicants had already been satisfied, hardly any more bills were presented. With few exceptions, only the more important Royalists, such as the Marquis of Newcastle, availed themselves of these measures. The only Yorkshireman whose estates were returned by Act of Parliament was Thomas Radcliffe. His first bill, introduced on 20 November 1660, was rejected, but Radcliffe presented another in July 1661: this passed the Commons on 3 July, and became law later in the same year².

In a few cases, the Royalist ex-owner recovered his lands through some private agreement with the Commonwealth purchaser. Cuthbert Morley's Manor of Hawnby was bought by Robert Dowker and Henry Pounall, but the Royalist regained

1. Clarendon, Life, I, 576.

2. Whitaker, Radcliffe, 262 ff.; L.J., XI, 188; HMC, VII, (House of Lords MSS), 135; C.J., VIII, 269, 288. Statutes of the Realm, V, 319-20.

(cont. from p. 260.)

2. Ogg suggests that the acts were due to the legislation being inadequate (op. cit., I, 162). Clarendon says that there were cases where a hidden trust was abused by the trustee, and an act was the only remedy (Life, I, 573-4). But Morley and Holtby each successfully used the law to defeat dishonest trustees, and the majority of Royalists were able to recover their lands without using acts.

the estate at the Restoration. His heirs were still in possession in 1670, when the property was mortgaged to Sir Thomas Stringer. Yet Henry Pounall had been tenant of the manor during this time: this strongly suggests that he was granted an advantageous lease as compensation, and as a consideration to prevent him delaying Morley's recovery of the lands by legal action¹.

As mentioned before, it is easier to ascertain which Royalists recovered their property than to trace the means by which such a recovery was effected. Sydney Constable's Manor of Sherborne was sold to Francis Cobb (probably in trust) - in early 1660, Francis (Sydney's brother and heir?) held lands in Sherborne, and by 1672 was in possession of the manor itself. The property, being entailed, would naturally have fallen to him on Sydney's death, but it is uncertain whether this was before or after the Restoration².

Some of the smaller properties are impossible to trace after their confiscation and sale. William Brigham's lands, forfeited for his Catholic delinquency, proved to be only a small maintenance portion, as his father was still alive. The father died in 1656, and it is impossible to tell whether the Manors of Brigham and Wyton (inherited when they were desequestered in 1660) included William's small estates.

1. PRO, C54/3894/5; VCH, North Riding, II, 33; PRO, CP25(2)/755 (Hil '69/70) no. 34; Pounall was marked as tenant of the manor in the 1662/3 and 1670 Hearth Tax returns - PRO, E179/215/451, E179/216/461.
2. The genealogy of this branch of the Constable family is very vague.

Philip Doleman recovered his sequestered rectory of Lund in 1660, but no trace can be found of his minute estate in Bishop Wilton. Where such small properties cannot be identified, the reason generally lies in the lack of evidence, due to the insignificance of either the estate or the family concerned.

Forty-seven per cent of all the lands sold to individual purchasers, creditors or grantees were eventually redeemed by their late owners.

Table XVIII:- ESTATES RECOVERED AFTER THEIR SALE:
(excluding purchases by agents or relations.)

	Before 1660		After 1660		Totals
	Manors	Non-manors	Manors	Non-manors	
Recovered	2	1	16	5	24
Not recovered	-	-	7	8	15
Uncertain	-	-	1	11	12
Totals	2	1	24	24	51

There were two principal reasons for the non-recovery of the fifteen parcels of land - both stemming from the financial insecurity of their Royalist owners. In the case of all seven manors and three other estates, the title had been sold by the late owner to the Commonwealth purchaser, either to raise capital for the recovery of other lands, or in the belief that the money received was worth more than

a dim hope of regaining the property in the future. Three more small properties had fallen to creditors in settlement of their debts, and the Royalist had been unable - or unwilling - to recover the lands. The remaining two estates were those which had devolved upon Mary Dodsworth and her husband when Sir John Redmaine's lands were sold.

A very large proportion of all the estates confiscated by the Rump were eventually recovered. Some were regained immediately, by composition or direct repurchase through agents, friends or relations, whilst others were only repossessed after the Restoration. Of the 185 parcels of land forfeited during the Interregnum, 145 were in the hands of their original owners (or their heirs) by the end of 1660, and 9 more were redeemed at a later date¹. If the compounded estates are omitted, this means that 80 per cent of all lands sold by the Treason Trustees were in the possession of their Royalist owners after the Restoration².

Unfortunately, this record could not be held for long - in fact, it was never really attained. Some of the Cavaliers did not succeed in regaining their lands for several years: Frank around 1666, and Morley not until the mid-1670's. But

1. These figures include the 29 parcels of land compounded for.
2. These figures allow for the sale of estates soon after recovery, before the Restoration, but they include all lands regained after 1660, even if they were not recovered for some time. If the untraceable lands are omitted, the percentage of lands recovered by 1660 (or soon afterwards) rises to 87.5 per cent.

a number of Royalists sold their lands almost immediately after the Restoration. Just as some of those who had bought their lands through agents had been constrained to sell or irretrievably mortgage them, so several of the estates redeemed in 1660 were sold fairly soon afterwards. By the time that Thomas Radcliffe had recovered his lands in 1661, Robert Gale's Manor of Acomb Grange was passing into other hands. The expenses of regaining property at law, coupled with the debts incurred through living on credit during the Interregnum, proved fatal to several of the poorer Royalists.

The following table illustrates the incidence of recovery and sale among the estates of the Yorkshire gentry.

Table XIX:- THE RECOVERY AND SALE OF CONFISCATED LANDS.

Fate	a Lands to be sold	Fate before 1660			Fate after 1660		g Not recov- ered - (excl. those mentnd under 'd')	h Fate uncer- tain.
		b Recov- ery	c Sold after recy.	d Title sold before recovy.	e Recov- ery	f Sold after recovy.		
COMPOUN- DED	3-16	13-16	1-0	-	-	-	-	-
TRUST PURCHASE	42-46	42-46	2-0	-	-	6-8	-	-
QUERY TRUST PURCHASE)	11-3	?	?	?	11-3	-	-	-
DIRECT PURCHASE	3-0	3-0	1-0	-	-	-	-	-
SOLD TO GRANTEES	4-1	-	-	-	4-0	-	-	0-1
SOLD TO CREDITORS	11-7	0-1	-	1-0	10-3	4-2	0-3	-
SOLD TO OTHER PURCHAS- ERS)	11-17	2-0	-	6-3	2-2	2-2	0-2	1-10
TOTALS	95-90	60-63	4-0	7-3	27-8	12-12	0-5	1-11

(N.B.: The hyphenated figures indicate manors and non-manors.)

The cost of redeeming his lands was sometimes too much for the Royalist ex-owner. Robert Gale of Acomb Grange regained his estate from Joseph Micklethwaite of Swyne, but almost bankrupted himself in the process. Rather than

mortgage the whole property, Gale preferred to sell the title outright. He wrote to Robert Shireburne at Everingham: "You may very well conceive that it (= selling) is much against my disposition, for ther is smaull pleasure in paying every halfe years rent for that which was my owne inheritance ... I have a desire to bargain with you rather then any other in respect of being Catholicks"¹. The manor was finally sold at sixteen years' purchase (Gale had hoped for eighteen) to Henry Marwood, for £3800².

Another delinquent who was forced to sell his property was Cuthbert Morley of Seamer. Soon after he had recovered some of his smaller estates in Lackenby and Hawnby (several of which had fallen to creditors), a bill appeared before the Commons to place parts of those lands in the hands of his creditors until they had recovered certain moneys due to them. And after a long legal battle with the Elwes family, Morley's heir, Bernard Grenville, was forced to part with the bulk of the property he had regained³.

Even those whose estates were bought by agents sometimes had to sell their title. Laurence Sayer's lands were purchased by Gilbert Crouch from the Treason Trustees, but,

1. Letter to R.S., 8th.??, 1661, Constable MSS, DDEV/1/36.

2. PRO, C54/4161/12.

3. C.J., VIII, 374, 394, 420, 445. See also Appendix III. Grenville was not in possession of the lands, 1685 - PRO, C10/223/13. Seamer was sold, 1687 - VCH, North Riding, II, 292.

as the various claims on the estates illustrate, Sayer was not in a healthy financial position. Many annuities had been granted as security for loans, and the expenses incurred in recovering the properties proved to be the final blow. Sayer's son described his father as " ... having bin totally ruined in his Estate for adhering unto his maj^{te} during the late Rebellion & being indebted unto severall psons in severall greate & considerable somes of mony ...". The family was involved in lawsuits over unfulfilled obligations, and finally had to sell most of the lands to Sir Ralph Ashton in 1671¹.

Another person bankrupted by a combination of debts and the effects of his delinquency was William Bulmer of Marrick. His estates in the North Riding had been heavily mortgaged to Thomas Swinburne in 1650, but the cost of repurchasing them for over £6000 administered the coup-de-grâce. Bulmer could not even maintain the interest payments, and in 1662 Swinburne took possession of the property after an action in Chancery².

The cost of recovering lands could be almost prohibitive and two types of Royalist suffered the most: those who had redeemed their estates on their own initiative (either with or without the intervention of agents) and the Cavaliers

1. PRO, C54/3804/19, C54/3781/4, Index 17349, f.65-6; Meynell Calendar 'A'; passim; PRO, C7/179/117, C5/551/77, C6/51/80, CP25(2)/755(Hil '70/71).
2. PRO, C54/3785/40, C8/317/148.

whose property had been used to settle considerable debts. In neither case did the victim receive any consolation from the Restoration Settlement: the one had already paid for his estate, and the other had still to satisfy the demands of his creditors.

The Royalist who had repurchased his property had usually managed to rise above his financial difficulties by the time of the Restoration. Careful estate management and the husbanding of resources had already repaid some of the loan by 1660 - those who were unable to meet the cost of buying the lands usually collapsed within a few years of the sales¹. Care was still needed in the post-1660 era, but the Royalists who had not been in severe financial straits in 1642 had usually overcome the worst effects of the forfeitures by the Restoration.

Where the Cavalier recovered heavily-indebted estates from his creditors, the debt had to be satisfied, which frequently forced the Royalist to resell his property almost immediately. The main reason for the trouble taken to recover such lands was that they could then be sold at a higher value: and the debtor might hope to prove that the interim profits during the Interregnum had fully (or at least partially) discharged his liabilities. For the same reason,

1. With the exceptions of Bulmer and Sayer. Both had to be propped up by the financial assistance of their agents - in fact, Crouch was still the official trustee of Sayer's estate when it was sold in 1671!

the creditors were usually reluctant to surrender the lands in question which (in some cases) they had acquired at a considerable undervalue. The Marquis of Dorchester refused to allow Marmaduke Frank an equity of redemption on his property, Jeremy Elwes attempted to retain the lands he held in trust for Cuthbert Morley (alleging that they were insufficient to cover even the initial loan), and Henry Simpson swindled Richard Vincent out of part of the value of his estate¹. It took the intervention of Chancery to settle these quarrels, and, in each case where the result can be traced, the Royalist was allowed the Interregnum profits as part-payment of the interest on the lands.

Unfortunately, most Cavaliers were in no position to saddle themselves with additional financial burdens. Many had incurred heavy debts through living on credit, or on the insubstantial allowance made to their wives. Therefore, where estates were recovered from creditors, they were normally resold again with alacrity to meet their ex-owner's debts.

Of the 156 estates sold by the Commonwealth Trustees, 144 can be accurately traced. 129 of these were recovered by the Royalists either before or after the Restoration, (although three were sold immediately after recovery, prior to 1660). This becomes all the more significant when it is

1. Frank: PRO, C10/119/41, C10/120/35. Morley: See Appendix III. Vincent: PRO, C10/492/157.

noted that ten out of the fifteen estates which were never regained had been deliberately surrendered by their ex-owners - the title had been "Compounded ... for cakes and ale..."¹. The other five estates had fallen to creditors, or to those who could present a better title.

These findings can be compared ^{with} the discoveries of Dr. Thirsk with respect to the south-east of England. Only 130 out of 179 properties could be identified, but 126 of these - 97 per cent - were recovered before or after the Restoration². In the case of Yorkshire, the percentage is slightly lower: 87 per cent of the identifiable estates were regained by the delinquents or their heirs³. But the result was the same in each case - the vast majority of the Royalists redeemed their lands, even if some of them did have to sell their property soon afterwards.

Yet the price of recovery was extremely high. By purchase from the Treason Trustees, the cost could be anything from half the value of the estate upwards - a crushing burden that might take twenty to thirty years to discharge. The Restoration Settlement allowed the Cavaliers to regain their

1. See supra, p. 228, n. 2 .

2. Thirsk, op. cit., Table X, p. 270.

3. This percentage represents 127 estates - it excludes the compounded lands, and also the estates which were discharged. Mr. G. Blackwood is at present working on the Lancashire sales, but has not, as yet, completed his survey of the gentry.

property at law, but this could prove equally expensive - and in any case, such a Royalist was usually in an unsteady financial position as a result of living on credit during the Interregnum¹. Virtually all of those whose lands were confiscated attempted to recover them directly through either composition or repurchase: those who were unable to do so were the poorer Royalists, or those in exile, who were unlikely to have the resources to afford a long legal suit.

A glance at some families in 1660 will serve to illustrate the heavy liabilities involved in recovering property. When the Constables of Everingham repurchased their estates through John Rushworth, the lands were mortgaged to secure the amount due to the Trustees, plus Sir Philip's own debts. Some acres were sold just after the Restoration, but even in 1663, out of an annual revenue of £1860, £1259-16-8d. was being paid each year to discharge the interest alone². The Plumpton, who had repurchased their estates from the Commonwealth buyers, were in an even more critical position. The receipts for 1661 were £465, of which £345 was paid out as interest. In actual fact, if their total disbursements are considered, the picture becomes most alarming. Over the four years from 1659 to 1662, the total revenue amounted to £2086-5-2d., and the expenses to £4059-14-0d! Small wonder

1. Langdale asked to be excused from the King's coronation because of his heavy debts - he was unable to raise any money at all. (C.S.P.D. 1660-1, 564-5). Sir George Radcliffe

that the Plumptons did not care to adopt the debts settled on Watterton and Wolfeparke!¹

Such crushing expenses could be overcome with care. It took the Constables of Everingham well over twenty years before they could pay off their debts, but they eventually managed to do so, without selling more than a small, isolated piece of land². The Plumptons retained their estates (the lands in Watterton and Wolfeparke, which were sold, had been in trust for settling over £6400 debts before the civil war), although they had to endure a long period of economic retrenchment. In fact, despite the heavy debts and the great expense associated with the recovery of property, the majority of the Royalists succeeded in regaining their lands, and in keeping them, once recovered. Including compositions, 173 estates can be traced from their sale (or desquestration) to their ultimate fate. 158 were eventually recovered, although at least 28 of these were lost either before or after the Restoration, through resale. Therefore, of all the lands which can be fully identified, roughly 74 per cent remained in the hands of their original owners for at least a decade after 1660.

1. Gascoigne MSS, GC/E10/1, ff. 45, 56-8, 67.
2. Constable MSS, DDEV/56/408; Aveling, loc. cit., 112.

(cont. from p. 272).

had also incurred heavy debts during his exile (DNB).

2. Constable MSS, DDEV/31/110; id., 12/25; PRO, C54/4158/24. Debts - Constable MSS, DDEV/56/408. Three-quarters of the sum represented rent charges for various lengths of time, which were repaying half of the debt.

Some families were completely ruined by their losses during the Interregnum. They had to sell all, or nearly all, of their property to pay off their debts. But, with the exception of the lands bought by independent purchasers, the majority of these sales were made by families who were already heavily in debt prior to the civil war. John Constable of Kirby Knowle died during or just after the war, and his co-heiresses sold the compounded estate to the mortgagee, James Danby. William Bulmer was already on the brink of insolvency in 1642 - soon after the Restoration, all of his lands fell into the hands of creditors. Laurence Sayer, who also repurchased his estate with the assistance of Gilbert Crouch, was crippled by the expense combined with his pre-war debts¹.

The 38 parcels of land sold either before or after the Restoration² belonged to 15 Royalists. Ten had substantial debts dating from before the civil war, and an eleventh, Sir Marmaduke Langdale, was crippled by the losses he had incurred through his unswerving loyalty to the King. Nothing definite is known of the pecuniary circumstances of the remaining **four** delinquents, but in each case there is

1. Constable: VCH, North Riding, II, 45-6; CP25(2)/614 (Trin. '54). Bulmer: PRO, C10/69/102, C8/317/148, C7/55/189, C6/183/80. Sayer: see supra, p. 268, n. 1.
2. This total of 38 includes:- 1 estate sold after composition; 3 sold after recovery, prior to 1660; 10 where title sold to purchaser, and the lands never recovered; 24 where lands sold after recovery, after the Restoration.

strong evidence of pre-war financial insecurity. Whether these debts would have caused the sale of lands had there been no anti-Royalist proscription is open to question. However, it is significant that other delinquents, of all economic stations, succeeded in recovering their estates without succumbing to the need for sale: there must therefore have been some strong reason which compelled the unfortunate Cavaliers to part with their lands. Therefore, although the evidence is not wholly conclusive, it seems fairly certain that pre-war financial instability was the principal cause of the non-recovery of forfeited lands.

The majority of the Royalists whose estates were confiscated during the Interregnum had recovered their property within a few years of 1660. Most of the estates were directly regained from the Drury House Trustees - by composition or repurchase through agents - but those who were unable to retrieve their lands immediately generally recovered them in 1660. The cost of this was considerable, and in a few cases led to the sudden resale of some or all of the lands concerned. But the majority of the delinquents were able to retain their estates: those who were forced to sell were normally in some financial difficulties in any case.

Even so, it was one thing to regain the confiscated lands - it was quite another to rebuild them into the position of their former prosperity. The larger estates, and those

which had been entailed, were usually in the best situation. But the high cost of recovering estates meant that a family had to act with the utmost caution, and practise extensive economies for at least a generation, until all the outstanding debts had been settled.

Some families failed to keep their recently-redeemed estates - others succeeded in doing so. But the majority of Royalists managed to hold on to their property and, by the careful exploitation of resources, attempted to restore their shattered fortunes. Thus the decades after 1660, as much as the barren years of the Interregnum, became a testing-time for the Cavaliers.

CHAPTER VII - AFTERMATH OF THE INTERREGNUM.

"For y^e Depts your Father left collect them all, and yo^r owne too, Looke uppō your revenew as it is clogged with yo^r mothers joynture w^{ch} is a full halfe of whatsoever yo^r Estate can be, and seriously consider if by thrift yo^u may pay it out of yo^r Rents, if not there are but 2 wayes. A good Wyfe, or y^e Sale of Lands and the sooner yo^u put either in practi^{se} the more will it be for yo^r advantage "

"There were in Yorkshire a hundred families extinct or undone, so that none of them could appear again as gentlemen. Death, plunder, sales and sequestrations sent them to another world or beggar's bush, and so all - or most shires." (1)

The effects of the anti-Royalist legislation upon the King's supporters has been a point of contention for many years. Dr. Chesney, working from the Calendar of the Committee for Compounding, claimed that a large number of delinquents were forced to sell their lands, although he admitted that the main reason for this was the existence of pre-war debts and liabilities. However, he came to the conclusion that the " ... private sales alone justify the conclusion that the actual land settlement at the Restoration was a triumph for the 'new men' ".²

Dr. Chesney's thesis has been sharply criticised by

1. Advice from Walter Pye to his nephew Walter Calverley, 10 January, 1651/2 (BM, Add. MSS. 27411, f. 68). Sir John Oglander, quoted in H.J.Habakkuk, op. cit., in Ec.H.R., 2 series, XVIII, 131.
2. Op. cit., in T.R.H.S., 4 series, XV, 188-9, 210.

Professor Habakkuk, who alleged that the number of private sales was greatly exaggerated. The majority " ... who were not already heavily indebted before the imposition of the fine found it easy to pay the fine without selling any land (and with) ... no obvious long-term effects."¹

It is by no means easy to analyse the consequences of the civil wars upon the Yorkshire Royalists. There are no post-Restoration records which can compare with the voluminous papers of the various central committees, and the histories of many families cannot be traced. But about half of the Royalist gentry can be roughly documented, thus giving a fairly broad picture of the post-civil war period. It is, however, sometimes difficult to distinguish between the effects of the compositions, and the results of such incidental circumstances as war debts and damage, and pre-war liabilities. We can often only say that the fines were just one of a number of contributory causes in the decline of several families, although in some cases it is possible to make an accurate estimation of their actual rôle.

The background to the compositions lay in the civil wars, and their consequences upon the county gentry. The legacies of the conflict - declining rents and the dislocation of trade - affected all, Cavalier, Roundhead and neutral alike. It is against this picture that the results of the Parliamentary proscriptions must be seen.

1. Habakkuk, loc. cit., 139.

The fighting had led to a certain amount of damage, especially during the final stages of the conflict. Military destruction (in the sense of deliberate devastation by the soldiery) had been slight, with the exception of the burning of several fortified houses, such as Howley Hall and Hunsingore Manor¹. The numerical inferiority of the Parliamentarians had kept the war in a fluid state, with Lord Fairfax and his son snatching victories wherever they could. But the maintenance of the armies (especially Newcastle's to 1644, and the Scots forces after that time) placed a considerable burden on the landowners. Horses were driven off as draught animals, cattle and sheep requisitioned for meat, and corn and hay were seized as fodder. In addition to this, each army raised money from the countryside to pay its troops. In November 1644, Lord Fairfax described Yorkshire as "this almost ruined country": some of the inhabitants were being "rated more than double the value of their lands in the best times".²

Significantly, nearly everyone placed the blame on the Scots army. How much of this was due to actual fact, and how much to a traditional dislike of the foreigner, is difficult to say. But the Yorkshire County Committee had no doubts. It accused the Scots of seizing all the provisions

1. The first by the Royalists, the second by the Parliamentarians.

2. C.S.P.D., 1644-5, p. 104.

intended for the local forces, leaving the latter "much broken, weakened, and discouraged, and the home-bred Enemy here much increased in Number and Strength"¹. Among "the many complaints which come daily out of the north against the Scotch army" were accusations that they were levying £140,000 a month (besides free quarter) from Yorkshire, making " ... little difference ... betwixt friends and enemies". One Scottish officer even attempted to bribe Alice Wandesford's aunt to force the young girl to marry him!² It is worth noting that when a party of ex-soldiers of mixed nationalities raided the Tickhill area, they disguised themselves as Scots troopers!³

Even in regions where there was no danger from marauding troops, estates, (especially those of notable Royalists) suffered from the deprivations of the county committees. The Ordinance of Sequestration instructed these local officials to sell all personal estate (allowing ten days pre-emption to the delinquent), and to appropriate the annual revenue from landed property. Some sequestrators took these instructions too literally, and anything that could be moved without a charge of gunpowder was seized. Woods were cut down, farm buildings dismantled and the materials sold, and rents were

1. L.J., VII, p. 398.

2. C.S.P.D. 1645-7, p. 189, 149; "Life of Mrs. Thornton", in Surtees Society, LXII, (1878), pp. 44-46.

3. L.J., VIII, 135.

raised wherever possible. Petitions from various sources suggest that, in places, the definition of delinquency was based on the theory that everyone who is not for us, is against us.¹

One of the worst characteristics of sequestration in wartime was the practice of granting an income from an estate directly to a military commander as a means of paying his troops. It could lead to the merciless stripping of the property of all sources of revenue, and unscrupulous officers tended to regard such estates as reservoirs, from which to draw any and all kinds of supplies, including a substantial personal income. Fortunately, such a development was soon arrested when the central committee realised the consequential loss of revenue to the State².

Not only were the soldiers, sequestrators and military commanders accused of plundering estates; tenants were also charged with taking advantage of the situation. Royalists complained that the local officials had not been sufficiently careful in controlling sequestered properties. In most cases, these accusations were mostly concerned with the cutting of timber and neglecting repairs, but occasionally there were charges of stealing cattle and crops from the

1. BM, Add. MSS. 24464, f. 56-7.

2. C.C.C., Part I, passim; Pennington and Roots, The Committee at Stafford, 1643-45, p. 32.

lord's demesne¹.

However, the above picture is local rather than general in character. Many districts had hardly been touched by the war, and were relatively undisturbed by events elsewhere. Whilst some regions (especially the Royalist areas around the West Riding towns) suffered from sporadic plundering, the sequestration committees usually showed commendable vigilance in most cases, and tried to maintain the properties intact (except, of course, for the cutting of timber).

The damage suffered by the Royalists' lands during the war was more apparent than real, with the exception of individual localities where billeted troops or sequestrators got out of hand. No serious lasting damage was done to the majority of estates - in fact, the Parliamentarians probably suffered more than their opponents. Until early 1644, the Royalists were (in the main) supreme over most of Yorkshire. The West Riding woollen towns, cut off from their markets and sources of supply, stagnated, whilst packs of wool were readily seized to act as sandbags, as in the defence of Bradford². Newcastle's army maintained itself by assessing friend and foe alike, but those whom " ... they esteeme not friends, they assesse them at two parts and three parts more, and some at four ..." ³.

1. Bilton Park MSS, BL/200.

2. M. James, Social Problems and Policy during the Puritan Revolution, 1640-60, (1930), 58-9. Woolpacks were hung around the church tower to protect snipers.

Thus some delinquents felt the effects of the war more than others. Those living in the neighbourhood of important strongholds (such as Pontefract, Skipton or Scarborough), or where the fighting had been fierce, were likely to suffer from war damage, and be assessed and plundered by each victorious army in turn. Delinquents whose lands and property had been ravaged in this way could be financially embarrassed by composition¹. The demolition of buildings around the walls of Hull, and the flooding of that area during the two sieges, had destroyed a great deal of property, whilst years of neglect had brought the Humber's levées to the point of collapse, necessitating immediate and expensive repairs².

The war had also precipitated a fall in rents, caused by declining land values. Some estates lay waste, but far more common was the damage wrought by simple neglect and lack of maintenance. For example, crops were sometimes sown and harvested late (or not at all), and without proper

1. See the cases of Francis Nevile and Henry Curren, supra, p. 91. The Parliamentarians and neutrals were also caught up in the effects of the wars.
2. Thomas Swann of Beverley had his house, costing £1000, pulled down by Sir John Hotham to destroy all possible cover for the besiegers of Hull: R.C.P., I, 15. See also R.C.P., II, 139.

(cont. from p. 282.)

3. A Remonstrance of the Present State of Yorkshire, 2nd. January, 1643/4, BM, (E 83 (51)).

estate management, the tenants were left largely to their own devices. Richard Knaresborough of Ferrensby used his lord's fields as common grazing land, and his brother John was accused of stealing corn¹. Most Cavaliers, however, had managed to run their estates as well as fight for the King. Both sides had been generally forced to cease hostilities each winter, as their local supporters tended to drift back to their homes².

The Royalists' estates were just recovering from the consequences of the civil wars when they were burdened with the weight of the composition fines. These fell harder on some delinquents than on others. Those with small estates or who, with large debts, had little personal income, felt the fines far more than the richer Royalists, whose lands were better able to adapt to the changed circumstances. Younger sons and others relying on annuities (which had often fallen into arrears) sometimes found themselves fined on the basis of an income which they might not have received for several years.

But probably the most serious effect of the war - especially for the more fervent Royalists - was the loss of

1. Bilton Park MSS, BL/166-7. This damage was done to a Parliamentarian's estate - the victim was Thomas Stockdale of Bilton Park.
2. The composition papers suggest that a number of the Royalists left the army shortly after joining: there appears to have been a considerable floating force in the King's camp!

all financial reserves. Gifts to the King in the form of plate and money (Sir John Wolstenholme contributed £10,000¹) followed by compulsory assessments and various confiscations, often meant that the delinquents were left with no ready funds with which to pay their fines. They were therefore faced with two unwelcome alternatives - to borrow heavily, or to sell land.

It is, however, difficult to give an accurate statement of the consequences of the wars, as almost all of the evidence is strongly biased. The Royalists were only too eager to describe their losses during the conflict, and to take advantage of the local committees' preoccupations with other affairs. Many of the petitions to the Committee for Compounding relate volubly how the plaintiff was forced against his will to serve the King - several of such claims can be proved to be fabrications, but it is often impossible to discover the truth of the matter. All that can be said is that, although the Committee for Compounding was quite likely to sequester people on the least suspicion of Royalism², the delinquents were equally likely to lie in their attempts to evade the composition fines.

These fines were admittedly large, but not crushing.

1. B. Boothroyd, The History of the Ancient Borough of Pontefract, (Pontefract, 1807), 255.
2. Witness the case of Francis Layton of Rawden, who was punished for simply trying to remain neutral, R.C.P., I, 30.

Fifty-two per cent of the primary compositions were at a tenth or less, forty-two-and-a-half per cent at a sixth, and only five-and-a-half per cent at higher levels. The Royalists complained loudly at the time, but in fact their punishment was relatively mild, considering the fate that the Parliamentarians would have suffered had the Cavaliers won! For the vast majority of delinquents, the fine was therefore no more than three times their pre-war annual revenues.

Nor was the method of assessing the estates as efficient as the government had expected. Although the lands were rated at their pre-war value (and officially no account was taken of any damages or losses incurred after 20 May 1642), the calculations were based on the delinquents' own declarations, which therefore provided an ideal opportunity for undervaluation and concealment. As has already been noted, the encouragement of informations failed to solve this problem, and several Cavaliers remained under-assessed¹. But even where the properties were not undervalued, relatively few were rack-rented in 1642. The majority still had considerable room for improvement, as is shown by the steadily-rising rents on sequestered properties. Thus, by increasing the leases as they fell due, most of the delinquents could substantially raise their annual incomes.

1. Or even completely undiscovered. For the merits and demerits of the information system, see supra, pp.52 ff.

The short time in which the fines had to be paid (only six weeks were allowed to elapse between the two halves) presented some difficulties, although only the heavily-indebted delinquents would have been unable to raise sufficient mortgages on the security of their lands. In any case, many of the Royalists took advantage of the administrative inefficiencies of the local sequestrators, and delayed payment of their fines for as long as possible.¹

The Royalists had ample opportunities in which to meet the costs of their delinquency. For all except those who were in dire economic straits, the debts could be easily paid off by the time of the Restoration. Such repayment would inevitably be assisted by the fact that the Cavaliers were in a social vacuum in the fifteen years following 1645 - they were excluded from all official positions, limitations were placed on their freedom of movement, and on the number who could legally congregate in one place at the same time.

This encouragement towards economy was aided by the desire to avoid the unwelcome attentions of the local tax collectors. The periodical monthly assessments, as well as the occasional compulsory levies for the militia, were paid by everyone, and naturally the Cavaliers attempted to give the impression of poverty. Forced to dissemble, deprived " ... of all power in the least matter to act as a country man,"² the Royalist thus turned his attention to improving

1. See supra, p. 109ff.

2. Sir Henry Slingsby to Slingsby Bethell, 21 Jan., 1650/1, in Slingsby's Diary, 346.

his estates.

Even where the property had been rack-rented before the war (as with the Beaumonts of Whitley Beaumont), all but a few delinquents could afford the fine. Thomas Beaumont, a prosperous landowner, had no difficulty whatsoever in settling his £700 composition. Throughout the Interregnum he was steadily acquiring property, and by his death in 1668, his personal estate amounted to over £3000¹. Even Sir Gervase Cutler's family, who had suffered to some extent from plundering soldiers, was not ruined until the heir wasted the estate in reckless extravagance.²

However, perhaps the clearest indication of the Royalists' ability to retain their lands and pay off the fines is the way in which the victims of the various Acts of Sale succeeded in recovering their property. These latter had been forced to raise much larger sums, amounting in some cases to almost three-quarters of the value of their lands, at their improved assessment. If they were able to find such colossal sums, surely the ordinary delinquents could settle their own far smaller fines?

The other economic burdens which faced the Royalists - the twentieth and the Yorkshire Engagement - were far less troublesome, and had a correspondingly less effect upon

1. Whitley-Beaumont MSS., WBL/91, WBW/35/4,7.

2. J. Hunter, South Yorkshire, (1828-31), II, 267; J. Wilkinson, Worsborough, (1872), 47; Historic Yorkshire Families, "Cutler".

those assessed. The twentieth was a realistic appreciation of the delinquent's capacity to pay: the original estimates were scaled down, making allowances for war damage and the effects of composition¹. These amercements seem to have been settled fairly promptly but, despite the Committee for Advance of Money's attempts to assess all Royalists, many avoided paying anything at all. The tax represented, at the most, one year's income from the current value of the estate and, as several delinquents had put part of their lands in trust to settle the composition fine, the assessments in their final version seem to have underestimated, rather than overestimated, the Cavaliers' revenues².

The Yorkshire Engagement was a nuisance, rather than a financial embarrassment, to the Royalists. Those who had guaranteed the loan to the King had (generally) done so on their own initiative, and the sums promised were well within their subscribers' capacity to pay. But the government demanded the immediate settlement of the moneys, whereas the creditors had been content to let the debts run on for several years. In fact, it was really the latter (some of whom were Royalists) who were punished - they lost

1. See supra, Chapter IV, passim.

2. Even the original versions of the assessment seem to have been under the 1642 estimates of the Royalists' lands. Of 91 Royalists assessed, 45 of the original assessments were undervalued, 34 over-estimated, and 12 roughly correct. These statistics are gained by comparing the assessments with the (probably undervalued) 'particulars of estate'. All were supposed to pay this tax, although many evaded it.

all their bonds, whilst the guarantors merely had to meet their liabilities rather earlier than was expected. Relatively few of the debts were paid: from what little information remains of the delinquents' financial situation during the Interregnum, it appears that the resistance was caused more by objections to the nature of the levy, than by any inability to pay it. From the pathetic results of the Engagement subsidies, it cannot be said that they had any substantial financial effects upon the Royalists¹.

Besides such incidental punishments for delinquency, the Cavaliers, with the rest of the population, suffered from the various weekly and monthly assessments and occasional taxes invoked for the support of the government and armed forces. The already financially-weakened Royalists were naturally more vulnerable to such incidental expenses, but those who had borne the costs of composition were usually able to do the same with these periodical imposts.

The Royalists whose lands had been confiscated were in a much more vulnerable position. If they compounded, they had to pay six years' purchase for land in fee simple: if they bought their estates from the Treason Trustees, the price was generally at least ten years' purchase. The only way that such amounts could be raised was by heavy mortgaging and borrowing on the London (or local) money markets. In

1. See Chapter IV, pp.155ff.

most cases, the whole estate was settled as security for the loan, with the Royalist receiving only a small annuity. For the rest of the Interregnum (and often the first decades after the Restoration), these delinquents were weighed down with a crushing burden of debt.

Not only did the victims of the Acts of Sale have to pay a considerably higher percentage of their property than the normal delinquents: their estates were also assessed far more accurately. Instead of a fine based on the pre-war value of the lands as certified by their late owner, the Royalists who wished to repurchase their holdings had to pay a sum related to the current value of the property - but a value accurately estimated by official surveyors, and representing the annual income of the lands at the highest possible rack-rent. For those who purchased confiscated lands (whether delinquent, agent or speculator), there was often no opportunity to recoup the price quickly (except by resale) by increasing the leases¹. Apart from denuding the property of all its resources, the only method of repaying the purchase price was by a long-term, heavy mortgage.

However, a great percentage of the estates ^{were} bought with

1. No clear decision can be given on this point. Whereas the Constables of Everingham substantially increased even the government's rentals, (Constable MSS., DDEV/56/408, 443, etc.), the Plumptions apparently had difficulty in maintaining the high rentals of Plumpton Manor (Gascoigne MSS., GC/E10/1, passim).

public faith bills - paper guarantees issued as security to those who had lent the government money in the past, and which had steadily depreciated in value through the years. The Acts allowed up to half the price of the lands to be contracted for with these securities, and Professor Habakkuk's research has shown that the vast majority of the forfeited estates were, in fact, bought with doubled bills¹. Considering the large percentage of lands which were purchased by Royalists or their agents, this offers only two alternatives: either the latter were acquiring bills on the London market at deflated rates, or the London speculators, who had already gambled in buying the securities, were advancing the necessary money for the repurchase of the confiscated lands at advantageous rates of interest. It is noticeable that, whereas the government had invariably to borrow money at between six and eight per cent interest, Sir Philip Constable raised the £12,488 for the repurchase of his estates at only 4.8 per cent².

The use of these bills thus diminished the actual monetary cost of rebuying the lands, although the burden still remained considerable. Some families were forced to sell property but, as has already been suggested, in such cases

1. See supra, Chapter V, p.198 ; H.J.Habakkuk, "Public Finance", in Ec.H.R., (2 series), XV, 70-88, passim.
2. Constable MSS., DDEV/50/44, 48a. Even the nigh-bankrupt Plumptions received their loans at six per cent interest, Gascoigne MSS., GC/E10/1.

the delinquent was often seriously embarrassed by pre-war debts¹. A surprisingly large number of Royalists managed to overcome their liabilities, although naturally their estates were very heavily burdened for many years (and led, in some instances, to the eventual sale of the lands concerned: Laurence Sayer, after surviving on the verge of bankruptcy for sixteen years, finally sold his property in 1670/71²).

There is, unfortunately, considerable difficulty in assessing the Royalists' financial position after the Restoration. There are no land valuations (such as the 'particulars of estate'), and most of the families have left no substantial records. Thus the majority of the information must be collected at second hand, from fines and recoveries, inquisitions for debt, wills and other such evidences.

The primary problem presented by such material is the difficulty in distinguishing (from a fine or recovery) between a sale, a mortgage, and a simple conveyance to break a previous entail. Wills are generally uninformative, as any substantial liabilities would be settled on the estates prior to the owner's death. Even petitions to the King cannot be accepted too literally, for obvious reasons. In general, therefore, the most useful source of information

1. See supra, Chapter VI, for a brief summary of some of the effects of the sales on the Royalists.

2. PRO, CP25(2)/755 (H11, 1670/1); VCH, Durham, III, 224,5.

is again the law courts - indirect evidence in the bills and answers in Chancery often gives a very clear indication of a delinquent's general financial position¹.

From these sources, augmented by the various collections of family papers and deeds, we can discover the fate of about seventy per cent of the Royalist families, (both of those who compounded, and the delinquents whose estates were sold)². All attempted to pay their several fines and amercements, and the majority succeeded without being forced to sell their estates. Certainly, they were extremely reluctant to lose their property, not only because of the landowner's inherent unwillingness to part with his domains, but also because of the adverse state of the land market during the decades following the compositions. The flood of confiscated estates being sold by the government, and private properties disposed of by those who were unable to meet their commitments, conspired to force down the price of land, and thus discouraged many Royalists from parting with their estates before they were actually compelled to do so³.

1. J.W.Clay's edition of Dugdale's Visitation gives several valuable footnotes. Nor must the work of antiquarians be ignored (though much must be treated with caution): historians such as Joseph Hunter left behind a mass of material, from which a considerable amount of information can be gleaned. Certain modern historians have also left monographs on various families, often working from documents which are not available to the general public.
2. Only 49 per cent of these can be traced from their pre-war financial positions.
3. Habakkuk, op. cit., in Ec.H.R., (2 series) XVIII, 130-51, passim.

Mortgages, however, only solved the immediate problem of recovering the sequestered property: the Cavaliers had still to settle the debts owing to their creditors. This was usually accomplished by discovering new, or exploiting old resources, so that the annual revenue from the lands was substantially increased.

The majority of the Royalists appear to have recouped their losses by developing their estates to the fullest extent. Rents had been generally rising during the latter half of the sixteen-forties - this was partially due to the gradual recovery from the dislocations of war, but was mainly caused by the deliberate policy of the Parliamentary sequestrators. Lands were leased to the highest bidder, and the whole machinery was designed to encourage competitive cross-bidding. When the Cavaliers recovered their property, they naturally continued this policy, raising leases as they fell due and demanding high fines when new tenants entered upon the estate.

One of the Royalists who was most active in this field was Henry Calverley of Calverley. In 1649 he claimed that his estates were worth £505 a year, over half being on the rack. Despite this, he speedily raised the rents - in some instances by as much as 100 per cent¹. In 1650, the tenants in Calverley alone were paying £620 per annum - an increase of nearly 240 per cent over their 1640 "rack" rents².

1. R.C.P., II, 189; Y.A.S., MS 527.

2. Compare BM Add MSS., 27411 f. 126 and f. 70.

Other families employed the same principles. The Wartons of Beverley, worth £2500 per annum in 1640, received £3260 each year by the 1680's, from substantially the same estate¹. Sir Marmaduke Constable and John Rushworth even managed to improve ^{on} the Commonwealth valuations, forcing the leases up to a fantastic height. They had escalated by an average of thirty per cent between 1650 and 1652 under the control of the Yorkshire Committee; but now they rose even higher: by 1670, they were over 60 per cent above their 1650 levels².

At least one landlord had pricks of conscience over the hardships he had inflicted upon his tenants. In his will, William Lutton of Knapton requested his brother and executor to "reduce ye people of Knapton to their usuall & accustomed rate of 6^d. for a messuger & 3^d. for a cottager .."³ But few of the Cavaliers appear to have had any social conscience about their activities, and continued in their attempts to get the most out of their properties.

Along with these developments, several of the Royalists attempted to increase the cultivable area of their estates by enclosing the commons or moorland. Legal battles in Chancery attest to strong opposition from various sources, usually from the tenants. In 1661, Raphe Crathorne was

1. R.C.P., II, 55-6, 93; Y.A.S., MS 661.

2. Constable MSS, passim; PRO, SP28/215 (for 7-year leases).

3. Y.W., May 1688 (Box 1): will of William Lutton.

planning to fence in the commons on his Manor of Crathorne, and Marmaduke Frank, as lord of Middleton Tyas, began to annex some neighbouring moorland. Occasionally there was a mutual agreement between all parties concerned - Sir Francis Hungate claimed that his tenants had broken such a bargain when they prevented him from enclosing land in 1668¹.

Such enclosures may have been caused, not only by the desire to improve an estate, but also as a natural reaction to the intensified State control of the 1650's. The seven-year leases granted in 1652 and 1653 contained stringent provisions, restricting the occupiers' independence. One of the conditions was specifically intended to prevent the fencing-in of meadow or pastureland to grow corn. The lessee had to promise to raise no rents, and to pay £5 a year increase in rental for every acre of land (unploughed in the last twenty years) which he converted to arable. This completely prohibitive figure was obviously intended to prevent the farmers of sequestered properties (who were usually the delinquents or their agents) from squeezing the tenants in an attempt to make a profit on the lands².

Such consideration was, however, limited to the estates

1. PRO, C5/502/105 (Crathorne); id., C10/97/48 (Frank); id., C78/883/14 (Hungate).
2. This condition is in John Vavasour's lease, of 13 March 1652/3, PRO, SP23/G 58/f. 81. A similar provision was included in the lease of the Meynells of North Kilvington (Aveling, loc. cit., p. 107).

under sequestration: once a property had been sold or redeemed by composition, the government lost all interest in its internal management. John Rushworth, as soon as he had bought Sir Philip Constable's forfeited estate in the East Riding, raised all the rents and generally "improved" the value of the property. One of the tenants of Arras, Charles Horsley, complained volubly to the Committee for Removing Obstructions that the leases were at an unjustifiably high level: he was bluntly told that Rushworth owned the property, and could therefore do what he wanted with the rents. Horsley then attempted to avoid paying his tithes - he pleaded that they must surely be included in his lease. He received an equally abrupt reply from the Yorkshire Committee, which threatened to distrain his personal estate if the money was not quickly forthcoming. Thus Horsley found to his cost that the world of officialdom did not care at all about the fate of its former tenants¹.

In addition to improving the value of his estate, the Royalist could always exploit his existing resources. By far the most negotiable of these was timber. The county committees had cut down some woods on sequestered estates, but, despite the frequent complaints, such practices were apparently not too widespread. The sale of timber was one of the quickest ways in which the delinquent could raise

1. Constable MSS., DDEV/3/71, 78-82.

the second half of his fine, without having to mortgage or sell his lands. There was a considerable market for seasoned wood: the ravages of war had led to the destruction of houses and bridges, and (especially after 1652), there was an increasing demand from the naval shipyards.

Henry Calverley virtually denuded the whole of his estate in this way through trying to raise his composition fine. He wrote in anguish from London to his wife, begging her to "... get the wod sold that I may end wth Goldsmith Hall & come home and monie is now soe hard to come unto that I thinke I shall let Sr Hugh Calverley's estate fall". Despite all his attempts, Calverley was forced to sell a substantial acreage in order to settle the fine and his own considerable debts¹.

Among the others who turned their woods into cash were Sir John Reresby and Sir Thomas Danby, both prominent landholders, though with considerable charges upon their estates. Reresby succeeded in settling his liabilities (caused by his father's debts and war damage), but Sir Thomas Danby, already on the verge of insolvency in 1642, had to sell an appreciable amount of property².

1. Calverley to his wife Joyce, 13 March, 1648/9, BM, Add. MSS., 27411, f. 65; Calverley MSS, (DD12) passim.
2. Reresby, Sir John, Memoirs of Sir John Reresby, (ed. A. Browning) (Glasgow, 1936), and the original in BM, Add. MSS., 29440, early pages. Cunliffe-Lister MSS, passim. Another way of raising money was to let land for a high initial fine, but ^{with} a very low rental: this was virtually a mortgage, and was shunned, if possible, by the Royalists, who tried to keep their revenues intact, and at the highest possible level.

In addition to the exploitation of existing resources, some Royalists searched for new fields in which to make their fortunes. One of the most profitable of these lay in the sphere of mining. It was virtually impossible for the sequestrators to estimate the true capital value of mineral deposits, and most of the delinquents who already owned (or leased) such property had succeeded in concealing its existence, or at least its true value. Such resources could therefore prove most profitable in the post-war period of reconstruction.

Several of the Royalists had existing mines, the principal ones being of coal and alum. Although the former could involve considerable expenditure before workable seams were developed, there were many pits in the West Riding coal belt, and several owed their origin to the Cavaliers. Langdale Sunderland was forced to sell his estates in Coley Hall and High Sunderland, but bought smaller properties in Acton and Featherstone from Thomas Beckwith. These proved to be an admirable investment, as Sunderland was able to develop the rich coal seams which he estimated to be worth at least £200 per annum at his death in 1698. He left a short homily for his sons, advising them on how to work the pits to the best advantage, including a few notes on labour relations. He recommended that, if the colliers complained of low wages, they should be paid less; and every week the true value of each man's work must be discovered

from the "bottom man", - "for colliers hate truth". "The whole trust lies in the bottom man and bankman", who, with four miners working at the coal face, were recommended as being quite sufficient for the needs of the small pit.¹

William Lowther was also concerned with coal mining, but mainly as a side issue to his principal commercial interests. He had purchased the Manors of Great Preston and Astley from Coniers Darcy, and naturally worked the rich coal seams there. It was this Lowther who bought Roundhay from the Treason Trustees, and also acquired the Manor of Swillington, finally building up a considerable landed estate in the vicinity of Leeds². Several other Royalists were also engaged in coal mining (both before and after the civil war), such as Francis Baildon and Sir Ferdinando Leigh³.

Sir Hugh Cholmley made a fortune by establishing alum works at Whitby in 1649. By 1665 they had grown to be very profitable - in that year, Cholmley's heir leased them to the Crown for twenty-one years, at an annual rent of £1500.

1. J. Lister, "High Sunderland", in Halifax Antiquarian Soc. Transactions, (1907), p. 133 ff; Sunderland, Langdale, p. 215.
2. PRO, C5/31/75, C54/3755/29; W. Wheeler, Some historic Mansions of Yorkshire and their associations (1888-9, Leeds), I, 241; Boothroyd, Pontefract, 150; Lowther Bouch, C.M., "Lowther of Swillington from its origin till 1788", in Cumberland & Westmoreland Antiquarian & Archaeological Soc. Transactions, (New Series), XLII (1942), pp. 68-76.
3. La Page, J., The Story of Baildon (1951), 29-30; R.C.P., III, 100.

This success was mainly due to the aid of friends and the Royalists's own careful management: he showed his appreciation to his brother, Sir Henry, by granting him a twenty-six year free lease of a sixth of the alum works, which Sir Henry was able to sublet for £150 per annum. By the time that Sir Hugh died in 1657, he was living in comfortable retirement, and was able to leave his daughters a total of £2500 in portions¹.

William Bulmer attempted to recover from the effects of repurchasing his confiscated estates by developing his lead mines in the North Riding. He was forced to mortgage his lands and defaulted on the repayments, whereupon the creditor, Thomas Swinburne, seized the whole property. Bulmer claimed that the mines should not have been included in the mortgage, but failed in his attempts to secure their restoration. He finally sold the title, and the purchaser, Lord St. John, redeemed the debt. Bulmer had hoped to retain the mines (being one of the wealthiest parts of the estates, and worth at least £500 a year) from which to pay off the debts on the rest of his lands, but, whether through his own carelessness or his creditor's underhand methods, the property was lost to the family².

1. The Memoirs of Sir Hugh Cholmley, (1870), passim; C.S.P.D., 1664-5, 461; will - Somerset House, Nabbs (1660), f. 206.
2. PRO, C7/55/189, C6/183/80. The mines are elsewhere valued at £1000 per annum, PRO, SP28/215.

Some Cavaliers augmented their landed revenues by turning to commerce and the professions. Many had already strong connections with the merchant world - in fact, several of the Royalist gentry had acquired estates with the profits of trade. Brian Cooke of Doncaster had made his fortune through commercial enterprise and moneylending; both Sir Roger Jacques and William Kellam were more merchants than country gentlemen. But several hitherto purely landowning members of the gentry found it necessary to supplement their incomes from other sources.

This did not always indicate that the family was declining, although a few Royalists turned to trade as the only alternative to bankruptcy. Willoughby Skipwith, possessing an insignificant estate, was severely affected by the compositions. Apart from his landed revenue of £30 a year, he had been a small creditor, but was unable to collect the sums owed to him, although he had compounded for them. The family declined through the later years of the Interregnum, and Willoughby became apprenticed to a draper in 1659. His son and heir, John, refused to turn to commerce, and endeavoured to rebuild the family estates. This proved to be his ruin, and he was forced to sell all his lands in Menthorpe in 1670, living on in poverty in his small estate in Skipwith until his death¹.

1. R.C.P., II, 12; T. Burton, The History and Antiquities of the Parish of Hemingborough, (1888), p. 241.

Sir Richard Maleverer attempted to recoup his fortunes from the profits of war. His father, the regicide Sir Thomas, had cut off his son's annuity, and left Sir Richard in straitened financial circumstances. Although Sir Thomas' estates were restored to the family in 1660, the Parliamentarian had exhausted them through his unswerving loyalty to his cause¹. In early 1665, Sir Richard and fourteen other gentlemen, all "sufferers for the late King", petitioned Charles II for a commission to sail a frigate in search of Dutch ships in the Straits. Permission was granted, although it is not known what fortune favoured Sir Richard in his quest for wealth².

Colonel Walter Slingsby evolved an equally adventurous method of regaining his losses. He had been commander of the garrison of Pendennis Castle, but apparently paid no fine (or at least all record of it has since disappeared). With eleven companions, all "Loyal Indigent Officers", he petitioned in 1669 for a licence to establish a plate lottery for the term of six years. The results of his enterprise are not recorded: however, it seems unlikely that Walter had been forced to resort to this expedient by his civil war losses, as he had already received the commission of Governor of the Isle of Wight at the Restoration³.

1. His losses in the war compelled him to sell the lordship of Armley; M.Noble, Lives of the English Regicides, (1798), II, 34.
2. Feb. ? 1665, C.S.P.D., 1664-5, 229. Apparently he did not mend his fortunes - Allerton Maleverer itself was mortgaged in 1669, Galway MSS., 9350, 9351, 9357.

In general, however, the Cavaliers who turned to commerce or the professions served in the more orthodox rôles of lawyers or farmers of royal revenues. As many of the gentry had received a legal education at the Inns of Court,¹ the law was an ideal field in which to recover their fortunes. Peter Foljambe of Steeton became a counsellor at law (although his losses were the result of his predecessor's ruinous extravagance, rather than the aftermath of the civil war). Robert Morley of Fulford, already heavily in debt, had been crippled by the effects of his composition. His eldest son, Cuthbert, was arraigned as an outlaw, and the whole estate was thus seized by the sequestrators. However, Robert's second son, James, trained in the law, and a Registrar Accountant to the Revenue Commissioners in Ireland, petitioned for time to pay the still-outstanding fine. He was allowed the forfeited estates on a fifty-year lease, and succeeded in discharging the composition by careful mortgages, augmented by his own legal salary. Gradually, by a judicious combination of money and influence, he regained and reorganised the whole estate².

1. See Cliffe, op. cit., 140, 327-8.

2. Foljambe: N. Johnston, "History of the Family of Foljambe", in Coll. Top. et Gen., II, passim; Morley: R.C.P., III, 1; C.S.P.D., 1655-6, 255; VCH, North Riding, II, 162.

(cont. from p. 304.)

3. PRO, C66/3106/6; YAS, MS 745 c; PRO, C66/2945/31.

Another family which likewise turned to the professions was the Morrises of North Elmsall. John Morris was executed in 1649 at York for his connection with the murder of Colonel Rainsborough. His widow successfully gained her dower on the grounds that her turncoat husband happened to be fighting for Parliament when the settlement was made. But the family, never wealthy, slowly declined, until John's second son and ultimate heir, Castilian, augmented his income by becoming Town Clerk of Leeds in 1684¹.

The Reresbys of Thribergh adopted manufacturing as an extra source of revenue. Sir John's Memoirs paint a dismal picture of the family's position when he succeeded his father in 1646: "ye saile of between two and three hundred pounds per ann", and the two great jointures of his mother and grandmother had considerably diminished his income. Tamworth Reresby wrote to his nephew, "when I consider your sequestred (estate), and my Mother undone; my best expectations will prove but dolorous exchanges". However, the family slowly recovered, and in 1666 Sir John and Sir Thomas Strickland were granted a patent for making steel by a new process. Whether it was this or careful estate management that helped the estate is not certain, but shortly afterwards Sir John was making considerable extensions to his house at Thribergh.²

1. Historic Yorkshire Families - "Morris"; C.C.C., 2409; Dugdale, I, 323.
2. Reresby's Memoirs, BM, Add. MSS., 29440, f. 1; Reresby MSS (Leeds), 1/14; PRO, C66/3087/1; Hearth Tax records

Many of the Royalists therefore attempted to restore their fortunes by developing existing or latent talents or resources. Most turned to their estates as a source of extra revenue. When the leases fell due, the farms were relet on the rack (often with high entry fines), and the rights and perquisites of the landlord (especially those pertaining to the use of timber and any mineral deposits) were carefully defined and rigidly enforced. Waste lands were enclosed, and the Cavaliers sought for the most profitable means of farming their demesnes. After the initial shock of composition, when capital resources, such as timber, were often ruthlessly exploited, the Royalists aimed at the conservation of their assets, turning to more profitable and efficient methods of farming. Even the high rents demanded by the Commonwealth from sequestered properties were improved upon, as the example of the Everingham estate shows. In fact, the delinquents developed their resources to the utmost, attempting to repair the ravages of the civil wars¹.

The Cavaliers thus exploited all their capital possessions, and turned to mining and commerce to augment their incomes

1. The Cavaliers would probably have indulged in this kind of economic exploitation even if they had not suffered from the anti-Royalist legislation.

(cont. from p. 306.)

for Thribergh, 1664 and 1673, PRO, E179/210/393, id/262/13.

from land. During the half-century after 1660 the output of the West Riding coalfield expanded considerably, although this was due to the enterprise of others besides the Royalists.¹ For the post-Restoration times were also a period when many Parliamentarians sought to restore their weakened finances. Civil war damage, the non-payment of salaries, and over-generous gifts to the government had strained the economies of several erstwhile Roundheads. Like the Royalists, they too were fighting to retain their balance after 1660.

But the Cavaliers were not simply limited to their own resources, both physical and material, when it came to remedying the effects of the civil wars and Interregnum. Many hoped for financial aid from the King, either in the form of a pension, the farm of some royal revenue, or the profits of office. The Restoration brought an astounding number of petitions from suitors, extolling their former real or imaginary services to the Crown. In the midst of this multitude of suppliants, the appeals of many loyal Cavaliers were lost, although a few did benefit from the King's generosity. A total of £400 per annum was granted to the widow and daughters of Colonel Matthew Boynton, killed in the Worcester campaign². Sir Jordan Crosland

1. J.U.Nef, The Rise of the British Coal Industry, (1932), I, 57; this is supported by sporadic evidence from family papers.
2. C.S.P.D., 1660-61, 502; PRO, C66/2999/24.

received an estate at Newby-on-Yore (Ure), and Sir Solomon Swale got £2000 from the profits of the Hearth Tax¹.

But far more Royalists benefitted from the profits of office, or the farm of the royal revenues. Sir Matthew Appleyard was created Customer of the Port of Hull in 1660, at a salary of £30 a year, and left the post to his son on his death. By 1669, the position was worth over £80 per annum². Sheffield, the son of Sir Christopher Clapham, became Farmer of the Excise in the West Riding³. Richard Harebred of Wistow gained the lease of certain lead mines from the Crown which earned him at least £350 a year, whilst Richard Hutton of Goldesborough petitioned for the farm of the Crown tithes in Clayton and Frickley. Captain Legard was granted the reversion of a 31-year lease on the guardianship of York Castle (together with the office of gaoler); and William Thompson of Humbleton received the farm of the Crown Manor of Northstead⁴. Just over 11 per cent

1. Yorkshire Archaeological Society, History of Helmsley, (1963), 160; G.H.Harrison, The History of Yorkshire, (1879), 237; H. Speight, Romantic Richmondshire, (1897), 225-8; C.S.P.D., 1665-6, 163.
2. PRO, C66/2947/12; C.S.P.D., 1660-61, 108; id., 1661-2, 39; Y.W., vol. 51, f. 178.
3. Cal. Treas. Bk., I, 474 (19 March, 1662/3).
4. Y.W., vol. 54, f. 361 (Harebred); C.S.P.D., 1660-1, 526 (Hutton); PRO, C66/2971/23 (Legard); J.D.Legard, The Legards of Anlaby and Ganton, (1926), 94. Hotham of South Dalton MSS., DDHO/55/21 (Thompson).

of the Royalist families in Yorkshire benefitted in some way from the King's generosity. The Cavaliers as a whole might have been disappointed, but an appreciable number received some sort of recognition from the King.

Not all of these beneficiaries had necessarily been financially crippled by the wars. Some, such as Henry Hildyard (who was created a Vice-Chamberlain of the Exchequer), were wealthy landowners, able to discharge their composition fines with relatively little difficulty¹. All the Royalists naturally hoped for some reward in recognition of their past services (for some had lost more than others), but it was understandable that the leaders of county society should be selected for the principal offices and positions of trust. Thus the lesser gentry were the ones who suffered in the scramble for the spoils of office: they had either to be content with a minor position or (more often) received nothing at all.

However, such offices were not necessarily infallible routes to financial success: if not handled carefully, they could lead the holder into the government's debt. Sir Thomas Strickland of Thornton Bridge, not content with being a sub-commissioner of excise in the West Riding, petitioned in 1665 for the farm of the tax on Scottish salt for twenty-one years at a rent of £1800. This speculation failed, as the alliance with France led to the influx of cheap French

1. C.S.P.D., 1660-61, 138; PRO, C66/2942/78; Cal. Treas. Bk., I, 3.

salt. In the first year, Sir Thomas begged for the reduction of his rent, which was eventually amended to £1000 per annum. Even so, Strickland still made a loss, and discovered to his cost that the only practical use of the farm was as a convenient security for a mortgage. He fell deeper into debt, and finally sold Thornton Bridge to a cousin for £7000. The salt tax had not been the sole cause of Sir Thomas' downfall - his reckless extravagance and lavish entertainments had already virtually bankrupted the family. The only thing that saved the Stricklands from complete poverty was Sir Thomas' enforced exile in 1688 when, as a Catholic Privy Counsellor, he followed James II to the continent¹.

Apart from improving or developing their estates, or profiting from the royal bounty, the most frequent way in which the Cavaliers recouped their losses was through a prosperous marriage. This was the ideal of every landowner - and, indeed, of everyone. Daughters were given as large portions as possible to enable them to marry well in the social hierarchy, and the sons had to be found rich heiresses, who could augment the family estates.

It was a fortunate marriage that rescued the Calverleys from ruin. Henry Calverley's wife was the daughter of Sir

1. Cal. Treas. Bk., I, 471; C.S.P.D., 1664-5, 388; PRO, C66/3117/14; H. Hornyold, Genealogical Memoirs of the Family of Strickland of Sizergh (Kendal, 1928), 87-9, 128-135; D. Scott, The Stricklands of Sizergh Castle, (Kendal, 1908), 153 ff.

Walter Pye, whose money had helped the family over the difficult composition period. The son and heir, Walter, married the heiress of the Thompsons of Esholt: much of her inheritance in Bromfield and the county of Cumberland was sold to rescue the Calverley demesnes from the hands of creditors. These moves, together with the sale of the Manor of Pudsey, the cutting of timber, and the raising of rents, enabled Walter Calverley to retain the rest of his property, and gradually to recover from the effects of the compositions¹.

In some families, marriages with heiresses were almost cumulative. The Thornhills of Fixby, who had succeeded in evading all the anti-Royalist legislation of the civil wars, married three co-heiresses and one sole heiress in three generations. Miles Stapleton wedded Mary, the sole representative of the elder branch of the Hopton clan, and, through her mother, co-heiress of the Lindleys. Together, they managed to recover from the heavy fine and war damage which had been inflicted upon Mary's estates².

Almost as advantageous as an alliance with an heiress was the acquisition of a large marriage portion. Sir Richard Maleverer's wife brought him £3000, and their son wedded Catherine, ultimate heiress of the Hoptons. The Daniels of

2, Dugdale, I, 81-2, 172-3.

1. Dugdale, I, 247-8; BM, Add. MSS., 27412, ff. 222-230.

Beswick were only rescued from penury by the large portion which George acquired on his marriage with Elizabeth Ireland of Nostell. And the recovery of Sir Thomas Slingsby's estates was no doubt greatly facilitated by his wife's portion of £4000¹.

Thus the Royalist whose estates had been adversely affected by the fines and sales of the civil war period had many opportunities to retrieve his fortunes. He could develop his estates, or he could turn to commerce and industry. But probably the most attractive sources of income were the office and marriage markets. Endless vistas opened before the enterprising Cavalier. Sir John Wolstenholme had gone bankrupt when faced with the heavy fine which Parliament extracted from the customs farmers. His estates were all placed in the hands of trustees and sold to pay his debts. Yet in 1663 his son was also a customs farmer, in 1665 a baronet, and by his death in 1670 had restored much of the family's lost fortunes².

Another Royalist who prospered after the Restoration was Thomas Fawkes of Farnley. He inherited his father's estate just after the war, at the age of seven, and later

1. BM, Add. MSS., 24455, f. 152; D.N.B., (Daniel); Slingsby MSS, DD56/121.
2. Harper, Public Borrowing, 104-121; C.C.A.M., 131-2; C.C.C., 2691; PRO, C54/3757/19, C54/3783/8; Cal. Treas. Bk., I, 107, 632; PRO, C66/3034/1, C66/3057/10, C66/3059/25.

married the sole heiress of the Mitchells of Arthington. He soon completely recovered from any ill effects of the compositions: by the late 1680's he was a prominent member of Yorkshire society, had bought the second Manor of Farnley from the Palmes of Lindley, was a Member of Parliament for Knaresborough, and was building substantial additions to his house¹. Henry Chator was equally fortunate. When he compounded in 1649 he was merely the younger son of a large family, but in 1660 he inherited the Manors of Croft and Walmire from his nephew, thus setting him firmly on the road to prosperity².

However, not all of the Cavaliers succeeded in overcoming the financial effects of the anti-Royalist legislation. Some landowners neglected to economise and husband their resources, whilst others were so severely crippled that they could only mortgage, and finally sell, their estates. Naturally nearly all of the Royalists had to borrow some money in order to pay their composition fines, (or to repurchase their lands), but whereas most families succeeded in discharging these liabilities, a few were unable to redeem the mortgage and fell deeper into debt. Their loans

1. Dugdale, I, 206-7; Fawkes MSS, passim; Y.W., vol. 73, f. 141 (7 August, 1707); N.B.L. Pevsner, The Buildings of England: Yorkshire, West Riding, (1959), 196.

2. Dugdale, III, 145.

were renewed at successively higher rates of interest, until either the creditor foreclosed, or the owner sold the encumbered estates, as being the only way out of a vicious circle.

The Constables of Everingham, with debts of over £12,000, eventually paid off their mortgages (although it took them more than twenty years to do this). In contrast, William Palmes of Lindley, despite his marriage to the co-heiress of Sir William Eure, fell deeper into debt, mortgaging Farnley Manor for two successive terms of 99 years to guarantee a loan of £4000. When the sum had not been redeemed after seventeen years, Palmes decided to end the unequal struggle, and sold the property to Thomas Fawkes in 1686¹. For it was not only money, but also clear-headed ability, which decided who would succeed and who would fail in the post-Restoration period.

The problem is to discover how many of the Royalist families foundered after the mid-1640's, and to what extent this was due to the composition fines or land sales. Both parts of the question are difficult to answer because of the limited amount of evidence available, but we can trace the economic history of slightly under half of the Cavalier families².

1. Constable MSS, DDEV/56/408; see also supra, pp²⁷²⁻³. Dugdale, III, 289; Fawkes MSS (deeds relating to Fawkes' purchase of the property).
2. Some of these statistics are based on very detailed information, and others on scanty records. However, as the Royalists tended to magnify their losses in the 1640's, the errors will tend to cancel out.

each other

Table XX:- SELECTION OF ROYALIST FAMILIES, 1640-c.1670.

1642 Position	No.	1670 Position ¹				
		Pros- per's	Comf- 'table	Average	Weak Posit'n	Declin'g
Prosperous	43	25	10	4	2	2
Comfortable	52	7	22	9	10	4
Weak position	29	-	4	3	11	11
Declining	17	-	-	2	2	13
Totals	141	32	36	18	25	30

It will be seen from the above table that, after two decades in which to recover from the effects of the fines, the majority of the Royalists regained their former economic status. 58 per cent of those above the level of financial collapse in 1640 had either retained or slightly improved their standing, and 21 per cent had declined only slightly. It therefore appears that the compositions were not the crushing blow that has hitherto been maintained.

Dr. Chesney considered that the fines had seriously crippled many of the Royalists. He noted the relatively large number of delinquents who apparently took advantage of the order of 1 August 1650, to sell parts of their estates before composition, in order to raise the money. But, as Professor Habakkuk has commented, he did not distinguish

1. The 1670 position is relative to the pre-war position - i.e., those who were in a weak position before the war are marked 'weak position' if their standing had not altered, 'average' if they rose, and 'declining' if they fell.
slightly

between sales and mortgages. In fact, mere changes of tenure prior to composition had to be officially approved by Goldsmiths' Hall - it was the only way in which the Committee for Compounding could ensure that land held, say, in fee simple, was not secretly entailed in order to reduce the fine. Many of the estates which were apparently sold were, in fact, only mortgaged. Sir Thomas Danby petitioned for permission to dispose of his Manor of Farnley. Although he did sell some lands and woods there, the manor and his other properties were only mortgaged, and remained in the hands of the family for several more generations¹.

A considerable number of Royalists sold lands during the Interregnum - but several also bought property. The sale of estates did not necessarily mark a family as a declining force: there was generally a fluid market in land, for, although the average gentleman was unwilling to sell all of his holdings, he often readily exchanged outlying properties in return for more centralised possessions. It is settlements and wills, which help to give a picture of a family generation by generation, rather than isolated deeds of sale, which portray the true standing of the seventeenth-century landowner².

1. H.E.Chesney, op. cit. & loc. cit., passim; H.J.Habakkuk, loc. cit., passim. For Danby, see R.C.P., III, 87; Cunliffe-Lister MSS.; Y.A.S., MD 279/157/8.
2. The question of sales is well discussed by Professor Habakkuk (loc. cit.); his conclusions are, in the main, endorsed by my own results. Sales can help to indicate a declining family, but care must be taken in distinguishing between sales, mortgages and conveyances to break entails.

Even though over half of the Royalists studied maintained their financial position, can it be said that the remainder had fallen victim to the composition fines? On close examination of individual case histories, it becomes clear that, although the effects of the wars and subsequent fines and sales had disastrous consequences for a number of Cavaliers, the seed of their financial collapse had, in many instances, already been sown. Most of those who declined in the 1640's and 1650's were already under severe economic pressure before the war. Composition merely proved to be the final blow - and a blow that was probably superfluous in many cases¹.

Fifty-two of the families which can be traced through the middle years of the century declined to some extent - enough is known of forty-five of these to explain their failure. Only seven were victims of the anti-Royalist legislation alone: the remainder suffered from other contributory causes. Four of these thirty-eight families were never affected by the Parliamentary proscriptions. William Grimston and Sir Ralph Hansby's executor had only to pay their respective sums on the Yorkshire Engagement - money which they had voluntarily guaranteed to the King. Solomon Swale

1. Civil war damage and gifts to the King, as well as the monthly assessments, are ~~not considered~~ in estimating the damage done to the Royalists' estates, as all landowners (whatever their allegiance) contributed to some war chest, and paid the various assessments exacted by the dominant party.

* not associated with the composition fines

and Ambrose Pudsey never suffered anything more than isolated war damage to their estates. Thus the decline of these families was purely due to external causes, and cannot be attributed to the Parliamentary legislation¹.

The three principal reasons for the financial collapse of the Royalist families were over-generosity to the King, war damage, and large families, involving considerable portions. Together they accounted for twenty-nine out of the remaining thirty-four casualties of the civil war. Several Cavaliers had raised regiments at their own expense - this was an extremely heavy burden for the individual landowner to bear. Roger Portington is reputed to have spent over £9000 in raising, equipping, and maintaining a troop of horse - he was an ardent Royalist, and after compounding for £350 in 1646, fought in the second civil war, having to pay an additional £1540 in 1649. This permanently crippled his estate, and forced him to sell much of his property. Sir Philip Monckton the younger, also a firm loyalist, participated in both wars and several risings, and later alleged that his father had contributed over £20,000 to the Royalist war effort. Although Monckton exaggerated his own importance (a failing which led him into trouble after the Restoration), the family had certainly given a great deal to the late King².

1. Many other families evaded the composition fines and sequestrations, but did not decline during the middle of the century.

The cumulative effect of war damage, plundering, and arbitrary assessments also severely affected the Royalists. Sir John Goodricke's house at Hunsingore was burnt down; Maulger Norton's estate in Richmondshire was plundered by the Scots army, and he was compelled to provide free quarters; whilst Richard Harebred lost £800 worth of corn, and all his personal estate, with (not surprisingly) the sole exception of "200 load of Manor (manure)"¹.

Sir Gervase Cutler was a victim of both the above misfortunes. He had given £1000 in plate to the King, and also advanced £500 on the Yorkshire Engagement. His estate suffered severely during the wars, and Sir Gervase died of a fever, leaving his four-year-old son and heir under the protection of his widow. Although the property was sufficiently large to surmount even the hurdle of composition, the wilful extravagance and negligence of the young Sir Gervase wasted the lands, and eventually precipitated the sale of the whole estate to Lord Raby².

Less romantic, but equally important in the decline of

1. C.A. Goodricke, Ribston, (1902), 50; C.C.C., 878; PRO, SP28/249.
2. Historic Yorkshire Families - Cutler; Hunter, South Yorkshire, II, 267; PRO, SP46/134/212 (Lady Cutler's list of losses).

(cont. from p. 319).

2. Portington: Hunter, South Yorkshire, I, 213; R.C.P., II, 94-5; Battie-Wrightson MSS., BW/D/c.60, c.61; Monckton: Monckton Papers, (ed. E. Peacock, Philobiblon Soc., 1884), 85 ff.; R.C.P., II, 67 ff.

several Royalists, was the size of their families and the number of children for whom provision had to be made. As the amount of a daughter's portion largely determined the social standing and financial status of her future husband, most fathers attempted to raise the largest dowry they could afford. Richard Bowes almost ruined himself by overreaching his resources in this way: the Manor of Hagthorpe was settled on his heir Charles when the latter married in 1635, and other estates were put in trust to secure the inheritances of his four sons and eight daughters. The family was on the brink of insolvency in 1645, and the composition fine proved to be the final blow, forcing Bowes to sell the bulk of his lands¹.

Eight families had considerable debts in 1642 - all but one of these were financially unbalanced and beginning to decline. The compositions faced ^{each of} them with a peremptory demand for a large sum of money, which many were unable to raise. Thus Sir Thomas Danby had to sell a considerable amount of land and mortgage heavily to meet his fine of £4780 - a fine which took no account of his extensive liabilities, due to the mismanagement of the estates during his father's lifetime². Matthew Hutton of Marske almost ruined

1. E. Riding Antiquarian Soc. Transactions, VII, 5; Burton, History of Hemingborough, 194; PRO, C54/4181/10.
2. R.C.P., III, 86; Cunliffe-Lister MSS, passim; Thoresby Society, XXXVII, pp. 1 ff.

his family by incompetent estate management and extravagance: much of his property was sold, and it took his successors several generations before they could recover from the effects of his folly¹.

Occasionally the fine was doubled by the excessive zeal of the Cavalier concerned. William Armitage, Roger Portington, Sir Thomas Strickland and Richard Tempest all compounded twice: they had paid their first fines, and then unwisely took part in the second civil war, which resulted in an additional composition at a higher rate. They were, in fact, fortunate to be treated so lightly, as they had broken an oath of loyalty to Parliament². As it was, this second punishment was responsible for the decline of the Armitages, and acted as a catalyst in the collapse of the other ~~two~~^{three} families³.

Several Cavaliers declined, not because composition was the final blow to an already heavily-encumbered estate, but because they refused to realise the necessity for temporary economic retrenchment until the mortgages (raised to settle the fines) had been discharged. Richard Tempest was severely hit by the effects of his double composition,

1. Y.A.J., VI, 249 ff; Coll. Top. et Gen., V, 253-4.

2. " I, _____ do swear ... that I will not directly or indirectly adhere unto or willingly assist the King in this war, ... without the consent of the two Houses of Parliament in this cause or war". Negative Oath, to be taken by all compounders (Gardiner, Const. Docs., 289).

3. R.C.P., II, 45-6; ibid., II, 94-5; ibid., I, 160-162.

but was unable to cure his passion for gambling. According to legend, Bowling Hall was staked on a single throw of the dice¹: whether this is true or not, the Manor of Bowling was sold to Henry Savile for £7180 in August 1649 (along with collieries and three mills in Bradford). Despite the heavy mortgages on his other estates, Tempest was soon afterwards living at Bath in great luxury. The following year, all his lands had to be demised to Sir Edward Rhodes and John Rushworth as security for debts, Tempest receiving only £400 a year for himself and £135 for his wife². In 1656 the Royalist was arrested for debt, but was allowed to live at home (because of ill health) on Rushworth's security. He died a pauper the following year, leaving his daughter a portion of £2500, and the remainder of his estate to Rushworth, as a reward for aiding him " ... in all my Extremities ... (and) redeeming mee out of a sad condiçon in France when all other freinds failed mee"³.

The two other principal reasons for the decline of otherwise financially stable families were pure extravagance, and the losses incurred in litigation. Lyon Bamford of Pule Hill inherited a small but reasonably prosperous estate:

1. Wilson MSS., cited by J. James, The History and Topography of Bradford, (1841), 314-5.
2. Rushworth's colleague, Robert Shireburne, was to administer the estate.
3. Tempest MSS, (BM, Add. MSS. 40670) f. 8 ff.; Y.A.B.R.S., IX, 105-6.

his wastefulness and expensive tastes led him into heavy debts. He sold the majority of his lands, even including the reversion on his mother's dower. She voluntarily reduced her jointure by a fifth to help her son, but (wise woman!) refused to exchange her lands in return for an annuity. After Bamford's death, his sister unsuccessfully attempted to recover the lands at law; the result was that the family only sank deeper into debt, and most of the remaining properties were sold¹.

Probably the two greatest victims of litigation were Francis Rockley of Rockley and Cuthbert Morley of Seamer. Morley's case is discussed in Appendix III: Rockley suffered essentially the same fate. His father, Robert Rockley, had been created trustee for the estate of his young grand-nephew, Francis Burdett of Birthwaite. The following year (1644) Robert died and, as no provision had been made for the guardianship of the young lad, Sir John Kaye (who had recently married the child's mother) took upon this task. Independent arbiters allowed Kaye £120 per annum for the maintenance of the infant. Francis Rockley, on returning home from the wars, unwisely acceded to requests that he should adopt his father's position as trustee, without first checking the financial situation of the estate. He was

1. Hunter, South Yorkshire, II, 270; Elmhirst MSS, MT/20, 63302; PRO, C78/629/5; Spencer-Stanhope MSS (Sheffield), 60264.

immediately sued by Kaye for the unpaid maintenance, and by numerous creditors for their long-overdue debts. Rockley refused to pay, claiming that the Birthwaite property owed money to his father, and that his enemies were guilty of conspiracy. The matter went to Chancery in May 1656 - twelve years later, the case was still unsettled!

This lawsuit bankrupted Rockley - in July 1678 he appealed to the Lords against a Chancery decree ordering him to pay £7135-19-9½d. as his father's executor, for he asserted that it took no account of his counter-claims on the Burdett estate. He finally died in prison for debt in 1679, having been ruined by the long legal battle and the dishonesty of his confidential servant (who had secretly embezzled much of his master's property). Nor was he the only victim - legal expenses and Francis Burdett's extravagance led to the eventual loss of the Birthwaite estates¹.

During the Interregnum and subsequent decades, several Royalist families declined. In a few cases, this was solely due to the weight of composition, but in the majority of instances the causes were more complex. Pre-war instability and post-war extravagance led a number of Cavaliers down the steep slope to economic deterioration. Even^{some of} those who

1. J. Wilkinson, Worsborough, (1872), 80 ff.; PRO, C5/32/96, C8/285/14, C5/402/79, C33/212, 216, 218, 222, 231, passim; HMC, IX, (ii) (House of Lords MSS) 123-4.

were suffering from the after-effects of the wars still squandered money. Francis Baildon, who had been hard-hit by wardship expenses, litigation and his composition fine, exacerbated by his mother's wanton profligacy with several neighbouring gentry, still spent a great deal of money on enlarging his house in 1664¹. Nor did Richard Tempest's impending bankruptcy prevent him from living in great luxury (and debt) at Bath².

The Interregnum, although it presented the average delinquent with a heavy burden of expense, was not necessarily the primary cause of the collapse of several Cavaliers' estates. Well over half of the victims of composition succeeded in regaining their pre-war financial status, (as did some of those whose lands were confiscated)³. In this they were helped by their social isolation in the 1650's: not only was there little opportunity for the normal expenses of lavish entertainment and extravagance, but there was every encouragement to disguise their actual economic position (so as to minimise assessments) by retrenchment and an outward show of poverty.

1. J. H. Turner, Historical Notices of Shipley, Idle and District, (Idle, 1901), 32.
2. See supra, p. 323, n. 3.
3. There is, surprisingly, relatively little information concerning the financial status of those whose lands had been forfeited. A brief post-war summary of these families is given in Chapter VI.

Where the government had pointed the way with its vigorous exploitation of all estate resources and the racking of rents, the Royalists were swift to follow. Examination of estate records during the twenty years after 1650 shows the general elevation of rents - (not merely a steady increase but, in several cases, a sudden, fierce racking of all sources of income). By careful economy and wise mortgaging, most of the delinquents appear to have recovered their former social and financial standing within the two decades following the Restoration.

In a few instances, the Royalist actually benefitted during the Interregnum. This was usually due to outside circumstances - for example, opportune deaths led both Henry Chator and Thomas Stringer of Whiston to inherit considerable estates. Even the processes of composition could have a fortunate conclusion - Langdale Sunderland was forced to sell his property and, with the surplus remaining after he had paid his fine, he bought a smaller estate which lay over rich seams of coal. Stephen Hutchinson profited from being a Parliamentarian, and his grandson (whose father had been loyal to the King) thus found himself with a considerable estate. Sir George Wentworth made a fortune from buying the property of bankrupt Royalists, as apparently did Francis Nevile of Chevet. The war occasionally made, as well as ruined, fortunes¹.

1. Chator: Dugdale, III, 145; Stringer: ibid., I, 32-3; Sunderland: Lister, loc. cit., 133 ff.; Dugdale, II, 439

It would be idle to argue that no lands belonging to Royalists were lost in the decades following the civil wars: many Cavalier families sold some, and several parted with all (or the majority) of their property. The Vaughans, Lowthers of Ingleton, Gales, Erringtons, Theakstones and other families disappeared completely from the ranks of the landowning gentry. But, to a large extent, this was due to exceptional circumstances, where the Royalist was already in such a position that the property might have had to be sold in any case. Most of those who parted with large quantities of land were victims of circumstances other than their Royalism. After all, as we have seen, many Cavaliers whose lands were forfeited eventually recovered them and, although heavily indebted for a long time, managed to meet the high costs involved. If they could face a fine of from a half to three-quarters of their estate, surely the average delinquent could manage his composition of a mere two to three years' annual revenue?

Dr. Chesney painted far too dark a picture of the fate of the Cavaliers - the majority, after having had a little time to adjust to the changed circumstances, easily regained their former economic positions. The few delinquents who fell by the wayside were victims of pre-war debts or careless

(cont. from p. 327.)

(=Hutchinson); Wentworth: Y.A.J., XII, 168 ff; Nevile: PRO, C54/3351/15, C54/3440/23.

estate management, as much as the martyrs of Parliamentary policy.

Most Royalists attempted to retain their property for as long as possible. The low land values of a flooded market during the Interregnum discouraged the delinquents from parting with their estates until they were compelled to do so. Even after 1660, landlords were reluctant to sell their patrimony unless it was absolutely necessary. But, although some unfortunates sold their lands, there was no wholesale transfer of property. The composition fines, though high, were not unreasonable¹: they were not intended to cripple the Royalists. Those who were forced to sell their property were generally the victims of their own, or their ancestors' improvidence.

Most delinquents were temporarily embarrassed by their composition fines or the confiscation of their lands, but the majority succeeded in rising to the occasion. The anti-Royalist legislation was, in itself, generally only one of the causes of the Cavaliers' difficulties: some Parliamentarians and a few Royalists who had evaded the proscriptions also declined². Composition, far from being the reason for

1. The government had deliberately eschewed the policy of confiscation for the average delinquent - it did not want to flood the market with numerous voluntary sales, or a great quantity of forfeited property.
2. For example, the Parliamentarian Sir William Constable declined, as did Solomon Swale (a Royalist who had avoided discovery).

the downfall of many proud Cavalier families was, for the most part, merely a hiatus in their normal social and economic development.

CHAPTER VIII - CONCLUSION.

" ... but how wt all discouraged whereby that we lie under those 3 heavie Censures, w^c are, Exile, ever to remain in one place; confiscation; and lastly, caputio diminutio, that is a depriving of all power in the least matter to act as a country man." (1)

Forty-two-and-a-half per cent of the Yorkshire gentry were attached in some way to the Royalist cause. The majority suffered for their loyalty, although nearly twenty-nine per cent succeeded in evading the heavy hands of both Goldsmiths' Hall and Drury House. The punishments meted out to the remaining delinquents varied considerably in their severity: from the fine of a mere twentieth imposed upon Sir John Kaye², to the harsh confiscation of all the estates of the Catholic delinquents. But in spite of the rigour of such penalties, many Royalists, mainly through their own efforts, succeeded in overcoming these burdens.

Although there is a temptation to regard the compounders as separate from the victims of confiscation, it is important to treat all the delinquents as a single group, as far as

1. Sir Henry Slingsby to Slingsby Bethell (21 January, 1650/1), quoted in the Diary of Sir Henry Slingsby, p. 346.
2. R.C.P., II, 1-2.

this is possible¹. They had served the King together and (with the exception of a handful of leading Royalists), their punishments were not intended to be different². The anti-Royalist legislation was basically empirical in character, composition being adopted as the practical solution to the sequestration problem, and sale as the answer to the government's financial difficulties. Parliament's principal need was for money, not land, and thus it permitted the recusants in the later Acts of Sale to compound for their forfeited estates whilst, in contrast, those who had neglected to pay their fines suffered the confiscation and sale of their property. Gerrard Lowther of Ingleton lost his estates because he was unable to pay his father's £400 composition; conversely, the Catholic George Metham, with the aid of Lord Fairfax, evaded confiscation, and had only to pay a fine of £1350³.

1. However, to some extent they must be treated separately, because of the different character of their punishments.
2. At first all estates were sequestered. Then a select few were allowed to compound (they were chosen by Parliament) and, as more money was needed, all delinquents (excluding certain Royalist leaders and the Catholics) were permitted to compound. By 1651, the hitherto sequestered estates of the recusants (the latter had been allowed to lease their own property) were marked for sale, but those in the later Acts of Sale (who were virtually all recusants) were granted the option of compounding at two-sixths. Eventually, even the sequestered two-thirds of ordinary Catholics were to be sold. Only the Royalist leaders were set apart - they were never offered the chance to compound for their property.
3. R.C.P., II, 156-7; *ibid.*, III, 3-5; Aveling, *op. cit.*, 109; E. Riding *Ant. Soc. Transactions*, XIII (ii) 163-4; *ibid.*, XVI, 33-39.

The principal difficulty facing the Cavaliers during the middle years of the century was a shortage of ready money. Both the composition fine and the purchase price of confiscated property had to be paid in cash¹. Several delinquents had no financial reserves: some had given too generously to the King, and others were the victims of plundering soldiery. Thus the only solution was to borrow money on the security of land or (as a last resort) to sell the estate itself. The problem is to decide what effect these exactions had upon the average delinquent.

First, however, consideration must be given to the general effects of the conflict. The Royalists, like all the landowners, had suffered from the consequences of civil war - raiding, looting, and all the results of localised fighting. The decade after 1642 had been a period of great expense for all the gentry: first war damages and then the various assessments and taxes burdened their estates. Having to pay compositions as well, the Cavaliers naturally felt the weight of these exactions more than their opponents but, except in isolated circumstances where large-scale destruction had been wrought, there was no reason why such losses should obstruct the payment of the fines.

War damage was, in fact, the only incidental expense which was likely to ruin the average gentleman. A number

1. The confiscated lands could be bought with doubled bills - but these had still to be bought, even if it was at a discount.

of the Royalists suffered from living too close to military strongholds; others were the victims of raiding and foraging parties, or simply of troops eager for plunder. But although many landowners had to endure a certain amount of this, the number of families who were really crippled by extensive destruction seems to have been relatively small¹.

Nor does high taxation appear to have affected the delinquents any more than the average landowner. Even the twentieth was originally intended as a universal assessment, and the majority of Parliamentarians paid it as their contribution to the government's war effort². Like the other assessments, it was calculated principally on income, and therefore the Royalists who had put their estates in trust to pay their composition fine were correspondingly less affected. It was not until the decimation tax in the next decade that the Cavaliers were again treated as a specific source of income: and even this levy was withdrawn after a year, a motion to continue it being defeated in Parliament³.

1. Apparently the reports of war destruction by people such as Lord Fairfax were exaggerated. Even where such damage is mentioned in 'particulars of estate', it is generally limited to the loss of corn, etc., and does not extend to permanent damage, such as the destruction of buildings. The steady rise in rentals on sequestered estates suggests that the consequences of the fighting could not have been too far-reaching.
2. The Royalists, however, had already contributed to the King's war chest, and thus, in effect, had to pay twice.
3. See supra, p. 86 .

It therefore appears that the Royalists suffered little more than their opponents from the effects of the government's fiscal policies. Their principal financial burden was the expense of retrieving their property from the hands of the sequestrators - the payment of the composition fines and the repurchase of forfeited lands.

As was explained in the previous chapter, the fines were relatively lenient - it was only a small minority who had to pay more than three years' income. These sums could be recouped by careful economies during the following decade, or by reducing the portions and annuities given to younger children¹. Naturally, most of the gentry regretted the need for such frugality, and it was the refusal to take precautionary measures that proved to be the downfall of several families. They neglected to make the necessary economies, with the result that their fortunes steadily declined.

In assessing the effects of the fines, I have taken little notice of the sale of very small portions of land.

1. The considerable portions given to daughters by Royalists who had died soon after compounding seems to indicate that either: (i) they had recovered very quickly from the fines; (ii) they were making no attempt to economise, or (iii) the portions were already settled on trust lands. As most of this information has been gleaned from wills, (iii) cannot really apply. See the will of George Dawson of Azerley (1653) - he left £1000 to his daughter, although he had claimed to be bankrupt when he had been assessed four years previously. (Somerset House, Alchin, f. 337; C.C.A.M., 1042).

Many families bought and sold property fairly frequently, endeavouring to build up compact estates on rich, productive land (or alternatively, land rich in mineral deposits). As a Royalist would have to sell at least a tenth of his estate to raise his fine, anything substantially below that amount has not been regarded as an indication of imminent financial collapse¹. During the Interregnum, Francis Nevile made a handsome profit from buying and selling estates, including fee farm rents confiscated from the Crown².

The majority of the delinquents had little difficulty in raising their fines. The first half was usually paid with conspicuous alacrity, in order to retrieve the family estates from the hands of the sequestrators. After this, however, most Royalists attempted to delay the completion of their compositions for as long as possible, with considerable success. The Committee for Compounding later offered easy terms to those who were unable to meet their fines - they were allowed to sell land in order to raise the first half, and to delay settlement of the remainder upon payment of eight per cent interest. Hardly any Yorkshiremen needed to take advantage of the former provision, and the

1. I.e., a £400 fine could be settled by selling lands worth £20 a year (the fine, at a tenth, would represent two years' value of the £200-a-year estate). In such a case, the sale of under £10 a year in land has not been, of itself, regarded as indicative of economic decline.
2. PRO, C54/3351/15; PRO, C54/3440/23, C54/3526/21, C54/3660/37.

latter was mainly introduced to expedite the payment of overdue fines. Eventually 97 per cent of the delinquents who were allowed to compound satisfied the demands of Goldsmiths' Hall.

The results of the compositions were not as disastrous as has been alleged. Some families did decline, but relatively few were ruined by the effects of the fines alone. In the majority of instances, the fine was only one of a number of contributory causes. War damage, over-generous gifts to the King, large families involving considerable portions and annuities, gambling and extravagance - all played their part in contributing to the fall of the less fortunate families. In some cases, such as that of the near-bankrupt Arthur Aldburgh, it is fairly certain that the delinquent would have been forced to sell the bulk of his estates, even if there had been no anti-Royalist legislation.¹ In other instances, composition was a catalyst which precipitated the decline of already financially-encumbered gentry.

Most of the delinquents who were ruined during this period tried to hold on to their estates for as long as possible. The extra expenses resulting from the civil wars and compositions had found chinks in the financial armour of landowners all over the country, and naturally, in a market flooded with property from both private and State

1. His position was very critical in 1642 - see R.C.P., II, 217. For his debts, see PRO, C78/600/11.

sources, land prices were depressed. Thus the Cavaliers attempted to mortgage rather than sell, and even after the Interregnum, tried to retain their estates for as long as possible. As Habakkuk has said, " Even the most debt-ridden families were an unconscionably long time dying. it took a considerable time before a heavily indebted family exhausted the alternatives and was compelled to sell , ..."¹.

It is clear that delinquents in no financial difficulties had very little trouble in raising their fines. Even those with debts could usually manage to find the money somewhere. Sales, as an indication of economic decline, were generally the result of an already-burdened family trying to borrow more money. Gerrard Lowther of Ingleton was the only delinquent who was completely unable to raise the £400 needed to pay his fine². But, although the rest of the Cavaliers satisfied the demands of Goldsmiths' Hall, their main problem lay in repaying the borrowed money. The richer and more influential Royalists raised the necessary capital in London, or enlisted the aid of their friends: few of these families declined sharply, although a number were encumbered with debts and trusts for several years. It was the smaller

1. H. J. Habakkuk, op. cit., in Ec.H.R., (2 series), XVIII, pp. 149, 146.
2. R.C.P., II, 156. As Lowther was neither a Catholic, nor excluded from pardon, the only reason why his composition was never completed must have been his inability to raise the money. The family was in a critical financial position - Y.A.S., DD123; PRO, C10/468/132.

Cavaliers, who had no rich friends and little security to offer, who were generally the ones to be forced to the wall.

The confiscation and sale of the property of the Catholic delinquents and a few stubborn Royalists was a very severe punishment for those whose only crime was that of loyalty to their religion or their King. But such penalties only succeeded in providing the government with extra revenue - there was relatively little change in the ownership of estates. For the principal feature of the sale of confiscated property was the way in which the actual sales were dominated by the Royalists themselves. Of the 185 parcels of land sold by the Treason Trustees, 120 (65 per cent) and probably as many as 134 (72.5 per cent) were regained immediately by their former owners, either by composition or repurchase from Drury House. A further 13 per cent were recovered at a later date¹. Those who failed to redeem their property were either heavily in debt (the estates then going to creditors), or had sold the title to the Commonwealth purchaser.

For those who retrieved their lands by composition, the cost was by no means prohibitive - six years' purchase for lands in fee simple. Most of the compounders were paying for property which was not entailed, and could therefore be sold in perpetuity. These fines were very little different

1. 6.5 per cent of the estates cannot be traced, and 8 per cent were never recovered.

to those imposed upon the average delinquents, and few of the Royalists concerned appear to have suffered from any ill effects. The only person who sold his estates after he had regained them was John Constable, who was already crippled with debt, and had been living an unenviable existence in a decaying manor house. Despite Parliament's orders, the remainder of the compounders retained their newly-recovered lands, and generally succeeded in avoiding any further prosecutions for their recusancy.

Where, however, the Royalists regained their lands from the Treason Trustees, at second hand from a Commonwealth buyer, or relied on the processes of law, the expense involved could be considerably greater. The cost of repurchasing an estate at Drury House varied from a half to three-quarters of the total capital value of the property in question¹ - this could be reduced by the use of public faith bills, which were apparently bought at a discount from London profiteers. Some families regained their estates, only to fall victim to the heavy debts or to extreme necessity. Both the Langdales and Marmaduke Cholmley of Brandsby had to sell some lands almost immediately after their recovery; the former transaction was made by the Royalist's dependants, who had been left with virtually no means of subsistence².

1. This was for fee simple - estates in tail were assessed at only 5 to 7 years' purchase.

2. See supra, Chapters V and VI, passim.

After the Restoration, several more estates had to be sold. None of their owners had been in a very stable economic position before the war, with the exception of Sir Philip Constable and Cuthbert Morley. The former sold some small properties, apparently more to dispose of outlying estates than to raise a large sum of money; and the latter had been the victim of the dishonesty of his principal creditor¹. With these few exceptions, most of the families who had regained their lands during or after the Interregnum succeeded in holding on to their possessions for at least one decade following the Restoration².

The legacies of such tenacity were heavy debts, usually involving considerable mortgages and long trusts. Some families succeeded in discharging these liabilities: the Constables eventually paid off over £12,000 in mortgages, and the Plumptons also managed to discharge their incumbrances³. But indebtedness was the cause of the downfall of several families. Lord Langdale sold his Manors of Pighill and Molecroft around 1671, and John Errington disposed of his Durham properties in 1682. Another Royalist family, the Danbys of Leake, also sold the bulk of their estates in the

1. See Chapter VI (Constable) and Appendix III (Morley).
2. Of those estates recovered at once, 14 per cent were later sold (by 1670); of those recovered later, 38 per cent were later sold.
3. Constable MSS., passim; Will of Robert Plumpton, Y.W., vol. 50, f. 211.

North Riding soon after 1688¹.

It is, however, not certain that the losses incurred during the Interregnum were directly responsible for the ultimate sale of the above properties. Langdale had lost a great deal during the actual fighting, almost exhausting his resources in the King's service². Little is known about John Errington, but the Danbys did not suffer much for their loyalty. The Leake estates were all entailed, and were sold at only seven years' purchase³. It therefore seems likely that other misfortunes contributed to the final collapse of these families.

Even so, the Hearth Tax records reveal that the majority of the owners of confiscated lands were still in possession of their property in the 1670's. Sixty-three per cent of these families held all (or the vast majority) of their lands over ten years after the Restoration⁴. By judicious economies and careful estate management, these Royalists gradually discharged their liabilities and slowly recovered their financial equilibrium.

1. Beverley Record Office: DDX/85/3; PRO, CP25(2)/756 (Trin, 1672); VCH, Durham, III, 233; *ibid.*, North Riding, I, 412-3.
2. Sunderland, Langdale, *passim*.
3. PRO, C54/3755/29; leases in PRO, SP28/215.
4. PRO, E179/261/11, E179/216/461, E179/262/13.

It therefore seems clear that most of the delinquents retained their estates, despite the fines and sales of the civil war and Interregnum periods. The casualties in the fight for survival were usually those who were already at a financial disadvantage. However, not all of those in debt necessarily declined - careful economies and the assistance of friends helped them to overcome their disadvantages. Surprisingly, a high percentage of the Cavaliers involved in the Acts of Sale succeeded in regaining and keeping their properties - apparently the efforts needed to recover the lands impressed upon their owners the necessity for urgent and far-reaching reductions in expenditure, and the swift expansion of all existing resources.

The Restoration meant the return of the Royalist gentry to positions of power and profit in county society. But although the leading Cavaliers obtained the most lucrative and important offices in local (and central) government, there was no great expulsion of the ex-Parliamentarians. True, those who had been prominent on the Interregnum committees, and who had supported the "usurped power" right up to the Restoration, were temporarily in eclipse, but ^{of the} many/gentry who had fought for Parliament took their place in the post-1660 corridors of local power.

This relative absence of acrimony and bitter recrimination derived its origins from the fairly fluid loyalties of the

civil war era. The division of the two parties in Yorkshire into Royalist and Parliamentarian had never been absolute - some families had been divided in allegiance whilst, in times of stress, blood loyalties usually overrode mere political considerations. On the eve of the Restoration, many erstwhile Roundheads joined in the clamour for a free Parliament and the return of Charles II. Sir Henry Cholmley, John Bright, and Barrington, the son and heir of the regicide Sir John Bourchier, all transferred their loyalties from the Rump oligarchy to the traditional forms of government¹.

In the post-Restoration period, the Royalists were ever mindful of their losses during the previous two decades, as they struggled to shake off the burden of debt inherited from the compositions and land sales. Disgust at the generosity of the 1660 settlement inspired many ballads and songs levelled at the cynical politicians who were believed to have monopolised all the principal seats of profit and power². But, at least in Yorkshire, this Royalist antagonism towards the erstwhile Parliamentary commissioners and administrators did not include hostility to the gentry who had merely fought for Parliament during the war.

Exceptions were, however, made in the case of prominent

1. C.S.P.D., 1660-61, 446; ibid., 501; PRO, C66/2923/11.

2. For examples of such literature, see Mackay, op. cit., and Wilkins, op. cit.,

Parliamentarians, such as John Lambert and Francis Lascelles, who were both disabled from sitting in the 1660 House of Commons¹. If we make allowance for the fact that (excluding the divided families), the ratio of Royalist to Parliamentarian was about nine to four, it is clear that little notice was taken of a man's pre-1649 loyalties, provided that he was prepared to swear allegiance to Charles II.

Table XXI:- SELECTION OF POST-RESTORATION OFFICIALS,
(by civil war loyalties).

Ref. ²	Position	Date	Civil War Allegiance				Totals
			Roy.	Parl.	Ch/s	Neut. or unknown	
a.	M.P.'s	1660	14	10	2	4	30
		1661	16	2	2	10	30
b.	J.P.'s	(N.Rdg 1661	18	10	1	2	31
		(E.Rdg 1661	24	19	-	7	50
		(W.Rdg 1661	22	14	3	8	47
c.	Sheriffs	1660-70	9	1	-	1	11
d.	Deputy Lieutenants)	1661	24	7	3	2	36
e.	Commissioners for Collecting Money)1660	52	51	not taken		-
)1664/5	108	68	4	not taken	
f.	Depty Lieut ^s . (W.Rdg & Ainsty)	1673	15	12	1	6	34

- Both had been strong supporters of the Interregnum régimes.
- In the above table, sons are classed with the same party as the father. Where the family is divided, the allegiance of the appointee is counted. References: (a) G.R.Park, Parliamentary Representation of Yorkshire, (Hull, 1886), passim; (b) BM, Egerton MS 2557, f. 26 ff; (c) BM, Add MSS, 24443, f. 87; (d) PRO, SP29/60/66; (e) Statutes of the

There was naturally a bias towards the Royalists in the principal offices, and as a result of the post-Restoration distribution of titles, the majority of the baronets and knights were ex-Cavaliers. But this is quite understandable, as is the relative absence of the principal Parliamentary leaders from the ranks of the local officials. Some who had supported the Restoration gained prominent positions - (for example John Bright, who had been Sheriff of Yorkshire during the Interregnum, was created baronet, and sat on the Commission of the Peace). There is no evidence of any rift in local society originating from clashes of civil war loyalties - life apparently settled down to its pre-1642 pattern¹.

It is difficult to generalise on the question of the Royalists. Some families disappeared in a cloud of financial chaos; others emerged from the Interregnum hardly affected by their ordeal. But some definite conclusions can be reached. 22.2 per cent of the Royalist families paid no penalties at all, and a further 6.8 per cent had only to contribute towards the Yorkshire Engagement. Thus between a quarter and a third of the Royalist gentry suffered relatively little from the Parliamentary exactions.

1. Thanks are due to Mr. G. C. F. Forster of Leeds University for advice on this problem.

(cont. from p. 345.)

Realm, V, pp. 212, 543-4; (f) Copley of Sprotborough MSS., DD38/F.

Those who compounded had little difficulty in paying their fines unless they were heavily burdened with pre-war debts or incidental expenses, such as war damage. Even then, many succeeded in meeting their obligations, and gradually discharged their liabilities¹. A few improvident delinquents neglected to economise, and thus fell victims, more to their own recklessness than to the composition fines.

The confiscations were far more serious. The vast majority of those whose lands were forfeited succeeded in regaining their estates, although the expense involved occasionally led to the hasty resale of the property. But nearly two-thirds of these Royalists seem to have recovered from the sales, retaining their lands, even if their finances were somewhat unstable.

Whatever the complaints they levelled at their oppressors, whatever the petitions they submitted to the King, begging redress, the Cavaliers (at least in Yorkshire) were by no means ruined and prostrate at the Restoration. The Catholics had suffered by far the most, and yet the majority of them succeeded in overcoming their economic burdens. The Royalists' objections to the 1660 settlement were motivated by indignation, rather than by justified complaints. They wanted to fill their pockets with the royal bounty: careful economies and rigorous estate management did not at all appeal to the average Restoration gentleman!

1. A number of Cavaliers were back on their feet before 1660.

The main victims of the anti-Royalist legislation were those who were already financially unstable, and who might have declined even without the added impetus of the Parliamentary fines and exactions. The picture of the ruined Cavalier gentleman (as a typical feature of post-1660 times) existed more in sentiment than in actual fact. Those who, like Sir Marmaduke Langdale, claimed huge losses, were including war damage and contributions to their cause - expenses which the Parliamentarians also suffered. Admittedly, a few of the gentry fell victims to the composition fines alone, but their number has been greatly exaggerated. The forfeitures were more likely to cause the collapse of families, but even here it must be noted that many recusants recovered from this calamity¹. Several of those who were on the economic brink were aided by their former enemies. If the post-Restoration development of parties is to be attributed to the events of the "English Revolution", it must be (at least, from the evidence of Yorkshire) on grounds other than the post-war economic position of the Cavaliers.

1. Those in the Acts of Sale suffered the most severely of all the Royalists, but only 16 per cent of them were non-Catholic, and the remainder - the recusants - were considered by the average Protestant gentry to be a class apart.

APPENDIX I.THE INFLUENCE OF SEQUESTRATION UPON COMPOSITION.

The machinery of sequestration and the procedural workings of the local committees have been described in some detail because of their direct effect upon the rate of payment of the composition fines. Parliament had seized the estates of all delinquents, and had diverted their revenues into the treasury of the central Sequestration Committee at Haberdashers' Hall. The only means of recovering such sequestered property was by paying a fine to the Committee for Compounding, and it was this that encouraged the delinquents to compound in the months following the King's defeat in the civil war.

Before the central committees had formulated regulations for the running of sequestered estates, many delinquents (especially in Royalist areas) were able to gain advantageous leases of their own properties, often at considerable undervaluations. In order to prevent such practices (which might have deterred the Cavaliers from compounding), Parliament forbade local officials to farm sequestered estates to Royalists or their agents, unless the latter could prove that they were in the process of compounding¹.

1. Resolution of the House of Commons, 10 November, 1646, C.J., IV, 718.

However, the main problem lay in expediting the payment of the second halves of the fines, which were due six weeks after the first halves had been settled. Resequestration was the normal punishment for such disobedience, but in practice this operation proved to be far too unwieldy and slow. The Royalists, who had regained control of their property on paying their first halves, naturally took advantage of the inadequate system, and delayed settlement of their debts for as long as possible.

The local sequestrators proved to be completely unable to cope with the great volume of work, and therefore Parliament adopted a different system. Cavaliers who neglected to pay their fines on time were charged interest on the debt at eight per cent¹. This gave some welcome respite to the poorer Royalists, but brought no noticeable improvement in the amount of money paid into Goldsmiths' Hall.

The proper administration of resequestration for the non-payment of fines demanded the maintenance of comprehensive, up-to-date records, and an adequately staffed, efficient bureaucracy. Unfortunately, government parsimony limited the number of officials allowed to each county committee (irrespective of the volume of its work or the size of its area). The whole system of resequestration thus gradually fell into arrears, and then slowly lapsed into decay. Parliament finally abandoned such methods, but its

1. See Chapter II, p. 65 .

new system of charging interest was hardly any improvement.

Resquestration failed in its object of compelling the delinquents to compound because it could not be fully enforced. It was this deficiency in organisation that allowed the Royalists to flaunt the authority of the Committee for Compounding, and to delay the payment of their fines with such success. And, of course, the longer the Cavaliers could wait before settling their compositions, the better would be the position of their estates to bear the cost of the fines.

APPENDIX II-A.THE CONFISCATED ESTATES.

The following table illustrates the sale of the forfeited lands, and their ultimate fate (where this can be traced).

NOTES

The plus sign (+) before a property indicates that the property was compounded for, and therefore not sold.

- Column b: Where the delinquent owned many properties, only the major ones are listed in detail.
- Column c: The date of the sale is given by month and year (where known) - i.e., 8-53 means the eighth month (August) 1653.
- Column d: The price is given to the nearest pound, or convenient fraction.
- Column e: The rate of purchase is only given where the value of the lands at the 1652/3 survey is known, or can be reasonably approximated. 't' after this indicates that the lands were in trust, and were therefore sold for life only.
- Column f: This is the FIRST purchaser, who bought the lands directly from the Treason Trustees.
- Column g: The following abbreviations are used to indicate the nature of the sale:-
- | | |
|------------------------|---|
| T - trust purchase. | T? - probable trust purchase. |
| DR - direct repurchase | Q - compounded (price equals comp. price) |
| C - lands to creditor | Cb - creditor buys lands |
| G - lands to a grantee | |

Independent purchasers:-

- | | |
|--------------------------------------|-------------------------|
| LG - local gentleman | L - local non-gentleman |
| LnG - London " | Ln - London " " |
| xG - provincial non-local gentleman. | |

Column h: The fate of the lands is only indicated where necessary - i.e., trust lands recovered by the Royalist, and not sold at a later date, are not specially recorded. Trust lands which were sold, and the fate of estates which fell to independent purchasers, grantees or creditors, are noted.

The following abbreviations are used:-

- TS - title sold before recovery - lands therefore not recovered.
- NR - lands not recovered.
- S - lands sold (or mortgaged so heavily that they could not be recovered), with the date. 1
- R - recovery (and means - if known - by which the property was recovered).

N.B.:-

The estates of three Royalists are omitted - the properties of Philip Anne of Frickley and Burghwallis, Peter Pudsey of Sandhutton, and Sir Richard Theakstone of Bedale. This is because these three estates were discharged, and never sold.

1. This refers only to lands sold AFTER recovery.

a	b	c	d	e	f	g	h
Name of Delinquent	Estate	Date of Sale	Price	Rate of Purchase	Buyer	Style of Buyer	Fate of Estate
AYSCOUGH, Allan	M/Skewsby, etc.	1653	?	?	G. Crouch	T	lands kept in family
AYSCOUGH, Allan	Richmond, Newby	8-1653	£390	?	Crouch & Robinson	T	" " "
+ " " "	Durham lands		£369½			Q	
AYSCOUGH, James	M/Middleton-o-Row	6-54	£386½	?	G. Crouch	T	" " "
BECKWITH, Thos.	M/Cold Ingleby	1653	£1234½	c.6-t	P. Brace	InG	T.S.; N.R.
+ BLAND, Adam	Dower of his wife		c.£260			Q	
BOYNTON, Matthew	Not known	?	?	?	Walter Strickland	G	fate not known.
+ BRAITHWAITE, Thos	M/Neesam Abbey	8-53	£793			Q	
BRIGHAM, Wm.	Wyton, Brigham & Thorcelly	7-53	?	?	Wm. Thompson	L	fate not known.
BULMER, Wm.	Ms/Marricke, Shawe Corborne, + lands	7-54	£6400 (incl. debts)	?	Rushworth & Crouch	T	S: lands sold because of heavy pre-war debts.
" "	Tirrington	3-54	£324	9½	Sir Thos. Strickland	T	
+ " "	Tirrington	1653	£22			Q	
CHOLMLEY, Marm.	Ms/Brandsby & Brafferton	4-54 12-53	£1106 £330	4½-t ?-t	G.Crouch G.Crouch	T T	S: heavily mortgaged & not redeemed.
+ CHOLMLEY, Henry	M/Tunstall	?	£132½			Q	
+ CONSTABLE, Wm.	M/Cathorp	?	£710½			Q	

a	b	c	d	e	f	g	h
CONSTABLE, Sir P.	Ms/Everingham + 4; * 5 parcels of ld.	6-53	£7557	7-t	J. Rushworth	T	Sale of very minor estate.
+ " "	Holderness lands		£758½			Q	
+ CONSTABLE, John	M/Kirby Knowle		£373½			Q	S: 1654 (because of debts).
CONSTABLE, Sydney	M/Sherborne	4-54	£731	?-t	Francis Cobb	T?	R - certainly by 1670's.
" " "	Brompton	10-53	£538½	?	Anne Godschalk	xG	fate not known.
DANBY, John	Ms/Brawith, Gt. Leake & Borrowby	1653	£1474½	7-t	A. Byerley	T?	R - by 1660. (S, after 1688).
+ DANBY, Edmond	Borrowby		£186			Q	
+ DANIEL, Sir Ingleby	Ms/Beswick & Thorpe Brantingham		£944½			Q	
DOLEMAN, Robert	M/Badsworth	3-53	£9949	23+	John Bright	LG	TS, 1-53 : NR.
" "	Ms/Gunby & Weedley	1-53	£3172½	?	Robt. Cutts	LnG	TS, 2-53 : NR.
" "	Ms/Waplinton, Boulton & ½ Pock- lington	3-53	£3105½	?	J. Rushworth	T	kept in family.
" "	Wakefield lds.	2-53	£1110	?	R. Buxton, etc.	xG	R - held by family in 1662.
DOLEMAN, Philip	Bishop Wilton	2-56	£25½	?-t	Hy. Rawlins	Ln	fate not known.
DOLEMAN, Thomas	Duncotes & Latham	12-53	£1240½	c.20	Hy. Thompson	L	fate not known.
DOLEMAN, Wm.	Wellambrigg	3-54	£459½	11	F. Driffield	L	fate not known.
+ DOLEMAN, Marm.	Middleton		£147½			Q	
ERRINGTON, John	M/Elton, + Rudby & Egglescliffe	3-55	£1417½	?-t	G. Crouch & T. Hall (a creditor)	T	(sold in 1682).

a	b	c	d	e	f	g	h
+ FRANK, Marm.	Middleton Tyas & Worsall		£104			Q	
" "	M/Kneeton & Sandhutton	2-55	£1193 $\frac{3}{4}$		Wm. Colegrave & Hy. Savage (agents)	Cb	Recovered at law (date unknown).
GALE, Robert	M/Acomb Grange	3-53	£4002 $\frac{1}{2}$	14	Jas. Micklethwaite & Thos. Raper	LG	R: means unknown; S - c. 1662-4
HAMBERTON, Philip	M/Purston Jacklin + 4 parcels of ld.	3-54	£2036	c.12 $\frac{1}{2}$	John Blount	T	
HOLTBY, Marm.	M/Skackleton	1653	?	?-t	Thos. Redshaw	L	fate unknown - not held in 1663.
HUNGATE, Sir Philip	Saxton + 2 parcels	6-53	£1004 $\frac{3}{4}$?	Sir Thos. Gower & Fras. Cobb	T	
LANGDALE, Sir Marm.	M/North Dalton	10-52	£1206	?	Robt. Prickett	T	S: 10-53 to Edw. Barton
" "	M/Holme	5-50	-	-	Sir Wm. Constable	G	R: royal grant, 1660.
" "	M/Pighill & Mols- croft	5-50	-	-	Isaac Knight	G	R: 1660+; S - 11-71.
" "	M/Gatenby	?	-	-	John Lambert	G	R: c.1660.
+ LANGLEY, Richard	M/Oulstrop; Millington		£744			Q	
LAWSON, John	M/Brough	1653?	?	?	J. Rushworth	T	
" "	2/3 M/Byker + E. Cramlington, etc.	3-53	£6000	?	J. Rushworth + 2	T	
LOWTHER, Richard	M/Ingleton	9-53	£1707	?	L. Lowther	DR	S - 9-53 (mortgaged, but never recovered).
+ MARSHALL, Henry	M/Fulforth		£228			Q	$\frac{1}{2}$ sold, 4-52.
(two small estates sold - title had already been sold in 1642.)							
METCALFE, Michael	Little Ottrington	12-53	£246 $\frac{3}{4}$	4 $\frac{1}{2}$ -t	A. Byerley	T?	R: 1660.

a	b	c	d	e	f	g	h	
MIDDLETON, Wm.	Ms/Stockheld, + 4	8-53	£10600	c.7 $\frac{1}{2}$ -t	R. Lowther + 2	T?	R: 1660.	
MIDDLETON, Sir John	Ms/Thrintoft, Walton + Yafforth	7-53	?	? -t	C.Clapham + 3 (via J.Wildman)	T?	R: 1660.	
MORLEY, Cuthbert	Haxonby & Northchurch	1653	£2111 $\frac{1}{2}$?	W.Commondell & My. Harvey	C	N.R.	
"	"	Ms/Hilton, Ellerbecke, Seamer, Haraton, + 1	3-54	£21450 $\frac{3}{4}$?	J. Elwes	C	R: at law, c. 1674; sold soon after.
"	"	Normanby	3-53	£1159	?	Wm. Toomes	Ln	not known - unlikely to be R.
"	"	Lackenby	6-53	£1452 $\frac{1}{2}$?	Wm. Sartan	C	R: at law, c. 1662; S - c. 1662.
"	"	Newby	1-56	£300	?	Wm. Mosely	Ln	not known.
"	"	M/Hawnsby	7-56	£700	?	H.Pounall & R. Dowker	L	R: c. 1662; S - c. 1662.
"	"	M/Normanby	2-57	£612 $\frac{3}{4}$?	Dowker & Halsall	C?	R: at law, c. 1662; S - c. 1662.
"	"	Hutton Rudby	9-59	£368 $\frac{1}{2}$?	John Pratt	LnC	not known
NEWTON, Miles	Ripon	12-55	£152	?	J.Coltman & J.Hardy	C	N.R.	
PALMES, Sir George	M/Naburn	6-53	?	?-t	Hy. Thompson	T		
PERCY, John	Stubbs Walden + 2	2-54	£560	4 $\frac{1}{2}$ -t	T.Wentworth & T. Humphreys	T		
PLUMPTON, Sir Edw.	M/Plumpton	12-54	£5353 $\frac{1}{2}$	12 $\frac{1}{2}$	Edw. Greene	xG	R: repurchased, 1659/60.	
"	"	M/Ruffarlington	12-54	£1159 $\frac{3}{4}$	12 $\frac{1}{2}$	Edw. Greene	xG	R: repurchased, 2-57.
PLUMPTON, John	M/Uslett	12-54	£3000	?	Robt. Knivett, etc.	C	R: 1660 - S - to pay trust debts.	
"	"	M/Watterton	9-54	£4134	?	S. Foxley	C	R: " " " " "
"	"	Wolfe Parke	12-54	£291	?	R. Rhodes	C	R: repurchased 2-57.
PUDSEY, Ralph	M/Stapleton, + 3 parcels of land	2-53	£1233 $\frac{1}{4}$?	W. Arscotte	LnG	T.S. - c.1658.	

a	b	c	d	e	f	g	h
RADCLIFFE, Sir George	Ms/Colton & 1/2 Fairburne	?	?	?	R. Elmhirst	C	R: by Act of Parliament, 13 Car. II.
"	1/2 M/Fairburne	10-52	£1243 1/2	?	R. Price etc.	In	R: (classed with above for statistical purposes.)
REDMAINE, Sir John	Thornton Hall & Burton	1653	?	?	Wm. Dodsworth & T. Wharton	LG	N.R. (buyers had claim to lands).
RYMER, John	Scarcroft & Shadwell	3-54	£369 1/2	9 1/4-t?	J. Wildman	T	
SAYLER, Laurence	M/High Worsall, + Yarm	1654?	£2156 3/4	?-t	G. Crouch	T	S, Hilary 1671, because of pre-war debts.
"	M/Preston + Durham lands	3-54	£1200	?	Crouch + Martin Lister (a creditor)	T	
SLINGSBY, Sir Henry	Ms/Harswell + 7; also 4 parcels of ld.	3-52	£10220+	?	S. Bethell + R. Stapleton	T	
TANCRED, Thomas	Ms/Gevendale, Brampton & Rocliffe, + 6 parcels of land	1653	?	?-t	G. Crouch	T	
"	Butterset	?	£13 1/2			W	
TERREST, Stephen	M/Roundhay	1653	£1083	?	Wm. Lowther	LG	T.S., Easter 1654: - NR.
"	Ms/Broughton, Thorpe & Burnsall	5-54	£603	?2-t?	T. Heber + 3	T	
+ THILDEBY, Charles	M/Snydall		£2083 1/2			W	
TRAPPES, Francis	M/Nidd	3-54	£228 + £150/yr.	?	Rushworth & Crouch	T	
VAVASOUR, Sir Wm.	M/Addingham, + lds	9-53	£280	?	Lambert, Bellasis, Ingram, Rushworth & Crouch	T	
"	Ms/Hazlewood + 2	1653	?	?	Crouch & Rushw'th	T	
"	Sutton	3-56	£360	?-t	J. Troutbeck	T	

a	b	c	d	e	f	g	h
+ VAVASOUR, John	Willitoft	?	£335 $\frac{1}{2}$			W	
VINCENT, Richard	M/Great Smeaton	1-53	£1183	8 $\frac{1}{4}$	S. Foxley (for Hy. Simpson)	C	T.S., 1-49 - N.R.
WASHINGTON, Darcy	Ms/Adwicke & Ham- pole & Hampole lds.	1654	£2155 $\frac{1}{8}$	4-t	Robert Washington	DR	
WHARTON, Sir Anthony	Eppleby (=Gilling)	3-54	£362 $\frac{3}{4}$	9 $\frac{1}{2}$	J. Fullerton & J. Knott	T	Repurchased from trustees by AW's relations, 7-54.
+ YOUNG, Sir Andrew	Ms/Burn, Bedling- ton & Scrimston, + lands.	?	£3075 $\frac{1}{8}$			W	

THOMPSON, Henry (merchant, alderman of York)	1 - 0
TROUTBECK, John (surgeon, of York)	0 - 1
	<hr/>
	9 - 12

(* before a name indicates that the purchase is a probable trust purchase.)

2. DIRECT REPURCHASES:-

LOWTHER, Lancelot (second son of the Royalist)	1 - 0
WASHINGTON, Robert (merchant, second son of the Royalist)	2 - 0
	<hr/>
	3 - 0

3. PURCHASE BY CREDITORS:-

(The name of the delinquent whose estate is being sold follows that of the creditor, in brackets.)

COLEGRAVE, Wm. & SAVAGE, Hy. (agents for the Marquis of Dorchester) (estate of Marmaduke Frank)	1 - 1
COLTMAN, John, merchant of London	
HARDY, John, cooper of London (estate of Miles Newston)	0 - 1
COMMONDELL, William of Ormesby, gt.	
HARVEY, Dame Mary, of co. Warks. (estate of Cuthbert Morley)	0 - 2
DOWKER, Robert of York) HALSALL, Robert of London) (C. Morley)	1 - 0
ELMHIRST, Richard of Houndhill, yeo. (estate of Sir George Radcliffe)	2 - 0
ELWES, Jeremy of Broxborne, Herts. (estate of C. Morley)	4 - 1
FOXLEY, Samuel of Westminster, gt. (John Plumpton - SF to pay debts)	1 - 0
(Richd. Vincent - SF to pay debts)	1 - 0
KNIVETT, Robert of London (& others) (estate of John Plumpton)	1 - 0

RHODES, Richard of Knaresborough, gt. (estate of John Plumpton)	0 - 1
SARTAN, Wm., stationer of London (estate of Cuthbert Morley)	0 - 1
	<u>11 - 7</u>

4. GRANTS OF FORFEITED LANDS:-

CONSTABLE, Sir William of Flamborough	1 - 0
KNIGHT, Isaac, Rector of Fulham	2 - 0
LAMBERT, John of Calton, esq.	1 - 0
STRICKLAND, Walter (later Lord S.)	0 - 1
	<u>4 - 1</u>

5. SALES TO INDEPENDENT PURCHASERS:-

(The name of the Royalist ex-owner is given in brackets - the initials indicate the origin and status of the purchaser, and are the same as those used in Appendix II-A.)

ARSCOTTE, Wm., of Neesden, Mx - LnG (Ralph Pudsey of Stapleton)	1 - 3
BRACE, Philip, of St. Giles-in-the- Fields, Mx. - LnG (Thos. Beckwith)	1 - 0
BRIGHT, John of Carbrook, esq. - LG (Robert Doleman)	1 - 0
BUXTON, Richard of Flegg, Derby (& 2 others) - xG (Robert Doleman)	0 - 1
CUTTS, Robert of Gray's Inn, gt. - LnG (Robert Doleman)	2 - 0
DODSWORTH, Wm., & WHARTON, Thos. - LG (Sir John Redmaine)	0 - 2
DRIFFIELD, Francis of Easingwold - L (William Doleman)	0 - 1
GODSCHALK, Anne of Plaistow, Essex, widow - xG (Sydney Constable)	0 - 1
GREENE, Edward of Matthorne, Monmouth, esq., - xG (Sir Edward Plumpton)	2 - 0
LOWTHER, William of Leeds, gt. - LG (Stephen Tempest)	1 - 0

MICKLETHWAITE, Joseph of Swyne & York, gt., & RAPER, Thomas, merchant of York - LG (Robert Gale)	1 - 0
MOSELY, William of Chancery Lane - Ln (Cuthbert Morley)	0 - 1
POUNALL, Henry of York & DOWKER, Robert of York - L (C. Morley)	1 - 0
PRATT, John of London - Ln G (C. Morley)	0 - 1
RAWLINS, Henry of London, tailor - Ln (Philip Doleman)	0 - 1
REDSHAW, Thomas of Ripon (?) - L (Marmaduke Holtby)	1 - 0
THOMPSON, Henry of York, merchant & alderman (& Thomas Rider, merchant and John Pickersgill, ex-Lord Mayor of York) - L (Thomas Doleman)	0 - 2
THOMPSON, William of ? - L (Wm. Brigham)	0 - 3
TOOMES, William of Honburg, Mx, alder- man of London - Ln (C. Morley)	0 - 1
	<hr/> <hr/>
	<u>11 - 17</u>

APPENDIX III.

THE CASE OF CUTHBERT MORLEY.

Cuthbert Morley was a man of some financial standing - when he inherited his father's estate in 1642, he had an annual income of at least £2500 a year. Though not one of the King's principal lieutenants, he was of sufficient prominence to be included in the First Act of Sale, and accordingly his property was confiscated in mid 1651¹.

Morley was given no opportunity to make any alternative plans for the disposal of his estates. He had been in exile since 1649, when he had fled after murdering a sergeant who had attempted to arrest him without a warrant². His property, comprising mainly of several manors in the North Riding, had been bought fairly recently, and some of the debts incurred in their purchase were still outstanding.³ The creditors hurried to claim their just shares and Laurence Maidwell, who had discovered the estate, demanded the fifty per cent of the profits which had been promised to him in the Act of Sale. Soon the claimants quarrelled over their respective portions: Maidwell accused Jeremy

1. Firth & Rait, II, 520 ff.
2. C.S.P.D., 1660-61, 173 (Petition for a Pardon); H.M.C., VIII, 114.
3. For the various claims on the estates, see C.C.C., 2394 ff.

Elwes (a prosperous London merchant, who held a large mortgage on much of the property) of cheating the State, and taking more than was his share. The London Committee for Compounding immediately pricked up its ears - Elwes had already been involved in some suspicious dealings with other properties in the same area. The case dragged on until 1655 - finally, certain lands were granted to Elwes, and the remainder were sold for the benefit of Maidwell and the State¹.

Elwes received the majority of the estates - the Manors of Seamer, Hilton, Ellerbecke, Haraton and half Castle Levington. Other minor portions were disposed of to the various creditors and small purchasers who appeared on the scene. In all, the sale of the Morley property netted £3714-2-0d. for the government, and £24,440-1-11 $\frac{3}{4}$ d. in debts due to Morley's various creditors (of which nearly £21,000 was for Elwes)².

When Morley returned in 1660, he attempted to regain his lands at law, according to the terms of the Restoration Settlement. Writs of ejectment were issued against the tenants of Lackenby, Hawnby and Normanby. Morley received

1. C.C.C., 2395-7; Grant of claims, C.S.P.D., 1655, 64-5, 187.
2. Sales: PRO, C54/3664/5, C54/3724/20, C54/3743/13, C54/3748/36, 37, C54/3749/30, C54/3753/9, 24, C54/3894/5, C54/3963/2, C54/4029/46.

a favourable verdict in the first two cases at York Assizes, but John Hill, the occupier of Normanby, used legal manoeuvring to postpone his trial. The ex-tenants of Lackenby and Hawnby therefore delayed execution of the judgements in their cases by suing out writs of error. Morley appealed to the Lords against this, but was instructed to proceed at Common Law. He apparently recovered Hawnby and some of the other lands (which had been sold to creditors), for he was forced to introduce a bill in the Commons to break the entail on the property, and sell some of the lands to pay outstanding debts¹.

However, the most interesting part of the Morley case is the long legal battle with the Elwes family. Jeremy Elwes still retained the manors he had claimed as security for his mortgage in 1651. In 1662, Cuthbert Morley exhibited a bill in Chancery against him. He claimed that the relevant lands (which he valued at over £3000 a year) had been mortgaged to Elwes in 1641 as security for a £10,000 debt, the lands to be held by the mortgagee and returned when the rents had cancelled the debt. Four years later Cuthbert had been offered a composition if he would go abroad - he accepted, and requested Elwes to pay the fine, and also to pay him (i.e., Morley) maintenance from the estate, using the remainder of the annual revenue to discharge the existing debts. But, before he left, Morley conveyed the

1. HMC, VII (House of Lords MSS) 147; L.J., XI, 434; C.J., VIII, 374.

lands to Elwes (1646), ostensibly as security for the debt, but in actual fact to transfer title, and thus avoid sequestration.

However, so Cuthbert's petition continues, Jeremy Elwes proved to be a false friend, and misappropriated the revenues. He also revealed the lands to the Commonwealth sequestrators, and connived at selling them, in order to gain absolute title¹.

Naturally Elwes denied this claim - he alleged that the lands were grossly overvalued, and that the majority of the accusation had come out of Morley's vivid imagination. The court decided that the debt stood at £16,500 in 1646 and, with the consent of both parties, ruled that Cuthbert Morley should pay £16,000 within one year to Elwes, upon which he would recover all the lands (with the exception of the lease of Ellerbecke, which was valued at £450 more). Should the sum not be paid, then the full title would rest with Elwes, for the debt exceeded the value of the property (much of which was only life estate), and the interest was greater than the annual revenue².

This decision was made in November 1663. It was clearly impossible for Cuthbert to raise the money within a year, and thus Elwes extended the time limit, though with no more success. The Chancery decree was therefore enrolled and

1. PRO, C5/42/69.
2. PRO, C5/42/69, C78/745/5.

made absolute, and Morley's petition was officially dismissed¹.

One might have thought that an ordinary man would have accepted the inevitable, but not Cuthbert! He next appeared before the bar of the House of Lords in late 1667, complaining volubly about the injustice of Chancery. Their Lordships considered the problem, and referred it to the Committee of Petitions. From here the Duke of Richmond informed the House that the case was "not releivable in the ordinary courts". The Lords therefore debated the matter, and finally, on 31 March 1668, voted in favour of Cuthbert. They accepted that the release of 1646 was in the nature of a trust, and ordered that the decree of Chancery be reversed, and that the Lord Keeper should proceed as in the case of an equitable mortgage.²

By now Cuthbert Morley had associated his son-in-law and heir, Bernard Grenville, in the case. Armed with the Lords' decision, they presented a new petition in Chancery. After enumerating the various debts and charges upon the estates, the Master concluded that the face value of the property was insufficient to meet the commitments - thus Elwes was not to be charged with the accumulated interest

1. See Answer of Jeremy Elwes, read to the Lords, 4 Nov., 1669 - House of Lords MSS, (1667), 107, (f).
2. House of Lords MSS, 107 (petition of 11 Nov., 1667); ibid., MS Minute Book, III, (1667-8)(Book of Petitions) passim.

over the twenty-five years; "which Decree", the London merchant remarked smugly, "was most agreeable to the Rules of Justice and Equity". Twice Morley attempted to obtain a rehearing, but each time the original decision was upheld. A few months later, poor Morley died - probably in despair!¹

Too much was now involved to allow the matter to rest there. Bernard Grenville, the new heir to the Morley claims, appealed to the Lords in October 1669. The Lord Keeper had terminated the case on the grounds that Grenville was not sufficiently a party to the issue; he therefore petitioned the House, as a Supreme Court, to give its ruling. The House supported Grenville. This did him little good, however, as the Lord Keeper was firmly on Elwes' side, and declined to accept the Lords' decision, again claiming that, as Grenville only held the title to the lands through his marriage with Anne, Cuthbert's Morley's daughter, the heiress should have been a party to the original claim. As she was not, the petition in Chancery lapsed of necessity on Morley's death².

Once again the initiative passed back to the Lords. The House firmly re-iterated its decisions. Grenville was sufficiently related to the case to continue as plaintiff, the Lords intended to send instructions to the Court of Chancery, and Jeremy Elwes was to account for mean profits

1. House of Lords MSS, 107, c, d, e, f.
 2. Ibid., 107, h, i, k.

from life, as well as fee estates¹.

Communications between the House of Lords and the Court of Chancery were getting continually sharper in tone, so the Lord Keeper, Sir Orlando Bridgeman, explained his position to Westminster. The Lords had claimed that Grenville was a party to the suit - he fully agreed, but since the plaintiff's wife was the true heiress, she also should become a party. He advised a Bill of Revivor, "not" (as he explained) "with any attempt to hinder him (i.e., Grenville) of the Benefit of the Lords Votes ... but to preserve the course and Justice of the Court, and the Conscience of the Judge ..."².

At last a breakthrough seemed possible. The Lords voted that Grenville should bring in a Bill of Revivor, but prevented any further delay by declaring that all their previous decisions were to stand as if the bill had not been brought.³ With the way ahead clear at last, Grenville apparently won his case - in 1673 a bill was introduced to break Elwes' entail on the lands, and allow them to be sold to Grenville. Thus the original owners finally recovered their estates.⁴

1. House of Lords MSS., 107, 1.

2. Ibid., 107, m. L.J., XII, 314.

3. 23 March, 1669/70, L.J., XII, 321.

4. HMC, IX (ii), (House of Lords MSS) 29, 45. C.J., IX, 276.

Matters did not quite end there, however. The costs of the long-drawn out suit had financially embarrassed both parties. Elwes had to sell some lands to pay his debts, and virtually the whole of the Morley inheritance went the same way. In 1682, the Manors of Hawnby and Hilton were sold to Christopher Berkeley, and Seamer followed five years later. The Morley estates had finally been recovered, but the cost had proved to be too great¹.

1. VCH, North Riding, II, 33, 292.

APPENDIX IV.BRIEF SUMMARY OF 75 ROYALIST FAMILIES.ALDBURGH of Aldborough, Arthur:

Financially embarrassed before the war. Fined £400, and lost at least £200 by plundering. Sold Aldborough to John Wentworth of Woolley, 1653, and later died in prison, in debt.

BAILDON of Baildon, Francis:

Slight pre-war debts due to wardship and mother's extravagance. Suffered considerably from war damage. Fined £360, but concealed a large portion of his property. Spent a great deal in law suits over his mother's trusteeship of the estate, and the coal mines on Baildon Moor. Recovered by the Restoration, and, although still financially unstable, built additions to his house.

BAMFORD of Pulæ Hill, Lyon:

Small estate burdened by large portions in 1642. Fined £294, assessed at £30. This caused some financial embarrassment, but L.B.'s own extravagance and wastefulness was the true cause of the family's collapse. The bulk of the lands were sold during the Interregnum.

BARNBY of Cawthorne, Thomas:

Several pre-war debts; fined £188, assessed at £25½, and had £777 debts in 1647. The composition, added to earlier charges on the small estate, led T.B. to mortgage heavily, and several parcels of land were not redeemed.

BEAUMONT of Whitley Beaumont, Thomas:

Prominent Royalist. Inherited, 1631, the extensive lands of the elder branch of the family. These were rack-rented, and the Cavalier suffered no visible ill-effects from the compositions. A leading figure in post-Restoration society, T.B. died a very wealthy man in 1668.

BLAND of Kippax Park, Sir Thomas:

Important Royalist, although large debts in 1642. He was forced to pay these, along with his £405 composition, to Goldsmiths' Hall, and this led him to mortgage much land. But succeeded in paying off these debts after the wars.

BOWES of Babthorpe, Richard:

Large family, and estate crippled before the war because of the many portions. The composition fine (£289) proved the final blow, and most of the lands had to be sold.

BRAITHWAITE of Catterick, Richard:

Prominent and wealthy Royalist - married two heiresses. Soon recovered from the effects of the fines.

BULMER of Marricke, William:

Large estate, but heavily in debt in 1642. Estates confiscated and sold: bought in trust by Gilbert Crouch and John Rushworth. This expense proved to be the final blow - the lands were mortgaged to Thomas Swinburne, and could not be redeemed - virtually the whole estate was lost, although Bulmer regained some of his losses by selling the equity of redemption on the mortgage to Lord St. John.

BUNNEY of Newland, Francis:

Small estate - fined £90, and suffered from war damage. But was a good businessman, and quickly reorganised his property: by 1660, he was financially secure again.

CALVERLEY of Calverley, Henry:

Pre-war situation unknown for certain. Estate in tail, but assessed for composition as though in fee. Fined £1455, assessed at £200. Fell heavily into debt, selling woods and lands to raise his composition. Left over £2000 debts on his death in 1652: his son redeemed his fortunes by rack-renting, marrying an heiress (and selling part of her inheritance), and mortgaging wisely. Although the family eventually recovered its stability, it never again rose to its former position of wealth and influence.

CHOLMLEY of Brandsby, Marmaduke:

Pre-war situation unknown. M.C. was a Catholic delinquent, and was included in the Third Act of Sale. Estates repurchased through the services of Gilbert Crouch, and then mortgaged to repay the cost of their redemption. Brandsby Manor was retained by the family, but Brafferton, mortgaged to Ralph Rymer, could not be redeemed. When Rymer was attainted in 1663, Cholmley petitioned in vain for the restoration of his lands.

CHOLMLEY of Whitby, Sir Hugh, kt.:

Parliamentary Governor of Scarborough Castle who defected to the King's side. Much of his estates were in trust, and therefore could not be fined. Paid £850 composition. Subjected to legal persecution by his personal enemies, but rescued by the loyalty of his Parliamentarian brother, Sir Henry. Created alum works at Whitby, 1649, which proved a most profitable enterprise. Careful budgeting and the aid of friends enabled H.C. to recover his former prosperous position.

CONSTABLE of Cathorp, William:

Catholic delinquent. Estates in Third Act of Sale, but compounded for £710¹/₂. Lands then put into the hands of trustees, to pay debts and then provide portions for his children. This enabled the family to recover, albeit slowly, from the effects of the anti-Royalist legislation.

CONSTABLE of Everingham, Sir Philip:

Catholic delinquent. Lands in the Third Act of Sale. Repurchased by John Rushworth, in trust for Sir Philip's children. Heavily mortgaged, but careful administration and rack-renting enabled the debts to be discharged, although this operation took over 20 years.

COOKE of Doncaster, Brian:

Prosperous merchant-gentleman, and creditor to several other Royalists. Very heavy fines - at least £2700, including two undervaluations. His son estimated that over £15,000 lost in the wars. Despite this, the family were buying land in the 1650's, acquiring the Manors of Bentley and Wheatley before the Restoration. B.C.'s son and heir given a baronetcy in recognition of his services.

COPLEY of Sprotborough, Godfrey:

Royalist major: large estates, though considerable debts. Fined £1366, assessed at £150 (debts stated to be over £8000), and suffered a great deal from these exactions. But eventually recovered - his son was an extremely prosperous landowner, and an important member of local society.

CROSLAND of Helmsley, Sir Jordan:

Small estate, and severely affected by the civil wars. But married the heiress of the Flemings of Rydall, whose domains helped to revive J.C.'s failing fortunes. Granted estates in Newby at the Restoration, and took a leading part in northern society.

CUTLER of Stainborough, Sir Gervase:

Staunch Royalist, who contributed a great deal to the King's cause. Died in 1645, and the estate left in his widow's care. The fine was paid without much difficulty, but the heir's extravagance and love of gambling ruined the family fortunes: the properties were eventually sold to Lord Raby later in the century.

DANBY of Farnley, Sir Thomas:

During the life of T.D.'s father, the family estate had been in the hands of an unscrupulous steward, who had embezzled the majority of the profits, leaving the property in a precarious position. Before it had time to recover, T.D.'s fine (£4780) became an extra burden, and the estate was almost continuously mortgaged. T.D. sold lands in order to raise the composition fine, and about twenty years after the Restoration, further economic deterioration compelled the sale of other portions of the Danby inheritance.

DOLEMAN of Badsworth, Robert:

Catholic delinquent. Lands confiscated: R.D. planned to have them bought in trust by John Rushworth, but was unable to raise the money. He therefore sold the larger part of his domains, and with the profit redeemed his lands in the East Riding.

FAWKES of Farnley, Michael:

Fairly prosperous Royalist - died 1647, and his widow compounded for the young heir. Due to entails on the property, the family did not suffer much from the anti-Royalist legislation. In the 1680's, Thomas (the son) bought the Manor of Farnley.

FRANK of Knighton, Marmaduke:

Catholic delinquent - in Third Act of Sale. Lands bought by agents for the mortgagee (although M.F. compounded for some outlying portions). M.F. fell into debt during the Interregnum. He tried to recover his lands in Chancery - the outcome of the case is unknown, but his co-heiresses held the property later in the century.

GALE of Acomb Grange, Robert:

Catholic delinquent - in the Third Act of Sale. Recovered his property at the Restoration, but was forced by debts to sell it almost immediately afterwards.

GIBSON of Welburn, Sir John:

Prosperous Royalist. Fined £1000. Spent a great deal of time in prison due to his anti-Parliamentary activities. Soon recovered from his losses.

GOODRICKE of Hunsingore, Sir John:

Prominent Cavalier, seriously wounded in the war. Hunsingore Manor destroyed by enemy soldiery; fined £1650. Sold some lands to raise his fine (he had suffered considerably during the fighting) - was apparently helped by his Parliamentarian cousins. Built Ribston Hall after the Restoration, and was a prominent member of local society.

GRAHAM of Norton Conyers, Sir Richard:

Very rich Cavalier, though suffered from billeting and free quarter. Apparently hardly affected by the £2384 fine; after the Restoration, he built many additions to his house.

HANSBY of Tickhill Castle, Sir Ralph:

Garrisoned Tickhill during the war - died in 1643, and entailed estates prevented any fine being levied. However, heavy pre-war debts, and the considerable expenses incurred through Sir Ralph's contributions to the King's cause, forced the family to mortgage heavily in the years following the wars. The Hansbys were still in a delicate financial position in the late 1670's.

HILDYARD of Winestead, Henry:

Royalist Colonel of trained bands, but soon retired to his Surrey estates. Very wealthy, and fined £4661. The payment of this amercement necessitated some mortgages, and H.H. also sold some property in Holbeach. But his wealth carried him safely through to the Restoration, after which he was soon taking a leading part in county society.

HOLTBY of Skackleton, Marmaduke:

Catholic delinquent - in the Third Act of Sale. He engaged Thomas Reynolds of York to lease his property, paying him the profits. Reynolds broke the trust, and M.H. had to sue him in Chancery in 1660 before he regained his lost revenues. It is not known whether he recovered his manor, but there was no Holtby in Skackleton in the 1670's.

HOPTON of Armley, Sir Ingram:

Killed at Winceby, October 1643. Left only an heiress, who married Miles Stapleton of Wighill. Estate fined £660, and this, together with the Royalist's debts and wardship expenses, necessitated some land sales and considerable mortgages. Eventually the estate recovered, due principally to Stapleton's resources.

HOTHAM of Scarborough, Sir John:

Parliamentary Governor of Hull, he defected to the Royalists when the news of his own son's disloyalty made it essential for him to take action. Arrested, tried and executed. Estates sequestered, but soon released, and no fine was imposed. The Hothams' fortunes were not materially affected by J.H.'s Royalism.

HUTTON of Goldesborough, Sir Richard:

A prosperous Cavalier, he took a leading part in the Yorkshire campaigns, and was later killed at the Battle of Sherburn, October 1645. The entail on the estates prevented the imposition of any fine, although the property was periodically sequestered due to his son Richard's pro-Royalist sympathies. Rich and prosperous after the Restoration.

HUTTON of Marske, Matthew:

Poor administrator, and his lands were heavily mortgaged in 1642. The war and the fine (only £132, as much property had already been sold off to pay his debts) nearly ruined the estate. Fortunately, M.H.'s successors were careful managers, and succeeded in redeeming most of the lands Matthew had been forced to sell.

INGRAM of Sheriff Hutton, Sir Thomas:

Younger brother of Sir Arthur Ingram, (who supported Parliament). Had large estates, but heavily fined, (£3649), and sold or mortgaged much of his property, retiring to the south on the proceeds. However, after the Restoration he must have been fairly wealthy, as he lent considerable sums of money to his well-nigh bankrupt nephew.

JENKINS of Grimston, Toby:

Small estate, and was severely affected by the fines. Assessment discharged because of debts. However, the death of his elder brother, William, of Great Busby, redeemed his failing fortunes, as he inherited a considerable estate.

KAYE of Woodsome, Sir John:

One of the first Royalists to surrender, J.K. was treated very leniently, and fined at only a twentieth. He readily adjusted his allegiance to each successive government. Hardly affected by the civil wars, he appears to have been prosperous and influential in the post-Restoration era.

LANGDALE of North Dalton, Sir Marmaduke:

Noted cavalry commander, he fought loyally for the King until the end, and then went into exile. His lands were forfeited, and the majority were granted to Parliamentary supporters. The one manor that was sold was bought by Langdale's daughters (through a trustee), but they were forced to relinquish their claim, due to impoverished circumstances. M.L. returned in 1660, almost crippled by his war losses (due as much to his expenditure in the King's cause, as to the sales): most of his lands were restored, but for a long while the family was in a state of economic distress.

MALEVERER of Allerton Maleverer, Sir Richard:

Son of the regicide, Sir Thomas. He was heavily fined, (£3292), but much of this was in recognition of his annuity from his father, which the latter had stopped. R.M. was left in some distress, and was several times outlawed for debt (he was already outlawed for treason, and in exile). His father died shortly before the Restoration, and in 1660 R.M. regained the family estates, and became a prosperous member of local society, although the aftermath of the wars can be seen in the several mortgages on the estates.

MALLORY of Studley Park, Sir John:

Leading Royalist, his lands were already heavily burdened with debt in 1642, and the fine of £3323 proved to be the final blow. Much of the property was sold by trustees to pay debts, and the family swiftly declined into poverty.

METCALFE of Nappa Hall, Scroope:

Family heavily in debt in 1642. S.M. killed in 1645 (he was a cadet of the family), and no fine was imposed. Due to careful management and the aid of the Slingsbys (relations), the Metcalfes were redeemed from their indebted state, but the family was now only a shadow of its former greatness.

METHAM of Metham, George:

G.M.'s two predecessors had been Royalists, but had died during the war, leaving entailed estates. G.M. took part in the second civil war, and his property was sequestered: two-thirds fell to the government, and the remaining third was occupied by a creditor. The whole estate should have been sold (G.M. was a Catholic delinquent), but Lord Fairfax used his influence, and G.M. was able to compound for £1350. Careful management preserved the bulk of the property, although the lands in trust for paying debts had to be sold to satisfy the creditors. The family thus kept control of the majority of its lands, although it was in a weaker financial position than before.

MEYNELL of West Dalton, George:

Two of his sons were delinquents, and G.M., a Catholic, was accused of Royalism. He successfully disproved the charge, and took the Oath of Abjuration to avoid sequestration for recusancy (although after the Restoration he returned to his old religion). He was apparently not affected by the wars to any visible extent.

MONCKTON of Cavil, Sir Philip the younger:

Prominent local Royalist: he suffered considerably from plundering. He had an inflated view of his services to the Crown, and caused Charles II much embarrassment by his persistent petitions for recompense. The family recovered from their civil war losses fairly quickly.

NEVILLE of Chevet, Francis:

Firm Royalist who changed sides, and later actively aided Parliament over the Yorkshire Engagement. Fined £1000, but apparently this hardly affected his financial position, as he bought ex-Crown fee farm rents on his property, and lent money to several penurious Royalists. Much of the evidence relating to Neville is highly-coloured, and paints him as a cynical opportunist, ready to cheat and bribe in order to make money.

NORTON of Dishforth, Peter:

Very small estate - fined £40, which he paid by careful estate management and wise borrowing. The family steadily increased its position, and P.N.'s son was fairly prominent in the Yorkshire of the 1680's.

OSBORNE of Kiveton Park, Sir Edward:

Prosperous Royalist, he was heavily fined (£1649), but the family does not seem to have suffered unduly, once the first shock of composition was over. E.O. died in 1647, and his son, Thomas, rose to prominence as the Earl of Danby, building up an extensive landed estate in south Yorkshire.

PENNYMAN of Ormesby, James:

Fairly large estate, but spent a great deal in raising a troop of horse at his own expense. To pay the fine, had to sell some lands, including the Manor of Marske, which he had inherited from another branch of the family. The Pennymans later recovered their financial stability.

PERCY of Stubbs Walden, John:

Catholic delinquent. He repurchased his confiscated estates through two close friends, who acted as trustees. This had apparently little effect on J.P.'s financial position, as at his son's death in 1666, the family had few debts, and yet was owed money by several neighbours.

PORTINGTON of Barnby-Don, Roger:

Reputed to have spent over £9000 in the King's service. Compounded in 1646, fought for the King in the second civil war, and therefore had to recompound. This virtually crippled him, he fell heavily into debt, and had to sell considerable estates. His family never recovered from these losses.

FUDSEY of Bolton, Ambrose:

Never discovered as a Royalist until 1659, when it was too late for action to be taken. The family were in considerable difficulties prior to the war, and had to sell the bulk of their estates.

RAMSDEN of Longley and Byrom, Sir John:

Wealthy Royalist, who was not discovered before his death in 1646 (the lands were entailed, and therefore safe from composition). The family were hardly affected by the war years.

RICHARDSON of North Bierley, Richard:

Royalist, who supported Parliament after the King's defeat. Hardly suffered from the war - bought lands and extended his house during and after the Inter-regnum.

ROCKLEY of Rockley, Francis:

Family prosperous until the civil wars. Involved in a long legal battle with the Kayes and Burdetts, which ruined him. By 1654, he was heavily in debt, and by his death in 1679, was bankrupt. The composition fines played only a minor part in these losses.

SAVILE of Thornhill, Sir William:

Royalist Colonel - died 1643, leaving entailed estates that could not be sequestered, and therefore avoided composition. His son thus inherited the extensive estates, and was one of the prosperous leaders of local society in 1660. (His son, George, is better known as the Marquis of Halifax.)

SAYER of Worsall, Laurence:

In financial difficulties before the war. Estates confiscated and sold, though repurchased through trustees. This additional expense proved fatal, and L.S. had to sell the bulk of his properties in 1671.

SLINGSBY of Scriven, Sir Henry:

Staunch Royalist, executed for his undying loyalty to the throne. Lands confiscated and sold, though repurchased through his nephew, Slingsby Bethell. Despite the great cost involved, the family do not appear to have been unduly affected, and took a leading role in post-Restoration society. Sir Thomas, the son and heir, married a girl with a £4000 portion.

STRICKLAND of Thornton Bridge, Sir Thomas:

Royalist Lieutenant-Colonel; owned considerable estates, but ran into heavy debts due to his extravagance and wastefulness. Attempted to recoup his fortunes after the Restoration by farming the tax on Scottish salt - this unfortunate speculation led him deeper into debt. Only his enforced exile after 1688 saved the family from complete collapse.

STRINGER of Whiston, Thomas:

Fought for the King in the second civil war. Only a small estate, but soon after compounding, he inherited extensive lands from an elder branch of the family. From the 1650's, he became a creditor for several less fortunate Cavaliers.

SUNDERLAND of High Sunderland, Langdale:

Royalist Captain. Paid £1080 in composition and assessments. This forced him to sell his Halifax estates, but with the surplus he bought lands in Featherstone and Acton; He worked the valuable coal mines in the area, and soon became quite prosperous.

SWALE of South Stainley, Solomon:

Paid no composition fine, but suffered from plundering soldiers. Bought lands during the Interregnum period as portions for his younger children. Granted £2000 interest-free loan by the King for his services during the wars. Fell into debt, although the cause of this is not certain.

TANCRED of Whixley, Sir Richard:

Prosperous - major in Royalist army. Bought some lands in 1647, and sold others in 1654. Apparently not severely affected by the Interregnum.

TEMPEST of Bracewell and Bowling, Richard:

Royalist Colonel. In dire financial straits before the war, due to his extravagance and incurable love of gambling. Had to compound twice, 1647 and 1649 (a total of £2800). Went bankrupt soon afterwards, and his estates were put in trust to pay his debts.

THOMPSON of Humbleton, Stephen:

Prosperous merchant family. Despite his fine, continued to buy lands, including some confiscated Crown property in Pickering. The family were among the leading post-Restoration merchants in Yorkshire.

THORNHILL of Fixby, John:

Royalist major, but also aided the Parliamentarians, and avoided being too firmly attached to either side. Never fined: the family's prosperity increased by successive marriages with heiresses.

VAUGHAN of Whitwell, Sir Henry:

In financial difficulties before the wars - war damage and the effects of the fines led H.V. into heavy debts. His grandson was outlawed for manslaughter, and lawsuits over the subsequent ownership of the property led to its final sale by the co-heiresses in 1670.

VINCENT of Great Smeaton, Richard:

Heavily in debt before the war - sold the estate to the creditor, Henry Simpson, in 1646, on condition that H.S. should pay the profits to R.V. until the total purchase price was paid. H.S. took advantage of the civil war to force another agreement on the Royalist. R.V. appealed against this settlement, (and H.S.'s son's breach of it) in Chancery in 1671 - but Vincent never recovered his property. (The lands were confiscated and sold during the Interregnum, being bought by Henry Simpson, the creditor, through Samuel Foxley.)

WANDESFORD of Kirklington, Christopher:

Royalist sympathiser. Never fined. Considerable estates, which were apparently little affected by the civil wars. A leading member of post-Restoration society.

WARTON of Beverley Park, Sir Michael:

Prosperous Royalist, but heavily fined, and suffered considerably from plundering. Bought and sold property in the Beverley area during the Interregnum. Although severely affected by composition, he slowly recovered by raising rents and reorganising his estates.

WENTWORTH of West Bretton, Sir Thomas:

Prosperous Royalist. Compounded on the Oxford Articles and this, together with the entails on his property, reduced the amount of his fine. Lost a great deal by plundering, and had to mortgage much of his lands. But he soon recovered, and by 1660 he was in a comfortable position - his son bought the Burdett estate in 1676.

WENTWORTH of Woolley, Sir George:

Royalist colonel - a very wealthy man. Most of his estates were in tail, which thus reduced the level of his fine. Although temporarily embarrassed with the composition, he soon recovered. Acted as trustee for the Catholic Gascoignes of Barnbow, and he (or his brother) acquired the lands of the Aldburghs, Bretttons and Wheatleys - all Cavalier families who collapsed during the Interregnum. A leading member of post-Restoration society.

WOLSTENHOLME of Nostell Priory, Sir John:

Contributed a great deal to the Royalist cause. A wealthy gentleman, but ruined by the heavy fine imposed by Parliament for his activities as a customs farmer. Went bankrupt, and the bulk of his estates were handed over to trustees, and sold to meet the demands of his creditors. However, his son repurchased some of the lands, and succeeded in rebuilding part of the family's past fortunes.

WORTLEY of Wortley, Sir Francis:

Prosperous landowner, who spent a great deal in the Royalist cause. Fell heavily into debt, but succeeded in keeping the bulk of his estates together, and gradually, by raising rents and realising his capital assets (such as timber and coal), he recovered his pre-war position, (although it took the family over three decades to do this).

WYVELL of Burton Constable, Sir Marmaduke:

Royalist committee-man - suffered a great deal from the ravages of the Scots: this, together with the composition fine, placed him in severe financial difficulties. Virtually all his estates were heavily mortgaged during the Interregnum for periods varying from 21 to 99 years. Some outlying manors were sold as a result of the civil war losses.

YOUNG of Burn, Sir Andrew:

Catholic delinquent. Died during the wars, and his widow compounded for all the forfeited estates in 1653. The property, which was quite extensive before the wars, was put in trust to raise the money, and none was apparently sold.

APPENDIX V.

KEY TO GEOGRAPHICAL LOCATION OF ROYALISTS IN MAP I.

N.B.: For the purposes of the maps, Yorkshire has been divided into eight areas, mainly on a regional basis. The county was first separated into the four seventeenth century administrative districts - the three ridings and the Ainsty. Further subdivisions were made on the following principles:-

East Riding:-

The town of Hull, with a ten mile radius, and South Holderness, was separated from the East Riding - this area was the district generally under Parliamentary control, except when Hull lay under siege.

North Riding:-

Divided into two, Richmond and Cleveland (these are just convenient names, and do not represent the old regions which were so called), by a north to south line just east of Northallerton. This is a purely arbitrary division, intended to make the North Riding less large and unwieldy.

West Riding:-

Divided into three. 'Pennine' is the region east of Skipton, the hilly Pennine area, sparsely populated, and geographically separate from the rest of the riding. The remainder has been somewhat summarily divided into two, on the basis of the Leeds-Bradford region, and

the Barnsley-Sheffield district. It also separates the north, with its closely-grouped Royalist families, from the south, where the Parliamentarians were far more in evidence. The actual line of demarcation runs from Goole to Oldham (in Lancashire).

REFERENCE LIST TO MAP I.

- | | |
|--|--|
| 1. ALDBURGH, Arthur of | Aldbrough |
| 2. ANDERSON, Sir Henry | Long Cowton (ch. sides) |
| 3. ANNE, Philip | Frickley |
| 4. ANSTRUTHER, Sir Robert | Wheatley |
| 5. APPLEBY, Francis | Lartington |
| 6. APPEYARD, Sir Matthew | Burstwick Grange (brother
Thomas changed sides) |
| 7. ARMITAGE, Sir Francis | Kirkless (divided) |
| 8. ARMITAGE, Gregory & Wm. | Netherton |
| 9. AYSCOUGH, Allan & Francis | Skewsby (divided) |
| 10. BAILDON, Francis | Baildon |
| 11. BAMFORD, Lyon | Pule Hill (changed sides) |
| 12. BARNBY, Thomas | Cawthorne |
| 13. BATTE, John | Oakwell Hall, Birstall |
| 14. BATTIE, Francis | Wadsworth |
| 15. BEALE, Paul | York (changed sides & divided) |
| 16. BEAUMONT, Thomas | Whitley Beaumont |
| 17. BECKWITH, Leonard | Handall Abbey |
| 18. BECKWITH, Thomas | Cold Ingleby (divided) |
| 19. BELT, Sir Robert | York (divided) |
| 20. BERRY, Richard | Howden (changed sides) |
| 21. BEVERLEY, John | Great Smeaton |
| 22. BISHOP, Thomas | Pocklington |
| 23. BLAKISTON, Wm., Hy., Peter | Old Malton |
| 24. BLAND, Sir Thomas & Adam | Kippax Park |
| 25. BLYTHMAN, William | Newlaithes |
| 26. BOOTH, John | Pontefract |
| 27. BOWES, Richard | Babthorpe (divided) |
| 28. BOYNTON, Matthew | Barmston (changed sides) |
| 29. BRA(I)THWAIT(E), Richard
& Thomas | Catterick |
| 30. BRIGHAM, William | Wyton |
| 31. BULMER, William | Marricke |
| 32. BUNNEY, Francis | Newland (changed sides) |
| 33. BURDETT, Francis | Birthwaite |
| 34. BUTLER, Sir George | Ellerton |
| 35. CALEY, Sir Wm. & Arthur | Brompton (changed sides) |
| 36. CALEY, James & 4 sons | Thormondby |
| 37. CALVERLEY, Henry | Calverley |

38. CHATOR, Henry	Croft
39. CHILDERS, Francis	Doncaster
40. CHOLMLEY, Marmaduke	Brandsby
41. CHOLMLEY, Henry	Tunstall (divided)
42. CHOLMLEY, Sir Hugh	Whitby (changed sides)
43. CLAPHAM, Sir Christopher	Beamsley
44. COBB, Sir Francis	Ottringham
45. COCKERELL, Edmund & Nich.	Whitby
46. CONSTABLE, William	Cathorp
47. CONSTABLE, Sir Philip	Everingham
48. CONSTABLE, John	Kirby Knowle
49. CONSTABLE, Ralph	Selby
50. CONSTABLE, Sydney	Sherborne
51. CONYERS, Leonard	Whitby
52. COOKE, Brian	Doncaster
53. COOPER, Sir Edmund	York
54. COPLEY, John, Edw. & Savile	Batley
55. COPLEY, Godfrey	Sprotborough
56. CRATHORNE, Rafe (Ralph)	Crathorne
57. CREYKE, Gregory	Marion
58. CROFTS, Sir Christopher	York (divided)
59. CROMPTON, Thomas	Great Driffield (divided)
60. CROSLAND, Nathaniel	Crosland Hill
61. CROSLAND, Sir Jordan & Henry	Helmsley
62. CURRER, Henry	Skipton
63. CUTLER, Sir Gervase	Stainborough
64. DALTON, Sir William & John	Heath (main home) & Hauxwell
65. DANBY, Sir Thomas	Farnley (" ") & Massam
66. DANBY, John & Edmond	Great Leake
67. DANBY, Francis	South Cave
68. DANIEL, Sir Ingleby, etc.	Beswick
69. DAWNEY, Sir Christopher	Sessay (main home) & Cowicke (divided)
70. DAWSON, George	Azerley
71. DAWSON, ?	Heworth
72. DOLEMAN, Robert & Philip	Badsworth
73. DOLEMAN, Thos., Wm., etc.	Duncotes
74. DUNCOMBE, Sir Edmund	Crake
75. ELLERKER, James	Stillingfleet
76. ELLIS, John	Kiddal Hall
77. ERRINGTON, John	Rudby
78. ETHERINGTON, William	Great Driffield
79. FAIRFAX, Thomas & Nich.	Dunsley
80. FAWKES, Michael	Farnley
81. FERRAND, Thomas	Flasby
82. FERRAND, Thomas	Westhall
83. FLETCHER, Anthony	Towton
84. FOLJAMBE, Peter	Steeton
85. FORSTER, Richard	Stokesley
86. FRANK, Marmaduke	Knighton
87. FRANK, Robert	Spenn (changed sides)

- | | |
|---|--------------------------------------|
| 88. FRANKLAND, Thos., & Anthony | Aldwark (& Ellerton) |
| 89. FREEMAN, Robert | New Malton |
| 90. GALE, Robert | Acomb Grange |
| 91. GASCOIGNE, William | Thorpe-on-the-Hill |
| 92. GEE, Thomas | Bishop Burton (divided) |
| 93. GIBSON, Sir John | Welburn |
| 94. GILBY, Emmanuel | Pontefract |
| 95. GIRLINGTON, Christopher | Wycliffe (divided) |
| 96. GLEDHILL, Richard | Barkisland |
| 97. GOODRICKE, Sir John | Ribston (& Hunsingore) (divided) |
| 98. GOWER, Sir Thos. (etc.) | Stittenham |
| 99. GRAHAM, Sir Richard | Norton Conyers |
| 100. GREENE, Robert | Thundercliffe Grange (changed sides) |
| 101. GREY, Wm. & Robert | Beverley |
| 102. GRICE, Francis & Henry | Sandall (& Streethaggs) |
| 103. GRIFFITH, Sir Henry | Agnes Burton |
| 104. GRIMSTON, William | Grimston Garth |
| 105. HALDENBY, Robert | Haldenby |
| 106. HAMMERTON, Philip | Monkrode (& Purston Jacklin) |
| 107. HANSBY, Sir Ralph | Tickhill Castle |
| 108. HAREBRED, Richard | Wistow (changed sides) |
| 109. HARRISON, Cuthbert | Acaster Selby |
| 110. HARWOOD, James | Nunmonckton |
| 111. HAWKESWORTH, Walter | Heworth (divided) |
| 112. HEBBLETHWAITE, Thomas | Norton (changed sides) |
| 113. HILDYARD, Hy., Robt., &
Christopher | Winestead |
| 114. HILDYARD, Chris. & John | Ottringham |
| 115. HODGSON, John | Beeston (changed sides) |
| 116. HOLME, Chris. & Henry | Paul Holme |
| 117. HOLTBY, Marmaduke | Skackleton |
| 118. HOLTBY, Robt. & Lancelot | Sancton |
| 119. HOPTON, Sir Ingram | Armley |
| 120. HOPTON, John & Chris. | Armley |
| 121. HORSFALL, Richard | Storthes Hall |
| 122. HOTHAM, Sir John & John | Scorborough (changed sides) |
| 123. HUNGATE, Sir Philip | Saxton |
| 124. HUNT, Gilbert | Woodeford |
| 125. HUTCHINSON, Edward | Wykeham (divided) |
| 126. HUTTON, Sir Richard | Goldesborough |
| 127. HUTTON, Matthew | Marske |
| 128. INGLEBY, John | Lawkland |
| 129. INGLEBY, Sir William | Ripley (changed sides) |
| 130. INGRAM, Sir William | Cattal |
| 131. INGRAM, Sir Thomas | Sheriff Hutton (divided) |
| 132. IRELAND, William | Crofton |

- 133. JACKSON, Stephen Burrell-cum-Cowling
- 134. JACQUES, Sir Roger Elvington
- 135. JENKINS, Wm. Toby & Henry Great Busby (& Grimston)
- 136. JENNINGS, Peter, Jonathan Ripon (changed sides)
- 137. KAYE, Sir John Woodsome
- 138. KELLAM, William Pontefract
- 139. KERESFORTH, Thomas Dodworth (changed sides)
- 140. KILLINGBECK, Thomas Chapel Allerton
- 141. LACY, William Beverley
- 142. LANGDALE, Sir Marmaduke North Dalton
- 143. LANGLEY, Richard Millington
- 144. LAWSON, Sir John Brough
- 145. LAYTON, Francis Rawden
- 146. LAYTON, Sir Thomas Sexhow
- 147. LEE, Cornelius Hatfield
- 148. LEEDS, Robert Molscroft
- 149. LEGARD, Richard Ganton (changed sides)
- 150. LEIGH, Sir Ferdinando Middleton
- 151. LISTER, Thomas Manningham, Bradford (divided)
- 152. LOVELL, Thomas Skelton
- 153. LOWTHER, Sir Richard Ingleton
- 154. LOWTHER, William Leeds
- 155. LUTTON, William Knapton
- 156. MALEVERER, Sir Richard Allerton Maleverer (divided)
- 157. MALHAM, Francis Elslack
- 158. MALLORY, Sir John Studley Park
- 159. MAN, William Bramley Grange (changed sides)
- 160. MARSHALL, Henry Fulforth
- 161. METCALFE, Thomas Bellarby
- 162. METCALFE, Alexander Leeds
- 163. METCALFE, Scroope Nappa
- 164. METCALFE, Chris. & Michael Little Ottrington
- 165. METHAM, Sir Thos, Jordan
& George Metham
- 166. MEYNELL, George Dalton
- 167. MEYNELL, Charles Hawnby (& Hilton)
- 168. MEYNELL, Thomas North Kilvington
- 169. MIDDLETON, Wm. & Sir John Middleton-cum-Stockheld Park
- 170. MONCKTON, Sir Thos, Sir
Philip I & Sir Philip II Cavil (Sir P. I changed sides)
- 171. MONCKTON, Edmund, Marmaduke
& John Howden
- 172. MORLEY, Robert & Cuthbert Seamer (& Fulford) (divided)
- 173. MORRIS, John North Elmsall (changed sides)
- 174. MOUNTAIGNE, Isaac & Geo. Westow (changed sides)
- 175. NEILE, Sir Paul Hutton Bonville
- 176. NEVILE, Francis & Gervase Chevet (changed sides)
- 177. NEWTON, Miles Littlethorpe (nr. Ripon)
- 178. NORTON, Maulger Richmond
- 179. NORTON, William Sawley
- 180. NORTON, Peter Dishforth

- 181. OGLETHORPE, Sutton Oglethorpe
- 182. OSBORNE, Sir Edward Kiveton Park
- 183. PALMES, Sir Brian Lindley
- 184. PALMES, Sir George Naburn
- 185. PAYLER, Sir Edward Thoraldby
- 186. PENNYMAN, Sir James & Jas. Ormesby
- 187. PENNYMAN, Sir William Marske
- 188. PERCY, Josceline Beverley
- 189. PERCY, John Stubbs Walden
- 190. PILKINGTON, Richard Kirkheaton
- 191. PILKINGTON, Sir Arthur
& Richard Stanley
- 192. PLUMPTON, Sir Edward & Jo. Plumpton Hall
- 193. PORTINGTON, Roger, Robt.
& Henry Barnby-on-Don
- 194. PORTINGTON, Michael Portington
- 195. PUDSEY, Ambrose, etc. Bolton-in-Bowland
- 196. PUDSEY, Peter Sandhutton
- 197. PUDSEY, Ralph Stapleton-on-Tees
- 198. RADCLIFFE, Sir George Thornhill
- 199. RAMSDEN, Sir John Byrom (& Longley)
- 200. REDHEAD, Henry Howden
- 201. REDMAINE, Sir John Thornton-in-Lonsdale
- 202. RERESBY, Sir John Thribergh (changed sides)
- 203. RICHARDSON, Richard North Byerley (changed sides)
- 204. ROBINSON, Sir William Newby Hall
- 205. ROCKLEY, Francis Rockley Hall
- 206. ROKEBY, Thomas Burnby (divided)
- 207. RUDSTON, Sir Walter Hayton
- 208. RYTH, John Scarcroft
- 209. SALTONSTALL, Samuel Rogersthorpe
- 210. SAVILE, William Copley
- 211. SAVILE, John Welburn (divided)
- 212. SAVILE, Sir William Thornhill
- 213. SAVILE, William Wakefield (& Halifax)
- 214. SAVILE, Samuel & Gabriel Mexborough
- 215. SAYER, Laurence Worsall
- 216. SHIRCLIFFE, William Ecclesfield
- 217. SIMPSON, John Wetherby
- 218. SKELTON, William Osmanthorpe
- 219. SKIPWITH, Willoughby Skipwith
- 220. SLINGSBY, Sir Henry & Thos. Scriven
- 221. SLINGSBY, Sir Robert,
Walter & Guildford Hemlington
- 222. SMITH, John Snainton
- 223. SOTHABY, Robert Pocklington
- 224. SOTHABY, Henry Birdsall
- 225. STANHOPE, Edward Grimston
- 226. STAPLETON, Sir Robert Carleton
- 227. STAPLETON, Sir Brian Templehirst
- 228. STAPLETON, Sir Miles Wighill (divided)

229. STRICKLAND, Sir Robt. & Sir Thomas	Thornton Bridge (changed sds)
230. STRINGER, Thomas	Sharleston (changed sides)
231. STRINGER, Thos. & Francis	Whiston
232. STYLE, Thomas	Kellington (changed sides)
233. SUNDERLAND, Langdale	High Sunderland
234. SWALE, Solomon	South Stainley (changed sds)
235. SWINBURNE, Tobias	York
236. TALBOT, John & Roger	Thornton-le-Street
237. TANCRED, Charles	Arden
238. TANCRED, Sir Richard	Whixley
239. TANCRED, Thomas	Brompton
240. TAYLOR, John	Tadcaster
241. TEMPEST, Richard	Bowling & <u>Bracewell</u> (latter is main home)
242. TEMPEST, Stephen, etc.	Broughton (& Roundhay)
243. THEAKSTONE, Sir William	Bedale
244. THIMELBY, Charles	Snydall
245. THOMLINSON, Thomas	Birdforth (changed sides)
246. THOMLINSON, John	Thorganby
247. THOMPSON, Richard	Killam (changed sides)
248. THOMPSON, Francis, Stephen & Chris.	Humbleton (changed sides)
249. THORNHILL, John	Fixby Hall (changed sides)
250. THORPE, John	Danthorpe
251. THWENG, George	Heworth (& Kilton)
252. TINDALL, Francis	Brotherton
253. TOPHAM, Francis	Agglethorpe
254. TRAPPE, Robert	Nidd
255. TUNSTALL, Marmaduke	Wycliffe
256. TURBUTT, William	York
257. VAUGHAN, Sir Henry	Whitwell
258. VAVASOUR, Sir Walter	Hazlewood Castle
259. VAVASOUR, William & Thos.	Weston
260. VAVASOUR, John	Willitoft
261. VAVASOUR, William	Copmanthorpe
262. VINCENT, Richard	Great Smeaton
263. WADE, Cuthbert	Kilnsea
264. WALLER, Thos. & Edward	Beverley (changed sides)
265. WALTERS, Robert	Ouseburn
266. WANDESFORD, Christopher	Kirklington
267. WARTON, Sir Michael, Michael 2 & Michael 3	Beverley (changed sides)
268. WASHINGTON, Darcy 1, Darcy 2 & James	Hampole (& Adwicke) (divided)
269. WATERTON, Thomas	Walton
270. WENTWORTH, Thomas	West Bretton
271. WENTWORTH, Sir George, Matthew & John	Woolley
272. WHARTON, Sir Anthony	Eppleby (& Gilling)

- 273. WHEATLEY, Thomas, Edward Woolley
- 274. WILBORE, John Knottingley
- 275. WILKINSON, Thos. & Wm. Pontefract
- 276. WITHAM, John 1 & 2 Cliffe
- 277. WITNES, Francis Skewesby
- 278. WOLSTENHOLME, Sir John Nostell Priory
- 279. WOMBWELL, William Wombwell
- 280. WOOD, Thomas Beeston
- 281. WORTLEY, Sir Francis Wortley
- 282. WRIGHT, William Flowland
- 283. WYVELL, Sir Marmaduke Constable Burton
- 284. WYVELL, Roger & William Osgodby (changed sides)
- 285. WYVELL, Solomon Great Burton
- 286. WYVELL, William Sadbury

- 287. YARBOROUGH, Sir Nicholas Balne
- 288. YOUNG, Sir Andrew Bourn (Burn)

APPENDIX VI.

KEY TO MAP II - THE VICTIMS OF THE ACTS OF SALE.

N.B.:- In this map, the 61 Royalists are shown as living on their own personal properties, irrespective of where the heads of their families resided. Thus Thomas Braithwaite of Neesam Abbey is placed at Neesam, in Durham, although his father (the head of the family) lived at Catterick in Yorkshire.

- | | |
|---------------------------|-------------------------------|
| 1. ANNE, Philip | Frickley |
| 2. AYSCOUGH, Allan | Skewsby (or Skewesby) |
| 3. " " James | Middleton-on-Row (Durham) |
| 4. BECKWITH, Thomas | Cold Ingleby |
| 5. BLAND, Adam | South Cave |
| 6. BOYNTON, Matthew | Barmston |
| 7. BRAITHWAITE, Thomas | Neesam Abbey (Durham) |
| 8. BRIGHAM, William | Wyton (or Wighton) |
| 9. BULMER, William | Marricke |
| 10. CHOLMLEY, Marmaduke | Brandsby |
| 11. CHOLMLEY, Henry | Tunstall |
| 12. CONSTABLE, William | Cathorp |
| 13. CONSTABLE, Sir Philip | Everingham |
| 14. CONSTABLE, John | Kirby Knowle |
| 15. CONSTABLE, Sydney | Sherborne |
| 16. DANBY, John | Great Leake |
| 17. " " Edmond | Borrowby |
| 18. DANIEL, Sir Ingleby | Beswick |
| 19. DOLEMAN, Robert | Badsworth |
| 20. " " Philip | Bishop Wilton |
| 21. DOLEMAN, Marmaduke | Middleton-on-the-Wolds |
| 22. " " William | Wellambrigg (see note at end) |
| 23. " " Thomas | Duncotes |
| 24. ERRINGTON, John | Rudby |
| 25. FRANK, Marmaduke | Knighton |
| 26. GALE, Robert | Acomb Grange |
| 27. HAMMERTON, Philip | Monkrode |

28. HOLTBY, Marmaduke	Skackleton
29. HUNGATE, Sir Philip	Saxton
30. LANGDALE, Sir Marmaduke	North Dalton
31. LANGLEY, Richard	Millington
32. LAWSON, Sir John	Brough
33. LOWTHER, Sir Richard	Ingleton
34. MARSHALL, Henry	Fulforth
35. METCALFE, Michael	Little Ottrington
36. MIDDLETON, William	Stockheld Park
37. " " Sir John	Thrintoft Hall
38. MORLEY, Cuthbert	Seamer
39. NEWTON, Miles	Littlethorpe (nr. Ripon)
40. PALMES, Sir George	Naburn
41. PERCY, John	Stubbs Walden
42. PLUMPTON, Sir Edward	Plumpton Hall
43. " " John	Usfleet (Ouseflete)
44. PUDSEY, Peter	Sandhutton
45. PUDSEY, Ralph	Stapleton-on-Tees
46. RADCLIFFE, Sir George	Thornhill
47. REDMAINE, Sir John	Thornton-in-Lonsdale
48. RYTHUR, John	Scarcroft
49. SAYER, Laurence	Worsall
50. SLINGSBY, Sir Henry	Scriven
51. TANCRED, Thomas	Brompton
52. TEMPEST, Stephen	Broughton
53. THEAKSTONE, Sir William	Bedale
54. THIMELBY, Charles	Snydall
55. TRAPPES, Robert	Nidd
56. VAVASOUR, Sir Walter	Hazlewood
57. VAVASOUR, John	Willitoft
58. VINCENT, Richard	Great Smeaton
59. WASHINGTON, Darcy	Hampole (& Adwicke)
60. WHARTON, Sir Anthony	Eppleby (nr. Gilling)
61. YOUNG, Sir Andrew	Bourn (Burn)

(Note: Wellambrigg, the residence of William Doleman, cannot be located, and I have therefore arbitrarily placed him at the village of Wellam, on the River Derwent.)

the following table is a list of the most prominent

THE INTERRELATIONSHIP OF THE ROYALIST

THE INTERRELATIONSHIP OF THE ROYALIST
& PARLIAMENTARIAN GENTRY.

The Yorkshire gentry were closely linked by ties of marriage, usually made irrespective of political beliefs and allegiances. Families allied with those of a similar social and financial status, or with other landowners in the same neighbourhood. It is true that the extremists of both parties tended to marry within their own particular circles, but many of the "middle gentry" - those with no firm affiliations for either side - formed part of a tightly-interwoven network of family alliances. Thus, when war eventually came, such people found themselves on opposing sides, and the ties of blood and marriage were broken by political and religious expediences.

To illustrate this point in the form of a genealogical table is virtually impossible: the constant intermarriage between families makes such a task far too complicated. I have therefore listed the names of fifty-seven of the most prominent Parliamentary families whose genealogies can be traced, (and who were related to other families who took part in the wars), in order to show the extent of the union between the rival sides. In calculating this table,

the following marriages have been taken into account:-

Those made by the Parliamentarian, his father, his brothers and sisters (and, if not of a separate family, his uncles, aunts and cousins), plus the unions made by his children prior to 1665. The table below indicates the families with whom such alliances were made (provided that such families took part in the civil wars).

<u>Parliamentarian family</u>	<u>Families to whom the Parliamentarian was related, by allegiance:-</u>		
	<u>Royalist</u>	<u>Parliamentarian</u>	<u>Divided/Changed sides</u>
ADAMS of Owston	-	-	Dawney of Cowicke
ALLANSON of York	Tankard of Whixley, Jacques of Elvington	-	-
ANLABY of Etton	-	-	Hotham of Scarborough, Boynton of Barmston, Beckwith of Aldborough/ Cold Ingleby, Bowes of Babthorpe
BETHELL of Alne/ Rise	Slingsby of Scriven	Marwood of Busby, Frankland of Thirkleby	-
BOSEVILE of Gunthwaite	-	-	Bunney of Newland

	Royalist	Parl'arian	Div/Ch.sds.
BOURCHIER of Benningborough	-	Strickland of Boynton	-
BRIGHT of Carbrook	-	Westby of Ravenfield, Hatfield of Laughton, Norcliffe of Langton	Hawkesworth of Hawkesworth, Warton of Beverley
CHOLMLEY of Braham	Cockerell of Whitby	-	-
CONSTABLE of Flamborough	-	Fairfax, Lord Fairfax of Cameron	-
COPLEY of Wadworth	-	Copley of Doncaster	-
COPLEY of Doncaster	Wentworth of W. Woodhouse	Copley of Wadworth	-
CURRER of Kildwick	Lowther of Ingleton	-	-
DAVILE of Kirkby Fleetham	-	-	Caley of Brompton
DODSWORTH of Thornton Watlas	Hutton of Marske	Smelt of Kirkby Fleetham	-
FAIRFAX of Steeton	-	Challenor of Guisborough	Stapleton of Wighill
FOULIS of Ingleby	Layton of Sexhow	-	-
FRANK of Campsall	Bland of Kippax Park	-	Harebred of Wistow
FRANKLAND of Thirkleby	Talbot of Thornton-le- Street Cutler of Stainborough	Bethell of Alne	-

	Royalist	Parl'arian	Div/Ch.sds.
GRIMSTON of Frasthorpe	Grimston of G. Garth (cousin)	Strickland of Boynton	-
HALL of East Lilling	-	-	Rokeby of Burnby
HARRISON of Copgrove	Lord Darcy	-	Crofts of York.
HATFIELD of Laughton	-	Westby of Ravenfield, Bright of Carbrook, Norcliffe of Langton,	-
HEBER of Stainton	Lowther of Ingleton, Clapham of Beamsley	Heber of Hollinghall (cousin)	-
HEBER of Hollinghall	-	Heber of Marton (cousin)	-
HUTTON of Poppleton	Hutton of Marske (cousin)	Lord Fairfax	-
LASCELLES of Stank	-	St. Quintin of Harpham	-
LISTER of Thornton	Hamerton of Hellifield, Kaye of Woodsome, Sayer of Worsall	Bright of Carbrook, Fairfax of Steeton, Lambert of Calton, Norcliffe of Langton	Lord Fauconberg, Hawkesworth of Hawkesworth
LISTER of Hull	Lutton of Knapton, Sothaby of Birdsall	-	-

	Royalist	Parl'arian	Div/Ch. sds.
MALEVERER of Arncliffe	Aldburgh of Aldborough, Hutton of Marske, Blakiston of Old Malton	Tempest of Tong,	-
MARWOOD of Little Busby	Lord Darcy	Bethell of Alne	Hebblethwaite of Norton
MICKLETHWAITE of Swyne	Jacques of Elvington	Stillington of Kelfield	-
NARY of Malton	-	-	Hebblethwaite of Norton
NEWARKE of Akeham	Vavasour of Hazlewood (?)	-	-
NORCLIFFE of Langton	Pennyman of Ormesby, Conyers of Whitby, Payler of Thoraldby, Grimston of G. Garth	Armitage of Doncaster, Lister of Thornton, Bright of Carbrook	Goodricke of Ribston, Savile of Welburn, Anderson of Long Cowton,
PEARCEHAY of Ryton	Wyvell of Constable Burton	Strickland of Boynton	Wyvell of Osgodby
REMINGTON of Lund	-	-	Crompton of Driffield, Gee of Bishop Burton, Boynton of Barmston, Hotham of Scarborough
RHODES of Great Houghton	-	Hutton of Poppleton	-
ROBINSON of Thickett	Edmunds of Worsborough (non gent.)	-	-

	Royalist	Parl'arian	Div/Ch.sds.
ROBINSON of Thornton Riseborough	Oglethorpe of Oglethorpe	Hutton of Poppleton, Strangeways of South House, (Rymer of Brotherton)	-
ROBINSON of Rokeby	Layton of Rawden	Smelt of Kirkby Fleetham	-
ST. QUINTIN of Harpham	Wentworth of Woolley, Kaye of Woodsome	Lascelles of Stank	Stapleton of Wiphill, Caley of Brompton
SALTMARSH of Saltmarsh	Grimston of G. Garth, Payler of Thoraldby, Topham of Agglethorpe, Ireland of Crofton	Fairfax of Steeton	-
SALVEIN of Newbiggin	Cholmley of Brandsby	-	-
SAVILE of Lupset	Savile of Thornhill (cousin)	-	Armitage of Kirklees
SAVILE of Methley	Tempest of Bowling	-	Goodricke of Ribston, Ingleby of Ripley, Cholmley of Whitby
SLINGSBY of Kippax	Slingsby of Scriven, Slingsby of Hemlington (cousins)	-	-

	Royalist	Parl'arian	Div/Ch.sds.
SMELT of Kirkby Fleetham	-	Dodsworth of Thornton Watlas, Robinson of Rokeby	-
SMITHSON of Moulton	-	Lord Fairfax	-
SPENCER of Attercliffe	-	Bright of Carbrook	-
STILLINGTON of Kelfield	Lord Darcy	Micklethwaite of Swyne	-
STRANGWAYS of South House	-	Robinson of Thornton Rise- borough	-
STRICKLAND of Boynton	-	Pearcehay of Ryton, Barwick of York, Bourchier of Benningborough, St. Quintin of Harpham	Crompton of Driffield, Cholmley of Whitby
THORNTON of East Newton	Metham of Metham, Wandesford of Kirklington, Crathorne of Crathorne, Cholmley of Brandsby	Darley of Buttercrambe	-
TROTTER of Skelton Castle	Witham of Cliffe,	-	Cholmley of Whitby
WENTWORTH of North Elmsall	Wandesford of Kirklington, Wombwell of Wombwell	-	Goodricke of Ribston, Hawkesworth of Hawkesworth

	Royalist	Parl'arian	Div/Ch.sds.
WEST of Firbeck	Savile of Copley	-	Hodgson of Beeston
WESTBY of Ravenfield	Stringer of Whiston	Bright of Carbrook, Hatfield of Laughton, Spencer of Attercliffe	-

Thus these fifty-seven Parliamentary families were closely linked by birth or marriage to 52 Parliamentary families, 56 Royalists, and 37 of uncertain loyalties (i.e., who changed sides or were divided in allegiance).

APPENDIX VIII.

NOTE ON SOURCES.

The basic sources for a study of the Royalists lie in the records of the central committees of the civil war and Interregnum periods - the Committee for Compounding¹, which dealt with the Cavaliers for most purposes, and the Committee for Advance of Money², which was concerned with the assessments, and informations of delinquency. For Yorkshire, the former's records have been calendared fairly fully by J.W.Clay in the Yorkshire Archaeological Society's Record Series³: this series includes the 'particulars of estate', which are omitted in the official calendars. Additional material is provided by the State Papers - these are most informative in the post-Restoration period when, together with the Calendar of Treasury Books, they contain many revealing petitions to the King.⁴

The proceedings and activities of the Yorkshire County Committee are not recorded before 1649: after this date

1. PRO, SP23, calendared by M.A.E. Green in 5 parts, 1889-92.
2. PRO, SP19, calendared by M.A.E. Green in 3 parts, 1888.
3. Royalist Composition Papers, 3 vols., in Y.A.S.R.S., XV, XVIII, XX. (1893-6). The first volume is almost a transcript of the cases, the later volumes are more abbreviated.
4. Calendar of Treasury Books, I, 1660-67 (ed. W.A. Shaw) (1904).

there are order and letter books continuing to 1655¹. Other correspondence relating to local administration appears in the State Papers, and the General Proceedings of the Committee for Compounding². But none of the records of the local sub-committees have survived, with the exception~~al~~ of one manuscript book relating to the activities of the Ainsty Committee³.

To compile full case histories of individual Royalists, much reliance has to be placed on actual family records. Unfortunately, many Cavaliers have left little or no documents behind them. What family records there are, are distributed between the British Museum, County Record Offices, and various private collections. Supplementary information can be gleaned from the cases in Chancery and the wills of both the Royalists and their opponents (especially the Commonwealth purchasers), proved at London and York⁴.

1. Order Books of Yorks. Committee, 1650-52, in PRO, SP28/215; two books of orders and letters to the Committee, 1649/50-1655, PRO, SP46/107. The "Commonwealth Exchequer Papers", PRO, SP28, contain many records of the county committees for this period.
2. Calendared in Part I of C.C.C.
3. 1645-52, in York Reference Library.
4. Chancery records:- C5 - C10 (PRO) are the bills and answers of the individual cases, C33 (decrees and orders) trace the cases through to the final judgement, and C78 (decree rolls) contain a summary of the petition and defence, with the final judgement, in cases where the Chancery decree was enrolled, in order to make it more binding.

Wills:- Proved in London (Province of Canterbury, and all wills proved 1649-60), Somerset House; Proved at York, Borthwick Institute (both original wills and registered copies).

Indirect information comes from various sources. The Memoranda Rolls record inquisitions for debt, and the Recusant Rolls of the Interregnum period give valuable evidence as to the estates held by many of those who had (apparently) lost their property in the Acts of Sale¹. The Hearth Tax Records are especially useful: in the lists of hearths, it is generally easy to identify the manor house, and this helps to trace estates after the Restoration².

No records of the Drury House Trustees (who controlled the sale of confiscated Royalist land) have survived, but the vast majority of the transactions with purchasers are recorded on the Close Rolls³. These, together with the evidence of the Feet of Fines and Common Recoveries, help to identify the purchasers, and also the subsequent owners of the properties.⁴

The fate of many of the families after the Restoration cannot be traced because of lack of evidence. For many of the smaller families, the only information is provided by an occasional will, or a brief mention in Dugdale's Visitation. The genealogical information in this work is invaluable in making any close study of the Royalists⁵. To this must

1. PRO, E159 (Memoranda Rolls), E377/59,61,63,65 (extant Recusant Rolls for Yorkshire).
2. PRO, E179. This only relates to the tracing of manors.
3. PRO, C54.
4. PRO, CP25(2); CP43.
5. The best edition is that by J.W.Clay, (1899).

be added the works of several antiquaries and local historians, who have often studied documents which are now unavailable, or have since disappeared.

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- Add. MSS. Additional Manuscripts (in the British Museum).
- Alum. Oxon. Alumni Oxonienses, 1500-1714, by J. Foster, (Oxford, 1892).
- BM British Museum.
- Calamy E. Calamy, The Nonconformist's Memorial, 3 vols., (ed. S. Palmer, 1802-3).
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- C.J. Journals of the House of Commons.
- Coll. Top. et Gen. Collectanea Topographica et Genealogica, 8 vols.
- C.S.P.D. Calendar of State Papers, Domestic Series, (Charles I; Interregnum; Charles II).
- D.N.B. Dictionary of National Biography.
- Ec.H.R. Economic History Review.
- E.H.R. English Historical Review.
- Firth & Rait C.H. Firth & R.S. Rait, Acts and Ordinances of the Interregnum, 1642-60, 3 vols., (1911).
- L.J. Journals of the House of Lords.
- J.M.H. Journal of Modern History.
- O.P.H. The Parliamentary or Constitutional History of England (commonly called The Old Parliamentary History), XI-XXIV (1762-3).
- PRO Public Record Office.

R.C.P.

Royalist Composition Papers, in
Y.A.S.R.S., XV, XVIII, XX. (1873-6).
Transactions of the Royal Hist-
orical Society.

T.R.H.S.

VCH

Victoria County History.

Y.A.J.

Yorkshire Archaeological Journal.

Y.A.S.

Yorkshire Archaeological Society
Library.

Y.A.S.R.S.

Yorkshire Archaeological Society,
Record Series.

YW

York Wills, Borthwick Institute,
(Registered Copies if a volume
number, otherwise original wills).



I: PRIMARY SOURCES:-

A: Unpublished Material -

1. London:

a) Public Record Office:

Chancery:

- C5 - Bridges Division
- C6 - Collins "
- C7 - Hamilton "
- C8 - Mitford "
- C9 - Reynardson "
- C10- Whittington "
- C33 Chancery Decrees & Orders
- C78 Decree Rolls
- C54 Close Rolls
- C66 Patent Rolls
- C142 I.P.M.'s

Common Pleas:

- CP 25(2) Feet of Fines
- CP 43 Recovery Rolls.

Exchequer:

- E159 - Memoranda Rolls
- E178 - Special Commissions &
Inquiries
- E179 - Lay Subsidies (Hearth Tax)
- E372 - Pipe Rolls
- E377 - Recusant Rolls

King's Bench:

- KB27 - Coram Rege Rolls

- State Paper Office: SP 17 - Domestic, Charles I.
- SP 19 - Committee for Advance of Money.
- SP 23 - Committee for Compounding.
- SP 28 - "Commonwealth Exchequer Papers".
- SP 46 - Supplementary.

b) British Museum:

- Sloane MSS ; 118, 3836.
- Stowe MSS : 654, 655.
- Lansdowne MSS : 158, 326, 917, 923, 973.
- Harleian MSS : 286, 374, 1438, 2118, 4630, 6387.
- Egerton MSS : 2551, 3402, 3568.
- Additional MSS : Hunter MSS (24436-24516, passim),
Calverley MSS (27410-12, 27418-19),
Reresby MSS (29440-43),
Osborne MSS (28040, 28053),
12482, 26739-40, 32093, 34242, 35336,
37719, 40132, 40135, 40670, 41747,
5508, 5843.

c) House of Lords Record Office:

House of Lords MSS.

d) Somerset House:

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Wills proved in the Prerogative Court of Canterbury, from 1660.

2. Local Record Offices, etc.:

a) Borthwick Institute of Historical Research, York:

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b) Reference Library, York:

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c) Yorkshire Archaeological Society Library, Leeds:

DD 5 Duke of Leeds MSS	DD 12 Clarke-Thornhill MSS
DD 12 Calverley MSS	DD 38 Copley of Sprotboro' MSS
DD 56 Slingsby MSS	DD 57 Wentworth of Woolley MSS
DD 69 Masham deeds	DD 70 Bretton Hall MSS
DD115 Staveley of North Stainley MSS	DD123 Ingleton coal mine deeds

Farnley & Farnley Hall MSS.

MS: 37, 70, 73, 77-9, 89, 92, 94, 106, 288, 311,
434, 679, 745, 751.

MD: 175, 279, 287(b), 289.

d) Central Library (Archive Dept.), Leeds:

Battie-Wrightson MSS	Dib-Lupton MSS
Gascoigne MSS	Gunby deeds
Newby Hall MSS	Ramsden MSS
Templehirst MSS	Temple Newsam MSS
Thornton deeds	

e) Brotherton Library, University of Leeds:

Wentworth of Woolley Papers

f) Lister Hall, Bradford:

Spencer-Stanhope MSS	Cunliffe-Lister MSS
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g) Central Library, Huddersfield:

Ramsden MSS	Whitley-Beaumont MSS
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h) Central Library, Sheffield:

Barnby MSS	Bright of Badsworth MSS
Cooke of Wheatley deeds	Copley of Sprotborough MSS
Crewe MSS	Spencer-Stanhope MSS
Wentworth-Woodhouse MSS	Wharncliffe MSS
Worsborough Parish Records (Keresforth Papers)	MD - 149-51, 213, 152.

j) East Riding Record Office, Beverley:

Barnard of South Cave MSS	Beaumont MSS
Bethell MSS	Boynton MSS
Constable of Everingham MSS	Forbes-Adam MSS

j) (cont.)

Grimston MSS	Harrison-Broadley MSS
Hotham MSS	Langdale of Holme MSS (2 parts)
Miscellaneous MSS (DDX)	Palmer of Naburn MSS
Various Documents (DDCS)	Visct. Dunbar MSS

k) North Riding Record Office, Northallerton:

Cust MSS	Gisborough MSS
Holtby Hall MSS	Horn MSS
Hutton of Marske MSS	Kirkleatham MSS
Meynell MSS	Peirse of Bedale MSS
Stapleton MSS	Vaughan MSS
Document Collections, Nos.:	ZAM, ZAO, ZAT, ZAW, ZCV, ZFE, ZHH.

l) County Hall, Nottingham:

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m) University of Nottingham:

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n) Private Collections:

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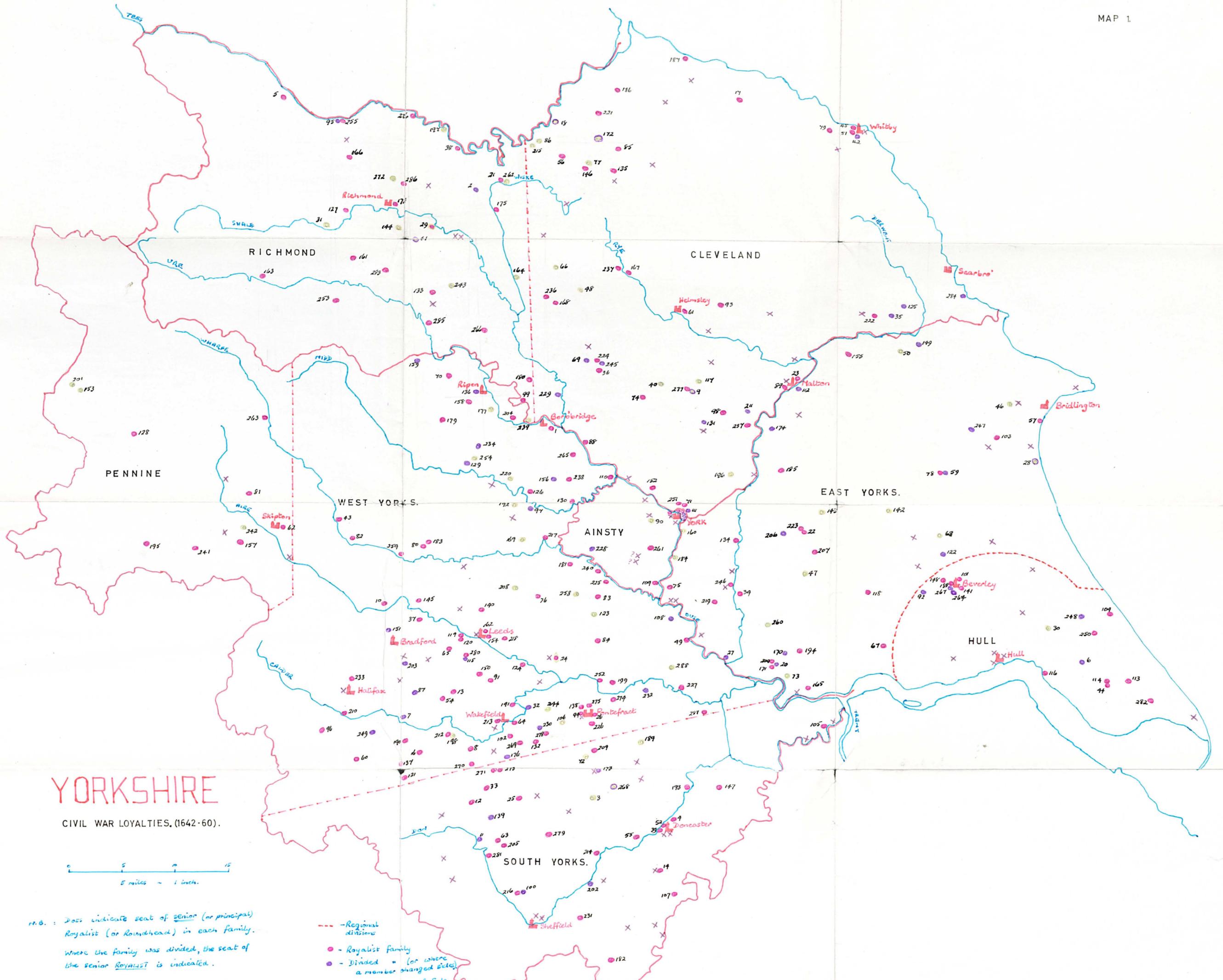
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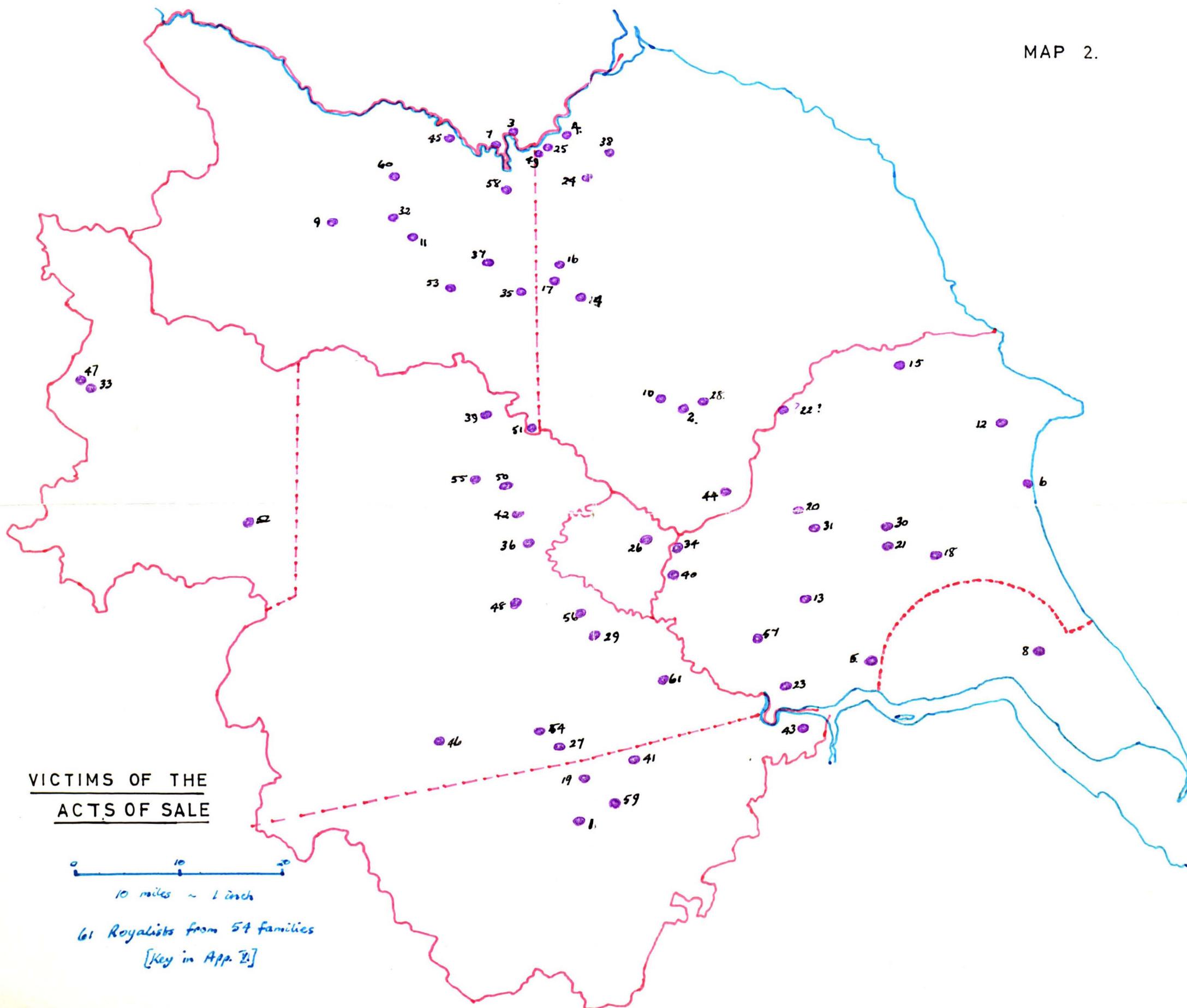
YORKSHIRE

CIVIL WAR LOYALTIES, (1642-60).



n.b. : Does indicate seat of senior (or principal) Royalist (or Roundhead) in each family.
 Where the family was divided, the seat of the senior ROYALIST is indicated.
 Only 86 Parliamentarians (c. 87%) marked because of difficulty in locating them.

- - - Regional divisions
 - - Royalist family
 - - Divided = (or where a member changed sides)
 - - Family in Acts of Sale
 - × - Roundhead family.
- YORK FAMILIES -
 ● - 53; 235; 256.
 ○ - 15; 14; 55.
- [Key in App. I]



VICTIMS OF THE
ACTS OF SALE

0 10 20

10 miles ~ 1 inch

61 Royalists from 54 families

[Key in App. B.]