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by the Rev. Egerton Chesney

on

The Sequestration of Estates
1643-1660



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OF
SUMMARY CONTENTS.

BIBLIOGRAPHY.

- Chapter I.** The Financial Needs of the Commonwealth and the Policy of Sequestration.
- Chapter II.** Opinion in the Period on the Parliamentary Policy of Sequestration and sale.
- Chapter III.** The Legal Machinery set up for dealing with Delinquents' Estates.
- Chapter IV.** The Conduct of Local Standing Committees.
- Chapter V.** Tenants and Under-tenants on Sequestered Estates.
- Chapter VI.** Conditional and Unconditional Grants.
- Chapter VII.** The Ordinances and Acts of Sale.
- Chapter VIII.** The Sale and Transference of Lands.
- Chapter IX.** The Land Settlement at the Restoration.
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S U M M A R Y.

In its essence the sequestration of estates was a series of measures introduced, in addition to new and increased taxation, in the attempt to meet an unprecedented expenditure, consequent on the Civil War. Great importance, therefore, attaches to the question whether the yield from sequestration and compounding enabled Parliament to pay its way. The evidence does not warrant the belief that these extraordinary expedients were successful. Apart from this question, sequestration is of importance in its political effects, especially in the creation of new vested interests, an attempt to describe which is made in this dissertation (pp.18-21).

The development of the machinery of sequestration is examined, not only because many changes were made in it in the hope of producing more revenue, but also because light is thrown thereby upon the question of corruption among Parliamentarians and officials in this period. The existence of widespread corruption is beyond dispute; but examination of the action and difficulties of the various committees concerned with sequestration suggests that it was due, in the main, to the nominees of the central authorities at London and not to the local committees.

Sequestration provided an opportunity of social reconstruction, but very few perceived it. For Parliament the problems were the immediate and urgent ones connected with the disposal of sequestered estates by sale or order to pay the army and a hord of government creditors. Both sequestration and sale created also innumerable problems and iniquities, an attempt to describe which is made, for tenants and cultivators in the countryside. One effect of the extraordinary situation was a great impetus to the letting of land on short leases. An attempt is also made to describe the traffic in sequestered lands, and to determine the classes to which the larger purchasers belonged.

The new vested interest for a time supported the Commonwealth, until it became clear that the Restoration would not necessarily mean the loss of their lands: finally their weight was thrown on the side of the monarchy, partly because they were opposed to an additional land-tax.

It is beyond the scope of this dissertation to follow what happened to sequestered land at the Restoration, but it is very clear that a good deal of land was not restored, and that the era of the Commonwealth had very much more than a temporary effect upon the distribution of land in England.

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On Surveys, see list, Chapter VII. p.151, footnote.

CALENDARS.

CCC.	Calendar of the Committee for Compounding.
SPD.	Calendar of State Papers Domestic.
CAM.	Calendar of the Committee for Advance of Money.
CTB.	Calendar of Treasury Books.
LJ.	Journals of the House of Lords.
CJ.	Journals of the House of Commons.
CWP.	Calendar of Wynn (of Gwydir) Papers, 1515-1690.
Hist. MSS. Comsn.	Historical MSS Commission Reports. Leyborne-Popham. Ormonde. Portland. Report VII. House of Lords.

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Chapter I.

**The Financial Needs of the Commonwealth & the
Policy of Sequestration.**

Chapter I.

The Financial Needs of the Commonwealth & the Policy of Sequestration.

The object of this chapter is first of all to indicate roughly the financial needs of the period, and in the second place to outline the various financial measures adopted to meet those needs. It is, however, to be borne in mind from the outset that the period is one of revolution. It is a period of civil war, and, even after the death of the King, the maintenance of great armies for repressive measures at home, coupled with an expensive foreign policy, necessitated an expenditure unprecedented in the history of this country. A period of unprecedented expenditure.

No financial expert could to-day clear up the accounts of the Long Parliament, and for the following reasons. First, to meet the financial emergency created by a war against the King, Parliament set up a host of committees. For twelve years the Long Parliament tried to work a very complicated financial system by means of these special committees, each with its own treasurer and treasury: and orders of payment were issued upon these various treasuries or funds indiscriminately by Parliament or by the Committee of Both Kingdoms. And, despite the fact that from 1649 onwards (1) repeated attempts were made by the Council of State Emergency committees & confused accounts.

and by Parliament to reduce the system to order, it was not till June, 1654, that the Act for reducing, and bringing in, all the Monies, and Revenues, belonging to the Commonwealth, into one Treasury, was passed. But even then there was not, in fact, one treasury, but two. As W.A. Shaw has pointed out, there were two parallel Treasuries in England, namely, the Exchequer, administering the old hereditary revenues of the Crown, including the Customs and Excise; and the Treasuries at War, administering the assessments, and directly under the control of the Protector and his Council (1). Second: there was that strange device of seventeenth century finance which allowed public servants to make disbursements for the public service out of their pockets, and of reimbursing them, or at least of making promises to do so, in lump sums (2). And although this practice probably ceased with the advent of Cromwell to power, the results of it continued to be felt, not only in the empty exchequer which Cromwell inherited from the Long Parliament (3) but also in the

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1. Gardiner. History of the C.W. Vol. III. p. 193. W.A. Shaw. Cam. Modern Hist. IV. pp. 454-58. C.H. Firth. Last Years of the Protectorate. Vol. II. 258. Firth rightly points out that even in April, 1657, financial details "difficult to state with exactness, since the accounts are confused, contradictory and defective".
 2. Some Army officers financed their own troops. Major Lewis Audley, for instance, had to finance his soldiers before they could march. CCC. This is the secret of many of the very heavy arrears of pay owing to army officers who were to be reimbursed out of delinquents lands.
 3. Statements to the contrary in the Ludlow Memoirs. II. 488. and in Col. Hutchinson's Memoirs (See editorial note (330), do not appear to have any basis in fact.

resentment felt by many men against Cromwell's associates, many of whom had either been granted lands as compensation, or had purchased lands in lieu of arrears of pay or of money otherwise owing to them by the Government (1).

It is for these reasons that any attempt at a statement of revenue and expenditure during this period can be little more than a guess. One thing, however, is clear. The period was one of unprecedented expenditure, demanding unprecedented financial measures to meet it. The total revenue and expenditure of Charles I were both under one million a year (2). In 1651 the public expenses amounted to something like £2,750,000 a year, being nearly three times the total expenditure of Charles I in his most prosperous years (3).

The two great charges on the revenue were the Army and the Navy. Gardiner has indicated that the estimated cost of the army in 1642 "exceeded £1,000,000,

Cost of
the Army.

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1. F.A. Inderwick. The Interregnum. p.23.
 2. Gardiner. History. VIII. pp. 81.82; X.222. Dowell, History of Taxes and Taxation in England. II.p.17.
 3. F.C. Montague. Political History. p.388.

plus £300,000 for the navy (1). It was not, however, until 1649 that an estimate was given for the whole forces in England and Ireland, when the amount stated was £1,560,000 a year (2). The maximum estimate for the pay of the whole forces in any one year was that of August, 1651, when, as a result of the war with Scotland, the estimate reached the alarming figure of £2,041,000. "From the King's death to the Restoration", says C.H. Firth, "the cost of the army was from £1,200,000 to £2,000,000 a year" (3).

Similarly, the naval expenditure of the period was enormous. For the five years preceding 1647 the average yearly cost of the navy was £300,000 (4). Vane's report of 1649 fixed the necessary expenditure on the navy at £283,999, plus £75,000 for outfit (5). In the Naval
Expenditure. statement of expenditure for the whole forces in England, Scotland, and Ireland, given in 1651, the cost of the navy was £589,219 (6). From thence onwards the yearly

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1. Gardiner. C.W. 1. p.28,72. Cf. Parliamentary History, Vol. II. p.1474. See also Edward Jenks.- Constitutional Experiments. p.49.
 2. The figures for the preceding years, as far as they may be ascertained, are given in C.H. Firth.- Cromwell's Army pp.183-85.
 3. *ibid.* 185.
 4. Parl. Hist. Vol. III. p.186, which gives the naval expenditure for 1644. See also Whitelocke for 1645. p.119.
 5. CJ. VI.
 6. CJ. VI. pp.467, 550, 579.

increase was considerable (1). From the King's death to the Restoration the annual cost of the navy was from £400,000 to £900,000.

Of ordinary governmental expenses no records appear to have survived. But Gardiner considered that up to 1647 £200,000 would be a low estimate. The Petition and Advice proposed £300,000.

In facing these financial obligations Parliament showed remarkable ingenuity (2). In addition to the Customs, which, after 1649, showed considerable signs of advance (3), Parliament introduced taxation of an unprecedented kind in the history of this country. Unprecedented Taxation.

In place of the old Tudor subsidy, Parliament introduced the Monthly Assessment which, despite the difficulties of collecting it, promised to provide a much more rapid and continuous supply for payment of the forces than would have been possible under the old Tudor subsidy. The Assessment was really a tax on income, (a)
Monthly Assessment.

1. The figures for the remaining years are as follows:-
 1652-3.... £985,000 (Gardiner.C'th & Prot. II.p.21.n.)
 1654 £903,532 (Burton's Diary.II. lxxxviii.n.)
 1656 £994,000.
 1657 £926,000 (Thurloe. III.p.64. Gardiner.C'th & Prot. III.p.82.)

N.B. These figures may be compared with those given by M.Oppenheim. Engl.Hist. Review. Vol.XI.p.73. Article, The Navy of the Commonwealth.

2. Dowell.- History of Taxes &c. Vol.II.p.4.
 3. *ibid.* Vol.II. p.246. Cf. C.H.Firth. Last Years of the Protectorate, Vol.II. p.264.n.

and although no provision was made for securing income returns, assessors were meant to have some sort of income or criterion in mind. An income basis for men with personal property was clearly laid down in 1649, 1650, and, again, in 1652 (1). It was not, however, continuously applied. Concessions were made, and local authorities were permitted to settle the principles of assessments for the districts. Thus there were different bases of assessment in the country, and different districts paid at different rates, the fixed sum for the different districts being largely a matter of guesswork (2). Nevertheless, despite the fact that the Monthly Assessment was considered as an extraordinary tax, levied only during the period of crisis, and that, further, the returns usually fell far short of the amounts assessed (3), there is something remarkable about the success of the Monthly Assessment. Applied to England, Scotland, and Ireland, and ranging from £60,000 to £120,000 a month, it

1. Firth and Rait. Vol. II. pp. 26, 54, 434, 681.

2. William Kennedy. English Taxation. 1640-1799. p. 41.

3. CAM. Preface. Vol. I.

N.B. Mitigations and exemptions from the Assessment were granted on many grounds: for family reasons, for services performed, or for supplying money, horses, arms, goods, &c.

it constituted a strong and indispensable element in the finance of the whole period. Cromwell, in face of resentment and bitter opposition to the tax, reduced it, but he could not dispense with it. The Monthly Assessment was essential to the continuance of the Protectorate.

The Excise was "a new departure in this country of the most striking kind. Properly speaking, it has no antecedent in England" (1). Pym, following a Dutch precedent, proposed on 28 March 1643, an (b) Excise on certain commodities bought and sold. It The Excise. aroused the keenest opposition and had to be dropped (2): only, however, to be revived within three months (3). It was clearly a tax on goods made in England as distinct from imports. And despite continued opposition to Excise for various reasons (4),

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1. Kennedy. English Taxation. p.51.- though it may be pointed out that monopolies in the preceding period practically amounted to an Excise. See also, Dugdale, "Short View". pp.119, 120.
 2. Gardiner. C.W. Vol.I. p.101.
 3. An Ordinance of 22 July 1643, established an impost duty on beer, ale, cider, and perry. In September, soap, and spirits were added: flesh and salt in January 1644: hats, starch, and copper in July: and many other articles by November 1645 (Firth & Rait. Vol.I. pp.274, 364,466, 806.
 4. In addition to the opposition cited by Kennedy, pp.55-55, the Excise was opposed on the grounds of personal poverty created by the war conditions, and also because of the mode of collecting the duties, namely, that of farming the Excise by unscrupulous men. See the vivid passage in Col.Hutchinson's Memoirs, pp.243-46. Also, Thurloe. Vol.IV. pp.57,468.

the Commonwealth did depend on an annual revenue from Excise duties, levied chiefly on beer brewed for sale, and, also, at low rates, on necessities like soap and salt, as well as on luxuries such as spirits, and on industrial commodities like iron and lead (1).

The only other tax that requires mention is the Weekly Meal Tax (2). It was a war measure which required the necessary contribution of the price of one meal per week of every person: and was levied by Parliament over a period of six years (3).

(c)
Weekly Meal
Tax.

1. The Excise yielded:-
 £1,915,705, from September 1643 to June 1650, or an average yield per year of £284,000 (Gardiner. C.W.III. p.19. Jenks. Constitutional Experiments. p.48).
 Vane's report of 1652 gives the Excise returns as £340,000 (CJ.VI.)

1654-55	£496,000.
1656-7	£386,000.
1657-8	£368,000.
Mrch.1658-Sept.1659...	£656,000.

 (C.H.Firth. C'th. & Protectorate. Vol.II. 264.n.)
2. The New Buildings Tax was not levied till 1657. The returns were very disappointing - £40,000.
3. Dowell says that the Weekly Meal tax produced over a period of six years about £100,000.
 See Parl. History. Vol.3, p.253. Also Firth & Rait. Dugdale remarks "that the thrifty contrivance for sparing one meal a week, was the usher to that then formidable Imposition, called Excise". (Short View. pp. 119,120).

Opinion about these ingenious financial measures will be noted in due course. Meanwhile the revenue from taxation, grievously borne, did not nearly meet the heavy expenditure of the period. Nor had Parliament from the outset any hope that it would. In order to maintain itself in opposition to the King, Parliament accepted as necessary the sequestration of delinquents estates. Other reasons than merely those of the State's financial needs may have encouraged the attack on the estates of delinquents, and these will be noted in their proper place. But the one factor in the period, without which the Government policy with regard to delinquents estates would have been unnecessary, was its overwhelming financial obligations, and the inadequacy, as well as the unpopularity, of taxation to meet them.

Revenue from taxation does not meet financial needs.

It is important, at this point, to trace the connection between the State's financial needs and its policy concerning delinquents estates.

State's financial needs & policy of sequestration.

The principle that the estates of delinquents should be sequestered to pay for the war which they were held to have created, was accepted by Parliament even before the imposition of the Excise for the same purpose. The Declaration of Both Houses on 2 September

1642 had foreshadowed it. So far as the rents of delinquents estates were concerned, it had been partially enforced in October, and it was expected to become a thorough-going practical measure at an early date (1).

By the Ordinance of 27 March, 1643, which leaves no doubt in the pre-amble as to the reason for sequestration, the principle of sequestration was made applicable to all delinquents⁽²⁾ and applied "to the great charges of the Commonwealth, and for the easing of the good subjects therein, who have hitherto borne the greatest share of the Burthens".

Delinquents
must pay for
the war.

Parliament could not continue to raise loans except on satisfactory security. The eight per cent loans of September and November 1642 had been raised with little difficulty on the security of "the public faith" (3). But when the Ordinance of 29 November,

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1. Portland MSS. 1. p.75. "Whereas I have heard that this Honourable Assembly have made an order to sequester all Bishops' Delinquents' and Papists' rents, if this should be honestly done, I am sure that out of them and the contribution money they will not only be able to maintain the war, but to discharge the sums for which the Public Faith is engaged. See CJ.- 870.
 2. Firth & Rait. Vol.I. p.106. Gardiner. C.W. Vol.I.pp.17,37.
 3. Gardiner. *ibid.* I. 65.

for the assessment of all persons in London and Westminster who had not voluntarily contributed to the assessment, was not promptly enforced, the City men refused to raise a further loan until it was. From this time onwards the question of adequate or "visible" security becomes the crux of Commonwealth finance. Dugdale has placed his finger upon the point. "The reputation of the public faith was now grown so low, that moneys came not in either quick enough, or in such large sums as were expected" (1). Men took advantage of the "illegal tax" to refuse to contribute to the assessment as such. There was a lull in trade (2), London citizens claimed that their purses were exhausted by continual loans: and, says Gardiner, "since it was difficult to find buyers for goods seized in default of payment (i.e. of the assessment), the Jews of Amsterdam were invited to send agents to purchase what few Englishmen would buy" (3). Such was the situation when, on 27 March 1643, Parliament passed the great sequestration Ordinance.

Need of
"visible"
security
for loans.

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1. Dugdale. A Short View of the Late Troubles. p.130.
 2. Statements about the decay of trade in this period need to be made guardedly. Contemporary statements to that effect were made by Thos. Violet (SPD.1650, p.178) and in the tract "The Mournful Cryes of thousands of Poore Tradesmen". In the nature of the case some trades, as in clothing, provisions, armaments, must have been busy.
 3. Gardiner. C.W. Vol.I. 96.

It is also evident that financial need furnished the primary cause for the sale of the various delinquents estates.

The idea of sequestering ecclesiastical property for one reason or another was of pre-war date. From 1641 onwards several schemes with this object in view had been put forward and discussed. By the Ordinance of 27 March 1643, bishops and other ecclesiastics were sequestered as ordinary delinquents (1). It was, however, Parliament's financial obligations to the Scots which gave rise to the proposal in September 1645 (2) that both episcopal and capitular estates should be sold, and the proceeds devoted to State purposes. And while nothing came of this measure immediately, a similar proposal, and for the same financial reason, passed both Houses on 9 October 1646. By this Ordinance episcopal government was to be abolished, and episcopal estates were to be vested in trustees for the use of the Commonwealth. (3).

Financial
needs &
sale of
Episcopal
lands.

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1. Firth & Rait. Vol.I. pp.106-9.
 2. LJ. VII. 580.
 3. CJ. IV. 677. LJ. VIII. 513.

It was also with the idea of raising money that capitular estates were finally sold (1). The Act of Sale is dated 30 April 1649. Fairfax wrote to Lenthall urging that the payment of the army should be met by the sale of Dean and Chapter lands (2). And Ludlow was quite definite on this point. The sale of capitular estates was to help meet military needs (3).

Six months after the King's death, Parliament made a logical and consistent virtue of what was a stern financial necessity by decreasing the sale, first of the personal estate, and next of "the lands of the late King, Queen, and Prince". The Act dealing with the landed estates is dated 16 July 1649.

The year 1649 is significant for two reasons, First: there was no confidence in the Government. Prior to the King's death, the feeling of insecurity in the prevailing Order was a great hindrance to the raising of government loans, since the King's return was always at least a possibility. But, unfortunately for Commonwealth finance, not even the King's death could create confidence in the government. It was impossible to raise loans. Men refused to subscribe to the loans of

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1. Firth & Rait. Vol.II. pp.81-104. Also W.A.Shaw. A History of the English Church, &c. Vol.II. p.213.
 2. Gardiner. C.W. Vol.IV. p.12.
 3. Ludlow. Memoirs. (Ed. C.H.Firth). 1894. Vol.I. p.231.

April and June 1649. Doubts were expressed on all sides about the security offered. The army was in power, and terribly disgruntled on the "debenture" question. Their arrears were heavy, and they considered that any lands sold should be for their sakes. Men actually refused to lend money with the Assessment and Fee-farm rents as security."The government of the City", says Gardiner, "had no hold on the purses of the wealthy merchants" (1). It was next proposed to offer the Excise as security for a loan. It also was refused. The soldiers refused the Excise as security for their pay on the grounds that it was not "visible security", since the Excise had already been pledged for other purposes beforehand. Faced with the impossibility of providing visible security for the raising of loans, as for the soldiers' arrears of pay, Parliament proceeded to the sale of Capitular estates 30 April 1649, and of the Royal estates, 16 July, of the same year. There could be no greater proof of the government's unpopularity.

1. Gardiner. C'th & Protectorate. Vol.I. pp.40,41,86.
 The Commonwealth was in grievous financial difficulties. £30,000 a month was left uncovered by the Assessment. Cromwell could not sail for Ireland unless the City could provide £120,000: but they refused to raise the loan. City merchants, instead of taking up the loan, offered to bet 20 - 1 that Cromwell would never leave England (The Moderate. E,565.ii. Brit.Mus.) Even the cry of "Papist versus Protestant" in Ireland, failed to bring money out of men's pockets.

Secondly the years 1649-1651 are the years above all others which evidence a swarm of petitions and petitioners (1) for long standing arrears of pay for military service, for losses of various kinds suffered during the wars, or for other services rendered to the State whether by subscribing to loans or undertaking Government contracts. And since the Government had not the money with which to compensate the almost innumerable claimants, the obvious thing to do was to satisfy the claimants out of delinquents' estates. Secondly, as will be seen later, there was a growing demand for lightening the burden of taxation on the part of the well-affected. The one thing which would have strengthened the Government during the death-struggle between Cromwell and the Scots in 1651 was a remission of taxation. Yet in face of hostile forces at home and abroad, a remission was impracticable.

Soldiers
clamour for
pay & cred-
itors for re-
payment of
loans, &c.

In presence of financial distress, and faced with a body of opinion hostile to a taxing government, the first of the three great Confiscation Acts was passed in July 1651 (2).

1. CJ. VI. passim.
2. Firth & Rait. II. 520.

It is, then, primarily as a financial, and only secondarily as a political measure that the policy of sequestration and sale of delinquents' estates must be considered.

Sequestration primarily or financial measure.

As a financial measure, the proceeds from sequestrations, compositions, and sales served to relieve to some extent the financial pressure on the Government. From Compositions alone, the annual yield for an average of eight years, beginning with the year 1643, was £162,000 (1) and for the four years 1651-54, a total of about £98,486 was realised. (2). The report of Major Salwey, 3 September 1650, put the annual income from sequestrations at £170,000, and the gross income from compositions at a quarter of a million. (3). And while nothing is really known about the proceeds from the sale of episcopal lands, the Crown lands realised by sale and "doubling" the sum of £1,993,951; while the Capitular estates, by similar methods, realised £980,724 between 1649 and the end of August 1650, and possibly £503,178 after that date (4).

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1. Preface, Cal. S.P.D. 1649-60.
 2. C.C. Vol. I. p. 429.
 3. C.J. VI. p. 461.
 4. W.A. Shaw. Camb. Mod. His. Vol. IV. p. 457.

"It may be roughly reckoned," says W.A. Shaw, "that the extraordinary sources of revenue (viz. the Sale of Bishops Lands, Crown Lands, and Dean and Chapter Lands) made up the yearly deficit and kept the Commonwealth fairly solvent till about 1654, from which time forward the deficit became an accruing and ever-increasing debt" (1)

1. Camb. Modern History. vol. IV. p. 457.

The following facts seem to call for a modification of W.A. Shaw's statement (a). It seems to leave out of account the fact that, when Cromwell succeeded to power in 1653, he also succeeded to a debt of £700,000 (Speech V). (b). In September 1653, there was a debt on the navy of £515,000 (CJ.VII.341). (c). Old standing arrears of many army men were by no means completely wiped out by purchase of forfeited estates in 1651, 52, as will be seen later. (d). Unless men who had subscribed to government loans, or who had money owing to them by the government for various reasons, were able to come in as purchasers of delinquents lands by way of "doubling," they were, in many instances, left unpaid. Note, for instance, the petition of one, Maurice Gardiner, merchant of London, to whom the State was owing £9,308 on 9 June 1654. The debt was recognised. But Gardiner was to have his money out of such estates as he might discover. Meanwhile he claims that his "wife and family are in a starving condition." He certainly had not received his money in 1655 (CAM.1478). Or take the case of Sir Robert Browne, given in DNB. The case of Sir Nicholas Crisp, is also given in DNB. A debt of £274,146 was admitted as owing by the State to Crisp and his associates: but it was to be allowed only as a public faith debt solely on the condition of doubling on Crown lands. Hence, as monies doubled upon the Act of 1653 (Crown Forests) the total debt computed at £552,000, to be secured on Crown lands. But Crisp and his associates could not get together more than £30,000, and their petition for more time was refused (SPD.1653/4. pp. 265, 353, 357). It was not till 1663/4 that Crisp and his partners were allowed an abatement in consideration of the old debt (SPD.1663/4. pp. 123, 676). If then the government was solvent up to 1654, as W.A. Shaw suggests, it was solvent by refusing to pay many of its debts.

.The policy, however, had also political effects.

The policy of sequestration was a means of punishing the delinquent for an offence against Parliament, as it was also a means of preventing the use of the delinquent's wealth in support of the King. Moreover, in many instances, by reducing the delinquent to dire poverty, sequestration constrained him to make terms with Parliament (1). It has also been pointed out that during the Civil War a vast number of men were sincerely neutral (2), while, on the other hand, a considerable number of men were time-servers, and desired to make the best of both Orders by sitting on the fence (3). The policy of Parliament, by forced loans and taxation, tended to break through this neutrality, since refusal to contribute to government loans and to pay the necessary tax ation, and to take the National Covenant and Negative Oath, placed men in the category of delinquents, and therefore liable to sequestration.

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1. CCC.passim. Musson's Milton IV. 298.
 2. Keith Feiling. A History of the Tory Party, 1640-1714.
 3. Cal.Wynn Papers. No.2112, where Sir Owen Wynn is a case in point.

Compounding with delinquents had also its political aspect. As a policy it indicated a real desire on the part of Parliament to win over deserters from the King, or to encourage half-hearted Royalists to come over to the Parliamentary cause. And it is worthy of note that the policy was politically well-timed at the outset. The Treaty of Oxford revealed the fact that no compromise with the King was possible; Moreover, in order to compound for his estate, the delinquent, according to Instructions, had to subscribe to the National Covenant and the Negative Oath (1).

The same is true of the policy of Sale. While the whole policy of sequestration, compounding, and sale relieved the burden of taxation on the "well-affected", the policy of Sale had the additional political importance of giving the purchaser a vested interest in the Commonwealth. "Every acre of land sold," says Gardiner, "was a bond attaching the purchaser to the Commonwealth" (2). Or, as Baillie put it, "By this means we get the bishops' lands upon our backs without any grudge and in a way that no skill can get them back again" (3).

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1. Complaints, however, are often made by the Committee for compounding that men are permitted to compound locally without taking the required oath. CCC. Note the haste of merchants to compound. Instance Bristol CCC.49.
 2. Gardiner. C'th and Protectorate. vol.1. p.251.
 3. Baillie's Letters. vol.11. pp.212-13.n.

Indeed, that vested interest in the Commonwealth served on several occasions as the political cement for holding together interests which must otherwise have fallen apart. That seems to have been the case in 1649, and during the heavy financial strain caused by the war with the Scots, and again during the bitter discussions on the assessment in 1653. On the other hand, it might be argued with a high degree of plausibility, that, when a real cleavage came within the Commonwealth, that cleavage was one between men who had either purchased lands, or had in some other way acquired them, and those who had not. Witness, for instance, the cleavage in the army between the soldiers and the officers, and also the cleavage between the Army and the Long Parliament. At each and every crisis the difficulty was largely created by some getting land and others not: while, at the same time the crises all passed by directing attention to the further sale of delinquents lands (1).

Political
effect of
vested interest
in Common-
wealth.

Finally, it is evident that while the greatest obstacle to the Restoration was the vested interests in land, those same interests were also the ultimate guarantee for the Restoration. The heated discussions on the assessment in 1659 revealed two things. First, the new

1. CJ.VII. See the various heated discussions on the assessment, and, in particular the discussions of 1653, November 4-24.

landlords, as well as the old, refused to submit to a land-tax. And this opposition to the land-tax created a bond of interest between the Royalist landlords and those who had recently acquired land. In the second place, those who had not purchased lands were wholeheartedly in favour of a land-tax. They revealed rank bitterness against all purchasers of land from the Commonwealth. In the debates, it was even moved that no purchaser of lands should be allowed to serve on the finance committee (1). Moreover, Charles II had promised indemnity as to lives and security as to lands, of Puritan interest. Monck's property was to be safe, and that of his Coldstreamers, and that of Haselrig, etc.(2). Hence the security of a great proportion of the new-landowners seemed to lie with the Restoration. It is true to say that nothing so contributed to the Restoration as this promised land-settlement: just as at the Restoration, no single action, so much contributed to fix the moderate Puritans to the Crown, and so, in course of time, to widen the basis of Royalism itself.

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1. Burton's Diary.vol.IV.Debates, April 7th and 9th.1659.
 2. See the very important letter from Monck to the Speaker of the House of Commons, which explains Haselrig's change of attitude towards the Restoration. Clarke Papers. Appendix D.vol.IV. Edited by C.H.Firth).

Chapter II

Opinion in the period on the
Parliamentary Policy of Sequestration and Sale.

Chapter II.

Opinion in the period on the Parliamentary Policy of
Sequestration and Sale.

A favourite subject with royalist writers has been "the unjust treatment meted out to delinquents" by the policy of sequestration and sale adopted by Parliament. The opinion and rancour of royalists is evidenced in the debates in both Houses at the Restoration (1), and is also exemplified in Clarendon's History of the Grand Rebellion. The policy, to these men, appeared not only unjust in the punishment meted out to delinquents, but to be also subversive of morality in the delinquent. As Clarendon put it,-- to encourage a delinquent to compound was like encouraging him into "making haste to buy damnation at two years' purchase". On the subject of clerical sequestrations in particular, "the great and general purgation of the clergy in Parliament's quarters", Walker's famous folio of 1714 (2) may be taken as fairly representative of the opinion held by the High Church party, not only of Commonwealth days, but of the Restoration period and later (3).

Opinion of
royalist
writers.

Clarendon.

Walker.

1. See SPD. 1660/61. Parliamentary History. vol. IV. pp. 84-86.

2. Walker. The History of the clergy of the Church in the Grand Rebellion. See also Tract, "Anti-Machiavelli (1647).

3. G. B. Tatham. Dr. John Walker and the Sufferings of the Clergy. Being an investigation of the authorities at Walker's disposal. Many of the authorities used belong to our period.

Puritan writers have often found difficulty in justifying the clerical sequestrations except on grounds of political necessity. It was on such grounds that Neal reluctantly justified the policy of Parliament. He regretted that "pious clergy" should have suffered merely for their political views. "How far such severities are justified by the Law of Arms, in time of Civil War and Confusion, I shall not determine". "But what could Parliament do with Men that were always dealing in Politicks, privately sending the King Money, preaching publicly that he was above Law, and stirring up the People to Sedition and Disaffection to those Powers by whom they were protected? If others suffered in this Manner it was very hard Measure; their estates might have been double taxed, as those of Papists and Nonjurors have since been; but to take away their whole Property, and reduce them to a Fifth, and this at the mercy of Sequestrators, was extremely rigorous and severe" (1). And again, in writing of the Sale of Episcopal estates, he says, "Surely it was wrong to set them to Sale, for the Lands being given for the Service of Religion, ought to have been continued for the Use, tho' in a different channel", and not to be sold at bar-

Opinion of
Puritan
writers.

Neal.

gain prices to Members of Parliament and Officers of the Army (1). In this same connection, Masson, writing of Masson. "malignants generally", including the sequestered clergy, describes the policy of sequestration as merely "one of the harsh unnatural vengeance of a civil war" (2).

This plea of "necessity", however, was evidently unsatisfactory to Gardiner. "From a modern point of view the most faulty part of the Parliamentary finance was the exactions of the Royalist compositions. In the case of civil war we feel at once the injustice of marking off as specially guilty one portion of the population, and the folly of exasperating that portion by laying special burdens on its shoulders"(3). To Gardiner, the policy was both politically inexpedient and unjustifiable on moral grounds.

Gardiner
condemns
the policy.

The aim of this chapter is to gather, within reasonable limits, the anti-royalist opinion of the period: to recapture, if possible, the psychology of the period, which made the policy of Parliament appear both necessary and reasonable to the opponents of the King.

Contemporary
anti-
royalist
opinion.

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1. Neal. Hist. of Puritans. vol.III.p.364.
 2. Masson. The Life of Milton, etc. Masson also states that Cromwell's only plea for the Decimation tax was the plea of "absolute necessity" vol.IV.pp.373-7.
 3. Gardiner.CW.vol.III.pp.196-7.

First, the policy adopted by Parliament might claim ancient antecedents. The right of Conquest was familiar to men whose education was largely classical, and who, often enough, knew as much about Roman history (e.g. Sulla and Marius) as about their own. And there could be no difficulty in adducing parallels from the Old Testament scriptures. Moreover, precedents had been set in English history. William the Conqueror had treated his opponents as traitors and confiscated their estates. While as regards episcopal lands and the lands of Dean and Chapters, the use which Henry VIII made of the dissolved monasteries served as a parallel to Parliament's clerical policy. As Neal has it, concerning the sale of episcopal estates:- "Herein they followed the ill example of the Kings and Queens of England at the Reformation"(1). Even Charles himself had set the precedent for confiscating the lands of rebels when he gave his consent to the Act of 1640 (2), which was directed against Irish rebels. He had, moreover, sold many of the Crown estates (3) in order to support the expenses of Government without the aid of Parliament. And while with some justification,

1. Neal. History of Puritans. Vol.III.p.364.

2. 16 Ch.1.,ch.33.

3. Hubert Hall and S.R.S.Bird.Notes on the History of the Crown Lands, in the Antiquary.vol.xiii.(1886), p.195.

the King might claim that what he sold was his own, he, nevertheless, in selling Crown lands, assisted a development which had been progressing for two centuries, viz. the transference of land from the aristocracy to the bourgeoisie. For not only the Crown, but the aristocracy in general had been shedding estates, with the result that a new class of landowners was being created, consisting of merchants, mercers, drapers, grocers, tailors, ironmongers, inn-keepers, goldsmiths, scribes, as well as an indefinite number of "citizens"(1). If property and political power go together, then the statement of Curtler (2) has an important bearing on the Revolution of 1649. He claims that the estates of members of the Long Parliament were three times as large as those held by members of the House of Lords. It was from the rapid transference of land since the dissolution of the monasteries under Henry VIII that Harrington derived the final overthrow of Charles I (1).

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1. A Discourse upon Usury. Thomas Wilson. Edited by R.H.Tawney. pp.39-41.
 2. W.R.H.Curtler. The Enclosure and Redistribution of our land. p.127.
 3. Harrington. Oceana (1737). pp.69-70, and 72. See also, S.L.Liljegren. "The fall of the Monasteries and the Social changes in England leading up to the Great Revolution" (1924). Also Mercurius Rusticus (1685) Preface vol.I.

Secondly, the Civil War was a period, as might be expected, of "reprisals". Not only Parliament, but the King, too, had a policy for dealing with delinquents. Before the actual outbreak of war, Charles was issuing threats against all who contributed to the needs of Parliament. On 14 June 1642 the King issued an Order to the Lord Mayor of London prohibiting contributions to Parliament, adding, "We shall proceed against the several Companies, and also the particular persons"(1) It was an Order of which Pym naturally took advantage in his speech to Citizens of London. "His Majesty doth profess that he will seize upon the estates of those that shall contribute anything towards the maintenance of the Parliament's Army, and will put them out of his protection".. to be "destroyed and spoiled"(2). Moreover, since the pulpit exercised a powerful influence not only in religious matters but also in politics, the King and his Cavaliers did not hesitate to deprive the "disaffected" of their livings. A letter from the King to Goring on this point is instructive. "Being informed that there are

1. Husband's Acts and Ordinances. pp.350-1.
 2. *ibid.* pp.843-8, particularly p.847.

yet within our quarters divers ministers, who either by their doctrine or their behaviour countenance Rebellion, we command you to make strict inquiry for all such Clergymen within your quarters and to apprehend them immediately, and send them to Oxford, if possible, or otherwise to keep them in custody till further orders (1). It is unnecessary to enter into the story of the plundering committed by the Cavaliers, but it is interesting to note the list of Royalist instructions for Sequestration Commissioners in Cork, Derby, etc. and to compare these Instructions with those issued by Parliamentary Committees. The comparison does not reveal any particular tendency to mercy on the part of the Royalists.

Thirdly, the policy of sequestration adopted by Parliament was the outcome not only of war, but of civil-war, psychology. Leaving aside that constitutional question, Parliament had not only to raise and maintain an Army; it had also the excuse for many of its measures of being compelled to carry on the government of the country, while at the same time it was hampered with internal dissension, which

(3)
Civil-war
psychology.

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1. Hist.MSS.Com.13th Report. Duke of Portland's MSS. App.,Pt.1.p.212.
 2. Ormonde MSS.,N.S.Vol.I.pp.128-30.

often made bold and high-handed action the only possible course. Great as was the change in the composition of Parliament by the out-break of war, far greater was the change in the set of circumstances which Parliament had to face. From Pym's speech on introducing the Excise back to his speech before the Lords in 1641 seems a far cry. The key-word of the latter was "Obstructions." In every direction there was "Obstruction," -- to Reformation in matters of religion, in Trade, in the general proceedings of Parliament, in the matter of Relief for Ireland, and in Defence of the Kingdom (1). "Every time the word "obstruction" passed Pym's lips," says Masson, "it must have been like a lash administered to the Peers" (2). But with the outbreak of war the word took on a new significance. Still there was "obstruction," but now it was from men of the peace-party within the House of Commons; from men who like D'Ewes, mourned over the fact that the "fiery spirits," had not got control of things, "mean or beggarly fellows ... not so sensible of the kingdom as those who had estates to lose." It was possible, however, to carry these men along

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1. Cobbett's Parl.History.Vol.II.pp.1055-61.
 2. Masson.Milton.Vol.II.p.347.
 3. D'Ewes's Diary, via Gardiner.C.W.Vol.I.p.101.

or at least to sweep past them as in the case of the Peers, if only one other "obstruction" could be removed, viz. the obstruction to raising money. It must have been clear to Pym that heavy war expenses had caused the breach of 1629 and induced the fatal experiment of despotism (1), and that inability to live of his own had placed the King at the mercy of Parliament. Nor could Parliament live of its own, not even if it seized the King's revenue. Of course, Parliament had been for some time, as Ranke remarked (2) "connected with the disaffection of the City through religious ideas," and Pym and his followers had clearly seen the necessity of fostering the discontent on religious matters, for the City was the abode of Merchants and others capable of raising loans. But loans and extra ordinary taxation require extraordinary good-will for their support, and good-will is severely tested when called upon to meet heavy financial charges, or to subscribe loans on insufficient security.

Pym saw the crux of the situation from the beginning. "The great want is money, which puts us to the wall in all our business." So wrote Thurloe to R.Cromwell, 16 March 1658(3). The same was true at each and every point from 1642-60.

1. G.W.Prothero. Camb.Mod.History.Vol.IV.ch.VIII.pp.269-274.
 2. Ranke. Hist. of England. Vol. II.p.393.
 3. Thurloe.Vol.VII.p.4.

Dr. W.A.Shaw has pointed out the determining factor in every situation during the whole period was neither political nor religious, but financial (1). And while such a statement probably underestimates the political factor in the Protectorate troubles, - witness the Cony case and the pecimation tax (2) - none the less it is evident that, during both the civil wars and down to the close of the Protectorate, the plea of "absolute necessity," political and financial, was considered by Parliament and the Protector, as also by the King and the Royalists, a sufficient reason for any measure. Necessity drove both sides, and it may be that necessity knows no law. Gardiner's "feeling of injustice" would have been regarded as the Insincere plea of a waverer.

Political and financial necessity drove both sides.

From the point of view of Military tactics it seemed necessary to cripple the enemy by sequestering his resources. It would have seemed folly to leave the delinquent's resources to be used by him against Parliament. Hence, as early as 1642, the recommendation was made to the Committee for Public Safety that the estates of delinquents should be sequestered, and the

Sequestration as Military Tactics.

1. W.A.Shaw.Cm.Mod.Hist.Vol.IV.pp.454-58.
2. Rannie Art.

names of the recommenders are those of men directly engaged in the prosecution of the War (1). It was as Military policy that coal pits and munitions works were sequestered, as well as for financial reasons. In December 1644 a recommendation was made that the Goldsmiths Hall Committee should have sole control of over the Newcastle coal trade and the management of the delinquents' coal and pits; and, in addition, that they should pay £7,000 a month out of the proceeds to the Scots army (2). While in August 1645 Major-General Massie petitioned that the Forest of Dean Ironworks should be granted to him, evidently for the sake of producing munitions (3).

Sequestration
of coal and
munitions
works.

Again, there is evidence to the effect that, as a means of preventing undisciplined plunder by the Parliamentary troops, the policy of sequestration was necessary. For unless the policy of sequestration was carried out regularly by Parliament, it was likely to be carried out irregularly by the troops. "Our forces ... at leisure.. gleaned up such of the great Malig-

Ordered seques-
tration as the
only alternative
to wholesale
military confis-
cation and
plunder.

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1. Portland MSS.Pt.I.pp.64,65.The names of the recommenders were the Earl of Essex, the Earl of Peterborough, Oliver St.John, Philip Lord Wharton, Edward Lord Mandeville, Thos.Lord Grey, Nath.Fiennes, Sir Philip Stapleton, Lord Roberts, Sir Arthur Hesilridge, Arthur Goodwin, and Fer.Lord Hastings. See C.J.II.p.808.
 2. p.198.Cf.also p.206.
 3. ibid p.242.

nants as are left behind... The Horse troops behave themselves with great moderation, but the foot are something violent upon the papists, several of whose houses they have endeavoured to plunder, but the commanders use all diligence to prevent them" (1).

The principle of making the enemy pay for the war he had created was accepted without question. The question which Parliament had got to decide was whether the enemy should pay the army direct, by the troops' right of plundering, or whether he should pay the troops indirectly, i.e. by his estates being sequestered and the troops paid out of the proceeds. From the outbreak of the war the troops were allowed the right of "lawful plunder," or, in lieu of it, what was known as "storm money," as part of their pay (2), a right which made for indiscipline, and gave the soldiers a taste for plundering which it required severe measures to check. Officers in particular, however, did not merely plunder they actually seized and sequestered delinquents' estates for their own private gain (3). Hence the Ordinance of 9th August 1648 directs that such officers

The principle is unquestioned that the Enemy must pay for the war he had created, by helping to pay for the Parliamentary forces.

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1. Portland MSS. Pt. I. p. 64. Letter of Wm. Constantine to Wm. Lenthall. See also p. 344.
 2. C. H. Firth. Cromwell's Army pp. 192-4.
 3. C. C. C. Vol. I. p. 174. Cf. also the case of Major Scaiffe *ibid* pp. 195-196.

and soldiers "who have got by violence or any other indirect way into their hands Sequestration moneys or estates ... upon a pretence of pay due to them... shall be cashiered"(1). In 1647, and again in 1649, the army insisted that Parliament should sell the estates of delinquents in order to provide "visible security" for their debentures or arrears of pay (2).

It was also in the interests of the Parliamentary cause that the estates of delinquents should be sequestered in order to lighten the burden of taxation on the "well-affected," and help compensate them for their losses. "The great pressures, and daily exactions, under which the people groaned, constrained the Commons to betake themselves to another way (i.e. than taxation) for easing them"(3). The opinion was expressed by John Brown to the House of Commons, in November 1642, that out of the estates of delinquents and Papists, plus the contribution moneys of the Counties, Parliament would be able "to maintain the war, and also to discharge the sums for which the Public Faith was engaged"(4).

Sequestration necessary to relieve the burden of Taxation on the "well-affected" and in other ways to compensate them for their losses.

In this connection two petitions are instructive, the first is the "Petition of Divers Citizens of London,

1. Firth and Rait.Vol.I.p.1181.

2. Rushworth.Vol.Pt.IV.pp.505.

3. Dugdale.A Short View of the Late Troubles, p.129.

4. Portland MSS.Pt.I.p.75.

November 1642. It is the petition of citizens who themselves possess estates, and have also subscribed in some way to the Parliamentary cause.

Petition of
London
Citizens.

The petition reveals, in the first place, considerable anxiety concerning their own estates in event of the King's success. To contribute to the Parliamentary cause against the King was to declare oneself a Roundhead. Hence, the petitioners have a fear in case of the King's success which "sinks our spirits and exposes us to desperate dangers." They are anxious, therefore, that no accommodations should be made with the King except those which were expressed by Pym in the Guildhall to the City of London. They know that if their own estates are to be secure the war with the King must be fought to a successful issue. Moreover, in the second place, Parliament must find some means of compensating men who have stood by its cause. The right thing to do is to seize and secure "malignants persons and estates," and out of those estates to make reparation for those vast charges expended by the City"(1)

This is a similar argument to that expressed by Ludlow concerning men who purchase delinquents'

1. SPD.1641-43.pp.404,405.

estates. Men who are opposed to the Restoration of the King should have no hesitation in purchasing delinquents' estates, "since if the tide should turn, and our enemies become prevalent, such persons were likely to have no better Security for the Enjoyment of their own Paternal Estates". Throughout the period it was recognised that, in the interests of the new order of things, the estates of delinquents must not only be sequestered, but sold.

The second Petition/is made by certain of the delinquents' Creditors. It is entitled "A Way to raise Moneys for the Present." "Concerning the debts of delinquents to citizens, which are estimated at £2,000,000," the petitioners propose that the lands of delinquents should be sold in order to pay the delinquents' creditors. In which case, "the citizens (the creditors) will gladly contribute ten per cent to Parliament in consideration of present payment of debts owing to them. The petition further proposes that sale should first be made of delinquents' estates in and about London and securest places of the Associated Counties; then more than ten per cent. will be paid in to Parliament by the Creditors as being soonest satisfied." The petitioners desire, therefore, that an Ordinance may pass as soon as possible for assuring delinquents' estates to pay their just debts

Petition of
Delinquents'
Creditors.

before the sale of their estate thereof"(1).

Clerical sequestrations also received a new incentive and a new impetus with the outbreak of the war (2). It was considered not only politically advisable to "shut the mouths of the King's Trumpeters," but necessary also to make provision for "Plundered Ministers," i.e. for those Puritan Ministers who, driven from their parsonages in various parts of the country by the King's soldiers, had to flock into London with their wives and families for refuge and subsistence. It was for the purpose of providing for these men, "these godly and well-affected ministers," that a special committee of the Commons, under the chairmanship of Mr. White, - the old chairman of the committee for Removing Scandalous Ministers - was appointed in December 1642.

Financial importance of clerical sequestration and sale.

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1. It is to be noted that the estates of many of the great delinquents were found to be heavily mortgaged at the outbreak of the war. For instance, the Earl of Cleveland's. When the estate was sold by the Treason Trustees in 1653, every purchaser was a creditor of the Earl's.
 2. It is interesting to note how the attitude of many men towards, say, clerical sequestrations changed with the outbreak of war. For instance, the celebrated Dr. Burgess. In 1641 Burgess is found pleading for the sacred character of the endowments of Dean and Chapters. Later, so Baillie tells us, the process of "doubling on Episcopal lands" was the singular invention of Dr. Burgess. (Baillie. Letters.vol.II.371). In 1649 we also learn that Burgess had himself purchased the manor of Wells from the Trustees for the Sale of Bishops' Lands, and had settled there. (Tatham. Puritans in Power, p.258).

Two bodies of opinion claim attention, which have at least this much in common, namely, that both alike claim that the war against the King is a war to reclaim their lost rights and privileges. The one is the opinion of the political Levellers, the other of the true Levellers or Diggers.

As early as 21 October 1642 there appeared John Goodwins "Anti-cavalierisme," its watchword the defence of property and political liberty (1). Mercurius Politicus for March 1652 has the same watchword (2) "As long as the peoples interests in the Government was preserved by frequent and Successive Parliaments, so long we were in some measure secure in our Properties; but as the Kings began to worm the People out of their share in Government, by discontinuing Parliaments, so they carried on their Levelling designs, to the destroying of our Properties, and had by this means brought it so high, that the oracles of the Law of the Gospel spake it out, with a good Levelling grace, that all was the Kings, and that we had nothing we might call our own."

Opinion of
political
Levellers.

This was the position of men like John Lilburne. They were fighting to protect their property against the King, to secure further property if possible (3), and to reclaim their lost political liberty.

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1. Brit.Mus. Thomason Tracts.E.123(25).See The Leveller Movement.T.C.Pease (1916).
 2. Mercurius Politicus (Brit.Mus.) Thomason Tracts.
 3. Lilburne purchased a delinquents estate. C.C.C.

There were men, however, ⁱⁿdistrict from the political Levellers, who, as Edward Sexby put it (1), had ventured their lives to recover their birthrights and privileges as Englishmen, "men of little propriety in the Kingdom as to our estates," .. and of little or no fixed estate.

Opinion of true Levellers or Diggers.

It was Gerrard Winstanly, however, who epitomised the claims of the disinherited masses. "You of the Gentry, as well as we of the Commonalty, all groaned under the burden of the bad government and burdensome laws of the late King Charles, who was the last successor of William the Conqueror... You saw the danger so great that without a war England was likely to be more enslaved, therefore you called upon us to assist you with plate, taxes, free-quarter and our persons: and you promised us, in the name of the Almighty, to make us a Free People. Thereupon you and we took the National Covenant with one consent, to endeavour the freedom, peace, and safety of the people of England. And you and we joined person and purse together in the common cause, and Wil. the Conqueror's successor, which was Charles, was cast out; thereby we have recovered ourselves from under the Norman yoke" Thus ... "Let the Gentry have their enclosures free from all

1. Clarke Papers. Vol.I.pp.322-323.

enslaving entanglements whatsoever, and let the Common people have the Commons and Waste Lands set free to them from all Norman enslaving Lords of Manors"(1).

Winstanley saw in the confiscated lands of the royalists an opportunity of solving some of the obvious problems in this period of agrarian discontent. He argued, with some lack of logic, that the civil war was a conquest by the people of monarchy and of other equally indefensible institutions such as private property, which he classed together under the term "The Norman power." He held that constitutional changes alone were an insufficient reward to the people who had fought, paid taxes, or had troops billeted upon them during the war. The sequestered estates ought not to be distributed among a favoured and privileged minority: otherwise the war would have been fought in vain. Evidently, however, he realised that a just distribution of sequestered estates was more than could be hoped for, since people who already owned land would not see his position. Hence he was willing to leave to them their enclosures. But he did regard the Common land as the rightful property of the common people. His purpose was to settle the common people on the common land in communist colonies. He failed to see, however, that while the

The policy
of Gerard
Winstanley.



1. See The Digger Movement in the Days of the Commonwealth, L.H.Berens (1906).

England of his day had plenty of common land, the land was not common in ownership; and his attempt to found colonies on common lands must in the end have provoked the hostility of small tenants of arable lands who had rights of pasture.

Actually a small part of the problem was solved in this way, by squatters who settled on sufferance on commons and waste land, and in course of time acquired a title by prescription. But any systematic settlement of whole colonies on land was impossible in Winstanley's time as in the following centuries.

Nevertheless, although his actual plan did not succeed, it is to Winstanley's credit that, in this period of land transference on a large scale, he was one of a small group who saw both the need and the possibility of organising the sequestered lands for the common good.

It is a significant fact that in the two great transferences of land in English history, namely the Dissolution of the Monasteries and the Sequestration of estates during the civil war, few men saw therein an opportunity of using the vast property acquired by the Crown or the State for the solution of social problems which were very obvious in both periods, - periods of agrarian discontent.

Chapter III.

The Legal Machinery set up for dealing with
Delinquents' Estates.

From 27 March 1643, the date of the first great Ordinance for the sequestration of delinquents' estates, down to the eve of the Restoration, there is a series of ordinances which contemplate the receipt of rents from sequestered estates. The aim of this chapter is to describe the machinery thus set up, to indicate the modifications which from time to time were deemed necessary, and also to point out the weaknesses in the machinery as such. Charges of corruption against the men who operate the machinery will be dealt with as far as is deemed necessary under "the Standing Committees". For the present the point of importance is machinery, and not men.

Aim of the chapter is to describe legal machinery.

The term "delinquent" received its practical definition in the Ordinance of 27 March 1643, since the ordinance was definitely aimed at Archbishops, Bishops, and others, both spiritual and temporal, having possessions, who, without being compelled by the Royalist occupation, voluntarily supported the Royalist cause (i). The term was extended,

I. Sequestration Machinery.

Definition of the term "Delinquent"

Chapter III

The Legal Machinery set up for dealing
with Delinquents' Estates.

however, by the Ordinance of 18 August 1643 to include, (a) all persons who absent themselves from their usual places of residence or employment without the consent either of Parliament or of the local sequestration committee. (b) all persons who are held guilty of concealing or alienating property in order to avoid payment of taxes, or of assisting anyone in such evasions. (c) conspirators against Parliament. (d) Recusants and those harbouring them (1).

These two ^{main} great Ordinances authorised that local committees, with extensive powers, should be set up. The local committee could seize and sequester (2) a delinquent's real and personal property and administer it for the benefit of Parliament (3), allowing, however, one fifth as maintenance for the delinquent's

Local committees are set up with extensive power.

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1. The anti-Romish Oath administered to delinquents. 18 Aug. 1643. Firth and Rait. Vol. I. p. 255.
 2. It was not till April 1651 that the difference between "seizing" and "sequestering" an estate was fully defined. (CAM. Preface xii).
 3. Although much is said in these two Ordinances about "Sale", they do not institute a definite policy for the Sale of delinquents' estates. The references are to "sales of delinquents' goods and estates seized for debts, or failure to pay taxes. Firth and Rait. Vol. 1. pp. 107, 256, 258.

relatives (1). It could conduct an inquiry into the value of the estate by summoning the steward and other estate officers and agents before it, and could enforce the examination of all records, deeds, and accounts pertaining to the estate (2). Moreover, the sequestrators might sue for debts owing to the delinquent, and give discharges for the same. They could receive rents from the tenants and compel payment of all arrears (3), in return for which the tenant was promised protection against his delinquent landlord.

If delinquents did not voluntarily declare their delinquency, the local committee was authorised to seek them out by examining witnesses on oath (4). Obstinate witnesses were imprisoned. But, with a view to encouraging "informers", a reward of five per cent was promised out of the delinquent's composition fine or his sequestered estate.

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1. The allowance of one third to the children of Recusants was made conditional on their being brought up Protestant, thus recalling the Recusancy laws of Elizabeth. 18 September 1645. Firth and Rait. Vol.1.
 2. Sequestration Collectors, etc. may "break open all locks, bolts, bars and doors"... "on probable grounds", and call in armed assistance. *ibid.*109.
 3. Obstinate tenants were distrained at "double the charges".
 4. Even Ships Companies were to assist in apprehending delinquents. C.J.Vol.III.19 April 1643.

For the purpose of receiving the revenue from sequestrations an office was set up at the Guildhall, London, and treasurers appointed (1), who, as payment for their services, were to receive three-pence in the pound from all sums actually paid in. Their sole business was to get money in. They had no power as a sequestration committee to pay out, lend, or in anywise to dispose of the moneys received, except by authority of Parliament.

Sequestration Office set up, and officials appointed.

Each local committee was to have its own solicitor, its own treasurer, and its own collectors; and the power to appoint these officials was vested in the local committee. But local officials had no fixed salary by Ordinance (2). The Collectors not only collect the money or goods of the delinquent, but they are held responsible for the delivery of the same to the local Sequestration treasurer. Moreover, the collector must periodically make an inventory of all moneys, etc. which he has seized, and an inventory of the sale of such. The inventory too,

Local Officials. Their salaries and accounts.

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1. C.J.Vol.III.p.112. Messrs. Hobson, Bernardiston, Hill, Samuel Avery were appointed. 2 June 1643.
 2. Allowances were to be made for their necessary charges and work "as Parliament shall from time to time deem fit." Firth and Rait. Vol.I.p.109.

had to be signed by two accredited persons and by the collector himself, and duplicate copies sent, after being examined by the local solicitor, one to the Lords and Commons, and the other to the local sequestration committee by which he was appointed. The local treasurer, however, was held responsible to the Guildhall Committee for all goods and moneys received. And on no account could the local treasurer or committee dispose of moneys or goods except for the purposes stated by Parliament. Their business was to get money in, and not to pay it out.

The machinery set up by these two Ordinances was not nearly so productive as had been expected, and the opinion of Parliament as to the modifications and improvements necessary is indicated by the course of subsequent legislation. As early as July 1643 Parliament appointed Sergeant Wilde to write the solicitors employed by the sequestration committees in the Counties, and to let the House know what monies "have issued out of the sequestration moneys, and upon what warrants; and to permit no moneys to be paid away upon any warrant, but according as it is appointed by the Ordinance of Sequestration" (1)

Modifications
in the
machinery.

But the fact was that, while the ordinances forbade local committees to pay out moneys for local purposes, local needs were such that on the one hand, they often had to be met, if at all, out of local funds, and, on the other hand, as will be seen later, local committees were not always their own masters when the military forces were about. And, despite the fact that both the Ordinance of 18 August 1643 and that of 25 May 1644 emphasise the urgency of all moneys being paid directly into the Guildhall, it was clear that modifications would have to be made in favour of local control over the disposal of the revenue from sequestrations. In any case, what the ordinances denied, orders in Council granted. (1).

The important point for Parliament, and one which the ordinances continued to stress, was that they should be kept fully informed by local committees concerning the uses to which the revenue from sequestrations was being put, and that collectors should hand over to the local treasurers with all possible speed such moneys as were in hand. Hence the emphasis on the speedy bringing in of moneys received from sequestered estates (2), and the importance assigned to

1. Cal.C.C. passim.

2. All moneys must be handed in within twenty days of the collection of the same. Penalty for offence. Firth and Rait. Vol.I.p.440. 25 Aug. 1655.

accurate accounts being rendered quarterly by solicitors to the Committee at the Guildhall (1).

To improve matters in these and in other respects,

John Madden was appointed Solicitor General.

His duty was to keep in touch with all local

committees and sequestrations officials. He

was directly responsible to Parliament (2).

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1. Firth and Rait. Vol.1.p.439.
 2. *ibid.*p.441.Cf.also the appointment of twenty temporary officials at a fixed salary to expedite sequestration affairs. *ibid.*1187.

The policy of Compounding with delinquents was first authorised by an Ordinance of 16 August 1643, with certain of those who had taken part in the "late Rebellion in the County of Kent" (1). It was not, however, until August 1645 that definite rules for Compounding were laid down. On 4 October of the same year, all delinquents, with the exception of those whose names were on the list of persons exempted from pardon, were to be admitted to composition, provided they submitted before 1 December, a time limit which was quickly extended.

II. Machinery
for
Compounding.

The Parliament authorises the policy of compounding with delinquents.

"Declaration of Both Kingdoms", dated the 30 January 1644, both extended the basis of the policy and laid down an important rule for the Committee for compounding with delinquents, viz: that care should be taken "to prevent their ruin as to punish their delinquencies" and that consideration be given to "the time of their returning and offering themselves, the reality of their affections and intentions, and readiness, to join in the common cause, and Covenant" (2).

1. Firth and Rait. Vol.1.pp.247-8.
2. Cal.C.C.Pt.V.Preface.pp.v-ix.

The Committee for Compounding, with its headquarters at Goldsmiths Hall, was at first composed entirely of members of the House of Commons. But by an Ordinance of 6 February 1647 its composition was modified to include members of Both Houses (1). Its business was strictly financial. But while in the first place the Committee could deal only with delinquents already sequestered, and whose cases had been before Parliament, by December 1645 the constitution and powers of the Committee were so well established that delinquents who wished to compound, could, if they so desired, appeal direct to the Committee without the interference either of Parliament or any sequestration committee, thus avoiding the inconvenience and unpleasantness of sequestration, and saving for the delinquent and for Parliament all sequestration charges. Hence the large number of delinquents compounding on their own discovery during the early months of 1646 Parliament gave every encouragement to delinquents to compound on their own discovery (2).

The Powers
of the
Committee
Compounding
with Del-
inquents.

1. C.C.Pt.1.Preface.pp.v,vi.

2. e.g. Delinquents in North Wales were allowed to compound en masse. And to avoid the expenses of fees in other places, where the fines of delinquents did not exceed £100, 3 were allowed to be included in one form of pardon. C.C.Pt.1.p.27.

The procedure for the delinquent who wished to compound was straight-forward. He had to present to the Committee a petition stating the nature, amount and date of his delinquency. The particulars of his estate (1) had to be given in writing, signed by a local commissioner or other authorised person, and by himself, on the understanding that, in case of concealment, there would be a heavy penalty to pay, including the necessary charges for the "informer". The petition had also to be accompanied by certificates of his having "swallowed two strong pills" (2), i.e. of having taken the National Covenant and the Negative Oath.

Method of Procedure for the intending compounder.

The amount of the fine was set according to the pre-war value of the estate (3), but due consideration was given "to the more or less aggravated circumstances of his delinquency". The fines varied in amount from two-thirds to one-tenth of the value of the compounders estate, but ... "the difference in rate of fine was not so great as prima facie it appeared to be, because there was a different mode of calculation

The principle adopted in setting the fine.

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1. For instance, in the case of a manor or lordship, the usual method was to state particulars of present income, and also the income for several years before the war, and to strike an average.
 2. Cal.Wynn Papers. No.1815. 3.C.C.C.Pt.1.p.24.

for the different classes of compounders, ... those fined at a tenth paid at the rate of twenty years' purchase, or two years' value of their estates, ... those fined at two-thirds paid only at twelve years purchase" (1). On payment of the fine the compounder was to be restored to such, and only to such, portion of his estate as he had actually compounded for (2).

In many instances, however, the delinquent was too poor to prosecute his composition fine. It was to meet such cases that Parliament authorised compounders, who found themselves unable to complete their compositions within the stated time of six weeks from the date of the first payment, "to sell part of their estates in order to perfect their composition" (3). At the same time the Goldsmiths Hall Committee was authorised to suspend the whole sequestration on payment of the first half of the composition fine, if security was given for the remaining half.

Delinquent
may sell part
of his estate
in order to
compound.

The importance of this new arrangement was considerable. It has been pointed out (4) that the

1. Cal.C.C.Pt.V.Preface.p.x.
2. Cal.C.C.Pt.I.p.24.
3. C.J.Vol.VI.p.476. 1 October 1650.
4. C.C.C.Pt.I.Preface.p.x.

privilege thus granted to delinquents was to forward Parliament's policy of speedily raising money. That aim, of course, there is no reason to doubt. But there was also an additional reason. The policy was a protection for both the delinquent and Parliament. That the conditions under which the delinquent had to make sale of a part of his estate created bargain prices for private purchasers, is abundantly evidenced by the Calendar of the Committee for Compounding, as will be seen later. But had the delinquent who wished to perfect his composition attempted to sell before he actually re-gained possession of his estate, the bargains for the purchaser must have been greater still, tending, on the one hand, to retard such compositions, and, on the other, to encourage sales at prices considerably below those which Parliament was asking for the lands it already had to dispose of.

The first weakness of the machinery was one which it had in common with the whole financial machinery of the period. A host of special committees whose functions often overlapped had been set up to deal with the urgent needs of the moment. Several committees were directly concerned with the estates of delinquents, three of which may be named at this point. The Committee for Advance of Money, sitting at Haberdashers Hall, was appointed in November 1642, in order to provide the sinews of war for the Parliamentary forces. Then there was the Committee for Compounding with delinquents. Cases not infrequently came before the Committee for Advance of Money which had to be transferred to the Goldsmiths Hall Committee; while the Goldsmiths Hall Committee was again dependent for most of its information on the Committee for Sequestrations.

III. Weaknesses of the Sequestration Machinery.

Committees whose functions overlapped.

A second weakness lay in the independence of the local standing committees. Sequestration depended for its driving force, not on a central power house, the Guildhall, but on the local standing committees. The link between the Guildhall office and the local

The independence of local sequestration committees.

committee was weak; and it is evident from the ordinances, 1644-48, that Parliament was cognisant of this fact, and was endeavouring to strengthen it. For this reason it had appointed John Madden as Solicitor-General, and also twenty other officials for one year, to expedite sequestration affairs. Indeed, the success or otherwise of the policy of sequestration, and the whole management of delinquents estates, and even of compounding with delinquents, depended almost entirely on the efficiency of the local sequestration committees and the officers whom they, and they alone, appointed.

A third weakness lay in the multiplicity of duties devolving on the County Standing Committees. By several Ordinances of 1644-45, Standing Committees were set up in the various Counties (1) and charged with the general management of affairs in the Parliamentary interests. The functions of these Standing Committees were numerous. A Standing Committee, or any three of its members, was authorised to put into execution the following ordinances, namely, for administering the National Covenant, for the fifth and twentieth part, for the Weekly Assessment, and for

Multiplicity of duties to be performed by local Standing Committees.

the sequestration of Delinquents. Indeed, the functions of the sequestration committees created by the Ordinance of 27 March 1643 were vested in the Standing Committees.

The functions of the Standing Committees have been summarised by C.H.Mayo (1). In addition to exercising the functions of the sequestration committee, and other functions of civil government at a time when civil government had, in many places, completely broken down, they also had financial and military duties which have been admirably summarised by Mayo.

Functions of
local
Standing
Committees.

"In matters of finance the Committee (of Dorset) are seen to exercise a general power of control over payments made by the County Treasurer. They pledge the public faith of the Kingdom for the repayment of sums or wages due, and for cattle supplied to garrisons; grant compensations for damage to individuals; alter the assessment of parishes, etc. They compel the payment of the fifth-and-twentieth part, or otherwise deal with it, and the third part due from Papists' estates; send out warrants for collecting the £20,000 per month for Ireland, and call to account the collectors of the £60,000 per month".

1. Minute Books of Dorset Standing Committee. 1646-50. (ed. C.H.Mayo) 1902. Preface.

In Military matters the Committee direct the levying and disbanding of the County forces; pay the officers and men, or more frequently make promise of payment; defraying the cost of repairs of arms to local men, the charge of horses for the use of the State, and remunerating surgeons, etc.

The performance of these military and financial functions by the Standing Committees had a direct effect on the revenues from sequestrations, and in the following ways:

a) The investing of the Standing Committees with the power of putting into execution the sequestration on ordinances was probably designed, in the first instance, to strengthen the actual work of sequestrators where powerful delinquents and obstinate estate officers and tenants were concerned. The Standing Committee was in a position not only to order the sequestration of an estate, but to enforce it by the use of arms. So far as the policy of Parliament was concerned, this would appear to be in the line of efficiency. But, in actual practice, the new arrangement worked against Parliament by intensifying the localisation which the Guildhall Committee had feared. It rendered direct dealing with sequestrators almost impossible, and certainly ineffectual. Instead of

strengthening the link between the local sequestrators and the Guildhall, it weakened it. The sequestration officials could always find shelter behind the orders of the Standing Committee.

b) County Committees were likely to be biassed in favour of purely County affairs and needs; and, since by Ordinance the Standing Committee appointed and controlled the County Treasurer, it was highly probable that moneys would not pass from the County Treasurer to the Guildhall office so long as local needs were at all urgent. No County Committee seems to have had too much money for its own needs.

c) The Ordinances appointing the various County committees for Assessment, raising of troops, etc., placed the management of far too many affairs in the hands of the same few men. For instance take the Hull Committees, appointed by the various Ordinances. In February 1642/3, eight men are on the Weekly Assessment Committee (1); precisely the same eight form the Sequestration Committee in the Ordinance of March 1643(2); the same eight again form the 1643 Committee for Levying Money (3); and six of them

1. Firth and Rait. Vol.I.p.92.
 2. *ibid.* p.112.
 3. *ibid.* p.149.

-- the Hothams have been cleared out -- are on another committee for Levying Money later in the year. The only addition is Henry Barnard (1). These seven are on the committee for the General Assessment for October 1644, and to make up the eight John Barnard is added (2). The Standing Committee set up by the Ordinance of the Northern Association, June 1644, again consisted of the same men, plus the deputy-Governor of Hull (Col.Thos.Maleverer), and John Chambers (3). So the list might be continued, and, with the exception of additions to replace persons removed by death, the same names are to be found even after 1650.

The Hull committees seem to have been unduly limited in choice of persons to act; and little surprise is occasioned when, on the committee for Compounding demanding from the County Committee of Hull its sequestration accounts in April 1650, the following reply was made. "We have prepared our accounts and are ready to pay our moneys. But there are only four of us here, Thos. Raikes, John Barnard, Nich. Denman, and Wm. Popple, all aged and infirm, and we cannot undergo a great journey." They desire someone to be commissioned to hand in their accounts for them (4).

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1. Firth and Rait.p.231.
 2. *ibid.*p.546.
 3. *ibid.*p.706.
 4. CCC.p.197.

Confronted with such unsatisfactory machinery for the work of sequestration, and with the fact that the process of compounding with delinquents was unsuccessful as a speedy way of bringing in money (1), Parliament proceeded to a complete reconstruction of its machinery for dealing with delinquents. The Ordinance of 25 January 1649/50 centralised all powers of dealing with delinquents and the management of their estates in the Committee for Compounding, which, also, was itself reconstructed on an entirely new basis (2). The following changes may be noted :-

First, one central committee in London, the committee for Compounding, was to be held responsible for all dealings with delinquents, since all officers were to be appointed by it, and all authority for

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1. "The present mode cannot conduce to this end, which is to raise considerable sums in a reasonable time, whereas now it comes in by driblets, passes through too many hands, and comes in a dilatory way."
CCC.160.
 2. None of the Commissioners for Compounding were to be M.P.'s. The committee for Compounding took over the work of the committee for Sequestrations, and later the work of the Committee for Advance of Money. This process of centralisation, says W.A.Shaw, formed part of a general and much needed movement to reduce the unmanageable complications of the numerous financial committees.
Cam.Mod.Hist.vol.IV.pp.455-6.

dealing with delinquents was centred in it. Second, it took away the sequestration powers of local Standing Committees (1), since the powers of sequestration, as well as of Compounding, were centred in the Committee for Compounding.

i. N.B. It has been pointed out by Mayo in his introduction to the Dorset Minutes, and by A.R. Bayley in his book, "The Civil War in Dorset," p.391, that "this Act sounded the death-knell of the operations of the County Committee, and it is shortly after this that entries cease to be made in the Minutes of the Dorset Standing Committee Books."

Two points, however, should be noted. First, the Ordinance of 25 January 1649/50 was aimed, not at the Standing Committees as such, but simply at their functions as committees dealing with delinquents; and although the Dorset Minutes cease at this point, care should be taken not to construe the Ordinance as destroying the Standing Committees as such. Second, men who served on the Standing Committees and had been directly concerned in the work of dealing with delinquents before January 1649/50, did not cease to sit on other committees, such as the Assessment, etc., i.e. on committees which had functioned as part of the Standing Committees. As an instance, Hull may be taken again. The Hull Assessment Committee for 10 December 1652, consisted of Thos. Raikes, John Barnard, Nicholas Denman, Wm. Popple, etc. Peregrine Pelham was not on this committee, for the obvious reason that he died in 1650 (See Hull Letters). Other committees may be taken in the same way, but, on the other hand, the actual Sequestration Commissioners in Hull, after the Ordinance of Jan. 1649/50, are all new men.

Thirdly, sequestration officers automatically ceased to hold office by the Ordinance (although the same men might be re-appointed), since Commissioners for Sequestration and other necessary officers were directly appointed by, and responsible to, the Commissioners for Compounding at Goldsmiths Hall. Fourthly, the newly appointed Sequestration Commissioners were not granted anything like the extensive powers of the previous sequestrators who worked under the Standing Committees, e.g. they were not allowed to nominate or pay the officers serving under them nor themselves to allow rent-charges, nor the fifth to delinquents' relatives, and discovers of concealed estates. Nor could they compel witnesses to give evidence, or punish those who opposed their proceedings. They might seize, but they could not dispose of Papists' estates. Moreover, they could let estates only for one year.

Their chief business was to see that all estates already sequestered were surveyed, to improve the estates, and to let them only for the best possible rents. The Ordinance was definitely an "Ordinance for the better managing of Estates."

But even this reconstructed machinery proved unsatisfactory. The committees claimed that they were embarrassed by over-stringent instructions, while the central committee continued to protest that the revenue from sequestrations and compositions was far less than expected (1). Locally men complained that since the new machinery had been set up they were unable to meet local financial needs (2). On the other hand, the various acts of Sale inevitably reduced the revenue from sequestrations and compositions. By an Ordinance of 10 February 1654, the Committee for Compounding received its death blow, and the tremendous weapon of composition was almost completely deprived of its power (3).

1. It is a significant fact that almost every Commissioner for Compounding appointed by the central committee was not only unpopular with the army and with the local committees; but they definitely came in as purchasers of delinquents estates. Some of them also failed to send in satisfactory accounts: some concealed the moneys paid over to them. Corruption was rife among these commissioners. Yet the central committee continued them in office. See *infra*. Transference of lands. Chap. VIII.
2. Leyborne-Popham MSS. p. 51. Col. John Pyne to Wm. Clarke. Since the soldiers could no longer be paid out of local sequestrations, they had the greatest difficulty in getting paid at all. "So the soldier begins to grow discontented, being apt to turn leveller."
3. CCC. Pt. Preface.

Chapter IV.

The Conduct of Local Standing Committees.

Chapter IV.

The Conduct of Local Standing Committees.

The conduct of local standing committees and of the various officials appointed by them has been vigorously condemned by both contemporary and modern opinion.

Evan Anwyl, in a letter to Sir Owen Wynn, speaks of "roughish committee men and sequestrators which are much envied by the army and others" as being in a position, evidently, to work for their own private gain. Sir Roger Twysden's Journal also makes biting reference to their corrupt practices (2). "Any leading man of a committee maligning another (though never so quiet a liver), as having a better estate, seat, house, accommodation to it, than he wished him, did find means to ruin him, under the title of his disaffecting their courses, and the present cause." Or again, he tells how Sir Arthur Haselrig, when one day riding past a handsome seat, "well-wooded and pleasant otherwise," enquired to whom it belonged and finding the owner of it was not in the Parliament cause, and that the estate was unsequestered, Sir Arthur "could not contain himself from saying he had an earthworm in his

Conduct of
Local Com-
mittees
condemned.

by
Royalists
and others.

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1. Val. Wynn Papers. No. 2020. The date is May 1653, and does not refer to the original sequestration committee.
 2. Twysden, quoted Bissett. Commonwealth of England. vol. II. pp. 423-25.

breast, must have the estate sequestered and never left pursuing the owner till he got it done"(1)

Similar complaints were made against the conduct of committees which dealt with malignant clergy. Walker attacked the bona fides of the committees (2), which he held guilty of getting up cases, and sequestering the livings of Ministers against whom the charges had not been proved. The bare convening of a man before a sequestration committee

1. Sir Arthur Haselrig was among the really great purchasers of Church lands. He built up a great estate by purchasing the lands of the see of Durham, which Parliament had put up for sale. He purchased the manor of Bishop Auckland for £6,102; the manor of Easingwood borough for £5,833; and the manor of Wolsingham for £6,704 (see art.DNB). In addition he made private purchases of delinquents estates from delinquents themselves (See Chapter VIII, infra). His dealings with the Harraton collieries, Durham, hardly recommend him as an honourable person(CCC.pp.1917-1922. See also Pease. The Leveller Movement.p.329.n.) Of course, Haselrig had as much right as any other person to purchase estates. But, as a landlord, he seems to have treated his tenants badly (CCC) Nor were the conditions on which he agreed to the Restoration such as to commend him to the army) and to his political friends (Clarke Papers.Appendix D. vol.IV.Ed.C.H.Firth).
2. Walker. Sufferings of the Clergy, etc. passim.

"ensured the sequestration of his living (1). And the reason for such injustice Walker accounted for by the desire, on the part of committee men, to enrich themselves and their friends." They took care of themselves and their friends, though they shamefully neglected the Churches ... Allowed some (i.e. of the Clergy) to continue their livings on condition that they (the Committee-men) might receive the profits." But their main income was their letting good bargains to their confiding friends, and sometimes openly farming the sequestered livings themselves at reduced rates..... Those who had the management of these revenues were soon enriched beyond the proportion of their salaries"... "In South Wales alone Revenues of £20,000 per annum went into the hands of private persons to build new sumptuous houses, and buy lands" (2).

These are very grave charges, which become all the more damaging when the complaints of Parliament

1. Walker. Sufferings of the Clergy.Pt.I.pp.64,79.

2. *ibid.*pp.164-165.

N.B. This passage of Walker's is stated in full because of the importance attached to Walker's evidence by G.B.Tatham. In his book "The Puritans in Power."

and those of the Goldsmiths Hall Committee
are also added.

Numerous references in the Ordinances from 1644-50 indicate that Parliament entertained a grave suspicion that the unsatisfactory revenue from sequestered estates was due to the personnel rather than to the machinery of collection. The form of oath which all sequestration officers were required to take by the Ordinance of 25 May 1644 was itself significant (1). Also, an Ordinance of 26 June 1645 refers to the fraudulent discharge of delinquents, and the letting of delinquents' estates and selling of their goods at under-values by local committees and sequestration officials (2). Hence the insistence on local committees appointing "two able appraisors" who, upon oath, were to value all goods brought in by the collectors to the local committee (3); and also the insistence by the Commons that "estates, sequestered and sequestrable, must not be let to the owners, or to any in trust for them" (4). Indeed, charges of corruption

by
Parliament.

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1. Firth and Rait. Vol.I.pp.437-38.
 2. *ibid.*p.718.
 3. *ibid.*p.438.
 4. C.J.Vol.IV.p.718.

against sequestration officials and others were so numerous that by the Ordinance of 25 August 1648, Captain William Steavenson was specially appointed to bring the defaulters before the Committee for Indemnity (1).

The Committee for Compounding also suspected the presence of "An earth-worm in the breast" of some of the sequestrators. When letting estates "self respects had been too prominent" with some men of "power in the Counties" (2) The Calendar abounds with the complaints of the Goldsmiths Hall Committee that the County Committees did not seriously attempt to carry out Instructions. They were over-indulgent to delinquents who happened to have friends or relatives on the local committee; or they were oppressive to personal enemies (3). Instance a few extracts selected from the letters of the Committee for Compounding to the County Committees and Commissioners for sequestration - by the Goldsmiths Hall Committee.

On 26 June 145⁶, the sub-committee for accounts for Worcester reported, as a result for an instruction from the Committee for Compounding, that many estates were "fraudulently discharged, under-sold, and under-

1. Firth and Rait. Vol.I. p.1181.

2. *ibid.* p.232.

3. C.C.C.Pt.I.Preface.p.ix, where a list of such complaints is given.

let", and that many of the Commissioners had not even taken the required oath (1). Again, in what was evidently a circular letter, the Committee for Compounding states that "divers delinquents of quality do not offer to compound, or if they tender a petition, they do not prosecute it... whereby... they enjoy their estates... taking their estates by agents at under-values because the Committee's orders are not observed" (2). Or again, "there are no prosecutions of delinquents," because of the deliberate slackness and neglect of local committees (3); and their accounts are "unmethodical and undigested" (4).

In view of such wholesale condemnation of local committees and sequestrators, their conduct would appear to be indefensible. Nor is it the aim of this chapter to defend them. It is possible, however, to let local committees speak for themselves.

In an attempt to discover the position of local standing committees and the sequestration officers two sources of information are to hand;

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1. Val.C.C.Pt.I,p.23.
 2. *ibid.*p.63.
 3. *ibid.*p.65.
 4. *ibid.*p.113.

first, the proceedings before the local standing committee of Kingston-upon-Hull, for the years 1644 and 1645 (1), and the Minute Books of the Dorset Standing Committee from September 1646 to May 1650 (2); and, second, the numerous letters of the local committees to the Committee for Compounding, contained in the Calendar.

Cases before
Local
Committees.

The first point that calls for consideration is the nature of the evidence on which men were convicted of delinquency. Walker, speaking of Clerical sequestrations, pleads that the evidence was insufficient, and adds that execution usually preceded indictment (3). G.B.Tatham adds, "in view of the evidence from other sources, the evidence given in Walker acquires an even greater degree of probability"(4).

The Hull document, however, seems to indicate otherwise. It does instance cases where the evidence brought forward amounts to little more than hearsay,

Hull
Committee.

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1. Unpublished: at present in my possession, of which I have made a transcript copy.
 2. Edited by Mayo.
 3. Neal says, "Whatever might be the excesses, or Partiality of particular committees, no reasonable blame can be laid upon the two Houses, whose Instructions were, in my opinion, unexceptionable."
 4. The Puritans in Power.p.73.

as in the case of Anne Green's evidence against Mrs. Dorothy Perrott, of Hessell. But the document as a whole shows that the Committee was capable of sifting and rejecting such evidence, and, in general, demanded adequate proof.

Several men, whose cases came before the Hull Committee and were convicted of delinquency, are found petitioning the Committee for Compounding; so that the cases may be followed from the delinquents' appearing before the local committee to the final setting of the composition fine by the Committee at Goldsmiths Hall. Such cases are those of James Brooks of York, Merchant, Mathew Topham of Kingston-upon-Hull, Merchant, William Rudston of Swanland in the County of Kingston-upon-Hull, etc., and Sir Michael Wharton or Warton, of Beverley, Knight. Of these, two cases may be examined as samples, namely, James Brookes and Sir Michael's case.

Against James Brooke eleven witnesses were heard between March and October 1644. Brooke himself seems to have been given a fair hearing, in which he denied the charge of delinquency. But his own statements are contradictory, and the committee would,

with justice, have been held guilty of neglect had they not proceeded against his estate (1).

The articles exhibited against Sir Michael Warton are interesting as instancing the kind of evidence on which some men were convicted of delinquency.

Articles exhibited against Sir Michael Warton Knight to prove his Delinquency to Parliament, upon the oath of Francis Fenteman the xxxth day of August: Anno Dni 1644.

- (1) At the time when Sir John Hotham kept the King out of Hull, Sir Michaell Warton said, that, if Sr. John Hotham were not hanged for it, he would be hanged for him; and said further that Sr. John Hotham might as well come, and take from him the said Sr. Michaell his owne land, as keepe the Towne from the King, for that it was the Kings owne; and all that tooke Sr. John Hothams pte therein were Traitors and deserved to be hanged.
- (2) He said that whosoever lent to the value of a horse shoe naile, in the service of the Parliamt. against the King would be hanged; whereupon Francis Fenteman saying, that he himself would lend the Parliamt. a horse well shodd (if he had one) Sr. Michaell replied, that then he would be hanged with the rest for company.
- (3) The said Sr. Michaell Warton said, that all the Scotts that came against the King were Traitors and came to deprive the King of his land.
- (4) The said Sr. Michaell said, that if the King would but be pleased to make him Knight Marshall, he raise an Army to take the City of London; and

i. For his petition before the Committee for Compounding, see Royalist Composition Papers (Yorkshire). Vol. III. p. 109.

pull the Parliament out by the ears. And Francis Fenteman, asking him how he said that he would take all men before him, and would hang them, that would not goe; and by that time he had hanged seaventene, they would not let him hang twenty, whereupon the said Francis Fenteman, saying that he would be one of them, that would refuse to goe with him, and yet hoped that Sr. Michaell Warton would not hang him, Sr. Michaell answered Yes but he would; for if he the said Francis Fenteman were a Traitor, why should not he be hanged, as well as the rest?

- (5) Upon confidence at London Betwixt Sr. Michaell Warton and Francis Fenteman about the first of January 1643 touching the Kings proceedings in these warrs; Sr. Michaell said that the King went not on a right way, for that he should either come with an Army and take Kent, & cutt off the Ryver at Gravesend, and soe sterve the Citty; or else doe noe good of it, for the Citty was able to make warre against all the land; having in it (as he said) more fighting men, and more mony to mannage the warre, then all the land besides; And he also said that his life for it, these warrs would be ended before Midsomer day next.
- (6) The said Sr. Michaell speaking concerning Religion he asked Francis Fenteman, why he would not be as well pleased to serve God at a masse, as at a sermon, which the king by his Prerogative might comand to be done; saying also that they were all one, save that there was a little more latin in the masse; and seeing that a man might (hold?) his lands & libty by condescending to that Religion whereupon the said Francis Fenteman saying that it was against Gods law; Sr. Michaell replied, that all Nations under heaven save ours were of the same religion.

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- i. For Sir Michael's case before the Committee for Compounding, see Royalist Composition Papers (Yorkshire) Vol. II. pp. 55, 56, 57, 155. The Hull Letters indicate that Sir Michael was not convicted of delinquency on insufficient evidence. Hull Letters, T.T. Wildridge. p. 62.

In the Dorset Minutes there are instances where the estates of men were "seized" by sequestrators on suspicion of delinquency: a contingency that was sure to happen in time of civil war. But there is also ample evidence that, in such cases, on the plea of the accused, the Dorset Committee insisted on evidence or "information amounting to proof," and where such proof was not forthcoming the committee order that "the sequestrators of this County are hereby required to forbear to enter-meddle any further with the estates." The following are such cases taken at random from the Minute Books: .. Wm Bragg of Little Windser, Hugh Champion of Beauminster (p.8), Thos. Baynard of Cliffe (pp.14-15), Robert Culliford of Endcombe (p.16), Richard Alford of Lyme Regis.(p.134), and Henry Dackcomb of Corffe Castle (p.138) (i).

How far other local standing committees saw that justice was done is not possible to say, except where committees' records are to be found. But the following case is only one of several which appear in the Raines Bequest (2). It is the case of one, Henry Wrigley, before "the committee for seizing and

London.

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1. By following out these cases it becomes evident that some men were not convicted of delinquency owing to insufficient evidence, whose later conduct proved their delinquency. Instance Henry Dackcomb.
 2. Raines Bequest (unpublished) Cheetham Library, Manchester.

sequestering the estates of delinquents and Papists in the City of London and all within the Jurisdiction of the Lord Mayor." Wrigley, it is said, had been busy in executing the Commission of Array, and in other ways assisting the King; for which his estate in Lancashire was seized. But on 7 February 1644, the clerk of the London committee writes, "Our Committee takes it see that you have no prejudice by yr sequestrn, and therefore are willing to hear further." The case was again dealt with on 10 July and 19 July, 1644. On 28 April 1645 Wrigley's sequestration was discharged on the following grounds. First, several well-affected persons testify Wrigley's good affection to Parliament. Second, "The said parties that accused him the sd Mr. Wrigley before the Committee in Lanc. never appeare to make good their charge although many daies given them for the same" (1).

1. Raines Bequest. vol.XXXVII.B.

All the evidence, with rare exceptions, indicates that, if the original local sequestration committees erred, they did so in the direction of leniency.

The position of the local standing committees was such as to lay the members open to suspicion from all sides. For instance the "well-affected" suspected the committees for levying the Assessment of usurping power to themselves (1), or of being kind to themselves at the expense of others (2), just as the collectors of Excise, by the very fact that Excise was unpopular and almost impossible for some poor men to meet in time of civil war, were considered as working fraudulently and for their own personal profit (3). Parliamentary taxation was by no means popular, and the collectors of taxes, apart from any question of corruption, shared in the unpopularity of a taxing Government. The Assessment Committee that distrained the goods of a defaulter was hardly likely to be regarded in a kindly light. As an instance, the case of the London Committee for Assessment may be given, Goods distrained were to be taken to the Guildhall, and after due advertisement to be sold by "by the candle." Information was given to John Warren to the effect that John Fletcher and Sam. Gosse,

Nature of Committees' work causes them to be suspect.

by the "well-affected"

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1. Le Fleming MSS.p.19 (202).
 2. Hull Letters. Letter of John Barnard to the Mayor of Hull and the Committee for the Scottish Assessment. July 1645.p.91.
 3. Memoirs of Col.Hutchinson.p.243.

appraisors of the goods to be sold, combined, before the sale was advertised, that one of them should be the buyer, and arrange how the goods should afterwards be divided among them. Fletcher, the auctioneer, was said to stand so near the candle that it went out "at the casting up of his hand, or the wind of his mouth at his last bidding, when others would have bidden more" (1)

If Assessors and loyal appraisors were so regarded by the "well-affected," sequestrators and collectors could hardly escape the suspicion of Royalists. For the sequestrator was a cause of constance irritation and annoyance. The act of "seizing" an estate or goods (2) placed the sequestrator in the unpleasant position of a common bumbailiff who is executing a warrant of distraint. He secured the goods or estate, and made an inventory of all goods etc., for the use of the local committee, pending further instructions. An instance of such an inventory may be taken from the Raines Bequest, as follows.

by
Royalists.

1. Cal.C.A.M.Pt.I.p.129.

2. N.B. The difference between seizing and securing an estate, and sequestering it, was carefully defined in April 1651. CAL.C.A.M.Pt.I.Preface, p.xii.

"An inventory of all the Goods etc. sequestered of my Master William Harrington of Werden, Esq. decimo secundo die Septembris Ano dom. 1643."

Committees' methods as sequestrators.

The rooms sequestered were, "The Hall--the Dining Room-- the room next to the Dining Chamber-- the Gallery Foot--the Great Chamber at the Staire Head--ten coats of Maile with Pieces--Georges Chamber the Nurserie--The Parlour--the Yeomans Parlour--my Mrs. Chamber my Mrs. Closett--the Entrie--My Masters Closett--the Meale House--the Kitchen--the Day House-- the Milk house--the Prep House the Worke house--etc. The sum total valued at £362. 2. 0. with additions £450. 12. 6." (1).

At this point in the proceedings against a "suspect", two or three things could, and actually did happen. If the "suspect" could prove his innocence, the opportunity of so-doing would come in a few weeks time before the local committee, or, if he chose, before Parliament or, after 1645, before the Committee for Compounding. In which case, it he fulfilled the regulations, by taking the National Covenant, and in other ways proving himself "well-affected", the "seizure of his estate", would mean little more than that he had, on the one hand, to bear

- and the delinquents' line of action.

with the presence of an unwelcome intruder on his estate and provide security, in double of its value, for his house and goods, plus the trouble of appearing before one or other of the committees. If, however, he wished to sit on the fence, or if he doubted the success of his case before the committee, he at once, in many instances, proceeded to protect his interests in every possible way. For the delinquent was not always a meek and mild sufferer. There are instances in which the sequestration official met with a broken head (1), or in other ways met with violent opposition from the delinquent (2). But, as a rule, the delinquent resorted to more polite methods. He might attempt to bribe the official to undervalue his estate (3), who, in some instances, had never received his salary (4), or he might deliberately conceal part of his estate, and debts owing to him, etc. in the hope that he would not be discovered (5); or again, he might make away portions of his estate to friends (6), or he might use all possible influ-

1. Cal.C.C.Pt.I.p.419.Pt.III.p.1941.

2. Pt.I.pp.196,197,241,242,245,261,306,578, etc.

3. *ibid.*

4. *ibid.*

5. *ibid.* *passim.*

6. *ibid.* p.61.p.351.

ence to get the sequestration or management of his estate in the hands of someone who was likely "to treat the estate with respect" (1).

These methods to which the delinquent resorted with a good conscience were methods, which, if successful, involved corruption on the part of officials. What might be merely an act of kindness on the part of a sequestration official or local committee towards a delinquent was really a breach of faith with Parliament - a point which the Hutchinson Memoirs seem to overlook. The truth of the situation is that sequestration officials could not be, at the same time, popular with delinquents and with Parliament.

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1. Hutchinson Memoirs. pp.293-95.
What the writer of the Memoirs pleads in Hutchinson's favour really amounted to a breach of faith with Parliament.



It is further to be noted that there were several factors which tended to decrease the revenue from sequestrations quite irrespective of the conduct of local committees.

Factors tending to decrease the revenue from sequestrations.

The policy of sequestration necessitated the employment of many local officials, as is evident from the Dorset Minutes. The Dorset County Treasurer was Richard Bury, who also served on the Standing Committee; his assistant was Samuel Bull, and their clerk Richard Stephens. Bury received two-pence in the £ of all county sequestration moneys actually paid in. Bull seems to have had a fixed salary of £60 a year, and Stephens £40. The two County Solicitors were James Baker and Gilbert Lo(w)der, who receive sixpence in the £ of all sequestered estates which require their services. By the Ordinance of 27 March 1643 two local appraisors were also to be appointed, but in Dorset the work of appraising was evidently carried out by the local solicitors. The Marshall to the County Committee was Thos. Stephens, at a salary of ten shillings a week. And although these officers were engaged on the general work of the County Committee, it seems probable that their salaries were, as a rule, expected to be paid out of local sequestration revenues.

(1) Officials.

For the actual work of sequestration the County had five divisions, namely, Blandford, Sherborne, Shaston, Dorchester, and Bridport. Each division had its appointed sequestrators and its own collectors. There was one collector to each division, but Sherborne had four sequestrators, Bridport three, and the rest had two each. Six additional sequestrators, however, are also mentioned. Two of them held more than one office. George Filliter was both collector for Blandford and a "successful" sequestrator (1), James Baker was both solicitor and sequestrator (2).

The sequestrators received a salary of forty shillings each per week. The collectors were allowed two shillings in the £ of all sequestration moneys actually collected by them (3).

There was also a clerk to the sequestrators, whose salary is not named.

If, then, to the allowance of fifths and thirds to the relatives of delinquents and papists be added the salaries of officials, a considerable proportion of the revenue from the local sequestrations must have been swallowed up without any misconduct on the part of local officials.

1. Dorst Minutes.p.320.

2. *ibid.* Baker took up the work of John Poldon, collector, II Dec.1646, Poldon being discharged in the interests of economy.

3. *C.C.C.* Pt.1, p.14. The collector had to pay his own expenses and, on occasion, fared badly under his superior officer.

Loans raised locally upon the public faith, and goods and cattle seized for the service of the State, were, as a rule, to be repaid out of local sequestrations. From the Dorset Minutes alone, a few examples, chosen at random may be given. Wm. Samwayes, shepherd, of Eagleston has the public faith for twenty-two fat sheep, valued at £13. 4. 0., and Wm. Seaman, also of Eagleston, £8. 8. 0., for fourteen sheep (1). Wm. White has subscribed £1,100 to a Commonwealth loan. He has been repaid only £600 from delinquents estates, and is to have the remainder plus the necessary 8 per cent. interest from further local sequestrations (2). So also, George Loope and J. Cheeseman are to be paid for clothing provided for the forces out of sequestrations (3). A very interesting case is that of John Crabbe, a sequestrator, who had lent £100 to the State during the seige of Melcombe. He has been repaid £50, but urgently needs the rest. The most the local committee could do for him was to do what they always seem to have been doing, namely, to "make promise of payment".(4)

(2). Loans raised on public faith to be satisfied out of local sequestrations.

1. Minutes.p.131.

2. *ibid.* p.132.

3. *ibid.* p.136.

4. N.B.Cf.also the case of Jno.Whiteway(p2), at that time County Treasurer. If County officials and sequestration officers are not repaid their loans, or if, as will be seen later, they do not, in many instances, even receive their salaries, is it likely that they will continue to discharge their sequestration duties exactly according to Instructions?

If then, the County Committee was to pay compensation for goods seized for the troops and repay loans from the local sequestrations, the revenue received at the Guildhall must have suffered in proportion, and that, again, without any misconduct on the part of the County Committees and sequestrators.

The arrears of army officers pay and the maintenance of garrisons were often charged on local sequestrations. Examples may again be taken from the Dorset Minutes. Nath. Tyre, with his wife and children, are in "greate necessity and present miserie being much indebted and having pauned away all his goods", owing to the fact that he has not received his army pay. The State owes him £300, and the County Committee is ordered to make "promise of payment" to him (1). The officers of Weymouth garrison were due to receive £2,630. 17. 0. on 21 January 1646, which was to be paid out of local sequestrations. Yet on 4th May following, the County Treasurer was informed that all

(3).
Army Officers
pay etc. often
met out of
local sequest-
rations.

1. N.B. The Dorset Minutes are full of "promises" to pay. But see Cal.C.C.Pt.1.p.390.

sequestered rents are already paid out, and that no money remains with which to pay the garrisons of Weymouth and Portland. On 20 October 1648 the officers are still unpaid £500, and all that the County Committee can do is to talk of raising the same by "improving" the rents of the sequestrations.

What happened in Dorset also happened in other Counties. The Essex Committee, writing from Chelmsford 10 May 1649, refers the Goldsmiths Hall Committee to an Ordinance of 25 November 1648 relating to the amount of money the Essex Committee is expected to raise for the forces. "To this end the Compositions of the County are given over to our committee", as well as the management of sequestered estates. The Essex Committee's indebtedness to the army was such that "We shall be constrained to keep the estates of delinquents under sequestration, unless freed by compounding with us" (1). Such were the local military needs that in some instances, the County Committees found it necessary to retain all sequestration moneys and all composition fines for purely local military needs.

(4).
Composition
fines to be
used locally.

1. C.C.C.Pt.1.p.141. See also, Durham (p.99), Worcester (p.149), and Lancashire (p.151).

An important letter comes from the County Committee for Derby, II August 1649, to the effect that they have been authorised by Parliament to disburse local sequestration moneys to meet army arrears of pay, and also "other sums to many people, to whom the same have been long due for accomodations for the soldiers in the first and second war". Unfortunately, the local sequestrations also stand charged, by Order of Parliament, with £500 a year to the Earl of Stamford, and £400 to the "relict" of Col. Thornhaugh. And, further, the revenue of the Earl of Chesterfield, again by Order of Parliament, is received by Lord Grey. In point of fact, the sequestrations of Derby were already swallowed up without the further order that they were also to meet local military expenditure. Indeed, the Committee had not yet received "one penny allowance" for themselves and their services, nor was it possible to "repay those whom they employed upon necessary services for the public" (1).

1. C.C.C.Pt.1.p.335.Cf.Hist.Mss.Commission Report. Portland MSS.1.p.294.where the suggestion is made by the Earl of Warwick and others to the Committee of Lords and Commons for the Eastern Counties that the County Association should be given at least part of the County Compositions. 24 October 1645.

There were also many delinquents' estates over which the local committees had no control, for the following reasons. First, the sequestration of certain delinquents' estates might be excluded in the Articles of Surrender, e.g. the sequestrations of Lord Windsor and the Governor and Lieut-Governor of Hartlebury Castle were taken off in accordance with the Articles of Surrender (1). Or, again, Major Howarth and Captain Alderne, who were instrumental in the surrender of Hereford, were promised as a condition of surrender that two of the nearest allies of each of them should be freed from delinquency and sequestration (2). Second, Parliamentary Officers and Soldiers occasionally helped themselves to delinquents' estates, or in other ways behaved in high-handed fashion. Witness, for instance, the seizure of estates in Lancashire and the actual sequestration and farming of the same by Officers, without any security whatsoever (3), or, again, the conduct of Major Scaife who, when asked by the County Committee's agent for Westmoreland to pay a reasonable rent for the Hartley Manor House

(5).
Circumstances
over which local
committees had
no control.

1. Hist.MSS Commissn.Report. Portland MSS,Pt.1.p.386.
2. ibid.p.395. See also p.527.
3. C.C.C.Pt.1.p.174.

etc., threatened "to run his sword in their guts" if any of the committee's agents attempted to interfere (1). Col. Rich. Standish of Duxbury, Co.Lancaster, farmed several sequestered estates, and agreed to pay £76. 3. 0. as security. But when the agent, Wm. Eccleston, asked for the money, Standish, after making a pretence of paying, said, "Now Commissary, I will first reckon with you for what the Commissioners owe me, viz. £60, £4, and £3, and I am the fittest man to keep my own" (2).

If then, in conclusion, it is remembered Conclusion.- that, on the one hand, delinquents and "suspects" could be treated only with rough justice in time of civil war, and that, on the other hand, Parliament was urgently in need of money and looked to sequestrations to provide the same, the position of the local Standing Committee becomes fairly clear. Locally, they were bound to be "suspect" by Delinquents as either riding rough-shod over them or as working purely for their own personal profit. In London, both in Parliament and the central committees it set up, they were often regarded as utterly ignoring their

1. C.C.C.Pt.1.p.196.

2. *ibid.*p.

instructions. There is considerable justification for the statement that the difficulties of the provinces were not understood in the City (1) for sequestrators and agents had to encounter not only the opposition of delinquents, and to bear with the high-handed actions of Officers of the parliamentary armies, they had, also in some instances at least, to endeavour to function where civil government had completely broken down, or where, on occasion, Royalist influence was such that sequestration officials and agents might actually be imprisoned by the authority of the sheriff (2).

Further, after passing the great Sequestration Ordinances of 1643, by which local committees were to send all moneys direct to London, without in anyway paying out, lending, or otherwise disposing of them, Parliament immediately proceeded to enact other Ordinances for particular counties, etc. empowering local committees to disburse local sequestrations and even compositions for urgent local needs, e.g. Derby, etc. Local sequestrations fared, by virtue of Parliamentary Orders,

1. C.C.C.Pt.1.p.

2. Hist. MSS.Commissn. Report. Portland MSS.Pt.1.p.300

like the numerous petty exchequers set up in London by Parliament, viz. they became overgrown by a crop of "charges" and "anticipations". But this was not the result of corrupt practices on the part of local committees and sequestration officials. It was the result of Parliamentary Instructions to the local committees which ran counter to the main Acts and Ordinances.

It is not doubted, however, that some individual members of committees and sequestration agents were guilty of fraud, but, none the less, the wholesale charges of corruption levelled at local committees etc. do not, from the actual evidence, appear to have any considerable basis in fact. If bargains were to be had, whether from renting or purchasing estates, it is in other directions that we must look than to the corruption of local committees qua committee (1).

The integrity of many committee men is beyond doubt. The writer of the tract, "A New Way to Pay old Debts" (2) urged, among other things, that, to get rid of corruption and for the sake of economy in administration, Parliament should encourage men of quality to do the work without salaries. He believed there would

1. Leyborne - Popham. MSS. p.51.

2. Thomasson Tracts. E.659. (Brit.Mus.).

be ten volunteers for every position declared vacant. Anyhow, this much is certain, namely, that many local committee men actually served without pay. "For four years", wrote the County Committee for Durham, 1648, "we have served and looked for no allowance" (1). Sometimes, if they looked for an allowance, they did not get it. Alex. Maxton, deputy solicitor to the sequestration committee for London, wrote a significant letter to the Committee for Compounding, 13 September 1649, in which he said that sequestrators hold it a matter of justice that those who work under them should receive their wages; adding that "if the House thinks that others can do the sequestration work better, then they will gladly resign, and account it a great favour done to them that they may be discharged from their long and constant attendance in sequestration service". (2).

1. C.C.C.Pt.1.p.99.

2. *ibid.* pp.153, 154.

Chapter V.

Tenants and Under-tenants on Sequestered Estates .

Chapter V.

Tenants and Under-tenants on Sequestered Estates.

One of the immediate effects of the Civil War was a general decrease in the value of estates, both in counties ravaged by war and in counties practically untouched by it. Some tenants, in order to avoid paying their arrears of rent, found shelter in one or other of the armies (1); while others, out of sympathy for either the King's or the Parliament's cause, also forsook their lands for the armies, with the result that many leases were returned on the proprietors' hands. In 1645 the fall of rents in the Associated counties was estimated at one seventh (2); and in Suffolk the fall was even greater. One proprietor complained that from some parts of his estate he received hardly half the income he received before the outbreak of the war (3).

Fall in rents occasioned by war.

In counties not actually touched by the war.

In counties ravaged by war the fall in rents was considerably greater. The damage to property was severe. Estates were plundered by soldiers of both armies. Both crops and cattle were seized. Sir Michael Wharton, of Beverly, for instance, was nearly ruined by the downright plundering of local partisans. From being one "of the richest private gentlemen in England", he was reduced

In counties ravaged by war.

1. Raines Bequest. Vol. XXXVII b.p.396.
 2. Gardiner. C.W. Vol. III. p.196.
 3. D'Ewes's Diary. Harl. MSS. 166. fol. 210b.

to comparative poverty (1). In the North, the whole country suffered much from both armies. Civil government completely broke down, and despite the fact that the prisons were thronged, "thieves, murderers, or felons" infested the whole country (2). The Earl of Northumberland claimed that in the five years ending 1646, he lost, either by damage to property or by non-payment of rents, no less than £42,000 (3). Proprietors found difficulty in letting their estates except at very low rentals. "We are offered for Chivington £120 per annum, little more than half the former rate, but the reason is that as yet men dare not venture upon stock, besides the easy rates of Delinquents' lands" (4).

The Calendar of the Committee for Compounding gives lists of delinquents for the Wirral Hundred, and for Gloucester, with a comparative statement of the values of the estates of the same before the outbreak of war and the actual rates of letting in 1647 (5). The value of many of these estates fell by one half. Some fell as much as sixty and even seventy per cent.

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1. T.T.Wildridge, Hull Letters. p.193. Cf. also Sir Michael's own statement before the Committee for Compounding.
 2. Cal.C.C.Pt.I.p.99, being the report of the County Committee for Durham. Cf. Oxon Report. *ibid.* Vol.I.152.
 3. Hist.MSS.Report.III.p.186. Sept.1646.
 4. Portland MSS.Vol.I.pp.344,345. 25 January 1645-6.
 5. Cal.C.C.Pt.I.pp.60-61, 85-88. Cf. also lettings for Wilts. *ibid.* Pt.I.pp.76-78. Jan.1647-48.

Others were in such poor condition, as a result of the ravagins^{es} of war, that when they were offered to the soldiers in lieu of part of their pay, the soldiers "refused them at any price" (1). "The incursions of the enemy and the quarterings of our own soldiers destroyed much of the sequestered estates, few being tender of what belonged to the public" (2). In many instances the sequestration committees had to be content for a time if the sequestered estates could be let at rents which barely covered the incidental charges on the estates (3).

Parliament, however, adopted a policy of letting sequestered estates to state-tenants on short leases, usually of one year (1). It was a policy calculated, from Parliament's point of view, to leave the door open for the delinquent to compound and with as little delay as possible to re-gain possession of his estate, or in case he refused to compound, to leave Parliament free to make speedy sale of the estate; while, also it enabled Parliament to "improve the rents" on re-letting.

The aim of the Parliamentary policy of short leases.

In the case of the Gloucester Committee's report

1. Cal.C.C.Pt.I.p.85.

2. *ibid.*Pt.I.p.60.

3. *ibid.* Pt.I.p.116. Report of Cornwall Committee.

for instance, while the rates of letting are low in 1647, the lettings are "at improved rents". Moreover, the rents are not inclusive. The tenants are to pay all contributions, charges, and quarterings (1).

Indeed, the rentals for sequestered estates seem to have been at their lowest in 1644-45. From thence onwards, despite the repeated complaints of the Committee for Compounding, the rents of sequestered estates increased almost annually in practically every quarter of the country. The Calendar of the Committee for Compounding provides a considerable number of cases of rent-raising and rack-renting. What the Calendar does not provide are instances of lowering of rents, except in special cases which, leaving aside a few instances of corruption on the part of officials, are explained by the Calendar itself (2). If rents are lowered, it is either because property has decayed, or because the state-tenant has bid too high and cannot possibly pay his rent.

By the end of 1647 the reports of County committees are largely to the effect that the rents

1. supra. Gloucester Report.

2. e.g. Cumberland, where, in letting sequestered estates "self-respects have been too prominent" C.C.C.Pt.I.76.

of sequestered estates have improved considerably (1). By 1650, definite improvements in letting are again registered. State-tenants petition for longer leases, and are prepared to pay for them. The Cornwall Committee reported, 31 December 1650, that, provided they may grant leases for seven years, they can guarantee the following increased rentals (2)

	Former Rent	Offered now
John Arundel of Tresise	£400	£600
Sir John Grenville	£150	£250
Sir Samuel Goswarth	£66. 13. 0.	£150
Nich. Borlace	£150	£250
R. Billett	£40	£80
John James	£20	£40

In March 1650/51 the County Committee of Salop was also able to report considerable increases. Not content with small increases, the Committee gave itself to rack-renting "at a very hard rack-rent", adding, "if these estates had been our own, we could not have surveyed them with more exactness" (3).

Similar improvements were going on in Oxfordshire for annual leases. Between 1649 and 1654 the

1. C.C.C.Pt.I.p.76. "We improved the rents in our first letting, and in our last we raised them from £1,000 to £1,500" ... on annual leases, 3 Jan. 1747-8.
 2. *ibid.* Pt.I.p.387. For leases and land values in County Salop
 3. *ibid.* Pt.I.p.424
 1650-51. See C.C.C.424.

rents of six small estates had been improved, on yearly leases, from £366 to £401 (1).

It would be difficult to indicate how these let-values compared with the pre-war values. But there are definite instances where the rent paid for a sequestered estate actually exceeded the pre-war rental, and this in addition to the fact that the "public charges on the estate" also exceeded those of 1641 (2). At this point, however, it is only necessary to state that under the policy of letting adopted by Parliament, the rents from delinquents' estates from 1645 onwards show very considerable increases (3).

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1. C.C.C.Pt.I.p.705.
 2. *ibid.*Pt.I.p.496.
 3. The report of the London Sequestration Committee, 7 July 1651, appears to show at first sight a decrease in the rent of certain houses. But two things are to be taken into consideration. First, the question of much needed repairs. Second, the heavy increase in taxes. The Assessment "has lately increased from £60,000 to £120,000". To which the Committee further adds, "We let the houses to the utmost value, and shall hardly get the same rent again." C.C.C.Pt.I.p.465.

It is evident from many County Committees' reports that the Committee for Compounding did not understand the condition of many estates in the provinces; and, in several instances where the Goldsmiths Hall Committee complained of underletting, the County Committees were more than satisfied with the bargains they had struck with the State-tenants. e.g.C.C.C.Pt.I.pp.199, 260.

Under this policy adopted by Parliament of letting sequestered estates on short leases, it is of considerable importance to observe how the various tenants fared. Fortunately, the Calendar of the Committee for Compounding throws considerable light on this matter. There is sufficient evidence to form a fairly complete story.

When the estate of a delinquent was sequestered, the usual procedure of the County Committee, and later of the Commissioners for Sequestration, was "to stay the rents in the tenants" hands" pending the letting or sale of the estate. In the early years of the war the sequestered estates were not, as a rule, actually surveyed; but by the Ordinance of 25 January 1649-50 and by Instructions from the Committee for Compounding, the surveying of an estate, before either letting or sale, was rendered compulsory. While, however, the Acts of Sale fixed minimum rates for sale, the actual leasing of an estate, both before and after 1650, was done by auction. The estate was "posted and boxed" for fourteen days in a public place, and then sold or let "by the candle" to the highest bidder (1). The lessee

1. C.C.C.Pt.I.p.196. etc.

might be a person who had no previous connection with estate, or he might be the previous under-tenant to the delinquent; before 1650 he might not be the relative or friend of the delinquent, although this rule was by no means strictly kept. After 1650, however, the lessee might be "whoever was the highest bidder"(1). The Recusant or the delinquent or his friends might become state-tenant on his own estate, provided he was prepared to accept the new order of things. In some instances, undoubtedly he was a mere trafficker, who leased the estate and then let it out again at a profit (2).

The state-tenant, having leased the estate as the highest bidder, and being tenant only on a short lease, often has much to complain of; his position is also such that he is much complained against.

The complaints of the state-tenant were numerous and of a very varied character.

1. The state-tenant often had great difficulty in gaining possession of the estate, and also in enjoying the fruits of his bargain after gaining possession. The delinquent could obstruct him in gaining

Complaints of
State-tenants.

1. C.C.C. 167, 175.

2. *ibid.* 2442.

possession, as also in the enjoyment of the estate; especially in quarters where the Royalist influence was strong. Such cases of obstruction were frequent, and in some places evidently deterred men from bidding for estates. "It tends much to the prejudice of the Commonwealth if sequestered estates may not be quietly enjoyed". For such obstruction involved the tenant, as a rule, in the expense of an appeal to the central committee in London (1). Moreover, the under-tenants on the estate often proved obstinate, in the sense of refusing to pay their rents to any save the delinquent landlord (2); or, since the rents had been stayed in the tenants' hands on the sequestration of the estate, the tenants sometimes made off with the arrears, in which case, if the state-tenant, in striking his bargain for the lease, had contracted for the arrears as well as for the estate, he not only lost the arrears, but was also in need of a new under-tenant from whom to collect his rents (3).

(1).
Obstinate
delinquents
and their
under-tenants.

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1. Wm. Cooke, of Ottery St. Mary's, co. Devon, threw the state-tenant, one Symonds, out of doors, possessed himself of the house and goods, "and detains the same". Witness also the violence of Thos. Weston, etc. C.C.C. pp. 196, 197, 241, 242, 245, 261, 306, 578, etc. etc.
 2. *ibid.* 1725, 3116, 3117, etc.

2. The shortness of the lease also created difficulties for the state-tenant, The Cornwall Committee reported, 24 April 1648, that many estates were untenanted, since men were unwilling "to stock ground for so short a time as we can grant, and in such uncertain times" (1). Men evidently contracted for estates often on the understanding, or perhaps only in the hope, that when the estate was re-let, they would be again admitted as tenants. None the less, there is evidence that state-tenants usually laboured under a sense of insecurity. Hugh Bickerton, of Marbury, co. Chester, petitioned for a seven years' lease of Thos. Wickstead's estate in Marbury, which he had held for several years, on yearly leases, at the rack-rent of £36. He admits that "he could not, on yearly leases, spend what he would have done in manuring and improving it" (2). If the state-tenants spend liberally on their estates, they might find at the re-letting that the estate was either let to another at a higher rental, or actually sold, so that the fruits of their labours went to others. There were many possibilities. The Recusant or the

2. Short leases created difficulties for state-tenant.

1. C.C.C.116.

2. *ibid.* 1119, 2013.

delinquent might compound, or, after 1649, become state-tenant on his own sequestered estate (1). The estate might be sold; and, although in 1650 it was ordered that tenants should have the right of pre-emption for thirty days, the state-tenant might, on the one hand, not desire to purchase or, on the other, he might be too poor to purchase. The presence of the Parliamentary Surveyors, who were preparing the Surveys for the sale of estates in the Acts of 1651, created among state-tenants in many places such a sense of insecurity of tenure that they ceased to improve their lands (2).

From the passing of the Ordinance of 25 January 1649-50, for the Better Managing of Delinquents' Estates to the passing of the Third Act of Sale in 1652, three facts contributed towards the Insecurity of the poorer state-tenants in particular. First, the reconstructed committee for Compounding, being a committee for the "better managing of delinquents' Estates", set to work with zest to improve the value of estates, i.e. to increase the rents. Secondly, the Act of Oblivion, 1652, encouraged some

1. Firth and Rait. Vol.II.pp.329 - 335.
2. C.C.C.pt.1.p.579.

delinquents to make terms with the State, thus reducing the number of state-tenants; but it also rendered highly probable the sale of the estates of such as refused to make terms. Thirdly, the state-tenant was granted the right of pre-emption, so that the intending-purchaser received preferential treatment in virtue of the fact that he was already tenant. It is indeed significant that during the years 1650-52, - the years which perhaps above all others were noisy with the complaints of state-tenants - there was quite a craze for renting delinquents' estates even at improved rents (1); even at rents which the present state-tenant was not prepared to give, since he considered the proffered rent higher than the estate was actually worth (2).

The list of complaints by state-tenants, both on account of insecurity and rack-renting, is of considerable length. Lennard Green, tenant of Long Parish Farm, lost his lease at the re-letting, simply because Thos. Webb bid by the candle fifteen shillings more. The rent of the farm was £130. 5. 0.; Webb bid £131. "We think it hard", wrote the Hants Committee, "to turn out a

Insecurity
of state-
tenants.

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1. N.B. Recusants & Delinquents were busy compounding for their own estates, or becoming state-tenants on the same. Crown Lands and Dean and Chapter Lands were by this time selling rapidly. See infra.
 2. N.B. A dear-pennyworth to a tenant as such, was a bargain rate for a tenant who wished to purchase.

tenant for a difference of fifteen shillings, which he is willing to make good, but we cannot do otherwise by Instructions (1). John Errington complains that, being state-tenant to the late sequestered estate of Sir. Thos. Beaumont, Leicester, "he ploughed and manured and sowed it, expecting continuance". Sir Thomas, however, compounded, put Errington out, and "enjoys the fruits of Errington's labour, and has carried away his corn without payment" (2). Rich. Clapp, of Sidbury, Devon, had leased an estate and tenement for two years, but finds that while he has been away in London it has been posted and re-let (3). These are merely a few of such instances of insecurity.

Of rent-raising and rack-renting, the following are a few of the many instances. John Tabor's lease of a farm in Essex was renewed, but the rent was raised from £3⁰ to £40 (4). The estate of Wm. Bawde is to be re-let at "the utmost improved value" (5). Gertrude Lady Aston, tenant to part of her late husband's estate was in danger of being out-bid at the re-letting, and

Rent raising
and rack-
renting.

1. C.C.C.Pt.I.p.462.
2. *ibid.*Pt.III.1989.
3. *ibid.*Pt.II.1313.
4. *ibid.*Pt.III.1782.
5. *ibid.*Pt.III.1806.

afterwards, "on account of the hardness of her bargain", regretted that she had not been out-bid (1). Capt. Robert Billops took on a lease, to the sorrow of all his under-tenants, at £200 in excess of the ancient rent (2). Anne Saville's estate increased from £13. 6. 8., first to £20, then to £33, and finally to £41, "which is over-value" (3). Thos. Wandell, of London, became state-tenant of property in Fleet Street, spent £320 on it, only to find that, in order to renew the lease, his rent must be improved from £70 clear to £85 plus £12 taxes (4). Mary Woolful tenanted a farm, and after spending considerably on improving the same, found that during her absence from home, the estate had been posted again, and let to Rich. Norris at £60. 15. 0. a year, as against £50 on the first letting (5). John Clarke, having become farmer of a colliery at Denton, Northumberland, "at double the former rent", suffered, along with four other families, financial-ruin, the cost of repairs being enormous (6). Nicholas Fenwick, who also had a five years lease of Scremerston Colliery, suffered likewise (7). Jos Collett, leased the

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1. C.C.C.Pt.III.1876.
 2. *ibid.*Pt.III.1925.
 3. *ibid.*Pt.IV.2512.
 4. *ibid.*Pt.IV.2554.
 5. *ibid.*Pt.IV.2580.
 6. *ibid.*Pt.IV.2715.
 7. C.C.C.Pt.VI.2746.

sheep-pens and tolls of the fairs of Stow at £60 a year, which he claimed later was too high a rate. After making improvements in the way of purchasing hurdles, etc. to the extent of £160, he was outbid at the next re-letting by Chamberlain, the delinquent landlord (2). Dr. John Troutbeck, chief surgeon to Lord Gen. Cromwell's army in Scotland, was state-tenant to Lord Eure's sequestered estate at Malton at a rack-rent, and was "out of purse in repairing and manuring it". The rent was £621 a year. He understood that £149. 15. 4. would be deducted for taxes etc., but being omitted in the contract, he is called upon to bear all. He could not do it (3).

In this connection the statement of Blith (4) is cogent. "If a tenant be at never so great paines or cost for the improvement of his Land, he doth thereby but occasion a greater Rack upon himself, or else invests his Landlord into his cost and labour gratis, or at best lies at his Landlord's mercy for requitall; which occasions a neglect of all good Husbandry".

2. *ibid.*Pt.III.1982-84.

3. *ibid.*Pt.III.2242.Cf.2085, 2941-43, 2579, 2635, 2728, etc.

4. Blith. *The English Improver Improved* (1652) via Prothero, *English Farming Past and Present*.p.113.

N.B. County Committee of Brecon, while insisting on full rent at re-letting, also acted on the principle that "it is just that he which sows should likewise reap". C.C.C.IV.3002.

In the instances above quoted, however, it is well to remember that the Landlord was the State, although it will later be seen that purchasers of delinquents' estates and delinquents who had compounded for their estates did the same kind of thing.

3. In numerous instances state-tenants seem to have leased estates at rack-rents without any definite arrangements concerning taxes and repairs. One or two such instances have already been noted. Sir Thos. Roper, state-tenant to an estate in Kent, at a rent of £1454 a year, was under covenant to be responsible for all "necessary repairs". He found, however, that the sea-walls defending the marsh grounds were so ruined by the sea as to require new walls, for the building of which he was surprised to learn the State held him responsible. It was evidently a situation which Sir Thomas could not meet, and the State, being compelled to render assistance, ordered the County Committee to "estimate the repairs as frugally as possible" (1)..... The state-tenants of the Dee Mills, Chester, found that the taxes and levies charged upon the mills were exceedingly heavy, and that they would be great losers unless some abatement was made; to which the County committee replied that they had no power to make any abatement after a bargain had been

Rack-rents,
plus indefin-
ite charges on
estates.

1. C.C.C.Pt.II.888,889. Sir Thomas was reminded that "the tenants would have taken the premises at the same rate without allowances".

made (1). Edward Blandy, of Letcombe, Berks, tenant of the estate of Sir Thos. Yate, complained that when in 1652 he became tenant at £50 a year, he knew nothing of the tithes and charges to the poor. He begs an abatement, and an allowance for taxes and other charges; otherwise he will be unable to pay his rent (2). In all such instances the state-tenant could look for relief only by bearing the extra cost of an appeal to London. The County committees could not relieve him.

4. Further complaints from state-tenants arise from the fact that there has been an unexpected depression in trade or a slump in the price of corn. Such complaints are largely confined to the years 1653-55. The tenants of Winlaton Colliery, co. Durham, petition for relief from the great rent for the sequestered parts of the colliery "till the trade again be opened". The war with Holland has caused them to lose three-pence per chaldron on coal, with the result that the colliery will not pay half the rent (3). Similarly the heavy

1.C.C.C.Pt.I.455, Cf.also 2561, 2564, 2636, 2664.

2.ibid.Pt.IV.2834.

3.N.B. By the war with Holland "the sale of coal to the Dutch has been stopped 8 months, and it is too small for the English market".C.C.C.Pt.III.1805. References in the Calendar to trade-depression, apart from coal, are few. But the petition of Zachaeus Pippin, Grover of London, to "trade depression" and untenanted property is worthy of note. See C.C.C.Pt.II.1214. 1 Oct. 1651.

slump in corn prices during these years, 1652-55, produced quite a number of petitions for relief of state-tenants (1). Prices for corn had soared as a result of a series of bad harvests from 1646-51; and high prices for wheat did two things, it reduced the price of cattle (2), and increased the rents of estates (3). When the slump came in the price of wheat, high rents meant ruin for state-tenants. Wm. Hill, of Wiveliscombe, petitioned, 21 November 1654, for a reduction in his rent "since corn is now so cheap" (4). John Symonds, tenant of Coleman's Moore Farm, Berks, begs an allowance of £300 from his "growing rent". He has given an improved rent, "and the prices of corn is much fallen." To save him from financial ruin the County Committee itself made Symonds an allowance from his rent of £100 (5). The state-tenants of George Poulton's estate, Northampton, having leased the estate at an

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1. The six bad harvests from 1646 onwards make the decennial average price of wheat, barley, and oats higher in the period 1643-52 than in any other decade from the death of Elizabeth to the death of Queen Anne (1603-1702). Thorold Rogers. History of Agriculture and prices. Vol.V.pp.203-9,276 (1887). Gardiner.C.W.Vol.III.p.195.
 2. CCC.Pt.I.550.
 3. Crabb, of Uxbridge. Harl.Miscellany.VolIV.460."Corn being dear, Land is dear, so that the farmer must give a great rent for his farm, and is constrained to hire more acres."
 4. CCC.Pt.II.1429.
 5. ibid.Pt.IV.3018.

improved rent, were compelled to quit, leaving the place untenanted and out of repair on account of the cheapening of corn (1).

The complaints of under-tenants on sequestered estates are also numerous. These complaints are made chiefly on three grounds; first, rent-raising; second, uncertainty of tenure; third, levying unaccustomed charges.

Complaints of Under-tenants on sequestered estates.

The County Committees themselves occasionally raised the rents of under-tenants on the sequestration of the estate. The free-holders and copy-holders of Handon Parish, Middlesex, complained, January 1651, that while they had been accustomed to pay to the Lord of the Manor, Sir. P. Herbert, fifteen bushels of oats yearly, no sooner was his estate sequestered than the County Committee increased the said quantity (2).

The chief complaints of under-tenants, however, were made against state-tenants or purchasers of the estates, or against the delinquent who had either compounded for his estate or had become state-tenant on it. Unscrupulous men who wished to make the most of their bargains seized at once on rent-raising as a source of profit. For instance, Rob. Ducey, of Aston, and Thos. Rogers, of Tamworth, having become

1.CCC.Pt.IV.2926.

2.ibid.Pt.III.2197.

state-tenants of the estate of Walter Fowler at an improved rent of £1,100 a year, at once concluded that the old rates paid by the under-tenant were too low, and resorted to force to compel the higher rates (1). Or when a state-tenant had struck a bad bargain by "over-bidding", or owing to the fact that he could not get allowances for repairs from the London Committee, he sought compensation by forcing increased rents out of the under-tenants on the estate. Capt. Robert Billops, for instance, evidently overbid for the lease of the estate of Wm. Langdale, and proceeded to "exact such a rate from the under-tenants as they could not bear without ruin". The tenants told Billops that he had overbid by £100 a year, and that the rent he proposed to give was "£200 in excess of the ancient rent". Billops, however, decided to make good by offering the tenants the alternative of paying increased rents or quitting their farms (2). Purchasers of estates also looked upon rent-raising as part of their bargain. Major Lewis Audley, among his

1. CCC.Pt.III.1891.

2. *ibid.*Pt.III.1925.Cf also IV.2856.

his other purchases from the Treason Trustees, bought houses in Long Stanton and Oakington parishes, co. Cambridge, the rents of which, we are told, were already high, and immediately proceeded to raise the rents higher still (1).

The transference of land, then, in this period, whether to state-tenants, or purchases, or to delinquents who compounded, created a position of grave uncertainty for under-tenants on the estate. The landlord or state-tenant often resorted to the old trick of making copy-holders produce their deeds in proof of their holdings (2); or they ignored the rights of lessees of works etc. which had been granted by the delinquent landlord (3); or again, they might prefer to bring their own under-tenants and turn out the old. So prevalent was this habit of disturbing under-tenants on the sequestered estate that committees often made the proviso in granting leases, that "the ancient tenants shall not be disturbed" (4). But once the new landlord or tenant was installed there seems no reason for believing that the

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1. CCC.Pt.III.1649. Cf.2730,2731. Where private purchasers doubled the tenants's rents.
 2. *ibid.*
 3. *ibid.* Pt.II.1303.
 4. *ibid* *passim*.

committees' orders were kept, or that any steps were taken to protect the under-tenants.

Then, too, the delinquent who compounded for his estate, or became state-tenant on his own sequestered estate, often, on the one hand, vented his spleen on the under-tenants for having paid their rents to the State; or, on the other hand, he sought to recover his losses by wringing extra charges and higher rents out of his tenants. The inhabitants of Buckland and Laverton co. Gloucester, petitioned that Sir Henry Fred Thynne should not be admitted as state-tenant to his own estate, since they had good reason for believing that he would at once proceed to evict them for having paid rent to the State (1). Viscount Stafford, after compounding for his estate, at once raised the tenants' rents to "extreme rack-rents", and charged them with taxes, etc. "contrary to contract and to Act of Parliament" (2). While Walter Fowler, of St. Thomas', co. Stafford, on being admitted state-tenant on his own estate, rack-rented his tenants to "screw up his fifths". He then re-let the estate to one Tonks, who "doubled and even trebled the tenants' rents". (3).

1.CCC.Pt.II.910-11.Also 1206,2544, etc. According to Dugdale, "Tenants (or Royalists) should pay the assessments out of their Landlords estates, and defalk them out of their Rents. Dugdale "A Short View, etc. 25 Aug.1643.p.125.
 2.ibid.Pt.III.2085.
 3.ibid.Pt.III.1892.

The position of some farmers or tenants on estates in general, and not merely on delinquents' estates, during this period, is indicated by "the Petition of the Farmers of Surrey" (1). The date of the petition is 1647,. It is to the effect that not only have the tenants been rack-rented for the past six years, but, in addition, "though your petitioners are Rack'd in their Rents already, and unable longer to pay our rents, and to continue this Charge of quartering without Allowance, are still charged to Owners, and the Landlords as yet go free, and most of them refuse absolutely to bear any part of this Charge upon tender of their Rents, unless they should be enforced thereunto by Ordinance of Parliament". Evidently, in some parts of the country at least, the burden of the war had to be carried by tenants rather than by Landlords.

Landlords
make their
tenants pay
for the way.

A great number of complaints were also made by delinquents and Recusants concerning the neglect and abuse of their property, and lands, by state-tenants. It is possibly here merely to indicate of few of such complaints. State-tenants are accused of wasting woods

Complaints
against state-
tenants by
delinquents.

1. Rushworth. Vol.VII.p.936.

and doing damage by digging turf (1); or by "ploughing and tilling the land contrary to the laws of husbandry", so that it will be worn out by the expiration of the tenant's lease; they neglect fences (2), damage tenements (3), and in many instances render the whole estate useless (4). The Mansion houses of Recusants are turned into little better than "hogstys" (5). The collieries in Clayton, Eccleshill, etc. are "almost lost because the yearly tenants will not bestow the requisite charges for repairs (6).

Moreover, state-tenants, like under-tenants, know how to be "obstinate". When the delinquent has compounded for his estate, he has the greatest difficulty in gaining possession (7). Even after he has sold part of his estate in order to compound, the state-tenant may detain the lands (8), or continue to cut down timber long after the date when the delinquent is supposed to have gained possession (9). Or, again, the under-tenants often refuse to recognise him as landlord, and detain their

1.CCC.Pt.II.1300. ~~XX~~ IV.3047.

2.Ibid.Pt.IV.2743.

3.Ibid.Pt.IV.2764, 2930, 2943.

4.Ibid.Pt.IV.2813.

5.Ibid.Pt.II.1479.

6.Ibid.Pt.III.2379.

7.Ibid.Pt.III.1693.

8.Ibid.Pt.III.1750, 1832, 1870, 1977, 2011.

9.Ibid.Pt.IV.2674.

rents (1), or even quit rather than serve under him (2). And this even after the delinquent has "borrowed money at interest" in order to compound (3). John Finch, Recusant, of Preston, Kent, admirably expressed the grievances of delinquents and Recusants against state-tenants when, after being admitted tenant on his own estate, he petitioned for an abatement of part of his yearly rent, adding, that his estate was "like cherries, which for many years cost more to look to than they are worth" (4).

Inconclusion, among a host of complaints of a miscellaneous character, several claim attention. First, there are several instances which indicate that men take advantage of a delinquent's sequestration to get past wrongs righted. The bailiffs, burgesses and inhabitants of Stow, petition for a new trial of their case concerning the profits of fairs, markets, and view of frankpledge, which, they claim were taken from them by the delinquent's father, Sir Edmond Chamberlain (5). The tenants on the estate of the Earl of Down, co.Oxon, complain of oppression by their delinquent landlord and his forbears, "who turned their copyholds into leases",

Complaints of
a miscellaneous
character.

1.CCC.Pt.II.1195,1202,1258,1400,1426,1428, etc.

2. *ibid.* Pt. II. 983.

3. *ibid.* Pt. II. 1378.

4. *ibid.* Pt. III. 2346.

5. *ibid.* Pt. III. 1983.

etc. They beg "restoration to the rights of their ancestors, having ventured their lives, and lost relatives in the service of Parliament" (1). The townsmen of Weymouth and Melcomb Regis seek to recover their rights to Melcomb Common, parcel of Radipole Farm, which is sequestered for the Recusancy of Alex. Kaynes (2).

The question of inclosure comes up several times. Thos. Carill, state-tenant on the sequestered estate of Sir Charles Smith, Harting, co. Sussex, says that the estate "chiefly consists of new enclosures", with the result that daily attempts are made to throw the lands open again.(3). Similarly, the sequestered estate of Sir Charles Berkeley, of Bruton, Somerset, is "laid open by borderers, and the fences destroyed." Four years later, 1653, attempts are still being made to lay the land open (4). On the other hand, Henry Massack, Recusant, of Bickerstaffe, co. Lancs., complains that his estate, having been long sequestered, Sir Thos. Stanley, of Bickerstaffe, has taken advantage thereof to enclose a moss or common adjoining his estate, which, by long use, belongs to petitioner (5).

1. CCC.Pt.II.934,935.

2. *ibid.*Pt.III.1655.etc. Cf.Pt.II.1195.

3. *ibid.*Pt.III.1916.

4. *ibid.*Pt.II.1339. Cf.438.

5. *ibid.*Pt.IV.2729.

Chapter VI.

Conditional and Unconditional Grants.

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Conditional and Unconditional Grants.

A favourite topic with pamphleteers and Royalist writers of the period was the profligacy of the Council of State, of Parliament, and of the numerous Parliamentary Committees. The new masters of State were accused of not only voting handsome salaries to themselves, but also of accepting grants of delinquents' estates, and of being equally generous, to their kinsmen and political friends (1). "To investigate with real accuracy," says Masson, "all the Royalist traditions on this topic would be toilsome and tedious. What I have observed is that the Republic was certainly liberal in rewarding any who distinguished themselves highly, or suffered much, in its service"(2).

Members of the Long Parliament were evidently anxious to answer, or at least to make a show of answering, the charge of corruption, when, in May 1648, it was ordered that the Committee of Goldsmiths Hall should print all their receipts for Compositions, and account for all the moneys disbursed, that "the aspersions upon Parliament may be cleared of their receiving many millions in Compositions, for which they could give no account"(3). The report of Major Salwey on

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1. See for instance, "The British Bellman" Harl. Misc. Vol. VII. pp. 585-96. (Ed. T. Osborne 1746).
 2. Masson. Milton. Vol. IV p. 55., where many well-known references are also given.
 3. Whitelocke. Memorials. Mat 1648. p. 308.

3 September 1650, which put the annual income from sequestrations at £170,000, and the gross sum due from Compositions at a quarter of a million, did little to remove the popular charge of corruption; for that report had to be corrected by another on 17 December following, when it was found that out of the £170,000 a year from sequestrations only half the sum could be reckoned upon, and even that was subject to deductions, while the two and a quarter millions due from Compositions were more than anticipated by charges amounting to upwards of three millions and a half (1). Government finance was certainly haphazard. Popular opinion concluded also that Parliament and its many committees were corrupt. Neal does not hesitate to say that Officers grew rich out of delinquents' estates (2). In November 1654, a Member of the House gives his opinion that "Many have cleaved and adhered to the cause and to the public, but it hath been, as the ivy cleaves to the oak, which is to the end to climb up it, and to suck from it" (3). Army Officers, trustees and contractors for the sale of

1. C.J.VI.p.461.

2. Neal. Puritans.

3. Burton. Diary. Vol.I.LXXXV.

confiscated lands, and others who have purchased the same, all alike are held suspect in 1659; and Mr. Reynolds, during the debate on the state of the Revenue, affirmed that, if men who had grown rich at the expense of the State could only be brought to book, a remedy would be found for that unhealthy condition of State finance which Sir John Northcote had described as being "in an incurable consumption" (i).

Undoubtedly, one of the main causes which gave rise to these grave charges of corruption was the plan adopted by Parliament of making unconditional and conditional grants out of the estates of delinquents. The Commons Journals of the period, particularly Volumes VI and part of VIII, give the impression that a great part of Parliament's time was devoted to the consideration of grants to such as had in any way rendered service to the Parliament's cause. Masson is right. The Republic was liberal in making grants. We would add, it was even profligate.

Lands worth £10,000 a year were granted to Essex; an estate worth £4,000 a year and £10,000 to

i. See the whole debate on Major Scawen's report of April 1659. Burton Diary. Vol.IV.



Fairfax; Cromwell was voted lands worth £2,500 a year in 1646, and lands worth £4,000 a year in 1651; while officers of lower rank and less eminent merit received gifts in proportion. Lambert was granted £1,000 a year, and later did a great business in buying debentures; Whalley and Monck were granted £500 a year; Okey £300; Alured £200. "In all these cases," says Firth, "the confiscated lands of the Royalists were the fund from which the gifts were furnished" (1). Moreover, these grants were unconditional. There was no doubt about the fact the grants would be realised. For, until such time as they were in actual possession of estates to the value granted, the amounts had to be paid direct by the Goldsmiths Hall Committee (2). Moreover, it may be further added that the policy adopted by certain men, however well meant, was not above suspicion. In sending to Cromwell the Order of the House of Commons for settling part of the Earl of Worcester's estate upon him, Oliver St. John remarks that they had meant to secure for Cromwell also "a goodly house and other lands in Hampshire of the Marquis of Chichester," but it seemed expedient to

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1. C.H.Firth. Cromwell's Army.p.190. For a list of unconditional grants made, Dec.1645. See Whitelocke.p.189.
 2. Instance the case of the grant to Skippon, when it is ordered that the said sum should be paid yearly to him out of the Receipt at Goldsmiths Hall, till some such land should be settled upon him. Ludlow Memoirs Vol.I.p.313.

postpone the same because of Chichester's friends in the House. He then proceeds to tell Cromwell of those who have befriended him in all this; and in writing he must not forget them; adding, concerning Parliament's difficulties in opposing the King's forces, "Let us have high and honourable thoughts of Him (i.e. God). Let our actions be suitable" (1).

Not all Parliamentary grants, however, were made in this unconditional manner. Most grants were made with a proviso, as when Mr. John Brown, Clerk to the House of Commons, is voted £3,000 for losses, with the proviso, "referred to a Committee to raise it; £5,000 to Sir Wm. Brereton out of delinquents' estates "not yet compounded for as he shall nominate" (2); widows of slain soldiers are to have their husbands arrears out of "such concealed estates as they shall discover" (3); or the Countess of Peterborough is to have her husband's arrears "out of such estates as she shall discover" (4), etc.

A list of such conditional grants, drawn up from the Commons Journals or even from Whitelocke, would contain an amazing number of grants and

1. Thurloe. Vol.I.p.75.
2. Whitelocke.p.228.
3. *ibid.*p.394.
4. *ibid.*p.237.

a vast variety of reasons for making the same. The grants are made for damage sustained by towns, for materials losses to individuals, for moneys disbursed in the service of Parliament, for the raising of troops, for contracting for food and clothing for troops, for moneys lent upon the public faith, for arrears of pay to officers or troops, or as compensation to widows and their children for the loss of a husband and father; in fact, the confiscated estates of delinquents are the fund from which is to be paid all and every kind of compensation.

Whatever financial charges could not be met by the extraordinary taxation, Parliament assumed could, and ought to be met either out of estates already confiscated or about to be. The result was that Parliament often granted estates which were not even in its possession, and the grantee was likely to be at considerable cost, and in need of great patience, before actually realising, if ever, the benefit of the grant. Parliament assumed at an early date that delinquents who did not compound should have their estates confiscated(i).

i. The Policy of Sale was clearly outlined as early as July 1644. C.C.C.Pt.1.p.6.

This policy adopted by Parliament of making conditional grants was not only a policy of living on capital (i); but of living on capital which, in some instances, proved to be hypothetical. For Parliament granted estates which were not actually, and might never be, in its possession. As a matter of fact Parliament often left it to the creditor to find the security for his loan, by leaving it to him to find the estate out of which his loan should be satisfied. This even as a war measure, was unsound, and could only lead to disastrous results.

The policy will best be seen by considering the system of military debentures, and informations or discoveries.

I. Debentures.

From the beginning of the war Parliament, unable to discharge the whole of the army pay, substituted promises to pay in lieu of cash. It adopted a system of deferred payment, security for which was "the public faith." The system was applied to Manchester's army at the beginning of 1644, to Essex' Army in March of the same year, and to the new Model Army from its formation (i). The system is fully explained by Ordinance.

i. C.H.Firth. Cromwell's Army. p.202.

"Every Captain both of horse and foot, and every Inferior and Superior Officer...whose pay comes to Ten Shillings a day, or above, shall take but half the Pay due to him, and shall respite the other half upon the Publick Faith, until these unnatural Wars be ended. And every Officer or other that is to have Five Shillings a day, or above and under Ten Shillings, shall accept of the two thirds of the pay due to him, and shall respite one third upon the Publick Faith... And when there is three Months Pay due to any of them, or more, a Certificate thereof from such Person or Persons as the Houses of Parliament shall afterwards appoint for the receiving of the Moneys to be levied by virtue of this Ordinance, shall be sufficient to demand the said Moneys owing upon the Publick Faith as aforesaid" (1). Skippon's speech to his soldiers, 6 April 1645, is to the same effect. For all arrears of pay, his Officers, including those who are being discharged, are "to have a Dentur upon the Publick Faith of the Kingdom" (2). The system was also extended to non-commissioned officers and soldiers in 1647.

1. Rushworth. Hist. Collections.Vol.VI.Pt.IV.p.12.

2. *ibid.*p.17.

The debenture then was merely a certificate or written promise of payment, and the primary question for the army was that of "visible security." For the "Publick Faith" was by no means "visible"; certainly it was not visible in the sense of fulfilling the promises of payment to be made. This want of visible security was behind the struggle between Parliament and the Army in 1647. The Army pressed for visible security for their debentures (i). They refused the Excise as security on the grounds that it was not visible, since it was pledged for £1,000,000, while the estates of delinquents which Parliament was also offering as security, were also in great part disposed of. It was not till the Episcopal estates and a large part of the delinquents' estates were set aside at the end of 1647, and the lands of the King, including the forests in 1649, that any visible security was found for the army debentures.

This question of visible security for debentures makes evident the reason for the tremendous traffic in debentures from 1649-54. Undoubtedly,

i. Rushworth.Vol.VI.Pt.IV.p.505.

there had been traffic in debentures before 1649; for the debenture was transferable. It could be sold. And, although until 1648-49 the security offered was unsatisfactory, the inference is at least probable that Officers and others (1), who had influence in the House, would purchase debentures at very low rates, and then, as "informers," discover, by Order of the House, their own security, i.e. the estate from which they would take their arrears, or any arrears they had purchased as debentures.

The debenture system inevitably played into the hands of the officer as against the soldier, both in England and in Ireland; although the debenture in England differed from the debenture in Ireland in one respect. In England the debenture was a promise of payment in cash to come out of the proceeds of delinquents' lands. In Ireland the debenture was a certificate which carried with it a definite holding in land (2). Now some officers and all soldiers required speedy payment of their arrears. For one thing, they might be discharged

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1. In Jan. 1648. Edw. Cole is to have what comes in on his discovery of Papists or Delinquents' estates, towards a debenture of £608.4.0. due by the State to Rich, King, lieutenant of a troop of horse in the Parliament service, which is assigned to Cole. C.A.M.Pt.II.p.845.
 2. For a full treatment of debentures in Ireland, see Prendergast. Cromwellian Settlement of Ireland pp.187.234.

at any time, which placed their arrears at the mercy of Parliament in what seemed a very unreasonable manner. For the payment of arrears might not only be indefinitely postponed, but even suspended. If, for instance, the discharged soldier's conduct was deemed unsatisfactory, he forfeited his debentures (1). Then, too, debentures were paid by rotation. The "lists" determined who, among the soldiers, should be paid next; which necessitated some debenture holders waiting for an unreasonable period of time, in which case anything might happen, for Parliament had been known to change its mind about the proffered security. Of course, Parliament itself might, in the interests of the State, buy up some of the debentures on occasion, by offering the soldiers a proportion of their arrears on condition that they surrendered the whole of their debentures; after which the soldiers might discover that Parliament would actually pay through its Goldsmiths Hall Committee only a very small portion of the proportion bargained for (2). Thus, unable to trust Parliamentary security, and unable to trust any bargains struck with Parliament, and knowing,

1. C.J.VI.pp.31-32. 25 Sept.1648.Soldiers who have not been "constantly faithfull" are to have their debentures cancelled.

2. Cal.C.C.Pt.I.p.147.

in addition, that the debentures first to be satisfied would be those of the officers (1), the soldiers, when visible security was provided, were prepared to sell, and officers of means were prepared to buy.

In the great debenture traffic from 1649-54 even the highest officers took part (2), for debentures were to be bought, in some cases, at as low a figure as one shilling and sixpence in the pound (3). C.H.Firth has pointed out that, on receipt of a letter in October 1649 from the Council of Officers condemning this traffic at the expense of the soldiers, an Order was issued prohibiting the sale of purchase of debentures. The Order proved a dead letter. For, although the traffic by that order was illegal, there seems no adequate reason for the conclusion drawn by Sir Charles Firth that the traffic was considered risky for officers. There were too many officers engaged in the traffic; for bargains were such that officers were prepared to mortgage their own estates

1. Rushworth. Vol.VI.Pt.IV.p.505.

N.B. There is some ground for concluding that the Ordinance of 25 Jan.1649/50, which placed the whole sequestration affairs in the hands of Compounding Commissioners, was more favourable to the higher ranks of army officials than to the soldiers and the non-commissioned officers. Hist.MSS Commissn. Report. Leyborne-Popham MSS.p.51.

2. C.H.Firth. Cromwell's Army.pp.202-208.

3. L.H.Berens. The Digger Movement.p.136. Also "Some Sober Reflections (1656).p.147.

in order to buy up debentures to be satisfied on Crown Lands (i).

Quite a number of these debentures for military service (1649-54) are contained in Vol.109. SP.46. They are printed certificates in which the holder's name is inserted. The certificates, however, merely tell us the names of some of the debenture holders. Much more interesting information is contained in SP.46, No.128 (i) for here we find the procedure usually adopted by officers when contracting with the trustees for Sale of the King's Lands. A debenture holder, or several debenture holders, appoint an attorney to do the contracting for them. The attorney may be empowered to purchase lands with their debentures or arrears, and to dispose of the same in order to provide them with ready money; or, he may be empowered simply to contract with the Trustees for the Sale of Lands for them. A rather significant phrase occurs in the appointment of one attorney by several debenture holders. "The said Captn. Syllas Tailor...may contract for us in his own name, or in any other name." This method of contracting in someone's else's name will come up again when dealing with purchasers.

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1. Hist. MSS. Commisn. Report, Leyborne-Popham MSS. ~~p.102~~ p.102.
 2. The references are to Public Records Office.

The results of this system of debentures may here be summed up briefly. First, it antagonised the Army against the Members of the Long Parliament and helped to make possible the coup d'etat of Cromwell. Secondly, it created a breach between the soldiers and their officers. The soldiers ceased to think that theirs and the officers' cause was one and the same thing. They learned, in the words of C.H.Firth, that "the officers got the oyster and the soldiers the shells." Thirdly, the soldiers, now grown discontented "were apt to turn leveller" (1). Fourthly, it had helped to make necessary the sale and splitting up of Crown lands and Church lands, and to distribute the same among a limited number of military officers, who, in virtue of the fact that they held debentures, either on their own arrears of pay or by purchase from the soldiers, were admitted as purchasers. Here was a new land-owning class, consisting of military officers (2). And, lastly, leaving, as it did, a number of officers and soldiers unprovided for by former sales, it rendered necessary the further sale of delinquents' estates.

1. Leyborne-Popham. MSS.P.51.

2. Among his other purchases, Col.Philip Jones, for instance, purchased Wrinston with three adjoining manors from Col.Horton's Brigade, to whom they had been granted after the battle of St. Fagans, out of the forfeited estates of the Marquis of Worcester. DNB.XXX.pp.151-52.

The army was like a cormorant.

The Council of War which sat at Westminster on Thursday, 12 August 1652, decided to petition Parliament, among other things, as follows: - "That an effectual provision be made for stating the Accounts of Such Officers and Soldiers, who faithfully serving Parliament, were not comprised within the Security of the late King's Lands, and that they may be satisfied out of the lands that are or may be confiscated"(1). Evidently, every fresh sale of land tended to enrich a few officers and other traffickers on lands, and to necessitate further sale.

1. Thomasson Tracts. The Weekly Intelligencer. Tuesday, August 10 to Tuesday August 17, 1652. (Brit.Mus.)

The system of Informing was also part of the Parliamentary policy of making conditional grants. In addition to the fact that any person might inform against a delinquent, and was encouraged to do so by the proffered reward of one-fifth of the Money accruing to the State from his discovery (1), Parliament also realised some of the possibilities of Informations as a system whereby, on the one hand, its creditors might be satisfied without drawing on the Government's resources, and, on the other hand, might, at the same time, actually add to them.

II.
Informers.

From such a point of view, the system appeared to be both ingenious and profitable to the State. State creditors, whether debenture holders or holders of public faith bills, were promised a third, one-half, and sometimes the whole benefit of any discoveries of concealed estates of delinquents they might make in payment of money owing, to them by the State. The usual proportion allowed, however, was one-half. The rest accrued to the State (2).

1. Firth and Rait, Ordinance, 27 March 1643.

2. C.A.M. Pt. I. p. x. Also, Memoirs of Col. Hutchinson, p. 294.

A list of Informers and their discoveries drawn up from the Calendars (CAM and CCC), is remarkable both for its length and for the differences revealed in the position and character of the informers (1). The list includes the names of some men who were sheer money-grubbers, whether at the expense of Parliament or of its political enemies (2). Bribery and corruption abounded under the system. As early as 1645 the number of false accusations was such that Parliament issued an Order that "no one be henceforth allowed to make such discoveries without recommendation by the Committee for Advancement of Money or one of them in the House"(3). On 23 December 1648 it was deemed necessary to revive the Committee for taking Bribes, in order to deal with informers who had failed to prosecute their discoveries, or, having begun, allowed the prosecutions to drop because they had come to terms with the delinquents (4). Usually, however, the informer was a state-creditor who was informing as the most probable way of recovering either his military arrears

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1. A considerable number of merchants are among the informers. For instance, Nich.Handsfield, Goldsmith, of St.Giles-in-the-Fields (CCC.2479); Ald.Ireton, Mercer of London (CCC.1532); Charles Aston, merchant of York (CCC.1508); Rob.Deane, cordwainer of Holborn (CAM.1332); John Clarke, draper of Distaff Lane (CAM.index); and numerous others.
 2. C.J.VI.pp.334-35. Capt.Hugford had procured false witnesses on promise of payment in case of his informations succeeding. See also SPD.1645.pp.442-43, for the "inconveniences that happen by pretences of discoveries of delinquents' estates."
 3. CAM.43,44.
 4. C.J.VI.p.103. Also CAM.8.Aug.1650.

or just debt owing to him for the State.

In February 1645 the Committee for Advance of Money, sitting at Haberdashers Hall, was ordered to receive informations concerning the concealed estates of delinquents from any State creditors. Any creditor, desiring to come in as an informer, entered his name on the Haberdashers Hall list, and, if he had any discoveries to make, an Order in Parliament was secured permitting him to prosecute such discoveries, and also stating what proportion of the discoveries he should have. If, however, the creditor himself had no clues to concealed estates, and wished to come in as an informer, on Parliament granting an order permitting him to hunt for concealed estates, a clue might be given by the Committee at Haberdashers Hall. For "there were clearkes and sollicitors, who... made a business of hunting out such discoveries, and made them knowne to any such as had any arrears due to them" (1). And, outside the Committee, there were men who made a business of hunting for concealed estates with a view to selling their discoveries to any State creditors who would buy (2).

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1. Memoirs of Col. Hutchinson. p. 295.
 2. C.A.M. Pt. III. p. 1203. John Abell petitions that he discovered Henry Golding, and "contracted" with Col. Devereaux to make discoveries for him. Parliament does not seem to have objected to this.

The expense incurred in making and prosecuting the discovery had to be borne by the Informer; and those expenses were often considerable. In addition to the cost of the Survey, the actual cost of prosecuting was in many cases heavy. For instance, in Capt. Rich. Castle's prosecution of Wm. Bateson of Gloucester, Castle "rode 2,000 miles, had ten or twelve peremptory orders from the Sequestration Committee, and proved nineteen articles of delinquency against Bateson, by thirty witnesses." He was often threatened by Bateson and "went in danger of his life," and was offered £200 to betray his public trust. He was one and a half years in the prosecution (1).

Nor was that all. Bateson had been adjudged a delinquent and paid his fine in 1647. But "by reason of attendance on the army Castle has not received a penny in 1655 but has £50 unpaid for all his charges therein. Hence the number of similar complaints that, having informed and prosecuted the discoveries, it is often difficult to get their fifths and thirds. Yet "he that brings a sack to the mill has a right to expect

1. C.C.C.Pt.III.p.1801.
2. *ibid.*Pt.I.p.342.

grist for his toll" (). It was for this reason that many men refused to enter the hunt for discoveries. In order to be a "successful" informer it was gravely suspected that the informer needed friends either in the House or on the central committees.

The following particulars confirm that suspicion. The County Committee for Devonshire wrote the Goldsmiths Hall Committee, 16 December 1651, to this effect, that certificates of discoveries were being taken advantage of by "many captious Solicitors and lawyers," adding, "Many who are pests of the Commonwealth lie at a catch in London, and pretend to discoveries, and so make a prey of the Commonwealth's revenues." (1). Again, Henry, Earl of Stamford, wrote Mr. Leech of the Goldsmiths Hall Committee that he had spent £100 in getting in £600. Thus he is forced "to rely on my old friends at Goldsmiths Hall for help to get my own. When your Committee is full of my old friends, get me a peremptory order to the County committees of Derby and Stafford to pay my arrears" (2).

In any case, the Informer was often engaged on

1. C.C.C.Pt.I.p.518.
2. *ibid.*p.164

an almost hopeless quest. On making a discovery, he might find that the delinquent had already decided to compound, or that, learning that he was about to be discovered, the delinquent would decided to compound on his own discovery (1); or some other informer might also be engaged on the same discovery.

The Act of Oblivion, by which discharges from sequestration were granted to all those whose estates were not actually sequestered before 1 December 1650, came as a terrible blow to many men who were engaged on informing: for any recompense to the informer came solely from the amounts actually paid in by the delinquents whom they had discovered. Hence, informers who had not received their reward before the passing of the Act of Oblivion lost both their expenses and their reward (2).

1. N.B. Parliament kept an every open door for the delinquent who wished to compound on his own discovery.
2. N.B. Informing did not cease with the Act of Oblivion. Even with the Crown lands, the Parliamentary Surveys had by no means brought them all to light. From 1652-54 many discoveries of royal lands were made: and the discoveries and the names of many of the informers are contained in SP.46.VOL.109.Pt.
3. (PRO). Here is a typical letter.
 "Abraham Barrington, Gent. Auditor to his Highness the Lord Protector discovreth that certaine Lands lying in the pishes of St. Johns and St. Stephens neare the Cath. of Canterbury to the quantitie of about Six hundred Acres are concealed lands formerly belonging to the late King, which sd Lands lying in and neare the sd pishes were lately in the possession of Edward Norwood Thomas Quilter and others and the sd Barrington the discover hereof desires to enjoy such benefit as any Act or Ordinance in this case allowes of."
 December 6.1654. A. Barrington.

To sum up. The system of informing did bring to light many estates and portions of estates which otherwise must have remained concealed, either through actual discoveries made by informers, -- in which case both government and informer profited -- or by compelling the delinquent to compound on his own discovery (1) in order to avoid the informers charges, -- in which case the government again profited although the informer suffered loss of his expenses. But the system not only created bitterness between the informer and the delinquent, between the delinquent and the government, and often between the disillusioned informer and the government, it also encouraged bribery and corruption on a large scale. It has been pointed out (2) that one man might inform against another out of personal malice. That, however, did not affect the government financially. The problem for the government lay in the fact that the delinquent himself might, and often did, bribe the informer to stop proceedings. A task not at all difficult in cases where informers were already disgruntled with the government owing to the fact that they could not get their arrears of pay, or such other moneys as government owed to them. Moreover, the system

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1. It is only occasionally that we learn of a delinquent that he has no creditors to betray his concealments. Of Chris. Byerley however, it was said "He was a great money man, and transacted his business without broker or scrivener, so that his bonds and rent-charges are concealed." CCC.875.
 2. C.A.M. Preface xiii.

played into the hands of the delinquents' creditors. The estates of most of the great delinquents were heavily mortgaged. If the delinquent wished to conceal part of his estate, he must square his creditors. Creditors did not suffer loss by virtue of the fact that an estate was sequestered, nor by the fact that a delinquent compounded for his estate. If the estate was sequestered, the creditor could lease so much of the estate and for such a period as would repay the money owing to him. An arrangement which would probably be paid for by the delinquent at such time as he compounded (1). Or the creditor might compound for such portion of the estate as would recompense him for such sums as the delinquent owed him. The delinquent, then, whose estate was mortgaged, was very much at the mercy of his creditors. Hence, if he wished to conceal part of his estate, he must make terms with the creditor. Such terms often involved private and secret sale of part of the estate to the creditor. One suspects that many such private bargains were struck to the profit of the creditor and at the expense of the government. Creditors would naturally favour such private transaction rather than seek to recover their debts at the hands of a

1. He might have the greatest difficulty in dispossessing the creditor who had become tenant. It is also to be noted that creditors were usually scribes or goldsmiths, or of the other livery companies. See *infra*. Chap.VIII.

Parliamentary Committee. It was probably because of these private sales to creditors that, in the Ordinance of 25 January 1649/50, Parliament provided that delinquents might sell part of their estates in order to compound. Further, as a financial measure the system was unsatisfactory for two reasons. First, it was unsatisfactory as a way of paying the informer. It was a very undignified way of paying army officers and state creditors. It left it to them to hunt for their money. And, since informing often involved considerable expense to the informer, the poorer creditors were unable to discover estates (1). Second, the system was part of that jumbled and extravagant finance which characterised the period at least until 1654. Informing did not really profit the government. The informer was responsible for the survey of the estate he discovered, and such surveys were unlikely to be in the government interests. Finally, the system of informing encouraged speculators only in land, but in public faith bills, debentures, and private debts. If the Memoirs of Hutchinson are to be trusted, then not only in London, but throughout the country informers were busy, who wished merely to sell their information to such as would buy it.

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1. Alice, Viscountess Moore, to whom Parliament had made a conditional grant, was so reduced that she borrowed from a money-lender on very hard terms. CCC.130.
 2. CCC.518.

CHAPTER VII.

The Ordinances and Acts of Sale.

Chapter VII

The Ordinances and Acts of Sale.

In offering the estates of delinquents for sale, Parliament was confronted with the task of discovering the extent and value of such estates. There was no central registration office to provide the necessary information.

Difficulties in the way of public sale of lands.

This lack of information first created a problem for Parliament in levying the Assessment, and it was probably for this reason, in part, that the assessment was levied in the form of a fixed sum for the various districts. The local committees were authorised to collect the amount levied on the districts as such; but the amount levied on the various individuals was partly a matter of guesswork, with the tendency that some men were over-rated, and others under-rated (1). Moreover, the lack of information about estates served to create the practice among all parties of concealing part of their estates in order to avoid the assessment. From a comparison of the amounts levied on the various districts with the actual receipts, it is evident that many men found ways and means of partly or wholly avoiding the assessment (2).

Lack of particulars as to extent and value of lands.

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1. CAM. passim. See complaint of Thos. Raikes. Hull Letters.
 2. CAM. l. vii. For the period 1643-1 July 1644, "the receipts were £260,306, the unpaid balance of the sums demanded was nearly six times as much, being £1,418,299.

The very idea of making an impartial survey of estates for Assessment purposes was bitterly resented in the House. "As to this plan of surveying and searching into men's estates, it is that which your ancestors would never endure. That the chief magistrate should know men's estates was always avoided". Sir Wm. Strickland said that "the way that is propounded looks like a Court project. Our ancestors have always declined such courses" (1).

Impartial survey of lands resented, for purposes of assessment -t.

If, then, the "well-affected" resented a survey of their estates, and some of them "concealed" parts of their estates to avoid the Assessment, the dis-affected were likely to do likewise.

Parliament and its committees experienced this difficulty when dealing with delinquents' estates. "Concealing part of an estate" was a common practice among delinquents (2). When an estate was sequestered, the county committee was often well aware that part of it was concealed, and equally aware that there would be difficulty in discovering it, particularly in districts where Royalist influence was strong. It is also to be noted that when the delinquent compounded on his own

and for purposes of sale.

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1. Burton's Diary. 12 June 1657. Vol.II.
 2. C.C.C.passim.

discovery, he compounded on his own particulars, since Parliament was concerned with "the speedy bringing in of money", and provided, so it was believed, against concealments by encouraging informers. Nevertheless, the calendars are noisy with complaints against concealments right to the end of the period.

Easy to conceal part of an estate.

It may be noted in passing that the practice of delinquents' concealing part of their estates has a definite bearing on private sales and purchases. The delinquent might conceal part of his estate in one of three ways. He might simply omit it in his particulars; and trust that it would not be discovered. He might conceal it in some one else's name, which seems to have been a fairly common practice. Or he might sell it privately.

Which encouraged private and secret sales by delinquents.

Many portions of estates must have been sold by delinquents in this way which cannot be traced. It appears that many delinquents sold part of their estates privately in order to compound long before the Ordinance of January 1649-50 permitting the same. For Ordinances and Acts often confirm rather than anticipate a practice. Some of these private sales will be noted

in due course (1).

The Parliamentary policy of public sale was first outlined in July 1644, when, in order to discharge the pay of the Scots Army and the Army under Lord Fairfax, amounting together to £46,000, the House of Commons, ordered the Goldsmiths Hall Committee to "bring in a list of delinquents estates fit to be sold, and at how many years' purchase, with all the circumstances conducive to raising moneys by the sale" (2). The result was that a policy of sale was outlined, according to which the estates of certain delinquents were to be sold at 8 years purchase for lands and 6 years purchase for houses, "of the value before the present troubles". The Committee of the several associations was to name four persons in each of the several counties to value the lands and houses to be sold, and twenty other persons to value the lands and houses within the lines of communication. The process known as "doubling" was also recognised (3). "Those who have lent money on Public Faith, if they

From the outset opinion rife that delinquents lands must be sold.

The policy of sale outlined July 1644.

1. infra. Chapter VIII.

2. C.C.C.Pt.I.p.6.

3. N.B.

lay down as much more, may have it allowed in part purchase money of these estates.

It was this policy, outlined in July 1644, which, with certain enlargements and modifications, was put into operation by the main Parliamentary Acts: for Acts of the Sale of Bishops Lands, 9 October 1646 (1), of the Sale. Dean and Chapter Lands, 30 April 1649 (2), of the Royal Estates, 16 July 1649 (3), and for the sale of the estates of other delinquents, 16 July 1651, which includes the names of 73 delinquents (4), 4 August 1652, which includes the names of 29 delinquents (5), and by an Act of 18 November 1652, which included no less than 678 delinquents (6).

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1. Firth & Rait. Vol.I.pp.879-83. Cf.Gardiner. Civil War, Vol.III.p.145, who points out that the immediate object of the sale was to provide some security for the pay of the Scots Army. For a list of later Ordinances relating to Episcopal estates, see Dr.W. A. Shaw, Hist.of the English Church" etc. Vol.II. pp.211-212, footnote.
 2. Firth & Rait. Vol.II.pp.81-104. See also Dr.W.A.Shaw, Vol.II.p.213, as also for further Ordinances concerning the Sale of Capitular estates. Vol.III.pp. 213-214. footnote.
 3. Personal estate, Firth & Rait, Vol.II.pp.160-168. Lands of "late King, Queen, and Prince, *ibid.*Vol.II. pp.168-191. Certain castles, palaces, and manors, were excepted from sale, so also the Fee-farm Rents, and certain other rents. *ibid.* Vol.II.pp.188-191. But these exceptions were not long maintained. For Sale of same, see Firth & Rait, as also for sale of forests.
 4. *ibid.*Vol.II.pp.520-545.
 5. *ibid.*Vol.II.591-598.
 6. *ibid.*Vol.II.pp.623-652.

Apart altogether from the episcopal capitular, and royal estates, it is evident from the number of delinquents included in the three Acts of Sale, of 1651 and 1652, that the opportunities for traffic in delinquents' estates was considerable; for by these three Acts alone no less than 780 estates, varying considerably in extent and value, were to be posted for sale.

The Acts of Sale vested the estates in Trustees; in 24 for the Episcopal estates, in 15 for the Capitular estates, in 11 for the personal property of the King, in 13 for the Royal Lands; and in 7 for the estates of other delinquents estates forfeited for Treason in 1651, 1652.

Lands
vested in
Trustees.

Surveyors were either named in the Acts, or it was left to the Trustees to appoint them, and a host of other officials, -- treasurers, a "comptroller", and a "register and keeper", for the episcopal and crown lands; a "register accomptant for the episcopal lands, and a "register of debentures" for the Royal Lands; contractors for sale, and also committees for the removal of Obstructions.

Surveyors
and other
officials
appointed.

The appointment of one official, in particular,

a Surveyor-General, by the Acts for the Sale of Capitular and Royal estates is noteworthy, the reason for the appointment being that of the "many neglects and imperfections in the surveys of the late Bishops Lands", by which "the sale of the same hath been much retarded" (1).

Appointment
of Surveyor-
General.

The salaries and charges of these officials constituted one of the many grounds for the charges of mismanagement and corruption levied against the Members of the Long Parliament. For instance, in the Account of the Sale of the Bishops' Lands (2), the amounts paid out in salaries, incidents, and for payments to the surveyors of the said lands, seem exceedingly heavy, and yet the "Accomptants crave £300 for their clerks, they not having received any salary for the last six years". The costs of surveying were viewed by contemporaries as little less than robbery (3).

Salaries of
Officials.

Cost of
Surveys.

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1. Firth & Rait. Vol.II.pp.93,173.
 2. Dr.W.A.Shaw.Hist. of the Eng. Church. etc. Vol.II. Appendix VIII.pp.558-566.
 3. Dugdale. "A Short View of the Late Troubles" etc. p.225.
Cf. Whitelocke. "The charge of a survey of a Manor came to £255. 12. 0. being 226 sheets of paper, and the value of the Manor but £300 per annum, and a life allowed upon it. Three-parts of the purchase money went in fees and charges". (Ireland). p.514. Also C.J.VI.p.5208 Jan. 1650-1, concerning "excessive Fees of Auditors" and other officers and committees.

None the less, "the various Parliamentary Surveys which have survived form a most valuable store of information for the economic historian" (1); and, also, it may be added, for the historian of the Church and of social life, particularly if, in the list of Surveys he included the "parochial Surveys of 1650-51 which were made not for purposes of Sale, but "were directed to the grand purpose of a statistical parochial or clerical abstract of the whole Kingdom" (2). For these parochial Surveys, not only enable us to judge the actual value of the different benefices in the middle of the seventeenth century, by indicating the possible advantages of dividing parishes, of raising chapels to the rank of parishes, "they admit us to a view of the distribution of population at the period, and sometimes to the state of the country generally" (3).

Value of
Surveys.

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1. R.Lennard, Rural Northamptonshire, p.25 (Oxford Studies in Social and Legal History.Vol.V.) Some idea of the bulk of these records and of the wealth of information they contain is gathered from Mr.Lennard's work on the Surveys of the Manors of Grafton and Hartwell. Not all Parliamentary Surveys, however, have anything like this value.
 2. Dr.W.A.Shaw.Hist.of Eng.Church, etc. Appendix XI, where Dr.Shaw rightly distinguishes between the purpose of the Church Surveys, one being for statistical purposes, the other for purposes of Sale.
 3. *ibid.*vol.II.pp.248-251.

The point, of immediate importance, however, about these Surveys, is that, apart from the parochial Surveys, they were made for the purpose of "speedy sale." In the Ordinance for the sale of Bishops' Lands, 17 November 1646, it is stated that "nothing in the Instructions, Oath, or in this present Ordinance, shall be construed to compel Surveyors to make any admeasure- ment of the Lands, or any particular Survey of the number of Acres, unless they in their discretion shall think fit; the intention of the Houses being, that the said Surveyors should make a speedy return of their several Surveys, to the end that a speedy sale may be made thereupon" (1). And, even when, in the Acts for the Sale of Capitular and Royal estates, a Surveyor General was appointed to supervise the work of the Surveyors and to correct any imperfections in their surveys, the "neglects and imperfections" with which he has to be concerned, were such as hindered speedy sale.

Hence little surprise is occasioned when, in the introduction to the Surveys of Crown Lands, we learn

Surveys made with a view to "Speedy sale" of lands.

Many sur-veys merely certificates of value.

1. Firth & Rait. Vol.I. pp.902,903.

that some documents included in the series are not Surveys, "but short certificates of value, and others are copies of various evidences apparently submitted to the Surveyors at the time of making the Surveys (1).

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1. PRO. Exchequer Augmentation Office, being Parliamentary Surveys of Crown Lands and Fee-Farm Rents, made by authority of Parliament (1649-1653). These surveys are of two kinds, and were made respectively under two distinct authorities. "The distinction is set forth in the general title of each Survey. One class (e.g. nos. 9, 10, Bedfordshire) was made by virtue of a Commission granted upon an Act of the Commons.... for the Sale of Honours, Manors, and Lands, belonging to King Charles I, his Queen, and Prince, passed 16 July 1649. The other class (e.g. nos. 2, 5, 6, 7, 8, Bedfordshire) were taken under a Commission grounded upon an Act of the Commons for the sale of the Fee Farm Rents belonging to the Commonwealth of England, formerly payable to the Crown of England, the Duchy of Lancaster, and Duchy of Cornwall, passed 11 March 1649." Introduction to above.

For other Surveys see ---

1. Deputy Keepers Reports. VII.App.11.224/38.
.....VIII.App.11, 52/58.
2. Lists and Indexes XXV (Rentals and Surveys).
3. Surveys of Church Lands.

Two other matters in these Ordinances and Acts of Sale are significant in connection with the traffic in lands. First, the great Acts of Sale emphasise the fact that the various officials appointed shall not come in as purchasers. No trustee, contractor, treasurer, or surveyor, etc. "or any in trust for him or them" (1), is permitted to make any purchase. Their salaries were fixed, and allowances were to be made for their various charges. For instance, John Blackwell, one of the contractors for the Sale of Bishops' Lands was forbidden, by the House of Commons, 2 September 1648, to purchase Bishops' Lands "in his own name, and for his own use"(2). Apart from the fact, however, as will be later pointed out, that officials did actually purchase lands, several clauses in the Acts and Ordinances themselves indicate that, in some instances, officials are to be permitted to buy. On 21 September 1648, a little over a fortnight after Blackwell's case, Col. Wm. Harvey carried to the Lords, for their concurrence, an Ordinance for enabling contractors for the Sale of Bishops' Lands to purchase Bishops' Lands towards their salaries. Moreover, the

Various
Officials
not to
purchase
lands.

1. Firth & Rait. Vol.I.pp.890,902.Vol.II.172.
2. C.J.VI.p.23.

Lords gave their assent (1). It has been definitely laid down in the Ordinance of 14 April 1648 that contractors should receive Bishops' Lands in lieu of salary. But the Ordinance of 21 September of the same year was concerned with making provision for contractors to purchase Lands in "excess of salary"; and actually did make such provision (2). Then, too, in the Act for the Sale of Manors of Rectories and Gleab Lands of Bishops" etc., 16 October 1650, instead of a clause forbidding purchase of officials, it is stated that none of the Trustees, Treasurers, Contractors, Registers, Registers Accomptant, Surveyor General, or any of their clerks shall purchase "without leave from the Committee for Removing Obstructions "(3). But, evidently, permission to purchase might be granted. Further, when the Ordinance of 18 February 1650 rendered inoperative the payment by holders of military debentures of a percentage of their purchases towards the salaries of officials, those salaries still had to come from somewhere, and probability is that, in lieu of such payment, officials were permitted to

Officials
do purchase
lands.

1. C.J.VI.pp.26,27.

2. Firth & Rait. Vol.I.pp.1121-23.

3. ibid,432,433.

purchase estates (1).

The purchase price for the estates of delinquents suggested in July 1644 was at 8 years' for lands and 6 years for houses. But by the Ordinances and Acts of Sale higher minimum prices were definitely fixed. The minimum price for Bishops' Lands was at 10 years' purchase in 1646 (2). Dean and Chapter Lands were fixed at 12 years' purchase by the Ordinance of April 1649 (3), with the proviso that, unless State Creditors, holding public faith bills, came in as purchasers by way of "doubling," they would be allowed to buy only at 15 years' purchase (4). By the end of June, however, it was deemed necessary by Parliament to reduce the minimum rate of purchase for Dean and Chapter Lands to 10 years purchase for ready money, and 13 years' purchase for State creditors who refused to "double" (5). For Royal Lands, the minimum price was fixed in July 1649 at 13 years' purchase (6), the amended rate for creditors by transference of debt who purchased Dean and Chapter Lands, but with the proviso that any State Creditor might defalk, in purchase, the amount owing to him by the State, if he paid down in ready money,

Minimum
prices of
lands fixed
by Acts and
Ordinances
of Sale.

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1. To provide for the salaries of Surveyors, August 1654, Enfield Chase was to be sold "to any person whatsoever". Firth and Rait.Vol.II.997.
 2. Firth & Rait. Vol.I.p.902.
 3. *ibid.*Vol.II.p.87.
 4. *ibid.*Vol.II.p.103.
 5. *ibid.*Vol.II.155,156,i.e. for transference of debt without doubling.
 6. *ibid.*Vol.II.p.

"so much per pound of his whole purchase, as the allowance for the Trustees, Contractors, Treasurers," etc., i.e. towards the salaries of the Officers appointed by the Ordinance (1). But this arrangement for State creditors was modified in favour of army-men, by the Act of 18 February 1650, by which Officers and Soldiers, on their own debentures, "shall no longer be enjoined to pay any money upon their contracts, towards the satisfying of the said Salaries (2); on 11 March 1650 the minimum for Fee-farm rents was fixed at 8 years' purchase (3); but by the Act of 6 February 1650/1 it is at 10 years' purchase (4); while, by an Additional Act of 3 June 1652 (5) and another Additional Act of 9 September 1652, the repeated emphasis on "not selling under 10 years' purchase certainly indicates that Fee-farm rents were actually being sold under the minimum rate fixed. An Act for "The Deafforestation, Sale, and Improvement of Forests," etc., 22 November 1653 (6) fixed a minimum purchase price of forests and of the "Honours, Manors, Tenements," etc., at 14 years

1. Firth & Rait. Vol.II.585.

2. *ibid.* Vol.II.339.N.B. All other purchasers had to pay eight pence in the pound as allowance for Officers Salaries.

3. *ibid.* Vol.II.360.

4. *ibid.* Vol.II. 499.

5. *ibid.* Vol.II. 584.

6. *ibid.* Vol.II. 783-812.

purchase (1). For the estates forfeited in 1651 and 1652 the minimum price was at 10 years' purchase (2).

Mr. Lennard has pointed out that the "changes in the minimum prices fixed for the sale of lands are many and hard to account for" (2). While, however, it may not be possible to give an adequate explanation of these changes, the circumstances in which the acts were passed, and certain provisions named in the acts, tend to elucidate the varied minimum prices.

Changes in Minimum prices.

It is important to note first the emphasis laid on "doubling" in some acts of sale. The well-known process of doubling was, as the calendar states, "skilful device by means of which Parliament paid its debts by exacting more money. Any state-creditor could, on producing a public faith bill, and paying again as much as its value, plus the accumulated interest, receive forfeited lands to the full value of the double sums (3). Large subscribers to Government loans, or men who had assisted in other ways, such as government contractors, often accepted this mode of payment rather than trust to the uncertain discharge of

"doubling" on lands by state-creditors.

1. Firth and Rait. II.p.796.

2. *ibid.* II.pp.528,594,644.

3. Oxford Studies.etc.Vol.V.Rural Northants.p.19.n.

4. CAM.viii.

their public faith bills. Moreover, a clause in the Ordinance of 13 October 1646 (1) made it "lawful for any Person or Persons to assign his Right and Interest in any sums of Money owing to him upon the Public faith...to any Person or Persons that will advance the like sum" for the purpose of purchasing Bishops' lands by way of doubling. Hence, there was not only considerable traffic in the sale of public bills, which might be purchased at low rates (2), but it is also highly probable that a great part of the Bishops' lands were purchased by traffickers in public faith bills (3).

The Ordinance for the sale of capitular lands, 30 April 1649, was an ordinance to satisfy holders of public faith bills. Three things are to be noted. First, public faith bills may be sold. Second, doubling is encouraged. Third, holders of public faith bills may transfer their debts to capitular lands, i.e. they may have land to the value of their public faith bills. But Parliament was selling lands not merely to satisfy

Holders of public faith bills may purchase by doubling, or by transference of debt on capitular lands.

Footnotes

1. Firth and Rait. 1.p.884.
2. See "Some Sober Reflections, by J.H." p.147, where public faith bills are said to have been commonly bought up at two shillings and sixpence in the S.
3. Baillie. Letters. 11.p.411.

state-creditors, but to bring in money. It was for this reason that doubling was at 12 years' purchase, as for other buyers with ready money; and that purchasers by transference of debt had to come in at 15 years' purchase.

In the Act for the sale of the Royal lands, the "original creditors" named are not holders of public faith bills, but military officers and soldiers who hold debentures for their arrears of pay. Hence, while the capitular lands were sold chiefly because "other securities are not satisfactory to Lenders: (1), the Act for the Sale of the Royal Lands was an Act to "make due satisfaction unto all Officers and soldiers for their Arrears" (2). "Doubling" is not mentioned in this Act. Holders of debentures are to come in as purchasers at 13 years' purchase, which is the same rate as the amended rate for purchasers of capitular lands by transference of debt: except that by a later Ordinance, army men who make purchasers are not to pay anything towards the salaries of the various officials for sale of lands.

Debenture-holders come in as purchasers of crown lands.

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1. Firth and Rait. 11.p.81.
 2. *ibid.* 11.p.168.

Cf. Ludlow Memoirs. Vol. 1. p. 350. "The Crown lands were assigned to pay the Arrears of those soldiers who were in Arms in the year 1647, which was done by the influence of the Officers of the Army that was in present service, whereby they made provision for themselves, and neglected those who had appeared for the Parliament at the first, and had endured the heat and burden of the day."

Hence the difference in the purchase rates for creditors in the case of Dean and Chapter Lands and in the case of Royal Lands is that, in the former, the creditors were holders of Public Faith Bills, in the latter, they were debenture-holders.

Concerning the changes in the minimum prices, the first change from the suggested 8 years' minimum of July 1644 to 10 years' minimum for Bishops' Lands in 1646, is accounted for by the fact that land values rose considerably after 1644 (1). The next change, from the 10 years' minimum for Bishops' Lands to the 12 years for Dean and Chapter Lands, April 1649, (which, as already indicated had to be reduced to 10 years), is partly accounted for by the fact that Parliament evidently believed there was a good market among holders of Public Faith Bills, and partly because Land values continued to increase, if only for the reason that corn prices were soaring in 1649. That this minimum price for capitular lands had to be reduced within three months of the passing of the Ordinance was, in great measure due to the political situation. There was no

Some reasons for changes in minimum prices.

1. Supra. Chap.V.

confidence in the Government. Men would not subscribe to loans. They hesitated to purchase lands: and on 25 June, Parliament, "taking into consideration how expedient it is for this Commonwealth, that speedy sale be made of the premises, for the present raising of moneys," reduced the minimum rate for capitular lands to 10 years' purchase for ready money and to 13 years' purchase by transference^{of}/debt without doubling (1).

The next change of minimum to 13 years' purchase for Royal lands -- and this in July 1649 -- is really no change at all. The change is not in the minimum rate of purchase but in the purchaser, who is debenture holder. The debenture-holder was to buy at 13 share years' purchase, just as did the creditor, who purchased capitular lands without doubling. The thirteen years' purchase, then, applied to purchasers without ready money. And the Act was careful to limit the number of such purchasers by providing only for original debenture holders, and not for debenture holders "by assignment from others" (2).



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1. ~~Ex~~ Firth and Rait.11.pp.155-6.
 2. *ibid.*11.p.176,191. The Act meant to protect Parliament against traffickers in debentures. But it did not succeed. Moreover, there is little reason for thinking that men with ready money, or state-creditors who were prepared to double, could not purchase crown lands at 10 years' purchase.

It is true that purchasers hung back in 1649. But this applied only to purchasers with ready money. Holders of public faith bills and debenture-holders were eager to purchase. But for men with ready money there were two considerations. First, the unpopularity of the government and a desire to wait for any change in the order of things. Second, the market was glutted with land, and there might be a further fall in prices. Moreover, Parliament, just at the time when there were so many lands in the market, passed an Ordinance, 25 January 1649, authorising delinquents to sell part of their estates in order to compound, thus opening up possibilities of land purchase at low bargain rates. The government was in desperate need of money: it was also in desperate need of restoring confidence. Hence the Acts and Ordinances are noisy with complaints of delay and incitements to greater speed in the sale of lands (1). In March 1650, 8 years' purchase was established as the minimum for the sale of fee-farm rents: but in February 1650/51 the rate of purchase was fixed at 10 years (2).

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1. It is probable that lands were being sold at under 10 years' purchase. Many instances occur in CCC where the price paid for land was not more than 8 years'. On the other hand, there are a few instances where as much as 17 or even 20 years' purchase was paid: but such rates were the exception rather than the rule. Ludlow's statement has little basis in fact. The fifteen, sixteen, and seventeen years' purchase which he mentions were likely to be, if at all, by transference of debt. *Memoirs*.l.p.350.
 2. Firth and Rait.11.pp.360,499,584,616.

Similarly 10 years' purchase was fixed as the minimum for the forfeited estates by the Acts of 1651 and 1652 (1).

1. The Deafforestation Act of 22 November 1653 fixed the rate of purchase at 14 years' (Firth and Rait. 11.pp.783-812). The Ordinance of 21 August 1654, is a fitting commentary on what happened to lands sold at 15 years' purchase, *ibid.* 11.p.947. "Whereas the said Act of Parliament (i.e. of 22 November 1653) is now become in sundry respects impracticable, especially for that the times of payment of the greatest part of the Moneys thereby allowed to be doubled are elapsed, and no moneys paid, by which means the services whereunto those moneys should have been applyed, are disappointed of that supply" etc. The lands simply would not sell at 14 years' purchase.

Chapter VIII.

The Sale and Transference of Lands.

The Sale and Transference of Lands.

The object of this chapter is to indicate what, in the main, happened to delinquents' lands immediately before or after sequestration.

The sales of delinquents lands might be either private or public. Private sales were often made when sequestration seemed highly probable or inevitable. They were made in order to satisfy the delinquents creditors, or to give the delinquent command of ready money which would be safe from sequestration. The public sale of delinquents lands was made by the Treason or other trustees (1). The public sales are apparently the more numerous by far; but private sales are also remarkably numerous, and since for our information about private sales we are dependent largely on casual references in the Calendars, which are concerned with the whole of the delinquents estates, these private sales were probably much more numerous than appears from the records.

Sales private
and public.

Our first concern is with these private sales. Their importance lies in two facts; first, they supply information about many of the purchasers; and secondly they also throw considerable light on much of the

Private
Sales.

1. In this chapter we shall be concerned only with public sales made by the Treason or Drury House Trustees. But there were trustees for Episcopal Lands, for Dean and Chapter Lands, and for Royal Lands.

traffic in delinquents lands, and for the following reasons : -

(a) The estates of many delinquents are seen to have been heavily mortgaged to goldsmiths, scriveners, and other capitalists of the merchant classes before the actual outbreak of the Civil War. (b) The sequestration of their estates caused many delinquents either to mortgage, or to mortgage further, their estates in order to make provision for themselves and their families. (c) When the opportunity was given for delinquents to compound for their estates, many were unable to compound unless, on the one hand, they sold part of their estate, or, on the other, they resorted to borrowing. If they sold part of their estate in order to compound, they had to sell at a "cheap penny-worth." If they borrowed in order to compound, they did so at a high rate of interest, unless their friends came to their aid. In many instances, delinquents and others (1) both mortgaged their estates and also borrowed in addition. (d) In a considerable proportion of these private deals, the mortgagees and private purchasers were either lawyers, scriveners or goldsmiths; merchants of the other various livery companies were very numerous.

1. Men who were not delinquents might mortgage their estates and borrow in order to make purchases; such were the bargains to be had in lands. Leyborne - Popham MSS. See the case of Capt. Edmund Chillenden. p.102.

An exhaustive list of private purchasers of lands, and a detailed classification, would be impossible to give within reasonable limits; and, in any case, are unnecessary. Sufficient purchasers, however, will be named to exemplify the two facts already mentioned, namely, the condition of the delinquent who sells, and the class of the purchaser.

Private
Purchasers.

The purchasers may be divided into the following categories: - military men, lawyers, and London capitalists.

Categories.

First, there are a few military men (1). They are few because men to whom the Government owed considerable arrears of pay, etc., were rarely in a position to make private purchases of land. Moreover, they were likely to serve their own ends best either by coming as purchasers on their own debentures, or with debentures bought up at cheap rates.

I.
Military Men.

Second, a great number of lawyers made private purchases of land. It is highly probable that, in the majority of cases, the lawyers were acting as agents for others: but it is impossible from the nature of the documents to tell how often they were acting for others, or were buying land to hold and to sell again as speculators. Among them, there are certainly men who purchased on a

2.
Lawyers.

1. Among the military men who made private purchases were Col. Purefoy, Lieut. Col. Thomson, and Col. George Fenwick.

grand scale, not only privately, but also from the Treason Trustees, both for themselves and for others, and will be included in the list of speculators.

Among the lawyers who made private purchases the following are of interest since the delinquent was already owing money to them before sequestration or borrowed from them in order to compound for his estate:- Walter Walker, lawyer, who along with one Gabriel Beck not only purchased part of the estate of Sir Henry Poole, of Sapperton, co. Gloucester, but also lent Poole £4,335 in order to pay his composition fine, "to clear which," it is significantly added, "his other lands are likely to be sold by him" (CCC.1050). Thos. Bayles, of the Middle Temple, London, privately purchased from Wm. Fromonds, of Cheam, Surrey, an estate consisting of farms in Hadlow, East Peckham, etc., Kent (CCC.1680). Bayles also privately purchased the estate of George Metham, of Metham, co. York. In order to pay his composition fine of £1,300, and other debts, Metham borrowed £2,000 of Bayles, and also mortgaged his estate (CCC.2040). Stephen Boreham, of Westminster, privately purchased the estate of John Banks, of Settrington, co. York, in lieu of money borrowed of him by Banks (CCC.1763). Rob. Yallop, of

Staple Inn, London, privately purchased the estate of Chas. Yaxley, of Bowthorpe, Norfolk. Yaxley was in debt to the tune of £5,000, and was compelled to sell in order to help pay the debt (CCC.2730). Sam Trotman, of the Temple, London, privately purchased the estate of Rich. Holland, of Sutton, co. Lancashire, in lieu of Holland's debt to him (CCC.2842). For other lawyers who came in as private purchasers, see below (1).

The third category consists of London capitalists. In a list (which is necessarily not exhaustive) of some one hundred and forty private purchasers, drawn up from the Calendar of the Committee for Compounding alone, eighty four were merchants (2), four, at least, were goldsmiths, and there were three scribes.

3.
London
Capital-
ists.

A London, or other capitalist, might of course have two main motives for buying, namely, either to acquire landed property and the respectability that goes with it, or, he might buy as a speculation, i.e. either to

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1. Other lawyers who made private purchases were:-
Fras. Theobald, Wm. Morgan, Thos. Bedingfield, of Gray's Inn: Philip Packer, Wm. Hussey, of Middle Temple: Clement Palgrave, of Inner Temple; Rich. Adams and Benj. Harrington, of Lincoln's Inn. And others, who are important both as private purchasers and as public purchasers on a large scale, are:- John Keble, of Gray's Inn: Gilbert Crouch, of Staple Inn: and John Blount and Francis Gregg, both of Clement's Inn.
 2. This number includes a few merchants, but only some four or five, who were not of London.

sell the land again at a higher price or to increase the rents upon it. London capitalists had been actuated by both these motives since the middle ages. In this period, however, many merchants acquire land as the only method of recouping themselves for money lent either to Royalists, who had become financially embarrassed before or through the Civil War, or to the State, which was badly in need of money,

The following merchants purchased land privately in lieu of debts owing to them by the delinquent:-

Nathan Wright, skinner, of London (1) along with Alderman Thos. Wyner, privately purchased in lieu of debt, Granham Manor, Essex, and divers lands and woods from Francis, Lord Petre, of Shenfield and Hutton, Essex: also the manors of Tintinhull and Charlton, co. Somerset (CCC.1667). Petre was in debt to Wright and Wyner to the tune of £6,000 (CCC.1782). Wright also purchased Thorpe Manor, and other lands near Norwich, from Clement Paston (CCC.1830). Rob Austen, merchant, privately purchased Borlaston Manor, mortgaged to him for £3,000 by Sir Chas. Cavendish (CCC.2022). Sir Thos. Allen, grocer, of London, was in receipt of rents from the estate of Fitzwilliam Coningsby's estate in lieu of £5,000 owing to him by

1. Alderman of London, 1649. Father of Sir Benj. Wright, Bart., and uncle of Sir Nathan Wright, Lord Keeper (Aldermen of London, Beavan). A wealthy man. For his loans to Parliament. See CAM.1.343.

Coningsby (CCC.2066). Sir Gervaise Elwes, merchant taylor, and Jeremy Elwes, mercer, compounded for the manors of Eston and Skelton, and the alum mines in Skelton (sequestered for the delinquency of Sir Wm. Pennyman, Bart., of Marsh, York), being allowed an abatement of their rent for such debts as Pennyman owed them. They were to enjoy their bargain till their debts were satisfied, the time expiring at Christmas, 1650. But in February 1652 they were still enjoying the estate "on unlawful demands of interest" (CCC.2529-30). Other instances might be added (1)

1. See the following:-

Dan Hudson, merchant, of whom Sir Thos. Liddell, late Alderman of Newcastle, borrowed £600 before the outbreak of the Civil War. The principal remains unpaid, and the interest has so accumulated, that Hudson claims Farnacres Farm, co. Durham, the property of Liddell (CCC.892).

Chris.Pitfield, merchant of London, purchased the estate of Sir Thos. Lucas, Hornsey, in lieu of £1,000 owing to him by Lucas (CCC.1822).

Walter Menall, merchant of London purchased after the same manner the manors of Lintshall and Upper Lints., from Albert Hodgson (CCC.2115).

Chris.Maynard, merchant of Totnes, Devon made private purchases, including the manors of Ayeswater, Bradford, and other lands in Devon, from Sir George Carey in lieu of debt (CCC.2987). Henry Davy and Ant.Webb, of St.

Dunstans-in-the-West, London, Silkmen, privately purchased the assignment of a bond, and mean to recover it (CCC.3127). John Stint, merchant taylor, of London, secured the estate of Wm. Roddam in lieu of money borrowed of him in 1638 (CCC.2992).

Mat. Bateson, skinner, of London, purchased the estate of Wm. Bramhill, of London, in since he held a mortgage on Bramhill's estate in Congleton, Cheshire (CCC.3205).

It is not possible for the moment to say to which of the great London Companies all these purchasers belonged: but in the list which we have drawn up, are the names of men which may be taken as representatives of most of the Companies, e.g. grocers, merchant tailors, mercers, clothworkers, fishmongers, etc. etc. (1)

1. The list includes the following:-

Thos. Borthley, merchant of London (1149): Rich. Bellchamber, merchant (vintner?)(1149): George Foxcroft, merchant of London (2576): Rob. Lowther, merchant of London (2624): Andrew and Mat. Ken(d)rick, merchants of London (2627- "who held a mortgage of a very large sum"): Phineas Andrews, merchant (2691): Rob. Ward, merchant, of Lombard Street, London (2709): Amund Bedford, seller (2547): Rob. Holt, merchant taylor (2549): Sam Wastell, merchant of London (2833): Edward Smith, sadler, and Thos. Greene, gunmaker, of London (2922): Ant. Belbing, merchant of Portsmouth (3009): Ralph Bressy, grocer of London (3037): John Whicker, merchant of Seething Lane, London (3057): Wm. Mowbray, merchant of Newcastle-on-Tyne (3062): Rich. Benson, upholsterer of London (1786): Giles Vandeput, merchant of London (1830): Sam Gott and John Woods, merchants of London (1852): Theophilus Smith, merchant, of London (1908): Wm. Oake, merchant of London (1910): John Strange, merchant taylor of London (1971): Ald. Chris. Packe, draper of London (2016): Edward Overing, merchant of London (2033): John Thomson, merchant of London (2124): Rich. Moore, merchant, who goes along with Rob Abdy, the scrivener (2225): Benj. Martin, merchant of London (2223): John Brooke, merchant of London (2247): etc. etc.

N.B. Some of these merchants served as Aldermen of London, and as members of the various Commonwealth committees, both as citizens and Members of Parliament. See Beaven. The Aldermen of London. 2. Vols. 1913.

Before passing from the London merchants, two important names, which will receive fuller treatment as financiers, require to be specially noted, namely, Sir Thos. Allen, grocer, and Ald. Chris. Paake, draper, both of London.

Among these London Capitalists, the goldsmiths and scribes, though few in number, are noteworthy (1). Their significance will be indicated later because some few are found active as purchasers of lands publicly sold.

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1. Four goldsmiths are mentioned as private purchasers:-
 Thos. Noel, of London, who was commissioned, 18 November 1644, to melt down the plate in the Tower belonging to the King (CCC.13,15). He purchased privately an estate in Saffron Walden (CCC.1783).
 John Barker, son-in-law of Alderman Thomas Westrow, grocer of London. Barker privately purchased an estate in Suffolk (CCC.2057).
 John Ferrin, of London, who privately purchased the "Green Dragon," Cheapside, and also secured the lease of Wallingford House, the Strand (CCC. ~~31~~ 3106).
 And, very important among the Goldsmiths of the period, and also as a financier of the Government of Charles II, is Ald. Thos. Vyner (CCC.1667).

Three scribes only are mentioned as private purchasers:-
 Humphrey Shallcrosse, of London, who claimed Alnwick Abbey, Northumberland, for a debt of £2,000 (CCC.2046): and Rob. Abdy, also of London, who privately purchased Norton Manor, etc., co. Lincoln (CCC.3106).
 Hugh Awdley, the notorious money-lender. CAM.969-72. DNB.11.249.
 But there are also several men who, though not styled either goldsmith or scribe, appear to have been money lenders: - e.g. Thos. Philips, of London, and Florentin Tainturier, of St. Anne's, Blackfriars: and Ant. Shirland, of High Holborn.

In addition to private purchasers, the Calendar of the Committee for Compounding contains the names of some 600 purchasers, who contracted with the Drury House Trustees (usually known as the Treason Trustees), for the forfeited estates of delinquents included in the three Acts of Sale, of 1651, 1652 (1).

Purchases
at public
sales.

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1. Firth & Rait. 11.520-545, 591-592, 623-652.
The first Act of Sale, 16 July 1651, provided that the following grants of lands should be made:- either the manor of Armington in the county of Norfolk, or the manor of Wissett in the county of Suffolk, out of the forfeited estates of Sir Owen Smith, to Lieut.General Chas. Fleetwood and Francis his wife: Candlewake Court farm, Dorset, from the Earl of Bristol's estates, to Joan Fitz-Joan: a rent charge of £60 a year to Margaret, widow of Nich. Hooker, late Goldsmith and citizen of London: £7,000 by way of reparation to the town of Taunton, out of Sir John Stowell's estate; provision was also made for Margaret, widow of Colonel Thos. Rainborow, and for Oliver Cromwell: while small allowances were made, to be realised on land purchase, to Nath. Hallows, postmaster of Derby, M.P. to George Withers, Thos. Foxley, and Edw. Greene.

Any immediate attempt at a classification of the purchasers of lands to which these acts applied must be provisional. The situation may, however, be put shortly by saying that the same categories of purchasers are active in public as in private sales. Lawyers and London capitalists are busy, and army men are exceedingly prominent among the purchasers. Quite a number of tenants (1) make purchases, since, in the three Acts of Sale of 1651 and 1652, tenants were granted the right of pre-emption. There is also, a very important and suspicious category to be added, namely, the Commissioners for Compounding. And, further, there is a miscellaneous crowd of purchases whom it is

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1. The following are some of the many tenants, great and small, who come in as purchasers of forfeited estates: John Crossthwaite and Roger Gregg, who purchased the manor of Bassanthwaite, Cumberland, on behalf of forty tenants (CCC.1113): Sam Blackleach, tenant, purchased houses in Macclesfield and Hudsfield Manors, co.Chester (CCC.1116): John Cliffe, tenant, purchased two houses, lands, etc. co. Lancaster (CCC.1116): Fras.Ayliffe and Rob.Booth, tenants, purchased two houses in the Strand, London (CCC.1714): Alex. Greene, tenant, purchased two houses, called "The Tower", in Liverpool (CCCC1118): Henry Howe, tenant, purchased two houses and lands, Dunborrow manor (2557): and John Bellasis and Sir Thos.Ingram, M.P. purchased Woodhall Park, and Sicklinghall, etc., in Kirkby Overblow, forfeited by Sir Walter Vavasour, Bart. (CCC.2230). The list might readily be extended.

N.B. John Bellasis is a pretty good example of what a "turncoat" might do. He fought for the King with two regiments at Edgehill: but later decided to buy Royalists lands (C.H.Firth. Cromwell and his Army.p.16. Royalist Composition Paper.XV.191). Sir Thos.Ingram was of Sheriff Hutton, York. He compounded as a delinquent for his own estate, Nov.1646.

difficult, for one reason or another, to fit into any of the foregoing categories. We shall deal with this miscellaneous group first.

In this miscellaneous group, there was a Court Crowd (1), some of whom receive forfeited estates in the three Acts by way of grant, and others who, in addition to grants of land, make considerable purchases (1).

I.
Miscellaneous.

It includes, also, a Parliamentary crowd, who come in as purchasers, sometimes for satisfactory reasons, and sometimes for reasons that are not above suspicion (2).

1. Grants of lands were made by the Acts of Cromwell, and to Lady Ireton who, was evidently as eager to receive lands as her husband had been to refuse them: to Lord President Bradshaw, who, in addition to grants of land made to him, also made several purchases (CCC.326,2428): John Rushworth, famous for many things, oughty really to be counted famous as a land purchaser, despite the fact that DNB makes no reference to the fact.

2. In the Parliamentary group of purchasers are the following:- Henry Neville, who made several important purchases (CCC.117,1873): Gilbert Millington, who got by way of compensation for the burning of his house by the King's troops, more than reasonable compensation (CCC.1735). He was Clerk to the Committee for Plundered Ministers: John Trenchard, Rich.Knightley, Rich.Salwey, Wm. Heveningham, all of whose purchases, by the positions they held during the troubled period, must have aroused suspicion: and a trio of men who act together, and do not appear to have acted honourably, namely, Walter Strickland, Col.Jones, and Col.Mackworth. The petitions of Delinquents were referred to Strickland and Jones. Strickland was a great purchaser. He purchased for himself: he purchased for others and along with others: and, also, got others to purchase for him. (CCC.2533,2534,1337,2373,2570,2890).

Indeed, suspicion has always been cast over the group of Members of Parliament who made purchases of forfeited estates, and, although the subject is a dangerous one, and one on which the most cautious judgement is required, it must be admitted that the conduct of men like Walter Strickland, Col. Philip Jones (1), perhaps also of Col. Sydenham, and even of Sir John Trevor, certainly of Col. George Twistleton (2) is, at least, not easy to understand.

At this point in the list of miscellaneous purchasers, a number of names may be merely mentioned:- Ralph Darnell, assistant clerk to Parliament, and Registrar for delinquents lands (CCC.6663,777,2192,1653,1526): Wm. Steele, Recorder of London: Fras. Cobb "one of the equires of his majesty," who, not only compounded for his own estate and purchased others, but, as the Restoration, came forward to plead his unswerving loyalty and to beg

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1. Art.DNB. xxx.pp.151-152. Also CCC.512 etc. Mystery of Good old Cause.
 2. ~~In~~ 1647 Twistleton was a "discoverer" of Crown lands in Denbigshire (Cal.Wynn papers No.1841). In 1652/3 he was one of the Commissioners for removing obstructions in the sale of Bishops Lands, for which service he and Col.Jones were to receive definite payment. Twistleton, we learn, had also purchased Bishops Lands in 1649 or 1650 (Cal. Wynn papers No.2006). From the Calendar of the Committee for Compounding we also learn that he had acted dishonestly with £700 of the Assessment, for which his own estate was sequestered (CCC.697,703/4). Yet he is later thanked for his services as Governor of Denbigh Castle for "his fidelity and zeal." But this by men who were interested in sequestrations. (Call.Wynn Papers No.2149).

compensation for his losses (SPD.1660/61,p.290): and Humphrey Weld, who along with Wm.Hussey and Walter Barnes, a suspicious character, was one of the Trustees appointed by the Dorset Committee to Henry, Lord Arundel's estate. Weld became purchaser of a considerable portion of the estate.

Thurloe claimed that he had a black book which would hang half of those who went by the name of cavalier. There is in the Le Fleming MSS, a letter which indicates that Royalists were in the habit of buying forfeited estates, not for their delinquent friends, but for themselves (1). Be that as it may, there are, in this miscellaneous crowd of purchasers men who are buying in the lands of delinquents for the delinquent (2). An outstanding instance of buying in on a large scale for a delinquent is that of Mr.Stapleton and Slingsby Bethel, who bought in most of the lands of Sir Henry Slingsby (3).

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1. Le Fleming MSS, p.20 (212)... "my son Kirkbride, to buy land in some friend's name." Kirkbride and his father were Royalists.
 2. "Some Commissioners" wrote Thurloe, "say that the Marques of Winchester has a very great estate, which though purchased in the name of my lord Strickland and other trustees is really for the Marques' use" (Thurloe IV. pp.238/9). One of the difficulties experienced by the Major-Generals in Durham was that the estates of delinquents "were purchased by several persons in trust for the delinquents," and although the delinquents were in possession, they claimed, for purposes of the decimation tax, that the estates belonged to others (Thurloe. Letter to the Protector, 16 Feb. 55/56.
 3. DNB. IV. 425, 426. For purchases, see CCC. 1387, 2191, etc. Also. Rich. Coke buys in for his delinquent kinsman, Thos. Coke (CCC. 1849): Thos. Rosewell for James Rosewell (CCC. 1308): Dan. Wincherley, agent for the Marques of Winchester, probably was buying in for his master (CCC. 2533), etc. etc.

The last to be named in this miscellaneous group are one or two land-agents, who, because of their occupation, were likely to know the values of lands and to buy only at reasonable, if not at bargain prices. For instance, Rob. Coytmor had been agent to the Earl of Warwick (CCC.204, etc.), and for some time was also receiver of Crown lands (SPD.1625/49,p.644). He purchased for himself, or as agent for another, coal and lead mines at Hawarden, Mold, and Hope Manors. There is also the case of Gilbert Mabbott, who acted as agent for Lord General Fairfax (CCC.810), and made several purchases from the Treason Trustees (CCC.1117,3106).

The second category of purchasers consists of Commissioners for Compounding. Extensive purchases by Commissioners for Compounding indicates a possibility of corruption in dealing with delinquents lands. In some cases, as will be seen from the list, the corruption may be taken as certain. It is, in any case, quite clear that Commissioners for Compounding would have reliable and accurate knowledge of the value of lands with which they dealt; and when they are found, while commissioners, acquiring such lands, it is not unjust to call

2.
Commissioners
for Compound-
ing.

1. Gilbert Mabbott was the printer and licenser of the press until May 1649, when he was discharged for having licensed the "Agreement of the People", the "Moderate", and other dangerous books. He married a daughter of Sir Wm. Clarke, who, by the way, not only purchased Crown lands at St. John's Wood and Marylebone, but was permitted to retain them at the Restoration. Leyborne-Popham MSS. pref. xiii, and pp. 102, 103, 194.

their conduct questionable. It is also possible that in some cases they may have imparted knowledge officially gained to merchants and speculators in search of a bargain. The officers of the army certainly distrusted all these commissioners, and vice versa. And it is to be noted, further, that the commissioners were appointed from London, were distrusted by the local sequestration authorities, and probably brought more corruption into the local authorities than they found there. To exemplify each and all of these points, in giving the list of Commissioners who made purchases, both the estates they purchased and any other interesting information will be given (1).

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1. The following Commissioners for Compounding came in as purchasers:-
 Hum.Ellis, North Wales commissioner. He probably died in 1654 (CCC.691): And.Ellis, North Wales Commissioner, who was appointed by the Goldsmiths Hall Committee to act as steward of the Earl of Derby's estate in Flint, etc. Ellis purchased a goodly part of the estate over which he had been appointed steward (CCC.1116). Rich.Sharples was a Lancashire Commissioner. Along with James Wainwright, merchant, he purchased Euxton Hall (CCC.2074): James Smith, Commissioner for Amoundness Hundred, Lanc, purchased Melthop House and lands, Weeton Parish, Kirkham Manor (CCC.1117). Nich.Green, a Wiltshire Commissioner, purchased Wardoue Park and Castle, Sutton Mandeville, and Mere Park, in Wiltshire (CCC.1223): Wm. Harvey, a Lincolnshire Commissioner made only a small purchase of a house in St. Peter-of-the-Gowt's Parish, Lincoln (CCC.1268).

(Notes on Commissioners for Compounding are here continued)

Cap. John Lea, a Staffordshire Commissioner, purchased a house and two farms in Dorset (CCC.1430,1715,2533). The Government was owing Lea arrears of army pay, and had promised him the same out of the discoveries he should make (CAM.74) and, by the Acts of Sale, discovered had the right of pre-emption: Capt. Peter Backhouse, a Staffordshire Commissioner, purchased the Manor of Kirk Langley, and Mackworth Park, co. Derby (CCC.1735). Backhouse was also a discoverer, with army arrears of pay (CCC.514. Also see CAM. & C.J.): John Woodman was a Hants Commissioner; a sequestrator; and also a sequestration collector for the Fawley Division. He also served as sequestration solicitor for the County (CCC.105,3405,406,407,523,530-33). He made only a small purchase of delinquents lands (CCC.2698), but this is one of the cases where a man's purchases from the Treason Trustees is a poor indication of the profits he made out of sequestered estates (1). Evers Armyne, a Rutland Commissioner, purchased Greenham and Whitwell manors (CCC.612). But it is expressly stated that he did not make the purchase until he had ceased to be a Commissioner. He had bitter complaints to make against army Officers, and vice versa. Capt. Nehemiah Collins, of Bristol, a Commissioner for Somerset, purchased the manors of Stoke Abbey and Stoke Militis, Somerset, evidently for himself (CCC.1734). But he also purchased lands for John Harper of Bristol (CCC.3258). Col. John Gorges was also a Somerset Commissioner who, along with Nehemiah Collins, acted in a high-handed fashion as Commissioners (2). Also, along with Wm. Cox, merchant of London, Gorges purchased Stawell Manor, Somerset (CCC.1429).

1. As a collector, John Woodman concealed a good part of the monies he collected. As sequestrator, he refused to hand in an account, He was therefore taken into custody. But, even after such conduct, he was permitted to be a Commissioner for Compounding in the county of Hants.
2. The Goldsmiths Hall Committee had to dissolve the Somerset Committee because the members were not happy among themselves, 14 Nov.1650. But they retained five members, including Gorges. Yet Gorges was involved in suspicious business (CCC.358). Moreover, along with Collins, he had a habit of clearing out any man who opposed his suspicious practices. His own accounts were never satisfactory (CCC.501). But, as in the case of John Woodman, the Goldsmiths Hall Committee retained him as a County Commissioner.

The third category is that of the army officers, 3. Army
Officers.
 who came in as purchasers at public sales in considerable numbers. At least one hundred of them made purchases from the Treason Trustees; many of them in lieu of army arrears of pay (1). Some officers in this list had already had part of their heavy arrears satisfied out of other delinquents lands (2). Others of them, it may be noted, having made purchases of lands, were exceedingly hard on their tenants in the desire to make the best of their bargains (3). Some, too, despite their heavy arrears of pay, were sufficiently wealthy to come as purchasers by way of doubling (4).

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1. The following are a few of the many who purchased lands in lieu of arrears of army pay:-
 Capt. Jeffrey Ellatson, Major John Wigan, Capt. Jeffrey Fleetwood, Capt. Blunt Sadler, Capt. John Barker, Lieut-Col. Rich. Bovet, Capt. John Groves, Lieut. Evan Lewis, Capt. Ralph Arrom, Col. Rob. Birch, Capt. Rich. Mortlock, Capt. Wm. Bryme, Capt. Edward Orpin, for Col. Horton's brigade, Capt. Wm. Barrett, Col. Jas. Philips, Lieut-Col. Gilbert Gerrard. Gilbert Ireland (whose regiment had been greatly in want at Worcester).
 For details of some of their arrears, see --
 Capt. Thos. Axtell (SPD.1650.97). Major Lewis Audley (a member of the intelligence staff (SPD.1648/49), also had subscribed to a loan (SPD.165) and had lent money to his troop to enable them to march (SPD.1651/2).
 2. Capt. Mat. Alured, for instance, was also a purchaser of Dean and Chapter lands (CCC.3078).
 3. Both Major Lewis Audley and Rob. Fenwick are instances of purchasers who were hard on their tenants. See Chap.v.
 4. For instance, Col. John Fielder, CAM. and CCC.282,1790.
 N.B. On army officers arrears, see C.J.VI, VII, and CAM passim.

The purchases made by some officers are not to be accounted for on the grounds of army arrears alone, but only by the fact that they purchased lands for the sake of bargains, or that they were purchasing for others as well as for themselves (1). Some officers who came in as purchasers from the Treason Trustees, as from other trustees, may be strongly suspected of dishonesty. A review of the evidence shows that Col.Thos.Birch,M.P.,for some time Governor of Liverpool, is probably a case in point (2), and there can be no doubt whatever that the "Mystery of the Good Old Cause" is right in condemning Capt.John Stint, of Westminster. Robert Wakeman, Stephen Kirke, and Dan Cox, registrar to the Committee for Advance of Money, all of whom generally work together (3).

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1. Sir Arthur Heslerigg bought from the Treason Trustees and from other Trustees, as he also ~~made~~ made private purchases, as an investment. While Capt. Rob.Thorpe who made twelve heavy purchases (CCC.2584,1524,1625,1714, 1715,1735,1737,2430,2422,2623,2658) was evidently purchasing for others, perhaps army officers, as well as for himself. It was a common practice for one man to buy for other army officers. See SP.128 (PRO).
 2. For the numerous references to Birch, see Index to CCC.
 3. The references to Stint & Co. are numerous. See CAM,CCC, and Index to SPD.1645/47.
- These men were all important committee men.

The fourth category consists of lawyers. The purchases made by some of these lawyers are so numerous and the estates they bought were of such considerable extent and value, that, in the nature of the case, they can hardly have financed the purchases themselves. Often they are found purchasing for others, or along with others. In some instances they are probably acting as agents for syndicates. Such were Thos. Wharton, of Gray's Inn, and Gilbert Crouch, of Staples Inn; who will come up for detailed consideration as speculators. It is not possible within reasonable limits, nor is it necessary to give the whole of the purchases which these lawyers made from even the Treason Trustees alone, although I have carefully drawn up the list of all the purchases made by them. For the moment merely the list of their names must suffice (1).

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1. The list of names includes the following:-
 John Withers of Clements Inn, to whom, one Fras. Jackson mortgaged his estate: John Blount of Clements Inn: Sam Baldwin of Inner Temple: Nich. Harding of Gray's Inn, who came in as a purchaser in lieu of debt: Fras. Bagshaw of Middle Temple: Thos. Gookin of Lincoln's Inn: Rob. Mackworth of Gray's Inn: John Nelthorpe of Gray's Inn: Thos. Smith (Capt.) of Middle Temple: Fras. Gregg of Clements Inn, Rob. Stoughton of Gray's Inn: John Keble of Gray's Inn: Thos. Adams of Inner Temple: Thos. Gregg of Lincoln's Inn (only once mentioned): Wm. Lehunt of Gray's Inn.

N.B. Some men who were lawyers are mentioned for the sake of convenience in other categories: for instance, Gilbert Milligan, M.P.

The fifth category consists of London capital- 5.
 ists, among which there is only one, Alex.Holt, who is London
 definitely styled as a goldsmith, and only one who is Capital-
 styled a scrivener, namely, Martin Noell, both of London. ists.
 But several other men were evidently money-lenders, such,
 for instance, as Wm. Clayton, Thos. Harpur, of Fetter
 Lane, and Edward Noell. But merchants, representative of
 all the great London Companies are here in great
 numbers (1).

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1. The following are some of the many merchants:-
 Enoch Howell, or Howett, bowyer, of London: John Owen,
 merchant of London; James Wainwright, haberdasher of
 London: Rob. Holt, merchant taylor of London: John Man-
 ley, who was interested as a bidder for the farming
 of postage: Sam Dabbs, grocer of London: Wm.Cox, merchant
 of London: Nath.Temms, skinner of London: Thos.Lawrence,
 silkman of London: Wm. Hawkins, of Westminster, John
 Hutton and Rob. Gregg, of London: Barn. Trembell, merchant
 of London: Isaac Morgan and Rich. Sturt, of London: Capt.
 Rob. Price, merchant taylor of London: Aug.Skinner, iron-
 monger of London: Edward Alley, fishmonger of London:
 Edw. Brace, merchant of London: Benj. Andrews, Nath.Andrews,
Ald.Thos.Andrews, merchants of London: Thos. Foxcroft,
grower of London: Ald.Thos.Foote, grower of London:
 John Baker, salter of London: Phil.Starkey, cook of
 London: John Clarke, draper of London: John Crisp and
Sir Nich.Crisp, of London: Wm. Ryder and John Robinson,
 merchants of London: Thos. Marsham, merchant of London:
 Rich. Reynell, merchant of High Holborn: Ant.Bedingfield:
 Obadiah Slade, of the Charter House; Gregory Clement.

It is quite clear from the Calendars (CCC.CAM, SPD) that many of these merchants came in as purchasers because they had either directly or indirectly helped to finance the Government. A few instances, taken from the various Calendars may be given (1).

1. Alex.Holt, goldsmith, lent £1,500 to the Goldsmiths Hall Treasurers, 4 August 1649, and was to be repaid the same with 8 per cent interest (CCC.145). In 1651 he supplied biscuits, etc., for the army (SPD.1651, p.544) 552,556). He purchased Burscough Manor, co.Lanc.(CCC. 1118) evidently by way of "doubling" the amounts, or part of them, owing to him by the Government.
Wm.Hawkins, merchant of Westminster, was one of five gentlemen appointed as Trustees by Parliament to raise £50,000 for Ireland, and for their time and service were to receive each £500 (CCC.362, Nov.1650). He lent £3,075 at 8 per cent (SPD.1651,p.435) to be paid out of the £50,000 which he was helping to raise for Ireland (CCC.2635). He also supplied oars for shallops at Newcastle (SPD.1651. p.560).
John Clarke, draper, stood bound in 1644 for money, being the cost of arms for Weymouth (SPD.1644/45.pp,366,367). He subscribed £2,581 to a Parliamentary loan, and was to be repaid out of such discoveries as he should make. Since the discoveries did not succeed, he was to have £2,000 "as doubled money" on his purchase of delinquents lands (CAM.552,853). But not having received compensation in 1651 (CAM.211-13), Clarke evidently decided to purchase forfeited estates by way of doubling (CCC.1737).
Phil Starkey is described as a cook. We find him in account with the High Court of Justice evidently for catering (SPD.1651.pp.5,536,538). He was to receive a sum of money for attendance on the English Commissioners when in Scotland, May 1644 (CCC.780). It certainly seems a fitting thing that a caterer should buy, among other purchases, the "salt waleinge" in Northwich, and "The Sun" in Watling Street (CCC.2199,463,571,1624,1625).
Nathan Wright, skinner, of Mark Lane, London, had lent £5,000 for defence of Plymouth, £1,000 for relief of Northern parts, £2,350 was owing to him for his share in the ship "Caesar," £2,730 he had lent on the public faith, etc., CAM.1,343. CCC.787,1780,1830,1667.

It may also be noted that some merchants who purchased lands, not only helped considerably to finance the Government, but also held important positions on the various committees, Parliamentary and otherwise: such, for instance, were Aug. Skinner and Gregory Clement who were members of the Goldsmiths Hall Committee, and Alderman Thos. Andrews, his son Nathaniel, and Alderman Thos. Foote (1).

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1. Thos. Andrews and Thos. Foote were men of considerable importance in the affairs of the period. Both men subscribed to Government loans to the extent of £2,500 each (SPD.1625/49, pp.681,683). Andrews was among the Treasurers accountable for Irish monies (ibid 703). He was one of a group that advanced £30,000 which was to be repaid out of the monthly Assessment, and to receive allowances for their services as treasurers (ibid.709). He was a contractor for the supply of food and ammunition for the Irish troops (ibid.714). He was one of the trustees to advance £50,000, and was given the rents and profits of many delinquents estates (SPD. 1648/49. p.098).
- Thos. Foote occupied a similar and equally important position, both as financier to the Government and as a committee man. Moreover, Thos. Foote, along with his wealthy son-in-law, Sir John Cutler, figures in the little coterie of bankers who, later, got a stranglehold on the Government of Charles II.
- Nath. Andrews, son of Thos. Andrews, also held many important appointments (SPD.1644.p.37: 1644/45.p.377). He also lent money to Parliament. "Nath. Andrews & Co." were deliviers of Army stores (SPD.1651.pp.555,576).

Although, as purchasers from the Treason Trustees (1), the merchants are more numerous than the lawyers, they do not purchase at least directly (2), on such a grand scale as do the lawyers. Nevertheless, some merchants did make fairly heavy purchases: only one instance of which need be given, namely, that of Benj. Andrews (3).

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1. It need hardly be said that merchants were prominent among the purchasers of Episcopal, Dean & Chapter, and Royal lands, in addition to the fact that they purchased from the Treason Trustees. On this point a considerable amount of information is to be found in the Calendar of the Committee for Compounding: for instance, to take only one or two of the less prominent purchasers, -- the Calendar tells us that Mat. Alured made purchases of Dean & Chapter lands: that Maccabus Hollis, merchant of Hull, also made several purchases of Episcopal estates, and so on. It has been deemed advisable, however, to postpone the treatment of these purchases from Trustees other than the Treason Trustees, since, ⁱⁿ addition to the information already collected, a considerable amount of time would be required for examination of the various surveys at Lambeth and in the Public Records Office, plus careful examination of local records.
 2. It is clear that many estates were not bought directly by merchants and others. The probability is that lawyers were often purchasing for them.
 3. Benj. Andrews was evidently a man of considerable wealth, for, in addition to subscribing to Government loans, he was also in a position to contract for both foreign and inland letter service at the rate of about £9,000 (SPD. 1652/53.p.450), and also to purchase the following lands: - Waterton lordship, and other lands, co.Lincoln, with the ferry boat and right of fishing (CCC.2482: Alleston Court, Lydney, co.Gloucester (CCC.2024): Uslet Manor and Wolfe Park, Whitgift, co.York (CCC.2482): an estate in Droitwich, and one in Upton, Worcester (CCC.3242), and other estates in Burnley and Clitheroe (CCC.2225). He also purchased lands along with John Crisp, and probably bought Crisp out (CCC.2225).

A sixth category may be added, namely, the great speculators in delinquents lands. While there are no definite statements to the effect that any of the men included in this category actually bought and sold again at a profit, it is obvious from the number and extent of the purchases they made that they could not possibly be buying in order to retain the lands for themselves. Otherwise some of them would have become the greatest of land owners in the country. Moreover, the Dictionary of National Biography has no hesitation in calling one of them, John Wildman, a speculator (1). Wildman purchased in his own name no less than 53 estates from the Treason Trustees (2). He also purchased several estates along with other purchasers (3). And, in addition, it is also definitely stated that he made several purchases for others (4). His purchases of land, either for himself or for others, were scattered over at least twenty counties. For himself he privately purchased, in 1665, the manor of Becket, near Shrivenham in Berkshire, and other lands adjoining it, from his friend Harry Marten (5).

6.
Speculators.

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1. DNB.Vol.LXI.233.
 2. CCC.pp.1653,1769,2201,3100.
 3. For instance, with Sam.Foxley (CCC.1769).
 4. For Margaret, widow of Col.Thos.Rainborow (CCC.1430):
for Rich.Lowther and two others, unnamed (1835):
for George Wentworth and three others, unnamed
(CCC.3100).
 5. Lysons, Berkshire, p.366, quoted DNB.

Sam Foxley, of Westminster, made some 20 purchases in his own name, in counties Lancashire, Durham, Northumberland, Derby, Middlesex, Sussex, and Hants (1). He also made a considerable number of heavy purchases along with other men who were interested as purchasers of forfeited lands (2). Gilbert Crouch, of Staples Inn, made some 24 purchases in his own name, and a considerable number of other men (3). John Rushworth made some 14 purchases in his own name, and

1. Foxley's purchases in his own name consisted roughly of the following estates:-
 2 manors in Lanc.(CCC.1117), one manor in Sussex (1624), houses, etc., in Drury Lane (1626); a manor and land, etc., in Durham (2131); another manor in Lanc.2132): several messuages in the Strand (2192): a farm in Durham (2205): Seaham Harbour and all fishing rights (2206): 3 manors in Derby (2353): several houses and lands in Lanc.(2428): a house and lands in Northumberland (2595): several more houses in Lanc.(2637) and 3 more manors in the same country (2660): lands in Devon (2826): houses in Middlesex (3098): and a manor in Hants (3146): etc.
2. With other men, Foxley made many purchases. For instance, with Phil.Dallow and Jacob Willets (1613), with Gilbert Crouch (1731), with Wm.Cox, Merchant of London (2198), with Benj.Andrews, merchant of London (2482), with Major John Wildman (2590), with George Clarkson (2748), with Rob.Colby, who was also a great purchaser (2760), with Thos.Deane (3005), and with two others, who are unnamed (3005).
3. Gilbert Crouch purchased along with :-
 Sam Foxley (1731), Rob.Colby (2131), John Rushworth and with Martin Lister (2254), with Phil Robinson (2720), and with Thos.Robson of Durham (See References CAM).

purchased heavily in conjunction with other men (1).

In this category of probable speculators might be placed the names of Rob. Colby, of London, George Hurd, of London, John Fullerton, of London, John Blount, and Walter Strickland (2).

1. Along with Gilbert Crouch, John Rushworth purchased 4 manors (1658), 3 other manors and houses (2230), many other houses (2359): see also 2600, 2632, 2679, 2976:
With two other men who are unnamed (2394):
With John Brownhill (2509).
 2. Rob. Colby made 13 very heavy purchases in his own name, apart from purchases which he made with others: Hurd is among the men who made heavy purchases in lieu of debt (See particularly 2009).
- N.B. I have complete lists of all these men's and of other men's purchases from the Treason Trustees. But little would be gained by giving the full lists.

Of all the various kinds of purchasers, special interests attaches to the goldsmiths and the scriveners owing to their importance in English financial history. Mr. Tawney has shown the importance of the scriveners as manipulators of credit in the pre-civil war days (1): and the place of the goldsmiths after the Restoration in the history of English banking is well-known (2). Clarendon indicates the position thus (3):

Importance
of Gold-
smiths and
Scriveners.

"The bankers did not consist of above five or six men, some whereof were aldermen, and had been Lord Mayors of London, and all the rest were aldermen... They were a tribe that had risen and grown up in Cromwell's time, and never were hard of before the late troubles, till when the whole trade of money had passed through the hands of the scriveners: they were for the most part Goldsmiths, men known to be so rich, and of so good reputation, that all the money of the kingdom would be trusted or deposited in their hands."

This would clearly date the rise of the goldsmiths as money lenders in the Cromwellian period, probably in 1654/5 (4). Naturally the scriveners would continue to

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1. A Discourse in Usury. Ed. by R.H.Tawney.
 2. The Mystery of the Newfashioned Goldsmiths or Bankers. 1676, quoted Cunningham. The Growth of English Industry and Commerce. Vol.11.p.143. But see R.H.Tawney, *ibid.*p.191.
 3. W.A.Shaw. Beginnings of the National Debt. Owens College Essays.p.417.
 4. Cromwell probably placed himself in the hands of a small group of financiers in 1654/5 because the revenue from sequestrations and sales were a fast diminishing quantity by 1654/5. See SPD and DNB for his dealings with Vyner and Backwell. The administration was certainly dependent on a small group of financiers in 1657. Thurloe.VII.pp.4,99,295.

deal in credit, and it is probable that they would become in that way concerned with delinquents lands, either as having lent money to the delinquents before or after sequestration, or as having lent money to the Government.

The most note-worthy of those who lent money to Cromwell's Government were some of the members of a small group of financiers who later lent money to the Government of Charles II. Prominent among them were Alderman Edward Backwell, Sir Thos. Vyner and Robert (the King's goldsmith, afterwards Sir Robert), Alderman Francis Meynell, John Colvill, Sir John Shaw, and Sir Christopher Packe. To which may be added Sir Thomas Allen, Sir John Lorymer, Sir John Cutler, and Sir Thomas Foote. Four of these, the Vyners, Backwell, Cutler, and Packe are mentioned in DNB.

The Vyners, Backwell, Meynell and Colvill were goldsmiths: most of the others were of the various companies, - Cutler and Allen and Foote were grocers, Packe was a grocer, and Lorymer an apothecary (2).

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1. Packe lent money to the Government 11 May 1658, to pay the wages of the fleet (SPD.1658/9.pp.17,290). But, at the Restoration he was suspect for his dealings with Cromwell. (He was the proposer of the Humble Petition and Advice), and is not found lending money to Charles' Government until 1667.
 2. For illuminating references to Backwell & Meynell, See Pepy's Diary; to Sir John Cutler, see Pope's Moral Essays, Epistle iii.

Most of them were active as purchasers of delinquents lands, from one or other of the various trustees. Thomas Vyner made a private purchase from Francis, Lord Petre in lieu of debt (1), and, in *The Mystery of the Good Old Cause*, is strongly abused for his gains during the Commonwealth. Edward Backwell purchased Old Bushy Park, and other grounds connected with Hampton Court Palace, which, in 1654, were bought from him by the Commons for £6,202, 17 (2). John Cutler was joint-purchaser with Sir John Lewys, of Harewood and Gawthorpe in Yorkshire (Lord Stafford's estate), and soon became sole possessor of the same (3). On 2 March 1649/50, the lease of the manor of Prestwold in Leicestershire was assigned to Christopher Packe by the Corporation. A little later he purchased Prestwold and the neighbouring manor of Cotes, and, after his retirement from public office, spent the remainder of his life at the mansion of Cotes (4). Packe also purchases in January 1648/9 the manor of the Bishops of Lincoln at Buckden in Huntingdonshire,

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1. CCC.1667,1782.
 2. DNB.11.321,322.
 3. *ibid.*XIII,364.
 4. *ibid.*XLIII.30. See Nicholl's *Leicestershire*.VOL.111, pt.1.p.354. Also CCC.2016.

Francis Meynell made a purchase from the Gurney House Trustees of Dean and Chapter lands (1). Thomas Foote is found purchasing from the Treason Trustees (2). Thomas Allen purchased lands in co. Hereford in lieu of £5,000 owing to him by Fitzwilliam Coningsby (3). And, along with five others, Allen became purchaser of the estate of Sir R. Lee, in lieu of debt, especially "the money borrowed by Lee to pay his fine, and for raising portions for his children" (4).

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1. CCC.2405.
 2. *ibid.*2140.
 3. *ibid.*2064/67.
 4. *ibid.*1007.

Chapter IX.

The Land Settlement at the Restoration.

Chapter IX.

The Land Settlement at the Restoration.

Among the important issues raised by the Restoration none roused such passion as did the question of land ownership, except perhaps the question of religion. It had been agreed, and at a comparatively early date, completely to restore both crown lands and church lands, and also, such lands as had been confiscated merely for adherence to the King. But beyond this agreement, and even within it, many matters were left in doubt. On the one hand, consideration needed to be given to the soldiers and officers, who had purchased lands with their debentures. General Monck proposed that his Coldstreamers should be allowed to retain their lands for ninety-nine years, and others for ^{sixty} ~~six~~ as rent-paying tenants. He also proposed that other purchasers of land should either be confirmed in their purchases or reimbursed with interest. On the other hand, there was the question of redress for Royalists who had been compelled to sell portions of their estates in order to pay compositions fines. Lord Newport, for instance, claimed that his father and himself had been forced to convey their rectories and tithes in Shropshire to William Pierrepont in order to pay a composition fine of £10,000.

The conflict of opinion on these matters was bitter (1). The Puritans brought forward bills to protect purchasers and sitting tenants. The Royalists opposed these and a series of such proposals right to the end of the Convention. The average Royalist declared, with Robert L'Estrange, that the land settlement "made the enemies of the Constitution masters, in effect, of the booty of three nations" (2).

The actual settlement has been stated as follows. "The Crown, the Church, and the Royalist magnates were restored, while the rank and file, who had sold their lands to pay delinquency fines or to finance the King's cause, were allowed to suffer" (3). Or, "Only those sales held good which Royalists themselves had made in order to raise money to pay their fines to the government" (4).

But on the question as to whether this settlement was a triumph or a defeat for the Puritans, there is a difference of opinion. Keith Feiling holds that the land settlement was a real triumph for the Puritans. He instances, quite rightly, the fact that "the great

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1. See the debates on the Act of Indemnity and the Bill of Sales. Parl.Hist.IV.Also CJ.
 2. *ibid.* Also SPD.1661.p.271. And Report VII, House of Lords MSS.p.141.
 3. Keith Feiling. Tory Party.
 4. C.H.Firth. Cromwell's Army. p.208.
 5. Evelyn stated the reason for Clarendon's fall as follows. "The truth is, he made few friends during his grandeur among the Royal sufferers, but advanced the old rebels."

Manor of Hawardeb, destined one day to become the Mecca of nineteenth century Liberalism, passed at this time from the Cavalier house of Derby to the Presbyterian Glynnes." C.H.Firth, on the other hand, claims that the new aristocracy created by the Civil War, disappeared at the Restoration (1).

Both these statements are general: nor is it possible to do more in this present thesis than to indicate briefly what actually happened at the Restoration to lands purchased under the Commonwealth. The following facts, however, indicate that many lands purchased during the Commonwealth period were not restored to their former owners at the Restoration.

First, concerning Lands sold publicly:

1. While many Crown lands were immediately restored (2), the small returns from the Crown Lands (3), indicate that only a small proportion of such lands were restored to the Crown. The returns show that during the years 1662-64 Crown lands were being steadily restored. There is a decrease in the returns even from these after 1664, which may be accounted for by the King's grants

1. N.B. It was otherwise in Ireland.
2. C.J. SPD.1661. Instance the speedy restoration of lands either purchased by towns or granted to towns as compensation for losses suffered during the civil wars.
3. Cal. Treasury Books.1660-67.

of lands to his favourites. The evidence seems to indicate that, provided Parliament would supply an adequate revenue for the King, Charles II was prepared to be generous (1). At a pretty rough guess, we would say that probably not more than one-tenth of the Crown lands were actually restored (2).

2. It has been our policy throughout to steer clear of Church lands. The episcopal and capitular lands were actually sold, and some of the purchasers are known. It has not been possible to investigate the subject as to what happened to all these lands at the Restoration. Many were actually restored (3). But, taking for granted that established religion is never so severely wounded as when wounded in purse, there is a high degree of probability that the bitterness which rankled so long in the High Church mind, and which found expression, by no means final, in Walker's Sufferings of the Clergy, was at

1. Leyborne-Popham MSS.pp,102,103,194. St. John's Wood and Marylebone Park were Crown lands, part of which appears to have been in the hands of Sir Wm. Clarke during the Commonwealth and were granted to Clarke again at the Restoration "as a Coldstreamer." See also Parl.History IV. for the Royal view.
2. Dr. W.A.Shaw, in a private conversation, held that this estimate was too high. He suggested a twentieth.
3. For instance, those which had been purchased by many of the Regicides. See also SPD.1661.

least, in part, the result of a permanent loss of revenue to the Church from lands.

Secondly, concerning lands sold privately. Many of the Royalist magnates sold portions of their estate privately during the Commonwealth period. Even if they did not sell in order to pay composition fines, portions of their estates which were sequestered, were sold privately by these magnates to their creditors. Nor was it easy or even possible in many instances to re-purchase these lands (1). Many estates sold privately, even by former magnates, could not be repurchased for the simple reason that the magnates were down and out. For instance, Lord Stafford, who sold part of his estate and Manor of Harewood and Gawthorpe in Yorkshire, to Sir John Cutler, as late as 1657 (2).

Moreover, the number of private sales were very numerous, and even by agreement, these private purchasers could not be compelled to surrender these lands. The lands sold privately were alone sufficiently numerous to conclude that the land settlement at the Restoration

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1. Instance Hawarden Manor, above. Or Looseby, in Col. Hutchinson's Memoirs. pp.316-18.
 2. DNB.XIII.364. See also *ibid* XLIII.30 for the case of Sir Christopher, Packe.

left a considerable number of Royalists lands in the possession of men who had purchased them during the Commonwealth period (1).

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1. Instance Col. Philip Jones. His original income was about £17-£20 a year. But during the Commonwealth he amassed a considerable fortune. He purchased Wrinston with three adjoining manors from Col. Horton's brigade, forfeited by the Marquis of Worcester. In 1651, he purchased Fommon Castle, Glamorganshire. After making peace with Charles II government, he strengthened his title to his estates by purchasing the reversion of the original owners. Moreover, he also bought, in 1664, Penmark Manor.
DNB.XXX.pp.151-52.

