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## Local government and society in early modern England: Hertfordshire and Essex, C. 1590-- 1630

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LOCAL GOVERNMENT AND SOCIETY IN EARLY MODERN  
ENGLAND: HERTFORDSHIRE AND ESSEX, C. 1590--1630

A Dissertation

Submitted to the Graduate Faculty of  
Louisiana State University and  
Agricultural and Mechanical College  
in partial fulfillment of the  
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In

The Department of History

By

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## **Abstract**

This administrative and social history of Hertfordshire and Essex tracks the careers, social relationships, and personal tribulations of justices of the peace and other county officials from 1590 through 1630. The study addresses the nature of the relationship between local government and the central government, the social structure of the two counties as reflected in the annual lists of the justices of the peace, and any administrative or social connections between Hertfordshire and Essex.

Office holding was not only an administrative duty but also intertwined the lives of real people. Did local officials rise or fall because of central government actions, or did inter-county faction drive the successes or failures of the ruling elite? Was there any underlying social connection among the gentry of the two contiguous counties that influenced local administration? Finally, how did local government function? What role did it play on the lives of the people?

The study was accomplished through first examining the annual commissions of the peace for each county; from these lists, information was compiled regarding the nature of local office holding as well as the individuals likely to serve in county government. Manuscript sources revealed the social backgrounds and personal stories of individual justices of the peace. Local records showed the workings of county administration and the jurisdiction of the shires' ruling elite. Other printed sources tied the counties to the Crown and explored issues of religion, economics, and politics.

Local governance in Hertfordshire and Essex was successful to the extent that it provided order and stability to the Crown, the ruling elite, and the inhabitants of the

counties. For the most part, the magistracy did fulfill this function and the result was a marked continuity in local government and society. Although disorder could erupt on occasion, changes initiated by the central government caused the most tension in the shires. By the late-1620's, the lords lieutenant, their deputies, and the justices of the peace were stretched to the breaking point by the open-ended threat of economic, political, religious, and social innovations imposed from above.

## **Chapter 1**

### **Introduction**

England in the sixteenth and seventeenth centuries saw important changes on a number of levels: social, political, religious, and economic. Some of the changes were imposed from above, by the monarch, while some rose from national demographic shifts or international politics. English men and women experienced these changes differently, depending on their station in society or their location within the realm. Regional or local studies can illuminate the reasons for change and the degree of impact upon those affected.

In this dissertation, I propose to study the administrative and social history of two adjoining English counties, Essex and Hertfordshire, for the period of 1590 through 1630. As a political and social history, this study will track the careers and social relationships of the justices of the peace, as well as other county officials, such as the sheriff, the deputy lieutenants, and the lord lieutenant (usually the resident nobleman of a county). The study will address at least three issues for the relevant period: the nature of the relationship between local government and the central government; the social structure of the two counties as reflected in the annual lists of the justices of the peace; and any administrative or social connections between Hertfordshire and Essex. Since these two counties shared one sheriff during the Tudor years (a dual-shrievalty) and shared one lord lieutenant in the early-seventeenth century, it is possible that an underlying local affinity still connected the two counties even when the Crown considered them administratively separate.

In this study of local government, I will focus on the nature of the relationship of the counties to the central government. Was this relationship mutual and interactive or was it adversarial? I will also be concerned with the social position of the several local government officials in the counties, the reasons for their particular social status, and any changes in their social position. Did local officials rise or fall because of central government actions, or did inter-or intra-county faction drive the successes or failures of the ruling elite? This will not be a study of the English gentry or nobility, but will concentrate on the lives and careers of those who held local office in the counties.

Local government studies are important because the end of the Tudor era and the beginning of the Stuart period was a time of accelerating change in England. During the last half of the sixteenth century, English men and women became accustomed to the increasing influence of the Crown in matters of religion, finance, and administration. This pressure from the center increased during the reign of the last Tudor monarch, Elizabeth I, and continued into the reigns of the first Stuart kings, James I and Charles I. But the Crown could not achieve its aims without the cooperation and assistance of local governing officials. By utilizing the abilities of the English gentry in the administration of government, the Tudor practice of “local government by local men” was successful through the exploitation of local knowledge and loyalties in the interests of the state.<sup>1</sup>

The mainstay of Tudor local government was the justice of the peace (“JPs”), a county official charged by the Crown with keeping the peace and performing administrative tasks within the county. The JPs were chosen by the Crown from the greater and lesser gentry of each shire and were named annually in a “commission of the

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<sup>1</sup> Geoffrey R. Elton, England Under the Tudors, 3<sup>rd</sup> ed. (London: Routledge, 1991), 419.

peace” issued for that county. The (virtually) unpaid justices had some independence, but the office was not hereditary and the annual re-issue of the commission gave the government a measure of control; any gentleman put out of the commission of the peace would lose his standing in his own county society.<sup>2</sup> As the “first and best weapon of Tudor rule”, the justice of the peace was exploited almost shamefully by Elizabethan administrators. In addition to their law enforcement duties, the JPs were increasingly saddled with the responsibility of enforcing statutes, royal proclamations, and additional directives from Crown and Council.<sup>3</sup>

The importance of the justices of the peace to English local justice grew steadily in the early Stuart years. The JPs enforced over 300 statutes that regulated people, places, and things. Though they still heard criminal cases, their largest responsibilities were in administrative and regulatory law. Increasingly, their caseload included matters that had once been moral offences: illegitimate births, the regulation of drunkenness through the licensing of alehouses, and failure to attend church.<sup>4</sup> At their quarterly administrative meetings, the JPs dispensed justice and expressed concerns about events of moment; when they acted in concert to represent their shire, the appointed gentry most closely approximated a county community.<sup>5</sup>

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<sup>2</sup> Ibid., 60. For the origins of the office of justice of the peace, see John H. Gleason, The Justices of the Peace in England, 1558 to 1640 (Oxford: Clarendon Press, 1969); W. L. Warren, Henry II, (Berkeley: University of California Press, 1973).

<sup>3</sup> Elton, England Under the Tudors, 418.

<sup>4</sup> Mark Kishlansky, A Monarchy Transformed: Britain 1603-1714 (London: The Penguin Press, 1996), 53.

<sup>5</sup> Ibid., 54.

Several national histories have addressed the impact of local government on Tudor and Stuart England. The role of the gentry at the beginning of the seventeenth century is important as a possible factor in the causes of the English Civil War; this topic has been explored by Lawrence Stone in The Causes of the English Revolution, 1529-1642. In looking for a “dysfunction” between the social system and the political system prior to a revolution, Stone notes that one vital element is the condition and attitude of the entrenched elite. If the elite is intransigent, fails to anticipate the need for reform, or blocks all peaceful and constitutional means of social adjustment, then it may unite the various deprived elements into a single-minded opposition.<sup>6</sup> Stone sees a decline of the English aristocracy in favor of the landed gentry and argues that this resulted in a major shift in men’s ideas of loyalty. In the short run, the decline of the aristocracy meant the gentry’s increased dependence on the Crown; in the long run, it meant the liberation of the gentry from the influence of both noble and Crown.<sup>7</sup> Stone suggests that in their role as justices of the peace, the English gentry were gaining increased experience in local administration; in their capacity as members of Parliament (in the Commons), these same men were beginning to assert themselves and demand a greater share in political decision-making.<sup>8</sup>

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<sup>6</sup> Lawrence Stone, The Causes of the English Revolution, 1529-1642 (New York: Harper & Row Publishers, 1972), 9.

<sup>7</sup> Ibid., 75.

<sup>8</sup> Ibid., 95. The gentry’s contribution to the English Civil War may have also been as interpreters of the boundaries between royal power and the rule of law during the reign of Charles I. See David L. Smith “Politics in Early Stuart Britain, 1603-1640”, in A Companion to Stuart Britain, ed., Barry Coward (Malden: Blackwell Publishers, Ltd., 2003), 233-252.

Christopher Hill also examined the role of the gentry in the English Civil War. In addressing the tension caused by changing economic circumstances, Hill concludes that no Stuart domestic policy could succeed in the long run without the cooperation of the unpaid justices of the peace. When Crown or Council issued orders which threatened the local influence of the JPs (such as martial law or the collection of “Ship Money”), the county elite struck back through the House of Commons.<sup>9</sup> Hill sees the division in England in the middle of the seventeenth century not as “Third Estate versus gentry and peerage,” but as country versus Court. The county gentry felt excluded from the economic privilege dispensed by the Crown and thought that greater freedom of economic development would be of advantage to themselves and the country; they looked to their leadership in Parliament to get it.<sup>10</sup> Hill sees the justices of the peace, as the ruling elite of the counties, as providing the majority of that leadership.

Those responsible for local government in early-modern England were drawn primarily from the greater and lesser gentry of the counties. Studies of the English gentry have revealed the all-important connection between local office-holding and social status in the provinces. Felicity Heal and Clive Holmes say that the sixteenth century witnessed

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<sup>9</sup> Christopher Hill, The Century of Revolution, 1603-1714 (New York: W. W. Norton & Co., 1980), 57-60. On parliamentary elections, see Mark Kishlansky, Parliamentary Selection; Social and Political Choice in Early-Modern England (Cambridge: Cambridge University Press, 1986). On representation through parliament, see Derek Hirst, The Representative of the People?: Voters and Voting in England Under the Early Stuarts (Cambridge: Cambridge University Press, 1975).

<sup>10</sup> Ibid., 87. On the development of the “court-country” opposition, see Lawrence Stone, The Crisis of the Aristocracy, 1558-1641 (Oxford: Oxford University Press, 1967); Ann Hughes, The Causes of the English Civil War (London: Macmillan, 1971); Richard Cust and Ann Hughes, Conflict in Early-Stuart England: Studies in Religion and Politics, 1603-1642 (London: Longman Group, 1989); Perez Zagorin, The Court and the Country; The Beginnings of the English Revolution, (New York: Athenuen, 1970).

a growth in the total number of families claiming gentle status, a growth that outstripped general population increase in the same period. Since status and public office were so closely linked, the extension in royal administration was added to the dissolution of the monasteries and the subsequent expansion of the land market (in the 1530's), to increase the number of armigerous families.<sup>11</sup>

Heal and Holmes assert that contemporaries did acknowledge the significance of the correlation of wealth and status, and roughly equated knights, esquires, and gentlemen to the upper, middling, and lesser gentry of the county. In terms of authority, the first group was identified as the county elite, dominating the magistracy and high office, and usually possessing economic interests that extended beyond a limited locality. Most of the senior gentry had a firm locus of power in one principal seat, but manipulated property far more widely to advance their economic interests.<sup>12</sup>

The authors confirm that from the late-fifteenth to the early-eighteenth century, the number of men appointed as justices of the peace increased substantially. The government recognized that the growing number of magistrates was as much a function of local demand as of the increased administrative burden. The gentry sought to secure an office that gave them opportunities for direct personal aggrandizement, and that enhanced their local prestige. This relationship between magisterial office and status ensured that the gentry maneuvered to secure promotion to it, and to deny it to their local

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<sup>11</sup> Felicity Heal and Clive Holmes, The Gentry in England and Wales, 1500-1700 (Stanford: Stanford University Press, 1994), 7, 11.

<sup>12</sup> Ibid., 15. On the division between the gentry and the "lower sort," see Keith Wrightson, English Society, 1580-1680 (New Brunswick: Rutgers University Press, 1982); Keith Wrightson and David Levine, Poverty and Piety in an English Village: Terling, 1525-1700 (New York: Academic Press, 1979).



rivals. Success depended not only upon appeals to the patronage of the obvious power-brokers – royal favorites, privy councilors, judges – but on appropriate application to the host of petty bureaucrats and clerks responsible for generating the formal documentation for the appointment of a magistrate.<sup>13</sup>

Heal and Holmes point out that the place in which a justice's name appeared in the annual commission of the peace was a matter of critical significance for that individual's status. The precedence determined by the position of a man's name in the commission was no abstract issue; it entailed a public display of status, determining where a man would sit in the public meetings of the Bench. Magistracy involved the very public and tangible display of fine gradations of status; those successful in ousting rivals from the Bench often sought to enhance the consequent humiliation by withholding the commissions until the court was in session, and then "obliging their victims to withdraw in a blaze of publicity."<sup>14</sup>

The Crown was troubled by those magistrates who were prepared to exercise their powers only to secure tangible personal benefits. The official authority to keep the peace, to arrest and imprison suspects, and to allow bail, were powerful weapons, to be marshaled along with libels, assaults, and riots, in the conduct of factional struggles. The Crown's officers tried to punish deficient justices, but also sought to educate the gentry to

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<sup>13</sup> Heal and Holmes, The Gentry in England and Wales, 166-170. Also see Mervyn James, Society, Politics and Culture; Studies in Early Modern England, (Cambridge: Cambridge University Press, 1986), 308-415.

<sup>14</sup> Heal and Holmes, The Gentry in England and Wales, 170-171.

a proper sense of their magisterial responsibilities and to inculcate a sense of public duty in the appointees.<sup>15</sup>

In the end, Heal and Holmes believe that the English gentry remained fundamentally the same from 1500 to 1700: a landowning elite without significant legal privileges, able to adjust to prevailing circumstance. At the lower end of the social hierarchy, relatively easy access to land, and the importance of genteel behavior as a test of status, secured the appropriate flexibility for group survival.<sup>16</sup> Thus, the authors see a great deal of continuity in the gentry who made up the local ruling elite in England.

The monographs discussed above have focused on the “ruling elite” of England from a national perspective. Other studies, like the one carried out by John Gleason, concern the attributes of the office of justice of the peace. Gleason studied six English counties and constructed certain generalizations regarding the nature and importance of the local magistrates. The justices of the peace were presumed to be landowners and Gleason asserts their duties were tantamount in fact to the administration of rural England. The categories of men installed in the commission were (from top to bottom): dignitaries, courtiers, clergy, gentry, lawyers, and merchants.<sup>17</sup> Toward the end of the sixteenth century, the duties of the JPs included taking military musters, interrogating robbery suspects, jailing persons for keeping alehouses, taking bonds or sureties, and taking recognizances of individuals. Most of the official work of the justices was done at

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<sup>15</sup> Ibid., 175-177.

<sup>16</sup> Ibid., 381.

<sup>17</sup> John H. Gleason, The Justices of the Peace in England, 1558 to 1640 (Oxford: Clarendon Press, 1969), 46. The six counties studied were Kent, Norfolk, Northamptonshire, Somerset, Worcestershire, and the North Riding of Yorkshire.

“quarter sessions”, quarterly meetings attended by some or most (but rarely all) of the appointed JPs.<sup>18</sup>

The JPs were appointed by the Lord Chancellor, with the advice of the Court, the lords lieutenant, the justices of the Assize (royal circuit judges), established JPs, and other men of influence. Once appointed, many JPs served for life, although discipline could be used to put unworthy men out of the commission. Because the justices of the peace were unpaid amateur administrators only lightly subject to discipline, coherent national policy required that, by and large, they be in sympathy with the position taken by the sovereign on major matters. Religious faith by itself was not decisive in composing commissions of the peace; secular politics, however, could provoke punitive measures, for the justices were expected to be examples of pre-eminent loyalty.<sup>19</sup>

Gleason states that the size and complexion of the commission of the peace reflected the general social conditions and the governmental institutions of England. He also notes that the JPs were often friends as well as colleagues; there were frequent marriages between members of the families and the JPs served as executors or overseers of the wills of their colleagues.<sup>20</sup>

Norma Landau has examined the office and the social position of the justice of the peace in the counties of England. She states that the justices of the peace were premier exemplars of two traditions of government that the English considered unique to their island: the practice of self-government at the king’s command, and acceptance of

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<sup>18</sup> Ibid., 9-14.

<sup>19</sup> Ibid., 68-74. In Essex, several Catholic recusants were consistently appointed to the county bench.

<sup>20</sup> Ibid., 20, 66.

responsibility by the elite. The JPs accepted the obligations inherent in their social status.<sup>21</sup> Landau asserts that the JPs were independent; neither the central government nor Parliament told them what to do, closely supervised their activity, or even insured that they acted at all. For Landau, the justices' activity is an unusually direct reflection of their motivation.<sup>22</sup>

Almost all of the JPs' administrative decisions affected the taxes paid by the inhabitants of one or more parishes. As taxpayers had reason to be grateful to a justice whose decisions decreased their taxes, his administrative powers therefore enabled a JP to maintain and expand his interest; "interest" might mean many things, including the welfare of the JP's local following or inferiors. Landau believes that judicial office enabled gentlemen to protect their adherents and attack the adherents of opposing interests. Frequently, therefore, the JP's administrative decisions revealed who among the justices was able to protect his supporters, and thus these decisions were the final verdict on struggles between members of the elite endeavoring to maintain their influence over taxpayers.<sup>23</sup>

In addressing the relationship of the locality to the center, Landau states that every justice was a representative of the sovereign to his subjects. Any particular JP, sitting on the bench at quarter sessions, was a visible and highly effective symbol of those who had exerted pressure on the national government to secure his appointment. As JPs were

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<sup>21</sup> Norma Landau, The Justices of the Peace, 1679-1760 (Berkeley: University of California Press, 1984), 1.

<sup>22</sup> Ibid., 2.

<sup>23</sup> Ibid., 21.

members of local elites appointed to office by the national government, change in the commission reveals change in the structure of both local and national politics.<sup>24</sup> This statement is consistent with findings of other local government studies.

Landau is especially interested in the role of the JP as “paternal” leader in the community. As an arbiter and arbitrator of his community, a JP frequently provided “informal guidance” to those in the county; Landau believes that this “extra-legal” intervention implied that the governed accepted the justice as the natural leader of his community.<sup>25</sup> Landau develops this unofficial role of the JP into two stereotypes of justices in the eighteenth century: a “patriarch” JP who is bound to his community and bases his identity on his status in the locality, and a “patrician” JP who regards himself as a superior providing leadership to a plebian community.<sup>26</sup> Appointment to the commission of the peace reinforced that influence over their neighbors that the JPs already possessed; thus, it was expected and normal that these justices would choose to exercise the powers of their office.<sup>27</sup>

Anthony Fletcher has further revealed the day-to-day workings of local government in his study of the enforcement of government policy in the provinces. Fletcher wants to know whether the control of Stuart government was to lie with the

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<sup>24</sup> Ibid., 69-70. Some other local government studies include A. Hassell Smith, Court and County; Government and Politics in Norfolk, 1558-1603 (Oxford: Clarendon Press, 1974); MacCulloch, Suffolk Under the Tudors: Politics and Religion in an English County 1500-1600 (Oxford: Clarendon Press, 1986); Eugene Bourgeois II, “A Ruling Elite: The Government of Cambridgeshire, Circa 1524-88.” (Ph.D. Thesis, Cambridge University, 1988).

<sup>25</sup> Landau, The Justices of the Peace, 1679-1760, 174.

<sup>26</sup> Ibid., 3.

<sup>27</sup> Ibid., 319.

Council in London or with the JPs in the shires? In matters of finance (forced loans), security (militia), and social problems (poor relief), the Council relied on the justices of the peace. The Stuart monarchs hoped that the Assize justices would act as “go-betweens” between the Council and the JPs (as the *Intendants* did in France), but Fletcher suggests that the circuit judges did not take this role seriously.<sup>28</sup>

The Book of Orders (1631) set standards and gave directions to the justices of the peace, but Fletcher believes that this only highlighted the tension between the center and the localities. The gentry’s hold on their administration of the shires, imposed over the previous sixty years, could not be dislodged; by 1630, the Stuarts had already lost a critical battle in their relations with the people who did their governing for them. The gentry accepted the legislative burden imposed on them, but were determined that they (and not the Council) should have discretion over enforcement.<sup>29</sup>

Fletcher states that quarter sessions were remarkably stable throughout the political upheavals of the Stuart period, partly because they were both administrative and social meetings among the JPs, sheriffs, constables, gentry, and villagers of a county. Fletcher concludes there was a “diversity of practice within a common framework” of county administration, and that procedural reform was often a matter of local response to particular needs and circumstances.<sup>30</sup>

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<sup>28</sup> Anthony Fletcher, Reform in the Provinces; The Government of Stuart England (New Haven: Yale University Press, 1986), 45-50.

<sup>29</sup> *Ibid.*, 59-60.

<sup>30</sup> *Ibid.*, 115.

Fletcher asserts that policy was not regular, but was built upon magisterial consensus in each county. JPs had to be careful not to get too wrapped up in a particular faction (like the Puritans), and always had to consult with their colleagues in order to measure the political winds. The justices of the peace could issue a “charge” to a jury or at quarter sessions, and these often included secular concerns, such as vagrancy or unlicensed alehouses. The charges could then be followed by a “general order” that represented the collective mind of the magistrates.<sup>31</sup>

Fletcher concludes that reform in the provinces was the achievement of deputy lieutenants and JPs who gave sustained attention to the business of government. The objective of such reform was control of the poor, the improvement of behavior, and the organization of a competent militia. The gentry were willing and able to govern and they *could* secure order; but policies that rested on consensus were enforced, while policies like Ship Money or forced loans could be quietly obstructed. Fletcher believes that there was a growing consciousness of county identity at quarter sessions; the JPs inculcated a sense of responsibility to the county, and saw themselves as the guardians of the county’s liberties.<sup>32</sup>

In an excellent essay, Frederic A. Youngs, Jr. analyzed a specific practice used by justices of the peace to govern their counties: the division of shires into manageable administrative units. Youngs examines the evolutionary bridge from the justices of the peace who had individual and corporate duties in the early-sixteenth century, to the

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<sup>31</sup> Ibid., 162, 165-178.

<sup>32</sup> Ibid., 353, 366-368.

regularized scheme of “petty sessional meetings” in the seventeenth century. He concludes that the important link was the Tudor practice of divisions of counties.<sup>33</sup>

According to Youngs, irregular special sessions developed out of the increasing amount of work placed upon the JPs in the late-sixteenth and early-seventeenth centuries. The Crown and parliament insisted on the collection of new subsidies, tighter control over alehouse licenses, more rigorous searches for rogues and vagabonds, stricter religious conformity, and consistent military musters. One key to effective “out-of-session” work was the division of JPs within a particular county. Counties containing fewer than twelve “hundreds” (like Hertfordshire) used those hundreds as geographical divisions within which select groupings of JPs might work. Larger counties (like Essex) grouped several hundreds into “divisions” so that the JPs could divide themselves into groups to better manage their workload. Although the Crown suggested the practice of divisions for efficient administration, the county justices of the peace used their own discretion to decide on the size of the division and the personnel attached to it.<sup>34</sup> The divisions were a convenient transition, effected by local initiative, providing the means for reducing large workloads to more manageable sizes.<sup>35</sup>

Besides the monographs that concern the administrative workings and social consciousness of the JPs, there have been studies that deal with the local government of a specific English county. A. Hassell Smith believes that our understanding of politics and

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<sup>33</sup> Frederic A. Youngs, Jr., “Towards Petty Sessions: Tudor JPs and Divisions of Counties,” in *Tudor Rule and Revolution*, eds., Delloyd J. Guth and John W. McKenna (Cambridge: Cambridge University Press, 1982), 201-202.

<sup>34</sup> *Ibid.*, 206.

<sup>35</sup> *Ibid.*, 215-216.



administration can be deepened by looking at national politics and central administration from a county viewpoint. Thus, he has explored the way in which local administration engendered local politics, which in turn generated issues in Parliament and distorted, if not dictated, many of the policies and decisions of the central administration.<sup>36</sup> In his study of the local government of Norfolk, Hassell Smith does find some “county consciousness” developing at the beginning of the seventeenth century.

Hassell Smith finds a great deal of interdependence between different social and commercial interests in Norfolk, but suggests that reaction against interference from London and Court interest proved the greatest single factor in developing cohesion within the county. The increasing tendency for the Crown to grant administrative, dispensing, or monopoly patents that courtiers could then implement to their own profit and to the detriment of the various county interests, united the gentry in protests that were frequently voiced at quarter sessions.<sup>37</sup>

Despite county cohesion, Hassell Smith sees factionalism as one of the chief influences in Norfolk politics. After the Duke of Norfolk’s execution in 1572, the political, social, and administrative affairs in Norfolk were in flux. The foremost gentry vied with each other for preeminence while those in the second rank jostled to improve their status. Elections were contested and demand for a place on the Bench (as a JP) caused a rapid expansion of the commission of the peace.<sup>38</sup> This situation encouraged

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<sup>36</sup> A. Hassell Smith, County and Court: Government and Politics in Norfolk, 1558-1603 (Oxford: Clarendon Press, 1974), vii.

<sup>37</sup> Ibid., 16-20.

<sup>38</sup> Ibid., 47.

personal quarrels and factional disputes; the existence of factionalism between families and regions has been noted in other county studies.

The counties of Norfolk and Suffolk were under the responsibility of one sheriff during most of the Tudor period. This dual-shrievalty required a lot of work from the man appointed to this office. The sheriff was burdened with the detailed administrative routine attendant upon the decisions, orders, and judgments of the JPs. He had to take care of all the logistics concerning the holding of quarter sessions; he had to arrange the time and place, empanel juries, hand out fines and punishment, and hold monthly county and Hundredal courts.<sup>39</sup> The sheriff also had many expenses and could not take his place on the bench, thereby yielding to a neighbor the initiative and influence in the day-to-day affairs of his district.<sup>40</sup>

Hassell Smith asks why would anyone want this office? In Norfolk, he finds the answer in the faction and opportunism that developed after Norfolk's execution in 1572. Under the conditions brought on by the many "lesser men" aspiring to leadership in the Duke's absence, the shrievalty, despite its apparent unattractiveness, could be an office of extreme significance, a major weapon of faction.<sup>41</sup> The sheriff could exercise control over litigation by delaying writs or wrongfully serving writs; the gentry tried to safeguard their legal positions by securing the appointment of friendly bailiffs, and the sheriff controlled this. The sheriff could also manipulate the law in the interest of a friend or faction in his duty to empanel juries; both the plaintiff and defendant became suitors to

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<sup>39</sup> Ibid., 140.

<sup>40</sup> Ibid., 146.

<sup>41</sup> Ibid., 148.

the sheriff for a jury partial to their cause, or at least one that was not partial to their opponent.<sup>42</sup>

Additionally, letters from the Council to the justices of the peace usually came to the sheriff first; the sheriff could then decide which types of administrative business would be attended to first. Sheriffs were also responsible for the lodging and entertainment of the Assize Judges twice a year; Hassell Smith suggests that, despite the extra expense, the sheriffs used this time to try to influence the judges or the Council in different matters. Finally, the sheriff's influence was never greater than during the election of knights of the shire. The sheriff might delay the election or suddenly change the place of the election; he could hold the election in a town favorable to one of the candidates, or make his own decision after the voice vote.<sup>43</sup>

Hassell Smith does not agree with Gleason that all JPs were "identical with the list of landed and well-born families in the county, . . . and that they alone possessed the social distinction which made them the natural rulers of their society."<sup>44</sup> Queen Elizabeth and her councilors would have liked to confine magistracy to a few of the principal gentry in each county. Ideally, a JP should be wealthy, have good Court connections, be sufficiently well-born to stand preminent in his locality, and he should rule by precept and with an authority which stemmed from respect for his family's long standing service in the neighborhood. In Norfolk, by the 1570's, there were less than a dozen of these families to provide justices for a commission that usually included upwards of thirty local

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<sup>42</sup> Ibid., 149-150.

<sup>43</sup> Ibid., 152-153.

<sup>44</sup> Ibid., 51.

gentry. Hassell Smith finds that the second rank gentry did not automatically fill the vacant seats and that many of the new JPs came from outside the esquire group of families and also outside the entire gentry class of Norfolk. It was marriage and/or a career in the law that provided opportunities for outsiders to appear on the Bench alongside the county's natural rulers.<sup>45</sup>

Hassell Smith's study of Norfolk has been in many ways complemented by Diarmaid MacCulloch's history of the county of Suffolk. MacCulloch states that Tudor government, for all its increasingly extravagant expressions of deference to the monarch, was an exercise in obtaining consent from the governed.<sup>46</sup> To enforce its will, Tudor government must seek "effective collective bargaining" with the most influential people of the localities who could sympathize with and explain its intentions. The trusted and respected members of the county bench would be the prime candidates for election as knights of the shire, or later in the century, for appointment as lords lieutenant, muster commissioners, or deputy lieutenants.<sup>47</sup>

MacCulloch finds that Elizabeth I appointed twenty new JPs to the Suffolk bench, thirteen of whom had no previous experience. But only four of the twenty had not previously had a relative on the Suffolk commission of the peace. This surplus of candidates gave Elizabeth's ministers the chance to effect a major change of personnel in

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<sup>45</sup> Ibid., 52-55.

<sup>46</sup> Diarmaid MacCulloch, Suffolk and the Tudors: Politics and Religion in an English County 1500-1600 (Oxford: Clarendon Press, 1986), 223.

<sup>47</sup> Ibid., 223-224. On election to Parliament, see Mark Kishlansky, Parliamentary Selection: Social and Political Choice in Early-Modern England (Cambridge: Cambridge University Press, 1986).

the commission without too much disruption to local administration.<sup>48</sup> Hassell Smith's conclusion that it was intent, not inheritance, that usually explained the appointment of a JP, is not necessarily borne out in Suffolk.

There were also cuts made in the Suffolk commission of the peace in 1561, 1564, 1587, and 1595, but MacCulloch believes that the last two of these were largely mechanical. In 1587, the omissions came from the eastern half of the county, presumably reflecting the conclusion of the central government that the area was over-weighted with JPs. In 1595, those who went were either the last names on the commission, the most recently appointed JPs, or those with a poor record of attendance at quarter sessions.<sup>49</sup>

MacCulloch's study also addresses faction among the gentry of Suffolk. There was an east-west factional divide in the county; the gentry in the west were more influenced by the patronage of the Duke of Norfolk.<sup>50</sup> Still, MacCulloch believes that there was more harmony in the decision-making in Suffolk than in Norfolk, because the deputy lieutenants in Suffolk (who were also JPs) owed less of their county influence to their lord lieutenant than did those in Norfolk. Citing Suffolk's 1596 resistance to Queen Elizabeth's request for Ship Money, MacCulloch states that instead of being fought in quarter sessions, the Ship Money dispute in Suffolk was in the hands of a "generally harmonious group of independent-minded deputies."<sup>51</sup> He suggests that Charles I's regime was to learn a short-term lesson from the affair by entrusting Ship Money

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<sup>48</sup> MacCulloch, Suffolk and the Tudors, 239-240.

<sup>49</sup> *Ibid.*, 338.

<sup>50</sup> *Ibid.*, 243.

<sup>51</sup> *Ibid.*, 278-279.

collection to the personal liability of an annual officer (sheriff) rather than to such a firmly entrenched clique of local magnates as the Suffolk muster commissioners.<sup>52</sup>

The lord lieutenant's role in local government is explored in more detail by Thomas Cogswell in his study of the county of Leicestershire. Cogswell believes that what caused many of the disputes in early-seventeenth-century Leicestershire was not "squabbling peers," but rather the growth of the English state. It appeared to the residents of the county that after 1618, "the central government abruptly developed a rapacious appetite for their young men and their purses."<sup>53</sup> Cogswell seeks to establish the precise burden of both national and local taxation on Leicestershire.

Cogswell states that Hassell Smith's and MacCulloch's studies focus on the county leadership of the local gentry, but asserts that these counties suffered from their lords lieutenant being absentee administrators. Thus, the pattern that emerges from such counties is one where the deputy lieutenants and the justices of the peace exercised an autonomy verging on independence.<sup>54</sup> Cogswell argues that all counties did not conform to this same pattern.

The office of the Lieutenancy was the sole responsibility of the lord lieutenant; the turmoil in some counties (Norfolk, Sussex, Somerset, Warwickshire) followed from the fact that the lords lieutenant had "withdrawn from any active part in the institution committed to his care." But in Leicestershire, the lord lieutenant (Earl of Huntingdon)

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<sup>52</sup> Ibid., 278.

<sup>53</sup> Thomas Cogswell, Home Divisions: Aristocracy, the State, and Provincial Conflict (Manchester: Manchester University Press, 1998), 3.

<sup>54</sup> Ibid., 5.

had not withdrawn; thus, the deputy lieutenants and JPs would have been amazed at the leeway given to their opposite numbers in other counties.<sup>55</sup>

Cogswell says that during the first fifteen years of James I's reign, remote counties like Leicestershire were able to evade many central government demands like the collection of benevolences and the pressing of soldiers. The residents of Leicestershire did meet the demands of purveyance and parliamentary subsidies, but Cogswell alleges that James I was much more interested in establishing his prerogative rights than he was in exercising them.<sup>56</sup> After the start of the Thirty Years' War, Leicestershire could not escape the Crown schemes to collect large amounts of money. When county expenses are added up (purveyance, coat & conduct money, militia assessments, subsidies, parliamentary levies, forced loans, Ship Money, and the Great Levy of 1626), Leicestershire paid in excess of 73,000 pounds between 1618 and 1638.<sup>57</sup>

Cogswell concludes that the Earl of Huntingdon's formidable grip on the administration of the county meant that Leicestershire evolved into a political system different from that in more familiar counties. Justices of the peace in Sussex and Somerset, Suffolk and Norfolk, were able to decide for themselves all matters from poor relief and justice to tax collection and the militia. In these shires, the physical and mental distance between magnates and their counties was so vast that it permitted the emergence

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<sup>55</sup> Ibid. Also see Gladys Scott Thomson, Lords Lieutenants in the Sixteenth Century: A Study in Tudor Local Administration (London, 1923); Gladys Scott Thomson, "The Origin and Growth of the Office of Deputy Lieutenant," in Transactions of the Royal Historical Society, Fourth Series, Vol. V., (London: Offices of the Society, 1922).

<sup>56</sup> Cogswell, Home Divisions, 17.

<sup>57</sup> Ibid., 307. On the impact of finance in the causes of the English Civil War, see Frederick Dietz, English Government Finance, 1558-1641, Vol. II (New York: Barnes and Noble, 1964)

of a county's self-confident identity, "for the local community had no immediate superiors to challenge that identity."<sup>58</sup>

Roger Manning authored a history of society and religion in the county of Sussex. Manning states that a deeper understanding of the powers of the royal ecclesiastical supremacy of the Tudors requires more detailed studies of the exercise of that supremacy by local agents of the Crown.<sup>59</sup> Manning argues that social conservatism was very strong in Sussex, and his study attempts to demonstrate that both the government and the local governors agreed that social stability should be given primacy over the enforcement of religious conformity. Thus, the transfer of social power from the Catholic nobility and gentry to the new Protestant aristocracy was accomplished in stages and spread over twenty-five years.<sup>60</sup>

Manning points out that English society was structured within the framework of the county; the leaders of this society were mostly the men of middle rank, the administrators and aspiring politicians.<sup>61</sup> Manning believes that the ambition and family

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<sup>58</sup> Cogswell, Home Divisions, 303.

<sup>59</sup> Roger B. Manning, Religion and Society in Elizabethan Sussex (Leicester: Leicester University Press, 1969), xi. On the enforcement of the Elizabethan religious settlement, see Penry Williams, The Later Tudors; England, 1547-1603 (Oxford: Oxford University Press, 1995); Wallace MacCaffrey, The Shaping of the Elizabethan Regime (Princeton: Princeton University Press, 1968).

<sup>60</sup> Manning, Religion and Society, xii. On the voluntary nature of Protestantism, see Patrick Collinson, The Religion of Protestants: The Church in English Society, 1559-1625 (Oxford: Clarendon Press, 1982). On the reaction to puritanism, see Nicholas Tyacke, Anti-Calvinists: The Rise of English Arminianism, c. 1590-1640 (Oxford: Clarendon Press, 1987). On the Jacobean bishops, see Kenneth Fincham, Prelate as Pastor: The Episcopate of James I (Oxford: Clarendon Press, 1990).

<sup>61</sup> Manning, Religion and Society, xiv.



pride that impelled members of the country gentry to seek and hold local office was a crucial factor in tying those who wavered in their religious professions to the new religious settlement formed by the government of Elizabeth I. Nor was such a pattern of behavior unrelated to the Elizabethan government's desire to break the religious power of the rather numerous quasi-feudal nobility of Sussex.<sup>62</sup>

Queen Elizabeth's government was aware of the need to maintain stability in local government in matters of religion; it was neither prudent nor practical to purge the Catholic gentry from the magistracy all at once. Manning shows that to offset the slowness with which Catholics were removed from the commission of the peace and the reluctance of many Protestant JPs to persecute their Catholic neighbors and relatives, the Sussex commission of the peace usually included two or three ecclesiastics. Additionally, the softening of persecution of the Catholics was countered by placing the execution of the recusancy laws in the hands of trusted Protestants. This conscious policy of easing the transference of political and social power from the Catholic to the Protestant gentry was consistent with the known desire on the part of the local governors to maintain social stability in the commonwealth.<sup>63</sup>

J. S. Morrill has undertaken a study of local government in the county of Cheshire. Morrill notes that Cheshire had one of the most stable ruling elites in England. The strength of these county families is underlined by the extent of intermarriage; almost two-thirds of all marriages contracted between 1590 and 1642 were by members of

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<sup>62</sup> Ibid., xv.

<sup>63</sup> Ibid., 240-241.

Cheshire gentry families with gentry of the same county.<sup>64</sup> Morrill divides the gentry of Cheshire into two social groups: those who socialized with their “cousins” (networks of families), and those who socialized with their neighbors (the county and parochial gentry). In the decades before 1642, the group with the family connections provided most of the JPs, sheriffs, and deputy lieutenants for the county.<sup>65</sup>

Morrill points out that the quarter sessions had a less dominant role in Cheshire because of the development of the “Hundred” as an administrative subdivision of the county. Like Anthony Fletcher, Morrill emphasizes the grand jury’s importance at quarter sessions and states that these could be called upon to join the JPs in petitioning Parliament or the Crown as the authoritative voice of the county. Morrill concludes that the administrative machinery of Cheshire at all levels reflected the balance between local and county interest and that neither predominated.<sup>66</sup>

The gentry of Cheshire had few contacts with the Court of Charles I, but also did not have much contact with an organized “country” opposition. They did not express opposition to certain fines and loans collected by Charles I, but did oppose the imposition of Ship Money because it was a tax that fell on the whole community. By 1639, opposition was general throughout the county and in 1640, the JPs decided to draw up a petition to Parliament stating the county’s grievances. There is thus every sign that on

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<sup>64</sup> J. S. Morrill, Cheshire 1630-1660: County Government and Society During the English Revolution (London: Oxford University Press, 1974), 14-16.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid., 12-13. Also see Fletcher, Reform in the Provinces, 115.

the eve of the Long Parliament, the gentry of Cheshire were united in their resentment of the government.<sup>67</sup>

Thomas G. Barnes reached a similar conclusion concerning the local administrators of Somerset during Charles I's personal rule. Barnes asserts that scholarship regarding the reign of Charles I has tended to bypass the institutions of local government in favor of the social, economic, legal, and intellectual developments during the reign. He calls for local government studies that do not diffuse the historian's attention over the whole realm or focus on those central governmental institutions that culminated in rebellion and regicide. In fact, it was local government institutions that were required to implement those acts of state that proved the catalyst of civil strife.<sup>68</sup>

Barnes notes that only two noble families were seated in Somerset but there was no shortage of gentry families to provide local government leadership and parliamentary representation. Many of these families had established themselves through the purchase of monastery lands in the 1530's. Royal service and law brought these upper-gentry families their pre-eminence in county society and government, and almost none of them had achieved their status through trade or estate management. Wealth was key to a magnate's power but many Somerset gentry families had to constantly juggle finances in order to remain part of the "magisterial class."<sup>69</sup>

Barnes examines the Somerset justices of the peace and argues that the initial nomination of a new justice came from magnates within the county itself. The

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<sup>67</sup> Morrill, Cheshire 1630-1660, 23-30.

<sup>68</sup> Thomas Garden Barnes, Somerset 1625-1640; A County's Government During the Personal Rule (Cambridge: Harvard University Press, 1961), vii-viii.

<sup>69</sup> *Ibid.*, 19-23.

significance of county impetus was twofold: the office of JP was eagerly sought for local status and power, and the central government was limited by the number of individuals willing to serve as well as the influence that certain local magnates exerted upon the government. These resident magnates nominated loyal gentry adherents to the bench, thus protecting their local interests while professing to aid the King's interest.<sup>70</sup>

Barnes states that the Somerset JPs' exercise of power was limited by city and borough jurisdictions, the courts-leet, the ecclesiastical courts, and the Crown's selection of *ex-officio* justices. But the JPs were quite active in discharging their judicial and administrative duties both within and outside of quarter sessions. Barnes highlights the justices' "out of sessions" work and alleges that the effective implementation of statutes concerning poor law, bastardy, road and bridge repair, alehouses, and numerous other matters relied on the devotion to duty of one or more JPs out of sessions.<sup>71</sup>

Barnes discusses the Somerset lieutenancy and concludes that it was the deputy lieutenants who executed most of the lord lieutenant's duties and who consequently solidified their power in the county while strengthening their ties with Westminster.<sup>72</sup> The deputy lieutenants oversaw the training of the militia bands, assessed and collected military supply rates, impressed men into the army, and repressed Catholic recusants. The rise of the lieutenancy accompanied a decline in the shrievalty, as the sheriff was more and more expected to implement the JPs' verdicts and collect the King's rents in the county. The office was disagreeable because during the one year term, the sheriff was

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<sup>70</sup> Ibid., 42-44.

<sup>71</sup> Ibid., 67.

<sup>72</sup> Ibid., 103-104.

tied to the county, barred from acting as a JP, and excluded from national politics.

Ironically, the sheriff briefly received more power and attention in the late 1630's, when the Crown required them to collect ship money.<sup>73</sup>

Barnes concludes that the “triarchy” of Somerset – the justices of the peace, the lieutenants, and the sheriffs – were all more active in administering their shire during Charles I's personal rule. County officers not only worked harder, they found their added tasks increasingly disagreeable. After 1635, fewer Somerset gentlemen took on the burden of county office and even JPs' sons did not succeed to their fathers' places.<sup>74</sup> The Book of Orders and ship money had changed the favorable relationship between the advantages and disadvantages of local office; the notion of “service” now outweighed the intangible advantages of a place on the bench. Those who labored under Charles I's personal rule spent more of their own time and money satisfying the demands of office, and placed themselves in opposition to their neighbors and kinsmen in the shire.

Alan Everitt's justification for writing the history of a single county (Kent) is that “despite its ancient centralized government, the England of 1640 resembled a union of partially independent county-states or communities, each with its own distinct ethos and

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<sup>73</sup> Ibid., 126, 135. For the English sheriffs, see Myron Noonkester, “Dissolution of the Monasteries and the Decline of the Sheriff”, in Sixteenth Century Journal, Vol. 23 (1992), 677-698; and “The Third British Empire: Transplanting the English Shire to Wales, Scotland, Ireland, and America”, in Journal of British Studies, Vol. 36, no. 3 (July 1997), 251-284.

<sup>74</sup> Barnes, Somerset 1625-1640, 304.

loyalty. . . . The social and political life of the vast majority of Englishmen, even among the gentry, was lived almost wholly within the confines of their county.”<sup>75</sup>

Everitt states that localism in Kent was intense for many deep-seated and complex reasons peculiar to the society of that county. The gentry of Kent were not of mercantile or legal extraction; they were deeply rooted in their native soil, temperamentally conservative, and excessively inbred.<sup>76</sup> The towns were largely rural and most were markets for the produce of the Kentish fields. There was a wide diffusion of land ownership, so Kent was less attractive to wealthy courtiers and metropolitan businessmen than counties with open fields offering the prospect of widespread enclosure.<sup>77</sup>

Of the eight hundred to one thousand gentry families in Kent in 1640, Everitt believes that there was a group of twenty or thirty related county families who were the leaders. Most of these families comprised several separately established branches; by 1640, the eldest branch of each family had spread the ancestral patrimony beyond the parish borders and attained a place among the natural leaders of the county community. Their connections spread far and wide and united the whole body of the gentry.<sup>78</sup>

Everitt uses five factors to explain the rise of the gentry – land, law, trade, office, and marriage – and concludes that land seems to have been the most important in Kent. Marriage must have been the next most important however, as Everitt believes that families from other counties acquired a footing in Kent only by marrying a Kentish

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<sup>75</sup> Alan Everitt, The Community of Kent and the Great Rebellion, 1640-60 (Leicester: Leicester University Press, 1973), 13.

<sup>76</sup> Ibid., 14.

<sup>77</sup> Ibid., 21-24.

<sup>78</sup> Ibid., 33-35.

heiress. Careful marriages were more important than trade or the law in the rise of most of the Kentish county families of 1640. As more gentry married heiresses of the county families, the inherited wealth was left to the “rising families”; thus there was a concentration of land in an ever-narrowing circle of proprietors.<sup>79</sup>

It is not surprising that many Kent families were preoccupied with the genealogy of county families; this was important in questions of descent and a natural pursuit in a clannish community where bonds of society and government were still personal. Any family who set out to control the shire for their parliamentary candidate must first secure the adherence of its group of cousins and friends amongst the greater county gentry. This group must then secure the adherence of their kinsmen and neighbors amongst the parochial gentry of the shire. Finally, all in turn must obtain the allegiance of their tenants and laborers. The nexus of the system was intensely feudal and personal but if loyalties were unduly strained, fragments of the original connection tended to break off and re-form under the suzerainty of some rival candidate.<sup>80</sup>

Everitt states that in the elections for both the Short and Long Parliaments, the rivalry between the three major candidates was essentially a struggle between different family connections for control of the county. In a county with no clearly dominant family, this lengthy struggle for power was unavoidable; the same method of securing

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<sup>79</sup> Ibid., 38-39. On the importance of land and marriage to gentry survival, see Lawrence Stone, The Family, Sex, and Marriage in England, 1500-1800 (London: Weidenfeld & Nicolson, 1977); John Habakkuk, Marriage, Debt, and the Estates System; English Landownership, 1650-1950 (Oxford: Oxford University Press, 1994).

<sup>80</sup> Everitt, The Community of Kent and the Great Rebellion, 69, 70.

control came into operation in each subsequent crisis. In this way, the whole community of the county gradually gathered into a series of rival family connections.<sup>81</sup>

The monographs reviewed so far have dealt with England's "ruling elite" as a social and political group, or have focused on the politics and administration of a specific English county. The final two books considered in this chapter re-examine the relationship of the local governors to the central government of England. Rather than a strictly adversarial relationship, it is suggested that the Crown and the localities forged links based upon an attitude of "give and take."

Catherine Patterson has asked how Elizabethan and early-Stuart government actually worked; for her, an important part of the answer is "patronage." In consolidating their position as sole focus of authority in the realm, the Tudor monarchs became increasingly adept at gaining the loyalty of the elite by offering the benefits of office and favor to those peers and gentlemen who provided the best service. By distributing the vast amount of favor within their patronage to high-born amateurs, rather than by creating a systematic professional bureaucracy (as occurred in France and Spain), English monarchs saw to the governance of their realm, from center to localities.<sup>82</sup>

Patterson states that for early-modern monarchs, patronage proved necessary to stable governance. "Patronage" is generally held to be a relationship of exchange that provides mutual benefits to both parties, but in which one partner is clearly superior to the other. Patronage is hierarchical, reciprocal, and flexible; patrons and clients need

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<sup>81</sup> Ibid., 72-83.

<sup>82</sup> Catherine Patterson, Urban Patronage in Early-Modern England; Corporate Boroughs, the Landed Elite, and the Crown, 1580-1640 (Stanford: Stanford University Press, 1999), 2.



each other, and both partners must be satisfied in order for the relationship to prosper.

The story of patronage can be extended into the provinces, and there traced to investigate its role in the early-modern state. Changes at the center deeply affected the government of communities at the peripheries of the realm, and none more so than that of the many boroughs in England.<sup>83</sup>

Patterson argues that a “black-and-white” world of borough independence and localism did not really exist; instead the nature of central and local relations was interactive. The town fathers of England’s incorporated boroughs sought out connections as a means to strengthen their own position by gaining access to the center. Not simply pawns in the game of central and local relations, civic governors took an active part in shaping those interactions. They used traditional forms of exchange – deference and honor, gift giving and hospitality – as well as local office and parliamentary seats, to cultivate the favor of the powerful. Corporations all over the realm sought links to those great men most likely to provide the advantages of local power and royal connection.<sup>84</sup>

Corporations and their patrons entered into these relations for their own benefits and interests. An intentional drive to state building played little part, yet the result was the increased strength and integration of royal government. Men in the provinces identified the Crown as a fount of favor and they worked to gain access to the channels that flowed from that fountain; this created an infrastructure of personal connection that reinforced the Crown’s authority. Institutions such as the central courts, the Privy Council, and the assizes provided a backbone for government, but it was the network of

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<sup>83</sup> Ibid., 4.

<sup>84</sup> Ibid., 6-7.

personal connections that made government work. The integration of the state occurred because local leaders, like the mayors and aldermen of corporate boroughs, acted to engage themselves with the Crown's government, not simply because the central government worked to rope them into its fold.<sup>85</sup>

As one type of jurisdiction among many, corporations had to deal with a whole host of other authorities, all of which together formed the English state; the "patchwork quilt" quality of early-modern government made misunderstanding and contention particularly likely. The men who could make the jumbled bits of the English state function more effectively were of great value to the Crown. They were also of great value to the leaders of provincial communities who put their services to work.<sup>86</sup> Since corporations found themselves surrounded by many different authorities and liberties (county government, diocesan boundaries, regional administrative districts), they had to develop ways to protect their interests within this confusion, preventing undue incursions while encouraging cooperation when profitable. Personal connections to powerful individuals often helped corporations to achieve this delicate balancing act.

Patterson concludes that throughout the process of exchange between Crown, patron, and civic government, the initiative of town leaders comes through clearly. This initiative on the part of civic leaders suggests that we rethink the larger problem of relations between center and locality in this period. Society was not fragmentary, with different parts unable to comprehend or communicate with each other. Late-Elizabethan and early-Stuart government was more than a simple matter of central authority being

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<sup>85</sup> Ibid., 8.

<sup>86</sup> Ibid., 120.

imposed onto the localities, where center and locality were automatically and inherently at odds. Government was dynamic and interactive, and the impetus to forge these mutual relationships came as much from the localities as from the Crown.<sup>87</sup>

The nature of the relationship between center and locality has received a new treatment by Steve Hindle. Among other issues, Hindle addresses the emergence of an abstract terminology (“the state”) to describe the Stuart regime, the perception that effective government depended upon the initiatives of local men, and the ambiguous nature of the ties that bound subordinate officers to the hub of authority. He argues that these concerns were prominent in the late-Elizabethan and early-Stuart period precisely because they reflect the changing relationship between state and society at a time of economic dislocation.<sup>88</sup>

Hindle notes the intensifying dialogue between center and locality brought out in recent county studies, and concludes that the notion of opposition between the “community of the realm” and the “community of the parish” has become less and less tenable. He suggests an early-modern polity comprised of a series of elaborate overlapping social and political communities; thus, interests of center and periphery were not mutually exclusive. If there was a dynamic process of communication between center and localities, this means that state building was not always the violent process previously assumed by earlier historians.<sup>89</sup>

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<sup>87</sup> Ibid., 238.

<sup>88</sup> Steve Hindle, The State and Social Change in Early Modern England, c. 1550-1640 (London: Macmillan Press, Ltd., 2000), 2.

<sup>89</sup> Ibid., 15.

Hindle alleges that the early-modern state fulfilled its traditional function of coordinating civil society through the settling of disputes. The Crown and its subordinate officers hoped for the mediation of social conflict by private parties, encouraged arbitration whenever possible, acted as a law court of last resort where it was not, and punished violent self-assertion where all attempts at formal and informal resolution failed. At a time of profound social change, there was an increasing need for the state not only to preclude violent self-interest, but also to secure the terms on which civil society might best be preserved. The result was an agenda of “creative social control” in the sense of an effort by those people holding power to enforce standards of behavior that they considered appropriate and conducive to social well being, upon all members of the community. Hindle believes that to isolate the enforcement of social policy or the reformation of manners, from the concerns of order that underpinned them both, is a dangerous abstraction.<sup>90</sup>

Hindle asserts that order and authority in early-modern Europe did not merely “trickle down,” but “welled up” within society itself. In this sense, analysis of the experience of authority facilitates an understanding of the fashioning of the forms and processes of “governance from below, especially by the honest or better sort” of inhabitants of English parishes.<sup>91</sup> The early-modern English state grew as structures of authority, especially those of law and administration, were participated in and experienced by, sections of the population at large. Thus, the practice of “binding over” by the justices of the peace (through bonds and recognizances) was one manifestation of

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<sup>90</sup> Ibid., 34-35.

<sup>91</sup> Ibid., 115.

the capacity of the Tudor and Stuart state to mould local society by providing it with an instrument of authority that served local social needs and yet simultaneously promoted the interests of government. As such, it served rather than challenged the existing power structures of society.<sup>92</sup>

Hindle's analysis of the relationship between state and society implies that the late-Elizabethan and early-Stuart period constituted a crucial phase of adjustment, a decisive episode of discontinuity, during which the parameters of the relationship between the state and society were redefined. The participatory nature of English governance has been taken by some to imply social consensus, but Hindle believes the nature and scale of prosecution and litigation suggests that social ethics were anything but harmonious. In their participation in the legal system, the middling sort were not demonstrating their respect for authority simply for authority's sake; they used that authority precisely because it served their own purposes.<sup>93</sup> This undermines the recent historiographical consensus on orderliness and stability, and shows the seriousness of the problem of government.

As this chapter shows, certain studies of English local government have focused on the actions of the local ruling elite in relation to the central government, while other histories have examined the administration and government of individual counties. This dissertation will examine the local government of two adjoining counties: Hertfordshire and Essex. Such a study will facilitate the analysis of county and regional administration and will allow for inter-county comparisons as well. The study will be accomplished by

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<sup>92</sup> Ibid.

<sup>93</sup> Ibid., 231-232.

first analyzing the many commissions of the peace, since each justice was ranked in order of national or local prominence. Then the administrative careers and social relationships of each individual will be tracked to the extent possible through extant primary sources, both local and national.

Is there really a need for another county study? The local studies reviewed in this chapter have proved themselves to be very important to our understanding of early-modern England but these studies were conducted mostly in the 1970's. The recent contributions by Catherine Patterson and Steve Hindle have challenged the notions of an insular locality in opposition to an overbearing Crown; county studies should be re-assessed in light of the proposed "interdependent relationship" between center and locality.

It is often assumed that England experienced mounting instability in the several decades leading up to the English Civil War. But an examination of the commissions of the peace for Essex and Hertfordshire suggests a high degree of stability in local government well into the 1620's. What then did bring county government into opposition with the Crown, and where can the change be seen? Did all counties respond in the same manner to central government policies, or were there specific local differences that molded each county's actions? Did the counties that had administrative connections work together, or were there more potent forces at work? I will address these questions through local and national sources; and will attempt to explain the dynamics of local governance in England in light of the growing crisis of the English Civil War. I will attempt to explain inter-county relationships between Hertfordshire and Essex justices of the peace and the social connections among the gentry of the two counties.

## **Chapter 2**

### **Analysis of the Commissions of the Peace for the Counties of Hertfordshire and Essex, circa 1590-1630**

This chapter examines the office of justice of the peace for the two counties of Essex and Hertfordshire through an analysis of the commissions of the peace issued between 1590 and 1630. This analysis illuminates the make-up of county administration, identifies those who comprised the magistracy of Hertfordshire and Essex, and reveals certain long-term trends and patterns in local government. The significance of local office-holding will be seen in an analysis of the numbers of men appointed to the commissions, the number of resident and non-resident JPs in each county, the number of years served in office, and other factors. This chapter is therefore concerned with general trends; the careers of specific justices of the peace, and their relationships with the Crown, will be addressed in later chapters.

As noted in Chapter One, the justice of the peace was the mainstay of Tudor and Stuart local government. Certain men, from the greater and lesser gentry of a shire, were chosen annually by the Crown and named in that county's commission of the peace. Commissions were issued annually for every county in England and Wales.

The justices of the peace were to be resident in their counties, and were to own free-hold land worth at least twenty pounds sterling per annum.<sup>1</sup> They were expected to attend quarterly sessions in their counties in order to perform their judicial and administrative duties; some of these duties included delivering prisoners from the jails, hearing and determining civil and misdemeanor cases, binding individuals over to good

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<sup>1</sup> Gleason, Justices of the Peace in England, 46-48.

behavior, licensing alehouses, and collecting subsidies for the Crown. As the pressure of administration increased at the end of the sixteenth century, some JPs began to meet informally in “petty sessions,” to handle the additional burdens of their office.<sup>2</sup> For all this, the justices of the peace in England were essentially unpaid local administrators who had no permanent right to their office. The annual re-issue of the commission of the peace gave the central government sufficient control over the JPs, for no gentleman in England’s highly stratified society could afford to be put out of it.<sup>3</sup>

From 1590 to 1630, a total of thirty-four commissions of the peace are extant for each of the two counties of Hertfordshire and Essex. Commissions were not found for the years 1592, 1593, 1612, 1616, 1619, 1624, and 1626. Additionally, the names of Essex and Hertfordshire JPs for 1596, 1608, and 1625 were taken from the “Books of the Peace,” or “*Liber Pacis*,” found in the State Papers, Domestic. The remaining thirty-one commissions of the peace used in this study were taken from the back, or “dorse,” of the Patent Rolls, located at the Public Record Office in Kew.

As stated in Chapter One, justices of the peace were appointed under the Great Seal by the Lord Chancellor or the Lord Keeper, with the advice of the Royal Court, the lords lieutenant, the justices of the Assize, established JPs, and other men of influence.<sup>4</sup> This means that an “enrolled” commission of the peace (such as those found in the Patent Rolls), containing the names of the county magistrates, represents the central

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<sup>2</sup> Penry Williams, The Later Tudors; England, 1547-1603 (Oxford: Oxford University Press, 1995), 152.

<sup>3</sup> Elton, England Under the Tudors, 60. The importance of local office for social standing is examined more closely in Chapters 3, 4, and 5.

<sup>4</sup> Gleason, The Justices of the Peace in England, 47; A. Hassell Smith, County and Court, 62-63.



government's perspective on what shire administration should look like. The commission of the peace also listed JPs in order of national, legal, and social precedence; thus, individual justices of the peace were quite concerned with their placement on the list.<sup>5</sup>

In this study, a total of 189 individuals have been identified as serving as justices of the peace in Hertfordshire between 1590 and 1630; for Essex, a total number of 274 JPs have been identified for the same period. The quantitative information regarding these individuals, taken from the commissions of the peace, is presented in table form in Appendix Nos. 1 and 2. The format of these Appendices are similar to that used by A. Hassell Smith, Diarmaid MacCulloch, and John H. Gleason, in their county studies.<sup>6</sup> There are pitfalls in acquiring names from the commissions of the peace issued by the Crown in the sixteenth and seventeenth centuries. Some lists appear to be incomplete, some names are illegible or have been crossed out, and other names have been added in a different hand. Every attempt has been made to confirm names through other sources before placing them in the Appendices.

An analysis of the commissions of the peace for Hertfordshire and Essex shows a gradual increase in the numbers of men appointed to the office of JP between 1590 and 1630; this information is summarized in Table Nos. 1 and 2, and in Appendix Nos. 3 and

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<sup>5</sup> Gleason, The Justices of the Peace in England, 17; Heal & Holmes, The Gentry in England and Wales, 170.

<sup>6</sup> A. Hassell Smith, County and Court: Government and Politics in Norfolk, 1558-1603 (Oxford: Clarendon Press, 1974); Diarmaid MacCulloch, Suffolk and the Tudors: Politics and Religion in an English County, 1500-1600 (Oxford: Clarendon Press, 1986); John H. Gleason, The Justices of the Peace in England, 1558 to 1640 (Oxford: Oxford University Press, 1968).

4. The increase began during Elizabeth I's reign, due to the ever-expanding burden of administration placed upon the JPs, as well as the enforcement of additional statutes.<sup>7</sup>

The English gentry themselves contributed to the large size of the commissions by seeking to secure an office that gave them opportunities for direct personal aggrandizement, and that enhanced their local prestige.<sup>8</sup> The upward trend accelerated toward the middle of James I's reign and then leveled off, possibly in response to complaints by the House of Commons in 1621, about the "excessive size of the county benches."<sup>9</sup> The general increase in the numbers of men appointed to the commissions of the peace is consistent with the findings of other local studies. John Gleason has asserted that the numbers of lawyers, merchants, and clergy appointed to the bench increased at the beginning of the seventeenth century, reflecting the growing prosperity of the late Elizabethan era.<sup>10</sup>

At the beginning of Charles I's reign, Thomas Coventry, Lord Keeper, attempted to regulate the commissions of the peace and subsequently reduced the number of magistrates in all shires.<sup>11</sup> Such reduction in numbers is evident for both Hertfordshire and Essex, and continued through 1630. The JPs removed from the bench in 1625 came from both the middle and bottom of the commissions of the peace. Since those expunged were not simply the most recently appointed magistrates, this indicates some type of

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<sup>7</sup> Elton, England Under the Tudors, 418.

<sup>8</sup> Heal and Holmes, The Gentry in England and Wales, 168.

<sup>9</sup> Gleason, The Justices of the Peace in England, 51.

<sup>10</sup> Gleason, Justices of the Peace in England, 51-52. Also see Kishlansky, A Monarchy Transformed, 54.

<sup>11</sup> Fletcher, Reform in the Provinces, 8.

Crown “purge” of the county commissions. Considering the gentry’s need for social status in the shire, this central government action no doubt generated some animosity between court and county.<sup>12</sup>

Table No. 1. Numbers of Justices of the Peace Appointed in the Hertfordshire Commissions of the Peace, 1590-1630.

<b>Year</b>	<b># of JPs</b>	<b>Year</b>	<b># of JPs</b>	<b>Year</b>	<b># of JPs</b>
1590	40	1603	52	1615	59
1591	39	1604	56	1617	63
1594	47	1605	59	1618	64
1595	50	1606	56	1620	66
1596	50	1607	58	1621	65
1597	54	1608	56	1622	63
1598	41	1609	61	1623	57
1599	51	1610	61	1625	53
1600	48	1611	64	1627	49
1601	48	1613	61	1628	54
1602	51	1614	62	1629	56
				1630	52

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622.

A more detailed look at each of the two counties provides some insight into the possible causes for increases or decreases in the number of JPs appointed to the bench in any given year. (See Table No. 1.). Generally speaking, the number of Hertfordshire JPs remained low throughout the latter part of Elizabeth’s reign. This may be attributed to the small size of the county, as well as to William Cecil’s (the Lord Treasurer) cautious domestic policy.<sup>13</sup> In Hertfordshire, the numbers of local magistrates increased between

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<sup>12</sup> MacCulloch, *Suffolk and the Tudors*, 338. MacCulloch notes that the cuts made in 1595 to the county benches affected the last names on the commission, the most recently appointed JPs, or those with a poor record of attendance at quarter sessions. This was apparently not the case in 1625. Fletcher, *Reform in the Provinces*, 10.

<sup>13</sup> Wallace MacCaffrey, *The Shaping of the Elizabethan Regime* (Princeton: Princeton University Press, 1968), 464.

1591 and 1594, possibly because John Puckering, a lawyer, had replaced Christopher Hatton, a courtier, as Lord Chancellor; the enforcement of the realm's statutes could have been a priority for Puckering.<sup>14</sup> A mid-1590's increase in JPs may also have been to stiffen the militia, in response to the rising Spanish threat to England's security.

The 1598 Hertfordshire list appears to be an incomplete commission; eleven names from the bottom of the 1597 list were dropped in 1598, but the same names re-appear in 1599. This is likely the result of a clerical error or an amended list, as purges of JPs were *not* frequent occurrences in Hertfordshire. Even the appointment of a new lord lieutenant did not typically change the composition of the county bench as most men appointed as JPs continued to serve until death.<sup>15</sup> This meant that a major change to the county commission usually signaled a breach in the critical link between the Crown and local government.

The parliamentary calls for reform in 1621 did not have an immediate impact on the size of the Hertfordshire commission of the peace; it was not until 1623 that the number of JPs dropped to fifty-seven, after a high of sixty-six in 1620. The cuts made by Lord Keeper Thomas Coventry in 1625 were lasting but came mostly at the expense of resident justices of the peace placed near the bottom of the Hertfordshire commission. This may reflect Hertfordshire's conformity to central government demands, as opposed to a larger and more contentious county like Essex.

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<sup>14</sup> Elton, England Under the Tudors, 413.

<sup>15</sup> Gleason, The Justices of the Peace in England, 57. From the sources consulted thus far, a JP's career was ended by death in approximately twenty-two percent of the Hertfordshire JPs and approximately fifteen percent of the Essex JPs. The true figures are almost certainly higher than these estimates. Also, see Chapter Six on the lieutenancy in Hertfordshire and Essex.

Table No. 2. Numbers of Justices of the Peace Appointed in the Essex Commissions of the Peace, 1590-1630.

<b>Year</b>	<b># of JPs</b>	<b>Year</b>	<b># of JPs</b>	<b>Year</b>	<b># of JPs</b>
1590	63	1603	83	1615	76
1591	66	1604	81	1617	76
1594	74	1605	86	1618	80
1595	64	1606	87	1620	81
1596	64	1607	86	1621	85
1597	72	1608	87	1622	84
1598	80	1609	90	1623	86
1599	78	1610	92	1625	76
1600	83	1611	91	1627	70
1601	83	1613	84	1628	75
1602	85	1614	87	1629	76
				1630	71

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622.

Table No. 2 shows that Essex also saw a steady increase in the number of JPs named to the commissions of the peace. As was the case in Hertfordshire, there were more names on the 1594 list than on the 1591 list; additions were made to both the middle and end of the commission. The jump from sixty-four to seventy-two JPs in 1597 came from the addition of two ecclesiastics near the top of the list and six local men added near the bottom of the list. After 1597, the Essex commission of the peace continued to grow, mostly due to the attachment of new resident JPs to the bottom of the list.

The drop from ninety-one Essex magistrates in 1611 to eighty-four in 1613 can be partially accounted for by the deaths of five JPs: Robert Cecil, John Petre, Gamaliel Capell, Robert Leigh, and Thomas Mildmay de Barnes. Likewise, between the 1614 and 1615 Essex commissions of the peace, four JPs from the top and middle of the list died (Henry Grey, Moyle Finch, John Cutt, and Henry Fanshawe), enabling those with lesser

positions to move up.<sup>16</sup> There was little growth in 1617, possibly due to a “new ague” that was taking lives in the southern part of the realm.<sup>17</sup>

Like Hertfordshire, the Essex commissions of the peace saw little decrease as a result of the 1621 focus on the swelling county magistracies. It was the efforts of Charles I’s reformist government that lowered the numbers of JPs in Essex. It has been argued that this was accomplished mainly by a reduction in the numbers of local gentry added to the list. It has also been argued that the demands of Charles’ government led fewer gentlemen to seek county office, since the advantages of social status were being outweighed by the disadvantages of rigorous service to the Crown.<sup>18</sup>

The number of JPs appointed to the commissions of the peace in Essex and Hertfordshire was influenced by the categories of men named to the commission. Every commission of the peace issued for the shires of England contained some “*ex-officio*” members: the Lord Chancellor, the Lord Treasurer, bishops and other ecclesiastics, important peers, Privy Counselors, Assize justices, and other national figures who might happen to have some interest in the county.<sup>19</sup> These *ex-officio* members generally were not residents of the county, though they might own land in any number of English counties. They also would not have attended the shire’s quarter sessions and thus cannot

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<sup>16</sup> Appendix No. 2; 1611, 1613, 1614, 1615.

<sup>17</sup> Calendar of State Papers, Domestic Series, of the Reign of James I, 1611-1618 (London: Longman, Brown, Green, Longmans, and Roberts, 1858) (hereinafter “CSPD, James I”), 391.

<sup>18</sup> Appendix No. 2 (1625); Kevin Sharpe, The Personal Rule of Charles I (New Haven: Yale University Press, 1992), 436. Also see Barnes, Somerset 1625-1640, 303-304.

<sup>19</sup> Gleason, The Justices of the Peace in England, 23.

be considered to be among the group of so-called “working” JPs responsible for the day-to-day running of county government. The *ex-officio* members were listed at the top of any given commission of the peace. After these dignitaries and honoraries, were listed the many resident JPs of the county, taken from the greater and lesser gentry of the shire. The resident JPs were listed in order of their political importance and their social ranking; “knights” first, then “esquires,” then “gentlemen.”

Table No. 3. Numbers and Percentages of *Ex-Officio* JPs in Relation to Resident JPs in Hertfordshire Commissions of the Peace, 1590-1630. (*Ex-officio* members are listed first in both the number and percentage ratios; resident JPs are listed second).

<b>Year</b>	<b>Numbers</b>	<b>Percent</b>	<b>Year</b>	<b>Numbers</b>	<b>Percent</b>	<b>Year</b>	<b>Numbers</b>	<b>Percent</b>
<b>1590</b>	11/29	28/72	<b>1603</b>	14/38	27/73	<b>1615</b>	17/42	29/71
<b>1591</b>	11/28	28/72	<b>1604</b>	15/41	27/73	<b>1617</b>	18/45	29/71
<b>1594</b>	11/36	23/77	<b>1605</b>	14/45	24/65	<b>1618</b>	18/46	28/72
<b>1595</b>	14/36	28/72	<b>1606</b>	14/42	25/75	<b>1620</b>	18/48	27/73
<b>1596</b>	13/37	26/74	<b>1607</b>	15/43	26/74	<b>1621</b>	18/47	28/72
<b>1597</b>	13/41	24/76	<b>1608</b>	16/40	29/71	<b>1622</b>	18/45	29/71
<b>1598</b>	13/28	32/68	<b>1609</b>	17/44	28/72	<b>1623</b>	16/41	28/72
<b>1599</b>	14/37	27/73	<b>1610</b>	18/43	30/70	<b>1625</b>	19/34	36/64
<b>1600</b>	14/34	25/75	<b>1611</b>	19/45	30/70	<b>1627</b>	17/32	35/65
<b>1601</b>	13/35	27/73	<b>1613</b>	18/43	30/70	<b>1628</b>	20/34	37/63
<b>1602</b>	13/38	25/75	<b>1614</b>	17/45	28/72	<b>1629</b>	21/35	37/63
						<b>1630</b>	18/34	35/65

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622.

Table No. 3 reveals that the number of *ex-officio* members appointed to the Hertfordshire commission of the peace was relatively stable during the forty-year period, increasing slowly along with the total number of JPs named to the lists. There was a significant rise in the number of *ex-officio* members appointed after 1625; this jump in the number of *ex-officio* members corresponded with fewer resident JP being named to the same commissions. This may be due to Charles I’s attempts to reform county

government, as well as restore the privileges and responsibilities of the English aristocracy.<sup>20</sup>

In the commissions of the peace issued for Hertfordshire between 1590 and 1630, the ratio of *ex-officio* members to local magistrates was anywhere from twenty-five to thirty-five percent of the entire commission. This high percentage of *ex-officio* members to resident JPs is likely due the small size of the county, which contained fewer local families to provide potential justices of the peace for the lists.<sup>21</sup> The county of Hertfordshire was also under the strong and steady hand of the Cecil family, who maintained residencies at Theobalds and Hatfield in addition to being national office-holders.

Examples of *ex-officio* members named to the Hertfordshire bench during each monarch's reign will put some specific names to the numbers and percentages presented in Table No. 3. In the 1594 commission of the peace, a total of forty-seven justices were appointed. At the top of the list were eleven *ex-officio* JPs: John Puckering, Lord Keeper, William Cecil, Lord Treasurer, Edward Stanley, Earl of Derby, Robert Devereaux, Earl of Essex, Henry Carey, Lord Hunsdon, Edward Parker, Lord Morley, Robert Cecil, Edmund Anderson, Justice of Assize, Robert Clarke, Baron of the Exchequer, Thomas Owen, Serjeant-at-Law, and John Cutt.<sup>22</sup> Following these names were thirty-six local men appointed to the commission, making a ratio of twenty-three percent *ex-officio* members to seventy-seven percent resident JPs.

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<sup>20</sup> Sharpe, The Personal Rule of Charles I, 420-21.

<sup>21</sup> Hassell Smith, County and Court, 52.

<sup>22</sup> PRO, C66/1421, m. 7d; Appendix No. 1 (1594). John Cutt was a Cambridgeshire colonel who was named to a number of county benches.



Five years after James I's accession to the throne, the 1609 Hertfordshire commission of the peace was headed by seventeen *ex-officio* members: Thomas Egerton, Lord Chancellor, Robert Cecil, Earl of Salisbury, Principal, Secretary of State, Henry Howard, Earl of Northampton, Edward Russell, Earl of Bedford, Thomas Ravis, Bishop of London, William Barlow, Bishop of Lincoln, Edward Parker, Lord Morley, William Parker, Lord Mounteagle, John Carey, Lord Hunsdon, Edward Denny, Lord Denny, Thomas Walmesley, Justice of Assize, John Croke, Serjeant-at-Law, James Altham, Baron of the Exchequer, Thomas Foster, Justice of Assize, John Egerton, Thomas Challoner, Chamberlain to Prince Henry's Household, and John Cutts.<sup>23</sup> The remaining forty-four names on the Hertfordshire commission were local JPs, resulting in a ratio of twenty-eight percent *ex-officio* members to seventy-two percent resident magistrates.

In 1628, three years after Charles I acquired the throne, there were fifty-four magistrates named to the Hertfordshire bench. At the top of the list were twenty *ex-officio* members: Thomas Coventry, Lord Keeper, Richard Weston, Lord Treasurer, Edward Viscount Conway, Lord President of the Council, Henry Montague, Earl of Manchester, William Herbert, Earl of Pembroke, William Cecil, Earl of Salisbury, John Egerton, Earl of Bridgewater, Edward Denny, Earl of Norwich, Henry Carey, Earl of Dover, Patrick Murray, Earl of Tullibardine, Henry Carey, Viscount Rochford, John Williams, Bishop of Lincoln, Dudley, Lord North, John, Lord Butler, Hugo Hare, Lord Coleraine, Thomas Edmonds, Treasurer of the Household, Julius Caesar, Master of the Rolls, George Croke, Justice of the Common Pleas, George Vernon, Baron of the

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<sup>23</sup> PRO, C66/1822, mm. 11d-12d; Appendix No. 1 (1609).

Exchequer, and Thomas Trevor, Baron of the Exchequer.<sup>24</sup> The rest of the 1628 commission listed thirty-four resident magistrates for Hertfordshire; the ratio of *ex-officio* members to local JPs was thirty-seven percent and sixty-three percent, respectively.

Table No. 4 shows that in the commissions of the peace issued for Essex between 1590 and 1630, the ratio of *ex-officio* members to local magistrates was anywhere from eighteen to twenty-nine percent of the entire commission. The low percentage of *ex-officio* members to resident JPs is no doubt because Essex was much larger than Hertfordshire (roughly two and one-half times the size); there were many more local families in Essex from whom the Crown could draw justices of the peace.<sup>25</sup> Essex also contained three incorporated boroughs: Colchester, Harwich, and Maldon. These towns provided a potential venue for minor gentry families in Essex to gain political experience, and perhaps to render service to county and Crown, in hope of receiving Court patronage. Until 1623, Hertfordshire had only one incorporated borough: St. Alban's.

The commissions of the peace issued by the Crown in 1594, 1609, and 1628 provide examples of some of the *ex-officio* members named as Essex JPs. In the 1594 commission of the peace, a total of seventy-four justices were appointed. At the top of the list were fifteen *ex-officio* JPs: John Puckering, Lord Keeper, William Cecil, Lord Treasurer, Edward De Vere, Earl of Oxford, Robert Devereaux, Earl of Essex, Charles, Lord Howard, Henry Carey, Lord Hunsdon, Edward Parker, Lord Morley, Thomas Darcy, Lord Chiche, Thomas Heneage, Vice-Chamberlain, John Sterne, Suffragen Bishop of Colchester, Robert Clarke, Baron of the Exchequer, Thomas Owen, Serjeant-

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<sup>24</sup> PRO, C66/2495, mm. 11d-12d; Appendix No. 1 (1628).

<sup>25</sup> MacCulloch, Suffolk and the Tudors, 240.

at-Law, Sir Henry Grey de Groby, William Fitzwilliam, and John Cutt.<sup>26</sup> Fifty-nine local men completed the 1594 Essex commission of the peace, creating a ratio of twenty percent *ex-officio* members to eighty percent local JPs.

Table No. 4. Numbers and Percentages of *Ex-Officio* JPs in Relation to Resident JPs in Essex Commissions of the Peace, 1590-1630. (*Ex-officio* members are listed first in both the number and percentage ratios; resident JPs are listed second).

<b>Year</b>	<b>Numbers</b>	<b>Percent</b>	<b>Year</b>	<b>Numbers</b>	<b>Percent</b>	<b>Year</b>	<b>Numbers</b>	<b>Percent</b>
<b>1590</b>	15/48	24/76	<b>1603</b>	16/67	19/81	<b>1615</b>	16/60	21/79
<b>1591</b>	15/51	23/77	<b>1604</b>	18/63	22/78	<b>1617</b>	16/60	21/79
<b>1594</b>	15/59	20/80	<b>1605</b>	18/68	21/79	<b>1618</b>	17/63	21/79
<b>1595</b>	16/48	25/75	<b>1606</b>	18/69	21/79	<b>1620</b>	17/64	21/79
<b>1596</b>	14/50	22/78	<b>1607</b>	18/68	21/79	<b>1621</b>	20/65	24/76
<b>1597</b>	16/56	22/78	<b>1608</b>	18/69	21/79	<b>1622</b>	19/65	23/77
<b>1598</b>	16/64	20/80	<b>1609</b>	18/72	20/80	<b>1623</b>	18/68	21/79
<b>1599</b>	14/64	18/82	<b>1610</b>	19/73	21/79	<b>1625</b>	18/58	24/76
<b>1600</b>	15/68	18/82	<b>1611</b>	18/73	20/80	<b>1627</b>	16/54	23/77
<b>1601</b>	15/68	18/82	<b>1613</b>	15/69	18/82	<b>1628</b>	22/53	29/71
<b>1602</b>	16/69	19/81	<b>1614</b>	17/70	17/70	<b>1629</b>	22/54	29/71
						<b>1630</b>	22/49	31/69

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622.

After the accession of James I to the throne, the Essex commission of the peace in 1609 was headed by eighteen *ex-officio* members: Thomas Egerton, Lord Ellesmere, Lord Chancellor, Robert Cecil, Earl of Salisbury, Principal Secretary of State, Henry Howard, Earl of Northampton, Charles Howard, Lord Admiral, Thomas Howard, Earl of Suffolk, Robert Radcliffe, Earl of Sussex, Thomas Ravis, Bishop of London, Theophilus, Lord Howard, Edward Parker, Lord Morley, Thomas, Lord Darcy de Chiche, William Parker, Lord Mounteagle, John Carey, Lord Hunsdon, Henry, Lord Grey, Edward, Lord Denny, Thomas Walmesley, Justice of Assize, John Croke, Serjeant-at-Law, Daniel

<sup>26</sup> PRO, C66/1421, mm. 4d-5d; Appendix No. 2 (1594).

Dunne, Master of the Court of Requests, and John Cutts.<sup>27</sup> The remaining seventy-two names on the Essex commission were local JPs; the ratio of *ex-officio* justices to local magistrates was the same as in 1594, twenty percent and eighty percent respectively.

Three years after Charles I took the throne, the Essex bench saw seventy-five magistrates named in the commission of the peace. Heading the list were twenty-two *ex-officio* members: Thomas Coventry, Lord Keeper, Richard Lord Weston, Lord Treasurer, Edward Viscount Conway, Lord President of the Council, Henry Montague, Earl of Manchester, Robert Bertie, Earl of Lindsey, William Herbert, Earl of Pembroke, Theophilus Howard, Earl of Suffolk, William Cecil, Earl of Salisbury, Robert Radcliffe, Earl of Sussex, Edward Denny, Earl of Norwich, Henry Carey, Earl of Dover, Edward, Lord Howard, Edward Barrett, Lord Newburgh, Hugo Hare, Lord Coleraine, Thomas Edmonds, Treasurer of the Household, Robert Haughton, Master of Court of Wards, Thomas Richardson, Chief Justice of the Common Pleas, George Croke, Justice of the Common Pleas, George Vernon, Baron of the Exchequer, Thomas Trevor, Baron of the Exchequer, and Heneage Finch, Recorder of London.<sup>28</sup> Fifty-three resident magistrates made up the rest of the Essex bench, leading to a ratio of twenty-nine percent *ex-officio* members to seventy-one percent local justices.

It can be seen that the numbers of *ex-officio* members in Hertfordshire and Essex were similar: in the lower to upper teens. (See Table Nos. 3 and 4). But the ratio of *ex-officio* members to resident JPs in Essex never reached the level that was typical in Hertfordshire. Hertfordshire was one of the smallest counties in England and was close

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<sup>27</sup> PRO, C66/1822, mm. 10d-11d; Appendix No. 2 (1609).

<sup>28</sup> PRO, C66/2495, mm. 10d-11d; Appendix No. 2 (1628).

to London; Essex was larger, more distant from the capital, and had more urban concentrations. In order for the Crown to achieve a regular thirty percent ratio of *ex-officio* justices to resident justices in Essex, it would have to have appointed twenty-five to thirty peers, ecclesiastics, courtiers, and dignitaries to the Essex bench every year. The reign of the last Tudor monarch left the English aristocracy less powerful and less plentiful; there were not enough available peers and dignitaries to competently fill one-quarter to one-third of the Essex commissions of the peace.<sup>29</sup>

The length of time served in office is another factor that can be measured, in order to illustrate certain trends and patterns in county government. Of the sixty-two *ex-officio* members placed in all thirty-four Hertfordshire commissions of the peace, thirty-five men, or fifty-six percent of all the *ex-officio* justices, served five years or less as JPs. (See Table No. 5). One explanation for this high percentage of short-term *ex-officio* office-holders was the rapid turnover in justices of the Assize for Hertfordshire. Hertfordshire, like Essex, was on the Home Circuit of the Assize justices (the other counties were Kent, Surrey, and Sussex). The Assize justices rode the Circuit twice a year, dispensing royal justice in the counties included on the Circuit. Because the entire Home Circuit only lasted seventeen days, per-diem allowances for the Assize justices were low. Thus, the Home Circuit was the least popular of the six English circuits. Because of this, “few senior judges were associated with the demanding and unremunerative Home Circuit”, and the Circuit was commonly manned by junior justices

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<sup>29</sup> Williams, *The Later Tudors*, 25. Lawrence Stone, *The Crisis of the Aristocracy, 1558-1641* (Oxford: Oxford University Press, 1967), 48, 212-17.

and serjeants-at-law.<sup>30</sup> Since no less than twenty individuals served as justices of Assize and serjeants-at-law in Hertfordshire between 1590 and 1630, this might explain the high number of *ex-officio* JPs who served for less than five years.<sup>31</sup>

Table No. 5. Percentages of the Total Number of Hertfordshire *Ex-Officio* JPs (62) and Local JPs (127) Serving in Office for less than Five Years to more than Twenty Years.

<b>Years in Office</b>	<b><i>Ex-Officio</i> JPs</b>	<b>Local JPs</b>
5 or less	56%	26%
6 to ten	18%	21%
11 to 15	13%	22%
16 to 20	8%	8%
20 or more	5%	24%

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622.

Eleven individuals, or eighteen percent of all the Hertfordshire *ex-officio* members, served as JPs for six to ten years; eight *ex-officio* members (or thirteen percent) served between eleven and fifteen years. Only five percent of the *ex-officio* members on the Hertfordshire commissions of the peace served as JPs for twenty or more years; those individuals had ties of some sort with Hertfordshire or neighboring counties.<sup>32</sup> With its

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<sup>30</sup> J. S. Cockburn, Calendar of Assize Records; Home Circuit Indictments, Elizabeth I and James I, Introduction (London: HMSO, 1985), 3.

<sup>31</sup> See Appendix No. 1. The twenty Assize justices and serjeants-at-law were Edmund Anderson, Thomas Chamberlain, Ranulph Crewe, George Croke, John Croke, William Daniel, John Doderidge, Thomas Foster, Francis Gawdy, John Heale, Robert Hitcham, Henry Hobart, Robert Houghton, George Kingsmith, Henry Montague, Thomas Owen, John Puckering, Thomas Richardson, Thomas Walmesley, and Henry Yelverton.

<sup>32</sup> Robert Cecil held a long-term residence in Hertfordshire; Edward Russell was the Earl of Bedford (bordering Hertfordshire); John Cutts was primarily active in Cambridgeshire (also bordering Hertfordshire).

close proximity to the Court in London, Hertfordshire saw many courtiers and Crown officers on the commissions of the peace. But long-term service as a justice of the peace was not common for those who dominated the top one-quarter to one-third of the commission.

Of the 127 men named as Hertfordshire justices of the peace who were not *ex-officio* members, thirty-four JPs, or twenty-six percent of all the resident magistrates, served for five years or less. (See Table No. 5). Slightly fewer than that, twenty-seven local JPs, held the office for six to ten years; twenty-eight local men were named as Hertfordshire JPs for eleven to fifteen years. No less than thirty-one resident JPs, or twenty-four percent of the total, served for twenty or more years.

The relatively low number of short-term resident JPs in Hertfordshire, and the high number of long-serving JPs, may be traced to the lower number of gentry families in such a small county. With fewer local families to provide JPs of the necessary social status, longer terms in office might be more common for any gentry families that did provide county magistrates for the Crown's annual lists. Ideally, the Crown wanted to confine magistracy to a few of the principal gentry in each county. To this end, a justice of the peace should be wealthy, have good Court connections, be sufficiently well-born to stand pre-eminent in his locality, and should rule by precept and with an authority that stemmed from his family's long-standing service in the neighborhood.<sup>33</sup> This was not always the reality in the shires of late-sixteenth and early-seventeenth-century England.

The low number of resident Hertfordshire JPs serving for five years or less may also be related to the low number of corporate boroughs in the county. The boroughs

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<sup>33</sup> Hassell Smith, County and Court, 52.

could provide one more avenue into politics for the lesser gentry and merchants of seventeenth-century England; these individuals might then gain political experience, or achieve political exposure before those who could supply patronage.<sup>34</sup> But in Hertfordshire, the borough of St. Albans was apparently subject to pressure from courtiers, who controlled the local politics there.<sup>35</sup> This diminished an option for the lesser gentry of the county, who would be expected to have shorter terms in office as justices of the peace. The longest terms in office for Hertfordshire JPs were commanded by those families who were established residents of the county, or who had provided outstanding service to the Crown.<sup>36</sup>

In Essex, thirty-five *ex-officio* members, or fifty-eight percent of all the Essex *ex-officio* JPs, served for five years or less. (See Table No. 6). Like Hertfordshire, Essex was on the Home Circuit of the Assize justices, and suffered from the same dearth of long-term Assize justices and serjeants-at-law. Turn-over was high, with twenty Assize justices and serjeants-at-law serving an average of two years each, over the forty-year period of study.<sup>37</sup>

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<sup>34</sup> Patterson, Urban Patronage, 7.

<sup>35</sup> P. W. Hasler, The History of Parliament: The House of Commons 1558-1603 (HMSO, 1981), 177-178.

<sup>36</sup> See Appendix No. 1. The Blounts, the Brocketts, the Butlers, Henry Cocke, the Coningsbyes, the Docwras, the Leventhorpes, the Lyttons, the Shotbolts, and the Spensers regularly provided JPs who served fifteen or more years. Of the forty-five confirmed death dates for all 189 Hertfordshire JPs, thirty-one justices ended their careers in death. With more complete information, the number of JPs ending their careers in death is likely much higher.

<sup>37</sup> See Appendix No. 2. The twenty Assize justices and serjeants-at-law for Essex were the same as those for Hertfordshire.



Table No. 6. Percentages of the Total Number of Essex *Ex-Officio* JPs (60) and Local JPs (214) Serving in Office for less than Five Years to more than Twenty Years.

<b>Years in Office</b>	<b><i>Ex-Officio</i> JPs</b>	<b>Local JPs</b>
5 or less	58%	34%
6 to ten	13%	23%
11 to 15	8%	16%
16 to 20	10%	11%
20 or more	11%	16%

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536);

*State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33).

British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622.

The number of Essex *ex-officio* JPs who served sixteen years to more than twenty years is higher than that for Hertfordshire. Over twice as many *ex-officio* members in Essex served over twenty years, than did in neighboring Hertfordshire. This can be accounted for mainly by the strong presence of the Howard family on the Essex commissions of the peace. Of the five Howards named as Essex magistrates between 1590 and 1630, three served as JPs for more than twenty years.<sup>38</sup>

Of the 214 resident justices of the peace in Essex, seventy-one JPs, or thirty-four percent of the total, served for five years or less. This percentage is higher than that for Hertfordshire, which had twenty-six percent of the resident JPs serving five years or less. As noted above, Essex was more than twice the size of Hertfordshire, and simply had many more gentry families to supply the Crown with potential magistrates; there were eighty-seven *more* resident JPs named to Essex's thirty-four commissions of the peace

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<sup>38</sup> See Appendix No. 2. Edward Howard, Earl of Northampton, served three years, Henry Howard, Lord Maltravers, served four years, Theophilus Howard, Earl of Suffolk, served twenty-one years, Charles Lord Howard of Effingham served twenty-three years, and Thomas Lord Howard of Walden served twenty-five years.

than in the same number of commissions issued for Hertfordshire.<sup>39</sup> This surplus of gentry families also meant that there was more competition among the gentry themselves for a place on the bench. This competition probably kept some of the “middling sort” from being able to secure long tenures in office, as they had to constantly stave off new men from the lesser gentry trying to increase their own social status within the county.<sup>40</sup>

The number of incorporated boroughs in Essex likely provided more options for the county’s lesser gentry to gain access to political life. Colchester, Harwich, and Maldon all had access to the North Sea, and contained merchants and manufacturers who were less likely to populate St. Albans, in Hertfordshire. Essex’s three incorporated boroughs were also home to some of the “hotter Protestants” in Essex; these individuals were active in borough politics, although the Stuart Privy Councils sometimes opposed the political rise of the “godly”.<sup>41</sup> While the boroughs of Essex did return some local men to parliament, this did not necessarily lead to long tenures in office as shire JPs.

The numbers of Essex resident JPs who served between six and fifteen years in office are similar to those in Hertfordshire for the same tenures. (See Table Nos. 5 and 6). There were fewer Essex resident JPs who served for twenty years or more, and this may be explained, again, by the surplus of gentry families who supplied candidates for the local magistracy. With more competition among the county’s gentry for a position on the

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<sup>39</sup> See Appendix No. 2; MacCulloch, Suffolk and the Tudors, 240. MacCulloch notes that a surplus of candidates for the office of JP in the county of Suffolk also allowed the Crown to effect changes in the personnel in the commission without too much disruption to local administration.

<sup>40</sup> Heal and Homes, The Gentry in England and Wales, 168.

<sup>41</sup> William Hunt, The Puritan Moment; The Coming of Revolution in an English County (Cambridge: Harvard University Press, 1983), 104-107.

bench, long terms of office were more difficult to secure.<sup>42</sup> Those who did serve for sixteen or more years typically came from the more prominent landholders in Essex.<sup>43</sup> The higher number of gentry families and the lower degree of consistent Crown influence tended to make Essex less stable politically than Hertfordshire.

If the most prominent families of Hertfordshire and Essex generally held the longest terms in office as JPs, it is also true that the male heirs of these families quickly followed their fathers onto places on the county bench. Out of seventeen resident Hertfordshire justices of the peace whose sons or grandson succeeded them in the commission of the peace, only two heirs had to wait more than five years before being named to the county bench.<sup>44</sup> The numbers of resident Essex heirs who had to wait more

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<sup>42</sup> Heal and Holmes, The Gentry in England and Wales, 170-172.

<sup>43</sup> See Appendix No. 2. The Ayloffes, Francis Barrington, Christopher Chilborne, the Fanshawes, Richard Franke, Henry Gent, the Grimstons, William Higham, Thomas Lucas, Henry Maxey, Thomas Meade, the Mildmays, Andrew Pashnall, the Petres, the Powles, the Riches, John Sammes, the Waldegraves, and the Wisemans. Of the fifty-five confirmed death dates for all 274 Essex JPs, forty-two justices ended their careers in death; the true figure is probably much higher.

<sup>44</sup> See Appendix No. 1; The Victoria History of the Counties of England, The History of Hertfordshire, Vols. II-IV (London: Archibald Constable & Co., Ltd., 1908) (hereinafter "VCH, Herts."). Simeon Brograve started as a Hertfordshire JP four years before his father (John) died; John Butler started as a JP the year of his father's death; Robert Butler, son of Philip Butler, started the year after his father's death; Ralph Coningsbye entered the commission in 1591, one year after his father Henry died; Thomas Coningsbye began as a JP five years after Ralph Coningsbye died; William Curle died in 1614, and his son Edward was named a Hertfordshire JP in 1615; Thomas Dacres, jr. started as a JP two years after his father died; Edward Denny, jr. was on the list six years before his father died; Thomas Docwra, jr. also started as a Hertfordshire JP three years before his father died; Henry Fanshawe was made a JP the same year that his father Thomas died; Thomas Fanshawe, jr. started two years after his father Henry died; John Gerrard, jr. was named a Hertfordshire JP three years before his father died; Thomas Leventhorpe started as a JP the year his father died; William Lytton also started the same year that his father, Rowland, died; Thomas Newce began as a JP the year after William Newce died; Ralph Sadler started as a JP two years before Thomas Sadler died; and John Shotbolt was named a Hertfordshire JP the year after his father died. *But*, Edward

than five years to follow their fathers on the commission are slightly higher than Hertfordshire: five out of twenty resident families.<sup>45</sup>

That the heirs of Hertfordshire and Essex justices of the peace could move onto their father's place on the bench is not to say that they did not have to be diligent in securing their positions. The office of JP was not hereditary, but was reviewed annually by the Crown; whether or not an heir eventually appeared in the commission of the peace depended upon his own efforts. Even after initial appointment to the magistracy, a new justice had to be sure that the Crown office clerks correctly placed his name in the next

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Baeshe was not made a Hertfordshire JP until 1627, twenty-nine years after Ralph Baeshe died; John Brockett died in 1598, with no male heirs, and his nephew John waited seven years before being named to the Hertfordshire bench.

<sup>45</sup> See Appendix No. 2; The Victoria History of the Counties of England; The History of Essex, Vols. IV-IX (London: Oxford University Press, 1956-1994) (hereinafter "VCH, Essex"). William Ayloffe and William Ayloffe, jr. served together as Essex JPs for over fifteen years; Anthony Browne, jr. started as an Essex JP two years after his father died; Henry Fanshawe started one year after his father Thomas died; Thomas Fanshawe, jr. started three years after his father Henry died; Harbottle Grimston was an Essex JP the year after his father Edward dropped from the commission; William Harris followed Arthur Harris within one year; Thomas Higham began as a JP two years after William stopped being a JP; William Maynard was named an Essex JP three years after Henry dropped from the list; Stephen Powle was placed on the Essex bench four years before his father was removed; Robert Rich, the second Earl of Warwick, started as an Essex JP two years before his father's death; both Edward and William Waldegrave served as Essex JPs at the same time; Jerome Weston died in 1603, and his son Richard was added to the list three years later; William Wiseman was followed within three years by Thomas, and within eight years by Robert; Bernard Whetstone began as an Essex JP four years after his father left the commission; John Wright died in 1614, and a second John Wright began in 1615; Robert Wrothe was followed immediately by his son Robert. *But*, Gamaliel Capell was made a JP fifteen years after his grandfather died; Richard Harlakenden was named to the Essex list twenty-four years after Roger Harlakenden died; John Morris had to wait fifteen years after his father's death to become a JP; Richard Saltonstall's death was also followed by a fifteen-year period before a second Richard Saltonstall was appointed in Essex; and Brian Tuke (#2) began thirteen years after Peter Tuke dropped from the commission.

commission.<sup>46</sup> The relationship between magisterial office and social status meant that the gentry maneuvered to secure promotion to it, and to deny it to their local rivals.<sup>47</sup>

In order to remain on the commission of the peace, a JP needed more than family connections. The justices of the peace were also to attend the county's quarter sessions and the Crown's Assize sessions. These quarterly and semi-annual meetings were necessary for the JPs to fulfil their judicial duties, and also served as social and political touchstones in the career of a successful magistrate. Although most resident justices of the peace held a relatively fixed position on the commission of the peace, it was possible (though rare) for a JP to rise or fall. A rise in a JP's position on the list might come through important family connections or after some outstanding service to the Crown or county. A decline in a JP's position might be due to repeated absences from quarter sessions or Assizes or in rare cases, an affront to the Crown.<sup>48</sup>

The Assize sessions were held twice yearly, usually in March and July. Essex and Hertfordshire were part of the Home Circuit of royal justices, the circuit shortest in duration and the closest to London.<sup>49</sup> The judges of the Assize were normally men who presided over the courts of common law in Westminster; these professionals, armed with commissions of *oyer and terminer* ("to hear and determine") and jail delivery, heard and

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<sup>46</sup> Hassell Smith, County and Court, 59, 71.

<sup>47</sup> Heal and Holmes, The Gentry in England and Wales, 170.

<sup>48</sup> See Appendix No. 2. Edmund Pirton attended only two out of a possible twenty-four Assize sessions; his position declined in the last eight years of his service. Henry Appleton attended two out of a possible sixteen Assize sessions; after 1602, his position declined. Robert Leigh attended sixteen out of a possible twenty-four Assize sessions; his position improved in the last nine years of his service. Also see Chapter 4 for the JPs' attendance at quarter sessions, and Chapter Six on the "fall" of certain JPs.

<sup>49</sup> Cockburn, Calendar of Assize Records; Home Circuit Indictments, 3.

tried all varieties of criminal complaints, and were also authorized to hear litigation.<sup>50</sup>

The Assize judges advised the local magistrates on difficult questions of criminal law, heard complaints about the insufficiency of royal government, and alerted the local gentry to the desires of the central government. When they returned from the circuit, the Assize judges advised the Privy Council on a variety of issues and suggested candidates for local office.<sup>51</sup>

The semi-annual meeting of the judges and the magistrates was an occasion for general exchange between the ruling voices of Westminster and the countryside. It might also be one of the few occasions for a unified assembly of the gentry from all parts of a given county.<sup>52</sup> It was therefore important for any ambitious justice of the peace to attend the Assize sessions as often as possible. In addition to gleanings of valuable legal information from the circuit judges, the JPs could hope to impress the Crown's representatives with their administrative diligence and social ranking. Through public association with the judges of the Assize, the JPs confirmed themselves as members of the local ruling elite.<sup>53</sup>

Despite the seeming importance of the Assize sessions to the careers of county JPs, attendance was not very high. J. S. Cockburn puts the average rate of absenteeism at

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<sup>50</sup> Cynthia Herrup, The Common Peace: Participation and the Criminal Law in Seventeenth-Century England (Cambridge: Cambridge University Press, 1987), 42.

<sup>51</sup> Ibid., 52.

<sup>52</sup> Ibid., 51.

<sup>53</sup> Landau, The Justices of the Peace, 1679-1760, 270.

Home Circuit Assizes at fifty-two percent.<sup>54</sup> In Hertfordshire, attendance at the Assize sessions averaged forty-five percent of the whole commission of the peace. Attendance peaked in 1596, 1597, 1605, and 1608, but these highs were flanked by years of poor attendance. These years were generally years of agricultural dearth and may have stimulated rural unrest in the county. Generally, only thirty-eight to forty-one percent of the Hertfordshire commission of the peace attended the semi-annual meetings. (See Table No. 7).

In Essex, average attendance at the Assizes was approximately forty-one percent of the entire commission of the peace; this low percentage is no doubt affected by a number of incomplete Assize attendance lists for Essex (for example, 1615 and 1621). Peak attendance in Essex shows up in 1596, 1597, 1601, 1611, 1617, and 1618, but most years saw attendance around forty percent of all Essex JPs. (See Table No. 8). Even the leveling of a one hundred pound fine on absentees from the July 1594 Assizes in Essex failed to increase attendance substantially.<sup>55</sup>

For both Hertfordshire and Essex, years of peak attendance coincided with years that saw greater numbers of JPs appointed to the commission. It is possible that when additional JPs were brought into service, there was renewed attendance at Assizes. The sources available do not reveal a correlation between impending parliamentary elections and high attendance at Assizes.

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<sup>54</sup> Cockburn, Calendar of Assize Records; Home Circuit Indictments, 31.

<sup>55</sup> Cockburn, Calendar of Assize Records: Essex Indictments, Elizabeth I (London: HMSO, 1978), 421.

Table No. 7. Percentage of Hertfordshire Commission of the Peace in Attendance at Assize Sessions, 1590-1625.

<b>Year</b>	<b>% of Comm</b>	<b>Year</b>	<b>% of Comm</b>	<b>Year</b>	<b>% of Comm</b>
1590	43%	1602	43%	1613	43%
1591	36%	1603	46%	1614	45%
1594	28%	1604	45%	1615	42%
1595	42%	1605	61%	1617	41%
1596	60%	1606	50%	1618	41%
1597	56%	1607	52%	1620	48%
1598	51%	1608	55%	1621	38%
1599	NA	1609	41%	1622	29%
1600	52%	1610	49%	1623	39%
1601	54%	1611	41%	1625	38%

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. J .S. Cockburn, ed., Calendar of Assize Records: Hertfordshire Indictments, Elizabeth I (London: HMSO, 1975), Calendar of Assize Records: Hertfordshire Indictments, James I (London: HMSO, 1975).

Table No. 8. Percentage of Essex Commission of the Peace in Attendance at Assize Sessions, 1590-1625. (“NA” indicates that Assize Lists were not available for that year.)

<b>Year</b>	<b>% of Comm</b>	<b>Year</b>	<b>% of Comm</b>	<b>Year</b>	<b>% of Comm</b>
1590	22%	1602	49%	1613	NA
1591	45%	1603	35%	1614	NA
1594	43%	1604	NA	1615	16%
1595	23%	1605	NA	1617	53%
1596	48%	1606	NA	1618	56%
1597	49%	1607	45%	1620	40%
1598	41%	1608	46%	1621	14%
1599	NA	1609	47%	1622	35%
1600	44%	1610	40%	1623	NA
1601	60%	1611	52%	1625	NA

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. J .S. Cockburn, ed., Calendar of Assize Records: Essex Indictments, Elizabeth I (London: HMSO, 1978); Calendar of Assize Records: Essex Indictments, James I (London:HMSO, 1982).

It should be noted that the *ex-officio* members of the Hertfordshire and Essex commissions of the peace almost *never* attended the Home Circuit Assizes. The obvious



exception to this statement would be the Assize judges themselves, although it was not uncommon to have only one serjeant-at-law in charge of the Assizes in Essex and Hertfordshire. If the *ex-officio* JPs are then removed from the calculation of Assize attendance, the percentages of resident JPs attending the Assize sessions increases by approximately fifteen percent for Hertfordshire and ten percent for Essex. (See Table Nos. 9 and 10).

The number of Hertfordshire resident JPs attending Assizes was high from 1596 through 1601, and from 1605 through 1608; attendance remained relatively high from 1610 through 1620. Those resident JPs listed just below the *ex-officio* members on the Hertfordshire commission of the peace generally had the highest levels of attendance at Assize sessions. Deputy Lieutenants like Henry Cocke and Philip Butler had attendance rates of eighty-seven percent and ninety-four percent, respectively. Other regular names on the Hertfordshire commission of the peace also held high rates of attendance: Ralph Coningsbye (eighty-six percent), Rowland Lytton (seventy-nine percent), John Leventhorpe (seventy-seven percent), Andrew Grey (seventy-six percent), Robert Chester (seventy-five percent), and John Luke (seventy-five percent). These individuals were likely to be part of the core group of “working JPs” responsible for most of the day-to-day administration of the county.<sup>56</sup> Those who were connected with Crown or regional jurisdictions also regularly attended the Assizes in Hertfordshire: John Brograve, Attorney for the Duchy of Lancaster (eighty-three percent), Walter Tooke, Auditor for

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<sup>56</sup> Gleason, The Justices of the Peace in England, 112.

the Court of Wards (seventy-nine percent), and William Curle, Auditor for the Court of Wards (sixty-eight percent).<sup>57</sup>

Table No. 9. Percentage of Resident Hertfordshire Justices of the Peace In Attendance at Assize Sessions, 1590-1625.

<b>Year</b>	<b>% of JPs</b>	<b>Year</b>	<b>% of JPs</b>	<b>Year</b>	<b>% of JPs</b>
1590	59%	1602	58%	1613	60%
1591	50%	1603	63%	1614	62%
1594	36%	1604	61%	1615	60%
1595	58%	1605	80%	1617	58%
1596	81%	1606	67%	1618	57%
1597	73%	1607	70%	1620	67%
1598	75%	1608	78%	1621	53%
1599	NA	1609	57%	1622	40%
1600	74%	1610	70%	1623	54%
1601	74%	1611	58%	1625	59%

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. J .S. Cockburn, ed., *Calendar of Assize Records: Hertfordshire Indictments, Elizabeth I* (London: HMSO, 1975); *Calendar of Assize Records: Hertfordshire Indictments, James I* (London: HMSO, 1975).

There are fewer extant Assize lists for the county of Essex, but Assize attendance for resident JPs seemed to peak from 1596 through 1602, from 1608 to 1611, and again in 1617 and 1618. As with Hertfordshire, the highest-ranked resident magistrates usually had the best rates of attendance. Deputy lieutenants made regular appearances: John Petre (seventy-eight percent), Robert Wrothe (eighty-two percent), and Francis Barrington (sixty-two percent). Essex JPs with long tenure in office had relatively high levels of attendance: William Aylofffe (sixty-three percent), Robert Leigh (sixty-two percent), Edward Sulyard (fifty-eight percent), and Henry Maxey (fifty percent). Two of

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<sup>57</sup> See Appendix No. 1.

the serjeants-at-law for the borough of Colchester, Robert Barker and William Towse, had attendance rates of fifty-seven percent and seventy-six percent, respectively.

Table No. 10. Percentage of Resident Essex Justices of the Peace in Attendance at Assize Sessions, 1590-1625. (“NA” indicates that Assize Lists were not available for that year.)

Year	% of Comm	Year	% of Comm	Year	% of Comm
1590	29%	1602	61%	1613	NA
1591	59%	1603	43%	1614	NA
1594	54%	1604	NA	1615	20%
1595	31%	1605	NA	1617	67%
1596	62%	1606	NA	1618	71%
1597	63%	1607	57%	1620	50%
1598	52%	1608	58%	1621	18%
1599	NA	1609	58%	1622	45%
1600	65%	1610	51%	1623	NA
1601	74%	1611	64%	1625	NA

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. J.S. Cockburn, ed., Calendar of Assize Records: Essex Indictments, Elizabeth I (London: HMSO, 1978); Calendar of Assize Records: Essex Indictments, James I (London:HMSO, 1982).

It was not uncommon for justices of the peace in Essex or Hertfordshire to stop attending Assizes toward the end of their tenure as JPs; these absences were often recorded as “illness” or “old age”. Absentees might come from any level of the commission of the peace, but most high or middle-ranking absentees missed due to illness or service outside the county.<sup>58</sup>

The justices of the peace in England conducted shire administration through the county quarter sessions. Lasting several days, quarter sessions were held in January

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<sup>58</sup> Essex Record Office (hereafter “ERO”), T/A 418/71/74. At the July 1602 Assizes, twelve of the forty-three absent JPs were listed as “infirm”, six were listed as “in service”, and two were listed as “in Hertfordshire”; these three designations accounted for forty-seven percent of the absences.

(Epiphany Session), April (Easter Session), July (Midsummer Session), and October (Michaelmas Session). At quarter sessions, the justices of the peace empanelled grand and petty juries, heard numerous “presentments” from the shire’s smaller administrative units (“hundreds” and “half-hundreds”), returned indictments, certified bonds, sureties, and recognizances, licensed alehouses and victuallers, and recorded lists of religious recusants. Thus, the quarter session was the most formal, the most authoritative, and the most important element in the operation of the commission of the peace.<sup>59</sup>

Table No. 11 shows the percentage of resident justices of the peace who attended the Essex quarter sessions between 1590 and 1603; percentages are given for each of the four sessions held in a given year. Despite the importance of the quarter session to county administration, attendance by Essex JPs could be sporadic. Generally, the first quarter sessions of the year (Epiphany and Easter) were the best attended, but even these sessions saw less than one-third of the “working commission” in attendance; Midsummer had the lowest attendance, with an average of sixteen percent for the twelve years measured. Michaelmas session saw a higher level of attendance, averaging just under one-quarter of the resident JPs of the county of Essex. The relatively high attendance at Epiphany and Michaelmas quarter sessions could be due to the “gaol delivery sessions” that were added to the JPs’ duties in January and October.<sup>60</sup> The attendance figures for

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<sup>59</sup> Gleason, The Justices of the Peace in England, 103. The quarter sessions are examined in greater detail in Chapters Four and Five.

<sup>60</sup> ERO, Essex Calendar of County Records, Vol. XVI, Sessions Records, 1590-1596, 1.

Essex are consistent with Gleason's finding of approximately one-quarter of the "working commission" in attendance at quarter sessions.<sup>61</sup>

Table No. 11. Percentage of Essex Resident JPs Attending Each Quarter Session Recorded between 1590 and 1603.

	1590	1591	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603
Epiphany	25%	24%	NA	54%	40%	32%	13%	20%	24%	22%	17%	34%
Easter	35%	24%	20%	NA	20%	16%	56%	27%	16%	22%	36%	19%
Midsummer	17%	10%	12%	13%	20%	11%	13%	17%	24%	15%	20%	17%
Michaelmas	13%	37%	NA	25%	22%	27%	16%	11%	34%	26%	16%	NA

Sources: Essex Record Office: *Quarter Session Rolls* (Q/SR 111 – Q/SR 163); Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622.

## Conclusions

Some general trends can be described for the two counties of Hertfordshire and Essex from the quantitative information compiled in this chapter. Both counties experienced an increase in the number of justices of the peace appointed to the magistracy. The increase started before 1590 and continued through the mid-1620's, when it leveled off.

Both Hertfordshire and Essex had similar numbers of *ex-officio* members on their commissions of the peace. But the percentage of *ex-officio* members was higher in Hertfordshire, because that small county had a lower number of resident gentry from which the Crown could choose the local magistrates. Essex had eighty-five *more* resident JPs than did Hertfordshire; candidates for local office were plentiful, but the additional numbers of men also served to increase the competition for those offices.

Both Hertfordshire and Essex justices of the peace could serve long terms in office, and male heirs frequently followed their fathers or grandfathers in the

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<sup>61</sup> Gleason, *The Justices of the Peace in England*, 105.

commissions of the peace. Essex saw a greater percentage of resident JPs who held short terms as magistrates, but this may be due to the higher level of competition for office, as well as the greater number of incorporated boroughs in Essex, which could provide a starting place for the lesser gentry to gain wider political exposure.

The justices of the peace in Hertfordshire and Essex did attend the royal Assize sessions, but attendance averaged just over fifty percent of the resident JPs listed for each of the two counties. The justices of the peace also attended quarter sessions in their own counties, but attendance at the “working sessions” in Essex averaged only about one-quarter of the resident JPs named to the commission of the peace. Those JPs who regularly attended quarter sessions and Assize sessions comprised the stable body of “working JPs” who held the longest terms in office, and were responsible for the day-to-day administration of the shire. Attendance may have gone up during years of bad harvests in Hertfordshire and Essex, when rural unrest was likely. Attendance may also have peaked during times of national crisis like the Gunpowder Plot and the Thirty Years’ War.

The picture of Hertfordshire and Essex formed from the quantitative evidence is one of continuity in local office holding. Even from the Crown’s perspective, the local government of the two counties appeared to be stable, continuous, and competent enough to avoid major purges. Different monarchs, different peers, or different courtiers did not necessarily lead to sudden changes in the status of local magistrates. Only the mid-1620’s brought across-the-board changes, but many of the county ruling elite survived these challenges as well.

If the ruling elite of Hertfordshire and Essex shared the Crown’s perspective of local government, then county administration would be in sync with central government

expectations. But to attain this level of cooperation was not easy, and required constant communication between center and locality; it was the quality of this communication, as much as the quantity, that kept Crown and county from lapsing into separate worlds. The affinity between the center and the shire was built on constant communication, negotiation, and balanced compromise.

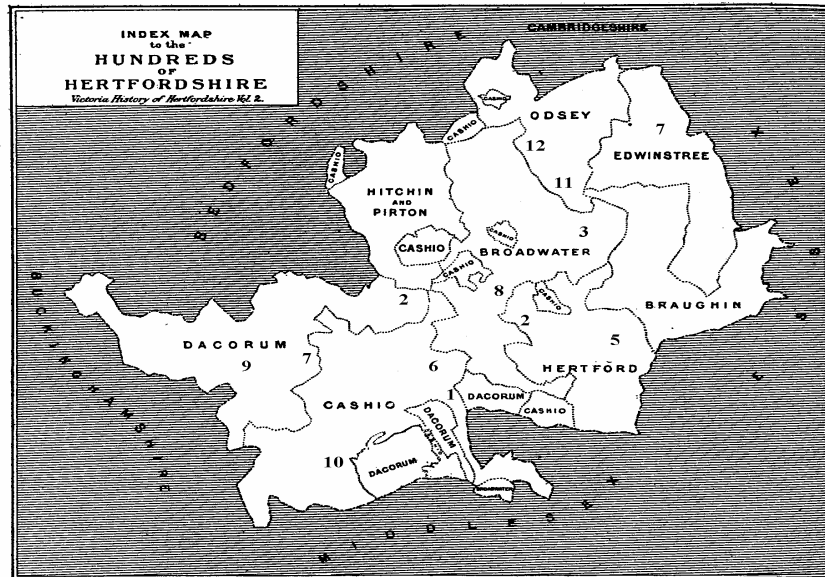


Figure No. 1. Map of Hertfordshire Showing Residential Seats of Principal JPs.  
 Reprinted from the Victoria History of the Counties of England; A History of Hertfordshire, ed., William Page (London: Archibald Constable and Co., Ltd., 1908).

- |                         |                      |
|-------------------------|----------------------|
| 1. Thomas Pope Blount . | 7. John Garrard      |
| 2. John Brockett        | 8. Rowland Lytton    |
| 3. Philip Butler        | 9. John Luke         |
| 4. Arthur Capell        | 10. Charles Morrison |
| 5. Henry Cocke          | 11. John Shotbolt    |
| 6. Ralph Coningsbye     | 12. Nicholas Trott   |



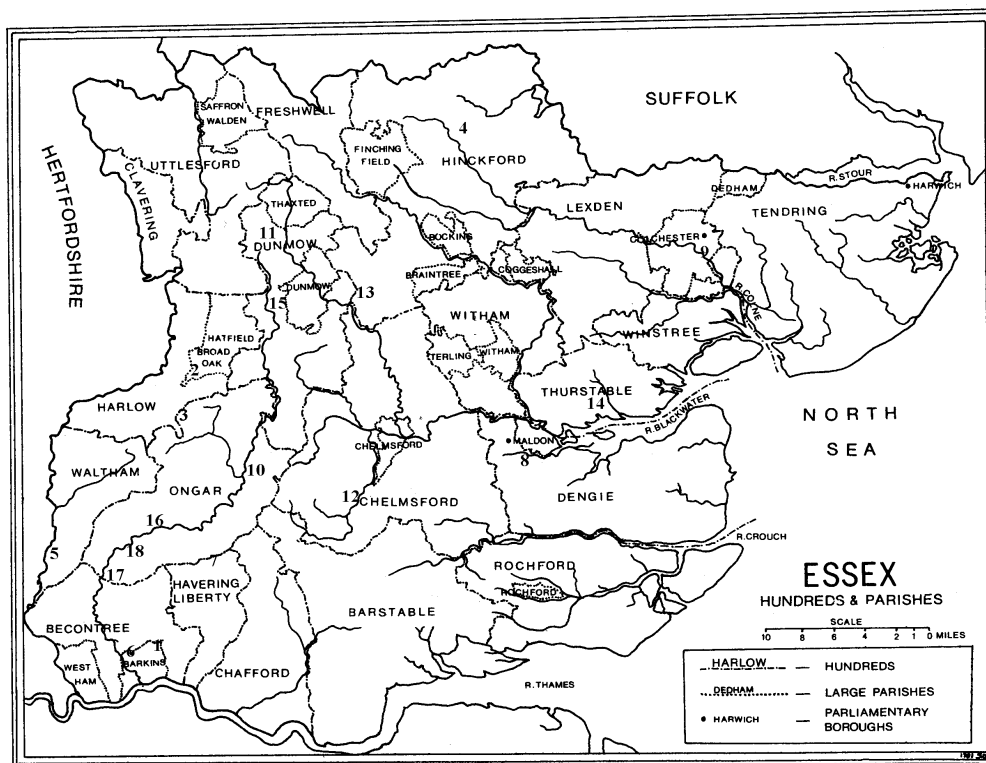


Figure No. 2. Map of Essex Showing Residential Seats of Principal JPs. Reprinted from William Hunt, *The Puritan Moment; The Coming of Revolution in an English County*, (Cambridge: Harvard University Press, 1983).

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|-----------------------|-----------------------|
| 1. William Ayloff     | 10. William Masham    |
| 2. Francis Barrington | 11. William Maynard   |
| 3. Gamaliel Capell    | 12. John Petre        |
| 4. John Deane         | 13. Robert Rich       |
| 5. Edward Denny       | 14. John Sammes       |
| 6. Thomas Fanshaw     | 15. William Towse     |
| 7. Henry Lord Grey    | 16. Edward Waldegrave |
| 8. Arthur Harris      | 17. William Wiseman   |
| 9. Thomas Lucas       | 18. Robert Wrothe     |

### Chapter 3

#### On Becoming a Justice of the Peace in Hertfordshire and Essex: Land, Law, and Marriage

The justices of the peace of early-modern England were chosen from among the greater and lesser gentry of the shires. These individuals were nominated and appointed by the Lord Chancellor, the Court, Assize judges, lords lieutenant, established justices of the peace, and other prominent persons. An annual commission of the peace listed, in order of importance, the JPs appointed for each shire, confirming the choices made by Crown officers and regional worthies.

Becoming a resident justice of the peace was a combination of county or regional nomination followed by central government confirmation. From the end of the fifteenth to the early-eighteenth century, the number of men appointed as justices of the peace in England increased substantially. This increase was due to the growing number of tasks that the Crown imposed upon local administration *and* the ambitions of local gentlemen to obtain office. Social status was an integral part of gentry life in early-modern England and magisterial office enhanced social standing and reinforced “gentle status”; there was thus intense competition for local office-holding at the county and regional levels.<sup>1</sup>

Appointment as a justice of the peace was a political *and* social process, since not all gentry in a particular shire would be listed on that county’s annual commission of the peace. *Ex-officio* JPs did not have to be members of the county gentry, though many of them did have landholdings or financial interests in the counties in which they were named as JPs. All other potential magistrates had to be part of the local gentry, with

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<sup>1</sup> Heal and Holmes, The Gentry in England and Wales, 166-168.

established property, family, political, or religious ties. This chapter will explore the social connections that underlay the resident magistracy in Hertfordshire and Essex, and the ways in which the county gentry controlled the pool of candidates available for local government.

In early-modern England, land, lordship, and local acknowledgement were key determinants of gentle status; ancient lineage was most desirable, but some social standing could be constructed out of wealth and the holding of acres.<sup>2</sup> The active land market of the sixteenth century led to a “fluidity of social rank,” and the rise of new gentry families into the counties threatened the concept of gentle status based solely upon antique lineage. This threat did not cause a hard-line antagonism among different ranks within the gentry because social and political standing in the county was actually based on the possession of landed estates. Land, and the need to secure its descent, produced a commonality of legal and political beliefs; formal status categories were thus blurred through kinship, friendship, local sentiment, and longevity of settlement.<sup>3</sup> In English counties like Kent, a group of twenty or thirty related families dominated and united the shire gentry through intermarriage and social patronage, allowing newcomers only through marriage to a county heiress.<sup>4</sup>

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<sup>2</sup> Ibid., 7-9.

<sup>3</sup> Ibid., 17, 27. Also see Keith Wrightson, Earthly Necessities; Economic Lives in Early-Modern Britain (New Haven: Yale University Press, 2000), 141, 185. Wrightson estimates that in 1535, between one-quarter and one-third of the land area of Essex belonged to the Roman Catholic Church; five years later, approximately sixty percent of this Church land had been transferred to the Crown by the dissolution of the monasteries. The Hertfordshire gentry more than tripled the number of new seats in their county by the mid-seventeenth century. Thus, the active land market of the sixteenth century did positively impact the number of gentry families in Essex and Hertfordshire.

<sup>4</sup> Everitt, The Community of Kent and the Great Rebellion, 35-38.

Hertfordshire and Essex did not experience the stable and extensive patronage held by the ancient gentry families of Kent. In Hertfordshire, the proximity of Westminster and Crown offices brought in many courtiers and lesser gentry, narrowing the sphere of influence possessed by older gentry families. In Essex, commercial port towns and an abundance of middle and lower gentry made it difficult for any small group of families to dominate county affairs. But the county elite of Hertfordshire and Essex nevertheless did safeguard their social status and in doing so, limited the number of individuals that could be appointed as shire justices of the peace. To become a JP in Hertfordshire and Essex, one had to be part of the accepted gentry through land, law, or marriage.

The possession of land in the shire was the most important criterion for becoming a county JP, and potential magistrates were supposed to have lands worth at least twenty pounds per year.<sup>5</sup> Land could be inherited, purchased, married into, or granted by the Crown; the larger and more secure the estate, the higher the social standing in the county. Thus, older gentry families tried to preserve their landholdings while new gentry families strove to increase their holdings or make their first land purchase in the shire. Those individuals who commanded extensive landholdings were the most likely to be among the stable group of “working JPs” responsible for day-to-day administration and justice in the county.

The importance of landowning meant that the English landed gentry provided first for the transmission of their property from one generation to another, and then for the survival of the individual family members. They accomplished this through “entail”, a

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<sup>5</sup> Gleason, The Justices of the Peace in England, 48.

device by which the patrimonial estate was kept in the male line; wives and younger children were later provided for in marriage settlements. By the end of the seventeenth century the “strict settlement” made the head of the family a life tenant with limited powers, thus tying up the landed estate for future generations. But in the late sixteenth and early-seventeenth centuries, the father of a landed family still had some discretion in the provision for family members *and* in the ultimate succession of the property.<sup>6</sup>

Whatever provisions were made for wives, sons, and daughters, gentry families tried to keep their landed estates *in* the family. The eldest son received land and a house, younger sons got some grants of land, and daughters received lump sums of money upon marriage (ideally to the son of another landowning family). Through marriage settlements and grants of land, many substantial gentry families spawned a number of minor county families.<sup>7</sup> It was this patrimonial estate system that created the “community” of Kentish gentry who dominated their county’s society, politics, and administration.<sup>8</sup>

New landowners also wanted to secure their recently purchased estates, and looked to entail to accomplish this; thus, older and newer gentry families were simultaneously engaged in “dynastic ambition” in the county.<sup>9</sup> The gentry in

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<sup>6</sup> John Habakkuk, Marriage, Debt, and the Estates System; English Landownership 1650-1950 (Oxford: Clarendon Press, 1994), 1-4. Also see Joan Thirsk, ed., The Agrarian History of England and Wales, Vol. IV, 1500-1640 (Cambridge: Cambridge University Press, 1967).

<sup>7</sup> Habakkuk, Marriage, Debt, and the Estates System, 3-4.

<sup>8</sup> Everitt, The Community of Kent and the Great Rebellion, 36.

<sup>9</sup> Habakkuk, Marriage, Debt, and the Estates System, 7-8.

Hertfordshire and Essex exhibited this dynastic ambition in their counties through land settlements and marriage settlements. Distinguished families provided for their own progress and checked the social progress of the surrounding “upwardly mobile” gentry.

Hertfordshire’s prominent gentry families provided many of the “working JPs” for the county, and these families ensured their dynasties through landed inheritance. Sir John Butler was a Hertfordshire justice of the peace in the mid-sixteenth century, and provided estates for both his sons. In the 1590’s, Woodhall Manor passed to Sir Philip Butler, who was a Hertfordshire JP and a deputy lieutenant for the county. Philip’s brother Henry held the manor of Hatfield Woodhall and was also a Hertfordshire JP. When Sir Philip Butler died in 1607, Woodhall Manor passed to his grandson Robert Butler, who was named a county JP in the same year. Henry Butler died in 1609, and his son John Butler received Hatfield Woodhall and the office of JP that year.<sup>10</sup> Like other Hertfordshire magistrates, the Butlers were justices of the peace in succession, demonstrating the hereditary nature of county magistracy.

John Brograve was a long-time Hertfordshire JP and an attorney for the Duchy of Lancaster; he was knighted by James I and served as *Custos Rotulorum* for the county. Brograve built a house at Hamells Manor in Braughing Hundred, ensuring himself a seat of power in Hertfordshire. When he died in 1613, his son Simeon Brograve succeeded him to the property; two years later, Simeon’s position on the Hertfordshire commission of the peace started to improve.<sup>11</sup> Henry Coningsbye was also a long-serving justice of

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<sup>10</sup> William Page, ed., The Victoria History of the Counties of England; A History of the County of Hertfordshire (hereafter “VCH, Herts”) (London: Archibald Constable & Co., Ltd., 1908) Vol. III, 107, 112.

<sup>11</sup> *Ibid.*, 313. See Appendix No. 1.

the peace in Hertfordshire. When he died in 1590, the manor of North Mimms passed to Ralph Coningsbye who was placed on the Hertfordshire commission of the peace the very next year.<sup>12</sup> The Brograves and Coningsbys enhanced their landholdings and their status through dynastic ambition and local office.

Hertfordshire's lesser gentry also improved their social and political place in the county through the acquisition of land in the shire. William Newce held the manor of Berwick in Braughing Hundred and was a Hertfordshire JP until 1608. William's son Thomas became a justice of the peace in 1609, succeeded to the estate in 1610 and remained a JP until his death in 1623.<sup>13</sup> Michael Grigge was added to the Hertfordshire commission of the peace in 1625, one year after he was granted the half-manor of Ayot St. Peter in Broadwater Hundred.<sup>14</sup> Luke Norton's position on the Hertfordshire commission of the peace rose sharply after he covenanted to buy Brookes Manor in 1615.<sup>15</sup> For a county's lesser gentry, land acquisitions signaled ambition, upward movement, and an interest in the shire's future.

Outside families could gain entry into Hertfordshire's ruling elite through the purchase of land in the county. Sir John Watts was a famous merchant and ship-owner who fought against the Spanish Armada and was Lord Mayor of London. Sir John bought the manor of Garnons in Broadwater Hundred in 1600, but was never made a Hertfordshire justice of the peace. Upon his death in 1616, his son John Watts received

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<sup>12</sup> VCH, Herts, Vol. II, 254.

<sup>13</sup> VCH, Herts, Vol. III, 359.

<sup>14</sup> *Ibid.*, 64.

<sup>15</sup> Hertfordshire Archives and Local Studies (hereafter "HALS"), Hertford County Documents, Schedule of Delme-Radcliffe Manuscripts, 84.

the manor and within one year, appeared on the Hertfordshire commission of the peace.<sup>16</sup>

After Sir John Watts had established himself in Hertfordshire, his son could benefit from Watt's landed estates within the county. Landholding and office-holding went together by investing the gentry with a social and political interest in their county.<sup>17</sup>

But the purchase of land in Hertfordshire did not guarantee a place on the county bench. Richard Hale was a London grocer who acted as a land speculator in both Essex and Hertfordshire. Hale first acquired the manors of Newnham and Stagenhoe in Cashio Hundred; he also purchased Caldecote Manor and Weston Rectory from James Spurling, a short-term Hertfordshire JP.<sup>18</sup> Hale bought the manor of Tewin from Beckingham Butler and then sold it to William Cecil, second Earl of Salisbury. Hale was also one of the freeholders who held back in selling land to James I for the King's parks at Theobalds and Cheshunt.<sup>19</sup> For all of this, Richard Hale was never a justice of the peace in Hertfordshire; the county ruling elite apparently made their own assessment of those who held a long-term stake in county, as opposed to land speculators.

Resident landholding was also important to becoming a justice of the peace in the neighboring county of Essex. Thomas Fanshawe inherited Dagenham Manor in 1568 from his uncle Henry Fanshawe; Thomas was a well-placed Essex JP until his death in 1601. Thomas's eldest son Sir Henry Fanshawe held the manor of Westbury in Becontree Hundred, and became an Essex justice of the peace in 1602. Another son, Sir

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<sup>16</sup> Ibid., 127.

<sup>17</sup> Hassell-Smith, County and Court, 108.

<sup>18</sup> VCH, Herts, Vol. II, 348, 355, 407.

<sup>19</sup> VCH, Herts, Vol. III, 176, 219, 448, 481.



Thomas Fanshawe, received the manors of Dagenham, Fulks and Malmaynes; Sir Thomas started in 1604 as an Essex JP.<sup>20</sup> The manor of Abbess Roding in Ongar Hundred passed to Gamaliel Capell, an Essex JP from 1597 until 1611. The manor passed to Capell's son, grandson, and great-grandson (all named Gamaliel); it was the grandson who in 1628 appeared on the Essex commission of the peace.<sup>21</sup>

Landholding and powerful connections cemented the social standing necessary to thrive in a competitive county like Essex. Sir Robert Wrothe bought the manors of Lambourne and Abridge in 1597, the same year he was knighted. Wrothe was a major landowner, a forest official, and a well-positioned Essex JP until 1604; he entertained James I at Loughton Hall in 1605. Upon his death in 1606, Wrothe's eldest son Sir Robert succeeded his father on the two Essex manors and on the Essex commission of the peace.<sup>22</sup> Sir Jerome Weston inherited Longbarns Manor from his father Sir Richard, a Justice of the Common Pleas during Elizabeth I's reign. When Jerome Weston died in 1603, his son Sir Richard Weston received Longbarns and was made an Essex JP in 1606.<sup>23</sup>

Influential patrons could sell some of their Essex lands and bring others into the county's ruling elite. Sir Henry Grey, son of Lord Grey de Groby, sold Pyrgo Manor to Sir Thomas Cheeke in 1621; in the same year, Robert Rich, second Earl of Warwick,

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<sup>20</sup> W. R. Powell, ed., The Victoria History of the Counties of England; The History of the County of Essex (hereafter "VCH, Essex") (London: Oxford University Press, 1966) Vol. V, 192, 200, 213.

<sup>21</sup> VCH, Essex, Vol. IV, 190.

<sup>22</sup> *Ibid.*, 77, 118.

<sup>23</sup> *Ibid.*, 199.

conveyed the manor of North Weald to Sir Thomas Cheeke.<sup>24</sup> Cheeke started his career as an Essex JP in 1621, and was later elected to the House of Commons for the county *and* for all three of Essex's corporate boroughs. Even though Cheeke was Robert Rich's son-in-law in 1621, he was known as "Sir Thomas Cheeke of Pyrgo."<sup>25</sup> Lands within the shire, as well as his connection to the Rich family, were necessary for Sir Thomas Cheeke to be added to the county commission of the peace.

The possession of land within the county was therefore a necessary ingredient for resident gentry wishing to be named to the county bench. But new acquisitions were not always available, especially to lesser gentry or town merchants. As noted above, the most prominent families in a given shire tried to keep their landed estates within the family or at least within a wide kinship group in the county. But "entails" had limited efficacy in dynastic ambition, since the eldest son might modify or destroy an entail when he came of age. It was in these circumstances that conveyancers made use of the marriage settlement as an alternative instrument to satisfy landowners' ambitions.<sup>26</sup>

The original purpose of the marriage settlement was to provide for the wife if she survived her husband; a "jointure" made a formal grant of land to husband and wife in joint tenancy and then for the life of the survivor. The jointure specified the wife's rights and made it easier to establish a proportion between the provision made for the widow and what the wife brought with her to the marriage. Thus, marriage settlements

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<sup>24</sup> Ibid., 135; VCH, Essex, Vol. VII, 16.

<sup>25</sup> Walter C. Metcalfe, ed., "The Visitations of Essex," in The Publications of the Harleian Society, Vol. XIII, (London: 1878), 373.

<sup>26</sup> Habakkuk, Marriage, Debt, and the Estates System, 8.

developed into an instrument that could meet the needs of the new household and keep the estate intact in the male line.<sup>27</sup>

The objectives of marriage settlements were economic stability, or preferably increased prosperity, combined with secure status; the transmission of wealth and property was crucial to English landowners, and so marriage negotiations were most often based upon material grounds. Marriages could also cement political or social alliances, especially those made within a particular locality.<sup>28</sup> It is not surprising that gentry families directed a great deal of energy toward suitable matches; Hertfordshire and Essex families were no exceptions to this practice, showing great care and concern that any marriages among gentry families be a “fitting match in rank, age, estate, and conformity of poetical studies.”<sup>29</sup>

It has been stated that the justices of the peace in England were often friends as well as colleagues, and there were frequent marriages between members of the families.<sup>30</sup> This is certainly borne out in Hertfordshire: family connections and local office holding were closely linked. Both Edward Pulter and Rowland Lytton were long-standing Hertfordshire JPs and served as captains in Queen Elizabeth’s bodyguard at Tilbury Fort; Edward Pulter married Rowland Lytton’s daughter Mary.<sup>31</sup> John Leventhorpe married Joan, the daughter of Sir John Brograve; both Leventhorpe and Brograve were

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<sup>27</sup> Ibid., 9.

<sup>28</sup> Heal and Holmes, The Gentry in England and Wales, 60-62.

<sup>29</sup> CSPD, James I, 312.

<sup>30</sup> Gleason, The Justices of the Peace in England, 20.

<sup>31</sup> VCH, Herts, Vol. II, 26. “The Visitations of Hertfordshire,” in The Publications of the Harleian Society, Vol. XXII, (London: 1886), 85.

Hertfordshire JPs, and Leventhorpe's place on the commission rose slightly after Brograve's death in 1613. John Brograve's absence on the bench allowed other JPs below him to move up, but Leventhorpe would have inherited land and a dowry in addition to an open place on the county bench. It also appears that John Leventhorpe's sister Dorothy married John Brograve's son Simeon; Simeon Brograve then owned part of Dorothy's interest in the manor of Cockhamstead in Braughing Hundred.<sup>32</sup>

Marriage connections could improve one's standing in the shire and on the county bench, or it could be helpful in starting a career as a local magistrate. Sir Henry Cocke's daughters both married into the Lucy family: Elizabeth married Sir Richard Lucy and Frances married Sir Edmund Lucy. Henry Cocke was a key Hertfordshire justice of the peace, a deputy lieutenant, and Cofferer of the Royal Household until his death in 1610. His daughter Elizabeth married Sir Richard Lucy in 1617; the next year, Richard Lucy received a "special livery to the co-heirs of Sir Henry Cocke," was also made a Baronet, and was placed on the Hertfordshire commission of the peace.<sup>33</sup> In 1602, Nicholas Trott married one of George Perient's daughters; Perient was sheriff of Hertfordshire in 1604 and belonged to a prominent county family. Three years later, Nicholas Trott began his fifteen-year career as a JP in Hertfordshire.<sup>34</sup>

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<sup>32</sup> VCH, Herts, Vol. III, 310, 340.

<sup>33</sup> Ibid., 105, 432. HALS, Hertford County Documents: Broxbournebury Manor Schedule, 31. Sir Edmund Lucy does not appear as a JP in Hertfordshire or Essex.

<sup>34</sup> SPD, SP 12/284, no. 83. In a letter to Dudley Carleton from John Chamberlain, Perient's daughter Mary was described as "a lusty tall wench able to beat two of him" (Trott).

Marriage connections were critical to Hertfordshire's ruling elite because they maintained landed estates even when the male line failed. The manor of Wormley in Hertford Hundred came to Walter Tooke (a Hertfordshire JP) through his wife Angelette, the daughter of London mercer William Woodliffe. Woodliffe's other daughter Ann married John Purvey; their son William, a Hertfordshire JP, took possession of Wormley Manor by 1597. When William Purvey died without issue in 1617, his widow Dorothy held the manor until she re-married; but in 1621, the manor went back to John Tooke, grandson of Walter Tooke.<sup>35</sup> Thomas Smith received the advowson of the Church of Flamstead from his father Christopher Smith, a Hertfordshire JP in Elizabeth's reign. Thomas Smith left the advowson to his wife Joan, who later married John Luke, another Hertfordshire JP. In 1607, during John Luke's lifetime, the advowson went back to George Smith, the son of Joan and Thomas Smith.<sup>36</sup> In both of these cases, women acted as conduits, returning the property or asset to the original family name.<sup>37</sup>

The importance of the female line in preserving Hertfordshire's ruling elite is illustrated by the case of John Brockett. The Brocketts were an ancient Hertfordshire family who had possessed the manors of Brockett Hall, Waterend, and Almshoe since the mid-fifteenth century. John Brockett's father, a long-time Hertfordshire JP, settled the lands on his son upon John's marriage to Ellen, daughter of Sir Robert Lytton, another

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<sup>35</sup> VCH, Herts, Vol. III, 104, 488.

<sup>36</sup> *Ibid.*, 199.

<sup>37</sup> Pauline Stafford, "Women and the Norman Conquest," in Debating the Middle Ages: Issues and Readings, Lester K. Little and Barbara H. Rosenwein, eds., (Malden: Blackwell Publishers, Inc., 1998), 260.

long serving Hertfordshire JP. But John Brockett died in 1598 without male issue; his Hertfordshire estates were then divided among Brockett's widow and six daughters.<sup>38</sup>

Before John Brockett's death, his daughter Helen married Richard Spencer, the son of a Hertfordshire justice of the peace. Richard Spencer was placed on the Hertfordshire commission of the peace in 1594 and was knighted in 1603; through the marriage, Spencer had acquired a portion of the Brockett manor of Almshoe in Hitchin Hundred.<sup>39</sup> Another daughter, Frances, was also given a part of Almshoe Manor; Frances married Dudley Lord North, who was added to the Hertfordshire county bench in 1611. The couple later conveyed their share of Almshoe manor to Sir Rowland Lytton, a Hertfordshire "working JP" and a kinsman of the Brockett family.<sup>40</sup> Even though Sir John Brockett had died without male issue, his Hertfordshire estates were conveyed through his daughters to friends or other members of the county ruling elite.

A third Brockett daughter, Mary, married Sir John Garrard, a London alderman who began his career as a Hertfordshire JP in 1609. Garrard held Waterend Manor from 1621 until his death in 1625; the manor was then settled on his son John Garrard. But Sir John Garrard was dropped from the county commission of the peace in 1622, probably due to illness; his son John Garrard then began *his* career as a county JP in 1622. The manor of Waterend went to John Garrard, jr. in 1625 and stayed in the family until John's

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<sup>38</sup> VCH, Herts, Vol. II, 434. The Brockett daughters were Helen, Frances, Mary, Anne, Elizabeth, and Margaret.

<sup>39</sup> *Ibid.* VCH, Herts, Vol. III, 40.

<sup>40</sup> VCH, Herts, Vol. III, 26. CSPD, Elizabeth I, 1598-1601, 110. Rowland Lytton was present at Sir John Brockett's funeral in October 1598.

death in 1637.<sup>41</sup> The Garrards were helped into the Hertfordshire gentry and magistracy by lands acquired through the female line of the Brockett family. As county heiresses, the Brockett daughters enlarged the family's "kin network" and helped to launch several new families and new local office-holders. But a large family of sons *or* daughters could endanger a family's financial standing; provision for younger sons frequently had to be made by carving estates out of the main inheritance, reducing it seriously. And the size of marriage portions for daughters, always a major expense for a family, was tending to increase in the early-seventeenth century.<sup>42</sup>

Marriage settlements solidified gentry connections or created new family branches that strengthened and expanded kinship ties within the county. Marriage settlements could also connect families across county lines and shift estate ownership to gentry outside the county. Such marriage settlements, although not frequent, did occur in Hertfordshire and Essex. If gentry families did cross the county border through marriage settlements, their primary concern was economic and not political or social; JPs in one county did not directly interfere in the administration of the other county. It was landed wealth that was necessary for a family's survival and dynastic ambition, and the county line was no bar to this requirement. Generally, a shire's higher-ranking gentry were the only ones that could afford to extend their landholdings into other counties.<sup>43</sup>

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<sup>41</sup> Ibid.

<sup>42</sup> H. P. R. Finberg, ed., "Noblemen, Gentlemen, and Yeomen", in The Agrarian History of England and Wales, Vol. IV, 1500-1640, 298.

<sup>43</sup> Essex Record Office (hereafter "ERO"), D/DBa/E 62. Francis Barrington of Essex held lands in Hertfordshire called "Annables". VCH, Herts, Vol. III, 338. In 1610, Sir Thomas Mildmay of Essex held the manor of Sawbridgeworth in Hertfordshire. Vol. III, 341. Thomas Jocelyn of High Roding, Essex, was a Knight of the Bath at Edward VI's coronation, and owned the Hertfordshire manor of Hyde Hall. But both Reginald Argall

The Butlers of Watton Woodhall were a prominent Hertfordshire family that kept the county supplied with JPs. In the sixteenth century, Sir Philip Butler's daughter Ann married Leonard Hyde; Butler and Hyde were both highly placed justices of the peace in Hertfordshire. Sir Philip Butler, son of Sir John Butler and grandson of the above Sir Philip, married Anne the daughter of John Coningsbye of North Mimms; all three Butlers were Hertfordshire JPs, and the younger Sir Philip was deputy lieutenant for the county.<sup>44</sup>

The Butlers and Coningsbys continued to intermarry in Hertfordshire. Anne Coningsbye's brother, Sir Henry Coningsbye, married Elizabeth Butler of Watton Woodhall. Their son was Sir Ralph Coningsbye, who built North Mimms Park around 1600. John, Henry and Ralph Coningsbye were successive justices of the peace in Hertfordshire from the mid-sixteenth to the early-seventeenth century.<sup>45</sup>

The Butler family was involved in other marriage alliances in Hertfordshire. Sir Henry Butler, brother of Sir Philip (the grandson), married Alice Pulter; Edward Pulter and Henry Butler were both long-serving Hertfordshire JPs. Sir Henry Butler's daughter Jane married Edward Cason; Cason was a lawyer from the Middle Temple and a Hertfordshire JP from 1605 until his death in 1624.<sup>46</sup> As the Butlers expanded their sphere of influence in Hertfordshire, they brought lesser gentry into the fold and ensured a measure of stability for county government.

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and Edmund Huddleston of Essex received Hertfordshire manors through marriage settlements. VCH, Herts, Vol. III, 475, Vol. IV, 109.

<sup>44</sup> Evelyn Wright, A Hertfordshire Family 1555-1923; With Links in Bedfordshire, Suffolk, and Essex (Bedfordshire: Heath Publications, 1997), 146. See Appendix No. 1.

<sup>45</sup> *Ibid.*, 166. See Appendix No. 1.

<sup>46</sup> *Ibid.*, 157. "The Visitations of Hertfordshire," 29. See Appendix No. 1.



There was also an Essex component to the Butler dynasty. Dorothy, another daughter of the first Sir Philip Butler, married Anthony Browne of Essex; their nephew and his son, both named Anthony Browne, were JPs successively in the county of Essex. Anne Coningsbye's sister Mary married Sir John Luke; Luke was a Hertfordshire justice of the peace who rented some land from the Barringtons in Essex. Judith Barrington's notes on "their lands in Hertfordshire" (Annables) shows a never-ending concern with Luke's stewardship of and payment for the land.<sup>47</sup> Yet the writings maintain an economic tone and reveal no impression of social or political influence. It appears that cross-county connections in Hertfordshire and Essex were limited to financial concerns. Indeed it was extremely rare for a non-*ex officio* JP to have been placed on both county benches simultaneously.

The gentry of Essex also formed marriage alliances, solidifying and adding to the county's ruling elite. The most prominent families, like the Richs, the Barringtons, and the Mildmays, were followed by lesser gentry families like the Harrises, the Maxeys, the Sammes, the Petres, and the Wisemans. All of these families had long associations with the county of Essex, but there were others that came from neighboring counties. The Ayloffes were originally from Kent, the Grimstons were from Suffolk, and the Capells were from Hertfordshire. The success of these families in Essex depended on the size of their estates and how close their political and religious attitudes came to those of the leading Essex families.<sup>48</sup>

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<sup>47</sup> ERO, D/DBa/E62.

<sup>48</sup> B. W. Quintrell, "The Government of the County of Essex, 1603-1642" (Ph.D. Thesis, University of London, 1965), 20-22.

Marriage connections in Essex maintained the ruling elite's integrity by socially screening potential magistrates before they were locked into the commission of the peace. Sir Nicholas Coote of Barking married the daughter of Sir George Harvey, a former Lieutenant of the Tower who farmed in the Walthamstow area. Harvey was an Essex justice of the peace until his death in 1605; Nicholas Coote started as an Essex JP in 1602 but his place on the Essex commission of the peace improved markedly two years later, perhaps as a result of Harvey's influence or property.<sup>49</sup>

Other Essex gentlemen improved their social and magisterial position in the county through marriage connections. Sir Robert Leigh of Chingford married a daughter of the Josselin family; Leigh was an Essex JP for more than twenty years, but his position on the county bench rose quickly after John Josselin died in 1603.<sup>50</sup> The Luckyns of Great Waltham were of yeomen stock, but eventually found a place on the Essex commission of the peace after they intermarried with the Grimstons and the Capells.<sup>51</sup>

The importance of marriage connections for social and political status can be seen in the case of James and John Morris. James Morris was an Essex justice of the peace and Recorder for the borough of Maldon; when he died in 1597, James Morris was seized of the manor of Chipping Ongar. This manor was settled on James' son John Morris upon John's marriage to Katherine, the daughter of Sir Gabriel Pointz of North

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<sup>49</sup> Ibid., 45.

<sup>50</sup> Metcalfe, ed., "The Visitations of Essex", 434. See Appendix No. 2; Thomas Josselin's position on the Essex bench also improved at the same time. The Josselins were later connected to the Harlakendons, who by the 1630's were lords of the manor at Earl's Colne. *The Diary of Ralph Josselin 1616-1683*, ed., Alan MacFarlane (London: Oxford University Press, 1976), xxiii.

<sup>51</sup> Quintrell, "The Government of the County of Essex, 1603-1642", 24.

Ockendon.<sup>52</sup> Yet after James Morris' death, and even after Gabriel Pointz' death in 1607, John Morris still did not appear on the Essex commission of the peace.

When John Morris married Katherine Pointz, the manor of North Ockendon (and other Essex property) was settled upon John and Katherine and their *joint* issue. Sir Gabriel Pointz also insisted that the inheritor of the Ockendon estate should adopt the family name; John Morris complied and changed his name to Morris *alias* Pointz.<sup>53</sup> But Katherine died and within one year of Gabriel Pointz' death, the Essex lands were in controversy over a five-year conveyance to Pointz' nephews Richard and William Cutts. The land and the wardships of the Cutts nephews were in the Crown's possession and in 1608, John Morris asked Robert Cecil, Earl of Salisbury, to help him recover the property and its income.<sup>54</sup>

It was only after 1611 that John Morris *alias* Pointz was added to the Essex commission of the peace. His father's land and status were not enough to place John Morris on the county bench immediately. The Ockendon estates received through his wife probably would have given Morris the additional status needed to bring him into the Essex ruling elite. But when Katherine died, Morris' possession of the land was in question and he had to fight to retain it. Succession onto the county commission of the peace was not automatic even when land was inherited or devised upon the candidate. A

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<sup>52</sup> VCH, Essex, Vol. IV, 161.

<sup>53</sup> *Ibid.* VCH, Essex, Vol. VII, 111. Heal and Holmes, The Gentry in England and Wales, 26.

<sup>54</sup> SPD, SP14/31, no. 189.

candidate for the county bench had to pursue his goal diligently in order to be added to the commission of the peace.<sup>55</sup>

The Capell family was in Essex by the late sixteenth century. Henry Capell of Fryerning in Essex married an Essex woman from Bocking, but Henry does not appear on the Essex commission of the peace. Henry's son Gamaliel was eventually made an Essex JP, but not without some difficulties. Gamaliel Capell married Jane, the daughter of Weston Browne of Rookwood, Essex; Browne bequeathed five hundred pounds to his daughter upon her marriage, but the father's death checked Gamaliel and Jane's social climb. Gamaliel's father Henry Capell and Sir John Petre (a long-serving Essex JP) acted as executors of Weston Browne's will, disbursing payments to Jane and Gamaliel over a number of years. These payments ranged from as little as six pounds to as much as sixty pounds, and some were initiated by pleas from the young couple. Gamaliel Capell began his career as an Essex justice of the peace in 1597, after approximately ten years of receiving partial payments from Weston Browne's estates.<sup>56</sup> Again, accession to the county bench was not always guaranteed to resident gentry, but required some diligence.

In order to effect a gentleman's position in the county elite, a marriage connection should be within that county and not merely among the English gentry. Thomas Harris of Maldon in Essex married Cordelia, the daughter of John Gill of Huntingford in

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<sup>55</sup> Hassell-Smith, County and Court, 59, 72.

<sup>56</sup> ERO, D/DP/F239. Metcalfe, ed., "The Visitations of Essex", 171, 370. Wright, A Hertfordshire Family, 150. There was also a cross-county connection with the Brownes and Capells. Jane was Weston Browne's daughter from his *second* marriage to the daughter of Giles Paulett; Browne's *first* marriage was to the daughter of Sir Edward Capell of Hadham in Hertfordshire. But Edward Capell was not a justice of the peace in Hertfordshire or Essex, and neither Henry Capell nor Weston Browne are included in the commission of the peace for Essex (or Herts.) between 1590 and 1630.

Hertfordshire. Harris' place on the Essex commission of the peace remained fairly steady until about seven years after John Gill's death. Richard Franke of Hatfield Regis in Essex married Anne, the daughter and co-heir of Thomas Leventhorpe of Albury, Hertfordshire; Franke's relatively low position on the Essex commission of the peace changed little during his many years as a county magistrate.<sup>57</sup>

Marriage ties were important to the ruling elite of Essex and Hertfordshire because they furthered dynastic ambition, cemented social and political affinities, and effectively "screened" new gentry for social compatibility and office holding. With the exception of *ex-officio* members on the commissions of the peace, no resident gentry would be appointed as a county JP (or remain so for very long) without the social, political, or religious acceptance of the shire's leading gentry families. Social standing, social acceptance, and "friendly" connections were as important for local office holding as were political or religious attitudes.

The most prominent landholding families in Hertfordshire and Essex typically provided the longest serving magistrates for each county. These individuals were highly placed on the commission of the peace and were often deputy lieutenants in the shire; they were at the top of the group of "working JPs" necessary for a county's effective administration. A closer examination of two ruling families reveals a mixture of social patronage, political acumen, local leadership, and administrative diligence. Even religious differences could be overlooked in favor of smooth county government.

The Petre family of Essex provides an example of long-standing members of the county elite; the Petres held large estates in central and southern Essex centered around

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<sup>57</sup> Metcalfe, ed., "The Visitations of Essex", 399, 415. See Appendix Nos. 1 and 2.

their manor at Ingatestone. Like other gentry families, the Petres had received much of their land after Henry VIII dissolved the monasteries; unlike other gentry families, the Petres converted to Catholicism during Mary Tudor's reign and remained true to the old faith during and after Elizabeth I's reign.<sup>58</sup> Despite their known Catholic beliefs, the Petres were consistently named to the Essex commissions of the peace and placed high among the "working JPs" responsible for day-to-day county government. The Petre's survival in Essex can be explained through their extensive landholdings, their social connections, and their consistent service to Crown and county.

The Petre family held land in seven counties and had connections with England's nobility and greater gentry. A 1596 marriage indenture linked William Petre, son of Sir John Petre, with Katherine, the daughter of Edward (Somerset), Earl of Worcester; Henry Lord Grey and Roger Lord North also figured prominently in the indenture. Twenty five years later, William Petre's son Robert was to marry the daughter of Henry (Montague) Viscount Mandeville; significant land transfers as well as "patronage of the Church" were features of that marriage indenture.<sup>59</sup> William's brother John Petre married Catherine, the daughter of William Parker, Lord Morley and later Lord Mounteagle; Mounteagle was still regarded as a recusant by 1609.<sup>60</sup> The last will and testament of Thomas (Radcliffe) Earl of Sussex named Sir John Petre as one of several gentry in Essex and

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<sup>58</sup> Hunt, The Puritan Moment, 27.

<sup>59</sup> ERO, D/DP/F12; D/DP/F21.

<sup>60</sup> H. A. Doubleday and Lord Howard de Walden, eds., The Complete Peerage, Vol. IX (London: The St. Catherine Press, 1936), 228.

Hertfordshire who were owed money from the Earl's estate.<sup>61</sup> The Petres were thus well connected with conservative members of England's peerage and upper gentry.

Their prominence as Essex landholders meant that the Petres were major players in county government, and their Catholicism during the reigns of Elizabeth I and James I did not exclude them from administrative duties. As an Essex justice of the peace and a deputy lieutenant, Sir John Petre was one of thirty local men placed on Queen Elizabeth's 1591 Commission Against Jesuits and Seminaries. Petre was among the "first twelve" named to the Commission, who were instructed to examine suspected Papists in the port towns and the various Hundreds of Essex. Additional magistrates were assigned to different groupings of towns and Hundreds, but the "first twelve" were based at Chelmsford and headed every grouping for the county.<sup>62</sup> John Petre's inclusion in this "anti-Catholic" Commission was testament to his importance in Essex society and government, although it has been suggested that he acted moderately for his part on the Commission.<sup>63</sup>

The central government also asked the Petres to help collect money for the Crown; Sir John Petre was asked to assess and collect part of the 1590 Subsidy in Essex. Petre's subsidy book listed 140 names with corresponding amounts, but steadily added

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<sup>61</sup> ERO, D/DP/F240/1. Others who were owed money from the Earl of Sussex included Robert Butler, Richard Wrothe, Thomas Mildmay, and Walter Mildmay.

<sup>62</sup> ERO, D/DP/O60. The "first twelve" were John Aylmer, Bishop of London, Robert Lord Rich, Thomas Lord Darcy, Thomas Gent and Robert Clarke (Barons of the Exchequer), Sir Henry Gray, Sir Thomas Mildmay, Sir John Petre, Sir Thomas Lucas, Edward Stanhope, George Withers, Archdeacon of Colchester, and William Tabor, Archdeacon of Essex.

<sup>63</sup> A. C. Edwards, John Petre; Essays on the Life and Background of John, 1<sup>st</sup> Lord Petre, 1549-1613, (London: Regency Press, 1975), 25.

more individuals who were “likely to bring in no money” for the loan. In less than a year, John Petre had received money from a little more than one-third of the total list of 140; he turned in ninety-five names of those who had brought in no money.<sup>64</sup> Still, Petre’s success rate was probably not too unusual and in 1624, William Lord Petre (Sir John’s son) was named one of five commissioners in the Essex Hundreds of Barstable and Chafford for the assessment and taxation of the First Subsidy granted by Parliament.<sup>65</sup>

The Petre family also participated in decisions regarding Essex’s part in supplying the Royal Household. The food and drink sold to the Royal Household included “good and fat” oxen, mutton, lambs, boars, geese, and chickens, as well as butter, beer, and wheat. The “purveyance” of food and drink for the Royal Household was contracted annually and purchased from surrounding counties at less than market value; a “composition” or cash payment could be substituted for the actual goods. Once agreed upon by a Crown commission and the county justices of the peace, the composition was usually renewed each succeeding year at the negotiated rate for each requested product.<sup>66</sup>

The 1593 Essex composition was agreed upon by Elizabeth I’s Privy Council, “authorized by commission for that purpose, and Sir Thomas Mildmay and Sir John Petre for the county.”<sup>67</sup> In 1603, John Petre and the other Essex JPs ordered the High

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<sup>64</sup> ERO, D/DP/ O6/28-33.

<sup>65</sup> ERO, D/DP/O5. The other commissioners were Thomas Petre (William’s brother), Sir Edward Barrett, Thomas Fanshawe, and Anthony Luther. They nominated John Wright, gent., to be the High Collector.

<sup>66</sup> B. W. Quintrell, ed., The Maynard Lieutenancy Book, 1608-1639 (Chelmsford: Essex Record Office Publications, 1993), 288-290.

<sup>67</sup> Ibid. Mildmay and Petre were also Essex deputy lieutenants at this time.



Constables to levy the composition rate (using the previous year's prices); the Constables were to keep books on all the merchants, but were not to levy against any Church lands. The 1625 commission for Essex's composition included the Earl of Warwick, Lord (William) Petre, Lord (William) Maynard, Sir Francis Barrington, Sir Thomas Wiseman, and Sir Thomas Fanshawe. The 1630 composition was sent to "Robert, Earl of Warwick, William Lord Petre, William Lord Maynard, and the rest of his Majesty's Justices of the Peace in Essex."<sup>68</sup>

The Petres assumed the social and cultural burdens that were part of living and prospering in their home county. They were among the Governors of the Free Grammar School of Chelmsford, and refereed several extended disputes regarding schoolmasters. In 1606, Thomas Mildmay tried to evict schoolmaster Richard Broadway from the schoolhouse and withhold Broadway's stipend. Richard Broadway petitioned Lord Chancellor Ellesmere, stating that Mildmay "intermeddled" with the school's government and took from Broadway "five pounds over the school and lands" which was then concealed from Lord Petre and the other Governors.<sup>69</sup>

Thomas Mildmay responded to Broadway's petition, noting that his father Thomas had been one of the original Governors of the school and that the Mildmay family had always put money into the grammar school. Richard Broadway contested the level of the school's indebtedness to Thomas Mildmay and requested that Mildmay receive no more rent from the school until Mildmay had repaid all *his* debt to the school. In order to prevent the conflict from escalating, a local commission was formed to hear

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<sup>68</sup> Ibid., 318. ERO, D/DP/O9/1-2.

<sup>69</sup> ERO, D/DP/L36/8.

the dispute and Mildmay was ordered to repay all arrears and allow Richard Broadway to continue without disturbance.<sup>70</sup> Petre was no doubt on this commission; and the county and Crown both benefited from the resolution of these local gentry disputes.

The Petres remained involved in local education, recommending Daniel Durden as schoolmaster for the Free Grammar School at Chelmsford. By 1620, there were complaints that Durden had neglected the school, causing many of the town's inhabitants to "take away their children and place them abroad." But forty-two Chelmsford residents testified that for eleven years, Daniel Durden had "behaved himself religiously, honestly, soberly, and discreetly, . . . bringing up his scholars in good literature and manners."<sup>71</sup> The letter of complaint was addressed to William Lord Petre, Sir Thomas Mildmay and Sir John Tirrell; Mildmay and Tirell both lived in Springfield, near Chelmsford.<sup>72</sup>

The Petre's faith did not directly exclude them from Essex society, but they did tend to connect with other Catholics. In 1623, the Petres invited nearly two hundred guests to a house at Westhorndon for four days of Christmas celebration. Out of the forty to fifty couples and individuals that were to attend each day, only three names are recognizable as Essex magistrates.<sup>73</sup> Thus the Petre family had a wide circle of acquaintances in the county (and probably in other counties), but not necessarily with the

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<sup>70</sup> ERO, D/DP/O37/13, 17, 19, 22.

<sup>71</sup> ERO, D/DP/O33/1-3.

<sup>72</sup> Quintrell, ed., The Maynard Lieutenancy Book, 404.

<sup>73</sup> ERO, D/DP/F160. The three possible Essex JPs were Mr. Smith, Mr. Tabor, and John Wright.

rising Protestant gentry of Essex. This must have alienated the Puritans in Essex but the Petres were never removed from local government.

The Petre family papers include a 1624 petition to the House of Lords from a known recusant, Sir John Webbe. The petition alleged that Thomas Fanshawe, Clerk of the Crown Office, and John Keeling his Secondary, were making a profit of six hundred pounds from Webbe's recusancy. Webbe complained that Fanshawe and Keeling kept all the recusancy fines, but had not let Webbe complete his Plea of Conformity; as a result, Webbe was put in prison and his wife and children were thrown out of their house.<sup>74</sup> As a peer, William Lord Petre might have submitted Webbe's petition to the House of Lords.

The Petre's high social standing did not completely exempt them from religious prejudice in England. In 1625, the Essex coast was deemed especially vulnerable to attack from Spain, and the port towns were fortified and patrolled for invaders. Charles I's Privy Council ordered that "all Romish recusants convicted or justly suspected" were to be disarmed. Robert Rich, second Earl of Warwick and lord lieutenant for Essex, sent this order to his deputy lieutenants and the county JPs, asking them to "take all but the household arms, but reserve them to their owners as still their property." William Lord Petre's arms were carried to Warwick's house at Lees.<sup>75</sup>

John and William Petre played key roles in Essex's local government; they were justices of the peace, deputy lieutenants, and governors of schools. Though they were known Catholics, the Petres had extensive landholdings and important social connections

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<sup>74</sup> ERO, D/DP/L36/12.

<sup>75</sup> Quintrell, ed., The Maynard Lieutenancy Book, 121-122. Thomas Darcy, Viscount Colchester, and William Parker, Lord Morley, were two other Essex peers whose arms were confiscated.

that secured their status and protected them against the “hotter Protestants” in parts of Essex. But the Petres were also active in local government, attending quarter sessions, collecting subsidies, negotiating purveyance, and mediating disputes. Service to Crown and county thus crossed religious lines, even in a Puritan county like Essex.

In Hertfordshire, the Capell family had roots stretching back to at least the late-fifteenth century. Sir Giles Capell attended Henry VIII on the Field of the Cloth of Gold in 1520, and was sheriff of Hertfordshire in 1528; one century later, the Capell and Morrison families joined forces through a marriage settlement. The Capells served consistently as JPs under the Tudor monarchs and the first two Stuart kings; Arthur Lord Capell sided with Charles I in the 1640’s and suffered the same fate as did the king, being executed by Parliament at Colchester in 1648. The Capells did not possess as much land as the Petres, but exercised social patronage and dynastic ambition in addition to their administrative duties.

By the late sixteenth century, the Capells were seated at Little Hadham in Edwinstree Hundred, Hertfordshire. Sir Arthur Capell communicated regularly with Robert Cecil, Lord Treasurer and Earl of Salisbury, and was consistently placed near the top of the resident justices of the peace on the Hertfordshire bench. When Sir Arthur’s eldest son died in 1622, the family’s estates were eventually settled on Arthur’s grandson, also named Arthur.<sup>76</sup>

Sir Arthur Capell’s place among the Hertfordshire ruling elite did not insulate him from family and money troubles. In May 1591, Arthur Capell received a letter from Essex justice of the peace John Tyndall, complaining that Arthur’s brother Edward owed

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<sup>76</sup> VCH, Herts, Vol. IV, 52. See Appendix No. 1.

him money for the sale of some land. One month later, Elizabeth Sidall complained to Sir Arthur that Edward Capell owed her for “ready money” that she had disbursed to Edward several times. Arthur Capell asked John Tyndall to “make stay” of these matters until the next term, while he tried to locate his brother; he wrote to Edward immediately, telling him to bring forty pounds to Mr. Tyndall for his “amenity.”<sup>77</sup>

Sir Arthur’s problems with Edward Capell did not end soon. By 1599, Arthur was in tenuous control of Edward’s finances, disbursing money to Edward and instructing him to make regular payments on debts. Edward continued to request funds from Arthur, and Arthur asked Edward to not “roam to London” anymore. An indenture concerning the Capell lands at Little Hadham placed Edward Capell at the end of the list of those to receive land or money after Sir Arthur died.<sup>78</sup>

In his capacity as prominent Hertfordshire landowner, Sir Arthur Capell helped mediate disputes for the nearby town of Walkern. In 1606, the inhabitants of the town asked Arthur Capell and Sir Henry Butler to mediate a peace between one John Westwood and the churchwarden of Walkern. At the end of the mediation, Westwood and his master Sir Robert Butler agreed to submit themselves to the taxes of Walkern and to pay them by Whit Sunday 1607. But in 1608, Arthur Capell wrote to Dr. James Rolfe, Commissary to the Bishop of London, telling him that John Westwood still had not made peace with the town’s inhabitants.<sup>79</sup>

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<sup>77</sup> British Library (hereafter “BL”), Additional MSS 40630, ff. 20, 24, 25.

<sup>78</sup> Ibid., ff. 47, 49, 54. BL, Additional MS 40631, ff. 35-42. Sir Arthur Capell’s servants Edward Hamond and Henry Gerrard were to receive lands, while Edward Capell was to receive only forty pounds per annum.

<sup>79</sup> BL, Additional MSS 40630, f. 62.

In 1621, Sir Arthur Capell was again involved with the people of Walkern. The townspeople had apparently chosen Capell's steward, Giles Humberton, as their churchwarden; before that, they had picked Humberton to be constable. Arthur Capell complained to James Rolfe that either office would keep Humberton from "attending to any other business." He asked Rolfe to free his steward from the office of churchwarden and "cause some others to be chosen thereon."<sup>80</sup> Walkern was nearly ten miles from the Capell seat at Little Hadham, so Arthur Capell apparently acted as an unofficial patron for the town. Capell's connection with the Bishop's Commissary suggests that he was conservative in religion, or at least comfortable with James I's ecclesiastical hierarchy.

Sir Arthur Capell did have landed interests in the county of Essex; he held over 230 acres of woodland near Rayne and Bocking. In 1626, Sir Arthur petitioned Charles I to allow the woodland to be converted into pasture and tillage, stating that the woods consisted mostly of bushes and under-wood with little or no timber. Since certain "ill-disposed people" were destroying the woodland near one of Arthur Capell's mansion houses, the conversion would be advantageous to Capell and the adjoining countryside. There was a statute against converting woodland into tillage, and Sir Arthur asked the king's special license to bypass the prohibition. The license must have been granted, as Sir Arthur Capell, Baron of Hadham, later collected yearly rents from Bocking Wood.<sup>81</sup>

Like most English gentry, Arthur Capell paid close attention to his landed estates and to marriage settlements for his heirs. His eldest son Henry would have made a good match with an upper gentry daughter but when Henry died in 1622, Sir Arthur focused

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<sup>80</sup> Ibid., f. 73.

<sup>81</sup> BL, Additional MSS 40631, Vol. B., ff. 29, 32.

his landed inheritance on his grandson Arthur. Capell aimed high and in 1624 there was a proposed marriage settlement between Arthur “the younger” and Anne, the daughter of William Cecil, the second Earl of Salisbury. Cecil had offered four thousand pounds for his daughter’s marriage, but Sir Arthur Capell countered with a demand for three thousand pounds at the time of marriage and two later payments of one thousand pounds each. Cecil had also proposed that Capell pay eight hundred pounds annually for Anne’s furnishings, but Capell would go no higher than six hundred pounds per year. Capell concluded that if Cecil did not agree to the conditions, the marriage treaty would cease.<sup>82</sup>

William Cecil apparently did not agree to the marriage proposal and in 1627, Arthur Capell “the younger” married Elizabeth the only daughter of Sir Charles Morrison of Sandon, Hertfordshire.<sup>83</sup> Elizabeth’s mother was Mary, the daughter of Sir Baptist Hickes; Baptist Hicks was the son of Michael Hickes, Secretary to William (Cecil) Lord Burghley, who was Hertfordshire’s lord lieutenant in the late-sixteenth century. Burghley’s grandson was William Cecil, the second Earl of Salisbury and the father of Anne, who at one point had contracted to marry Sir Arthur Capell “the younger”. Despite these underlying connections, or perhaps because of them, the second Earl of Salisbury regularly supported Sir Charles Morrison in his five county and borough elections to the House of Commons. (See Chapter Seven). For Capell and Cecil, the economic matter of marriage could be separated from county politics.<sup>84</sup>

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<sup>82</sup> Ibid., f. 33.

<sup>83</sup> VCH, Herts, Vol. II, 424; Vol. IV, 52.

<sup>84</sup> Miriam Slater, “The Weightiest Business: Marriage in an Upper-Gentry Family in Seventeenth-Century England,” in Past and Present, no. 72 (1976), 26-30.

Landed inheritance, marriage alliances, and family patronage were important factors in sustaining the English gentry and in screening those county residents who might exercise power as local office-holders. It was unlikely that a social outsider with no friendly connections in the shire would remain among the stable group of “working JPs” who were responsible for the day-to-day administration of the county. In Essex and Hertfordshire, underlying social connections were as important to effective local government as was Crown authority.

Of course central government authority did affect the placement of residents and outsiders on the shire commissions of the peace. Thomas Wilkes was made Clerk of the Privy Council in 1594 and in the same year, began his short career as a Hertfordshire justice of the peace; Thomas Edmonds became Treasurer of the Household and was then added to the Hertfordshire county bench.<sup>85</sup> Thomas Fanshawe was Remembrancer of the Exchequer and a Hertfordshire JP until his death in 1601; his son Henry Fanshawe succeeded him in the office of Remembrancer and was at the same time added to the Hertfordshire commission of the peace. Interestingly, Henry Fanshawe had been an auditor for the Duchy of Lancaster since 1594, but was not placed on the Hertfordshire bench until 1601.<sup>86</sup> As a regional authority, the Duchy of Lancaster apparently did not carry the same weight in the county as did the Exchequer.

Those already on the commission of the peace could see their place favorably advanced after service to the Crown. During the 1601 trial of Robert Devereaux, Earl of Essex, Rowland Lytton provided security for the Queen with his trained band of three

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<sup>85</sup> CSPD, Elizabeth I, 1591-1594, 422. CSPD, James I, 1619-1623, 217. See Appendix No. 1.

<sup>86</sup> VCH, Herts, Vol. III, 388. CSPD, Elizabeth I, 1591-1594, 524.



hundred men; Lytton was already a Hertfordshire JP but his position improved after 1602 and again in 1604 when he was knighted. Rowland Lytton's son William began as a Hertfordshire justice of the peace in 1615 but his place on the bench improved after he was knighted in 1624.<sup>87</sup>

Central government authority could also place outsiders on the Essex commissions of the peace. Michael Hickes was Lord Burghley's Secretary until 1598 and had acquired Essex lands by 1594, but Hickes did not become an Essex JP until 1605. In 1603, Michael Hickes was granted the office of Receiver General of Crown land revenue in Essex, Hertfordshire, and Middlesex; he was then on the Essex commission of the peace until his death in 1612.<sup>88</sup> Sir Henry Carey, Master of the Jewel House, was made Comptroller of the Household in 1617; the next year, Carey was added to the Essex county bench.<sup>89</sup>

Those already on the Essex commission of the peace could move up on the county list upon receiving Crown offices. George Harvey was an Essex JP but his position on the commission improved dramatically in 1604, after he was made Lieutenant of the Tower and granted more land in Essex. Richard Weston was another Essex magistrate whose place on the county bench jumped dramatically after he was made Chancellor of the Exchequer in 1621. Richard Saltonstall and Gamaliel Capell (both "the younger") were Essex militia captains who helped stop the Harwich mutiny in 1627; Saltonstall's

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<sup>87</sup> CSPD, Elizabeth I, 1598-1601, 590. CSPD, James I, 1623-1625, 323; William Lytton was reportedly knighted "sore against his will."

<sup>88</sup> Alan G. R. Smith, Servant to the Cecils; The Life of Sir Michael Hickes, 1543-1612 (London: Jonathan Cape, 1977), 111. See Appendix No. 2.

<sup>89</sup> CSPD, James I, 1611-1618, 504.

place on the Essex commission of the peace improved markedly in 1628, and Capell was first added to the Essex magistracy the same year.<sup>90</sup>

Crown office, title, or service could certainly influence one's standing in local government, but a career in the law was another way to become a justice of the peace. Many JPs studied law and the seventeenth century saw an increase in the number of magistrates who had been enrolled at the Inns of Court.<sup>91</sup> James Morris went to the Middle Temple with Edward Lewkenor of Suffolk; both were Puritans who were later involved in Essex borough politics. Morris was Recorder for Maldon, MP for Colchester in 1592, and an Essex JP, while Lewkenor was a Maldon MP in 1592.<sup>92</sup>

Israel Amyce was an attorney and an "auditor" for Edward deVere, Earl of Oxford; Amyce surveyed deVere's lands and also surveyed Castle Hedingham for Lord Burghley and Earls Colne for Roger Harlakenden. Israel Amyce was summoned by Burghley when Edward deVere's lands showed a "rapid dissipation," and the resulting lawsuit brought Amyce together with Roger Harlakenden and Edward Hubberd, two more of deVere's administrators. These "men around Oxford" formed a tight circle united through bonds of kinship, class, and office; all three were Essex JPs in the late-sixteenth century.<sup>93</sup>

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<sup>90</sup> CSPD, James I, 1603-1610, . CSPD, James I, 1619-1623, 296. CSPD, Charles I, 1627-1628, 153.

<sup>91</sup> Gleason, The Justices of the Peace in England, 84.

<sup>92</sup> P. W. Hasler, The House of Commons, Vol. II, 472. Hunt, The Puritan Moment, 104.

<sup>93</sup> Daphne Pearson, "Israel Amyce and his Dealings with the 17<sup>th</sup> Earl of Oxford," in Essex Journal, Vol. 34, no. 1 (Spring 1999), 14, 17. VCH, Essex, Vol. V, 197.

A career in law might lead to appointment as a serjeant-at-law for a county or borough, and an enhanced place on the commission of the peace. In 1603, Elizabeth I named the new serjeants-at-law for the realm; among them were “Altham of Gray’s Inn, Houghton and Harris of Lincoln’s Inn, . . . Tanfield, Foster, and Barker.”<sup>94</sup> James Altham and Thomas Foster appeared as Hertfordshire JPs in 1604 and 1605 respectively; Robert Barker and John Tanfield were placed on the Essex bench in 1605. Thomas Harris was already on the Essex commission of the peace but his place on the list improved after 1604; William Towse had been an Essex JP since 1594, but his place on the county bench improved in 1615, when he was made a serjeant-at-law for Essex.

Drafting lawsuits was a boon to Edward Cason’s career as a Hertfordshire justice of the peace. Cason had been a fixture in Hertford’s borough government since the 1590’s but at the beginning of the seventeenth century, he began drafting legal actions and answers in the Court of Chancery. In 1603, Edward Cason drafted George Burgoyne’s answer to a lawsuit filed by Nicholas Trott; in 1604, Cason wrote up a lawsuit for Sir Henry Cocke, a Hertfordshire JP and Cofferer of the Household. It was in 1605 that Edward Cason was added to the Hertfordshire bench, and his position on the commission of the peace steadily improved after he made a “learned reading” in the Middle Temple in 1611.<sup>95</sup>

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<sup>94</sup> SPD, SP12/287, no. 44. John Chamberlain’s opinion to Dudley Carleton was that Robert Barker had been chosen because “he is Mr. Attorney’s (Edward Coke) brother-in-law.”

<sup>95</sup> PRO, C2/Jas. I/T 8/69; C2/Jas. I/C 17/36. Wright, A Hertfordshire Family, 1555-1923, 157. Henry Ewer was also of the Middle Temple and involved in borough government; in 1617, Ewer was elected as Steward of St. Albans borough and the same year was made a Hertfordshire JP. A. E. Gibbs, The Corporation Records of St. Albans (St. Albans: Gibbs & Bamforth, 1890), 64. Hassell-Smith, Court and Country, 52-55.

Edward Cason's slow but steady progress in county government shows how "lesser gentry" could rise into the shire's ruling elite. In 1604, Cason acted as trustee for a conveyance of Hertfordshire land to Nicholas Trott; Cason later married Sir Henry Butler's daughter Jane and by 1614, had bought a manor house in Edwinstree Hundred.<sup>96</sup> Edward Cason successfully combined land, law, and marriage to establish himself in the county and become part of Hertfordshire's ruling elite.

What of the "downwardly mobile" on the county bench? Apparently it was rare for a JP to move down on the commission of the peace. Those who slid off the bench were magistrates who rarely attended quarter sessions, were frequently out of the shire, or were infirm. The Assize session minutes sometimes recorded the attendance status of JPs; illness or being outside the county could account for more than one-third of the absences. Magistrates who were too old or sick to attend to county business might be left off the next commission of the peace in favor of those who could shoulder the burden of shire administration. Another way to lose local office was to offend the Crown, as when Sir John Smith called Lord Burghley a traitor or when Sir Francis Barrington publicly refused the 1626 forced loan.<sup>97</sup>

## Conclusion

The justices of the peace in Hertfordshire and Essex were appointed by the central government and listed annually on a commission of the peace. But the list of JPs for each

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<sup>96</sup> VCH, Herts, Vol. III, 223; Vol. IV, 102.

<sup>97</sup> MacCulloch, Suffolk and the Tudors, 338. See Chapter 2 and Appendix Nos. 1 and 2. Sir John Cutts was frequently in Cambridgeshire. The cases of Sir John Smith and Sir Francis Barrington are discussed in greater detail in Chapter 6.

county did not include *every* gentry family in Hertfordshire and Essex. This means that there was some selection process at work in order to keep the shire magistracy acceptable to both the Crown and the county. It was the Crown that finalized the appointment of resident JPs but it was the county that bore and bred most of the nominees.

When John H. Gleason stated that “the law was not always followed” regarding the requirement that JPs should possess lands worth twenty pounds a year, he inferred that some gentry without the requisite land could still become justices of the peace.<sup>98</sup> It could also be said that some gentry with more than the requisite amount of land might *not* become JPs. This was due to a number of factors: Crown opposition, local competition, lack of personal ambition, or physical or psychological impairment.

I would argue that the county ruling elite “policed” themselves through social connections, land transfers, and marriage settlements. New gentry or lesser gentry had to form some type of connection within the shire in order to arrive or survive on the county bench. Those who merely bought and sold land would likely not become county JPs because they did not have a true “interest” in the county and subsequently did not have a big enough stake in local order and stability. The “working JPs” in a county *did* have an interest in the county (often their own interest), and so were willing to spend their time and energy securing that interest and the interests of fellow landowners.<sup>99</sup>

Underlying social connections were thus very important in the formation of the local office-holding elite of a county. In Hertfordshire and Essex, social, family, and legal connections laid the basis for effective local government and minimized political

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<sup>98</sup> Gleason, The Justices of the Peace in England, 48.

<sup>99</sup> Hassell Smith, County and Court, 112.

factionalism. The JPs of the two counties administered local government because they were already the natural rulers of the shires.

## Chapter 4

### **On Being a Justice of the Peace in Hertfordshire and Essex: Quarter Sessions, Special Sessions, and County Divisions**

The justices of the peace of England were county officials charged with keeping the peace and performing administrative tasks within their shire. The JPs were deemed to be “judges of record for the conservation of the peace,” who by reason of their learning, wisdom, authority, and wealth, were likely to prevail in situations involving the “injurious force of violence . . . against a person, his goods, or possessions.”<sup>1</sup> The JPs could hear and determine civil cases, bind individuals over to good behavior, deliver prisoners from the jails, license alehouses, take military musters, and enforce economic regulations. Though bound by statutes, customs, and laws, the JPs could apply their own discretion to individual circumstances.<sup>2</sup>

The justices of the peace carried out most of their official and administrative duties at “quarter sessions” held four times a year in the county town; the JPs were also authorized to keep the peace outside of quarter sessions. The quarter sessions were assemblies for the execution of the JPs “general authority” and allowed the JPs to inquire (or “take knowledge”) and to hear and determine a variety of matters.<sup>3</sup> The county quarter sessions most often addressed civil and criminal cases, taxes for roads and bridges, licensing of establishments, relief for the poor, rogues and vagabonds, and specific Crown concerns.

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<sup>1</sup> William Lambarde, Eirenarcha or Of the Office of the Justice of the Peace [London: 1581] (Amsterdam: Theatrum Orbis Terrarum, Ltd., 1970), 7.

<sup>2</sup> Ibid., 64.

<sup>3</sup> Ibid., 287-288.

Except for the biannual Assizes, the quarter sessions were the most formal, most authoritative, and most important element in the operation of the commission of the peace.<sup>4</sup> The quarter sessions met approximately every three months, typically in the first weeks after the Feast of Epiphany, Easter, the Translation of St. Thomas (“Midsummer”), and the Feast of St. Michael. Each quarter session could last one to three days, and those JPs in attendance could claim a stipend of four to five shillings for each day of attendance.<sup>5</sup> Attendance at quarter sessions was not regular for many justices of the peace and in Hertfordshire and Essex; approximately one-quarter to one-third of the county magistracy were present at any given quarter session.

But the *quality* of quarter-session attendance was at least as important as the quantity, for in Hertfordshire and Essex there was a core group of “working JPs” who formed the basis of county government. This group almost always included deputy lieutenants, knights, and prominent esquires who comprised the shire’s active magistracy and who handled the bulk of the day-to-day administration in the counties.<sup>6</sup> For that reason, the names of those in attendance at quarter sessions will be listed in full, to highlight those individuals who were truly the resident administrators of Hertfordshire and Essex.

The 1592 Epiphany quarter session in Hertfordshire, held in the county town of Hertford, was attended by fourteen of the shire’s thirty-nine JPs. The two knights

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<sup>4</sup> Gleason, The Justices of the Peace in England, 103.

<sup>5</sup> Lambarde, Eirenarcha, 483, 504.

<sup>6</sup> Gleason, The Justices of the Peace in England, 57. For the six counties that he studied, John H. Gleason defined the “working commission” as knights, clerical leaders who were not bishops, baronets, distinguished lawyers, and esquires.



present, Sir Henry Cocke and Sir Philip Butler, were two of the county's three deputy lieutenants. The other attendees were esquires: John Brograve, attorney for the Duchy of Lancaster, Thomas Sadler, Arthur Capell, Ralph Coningsbye, William Purvey, Henry Butler, Andrew Gray, Rowland Litton, Walter Mildmay, William Whyskins, Edward Pulter, and Thomas Shotbolt.<sup>7</sup> Ten of the fourteen quarter-session attendees had also attended the March Assize session in 1591.

Twenty-one Hertfordshire justices of the peace attended the 1598 Easter quarter sessions. Again, two out of the three deputy lieutenants, Sir Henry Cocke and Sir Philip Butler, were at the session. The third deputy lieutenant, Sir John Brockett, died in 1598 and this would explain his absence at quarter sessions. A long illness could explain his absence in 1592, or there may have been some factional dispute between Brockett and the other two deputy lieutenants. (See Chapter Six). Besides Cocke and Butler, there were two more knights at the Easter quarter sessions: Sir Arthur Capell and Sir Thomas Sadler. The other seventeen esquires are representative of Hertfordshire's stable, core group of "working justices": John Spurling, serjeant-at-law, John Brograve, attorney for the Duchy of Lancaster, Ralph Coningsbye, Ralph Baesche, Rowland Lytton, Henry Butler, Walter Tooke, John Leventhorpe, Robert Chester, Thomas Pope Blount, Edward Pulter, William Whyskins, George Burgoyne, William Cocke, Ralph Radcliffe, George Knighton, and John Luke.<sup>8</sup> Sixteen of the twenty-one attendees had also been present at the 1597 March Assize session.

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<sup>7</sup> HALS, County of Hertford; Quarter Session Rolls, HAT/SR 4, f. 1.

<sup>8</sup> Ibid., HAT/SR 10, f. 1. The 1598 Hertfordshire commission of the peace appears to be an incomplete list. Both 1597 and 1599 include the names of JPs that are not on the 1598 list; yet five of those *not* on the 1598 commission of the peace *did* attend the Easter

Hertfordshire's 1602 Epiphany quarter session saw eighteen justices of the peace, out of a total of fifty-one commissioned JPs. Five knights were present: Sir Henry Cocke, Sir Philip Butler, Sir Arthur Capell (the three deputy lieutenants), Sir Thomas Sadler, and Sir Henry Carey. The remaining thirteen esquires were: John Brograve, attorney for the Duchy of Lancaster, Rowland Lytton, Henry Butler, Richard Spencer, Thomas Pope Blount, William Whyskins, Thomas Docwra, jr., Ralph Radcliffe, John Goodman, Israel Amyce, William Curle, auditor of the Court of Wards, and Thomas Dacres.<sup>9</sup> Six of the eighteen quarter-session attendees had not attended the March Assize session of 1602.

The 1609 Epiphany quarter session was also attended by eighteen Hertfordshire JPs, but the number of knights present increased compared to esquires. There were eight knights (and one nobleman) in attendance: John Carey, Lord Hunsdon, Sir Henry Cocke, Sir Arthur Capell, Sir John Brockett, jr., Sir Ralph Coningsbye, Sir Thomas Pope Blount, Sir John Luke, Sir Leonard Hyde, and Sir Robert Butler. The other eight quarter-session attendees were esquires: Andrew Gray, Edward Pulter, Ralph Radcliffe, Thomas Docwra, William Curle, auditor of the Court of Wards, William Cocke, John Shotbolt, John Brockett, and William Cade.<sup>10</sup> The increase in knights is likely due to James I's creation of additional knighthoods, after Elizabeth I had granted relatively few distinctions.<sup>11</sup>

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quarter sessions. For this reason, I have used the 1597 Assize session as a comparison with attendees at the 1598 quarter session.

<sup>9</sup> Ibid., HAT/SR 14, f. 1. See Appendix No. 1.

<sup>10</sup> Ibid., HAT/SR 20, f. 1.

<sup>11</sup> Kishlansky, *A Monarchy Transformed*, 24.

The trend of increased knighthoods in Hertfordshire was demonstrated again in 1611. Out of fourteen attendees at the Epiphany quarter sessions, eight were knights: Sir John Brockett, jr., Sir Ralph Coningsbye, Sir Rowland Lytton, Sir John Brograve, Sir John Leventhorpe, Sir Thomas Pope Blount, Sir Henry Fanshawe, and Sir Henry Goodyear. The other six were esquires: William Purvey, William Curle, auditor of the Court of Wards, John Shotbolt, Nicholas Trott, Henry Frowyke, and Richard Wrothe.<sup>12</sup> Still, the fourteen JPs comprise a core group of “working justices” that account for approximately one-fourth of the total Hertfordshire commission of the peace. Quarter-session attendance was only one-quarter to one-third of a shire’s magistracy, but that one-quarter to one-third was a part of the stable group of the county’s “working JPs” responsible for the day-to-day administration of the county. In this way, the low quantity of attendance was countered by the high quality of attendees.

In 1623, there were again fourteen Hertfordshire justices of the peace present at the Easter quarter session, for an attendance of twenty-five percent of the total commissioned magistracy. As in 1611, there were eight knights: Sir Richard Lucy, Sir Nicholas Hyde, Sir John Leventhorpe, Sir Thomas Pope Blount, Sir Thomas Dacres, Sir Robert Chester, Sir Henry Goodyear, and Sir Charles Caesar. Three of the knights were also baronets: Lucy, Hyde, and Leventhorpe. The six esquires in attendance were Edward Pulter, Luke Norton, Simeon Brograve, John Watts, Richard Wrothe, and Richard Willis.<sup>13</sup> Only three of the fourteen had not attended the March 1623 Assizes: Sir Thomas Pope Blount, Sir Henry Goodyear, and Sir Charles Caesar.

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<sup>12</sup> HALS, County of Hertford; Quarter Session Rolls, HAT/SR 22, f. 1.

<sup>13</sup> HALS, County of Hertford, Quarter Sessions Book, 1623-1638, QSB/2a, f. 11.

Five years later, only twelve of Hertfordshire's fifty-four justices of the peace attended the 1628 Mid-summer quarter sessions. This was likely a reflection of militia business that claimed the JP's time during the war on the Continent. Of the seven knights in attendance, three were also baronets: Sir Richard Lucy, Bart., Sir John Garrard, Bart., Sir John Butler, Bart., Sir Henry Goodyear, Sir Robert Chester, Sir John Butler, and Sir Thomas Dacres. The Hertfordshire esquires were John Watts, Egremont Thynne, Richard Wrothe, Thomas Mountford, and Robert Newell (both Mountford and Newell were designated "Dr. of Theology").<sup>14</sup> There were nearly equal numbers of knights and esquires but the addition of baronet status tended to weight the quarter sessions towards Hertfordshire's upper gentry. The increase in clerical JPs, possibly due to the Stuart Kings' determination to increase the role and elevate the status of the clergy in local affairs, is consistent with other local studies.<sup>15</sup>

When each of the above seven quarter sessions are reviewed, the names of between twelve and twenty "working JPs" are illuminated. These men were from the upper, middle, and lower levels of Hertfordshire's gentry, and so represent a spectrum of the shire's ruling elite. Knights and esquires carried the burden of office in order to keep the peace, satisfy the Crown, and maintain the justices' own local interests. They also maintained their own status in the shire and ensured that county decisions would not impact them adversely. This core group of working magistrates oversaw the maintenance of order and stability in the county and monitored the lesser gentry working their way up the bench.

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<sup>14</sup> Ibid., QSB/2a, f. 90.

<sup>15</sup> Gleason, The Justices of the Peace in England, 51.

Essex quarter sessions also had an attendance rate of about one-quarter to one-third of the shire's commissioned magistracy. In 1591, eighteen justices of the peace attended the Michaelmas quarter sessions at the county town of Chelmsford. Two barons of the Exchequer, Robert Clarke and Thomas Gent, led the short list of four knights, followed by Sir Thomas Mildmay and Sir John Petre. The fourteen esquires were: Anthony Cooke, Arthur Harris, Jerome Weston, Edward Hubberd, Henry Mildmay, Edward Elliott, Peter Tuke, Francis Barrington, Richard Warren, Edward Grimstone, Thomas Mildmay de Barnes, Andrew Paschall, Christopher Chilborne, and Richard Franke.<sup>16</sup> Only four of the quarter-session attendees had not been present at the March 1591 Assizes in Essex.

The Easter quarter session of 1598 saw an increase in magistrates' attendance. Out of thirty-five JPs attending, there were two noblemen and three knights: Robert (Ratcliffe), Earl of Sussex, Robert (Rich), Lord Rich, Sir Thomas Mildmay, Sir Thomas Lucas, and Sir John Petre. The thirty esquires were: John (Sterne), Suffragen Bishop of Colchester, Francis Barrington, Edward Hubberd, Henry Mildmaye, Thomas Bendishe, William Aylofffe, Roger Harlakenden, Thomas Waldgrave, Francis Harvey, Jerome Weston, John Butler, Edward Grimston, Christopher Chilborne, John Sammes, William Wiseman, William Towse, Geoffrey Nightengale, William Aylofffe de Chissett, Richard Franke, Edward Turner, Edward Sulyard, Thomas Josselin, Michael Dalton, Stephen Powle, William Higham, Edward Riche, William Smith, Robert Leigh, Bernard

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<sup>16</sup> ERO, Q/SR 118/2. Mildmay and Petre were deputy lieutenants.

Whetstone, and Andrew Paschall.<sup>17</sup> These thirty-five attendees came from all levels of the Essex gentry and from all places on the commission of the peace.

Four years later, there were fewer Essex JPs at the Easter quarter sessions. Only two knights headed the list of attendees: Sir Thomas Mildmay and Sir John Petre. The remaining esquires were: Henry Maynard, William Towse, Ralph Wiseman, Edward Waldgrave, Henry Maxey, Thomas Gardiner, William Wiseman, Thomas Mildmay de Barnes, Nicholas Coote, Andrew Paschall, Edward Butler, Thomas Waldgrave, Edward Sulyard, Jerome Weston, Thomas Keighley, Richard Raynesford, Gamaliel Capell, Richard Saltonstall, Peter Tuke, William Smith, Francis Barrington, Christopher Chilborne, and Robert Riche.<sup>18</sup> Only three of the above quarter-session attendees had not attended at least one of the two Assize sessions for 1602. It should be noted that at this time, John Petre and William Wiseman were known recusants, and Edward and Thomas Waldegrave were suspected recusants; in Essex, confessional lines could be crossed in favor of local government service. (See Chapters 3 and 10).

In 1609, the Epiphany quarter sessions saw only sixteen of Essex's ninety justices of the peace. As was the case in Hertfordshire, there were more knights in relation to esquires at the quarter sessions: John, Lord Petre, Sir John Sammes, Sir William Aylofffe, Sir Thomas Harris, Sir Thomas Mildmay, Sir Thomas Gardiner, and Sir Nicholas Coote. The nine esquires present were: William Tabor, Dr. of Theology, William Towse, Henry Gent, John Darcy, John Tanfield, John Butler, John Argall, Francis Barnard, and Anthony

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<sup>17</sup> Ibid., Q/SR 141/2. See Appendix No. 2.

<sup>18</sup> Ibid., Q/SR 157/2.

Warre.<sup>19</sup> While quarter session attendance was low in 1609, all sixteen JPs had been to at least one of the two Essex Assize sessions for that year.

Two years later, the number of attending Essex JPs was only a little higher but the ratio of knights to esquires had changed; fifteen knights compared to nine esquires. The 1611 Mid-summer quarter session was officially called by Thomas (Howard), Earl of Suffolk, *Custos Rotulorum*; and was held before Sir John Sammes, Sir Francis Barrington, Sir Gamaliel Capell, Sir Richard Weston, Sir Thomas Mildmay de Barnes, Sir Andrew Paschall, Sir Anthony Everard, Sir Willam Maynard, Sir Henry Maxey, Sir Thomas Harris, Sir Nicholas Coote, Sir Edward Butler, Sir James Boucher, Sir Thomas Beckingham, and Sir Thomas Wiseman. The nine esquires were Humphrey Mildmay, John Butler, Robert Clerke, Henry Gent, John Argall, Thomas Gurney, Francis Barnard, John Tanfield, and William Wrothe.<sup>20</sup> Clearly, the number of knighthoods in Essex had been expanded after the reign of Elizabeth I, moving down the commission of the peace to include former esquires like John Sammes, Nicholas Coote, Andrew Paschall, Henry Maxey, and Edward Butler.

The Easter quarter session of 1623 was well-attended by the Essex magistracy; four noblemen, fourteen knights, and eighteen esquires out of the eighty-six available commissioned JPs. Heading the list of attendees was Robert (Rich), Earl of Warwick, Edward Lord Denny, William Lord Petre, William Lord Maynard, Sir Francis Barrington Bart., Sir Harbottle Grimstone Bart., Sir William Masham, Sir John Deane, Sir Thomas Cheeke, Sir William Harris, Sir Andrew Paschall, Sir Henry Maxey, Sir Thomas

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<sup>19</sup> Ibid., Q/SR 186/125.

<sup>20</sup> Ibid., Q/SR 195/143.

Wiseman, Sir Edward Butler, Sir Nicholas Coote, Sir Arthur Harris, Sir Henry Mildmay de Graces, and Sir William Fitch. The Essex esquires were William Towse, serjeant-at-law, Thomas Fanshawe, Robert Aylett, Dr. of Civil Laws, Henry Gent, John Argall, John Wright, John Darcy, serjeant-at-law, Edward Allen, Anthony Luther, Robert Wiseman, Anthony Warre, Francis Stoner, Richard Hale, William Lynne, John Littlebury, Thomas Higham, Robert Sandford, and John Tanfield.<sup>21</sup> The noblemen, knights, and esquires came from the middle and end of the Essex commission of the peace, so that this list of attendees is completely representative of the shire's gentry.

Essex's Michaelmas quarter session in 1628 saw fewer attending JPs: twenty-six out of the commissioned list of seventy-five. The sixteen knights present were: William, Lord Maynard, Sir Thomas Cheeke, Sir Henry Mildmay de Moulsham, Sir William Harris, Sir Nicholas Coote, Sir Robert Quarles, Sir Thomas Wiseman, Sir Henry Mildmay de Graces, Sir Gamaliel Capell, Sir William Fitch, Sir Arthur Harris, Sir William Maxey, Sir Gerrard Sammes, Sir Humphrey Mildmay, Sir Richard Higham, and Sir John Tirrell, jr. Heavily outweighed by the knights were ten esquires: William Towse, serjeant-at-law, John Granston, serjeant-at-law, Henry Gent, Martin Lumley, John Wright, John Argall, Brian Tuke, Robert Vigeron, George Staderton, and John Keeling.<sup>22</sup> The low total turnout combined with the high number of knights could reflect the sense of national and local emergency and the JPs' fatigue after the threat of invasion

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<sup>21</sup> Ibid., Q/SR 240/119.

<sup>22</sup> Ibid., Q/SR 263/104.



to Essex's coast. The low turnout of esquires was a result of the mustering and billeting of Essex troops, which took place throughout 1628.<sup>23</sup>

It has been estimated that average attendance at quarter sessions was one-quarter to one-third of a shire's commissioned magistracy.<sup>24</sup> But as with Assize sessions, the *ex-officio* members on the Hertfordshire and Essex commissions of the peace almost *never* attended county quarter sessions. (See Chapter 2). As shown in Tables 12 and 13, when this top one-quarter to one-third of the list is removed from quarter-session attendance calculations, the percentage of attendance for resident JPs increases to nearly one-half of the local commissioned magistracy. Since the portion of the commission of the peace actually represented at county quarter sessions was the middle to lower parts of the list, the balance of local government tilted even more toward resident justices of the peace. In Hertfordshire and Essex, as in other English counties, there was a regular group of "some ten or a dozen men who carried the burden of the office."<sup>25</sup>

Table Nos. 12 and 13 indicate higher levels of local attendance from 1602 until 1623. Some of the increase mirrors James I's addition of manpower and titles at all levels of English government. But extra business must account for most of the resident attendance increase. There were more statutes and responsibilities for the county magistracy; in poor relief, in road repair, in vagabond deterrence, in alehouse licensing. There were additional godly JPs who felt it their duty to mind the county's manners, and the Privy Council never hesitated to prod justices to attend to matters of national import.

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<sup>23</sup> Hunt, The Puritan Moment, 214-216. Quintrell, ed. The Maynard Lieutenancy Book, 224-247.

<sup>24</sup> Gleason, The Justices of the Peace in England, 105.

<sup>25</sup> *Ibid.*, 107.

Table No. 12. Percentage of Resident Hertfordshire Justices of the Peace in Attendance at Quarter Sessions, in Relation to the Number of *Resident* Justices of the Peace on the Commission of the Peace.

<b>Year</b>	<b>Attending JPs</b>	<b>Resident JPs</b>	<b>% of Attend.</b>
1592	14	28	50%
1598	21	28	75%
1602	18	38	47%
1609	18	44	41%
1611	14	45	31%
1623	14	41	34%
1628	12	34	35%

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); HALS, County of Hertford; Quarter Session Rolls, HAT/SR 4, f. 1., HAT/SR 10, f. 1., HAT/SR 14, f. 1., HAT/SR 20, f. 1., HAT/SR 22, f. 1; HALS, County of Hertford, QuarterSessions Book, 1623-1638, QSB/2a, ff. 11, 90.

Table No. 13. Percentage of Resident Essex Justices of the Peace in Attendance at Quarter Sessions, in Relation to the Number of *Resident* Justices of the Peace on the Commission of the Peace.

<b>Year</b>	<b>Attending JPs</b>	<b>Resident JPs</b>	<b>% of Attend.</b>
1591	18	51	35%
1598	35	64	55%
1602	25	69	36%
1609	16	72	22%
1611	26	73	36%
1623	36	68	53%
1628	26	53	49%

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); ERO, Q/SR 118/2, Q/SR 141/2, Q/SR 1157/2, Q/SR 186/155, Q/SR 195/143, Q/SR 240/119, Q/SR 263/104.

Irregular attendance at quarter sessions did not necessarily mean that the justices of the peace were remiss in their duties as peacekeepers, for the JPs also worked “out of sessions”. The JPs had the power of both jurisdiction *and* coercion; they could inquire into breaches of the peace and punish offenders. This authority was granted to a single JP, or to two or more JPs, and was practiced either in or out of the scheduled quarter

sessions.<sup>26</sup> When acting outside of quarter sessions, the justices of the peace handled judicial and administrative matters individually, in twos or threes, or in “special sessions”.

But the great bulk of county administration was carried out at quarter sessions. Although a “session” was defined as any assembly of two or more justices of the peace, the quarter sessions were regularly scheduled assemblies “where the power of the justices doth shine and show itself.” Those who ought to appear at quarter sessions would include the justices of the peace, the *custos rotulorum* (keeper of the commission of the peace), the clerk of the peace, the coroners, the sheriff, the bailiffs and constables, the prisoners, and any “recognisors”.<sup>27</sup>

A fortnight before each quarter sessions, the sheriff (and his “under-sheriffs”) empanelled juries; these could be grand juries, trial juries, general juries, or inquiry juries. Jurors were supposed to be residents of the shire; and women, children under fourteen years, and aliens were not to be empanelled.<sup>28</sup> Jurors were to be sworn and their names recorded, or their presentments at quarter sessions would have no force. At trial, jurors should be prepared to “further the good of their country” and not serve to save themselves or for “fashions sake.” Juries should contain at least twelve persons, but the JPs of Kent used odd numbers of jurors (seventeen, nineteen, or twenty-one) so that there would always be one to “weigh down the side.”<sup>29</sup>

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<sup>26</sup> Lambarde, *Eirenarcha*, 81.

<sup>27</sup> *Ibid.*, 287, 294, 478.

<sup>28</sup> *Ibid.*, 396.

<sup>29</sup> *Ibid.*, 400, 402.

Generally, there were two types of juries at quarter sessions: hundred juries and grand juries. Grand juries represented the entire shire and were often made up of constables, churchwardens, overseers of the poor, and other parish worthies; in this way, the grand jury was often weighted towards those with property and office. In the village of Terling in Essex, yeomen and wealthier craftsmen accounted for most jurors at quarter sessions, and the same has been found for parishes in Hertfordshire. In this regard, jury service was simply one more aspect of the wide-ranging power of parish office.<sup>30</sup>

The composition of county juries must be viewed in the light of administrative practicality. Every three months, the sheriff had to empanel one grand jury for the county and a particular jury for each hundred of the shire. The jurors were to be residents of the county or have lands there, and ideally they were to be from the same area where the accused lived or committed the alleged crime.<sup>31</sup> These limitations meant that a sheriff would be hard-pressed to find new and impartial jurors for every quarter session. A pattern developed in Hertfordshire in which jurors from Hertford hundred, where the county town was located, served nearly twice as often as those who resided outside Hertford hundred.<sup>32</sup> Thus, a group of experienced and stable jurors emerged near the county town to serve on quarter session, grand, and Assize juries. These jurors were also

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<sup>30</sup> P. G. Lawson, "Lawless Juries? The Composition and Behavior of Hertfordshire Juries, 1573-1624" in Twelve Good Men and True: The Criminal Trial Jury in England, 1200-1800, eds., J. S. Cockburn and Thomas A. Green (Princeton: Princeton University Press, 1988), 135.

<sup>31</sup> Ibid., 121. Lambarde, Eirenarcha, 396.

<sup>32</sup> Lawson, "Lawless Juries?", 122.

the wealthier yeomen, parish officers, or town leaders, and represented the propertied interests of their town, parish, and hundred.<sup>33</sup>

Both Hertfordshire and Essex empanelled juries for each hundred of the shire in order to “present” civil or administrative problems experienced by that hundred since the last quarter session meeting. The hundred jury was an ancient institution used to provide a closer surveillance of specific village defaults but by the end of the seventeenth century, some counties doubted its effectiveness. Yet in Hertfordshire, hundred juries averaged six or seven presentments per quarter session, and Essex hundred juries were also quite active.<sup>34</sup>

The grand jury was supposed to be a wide-ranging county eye, taking in all individual misdemeanors and failures in economic and social policy. This ideal was often compromised by poor attendance at grand juries forcing the JPs to make up the jury numbers from extras or “tales”.<sup>35</sup> A 1621 Commons bill allowed the justices of the peace to maintain a list of potential jurors based on a property qualification of ten pounds but there was gentry reaction to this low requirement. Even with this reduced property requirement, Hertfordshire had to recruit grand jurors from a relatively small section of the population, resulting in many of the same individuals serving repeatedly.<sup>36</sup>

Once the quarter sessions finally met, a justice of the peace read the “charge” to the jurors. The charge was supposed to recite the applicable laws and the appropriate

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<sup>33</sup> Ibid., 144.

<sup>34</sup> Fletcher, Reform in the Provinces, 121-122.

<sup>35</sup> Ibid., 118. Lambarde, Eirenarcha, 398.

<sup>36</sup> Fletcher, Reform in the Provinces, 119. Lawson, “Lawless Juries?”, 133.

punishments, with an explanation that all could understand.<sup>37</sup> Charges could last from fifteen minutes to more than an hour, but it was best not to waste time with a verbatim recital of the statutes. The charging JP could smooth matters by referring to the jurors as the bench's "eyes and ears" and noting the county's dependence on their honest and impartial service. Jurors were warned to not take their responsibility lightly and to administer justice equally and indifferently to all men.<sup>38</sup> But the reading of the charge gave a JP an exceptional opportunity to set the tone of the meeting and even to pronounce on Crown policy. Sir Harbottle Grimstone charged an Essex jury with the laws of vagrancy, horse-theft, and weights and measures, and he expected the jury to set an example against disorder with their verdicts.<sup>39</sup>

Juries fulfilled their responsibilities by returning presentments and indictments before the bench at quarter sessions. A "presentment" was a formal statement of a nuisance or other inferior fault; a "mere denunciation" by the jurors without any additional information. An indictment was for felonies and other capital crimes and so should contain specifics like the name of the party, the day and place of the offence, and the name of the victim. For an indictment, a justice of the peace (or more than one JP) was to have done "the groundwork whereupon the whole trial is to be built and framed" so the JPs should ensure that bills of indictment contained sufficient matter.<sup>40</sup>

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<sup>37</sup> Lambarde, Eirenarcha, 404-408.

<sup>38</sup> Fletcher, Reform in the Provinces, 167-168.

<sup>39</sup> *Ibid.*, 170.

<sup>40</sup> Lambarde, Eirenarcha, 486-487, 506.

A presentment was the first step in acknowledging an accusation or issue from the inhabitants of a particular hundred. Presentments could be made by the hundred juries, by the constables, by specially-appointed “searchers” (investigating committees), or by the JPs themselves. Once the justices of the peace received a presentment from a jury, they could decide to “take knowledge” of the jury’s inquest and then publicly present the accused person or alleged problem at the next quarter sessions. If the JPs at quarter sessions deemed the cause to be sufficient, they could proceed to a hearing and trial.<sup>41</sup> At every stage in this process, the justices of the peace possessed wide discretion to decide which cases should go forward. The opinion of the magistrate who conducted an inquiry carried all the weight needed to either pursue or dismiss the case.<sup>42</sup>

The quarter session records for Hertfordshire and Essex reveal a great number of presentments made at every quarter session from every corner of the shires. Many presentments were accusations against individuals for misdemeanors or minor offences. In 1590, two Hertfordshire men were presented for “entering the wood of Sir Philip Butler” at Watton and taking five sparrow-hawks without authority. James Rolfe, the Commissary for the Bishop of London, was presented in 1603 for receiving the sum of fifteen shillings from a man for copying “an inventory containing not above the value of twenty marks.” In 1615, Edward Sadler, gentleman, and Richard Bedell, yeoman, were presented for “pulling and misusing” one Richard Powell, vicar of Stonden, in the school house and the churchyard.<sup>43</sup>

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<sup>41</sup> Ibid., 403, 415.

<sup>42</sup> Herrup, The Common Peace, 85-89. Fletcher, Reform in the Provinces, 79.

<sup>43</sup> HALS, W. J. Hardy, F.S.A, Hertford County Records; Notes and Extracts from the Sessions Rolls, 1581 to 1698, Vol. I, (Hertford: Simon and Co., Ltd., 1905), 5, 35, 44.

Presentments were also regularly made on the condition of bridges and highways. In 1599, the inhabitants of Hertford hundred made a presentment about a footbridge lying between Hertford and Ware; the presenters claimed that the owners of the land on either side should keep up the footbridge.<sup>44</sup> Ten years later, Smalling Bridge, between Waltham Cross and Waltham Abbey, was presented in 1609 for being in great need of repair.<sup>45</sup> Presentments were frequent but indictments were more detailed and more serious. In 1624, the inhabitants of Anstey were indicted for not repairing the highways from Barkway towards London. They had complained that their parish did not contain enough families to repair the two-mile stretch; the Hertfordshire JPs were to make an order at the Epiphany quarter sessions as to which towns (Anstey or Barkway) should contribute to the cost of the highway repair.<sup>46</sup>

The problem of bad roadways was ever-present in Hertfordshire; being so close to London meant that these roads saw a high volume of traffic. Additionally, many Crown officers traveled with or to the King when he stayed at Theobalds. The 1626 Epiphany quarter sessions had to contend with a terse order from the Crown concerning the roads between Royston and Theobalds used by the King's carriages. Since this distance covered the length of the shire, the whole county was to contribute to the repair of these

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<sup>44</sup> Ibid., 31. The two owners were Mr. Alderman Stephen Soames and Mr. Francis Boyes.

<sup>45</sup> Ibid., 38.

<sup>46</sup> HALS, William Le Hardy, Hertfordshire County Records; Calendar to the Sessions Books and Sessions Minute Books, 1619 to 1657, Vol. V, (Hertford: Simon and Co., Ltd., 1928), 36. The Hertfordshire JPs to consider the towns were Sir Robert Chester, Sir Robert Caesar, Thomas Hanchett, and Simeon Brograve.



highways, and certain Hertfordshire JPs were to attend the Board of Green Cloth to acquaint the Crown with any that refused to pay.<sup>47</sup>

Quarter sessions in the county of Essex also saw many “bridge repair” presentments from the shire’s inhabitants. At the 1604 Michaelmas quarter sessions, the cart-bridge over the river Rom flowing from Chipping Ongar to Ilford Bridge was presented as being in decay for three years. The people of Ongar hundred presented that Bernard Whetstone, lord of Woodford Manor, had helped to build the bridge thirty years earlier; therefore, he should pay one-fifth of the cost of repair and the county the other four-fifths.<sup>48</sup> In 1607, the hundreds of Ongar, Harlow, and Witham presented a decayed bridge between Essex and Hertfordshire, the one half in Roydon the other part in Stanstead. The hundreds named Mr. John Stanley to make the repairs to the Essex part of the bridge.<sup>49</sup>

Hundredal presentments were not always sufficient to get the attention of those who were supposed to pay. In 1590, the half-hundreds of Witham and Winstree presented that “Machine Bridge is greatly decayed and noisome to the country, and [repairs] to be made by Mr. Darcy.”<sup>50</sup> Six years later, this presentment was repeated by the half-hundred of Witham: the Machine Mill Bridge was so decayed that people could not pass “without great danger of their lives, and already some have perished.” Machine Bridge was *still* not repaired by 1601 and was presented to the Epiphany quarter sessions

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<sup>47</sup> Ibid., 66. Towns that had refused to contribute were Aldbury, Barkhampstead, St. Peter, Long Marston, Tring, and Withern.

<sup>48</sup> ERO, Q/SR 169/71.

<sup>49</sup> Ibid., Q/SR 179/62.

<sup>50</sup> Ibid., Q/SR 114/33.

by the half-hundred of Witham and hundred of Becontree.<sup>51</sup> The second presentment (1596) concerning Machine Bridge named “Mr.” John Darcy, the owner of Bennington’s manor, as the one to make repairs; the third presentment (1601) refers to “Sir” John Darcy as the culprit. John Darcy was made an Essex JP, but not until 1605; even though he had been knighted years earlier, Darcy may have had to resolve this local dispute before he could be properly installed on the Essex bench.

While it seems unlikely that a “mere denunciation” by a hundred jury could affect gentry careers, another Essex JP had to elicit Crown support over a bridge repair issue. Mr. Roger Harlakenden stood to be indicted at the 1597 Michaelmas quarter sessions for not repairing the cart-bridge at Earls Colne; Harlakenden owned the manors of both Earls Colne and Colne Priory and was deemed liable for the bridge repairs. The Essex justices of the peace had been “minded to indict” Harlakenden, but William Cecil, Lord Treasurer of England, wrote to the Essex JPs, reminding them that “paying for the bridge may be prejudicial to Mr. Harlakenden in his inheritance.” Cecil asked the JPs to take order that the shire repair the bridge; Roger Harlakenden would then enter into a bond to later repay the county “such sums of money as they shall think meet.”<sup>52</sup>

Presentments for bridge repair filled the Essex quarter sessions, and locals were apparently not over-awed by the social ranking of the upper gentry.<sup>53</sup> Even Robert, Lord Rich was not spared; he was presented *and* indicted at the 1612 Mid-summer sessions by

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<sup>51</sup> Ibid., Q/SR 134/35; Q/SR 152/16.

<sup>52</sup> Ibid., Q/SR 141/3. Roger Harlakenden was an Essex JP from 1594 through 1602; starting in 1597, his position on the bench slipped somewhat, but began an upward climb after 1598. See Appendix No. 2.

<sup>53</sup> Fletcher, Reform in the Provinces, 62.

Dunmow, Uttlesford, Freshwell, and Clavering hundreds for not repairing Felstead Bridge. The hundreds of Ongar, Harlow, and Waltham presented a common footbridge over the river (Lea) near Broxbourne Mill in the parish of Nazeing for being in great decay and very dangerous; repairs were to be made by the Lord [Edward] Denny and “one Clarke, the miller of Broxbourne Mill.”<sup>54</sup> The Duchy of Lancaster also made bridge repair presentments; the landholders on either side of the Stebbingford Bridge were Mr. Wiseman of Broad Oak and Mr. Capell.<sup>55</sup>

In 1613, an Essex grand jury presented Stonebridge in Springfield for repairs, and cited “the heir of Sir Thomas Mildmay de Barnes, deceased, in right of certain lands of his called ‘the marsh’ lying near the said bridge.” Three years later, this presentment was repeated and made more specific: Stonebridge was to be repaired by “the owners of the manor of ‘Dukes’ in Springfield, which lands do belong to Sir John Tyrell, knight, lord of the manor, and Thomas Mildmay de Barnes, esquire.”<sup>56</sup> Bridge repair presentments could be quite detailed, as when the hundreds of Lexden, Tendring, Winstree, and Thurstable presented “New Bridge” between West Bergholt and Lexden in 1615. Repairs to the south end were to be made by Sir George Sayer; Thomas Lucas, esquire (of the manor of Lexden), was to repair the middle of the bridge; and Richard Weston, esquire (manor of West Bergholt), was to repair the north end.<sup>57</sup>

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<sup>54</sup> ERO, Q/SR 199/72, 148; Q/SR 233/35.

<sup>55</sup> Ibid., Q/SR 135/24. Most likely Mr. John Wiseman and Mr. Gamaliel Capell.

<sup>56</sup> Ibid., Q/SR 202/39; Q/SR 212/61.

<sup>57</sup> Ibid., Q/SR 209/50.

As in Hertfordshire, road conditions were also important issues at the Essex quarter sessions. An Essex grand jury presented Sir Anthony Browne in 1613 for enclosing “the highway leading from South Weald to Romford, it also being an ancient church path to South Weald Church.”<sup>58</sup> The hundreds of Ongar, Harlow, and Waltham presented the highway from Hatfield Heath towards Sawbridgeworth (in Hertfordshire), “some one mile in length, to be mended by the parishes in which it lies.”<sup>59</sup>

Decayed bridges and roads were presented at quarter sessions in order to remind negligent landowners of their responsibilities; but innovations on the river could also raise local ire. Henry Mildmay (brother of Thomas Mildmay, baronet) and William Nottage, a miller, were indicted at the 1629 Michaelmas quarter sessions for erecting a dam across the Chelmer River. The river behind the dam had become so deep that people could not pass; Thomas Mildmay had erected the dam in 1625, and Henry Mildmay continued it.<sup>60</sup> Because of more rigorous inquiry, information accompanying an indictment was more specific than that accompanying many presentments.

Quarter session presentments addressed all aspects of life in early-modern England, and religion was always an issue. The Wiseman family, known recusants, were presented in 1592 for not coming to church for ten years.<sup>61</sup> In 1610, the hundreds of Barstable, Chafford, Witham, and Becontree presented Mr. John Wright of Southweald, the elder, for being a recusant for one year. In 1626, Charles I’s Privy Council cracked

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<sup>58</sup> Ibid., Q/SR 203/51. Sir Anthony Browne became an Essex JP in 1617.

<sup>59</sup> Ibid., Q/SR 213/52.

<sup>60</sup> Ibid., Q/SR 268/57.

<sup>61</sup> Ibid., Q/SR 119/37. Specifically presented were Jane, William, and Robert Wiseman.

down on England's recusants, and Essex's puritan gentry moved straightaway against the shire's Roman Catholics. An Essex grand jury presented "all those churchwardens and petty constables of every town and hamlet who have not brought unto us the names and surnames of all such recusants as inhabit their parishes." The subsequent list of known recusants was very detailed, included persons of all social ranks, but certainly focused on the most prominent Catholics in the county.<sup>62</sup> The presentments were quickly followed by indictments for non-attendance at church for Henry, Lord Morley, Thomas Darcy, Viscount Colchester, and William, Lord Petre.

Presentments at county quarter sessions could also be used to express the opinion and concerns of the magistracy itself. These subjective and sometimes self-serving presentments became more prevalent in the 1620's, as the central government pressed the counties for money during the war against Spain and France. In 1625, an Essex grand jury presented a petition about the "great sums of money which have been lately levied and taxed upon the county." The Essex JPs asked the Privy Council for "some reimbursement from the King, since their countrymen have shown themselves most ready to adventure their lives."<sup>63</sup> Two years later, Essex was charged with providing a ship from Colchester for the war effort, but the shire JPs believed they should consult the

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<sup>62</sup> Ibid., Q/SR 252/44. The prominent recusants presented for Essex were William, Lord Petre and Mr. Robert Petre and his wife; Mr. William Petre, gent.; and Mr. Andrew Pearce; the Lord (Henry) Morley and the Lady Elizabeth Morley, his mother, of Great Hallingbury; Thomas, Lord Darcy (Viscount Colchester of Chiche St. Osyth); Thomas Wiseman, jr., knight, and his wife, of Rivenhall; Henry Audley of Berechurch, knight, and John Wright. Of these, William Lord Petre, Thomas Lord Darcy, Thomas Wiseman, and John Wright were on the Essex bench.

<sup>63</sup> SPD, SP16/7, no. 45. The grand jury presentment was sent to the Privy Council, signed by William Masham, Thomas Wiseman, Francis Barrington, William Maxey, Edward Altham, William Towse, Thomas Higham, and James Heron.

whole county. The answer of the Essex grand jury, “being the representative body of this county, and drawn together from all parts thereof,” was in the negative.<sup>64</sup>

This 1627 deference to the representatives’ will did not fool the Privy Council. In a week, they provided a venomous response condemning the justices’ indiscretion and charging the JPs with confronting the Council through the use of a county grand jury, “as if they and you at a public sessions had a controlling power over the acts of state.”<sup>65</sup> The Privy Council reiterated its order to raise sufficient money to supply a ship from Colchester. But the Essex JPs persisted, citing a 1596 Council order to have gentry “close to the coast” support Harwich’s ship money. The matter was apparently dropped after this.<sup>66</sup>

Sometimes special sessions were required to deal with unusual or weighty matters. On November 2, 1592, five Hertfordshire JPs (including the three deputy lieutenants) held a special session to take the oaths of Justices of the Peace and Supremacy from the Hertfordshire magistracy. This session was certified because it was in response to a Privy Council letter of two weeks earlier, which alerted the JPs to the necessity of the taking of such oaths.<sup>67</sup> In November 1612, Thomas Pope Blount and

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<sup>64</sup> SPD, SP 16/59, no. 76. This response was signed by William Maynard, Edward Radcliffe, Henry Mildmay, Thomas Cheeke, Thomas Wiseman, Henry Mildmay, Arthur Harris, Edward Altham, Gamaliel Capell, Robert Clerke, William Smythe, Gerrard Sammes, Robert Aylett, John Wright, John Argall, and Thomas Higham.

<sup>65</sup> Quintrell, ed. The Maynard Lieutenancy Book, 170.

<sup>66</sup> *Ibid.*, 171, 390.

<sup>67</sup> HALS, HAT/SR 4, ff. 161, 162. Certifying the oaths were Sir Henry Cocke, Sir John Brockett, Sir Philip Butler, John Brograve, and Thomas Sadler. The oaths were taken by these five, as well as Thomas Harris, Arthur Capell, Ralph Coningsbye, Thomas Fanshawe, William Purvey, Henry Butler, Roland Lytton, Walter Tooke, Andrew Grey,

John Luke held a special session for the “appearance of twenty-four good and lawful men to inquire into recent riots and entries at Kensworth.”<sup>68</sup> As will be discussed in Chapter Five, special sessions were also used to license of alehouse-keepers and victuallers in manageable groups.

In addition to quarter sessions work, the justices handled a number of important matters through *ad hoc* “divisional sessions”. According to Frederic A. Youngs, Jr., irregular special sessions developed out of the increasing amount of work placed upon the JPs in the late-sixteenth and early-seventeenth centuries. The Crown and parliament insisted on the collection of new subsidies, tighter control over alehouse licenses, more rigorous searches for rogues and vagabonds, stricter religious conformity, consistent military musters, and better roads. Initially, the central government suggested that the county justices of the peace “divide themselves” into groups to better handle financial and administrative directives but by the mid-seventeenth century, most counties used regular “out of session” meetings to deal with many aspects of local governance.<sup>69</sup>

One key to effective “out-of-session” work was the division of JPs within a particular county. Counties containing fewer than twelve “hundreds” (like Hertfordshire) used those hundreds as geographical divisions within which select groupings of JPs might

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John Leventhorpe, Thomas Smith, William Whyskyns, Edward Pulter, Thomas Shotbolt, and Thomas Hanchett. John Cutt, Edward Denny, jr., Edward Carey, James Quarles, and Walter Mildmay were out of the county. Charles Morrison, Edmund Verney, Thomas Bowles, John Gill, Thomas Docwra, and Francis Heydon were ill, but the five administering JPs believed that “they find the present religious practices acceptable and are prepared to take the oaths.”

<sup>68</sup> Ibid., HAT/SR 24, f. 39. These “riots” were likely related to enclosure near the border with Bedfordshire. VCH, Herts, Vol. II, 232.

<sup>69</sup> Youngs, Jr., “Towards Petty Sessions”, 201-203.

work. Larger counties (like Essex) grouped several hundreds into “divisions” so that the JPs could divide themselves into groups to better manage their workload. Although the Crown suggested the practice of divisions for efficient administration, the county justices of the peace used their own discretion to decide on the size of the division and the personnel attached to it.<sup>70</sup> Frederic Youngs sees the Tudor practice of divisions of counties as the link between the early-sixteenth century justices of the peace with their administration of local law enforcement, and the seventeenth century “regularized scheme of petty sessional meetings.”<sup>71</sup> Youngs breaks down this process into four phases that enabled JPs to handle their increasing workload: financial, military, administrative, and judicial.

Youngs notes the increasing number of new statutes that gave legal authority to at least two justices acting in concert to carry on much judicial business, whether on an informal basis or in a more formal session. He finds that in the 1580’s, it is possible to identify judicial business on a divisional basis in some counties and by the 1590’s, there are some regular meetings for JPs of a particular division.<sup>72</sup> But it was only with the 1631 Book of Orders that JPs were commanded to hold and certify monthly divisional meetings. Youngs agrees with Professor Thomas G. Barnes that the “establishment of permanent petty sessions was only accomplished by a sustained force so strong that the

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<sup>70</sup> Ibid., 202, 206. Hertfordshire had eight “hundreds”: Cashio, Dacorum, Hertford, Braughing, Broadwater, Hitchin, Edwinstree, and Odsey. Essex contained twenty “hundreds”: Barstable, Chafford, Ongar, Waltham, Chelmsford, Rochford, Dengie, Hatfield, Dunmow, Clavering, Braintree, Thurstable, Tendring, Lexden, Hinkford, Freshwell, Uttlesford, Becontree, Winstree, and Havering Liberty.

<sup>71</sup> Frederic A. Youngs, Jr., “Towards Petty Sessions”, 201.

<sup>72</sup> Ibid., 213-214.



justices could never return to their former unevenness of out-of-sessions administration”.<sup>73</sup>

The justices of the peace in Hertfordshire and Essex did divide themselves for financial, military, and administrative tasks. As indicated by Frederic Youngs, a county the size of Hertfordshire tended to base divisions on the hundreds themselves. In 1595, the deputy lieutenants of Hertfordshire used the hundredal division to show the Privy Council the decayed state of the county’s lances and light horses. The deputy lieutenants listed seven of Hertfordshire’s eight hundreds, along with the names of those who were no longer able to supply armor for each hundred.<sup>74</sup> Nine years later, in a letter to Lord Cranborne, the deputy lieutenants and sheriff of Hertfordshire listed by hundred the names of those who had not paid their portion of the loan by the late Queen Elizabeth.<sup>75</sup>

As in other English counties, it was the justices of the peace of Hertfordshire who decided how to divide up the county and which magistrates would tend to each division. In April 1615, the Hertfordshire JPs did *not* utilize the hundred as a division, but created four larger divisions containing two hundreds each. This decision was made at the Easter Quarter Sessions, to consider “the burden of cart-taking on the county”, in anticipation of a conference with the officers of the Board of Green Cloth. Four or five JPs were listed for each of the four divisions, in order to assess a composition that would meet the needs of Crown and county:

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<sup>73</sup> Ibid., 215.

<sup>74</sup> SPD, SP12/254, no. 20. The seven hundreds listed were Cashio, Dacorum, Broadwater, Hertford, Braughing, Odsey, and Edwinstree; Hitchin hundred was not listed.

<sup>75</sup> SPD, SP14/9a, no. 235. The deputy lieutenants in 1604 were Arthur Capell, Ralph Coningsbye, and Rowland Lytton; the sheriff was Sir Henry Butler.

Cashio and Dacorum Hundreds: Sir Henry Carey, Sir Ralph Coningsbye, Sir Thomas Pope Blount, Sir John Luke.

Hitchin and Broadwater Hundreds: Sir Robert Butler, Sir John Butler, Sir Charles Caesar, Mr. [Thomas] Dockwray.

Odsey and Edwinstree Hundreds: Sir Robert Chester, Mr. [Edward] Pulter, Mr. [Nicholas] Trott, Mr. [Thomas] Newce.

Hertford and Braughing Hundreds: Sir John Leventhorpe, Mr. [William] Purvey, Mr. [Thomas] Hanchett, Sir Henry Fanshawe.<sup>76</sup>

At the end of James I's reign, Hertfordshire JPs sometimes grouped hundreds into divisions to deal with specific matters. In January 1624, the magistrates assigned Sir Richard Lucy and John Watts, esquire, to call together the chief inhabitants of Hertford and Braughing Hundreds, to make an order for repair of the beacon there for which the inhabitants had been indicted.<sup>77</sup> It appears that at times the Hertfordshire magistracy could deviate from using the shire hundred as the division for the county.

The justices of the peace in Essex did *not* base their divisions on the hundredal unit, but grouped three to five hundreds together into a single division. In the late-1580's, the Essex JPs divided their county into several divisions in order to survey the availability of grain in the market towns. The magistrates created six divisions, and named the JPs responsible for the hundreds and market towns in each division:

Division 1 (Hundreds of Tendring, Lexden, Winstree, Thurstable, Witham; market towns of Colchester, Wellingford, Coggeshall, Witham): Thomas Darcy, Thomas Mildmay, Thomas Lucas, Edmund Huddleston, Mr. Darcy, Mr. [Wiliam] Cardnall, Mr. [Edward] Sulyard, Mr. [Christopher] Chilborne, Mr. [Anthony] Maxey.

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<sup>76</sup> HALS, County of Hertford; Quarter Session Rolls, HAT/SR 27, f. 21.

<sup>77</sup> HALS, William Le Hardy, Hertfordshire County Records; Calendar to the Sessions Books and Sessions Minute Books, 1619 to 1657, Vol. V, 38.

Division 2 (Hundreds of Chelmsford, Rochford, Dengie; market towns of Chelmsford, Maldon, Rayleigh): Lord [Robert] Rich, Thomas Mildmay, Sir John Petre, Mr. Arthur Harris, Mr. [Henry] Appleton, Mr. Butler, Mr. [Thomas] Colshill, Henry Mildmay, Mr. [Jerome] Weston, Mr. [Robert] Clarke, Mr. [Edward] Elliot.

Division 3 (Hundreds of Barstable, Chafford, Havering Liberty; market towns of Brentwood, Billericay, Romford, Aveley): Mr. Henry Grey, Sir John Petre, Mr. [Henry] Appleton, Mr. [Edward] Rich, Mr. [William] Higham, Mr. [Thomas] Powle, Mr. [Thomas] Fanshawe.

Division 4 (Hundreds of Ongar, Harlow, Waltham; market towns of Epping, Harlow, Waltham, Hatfield Broad Oak): Lord [Edward] Morley, Henry Grey, Mr. [Francis] Barrington, Mr. [Robert] Wrothe, Mr. [James] Morris, Walter Mildmay, Mr. [Thomas] Colshill, John Wiseman, Mr. [Robert] Clarke, Mr. [Edward] Elliot.

Division 5 (Hundreds of Dunmow, Uttlesford, Freshwell, Clavering; market towns of Dunmow, Saffron Waldon, Newport): Mr. [Francis] Barrington, John Wiseman, Mr. [Edward] Hubberd, Mr. Maiell [sic], Mr. [Richard] Barley, Mr. [Robert] Clarke, Mr. [Jerome] Weston.

Division 6 (Hundred of Hinkford; market towns of Brayntree and Halstead): Lord [Robert] Rich, Mr. [Thomas] Gent, Edmund Huddleston, Mr. Wentworth, Mr. [Francis] Harvey, Mr. [Anthony] Maxey, Mr. [Israel] Amyce.<sup>78</sup>

The Queen and Privy Council used these same six divisions in a 1601 subsidy commission for Essex. For each division, the list of personnel is headed by “the Lord Judges”, presumably the Assize justices or the Justices of the Queen’s Bench.

Division 1 (Hundreds of Chelmsford, Rochford, Dengie): The Lord Judges, Jerome Weston, Edward Suliard, Henry Appleton, Thomas Mildmay de Barnes.

Division 2 (Hundreds of Tendring, Winstree, Thurstable, Witham): The Lord Judges, Edmund Pirton, Francis Harvey, Peter Tuke, John Stimes [sic].

Division 3 (Hundreds of Dunmow, Uttlesford, Clavering): The Lord Judges, Francis Barrington, Henry Maynard, Edward Hubberd, William Towse, Geoffrey Nightengale, Richard Franke.

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<sup>78</sup> SPD, SP12/189, nos. 5, 5.1. Frederic A. Youngs, Jr., “Towards Petty Sessions”, 204.

Division 4 (Hundreds of Barstable, Chafford, Becontree, Havering): The Lord Judges, Daniel Dunne, Henry Appleton, George Harvey, Bernard Whetstone, Robert Leigh, Thomas Leggatt.

Division 5 (Hundreds of Ongar, Harlow, Waltham): The Lord Judges, Francis Barrington, Henry Maynard, Edward Hubbard, Bernard Whetstone, Robert Leigh, George Harvey, Richard Franke, Thomas Leggatt.

Division 6 (Hundred of Hinckford): The Lord Judges, John Tyndall, Henry Maynard, Francis Harvey, William Towse, Geoffrey Nightengale, Richard Franke.<sup>79</sup>

Essex was divided again for the purpose of assessing and collecting one of the subsidies granted to Charles I in 1628. As in 1601, this division appears to have been made by the Crown, but the breakdown is very similar to the one made approximately forty years earlier. There are six divisions, generally containing three to five hundreds:

Division 1: Hundreds of Lexden, Tendring, Thurstable, Winstree, Witham.

Division 2: Hundred of Hinkford.

Division 3: Hundreds of Chelmsford, Dengie, Rochford.

Division 4: Hundreds of Dunmow, Clavering, Freshwell, Uttlesford.

Division 5: Hundreds of Harlow, Ongar, Waltham.

Division 6: Hundreds of Becontree, Barstable, Chafford, Havering Liberty.<sup>80</sup>

In this “official division” the Crown utilized the Essex local magistrates’ earlier division from the grain survey. There is no list of justices of the peace accompanying this division; if the central government accepted the JPs’ original division of the county, then it was likely willing to allow the Essex justices to choose who would attend to each division. Center and province worked together to ease the burden of administration and facilitate the Crown’s desire for action.

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<sup>79</sup> BL, Egerton MSS 2651, ff. 10-11.

<sup>80</sup> BL, Stowe MSS 825, f. 3.

Several interesting points are seen when these three Essex divisions are compared. The half-hundred of Becontree is the only hundred not listed in the grain-survey division of the late-1580's; this may be because Becontree was considered "virtually a suburb" of London.<sup>81</sup> Quite the opposite was true of the hundred of Hinkford; Hinkford was the only hundred given its *own* division in the late-1580's, in 1601, and in 1628. Hinkford was in the far north of Essex and was considered the heart of the county's cloth-making industry; together with the adjacent portion of Suffolk, the clothing districts of Hinkford and Lexden formed an "industrial area" comparable to the clothing districts of Somerset and Gloucestershire.<sup>82</sup> Hinkford hundred also had the highest percentage of assessments *unpaid* during the Forced Loan of 1626; nearly thirty-four percent. The Crown considered Hinkford to be one of the most refractory hundreds in Essex, and the cloth town of Braintree was singled out for the forced billeting of troops in early-1627.<sup>83</sup> Indeed, Hinkford Hundred appears to have received more recognizances and presentments than other Essex hundreds, especially in the cloth-towns of Halstead, Braintree and Bocking.

The justices of the peace in Essex and Hertfordshire divided themselves in order to handle the additional tasks placed upon them by Crown demands; these divisions were sanctioned by the Crown but were instituted and executed by the county magistrates. The JPs used the hundredal unit as a base for their decision: Hertfordshire primarily used the hundreds themselves to form eight divisions, whereas Essex grouped three to five

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<sup>81</sup> Hunt, The Puritan Moment, 202.

<sup>82</sup> *Ibid.*, 13.

<sup>83</sup> *Ibid.*, 202, 204.

hundreds together to create six larger divisions. These findings are consistent with Youngs' conclusion that counties with more than twelve hundreds grouped hundreds into divisions, while most counties with fewer hundreds used the hundreds themselves as divisions.<sup>84</sup>

### **Conclusion**

The justices of the peace in Hertfordshire and Essex attended quarter sessions four times a year. These quarterly meetings were work sessions and were an opportunity for the JPs to demonstrate their power within their county. The justices had more work to perform than they could typically resolve; yet every quarter session yielded numerous presentments and some indictments. In the end, there was a small, steady group of “working JPs” who conducted most of the judicial and administrative business in Essex and Hertfordshire. There was also a small, steady group of jurors that tended to serve regularly on grand and hundred juries and who represented the parish elite. Thus, local government was conducted by those with some material interest in the present and future of their county. As both members and leaders of their communities, it is not surprising that the justices of the peace saw themselves as their county's natural rulers.<sup>85</sup> And by the early-seventeenth century, many JPs were developing a political role as guardians of their county community against central government interference.<sup>86</sup>

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<sup>84</sup> Frederic A. Youngs, Jr., “Towards Petty Sessions”, 206.

<sup>85</sup> Landau, The Justices of the Peace, 1679-1760, 319.

<sup>86</sup> Hassell-Smith, County and Court, 275.

## Chapter 5

### On Being a Justice of the Peace in Hertfordshire and Essex: Maintaining the Peace

Chapter Four examined the JPs' work and attendance at county quarter sessions. Quarter sessions served as administrative work meetings but also allowed the justices of the peace to demonstrate their power and status to those around them. The justices of the peace of Hertfordshire and Essex fulfilled many judicial duties at these sessions, trying civil and criminal cases and hearing presentments and indictments against anti-social or felonious behavior. But the JPs also worked extensively out of sessions and used informal methods in their attempts to maintain peace and order in the shire.

Quarter session presentments were formal denunciations of illegal or anti-social behavior and were of necessity made *after* the fact. Justices of the peace themselves could make presentments but more often they heard and acknowledged the presentments made by their constables, hundreds, or villages. In their role as conservators of the peace, the JPs regularly used a different judicial tool: the recognizance. Justices of the peace in Hertfordshire and Essex used the recognizance to stop aberrant behavior *before* such behavior required formal or public action at quarter sessions. In fact, the taking of recognizances was the English JPs' main activity outside of quarter sessions.<sup>1</sup>

The recognizance was actually the second part of a two-part process for keeping the peace. When an individual was threatened with bodily harm or harm to his house or goods, he (or she) could go to a justice of the peace and demand a "surety" against the offender. The surety was "the acknowledging of a bond to the Prince," taken by the JP

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<sup>1</sup> Gleason, The Justices of the Peace in England, 112. Landau, The Justices of the Peace, 1679-1760, 23. Hindle, The State and Social Change, 104.

and then served upon the party complained of. A surety should not be granted to a person simply because that person feared “that another *may* imposition him,” but only if there the complainant was truly in fear of the other.<sup>2</sup>

When a party was served with the written surety to come before a justice of the peace, the JP then completed the recognizance. The recognizance was a written order that recorded the sum of the bond, its sufficiency in goods or lands, and the length of time the person would be bound to keep the peace. The recognizance, which must state that it was taken “for the keeping of the peace”, would then be taken (or sent) to the next quarter sessions where the “recogniser” was to appear.<sup>3</sup> Because county JPs regularly used recognizances in keeping the peace, standard forms were available:

The condition of this Recognizance is such that, if the within bounden shall personally appear before the Justices at the next General Sessions of the Peace to be holden in the said county of \_\_\_\_\_; to do and receive that which the Court shall be then and there enjoined him; And that he in the meantime do keep the peace of our said Sovereign Lord the King, towards the King’s Majesty and all of his people, and especially towards \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.<sup>4</sup>

If presentments filled the pages of Hertfordshire’s and Essex’s quarter session records, then recognizances filled most of the time between quarter session meetings. The JPs of both counties took recognizances by themselves, or with several other justices, and often did this work within a geographic sphere surrounding their residence. JPs might take the recognizance of one individual, but some magistrates took as many as ten

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<sup>2</sup> Lambarde, Eirenarcha, 83, 91, 92.

<sup>3</sup> Ibid., 109, 112, 117.

<sup>4</sup> Michael Dalton, The Countrey Justice [London 1618] (Amsterdam: Theatrum Orbis Terrarum, Ltd., 1975), 331.



recognizances at one time. In most cases, geographic proximity played a part in determining which justices took the recognizances of which individuals.

In Hertfordshire, Sir Henry Cocke took five recognizances before the 1592 Epiphany quarter sessions; all five were taken near Cheshunt, less than five miles from Cocke's principal residence in Broxbourne. Ralph Coningsbye took three recognizances near Hatfield, about six miles from his residence in North Mimms. Sir Philip Butler took four recognizances near Hitchin, a little over six miles from his Woodhall residence.<sup>5</sup>

It is possible that a JP's rank on the commission of the peace allowed for some discretion in the distances traveled to take recognizances. In 1598, Sir Henry Cocke took thirteen recognizances near Cheshunt and Hoddesdon, Hoddesdon being only a few miles from his Broxbourne residence. Sir Henry was a Hertfordshire deputy lieutenant and very active in county administration; his status allowed him to maintain outstanding performance as a JP without extra travel or expense.<sup>6</sup> Sir John Brograve was an attorney for the Duchy of Lancaster with a Hertfordshire residence at Hamels, in Braughing hundred. Brograve took three recognizances near Thundridge, about ten miles from Hamels; but he also took two recognizances near Royston, on the border with Cambridgeshire, and much further from Hamels.<sup>7</sup> Brograve's responsibilities to the

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<sup>5</sup> HALS, County of Hertford; Quarter Session Rolls, HAT/SR 4, ff. 73, 76-78, 80-82, 122-125. VCH, Herts, Vol. II, 254; Vol. III, 162, 432.

<sup>6</sup> HALS, County of Hertford; Quarter Session Rolls, HAT/SR 10, ff. 58-70. *Also see* Fletcher, Reform in the Provinces, 147.

<sup>7</sup> HALS, County of Hertford; Quarter Session Rolls, HAT/SR 4, ff. 127, 128. HAT/SR 20, ff. 93-95. VCH, Herts, Vol. III, 313.

Duchy of Lancaster may have forced him to travel greater distances, despite his standing as a Hertfordshire JP.

These “divisions” of the Hertfordshire justices of the peace do not seem based in a particular hundred, but in a manageable radius designed to facilitate county justice.

Rather than having definite locations to meet for the taking of recognizances, the JPs of Hertfordshire seemed to divide themselves according to the circumstances and the status of the magistrates involved. Sir Arthur Capell stayed within a five-mile radius of his residence at Little Hadham, taking recognizances at Widford and Bishops Stortford.<sup>8</sup> John Luke took recognizances at Flamstead, Hempstead and Berkhamstead, the last two within a five-mile radius of his residence at Flamstead.<sup>9</sup>

Hertfordshire JPs often extended their peace-keeping sphere, especially when they joined up with other magistrates. Ralph Coningsbye took five recognizances near his residence at North Mimms in anticipation of the 1602 Epiphany quarter sessions. But Coningsbye also took six recognizances near Tring with Thomas Pope Blount; Tring was over twenty miles from North Mimms, but about fifteen miles from one of Blount’s manors at Tittinghanger.<sup>10</sup> Ralph Coningsbye joined forces with Thomas Pope Blount and John Luke to take recognizances at Hempstead, expanding the circle of travel for all three JPs, but no doubt impressing potential “recognisers”. Justices of the peace in other

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<sup>8</sup> HALS, County of Hertford; Quarter Session Rolls, HAT/SR 24, ff. 79-83. VCH, Herts, Vol. IV, 52.

<sup>9</sup> HALS, County of Hertford; Quarter Session Rolls, HAT/SR 14, ff. 89-91; HAT/SR 16, ff. 53-55; HAT/SR 31, ff. 5-6. VCH, Herts, Vol. II, 199.

<sup>10</sup> HALS, County of Hertford; Quarter Session Rolls, HAT/SR 14, ff. 3, 5-7, 9, 11-16. “The Visitations of Hertfordshire,” 29.

counties also used their residences to form a “geographic triangle” within which they performed their out-of-sessions duties.<sup>11</sup>

But justices of the peace acting *singly* took most of the recognizances in Hertfordshire. Between the Epiphany and Easter Quarter Sessions for 1611, five Hertfordshire JPs took over seventeen recognizances. Luke Norton took four recognizances near the town of Hitchin, approximately five miles from his lands near Offley; Ralph Radcliffe also took recognizances in Hitchin, where he resided. Sir John Brockett took four recognizances near his estate at Wheathampstead; and Edward Curle took three recognizances near Hatfield. Sir Charles Morrison traveled the greatest distance, taking three recognizances near Berkhamstead, approximately fifteen miles from his estate at Cassiobury.<sup>12</sup>

Hertfordshire’s justices of the peace continued to be quite active during James I’s reign. Seven JPs took nearly twenty-five recognizances between the Epiphany and Easter Quarter Sessions in 1613. William Purvey took four at Broxbourne and Sawbridgeworth; Broxbourne was within a mile of Purvey’s manor at Wormley but Sawbridgeworth was about ten miles away from Wormley.<sup>13</sup> Nicholas Trott took four recognizances at Baldock and Ashwell; Baldock was within one mile of Trott’s manor at Clothall, and

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<sup>11</sup> HALS, County of Hertford; Quarter Session Rolls, HAT/SR 16, ff. 53-55. See Gleason, The Justices in the Peace of England, 15.

<sup>12</sup> HALS, County of Hertford; Quarter Session Rolls, HAT/SR 22, ff. 6-8, 13-16, 20, 22-24, 46-48, 53-55. VCH, Herts, Vol. II, 453; Vol. III, 43. “The Visitations of Hertfordshire,” 85.

<sup>13</sup> HALS, County of Hertford; Quarter Session Rolls, HAT/SR 24, ff. 75-78. VCH, Herts, Vol. III, 488.

Ashwell was a little more than five miles away.<sup>14</sup> Sir Arthur Capell, Sir Henry Fanshawe, Ralph Radcliffe, John Shotbolt, and Richard Wrothe heard the remaining sixteen recognizances.

The beginning of Charles I's reign saw no decrease in the amount of judicial activity in Hertfordshire; three justices of the peace took eleven recognizances in 1626. Richard Wrothe signed six recognizances, all for persons in the town of Ware; Wrothe was from the town of Youngs, less than five miles from Ware.<sup>15</sup> John Watts, who was from Ware, took recognizances in Ware and in Hadham, about five miles distant.<sup>16</sup> John Gerrard took three recognizances for people in Wheathampstead and Berkhamstead. Gerrard's father had married one of John Brockett's daughters, Mary, and had received the manor of Waterend through the marriage settlement. Waterend was almost midway between Berkhamstead and Wheathampstead; the Brockett family also owned an estate near Wheathampstead.<sup>17</sup> In planning his logistics for the taking of nearby recognizances, John Gerrard could literally follow in his grandfather-in-law's footsteps.

The justices of the peace of Essex also took numerous recognizances as part of their conservation of the peace. As in Hertfordshire, Essex JPs tended to apportion the county into manageable areas, usually within five to ten miles of a magistrate's residence.

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<sup>14</sup> HALS, County of Hertford; Quarter Session Rolls, ff. 17-20. VCH, Herts, Vol. III, 223.

<sup>15</sup> HALS, County of Hertford, Quarter Sessions Rolls, 1626, QSR/4, ff. 18-21, 24, 28. "The Visitations of Hertfordshire," 106.

<sup>16</sup> HALS, County of Hertford, Quarter Sessions Rolls, 1626, QSR/4, ff. 26, 27. "The Visitations of Hertfordshire," 102.

<sup>17</sup> HALS, County of Hertford, Quarter Sessions Rolls, 1626, QSR/4, ff. 22, 23, 25. VCH, Herts, Vol. II, 434.

In July 1590, Arthur Harris took the recognizances of two yeomen from Maldon and Tolleshunt D'Arcy, to keep the peace towards one Gregory Byllyn of Tolleshunt. Harris had a manor at Woodham Mortimer, located about five miles from Maldon and ten miles from Tolleshunt D'Arcy. Six months later, Edward Sulyard took the recognizance of a man from West Hanningfield, within five miles of Sulyard's residence in Runwell.<sup>18</sup>

Many recognizances taken by Essex justices of the peace were for individuals located approximately five miles from where the JP maintained a residence. Bernard Whetstone took recognizances from two persons from Chingford near London; the Whetstone family had a manor at Woodford, less than five miles from Chingford. Three recognizances were taken by William Higham of East Ham; the three recognisors were all from West Ham, less than five miles from Higham's residence. And Thomas Meade took two recognizances for individuals in Wendon Lofts, where Meade resided.<sup>19</sup> In 1610, Sir William Smith took the recognizances of six yeomen from Theydon Carnon, just a few miles from his manor at Theydon Mount. Serjeant-at-law William Towse took the recognizances of two men from Hatfield Broad Oak, about five miles south of Takely, where Towse resided.<sup>20</sup>

Some prominent Essex justices of the peace extended their out-of-sessions jurisdiction to the diameter of ten miles. Sir Thomas Lucas took the recognizances of four men from Aldham and Wakes Colne; both towns were about ten miles from Lucas's

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<sup>18</sup> ERO, Q/SR 114/46; Q/SR 115/29. Metcalfe, ed., "The Visitations of Essex," 414. Quintrell, ed., The Maynard Lieutenancy Book, 400.

<sup>19</sup> ERO, Q/SR 115/3; Q/SR 115/4; Q/SR 132/30. VCH, Essex, Vol. VI, 25, 345. Quintrell, ed., The Maynard Lieutenancy Book, 362.

<sup>20</sup> ERO, Q/SR 190/40-45; Q/SR 165/60. VCH, Essex, Vol. IV, 278. Metcalfe, ed., "The Visitations of Essex," 505.

residence in Colchester. Thomas Mildmay de Barnes took two recognizances from yeomen from Good Easter, just under ten miles away from Mildmay's Springfield residence near Chelmsford. Edward Waldegrave was "to end all matters" between Adam Quince and Robert Browne of Ardleigh, and Joan Went, a widow in Langham; Waldegrave's manor at Lawford Hall formed the third point in a triangle including Ardleigh and Langham.<sup>21</sup> In 1608, John Tanfield, esquire, had to take the recognizances of nine individuals from four different towns; Tanfield's residence at Hanningfield was the center point of a ten-mile radius that encompassed all four towns.<sup>22</sup> William Aylofffe presents a different story; Aylofffe's estates all appear to be in Chafford hundred and the Liberty of Havering, in the far south of Essex near the Thames River. Yet Aylofffe was quite active in taking recognizances in many parts of the county, travelling almost to the shire's northern border. William Aylofffe was an active JP for nearly twenty years and was Captain of the Lexden trained band; Aylofffe's ambition may have motivated him to extend his influence in Essex.<sup>23</sup>

The taking of recognizances in Hertfordshire and Essex were uneven; since they were responses to potential breaches of the peace, they were of necessity irregular and informal. The justices of the peace did choose nearby areas of administration, but these areas were not always the same. The JPs were efficiently managing their time and efforts, but do not appear to have set up specific times and places for out-of-sessions

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<sup>21</sup> ERO, Q/SR 132/33, 35, 36; Q/SR 150/22; Q/SR 150/5. Quintrell, ed., The Maynard Lieutenancy Book, 345, 346, 352.

<sup>22</sup> ERO, Q/SR 185/31-34. Quintrell, ed., The Maynard Lieutenancy Book, 250.

<sup>23</sup> ERO, Q/SR 114/43, 44. VCH, Essex, Vol. VII, 39, 42, 54, 182. Quintrell, ed., The Maynard Lieutenancy Book, 347.

meetings. The Essex sessions records reveal only one meeting referred to as a “petty session”; a May 1624 presentment of alehouse-keepers and alehouse-haunters in the town of Halstead.<sup>24</sup> It would appear that the out-of-sessions justice that Hertfordshire and Essex JPs engaged in when they took group recognizances were not the same as Youngs’ “regularized petty sessions”.<sup>25</sup> The petty session was a later innovation built upon the practice of dividing the county for more efficient administration.

A survey of Essex quarter session records reveals that very few of those bound by the JPs were actually charged or indicted at a later session. Thus, it appears that recognizances had the desired effect of quelling disputes and keeping the peace.<sup>26</sup> What was more likely was that a specific recognisor might be part of a later altercation or disturbance unrelated to a current recognizance. In that case, the individual would be bound again in a separate recognizance. There may also have been a problem with JPs certifying a recognizance at quarter sessions. In 1620, James I asked the Assize judges to watch for JPs who were taking recognizances and then holding onto the bond and any money collected on the bond.<sup>27</sup> These justices were not reporting or certifying the recognizances and were possibly engaged in their own private policing of order in their locality.

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<sup>24</sup> ERO, Q/SR 245/38. The petty session presentment was signed by John Deane and Thomas Higham.

<sup>25</sup> MacCulloch, Suffolk and the Tudors, 124. Diarmaid MacCulloch notes that by the end of the sixteenth-century, Suffolk was still not using petty sessions; he suggests that “this may have been due to the well-defined system of demarcation in the four meetings of quarter sessions.”

<sup>26</sup> Hindle, The State and Social Change, 104.

<sup>27</sup> Quintrell, The Maynard Lieutenancy Book, 300.

Clearly, geography was important in the day-to-day administration of justice in the county. But distance was only one factor in keeping the peace, and the taking of sensitive recognizances could be reserved for more prominent Essex justices of the peace. In 1610, Sir Francis Barrington and Sir William Smith took the recognizances of six men who gave evidence against Thomas Ives of London, lately the King's Deputy Purveyor of Timber in Essex.<sup>28</sup> The complaint against Thomas Ives had come to the attention of Robert Cecil, Earl of Salisbury, after Assize Justice John Croke had allegedly shown Ives preferential treatment at the March 1610 Assizes.<sup>29</sup>

Table No. 14. Sample of Hertfordshire Recognizances and Location where Recognizances were taken.

<b>Session</b>	<b>Recognizances and Location</b>
1592	5 – Cheshunt, 4 – Hitchin, 3 – Hatfield
1598	13 – Cheshunt & Hoddesdon
1602	5 – North Mimms, 6 – Tring
1611	4 – Hitchin, 4 – Wheathampstead 3 – Berkhamstead, 3 – Hatfield
1613	4 – Broxbourne, 4 – Baldock & Ashewell
1626	6 – Ware, 3 – Wheathampstead & Berkhamstead

Sources: HALS, HAT/SR 4, HAT/SR 10, HAT/SR 14, HAT/SR 22, HAT/SR 24, QSR/4.

Most of the Hertfordshire recognizances sampled took place in or near market towns or barley-growing areas. Baldock, Hitchin, and Ware were all big barley growing areas, and had access to London breweries through water carriage on the River Lea. Ashewell was also a malt manufacturer, and Wheathampstead was reputed to grow

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<sup>28</sup> ERO, Q/SR 190/29.

<sup>29</sup> SPD, SP14/53, no. 66.



excellent wheat. Hitchin had fulling mills but was mostly a market town on the road out of London. Hatfield also had fulling mills on the River Lea, while Baldock was an important fair and market town.<sup>30</sup> Hertfordshire was an inland county that provided grain for the surrounding area and London; most recognizances sampled were in or near centers of grain production, malt production, or markets.

Table No. 15. Sample of Essex Recognizances and Location where Recognizances were taken.

Session	Recognizances and Location
1590	2 – Maldon & Tolleshunt 2 – Bocking, 2 – Great Waltham 1 – Heybridge
1600	3 – East Tilbury, 2 – Brentwood 2 – Good Easter, 1 – Witham, 1 – Heybridge
1608	2 – Chelmsford, 2 – Margaretting 2 – Little Burstead, 2 – Buttsbury 1 – Mountnessing
1610	6 – Theydon Carnon
1623	5 – Great Coggeshall 3 – Tolleshunt, 3 – Tollesbury 3 – Colchester, 2 – Brentwood
1629	4 – Chelmsford, 3 – Witham 3 – Little Baddow, 3 – Rayleigh 3 – Great Waltham, 3 – Writtle 2 – Bocking, 2 – Moulsham 2 – Hatfield Broad Oak

Sources: ERO, Q/SR 114/40-46, Q/SR 150/22-24, 47-48, Q/SR 185/31-34, Q/SR 190/40-45, Q/SR 240/100-103, Q/SR 266/82-83, 91, 93, 95-99, 107, 112.

As in Hertfordshire, Essex recognizances appear to be gathered around the county's economic centers. Chelmsford, Brentwood, and Dunmow held important grain markets, while Colchester and Maldon were active port towns. Halstead and Coggeshall

<sup>30</sup> VCH, Herts, Vol. II, 131, 294; Vol. III, 7, 68, 99, 200.

were in the heart of the cloth-making district; Tollesbury and Tolleshunt held poor cottagers who quarreled with larger land-holders during times of dearth.<sup>31</sup> Essex's cloth industry could provide employment and money, but a depression in the cloth market could threaten the livelihood of many marginal workers. This is seen in the numerous disputes in the mid and late-1620's.

Recognizances were a useful tool to maintain order in England's shires. But it is easy to forget that there were two parties to the recognizance. Those who went to the justice of the peace to initiate the process requested protection from an impending injury or property damage. They were the potential victims of violent disturbance and so had their own reasons to desire the maintenance of the peace. When the JPs responded to these individuals through the process of a recognizance, they reinforced the state's authority as the legitimate judicial forum for civil disputes.

Essex JPs also took recognizances at sessions called to handle specific matters such as licensing alehouse-keepers or victuallers. These sessions were referred to as "general recognizances" or "special sessions" and could involve two to four justices of the peace. In September 1605, Sir Gamaliel Capell, Sir Robert Leigh, and Richard Franke took a general recognizance at Epping, for licensing victuallers. Only a few weeks earlier, Sir Thomas Lucas, Sir Ralph Wiseman, Sir William Aylofffe, Sir Henry Maxey, Christopher Chilborne, and John Darcy took the general recognizances of those licensed to keep alehouses in the hundreds of Lexden and Winstree.<sup>32</sup>

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<sup>31</sup> Hunt, The Puritan Moment, 10-12, 45.

<sup>32</sup> ERO, Q/SR 173/125, 126.

Recognizances of those licensed to keep alehouses kept Essex JPs very busy in the early years of James I' reign. In times of dearth, the JPs had to monitor county grain supplies to ensure that there was enough for bread. Since brewing used large quantities of grain, alehouses had to be closely watched and licensed through a bond. This was certainly the case in Hertfordshire, where London merchants regularly bought up market grain to take back for the city's brewers and maltsters. The JPs were to see that corn was brought to market and sold at a fair price; they were also to keep unlicensed "badgers" from buying up local grain for resale somewhere else.<sup>33</sup> The justices were to oversee the corn markets for the whole county and fix the prices on grain at each market. Though every grain retailer was supposed to be licensed, magistrates had a difficult time controlling those "engrossers" who waited outside the market to buy grain before it arrived to be sold.<sup>34</sup>

Essex relied less on grain production than Hertfordshire did, but there was still a need to keep enough grain for food as opposed to brewing. In the first five months of 1606, twenty-three justices of the peace took the recognizances and sureties of alehouse-keepers in five "special sessions". These sessions were held at Colchester, Rochford, Brentwood, Stanway, and Witham, forming a large triangle that covered the south and east of the county. The status of the JPs involved ranged across the board, from the Suffragen Bishop of Colchester to deputy lieutenants to esquires.<sup>35</sup> The appearance of

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<sup>33</sup> VCH, Herts, Vol. IV, 209.

<sup>34</sup> *Ibid.*, 224.

<sup>35</sup> ERO, Q/SR 174/89. In early 1606, recognizances of alehouse-keepers were taken by John Sterne, Suffragen Bishop of Colchester, Sir Ralph Wiseman, Sir Willam Aylofffe, Sir Thomas Beckingham, Sir Thomas Lucas, and Christopher Chilborne, esquire.

many highly placed JPs to license butchers and victuallers, as well as alehouse-keepers could signal a crackdown from Essex's "godly sort".<sup>36</sup> But the Suffragen Bishop of Colchester was not a known puritan, so alehouse licensing at special sessions might be a county-wide attempt to control grain supplies in times of dearth.

Recognizances for alehouse-keepers in Essex continued into the first months of 1608. Special sessions in Colchester and Stanway were conducted by some of the same JPs: John Sterne, Suffragen Bishop of Colchester, Sir John Sammes, Sir Ralph Wiseman, Sir William Ayloffe, and John Darcy.<sup>37</sup> But some sessions in the summer of 1607 were entrusted to only two Essex justices of the peace. In the first session, held at the town of Rochford for the hundred of Rochford, Sir James Bouchier and Anthony Ware took the recognizances of five men from Rochford and Foulness. One week later, a second session was held at Stanway for the hundred of Lexden and half-hundred of Winstree; Sir John Sammes and Sir William Ayloffe took the recognizances of five alehouse-keepers from Marks Tey.<sup>38</sup>

A recognizance was a device for preventing a threatened or imminent disturbance of the peace. Considering the low rates of later indictments of those bonded by the JPs, the between-session's use of recognizances appears fairly successful. But what of disturbances of the peace that *did* materialize in the county? Once the peace was broken,

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<sup>36</sup> Ibid., Q/SR 179/86. Recognizances for butchers not to sell flesh in Lent were taken in February 1607 by John Sterne, Suffragen Bishop of Colchester, Sir Ralph Wiseman, Sir William Ayloffe, and Sir Thomas Beckingham. Also see Hunt, The Puritan Moment, 141-142. See Keith Wrightson and David Levine, Poverty and Piety in an English Village; Terling, 1525-1700, (1979).

<sup>37</sup> ERO, Q/SR 182/64, 65.

<sup>38</sup> Ibid., Q/SR 180/ 69, 70, 71; Q/SR 180/74.

the justices of the peace possessed a wide degree of discretion; but informal mediation was always the primary road to restoring peace in the shire. As with the use of recognizances to keep the peace, the preferred response to popular protest was out-of-court settlements. It has been argued that disorderly assemblies were actually the last step in an uneven process of complaint that involved grumbling, appealing, and petitioning.<sup>39</sup>

The law recognized three general disturbances of the peace, based on intent and result. At the lowest level was an “unlawful assembly” which was a company of three or more persons disorderly coming together forcibly to commit an unlawful act. A “rout” was a company assembled for their own common quarrel, “as to beat a man that hath done unto them some public offence.” A “riot” was three or more persons, disorderly assembled to commit with force any such unlawful act, “and do accordingly execute the same.”<sup>40</sup>

Although “riot” terrified local and national authorities, English justices of the peace were accorded a great deal of latitude in dealing with violent protest. The local government response varied with the seriousness of the disturbance and the English populace knew this. As a result, riot was rarely a spontaneous or mindless act but could be a political weapon applied when all other civil avenues had been exhausted. Popular

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<sup>39</sup> Steve Hindle, “Crime and Popular Protest”, in A Companion to Stuart Britain, ed., Barry Coward (Malden: Blackwell Publishers, Ltd., 2003), 135-138.

<sup>40</sup> Lambarde, Eirenarcha, 175-176.

protest sometimes served as a pivot for the relationship between rulers and the ruled in early modern England.<sup>41</sup>

The Maldon grain riots of 1629 present an example of local government responding informally to popular protest. Though they have been called “grain riots” the Maldon riots developed out of the desperation surrounding the depression of the cloth trade in Essex. The cloth trade had been damaged by the Cockayne project in 1615 and just as it was starting to recover, the Thirty Years’ War broke out in Germany. Decreased demand for English goods and higher customs on exports of English cloth left thousands of Essex and Suffolk cloth workers without sustainable incomes.<sup>42</sup> Tensions in the Essex cloth towns heightened when Irish troops were billeted in Maldon and Witham, as punishment for having resisted Charles I’s Forced Loan. In March 1628, Irish soldiers celebrating St. Patrick’s Day broke into a riot; several people were wounded before the crowd dispersed but the social antipathy only added to the looming economic problem.<sup>43</sup>

In January 1629, men and women rioted in the south of Essex and seized cartloads of grain headed for the Thames River. They were armed with pitchforks and were rumored to be looking for muskets; they were not stopped from taking the grain and the riots subsided. The Essex justices of the peace alerted the Privy Council and the Council authorized the JPs to handle the matter according to the quality of the offences.

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<sup>41</sup> John Walter, “Grain Riots and Popular Attitudes to the Law; Maldon and the Crisis of 1629”, in An Ungovernable People; The English and Their Law in the Seventeenth and Eighteenth Centuries, eds., John Brewer and John Styles (New Brunswick: Rutgers University Press, 1980), 48, 83.

<sup>42</sup> Hunt, The Puritan Moment, 167-168. See Chapter Nine.

<sup>43</sup> G. E. Aylmer, “St. Patrick’s Day 1628 in Witham, Essex”, in Past and Present, no. 61 (Nov. 1973), 141-145. Hunt, The Puritan Moment, 208, 213.

The January rioters were not prosecuted, despite their vocal contempt for the JPs and the county constables.<sup>44</sup>

The disturbers of Essex's peace may not have been prosecuted but their suffering had not been alleviated. The production of textiles in Braintree and Bocking had plummeted to anywhere from one-half to one-tenth of its former levels, and stocks of cloth were backing up in warehouses. The 1628 harvest had been mediocre and the 1629 harvest was a disaster; yet grain was still being sold and shipped out of England. On March 23, men and women from the cloth towns of Bocking, Braintree, and Witham gathered in the port town of Maldon. They boarded a Flemish ship and forced the crew to fill the women's aprons and bonnets with rye.<sup>45</sup>

At the Easter quarter sessions of 1629, approximately three weeks after the Maldon disturbance, the weavers of Braintree and Bocking presented the Essex justices of the peace with a petition. They complained of "extreme necessity and disability to maintain and relieve themselves and their families, . . . for want of work by those clothiers who used to employ them." The weavers estimated that there were 30,000 more in this situation, and the justices were forced to "forbear all other affairs of the county" at quarter sessions until they could persuade the weavers to go home. Several JPs went to treat with the weavers but they advised the Privy Council that the people would not be quiet for long unless they received some relief.<sup>46</sup>

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<sup>44</sup> Walter, "Grain Riots and Popular Attitudes to the Law", 50-51.

<sup>45</sup> Ibid., 53.

<sup>46</sup> SPD, SP16/141, no.1. This April 17 1629 correspondence was signed by William Maynard, William Masham, Henry Mildmay, Nicholas Coote, Arthur Harris, William Maxey, Thomas Wiseman, Edward Altham, Gerrard Sammes, John Tyrell, Thomas Fanshawe, William Towse, John Wright, John Darcy, Brian Tuke, Martin Lumley,

The Privy Council responded by sending letters for the ministers of Braintree and Bocking to read to their assembled churchgoers. The letters reassured the people that the cloth trade would again revive and that the Council would call before them the merchants and chief work-masters of the Essex cloth trade.<sup>47</sup> The work-masters responded with their own petition to Charles I, complaining that the trade of bayes and sayes had fallen since “they were prohibited in Spain about two years before” the Maldon riot. The work-masters were not able to provide work for the 40,000 who lived by the trade, and many work-masters were afraid for their own safety among disgruntled workers. The Privy Council wrote to the Essex JPs in May, warning them to look for those who were never employed in the cloth trade but only wanted to disturb the peace.<sup>48</sup>

By early-May 1629, the cloth trade crisis was left in the hands of the Essex magistracy. They were to set the poor cloth-workers upon “some good and honest labor” and if no work was available, the JPs were to “think of some fit course for their relief according to law.” Wandering abroad was to be discouraged and the JPs should look for contributions from any towns that were able to maintain their own poor. The Essex justices responded that they would inquire into any disorderly persons, but they could not think of a single parish that was able to set their own poor upon work. Relief could only be provided through an additional tax set out at the next quarter sessions, something the JPs did not want to contemplate.<sup>49</sup>

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Thomas Higham, James Heron, Robert Sandford, John Keeling, and Richard Harlakenden.

<sup>47</sup> Quintrell, ed., The Maynard Lieutenancy Book, 253.

<sup>48</sup> Ibid., 254.

<sup>49</sup> Ibid., 257-258.



On May 22, 1629, there was a second Maldon riot. One of the March rioters, Ann Carter, led a group of weavers to Burrow Hills, a deep-water channel outside of Maldon, where they looted grain from ships bound for Europe. This riot received the immediate attention of the Essex magistracy. Some JPs rode to Maldon, encountered some thirty to forty offenders, and apprehended some of the actors attempting to escape the scene. After interrogating these persons, the JPs rode to Burrow Hills where they found a Flemish ship put out to sea and a house broken into, but the principal rioters were gone. After ordering the high constables to keep a strong watch, the JPs wrote to the Privy Council; their greatest fear was the spread of rumors of even larger riotous assemblies.<sup>50</sup>

In June, a commission of *oyer and terminer* was convened under the Earl of Warwick (Robert Rich), Assize Justice George Croke, Sir Harbottle Grimston, and other commissioners. Only four prisoners were indicted for the second Maldon riot and only three were hanged, including Ann Carter, the alleged instigator of the march to Burrow Hills. Sir Thomas Fanshawe summed it up when he wrote that justice and mercy were “mingled alike by the judges and the jury, . . . and the better sort of people were much pleased with the justice.”<sup>51</sup>

The Maldon riot got the attention of local government by raising the stakes beyond complaints and appeals. At the October 1629 quarter sessions, the Essex JPs ordered the weavers of Braintree, Bocking, and Coggeshall not to take on additional apprentices and not to use more than three narrow looms at any one time. This attempt at

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<sup>50</sup> Ibid., 261-262. This assessment was written by Sir Henry Mildmay of Moulsham and Sir Arthur Harris.

<sup>51</sup> Ibid., 263. Rich, Croke, and Grimston were all on the Essex commission of the peace at this time.

spreading around the available employment was not popular in Essex and there is no evidence that the cloth trade improved after 1629. But in December 1630, JPs in the north of Essex reported to the Privy Council that they had regulated the sale and price of grain in the clothing towns of Coggeshall and Witham and in the boroughs of Maldon and Colchester. And three weeks later, the hundred of Dengie was cited by the Essex JPs for not taking their corn to market, but sending it to London by sea.<sup>52</sup> The Earl of Warwick sought to fix wages and cloth lengths, and now the Privy Council was painfully aware of the cloth workers' plight in Essex.<sup>53</sup>

The Maldon grain riots were the culmination of civil appeal and violent protest, lurching upward to more critical levels with every act. But at each stage, the actors participated in a dialogue that had the potential to relieve or resolve the problem. The Privy Council, the justices of the peace, the work-masters, the weavers, and the rioters all contributed to back and forth negotiations that led to the eventual recognition of the problem, if not its resolution.

Local government could not always play a significant part in the resolution of violent protest; at least two other violent outbursts in Essex seemed beyond the purview of the magistracy. Both these disturbances involved individuals at the upper levels of English society, and the justices of the peace played only a tangential role in the resolution of the situation. When it came to their social superiors, the county JPs were sometimes forced to defer to national institutions for settlement.

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<sup>52</sup> CSPD, Charles I, 1629-1631, 415, 485.

<sup>53</sup> Hunt, The Puritan Moment, 241-243. Walker, "Grain Riots and Popular Attitudes to the Law", 80-81.

On the evening of July 20, 1592, approximately thirty men landed on the banks of the River Lea near the village of Waltham Cross in Essex. They hacked and dug at the banks of a stream flowing from the river to the corn mills owned by Sir Edward Denny, Jr. Eventually they tore the banks down so that the river water no longer poured into Denny's mill-stream, but continued to flow down-river. When two of Edward Denny's servants arrived on the scene, the attackers beat the servants and chased them away.<sup>54</sup>

Disputes about the course of the River Lea were nothing new. The Lea formed part of the border between Essex and Hertfordshire, and so the river's course could affect the jurisdiction of each county. The abbots of Waltham Abbey in Essex always argued that the Small River Lea, flowing half a mile west of Waltham, was the dividing line between the counties. The lords of Cheshunt in Hertfordshire tried to prove that the wider River Lea itself, flowing through the town of Waltham, was the county boundary, leaving the land west of the river to the manor of Cheshunt.<sup>55</sup>

But county and individual jurisdictions were only one dispute involving the River Lea in Hertfordshire and Essex. Hertfordshire's malt trade depended on the river to get grain and malt to the Thames River and London for processing or sale. Ware was one of England's chief malt-producing towns and competition for access to the Lea was stiff, even among other Hertfordshire towns. In 1585, the House of Commons presented a bill to keep malt from being transported by barge to London on the River Lea. The bill listed a number of Middlesex, Hertfordshire, and Essex towns that had decayed because of a lack of horse and cart traffic through them. The bill made it unlawful for barges to carry

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<sup>54</sup> ERO, Q/SR 123/47, 93.

<sup>55</sup> VCH, Herts, Vol. III, 441.

malt from Ware to London because only barge-men were making a profit, not the Queen or her subjects.<sup>56</sup>

Barge traffic did continue down the River Lea but barge-men were finding their route more difficult to maneuver. In the early-1580's, Sir Edward Denny had constructed a new lock on the river in order to divert water to his corn mills in Waltham Cross. The barges were at liberty to pass through the lock and had done so for nearly a decade. In May 1592, barge-men discovered that one of the bridges over the River Lea near Waltham Cross had been lowered to a level that prevented them from passing under it, even when they were laden with grain. The barge-men complained to the Privy Council and the Council sent one Mr. Adams to view the bridge and determine whether it had recently been lowered.<sup>57</sup>

The Privy Council wrote to Sir Edward Denny, Jr. in June and July of 1592, asking him to raise the bridge up again to its former level. The Council's tone was deferential and they noted that the bridge had originally been heightened during Denny's minority. But the Council entreated Sir Edward to have the bridge raised up to the height of three feet above the water so that the barges that "are now stayed there, and laden with corn and other things, may pass down under the said bridge." The Council did not mean to prejudice Denny's right or inheritance, but urged him to a reasonable raising of the bridge until there could be a further consideration of the matter. The Council also

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<sup>56</sup> SPD, SP12/177, nos. 19, 20, 22.

<sup>57</sup> APC, Vol. XXII, A. D. 1591-92, 553.

promised to restrain the barge-men from doing any harm to Denny's ground when towing their boats.<sup>58</sup>

Apparently the bridge in question was not sufficiently raised because less than three weeks after the Council's second letter, Denny's riverbanks were torn up, his millstream was reduced to a trickle, and his servants were attacked. The malefactors were thirty barge-men from Hertfordshire and Middlesex who "unlawfully assembled" at the Old Lock on the river and "riotously broke the banks of the stream" flowing to Denny's mills. Sir Edward Denny Jr.'s servants, Henry Knagge and Nicholas Goldinge, testified that after they tried to stop the attackers, they were assaulted and despaired of their lives.<sup>59</sup>

Three Essex JPs, Robert Wrothe, Bernard Whetstone, and Robert Leigh (all esquires) headed an inquiry into the riot and reported their findings on August 1, 1592. They interrogated seventeen of the barge-men and noted that the rioters were armed with "long piked staves and other weapons " when they "turned the water out of its ancient course." Eleven men were indicted at the January 1593 Essex quarter sessions, but their names are different from the seventeen interrogated in August. And the eleven indicted have their titles listed as either "yeoman", "victualler", or "baker", instead of the designation "barge-man" appended to the names of those interrogated five months

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<sup>58</sup> APC, Vol. XXIII, A. D. 1592, 11.

<sup>59</sup> ERO, Q/SR 123/93. The barge-men interrogated were Robert Thimble of London, John Matthewson *alias* Barttle, John Cocke, Roger Pakcer, William Borcke, John Ramseye, Edward Carter, Robert Barnett, John Robyson, Thomas Smith, Nicholas Andrews, John Edwards, Henry Woodcocke, William Cogges, John Bamforth, and Gile Hare; all from Ware in Hertfordshire.

earlier.<sup>60</sup> It is possible that some kind of deal was struck between the inquiring JPs and those who testified in August.

The Denny dispute did not end with the January 1593 indictments; the Ware barge-men filed a bill of complaint against Sir Edward in the Court of Star Chamber. A report from Lord Chief Justices Popham and Anderson indicated that Denny's new lock did interfere with lawful barge traffic on the River Lea. Not only had a bridge been lowered but stakes and hides had been placed in the river beneath the bridge, "which annoyed the King's stream" and would have to be removed. The barge-men were vindicated when the Court found that vessels had always passed upon the River Lea from Ware to the Thames, but Sir Edward Denny Jr.'s new lock interfered with lawful public traffic on the river.<sup>61</sup>

Local government was not able to satisfactorily resolve the violent outburst at Waltham Cross. The Hertfordshire barge-men were a riotous assembly on the banks of the River Lea, but they were also a group organized around commercial interests. They were outranked by the Essex justices of the peace so the barge-men made use of central government institutions to further their complaint. The JPs themselves were outranked by Sir Edward Denny, Jr. (later to be made Lord Denny) and their indictment of eleven yeomen at quarter sessions did not end the dispute. In fact, the Essex magistracy would have to tiptoe around Denny and his property for several decades.

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<sup>60</sup> ERO, Q/SR 123/47. The eleven indicted were Richard Brooke *alias* Yokelsey of Ware, John Wislet, John Howe, John Squire, John Cocke, Augustine Cocks, yeomen, William Pryor, vintner, Richard Hill & Thomas Times, victuallers, Thomas Jury, baker, and Henry Kingston, yeoman. All were from Ware in Hertfordshire except Henry Kingston who was from Stratford Bow in Middlesex.

<sup>61</sup> CSPD, Elizabeth I, 1591-1594, 499-502.

On September 18, 1604, Viscount Cranborne (Robert Cecil) wrote to Sir Edward Denny, Jr., allowing for the payment of all things necessary to the making of bridges over the River Lea. Denny was authorized to “appoint some amongst yourselves” but the task was now left up to Sir Edward. On the same date, Cranborne issued a warrant for 200 pounds sterling for the erecting of the new bridges. He appointed Sir Robert Wrothe, Sir Edward Denny, Sir Thomas Dacres, and Israel Amyce to observe and appoint those to do the work; the English Treasurer would pay the persons who did the work.<sup>62</sup> The bridges over the River Lea would finally be repaired but the Crown was going to have to pay for them. The Denny dispute was not resolved at a local level but moved ever upward to the heart of central government.

But Sir Edward Denny, Jr.’s status earned him negative attention from the Crown as well. In 1598, Attorney General Edward Coke presented information that Denny had held to himself and his heirs the manors of Waltham Holy Cross, Nazeing, Claver Hamburg, and Sewardstone in the half-hundred and forest of Waltham. Denny and his heirs and men within these manors had been “free from scot and geld and from all work on the castle parks, bridges, etc.” They took “all manner of woods” in Essex, “put in as many pigs and beasts” as they wished, and lived free from the tolls in all the fairs and markets, and crossing of bridges, ways and marshes. Coke summoned Sir Edward Denny, Jr. to answer for usurping all of these liberties from the Queen.<sup>63</sup>

Sir Edward Denny, Jr. continued to treat his estates as a personal fief. In May 1605, one William Parnell wrote to Viscount Cranborne complaining about his treatment

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<sup>62</sup> SPD, SP14/9a, nos. 126, 128.

<sup>63</sup> ERO, Calendar of Queen’s Bench Indictments, Ancient 693, Part III, 154.

from Denny, now “Lord Denny”. Parnell had leased from Denny the mills of Waltham Abbey and had disbursed more than 500 pounds sterling in purchasing the leases. After repairing the mills and running them for seven years, Parnell was finally realizing a profit but Lord Denny had recently withheld one of the leases and was still demanding the old rent of 100 pounds annually. Denny and twenty armed men had tried to evict Parnell and had besieged him and his family in their home for nearly three weeks, in order to starve him into submission. When this failed, Lord Denny sued Parnell but then refused a compromise that even Denny’s attorney had proposed. Denny showed his displeasure by damming the river, leveling its banks, and leaving the mills dry.<sup>64</sup> Edward Denny, Jr. had apparently learned a thing or two from the Hertfordshire barge-men.

Local government was unable to settle another Essex disturbance of the peace and attention from the center was necessary to resolve the situation. Again, the dispute involved individuals at the upper levels of Hertfordshire and Essex society, and amounted to a private war between prominent gentry in the two counties. Essex justices of the peace attempted to control violence at the ground level but could not reach the source of the problem. Social status was as important as political savvy in maintaining the peace in the provinces, and JPs did not possess the power to manipulate their social betters.

In 1592, Robert, Lord Rich, sold to Edward Parker, Lord Morley, “all of the Forest of Hatfield and the Chase of Hatfield” in the parish of Hatfield Broad Oak in Essex. Lord Morley was to have all the profits of the forest and all the lodges left by Sir

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<sup>64</sup> Calendar of the Manuscripts of the Most Honorable The Marquess of Salisbury, Preserved at Hatfield House, Hertfordshire, Part XXIII, Addenda 1562-1605, (hereafter “CMS”) ed., G. Dyfnallt Owen (London:HMSO, 1973), 210-211.



Richard Rich, deceased grandfather to Robert, Lord Rich.<sup>65</sup> There was also a fair held on St. James' Day in a place called Themnall Green but Lord Rich had taken steps to deny Lord Morley the profits of this fair. Additionally, Sir Francis Barrington bargained with Lord Rich for the lease of the manor at Hatfield Broad Oak, and Barrington claimed some of the surrounding lands. William Parker, son of Edward Lord Morley, complained that Lord Rich was now sending his own officers (on Barrington's behalf) into Hatfield forest to "work in the fields and repair the hedges on the grounds" bordering Hatfield Forest.<sup>66</sup>

The first disruption of the peace occurred in 1609 when William Parker, now Lord Mouteagle, ordered his servants to set fire to Francis Barrington's hedges near Hatfield Chase. Barrington ordered the hedges put back up and Mouteagle commanded that they again be broken down. Barrington called in two Essex JPs, William Towse and Robert Clerke, esquires, and these two made a proclamation against Lord Mouteagle's actions. When Mouteagle heard about the proclamation, he cursed the JPs and sent three men to confront the magistrates at Towse's residence in nearby Takeley. Mouteagle's message was that if the Essex justices had made their proclamation from the command or authority of the King or his Council, then he would obey it. But if the JPs had made it "merely of themselves as Justices of the Peace and without any other Warrant," Mouteagle would not obey the proclamation and would remove them from his grounds.<sup>67</sup>

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<sup>65</sup> ERO, D/DB/L1/3/32.

<sup>66</sup> ERO, D/DB/L1/5/2.

<sup>67</sup> ERO, D/DB/L1/3/8.

The dispute between Mounteagle and Barrington (and by extension, Lord Rich) moved from the forest to the market. The St. James' Day fair had always been held at Thremnall Green but in 1592, Lord Rich procured a Star Chamber decree that allowed him to physically move the market to the town of Hatfield. Rich believed that his land deal gave the Lords Morley the woods and timber at Hatfield but not the profits from the fair; Mounteagle disagreed. On July 20, 1609, approximately fourteen of Lord Mounteagle's men allegedly ran through the fair "with riotous intent" armed with crossbows, guns, and daggers. They took possession of the fair and proclaimed it the property of Lord Mounteagle; when Lord Rich's retainers confronted the rioters, a scuffle broke out. Rich's men were repulsed and the rioters proclaimed that the fair would be held at Thremnall Green. Mounteagle's men piled insult onto injury when they took their proclamation to other market towns in Hertfordshire and Essex.<sup>68</sup>

The market dispute between the Lords Morley and Rich was not resolved in quarter sessions or through recognizances. It ended up back in Star Chamber and was eventually settled through indentures made between the two families. In 1628, Lady Elizabeth Morley, widow of William Lord Morley and Mounteagle, deeded to Thomas Barrington, son of the late Francis Barrington, the power to enclose certain coppice grounds in Hatfield Forest. By March 1660, the Barringtons had established the St. James' Day fair at Hatfield Heath, near their manor at Hatfield Regis, and no one should "attempt or presume to keep the said Fair, or any other fair, in any other place within the said manor, at their perils."<sup>69</sup>

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<sup>68</sup> ERO, D/DB/L1/4.

<sup>69</sup> ERO, D/DbA/M58, 61.

The high social status of England's nobility and upper gentry could compromise local government's effectiveness in settling disturbances of the peace. In the above two cases, the Essex JPs made proclamations to end disputes, and they conducted inquiries and received indictments. But the ultimate settlement or resolution of the problem had to be made in the Court of Star Chamber by Crown authorities. Thus, local government faced limitations when civil disturbances involved those who ranked higher socially than the JPs. County government practices were geared primarily to those who could be overawed by the JPs' authority and so were more effective when applied to the shire's lower orders. This also raises the question as the extent that England's "godly" magistrates could use central government authority for their own purposes.<sup>70</sup> If the relationship between central and local government was being adjusted in early modern England, there were some areas where social standing still trumped the work or wants of county government.

### **Conclusion**

The justices of the peace in Hertfordshire and Essex were charged with conserving the peace in their shires. They were accorded wide discretion in this task and they exercised that discretion through taking recognizances and dividing themselves for different parts of their county. But the JPs did not possess absolute power in their counties and they often participated in England's governance through negotiation and compromise with individuals at all levels of society. Effective governance appears to have been based in ongoing communication and the ability to bend at the right time.

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<sup>70</sup> Hindle, The State and Social Change, 231-232.

The justices of the peace in Hertfordshire and Essex did not shrink from their duties in maintaining the peace. They divided their counties at different times to handle special requests from the Crown. And between quarter sessions, special sessions, and divisional meetings, the JPs worked singly or in twos or threes to “conserve the peace” in their shires. Thus, resident gentlemen with an interest in their locality’s order and stability engaged in both pro-active *and* re-active governance at the county level. Even in responding to popular protest, the Hertfordshire and Essex magistrates used their capacity as mediators and provincial evaluators to promote order; although the economic problems of the late-1620’s posed a serious challenge. When civil protest did erupt, the JPs had to act as partners with the Crown in order to restore peace in the provinces.

## Chapter 6

### The Lieutenancy in Hertfordshire and Essex

The justices of the peace in early-modern England handled the bulk of shire government and administration. In quarter sessions and between quarter sessions, the JPs enforced social, economic, and religious regulations, and preserved order in their counties; the resident magistracy's self-interest in maintaining order in their particular shire was consistent with central government wishes. Of course, the county JPs were not independent of Crown authority or completely detached from the center, and one way that England's justices of the peace were connected to Crown and Council was through the office of the lord lieutenant.

The lords lieutenant were local noblemen who were first commissioned to organize England's military forces in the early and mid-sixteenth century. By 1585, the lords lieutenant were regularly appointed in every county and their responsibilities included levying and training troops, raising money, exercising surveillance over religious recusants, and generally supervising their county or region.<sup>1</sup> The lord lieutenant was always included in the county commission of the peace and was usually made *custos rotulorum*, or the "keeper of the records of the JPs."<sup>2</sup>

A lord lieutenant was almost always a peer of the realm and usually a nobleman who resided in the county (or one of the counties) that he was appointed to. The lords lieutenant were chosen by the monarch and so had to be trusted to maintain civil or

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<sup>1</sup> Williams, The Later Tudors; England 1547-1603, 155.

<sup>2</sup> Elton, England Under the Tudors, 418.

military order in their appointed region.<sup>3</sup> These noblemen were to be leaders of their shires and had to command the respect and deference of the county gentry; it was important that the lord lieutenant have sufficient social standing to bring together any local factions. Thus, the lords lieutenant headed a provincial hierarchy that connected Crown and county, while preserving social and political values that emphasized stability and autonomy.<sup>4</sup>

The lords lieutenant were chosen by virtue of their local standing; then they chose their deputies using the same criterion. Deputy lieutenants were among the wealthiest and most prominent of the local gentry, and the importance of office holding to social status made a deputy lieutenancy a sought-after prize.<sup>5</sup> When a lord lieutenant did appoint a deputy, he conferred status upon a social inferior and confirmed his own primacy in the shire. Deputy lieutenants were then bound to their lord lieutenant through a complex patronage relationship of service, kinship, and self-interest.<sup>6</sup>

The Crown nominated some deputy lieutenants in the mid-sixteenth century but in the majority of cases, the lord lieutenant suggested the names of his own deputies. It was typical that a resident nobleman would choose his deputies from among the gentry of his district or county. The gentry had been instructed to help the Crown in collecting loans, enforcing ecclesiastical law, and monitoring grain supplies; but some gentry were more competent and trustworthy than others so it was natural that certain landowners should be

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<sup>3</sup> Victor L. Stater, Noble Government; The Stuart Lord Lieutenancy and the Transformation of English Politics, (Athens: The University of Georgia Press, 1994), 9.

<sup>4</sup> Ibid., 11.

<sup>5</sup> Ibid., 20-21. Kishlansky, A Monarchy Transformed, 53.

<sup>6</sup> Stater, Noble Government, 18-19.

selected as the ones most likely to serve the lord lieutenant.<sup>7</sup> Indeed, the support of competent and loyal deputies was essential to the success of the lieutenancy.

One important difference between the lord lieutenant and the deputy lieutenant was that the lord lieutenant was a district official rather than a county official. A lord lieutenant could have supervision over one county or more than one county, and the counties were not always the same with each appointment. But the deputy lieutenant was first and foremost a county official, nominated for the county in which he was a landowner and a justice of the peace.<sup>8</sup> It would have been extremely rare for a deputy lieutenant to *not* have been a part of his shire's magistracy. In Hertfordshire and Essex, every deputy lieutenant was also a justice of the peace.

The deputy lieutenant's primary task was to "make a general view and muster all able men within the shire from the age of sixteen years and upwards."<sup>9</sup> They were to keep muster books, oversee the county armory, and keep track of powder and bullets. The deputy lieutenants sometimes had a difficult task forcing their neighbors into the military levy; they had to persuade the county that it was their duty to send reliable men and good horses to the musters. This could lead to tensions between the lords lieutenant and their deputies but in many cases, lords lieutenants, deputy lieutenants, justices of the

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<sup>7</sup> Gladys Scott Thomson, "The Origin and Growth of the Office of Deputy Lieutenant," in Transactions of the Royal Historical Society, Fourth Series, Vol. V., (London: Offices of the Society, 1922), 152-153. Gladys Scott Thomson, Lords Lieutenant in the Sixteenth Century; A Study in Tudor Local Administration (London: 1923).

<sup>8</sup> Thomson, "The Origin and Growth of the Office of Deputy Lieutenant", 155.

<sup>9</sup> *Ibid.*, 158.

peace, and sheriffs worked in harmony because they were closely knit together by ties of relationship, friendship, or both.<sup>10</sup>

The lords lieutenants also selected captains and colonels for their county's trained bands. The local gentry competed for these positions as a way to gain increased status within their shire. A lord lieutenant could thus extend his patronage network in the provinces, and captaincies often went to members of a county's lesser gentry. Deputy lieutenants could take part in the selection of trained band captains and this widened the patronage pyramid from nobleman to upper gentry to middling sort.<sup>11</sup> The choice of militia captains allowed for a certain balancing of local power because not all captains had to be justices of the peace at the time of appointment.

Lords lieutenants were not always residents of the counties they supervised and they were frequently concerned with perpetuating their family's influence and pursuing interests at Court.<sup>12</sup> This meant that some counties suffered from their lords lieutenants being "absentee administrators", frequently away from the county and not active in local government.<sup>13</sup> In these counties, the deputy lieutenants and justices of the peace often exercised greater autonomy and independence, doing the work of the lord lieutenant without the elevated title. The absence of the lord lieutenant could also lead to the rise of

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<sup>10</sup> Ibid., 160-162.

<sup>11</sup> Stater, Noble Government, 22-23.

<sup>12</sup> Ibid., 11.

<sup>13</sup> Thomas Cogswell, Home Divisions; Aristocracy, the State, and Provincial Conflict, (Manchester: Manchester University Press, 1998), 5, 62. Kevin Sharpe, "Crown, Parliament and Locality: Government and Communication in Early Stuart England," in The English Historical Review, Vol. 101, no. 399 (April 1986), 339.



local gentry factions, could cause an increase in competition for status and office, and visit a certain amount of turmoil on a county.<sup>14</sup>

Between 1590 and 1630, six different lords lieutenants supervised the counties of Hertfordshire and Essex. The lieutenancy in Hertfordshire and Essex developed in different directions: Hertfordshire stayed under the control of the Cecil family, while Essex slowly shifted from supervision by a non-resident lord lieutenant to a struggle involving the rise of a powerful local family. The story of the lieutenancy in Hertfordshire and Essex involves politics, society, religion, and economy at both local and national levels. Personalities as well as power were important to the leadership provided to the counties by their lords lieutenants and deputy lieutenants.

William Cecil, Lord Burghley, was the lord lieutenant for both Hertfordshire and Essex from 1588 to his death in 1598, taking over the lieutenancy from Robert Dudley, Earl of Leicester. Burghley had a large house at Theobalds as well as other lands in Hertfordshire, and was a resident of the county, though it is doubtful that he was able to stay away too long from his duties at Court. In early-1589, Burghley appointed deputies in both counties, naming Essex first and indorsing Hertfordshire as secondary to the larger county. The deputy lieutenants appointed for Hertfordshire were Sir John Brockett, Sir Henry Cocke, and Sir Philip Butler; these three individuals had been named previously as deputy lieutenants in the county, and occupied the thirteenth, fourteenth, and fifteenth places on the 1590 commission of the peace.<sup>15</sup>

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<sup>14</sup> Cogswell, Home Divisions, 5. See Hassell Smith, County and Court, 47.

<sup>15</sup> SPD, SP12/222, no. 11. See Appendix No. 1.

Lord Burghley had his hands full dealing with Hertfordshire's well-established gentry. Within months of being deputized, Brockett, Cocke, and Butler forwarded a certificate of military musters to Lord Burghley, signed by muster-master Humphrey Coningsbye. But before Hertfordshire's lord lieutenant received this certificate, he heard from Rowland Lytton, esquire, concerning a dispute over the county musters; Lytton asked Burghley to confirm his authority "with power to settle disputes that may arise among soldiers at musters."<sup>16</sup> Rowland Lytton's letter reflected an ongoing debate among the deputy lieutenants and JPs regarding control of the county's militia.

On March 19, 1590, Sir John Brockett wrote to Lord Burghley regarding the choice of a captain for Hertfordshire's trained band that had until lately been under Brockett's command. Earlier that day, Brockett, Sir Henry Cocke, and Sir Philip Butler had met at Hertford to discuss their choice for captain but within hours, a contentious misunderstanding had developed among the three deputy lieutenants. One of the three had suggested Mr. Ralph Coningsbye as the captain, and Sir John Brockett had answered that the county "would not like it well, that there should be a meaner man appointed."<sup>17</sup> Cocke and Butler replied that Ralph's father, Sir Henry Coningsbye, could aid Ralph as captain of the militia. Brockett responded that perhaps Sir Henry himself, with his militia experience, could take charge of the trained band with a later deputation (from Burghley) for his son. The three deputy lieutenants then broke the meeting and departed.<sup>18</sup>

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<sup>16</sup> CSPD, Elizabeth I, 1581-1590, 603, 609.

<sup>17</sup> SPD, SP12/231, nos. 39, 40.

<sup>18</sup> *Ibid.*, no. 40.

Later in the day, Sir Henry Cocke and Sir Philip Butler met with Sir Henry Coningsbye and received his assent to allow his son Ralph to take charge of the trained band. The two deputy lieutenants knew that there was some urgency in providing a new captain (Burghley had commanded it) and so they settled on Ralph Coningsbye, but they had forwarded their choice to the lord lieutenant before they informed Sir John Brockett. Cocke and Butler wrote Burghley that Ralph Coningsbye and his friends were already on their way to the musters; the potential for public embarrassment and personal insult suddenly threatened county stability.

Sir John Brockett felt slighted by this *ex parte* decision and complained that as the former captain of the trained band, he should have first say in the matter of military personnel.<sup>19</sup> Cocke and Butler defended their decision by questioning Brockett's experience as a militia captain, suggesting that Sir John had about half of the ten years of experience in the trained bands that he claimed. The two deputy lieutenants told William Cecil that they had not meant to "cross or discontent" Brockett and they expressed their desire to keep Hertfordshire's trained band under one captain.<sup>20</sup> Sir Henry Cocke had personal reasons to snub Sir John Brockett, as Brockett had supported Edward Denny against Cocke in the 1584 county election.<sup>21</sup> Within half a day, the deputy lieutenants' misunderstanding had again placed Hertfordshire's upper gentry at loggerheads and raised the possibility of a local feud.

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<sup>19</sup> Ibid., no. 39.

<sup>20</sup> Ibid., no. 40.

<sup>21</sup> Hasler, History of Parliament; House of Commons 1558-1603, Vol. I, 486.

William Cecil handled the Hertfordshire musters dispute in a manner consistent with his handling of national issues. As a Privy Councilor, Cecil's domestic policy has been characterized as "conventional and cautious" with an emphasis on consistency and very little innovation. Cecil's "watchful inaction" and "cautious backstage intervention" in foreign and domestic matters apparently echoed the conservative instincts of his Queen.<sup>22</sup> This cautious and conservative approach served William Cecil well as lord lieutenant of Hertfordshire.

Cecil wrote back to Hertfordshire's deputy lieutenants on March 22, 1590, expressing his sorrow that the three were in conflict. In one letter, Burghley restated the disagreement to Sir Henry Cocke and Sir Philip Butler, and the lord lieutenant offered his opinion. Burghley liked the idea of Sir Henry Coningsbye taking charge of Hertfordshire's trained band; otherwise, he proposed that the band might be *divided* between Ralph Coninsbye and the young Mr. John Brockett, Sir John Brockett's nephew.<sup>23</sup> In a separate letter to Brockett, Burghley restated the disagreement and mentioned Sir Henry Coningsbye as captain of the whole band. In the alternative, Cecil wrote, the band could be "partitioned between the young Mr. (Ralph) Coningsbye and your nephew"; but Burghley suggested that the best solution was not to divide the trained band, but to give it to Sir Henry Coningsbye.<sup>24</sup>

As lord lieutenant of Hertfordshire, William Cecil could have ordered the deputy lieutenants to meet again to resolve the captaincy dispute, or he could have made his own

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<sup>22</sup> MacCaffrey, The Shaping of the Elizabethan Regime, 464-466.

<sup>23</sup> SPD, SP12/231, no. 53. In 1590, neither Ralph Coningsbye nor Mr. John Brockett were justices of the peace in Hertfordshire.

<sup>24</sup> *Ibid.*, no. 54.

decision as to who would be the captain of Hertfordshire's trained band. But Cecil's solution to the problem was to send the issue back to the deputy lieutenants, with the addition of several possible and sanctioned choices. Rather than siding directly with Sir John Brockett, Burghley presented Sir Henry Cocke and Sir Philip Butler with an option that he knew they would not like: the dividing of Hertfordshire's trained band between Ralph Coningsbye and Brockett's nephew. In theory, both sides would get something palatable out of this option, but the addition of the young Mr. Brockett meant that Sir John Brockett would likely retain some control over Hertfordshire's militia. Burghley's well-constructed proposal pushed the three deputy lieutenants back together and compelled them to invent their own solution, rather than bring more dissension into their county.

Less than one month after Burghley's correspondence, the Hertfordshire deputy lieutenants sent to the Crown a certificate of two military musters: one taken April 15, 1590 and an earlier muster for February 27, 1588. The 1588 muster had apparently been taken at St. Albans before Sir Francis Knollys "under the leading of Sir John Brockett, being then captain, . . . he is now departing out of the Company, now to be delivered over to Sir Henry Coningsbye."<sup>25</sup> The 1590 muster was taken before Sir Henry Cocke and Sir Philip Butler, certifying the numbers and qualities of the persons appointed by Sir John Brockett to serve under Sir Henry Coningsbye. This current muster was accompanied by a chart that showed one hundred forty-one men mustered in 1588 compared to three hundred men mustered in 1590.<sup>26</sup> Although Sir John Brockett had prevailed in his choice

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<sup>25</sup> SPD, SP12/231, no. 145.

<sup>26</sup> *Ibid.*

for captain of Hertfordshire's trained band, the certificate provided Sir Henry Cocke and Sir Philip Butler with a way to show that Brockett had commanded a military company approximately half the size of the current trained band. William Cecil, lord lieutenant of Hertfordshire, had sent the captaincy dispute back down to the county, allowing the three deputies to craft their own compromise before sending it back up to the Privy Council as a certificate of musters.

Robert Cecil, Earl of Salisbury and son of Lord Burghley, was Hertfordshire's lord lieutenant from 1605 until his death in 1612. In 1600, Robert Cecil was a Privy Councilor and Principal Secretary of England, and he was adding to the Cecil landholdings in Hertfordshire.<sup>27</sup> In an attempt to enlarge the "park" around his family seat, Robert Cecil had purchased and enclosed lands adjoining Theobalds. When his neighbors in Hertfordshire complained about the enclosure, Cecil took action to prevent disharmony in the county. He wrote to William Cocke, a Hertfordshire JP, saying that he would not have enclosed the land had he known that it would result in any bad feelings. Robert Cecil charged "some of those who he put his trust in, who were supposed to sound the dispositions of those that had any manner on interest in the enclosure." He told William Cocke that he would now "lay the land open again, if the parties who he brought it from will repay him that money." Cecil did not want his position with the Crown to "debar him from his neighbors' company and acquaintance," and he gave William Cocke authority to overrule Cecil's men if he found them doing any injury to his Hertfordshire

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<sup>27</sup> CSPD, Elizabeth I, 1598-1601, 380. J. C. Sainty, Lieutenants of the Counties, 1585-1642, (London: The Athlone Press, 1970), 23.

neighbors.<sup>28</sup> Robert Cecil acted more as a landholder than as a lord lieutenant; his national offices likely kept Cecil from his duties as Hertfordshire's lieutenant.

After Robert Cecil's death in 1612, his son William Cecil, the second Earl of Salisbury, was made lord lieutenant of Hertfordshire. William Cecil had cemented the family's landholdings in the county and he had estates at Hatfield, Clothall, Quixwood, Little Hadham, Hoddesdon, and in the hundreds of Hertford and Braughing.<sup>29</sup> William Cecil was perhaps not as skillful a politician as his father or grandfather, but he was an active lord lieutenant who worked with the Hertfordshire gentry to further his own and local interests. The lieutenancy provided an alternative foundation for power and patronage to those, like the second Earl of Salisbury, who did not hold much influence at Court. As lord lieutenant, Cecil could link Hertfordshire with the center and have access to the well of Crown patronage.

In 1620, William Cecil, second Earl of Salisbury, and the "other justices of the peace of Hertfordshire" wrote to the Privy Council, requesting an allowance for repair of the St. Albans jail; they argued that as Crown land, this jail had always been repaired at crown expense.<sup>30</sup> In July of the next year, the second Earl of Salisbury certified to the Privy Council that he personally had attended and completed the musters in Hertfordshire. In December 1623, William Cecil again reported to the Privy Council that he had held the Hertfordshire musters and he believed that "the troops improve yearly." The following year, the second Earl of Salisbury delivered two hundred soldiers and

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<sup>28</sup> SPD, SP 12/276, no. 31.

<sup>29</sup> Lawrence Stone, "The Electoral Influence of the Second Earl of Salisbury, 1614-68", in The English Historical Review, Vol. 71, no. 280 (July 1956), 385.

<sup>30</sup> CSPD, James I, 1619-1623, 164.

conduct money to the King's army from the county.<sup>31</sup> Salisbury's extra attention to the Hertfordshire militia was likely a consequence of the county's past neglect of the militia before 1618.

The Cecil family should not be portrayed as champions of the common man or as members of the local gentry. The Cecils were powerful nobles who held important national offices such as Lord Treasurer, Principal Secretary of State, and Privy Councilor. But as long-time residents of Hertfordshire with a landed interest in the county, they remained involved in local military, political, and financial matters. Hertfordshire's deputy lieutenants and justices of the peace may well have preferred the Cecils to be "absentee administrators" for the local magistracy never achieved the independence that other shire gentry found under non-resident lord lieutenants.<sup>32</sup> Lord Burghley and the two Earls of Salisbury preserved local harmony in Hertfordshire by allowing compromise and consensus among their deputies and JPs; this circumvented any potential opposition before the lords lieutenant enforced Crown policy.<sup>33</sup>

Hertfordshire's deputy lieutenants were selected from the most prominent justices of the peace responsible for the shire's day-to-day administration. The number of deputy lieutenants in Hertfordshire remained at three until early in James I's reign and until the mid-1620's, the deputy lieutenants never numbered more than four. Hertfordshire's deputies were very active and in constant communication with their lord lieutenant. Less than a year after the captaincy dispute, Sir John Brockett, Sir Henry Cocke, and Sir Philip

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<sup>31</sup> CSPD, James I, 1623-1625, 132, 413.

<sup>32</sup> Cogswell, Home Divisions, 5.

<sup>33</sup> Stater, Noble Government, 26-27.



Butler wrote to Lord Burghley with the names of those in the county who were able to loan money to the Queen. The three deputy lieutenants suggested amounts that they believed the gentry could afford, and they included the names of those who they believed to be “very poor and utterly unable to send any money.”<sup>34</sup>

The Hertfordshire deputy lieutenants took great interest in their county’s military status. In September 1595, the three deputies wrote to their lord lieutenant that they had selected the brother of John Gill, “a gentleman born in the shire,” as fit for mustering and training soldiers. Two months later, Sir John Brockett wrote to Lord Burghley on the need for two new captains to replace John Cutts (now in Cambridgeshire) and Henry Coningsbye (recently deceased). Brockett reported that Benjamin Igrave had refused a captaincy and John Colt had not yet accepted; at the end of the letter, the deputy lieutenant could not resist recommending his own nephew, Mr. John Brockett.<sup>35</sup>

Hertfordshire’s deputy lieutenants were also concerned about the poor state of armor and equipment in the shire. In October 1595, Sir Henry Cocke, Sir John Brockett, and Sir Philip Butler wrote to the Privy Council, announcing the number of defaults they discovered in “armor and other warlike furniture” after the last musters.<sup>36</sup> The deputies complained that some manor owners had recently sold their lands to London merchants, who then rented to poor men who could not afford to contribute towards any charges for lances or armor. Since the merchants and the manor owners were now in London, they would not contribute to Hertfordshire’s charges for equipment; the deputies asked the

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<sup>34</sup> SPD, SP12/238, no. 17.

<sup>35</sup> CSPD, Elizabeth I, 1595-1597, 98, 127.

<sup>36</sup> SPD, SP12/254, no. 18.

Council for relief because such a “small county will hardly be able to bear this heavy burden.” The deputy lieutenants attached the names of those Hertfordshire gentry who were deceased, had left the county, or were otherwise unable to supply lances or light horses.<sup>37</sup>

In late-November 1595, Sir Henry Cocke wrote to Lord Burghley, proposing a new structure for Hertfordshire’s armory and military charges. Cocke wondered if those currently charged with finding bows and calivers should instead be charged with finding two corselettes or one corselette and one musket. He also suggested keeping all the arms and armor together in one place, instead of throughout the county. For those who worried about armed rebellion because of accessible weapons, Sir Henry answered that it was worse to have all the arms “scattered in the villages and townships, in the hands of simple constables and others.”<sup>38</sup> Sir Henry Cocke attached a chart showing how his new plan would bring 150 coresettes (105 with pikes and forty-five with bills) and 150 muskets, bows and calivers; the total of 300 would thus supply the entire trained band of Hertfordshire. Cocke added that an annual charge of eight pence per soldier would pay for the new armory and the additional weapons.<sup>39</sup>

The Hertfordshire deputy lieutenants, Brockett, Cocke, and Butler, retained their status through most of the 1590’s. But several years before Sir John Brockett’s death in 1598, the placement of names on written correspondence shifted; Brockett’s name appears second after Henry Cocke. Sir Henry Cocke was made Cofferer of the

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<sup>37</sup> Ibid., no. 20.

<sup>38</sup> SPD, SP12/254, no. 148.

<sup>39</sup> Ibid.

Household in the summer of 1597, and he continued to serve as both deputy lieutenant and a justice of the peace in Hertfordshire.<sup>40</sup> The positive change in Cocke's status was probably due to his tireless pursuit of his own, and his county's, interests; he led the deputy lieutenants in 1596 and 1597 in a number of reports to Lord Burghley or the Privy Council.<sup>41</sup> He had caught Burghley's attention and his reward was a position with the Court, as well as social prominence in Hertfordshire.

When Sir Henry Cocke was made Cofferer of the Household, William Cecil could have appointed a new deputy lieutenant, thus demonstrating his powerful patronage and preempting the development of a new faction at the county level. But Burghley was wise not to add indiscriminantly to Hertfordshire's deputy lieutenancy, despite any pressure from the county magistracy.<sup>42</sup> In one of England's smallest counties, three deputy lieutenants were sufficient *and* manageable; Burghley could keep three deputies and his county in relative harmony, could keep the most ambitious of the gentry in plain view, and could allow the most competent to perform and rise to the top.<sup>43</sup>

By 1609, the number of deputy lieutenants in Hertfordshire increased to four: Sir Henry Cocke, Sir Arthur Capell, Sir Ralph Coningsbye, and Sir Rowland Lytton.<sup>44</sup>

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<sup>40</sup> CSPD, Elizabeth I, 1595-1597, 438. Fletcher, Reform in the Provinces, 147. See Chapter Four.

<sup>41</sup> CSPD, Elizabeth I, 1595-1597, 107, 126, 163, 307.

<sup>42</sup> Stater, Noble Government, 21.

<sup>43</sup> MacCulloch, Suffolk and the Tudors, 113. Lord Hunsdon limited the number of Suffolk's deputy lieutenants in the 1580's and 1590's.

<sup>44</sup> SPD, SP14/43, no. 13. In 1597, the Privy Council had suggested that Arthur Capell, esquire, be added as a Hertfordshire deputy lieutenant, because "Sir Henry Cocke, in regard of his office and attendance in the Court, shall be absent for the most part out of

Henry Cocke was still the primary deputy; and as a county official and a Crown officer, Sir Henry expanded his sphere of influence within the patronage of his new lord lieutenant. In July 1607, Sir Henry asked Robert Cecil, Earl of Salisbury, for direction in preparing Hertfordshire's "ways and bridges" for the King's passage along the Lea River. Cocke wrote that the charges for repairs would be about 320 pounds sterling, but he had broken his arm and would have to be home that summer.<sup>45</sup> In August 1608, Sir Henry Cocke informed the lord lieutenant that the Hertfordshire musters had been deferred until Michaelmas. He also requested that the county of Essex might supply some of the eighty-dozen live pigeons ordered by purveyors for the King's Household; Cocke opined that the county had been "injured by the number of hawks kept", and that the owners should be taxed with keeping light horse and petronels.<sup>46</sup> In December 1609, Henry Cocke advised Robert Cecil about the loss of plate from James I's Court, and he suggested placing one of the King's goldsmiths on the Middlesex and City of London commissions of the peace. Cocke also suggested a new esquire for the Hertfordshire commission of the peace since he and William Purvey were often out of the county, leaving Hertford hundred without the aid and assistance of a justice of the peace.<sup>47</sup>

In the early-1620's, Hertfordshire still had four deputy lieutenants but by 1626, that number had jumped to six. This coincided with the years of crisis in which the

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the county." John Roche Dasent, ed., Acts of the Privy Council of England, New Series, APC, Vol. XXVII, A. D. 1597 (Neudeln/Liechtenstein: Kraus Reprint, 1974) (hereafter "APC"), 296.

<sup>45</sup> CMS, Part XIX, A. D. 1607, 183.

<sup>46</sup> CSPD, James I, 1603-1610, 452.

<sup>47</sup> SPD, SP14/50, no. 143.

Crown levied ship money, military subsidies, and a forced loan on all the counties of England. In 1624, William Lytton was apparently knighted “sore against his will”; one year later, William Lytton was one of four deputies who balked at additional monetary demands levied upon Hertfordshire. The four deputy lieutenants informed their lord lieutenant, William Cecil, second Earl of Salisbury, that they had assembled the county and that they had received an “absolute refusal” to contribute to the charge for the army at Harwich in Essex.<sup>48</sup>

Charles I’s forced loan caused the Hertfordshire deputy lieutenants to re-evaluate their position between the county and the Crown. In July 1626, six Hertfordshire deputies informed their lord lieutenant that their commissions as deputy lieutenants did *not* give them the power to levy the “warlike provision” made on their county. The same six deputy lieutenants wrote to the Privy Council, complaining that their county had not yet been excused from recent charges for powder, shot, matches, and knapsacks.<sup>49</sup> The Hertfordshire deputies were reluctant to press their neighbors too hard for yet another Crown loan or subsidy, and the lord lieutenant himself (the second Earl of Salisbury) did not strictly enforce collection. Though the lieutenancy was the link between the center and the provinces, neither lord nor deputy lieutenants wanted to lose the goodwill and cooperation of the shire’s gentry.<sup>50</sup>

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<sup>48</sup> SPD, SP16/7, nos. 13, 14. CSPD, James I, 1623-1625, 323. The four Hertfordshire deputy lieutenants were Thomas Pope Blount, Thomas Dacres, William Lytton, and John Butler.

<sup>49</sup> SPD, SP16/31, nos. 149, 150. CSPD, Charles I, 1625-1626, 378. The six Hertfordshire deputy lieutenants were John Butler, Richard Lucy, Thomas Pope Blount, Thomas Dacres, William Lytton, and John Garrard.

<sup>50</sup> Stater, Noble Government, 35-37.

The lieutenancy in Essex developed along a different trajectory from that of Hertfordshire. From 1588 to 1598, William Cecil, Lord Burghley, was lord lieutenant for both Hertfordshire and Essex. In January 1589, Burghley named Sir Henry Grey, Sir Thomas Mildmay, and Sir John Petre as deputy lieutenants for Essex and the “town of Colchester, and all other corporate and privileged places.”<sup>51</sup> The three deputies held the fourteenth, sixteenth, and nineteenth places on the 1590 Essex commission of the peace, and Sir John Petre was a known recusant.

The Essex deputy lieutenants were quite active in county military matters. One month after Burghley’s notice of deputation, the three proposed questions to their lord lieutenant regarding the raising of the loan and levies of soldiers. They also gave the names of “persons fittest to receive Sir John Petre’s charge.” In August 1589, the three deputy lieutenants wrote to Lord Burghley expressing their opinion that Mr. John Wentworth was not fit to be a captain of the lances. In May 1590, the deputies conveyed (to the under-sheriff of Essex) the names of certain persons who had failed to provide light horse for the last musters; these persons were to appear before the lord lieutenant to answer their for contempt. Two weeks later, the three deputies certified the number of able men, horse, armor, and weapons in Essex from the April and May musters.<sup>52</sup>

The Essex deputy lieutenants had to deal with some matters left over from the previous lord lieutenant. In March 1590, they sent to Lord Burghley the names and places of Essex recusants “restrained and disarmed” in February 1588, during the late lieutenancy of the Earl of Leicester. The next year, the Essex deputies were asked by the

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<sup>51</sup> SPD, SP12/222, no. 11.

<sup>52</sup> CSPD, Elizabeth I, 1581-1590, 612, 662, 665.

Privy Council to sort out the unpaid salary of a muster-master during Leicester's lieutenantancy, by charging "those hundreds that have not already been charged . . . to that purpose."<sup>53</sup> Leicester's military endeavors in the Low Countries had no doubt shifted his attention away from the shire.

In 1595, Essex's deputy lieutenants communicated with their lord lieutenant over the problems with the shire's trained bands. On October 9, Sir Thomas Mildmay and Sir John Petre gave their reasons for wanting to postpone military training until Lent: Sir Henry Grey had been out of the county and Sir John Petre was very ill. They recommended John Sammes as a captain in place of Gamaliel Capell, "who begs release on account of sickness." They also informed Burghley that captain Raynes wanted more than sixty pounds yearly to be muster-master for Essex. Four days later, their lord lieutenant answered that he would wait only until November 10 to hear about the state of the deputies' forces; if captain Raynes refused the sixty pounds, the deputy lieutenants should not offer more money.<sup>54</sup>

On October 18, the three Essex deputies told Lord Burghley that they had ordered mustering and training to begin the next Friday. They wrote that Mr. Browne was ready to receive Humphrey Mildmay's band and asked Burghley to "hasten Mildmay, so they can complete their certification." On November 9, one day before Burghley's deadline to the deputies, Sir Thomas Mildmay and Sir John Petre certified Essex's trained bands. They mentioned the bands of captains Arthur Harris and Jerome Weston "who stands in

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<sup>53</sup> Ibid., 656. APC, Vol. XXI, A. D. 1591, 374.

<sup>54</sup> CSPD, Elizabeth I, 1595-1597, 110-112.

the bill for sheriff”; Mildmay and Petre asked Burghley to spare Weston from being sheriff so he could serve as captain.<sup>55</sup>

Lord Burghley’s ability to compromise and work from “backstage” was sorely tested by Sir John Smith in 1596. Smith was an aging Essex JP with a military background and a reputation for intemperance. On the morning of June 12, 1596, Sir John Smith rode onto Bammel Field near Colchester where another Essex JP, Sir Thomas Lucas, was training his armed band. Interrupting the muster, Smith called to Lucas’s pikemen to join him so “they would not go out of the land” to serve in the Low Countries. Smith fumed that the Lord Treasurer (Burghley) had assigned nine thousand more men “to weaken the land and to bring in the King of France,” and he called Burghley a traitor.<sup>56</sup> Sir John Smith offered to free the common people from their bondage of the past thirty years but the Essex pikemen (wisely) did not follow him.

During the subsequent investigation of the affair, Sir Thomas Lucas took the depositions of many Essex inhabitants. Sir John Smith was admittedly full of “white wine and sack” on June 12 and he testified that he was “overcome with drink and passion against the Lord Treasurer.”<sup>57</sup> Smith was placed in the Tower and questions were to be put to him, drawn from Sir Thomas Lucas’s depositions; but Lord Treasurer Burghley specifically asked the examiners “not to charge him (Smith) with his slander of me.”<sup>58</sup> The Privy Council may have considered Sir John Smith a “harmless crank” but calling

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<sup>55</sup> Ibid., 115, 124.

<sup>56</sup> SPD, SP12/259, nos. 58-61.

<sup>57</sup> CSPD, Elizabeth I, 1595-1597, 240.

<sup>58</sup> Ibid., 242.



Lord Burghley a traitor could have easily earned Smith the ultimate penalty.<sup>59</sup> Instead, Smith was imprisoned in the Tower but was out by 1600; when he was released, Essex JPs including Humphrey Mildmay and Edward Sulyard kept tabs on him.<sup>60</sup> Lord Burghley's even-handed approach to civil disputes allowed Essex magistrates like Sir Thomas Lucas to handle the matter initially, and Humphrey Mildmay and Edward Sulyard to close it, thus maintaining continuity in the shire.

In the Elizabethan period, the control and distribution of patronage were crucial elements in England's political system. A government minister's political standing depended on the Queen's confidence in him, and the amount of patronage under a minister's control reflected his standing in the state.<sup>61</sup> Patronage was also a key factor in England's lieutenancy system and as lord lieutenant and Lord Treasurer, William Cecil controlled a number of local and national offices. But many of Burghley's clients worked through his secretary, Michael Hicke, who fielded much of the correspondence coming to the Lord Treasurer. This meant that Hicke had great influence because he could help clients obtain their desires or he could neglect to deliver their letters; his goodwill therefore had to be secured.<sup>62</sup>

Michael Hicke saw letters from the Essex gentry regarding both national and local matters. In 1593, Stephen Powle wrote to Hicke, requesting to be made Remembrancer to the Lord Treasurer; this post was not granted but in 1596, Powle was

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<sup>59</sup> Hunt, The Puritan Moment, 63.

<sup>60</sup> APC, Vol. XXX, A. D. 1599-1600, 248, 321.

<sup>61</sup> Alan G. R. Smith, Servant of the Cecils; The Life of Sir Michael Hicke, 1543-1612, (London: Jonathan cape, 1977), 51.

<sup>62</sup> *Ibid.*, 56.

made Deputy Clerk of the Crown.<sup>63</sup> It was Michael Hickes who initially received Sir John Smith's request to muster Essex's armed bands in October 1595 but in light of Smith's reputation, Hickes could not obtain a positive response to the request. The resulting disappointment may have had something to do with Sir John Smith's intervention at the Essex musters in June 1596.<sup>64</sup> In early-1597, Robert Wrothe expressed his desire to work with the young Robert Cecil on a new commission; the following year Wrothe was knighted and his place on the Essex bench continued to improve.<sup>65</sup>

After William Cecil died in 1598, Michael Hickes continued to work as Robert Cecil's secretary; he also served for three years as feodary in Essex and then receiver-general of the revenues of Crown lands in the shire.<sup>66</sup> Robert Cecil was not lord lieutenant of Essex, but his patronage was very important to the Essex gentry because there was no Essex lord lieutenant between 1598 and 1603. Sir Robert Wrothe continued to correspond with Michael Hickes and the two developed a close friendship until Hickes died in 1612. In September 1600, Robert Wrothe invited Hickes and his wife to lodge at his home in Loughton "one night at the least," and asked Hickes to bring his "bowles, so

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<sup>63</sup> BL, Lansdowne MSS 75, f. 61. Virginia F. Stern, Sir Stephen Powle of Court and Country; Memorabilia of a Government Agent for Queen Elizabeth I, Chancery Official, and English Country Gentleman, (London: Associated University Presses, 1992), 104.

<sup>64</sup> Smith, Servant of the Cecils, 62.

<sup>65</sup> BL, Lansdowne MSS 86, f. 35. See Appendix No. 2.

<sup>66</sup> Smith, Servant of the Cecils, 111-113.

in the afternoon they could play some bowles.”<sup>67</sup> A later invitation from Wrothe requested Hickes come to Loughton Hall “to be among friends and their wives, including Alderman Lee.”<sup>68</sup>

Michael Hickes formed a wide circle of friends among the Essex gentry through his service to William and Robert Cecil. In August 1605, Sir Henry Maynard, another former secretary to Lord Burghley, invited Hickes and his wife for two or three days; they would also have the company of Sir William Petre, Mr. John Petre, and Sir Edward Sulyard, and their wives.<sup>69</sup> Edward Sulyard also maintained correspondence and visits with Michael Hickes; Sulyard, Hickes, and Wrothe all shared a common Puritanism, in addition to being lifelong friends.<sup>70</sup> The association of Puritans like Edward Sulyard and Michael Hickes with Roman Catholics like William and John Petre suggests that social connections, local prominence, and service to the Crown could overcome religious contrasts.

Robert Radcliffe, fifth Earl of Sussex, was lord lieutenant for Essex from 1603 until his death in 1629. Radcliffe owned one manor in Essex but most of his land-holdings were outside the county, in Norfolk, Berkshire, and Surrey. Thus, the Earl of Sussex was often an “absentee administrator” in Essex who left much of the lieutenancy

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<sup>67</sup> BL, Lansdowne MSS 87, f. 83-84.

<sup>68</sup> BL, Lansdowne MSS 88, f. 37.

<sup>69</sup> BL, Lansdowne MSS 89, f. 67.

<sup>70</sup> Ibid., f. 20. CMS, Part XXI, 1609-1612, 137. Smith, Servant of the Cecils, 104-106.

in the hands of his deputies.<sup>71</sup> After Robert Devereaux's fall in 1601, Sussex had inquired about the Essex lord lieutenantancy but he did not receive the office until James I acceded to the throne. The Earl was commissioned in July 1603 and the Privy Council named his four deputy lieutenants: Sir Thomas Mildmay, Sir Henry Maynard, Sir Francis Barrington, and Sir Gamaliel Capell.<sup>72</sup>

During his tenure as Essex lord lieutenant, the Earl of Sussex was never authorized to select his own deputies; he was supposed to nominate the deputy lieutenants for approval by the Privy Council, before the commission of lieutenantancy passed the great seal.<sup>73</sup> In May 1609, Sussex requested that the Earl of Salisbury issue a new commission of lieutenantancy since the King had granted his request to appoint his cousin Thomas Mildmay one of the deputy lieutenants of Essex.<sup>74</sup> Unfortunately for the Earl of Sussex, this Thomas Mildmay did not have the same degree of political experience or county influence as his father, Sir Thomas Mildmay.<sup>75</sup> In 1611, Sussex considered making John Sammes one of his deputy lieutenants but Theophilus, Lord Howard had questioned Sammes' fitness for the position; John Sammes had to write to Michael Hicke to see if the Earl of Salisbury (Robert Cecil) would act on Sammes'

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<sup>71</sup> Quintrell, ed., The Maynard Lieutenantancy Book, lii-liii. Cogswell, Home Divisions, 5.

<sup>72</sup> APC, Vol. XXXII, A. D. 1601-1604, 500.

<sup>73</sup> Quintrell, ed., The The Maynard Lieutenantancy Book, lviii.

<sup>74</sup> CMS, Part XXI, 1609-1612, 56.

<sup>75</sup> Quintrell, ed., The The Maynard Lieutenantancy Book, lvii.

behalf. It was the Crown, and not the Earl of Sussex, that eventually appointed John Sammes a deputy lieutenant in Essex.<sup>76</sup>

This approval procedure was burdensome for the Crown and there is some indication of compromise between Sussex and the Council. When Sir Gamaliel Capell died in 1613, the Earl of Sussex informed the Privy Council that he had chosen Sir John Pointz to be deputy lieutenant. In March 1614, the Privy Council asked the Lord Chancellor to renew the commission of lieutenancy in Essex, and “for the better performing of his Majesty’s service to increase the number of deputy lieutenants . . . and for that purpose, we have considered of the fit choice to be made of Sir John Deane.”<sup>77</sup> Three weeks later, the Earl of Sussex proclaimed that the King had assigned him as lieutenant of Essex and the town of Colchester, and that he had “full power and authority” in the county. Sussex then announced his appointment of the Essex deputy lieutenants: Sir Francis Barrington, Sir William Maynard, Sir John Sammes, Sir John Deane, Sir Richard Weston, and Sir John Poyntz.<sup>78</sup> It appears that a compromise was struck between Radcliffe’s choice of John Pointz and the Council’s decision to increase the number of deputy lieutenants to six, with their addition of John Deane.

The Essex magistracy could also interfere with the Earl of Sussex’s deputy lieutenant nominations. In May 1625, Sussex claimed the power to name his own deputies and he appointed William, Lord Maynard, Sir Richard Weston, Chancellor of the Exchequer, Sir Francis Barrington, Sir Harbottle Grimston, Sir John Deane, Sir

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<sup>76</sup> BL, Lansdowne MSS 92, ff. 74-75. Quintrell, ed., The The Maynard Lieutenancy Book, lviii.

<sup>77</sup> APC, Vol. XXXIII, A. D. 1613-1614, 278, 404.

<sup>78</sup> ERO, D/DbA/O13B.

Thomas Fanshawe, and William Smith, esquire.<sup>79</sup> But in November 1625, the Earl of Warwick, Sussex's newly-commissioned joint lord lieutenant, absolutely refused Sussex's choice of Sir Thomas Fanshawe as a deputy lieutenant for Essex.<sup>80</sup> Ten months later, after Warwick had been dropped as a joint lord lieutenant, the Privy Council issued a new lieutenancy commission for Essex. Under the Earl of Sussex, the seven deputy lieutenants were William Lord Maynard, Sir Thomas Edmonds, Treasurer of the Household, Sir Henry Mildmay of Moulsham, Sir William Smith, Sir Gamaliel Capell, Sir Thomas Fanshawe, and William Smith, esquire.<sup>81</sup> Even with this coup over Warwick's recalcitrance, Sussex still did not get all of *his* choices for deputy lieutenants.

When in Essex, the Earl of Sussex conducted his lieutenancy from Newhall Manor (north of Chelmsford), but much of his correspondence came from London, Surrey, Berkshire, and Norfolk. Although he was frequently out of the county, he communicated regularly with his deputies on the state of the Essex militia. The March 1613 Essex musters were preceded by nearly a year of correspondence between Sussex and his deputies, regarding the state of the armory and the trained bands. In this case, Sussex delegated much of the work to just two of his five deputies, Sir Francis Barrington and Sir Gamaliel Capell, who then corresponded with Essex JPs and the captains of the bands. On March 26, 1613, nineteen captains mustered 3,805 men, 1532 pikes, 1289

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<sup>79</sup> Quintrell, ed., The The Maynard Lieutenancy Book, 80.

<sup>80</sup> CSPD, Charles I, 1625-1626, 150.

<sup>81</sup> Quintrell, ed., The The Maynard Lieutenancy Book, 141, 365.

muskets, 995 calivers, and twenty-five halberds; three of the captains were not Essex JPs at the time.<sup>82</sup>

The Earl of Sussex placed the 1615 musters in the hands of five to six of his deputies, and this group of Essex gentry proved themselves quite active in arranging both light horse and foot bands for the September musters. The muster certificate showed nineteen companies at or near two hundred men each, for a total of 3,681 foot soldiers.<sup>83</sup> But Sussex was not satisfied with the poor showing of the horse bands or the number of absentee landholders, and he returned the certificate to the deputy lieutenants for redress. In November, Sussex forwarded the deputies' muster books to the Lord Chief Justice; he complained about the backwardness of Essex's militia, an assessment with which the Privy Council agreed in an April 1616 reply to Sussex. Two months later, the Earl of Sussex sent a copy of the Privy Council letter to the Essex deputies and five deputy lieutenants responded that they were trying to locate the "defaulters" of arms and horse. By September 1617, a list of 103 defaulters was finally forwarded to the lord lieutenant.<sup>84</sup>

The Earl of Sussex's lieutenancy in Essex was hampered by his serious financial difficulties, and he was forced to stay close to Court in hopes of gaining gratuities or pensions from James I. He also had personal problems that cost him in money and status. He separated from his wife in 1600 and lived with two other women (Mrs. Sylvester

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<sup>82</sup> Ibid, 17-31, 352. Cogswell, Home Divisions, 5.

<sup>83</sup> Quintrell, ed., The The Maynard Lieutenancy Book, 32-38. Cogswell, Home Divisions, 62. Considering that the Earl of Sussex rarely attended the Essex musters, the deputy lieutenants appear diligent and regular in *their* attendance.

<sup>84</sup> Ibid., 38-41. SPD, SP14/83, no. 31. The five Essex deputy lieutenants were Sir Francis Barrington, Sir William Maynard, Sir John Sammes, Sir Richard Weston, and Sir John Pointz.

Morgan and then widow Frances Shute) outside of Essex. His countess pursued Sussex's public and scandalous behavior into the ecclesiastical courts and the Court of Star Chamber and by 1622, he was forced to sell Newhall Manor to ease his financial problems. The Duke of Buckingham bought the manor and agreed to intercede with the King to end the legal prosecution.<sup>85</sup> In September 1623, James I authorized one pardon for Frances Shute, widow, and another for Robert, Earl of Sussex, "for all offences and crimes committed by him . . . within the cognizance or jurisdiction of the Ecclesiastical Commissions or the Ecclesiastical Courts."<sup>86</sup>

With his financial and personal difficulties, the Earl of Sussex had a tangential interest in Essex local matters, and it raises the question why he held the lord lieutenancy for nearly three decades. One answer is that Sussex wanted the office; he had expressed his interest to Robert Cecil for several years before James I eventually granted his wish. Robert Radcliffe did have an estate in Essex and he was of England's older nobility, so he was more trusted by James I than some of the dominant Essex families like the Riches, the Barringtons, and the Mildmays. Another answer is that a loyal nobleman like Sussex provided the stability and continuity favored by the central government; he could present royal policy to the county and act as a conduit of instruction between the Court and the county.<sup>87</sup> For all his faults, the Earl of Sussex was the Crown's lord lieutenant in Essex and he did provide a certain amount of stability between the center and the province.

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<sup>85</sup> Quintrell, "The Government of the County of Essex, 1603-1642," 15. Quintrell, The Maynard Lieutenancy Book, lii-liii.

<sup>86</sup> SPD, SP14/152, no. 102.

<sup>87</sup> Stater, Noble Government, 29.



By the mid-1620's, the Earl of Sussex's absenteeism from Essex had weakened the leadership pyramid in the county. The Essex deputy lieutenants handled the bulk of the shire's military tasks, sometimes communicating directly with the Privy Council instead of going through their lord lieutenant. In June 1624, William Lord Maynard, Sir Francis Barrington, and Sir John Deane informed the Privy Council about the "far better plight" of the Essex foot companies from recent musters, and promised to bring the light horse defaulters to the county meeting in September.<sup>88</sup> On January 22, 1625, the same three deputy lieutenants reported to the Privy Council on the Essex levies of men for the war, "as Sussex has left it entirely to them." Three days later, William Lord Maynard and Sir Francis Barrington wrote to the Council of War, accounting for the money brought in from Essex subsidy collectors, because the Earl of Sussex "did wholly prefer the dispatch of the levies to them."<sup>89</sup>

The Earl of Sussex's inability to provide consistent leadership for the county left the door open for Essex's ambitious gentry families. Robert Rich, the second Earl of Warwick, was Essex's most prominent landholder and his family had been building its wealth and power since the mid-sixteenth century. The Riches were Puritans and at the end of Elizabeth I's reign, the third lord Rich financed private fleets to harass and plunder Spanish ships in the Caribbean. This did not help the Rich family later, when James I wished to preserve ecclesiastical conformity and construct an alliance with Spain. The

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<sup>88</sup> CSPD, James I, 1623-1625, 282. Quintrell, ed., The Maynard Lieutenancy Book, 67-68.

<sup>89</sup> CSPD, James I, 1623-1625, 456. Quintrell, ed., The Maynard Lieutenancy Book, 74-75. Fletcher, Reform in the Provinces, 306. Stater, Noble Government, 12.

Riches never did receive James I's trust; the Earl of Sussex was given Essex's lord lieutenancy and the Earl of Suffolk was made *custos rotulorum* for the county.<sup>90</sup>

The third Lord Rich became the first Earl of Warwick in 1618, but died one year later. His eldest son, Robert Rich, second Earl of Warwick, did not pursue a career at James I's Court and focused instead on profit-seeking ventures like the Virginia Company. Rich also extended his power and patronage in Essex; he supported Puritan clerics in the shire and he strongly influenced parliamentary elections in the county and in Essex's three corporate boroughs.<sup>91</sup> By the mid-1620's, the second Earl of Warwick held a solid base of power in Essex, centered around friends and kin like Sir Francis Barrington, Sir Nathaniel Rich, Sir William Masham, Sir Thomas Cheke, Sir Harbottle Grimston, and Sir Thomas Mildmay.

The crisis year of 1625 allowed a power struggle over Essex's leadership between the fifth Earl of Sussex and the second Earl of Warwick. There was much fear in England about popish plots; rumors about a Spanish invasion were particularly strong in Essex, with its long stretch of exposed coastline facing east and south. On August 25, the English ambassador to Brussels wrote to the Earl of Warwick suggesting that a fleet might be leaving from Dunkirk to land at Harwich in Essex, "as a place of best commodity for them and of greatest annoyance to our country."<sup>92</sup> Four days later, this

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<sup>90</sup> Hunt, The Puritan Moment, 160-163.

<sup>91</sup> Ibid., 164-165. Barbara Donagan, "The Clerical Patronage of Robert Rich, Second Earl of Warwick, 1619-1642", in Proceedings of the American Philosophical Society, Vol. 120, No. 5 (October 15, 1976), 393-394. See Chapter Seven.

<sup>92</sup> Quintrell, ed., The Maynard Lieutenancy Book, 82. Ibid., lxxv. None of Essex's three ammunition magazines were at Harwich, to avoid capture by an invading force; the magazines were placed at Chelmsford, Colchester, and Maldon.

warning made its way to William Lord Maynard who sent it on to Sir Harbottle Grimston, because of Grimston's proximity to Harwich. Grimston was surveying the port of Harwich when the Earl of Sussex sent down his warning from the Privy Council regarding England's coastal defenses.<sup>93</sup>

The Essex deputy lieutenants moved quickly on this potential crisis. William Maynard and Francis Barrington asked Harbottle Grimston to send two trained bands immediately to Harwich; Grimston then stayed in Harwich to maintain order until the foot soldiers arrived. After a meeting on September 1, William Lord Maynard, Sir Francis Barrington, Sir John Deane, and William Smith, esquire, notified the captains of sixteen trained bands to "bring their companies, well armed and as quickly as possible, to Harwich." The captains were to give each man six shillings eight pence per day for ten days, with a promise that the Crown would reimburse the county for this expense.<sup>94</sup> By September 6, 1625, the Essex deputy lieutenants could report that three-quarters of the trained bands were at Harwich and they warned the sheriff and the JPs to take extra care to maintain order in the town.

From his residence in Norfolk, the Earl of Sussex congratulated the Essex deputy lieutenants and asked them to secure a house for him near Harwich. Sussex wrote that he would command one regiment, he suggested that captain Robert Gosnold command a

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<sup>93</sup> Ibid., 84-85.

<sup>94</sup> Ibid., 86-87. The sixteen captains were William Lynne, John Littlebury, Thomas Wiseman, Richard Everard, Sir Henry Mildmay, William Mildmay, John Freshwater, Giles Brown, Edmund Humphrey, Richard Saltonstall, Robert Wiseman, Thomas Cooke, Henry Mordaunt, John Sparrow, Richard Bugge, and Francis Stoner. Sir Henry Mildmay of Graces and Sir John Mead were to bring lances and light horse. Of the total of eighteen, half had not been Essex justices of the peace at some point between 1590 and 1630. The total pay for ten days service (if actually paid) would have been three pounds, six shillings, six and two-thirds pence per soldier.

second regiment, and he left the command of the third regiment to the deputy lieutenants. By the time Sussex arrived in Harwich, the Earl of Warwick had already been to the town and had left for London; on September 7, he arrived back in Harwich with instructions from the King for the defense of Essex's coast. Charles I wrote that he had chosen the Earl of Warwick because of "your interest in those parts and the estimation had of you by the people there will the better move them to . . . contribute not only their willing defense in their persons but in this time of necessity to disburse their monies for such necessary works as you shall think meet."<sup>95</sup>

The instructions from the King and the arrivals of the Earls of Sussex and Warwick in Harwich presented a turning point for the Essex lord lieutenancy for on September 10, 1625, a new lieutenancy commission made the two Earls *joint* lords lieutenants of Essex. Three days later, the two lords lieutenants made new choices of deputy lieutenants and on September 14, the Earl of Sussex left both the town of Harwich and the Essex trained bands under Warwick's control.<sup>96</sup> Sussex immediately complained about his "junction" with the Earl of Warwick in the Essex lord lieutenancy, and Secretary Conway assured Sussex that "no dishonor was intended, but that all necessary

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<sup>95</sup> Ibid., 90-92. Manning, Religion and Society in Elizabethan Sussex, 9. If Manning is correct that the lords lieutenant had become the eyes of the Privy Council, then Warwick's centrality in Essex would have made him useful to the Crown during the time of crisis.

<sup>96</sup> Ibid., 93. Warwick's choices for deputy lieutenants were William Lord Maynard, Sir Thomas Cheke, and Sir John Deane. Sussex's choices for deputy lieutenants were Sir Francis Barrington, Sir Harbottle Grimston, and William Smith. Together, they agreed on Sir Richard Weston, Chancellor of the Exchequer.

assistance was needed in this dangerous time.” Conway was sure that once the crisis was over, the King would “turn all things again into their proper channel.”<sup>97</sup>

The Earl of Warwick and the Essex deputy lieutenants certainly had their hands full trying to fortify Harwich against an invasion. By September 18, there were 3,000 soldiers at the port town but the money to maintain them was running out and the recent grain harvest had been poor. The deputy lieutenants wrote to the Privy Council, suggesting that other counties should contribute to the Essex troops; they pointed to their northern neighbor since “a landing of the enemy in Essex would also affect Suffolk.” The Earl of Warwick also protested the high cost of maintaining the troops at Harwich; Warwick cited the years 1588 and 1599 as precedent and suggested that both Suffolk and Hertfordshire should contribute.<sup>98</sup>

In late-September, the Earl of Warwick wrote several letters to George Villiers, Duke of Buckingham, requesting that Rich be made sole lord lieutenant of Essex. Warwick said that the Earl of Sussex had expressed a desire to resign his interest in Essex and was willing to retire to another county. Because the Earl of Sussex might change his mind, Warwick asked Buckingham to “procure a speedy dispatch of the commission.” He argued that the many inconveniences of a joint command kept him from proceeding freely in the county and that a joint lieutenancy could lessen the King’s opinion of Warwick in Essex and “make me less able to do him service.”<sup>99</sup>

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<sup>97</sup> CSPD, Charles I, 1625-1626, 103, 104.

<sup>98</sup> SPD, SP16/6, nos. 145, 147. Fletcher, Reform in the Provinces, 307.

<sup>99</sup> Quintrell, ed., The Maynard Lieutenancy Book, 106-107.

In late-1625 and early-1626, the Duke of Buckingham was too busy with national and international matters to consider Warwick's request objectively. After the failed Cadiz expedition, the House of Commons attacked Buckingham and passed articles of impeachment against the duke in May 1626. One month earlier, the Commons had passed a resolution condemning the Arminian bishop Richard Montague; it was Warwick's cousin, Nathaniel Rich, who proposed that the resolution be carried up to the House of Lords. Charles I dissolved the 1626 parliament in June and saved Buckingham, but the King had to do without the subsidies that he had hoped for.<sup>100</sup>

Charles I still needed revenue to aid the Protestant forces on the Continent, and writs were issued for the collection of a forced loan. On August 30, 1626, thirteen Essex justices of the peace protested that the loan was not being "done in a parliamentary way" and predicted that their county would be able to contribute only a small amount of the nearly 10,000 pounds assessed.<sup>101</sup> It was in the middle of this contentious debate that the Crown issued a new commission of lieutenancy for Essex; on September 11, 1626, the Earl of Sussex was again the sole lord lieutenant of the county. Sussex chose as his deputy lieutenants William Lord Maynard, Sir Thomas Edmonds, Treasurer of the Household, Sir Henry Mildmay of Moulsham, Sir William Smith, Sir Gamaliel Capell, Sir Thomas Fanshawe, and William Smith, esquire.<sup>102</sup> The choice of different deputies

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<sup>100</sup> Cobbett's Parliamentary History of England from the Norman Conquest in 1066 to the Year 1803, Vol. II, March 1625-October 1642, (London: R. Bagshaw, 1807), 104. Hunt, The Puritan Moment, 193-195. Quintrell, ed., The Maynard Lieutenancy Book, 139.

<sup>101</sup> CSPD, Charles I, 1625-1626, 413. Hunt, The Puritan Moment, 195. Quintrell, ed., The Maynard Lieutenancy Book, 140.

<sup>102</sup> Quintrell, ed., The Maynard Lieutenancy Book, 141.

no doubt reflected the Crown's determination to bring Essex local government into line with Charles I's policies.

Robert Rich, the second Earl of Warwick, lost the Essex lord lieutenancy partly because his strong network of patronage in the county was a threat to Charles I and the Duke of Buckingham. Rich's friends and kinsmen had dominated the Essex county and borough seats in the 1626 parliament, and his cousin Nathaniel Rich had worked in the Commons against Buckingham and Bishop Montague.<sup>103</sup> Robert Rich was a puritan who owned numerous Essex estates, supported Puritan clerics in the county, and greatly influenced shire and borough elections.<sup>104</sup> It was very unlikely that Charles I or the Duke of Buckingham would willingly give the Earl of Warwick complete supervision of the large and contentious county of Essex.

Eight days after the Earl of Sussex was restored as Essex's sole lord lieutenant, the Earl of Warwick petitioned the Privy Council for a survey of his work on the fortifications at Harwich, "to avoid future blame". The Privy Council granted the request and ordered Thomas D'Arcy, Viscount Colchester, William Lord Maynard, and Sir Henry Carew to survey the defenses and armaments, as well as Rich's various disbursements for the work.<sup>105</sup> On October 11, 1626, D'Arcy, Maynard, and Carew proclaimed that great care and judgment had been used in the husbanding and expending of the King's money and the Harwich fortifications showed "substantial and exquisite

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<sup>103</sup> Hunt, The Puritan Moment, 194. Quintrell, ed., The Maynard Lieutenancy Book, lix.

<sup>104</sup> Donagan, "The Clerical Patronage of Robert Rich," 394.

<sup>105</sup> CSPD, Charles I, 1625-1626, 138, 433. Quintrell, ed., The Maynard Lieutenancy Book, 142.

workmanship.”<sup>106</sup> What Robert Rich lost in the 1626 lieutenancy commission, he maintained in local esteem and influence.

Warwick’s refusal to pay Charles I’s forced loan resulted in his removal from the Essex commission of the peace in 1627 and 1628. His supporters were less fortunate; in November 1626 Sir Francis Barrington, Sir William Masham, and Sir Harbottle Grimston were imprisoned.<sup>107</sup> Barrington’s imprisonment was a sad end to his thirty-eight years of service to county and Crown, and he died in July 1628. The “Warwick faction” in Essex had risen in the 1620’s only to be weakened after 1626. William Lord Maynard learned the most from this lesson, avoiding identification with any one political faction in the 1630’s and later being named as lord lieutenant for the county.<sup>108</sup>

Reporting again to the Earl of Sussex, the Essex deputy lieutenants continued to minister to their shire. Conditions had worsened at Harwich for the soldiers who had been pressed and were now waiting to be shipped out. In April 1627, there were several mutinies and deputies William Maynard, Henry Mildmay, and William Smith went quickly to the town to negotiate with the soldiers. The Privy Council commended these three for their diligence at Harwich and sent a commission for martial law to Sussex and the deputy lieutenants.<sup>109</sup> The next month, William Smith wrote to the bailiffs of Maldon, asking them to account for the (low) charge for their portion of Essex’s powder

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<sup>106</sup> SPD, SP16/37, no. 94.

<sup>107</sup> SPD, SP16/39, no. 51. Stater, Noble Government, 16-17.

<sup>108</sup> Hunt, The Puritan Moment, 215. Quintrell, ed., The Maynard Lieutenancy Book, lx.

<sup>109</sup> SPD, SP16/61, no. 86. CSPD, Charles I, 1627-1628, 132. Quintrell, ed., The Maynard Lieutenancy Book, 178-183.



and instructing them to meet with the deputy lieutenants at Chelmsford on the first day of the next quarter sessions.<sup>110</sup>

The threat of harsh treatment under martial law was effective in Harwich and in January 1628, the Essex deputy lieutenants asked the Privy Council for additional commissions of martial law and *oyer and terminer* for the entire county. The deputies also sent their own proposals to the Council, specifying greater powers for themselves and the justices of the peace in dealing with the many soldiers billeted in Essex. The Privy Council issued the commission to the Earl of Sussex, Sir Thomas Edmonds, Treasurer of the Household, Sir Richard Weston, Chancellor of the Exchequer, five Essex deputy lieutenants, and three military commanders; four deputies and two commanders later endorsed the commission in the shire.<sup>111</sup>

The Earl of Sussex, was losing his hold on Essex by the middle of 1628. Henry Rich, Earl of Holland and younger brother of Robert Rich, second Earl of Warwick, was granted the office of captain and governor of Harwich in March; in August, Robert Rich received authority from the Crown to shut down the ports in Essex. Sussex complained that the Earl of Holland was keeping Harwich and the Essex lieutenancy from him and in November, he told Secretary Conway that Robert Rich had offered him money for the forts at Harwich *and* the Essex lieutenancy. By the end of the year, the Earl of Sussex

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<sup>110</sup> ERO, D/B 3/3/422/17.

<sup>111</sup> CSPD, Charles I, 1627-1628, 522. Quintrell, ed., The Maynard Lieutenancy Book, 226-228. Those endorsing the martial law commission were William Lord Maynard, Sir Henry Mildmay of Moulsham, Sir Gamaliel Capell, William Smith, esquire, Colonel Piers Crosby, and Captain Thomas Esmond. Sir Thomas Fanshawe and Captain John Butler were absent and did not sign the orders.

proposed that the King take up the Essex forts and the Essex lieutenancy in exchange for some recompense.<sup>112</sup>

Robert Radcliffe, fifth Earl of Sussex, died in September 1629 but the Essex lord lieutenancy did not go to the Earl of Warwick; in 1630, Attorney General Robert Heath issued a commission to make the Earl of Warwick and Lord Treasurer Richard Weston joint lord lieutenants of Essex.<sup>113</sup> From Ratcliffe's death until the beginning of the English Civil War, the Essex lieutenancy would almost always be a joint one. Charles I's government did not trust the Earl of Warwick on his own; he had opposed the Forced Loan of 1626 and his profile was too high among the Essex Puritan gentry.<sup>114</sup> But Robert Rich continued to serve Crown and county during Charles's personal rule, and it has been argued that the "Warwick faction" vigorously enforced the 1631 Book of Orders in Essex.<sup>115</sup> The Crown apparently recognized Warwick's abilities and preeminence in the shire because after his public refusal of the forced loan, he was dropped out of the Essex commission of the peace for only two years.

### **Conclusion**

The lieutenancy in Hertfordshire and Essex offers insight into local government and politics in early-modern England. In Hertfordshire, the Cecil family dominated the lieutenancy; these were powerful Crown officers with large landholdings in the county. Hertfordshire's proximity to London made it difficult for the county justices of the peace

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<sup>112</sup> CSPD, Charles I, 1628-1629, 8, 267, 373, 415.

<sup>113</sup> CSPD, Charles I, 1629-1631, 451.

<sup>114</sup> Quintrell, "The Government of the County of Essex, 1603-1642", 118.

<sup>115</sup> Hunt, The Puritan Moment, 249-250.

and deputy lieutenants to escape the oversight of Lord Burghley and his progeny. The lords lieutenant of Hertfordshire limited the number of deputy lieutenants and restricted this office to the shire's upper gentry. The Cecils did not allow factional divisions between their deputies to rend the county politically; compromise was the preferred method of governance. There was a shift from Lord Burghley's Court-focused method of administration to his grandson's county-focused style. This was a reflection of the second Earl of Salisbury's low profile at Westminster and his need to supplement his power through local influence.

Three individuals served as Hertfordshire deputy lieutenants from 1589 until 1609, and all three of these were active as JPs and deputies. When new deputy lieutenants were added in Hertfordshire, they were vetted from among long-serving justices of the peace and older gentry names: Capell, Coningsbye, and Lytton. It was only in the 1620's that the deputy lieutenancy increased to six but some of those deputies were knights/baronets. The county's well-established and attentive gentry meant that there was never an "esquire" included in the Hertfordshire deputy lieutenancy between 1590 and 1630.

The Essex deputy lieutenancy also started with three highly placed individuals but grew to four after James I took the throne. The number of Essex deputy lieutenants increased at a faster rate than in Hertfordshire, possibly due to the size of the county and the added competition for office. Until the 1620's, the Privy Council appointed or approved the lord lieutenant's deputies in Essex, indicating that local competition for office was matched by the Crown's perception of a need for extra hands in the county. The Essex deputy lieutenancy did include one "esquire"; William Smith of Cressing

Temple was an aging JP who acted as the lieutenancy's treasurer.<sup>116</sup> Even when Essex's joint lords lieutenant were at odds in 1625, their individual choices for deputies did not vary radically from the deputies named previously. The deputy lieutenants selected were those who were favored by the lord lieutenant *and* who could handle the county's military business.

With a wide expanse of vulnerable coastline, several contentious boroughs, and a vocal Puritan minority, Essex demanded the Crown's attention. The conservative Earl of Sussex was the politic choice for lord lieutenant of Essex, and Robert Radcliffe did his best amidst his own sea of personal and financial troubles. As Sussex became more remote from the minutiae of county affairs, Essex's preeminent landholder moved to consolidate his own power; the Earl of Warwick did have local standing and he had an interest in protecting his shire and his power. Though he was too radical for the early-Stuart monarchs, Robert Rich knew the people and places of Essex and he could get things done. With Sussex's Crown connections and Warwick's local savvy, the joint lord lieutenancy in Essex could have worked well for the county.

The active supervision of Hertfordshire's lords lieutenant imposed order and stability in that shire, while the remote supervision of Essex's lord lieutenant allowed more movement among the county's upper gentry. But apparently there was not a scramble for lesser gentry advancement in Essex, as in Norfolk after the execution of Thomas Howard.<sup>117</sup> The struggle in Essex was not necessarily over politics, religion, or ability, but was over who controlled the most power and patronage in the shire. The only

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<sup>116</sup> Quintrell, The The Maynard Lieutenancy Book, 365.

<sup>117</sup> Hassell-Smith, County and Court, 47.

Essex landholders who might compete with the Earl of Warwick were the same persons firmly within his network of patronage.

## Chapter 7

### **The Justices of the Peace in Hertfordshire and Essex and Selection to the House of Commons**

The justices of the peace in early-modern England levied local taxes, heard and decided civil and criminal cases, and maintained order in the shire. Besides furthering county interests and responding to Crown demands for money, purveyance, and soldiers, the JPs also interacted with the central government through their service as members in the House of Commons.

By the late-sixteenth century, the English gentry had grown in both numbers and power, and service in the form of local and national office holding had become a principal arena for social differentiation among the ruling elite. Political choice in early-modern England was subsumed within a wide system of social relations, and the selection of members of parliament was just one more part of a continuing process of social distinction.<sup>1</sup> When a parliament was summoned to meet at Westminster, each county could elect two “knights of the shire” to send to the Commons; certain parliamentary boroughs could also elect two MPs. As the natural rulers of the provinces, the justices of the peace were often among those elected to the House of Commons.

The English gentry’s ambition for a place in parliament was not met by a corresponding increase in the number of available seats. Competition among the gentry increased for these seats but neither the counties nor the boroughs wanted the

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<sup>1</sup> Mark Kishlansky, Parliamentary Selection; Social and Political Choice in Early Modern England (Cambridge: Cambridge University Press, 1986), 12.

divisiveness brought about by contested elections.<sup>2</sup> The localities developed a process of “parliamentary selection” in which patrons and peers, civic dignitaries and officeholders, community leaders and community neighbors were designated members of parliament without opponents, competition, or votes. Complex notions of honor, standing, and deference helped to regulate and absorb conflict between and within loosely defined status groups.<sup>3</sup>

The process of parliamentary selection conformed to patterns determined by local circumstance. County selections depended on honor and deference; men were chosen MPs or given the right to nominate members on the basis of social status. Thus, counties whose internal social elites were dominated by one or two families honored these men and their heirs regularly, while counties that had more variegated elites developed patterns of rotation.<sup>4</sup> In some counties, the leading magistrates met together in anticipation of the day of election and nominated the two candidates. In other counties, candidates emerged in a less tidy manner, writing to each other and their friends, assessing the likeliest intentions of their equals and superiors, and ultimately adhering to a code of conduct that served to narrow the field to two candidates.<sup>5</sup>

In the boroughs, powerful courtiers acting as town patrons could dominate the selection process, and town leaders often organized their selections to accommodate these

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<sup>2</sup> John K. Gruenfelder, Influence in Early Stuart Elections, 1604-1640 (Columbus: Ohio State University Press, 1981), 3.

<sup>3</sup> Kishlansky, Parliamentary Selection, 12.

<sup>4</sup> *Ibid.*, 14.

<sup>5</sup> *Ibid.*

patrons as well as local interests.<sup>6</sup> Regardless of their power, borough patrons had to promise benefits to a town in return for a parliamentary seat, and few courtiers or magnates believed that they could impose their will on a town without some return on their part.<sup>7</sup> Thus, parliamentary selections in England's corporate boroughs might depend on a range of factors that ultimately balanced the interests of the town, the local gentry, and a noble patron.

The choice of MPs in Hertfordshire and Essex followed the patterns of "parliamentary selection" and patronage outlined above. In some cases, the resident gentry worked to narrow the field to two candidates without injecting dishonor or disorder into the shire. In other elections, powerful courtiers or nearby magnates used their influence to smooth the path for certain nominees. The result was an equilibrium forged out of the ruling elite's constant desire for order and stability in their locality.

There were ten parliaments summoned to meet at Westminster between 1590 and 1630; two MPs were returned from Hertfordshire and Essex for each parliament. Additionally, the incorporated boroughs of each county returned two members to parliament. Hertfordshire had two such parliamentary boroughs: St. Albans and Hertford. Essex held three of these boroughs: Colchester, Harwich, and Maldon. This chapter will analyze parliamentary elections in the counties and boroughs with an eye toward the workings of local government and politics. Broad patterns will be noted for each county and town and specific elections will illustrate the complex nature of the relationship between local and central government.

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<sup>6</sup> Ibid., 15.

<sup>7</sup> Patterson, Urban Patronage in Early Modern England, 76.



It was not uncommon for English justices of the peace to experience service in parliament at least once in their career on the bench. Other county studies have noted the correlation between election to the House of Commons and the ruling elite of a particular shire.<sup>8</sup> All of the individuals returned for Hertfordshire between 1590 and 1630 were JPs in the county *before* their selection to parliament; only one Essex MP had not already been a justice of the peace by the time of election.

Table No. 16. Returns to the House of Commons for the County of Hertfordshire, 1590-1630.

Parliament	Individual Returned	Parliament	Individual Returned
1592	Sir Robert Cecil Sir Henry Cocke	1621	Sir Henry Carey Sir Charles Morrison
1597	Sir Robert Cecil Rowland Lytton, esq.	1624	Sir Charles Morrison William Lytton, esq.
1601	Sir Robert Cecil Sir Henry Carey	1625	Sir John Butler John Butler, esq.
1604	Sir Henry Carey Sir Rowland Lytton	1626	Sir John Butler Sir Thomas Dacres
1614	Sir Henry Carey Sir Ralph Coningsbye	1628	Sir William Lytton Sir Thomas Dacres

Sources: Members of Parliament; Part I, Parliaments of England, 1213-1702 (Printed by Order of the House of Commons, 1878).

Ten individuals account for the twenty Hertfordshire seats in the ten parliaments summoned between 1590 and 1630. Of those ten individuals, seven were returned more than once: Sir Henry Carey (four times), Sir Robert Cecil (three times), Sir John Butler (two times), Sir Thomas Dacres (two times), Rowland Lytton (two times), William Lytton (two times), and Sir Charles Morrison (two times). Sir Henry Cocke, Sir Ralph

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<sup>8</sup> Gleason, The Justices of the Peace in England, 26. Hassell-Smith, County and Court, 85. Everitt, The Community of Kent, 85. Barnes, Somerset 1625-1640, 103.

Coningsbye, and John Butler, esquire, were each returned once to the House of Commons for the county of Hertfordshire. (See Table No. 16).

It is apparent from Table No. 16 that Sir Robert Cecil was very influential in the county of Hertfordshire. The son of William Cecil, Lord Burghley, Sir Robert held prominent national offices toward the end of Elizabeth I's reign. He also maintained and expanded his father's landholdings in Hertfordshire. Robert Cecil, Earl of Salisbury, was not only the most important figure in the county, he also acted as borough high steward for the shire town of Hertford.<sup>9</sup> Sir Henry Carey was a kinsman of Lord Hunsdon (cousin to Elizabeth I), had several residences in Hertfordshire, and was on good terms with Salisbury; this and his positions as Master of the Jewels and Comptroller of the Royal Household aided his four returns to parliament for the county.<sup>10</sup>

After the Earl of Salisbury's death, William Cecil, the second Earl of Salisbury, had almost complete control over Hertfordshire county elections; Cecil's influence was instrumental in the nominations and elections of Sir Henry Carey, Sir Charles Morrison, Sir John Butler, Sir Thomas Dacres, and Mr. John Butler.<sup>11</sup> In 1624, the second Earl of Salisbury instructed the bailiffs of his estates to tell all the freeholders in Braughing and Hertford Hundreds to "give their voices first for Sir Charles Morrison and next for Mr. William Lytton."<sup>12</sup> The next year, the freeholders of Clothall and Quixwood were

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<sup>9</sup> Patterson, Urban Patronage in Early Modern England, 248.

<sup>10</sup> P. W. Hasler, The History of Parliament, The House of Commons, 1558-1603, Vol. I, (London: HMSO, 1981), 549.

<sup>11</sup> Gruenfelder, Influence in Early Stuart Elections, 160-161.

<sup>12</sup> Lawrence Stone, "The Electoral Influence of the Second Earl of Salisbury, 1614-68," in The English Historical Review, vol. 71, no. 280 (July 1956), 386.

instructed to give their voices for Sir John Butler, knight and baronet, and Mr. John Butler, to be knights of the shire for Hertfordshire. One year later, Cecil instructed the electoral host at Hertford to choose Sir John Butler and Sir Thomas Dacres, and told his bailiffs to “go down with them and take note of every man’s name that goes, and send it to me.”<sup>13</sup>

There were also MPs selected for the corporate boroughs in Hertfordshire. Out of the sixteen Hertfordshire men who were returned to parliament for the town of St. Alban’s, only four were returned more than once. This means that seventy-five percent of the MPs returned for the borough of St. Alban’s saw return only once, in contrast with thirty percent of the Hertfordshire MPs who were returned one time. In contrast with the county of Hertfordshire, only a minority of the individuals returned to parliament from St. Alban’s had been county justices of the peace before they were returned for the borough. Eleven of the sixteen St. Alban’s MPs never held the office of JP in Hertfordshire between 1590 and 1630; two (Henry Maynard and Henry Frowick) were named to the Hertfordshire commission of the peace soon after they had been returned to parliament for St. Alban’s. Thirteen of the twenty seats returned for St. Alban’s were filled by “esquires,” and only seven by “knights.”

In the 1590’s, St. Alban’s parliamentary seats were filled by Henry Maynard and Humphrey Coningsbye. Henry Maynard was one of Lord Burghley’s two secretaries, confirming William Cecil’s influence in Hertfordshire. Humphrey Coningsbye was St. Alban’s borough steward and a resident of the town. In 1588, Coningsbye resigned his

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<sup>13</sup> Ibid. Butler’s selection was no doubt aided by his daughter’s marriage to Sir Edward Howard in late-1623; the Duke of Buckingham promised “to be a father to them.” CSPD, James I, 1623-1625, 132.

stewardship of St. Alban's and was active in county affairs as both a muster-master and provost marshal.<sup>14</sup>

Table No. 17. Returns to the House of Commons for the Borough of St. Alban's, 1590-1630.

Parliament	Individual Returned	Parliament	Individual Returned
1592	Henry Maynard, esq. Humphrey Coningsbye	1621	Thomas Richardson Henry Meautys, esq.
1597	Henry Maynard, esq. Humphrey Coningsbye	1624	Sir Arthur Capell Sir John Luke
1601	Henry Frowick, esq. Rudolph Carey, esq.	1625	Sir Charles Morrison Sir John Luke
1604	Tobias Mathew, esq. Adolphus Carey, esq.	1626	Sir Charles Morrison Sir Edward Goring
1614	Thomas Perient Henry Finch, esq.	1628	Robert Kirkham, esq. Sir John Jennings

Sources: Members of Parliament; Part I, Parliaments of England, 1213-1702 (Printed by Order of the House of Commons, 1878).

It has been asserted that St. Albans was subject to outside pressure on its choice of MPs. Thomas Egerton, Lord Ellesmere, was St. Albans' high steward at the beginning of the seventeenth century but as Lord Chancellor, Lord Ellesmere held multiple borough stewardships and does not seem to have taken a particular interest in St. Albans. In 1616, Lord Ellesmere resigned as high steward of the town, and Sir Francis Bacon, Viscount St. Albans, replaced him.<sup>15</sup> Bacon was active in the towns and county of Hertfordshire, at one point encouraging the shire magistracy to buy James I's recent book, "The Peacemaker."<sup>16</sup> But Bacon's influence on St. Albans' elections was also indirect. In

<sup>14</sup> Hasler, The House of Commons 1558-1603, Vol. I, 637.

<sup>15</sup> HALS, St. Albans' Borough Records, Off. Acc. 1162, Box 195, f. 1186.

<sup>16</sup> HALS, Hertford County Records, Notes and Extracts from the Sessions Rolls, 1581-1698, Vol. 1, 53.

1601 and 1604, Francis Bacon was returned in the first place for St. Albans, but he chose to serve for Ipswich; his place was then filled by Henry Frowick in 1601 and Tobias Mathew in 1604.<sup>17</sup> In 1614, Bacon was again returned for St. Albans, but elected to serve for Cambridge University; Thomas Perient, of Grays Inn, took Bacon's place.<sup>18</sup>

Prince Charles' Council was also active in St. Albans, and the Council had to deal with William Cecil, second Earl of Salisbury. In 1624, the Prince's Council urged both Bacon and Cecil to support Sir Thomas Edmonds for the first seat from St. Albans; Edmonds had supported the previous St. Alban's MP and serjeant-at-law Thomas Richardson, recommending Richardson as Speaker for the House of Commons.<sup>19</sup> William Cecil chose to nominate Sir John Luke and Thomas Edmonds lost the election to Luke; Sir Arthur Capell, a Hertfordshire resident and influential JP, then took the second seat for St. Albans. Cecil did not endear himself to Prince (soon to be king) Charles by his refusal to abandon Sir John Luke.<sup>20</sup>

The second Earl of Salisbury might outflank Prince Charles' Council, but he did not have complete control over St. Albans' parliamentary elections. In 1625, Salisbury asked to nominate candidates for both of the town's seats but he was convinced to take only one, for Sir John Luke. This was repeated in 1626, when Cecil and the corporation each nominated one member: Sir Edward Goring and Sir Charles Morrison. But the choice of Sir Edward Goring, a courtier without local contacts, had repercussions for the

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<sup>17</sup> Members of Parliament, Part I, Parliaments of England, 1213-1702, (Printed by Order of the House of Commons, 1878), 442.

<sup>18</sup> *Ibid.*, Index, 38.

<sup>19</sup> CSPD, James I, 1619-1623, 217.

<sup>20</sup> Gruenfelder, Influence in Early Stuart Elections, 95.

second Earl of Salisbury; after 1626, the mayor and burgesses began to impose conditions on Cecil's nominees. The Earl was asked to nominate only those who were "completely qualified for such employment, and acquainted with our Town and sensible of our occasions, to whom we may have easy access."<sup>21</sup> In the 1628 election, the second Earl of Salisbury chose Robert Kirkham, Clerk of the Signet; the town leaders chose Sir John Jennings, an active opponent of the government, who owned an estate two miles from St. Albans.

The corporation of Hertford was restored as a parliamentary borough in 1624, and was involved in four elections between 1624 and 1628. The eight available seats were filled by five Hertfordshire men, three of whom saw election only one time. (See Table No. 18). Of the five selected for the borough of Hertford, only two had been JPs for the county at some point in their careers (Thomas Fanshawe and Charles Morrison). Both St. Alban's and Hertford returned more "esquires" to parliament than did the county-at-large, but the number of "knights" returned to the Commons from the boroughs increased after the mid-1620's. This trend probably reflects James I's creation of additional knighthoods after 1604.

Courtiers and the central government controlled the borough of Hertford in much the same way they did St. Albans. Prince Charles worked to restore Hertford as a parliamentary borough in 1624, having leased Hertford Castle and Hertford Manor since 1609. The Prince's Council wrote to the mayor and burgesses of Hertford, recognizing the town as an ancient borough that had previously sent burgesses to the Parliament. The Council reminded the town leaders that Hertford belonged to Prince Charles, and that the

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<sup>21</sup> Stone, "Electoral Influence of the Second Earl of Salisbury," 389.

Prince had “asked the town to take special care in the choice of sufficient and honest men for the supply of such places in Parliament.”<sup>22</sup> If the mayor and burgesses of Hertford would prepare a petition “for the reviving of the ancient privilege of sending Burgesses to Parliament”, the Prince’s Council would “prefer and effort [sic] the same without any charge to the town.”<sup>23</sup>

Table No. 18. Returns to the House of Commons for the Borough of Hertford, 1624-1630.

Parliament	Individual Returned	Parliament	Individual Returned
1624	William Ashton, esq. Thomas Fanshawe, esq.	1626	Sir Willim Harrington Sir Capell Bedell
1625	William Ashton, esq. Thomas Fanshawe, esq.	1628	Sir Charles Morrison Sir Thomas Fanshawe

Sources: Members of Parliament; Part I, Parliaments of England, 1213-1702 (Printed by Order of the House of Commons, 1878).

The price for the Council’s support was central government intervention in the selection of MPs from Hertford, and it has been argued that William Cecil, second Earl of Salisbury, was a leading promoter of the Prince’s “revival measure”.<sup>24</sup> The first Hertford election was in 1624 and in April, the Prince’s Council wrote to Hertford’s burgesses, notifying the town that the Council had recommended Sir John Hobart and Mr. Christopher Vernon as the two choices for Parliament. But the Council stated that Hobart had since been chosen in another borough and Mr. Vernon was currently employed in the

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<sup>22</sup> HALS, Hertford Borough Records, vol. 23, f. 10.

<sup>23</sup> Ibid.

<sup>24</sup> Stone, “Electoral Influence of the Second Earl of Salisbury,” 388, 391. Cecil’s motivation in restoring Hertford’s parliamentary status was immediate control of at least one of the two seats.

Prince's house; the Council now recommended Sir William Harrington, the Prince's Steward and "a neighbor unto you."<sup>25</sup>

Even with backing from the Prince's Council, Sir William Harrington faced competition in Hertford borough. John Williams, the Lord Keeper and Bishop of Lincoln, recommended one of his servants, William Wynn. William Cecil refused to back Wynn and threw his support behind William Ashton, "an old servant and annuitant of his father."<sup>26</sup> A number of Hertford's citizens also pressured Cecil, asking him to back Thomas Fanshawe of Ware Park, Hertfordshire. Cecil continued to support Ashton, and refused to back anyone who might contend with Fanshawe for a place.

At the election, William Harrington received the least support; Ashton won the first place, and Fanshawe took the second place.<sup>27</sup> As a prominent landowner in the county, and as high steward of Hertford borough, William Cecil, the second Earl of Salisbury, manipulated local interests to overcome the influence of the Prince's Council. But Salisbury's power could only reach so far. With Charles on the throne and the Duke of Buckingham on the ascendant, Harrington was made lieutenant of the ordnance in late-1625 and in 1626, he *was* returned to the Commons. The borough's second place was filled by Thomas Fanshawe's brother-in-law, Sir Capell Bedell.<sup>28</sup>

The 1628 elections saw the second Earl of Salisbury with a firm hold over at least one of Hertford's parliamentary seats. Cecil got Sir Edward Howard elected and Thomas

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<sup>25</sup> HALS, Hertford Borough Records, vol. 23, f. 11.

<sup>26</sup> Gruenfelder, Influence in Early Stuart Elections, 96.

<sup>27</sup> Ibid.

<sup>28</sup> Stone, "Electoral Influence of the Second Earl of Salisbury," 393.



Fanshawe barely won the second place against a local gentleman, Gabriel Barbor.<sup>29</sup> On April 12, 1628, Sir Edward Howard was called to the House of Lords as Baron Howard of Escricke (York) and in early May, the Commons approved Sir Charles Morrison as Howard's replacement for Hertford borough. The aging Morrison was under William Cecil's patronage, but he died soon after his return; John Carey, Viscount Rochford, then won an uncontested election for the seat. John Carey's principal residence was at Hunsdon, six miles from Hertford, and he was also Salisbury's nominee.<sup>30</sup>

There appears to have been some competition between the second Earl of Salisbury and the Crown over the newly restored borough of Hertford. William Cecil was lord lieutenant of Hertfordshire and by the 1620's, he was consolidating his power in the county. The Prince's Council had restored Hertford as a parliamentary borough but when Charles acceded to the throne, he was busy with other matters and could not maintain his control over the borough. The second Earl of Salisbury did maintain control over Hertford as part of his increasing social and political pre-eminence in the county.<sup>31</sup>

How did the Hertfordshire MPs relate to their constituencies once elected? Sir Henry Cocke was very active in local government and his parliamentary selection in 1592 bolstered his profile in the county. Sir Henry continued to suggest improvements

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<sup>29</sup> HALS, Hertford Borough Records, vol. 23, ff. 16-19. One election return shows Edward Howard with only eighteen votes, Thomas Fanshawe with eighty-five votes, and Gabriel Barbor with sixty-seven votes. A later Indenture of the 1628 election names Howard and Fanshawe as the final choices, and lists all the town freemen as part of this selection.

<sup>30</sup> Stone, "Electoral Influence of the Second Earl of Salisbury," 393. Members of Parliament, Part I, Parliaments of England, 1213-1702, 475. Mary Frear Keeler, Maija Jansson Cole, and William B. Bidwell, eds., Proceedings in Parliament 1628, Vol. III (New Haven: Yale University Press, 1983), 300.

<sup>31</sup> Stone, "Electoral Influence of the Second Earl of Salisbury," 385.

for Hertfordshire's trained bands and he negotiated the county's composition for purveyance for the Queen's Household.<sup>32</sup> In 1593, Sir Henry Cocke sat on committees concerning recusancy, relief of the poor, and privilege; his service on a 1571 committee for the River Lea may have helped put him at odds with Edward Denny, who ran and lost against him in 1584 and 1586.<sup>33</sup>

Humphrey Coningsbye served on committees in 1593 regarding the subsidy and the "assize of fuel"; in 1597 he was named to the monopolies committee and committees dealing with penal laws and the defense of the realm.<sup>34</sup> Henry Maynard was returned for St. Alban's with Humphrey Coningsbye but Maynard did not play a prominent part in the business of the Commons. Henry Maynard sat on committees concerning recusancy, horse and cattle stealing, privileges, penal laws, painters and stainers, and fustians.<sup>35</sup>

The county of Essex was more than twice as large as Hertfordshire, but still returned two MPs to the House of Commons; thus, competition in any given Essex parliamentary election was probably greater than in Hertfordshire. This explanation is bolstered by the number of "esquires" returned to parliament for the county of Essex: five out of twenty seats. The number of gentry families and corporate boroughs in Essex made it difficult for one patron or courtier to control shire elections. In Hertfordshire,

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<sup>32</sup> SPD, SP12/254, no. 148. W. J. Hardy, Hertford County Records, Notes and Extracts from the Sessions Rolls, 1581-1698, Vol. I, (Hertford: Simon & Co., Ltd., 1905), 14, 27.

<sup>33</sup> Hasler, The House of Commons 1558-1603, Vol. I, 622. See Chapter 5.

<sup>34</sup> Ibid., Vol. I, 637.

<sup>35</sup> Ibid., Vol. III, 40.

three “esquires” were returned for the county; “knights” filled the other seventeen Hertfordshire seats. (See table No. 16).

In the county of Essex, fourteen individuals filled the twenty available Commons seats in the ten parliaments summoned between 1590 and 1630. Of these fourteen, only two Essex JPs were returned to parliament more than once: Sir Francis Barrington (six times) and Sir Harbottle Grimston (two times). The remaining twelve seats were filled by men who were returned to parliament only once. (See Table No. 19). Thus, it was less common in the county of Essex, than in Hertfordshire, for members of the ruling elite to be returned to parliament more than one time. This may be due to the greater number of gentry families in the county, and the higher degree of competition for the spoils of office. It may also be credited to the Earl of Warwick’s influence in the county; Warwick’s Puritan faction included both Francis Barrington and Harbottle Grimston.

Table No. 19. Returns to the House of Commons for the County of Essex, 1590-1630.

Parliament	Individual Returned	Parliament	Individual Returned
1592	Sir Thomas Heneage Richard Warren, esq.	1621	Sir Francis Barrington Sir John Deane
1597	William Petre, esq. John Wentworth, esq.	1624	Sir Francis Barrington Sir Thomas Cheke
1601	Henry Maynard, esq. Francis Barrington, esq.	1625	Sir Francis Barrington Sir Arthur Harris
1604	Sir Gamaliel Capell Francis Barrington, esq.	1626	Sir Francis Barrington Sir Harbottle Grimston
1614	Sir Robert Rich Sir Richard Weston	1628	Robert, Lord Rich Sir Harbottle Grimston

Sources: Members of Parliament; Part I, Parliaments of England, 1213-1702 (Printed by Order of the House of Commons, 1878).

Most parliamentary elections in Essex followed the practice used in the 1592 county selection. The sheriff, two knights, three esquires, and six gentlemen held a “full court” at the town of Stratford Langthorne and elected Sir Thomas Heneage and Mr.

Richard Warren to be Essex's knights of the shire. The twelve electors drew up an indenture and proclaimed the facts and legitimacy of the election "according to the form of statute."<sup>36</sup>

But not all Essex elections went as smoothly as the 1592 selection. The county election of 1604 is a prime example of the practice of "parliamentary selection" avoiding a divisive contest. Francis Barrington had sat as the county's junior member in 1601, but now aspired to the first seat.<sup>37</sup> Barrington was in the enviable position of having strong support from Essex's most prominent landholder, Robert Lord Rich.

In mid-February 1604, Rich wrote to Barrington, detailing the efforts he had made on Barrington's behalf for the upcoming election. Rich had sent for Mr. (John) Harleston and Richard Saltonstall, he had spoken with Anthony Cooke and Nicholas Coote, and he had written to Mr. (Edward) Allen to give knowledge to William Ayloffe, Ralph Wiseman, John Sammes, and Christopher Chilborne.<sup>38</sup> Rich had written to William Harris, correcting an error in the day named for the election, he had written to John Tindall, John Deane, and Andrew Pashall, and he had written to the bailiffs of Maldon and Colchester. Rich had also sent word to Lord Sussex's (Robert Ratcliffe) tenants "in those parts where my Lord joined with us." And Lord (Thomas) Darcy had assured Rich

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<sup>36</sup> ERO, Q/SR 123/57. The twelve were John Wentworth, esquire, sheriff, Sir Thomas Mildmaye, Sir John Petre (two of the deputy lieutenants), Jerome Weston, George Harvey, Timothy Lucy, esquires, Joseph Haynes, Henry Houlstock, Henry Longe, Edward Mackyn, John Little, and John Yonge, gentlemen.

<sup>37</sup> Kishlansky, Parliamentary Selection, 66.

<sup>38</sup> B.L., Egerton MSS 2644, f. 128.

that the Hundred of Dengie and the divisions between Braintree and Harwich “will not cross us much.”<sup>39</sup>

Barrington’s chances looked very good and he was paired for the election with Sir Gamaliel Capell, another Essex landowner and county JP. But approximately two weeks before the March 6 election, Sir Edward Denny announced that *he* would stand for the first seat, against Francis Barrington.<sup>40</sup> Sir Thomas Mildmay began to work on Denny’s behalf, even though he had earlier indicated his support for Francis Barrington.<sup>41</sup> Thomas Howard, Earl of Suffolk, also backed Sir Edward Denny, reminding the town leaders of Maldon that most of them were his tenants, and he could make “the proudest of you all repent” any disobedience to his request for Denny’s election.<sup>42</sup> Suddenly, a relatively smooth selection had turned into a potentially disruptive battle between two developing factions.

The possibility of a divisive electoral contest in Essex attracted the attention of the Privy Council. In a letter to the Essex justices of the peace, the Council complained that against the King’s published proclamations, there was “factious laboring for the places of knights and burgesses to be elected, for this his first parliament.” The principal gentlemen and freeholders of Essex had “divided themselves into parties,” and were writing letters to most of the barons and principal freeholders of the county “to labor and

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<sup>39</sup> Ibid.; all of the individuals contacted were Essex justices of the peace, except John Deane who became a JP in 1607.

<sup>40</sup> Christopher Thompson, “The 3<sup>rd</sup> Lord Rich and the Essex Election of 1604,” in Essex Journal, vol. 14, no. 1 (Spring 1979), 3.

<sup>41</sup> B.L., Egerton MSS 2644, ff. 130, 131.

<sup>42</sup> Ibid., f. 138.

prefer them to be elected knights of the shire.”<sup>43</sup> According to the Council, such a course could cause great disorder in the time of the election, and was not to be allowed.

Within a week, the Essex JPs responded to the Privy Council’s missive, stating that they had dutifully followed the Council’s orders regarding elections; the JPs had assembled at Chelmsford and had asked Sir Gamaliel Capell and Sir Edward Denny to draw lots for the election.<sup>44</sup> In this letter, Francis Barrington’s name is crossed through, indicating that the Essex county leaders had already attempted to defuse the crisis by having Denny in contest with Gamaliel Capell instead of the more prominent Barrington.

In further negotiations, Sir Henry Maynard, sheriff of Essex, and Sir Thomas Mildmaye suggested another scheme whereby Sir Gamaliel Capell would withdraw from the contest and Barrington and Denny would draw lots for the first place. Maynard and Mildmaye’s proposal was suggested in a softly worded letter to Capell “from his friends in Essex.” The fourteen signers first cited the Privy Council’s missive, said that they had met to “answer that principal,” and politely asked Sir Gamaliel Capell to stand down.<sup>45</sup> Capell put his response in writing and said that he would rather not stand for the county at all than “expose his credit;” for the “ease and satisfaction of the county,” he would

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<sup>43</sup> Ibid., f. 135.

<sup>44</sup> Ibid., f. 139. This February 29 letter was signed by Thomas Mildmaye, Edmund Huddleston, Anthony Cooke, William Ayloffe, Thomas Mildmay, Henry Maxey, Thomas Gardiner, Thomas Beckingham, Thomas Waldegrave, Robert Riche, and Thomas Rawlins.

<sup>45</sup> Ibid., f. 141. This letter was signed by Thomas Mildmaye, Edmund Huddleston, Anthony Cooke, William Ayloffe, Thomas Mildmay, Henry Maxey, Thomas Gardiner, Thomas Beckingham, Edward Waldegrave, Thomas Waldegrave, Thomas Rawlins, Robert Riche, and William Wiseman.

stand aside.<sup>46</sup> Sir Henry Maynard confirmed Gamaliel Capell's decision and commended Capell's "gentleman-like disposition."<sup>47</sup>

The election was held March 6; Sir Edward Denny won the first place, and Francis Barrington took the second seat.<sup>48</sup> An Indenture memorialized the selection and carried the names of forty Essex men present at Chelmsford, two or three times the number that would have attended county quarter sessions on any regular basis. Gamaliel Capell's name was not among those contained in the election Indenture.<sup>49</sup> Sir Henry Maynard has been credited with working to avoid conflict in the 1604 county election, but his office as sheriff and his standing in Essex made his efforts as much an obligation as a selfless act of peacemaking. Still, with the high profiles of Sir Edward Denny and Francis Barrington in Essex, Maynard's diligence spared the county a possible war between two factions that were mobilizing for a struggle.

Later Essex elections also had the potential to promote factional dispute in the county. In April 1625, Thomas Darcy, Earl of Colchester, wrote to the bailiffs of Colchester promoting Sir Francis Barrington and Sir Thomas Cheke as knights of the shire for Essex. Darcy had been warned by Mr. (John) Eldred that this request might not be honored, so he asked the bailiffs to speak with their freeholders so that "their voices be

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<sup>46</sup> Ibid., f. 143.

<sup>47</sup> Ibid., f. 145.

<sup>48</sup> Christopher Thompson, "The 3<sup>rd</sup> Lord Rich and the Essex Election of 1604," 4.

<sup>49</sup> ERO, D/DM/O3/1. But in January 1605, Edward Denny was called to the House of Lords, and Gamaliel Capell took the vacated seat for Essex. Members of Parliament, Part I, Parliaments of England, 1213-1702, 443.

given to these great men.” Darcy made it clear that this was also the request of the Duke of Buckingham.<sup>50</sup>

In the same month, Thomas Darcy wrote back to the Colchester bailiffs, alerting them that Sir Thomas Cheke would not be standing for the county; Darcy requested that they cast their voices first for Sir Francis Barrington and for whomever they pleased for the second place. Five days later, Darcy again wrote to the bailiffs, telling them of a letter he had received from the Earl of Warwick (Robert Rich); Warwick requested that Sir Arthur Harris be elected to the second place for the county, after Sir Francis Barrington.<sup>51</sup> It appears that a potential contest had been diverted between Warwick’s candidate and Darcy’s (and Buckingham’s) candidate.

One year later, Thomas Darcy and Robert Rich still represented different sides during the parliamentary elections for Essex. At Buckingham’s behest, Darcy wrote to the bailiffs of Colchester, recommending Sir Richard Weston as a knight of the shire. Robert Rich also petitioned the Colchester bailiffs, promising his own voice to Sir Francis Barrington and Sir Harbottle Grimston, “being gentlemen whose fitness you well know for that service.”<sup>52</sup> Rich was aware of “other solicitations” made to the town, but tactfully suggested that the county was “sufficiently sensible to make choice of those whose faithful service they have seen.”<sup>53</sup> Despite their having been imprisoned by the

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<sup>50</sup> ERO, D/Y 2/4, f. 55.

<sup>51</sup> Ibid., ff. 59, 63, 83.

<sup>52</sup> Ibid., f. 85.

<sup>53</sup> Ibid.



Crown for opposing the Forced Loan of 1626 (or possibly *because* of this), Barrington and Grimston were portrayed as local heroes worthy of an important town's support.<sup>54</sup>

Before the date of the shire election, there was apparently an attempt to hold a secret election to return candidates supporting Buckingham. Sir Thomas Fanshawe, Sir Thomas Edmonds, and Sir William Wiseman sent a letter to the high constable of Tendring Hundred, ordering him to bring all his freeholders to Chelmsford to cast their votes. Tendring was a politically conservative region of Essex and had been one of the most cooperative Hundreds in paying the Forced Loan; thus it theoretically contained electors who were less likely to oppose Crown intervention.<sup>55</sup> But the Tendring constable alerted Francis Barrington and Harbottle Grimston, and there was a large turnout in Chelmsford to elect the two as knights of the shire.

Buckingham's followers were not the only ones to interrupt the 1625 Essex election. Buckingham's secretary alleged that Robert Rich's friends had enfranchised voters on the spot by giving out freehold tenements that were returned immediately after the election. But the House of Commons found that only Buckingham's clique had attempted to rig the election, and Sir William Wiseman was actually jailed.<sup>56</sup> The Earl of Warwick's connections in Essex were widespread enough in 1626 to circumvent his opponent's scheme, while preventing hard lines creating a Court/county division.

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<sup>54</sup> Hunt, *The Puritan Moment*, 210. Richard Cust suggests that loan refusers were deliberately returned to the Commons in the 1628 elections. Richard Cust and Ann Hughes, eds., *Conflict in Early Stuart England; Studies in Religion and Politics, 1603-1642*, (London: Longman Group, Ltd., 1989), 157.

<sup>55</sup> *Ibid.*, 211.

<sup>56</sup> *Ibid.*, 212.

In the 1628 parliamentary election, there was again much maneuvering for votes in Essex. The King and Council commanded the Essex JPs and constables to entreat the county's freeholders to attend the election in Chelmsford.<sup>57</sup> Some freeholders were rumored to have waited two or three days before the election was held. Some others did not have to meet the annual forty-pound land value requirement of free-holding, but were registered with only a five pound annual valuation, as a way to bring in more men.<sup>58</sup>

The three corporate boroughs in Essex also returned two members each to the House of Commons for most of the ten parliaments summoned between 1590 and 1630. The main town in Essex, Colchester, filled its seats in the Commons through the election of only eight individuals. Half of those eight (James Morris, Martin Bessell, Robert Quarles, and Thomas Cheke) were returned one time; the other four (Robert Barker, Richard Symnell, Edward Alford, and William Towse) were returned to parliament anywhere from two to six times. (See Table No. 20).

Of the eight "returnees" for Colchester, five (James Morris, Robert Barker, William Towse, Robert Quarles, and Thomas Cheke) were also Essex JPs sometime in their political careers. Robert Barker was named a county JP after his selection for the borough; the other four were already Essex JPs when they stood for parliament in Colchester. Residency in the borough was apparently less critical than service to the constituency. Of the eight MPs returned for Colchester, only three lived in or near the town: Robert Barker, Martin Bessell, and Richard Symnell. These three, plus William Towse, held borough office as bailiffs, aldermen, or town clerks. Of the remaining four

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<sup>57</sup> CSPD, Charles I, 1627-1628, 592.

<sup>58</sup> SPD, SP16/95; letter from Edward Nuttall to Edward Nicholas.

MPs, Edward Alford was a lawyer from Sussex, while James Morris, Robert Quarles, and Thomas Cheke all resided near London, off the London-Colchester road.<sup>59</sup>

Table No. 20. Returns to the House of Commons for the Borough of Colchester, 1590-1630.

Parliament	Individual Returned	Parliament	Individual Returned
1592	James Morris, esq. Martin Bessell, Ald.	1621	William Towse, Serj. Edward Alford, esq.
1597	Richard Symnell, gent. Robert Barker, esq.	1624	William Towse, Serj. Edward Alford, esq.
1601	Robert Barker, esq. Richard Symnell, Ald.	1625	William Towse, Serj. Edward Alford, esq.
1604	Robert Barker, Serj. Edward Alford, esq.	1626	Sir Robert Quarles William Towse, Serj.
1614	Robert Barker, Serj. Edward Alford, esq.	1628	Sir Thomas Cheke Edward Alford,

Sources: Members of Parliament; Part I, Parliaments of England, 1213-1702  
Printed by Order of the House of Commons, 1878).

In Colchester, the social ranking of the MPs was more diverse than in the other boroughs of Essex or Hertfordshire. Of the eight borough “returnees” for Colchester, two were “knights,” three were designated as “esquires,” and at least one was designated as “gentleman.” Martin Bessell was called “Alderman” in 1592, but his social ranking was likely “gentleman” since another “gentleman” Richard Symnell, was also listed as “Alderman” in 1601.<sup>60</sup> In addition, Robert Barker, an “esquire” in 1597 and 1601, was designated as “Serjeant” in 1604 and 1614. The return of serjeants-at-law suggests that a career in the law aided prospective MPs in the contentious borough of Colchester.

The borough leaders in Colchester had a tighter hold on the elections of MPs for their town, than did the boroughs in Hertfordshire. In nine out of ten parliamentary

<sup>59</sup> VCH, Colchester, 378-379. Hasler, House of Commons, 1558-1603, Vol. II, 472. Quintrell, ed., The Maynard Lieutenancy Book, 369, 370, 376, 404, 409.

<sup>60</sup> Members of Parliament, Part I, Parliaments of England, 1213-1702, 437.

elections, the corporation of Colchester nominated and selected local administrators or those (like Sussex attorney Edward Alford) who exercised their talents on behalf of the borough. This does not mean that Colchester was immune to outside interference; the size and importance of the town meant that its two parliamentary seats were under constant siege by courtiers and magnates.

In March 1625, Sir Henry Hobart, Chief Justice of the Common Pleas, wrote to the bailiffs, aldermen, and burgesses of Colchester, alerting them that the King was resolved soon to call a parliament. Hobart was desirous that his eldest son, Sir John Hobart, should be elected as a burgess for Colchester. If they would chose him, Sir John would “execute the office without any wages or other charges” to the town of Colchester; Sir Henry promised that his son would please the town “in any way, either by himself or his friends, whenever they occasion to make it known to him.”<sup>61</sup>

The power and office of the Chief Justice of the Common Pleas was not sufficient to sway the town worthies of Colchester. They wrote to Sir Henry Hobart, saying that they had received his letter though Mr. Serjeant (William) Towse, about the choosing of Sir John Hobart. The bailiffs of Colchester explained that they *would* have complied with Hobart’s request, but they had already chosen Mr. Towse for one of the seats. Mr. Edward Alford having long held the other borough seat and “having served the corporation” had also been selected, and the town would not consent to change Alford.<sup>62</sup>

In the same election, the bailiffs of Colchester received another solicitation from the Earl of Sussex, lord lieutenant for the county. Sussex asked the bailiffs to elect his

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<sup>61</sup> ERO, D/Y 2/4, f. 29.

<sup>62</sup> Ibid., f. 23.

“near kinsman and heir” Mr. Alexander Ratcliffe, as one of the burgesses of Colchester. Sussex was apparently aware of Colchester’s firm grip on their borough privileges; he asked the bailiffs for their speedy answer, so that he could “provide elsewhere” for Alexander if the request did not take affect.<sup>63</sup>

Within a week, one of the Colchester bailiffs wrote back to the Earl of Sussex. He explained that his fellow bailiff was in Lincolnshire; thus there would not be sufficient time to acquaint him or “the whole Company” with Sussex’s letter. The bailiff did not know how difficult it would be to honor Sussex’s request, as the town might not be persuaded to “make choice of any other.” Five days later, the same bailiff wrote to Sussex, confirming that William Towse and Edward Alford had been chosen burgesses for Colchester.<sup>64</sup> In 1625, the town leaders of Colchester did not succumb to electoral pressures applied by a Crown Chief Justice or the Earl of Sussex, lord lieutenant for the county.

By 1628, Robert Rich, second Earl of Warwick, had managed to make some inroads into Colchester’s privileged status. Warwick backed the election of his brother-in-law, Sir Thomas Cheke, for one of Colchester’s parliamentary seats. Cheke stood with long-time corporation attorney Edward Alford, but the “free burgesses” of Colchester, voting in another room, chose Sir Thomas Cheeke and Sir William Masham. The 1628 parliamentary election was thus caught in a dispute between the corporation and the ordinary freemen of the town; this dispute had been brewing for some time and pitted the

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<sup>63</sup> Ibid., f. 77.

<sup>64</sup> Ibid., ff. 25, 27. The two bailiffs for Colchester in 1625 were Sigismund Sewell and Daniel Cole.

town oligarchy against the larger body of free burgesses.<sup>65</sup> The freemen petitioned the House of Commons over the narrow franchise allowed by the corporation, and when the Commons overthrew the corporation franchise, they also overthrew Edward Alford's election. Alford's close connection to the borough elite was fatal to his chances in the 1628 election, but Alford also kept connections with other boroughs in the event he was not selected for Colchester.<sup>66</sup>

The free burgesses of Colchester were certainly not "rebellious democrats" in search of representative government. In choosing Sir William Masham, Colchester's free burgesses backed the son-in-law of Sir Francis Barrington, one of Warwick's loyal followers.<sup>67</sup> As loyal as Edward Alford had been to the corporation of Colchester, he *was* from Sussex and not connected with the influential Rich/Barrington group. No one – not Crown courtiers, local magnates, or corporate servants – could take Colchester's electorate for granted.

Thirteen individuals filled the twenty Common's seats for the corporate borough of Maldon. Only three of the thirteen "returnees" were not JPs for the county of Essex at

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<sup>65</sup> Hunt, The Puritan Moment, 209. Proceedings in Parliament, 1628, Vol. II, 162, 169. The bailiffs, aldermen, and Common Council, consisting of 42 men, cast their votes in the "upper room" for Alford and Cheke. The "common sort of burgesses" in a lower room elected Cheke and Masham. In deciding the election, the House of Commons found that Colchester had sent burgesses to parliament *before* the town's charter had allowed either bailiffs or a Common Council. Considering Edward Alford's record of service to the borough, his election loss was Colchester's loss also.

<sup>66</sup> ERO, D/Y 2/4, f. 7. Alford told the Colchester bailiffs that he had stood for the borough of Staining (in Lancashire). Proceedings in Parliament, 1628, Vol. IV, 283. Alford was also made sheriff for Sussex and Surrey in 1626, and was to make another attempt to collect Charles I's knighthood tax on gentlemen owning lands or rents worth forty pounds a year.

<sup>67</sup> Gruenfelder, Influence in Early Stuart Elections, 158.

some point in their careers (Edward Lewkenor, Charles Chilborne, and Sir Julius Caesar).

The borough of Maldon also saw a number of “esquires” returned to the House of Commons, until the beginning of the seventeenth century. (See Table No. 21). Thomas Mildmay, Edward Lewkenor, Thomas Harris, William Wiseman, and Richard Weston were “esquires” when they were returned to parliament for Maldon between 1590 and 1601. After 1604, “knights” filled all but one of the seats for Maldon; this may have been the result of the James I’s and Charles I’s desire to have more English gentry take up the burdens of knighthood.

Table No. 21. Returns to the House of Commons for the Borough of Maldon, 1590-1630.

<b>Parliament</b>	<b>Individual Returned</b>	<b>Parliament</b>	<b>Individual Returned</b>
1592	Thomas Mildmay, esq. Edward Lewkenor, esq.	1621	Sir Julius Caesar Sir Thomas Mildmay
1597	Thomas Harris, esq. William Wiseman, esq.	1624	Sir Arthur Harris Sir William Masham
1601	William Wiseman, esq. Richard Weston, esq.	1625	Sir William Masham Sir Henry Mildmaye
1604	Sir John Sammes Sir Robert Rich	1626	Sir William Masham Sir Thomas Cheke
1614	Sir John Sammes Charles Chilborne, esq.	1628	Sir Henry Mildmaye Sir Arthur Harris

Sources: Members of Parliament; Part I, Parliaments of England, 1213-1702 (Printed by Order of the House of Commons, 1878).

In the late-Elizabethan period, local men filled most of the parliamentary seats for Maldon. Thomas Mildmay was from Moulsham (near Chelmsford), and Thomas Harris was the son of a Maldon man. William Wiseman was a lawyer who worked for Robert Rich, third Baron Rich, and by 1597 was Deputy Recorder for Maldon. Edward

Lewkenor was from Essex, and shared a room at the Middle Temple with James Morris, later the Recorder for Maldon.<sup>68</sup>

Politics affected the outcome of borough elections, but so did mortality. In 1604, the original choices for MPs in Maldon were Sir Edward Lewkenor and Mr. William Wiseman, both having been returned in previous elections. When William Wiseman died, his place was taken by one of Sir Robert Rich's followers, Sir John Sammes. Edward Lewkenor also died after the 1604 election and was initially replaced by Theophilus, Lord Howard of Waldon. When Lord Howard was called to serve in the House of Lords, Sir Robert Rich took the place originally given to Edward Lewkenor.<sup>69</sup>

Robert Rich, the second Earl of Warwick, continued to enjoy more influence in Maldon than he did in the town of Colchester, eventually sharing the borough's patronage with its high steward, Sir Henry Mildmaye, Master of the King's Jewels. Mildmaye and Sir Julius Caesar, Master of the Rolls, held both Maldon's parliamentary seats in 1621 and hoped to do so again in 1624. But Maldon's town leaders apparently had other ideas. In January 1624, the bailiffs of Maldon wrote to Sir Julius Caesar about a letter they had received from Sir Henry Mildmaye, regarding the places of burgesses for the corporation. The bailiffs acknowledged Caesar's past patronage, but wanted to advise him of a new development. The electors of Maldon, "being all the free burgesses, men of quality near to our township," wanted to fill the places from *their own* numbers; the bailiffs were not sure if Caesar's and Mildmaye's requests for place could be honored.<sup>70</sup>

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<sup>68</sup> Hasler, The House of Commons 1558-1603, Vol. II, 472; Vol. III, 52, 642.

<sup>69</sup> Members of Parliament, Part I, Parliaments of England, 1213-1702, 442.

<sup>70</sup> ERO, D/B 3/3/392/67.



On the day of the election, it was Warwick's nominees, Sir Arthur Harris and Sir William Masham, who were returned for the town of Maldon. Harris and Masham had quickly been admitted into the "freedoms and liberties of this borough" with the consent of the bailiffs, aldermen, and burgesses of Maldon.<sup>71</sup> The leaders of Maldon thus enabled Warwick's candidates to win the two borough seats, and enhanced Warwick's power in the town and the county.

The Maldon bailiff's explanation to Sir Julius Caesar has been called disingenuous, but there is some evidence that the town had been building a case for a broader franchise for ten years. The Maldon borough records contain a "town election book" that argues the benefits of having parliamentary burgesses first be freemen of the borough, as well as being elected by freemen of the borough. The book details the five elections between 1592 and 1614, with particular emphasis on those (William Wiseman, Thomas Harris, Charles Chilborne) who were "freely chosen" for the borough.<sup>72</sup>

In 1625, Sir Henry Mildmaye *was* returned for Maldon, but in the second place; the first seat went to Sir William Masham. Sir Francis Barrington had lobbied extensively for his son-in-law, reminding the Maldon bailiffs that Masham had now "twice served you, for which I am much beholden unto you." Barrington believed that his son-in-law had been careful "to do the best service he could in general for the whole kingdom and for yourselves in particular."<sup>73</sup> This courteous and factual endorsement from Barrington was not enough to get Masham elected. The corporation supported Sir

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<sup>71</sup> ERO, D/B 3/3/392/53.

<sup>72</sup> ERO, D/B 3/12/4.

<sup>73</sup> ERO, D/B 3/3/658.

Henry Mildmaye, a resident of the county who had the joint support of the Duke of Buckingham *and* the Earl of Warwick.<sup>74</sup> Sir Arthur Harris was selected for the first borough seat; when Harris chose to serve for the county of Essex, Sir William Masham then assumed his place.<sup>75</sup>

Harwich was the third Essex borough to return members to the House of Commons, returning its first members in 1604 after the grant of its charter.<sup>76</sup> Nine individuals filled the fourteen available seats for Harwich between 1604 and 1628; four of the nine MPs for Harwich were “esquires” and were evenly mixed with “knights” throughout the seven parliamentary elections in the town. (See Table No. 22). Six of the Harwich MPs were returned one time. Of the other three, Nathaniel Riche and Christopher Harris were returned three times, and Harbottle Grimston two times; all three of these multiple returnees were kinsmen or friends of Robert Rich, second Earl of Warwick.

As small as Harwich was, its parliamentary seats still attracted much attention from courtiers; only in its first election did the borough seem to have control over both of its parliamentary places. In 1604, Sir Richard Browne and Mr. Thomas Trevor were returned to the House of Commons from Harwich but before Parliament met, Sir Richard Browne died. The sheriff of Essex (Henry Maynard) wasted no time in sending an order to the mayor and burgesses of Harwich, commanding them to choose another burgess.<sup>77</sup>

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<sup>74</sup> Hunt, The Puritan Moment, 186-187.

<sup>75</sup> Ibid.

<sup>76</sup> Leonard T. Weaver, The Harwich Story (Harwich: Harwich Printing Co., 1975), 27.

<sup>77</sup> ERO, T/P 86/16.

The town leaders chose Mr. John Panton, “Recorder of Denbigh.” Panton’s family was on the rise in Wales but after 1593, John Panton’s life revolved around his work for Thomas Egerton as Secretary for Welsh Affairs.<sup>78</sup> The 1604 election was the first and last time that Harwich would have two “esquires” to represent the borough in parliament.

After 1604, Crown and county politics affected Harwich’s parliamentary selections. It felt the influence of the Howard family in 1614, with the return of Sir Robert Mansell; Mansell was Treasurer of the Navy under the Lord Admiral, Charles Howard, Earl of Nottingham. But in London, the Duke of Buckingham was rising at the expense of the Howards and in 1619, Buckingham replaced Charles Howard as Lord Admiral.<sup>79</sup> The Duke of Buckingham’s patronage probably accounts for the placement of Sir Edward Sawyer in 1625; Sawyer was a revenue auditor in the Exchequer.<sup>80</sup>

Table No. 22. Returns to the House of Commons for the Borough of Harwich, 1604-1630.

<b>Parliament</b>	<b>Individual Returned</b>	<b>Parliament</b>	<b>Individual Returned</b>
1604	John Panton, esq. Thomas Trevor, esq.	1625	Sir Edmund Sawyer Christopher Harris, esq.
1614	Sir Harbottle Grimston Sir Robert Mansell	1626	Sir Nathaniel Riche Christopher Harris, esq.
1621	Sir Thomas Cheeke Edward Grimston, esq.	1628	Sir Nathaniel Riche Harbottle Grimston, esq.
1624	Sir Nathaniel Riche Christopher Harris, esq.		

Sources: Members of Parliament; Part I, Parliaments of England, 1213-1702 (Printed by Order of the House of Commons, 1878).

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<sup>78</sup> Hasler, House of Commons, 1558-1603, Vol. III, 170.

<sup>79</sup> S. J. Houston, James I, 2d ed. (London: Longman Group Limited, 1995), 54.

<sup>80</sup> Gruenfelder, Influence in Early-Stuart Elections, 142.

Many of the others returned to parliament for Harwich owed their nominations to Robert Rich, second Earl of Warwick. Rich placed his kinsman Nathaniel Rich in a borough seat three times in the 1620's. Christopher Harris was also returned for Harwich three times; Harris was son of Sir Arthur Harris, one of Warwick's associates. As with Maldon, the patronage exercised on Harwich shifted slowly from central government figures to those with greater landholdings and growing prestige within the county of Essex.

How did Essex MPs relate to their constituencies after selection to the Commons? In 1610, the MPs for Colchester, Edward Alford and Robert Barker, received a petition to support a bill for the "free uttering of herring" and arguments in favor of the bill.<sup>81</sup> Alford was quite active in the 1625 parliament, recommending committees to view the grievances and subsidies of the previous parliament, and considering bills of tonnage and poundage. On June 30, 1625, Alford proposed two subsidies for the King, to be paid on the following October 10 and March 10.<sup>82</sup>

John Sammes was one of twenty members of a committee that presented James I the Common's petition concerning temporal grievances on July 7, 1610. Eleven days later, Sammes and Mr. (Heneage) Finch were asked to enter the King's responses to the "points of lending money upon privy seals and the arresting of the King's servants."

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<sup>81</sup> Elizabeth Read Foster, ed., Proceedings in Parliament, 1610, Vol. II, House of Commons (New Haven: Yale University Press, 1966), 56.

<sup>82</sup> Maija Jansson and William B. Bidwell, eds., Proceedings in Parliament 1625 (New Haven: Yale University Press, 1987), 207-209, 257, 276.

After putting the King's responses in writing, Sammes and Finch presented the responses to the House of Commons, for the Commons to prepare their response.<sup>83</sup>

### **Conclusion**

The counties of Hertfordshire and Essex returned MPs to the House of Commons, and most of these MPs had been justices of the peace at some point before or after their selection to parliament. The corporate boroughs in each shire also returned MPs to the Commons, but the boroughs saw fewer county JPs among their parliamentary candidates. The boroughs might have candidates from the middle and lower levels of the English gentry, but frequently gave seats to courtiers or members of the upper gentry. Essex boroughs tended to have more candidates from the "lesser gentry," while the boroughs of Hertfordshire felt more of the Crown's influence in the candidates who stood for the Commons. Patronage was ever present in both county and borough selections. Powerful landowners and courtiers nominated and supported certain candidates, or made it known that other candidates would not receive necessary support.

In the county elections, the ruling elite of Hertfordshire and Essex walked a fine line between their own needs and those of the Crown. Hertfordshire's parliamentary selections were dominated by the Cecil family, but the Cecils did not ignore the county gentry. William Cecil, second Earl of Salisbury, backed local men, often in opposition to Crown wishes.

In Essex, the second Earl of Warwick built his power in the county steadily, successfully neutralizing Crown candidates by the 1620's. Warwick had more competition than Salisbury did, and this may account for the perception of instability in

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<sup>83</sup> Ibid., 253-254, 286-287, 293. The temporal grievances included new imposts on goods, something that could affect the borough of Maldon, John Sammes' constituency.

Essex. But in fact the Essex gentry showed itself willing and able to work for the county's best interests. The bailiffs of Colchester rebuked the Earl of Sussex in favor of Warwick's candidate, and William Masham, Harbottle Grimstone, and Francis Barrington were returned to Parliament despite their public opposition to the Crown. The Earl of Warwick pulled many of the county elite into his clique, even crossing lines of religion.

The boroughs of Hertfordshire and Essex received constant requests and demands from influential courtiers and magnates for their parliamentary seats. But powerful courtiers did not always get their way, as town leaders used a variety of methods to moderate external influence. In the boroughs of Essex, bailiffs and aldermen cited the "unpredictable will" of the electorate as a bar to some central government candidates. What was best for the borough at any given time determined the pattern of choice. This might mean choosing "two of their own" or it might mean choosing a courtier's nominee.<sup>84</sup>

It is significant that in ten parliamentary elections, with a total of 140 seats at stake, there was no local government disruption from a divisive contest. Only four elections can be considered actual contests and only two of those attracted the attention of the central government. The 1604 Essex election was smoothed out after intensive negotiations among the county magistrates. Though the 1625 Essex election was ultimately decided by the House of Commons, local government officials used their close ties with the surrounding electorate to block external influence. This was not a matter of

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<sup>84</sup> Patterson, Urban Patronage in Early Modern England, 77.

luck, but a result of constant interaction among noble, gentry, and town officials, for whom local stability was both a goal and a responsibility.

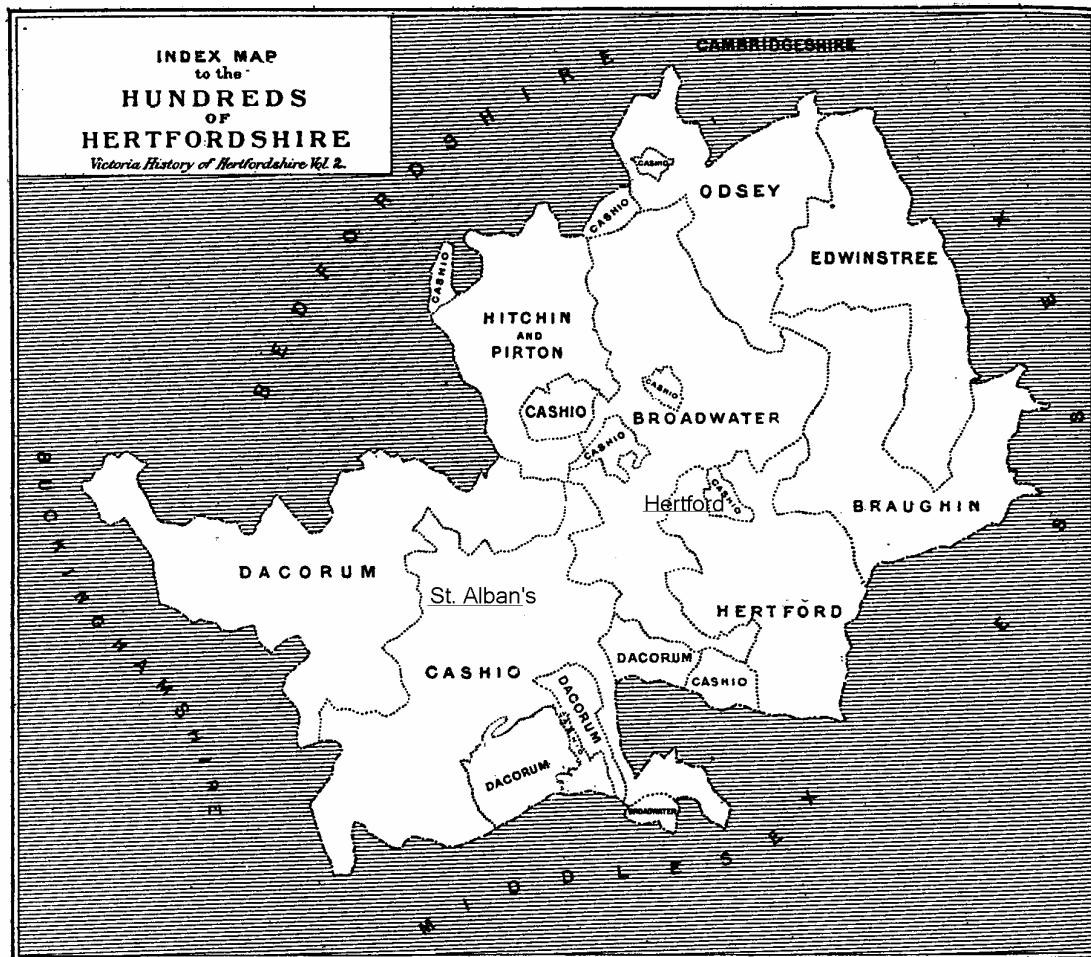


Figure No. 3. Map of Hertfordshire Showing Eight Hundreds and Two Corporate Boroughs. Reprinted from the Victoria History of the Counties of England; A History of Hertfordshire, ed., William Page (London: Archibald Constable and Co., Ltd., 1908).





Figure No. 4. Map of Essex Showing Twenty Hundreds and Three Corporate Boroughs. Reprinted from William Hunt, *The Puritan Moment; The Coming of Revolution in an English County*, (Cambridge: Harvard University Press, 1983).

## Chapter 8

### Borough Government in the Counties of Essex and Hertfordshire

Hertfordshire and Essex were governed and administered by justices of the peace, deputy lieutenants, and lords lieutenant. Each shire also contained towns of varying sizes and these towns had their own governmental structures. The magistrates and administrators of these towns – the mayors, the aldermen, and the bailiffs – were in theory subordinate to the county JPs. But in practice, town leaders were an integral part of local government in Hertfordshire and Essex.

Until recently, historians have considered the typical early-modern English town as a “self-conscious and coherent community with a distinct life of its own.” English towns were seen as homogeneous, self-sufficient, and slow-changing entities, marked by a continuous corporate existence and a high degree of interaction and common endeavor among their members. Historians such as David Harris Sacks have challenged this “localism” in the historiography of the town. Sacks believes that although early-modern English towns enjoyed a great deal of self-government, they were not completely self-contained worlds. Many towns contained overlapping levels of authority and overlapping markets, and their boundaries were more like open borders than guarded frontiers; this means that groups within the town were free to form differing relationships within a wider context of action.<sup>1</sup>

If English towns were not isolated, self-contained entities, then their dynamic relationship with other levels of English governance is important to the historiographical

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<sup>1</sup> David Harris Sacks, The Widening Gate; Bristol and the Atlantic Economy, 1450-1700 (Berkeley: University of California Press, 1991), 4-5, 10.

debate over the nature of the relationship between Crown and locality. This debate has altered our view of government and state building in early-modern England, and towns should be added to counties when assessing the relationship between center and periphery.

Steve Hindle has augmented the perception that effective English government depended upon the initiatives of local men with the ambiguous nature of the ties that bound those subordinate officers to the hub of authority.<sup>2</sup> According to Hindle, the intensifying dialogue between center and localities brought out in recent county studies makes the notion of opposition between the “community of the realm” and the “community of the parish” less and less tenable. He proposes an early-modern polity composed of a series of elaborate overlapping social and political communities; thus there was a dynamic process of communication between center and locality.<sup>3</sup>

Catherine Patterson has expanded on this dynamic process of communication in the towns of England. Patterson notes that Tudor monarchs became increasingly adept at gaining the loyalty of the elite by offering the benefits of office and favor to those peers and gentlemen who provided the best service. The type of patronage used by early modern monarchs could provide mutual benefits to both parties, but one partner was clearly superior to the other. Patrons and clients formed a network of personal relationships that overlay the institutions of government in Tudor and early Stuart England.<sup>4</sup>

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<sup>2</sup> Hindle, The State and Social Change in Early-Modern England, 2.

<sup>3</sup> Ibid., 12-15.

<sup>4</sup> Patterson, Urban Patronage in Early Modern England in Early-Modern England, 2.

According to Patterson, the town fathers of England's incorporated boroughs sought out patronage connections as a means of strengthening their own position by gaining access to the central government. Civic leaders carefully crafted connections with the powerful men who ruled England, enlisting their aid to serve the purposes of themselves and their communities. While resisting elite control over urban government, townsmen found ways to elicit help from their more powerful neighbors and friends and to reinforce their own authority at the same time. Patterson argues that borough leaders worked to gain access to the power that flowed from the Crown, and this created an infrastructure of personal connections that reinforced the Crown's and the borough's authority.<sup>5</sup>

Consistent with the conclusions of Sacks, Hindle, and Patterson, the boroughs of Hertfordshire and Essex were neither self-contained worlds nor were they exempt from the county or national jurisdictions that surrounded them. The towns were cognizant of the opportunities and dangers present in the wider world of court and county politics, and they communicated with shire or Crown representatives when necessary to protect their borough privileges or seize economic advantages.

There were two corporate boroughs in the county of Hertfordshire and three in Essex. All of Essex's corporations were "coastal boroughs," with some connection to the North Sea. Colchester was the largest and most prosperous of these towns, with a thriving cloth trade and a population of nearly 5,000. Harwich and Maldon were smaller towns, depending on fishing and local crafts, respectively.<sup>6</sup> Hertfordshire's two corporate

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<sup>5</sup> Ibid., 7-8.

<sup>6</sup> Colchester population figures were from 1692; Geoffrey Martin, The Story of Colchester from Roman Times to the Present Day (Colchester: Benham Newspapers,

boroughs, St. Albans and Hertford, were landlocked and used local grain supplies for malting and brewing. These two boroughs also supplied much of the goods and foodstuffs for London and the Royal Household, providing benefits as well as burdens to the towns. There were also markets and fairs outside of each of these corporations but those markets were under the control of individual landholders or church officials.

This chapter details the governments of all five boroughs and illustrates how these towns dealt with the surrounding jurisdiction of their own county's government, as well as the omnipresent central government. The relationship between center and locality was neither one-sided nor was it always adversarial. Borough administrators showed themselves to be articulate, diplomatic, and forceful in their attempts to maintain order and advance the economic interests of their town. But ability was not the only factor in this equation, and borough governors were willing participants in Patterson's "infrastructure of personal connections".

The structure of borough government was more compact than that of county government, and it could also be more complex. In medieval Colchester, the town council consisted of twenty-six persons: two bailiffs, eight "auditors", and sixteen others. An ordinance in 1372 made the bailiffs and auditors elected officials; these ten individuals had the authority to choose the remaining councilors, and could meet more often to handle money matters. Thus, an "inner circle" of ten borough officials developed within Colchester's town council. This inner circle was perpetuated through

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Ltd., 1959), 64. Maldon's population was approximately 1,000 persons in 1573 and Harwich communicants numbered about 600 in 1582. W. J. Petchy, A Prospect of Maldon, 1500-1689 (Chelmsford: Essex Record Office Publications, 1991), 94. Leonard T. Weaver, The Harwich Story (Harwich: Harwich Printing Company, 1975), 26.

the system of annual elections in which outgoing bailiffs were re-elected as auditors, or vice-versa.<sup>7</sup>

In the sixteenth-century, Colchester's governing council expanded to an "Assembly" containing two bailiffs, eight aldermen, and sixteen members each from First and Second Councils.<sup>8</sup> The bailiffs, two of the aldermen, and the town Recorder were also designated justices of the peace for the borough. This designation effectively increased the status and power of these five officers and gave the Crown a direct link to the town's government through the justices of the peace.<sup>9</sup> In addition to the above five officers, Colchester elected a Coroner, Serjeant-at-Law, and Clerk of the Town.

Colchester's bailiffs, aldermen, and justices of the peace consistently guarded their power and limited the number of free burgesses who could vote in the borough elections. The town's officers were elected annually by twenty-four "electors" designated by the town burgesses. The electors were chosen from each of the town's four "wards": the Head Ward, North Ward, East Ward, and South Ward.<sup>10</sup> Thus Colchester's four geographical divisions were each represented by six electors, most likely considered "chief burgesses" from their area. As in the fourteenth-century, the town elite often

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<sup>7</sup> R. H. Britnell, Growth and Decline in Colchester, 1300-1525 (Cambridge: Cambridge University Press, 1986), 118-128.

<sup>8</sup> Janet Cooper, ed., The Victoria County History of the Counties of England; The History of the County of Essex, Vol. IX, The Borough of Colchester (London: Oxford University Press, 1994) (hereafter "VCH, Colchester"), 111.

<sup>9</sup> David Harris Sacks, Trade, Society, and Politics in Bristol, 1500-1640, Vol. I (New York: Garland Publishing, Inc., 1985), 49.

<sup>10</sup> ERO, Borough of Colchester; Translated Abstracts of the Court Rolls, Nos. 153-158; 31-37 Elizabeth I, 1589-1595, Vol. 30 (Colchester Borough Records, 1942), Bundle 158, Roll 7d.

traded offices through re-election; it was not uncommon for bailiffs to serve seven or eight terms in office.<sup>11</sup>

By the end of the sixteenth century, Colchester's ruling body had shifted to accommodate the addition of the justices of the peace to the bailiffs and aldermen. Two bailiffs were chosen, then four justices of the peace, and lastly ten aldermen; the names in the first two groups were also included in the larger group of aldermen. Thus in September 1590, John Pye and Thomas Reynolds were listed as the town bailiffs, while Robert Mott, Thomas Cock, John Bird, and Ralph Northey were named as justices of the peace. These six individuals were also elected as aldermen for Colchester, along with Thomas Lawrence, Richard Lambert, Martin Bessell, and Thomas Barlowe.<sup>12</sup>

The September elections of 1592 and 1593 further illustrate Colchester's governing inner circle. Bailiffs were Thomas Hazlewood and William Dibney; justices of the peace were Thomas Lawrence, Thomas Cock, John Bird, and Ralph Northey. The ten elected aldermen included Thomas Reynolds, John Pye, Robert Mott, and Martin Bessell, in addition to Hazlewood, Dibney, Lawrence, Cock, Bird, and Northey.<sup>13</sup> In 1593, the ten aldermen were Thomas Lawrence, John Pye, Robert Mott, John Bird, Martin Bessell, Thomas Reynolds, Ralph Northey, Thomas Hazlewood, William Dibney, and John Hunwick. Hunwick and Bird were elected bailiffs; Pye, Mott, Bessell, and Hazlewood were the justices of the peace.<sup>14</sup> Thus, Colchester's ten aldermen were

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<sup>11</sup> VCH, Colchester, 114.

<sup>12</sup> ERO, Borough of Colchester; Translated Abstracts of the Court Rolls, Bundle 154, Roll 1.

<sup>13</sup> *Ibid.*, Bundle 156, Roll 1.

<sup>14</sup> *Ibid.*, Bundle 157, Roll 1.

always in control of the town's judicial and administrative functions even though borough officers were elected.

This “revolving door” of town government was repeated in all of Colchester's borough elections. The 1604 election resulted in Thomas Hazlewood and Richard Symnell being chosen as bailiffs, with William Turner, Robert Wade, Martin Bessell, and Thomas Hazlewood as justices of the peace. These six were also elected as town aldermen, along with Robert Mott, John Bird, Ralph Northey, Thomas Heckford, and Henry Osborne.<sup>15</sup> In 1625, the ten aldermen were William Mott, John Eldred, Robert Talcott, John Marshall, Henry Barrington, John Norton, Thomas Bryton, Sigismund Sewell, John Badcock, and Daniel Cole. Out of these, Sewell and Cole were elected bailiffs, and Mott, Marshall, Norton, and Bryton were elected justices of the peace.<sup>16</sup> The ability to elect borough justices of the peace was written into the charter or by-laws of the corporation, and no doubt considered part of the privileges of incorporation.

Those elected as Clerks and Serjeants-at-Law for Colchester did not come from among the aldermen of the town, but from the proximate county magistracy. James Morris was Clerk of the Town in 1590; Morris was elected to parliament for Colchester in 1592 and was an Essex justice of the peace until his death in 1597.<sup>17</sup> Robert Barker was Serjeant-at-Law for Colchester in 1612; Barker was returned to parliament four times

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<sup>15</sup> ERO, Colchester Borough Records, D/B 5/Cr 165, f. 1.

<sup>16</sup> Ibid., D/B 5/Cr 186, f. 1.

<sup>17</sup> ERO, Borough of Colchester; Translated Abstracts of the Court Rolls, Bundle 154, Roll 1. See Appendix No. 2.



for Colchester and was an Essex JP for thirteen years.<sup>18</sup> Barker was replaced by William Towse, a long-time Essex JP and four time returnee to parliament for Colchester.<sup>19</sup> These individuals held an “extra jurisdiction” that smoothed town/county relations, and brought Colchester’s local concerns into the arena of the House of Commons.

The office of town Recorder was usually given to the borough high steward of Colchester. The high steward of a borough almost always came from the highest social ranks, most frequently the titled nobility; these individuals provided links to the central government, offered support and protection to the town, and could act as mediators between the borough and surrounding jurisdictions. As Recorder, the high steward was considered a member of the corporate body and an honorary citizen of the town, but was not expected to engage in the day-to-day workings of borough government.<sup>20</sup>

Between 1590 and 1630, Colchester’s Recorders were Thomas Heneage, Robert Cecil, Thomas Howard, and Henry Rich; each of these high stewards received their title and office through borough election. In April 1590, Colchester’s twenty-four electoral burgesses elected Thomas Heneage, Vice Chamberlain of the Queen’s Household, to be Recorder in place of Francis Walsingham, late Secretary of the Queen.<sup>21</sup> In 1612, the town electors chose as Recorder Thomas Howard, Earl of Suffolk, to replace Robert

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<sup>18</sup> ERO, Colchester Borough Records, D/B 5/Cr 172, f. 1. See Appendix No. 2; and Chapter 7 Table No. 18.

<sup>19</sup> ERO, Colchester Borough Records, D/B 5/Cr 183, f. 1. See Appendix No. 2; and Chapter 7 Table No. 18.

<sup>20</sup> Patterson, Urban Patronage in Early Modern England in Early Modern England, 30.

<sup>21</sup> ERO, Borough of Colchester; Translated Abstracts of the Court Rolls, Bundle 153, Roll 9.

Cecil, Treasurer of England, elected in 1595.<sup>22</sup> Fourteen years later, Colchester elected Henry Rich, Earl of Holland, as Recorder in place of Thomas Howard.<sup>23</sup> In each case, the borough elite wasted no time in electing a powerful courtier or peer as Recorder for the town.

Of the five corporate boroughs studied in this chapter, Colchester was best able to protect its local interests from outside jurisdictions. Perhaps its status as an ancient borough and position as a prosperous cloth town enabled Colchester's bailiffs to better safeguard corporate privileges. Colchester was the only Essex borough to have its own militia company and the town's bailiffs were in charge of the largest portion of the county's armaments. During the October 1620 county musters, the town's inhabitants defied the Essex lieutenancy and refused to allow their trained band to be mustered "at any other place" other than Colchester.<sup>24</sup> In 1624, the corporate elite persuaded the county's deputy lieutenants to release the corporation from having to provide any light horse for Essex's trained bands. Instead, Colchester would add thirty foot soldiers to their company of two hundred, to be captained by an alderman chosen by the town.<sup>25</sup>

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<sup>22</sup> ERO, Colchester Borough Records, D/B 5/Cr 172, f. 1.

<sup>23</sup> ERO, Colchester Borough Records, D/B 5/Cr 186, f. 1. By 1618, Thomas Howard, Earl of Suffolk, had lost influence at James I's Court, yet he was named *custos rotulorum* in Essex until early-1624. The Howard family did have a large residence at Audley End, Essex (near Cambridgeshire), but they were not active in county administration. Thomas Howard was allowed some power in Essex possibly as a counter-weight to the rise of the Earl of Warwick, who was liked neither by Howard or James I. Hunt, The Puritan Moment, 163. Quintrell, ed., The Maynard Lieutenancy Book, 372.

<sup>24</sup> Quintrell, ed., The Maynard Lieutenancy Book, 53.

<sup>25</sup> *Ibid.*, 69. The town chose alderman John Norton as captain of their trained band.

The success of Colchester's borough elite can be found in their assertive combination of government and economy. Cloth had been made in Essex since the thirteenth century, and Colchester was the largest of the six cloth-making towns in the county. The cloth trade ramified throughout the county, and it is estimated that almost half the adult population of Essex relied to some degree on the cloth industry.<sup>26</sup> Many bailiffs in Colchester were also clothiers or merchants, and were aware of the importance of the cloth industry to the economic well being of the town.<sup>27</sup> The connection between Colchester's government and the cloth trade is explored in greater detail in Chapter Nine.

Unlike Colchester, the corporate borough of Maldon did not center around one trade or occupation; brewing, leather crafts, and tailoring were all part of Maldon's economy. It has been suggested that Maldon's borough court allowed a certain degree of credit to traders; these "deferred payments" guaranteed commercial settlements between traders over a wide area of the country and enhanced business in Maldon. The Corporation was the sole authority in Maldon, and was chosen out of the entire body of resident and non-resident freemen; the town bailiffs exercised a very personalized regulatory system by "communing" with newcomers, and deporting unemployed persons and undesirable competitors.<sup>28</sup>

Maldon's town leaders were chosen every January, and the town government included two bailiffs, two justices of the peace, two Coroners, and one Recorder. As in Colchester, many of the same individuals rotated through borough offices. Thus in 1623,

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<sup>26</sup> Hunt, The Puritan Moment, 10-11. Hunt lists the other five Essex cloth towns as Braintree-Bocking, Coggeshall, Dedham, Halstead, and Witham.

<sup>27</sup> VCH, Colchester, 112.

<sup>28</sup> Petchey, A Prospect of Maldon, 1500-1689, 105-106.

Thomas Hutt and Jeremiah Pratt were elected as bailiffs, William Francis and George Purcas were chosen as justices of the peace, John Wright was named Recorder, and Thomas Wells and Lambert Topliff were Coroners.<sup>29</sup> Six years later, Maldon's bailiffs were Thomas Wells and John Clerke, the justices were John Soan and John Edwards, the Recorder was John Wright, and the Coroners were John Hastler and Samuel Beddell.<sup>30</sup>

The paucity of available nominees for Maldon's offices is a problem seen in all of the smaller corporate boroughs in Essex and Hertfordshire. While the status of office holding was limited to the elite of the town, these same individuals had to fulfil all of the town's administrative and judicial needs. Thus, borough government was frequently seen as a requisite burden to be continuously shared among the town's ruling elite. In 1618, one of Maldon's aldermen was summoned to the Meethall, after he had "contemptuously absented himself from the service of his Majesty and public affairs of the borough."<sup>31</sup> After the 1629 Maldon election, the chosen officers were told to "take upon them the several places of officers, where they have been duly elected in the Court of Election."<sup>32</sup>

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<sup>29</sup> ERO, Maldon Borough Records, D/B 3/3/217/14. After being elected bailiff, Thomas Hutt "and the head burgesses" elected William Francis as justice; likewise, newly elected bailiff Jeremiah Pratt "and all the head burgesses" elected George Purcas as the second justice for Maldon.

<sup>30</sup> ERO, Maldon Borough Records, D/B 3/3/217/18.

<sup>31</sup> ERO, Maldon Borough Records, D/B 3/3/479/17. The alderman, John Pratt, was summoned by the two Maldon bailiffs, William Francis and George Purcas. Eight months later, there was an election for a new alderman to replace John Pratt; John Wyles beat Alexander Bedell in this contest. Based on the available evidence, such contested elections for alderman were not very common.

<sup>32</sup> Ibid.

Persons outside the tight circle of the borough elite often held the office of Recorder for Maldon. The office became vacant in 1619, after the death of Christopher Chilborne, a long-time Essex justice of the peace and recent Serjeant-at-Law. Recommendations for a new Recorder came in from Sir Julius Caesar and Sir Arthur Harris; Caesar was Maldon's borough high steward and Harris was an associate of Robert Rich and later MP for Maldon. Both men recommended Mr. John Wright of Romford, Essex, the Clerk of the House of Commons, Harris noting that Wright had "godly zeal in religion," as well as understanding and ability.<sup>33</sup>

The Maldon burgesses accepted Caesar's and Harris's recommendations. On November 22, 1619, John Wright was elected as Recorder for Maldon, winning out over two other contestants, Thomas Lake and John Ortman. Wright's election was no doubt aided by a last minute letter from the second Earl of Warwick (Robert Rich), directed to "Mr. William Francis and Mr. George Purcas, Bailiffs, and to Mr. John Deane and Mr. Edward Hastler, and to the rest of the Burgesses of the town of Maldon." Francis, Purcas, and Hastler all voted for John Wright, with Thomas Lake receiving one vote (from John Soan) and John Ortman getting no votes.<sup>34</sup>

Like all other corporate boroughs in early modern England, Maldon had to maintain workable relationships with surrounding jurisdictions. This was particularly important in areas of taxation, where a borough might be rated by the county JPs or by one of the Crown's *ad hoc* commissions. A 1610 Subsidy Roll for Maldon presented a seven member commission made up of town administrators and county worthies; many

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<sup>33</sup> ERO, Maldon Borough Records, D/B 3/3/397/10, 11.

<sup>34</sup> ERO, Maldon Borough Records, D/B 3/3/217/8.

of these same individuals were on the list of those rated for Maldon.<sup>35</sup> The commission for the “first two subsidies granted to King Charles I” was weighted more heavily toward the Essex county elite.<sup>36</sup>

When dealing with Crown subsidies, Maldon’s leaders sometimes took the initiative rather than having a rate imposed upon them by strangers. On June 17, 1624, the bailiffs of Maldon wrote to William Lord Petre, telling him that they had received the King’s Commission for taxing the First Subsidy. Since Petre was the principal commissioner for their township, the Maldon bailiffs contacted him “to appoint the time for setting about” the taxation. The town was ready to welcome and entertain Petre and reminded him that on the Monday after Mid-summer, they would be “otherwise employed being the Sessions Day for the borough.”<sup>37</sup>

In the same month, the Maldon bailiffs contacted Sir Thomas Wiseman, asking what day he would appoint for taxation, so that they “may give speedy advertisement unto Sir Arthur Harris and Sir Henry Mildmay of Graces.”<sup>38</sup> One year later, the corporation of Maldon hosted a dinner for Sir Thomas Wiseman, Sir Arthur Harris, and

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<sup>35</sup> ERO, Maldon Borough Records, D/B 3/3/420. The Commissioners for the First Payment were Sir John Sammes, Sir William Harris, Edward Hastler, Christopher Lyting (sic?), William Wrothe, Edward Garrington, and Richard Bristowe. Sammes, Harris, and Wrothe were all Essex JPs; Hastler and Lyting were bailiffs for Maldon.

<sup>36</sup> ERO, Maldon Borough Records, D/B 3/3/422/5. The Commissioners were Henry Mildmay (of Moulsham), Henry Mildmay (of Graces), Arthur Harris, Gerrard Sammes, and Nicholas Cotton. Harris and Mildmay (of Graces) were MPs for Maldon in 1628.

<sup>37</sup> ERO, Maldon Borough Records, D/B 3/3/392/3.

<sup>38</sup> ERO, Maldon Borough Records, D/B 3/3/392/65. Harris and Mildmay were both MPs for Maldon in the mid- and late-1620’s.

Sir William Harris, Commissioners of the First Subsidy.<sup>39</sup> The corporate borough needed a wide circle of commerce to survive, and could not afford to isolate itself from the Essex county elite or from Crown officials.

Like Colchester, Maldon's borough leaders had to deal with the military needs of the surrounding county and country. Maldon did not have its own trained militia band, but eventually shared responsibility with Chelmsford and Colchester for keeping the county magazine. In 1613, Colchester and Chelmsford held the bulk of Essex's munitions, with Chelmsford keeping more powder and Colchester holding more match and bullets; Maldon kept no munitions and Harwich had one hundredweight of match.<sup>40</sup> But a concerted effort in 1618 placed Maldon on level with Chelmsford, with new stores to be delivered by Sir John Sammes. By the early 1620's, the Maldon bailiffs certified that their town hall contained eight barrels of powder, three barrels of match, and three firkins of musket balls.<sup>41</sup>

Harwich was the smallest of Essex's three corporate boroughs, depending on fishing and shipping, and collecting fees for harboring any ships over ten tons. Until the early-seventeenth century, Harwich and the village of Dovercourt were governed from the Manor of Harwich, through a Steward and a "Head Borough." The Head Borough nominated and appointed the town's officers much like a parish vestry; in 1600, the appointed officers were two Churchwardens, two Sidemen, two Surveyors of the Poor,

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<sup>39</sup> ERO, Maldon Borough Records, D/B 3/3/397/22. The charge for the dinner was signed for by John Edwards, later a justice for Maldon.

<sup>40</sup> Quintrell, ed., The Maynard Lieutenancy Book, 21.

<sup>41</sup> Ibid., 43, 60. Sir John Sammes was an Essex justice of the peace, a deputy lieutenant from 1613 to 1620, and a Maldon MP in 1604 and 1614.

Collectors for the Poor, and two Surveyors of the Highways.<sup>42</sup> Government from the Manor of Harwich did not please all affected persons, as when Dovercourt's inhabitants complained that the Steward (John Lucas, esq.) had raised tenants' fees and threatened to send non-payers to Colchester jail.<sup>43</sup>

James I granted a new charter that united the borough of Harwich and the village of Dovercourt into one corporate body with a mayor and a Common Council consisting of eight aldermen and twenty-four "honest and discreet" burgesses. The Common Council held quarterly meetings, enforced by-laws, kept fines, filled any vacancies, and elected two MPs for the borough.<sup>44</sup> The 1604 charter was the first to name a Steward (also called the Clerk) for the town that was separate from the Manor of Harwich; John Cutting was appointed by the Council to be Steward for life.<sup>45</sup> There was also to be a Recorder "skilled in the laws of England," and Sir Edward Coke was named as Recorder for Harwich. In 1609, the Common Council resolved to elect a Chamberlain to keep the town's accounts. The Chamberlain, like Harwich's other officials, was unpaid; a heavy fine could be imposed on individuals who refused to become councilors, aldermen, or mayor.<sup>46</sup>

The problem of elected officers refusing to serve was endemic in Harwich, and has also been observed in other small corporate boroughs in Essex and Hertfordshire.

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<sup>42</sup> ERO, Harwich Municipal Records, T/P 86/9.

<sup>43</sup> Ibid., T/P 86/4.

<sup>44</sup> Weaver, The Harwich Story, 27.

<sup>45</sup> ERO, Harwich Municipal Records, T/P 86/9.

<sup>46</sup> Weaver, The Harwich Story, 28-29.



The Harwich by-laws for 1610 through 1617 contain numerous fines for refusing to take the oaths of alderman or head-borough.<sup>47</sup> By 1619, the fine for refusing to be an alderman was twenty pounds sterling; despite this, Robert Hart was fined in 1625 for refusing to take the oath of alderman, “to which office he had been elected.” Michael Twitt refused to be alderman in 1626 and two years later, was fined for refusing to attend the Common Council.<sup>48</sup> In the smaller corporate boroughs, the burdens of local office holding appears to have outweighed the benefits.

Harwich always had to deal with pirates or French privateers (“Dunkirkers”) who in 1606 were still pursuing ships into the harbor. When war with Spain resumed in 1624, the people of Harwich feared for their safety and the Crown feared for England’s security; the inhabitants of Harwich pleaded for fortification of the town or they might be “forced to forego their dwellings.”<sup>49</sup> The story of the fortification of Harwich and Essex local government is detailed in Chapter 6.

In the early seventeenth-century, there were two corporate boroughs in the county of Hertfordshire: St. Albans and Hertford. With its proximity to London and the central government, Hertfordshire felt Crown influence more heavily than did the county of Essex. Like Colchester and Maldon, Hertfordshire towns also recruited “urban patrons”

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<sup>47</sup> ERO, Harwich Municipal Records, T/P 86/4.

<sup>48</sup> Ibid., D/B 4/136/16. Quintrell, ed., The Maynard Lieutenancy Book, 374.

<sup>49</sup> Weaver, The Harwich Story, 41. Quintrell, ed., The Maynard Lieutenancy Book, 111. The October 1625 petition to the Crown was signed by Edmund Seaman, mayor, William Innes, minister, Robert Goodwin, Michael Twitt, John Hawkin, Robert Hart, Richard Hankin, John Peck, John Rolfe, Thomas Shrive, Nicholas Sack, George Coleman, Stephen Munte, Anthony Woolward, Dennis Heddle, and Thomas King. Also see David D. Hebb, Piracy and the English Government, 1616-1642 (Aldershot: Scolar Press, 1994).

to protect them from outside influence; but town leaders in the boroughs of St. Albans and Hertford did not enjoy the distance from the center that Essex corporations had.

St. Albans was an ancient English town, built on the Roman ruins of Verulam. The Cathedral and Abbey at St. Albans held jurisdiction over the town and surrounding lands, making it a prime target during Henry VIII's dissolution of the monasteries. The borough of St. Albans was governed by a mayor and principal burgesses; each outgoing mayor was to continue for one year as a town justice of the peace. The mayor and principal burgesses chose twenty-four "assistants" to consult with the town leaders over borough business, and a later charter required sixteen of these assistants to serve continuously during their natural lives.<sup>50</sup>

Like the borough of Maldon, St. Albans depended economically on several trades. Town government regulated these trades through eight "wardens" or "viewers": Wardens of the Shoemakers, Leather Makers, Inn-holders, Victuallers, Mercers, Searchers and Sealers of Cloth, Registers [sic] for the Buying and Selling of Leather, and Viewers of the Wards. Two men were chosen to act as wardens for each of the eight groupings, and this may be the "sixteen" who were required by charter to serve continuously. As in Colchester, St. Albans was divided geographically into four wards: the Middle Ward, Holywell Ward, Fishpool Ward, and St. Peters Ward.<sup>51</sup>

St. Albans' borough leaders met four times a year to hear and determine matters that affected the town. At each of these quarterly meetings, the mayor's name is listed first, followed by two town bailiffs. The principal burgesses of St. Albans rotated

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<sup>50</sup> HALS, St. Albans Borough Records, Off. Acc. 1162, Box 5, no. 346.

<sup>51</sup> A. E. Gibbs, The Corporation Records of St. Albans (St. Albans: Gibbs & Bamforth, 1890), 38, 44.

through the office of mayor, certain individuals serving three or four times. Robert Woolley was mayor of St. Albans in 1590, 1598, 1601, and 1608; Thomas Rockett served as mayor in 1591, 1599, and 1615. Francis Babbe was mayor of St. Albans in 1593 and 1606; Robert Shrimpton held the office in 1596 and 1605.<sup>52</sup>

The office of bailiff saw more variation in its holders than did the office of mayor. In 1590, St. Albans' bailiffs were John Porter and John Smith; in 1594, George Harding and Thomas Robinson were bailiffs. The next year, Gilbert Wells and Barnaby Lawrence were appointed bailiffs, and Thomas Camfield and William Pharoe were bailiffs in 1596. The bailiffs of St. Albans rarely rotated into the position of mayor; an exception to this was William Antrobus, who served as mayor in 1600 and as bailiff in 1601.<sup>53</sup>

Like most early-modern English corporate boroughs, St. Albans had a courtier or peer to act as the town's high steward. Lord Burghley was the town's first high steward; when he died in 1598, St. Albans offered the position to Robert Devereux, the Earl of Essex.<sup>54</sup> After Devereux, Thomas Egerton, Lord Ellesmere, held St. Albans as one of his multiple stewardships. In 1616, Egerton resigned as St. Albans high steward, thanking the borough for granting him the office and hoping they would "confer it on a worthy person."<sup>55</sup> They did, and granted the high stewardship to Francis Bacon, later Viscount St. Albans.<sup>56</sup>

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<sup>52</sup> Ibid., 36, 41, 53, 55, 56, 58, 63.

<sup>53</sup> Ibid., 37, 42, 48, 53, 55, 56.

<sup>54</sup> Ibid., 55.

<sup>55</sup> HALS, St. Albans Borough Records, Off. Acc. 1162, Box 195, no. 1186.

<sup>56</sup> Patterson, Urban Patronage in Early Modern England, 32, 251.

St. Albans also had the office of Recorder/Steward but this was different from the borough's high steward. The Recorder served as chief legal officer for the borough and was expected to attend corporate meetings regularly and have legal expertise.<sup>57</sup> In St. Albans, the office of Recorder was held successively by three lawyers from the Middle Temple in London. Henry Frowick was Recorder until 1617, when he was replaced by Henry Ewer; Frowick had been reprimanded for claiming the office of Clerk of the Papers, and Ewer had to promise not make the same claim. In 1620, Henry Ewer resigned his post and John Howland of the Middle Temple was appointed Recorder.<sup>58</sup>

Until the end of the sixteenth century, the major trades of Hertfordshire's corporate boroughs were brewing and baking. Even when their position as a "corn market" increased both towns' prosperity, barley and malt remained the chief articles bought by London bakers and brewers.<sup>59</sup> St. Albans' town leaders were brewers and merchants, so borough government often focused on the costs and benefits of the brewing trade. In 1606, St. Albans' principal burgesses agreed that there were too many alehouses in the town and that the brewing trade was using too much of the area's wood supply. It was resolved that there would be only four beer-brewers and two ale-brewers in St. Albans: Mr. Robert Shrimpton, Mr. Robert Woolley, Mr. John Moseley, Mr.

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<sup>57</sup> Ibid., 60.

<sup>58</sup> Gibbs, The Corporation Records of St. Albans, 37, 64, 67. Frowick was returned to parliament for St. Albans in 1601 and was made a Hertfordshire justice of the peace in 1602; Ewer became a JP for Hertfordshire in 1617.

<sup>59</sup> VCH, Herts, Vol. III, 500.

William Spencer, Robert Briggs, and John Davies.<sup>60</sup> Shrimpton, Woolley, Moseley, and Spencer were all former mayors of St. Albans.

St. Albans' market was extremely important to the economic well being of the town. A charter from Richard I originally gave the market to the Abbot of St. Albans, but a charter of incorporation under Edward VI made the mayor the Clerk of the Market. As Clerk of the Market, the mayor could receive reports from his "viewers" and hear complaints; complaints were settled through a summary "Court of Pie Powder." St. Albans' market days were Wednesday and Saturday, and the town could also have three fairs each year.<sup>61</sup> The borough was allowed to collect tolls on those bringing grain to the markets, as well as tolls on stalls, carts, packhorses, and peddlers.

In 1621, the borough of St. Albans was involved in a lawsuit involving its regulation of the town market. Mr. Hugh May, Clerk of the Market for the Duchy of Lancaster (of which St. Albans was part), heard about market irregularities from his Deputy Clerk, Charles Walker; May relayed the information to the King's Attorney, Sir Thomas Coventry, who brought a suit in *quo warranto* against St. Albans. The Clerk's alleged market abuses included using a "common bushel" that was two quarts bigger than the statutory allowance, using a larger measure for "country peas," and using half-peck

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<sup>60</sup> Gibbs, The Corporation Records of St. Albans, 57.

<sup>61</sup> HALS, St. Albans Borough Records, Off. Acc. 1162, Box 5, no. 346. W. R. Willis, "Markets and Market Laws," in Bygone Hertfordshire, ed. William Andrews (Yorkshire: S. R. Publishers, Ltd., 1969), 235. The "Court of Pie Powder" came from the French "pie poudre," meaning "dusty feet"; the Court dealt summarily with strangers or trouble-makers at the market.

measures that were less than the King's standard.<sup>62</sup> Larger bushels meant a higher corn toll for St. Albans, which did *not* necessarily translate into higher fees due to the Crown.

The town of St. Albans spent several years and much money defending the market lawsuit; the borough Recorder, John Howland, acted as attorney for the town and sent regular reports from London to the mayor and burgesses of St. Albans. Howland had gone to the Exchequer and found that there were "at least a hundred" of the same lawsuits directed to mayors and burgesses of other corporations, but the Barons (of the Exchequer) seemed to particularly dislike the St. Albans warrant.<sup>63</sup> The court date for the lawsuit was to be June 24, 1623.

There was a settlement of the market lawsuit; the mayor and burgesses of St. Albans defended any rights or privileges granted to them by charter, but agreed to conform "in all things concerning weights and measures." Hugh May and his Deputies would have access at all times to the town market, as well as to those bringing goods to the market. After the settlement, the Crown's interest in St. Albans' market did not wane; in July 1623, the mayor and burgesses were summoned to appear before the King's Auditor, "to account and pay for all sums due by them by virtue of any grant or lease from the Crown."<sup>64</sup> Since the town leaders were the King's fee-farmers, the tolls collected by St. Albans had economic benefits for the borough *and* for the central government.

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<sup>62</sup> HALS, St. Albans Borough Records, Off. Acc. 1162, Box 178, nos. 103, 104. A *quo warranto* is a writ against a corporation for misuse of privileges granted, or usurpation of a franchise or liberty without title.

<sup>63</sup> Ibid., nos. 105, 106. Howland's letters were written to St. Albans' mayor, Mr. Thomas Goodridge.

<sup>64</sup> Ibid., nos. 103, 119.

The other corporate borough in Hertfordshire was the town of Hertford. Hertford did not share the immediate ecclesiastical influence of the Abbey of St. Albans, but did feel the influence of London courtiers and merchants. The borough was governed through monthly courts attended by one bailiff and eight or nine “chief burgesses.” A 1590 monthly court was attended by Edmund Salmon, bailiff, as well as William Tooke, gent., Reginald Basse, gent., Roger Bazeley, Edward Cason, Thomas Hazlewood, Richard Rainford, and William Christopher.<sup>65</sup> In 1597, the attendees at one monthly court were Edmund Gravenor, bailiff, Henry Bull, Edward Cason, Thomas Lawrence, William Manesty, John Osmente, Thomas Pegrom, and Christopher Olleson.<sup>66</sup>

Hertford’s chief burgesses handled all of the town’s business and actively protected borough privileges. In 1602, the town burgesses disagreed with Mr. Michael Stanhope over who would pay what portion of the town’s share of the “Composition” of goods for the Royal Household. The disagreement affected amounts of money brought in from the town’s markets versus the value of the common lands. Hertford’s town leaders formed a Committee of Burgesses to address the problem: John Finch, bailiff, Michael Treland, Edmund Gravenor, Henry Bull, John Browne, William Manesty, Clement Manesty, Edward Cason, Thomas Pegrom, and Thomas Wiley.<sup>67</sup> In this case, the committee *was* the town government, acting together to secure borough interests.

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<sup>65</sup> HALS, Hertford Borough Records, Vol. 20, f. 8.

<sup>66</sup> Ibid., f. 32v.

<sup>67</sup> Ibid., f. 42. The adult population of Hertford in 1603 was estimated at just over 800 persons. Lionel Munby, Hertfordshire Population Statistics 1563-1801 (1964).

With new letters patent issued in 1606, the office of bailiff was dropped and a “mayor” headed the list of court attendees.<sup>68</sup> It appears that the new head of the borough elite accrued more onerous responsibilities, as there were repeated refusals to serve as mayor. Edward Carde refused to take the office of mayor in 1609, 1622, and 1628; in each instance, Carde was committed to the Hertford prison “until he shall take the office upon him.”<sup>69</sup> Edward Carde is not listed as mayor in any of Hertford’s monthly court minutes, so it is possible that he never accepted the burden of this office.

In 1622, John Finch and Christopher Browne were “made excommunicate” from borough government due to their scandalous and unlawful assemblies; but upon payment of a ten pound fine (each), they were allowed to attend the monthly meetings.<sup>70</sup> The next year, Christopher Browne was Hertford’s mayor and John Finch was the chief burgess listed immediately after Browne. Like other boroughs in Hertfordshire and Essex, Hertford was too small to exclude its errant burgesses entirely from town government.

Edward III originally conferred a market upon Hertford, and market days were Thursday and Saturday. On those two days, there was supposed to be no other market held within seven miles of Hertford; the town’s bailiff was authorized to seize and forfeit any such market. Like St. Albans, the burgesses of Hertford were entitled to corn and

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<sup>68</sup> Ibid., f. 51v. A list of court attendees in 1606 were Edmund Gravenor, mayor, Henry Bull, gent., Michael Treland, John Finch, Edward Carde, John Ward, William Manesty, John Sharter, and John Osment.

<sup>69</sup> HALS, Hertford Borough Records, Vol. 9, f. 17; Vol. 30, ff. 1, 2.

<sup>70</sup> HALS, Hertford Borough Records, Vol. 20, f. 84v.



“stallage” tolls, and were entitled to all profits from three annual fairs. But as fee farmers for the Duchy of Lancaster, the borough had to pay a yearly rent to the Crown.<sup>71</sup>

In 1608, the burgesses of Hertford petitioned the Chancellor of the Duchy of Lancaster concerning disturbances at their town market. The burgesses first asserted Hertford’s ancient standing, liberties and privileges, and confirmed their enjoyment of “all manner of tolls for all commodities and things brought to the market to be sold.” But recently, three merchants had brought sacks of grain to the market without paying the corn toll to the town. When confronted by the town’s officers, the three merchants stayed at the market in a “forcible, disorderly, and unlawful manner” and questioned the validity of the ancient patent that allowed Hertford’s collection of the toll.<sup>72</sup>

The lawsuit unfolded within the Duchy of Lancaster’s court before John Fortesquieu, Privy Councilor and Chancellor of the Duchy. Hertford’s burgesses showed the corn toll to be one pint for every half load of grain, taken out of each sack by means of a wooden dish wielded by the market’s viewers. The three merchants were accused of bypassing the corn toll by paying a gratuity to the “market cleaner”, believing this to be their voluntary contribution to the market toll. But depositions taken by three Hertfordshire justices of the peace confirmed that the town had always collected the corn toll and that any person acting as a “market cleaner” was paid by the town’s officers.<sup>73</sup> The three Hertfordshire JPs were Sir Henry Cocke, Sir Ralph Coningsbye, and Sir John

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<sup>71</sup> Willis, “Markets and Market Laws”, 234, 238, 241. In the 1590’s, the burgesses paid thirteen shillings and four pence to the Queen for the three Hertford fairs.

<sup>72</sup> HALS, Hertford Borough Records, Vol. 5, ff. 473-475. The three merchants were John Welsh, Christopher Miles, and Edward Carter.

<sup>73</sup> Ibid., ff. 484-535.

Leventhorpe; Cocke and Coningsbye were also deputy lieutenants, suggesting that this market dispute held the potential for disruption in the shire and its resolution was important.

The Duchy's court found in favor of the borough of Hertford. In a 1609 Declaration, the court confirmed that Hertford's corn toll was "one pint for every half load, usually five bushels of Winchester measure", and that the town had to pay a yearly rent to the King out of this toll. Other markets in Hertfordshire and in other counties had to pay this amount from their tolls, so Hertford's corn toll was lawful and could be continued.<sup>74</sup> The fact that Hertford had to pay an annual fee to the Crown from their market profits considerably weakened the merchants' case. As with other boroughs in Hertfordshire and Essex, town government and local economy were intricately intertwined.

The Cecil family, with their residential seat at Theobalds in Hertford Hundred and their status as Privy Councilors, consistently held the high stewardship of Hertford. After the Earl of Salisbury's death in 1612, his son William Cecil, the second Earl of Salisbury, filled the office until 1640; neither Robert nor William regularly interfered in Hertford's borough affairs, but their influence as Hertfordshire landholders could not be escaped.

In 1610, the Earl of Salisbury questioned the corporation of Hertford when they decided to pull down the town's old market cross without consulting him. The mayor and burgesses answered that the market cross was in the way of a proposed building to house the Assize justices. The building would greatly cost the town and some of Cecil's

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<sup>74</sup> HALS, Hertford Borough Records, Vol. 41, f. 12.

“commissioners” had offered to buy the lead from the cross, after its removal.<sup>75</sup>

Salisbury’s response expressed concern that his officers might be meddling in borough affairs and presuming to speak on his behalf. As borough high steward, Cecil did not wish to interfere unnecessarily in the town’s affairs but as a substantial landowner in Hertfordshire, he had an interest in his own reputation and in the economic assets of the county.<sup>76</sup>

If the Cecils tried not to interfere in Hertford’s town matters, their legacy as prominent Hertfordshire landowners could actually hinder the wishes of the corporation. In 1627, the borough of Hertford petitioned the Privy Council regarding the sale of common meadows attached to the manor of Hertford, “where the borough of Hertford is placed.” The corporate leaders wished to purchase the meadows, called King’s Meadows and Great Heartham, for the benefit of the town’s poor but certain cottagers surrounding the meadows opposed this sale.<sup>77</sup>

The cottagers responded that they had always had the use of the meadows for their cattle, horses, and their own poor families. They also alleged that the Earl of Salisbury had almost purchased the whole manor of Hertford and had promised the rights to some of the cottagers. Since that time, Charles I had granted King’s Meadow and

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<sup>75</sup> HALS, Hertford Borough Records, Vol. 33, f. 5. The petition was signed by John Sharter, mayor, Henry Bull, Michael Treland, John Finch, Edward Carde, William Manesty, and John Osment. Religion was not mentioned in this dispute and does not appear to have been the issue here. Townspeople generally did not hesitate to look to their patron to solve disputes regarding the outward forms of religious practice. Patterson, Urban Patronage in Early Modern England, 98.

<sup>76</sup> Patterson, Urban Patronage in Early Modern England, 60.

<sup>77</sup> HALS, Hertford Borough Records, Vol. 39, no. 178.

Great Heartham to the burgesses of Hertford, and the cottagers did not have use of the land.<sup>78</sup>

The borough leaders of Hertford responded that the peoples' use of the land for the feeding of cattle was "making the land poor." As an inland town, Hertford did not have the benefit of a port, and the tenants' common use of King's Meadow and Great Heartham caused the borough to lose the "benefit of a thoroughfare." Additionally, there were so many more cottagers on the commons now that the land could not support all the people and their livestock.<sup>79</sup> The mayor and burgesses of Hertford prayed the Council that the common meadows only be used to support the poor of the borough.

The Privy Council in 1627 delivered a well-reasoned decision: the original cottagers could keep their rights to the common meadows, while any newly erected cottages would not have those rights. The Council believed that the cottagers' request was "right and reasonable" and the borough of Hertford should not be able to extend its jurisdiction. In this case, the perceived wishes of the towns' previous high steward (Robert Cecil) presented a potential bar to the borough's interest in securing additional land for its own use. This may explain why Hertford's leaders addressed their petition to the King's Privy Council and not to their current borough high steward, William Cecil, second Earl of Salisbury, son of Robert Cecil.

### **Conclusion**

Several themes can be gleaned from the information presented in this chapter. The corporate boroughs of Hertfordshire and Essex were political and economic entities,

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<sup>78</sup> SPD, SP16/143, no. 136.

<sup>79</sup> *Ibid.*, no. 137; HALS, Hertford Borough Records, Vol. 39, no. 183

bound as much to local economy as to local politics. The leaders of these corporations – the mayors, bailiffs, and aldermen – were chosen from among the social and commercial elite of the towns. Thus, Colchester’s bailiffs were cloth-makers and cloth-merchants, Maldon’s bailiffs were tailors and leather-makers, and St. Albans’ mayors were brewers and maltsters. The life-blood of these towns was commerce and borough government reflected that reality.

The different types of commerce available to corporate boroughs influenced town/county relations. Essex’s three corporate boroughs were all port towns, and were administratively active on multiple fronts. The central government and the county of Essex made fiscal and military demands on the towns; powerful courtiers offered support to the boroughs or intruded into town politics. But Essex’s corporate boroughs also had access to the sea and a wider world of trade. This means that the overlapping levels of authority faced by the towns might be moderated by outside influences: political, religious, or economic. This contributed to the Crown’s perception of Essex as a more volatile and less dependable county.

Hertfordshire’s two corporate boroughs did not have access to the sea, but were heavily influenced by London; both St. Albans and Hertford sustained constant pressure from London merchants and Crown courtiers. The borough records from these two towns are filled with documents relating to the towns’ markets. St. Albans and Hertford depended on their markets for financial and physical survival, and both corporations’ governments revolved around the security and viability of these markets. This means that Hertfordshire’s corporate boroughs did not have the advantage of “looking outward” to the world of sea-borne commerce, but had to focus on their immediate surroundings and the city of London for survival or prosperity.

Though the scope of town government appears narrow, its structure could be complex. The main borough administrators were selected from among a slightly larger group of town elite, who were themselves part of a slightly larger body of “free burgesses.” The corporation might admit new freemen as town burgesses but the relatively small number of “chief burgesses” was always carefully controlled. The duty of government belonged to an exclusive group who alone enjoyed the legal authority to administer and judge.<sup>80</sup> The corporate boroughs of Hertfordshire and Essex were essentially commercial oligarchies, in which the most prominent merchants and producers handled day-to-day government.

Administration of borough government by a commercial elite had its problems. Those who spent time governing were not spending time at their trade or business. This accounts for the high incidence of refusal to take the burden of office; town leaders were unpaid and the number of administrators to govern a borough was small. By way of contrast, the county justices of the peace were also unpaid administrators but their numbers were greater and most of their income (coming from rents) did not require their constant presence at their manors.

The nature of magistracy in the boroughs was much more temporary than that in the shire. County JPs could hope to serve on the bench for life while town JPs rotated between the magistracy and other offices, pursuant to the borough charter. The temporary nature of town magistracy could reflect the necessity to have a relatively small group of town worthies hold some type of borough office every year. It could also demonstrate the Crown’s reluctance to extend to corporate leaders the autonomy of quasi-

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<sup>80</sup> Sacks, The Widening Gate, 162.

hereditary office enjoyed by the county justices of the peace. The shire JPs, though unpaid amateurs, were supposed to serve the Crown; the borough JPs served the more narrow needs of the corporation.

Another comparison can be made between borough administrators and county JPs. Since the borough depended on commerce, its leaders had to be aggressive in furthering and protecting town interests. Mayors and bailiffs often took the initiative rather than allow surrounding jurisdictions to make financial, military, or political decisions for them. This could take the form contacting the borough high steward, the deputy lieutenants, nearby JPs, or even the Crown itself.

The county magistracy, on the other hand, was more concerned with maintaining order and stability, the *status quo*. While town administrators could look for assistance from the county, Crown, or the wider world of commerce, county justices of the peace had to gather support from within their own jurisdiction. Being drawn from among England's landowning gentry, the county JPs could not afford disorder at home or unprecedented intrusion from the center. There was some potential for tension between borough and county leaders, and this tension will be examined further in the next chapter.

The towns in Hertfordshire and Essex were not isolated bastions of localism, untouched by the authority of Crown and county. These boroughs had certain privileges and exclusions granted to them by the monarchy, but they could ill-afford to rely on those privileges alone. Competition for economic benefits and protection from political ambitions meant that corporate boroughs had to craft relationships with those who held power *outside* the town. Borough leaders worked hard to secure and maintain their corporate privileges, and they secured powerful patrons who could mediate between the town and surrounding jurisdictions. Town leaders did not hesitate to work through a

variety of political, legal, and social channels in their attempts to protect and promote their towns. They were a dynamic component in the patchwork fabric of local governance in England.



## **Chapter 9**

### **Borough Relationships with the County and the Crown; Two Case Studies**

Chapter 8 revealed the structure of borough government in Hertfordshire and Essex. The five corporate boroughs of the two counties were not isolated communities but were dynamic entities that gave to and took from the regions around them. These towns had social, political, and economic ties with county landowners and courtiers, and utilized these ties to protect and further corporate interests. This chapter will examine aspects of government in two boroughs, Colchester and Hertford, and will illustrate how these towns related to the central government and how they dealt with the surrounding jurisdiction of their own county's government.

In the county of Essex, Colchester's response to the settling of Dutch textile workers provides an example of the dynamic nature of the relationship between center and locality. This relationship was neither one-sided nor was it always adversarial. Colchester's administrators showed themselves to be articulate, diplomatic, and forceful in their attempts to maintain order and advance the economic interests of their town. But ability was not the only factor in this equation, and borough governors were willing participants in Patterson's "infrastructure of personal connections".

By 1550, the Protestant Reformation had spread rapidly in the Low Countries. Leaders of the Habsburg Dynasty, Charles V and his son Philip II, tried to combat heresy but by 1566, violence against the Roman Catholic Church intensified throughout the Netherlands. Philip II sent the Duke of Alva to punish heretics and restore the Low

Countries to Habsburg control; Alva's hard line against the Protestant inhabitants of the Low Countries triggered a wholesale flight to France, England, and western Germany.<sup>1</sup>

In the early-1570's, large numbers of Dutch refugees settled in Norwich and Colchester, where they revived the flagging worsted industry with the manufacture of "New Draperies." The Dutch textile industry had begun to produce the New Draperies in the early-sixteenth century in order to exploit the markets of southern Europe that were opened up by the decline of the Italian textile industry. The New Draperies were made from combed long-staple wool, of a kind traditionally used to manufacture worsteds, and the cloth was not "fulled" (cleansed and thickened). The New Draperies differed from the old draperies in that they were lighter in texture and cheaper to make, but also of lower quality and less durable. Thus, they appealed to poorer consumers, while the variety of their finish and their less durable nature captured a fashion market for fabric that could be worn for awhile and then replaced without great expense.<sup>2</sup>

There were four types of New Draperies recognized by Dutch cloth masters: bays (made with coarse wool), says (made of combed or carded wool), fustians (a wool-cotton blend), and rashes (made of twined wool). The New Draperies manufactured in Colchester were mostly "bays and says": hybrid fabrics that were part woolen and part

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<sup>1</sup> J. C. H. Blom and E. Lamberts, eds. History of the Low Countries (New York: Berghahn Books, 1999), 131-133.

<sup>2</sup> L. A. Clarkson, The Pre-Industrial Economy in England, 1500-1750 (London: B. T. Batsford, Ltd., 1971), 109. On the impact of the New Draperies in England and Europe, see Keith Wrightson, Earthly Necessities: Economic Lives in Early-Modern Britain (New Haven: Yale University Press, 2000); Jan De Vries and Ad Van der Woude, The First Modern Economy: Success, Failure, and Perseverance of the Dutch Economy, 1500-1815 (Cambridge: Cambridge University Press, 1997); Christopher Hill, Reformation to Industrial Revolution; The Making of Modern English Society, Vol. I, 1530-1780 (New York: Pantheon Books, 1967).

worsted.<sup>3</sup> The introduction of the new lighter textiles by the Dutch came at a time when England's cloth exports were falling due to inelastic demand for traditional heavy woolen cloth.<sup>4</sup> It has been argued that the growth of production of New Draperies for the textile market was the most important development in the English textile industry in the late sixteenth century.<sup>5</sup>

The English Crown encouraged the Dutch weavers and their production of the New Draperies. Lord Burghley, Lord Treasurer and a Privy Councilor, gave two hundred marks towards the expenses of Dutch immigrants in Lincolnshire and by 1584, the Privy Council was aware that the New Draperies might be the "profitable science and occupation" of the English cloth industry.<sup>6</sup> The novel textiles of the Dutch immigrants fit in well with the "economic projects" promoted by Queen Elizabeth's administration as a way to increase English exports and provide employment for the urban poor.<sup>7</sup> As part of the Crown's sponsorship of Dutch settlers and their textiles, local authorities were encouraged to take the initiative by inviting immigrants to their specific locality.

There was a Dutch Congregation established in Colchester by 1568, and at first the town bailiffs were sympathetic to the Dutch immigrants as "innocent people banished

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<sup>3</sup> C. G. A. Clay, Economic Expansion and Social Change: England 1500-1700, Vol. II; Industry, Trade and Government (Cambridge: Cambridge University Press, 1984), 17.

<sup>4</sup> VCH, Colchester, 81.

<sup>5</sup> Clarkson, The Pre-Industrial Economy in England, 109.

<sup>6</sup> Joan Thirsk, The Rural Economy of England (London: Hambledon Press, 1984), 315. Also see Pauline Croft, ed., Patronage, Culture, and Power; The Early Cecils (New Haven: Yale University Press, 2002).

<sup>7</sup> Joan Thirsk, Economic Policy and Projects; The Development of a Consumer Society in Early-Modern England (Oxford: Clarendon Press, 1978), 58.

for God's Word." But when the townspeople realized that the motives of the Dutch were economic as well as religious, their earlier sympathy shifted to antipathy. The borough specified that there should be no more than two hundred Dutch persons in Colchester; the Dutch were to maintain themselves by their own labors and support their own poor through any fines collected from faulty bay-making.<sup>8</sup>

There was much discrimination against the Dutch in and near Colchester, and the Crown had to intervene on behalf of the strangers. In 1576, the local people of Halstead asked for some of the Colchester Dutch to move to their town to help the dwindling cloth trade.<sup>9</sup> About forty households moved to Halstead but by 1590, Dutch "bay-makers" left the town and withdrew to Colchester after they had been "treated discourteously" by Halstead's population. Apparently, the townspeople were jealous of the Dutch because their bays were in "better estimation and credit" than those of the local bay-makers, and sold for higher prices.<sup>10</sup> Queen Elizabeth's Privy Council wrote to the bailiffs of Colchester, naming six of the Dutch weavers that were to be moved back to Halstead, as that town was "very convenient" for the bay-making trade.<sup>11</sup> The Privy Council also appointed certain justices of the peace in Essex to see that the Dutch there were treated with courtesy, and to examine any parties that might "declare against the Dutchmen."<sup>12</sup>

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<sup>8</sup> Elizabeth West, "Anti-Dutch Feeling in Essex, 1570-1728," in Essex Journal, Vol. 23, no. 3 (Winter 1988), 51-52.

<sup>9</sup> *Ibid.*, 51.

<sup>10</sup> L. Roker, "The Flemish and Dutch Community in Colchester in the Sixteenth and Seventeenth Centuries" (M.A. Thesis, University of London, 1963), 215.

<sup>11</sup> APC, Vol. XIX, A.D. 1590, 127.

<sup>12</sup> *Ibid.*

Two years later, those Dutch bay-makers who were moved back to Halstead generated commercial protest by using the same distinctive marks on their textiles as their brethren in Colchester. Elizabeth's Privy Council wrote to the JPs in Essex, suggesting that "every corporation and township should retain their own particular and accustomed marks for the wares made by them."<sup>13</sup> After two months of local negotiations, the Privy Council commended the JPs for devising an order that clarified the different marks that could be used by the two towns in distinguishing their textile products.<sup>14</sup>

Since the Halstead matter involved a larger area than the incorporated borough of Colchester, the Crown sent its instructions to nearby county magistrates instead of the town bailiffs. This type of overlapping jurisdiction was common in English governance, and could lead to competition or disputes among towns, counties, and regions. Borough corporations constantly had to protect their privileges from the encroachment of the county elite, the ecclesiastical courts, and various regional administrations (the Council of the North, the Duchy of Lancaster, and the Cinque Ports).<sup>15</sup> One additional jurisdiction for the cloth town of Colchester was that of the Alnagers for the New Draperies. Beginning in 1578, the Crown awarded patents for this monopoly that authorized the patentees to collect taxes on the New Draperies and to assure proper

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<sup>13</sup> APC, Vol. XXII, A.D. 1591-1592, 444. The Privy Council letter was addressed to Sir William Walgrave, Sir Thomas Lucas, and "the rest of the Justices of the Peace in the county of Essex, or any three of them."

<sup>14</sup> APC, Vol. XXIII, A.D. 1592, 76. The Council's letter was addressed specifically to Sir Thomas Lucas, knight, and Edmund Huddleston, esquire. The JPs had suggested four different choices of "marks" using roses and crowns; the Council ordered that only the baymakers of Halstead could use these marks.

<sup>15</sup> Patterson, Urban Patronage in Early Modern England, 122-138.

marking, weighing, and sealing of the cloth products. The first Alnagers were Sir George Delves and William Fitzwilliam; by 1605, the patent had been awarded to the Duke of Lennox, who was apparently very rigorous in his collection of the alnage.<sup>16</sup> The Alnagers could also appoint Deputy Alnagers for each cloth town within their jurisdiction, and in at least one Essex town, the deputy was from the local gentry.<sup>17</sup>

Considering the potential for xenophobia in late sixteenth-century England, it is not surprising that the central government received a number of local petitions against the Dutch immigrants in Colchester. One petition complained about the “multitude of Dutch” and their wealth that caused dearth for the other inhabitants of the town.<sup>18</sup> A later petition from English bay and say-makers complained that the Dutch Congregation in Colchester kept the English from joining them in the Dutch Bay Hall, thereby usurping the authority to “search and seal” (for quality) the bays and says made by both Dutch *and* English manufacturers. This complaint also alleged that the Dutch were “making other sorts of bays and says that they do not have lawful authority to make.” The English weavers saw all of this as being “to the detriment of the free burgesses of the town, who bear a great Charter.”<sup>19</sup>

The Dutch weavers were aware of their positive impact on the local economy, and were not afraid to invoke that contribution on their own behalf. In a letter to Sir Thomas

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<sup>16</sup> Thirsk, Economic Policy and Projects, 61-62.

<sup>17</sup> SPD, SP12/250, no. 74. In 1594, Delves and Fitzwilliams deputized Richard Baker as Alnager for Halstead; Baker was made a JP in Essex in 1603.

<sup>18</sup> SPD, SP12/240, no. 188.

<sup>19</sup> SPD; SP14/15, no. 31.

Lucas, the Dutch Congregation asked that they “be favored in regard that they have done much good to that town (Colchester) in bringing of new manufacturing.”<sup>20</sup> The Crown was also aware of the economic benefit of the New Draperies, and granted the Dutch Congregation extensive privileges for the manufacture of bays and says.<sup>21</sup> James I confirmed these privileges and ordered that the strangers not be maltreated but be “suffered in both their religion and in their customs.”<sup>22</sup> The Dutch Congregation’s reputation for honesty and quality control meant that Colchester bays were sold and bought without the bales being inspected, once the Colchester seal was seen.<sup>23</sup>

Significantly, religious disputes were *not* common between the Dutch and English in Colchester. Essex Puritans opposed to the Elizabethan religious settlement admired the Dutch Calvinist churches, but Dutch communities in England tended to steer clear of issues that might involve their churches in religious controversy. They were active in the Essex trained (militia) bands, and were left relatively undisturbed by most of the Anglican bishops and archbishops under whose authority they rested. But the Dutch Congregation could not completely avoid religious controversy, as William Laud and the

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<sup>20</sup> APC, Vol. XXXII, A.D. 1601-1604, 506. Sir Thomas Lucas had a residence in Colchester.

<sup>21</sup> VCH, Colchester, 110.

<sup>22</sup> ERO, Colchester Borough Records, D/B 5/Cr 168, f. 14. Sir Thomas Lucas, Henry Osborne, and Robert Balsgrave were to act as intermediaries between the town and the Dutch Congregation.

<sup>23</sup> Roker, “The Flemish and Dutch Community in Colchester”, 194.

Arminian faction of the Church of England would play upon comparisons between the Dutch church and the “modern Puritans” considered dangerous to Crown and Church.<sup>24</sup>

As the presence of the Dutch Congregation conflated religion, politics and economics, Colchester’s town leaders searched for ways to settle problems without losing too much control to county, regional, or national authorities. In 1606, the bailiffs of Colchester became aware that a suit was pending for a patent to raise the customs duty of bays upon the “Merchant Strangers” who transported cloth out of England. The bailiffs wrote to Robert Cecil, the Earl of Salisbury (and a Privy Councilor), warning that such an increase would cause merchants to stop buying the cloth. The bailiffs warned that the “Baymakers will have to cease the trade, . . . many of his Majesty’s subjects will not be able to perform their duties, . . . and these people will be very much disturbed.” The bailiffs argued that the proposed patent could not be valid since it would lead to the “overcharging of the said Bays with new taxations, . . . and lead to the utter impoverishment” of many locals.<sup>25</sup> The next year, the bailiffs of Colchester again wrote to Cecil, complaining that previous statutes restricting the lengths, breadths, and weights of cloths would force many weavers to give up their trades.<sup>26</sup>

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<sup>24</sup> Ole Peter Grell, Calvinist Exiles in Tudor and Stuart England (Aldershot: Scolar Press, 1996), 56-57.

<sup>25</sup> SPD, SP14/26, no. 57. The letter was signed by six individuals: Colchester’s two bailiffs, John Bird and Ralph Northey, as well as four other individuals who had been bailiffs for the town within the last five years (Martin Bessell, Henry Osborne, Richard Symnell, and Robert Wade). VCH, Colchester, 378.

<sup>26</sup> M. S. Giuseppi and D. McN. Lockie, eds., Calendar of the Manuscripts of the Most Honorable the Marquess of Salisbury, Part XIX (A.D. 1607) (hereafter “CMS”) (London: HMSO, 1965), 138.



The bailiffs contacted Robert Cecil, Earl of Salisbury, not only because he was a Privy Councilor but also because he was the Recorder for the borough of Colchester. The office of Recorder (to record borough proceedings and customs) was itself honorary for Salisbury, for the town leaders really needed him as their “borough high steward.” The Earl of Salisbury could provide access to the Crown, could distribute patronage from his powerful national offices of Lord Privy Seal and Principal Secretary of State, and could give support and protection to the town. In return for his patronage, Salisbury could recommend borough officers and potential members of parliament for Colchester.

As the high steward of Colchester, the Earl of Salisbury was a powerful patron, but one who was not so close as to threaten borough privileges; the town considered him an honorary citizen who would act as an advocate for the corporation.<sup>27</sup> When Robert Cecil died in 1612, the position of borough high steward for Colchester was given first to Thomas Lord Howard and then to Henry Rich. Neither of these patrons appear to have taken the same interest in the town that Salisbury did; this may be due to Cecil’s personal interest in the New Draperies.

After the Earl of Salisbury’s death in 1612, complaints continued against the Dutch in Colchester, and local administrators were increasingly asked to resolve town disputes. In 1613, a complaint was raised against the Dutch Congregation’s exclusive use of the Dutch Bay Hall in Colchester for the trade of weaving bays and says. The complaint alleged that English subjects are “expelled from any benefit of the said Hall, saving only that they work under the Dutch, and are by them taxed for every piece of stuff wrought, . . . and those sums are expended wholly in the maintenance of the poor of

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<sup>27</sup> Patterson, Urban Patronage in Early-Modern England, 30-32.

the Dutch Congregation.”<sup>28</sup> Robert Barker, serjeant-at-law for Colchester, was instructed by the Privy Council to call all the parties together, and examine the particulars of the complaint. Although Barker is not listed as a bailiff for Colchester, he was returned as a Member of Parliament for the town between 1597 and 1614, and he served as an Essex justice of the peace between 1605 and 1617. In all respects, Robert Barker was a local official, furthering the business of the town and the central government.

By 1616, the Dutch Congregation’s trade privileges were again the subject of a local dispute. The Dutch claimed that in the first year of James I’s reign (1604), they were granted the right to govern their congregation and their trade in Colchester, and that those among them who inspected the bays and says could punish Dutch *or* English workers who made faulty cloths. An English worker, William Goodwin, had been fined by the Dutch sealers for making a “false bay”, and Goodwin subsequently complained to the Privy Council. The Council ordered the bailiffs of Colchester to call Goodwin before them and “take bonds of him for his appearance before the Council.”<sup>29</sup>

The Goodwin complaint went straight to the Privy Council because it questioned the privileges granted to the Dutch Congregation by the English Crown, and because Colchester no longer had an interested patron who could mediate for the town. Sir Francis Bacon, the Attorney General, found that the Dutch Congregation did have a “toleration and allowance, . . . for the benefit and credit of their trade in bay-making and other new draperies.” But Bacon asserted that the Congregation should be constrained to

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<sup>28</sup> APC, Vol. XXXIII, A.D. 1613-1614, 239. It has been suggested that any fines exacted from English bay-makers were paid to the Governors of the Dutch Hall, who in turn paid it (usually in cloth) to Colchester’s bailiffs for the benefit of the English poor. Roker, “The Flemish and Dutch Community in Colchester”, 189.

<sup>29</sup> APC, Vol. XXXIV, A.D. 1615-1616, 381.

their original privileges; he considered it dangerous that the Dutch should be able to make new orders, with no approbation other than their own. The Attorney General named seven “gentlemen of quality” from Colchester and Essex, to review and approve any future orders made by the Dutch.<sup>30</sup>

The Crown reviewed the Dutch Congregation’s trade privileges a second time after new complaints that the Dutch were surreptitiously exercising all manner of trade, and imposing taxes upon the townspeople. The letters patent at issue were examined by the Attorney General, as well as Sir Henry Montague, Lord Chief Justice of the King’s Bench, and Sir Henry Finch, one of his Majesty’s Serjeants-at-Law. After reviewing the recommendations of the justices of the peace in the counties of Essex and Suffolk, the Privy Council set out their findings. Any orders concerning the making of bays and says that were written in Dutch would be translated and published in English; there would be one or two English persons (chosen by the Colchester bailiffs) present at the “measuring and sealing” of any bays and says made by English workers; the Dutch would give (to the bailiffs) a schedule of all those admitted into the Dutch Congregation; and the Dutch would not engage in other trades.<sup>31</sup>

Within two months, the Jacobean Privy Council again had to deal with the issue of the Dutch Congregation in Colchester. The Council’s earlier settlement had been designed to instill “quiet and agreement” in Colchester, but *still* there were complaints of

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<sup>30</sup> Ibid., 420-422. The seven named were Mr. Serjeant (Christopher) Chilborne, Sir John Sammes, Edward Waldgrave, John Argall, Martin Bessell, and the two Bailiffs of Colchester (Thomas Thurston and William Hall). Chilborne, Sammes, Waldegrave, and Argall were all Essex justices of the peace; Bessell, Thurston, and Hall were town leaders.

<sup>31</sup> APC, Vol. XXXV, A.D. 1616-1617, 89.

“unjust vexation” reaching the Council’s chambers. This time, the Privy Council repeated the names of those justices and bailiffs who were told to remedy all “future grievances by either party, to call the parties before you, and to hear and compound (the cause) according to the rules and directions” of former Council orders.<sup>32</sup> Though the Crown authorized local administrators to control their own situation, they commissioned county *and* town magistrates to deal with this borough matter.

The crisis between the Dutch and English in Colchester prompted the bailiffs to safeguard their independence in this local matter. The Council’s orders of 1616 called for “indifferent persons” to hear and determine any future differences between the Dutch and English, but the Council had named magistrates from an adjacent county (Suffolk) to settle matters within the corporation of Colchester. The bailiffs of the town argued against this infringement on the charter and privileges of Colchester.<sup>33</sup>

The Attorney General and Solicitor General reviewed the legal precedents for the bailiffs’ assertion. In July 1617, they affirmed that the town of Colchester had “full power and authority to end and determine all causes and matters arising from themselves, . . . all justices of the county or any other county are by express words forbidden to mediate in any cause in the said town.” The Attorney General concluded that the Privy Council’s earlier suggestion that “other gentlemen residing in the county should join with the bailiffs and justices of the town, in determining the question between the Dutch

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<sup>32</sup> Ibid., 144. The justices of the peace named for Essex were Sir John Sammes, Sir Henry Maxey, Sir John Deane, Sir Thomas Wiseman, knights; and Edward Waldgrave, John Stephens, John Argall, and Brian Tuke, esquires.

<sup>33</sup> Ibid., 245.

Congregation and others of the town,” did not have good grounds.<sup>34</sup> This report confirmed Colchester’s town privileges, and emphasized the relative autonomy of the town magistrates.

The bailiffs of Colchester continued to solidify their own privileges as town and industry leaders. In April 1618, the justices of the peace of Essex complained that the town of Colchester refused to contribute ten pounds towards the maintenance of a provost marshal for the county. The bailiffs of Colchester responded and showed the Privy Council that the King’s Proclamation regarding provost marshals only applied to “the compass of thirty miles about the cities of London and Westminster,” and not as far as Colchester.<sup>35</sup> This must have been galling for the Essex JPs, as the appointment and cost of a provost marshal was a constant topic of terse communications between the county and the Council. Clashes over jurisdictions, especially regarding liability to taxation, were not uncommon between county and borough officials.<sup>36</sup>

In July 1618, James I granted corporate status to the Company of Clothiers and Bay-Makers of Colchester, as a way to halt abuses within the trade.<sup>37</sup> As clothiers and merchants in Colchester, the town bailiffs now wielded an authorized competitive advantage in the cloth industry against the Dutch bay and say-makers. Perhaps the benefits of the New Draperies could be shifted more completely into English hands and away from the tight-knit Dutch Congregation. This advantage in the textile trade had the

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<sup>34</sup> SPD, SP14/92, no. 204.

<sup>35</sup> APC, Vol. XXXVI, A.D. 1618-1619, 164.

<sup>36</sup> Quintrell, “The Government of the County of Essex, 1603-1642,” 352.

<sup>37</sup> CSPD, James I, 1611-1618, 550.

potential to distract the bailiffs from the needs of all those living in Colchester, as the textile business became more conflated with the business of town governance.<sup>38</sup>

In 1620, the town bailiffs informed the Privy Council that they had intercepted a petition to the Council written by two Colchester weavers. The weavers, Edward Wilchin and James Barwicke, were opposing intolerable warrants, fines, and other things imposed upon them by the English Company of Clothiers. The bailiffs did not hesitate to cite the recent opinion of the Solicitor General prohibiting the “commission of certain gentlemen” in the county to be joined with the town leaders. They admitted that they had been bold to call the petitioners before them, so that the bailiffs could hear and determine the matter without troubling the Council. After hearing both sides, the bailiffs determined that the weavers had no ground for the complaints. They told the Council that all parties were satisfied with the result, and emphasized that the bailiffs stood ready to “reform any wrongs and grievances that may or shall arise.”<sup>39</sup>

The autonomy of the Colchester bailiffs and justices was actually based less in legal precedent than on their continued ability to mediate disputes successfully without calling on the resources of the central government. As long as the town authorities could fulfill this function, they could remain relatively free of Crown supervision and still have the backing of the Privy Council or the Attorney General, as necessary.<sup>40</sup> But an

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<sup>38</sup> Sacks, The Widening Gate, 211.

<sup>39</sup> SPD, SP 14/115, no. 37. The letter was signed by the two bailiffs, Martin Bessell and John Marshall, but these two were followed by five other signatures: Thomas Thurston, Robert Talcott, and John Norton, “justices of the peace”, and John Cox, and Henry Barrington, “Aldermen”.

<sup>40</sup> Hindle, The State and Social Change in Early-Modern England, 34-35.

international crisis was beyond the control of the town magistrates, and this crisis initiated a shift away from local autonomy to increased Crown interference.

In 1618, the Thirty Years' War shook Europe and the shock waves soon buffeted the British Isles. James I's son-in-law, Frederick the Elector Palatine, was quickly embroiled in the dispute between the Austrian Habsburgs and German Protestants. When Frederick was defeated in 1620, Ferdinand II began a campaign of religious repression in Germany, and James I assisted Frederick and the Protestants with voluntary contributions of money and men.<sup>41</sup> In England, trade was disrupted and the Crown pressured counties and towns to contribute money and soldiers toward the Protestant's European struggle.<sup>42</sup>

On February 7, 1619, the Privy Council asked for contributions from all of England's port towns and Colchester was assessed at 150 pounds. Less than two weeks later, the Council specifically addressed the bailiffs of Colchester, reminding them that the contribution was to be collected from all persons "of ability" residing in the town; the bailiffs were instructed to levy and collect these monies.<sup>43</sup> The Council was no doubt aware of Colchester's recent assertions of privilege and wished to short circuit any attempt by the town to ignore or interpret Crown financial demands. The central government was sensitive to most corporate privileges, but money for national security was not to be trifled with.

The Crown wanted local authorities to continue to mediate conflicts concerning the New Draperies but by the 1620's, the Colchester bailiffs were increasingly concerned

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<sup>41</sup> Kishlansky, A Monarchy Transformed, 92-93.

<sup>42</sup> Cogswell, Home Divisions, 34-42.

<sup>43</sup> APC, Vol. XXXVI, A.D. 1618-1619, 358, 374.

with competition within the clothing trade. A 1622 complaint from the bailiffs enumerated each incursion into the English bay-making trade made by the Dutch Congregation over the previous fifty years. The bailiffs alleged that the number of the Dutch Congregation was not supposed to exceed two hundred persons in the town; by their calculation, there were now well over two hundred Dutch households in Colchester and even more “strangers” in the town born of Dutch parents. The report included a breakdown of the residences and occupations of all the Dutch in Colchester.<sup>44</sup>

According to the bailiffs’ complaint, the Dutch were only supposed to make New Draperies based on a formula of “54, 60, 68”: one type of bay and two types of says. But though the English had received their *own* patent for bay and say-making, the Dutch now made the same sort of New Drapery as the English. Additionally, the Dutch Congregation appeared to have a lot of “ready money”, and so must be making gains “beyond the Seas.” The bailiffs concluded with the old complaint that the Dutch would not let the English into the Dutch Hall, and would not even “suffer the Alnager nor his deputies to measure the Bayes and Sayes.”<sup>45</sup>

Complaints that “strangers” were intruding into the trade of bay and say-making without securing approved apprenticeships spread from Colchester to England’s eastern counties. These complaints were less specific than those from the town, and focused on the dearth of employment for weavers. Certain Essex justices of the peace were named to look into the complaint for their particular county, but they reported that there had been

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<sup>44</sup> SPD, SP14/129, no. 114.

<sup>45</sup> *Ibid.*, no. 115. Two Colchester bailiffs signed this extensive report: William Mott and Thomas Thurston.



“much falsity in the making” of some of the complaints.<sup>46</sup> When complaints regarding the New Draperies became regional, and town officials were embroiled in trade conflicts, the central government widened the circle of those authorized to resolve disputes.

The financial impact of the Thirty Years’ War changed the timbre of the disputes coming out of Colchester and other cloth-making towns. Economic hard times fueled new grievances by English clothiers regarding the Dutch Congregation in Colchester, and the governors of the Dutch bay and say trade sent their response directly to the central government. In a letter to the Privy Council, Mr. Jonas Proast felt that the Dutch, if given the opportunity, could “unmask the frivolous petitions” of the English weavers. Stating that the English Company had given the Dutch little notice about a scheduled hearing, Proast requested additional time for an audience before the Council in order to vindicate the Dutch against the English clothiers’ complaints.<sup>47</sup>

Continental wars continued to cost England money, material, and men. Every provincial town was tapped for resources and Colchester was no exception, although an exception was attempted. In 1627, the Crown was informed that Colchester could not provide a ship toward the war effort, due to plague and the “decay” of the New Drapery trade.<sup>48</sup> By 1629, the decay of the trade had not been stemmed, and Charles I’s Privy Council called before them the merchants and “chief work-masters” of Essex in order to

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<sup>46</sup> APC, Vol. XXXVIII, A.D. 1621-1623, 156; SPD, SP 14/130, no. 99. The Essex justices of the peace named were Sir John Deane, Sir Henry Maxey, Sir Thomas Wiseman, and Sir Henry Capell.

<sup>47</sup> SPD, SP14/159, no. 58. Jonas Proast was minister of the Dutch Church in Colchester in 1600.

<sup>48</sup> SPD, SP16/61, no. 113.

put the New Draperies back on course.<sup>49</sup> The Council also found that many Colchester merchants were not paying ordinary customs on goods, but were entering into “bonds to pay such customs or duties as the King and the next Parliament might agree upon.” The Privy Council alerted the Customs Officers and authorized the Vice-Admiral, the magistrates of the town, and any other officers to make sure that duties were paid on exports and imports.<sup>50</sup> In order to deal with the crucial matter of revenue, the Crown called upon officials at several different levels, but these officials were likewise under more scrutiny from the central government.

While frustrations over military costs increased in the late-1620's, the Dutch Congregation kept a low profile in Colchester. But the existing social, political, and religious tensions building in Colchester and the county of Essex made it relatively easy to single out the Dutch as the cause for unemployment and dearth. In 1630, the bailiffs and aldermen of Colchester again cited the Dutch Bay Hall as the scene of economic discrimination: the “Dutch governors” allegedly maligned the quality of English bay-making and would not seal the cloths in the Hall. The town leaders threatened that if this continued, English bay-makers would have to stop working.<sup>51</sup>

Regardless of who received the blame, the loss of employment in the cloth industry increased tensions within the eastern counties and added to the growing numbers of poor in English towns. In April 1629, twenty-one Essex justices of the peace apprised the Privy Council of a petition from two hundred weavers in Braintree and Bocking. The

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<sup>49</sup> APC, Vol. XLIV, A.D. 1628-1629, 401.

<sup>50</sup> Ibid., 378.

<sup>51</sup> SPD, SP16/161, no. 119.

weavers complained of extreme necessity and difficulty in maintaining their families because of “want of work by those clothiers who used to employ them.”<sup>52</sup> The Essex JPs sent some their number “to treat with the clothiers in those towns,” but they warned the Council that any return to calm was only temporary. The justices of the peace traced the problem back to the clothiers’ “surplus of threads,” and concluded that the clothiers must be set on their former course of trade, or the poor would be “up to imminent mischief.”<sup>53</sup>

The mischief occurred three days later, and rioters were dispersed by the Earl of Warwick, lord lieutenant of Essex. Three months later, the Essex weavers directed their complaints not to the Privy Council, and not to the magistrates of any one town, but to Warwick himself.<sup>54</sup> Even though he had used force against them, Warwick now represented the power and resources of the Crown and the county of Essex; thus, town weavers could direct grievances to one who had access to political power and patronage. It is possible that the bailiffs of Colchester had become too closely tied with the town’s textile trade, and could not adequately respond to other needs of the town’s inhabitants. They remedied this situation by changing their town charter and in 1635, Warwick’s brother, Henry Rich, Earl of Holland, was included in Colchester’s amended charter as the new high steward of the borough. Henry Rich benefited from Warwick’s power in

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<sup>52</sup> SPD, SP16/141, no. 1.

<sup>53</sup> *Ibid.* The gravity of this situation is underscored by the number and status of the JPs who signed the letter to the Council: William Maynard, William Masham, Henry Mildmay, Nicholas Coote, Arthur Harris, William Maxey, Thomas Wiseman, Edward Altham, Gerrard Sammes, John Tirrett, Thomas Fanshawe, William Towse, John Wright, John Darcy, Brian Tuke, Martin Lumley, Thomas Higham, James Heron, Robert Sandford, John Keeling, and Richard Harlekenden.

<sup>54</sup> CSPD, Charles I, 1628-1629, 524; CSPD, Charles I, 1629-1631, 20.

the county and he was connected to the Court through his friendship with Queen Henrietta Maria.<sup>55</sup>

In early seventeenth-century Colchester, the relationship between the central government and the locality was not always adversarial or oppositional. The relationship could be hierarchical, reciprocal, and flexible, but both sides had to be satisfied in order for the relationship to prosper.<sup>56</sup> The local officials of Colchester *could* utilize the authority of the state for their own purposes. But such use of state authority had a price, and when the financial needs of the Crown were not met, the relationship became tense and one-sided. Without a path of communication defined through a powerful patron, Colchester's relationship with the central government lapsed into one of Crown/subject.

As the bailiffs of Colchester became part of the disputes within the bay-making trade, both the Crown and the townspeople found that the bailiffs could not respond quickly enough to their demands. The lines of communication hardened between the townspeople and the Privy Council, and the Colchester bailiffs lost some of the leeway they had previously enjoyed. The central government made use of one of their best weapons – the county justices of the peace – and the bailiffs were employed as instruments of Crown enforcement, rather than partners in the art of political compromise.

Hertfordshire's local government also had to deal with the New Draperies; the county JPs and the borough administrators confronted the potential benefits and problems associated with this enterprise. The boroughs of St. Albans and Hertford were situated on

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<sup>55</sup> Patterson, Urban Patronage in Early Modern England, 178. Hunt, The Puritan Moment, 233.

<sup>56</sup> *Ibid.*, 2.

either side of the small town of Hatfield, where the Cecil family had an estate and a revival of the cloth-making industry was planned. Both corporate boroughs and the county of Hertfordshire were presented with schemes for a New Draperies company, but county and town response to the project remained flat.

Robert Cecil, Earl of Salisbury, was Hertford's borough high steward but his influence spread throughout Hertfordshire. As a major landholder in the county, he had an interest in the stability and goodwill of the surrounding tenants. As Lord Lieutenant of Hertfordshire, he was the liaison between the Crown and the shire and had an interest in maintaining local order and continuity. As Lord Treasurer of England, Salisbury had to maximize Crown revenue from all parts of the realm. Thus, governmental service, political stability, and economic prosperity on a national scale were easily conflated with influence, patronage, and profit at a local level. This can be seen in the Earl of Salisbury's sponsorship of a program to bring the benefits of the New Draperies into the county of Hertfordshire.

In 1609, Cecil entered into an agreement with Walter Morrell, a London merchant, in setting up the trade for "the great relief of many poor people thereabouts, who by that means are set on work."<sup>57</sup> Morrell promised to instruct fifty persons from Hatfield in the craft of weaving, spinning, and making fustians and other wares for the purpose of earning their livelihood. Walter Morrell and his brother Hugh would support twenty of the fifty youths as apprentices, while the remaining thirty would receive wages for their work. The project was to take ten years and Robert Cecil was to pay the Morrells one hundred pounds annually to maintain and supervise the operation; Walter

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<sup>57</sup> APC, Vol. XXXIV, A.D. 1615-1616, 464.

Morrell was also to get a house in Hatfield, rent free. Two other London merchants each put up bonds of 250 pounds to back the Morrell's endeavors.<sup>58</sup>

After Robert Cecil's death, Walter Morrell continued to pursue the New Draperies in Hertfordshire. He expanded his submission to include the creation of a "Corporation by charter within that county for the settling and government of the said trade." He provided sample charters to the Lord Treasurer, the Chancellor of the Exchequer, and the deputy lieutenants and justices of the peace of Hertfordshire, and asked for their opinion on the merits of the project.<sup>59</sup> Detailed proposals are also found in the borough records for both St. Albans and Hertford, indicating that the two corporate boroughs were also solicited.

Morrell was no doubt motivated by the potential for profit through a monopoly patent that would raise his status and income in Hertfordshire. The New Drapery project called for a large stock of materials and overseers to maintain the stock and compel idle people to work; Walter Morrell also wanted free license to ship any bays produced by the workers "without paying any imposition or custom." Morrell would receive a portion of the first year's wages from the workers, and wanted sole rights to any "new kind of cloth" that he might invent. The final requirement of the proposal was that the overseers would have power to hear and end controversies and complaints, and to punish the offenders or send them to the justices of the peace.<sup>60</sup>

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<sup>58</sup> G. Dyfnallt Owen, ed., CMS, Part XXIV, Addenda, (A.D. 1605-1668), 164-165.

<sup>59</sup> APC, Vol. XXXIV, A.D. 1615-1616, 464.

<sup>60</sup> G. Dyfnallt Owen, ed., CMS, Part XXII (A.D. 1612-1668), 80-81.

It was likely this creation of a new level of county supervision that worried the county magistracy. Eight Hertfordshire towns would instruct their churchwardens and overseers of the poor to assess the fitness of those to be elected to the New Drapery Company, and certify these “men of ability” to give their attendance “upon business for the good of the whole country.” These overseers would be under Walter Morrell’s supervision and would work with the county elite to supply money and “adventurers” for the new company.<sup>61</sup> Morrell was essentially turning county government on its head.

The overseers of the New Draperies enterprise were the same churchwardens and overseers of the poor selected annually by parish vestries. The authority held by these parish officers had always been inferior to that held by the justices of the peace. Parish jurisdiction might encompass a parish town but was quite different from that of the county or the corporate boroughs. The New Drapery monopoly in Hertfordshire would place parish officers on an equal (or higher) level than the county magistracy and the corporate burgesses. This threatened long-held privileges and hard-won social standing; the shire and town elite had more to lose from Morrell’s project than the county poor had to gain.

Along with the threat to established local authority, the New Drapery scheme impugned the delicate balance of town government and local economy. Both St. Albans and Hertford depended on their corn markets and the brewing trade, and their town governments were intimately tied to this agrarian economy. To supplant grain production

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<sup>61</sup> HALS, St. Albans Borough Records, Off. Acc. 1162, Box 178, no. 129. The eight Hertfordshire towns were not listed, but are likely to include sizeable towns near a river, such as St. Albans, Hertford, Hatfield, Ware, Hitchin, Rickmansworth, and Berkhamstead.

and commerce with cloth production and monopoly would undermine the symbiotic relationship between borough government and local economy.

The county magistrates were wary of a project that might increase their expenses and responsibilities, and decrease their power through new incursions by the Crown or courtiers. In a 1618 letter, they objected to the maintenance of the “extraordinary stock needed to set up the trade in the county,” as well as the “number of officers to be maintained.”<sup>62</sup> The JPs explained to the Privy Council that the county of Hertfordshire consisted mostly of tillage, and “so has a better way to set their poor children on work” than the new trade used in other counties. The JPs were also concerned that those gentlemen who were made part of the governing body of the Company would not be able to attend to their own affairs. The magistrates expressed surprise that Walter Morrell, “having been amongst them”, did not share their feelings.<sup>63</sup>

The justices of the peace had reason for concern, as the Earl of Salisbury had earlier appointed nine “officers, overseers, or deputies” to supervise the New Draperies project in Hertfordshire. These nine officers were close to Salisbury or close to the Crown: William Curle, John Hare, Roger Houghton, Thomas Wilson, Robert Abbott (one of Cecil’s chaplains), Nicholas Salter, John Dackombe, Edward Darby, and Robert Carter.<sup>64</sup> William Curle was an auditor for the Court of Wards and John Hare was a clerk for the Court of Wards; both were Hertfordshire JPs at the time of appointment. Thomas

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<sup>62</sup> SPD, SP14/96, no. 71.

<sup>63</sup> *Ibid.*

<sup>64</sup> G. Dyfnallt Owen, ed., CMS, Part XXIV, Addenda, (A.D. 1605-1668), 236.



Wilson was made a Hertfordshire JP in 1615, but none of the others were on the county bench when the Earl of Salisbury appointed them.

Despite the ruling elite's objections to Morrell's proposal, James I granted a charter in 1618 for the settling of the New Draperies in Hertfordshire. The nine-year delay in obtaining this charter can be attributed to the absence of Robert Cecil's influence after 1612; it was six years after Robert died before William Cecil, second Earl of Salisbury, revived interest in the scheme. William Cecil, Hertford borough's high steward, wrote to Henry Carey, Viscount Falkland, announcing that the King had granted letters patent for the creation of a corporation for the planting and settling of New Drapery in the county of Hertford. James I had committed the care of this work "unto us, with divers others under the name of the Master Wardens." Cecil was to write to the Wardens and their assistants, asking them to assemble and to advise a course to be taken to settle the New Draperies.<sup>65</sup>

The second Earl of Salisbury appointed new officers for the supervision of the New Draperies in Hertfordshire because some of his father's appointees had since died or moved away from Hatfield. The new overseers were Sir John Butler, William Curle, Edward Curle, Thomas Brett, Henry Rayneford, Thomas Shotbolt, Robert Carter, Robert Abbott, and George Clerk. Any three of these overseers (of whom Butler, William Curle, Brett, Rayneford, or Shotbolt were to be one of the quorum) were to select and bring up the full number of persons to fifty.<sup>66</sup> Of the nine appointees, Sir John Butler and Edward Curle were the only ones on the Hertfordshire bench in 1618.

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<sup>65</sup> BL, Sloane MSS 3827, f. 189.

<sup>66</sup> G. Dyfnallt Owen, ed., CMS, Part XXIV, Addenda, (A.D. 1605-1668), 236.

There is no evidence that Hertfordshire's magistracy worked actively for or against the New Draperies project. But the people of Hatfield complained that Morrell was using his grant to run other businesses in the county. A 1619 petition to the second Earl of Salisbury, stated that Morrell had obtained the lease of a fulling mill on the River Lea and wanted to make it a corn mill. The thirteen Hatfield petitioners worried that the new corn mill would cause more water to be brought from the river, flooding their hay meadows and making them unprofitable. To secure Cecil's attention, the petitioners warned that parishioners were not able to get to the church since "the church ways" were flooded.<sup>67</sup>

Walter Morrell was aware of the objections to his projects. He wrote to the second Earl of Salisbury, not visiting him in person because of the "country's suspicion" that Cecil was inducing Morrell to proceed "in the new manufacturing to be established." Morrell hoped that those who were against this public service would see the benefits within a few years; he asked Salisbury to review the river complaint, "to see how it can be removed."<sup>68</sup>

Morrell seemed to think there was a faction in Hertfordshire determined to stop the establishment of the New Draperies. But the county magistracy, and likely the towns' leaders, were not prepared to engage in such a costly venture, even for the potential good of the poor. The deputy lieutenants of Hertfordshire wrote to the Privy Council in 1620, reiterating the county's earlier objections to the project and adding that by the time the

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<sup>67</sup> Ibid., Part XXII (A.D. 1612-1668), 114.

<sup>68</sup> Ibid., Part XXIV, Addenda, (A.D. 1605-1668), 237.

New Drapery workers were skilled enough, the county would have spent too much money.<sup>69</sup>

The schemes to spread the benefits of the New Draperies to other parts of the realm did not end with Hertfordshire's rejection of the innovative new trade. In 1625, the central government investigated proposals to regulate the English cloth industry and increase customs duties. Commissioners of Trade debated the issue of the manufacture of woolen commodities in seven counties, and concluded that such a program would increase the King's customs. Walter Morrell was sent to Secretary Edward Conway, carrying sample "Books of Corporations" as well as a bill for payment to those who drafted the books.<sup>70</sup> The New Drapery scheme was to be expanded, with the creation of thirty-two county corporations to be governed by the county justices of the peace.<sup>71</sup>

Hertfordshire's ambivalence toward the company idea caused the central government to shift its focus from the county's ruling elite to individuals more closely connected with the Crown. Even with the renewed interest of Charles I's reformist government, there is no evidence that the New Draperies were ever successfully settled in Hertfordshire. Economic policy and courtier prestige were no match for county and borough ambivalence; even the influence of Hertford's borough high steward did not move the local ruling elite. Rather than directly oppose Crown wishes, the JPs and town leaders merely withdrew their support, and let the program fall of its own weight.

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<sup>69</sup> SPD, SP14/115, no. 19. The certificate was signed by Richard Spencer, John Leventhorpe, and Thomas Pope Blount.

<sup>70</sup> SPD, SP14/184, no. 74. The seven counties were Essex, Hertfordshire, Middlesex, Berkshire, Devon, Dorset, and Shropshire.

<sup>71</sup> Clay, Economic Expansion and Social Change, 248; CSPD, James I, 1623-1625, 484.

## Conclusion

In Colchester, borough leaders worked hard to secure and maintain their corporate privileges, but they also secured a powerful patron who could mediate between the town and surrounding jurisdictions. For a brief period in the early-seventeenth century, after the town of Colchester lost their influential patron (Robert Cecil), the bailiffs successfully mediated disputes between the Dutch Congregation and the English clothiers; their reward for this success was a certain degree of provincial autonomy. When they lost their interested patron, Colchester's bailiffs found it difficult to sustain the burden of corporate autonomy *and* central government demands.

In Hertford, borough leaders were aligned with the powerful Cecil family. As Lord Treasurer, and lord lieutenant of Hertfordshire, Robert Cecil, Earl of Salisbury, was the ideal courtier to protect Hertford's corporate status. But being so close to London and the central government also made the borough, and its surrounding county, vulnerable to Crown demands and shifts in policy. When Salisbury sponsored the New Draperies company in Hertfordshire, he essentially pitted private interests against county government and economies. The potential for political change and economic disruption made it difficult for the shire and borough elite to embrace the New Drapery project. It appears that national demands *and* local interest were necessary to complete the equation of successful governance in England.

Even Hertford's borough high steward could not bring the New Drapery plan to reality. After Robert Cecil's death in 1612, the New Drapery Adventurers was sponsored by Walter Morrell, a London merchant with no standing in the county. The project lapsed for over five years before the second Earl of Salisbury picked it up again. In the

meantime, the Hertfordshire JPs simply withheld their support from the scheme. Local government support was necessary for any endeavor to succeed in early-modern England.

## **Chapter 10**

### **Religion and Local Government in Hertfordshire and Essex**

Religion and government were closely connected in early-modern England. The Church of England maintained its own courts and governing structure but religious conformity in England still owed much to secular administration and local cooperation. The Crown's religious policy was enforced to a greater or lesser degree by the county magistracy and a host of parish officers. This chapter does not address religion in England as a whole but analyzes the impact of religion on the local governments of Essex and Hertfordshire between 1590 and 1630.

By 1590, after thirty-one years, Elizabeth I had settled the Protestant Church in England. The late sixteenth-century Church of England was established by statute and Elizabeth had made concessions to both Catholics and reform-minded Protestants. She deliberately left some doctrinal matters ambiguous but once religious policy was settled, the Queen fully intended to govern her Church. Elizabeth I relied upon obedience, expediency, and veneration to enforce a church government that allowed Catholics, conformists, and committed reformers to coexist.<sup>1</sup>

Elizabeth I's 1559 Prayer Book and the Act of Uniformity established the liturgy and softened some of the rules set out in Edward VI's 1552 Prayer Book. The new communion service denied the doctrines of transubstantiation and the sacrifice of the Mass, but allowed the spiritual (not the physical) presence of Christ in the Eucharist. The new service was thus not acceptable to Catholics, but Elizabeth kept some clerical

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<sup>1</sup> Kishlansky, A Monarchy Transformed, 74.

vestments and liturgical furniture to provide comfort to those subjects attached to the traditional order.<sup>2</sup>

The English Church was also not completely acceptable to Protestant reformers, especially those who had been in exile in Germany and Switzerland during Mary Tudor's reign. These reformers wanted less ceremony and ornamentation, and fewer and simpler vestments; they hoped and expected that Elizabeth I would sweep away any remnants of popery in England. But Elizabeth intended neither to return the English Church to Rome nor to allow the "hotter Protestants" to remove traditional ornaments.<sup>3</sup>

The day-to-day running of the Elizabethan Church was the affair of the bishops. Most of Elizabeth I's bishops were strong Protestants; they were pastors and divines rather than secular-minded men who had risen in the service of the Crown. They also had to make do with a weakened Church hierarchy as both Henry VIII and Edward VI had attacked the wealth of the episcopacy during the English Reformation. The relative poverty of their sees and of the Church in general forced many bishops to spend more time on administration than on spiritual matters.<sup>4</sup>

The dioceses that most affected Hertfordshire and Essex were the bishoprics of London and Lincoln, and the bishops of London were regularly placed on the county commissions of the peace as *ex-officio* members. (See Appendix No. 5). John Aylmer, Bishop of London from 1577 to 1594, was named to the Hertfordshire and Essex

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<sup>2</sup> Williams, The Later Tudors, 455-456. On the Tudor and Stuart episcopacy, see Felicity Heal, Of Prelates and Princes: A Study of the Economic and Social Position of the Tudor Episcopate (Cambridge: Cambridge University Press, 1980); and Kenneth Fincham, Prelate as Pastor; The Episcopate of James I (Oxford: Clarendon Press, 1990).

<sup>3</sup> Williams, The Later Tudors, 456-457.

<sup>4</sup> *Ibid.*, 460-462.

commissions of the peace in 1590 and 1591. Like most Elizabethan bishops, Aylmer was a Calvinist who endorsed absolute predestination but who did his best to silence “puritan” preachers. Bishop Aylmer was also a talented administrator who exercised much influence over the quality of his government through the power of patronage; he discovered Edward Stanhope, future chancellor to the Bishops of London and the Archbishop of Canterbury.<sup>5</sup>

Aylmer was very sure of his authority and he once accused Lord Burghley of interfering in ecclesiastical jurisdiction by undermining episcopal discipline and encouraging puritan dissidents. Bishop Aylmer also took a direct interest in the running of his diocese, once remarking that the London consistory court was essentially wherever he was at a given time.<sup>6</sup> John Aylmer maintained a residence at Hadham in Hertfordshire, and his son Theophilus would later become a rector in the county. Bishop Aylmer believed that his presence at his house in Hadham kept Hertfordshire “quiet and orderly” and he blamed ecclesiastical disorders around Maldon on his lack of a residence in that part of Essex.<sup>7</sup>

Richard Fletcher, Bishop of London, was placed on the Hertfordshire and Essex commissions of the peace in 1595. Like John Aylmer, Fletcher was a strict Calvinist but he was less likely than Aylmer to criticize the Queen or her government.<sup>8</sup> When he

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<sup>5</sup> Patrick Collinson, The Religion of Protestants: The Church in English Society 1559-1625 (Oxford: Clarendon Press, 1982), 63.

<sup>6</sup> Ibid., 36, 64.

<sup>7</sup> Ibid., 54. VCH, Herts, Vol. IV, 67.

<sup>8</sup> Nicholas Tyacke, Anti-Calvinists: The Rise of English Arminianism, c. 1590-1640 (Oxford: Clarendon Press, 1987), 3. Williams, The Later Tudors, 427.



became Bishop of London in 1594, Richard Fletcher quickly demanded status reports from his five archdeacons, one being the archdeacon of St. Albans. The archdeacons were to supply lists of benefices, career details of their clergy, the reputed values of clergy livings, the numbers of communicants, and any “men of worth” within each parish. Fletcher remained active in both Hertfordshire and Essex and he reported to Robert Cecil that on his visitation, he preached in the two counties because the people and the occasion seemed to require it. Bishop Fletcher was an enemy of English puritans and he criticized specifically the dissension and divisiveness created by puritan preachers in Essex.<sup>9</sup>

From 1597 through 1606, Bishop of London Richard Bancroft was highly placed on the Hertfordshire and Essex commissions of the peace. Bancroft had defended the “divine right” of bishops in the 1580’s and he worked to rebuild the English episcopacy. Refusing to accept the material poverty of the episcopacy, Bancroft was one of several bishops who tried to strengthen the Church financially and politically as an “ecclesiastical corporation”, and he also believed strongly in the uniformity of the Church of England.<sup>10</sup>

Richard Bancroft also nourished connections with local gentry and he did not interfere with the patronage bond between ministers and magistrates as Edmund Freke, Bishop of Rochester, had done in Norfolk and Suffolk. In the 1580’s, Bishop Freke attacked the Suffolk gentry’s taste in ministers and consequently offended the county elite and lessened his own influence in the county. Taking a more moderate stance,

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<sup>9</sup> Collinson, The Religion of Protestants, 51, 65. Williams, The Later Tudors, 492.

<sup>10</sup> Collinson, The Religion of Protestants, 17, 43, 75. On the justification of the episcopacy, see Peter Lake, Anglicans and Puritans? Presbyterianism and English Conformist Thought from Whitgift to Hooker (London: Allen & Unwin, 1988).

Bishop Bancroft personally licensed the work of a Calvinist translator in Essex, a preacher at Greenstead named Hugh Ince. But Bancroft's leniency did not extend to English puritans and at the 1603 Hampton Court Conference, he criticized predestination and was hostile to puritan requests.<sup>11</sup>

In 1605, Bishop of London Richard Vaughn was placed on the Hertfordshire commission of the peace. Vaughn was more tolerant of puritans and even restored some Essex ministers who had been suspended under Richard Bancroft; in Essex, the number of puritan clergymen rose by nearly one-third between 1604 and 1607.<sup>12</sup> This tolerance was short-lived, as Vaughn's successor Thomas Ravis prosecuted puritan (non-conformist) clergy, although his short tenure on the Hertfordshire and Essex benches (1607-1609) apparently did not result in a significant decrease in puritan ministers in Essex.<sup>13</sup>

George Abbot brought some religious calm to the London diocese and he was an *ex-officio* JP in Hertfordshire and Essex in 1610 and 1611. Abbot was part of the Calvinist mainstream and like Richard Bancroft, he tried not to offend the lay gentry in the counties.<sup>14</sup> But after the assassination of Henry IV of France, James I pushed for more rigorous legislation against Catholics and he wanted an archbishop who could

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<sup>11</sup> Collinson, The Religion of Protestants, 157-162. Tyacke, The Anti-Calvinists, 15, 34.

<sup>12</sup> Hunt, The Puritan Moment, 109.

<sup>13</sup> Ibid.

<sup>14</sup> Collinson, The Religion of Protestants, 76.

police the Catholic community and unearth Catholic plots. When George Abbot was made Archbishop of Canterbury, he did persecute Catholics after 1611.<sup>15</sup>

At the same time that George Abbot was on the Hertfordshire and Essex commissions of the peace, the Bishop of Lincoln William Barlow was placed just below Abbot on the Hertfordshire bench. Barlow had been a Court preacher for Elizabeth I and he wrote numerous sermons and tracts that upheld the virtues of the State and the strength of the episcopacy.<sup>16</sup> Although he wrote against Papistry, William Barlow was also an anti-Puritan; his appointment to the Lincoln diocese was due to the perception of that diocese as a Puritan stronghold. Barlow was apparently not hostile to the idea of Arminianism and by 1612, he was communicating with the Dutch Arminian Petrus Bertius.<sup>17</sup>

Bishop of London John King was named to the Hertfordshire and Essex benches from 1613 through 1618. King was a Calvinist but he may not have been a strict Calvinist as he had personally licensed a work on the permanency of justifying grace.<sup>18</sup> He was an active administrator in Essex and even after his tenure on the bench, John King continued to monitor the shire's military charges on the beneficed clergy. Bishop King worked closely with Archbishop of Canterbury George Abbot in making sure that

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<sup>15</sup> Fincham, Prelate as Pastor, 28.

<sup>16</sup> Collinson, The Religion of Protestants, 28.

<sup>17</sup> Fincham, Prelate as Pastor, 29. Tyacke, The Anti-Calvinists, 20.

<sup>18</sup> Fincham, Prelate as Pastor, 81. Tyacke, The Anti-Calvinists, 21.

the county clergy were not overly-rated by the Essex deputy lieutenants for arms, military furniture, and light horse.<sup>19</sup>

After 1618, the Bishop of London no longer appeared on the Hertfordshire and Essex commissions of the peace. John King died in 1621, so the *ex-officio* vacancy must have been the Crown's decision. At this time, James I's religious policy was in flux, with Arminianism gaining favor over strict Calvinism. John King had been part of the "Calvinist axis" that supported Archbishop George Abbot but by the early-1620's, James was letting the Arminians prosper.<sup>20</sup> It is possible that the absence of the Bishop of London on the Home County commissions signaled a change near the capital that the London Diocese was no longer a Calvinist stronghold.

From 1621, the only bishop on the Hertfordshire and Essex benches was John Williams, Bishop of Lincoln. Williams had been a parson in Northamptonshire and he established an affinity with that county's gentry; as Bishop of Lincoln, he continued to preach in his diocese and move about the country. He was also the first bishop in ninety years to hold the Great Seal, an office he maintained until 1625.<sup>21</sup> As Lord Keeper, Williams stayed active in secular matters, chiding the Hertfordshire JPs for allowing rogues and vagabonds to "swarm the county" and urging Essex subsidy commissioners to collect the "highest proportion" of the totals requested by Charles I.<sup>22</sup>

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<sup>19</sup> Quintrell, ed. The Maynard Lieutenancy Book, 45, 52.

<sup>20</sup> Fincham, Prelate as Pastor, 48.

<sup>21</sup> Collinson, The Religion of Protestants, 41, 51-52, 79.

<sup>22</sup> HALS, Hertford County Records, Notes and Abstracts from the Sessions Rolls, 1581-1698, Vol. I, 56. Quintrell, ed. The Maynard Lieutenancy Book, 116, 314.

John Williams was a moderate bishop who did not try to silence the puritans during the early 1620's. He refused to prosecute the nonconformist Suffolk preacher Samuel Ward, finding that Ward was a man "to be won easily with fair dealing" and who was ready to serve the Church of England. Williams preached that power alone was not enough for churchmen; they must win the hearts and minds of the people in order to effect any religious change in the country.<sup>23</sup> This was not to be the philosophy of William Laud and in the 1630's, John Williams would be stripped of his powers.

It is curious that William Laud does not appear as Bishop of London on the Hertfordshire or Essex commissions of the peace. This may have been Laud's choice; he viewed his reforms as affecting all aspects of the Church of England so there was no need to limit his ecclesiastical influence to several counties by specifying him as an *ex-officio* JP. After 1628, Charles I's government was convinced that the hard work of reform would not be accomplished with the local magistrates' cooperation but rather through innovations created and executed from the center. Indeed, William Laud hoped to use central government instruments to change religion: the church courts, the Star Chamber, the Court of High Commission, and the Council of the North.<sup>24</sup>

The Bishop of London controlled a large dioceses spread over three counties, so it was difficult for a prelate to exercise personal leadership throughout the entire diocese. The Crown could have created new dioceses but this might have lowered the prestige of the bishops' office and reduced central government control over church structure; one answer was the appointment of "suffragen bishops" to act as a surrogate in the provinces.

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<sup>23</sup> Collinson, The Religion of Protestants, 90, 177.

<sup>24</sup> H. R. Trevor-Roper, Archbishop Laud, 1573-1645 (London: MacMillan and Co., Limited, 1940), 100-102.

Eighteen suffragen bishops were consecrated between 1535 and 1595, the last of whom was John Sterne, the Suffragen Bishop of Colchester.<sup>25</sup>

The suffragen bishop position never flourished in England and Elizabeth I appointed only three in forty-five years. It has been suggested that the dubious conduct of John Sterne helped to discredit the office; Sterne was reprimanded for ordaining too many clergy and charging as much as three times the legal ceiling to bestow holy orders.<sup>26</sup> But John Sterne was active in Essex as an ecclesiastical administrator; he attended Assize sessions in 1603 and 1607 and he sometimes attended quarter sessions and took recognizances. As Suffragen Bishop of Colchester, John Sterne was named to the Essex commission of the peace, usually at the end of the *ex-officio* members and just above the deputy lieutenants and other highly-placed resident JPs.

Any religious policy from the central government or the archbishoprics had to be enforced in England's many parishes. The main instruments for enforcing episcopal authority were the Church courts that possessed jurisdiction over matters of discipline and morality as well as private disputes over wills, titles, and matrimony. The Church courts formed a hierarchy of overlapping jurisdictions centering on the diocese; there were bishops' consistory courts and archdeaconry courts. These courts had lost some of their earlier authority and so were not always effective in enforcing ecclesiastical law.

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<sup>25</sup> Fincham, Prelate as Pastor, 15.

<sup>26</sup> Ibid., 16. It is alleged that on at least one occasion, John Sterne charged one pound, ten shillings for holy orders.

The Crown compensated for this by issuing ecclesiastical commissions for persistent difficult problems like recusancy and non-conformity.<sup>27</sup>

The diocese of London was divided into three archdeaconries: Essex, Colchester, and Middlesex. The archdeaconry of Essex covered the southern half of Essex through the deaneries of Ongar, Barking, Chafford, Barstable, Chelmsford, Rochford, and Dengie. The archdeaconry of Colchester controlled the northeast part of Essex through the deaneries of Witham, Colchester, Lexden, and Tendring. The Middlesex archdeaconry spread across the counties of Middlesex, Essex, and Hertfordshire; in Hertfordshire, the hundred of Braughing was within its jurisdiction. In Essex, the archdeaconry of Middlesex administered the deaneries of Harlow, Hedingham, and Dunmow, essentially splitting the archdeaconry of Colchester in the north.<sup>28</sup>

The three archdeaconries each had their own church courts but a portion of Hertfordshire and Essex was also under the special jurisdiction of the Bishop of London. In some large dioceses like London, certain functions of episcopal jurisdiction were delegated to “commissaries” empowered to hold courts in designated areas.<sup>29</sup> According to ecclesiastical law, any parish or peculiar not belonging to a specific archdeacon would share jurisdiction with the bishop; any person could choose to commence a suit in either the archdeacon’s or the bishop’s court. The commissary in the larger dioceses – London,

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<sup>27</sup> Williams, The Later Tudors, 462-463. On the workings of the church courts, see Martin Ingram, Church Courts, Sex, and Marriage in England, 1570-1640 (Cambridge: Cambridge University Press, 1987); and David Cressy, Travesties and Transgressions in Tudor and Stuart England; Tales of Discord and Dissension (Oxford:Oxford University Press, 2000).

<sup>28</sup> Quintrell, “The Government of the County of Essex, 1603-1642”, 145-146.

<sup>29</sup> Ingram, Church Courts, Sex, and Marriage in England, 35.

Lincoln, Norwich, and York – was often the archdeacon’s official or chancellor, who transacted both archidiaconal and episcopal business in the same court. Since the archdeacon selected his official and then had him confirmed as commissary, the loyalty of these individuals probably lay with the archdeacon rather than the bishop.<sup>30</sup>

The Bishop of London’s Commissary enforced ecclesiastical law in over fifty-seven parishes in Hertfordshire and Essex.<sup>31</sup> At least some of the commissary’s jurisdiction overlapped with that of the archdeaconries; the potential for conflicting jurisdictions most likely hindered the enforcement of ecclesiastical law and opened the way for disputes between church and lay officials. The example of 1580’s Norfolk shows how such disputes could poison church/secular relations at the provincial level. When certain Norfolk JPs attempted to enforce more rigorous laws against suspected papists and heretics, the Bishop of Norwich (Edmund Freke) perceived an incursion into

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<sup>30</sup> Fincham, Prelate as Pastor, 150.

<sup>31</sup> F. G. Emmison, Guide to the Essex Record Office, Part II (Chelmsford: Essex Record Office Publications, 1948), 93-94. Cecil R. Humphrey-Smith, ed., The Phillimore Atlas and Index of Parish Registers, 2<sup>nd</sup> Ed. (Chichester: Phillimore & Co., Ltd., 1995), 12, 16. The Hertfordshire parishes under the commissary’s jurisdiction were Bishops Stortford, Little Hadham, Much Hadham, Royston, and Little Horstead. In Essex, the commissary had jurisdiction in the parishes of West Thurrock, Orsett, Foulness, Southminster, St. Osyth, Lexden, Matching, Hatfield Broad Oak, Little Hallingbury, Takeley, Stansted Montichett, Henham, Ugley, Rickling, Widdington, Quendon, Wicken Bonhunt, Newport, Wendens Ambo, Littlebury, Strethall, Thaxted, Hempstead, Great Stampford, Little Stampford, Radwinter, Hadstock, Sturmer, Ridgewell, Stambourne, Sible Hedingham, Toppesfield, Little Yeldham, Pentlow, Liston, Middleton, Lamarsh, Gestingthorpe, Little Maplestead, Aythorpe, Roding, Roding Leaden, Chelmsford, Stebbing, Great Saling, Shalford, Laindon, Wickham Bishops, Willingale Doe, and Shellow Bowells. As noted above, the Archdeaconries of Essex and Colchester held parishes in the deconries of Barking, Ongar, Chafford, Barstable, Rochford, Dengie, Chelmsford, Colchester, Tendring, Witham, Lexden, Sampford, and Newport. At least four of these deconries – Chelmsford, Lexden, Newport, and Sampford – appear to have overlapped with the jurisdiction of the Commissary of the Bishop of London.



his own jurisdiction. Bishop Freke used his commissary to control the preaching of local ministers and the appointment of parish churchwardens. But the Norfolk JPs had been impatient with the separate jurisdiction of the bishop's commissary and some refused to acknowledge the commissary as a shire magistrate or his court as lawful. The Norfolk magistracy watched and criticized the commissary's every move and even bound him to good behavior when he chose churchwardens "backward in religion".<sup>32</sup>

Robert Aylett was the Bishop of London's Commissary for Hertfordshire and Essex from 1619 to 1641; he was a civil lawyer and Doctor of Jurisprudence who was added to the Essex commission of the peace after 1622. He was assisted by Thomas Edwards until 1620, then by Edmund Tillingham. Aylett appears to have worked well with the Essex gentry, and he was one of thirteen JPs to sign a refusal of the Forced Loan on the basis that it had not been "done in a parliamentary way."<sup>33</sup> But in the 1630's, Robert Aylett would be brought into Laudian circles through his cousin Sir John Lambe; by 1636, Aylett was converting communion tables into altars against the will of Essex parishioners and ministers.<sup>34</sup>

The Bishop of London's Commissary in Essex and Hertfordshire labored to enforce ecclesiastical policy through the commissary court. As with other church courts, the commissary court relied upon the presentments of offences made by a wide range of parish officials including churchwardens, sidemen, constables, hundred jurors, and other non-professional local officers. These parish and county officials were supposed to

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<sup>32</sup> Collinson, The Religion of Protestants, 160-161.

<sup>33</sup> Quintrell, ed., The Maynard Lieutenancy Book, 140, 381.

<sup>34</sup> Ibid. Tyacke, Anti-Calvinists, 208.

represent the communities from which they were elected or appointed, so they could not always be counted on to report all the violations carried out by their friends and neighbors. Martin Ingram has alleged that most moral and religious transgressions were under-reported to the courts; regulatory and disciplinary success depended on how far local agents were willing to actively and positively assist the church courts.<sup>35</sup>

Still, many religious and moral violations were reported to the Bishop of London's Commissary in Essex and Hertfordshire. The commissary's "Act Book" recorded violations and fines between 1616 and 1636, as well as certain church and parish business. The transgressions recorded in the commissary's Act Book seem almost evenly divided between religious practice and immoral behavior, with many of the moral questions being attached to religious practice. Except in the cases of recusancy, the number of yeomen or peasant violators appears much larger than the number of gentry perpetrators.

The most common infraction recorded in the Act Books was "absence from the parish church". There was little room for interpretation here since the 1559 Act of Uniformity required church attendance on Sundays and holy days for all persons not having a lawful or reasonable excuse. In 1616, John Saye of Aythorpe Roding was cited three times for "not frequenting the parish church"; Thomas Rowland was also presented in 1616 for "being absent from his parish church".<sup>36</sup> In 1620, Stephen Carmenin, Edward Colles, Thomas Andrewes, and Richard Frison were among those cited for not coming to

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<sup>35</sup> Ingram, Church Courts, Sex, and Marriage in England, 29, 107.

<sup>36</sup> ERO, Bishop of London's Commissary in Essex and Herts, Act Book 1616-1621, D/ABA 1, nos. 4, 10, 34.

church; and in early-1621, John Huett and Edward Pilly were also cited.<sup>37</sup> The violators were assessed a twelve pence fine for being absent from church but it is not clear whether this fine was actually collected. The twelve pence penalty was apparently left to the discretion of the minister and could be reserved for important services like Easter.<sup>38</sup>

In the early-1620's, the presentments for absence from church became more specific, naming the actual day or days missed. In addition, the phrase "in the time of divine service" accompanied many of the presentments for church absences, as well as other transgressions. In May 1623, baker Robert Binder was presented "for being absent from church in the time of divine service the 5<sup>th</sup> day of January last". Robert Woolley was cited in 1626 for "absenting himself from his parish church in time of divine service."<sup>39</sup> It is likely that the actual number of those not coming to church was much higher than the presentments recorded in the commissary's Act Book.

In conjunction with absence from the parish church was the failure to receive communion. Again, under-reporting was endemic and parish ministers highlighted only those men and women who failed to receive communion on Easter or other holy days.<sup>40</sup> In July 1616, Peter Coxall, Robert Pilgrom, Abigail Wendon, and Thomas Rowland were among those cited "for not receiving communion upon Easter, last". In July 1620, Richard Kilderson of Broxbourne Hertfordshire was presented for not receiving the

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<sup>37</sup> Ibid, D/ABA 1, nos. 354, 400, 405, 410, 432, and 436.

<sup>38</sup> Collinson, The Religion of Protestants, 207-210.

<sup>39</sup> ERO, Act Book 1621-1625, D/ABA 2, no. 191; Act Book 1625-1628, D/ABA 3, no. 76.

<sup>40</sup> Collinson, The Religion of Protestants, 210-211. Ingram, Church Courts, Sex, and Marriage in England, 107.

communion on the past Easter.<sup>41</sup> The presentment of the recusant William Wiseman for not receiving communion at Easter occurred rather more swiftly: in April 1621.

Wiseman deftly answered the commissary court that on Easter last, he had a suit in law with the parson, a Mr. Denham, and so he was not fit to receive the holy sacrament.<sup>42</sup>

In 1622, the churchwardens of Hadham Magna in Hertfordshire presented three parishioners for not receiving communion: Mary Kelney, William Dawson, and George Loveday. This presentment was signed by Theophilus Aylmer, the rector of Hadham, as well as by the churchwardens and sidemen of the parish.<sup>43</sup> Richard Crow was among those cited in June 1625 for not receiving communion at Easter; and in December 1627, William Boreham was presented for not coming to church in time of communion “but factiously stayed till it be done and then came to the sermon.”<sup>44</sup> Martin Ingram has suggested that more stress was put on receiving communion during Elizabeth I’s reign but by the 1620’s, less effort was directed towards the receipt of communion than the enforcement of weekly churchgoing.<sup>45</sup> In the Bishop of London’s Commissary Act Books for Essex and Hertfordshire, presentments of the two violations seem to run hand in hand.

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<sup>41</sup> ERO, Act Book 1616-1621, D/ABA 1, nos. 16, 34, 347.

<sup>42</sup> Ibid., no. 478.

<sup>43</sup> Ibid., no. 536. Theophilus Aylmer was the son of former Bishop of London John Aylmer. The churchwardens were Thomas Pomfrett and Samuel Ristatt; the sidemen were Thomas Phillips and Felix Culvert.

<sup>44</sup> ERO, Act Book 1625-1628, D/ABA 3, nos. 24, 244.

<sup>45</sup> Ingram, Church Courts, Sex, and Marriage in England, 108.

The Bishop of London's Commissary also noted those who worked on Sunday or otherwise occupied themselves on the Sabbath. In February 1617, Richard Eddy was cited for plowing on St. Andrew's Day; two other Essex men were noted in late-1617 for plowing and carting on Easter. May 1, 1618 saw Stephen Tanner cited for working on Candlemas Day, while Edward Pilly was presented in January 1621 for "grinding in his water mill upon Sunday last in the time of divine service".<sup>46</sup> On May 28, 1622, Edward Martin was cited for using his trade on the Sabbath Day; a year later, George Clark was presented for working upon his trade in time of divine service.<sup>47</sup> Two Essex men were presented in January 1626 for farming corn and gathering acorns on the Sabbath Day.<sup>48</sup> Fines do not appear to have been levied for these transgressions, and there were almost no presentments recorded for unlawful games on Sunday.

Anti-social or immoral behavior filled most of the commissary's Act Books' pages. Drunkenness was a constant irritant especially when it took parishioners away from the church service. In July 1616, William Turner and Ambrose Holland were cited for being drunk on Sunday; Turner was in an alehouse while Holland was in the house of William Lighton.<sup>49</sup> November 1620 saw a number of presentments for being drunk in time of divine service or sermon. William Cocke was cited for being drunk and at an alehouse; John Quick for drinking in his house in time of divine service; Thomas Andrewes for tipling in Alexander Loelle's house; Gaston Hills for tipling and drinking

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<sup>46</sup> ERO, Act Book 1616-1621, D/ABA 1, nos. 46, 94, 107, 436.

<sup>47</sup> ERO, Act Book 1622-1625, D/ABA 2, nos. 37, 191.

<sup>48</sup> ERO, Act Book 1625-1628, D/ABA 3, no. 76.

<sup>49</sup> ERO, Act Book 1616-1621, D/ABA 1, nos. 11, 13.

in his house (with Francis Clark, Richard Emerson, and Lawrence Hunwick); Robert Spate for drinking in the time of divine service in the house of Thomas Johnson and Richard Parkman; and Miles Lawson for “suffering drinking in his house the 24<sup>th</sup> of September in time of divine service”.<sup>50</sup>

Disorderly behavior was recorded by the commissary when it affected the parish church or religious service. William Watson was noted in 1616 for striking a boy in the churchyard and in 1620, William Harris was cited for abusing the minister while in the pulpit.<sup>51</sup> Robert Binder was presented for “abusing the sidemen when they entreated him to go to church” and John Burles was noted for “being rude in the church with his hat in time of divine service, especially in the time of singing psalms”.<sup>52</sup>

By the mid-1620's, more presentments were made for abusive behavior against the parish minister. Edmund Seaman was noted for railing and standing against his minister and for saying that he regarded his minister “as he would regard a dog, and wished he would fall down in the street.” On the same day, Thomas Coulston was cited for railing against the churchwardens, sidemen, and constables upon the Sabbath.<sup>53</sup> In 1630 at Braintree, Essex, John Webb was presented for “disorderly talking and wrangling with one of the churchwardens in time of divine service”, because the churchwarden would have placed Webb’s son in the church amongst the other youths of the parish.<sup>54</sup>

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<sup>50</sup> Ibid., nos. 400, 404, 405, 407, 408, and 410.

<sup>51</sup> Ibid., nos. 16, 402.

<sup>52</sup> ERO, Act Book 1622-1625, D/ABA 2, nos. 191, 333.

<sup>53</sup> ERO, Act Book 1625-1628, D/ABA 3, no. 175.

<sup>54</sup> ERO, Act Book 1628-1630, D/ABA 4, no. 234.

The number of disorderly behavior presentments may be related to economic tensions in the late 1620's, especially in the cloth-producing area around Braintree.

The mid-1620's also saw an increase in presentments for refusal to pay for church repairs. Refusal to pay the church clerk's wages was a common presentment in the early-1620's; Thomas Andrewes, Thomas Reynolds, and John Baker were cited in May 1622 for not paying for burials and refusing to pay the church clerk's wages.<sup>55</sup> But in May 1625, John Weld of Hertfordshire refused to pay a sum of four shillings, ten pence "toward a rate made for the repairing of our parish church and steeple, being indifferently rated". The same month, three Essex men – John Finch, Francis Edlund, and John Clarke – were also cited for refusing to pay the rates for repairing the church.<sup>56</sup> One year later, William Buckle, George Shealand, and Thomas Wright were presented for not paying four pence toward a rate made for the repairs of the churches at Chelmsford and Southminster.<sup>57</sup> In May 1628, John Derrick refused to pay two shillings, eight pence towards a rate made for the repairing of the church at Clacton, and Leonard Moyse refused to make a rate "for the sum of five pounds to be levied in the hamlet of Moulsham toward the repairing of the parish church of Chelmsford."<sup>58</sup>

By far, the most prevalent infraction recorded in the Bishop of London's Commissary's Act Book was couples living incontinently with each other. In the early-seventeenth century, England's church courts placed increasing stress on solemnization

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<sup>55</sup> ERO, Act Book 1622-1625, D/ABA 2, nos. 39, 40.

<sup>56</sup> ERO, Act Book 1625-1628, D/ABA 3, nos. 15, 17, 19.

<sup>57</sup> Ibid., nos. 102, 104.

<sup>58</sup> ERO, Act Book 1628-1630, D/ABA 4, nos. 36, 50.

in church as the only guarantee of a socially and legally acceptable marriage. Thus, church courts stepped up disciplinary prosecutions for prenuptial fornication in an attempt to keep betrothed couples chaste before they were married. But the church courts' policy was not evenly upheld by England's parishioners, who tended to be more tolerant of sexual contact between couples who were courting seriously.<sup>59</sup> As suggested by Martin Ingram, the number of presentments in the commissary's Act Books is probably much lower than the actual number of couples living together before marriage.

In Maldon, Essex, John Warren was cited in 1617 for living incontinently with Agnes Gethorne "with the same goods". Two years later, the Chelmsford churchwardens presented Lawrence Hymworke and Elizabeth Veare for "suggesting they live together incontinent, a common crime."<sup>60</sup> In May 1620, Thomas Skinner and Richard Howell were each reported for living incontinent with their wives before marriage; six months later, Thomas Bisseter was cited for the same thing.<sup>61</sup> On May 29, 1621, Joann Waters was presented for living incontinently with Henry Thurgood of Braughing hundred, Hertfordshire. The couple answered the commissary that they had "contracted by the consent of both their friends" and that there was no lawful impediment to their marriage; they thus desired a license from the commissary to be married at the parish church at Sawbridgeworth, Hadham Magna, Hertfordshire. Waters and Thurgood then signed a

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<sup>59</sup> Ingram, Church Courts, Sex, and Marriage in England, 219.

<sup>60</sup> ERO, Act Book 1616-1621, D/ABA 1, nos. 80, 139.

<sup>61</sup> *Ibid.*, nos. 305, 326.



certificate before the commissary stating that they did “penitently perform their penance for their incontinency before marriage enjoined them in the parish church”.<sup>62</sup>

The Waters/Thurgood matter was heard before commissary Robert Aylett and Edmund Tillingham. The Act Books show these two ecclesiastical officials to be very active in Essex and Hertfordshire, and there is a great deal of consistency in the violations recorded from 1616 through 1630. Moral transgressions appear to be the most common entries, with drunkenness and living incontinently recorded copiously for each month of every year.

Considering the likely under-reporting by churchwardens, sidemen, and constables, clerical and secular leaders in Hertfordshire and Essex acted upon their own “spectrum of opinion” on what constituted blatant immorality.<sup>63</sup> The county magistracy and the ecclesiastical authorities, whether intentionally or expediently, forged a consensus on the definition of unacceptable behavior and what could realistically be done about it. Justices of the peace did not ordinarily participate or interfere in religious accusations against parishioners. As will be seen, it appears that the magistracy acted through quarter sessions when a cleric was accused of some civil wrongdoing, bringing a church official into the JPs’ jurisdiction.<sup>64</sup>

One religious matter that always concerned lay and spiritual leaders was the presence of Catholics in England. Though the majority of English parishioners were willing to accept Elizabeth I’s 1559 religious settlement, a substantial minority preferred

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<sup>62</sup> Ibid., nos. 500, 530.

<sup>63</sup> Ingram, Church Courts, Sex, and Marriage in England, 167.

<sup>64</sup> ERO, Q/SR 131/31-32; Q/SR 132/53.

the Catholic religion and even more looked back nostalgically to traditional religious practices.<sup>65</sup> In the 1580's a number of English dioceses still had Catholic clergy and Catholics were regularly placed on the county commissions of the peace. Regardless of how the central government or the puritans saw them, many English Catholics saw themselves as loyal subjects of the Crown; most rejected the Jesuit mission in England and they refused to be drawn into conspiracies against the realm.<sup>66</sup>

As noted in Chapters 3 and 4, Catholic recusants in Essex were named to the county bench and were diligent in their service to Crown and county. Sir John Petre kept a book of his subsidy collection in 1590 and 1591 and he was asked to collect the loan in 1597. He was among the "first twelve" commissioners on Elizabeth I's Commission Against Jesuits and Seminaries, responsible for the Essex port towns and all twenty of the county's hundreds. John Petre and his son William were consistently placed near the top of the list of resident JPs in Essex and after 1603, they became part of England's titled nobility.<sup>67</sup>

The Petres were not representative of all of Essex's recusants; they possessed resources and status that placed them safely above many others, Catholic or Protestant. Both lay and spiritual governors targeted the Wiseman family from the 1590's through the 1620's. In January 1592, Jane, William, and Robert Wiseman were presented for not coming to church for ten years.<sup>68</sup> Two years later, one Robert Young wrote to Lord

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<sup>65</sup> Williams, The Later Tudors, 465-466.

<sup>66</sup> Kishlansky, A Monarchy Transformed, 76.

<sup>67</sup> ERO, D/DP/O6/28-33, 60. CSPD, James I, 1603-1610, 23. See Appendix No. 2.

<sup>68</sup> ERO, Q/SR 119/37.

Burghley to report on the Wiseman's activities in Essex. Young alleged that Robert Wiseman had affirmed his own recusancy and refused to take the Oath [of Supremacy] "touching the Queen"; in addition, Ann and Mary Wiseman were found with Jesuits and Seminaries in the house of Jane Wiseman.<sup>69</sup>

In April 1594, Robert Young provided the names of those who also would not take the Oath, found within William Wiseman's home: Ralph Wiseman, William Suffield, John Stratford, John and Richard Fullwood, and Richard and William Wallis. Young called these persons "servants of Mr. William Wiseman, who is a continual supporter of all seminary priests."<sup>70</sup> Three years later, two Essex justices of the peace, John Tyndall and Thomas Waldegrave, evaluated Jane Wiseman's possessions including her manor at Yardley Hall.<sup>71</sup> In August 1599, Sir Arthur Capell informed Robert Cecil of the interception of a suspected papist who was carrying "certain suspicious wafers and writings containing Popish prayers"; the individual said that he was only a messenger to carry the things to Mr. William Wiseman's house in Broad Oak, Essex.<sup>72</sup>

The Wisemans were suspected Papists and yet were still part of local government and administration in Essex. They were rarely placed above the middle position on the

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<sup>69</sup> SPD, SP12/247, no. 3. ERO, Q/SR 252/44. The Petres were not exempt from scrutiny and John Petre was presented for recusancy at the January 1626 quarter sessions. It does not appear that the Petres made any attempts to conform; rather they depended on their record of loyal service to protect them.

<sup>70</sup> *Ibid.*, SP12/248, nos. 68, 68-I. Jane Wiseman was William Wiseman's mother.

<sup>71</sup> *Ibid.*, SP12/264, no. 124. John Tyndall was an attorney and Master in Chancery, and Thomas Waldegrave was later captain of one of Essex's trained militia bands.

<sup>72</sup> *Ibid.*, SP12/272, no. 65. Capell went on to say that Mr. Wiseman's house has "long been known to be Popish" and his mother Jane Wiseman "is reputed to be that way also".

Essex commissions of the peace, but members of the Wiseman family appeared continuously on the county bench between 1590 and 1630, and regularly attended quarter sessions. Other Essex justices of the peace had connections to Catholicism that did not preclude their advancement on the local bench. Thomas Mildmay, Jerome Weston, William Smith, and Edward Waldegrave were suspected Catholics or were connected to Catholic patrons. Like the Petres and the Wisemans, these individuals provided loyal service to their county and the Crown that counter-balanced their objectionable attachment to the Catholic faith.<sup>73</sup>

The Privy Council and the bishops tried to maintain vigilance over those suspected of recusancy. A 1590 charge of recusancy against Sir William Waldegrave's wife was referred to the Archbishop of Canterbury, John Whitgift; another letter to Whitgift asked that certain recusants be allowed to "repair into the country to order their affairs".<sup>74</sup> In their attempts to restrain English Catholics, the Privy Council made good use of the county magistracy. In 1596, Elizabeth I's Council wrote to three Essex JPs regarding the inability of a specific recusant to be committed to Ely and Banbury; the Council made it clear that this recusant "must be restrained to the parts where he doth now remain."<sup>75</sup> In 1615, the Privy Council received a request from Bridget Sulyard,

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<sup>73</sup> Manning, Religion and Society in Elizabethan Sussex, xii, xv. Manning suggests that the lenient government attitude towards crypto-Catholic and even open Catholic office-holders in Sussex undoubtedly contributed to the erosion of Catholic beliefs among the untitled gentry and at the same time assured the Queen of the loyalty of this group.

<sup>74</sup> APC, Vol. XIX, A.D. 1590, 298; Vol. XX, A.D. 1590-91, 142;

<sup>75</sup> Ibid., Vol. XXVI, A.D. 1596-97, 362. The three Essex JPs were Thomas Bendishe, Thomas Meade, and William Ayloffe.

widow and recusant from Suffolk, to relocate to her son-in-law's house in Pelham, Hertfordshire.<sup>76</sup>

Local governors kept a watchful eye on those suspected of Popery in their shires but preferred to handle their own recusants. The Essex deputy lieutenants informed Lord Burghley in 1590 that the Earl of Leicester had told them to provide the names of the principal recusants in the county and to disarm them. The deputies explained that any recusants known to them had already been disarmed and their arms employed in the shire's trained bands; the state of the recusants' livings were being assessed so the deputy lieutenants would have identities and a "more certain understanding".<sup>77</sup>

Recusants from all levels of society were presented at the Essex quarter sessions for not coming to church. The Wisemans, the Petres, Lord Morley, Lord Darcy, and John Wright were among those Essex gentry presented and sometimes indicted for recusancy between 1590 and 1630.<sup>78</sup> The Archdeacon of Colchester made a detailed presentment of all persons residing in his archdeaconry who willfully refused to come to the parish church; this presentment to the 1609 Epiphany quarter sessions showed twenty-two parish churchwardens to be very active in pointing out twenty-five recusant neighbors.<sup>79</sup>

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<sup>76</sup> Ibid., Vol. XXXIV, A.D. 1615-1616, 246. John Newport was Bridget Sulyard's son-in-law.

<sup>77</sup> SPD, SP12/231, nos. 46, 46-I.

<sup>78</sup> ERO, Q/SR 119/37; Q/SR 192/135; Q/SR 223/4; Q/SR 224/20; Q/SR 252/35-37, 44.

<sup>79</sup> ERO, Q/SR 186/121. Thomas Wither, Archdeacon of Colchester certified the presentments from ten parishes. The churchwardens of Great Wendo (William Banke and John Mascall) presented William Thurgood and his wife Anne, Peter Thurgood and his wife Florence, Katherine Thurgood, widow, Alice Butcher, William Benes and his wife Martha for refusing to come to church for the past three or four years. The Franham churchwardens (Henry Walker and Thomas Mumford) presented Robert Loveday, Mary

As an Essex MP, Sir Francis Barrington presented a bill on May 2, 1626 “for the better discovering of Church papists and preventing their former [sic] but feigned conformity.”<sup>80</sup>

Catholics among the nobility were treated differently than those at other levels of English society. Thomas Darcy, Viscount Colchester, had Catholic leanings and during the Papist scare of 1625, his armor was confiscated and delivered to Sir Harbottle Grimstone by the Earl of Warwick. In May 1626, Viscount Colchester submitted himself before the Bishop of London where he conformed and received the holy sacrament; Colchester presented a certificate from the minister of Chiche St. Osyth that he was present in the parish church the last Easter and conducted himself reverently there. Six months later, Thomas Darcy was created Earl Rivers and with the Duke of Buckingham’s patronage, was again allowed to participate in county and national government.<sup>81</sup>

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Bickner, and Thomas Little for not coming to church for three or four years. The churchwardens of Ashdon (Thomas Freeman and William Swann) presented Anne the wife of John Claydon. Hadstock’s churchwardens (John Butcher and George Willows) presented William Banks for not coming to church for five years. The churchwardens of Quendon (William Jackson, senior and junior) presented Mr. Wilford and his wife for refusing to come to church for two years. The churchwardens of Little Sampford (Richard Fitch and Jeffery Titterell) presented Mr. William Grene and Katherine Grene, John Grene and his wife Francis, and Anne the wife of Oliver Clarence for being absent five or six years. Manuden’s churchwardens (Thomas Packman and John Felham) presented Thomas Grouche, gent., for five or six years. The churchwardens of Weeley (Richard Auton and Thomas Swallowes) presented Susan, the wife of Francis [sic]. Ardleigh’s churchwardens (George Watson and Thomas Payne) presented Anne, the wife of [sic] Mannock, gent., for a Popish recusant. The churchwardens of Little Totham (John Beckwith and Henry Badcock, along with Clement French and George Malles of Rivenhall) presented Mr. Phiffian and his wife for not coming to church for six or seven years.

<sup>80</sup> William B. Bidwell and Maija Jansson, eds., Proceedings in Parliament 1626, Vol. III: House of Commons (New Haven: Yale University Press, 1992), 125.

<sup>81</sup> ERO, Q/SR 254/75. CSPD, Charles I, 1625-1626, 184. Quintrell, ed. The Maynard Lieutenancy Book, 395.

William Lord Petre had also had his armor confiscated in 1625, but Petre and his sons received moderate treatment in the late-1620's. The youngest son had crossed the English Channel to Calais "under the governance of a Jesuit"; two of Petre's other sons were sent to the Bishop of London and then committed to jail for refusing the Oath of Allegiance. During the January 1629 Essex quarter sessions, Attorney General Robert Heath ordered the justices of the peace to postpone William Petre's recusancy trial until the end of the year. At the Easter quarter sessions, Heath instructed the Essex JPs not to proceed with Petre's indictment "until his Majesty's pleasure be further known."<sup>82</sup>

At the other end of the scale from those who still craved the old religion were those who actively preached the new religion. The "puritans" were not a homogeneous, organized group but were reform-minded Protestants who wanted the Church of England to be free of elaborate clerical dress, ceremony, and ornamentation. These radical Protestants emphasized preaching and the reading of the Scriptures and asserted that these two goals ranked higher than mere obedience to the structure of the Church of England.<sup>83</sup> The puritans among England's gentry saw themselves as predestined to be God's "elect", as opposed to their less godly neighbors who would be damned for eternity. In addition to dividing the community with their strict moral code and exacting self-discipline, English puritans engaged in a struggle for control of religion at the local level.<sup>84</sup>

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<sup>82</sup> ERO, Q/SR 264/108; Q/SR 266/117. CSPD, Charles I, 1627-1628, 253, 262.

<sup>83</sup> Williams, The Later Tudors, 476.

<sup>84</sup> Kishlansky, A Monarchy Transformed, 31-32.

By the end of Elizabeth I's reign, reform-minded Protestants were finding their way into parish livings as ministers. This was the result of more graduates from Oxford and Cambridge and the patronage of powerful Protestants like William and Robert Cecil and the earls of Leicester, Huntingdon, Warwick, and Bedford. By the beginning of the seventeenth century, the Church of England appointed approximately one-third of the clerics to parish livings. But many county gentry also owned advowsons – the right to appoint clergymen to parish livings – and those gentry who were active Protestants tended to grant their parish livings to puritan ministers; town leaders in midland, southern, and eastern England also appointed godly preachers for their corporations.<sup>85</sup> The county and town leaders who made these appointments believed that they controlled the livings and actions of the appointed ministers.

The most active Protestant ministers had less backing from the Crown and the episcopacy than from the parish and the village. As early as the 1580's, Suffolk and Essex ministers held their own monthly conferences around Dedham (Essex) to share and discuss their pastoral problems; these presbyterians debated openly and submitted themselves to the discipline of the group. Patrick Collinson sees the Dedham conferences as “a particular expression of a more generalized and pervasive sense of clerical collegiality . . .” that supplied the texture of the Church to “the localized world of the market town and its satellite villages.”<sup>86</sup> The godly of Nayland, Suffolk, even followed their minister across the county and diocesan border to hear him preach at nearby Boxted

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<sup>85</sup> Ibid., 40. Williams, The Later Tudors, 464-465, 491.

<sup>86</sup> Collinson, The Religion of Protestants, 120-121.



in Essex; the Boxted vicar left off his surplice, knowing that it might offend some of the Suffolk people.<sup>87</sup>

There was some tension between the godly gentry of Essex and the Church of England in the late-sixteenth and early-seventeenth century. In August 1592, Edward Lewkenor presented one minister who did not read the Epistle and complained that one of the churchwardens refused to “set his hand” to the presentment.<sup>88</sup> The Easter 1594 Essex quarter sessions saw a presentment against John James, an Apparitor for the bishops of London and Colchester, for summoning Katherine Seggens to appear and extorting three shillings from her.<sup>89</sup> By 1597, the new collectors of the loan were instructed to omit no one from their stepped-up collection; even the clergy who had “temporal land” could be taxed.<sup>90</sup>

In January 1596, Richard Fletcher, Bishop of London, wrote to the Essex deputy lieutenants, asking them to intervene on behalf of Reginald Metcalf, vicar of Elmstead; Metcalf had been indicted in 1595 for stealing twelve cheeses from Henry Wayte and one cheese belonging to John Kemp. Bishop Fletcher asked that Reginald Metcalf be allowed to answer the indictment at the next Assize sessions instead of the quarter sessions, no

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<sup>87</sup> Ibid., 259. Williams, *The Later Tudors*, 471. Suffolk was considered a Puritan county after 1593 and Ipswich a Puritan stronghold since the 1560's.

<sup>88</sup> BL, Additional MSS 33,410, f. 31. Lewkenor later wrote that out of the 344 preachers in Essex, less than 100 were “good and faithful preachers”.

<sup>89</sup> ERO, Q/SR 127/28. An “apparitor” was an officer sent to carry out the duties or business of an ecclesiastical court.

<sup>90</sup> *APC, Vol. XXVI, A.D. 1596-97*, 460, 469. This Privy Council directive gives one the impression that Lord Burghley was behind this push against the clergy. As Lord Treasurer and Lord Lieutenant, Burghley was to collect for Hertfordshire while Sir John Petre was to collect for Essex.

doubt to dilute the local animosity present at the county quarter sessions.<sup>91</sup> In May 1600, the parishioners of Writtle complained about their vicar, Dr. Floyd, who told them in a public sermon that he had no cure for their souls and that he was no more bound to them than to parishioners in Chelmsford, Ingatestone, London, or Barwick. Another part of the complaint was that Dr. Floyd's livings were better than most of his parishioners and that he had not administered communion in his parish in three-quarters of a year.<sup>92</sup> As it happened, the Catholic Petre family had residences in Writtle and Ingatestone.

Certainly the gentry of Essex and Hertfordshire believed that they had some control over the livings and teachings of their parish clergy. In 1615, Edward Sadler, gent., and Richard Bedell the elder, yeoman, of Stonden in Hertfordshire were presented for pulling Richard Powell, vicar of Stonden, and "misusing him in the schoolhouse and in the churchyard."<sup>93</sup> According to a subsequent lawsuit filed in the Court of Chancery, Powell had attempted to become schoolmaster of Stonden so that he could obtain the benefit of the annual twenty-pound stipend. The vicar argued that the schoolhouse stood upon a parcel of the churchyard and by right of his vicarage, he had good cause to claim possession of the estate and the stipend. Edward Sadler and Richard Beddell threw Richard Powell out of the schoolhouse and when he persisted, they brought an action of

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<sup>91</sup> ERO, Q/SR 131/31, 32; Q/SR 132/53. Quintrell, ed., The Maynard Lieutenancy Book, 45, 52. Bishop of London John King intervened on behalf of the Essex clergy to ensure that they were not assessed too highly for militia charges.

<sup>92</sup> ERO, D/DP/Q5/1.

<sup>93</sup> HALS, W. J. Hardy, Hertford County Records, Notes and Extracts from the Sessions Rolls, 1581 to 1698, Vol. I, 44.

trespass against him. The lawsuit was filed by Ralph Sadler, Edward Sadler, Richard Wrothe, and others from the Hertfordshire gentry and magistracy.<sup>94</sup>

By the middle of James I's reign, the "godly" laity and clergy had extended their local influence beyond what the Crown or the episcopacy found acceptable. In 1618, James I issued his Book of Sports, allowing certain lawful recreations on Sunday. The King worried that if no honest mirth or recreation was tolerable in English religion, it would breed discontent in the people. Four years later, James I followed the Book of Sports with a set of "Royal Directions to Preachers", penned by Archbishop of Canterbury George Abbot, that prohibited the discussion of predestination and reprobation. In the "Directions" the King asked his bishops to stop the "abuses and extravagances of preachers in the pulpit" that were scandalizing the Church and disquieting to the state. James I reiterated his intolerance of "the superstition of popery and the madness of anabaptism" but was troubled by the defection to these faiths from the Church of England; the preaching taken up lately in the country led to the "ignorant meddling with civil matters."<sup>95</sup>

The 1622 "Royal Directions to Preachers" provided a foothold for those tired of the puritans' self-righteousness and social divisiveness. The following year, the Bishop of London's Commissary, Robert Aylett, lashed out against the corporation of Colchester, denouncing their "factious multitude" and their choice of puritan ministers. Reaction to the puritans hardened political and religious divisions in Essex, as the Earl of Warwick's lecturer, Thomas Barnes, alluded to the Crown's softness on Papists as a

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<sup>94</sup> PRO, C2/JAS I/S16/14.

<sup>95</sup> Kenneth Fincham, ed., Visitation Articles and Injunctions of the Early Stuart Church, Vol. I (Woodbridge: The Boydell Press, 1994), 149, 211, 213.

prelude to religious civil war in England. Barnes' sermon was dedicated to William and Katherine Towse; William Towse was a long-serving Essex JP, a serjeant-at-law, a four-time MP for Colchester, and a part of the "Warwick faction" in Essex.<sup>96</sup> In June 1624, the Commission for Ecclesiastical Causes pronounced a sentence of deprivation on Samuel Serle, rector of Theydon Garnon, Essex, for unspecified charges. Six months later, the widow of Dr. Crockingthorpe, chaplain-in-ordinary to James I, asked the Bishop of London to confer on her son-in-law the parsonage of Pagelsham, Essex.<sup>97</sup>

When Charles I acceded to the throne, the attack on England's puritans gathered strength. William Laud and the Arminians saw the puritans as controlling and divisive, and Laud set out to limit the amount of preaching done by non-beneficed clergy. He increased the number of episcopal visitations, punished those ministers who defied his orders, and reported to the Privy Council those laymen who supported puritan ministers.<sup>98</sup> In the late-1620's, there was a concerted effort made against unlicensed ministers or those who did not give full ministration to their parishioners. William Innes of Harwich was reprimanded for not leading the perambulation and not reading the Canons "as appointed." In early-1630, Innes was again cited for not "going the perambulation and for detaining the ancient books of record" which had been in the custody of the churchwardens.<sup>99</sup>

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<sup>96</sup> Hunt, The Puritan Moment, 176-177.

<sup>97</sup> CSPD, James I, 1623-1625, 285. CSPD, Elizabeth I and James I, Addenda, 1580-1625, 673. Fincham, Prelate as Pastor, 319.

<sup>98</sup> Kishlansky, A Monarchy Transformed, 128-129.

<sup>99</sup> Act Book, 1628-1630, D/ABA 4, nos. 126, 240.

In April 1630, William Laud's Ecclesiastical Commissioners cited the vicar of Ware in Hertfordshire for omitting the Lesson from the Old Testament, the Litany, the surplice, the cross in Baptism, and the exhortation in matrimony. The vicar, Charles Chauncy, had allegedly made speeches "in praise of the puritans, in disparagement of the authority of the church, and in anticipation of changes likely to ensue in church and state, in expectation whereof he asserted that some families were preparing to go to New England."<sup>100</sup> Ten days later, Chauncy responded with explanations for the speeches attributed to him and asserted his conformity to the articles raised by the Ecclesiastical Commissioners. In late-May, Charles Chauncy submitted completely to Bishop of London William Laud; the entire process took forty-seven days.<sup>101</sup>

William Laud also set out to suppress the nonconformist preachings of Essex minister Thomas Hooker. Hooker had made a name for himself in the mid-1620's through his powerful lectures in Chelmsford and by 1629, he was preaching in the Essex cloth-towns of Dedham and Braintree. Like Thomas Barnes in 1623, Thomas Hooker alluded to England's economic woes as a consequence of the nation's softness on Popery and he warned town workers of worse to come. A minister from Braintree warned

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<sup>100</sup> CSPD, Charles I, 1629-1631, 233. The strength of the Essex Puritan movement may be seen in the Massachusetts' towns named after Essex towns and villages. See Tom Webster, Godly Clergy in Early Stuart England: The Caroline Puritan Movement, c. 1620-1643 (Cambridge: Cambridge University Press, 1997); Francis J. Bremer, Shaping New Englands: Puritan Clergymen in Seventeenth-Century England and New England (New York: Maxwell Macmillan International, 1994); John Eric Adair, The Founding Fathers: The Puritans in England and America (London: J. M. Dent, 1982).

<sup>101</sup> CSPD, Charles I, 1629-1631, 240, 266.

Bishop Laud that Hooker's preachings were exciting the locals and might spread contempt toward Essex's conformable clergy.<sup>102</sup>

On November 10, 1629, forty-nine beneficed clergy of Essex wrote to Bishop Laud expressing their support for Thomas Hooker; the ministers, vicars, and rectors believed that Hooker was orthodox and they asked for Laud's favor. One week later, forty-one conformable ministers wrote to William Laud, asking him to "take the state of the diocese, for there is a need for a general conformity".<sup>103</sup> The conformist clergy were led by John Browning of Rawreth, a Laudian rector who hoped to pacify the Essex people through weekly lectures from orthodox Chelmsford divines. By February 1630, Bishop Laud suppressed Thomas Hooker's lectureship, but Essex was divided over this issue and would remain divided through the 1630's.<sup>104</sup>

The Thomas Hooker controversy suggests a wide degree of variation between Puritanism and Arminianism in Essex. According to Nicholas Tyacke, the conformist John Browning was joined in his petition by the radical Protestants Joshua Mapletoft and Thomas Oxley, while Hooker was supported by the Arminian Samuel Hord.<sup>105</sup> Tyacke draws a geographic line diagonally across Essex, roughly following the road from London to Colchester; most conformable clergy were found in the south-east of the

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<sup>102</sup> Hunt, The Puritan Moment, 255-256.

<sup>103</sup> SPD, SP16/151, no. 65; SP16/152, no. 4.

<sup>104</sup> Tyacke, Anti-Calvinists, 191. Manning, Religion and Society in Elizabethan Sussex, 64, 91. Manning states that when Bishop Richard Curteys tried to institute Protestant reforms in Sussex in the 1570's, his zeal in trying to secure religious conformity raised fears of a revival of arbitrary prelatial power. The conflict between Curteys and the Sussex gentry became less centered on religion and had become a struggle to see who would rule.

<sup>105</sup> Tyacke, Anti-Calvinists, 191.

county while the “advanced Protestants” could be found in the north-west. The location of the advanced Protestants is attributed partly to the cloth industry in Essex and to the proximity of Felsted, the primary residence of Robert Rich, second Earl of Warwick.<sup>106</sup> But a degree of variation can be found on either side of this dividing line. Both Maldon and Harwich, located on the “conformable” side of Essex, were considered puritan towns under Warwick’s control. In addition, the proto-Arminian William Maynard had his family seat at Easton Lodge, approximately five miles from Robert Rich’s residence at Felsted, on the “advanced Protestant” side of Essex. Tyacke’s connection of Puritanism with the Essex cloth towns is more solid, as ministers and trade-minded parishioners both desired social control, economic prosperity, and local discipline. Braintree, Bocking, Halstead, Dedham, and Coggeshall all had puritan leanings and strongly supported parliament during the English Civil War.<sup>107</sup>

Whatever religious policy the English Crown forged, local government administered and executed the wishes of the center. The justices of the peace and the church courts presided over recusancy problems and moral discipline, but it was government at the parish level that oversaw the day-to-day administration of religion in England. In every parish, churchwardens, sidemen, and overseers of the poor collected various rates, recorded problems with the church and parishioners, presented moral or

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<sup>106</sup> Ibid., 188-189.

<sup>107</sup> Hunt, The Puritan Moment, 250-252. Hunt sees the development of a “culture of discipline” in Essex parishes in the early-seventeenth century, based on John Calvin’s presbyterian system. This culture of discipline gave religious and secular leaders the ability to reform manners and control parish society through a predestinarian theology and “painful preaching”. Hunt’s “social puritanism” was spread by Cambridge’s evangelical preachers, and appealed to local elites during the economic and social tensions intensified by the poor state of the Essex cloth trade in the 1620’s.

religious back-sliders, and answered to archdeacons, bishops, and archbishops. It was the churchwardens and sidemen who presented the majority of cases to the Bishop of London's Commissary in Essex and Hertfordshire; they reported repairs needed to keep up the parish church and kept religion running at the most earthly level.

Parish churchwardens were supposed to be familiar with religious policy and religious law. The 1605 "Articles for the London Diocese" was issued by Bishop of London Richard Vaughn in preparation for a Visitation, and instructed the churchwardens to read the 1604 Book of Canons and the "Articles" together with their ministers. The churchwardens were not to bring bills to the archdeacon's court but only make their presentments upon the Articles; Bishop Vaughn did not want more presentments made, or any more fees exacted, than those allowed by Canon 116.<sup>108</sup>

The minister and other parish worthies (often in the form of a vestry) appointed or elected the churchwardens, sidemen, and overseers of the poor for their parish. A 1536 statute ordered every parish to select churchwardens "or two others" to collect alms for the poor weekly. The "two others" soon became the overseers of the poor and they had to administer poor relief, subject to the general supervision of the ratepayers assembled in a vestry meeting. The churchwardens were not as active in administering to the poor, leaving the burden to the two to four overseers in each parish. Overseers were sometimes overwhelmed with the task before them and there was a tendency to lose momentum in providing for the ever-growing numbers of poor. Most overseers of the poor had to serve

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<sup>108</sup> Fincham, ed., Visitation Articles and Injunctions, Vol. I, 26-32.



in their office, as members of the parish, and so they generally tried to just keep the system running while they were in office.<sup>109</sup>

Parish government was usually centered around a town or village; it was compact and vital and resembled the administrative structure of the smaller corporate boroughs. In the parishes containing the smallest towns, the same individuals tended to serve as churchwardens or sidemen year after year. Although many vestries went through the motions of an annual election, most villages had a “house-row” system of rotation under which the occupiers of the main properties in the parish served in some predetermined order.<sup>110</sup> In Ashwell Parish, Hertfordshire, Robert Evered and John Pygge served as churchwardens each year from 1590 through 1595; the next two years, John Pygge served with John Chapman. In Knebworth Parish, Hertfordshire, John Mason and Edward Dardes were churchwardens in 1600 and 1602, and Edward Dardes served again in 1603 with John Kettle. John Hodgkinson was a churchwarden three years in a row in Saint Peters Parish in Hertfordshire, while Thomas Canfield, William Heathcock, John Porter, and William Hayle all served two years consecutively.<sup>111</sup>

Larger parishes, or parishes centered around larger towns, had more properties and ratepayers to consider so it was more difficult to maintain a rotation system; thus fewer individuals served consecutively as churchwardens or overseers.<sup>112</sup> Out of thirty-

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<sup>109</sup> A. L. Beier, The Problem of the Poor in Tudor and Early Stuart England (London: Methuen, 1983), 23. Geoffrey W. Oxley, Poor Relief in England and Wales, 1601-1834 (Newton Abbot: David & Charles Limited, 1974), 43, 44.

<sup>110</sup> Oxley, Poor Relief in England and Wales, 43.

<sup>111</sup> HALS, Anthony Palmer, ed., Tudor Churchwardens' Accounts (Braughing Friars: Hertfordshire Record Society, 1985), 28-40, 75-80, 150-166.

<sup>112</sup> Oxley, Poor Relief in England and Wales, 43.

seven churchwardens recorded for Chelmsford Parish between 1590 and 1620, only four individuals served more than one time.<sup>113</sup> Harwich also saw more diversity in their churchwardens; out of forty-six churchwardens listed between 1595 and 1623, only five persons held the office more than once.<sup>114</sup>

Dunmow Parish in Essex, around the town of Great Dunmow, selected four (or sometimes three) churchwardens since they used *only* this office in their parish government instead of the more typical two churchwardens and two sidemen. With more churchwardens, the same individuals served frequently in the office; a pattern developed in which the first churchwarden for a given year would move off the list the next year and the second or third churchwarden would move up into the first position. The Dunmow Parish churchwardens for 1591 were Henry Raymond, George Digby, George Ginne, and Richard Odwin; the next year the list was George Ginne, Richard Odwin, Richard Cock, and John Cock.<sup>115</sup> In 1600, William Deane was the first-listed churchwarden, followed by John Andrews, Edmund Smith, and Andrew Stone; the next year, John Andrews had moved into the first position, followed by Richard Draper, Henry Swelting, and Andrew Stone.<sup>116</sup> A similar pattern can be seen for a Hertfordshire parish church at Bishop's

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<sup>113</sup> ERO, D/P 94/5/1: Chelmsford Churchwardens' Accounts, ff. 99-179. The four were Thomas Lawrence, John Higham, John Blanke, and John Goose.

<sup>114</sup> ERO, T/A 105: Harwich Churchwardens' Accounts, ff. 222-285.

<sup>115</sup> ERO, D/P 11/5/1: Dunmow Parish Churchwardens' Accounts, 141, 143.

<sup>116</sup> *Ibid.*, 157, 158.

Stortford; out of thirty-four years recorded, twenty-two “second” churchwardens moved into the first position the next year.<sup>117</sup>

The minister or vicar was the head of parish government and he had to be an effective preacher and be able to liaison with the higher levels of ecclesiastical government. The vicar of Ashwell Parish, Fulk Marshall, signed the Bishop’s Transcripts from 1604 through 1623, with the two churchwardens’ signatures following. Robert Pratt, the minister for Aldenham Parish in Hertfordshire, headed the list of parish officials every year from 1598 to 1625, followed by the two churchwardens.<sup>118</sup> In Braintree, Essex, the minister Samuel Collins headed the list of signatures on vestry minutes and any parish election disputes. The minister was in charge of the vestry (or any vestry-like body) and he was supposed to be of good moral stature and administrative ability.<sup>119</sup>

After the minister or vicar, other parish officers were listed in order of importance. The ranking of parish office mirrored the rankings in parish society, as the higher parish offices such as churchwardens went to yeomen and wealthier tradesmen while lesser offices like sidemen went to husbandsmen. These offices could confer real power upon some parishioners who then had control of land, distribution of poor relief,

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<sup>117</sup> HALS, J. L. Glascock, jr., ed., The Records of St. Michael’s Parish Church, Bishop’s Stortford, (London: Elliot Stock, 1882), 113-114.

<sup>118</sup> HALS, Ashwell Parish Registers; Transcribed from the Originals in the Hertfordshire Record Office (Ashwell: The Field Studies Center, 1980), 1-10. William Brigg, ed., Kenneth F. Gibbs, trans., The Parish Registers of Aldenham, Hertfordshire, 1559-1659 (St. Albans: Gibbs & Bamforth, 1902), 33-48, 198. Also see Henry R. French, “Social Status, Localism and the ‘Middle Sort of People’ in England 1620-1750”, in Past and Present, No. 166, 66-99.

<sup>119</sup> ERO, D/P 264/8/1: Churchwardens’ Accounts and Vestry Notes from Braintree; St. Michael the Archangel, 1611, 1615. Hunt, The Puritan Moment, 251.

and moral regulation.<sup>120</sup> In Harwich Parish, the churchwardens were listed first, then the sidemen, the surveyors of the highways, and the overseers of the poor. In Braintree in the early-1590's, the churchwardens were named first, followed by the collectors for the poor, and last by the surveyors. In 1594, the office of sideman was added between the churchwardens and the collectors for the poor but after 1599, the sidemen were listed below the overseers for the poor and above the surveyors.<sup>121</sup>

Parish government could sometimes be inter-mixed with town government. In Harwich, the town's elected officers for 1600 were two churchwardens, two surveyors for the poor, two collectors for the poor, two surveyors for the highways, and two sidemen. By 1617, the churchwardens, sidemen, collectors, and surveyors elected were listed in one paragraph, with the town's elected mayor, minister, and aldermen in the following paragraph.<sup>122</sup> Occasionally, county constables were chosen or confirmed by the parish vestry but this brought them into conflict with the parish officers such as churchwardens and overseers.<sup>123</sup> Attempts to keep town, county, and parish administration separate can be seen in a 1629 vestry note from Braintree memorializing the town worthies' agreement that "no man in the town shall have the constable and overseers office

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<sup>120</sup> Brigden, New Worlds, Lost Worlds, 176-177. But parish officers were always considered inferior to county officers such as the justices of the peace, and there was rarely any overlap in jurisdiction.

<sup>121</sup> ERO, D/P 264/8/1: Churchwardens' Accounts and Vestry Notes from Braintree; St. Michael the Archangel, 1590-1623.

<sup>122</sup> ERO, T/A 105: Harwich Churchwardens' Accounts, ff. 232d, 277, 279, 281, 282d, 284.

<sup>123</sup> Joan R. Kent, The English Village Constable, 1580-1642: A Social and Administrative Study (Oxford: Clarendon Press, 1986), 62.

successively one year after another.” Three years earlier, Richard Wortham was removed as a Braintree overseer of the poor because he had been made a collector of the 1626 subsidy.<sup>124</sup>

Parish government was smaller than shire government but it no less affected those within its jurisdiction. Chelmsford parish contained the county town of Chelmsford and the adjoining hamlet of Moulsham, and officials were elected every year for each of the two entities. Moulsham usually had one churchwarden for Chelmsford’s two, and two sidemen for Chelmsford’s three. In May 1613, Chelmsford was disturbed by a dispute over the choice of churchwarden; the dispute went to the heart of parish government as it touched the rights of parishioners to elect their administrators. The parishioners of Chelmsford chose Charles Bigland as one churchwarden but a town alderman, Mr. Pasfield, chose John Soberg as the other churchwarden; the parishioners did not want Soberg, so George Harling was chosen instead. Mr. Pasfield alleged that he alone had the choice of one churchwarden and the parish had the choice of the second churchwarden. The Chelmsford parishioners believed that their “ancient customs” allowed them to choose both, but for the “settling of Christian love and peace among them” the parishioners permitted Pasfield to determine one choice, this time only.<sup>125</sup>

Arguably the most important function of parish administration was to collect funds for the proper running of the parish and of the church. The Harwich sidemen and churchwardens recorded payments made to persons for mending church doors and bells,

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<sup>124</sup> ERO, D/P 264/8/1: Churchwardens’ Accounts and Vestry Notes from Braintree, 1626, 1629.

<sup>125</sup> ERO, D/P 94/5/1: Chelmsford Churchwardens’ Accounts, ff. 144-145.

as well as agreements for funding to “repair the church with glass and lead.”<sup>126</sup> The churchwardens of Bishop’s Stortford, Hertfordshire, received seven pence from George Hawkin “for his stall” and received rents from Robert Monforde and Tobias Chaundler. But the churchwardens paid out money for “glazing the church and mending the church rails”, for rope and straps for the bell, for the clock, and for mending the church windows.<sup>127</sup>

Parish churchwardens were not immune from outside jurisdiction and they dealt with the county justices of the peace and the church courts. In the 1590’s, the churchwardens of St. Peters Parish, Hertfordshire, had to attend the archdeacon’s quarterly court and hand in quarterly reports concerning the furnishing of the church, the performance of divine service, and their parishioners’ behavior. When the Archbishop of Canterbury (John Whitgift) commanded in 1602 that all churches should be viewed and repaired, Ashwell Parish in Hertfordshire was cited and the churchwardens had to pay three shillings and seven pence to the Bishop of London’s Commissary Court.<sup>128</sup> The churchwardens and overseers of Stevenage Parish petitioned the Hertfordshire justices of the peace for confirmation that they could tax “every inhabitant, parson, vicar, and every

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<sup>126</sup> ERO, T/A 105: Harwich Churchwardens’ Accounts, ff. 221, 242. The agreement for fifty shillings to provide lead and glass was made with William Wiseman, a suspected recusant.

<sup>127</sup> HALS, D/P 21/5/2: Churchwardens’ Accounts of Bishop’s Stortford (Microfilm Reel 278), ff. 9, 10, 13, 13d. The church mending was done in 1590 and 1598. A review of some late-Tudor churchwardens’ accounts in Shillington parish, Bedfordshire, showed the churchwardens handling approximately ten to twelve pounds sterling per year. Rev. J. E. Farmiloe and Rosita Nixseaman, eds., “Elizabethan Churchwardens’ Accounts”, in The Publications of the Bedfordshire Historical Record Society, Vol. XXXIII (Streatley: The Society, 1953), 90-105.

<sup>128</sup> HALS, Anthony Palmer, ed., Tudor Churchwardens’ Accounts, vi, 52.

occupier of land, towards the poor as they think fit.” The parish officers had taxed the parson of Stevenage, William Pratt, eighteen shillings for the tithes and profits for the parish, worth two hundred pounds per annum; the Hertfordshire JPs decided to reduce the value by one-third.<sup>129</sup>

Relief for the poor was the area of greatest overlap between parish officers and county magistrates. The Elizabethan Poor Laws prescribed a tax to be levied on the more substantial inhabitants of the parish for the support of their poorer neighbors. The justices of the peace were to appoint and monitor overseers of the poor and fines could be levied on those who did not pay. Still, it was difficult to persuade parishioners to pay yet another regular tax; and difficult to force an overseer to collect that tax from the neighbors. The evidence suggests that magistrates were less than vigorous in penalizing overseers of the poor who had not adequately collected the poor rate.<sup>130</sup>

But the justices of the peace did have authority over the parish officers, and there was interaction between these two jurisdictions. In April 1611, upon a complaint by Thomas Norrington, the Essex JPs instructed the churchwardens and overseers of Theydon Mount to place Norrington back into his dwelling and cause it to be repaired, after he had been dispossessed of it. In 1627, the churchwardens and overseers of Epping petitioned the Essex justices of the peace regarding the problems with “men’s indifference” to the common rates and the many contentious incidents arising out of the

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<sup>129</sup> HALS, William Le Hardy, Calendar to the Sessions Books and Sessions Minute Books, 1619 to 1657, Vol. V (Hertford: Simon & Co., Ltd., 1928), 53.

<sup>130</sup> Fletcher, Reform in the Provinces, 127, 183-186.

rates.<sup>131</sup> By May 1629, the Privy Council told the Essex and Suffolk JPs that they could call their quarter sessions early to deal with tensions over the loss of the cloth trade. The Council instructed the JPs to “learn the true state of the county from the ministers, churchwardens, and overseers of the parishes.”<sup>132</sup>

The parish was England’s primary unit of social organization; its administration was small in scale but very important to those living in the parish. Churchwardens, sidemen, overseers of the poor, and surveyors of the highways had day-to-day contact with their friends and neighbors and so had to maintain some balance between efficient administration and social acceptance. Yet these parish officials did collect for the poor and for church repairs, and they did present those around them for not coming to church or for living incontinently before marriage. The Church of England could enforce its policy only to the extent that local residents and local government would allow.

It has been said that in Elizabethan and early-Stuart England, “religion bulked large.”<sup>133</sup> Yet religion was not monolithic and it was not straightforward. Catholics and puritans served in Hertfordshire and Essex local government through the 1620’s, and members of the county gentry controlled the livings of ministers and vicars. The church courts enforced Crown religious policy but any enforcement was filtered through the actions of parish churchwardens, sidemen, constables, and overseers of the poor. National government did not succeed without the cooperation of local government and in

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<sup>131</sup> ERO, Q/SR 194/72; Q/SR 259/24. The 1611 precept was signed by Edward Denny, Gamaliel Capell, William Smith, Francis Barrington, Robert Wrothe, Edward Elrington, and Moyle Finch.

<sup>132</sup> APC, Vol. XLV, A.D. 1629-1630, 4, 23.

<sup>133</sup> Tyacke, Anti-Calvinists, 1.



fulfilling Crown religious policy, county and parish officers of Hertfordshire and Essex operated within their own priorities and their own reality.

## Chapter 11

### Conclusion

This study examined the local government and administration of Hertfordshire and Essex from 1590 to 1630, and promised to address at least three issues for the relevant period. Those issues are the nature of the relationship between local government and the central government; the social structure of the two counties as reflected in the annual lists of the justices of the peace; and any administrative or social connections between Hertfordshire and Essex. Before commenting on these three issues, I will summarize certain general trends and specific findings from the study.

The central government chose England's justices of the peace and the Crown's Patent Rolls reveal a gradual increase in the numbers of individuals appointed to the office of JP in Hertfordshire and Essex between 1590 and 1630. Purges of the commission of the peace were rare and only in 1625 was there a significant drop in the number of JPs appointed. Office-holding was as important to the county gentry as it was to the Crown.

The top portion of the commission of the peace was held by *ex-officio* members. In Hertfordshire, these non-resident JPs occupied anywhere from one-quarter to one-third of the county list; in Essex, one-fifth to one-quarter of the bench was filled with *ex-officio* members. Both counties had similar numbers of *ex-officio* JPs but as a larger county, Essex had more gentry families to provide resident justices. This lowered the ratio of super-numeraries to residents in Essex and could be a factor in the perception of Essex as a politically unstable county.

Resident JPs tended to serve long tenures in office, many over twenty years. *Ex-officio* members saw fewer years on the bench, having to serve the Crown in ways other

than local administration. The number of gentry families and corporate boroughs in Essex provided additional competition for local office and additional avenues for the gentry to find office through patronage, and so Essex's JPs served slightly shorter terms than their counterparts in Hertfordshire. Most justices were followed on the bench by their sons or grandsons, but every JP had to be diligent to get placed on, and stay on, the commission of the peace.

Despite the importance of local office-holding, only about forty percent of the magistracy attended the Crown's bi-annual Assize sessions. But when the *ex-officio* members are removed from the attendance calculation, the number of resident attendees increases to over fifty percent. When this same process is applied to quarter session attendance, the rate increases from under one-quarter to nearly one-third of the resident JPs. This is not a very impressive record of attendance but there was almost always a core group of stable, "working JPs" to handle county business.

The Crown chose England's justices of the peace from among the counties' gentry families. Since not all members of the gentry were included on the commission of the peace, then there was some type of screening process in place. The Crown relied on the advice of Assize judges, courtiers, lords lieutenants, and county magnates to help fill the shire bench with loyal and conscientious JPs. But before even being considered by the Crown, potential JPs had to meet the satisfaction of the county elite. The gentry of Hertfordshire and Essex had their own approval process for screening those who might soon become part of the shire's magistracy.

This local approval process was social as well as political; land, law, and marriage were all ways in which members of the gentry might enhance their power in the shire. The possession of land was the most important criteria for having a valid interest in the

county. Land was passed down through generations and families increased or cemented their local standing through the purchase and holding of landed estates. Office holding was in a sense also passed down, and so land holding and office holding were both important to an individual's status in the county.

Marriage was also very important; daughters and widows brought land, money, or status to a prospective magistrate. Marriages were crafted with an eye toward enhanced social standing or economic benefit, and partners and their families both stood to gain from a good marriage. When marriages did occur across the county line of Hertfordshire and Essex, the magistrates seemed more concerned with their family's "dynastic ambition" than with any political incursion into another jurisdiction.

Marriage and land possession were both used to "screen" the county gentry. Those interested simply in buying and selling land for short-term gain might not find their way onto the county bench. But once in a marriage or on the land, new gentry could become justices of the peace and older gentry could increase their position on the bench. It was important that the local ruling elite have a stake in county society, economics, and politics; only then would they expend energy to maintain order and stability around them. Once part of the ruling elite, justices of the peace were relatively secure. The Petres of Essex were known Roman Catholics but were consistently placed high on the county list as well as serving in the powerful office of deputy lieutenant. Service to Crown and county was more important to both the center and locality than resisting the state religion.

Law was another way onto the county bench. Lawyers drafted lawsuits, worked as Crown officers, or made themselves available to county magnates. Eventually, their talents and ambitions caught the attention of important eyes and they could begin a career as a justice of the peace. The shire gentry thus "policed" themselves through social

connections, land transfers, and marriage settlements. This subtle and ongoing process took place before the Crown appointed an individual to the county bench. It was an important step on the way to being approved as a justice of the peace.

The justices of the peace carried out most of their duties at quarter sessions but they were also authorized to keep the peace outside of quarter sessions. While JPs did not always attend quarter sessions in Hertfordshire and Essex, those who did attend formed a core group that brought some consistency to county administration. There were almost always several deputy lieutenants present at quarter sessions, along with several other knights and ten to fifteen esquires. This group of “working” JPs regularly attended quarter sessions and came from all levels of the county gentry, providing a full spectrum of Hertfordshire’s and Essex’s ruling elite. The core group of magistrates no doubt contributed to the maintenance of stability in county government.

Besides quarter sessions, justices of the peace took recognizances to stop aberrant behavior before the consequences of that behavior required formal action at quarter sessions. Many JPs fulfilled their judicial duties by taking recognizances of individuals in a sphere within five to ten miles of their residence. The JPs not only reduced the time and expense involved in taking personal bonds, they also maintained a high profile in the area surrounding their county seat and curbed potential disorder.

The justices also divided Essex and Hertfordshire for more efficient administration, and assigned certain JPs to each division. The larger county of Essex had to break its twenty hundreds into six divisions while Hertfordshire was able to use its eight hundreds as the divisions themselves. Between quarter sessions, divisional sessions, special sessions, and recognizances, the justices of the peace of Hertfordshire and Essex achieved what must have felt like constant governance in their shires.

Hertfordshire and Essex had lords lieutenant who connected the county with the Crown. The lords lieutenant might be assigned to one county or to a group of counties and so they can be considered district officials, while their deputy lieutenants were really county officials. Hertfordshire's lords lieutenant all came from the Cecil family and this went a long way towards keeping that county politically stable. The number of Hertfordshire deputy lieutenants remained relatively low and only in the 1620's did the deputies increase in number from three or four to six. Essex also started out with three deputy lieutenants but its numbers increased sooner; four deputies in 1603 and six deputies by 1614.

Robert Radcliffe, the fifth Earl of Sussex, was lord lieutenant of Essex from 1603 to 1629. Although often outside the county, Radcliffe corresponded regularly with his deputy lieutenants and stayed abreast of military matters in the shire. But his absence meant that he was not able to provide consistent leadership in Essex and this allowed the county's ambitious gentry to surface for power. By the mid-1620's, Robert Rich, the second Earl of Warwick, had a firm power base in Essex. Warwick took advantage of a military crisis at Harwich to secure a joint lieutenancy with the Earl of Sussex. But Warwick's pre-eminence in the county and his strong Puritan leanings made it difficult for Charles I to give him full power, and the earl of Sussex was soon restored as Essex's sole lord lieutenant.

This power struggle in Essex was not necessarily over politics, religion, or ability; it was over who controlled the most power and patronage in the shire. The Earl of Sussex had the Crown's backing and represented an appropriately conservative view of the realm. The Earl of Warwick had more land in Essex than any other landholder and used his large web of patronage to influence parliamentary elections. Even after Warwick was

removed as lord lieutenant, he continued to exercise power in the county, despite the Crown's disapproval.

Justices of the peace were regularly returned to the House of Commons and there were surprisingly few contested elections; instead many MPs were selected in advance of the election. Sometimes powerful courtiers used their influence to have their own favorites selected, but other times the county gentry worked behind the scenes to narrow the field of candidates without bringing disorder to the shire. The few contested elections that did occur were quickly mediated and a consensus reached among the local elite.

Most MPs selected for the counties of Hertfordshire and Essex were already justices of the peace before their return to parliament. But there was more variation in the corporate boroughs; town leaders or outside courtiers had an almost equal chance of being selected for a given borough. The towns of Hertfordshire and Essex were deluged with requests and demands that they give one of their parliamentary seats to a favorite son or recommended magnate.

Hertfordshire's two corporate boroughs were controlled by the Cecil family and struggled to return local men instead of court favorites. The number and vitality of Essex's corporate boroughs made it difficult for one family or magnate to control all parliamentary elections, and so Essex's three boroughs tended to return more local MPs. Colchester especially maintained a surprising degree of electoral autonomy in the face of outside influence. Even the second Earl of Warwick could claim only partial domination over Essex's borough elections.

In the end, the JPs, the sheriffs, the constables, the aldermen, and the bailiffs worked toward common goals: the safeguarding of power and the absence of disorder in their jurisdictions. Colchester's bailiffs might rebuke a Crown courtier and select a

serjeant-at-law or attorney to the House of Commons; the latter candidates had lower social and political status but worked to further Colchester's prosperity. Essex's magistrates toiled over several days to avoid a fight in the 1604 election; nearly everyone compromised to some degree and the county was spared the damage and expense of a divisive contest. Constant communication and governance allowed selections to ten parliaments without serious Crown interference. It was better to have interaction and compromise among competing local jurisdictions than to give up any hard-won administrative autonomy to the Crown.

The corporate boroughs themselves were dynamic entities that interacted with county, Crown, and the wider world. The structure of borough government was more compact than county government but it could also be more complex. In Colchester, there was an inner circle of aldermen and bailiffs who handled borough administration. The town was very protective of its ancient privileges and only so many of the town elite were endowed with borough authority; these officers rotated through all of the town's offices. Office holding at the borough level was important but was also a burden; many who were qualified to serve resisted this burden and were fined or even jailed.

Some corporate boroughs could elect justices of the peace as part of their chartered privileges. In a sense, this did give corporations a degree of true autonomy since the counties did not have the ability to elect their own JPs. But the town JPs were connected to the Crown and so provided a conduit of power that could either enhance borough prosperity or bring additional Crown scrutiny to borough governance.

Hertfordshire's and Essex's five corporate boroughs each had a "high steward" that acted as the towns' patrons. Even though the high steward was allowed to influence town elections, the boroughs received much in the bargain. They made use of their high



steward through requests for special treatment, mediation of disputes, or protection from outside jurisdictions. Brightlingsea made a special plea to the Duke of Buckingham for protection when the Essex deputy lieutenants charged the town with finding light horse and billeting soldiers. The town leaders claimed that they were a member of Sandwich and one of the Cinque Ports and so not under the deputies' jurisdiction.<sup>1</sup>

Those in charge of the borough were often prominent merchants or tradesmen of the town. There was thus a close relationship between politics and economics in each of Hertfordshire's and Essex's corporations. Merchants, craftsmen, or traders were also bailiffs, aldermen, and burgesses; corporate boroughs were run as economic units for the benefit of all its free citizens. Commerce was the life-blood of the towns so markets and fairs were critical to prosperity, especially in Hertfordshire's two inland boroughs. Essex's three boroughs had access to the sea and the wider world, but all five towns treated commerce and government as two sides of the same coin.

The Dutch Congregation in Colchester provides an example of how borough and county government dealt with social, political, and economic issues. The Dutch weavers helped Colchester's cloth-making industry but also challenged the town's corporate privileges and long-standing hierarchy. The bailiffs of Colchester communicated with their borough high steward, Robert Cecil, Earl of Salisbury, to safeguard the cost-effectiveness of their cloth trade and advance the town's economic status. But after Salisbury's death, the bailiffs themselves attempted to act as the chief conduit between corporation and Crown. For a short period, the Colchester bailiffs successfully managed

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<sup>1</sup> SPD, SP16/21, no. 8.

disputes between the Dutch Congregation and English cloth workers and in return, the borough established some degree of autonomy within the shire and the realm.

Colchester's bailiffs were not afraid to argue with the Privy Council over the corporation's ancient privileges. When gentlemen from the surrounding county were assigned to monitor the town's disputes, the bailiffs pursued their case to the Attorney General and they won. They not only removed county JPs from the mediation process, they also affirmed Colchester's privileges and secured a new autonomy for their town's governors. As long as the bailiffs could successfully control town matters, they were allowed this slight degree of autonomy but when they could not satisfy Crown or town demands, they soon lost some of the leeway they had previously enjoyed.

Robert Cecil's interest in the Dutch weavers and their "New Draperies" was translated into his own sponsorship of the trade into the inland county of Hertfordshire. But after Cecil's death, the program to install the New Draperies was left in the hands of a London merchant. Although diligent and perhaps well-intentioned, this entrepreneur was not part of the county gentry or magistracy, and his project threatened shire government and Hertford's town economy. Hertfordshire's ruling elite did not support the New Draperies scheme and the plan eventually fell of its own weight. Even with central government support, the innovative project could not succeed without the backing of local leaders at all levels.

In Colchester, the New Draperies were perceived as good business and the town leaders worked to balance Dutch and English interests in order to receive the benefits of the new trade. But in Hertfordshire and the town of Hertford, the New Draperies were seen as something imposed on this inland county and its market town from the outside. Social, political, and economic stability were more important to the locals than any

potential benefits promised by an innovative scheme. Again, local government made the difference in the success or failure of the enterprise.

Local government was also instrumental in implementing early-modern England's religious policy. The Church of England had been forged from the fires of the Henrician Reformation and solidified under the firm hand of Elizabeth I. Bishops and archbishops ran the Church but true enforcement could only be had with the input and assistance of England's parishioners and local governors.

The Bishop of London's Commissary was responsible for enforcing religious policy in much of Essex and Hertfordshire. The commissary recorded religious transgressions in his Act Books; the most common transgressions were not coming to church, not receiving communion, drunkenness, and living together incontinently. By the mid-1620's, the Act Books saw more allegations of refusing to pay for church repairs and maintenance.

Recusancy was a religious transgression that was handled somewhat differently. Local elites reported Catholics but in Hertfordshire and Essex, little was done to root out Papists. There were known and suspected Catholics in both counties but the justices of the peace preferred to monitor and handle their own recusants. They kept their own accounts of resident Catholics but did not persecute these individuals even when the Crown would have rewarded such action.

Shire leaders also wanted control of their local clergy. The gentry appointed ministers to livings through advowsons and town leaders also chose their own preachers. The Puritan "godly" were very active in supporting radical preachers, especially in Essex. It is interesting that the Crown suppressed Puritan ministers much more actively than it

did the Catholics. Those who held onto the old religion were less vocal than those who preached a message that tended to excite the locals and undermine central authority.

It was the churchwardens who maintained religion at the parish level. Parish government was similar in structure to borough government and officers were rotated among three or four different posts. But authority became diluted in the parish, as churchwardens had day-to-day contact with the same neighbors and friends they were supposed to be monitoring. The Bishop's Commissary could only record the transgressions reported by parish officers and these officers had to strike a balance between efficient administration and social acceptance.

What does all this evidence demonstrate about local government and society in Hertfordshire and Essex? The relationship between the central government and the two shires was complex and multi-layered; there was an ongoing balancing act among overlapping or competing jurisdictions. The relationship between Crown and province was informed by power distributed through patronage, and so a degree of negotiation was part of all central/local relations. To couch the problem in opposite terms of autonomy or dependence is to oversimplify the matter.

No county or borough wanted to be completely autonomous of the Crown. They needed the central government for authority, leadership, and grants of land or office. Rather than appeal to the center directly, the shires worked through conduits of patronage that differed in size and strength. The lords lieutenant provided an acceptable avenue for the Crown's show of power in the counties and a method to distribute that power through patronage. The borough high stewards provided patronage and protection for England's corporations but also kept the boroughs in touch with Crown expectations and courtier

demands. Central government authority was a requisite part of local government, and the county gentry never had the luxury of completely ignoring Crown desires.

At the same time, the Crown did not want the localities to be completely dependent. After all, England's monarchs headed a domestic government that essentially ran itself for little or no pay. The rewards offered to local governors were additional social status, national office, or a place in the web of patronage. The counties and boroughs had to be somewhat independent in order to run themselves and leave international policy to the Crown. To make the provinces dependant on the center would have forced the Crown to pay for tax collection, militia management, poor-relief, and social control.

In Hertfordshire, the Cecils were not simply outside courtiers who imposed their will on the county; they were also resident magnates who worked with the local gentry. Lord Burghley could have ordered his deputy lieutenants to resolve their dispute in 1590 but instead his response allowed the deputies to construct their own solution, which they did. Their solution preserved order in the shire, and lessened the chance for bruised egos that could later return to create local faction or undermine Crown wishes. Burghley's conservative and measured strategy in Hertfordshire also allowed local talent to rise to the top, as when Henry Cocke proposed improvements to the shire's militia.

Burghley's son, the Earl of Salisbury, expressed regret that his own enclosure of land had angered his Hertfordshire neighbors, and he vowed to right the situation. But Salisbury placed a local man, an "esquire", in charge of the matter. No individual in his right mind would have refused Salisbury's request but this request also created opportunity for the local gentry to further their own interests through service to the Crown. The same Earl of Salisbury chastised Hertford's burgesses for taking down the

town's market cross without his permission, but Salisbury dressed his disappointment in a concern that some of his own retainers had encouraged the burgesses' action in order to purchase lead from the old cross. The burgesses had to explain themselves but they were allowed to save face by naming the guilty retainers.

The Crown could have influenced parliamentary elections more fully; instead courtiers and magnates had to ask the boroughs or counties to give a Commons seat to them, their friends, or relatives. The localities often complied but held the courtiers to their promise of some kind of service or compensation for the parliamentary seat. A bargain or agreement was inferred in these transactions and both sides were to receive something. Patronage was indeed a two-way street, and even though courtiers had the upper hand, they could not afford to alienate the shires or the boroughs.

What of the social structure of Hertfordshire and Essex, as reflected in the local magistracy? Again, this was a complex landscape with negotiations taking place on social, political, economic, and religious levels. There was some upward social mobility in Hertfordshire and Essex but there was not a clear-cut path. John Morris had to take his bride's family name in order to take possession of her inherited estates. Even then, he was not placed upon the Essex bench until he had extricated himself from the legal entanglements tying down his wife's lands. John Morris *alias* Pointz had to be very diligent in pursuing his goals of landed wealth, social status, and local office. Likewise, Gamaliel Capell had to struggle patiently for years to secure his wife's dowry and only slowly to be added to the Essex magistracy.

On the other hand, John and William Petre served consistently as Essex JPs despite their being Catholics. When John Petre was placed on the 1591 Commission Against Jesuits and Seminaries, he was a known Papist. That Petre was not diligent in his

efforts as a commissioner is less significant than the fact that he was chosen to begin with. The Petres were loyal subjects and pre-eminent local servants; this service to Crown and county trumped their Catholic leanings and kept them highly placed on the Essex commission of the peace.

There was no obvious local factionalism in either Hertfordshire or Essex between 1590 and 1630. There was no geographical divide as in Sussex or Suffolk; each shire had only one county town and all quarter sessions were held in that town. The electoral and militia dispute between Sir John Brockett and Sir Henry Cocke did not split Hertfordshire partly because the Brockett family's power was disbursed through a widow and five daughters after Sir John's death in 1598. The so-called "Warwick faction" was a patronage web headed by Robert Rich, but this faction developed slowly over decades. Warwick eventually dominated Essex administration through large landholdings and the political and religious patronage distributed through his relatives and friends. He was able to do this because the Earl of Sussex was a non-resident lord lieutenant who could not keep a continuous presence in the county.

The gentry of Hertfordshire and Essex separated their social and political life by working together at quarter sessions while simultaneously keeping their distance socially. There is no evidence that Hertfordshire JPs who owned land in Essex tried to impact that county's government, or vice-versa. Any cross-county communications were made formally, from one group of JPs to another. In July 1600, certain Hertfordshire JPs asked Essex for "charitable favors" to help repair the church at Royston; the request was

addressed to Sir Henry Grey and other justices of Essex.<sup>2</sup> Eight years later, nine Hertfordshire JPs sent a warrant to the Essex quarter sessions regarding the absence of one Ellen Bridges; she had “departed from her master” and was now a vagrant.<sup>3</sup>

Surprisingly, there was little or no underlying social connection between the JPs of Hertfordshire and Essex. The Crown had designated one sheriff for both counties until the 1570’s as well as one lord lieutenant in the 1590’s. But the county gentry and magistrates apparently considered themselves distinct to their province and were not swayed by the Crown’s decision to appoint one sheriff or lord lieutenant.

Social life in Hertfordshire and Essex was more often oriented vertically rather than horizontally. Friendship and family ties were constructed as a way to increase family power and status in the shire. Those among the lower gentry looked up to their social superiors and the upper gentry in turn looked up to the nobility and the Crown. Even the bowling weekends of Robert Wrothe, Edward Sulyard, and Michael Hicke were built on Hicke’s position as secretary to the Lord Treasurer, Lord Burghley. Michael Hicke was a conduit through which power flowed, and friendships were made along this conduit. Thus, a family’s dynastic ambition was a higher priority than the magistracy of the next county, possibly because local office was a burden that paid little and asked a lot. Office holding was not the end product for the county gentry; it was a part of upward mobility in the shire and in the realm.

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<sup>2</sup> ERO, Q/SR 151/89. The Hertfordshire magistrates who signed this letter were Robert Chester, Sheriff, Henry Cocke, Philip Butler, Thomas Sadler, Rowland Lytton, and Arthur Capell.

<sup>3</sup> ERO, Q/SR 183/77. The warrant was signed by Thomas Foster, Henry Cocke, Ralph Coningsbye, Thomas Pope Blount, John Luke, Andrew Grey, John Brograve, William Cocke, and Ralph Radcliffe.



Of more significance than the three questions addressed above, is the importance of stability in local government. The gentry of Hertfordshire and Essex lived within a social, political, religious, and economic framework, and the labors of the counties' ruling elite reinforced that framework. Justices of the peace did not only maintain order in their shires, they were a visible symbol of stability imposed from above and enforced in the province. Changes to this stability threatened that which made local government meaningful to those who were being governed. Central government innovations bred a tension that justices of the peace, deputy lieutenants, and lords lieutenant could not always resolve.

Thus, the JPs' long tenure in office, their "social screening" of the county gentry for office-holding, their selection of members of parliament, and their mediation of social and political disputes all served to ensure stability in local government and society. That stability was important to the Crown as well because it allowed local government to run smoothly, mediating disputes and preventing dangerous disorder and discontinuity. Local government could handle change at the shire level; that is why county government had developed the level of autonomy that it had. But changes imposed from the top had a different effect because the ruling elite's status as problem-solvers was threatened. The JPs could no longer serve as mediators in their shires and they were forced to choose between representing the center or their county.

How does this study fit into the historiography of English local government? This study follows and hopefully modifies the writings of Steve Hindle and Catherine Patterson. Governance was important to early-modern English men and women to the extent that it provided stability on any number of levels: social, political, religious, and economic. The most difficult work done by the justices of the peace was the maintenance

of order in the face of dearth, invasion, taxation, and religious changes. Still, there was much continuity in Hertfordshire's and Essex's local government and this continuity was maintained through an ongoing process of communication and negotiation. This process was two-way and neither Crown nor province could afford to stop it.

As both Hindle and Patterson point out, the presence of dynamic communication between the center and locality need not infer a consensus on the part of the actors. All sides were concerned with their own security and self-interest, and all sides expected something in return for their efforts. This applied to the monarch, Crown officers, bishops, justices of the peace, aldermen, churchwardens, and more. But all of this negotiation does not mean that county and court were clearly in opposition, unless something broke the lines of communication.

Hindle argues that the middling sort of early seventeenth-century England used central government authority as a way to better serve their own interests in the shires. This local participation in the state's legal processes helped to resolve conflicts and maintain order, and in return reinforced the state's legitimacy. It was thus an environment that preserved order and conferred power on local elites. For its part, the Crown hoped for the mediation of social conflict in the provinces and encouraged arbitration whenever possible. The resulting agenda of "creative social control" was an effort by those local elites holding power to enforce standards of behavior that they considered appropriate to the community's social well-being.<sup>4</sup>

Hindle's assessment is accurate but downplays the century-long precedents of power distribution set by the Tudor monarchs. The Tudors had conferred additional

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<sup>4</sup> Hindle, The State and Social Change in Early-Modern England, 34-35.

powers and responsibilities upon the county JPs since at least the Henrician Reformation, and perhaps earlier. Many of these powers and duties were embodied in statute and some rewards included grants of land, money, or office after exemplary service to the Crown. There was always a price to be paid for the Crown's gifts of power to the magistracy and this price was paid in meeting central government demands. While often met only slowly, the JPs of Hertfordshire and Essex did try to satisfy Crown demands for subsidy collections, vagabond crackdowns, militia musters, and grain supply surveys. The penalty for not responding to Crown wishes was often unwanted additional scrutiny from the center.

The provinces bridged the gap between Crown and country through patronage networks. These networks served the interests of town and county leaders and gave the Crown a flexible connection through which to disseminate government policy. As Catherine Patterson points out, central government institutions provided a backbone for government but it was the network of personal connection that made government work. The strength of the early-modern English state depended heavily on the willingness of those who governed to cooperate and give support to it.<sup>5</sup> This implies that governance was a two-way road, upon which center and locality negotiated.

But appeals to patronage could not solve all local problems. Patterson allows that the traditional social exchange that grounded patronage had difficulty accommodating deeply-held opinions that might break the patronage network. This could be seen when the Colchester bailiffs cast around for solutions to economic and political challenges raised by the Dutch Congregation. It could also be seen when the Hertford burgesses

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<sup>5</sup> Patterson, Urban Patronage in Early-Modern England, 8.

circumvented their patron in order to acquire more land to support their urban poor. In these situations, corporations worked through powerful courtiers but it also served their interests to petition the Crown. And during times of crisis, boroughs communicated with any who might have the power to remedy the situation: justices of the peace, deputy lieutenants, courtiers, and Privy Councilors.

The relationship between corporate boroughs and county government can be compared to that between the center and the locality. Borough recorders were sometimes placed on the county commission of the peace to help ease possible jurisdictional disputes and increase cooperation between county and borough benches. This occurred with the Recorders of both Colchester and Maldon in Essex. Town leaders forged links with important local gentlemen who provided important mediation services and kept the boroughs in touch with those who had the power to help or harm them.<sup>6</sup> The borough records of Harwich, for example, indicate an unofficial relationship with William Wiseman, an Essex justice of the peace.

Those men who extended patronage to town and county essentially held the early-modern English state together by making things work. Robert Cecil, the Earl of Salisbury, helped the bailiffs of Colchester deal with the Dutch Congregation, while the second Earl of Salisbury served as mediator between the Crown and the borough of Hertford. By the same token, Sir Henry Cocke tried to position himself as Hertfordshire's link with the powerful Lord Burghley. As a deputy lieutenant and Cofferer of the Royal Household, Henry Cocke provided Hertfordshire with a personal connection to the center, in addition to the formal connection already present between JPs

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<sup>6</sup> Ibid., 144-145.

and the Crown. The earls of Salisbury and Sir Henry Cocke labored for the same ends: the lessening of tension between the center and the provinces. To provide stability at the local level served the personal needs of the ruling elite and the national needs of early-modern England.

Thus the process of negotiation between the center and the province was constantly in flux, constantly being re-negotiated. In order for the course of politics to run smoothly, communications needed to move from the locality to the center as well as from the center to the locality. This was the art of compromise that Lord Burghley and his son the Earl of Salisbury were so accomplished at. This was Burghley's firm but respectful response to the 1590 captaincy dispute raised by Hertfordshire's deputy lieutenants; this was Salisbury's admission that his own retainers might have been part of a Hertford borough misunderstanding.

Conflict between the Crown and the counties developed when either side interrupted the process of negotiation, causing lines of communication to harden. This occurred in 1628 and manifested itself later in Charles I's "personal rule". But the king had only asked the counties to do what he perceived they were supposed to, in return for the power bestowed upon them from above. Still, with local loyalties strengthening and political awareness increasing, communications between the center and the province were important.<sup>7</sup> Once the lines were severed, rumor and innuendo replaced respectful communication between center and province and both sides blamed the other for breaking the contract. Before long, Court and country factions really *did* develop, if only in the minds of those involved.

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<sup>7</sup> Sharpe, "Crown, Parliament, and Locality: Government and Communication in Early-Stuart England", 336.

At first, it was not the challenges brought by Stuart social policy that angered the magistracy of Hertfordshire and Essex. Additional poor relief or an end to enclosures were not new requests, even though they did quicken in frequency and intensity by the 1620's. It was the requests for additional money that stiffened gentry backs and had them crying "foul"; for these requests were unprecedented in the minds of the local elites and smacked of new Crown powers that might never end. And later religious innovations reinforced the fear of central government absolutism that would forever diminish the power and standing of the justices of the peace. By the 1620's, Hertfordshire's and Essex's JPs assumed a certain status and authority in their counties and King Charles was ignoring this long-evolved status. Neither side would back down and the "unwritten contract" between the center and the province was broken.

In the end, local governance in Hertfordshire and Essex was successful to the extent that it provided order and stability to the Crown, the ruling elite, and the inhabitants of the counties. For the most part, the magistracy did fulfill this function and the result was a marked continuity in local government and society. Although disorder could erupt from the lower orders of society, it was changes initiated by the central government that caused the most tension in the shires. By the late-1620's, the lords lieutenant, their deputies, and the justices of the peace were stretched to the breaking point by the open-ended threat of economic, political, religious, and social innovations.

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**Appendix No. 1**  
**Justices of the Peace for the County of Hertfordshire, 1590-1630**

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Abbott, George																					5
Altham, James																39	10	11	12	13	14
Amyce, Israel											47	46	49	51	56		55				
Anderson, Edmund	7	7			8	10	9	9	9	10	10	9	9	9	10						
Anderson, Richard																				41	41, s
Atkins, Henry																					
Aylmer, John	4	4																			
Ayloff, William																					
Bacon, Anthony					31	34	34		32	31	30	//									
Bacon, Francis														35	36	34	31	34	34	33	34
Baeshe, Edward																					
Baeshe, Ralph								33	//												
Bancroft, Richard								4	4	5	5	4	4	4	4						
Barlow, William																				6	6
Blunt, Thomas Pope								46	S	43	41	40	40	29	30	28	26	28	28	29	29
Booth, Robert																59	56	58	56	61	61
Bowles, Thomas	26	27			32	36	36					S									
Brockett, John	14	14			14	16	15	15	15 //												
Brockett, John jr.											20	20	20	21	22	20	18	20	21	23	24
Brockett John																53	49	52	51	54	55
Brograve, John	18	17			20	24	23	26	24	24	23	23	23	24	25	23	21	23	24	27	27
Brograve, Simeon																				50	50
Burgoyne, George								48		45											
Butler, Beckingham																					
Butler, Henry	30	26			29	32	33	34	31	30	29	29	29	25, s	26	24	22	24	25	//	
Butler, John																				39	39

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Abbott, George	5																			
Altham, James	15		14	14	15															
Amyce, Israel																				
Anderson, Edmund																				
Anderson, Richard	44		40	40	36		34	34		34	35	34								
Atkins, Henry															38		43	45	46	41
Aylmer, John																				
Ayloff, William																	39	42	42	38
Bacon, Anthony																				
Bacon, Francis	35		31	31	28		1	1		1						//				
Baeshe, Edward																	32	36	36	33
Baeshe, Ralph																				
Bancroft, Richard																				
Barlow, William	6																			
Blunt, Thomas Pope	31		27	27	25		24	23		25	26	27	24		25		26	29	29	28
Booth, Robert	64		61	62																
Bowles, Thomas																//				
Brockett, John																				
Brockett, John jr.	25																			
Brockett John	58		56	57	54		55	55		56	57	54	51					52	52	47
Brograve, John	29		//																	
Brograve, Simeon	53		49	50	41		42	43		45	47	45	43		45		44	46	47	42
Burgoyne, George																				
Butler, Beckingham								64		65	65	63	57		52		48	53	54	48
Butler, Henry																				
Butler, John	42		38	38	34			32		21	21	20	18		22,p	P	19	15	15	13, s

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Butler, John																					
Butler, Philip	15	15			15	17	16	16	16	16	16	15	15	16	17	16	//				
Butler, Robert	s																	38	38	38	38
Cade, William																56	52	55	53	58	58
Caesar, Charles																					
Caesar, John																					
Caesar, Julius																					
Capell, Arthur	21	20	S		23	26	25	22	20	20	18	17	17	18	19	17	16	18	19	21	22
Capell, Arthur																					
Carey, Edward	19	18			21	25	12	12	12	13	13	12	12	12	13	12	12	14	15	16	17
Carey, George	10	10			11	13	5	5	5	6	6	5	5								
Carey, Henry (L.H. 1)	5	5			5	6	//														
Carey, Henry (L.H. 2)																					
Carey, Henry												19, p	19	20	21, p	19	17	19	20	22	23
Carey, John															8	8	7	7	8	9	10
Cason, Edward																57	53	56	54	59	59
Cecil, Robert	11	11	P		7	8	7	7, p	7	8	8	7, p	7	5	5	4	4		2	2	2
Cecil, William (Burg.)	2	2			2	2	2	2	//												
Cecil, William																					
Challoner, Thomas														13	14	13	13	15	16	17	18
Chamberlain, Thomas																					
Chester, Robert					39	43	43	43	41	40, s	39	38	38	41	38	36	33	36	36	35	36
Clark, Robert	8	8			9																
Cocke, Henry	13	13	P		13	15	14	14	14	15	15	14	14	15	16	15	15	17	18		//
Cocke, William					44	48	48	50		48	45	44	46	49	52	52	48	51	50		54
Coningsby, Henry	16 //																				
Coningsby, Ralph		22			25	29	28, s	28	26	26	25	26	25	22	23	21	19	21	22	24	25
Coningsby, Thomas																					

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Butler, John													41		39, p		23	26	26	24
Butler, Philip																				
Butler, Robert	41		37	37	33		32	31		32	33	43 //								
Cade, William	57		54	55	52		52	39		39	40	38	34				34	38	38	35
Caesar, Charles			42	42	38		36	35		35	36	35	31		29		30	34	34	31
Caesar, John								38		38	39	37	33		31		33	37	37	34
Caesar, Julius	12		11	11	12		14	14		15	16	15	13		16		14	18	18	16
Capell, Arthur	23		21	21	20		21	21		23	24	25	23, p		24		25	28	28	27
Capell, Arthur																				
Carey, Edward	19		17	17	18		19 //													
Carey, George																				
Carey, Henry (L.H. 1)																				
Carey, Henry (L.H. 2)								10		9	10, p	10	9		9		8	9	9	7
Carey, Henry	24		22	22	21, p		22	13		11	11	11			10		9	11	11	9
Carey, John	10		9	9	10															
Cason, Edward	62		51	52	49		49	50		53	54	51	48	//						
Cecil, Robert	2	//																		
Cecil, William (Burg.)																				
Cecil, William			4	4	5		7	6		7	8	8	7		7		5	6	6	4
Challoner, Thomas	20		18	18																
Chamberlain, Thomas													14							
Chester, Robert	38		34	34	31		30	30		31	32	32	29		28		28	31	31	30
Clark, Robert																				
Cocke, Henry	//																			
Cocke, William																				
Coningsby, Henry																				
Coningsby, Ralph	27		24	24, p	23 //															
Coningsby, Thomas										60		57					47	50	51	45

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Conway, Edward																					
Cooke, Edward																					
Covetry, Thomas																					
Cranfield, Lionel																					
Crewe, Ranulph																					
Croke, George																					
Croke, John																	11	10	11	12	13
Curle, Edward																					
Curle, William												48	44	47	49	50	46	49	48	48	48
Cutts, John	12	12			12	14	13	13	13	14	14	13	13	14	15	14	14	16	17	20	21
Dacres, Thomas														42	46	38	35	37	37	37	37
Dacres, Thomas, jr.																					
Daniel, William												11			12	11					
Denny, Edward	22	21			24	21	20	20		18	//										
Denny, Edward, jr.					17	19	18	18	18	17	17	16	17, s	17	18	9	8	8	9	10	11
Devereaux, Robert					4	4	4		2	3	3										
Docwra, Thomas	31	31			35	39	39	39	37	36	34	33	33								
Docwra, Thomas, jr.											37	36	36	39		44	40, s	43	43	44	44
Doderidge, John																					
Edwards, Thomas																					
Edmonds, Thomas																					
Egerton, John																		13	14	15	16
Egerton, Thomas							1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Everard, John																					
Ewer, Henry																					
Faldoe, Robert																					

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Conway, Edward																		3	3	
Cooke, Edward															17					
Coventry, Thomas															1		1	1	1	1
Cranfield, Lionel			41	41	37		35	15		16	2	2	2							
Crewe, Ranulph							17	17		18	18	17	15							
Croke, George																	15	19		
Croke, John							15													
Curle, Edward					58		59	59		61	60	58								
Curle, William	51		48	49																
Cutts, John	22		20	20	//															
Dacres, Thomas	40		36	36, s	//															
Dacres, Thomas							38	37		37	38	36	32		30	p	31	35, p	35	32
Daniel, William																				
Denny, Edward																				
Denny, Edward, jr.	11		10	10	11		13	12		13	14	13	11		13		7	8	8	6
Devereaux, Robert																				
Docwra, Thomas, sr.																				
Docwra, Thomas	47		45	45	44		45	46		49	51									
Doderidge, John	14																			
Edwards, Thomas							39													
Edmonds, Thomas										14	15	14	12		15		13	17	17	15
Egerton, John	17		15	15	16		8	7		8	9	9	8		8		6	7	7	5
Egerton, Thomas	1		1	1	1		//													
Everard, John															23					
Ewer, Henry							61	61		63	63	61	55							
Faldoe, Robert										59										

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Fanshawe, Henry												25	24	30	31	29	27	29	29	30	30
Fanshawe, Thomas	23	23			26	27	26	27	25	25	24	//									
Fanshawe, Thomas																					
Ferrers, John																		30	30		31
Fleetwood, William														33	34	32	29	32	32	32	33
Fletcher, Richard						5															
Forrest, Anthony																					
Fortesquie, John						9	8	8	8	9	9	8	8	8	9	10	9				
Foster, Thomas															39	37	34	12	13	14	15
Fotherly, Thomas																					
Frere, William																					
Frowick, Henry												P	48	50	54	55	51	54	52	57	57
Fullerton, James																					
Garrard, John																				25	
Garrard, John, jr.																					
Gawdy, Francis						11	10	10	10	11	11	10	10	10	11						
Gill, George					47																
Gill, John	29	30						38	36	35	//										
Goodman, John												43	45	48	51				//		
Goodyer, Henry																				40	40
Grey, Andrew	27	28			34	38	38	37	35	34	33	32	32	38	43	43	39	42	42	42	43
Grigge, Michael																					
Hale, Richard																					
Hanchett, Thomas	38	38, s			43	47	47	49		46	43, s	41	42	45	47	46	42	45	45	46	46
Hare, John																				49	49
Hare, Hugh																					

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).



	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Fanshawe, Henry	32		28	28		//														
Fanshawe, Thomas																				
Fanshawe, Thomas								44		47	49	46	44, p		46, p		24	27, p	27	25
Ferrers, John																				
Fleetwood, William	34		30	30	27															
Fletcher, Richard																				
Forrest, Anthony																		32	32	
Fortesquie, John																				
Foster, Thomas	16																			
Fotherly, Thomas															51					
Frere, William							54			40	41									
Frowick, Henry	61		59	60	57		58	58		58	59	56	53							
Fullerton, James							26	26		28	28	29	26		27		22	25	25	
Garrard, John	26		23	23	22		37	36		36	37				//					
Garrard, John, jr.												22	20				20	23	23	21
Gawdy, Francis																				
Gill, George																				
Gill, John																				
Goodman, John																				
Goodyer, Henry	43		39	39	35		33	33		33	34	33	30				29	33	33	
Grey, Andrew	46		44	44																
Grigge, Michael															53		49	54	55	50
Hale, Richard											//									
Hanchett, Thomas	49		47	47	46		47	48		51	53	51	47							
Hare, John	52		//																	
Hare, Hugh															14		12	16	16	14

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Harris, Thomas					19	22	21	24	22	22	21	21	21	34	35	33	30	33	33		
Hatton, Christopher	1	1																			
Heale, John													11	11							
Helmes, Henry																					
Herbert, William																					
Heydon, Francis	33	33			38	42	42	42	40	39	38	37	37	40	44						
Hitcham, Robert																					
Hobart, Henry																					
Houghton, Robert																					
Howard, Henry																			3	3	3
Howard, Thomas																					
Hubberd, Edward							29	29	27	27	26	24									
Hyde, Leonard					42	46	46	47		44	42		41	44	37	35	32	35, s	35	34	35
Hyde, Nicholas																					
King, John																					
Kingsmith, George										12	12										
Knighton, George								54		51											
Leventhorpe, John	32	32		S	37	41	41	41	38	37	35	34	34	28	29	27	25	27	27	28	28
Leventhorpe, Thomas																					
Ley, James																					
Lucy, Richard																					
Luke, John								51		49	46	45	47	32	33	31	28	31	31	31	32
Lytton, Rowland	28	29			30, s	33	31	31, p	29	28	27	27	26	23	24, p	22	20	22	23	26	26
Lytton, William																					
Maynard, Henry			p					p					27	26	27	25	23	25			//
Mildmay, Walter	34, s	34			36	40	40	40	39	38	36	35	35	31	32	30		//			

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Harris, Thomas					39															
Hatton, Christopher																				
Heale, John																				
Helmes, Henry	36		32	32	29		28	28		29	30	30	27							
Herbert, William							5	4		5	6	6	5		5		4	5	5	
Heydon, Francis																				
Hitcham, Robert																			20	18
Hobart, Henry					13															
Houghton, Robert			12	12	14		16	16		17	17	16								
Howard, Henry	3																			
Howard, Thomas			2	2	2		2													
Hubberd, Edward																				
Hyde, Leonard	37		33	33	30		29	29												
Hyde, Nicholas									s	30	31	31	28		43, //					
King, John			5	5	6		9	8												
Kingsmith, George																				
Knighton, George																				
Leventhorpe, John	30		26	26	24		23	22		24	25	23	21		//					
Leventhorpe, Thomas															42		21	24	24	22
Ley, James																	2			
Lucy, Richard								19		20	20	19	17		21		18	22	22	20
Luke, John	33		29	29	26		25	24		26	27	28	25, p		26, p		27	30	30	29
Lytton, Rowland	28		25	25	//															
Lytton, William					40		41	42		44	46	44	42, p		33, s		37	39, p	39	
Maynard, Henry																				
Mildmay, Walter																				

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Montague, Henry																					
Morrison, Charles	17	16			16	18	17	17	17	//											
Morrison, Charles																				19	20
Mountford, Thomas																					
Murray, Patrick																					
Murrey, Thomas																					
Neile, Richard																					7
Newce, Thomas																				60	60
Newce, William															55	58	54	57	55 //		
Newell, Robert																					
North, Dudley																					
Norton, Luke																48	44	47	47	51	51
Owen, Thomas					10	12	11	11	11 //												
Parker, Edward	6	6			6	7	6	6	6	7	7	6	6	6	6	6	5	5	6	7	8
Parker, William														7	7	7	6	6	7	8	9
Priestley, William																					
Puckering, John	9	9			1	1															
Pulter, Edward	37	37			41	45	45	45		42					45	45	41	44	44	45	45
Purvey, William	25	25			28	31	32	32	30	29	28	28	28	36	41	41	37	40	40	43	42
Quarles, James	24	24			27	30	30	30	28	//											
Radcliffe, Ralph					45	49	49	52		47	44	42	43	46	48	47	43	46	46	47	47
Ravis, Thomas																		4	5	5	
Russell, Edward						3	3	3	3	4	4	3	3	3	3	3	3	3	4	4	4
Sackville, Thomas										2	2	2	2	2	2	2	2	2			
Sadler, Ralph															40	40	36	39	39	s	
Sadler, Thomas	20	19			22	s	24	23	21	21	19	18	18	19	20	18	//				
Salter, Edward																					

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Montague, Henry			13	13						2	3	3	3		3		3	4	4	3
Morrison, Charles																				
Morrison, Charles	18		16	16	17		18	18		19	19, p	18	16, p		20, p	p		P	//	
Mountford, Thomas												41	38		35		40	43	43	39
Murray, Patrick															19		17	10	10	8
Murrey, Thomas							43	45		48	50	48								
Neile, Richard																				
Newce, Thomas	63		60	61	59	s	60	60		62	62	60	54 //							
Newce, William																				
Newell, Robert											44		39				41		44	40
North, Dudley	9		8	8	9		12	11		12	13	12	10		12		11	14	14	
Norton, Luke	54		50	51	48		40	41		43	45	42	40		37		42	44	45	
Owen, Thomas																				
Parker, Edward	7		6	6	7		10													
Parker, William	8		7	7	8		11	9		10	12	//								
Priestley, William																			56	51
Puckering, John																				
Pulter, Edward	48		46	46	45		46	47		50	52	49	46		48				//	
Purvey, William	45		43	43	42		//													
Quarles, James																				
Radcliffe, Ralph	50			48	47		48	49		52										
Ravis, Thomas																				
Russell, Edward	4		3	3	4		6	5		6	7	7	6		6					
Sackville, Thomas																				
Sadler, Ralph																				
Sadler, Thomas																				
Salter, Edward			55	56	53		53	54												

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Shotbolt, John											48	47	50	52	53	49	45	48		52	52
Shotbolt, Thomas	39	39			46	50	50	53		50											
Smythe, Thomas	35	35																			
Smythe, William																					
Somerset, Edward																					
Spencer, Richard					35	35	35	35, s	33	32	31	30	30	27	28	26	24	26	26	18	19
Spencer, Robert	40																				
Spurling, John						23	22	25	23	23	22	22	22	//							
Stanley, Henry	3	3			3																
Stuart, Lewis																					
Thynne, Egremont																					
Tooke, Walter					33	37	37	36	34	33	32	31	31	37	42	42	38	41	41	//	
Trevor, Thomas																					
Trott, Nicholas																54	50	53	s	55	56
Vaughn, Richard																5					
Verney, Edmund						28	27	21	19	19											
Vernon, George																					
Wakering, Gilbert																				36	
Walmesley, Thomas																		9	10	11	12
Watts, John																					
Watts, John																					
Weston, Richard																					
Whyskyns, William	36	36			40	44	44	44		41	40	39	39	43					//		
Wilbraham, Ralph															50	51	47	50	49	53	53
Wilkes, Thomas					18	20	19	19													
Williams, John																					
Willys, Richard																					
Wilson, Thomas																					
Wrothe, Richard																				56	
Yelverton, Henry																					

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Shotbolt, John	55		52	52	50		50	51		54	55	52	49							
Shotbolt, Thomas																				
Smythe, Thomas																				
Smythe, William							27	27			29									
Somerset, Edward					3		3	2		3	4	4	4		4					
Spencer, Richard	21		19	19	19		20	20		22	23	24	22	//						
Spencer, Robert																				
Spurling, John																				
Stanley, Henry																				
Stuart, Lewis							4	3		4	5	5								
Thynne, Egremont										66	61	59	37		34		36	40	40	36
Tooke, Walter																				
Trevor, Thomas																	16	21	21	19
Trott, Nicholas	59		57	58	55		56	56		42	43	40	36							
Vaughn, Richard																				
Verney, Edmund																				
Vernon, George																		20	19	17
Wakering, Gilbert	39		35	35	32															
Walmesley, Thomas	13																			
Watts, John						//														
Watts, John							62	62		46	48	47	45		47		38	41	41	37
Weston, Richard																		2	2	2
Whyskyns, William																				
Wilbraham, Ralph	56		53	54	51		51	52		55	56	53	50		49		45	48	49	
Wilkes, Thomas																				
Williams, John											1	1	1		11		10	13	13	12
Willys, Richard							63	63		64	64	62	56		//					
Wilson, Thomas					43		44	40		41	42	39	35		32		35			
Wrothe, Richard	60		58	59	56		57	57		57	58	55	52		50		46	49	50	44
Yelverton, Henry															18					

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

**Appendix No. 2**  
**Justices of the Peace for the County of Essex, 1590-1630**

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Abbott, George																					7
Adams, Thomas																					
Alford, Edward															P						
Allen, Edward																					
Alsham, Edward														83	81	//					
Altham, Edward																					59
Altham, James																	16				
Amyce, Israel	50	54																			
Appleton, Henry	39	41			43	41	39	37	41	39	41	40	38	43	54						
Argall, Reginald																54	55	53	54	56	57
Argall, John																		78	79	81	83
Aylett, Robert																					
Aylmer, John	5	5																			
Ayloff, William		51			53, s			47	51	49	49	48	47	30	34	32	33	31	32	31	31
Ayloff, William, jr.																82	83	82	83	85	87
Ayloff, William (Ch.)					74	64	64	69	74	72	70	69	67	63	68	66	67	66	67	70	72
Bacon, Francis					32	32	29	28	32	31	33	32	31	33	36	35	36	35	36	35	35
Baker, Richard														27	32						
Bancroft, Richard								7	7	6	8	7	7	7	6	6	6				
Barker, Robert								p							P	56	57	56	57	60	62
Barley, Richard	56	61																			
Barnard, Francis																81	82	81	82	84	86
Barrett, Edward																					
Barrington, Francis	26	28			27	29	25	26	30	29	31	30, p	29	24	27, p	25	26			27	27
Bendishe, Thomas	51	56			61	54	53	51	56	53	53	52	51								
Beriff, William																					
Beckington, Thomas													76	71	48	49	51			52	53

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).



	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Abbott, George	7																			
Adams, Thomas			83	86	75		76	80		80	84	81	82							
Allen, Edward							55	58		57	60	60	62						s	
Alford, Edward				p							p		p		P			P		
Alsham, Edward																				
Altham, Edward			50	52	45		44	45		46	49		48		39		31	40	41	41
Altham, James							//													
Amyce, Israel																				
Appleton, Henry																				
Argall, Reginald	//																			
Argall, John	79		71	73	64		64	68		67	70	68	69		60		54	62	63	62
Aylett, Robert												58	60		53		48	56	57	55
Aylmer, John																				
Ayloff, William	22		18	21	19		21	22		21	24	24	24				//			
Ayloff, William, jr.	84		66	68	60		60	64		63	65	63	64		56		42	51	52	
Ayloff, William (Ch.)	67		59	61	55															
Bacon, Francis	35		36	31	27		1	1		1						//				
Baker, Richard																				
Bancroft, Richard																				
Barker, Robert	59		53	55, p	48		48													
Barley, Richard																				
Barnard, Francis	83		74	76	67		67	70		69	72	70	71							
Barrett, Edward			42	44	38		37	37		37	42	40	40		34		24	14	15	13
Barrington, Francis	19		16	18	17		19	20		20	23, p	23	23, p		23, p	P		//		
Bendishe, Thomas								s												s
Beriff, William							74	78		78	82	79	80							
Beckington, Thomas	52						39	38		38	43	41	41		40					

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Bertie, Robert																					
Bessell, Mart in			P																		
Bird, William																					
Bridge, Humphrey	48	48																			
Browne, Anthony																					
Browne, Anthony																					
Boucher, James																48	50	50	51	51	52
Butler, Edward													85	81	47	47	49	49	50	50	51
Butler, John					48	45	45	43	47	45	45	44	43	45	55	60	61	60	61	64	66
Capell, Gamaliel								62	66	63	62	60	32	26	30	29	30	28	29	29	29
Capell, Gamaliel																					
Cardnall, William	38	40			42																
Carey, Henry	6	6			6	8															
Carey, Henry																					
Carey, John															11	11	11	11	12	13	13
Cecil, Robert																			2	2	2
Cecil, William (Burh.)	2	2			2	2	2	2	//												
Cecil, William																					
Chamberlain, Thomas																					
Cheeke, Thomas																					
Chilborne, Christopher	58	63			67			63	68	65	64	62	60	56	61	76	77	75	76	78	80
Clarke, Robert	11	11			12	14	12	13	14	13	14	14	14	17	17	17					
Clerke, Robert																				67	69
Colshill, Thomas	45	45			49	//															
Coke, Edward																40	42	40	41	41	40

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Bertie, Robert																		5	5	4
Bessell, Martin																				
Bird, William										49	52	50	51							
Bridge, Humphrey																				
Browne, Anthony							30	30		28	33	32	//							
Browne, Anthony															44		35	43	44	44
Boucher, James	51		45	47																
Butler, Edward	50		44	44	39		38			30	35	34	34	s	32					
Butler, John	61																			
Capell, Gamaliel	31		//																	
Capell, Gamaliel																		37	38	38
Cardnall, William																				
Carey, Henry																				
Carey, Henry								14		13	13	13	12		10		9	11	12	10
Carey, John	13		11	12	13															
Cecil, Robert	2																			
Cecil, William (Burh.)																				
Cecil, William			4	5	6			7		8	10	10	9		8		7	8	9	7
Chamberlain, Thomas																				
Cheeke, Thomas											30, p	29	30	p	29	p		30, p	31	30
Chilborne, Christopher	76		67	69	50		50	50												
Clarke, Robert																				
Clerke, Robert	64		51	53	46		45	46		47	50	48	49		41		32			
Colshill, Thomas																				
Coke, Edward	40														19					

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Conway, Edward																					
Cooke, Anthony	27	29			28	30	26	20	22	21	22	22	22	22	25 //						
Coote, Nicholas													83	79	46	44	46	46	47	47	48
Cotton, Nicholas																					
Coventry, Thomas																					
Cranfield, Lionel																					
Crewe, Ranulph																					
Croke, George																					
Croke, John																	17	17	18	18	18
Cutts, John	17	17			16	18	16	17	18	16	17	17	17	19	21	21	22	22	23	23	23
Dalton, William									78	76	74	73	71								
Daniel, William												13			16	16	18	18	19		
Darcy, John																78	79	77	78	80	82
Darcy, Thomas	9	9			9	11	9	10	10	9	11	10	10	10	9	9	9	9	10	11	11
Deane, John																		32	33	32	32, s
Denny, Edward, jr.					21	22	19	19	21	20	21	21	21	21	24	14	14	14	15	16	16
Denny, John																					
DeVere, Edward	3	3			3	3	3	3	2	3	3	3	3	3							
DeVere, Henry																					
Devereaux, Robert					4	5	5	6	3	4		//									
Doderidge, John																					
Dunn, Daniel									27	26	28	29	28	36	39	19	20	20	21	20	20
Eardon, Thomas												78	78	74							
Edlington, Edward													79			79	80	79	60	82	84
Edmonds, Thomas																27	28	26	27	21	21

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Conway, Edward																		3	3	
Cooke, Anthony																				
Coote, Nicholas	48		41	43	37		36	36		36	41	39	39		33			33	34	33
Cotton, Nicholas			79	81	71															
Coventry, Thomas															1		1	1	1	1
Cranfield, Lionel											2	2	2							
Crewe, Ranulph							17	19		19	22	21	20							
Croke, George																		19	20	
Croke, John																				
Cutts, John	28		24	26	//															
Dalton, William																				
Daniel, William																				
Darcy, John	78		70	72	63		63	67		66	69	67	54		48		44	53	54	53
Darcy, Thomas	11		13	14	14		14	16		15	17	16	15		13		8	10	11	9
Deane, John	33, s		28	30	26		27	28		26	32, p	31	32				//			
Denny, Edward, jr.	16		13	14	14		14	16		15	17	16	15		13		8	10	11	9
Denny, John																	68	73	74	69
DeVere, Edward																				
DeVere, Henry											7	7	6							
Devereaux, Robert																				
Doderidge, John	18																			
Dunn, Daniel	24		20	23	21		//													
Eardon, Thomas																				
Edlington, Edward	80		72	74	65		65	//												
Edmonds, Thomas	26		22	24	22		15	17		17	19	18	17		16		18	16	17	15

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Edwards, Thomas																					61
Egerton, Thomas							1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Elliott, Edward	54	58			62	55															
Everard, Anthony																				41	42
Fane, Henry																					
Fanshawe, Henry													33		29	28	29	27	28	28	28
Fanshawe, Thomas	28	31			30	28	24	25	29	28	30	//									
Fanshawe, Thomas															72	68	69	68	69		74
Fanshawe, William																					
Finch, Heneage																					
Finch, Moyle																				25	25
Fitch, William																					
Fitzwilliam, William	15	15			15	16	14	16	16	//											
Fletcher, Richard						6															
Fourth, Robert	22	23			23	24															
Franke, Richard	63	66			71	62	62	67	72	69	68	66	64, s	60	65	64	65	64	65	69	71
Fuller, Francis																					
Gardiner, Thomas												78	78	74	42	42	44	43	44	44	45
Gawdy, Francis						12	10	11	12	11	13	12	12	15	15						
Gent, Henry															74	71	72	70	71	73	76
Gent, Thomas	12	12																			
Gonston, Benjamin							57	60	64	61	//										
Granston, John																					
Gray, John																18	19	19	20	19	19
Grey, Henry	14	14			14	15	13	15	15	14	15	15	15	13	12	12	12	12	13	14	14

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Edwards, Thomas	58		52	54	47		47													
Egerton, Thomas	1		1	1	1		//													
Elliott, Edward																				
Everard, Anthony	42		35	37																
Fane, Henry																				16
Fanshawe, Henry	30		26	28	//															
Fanshawe, Thomas																				
Fanshawe, Thomas	69		54	56	51		51	54		55	58	57	59		47		38	46	47	46
Fanshawe, William															58		52	60	61	60
Finch, Heneage										54	57	56	21		22		16	22	23	23
Finch, Moyle	20			19	//															
Fitch, William								41		43	46	45	45		37		29	38	39	39
Fitzwilliam, William																				
Fletcher, Richard																				
Fourth, Robert																				
Franke, Richard	66		58	60	54		54	56		56	59	59	61				//			
Fuller, Francis										65	67	65	66		59		53	61	62	61
Gardiner, Thomas	45		38	40	34		34	34		34	39	38	38							
Gawdy, Francis																				
Gent, Henry	71		61	63	57		57	60		59	62	61	63		55		49	57	58	56
Gent, Thomas																				
Gonston, Benjamin																				
Granston, John															50		45	54	55	54
Gray, John																				
Grey, Henry	14		12	13	//															

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Grimston, Edward	57	62			54	50	49	52	52		25	25	26	38	50	55	56	55	56		60
Grimston, Harbottle																					
Gurney, Thomas																					
Hale, Richard																					
Harleston, John											82	80	82	78	79	80	81	80	81	83	85
Hare, Hugo																					
Harlakenden, Richard																					
Harlakenden, Roger					66	58	58	61	65	62	61	59	58								
Harris, Arthur	31	33			33	33	30														
Harris, Arthur																					
Harris, Thomas					69			65, p	70	67	66	64	62	58	63	53		45	46	46	47
Harris, William								57	61, s	58	58	56	55	53	60						
Harris, William																					
Harvey, Francis	33	35			35	34	32	30	34	33	35	35									
Harvey, George	34	36			36	35	33, s	31	35	34	36	36	35	41	19	//					
Hatton, Christopher	1	1																			
Hatton, Christopher																		21	22	22	22
Heale, John												13	16								
Heneage, Thomas	10	10	P		10	//															
Herbert, William																					
Heron, James																					
Heydon, Francis													42	37							
Hicke, Michael																50	52	51	52	54	55
Higham, Thomas																					
Higham, William	61	65			70	61	61	66	71	68	67	65	63	59	64	63	64	63	64	68	70

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).



	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Grimston, Edward											P									
Grimston, Harbottle	23		19	22, p	20		22	23		22	25	25	25		24	P		24	25	26
Gurney, Thomas			49	51	44		43	44		45	48	47, s	47							
Hale, Richard											81	78	79		63		56			
Harleston, John	81		73	75	66		66	69		68	71	69	70	//						
Hare, Hugo															15		11	15	16	14
Harlakenden, Richard																	61	70	71	68
Harlakenden, Roger																				
Harris, Arthur															s			//		
Harris, Arthur										44	47	46	46, p		38, p		30	39	40	40
Harris, Thomas	47		40	42	36		35	35		35	40									
Harris, William																				
Harris, William			33	35	31		31	31		29	34	33	33		31		22	32	33	32
Harvey, Francis																				
Harvey, George																				
Hatton, Christopher																				
Hatton, Christopher	27		23	25	23		24	25	//											
Heale, John																				
Heneage, Thomas																				
Herbert, William																		6	6	
Heron, James																		69	70	67
Heydon, Francis																				
Hicke, Michael	54	//																		
Higham, Thomas										81	85	82	83		66		59	67	68	
Higham, William	65		57	59	53		53	56												

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Hitcham, Robert																					
Hobart, Henry																					
Houghton, Robert																					
Howard, Charles					5	7	6	4	4		5	4	4	4	3	3	3	3	4	4	4
Howard, Edward																					
Howard, Henry																			3	3	3
Howard, Theophilus																				8	8
Howard, Thomas								6	5	7	6	6	5	4	4	4	4	4	5	5	5
Hubberd, Edward	37	39			39	38	36	34	38	37	39	30	25	28	26	27	25	26			
Huddleston, Edmund	21	22			20					19	20	20	20	20	23	23	24 //				
Ive, John	49				51	48	44	42	46	44											
Jarvis, Arthur																					
Jenour, Kenelon																					
Josselin, John								53		54	54	53	52	51							
Josselin, Thomas								71	76	74	72	71	69	65	45	46	48	48	49	49	50
Keeling, John																					
Keighley, Thomas											79	76	77	73	76	74	75	73	74	76	79
Killingsworth, John													80	76	77	75	76	74	75		
King, John																					
Kingsmith, George									13	12											
Lee, Henry																					
Leigh, Robert	62	59			63	56	54	54	58	55	55	54	53		35	33	34	33	34	33	33
Ley, James																					
Littlebury, John																					
Lucas, Thomas	18	18			17	19	17		19	17	18	18	18		22	22	23	23	24	24	24
Luckyn, William																					

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Hitcham, Robert																				20
Hobart, Henry					15															
Houghton, Robert			14	16	16		16	18		18	21	20					13	17	18	17
Howard, Charles	4			3	4		5													
Howard, Edward																		13	14	12
Howard, Henry	3																			
Howard, Theophilus	8		6	7	8		8	10		10	14	14	13		7		6	7	8	6
Howard, Thomas	5		2	2	2		2	6		7	9	9	8							
Hubberd, Edward																				
Huddleston, Edmund																				
Ive, John																				
Jarvis, Arthur							70	72		72	68	66	67							
Jenour, Kenelon																		26	27	
Josselin, John																				
Josselin, Thomas	49		43	45																
Keeling, John																	69	74	75	70
Keighley, Thomas	74		64	66																
Killingsworth, John																				
King, John			5	6	7		7	9												
Kingsmith, George																				
Lee, Henry	57	S	48	50	43		42	43	43											
Leigh, Robert	34 //																			
Ley, James																	2			
Littlebury, John												83	84							
Lucas, Thomas	//																			
Luckyn, William																		27	28	28

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Lumley, Martin																					
Luther, Anthony																					
Lynne, William																					
Masham, William																					
Maxey, Anthony	52	57																			
Maxey, Henry									79	77	75	74	72	66	40	41	43	41, s	42	42	43
Maynard, Henry					40	39	37	35	39	38	40	39, p	30	25, s	28	26	27	25	26		
Maynard, William																					
Meade, Thomas	53	50			52	49	48	46	50	48	48, s	47	46	47	43	43	45	44	45	45	46
Meautys, Henry																					
Mildmay, Henry	44	44			47		43	41	45	43	44										
Mildmay, Henry																					
Mildmay, Henry (Gr.)																					
Mildmay, Henry (M.)																					
Mildmay, Humphrey	35	37		s	37	36	34	32	36	35	37	37	36	42	53	59	60	59	60	63	65
Mildmay, Humphrey																					
Mildmay, Thomas	16	16				17	15	s	17	15	16	16	16	18	20	20	21	s			
Mildmay, Thomas	49	53	P			51	50	49	53	50	50	49	48	48	41	39	41	39	40	38	39
Mildmay, Walter					46	44	42	40	44	42	43	42	40								
Montague, Henry																					
Mordaunte, Henry														82	80						
Morris, James	30	25	P		24	25	21	//													
Morris, John																					
Nicholas, George	29	32			31		28	27	31	30	32										
Nightengale, Geoffrey					58	53	52	50	54	51	51	50	49	49	58	61	62	61	62	65	67

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Lumley, Martin																	50	58	59	57
Luther, Anthony			76	78	69		69	71		71	74	72	73		61					
Lynne, William												84	85				60	68	69	
Masham, William								62		61	26	26	26, p		25, p	p		25	26	27
Maxey, Anthony																				
Maxey, Henry	43		36	38	33		33	33		32	37	36	36		43					
Maynard, Henry																				
Maynard, William	21		17	20	18		20	21		16	18	17	16		14		10	12	13	11
Meade, Thomas	46		39	41	35															
Meautys, Henry															64		57	65	66	64
Mildmay, Henry																				
Mildmay, Henry											p		27		26, p		17	28, p	29	29
Mildmay, Henry (Gr.)								42		40	45	44	44		36		27	32, s	37	37
Mildmay, Henry (M.)																	21	31	32	31
Mildmay, Humphrey	60																			
Mildmay, Humphrey															45		37	45	46	45
Mildmay, Thomas																				
Mildmay, Thomas	39	//																		
Mildmay, Walter																				
Montague, Henry			15	17						2	3	3	3		3		3	4	4	4
Mordaunte, Henry																				
Morris, James																				
Morris, John			32	34	30		29	//												
Nicholas, George																				
Nightengale, Geoffrey	62		55	57	52		52	55												

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Nolles, George												31									
Osborne, Henry								52	57												
Owen, Thomas					13	13	11	12	//												
Parker, Edward	7	7			7	9	7	8	8	7	9	8	8	8	7	7	7	7	8	9	9
Parker, William														11	10	10	10	10	11	12	12
Paschall, Andrew	55	60			65		56	59	63	60	60	58	57	55							
Perient, Thomas																85	86	85	86	88	90
Petre, John	19	19			18	20	18	18	20	18	19	19	19	13	13	13	13	13	14	15	15
Petre, William								P													
Philips, Edward																					
Pirton, Edmund	32	34					31	29	33	32	34	34	34	40	52	58	59	58	59		64
Pointz, Gabriel																52	54	//			
Powle, Stephen								56	60	57	57	43	41	44	49	51	53	52	53	55	56
Powle, Thomas	24	26			25	26	22	24	28	27	29	//									
Puckering, John	13	13			1	1															
Quarles, James					41	40	38	36	40	//											
Quarles, Robert																					
Raines, Francis																84	85	84	85	87	89
Radcliffe, Edward																					
Radcliffe, Henry	4	4																			
Radcliffe, Robert						4	4	5	5		6	5	5	6	5	5	5	5	6	6	6
Ravis, Thomas																		6	7	7	
Rawlins, Thomas									80		76	78	73	67	70, s						
Raynesford, Richard					72					70	69	67	65	61	66 //						
Reynolds, James																					

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Nolles, George																				
Osborne, Henry																				
Owen, Thomas																				
Parker, Edward	9		7	8	9		9													
Parker, William	12		10	11	12		12	12		11	15	//								
Paschall, Andrew	41		34	36	32		32	32		31	36	35	35							
Perient, Thomas	87						46	47		48	51	49	50							
Petre, John	15		//																	
Petre, William							13	15		14	16	15	14		12					
Philips, Edward				15																
Pirton, Edmund	//																			
Pointz, Gabriel																				
Powle, Stephen	55		47	49	42		41	40		41										
Powle, Thomas																				
Puckering, John																				
Quarles, James																				
Quarles, Robert												42	42		35	P	25	34	35	35
Raines, Francis	86		77	79	70															
Radcliffe, Edward															27		19	29	30	
Radcliffe, Henry																				
Radcliffe, Robert	6		3	4	5		6	5		6	8	8	7		6		5	9		
Ravis, Thomas																				
Rawlins, Thomas																				
Raynesford, Richard																				
Reynolds, James	90		81	83	73			48												

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Rich, Edward	41	42			44	42	40	38	42	40											
Rich, Robert	8	8			8	10	8	9	9	8	10	9	9	9	8, p	8	8	8	9	10	10
Rich, Robert (Warw.)																					
Riche, Robert											81	79	81	77	78	77	78	76	77	79	81
Richardson, Thomas																					
Sackville, Edward																					
Sackville, Thomas										2	2	2	2	2	2	2	2	2			
Saltonstall, Richard											83	82	84	80	44	45	47	47	48	48	49
Saltonstall, Richard																					
Sammes, John						59	59	64	69	66	65	63	61	57	62, p	24	25, s	24	25	26	26
Sandford, Robert																					
Sandie, William	60										80	77									
Saye, Thomas					59																
Sayer, George																70	71	54	55	58	58
Smith, Henry											77	s		68	71						
Smith, John	20	21			19	21															
Smith, William	43	43			45	43	41	39	43	41	42	41	39	32	31	30	31	29	30	30	30
Southerton, George		52			55																
Somerset, Edward																					
Stanhope, Edward	23	24			22	23	20	22	24	23	24	24	24	34	37	36	37				
Staderton, George																					
Stephens, John																				77	
Sterne, John					11			14	11	10	12	11	11	14	14	15	15	15	16		
Stoner, Francis																					

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).



	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Rich, Edward																				
Rich, Robert	10		8	9, p	10		10	11	//											
Rich, Robert (Warw.)							18	8		9	11	11	10		9			P	10	8
Riche, Robert	77		69	71	62		62	66		50	53	51	52		42		33	41	42	42
Richardson, Thomas																		18	19	18
Sackville, Edward																			7	5
Sackville, Thomas																				
Saltonstall, Richard	//																			
Saltonstall, Richard															72		40	48	49	48
Sammes, John	29		25	27, p	24		25	26		24	28	28	29				36	44	45	
Sandford, Robert			82	85	74		75	79		79	83	80	81		65		58	66	67	65
Sandie, William																				
Saye, Thomas																				
Sayer, George	56																			
Smith, Henry																				
Smith, John																				
Smith, William	32		27	29	25, s		26	27	s	25	31	30	31		30	//				
Southerton, George																				
Somerset, Edward					3		3	2		3	4	4	4		4					
Stanhope, Edward																				
Staderton, George																	63	71	72	
Stephens, John	75		65	67	59		59	63		62	64									
Sterne, John																				
Stoner, Francis										73	75	73	74							

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Stuart, Lewis																					
Sulyard, Edward	46	46				46, s	46	44	48	46	46	45	44	46	57	38	40	38	39		38
Symnell, Richard								p				p									
Tabor, William									26	25	27	28	27	39	51	57	58	57	58	61	63
Tanfield, John																83	84	83	84	86	86
Tirrell, John																					
Towse, William					64	57	55	55	59	56	56	55	54	52	59	62	63	62	63	66	68
Trevor, Thomas															P						
Tuke, Brian																					
Tuke, Peter		55																			
Tuke, Peter					60				55	52	52	51	50	50	56						
Turner, Edward								72	77	75	73	72	70								
Tyndall, John					57	52	51	23	25	24	26	26	25	35	38	37	38	36	37	36	36
Vigeron, Robert																					
Waad, William																					
Wakering, John																					
Waldegrave, Edward										78	78	75	75	70	73	69	70	69	70	72	75
Waldegrave, Thomas								70	75	73	71	70	68	64	69	67	68	67	68	71	73
Waldegrave, William		20																			
Walmesley, Thomas																		16	17	17	17
Warre, Anthony																86	87	86	87	90	92
Warren, Richard		30, s	p		29	31	27	//													
Warren, Thomas																73	74	72	73	75	78
Wentworth, John	42		s					P													
Weston, Jerome	36	38			38	37	35	33	37	36, s	38	38	37	31 //							
Weston, Richard												p					39	37	38	37	37

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Stuart, Lewis							4	3		4	5	5								
Sulyard, Edward																				
Symnell, Richard																				
Tabor, William																				
Tanfield, John	85		75	77	68		68			70	73	71	72							
Tirrell, John																	41	49	50	49
Towse, William	63		56	58	49		49	49		51	54, p	52	53, p		48, p	P	43	52	53	52
Trevor, Thomas																		21	22	22
Tuke, Brian							73	76		76	79	76	77				55	64	65	
Tuke, Peter																				
Tuke, Peter																				
Turner, Edward																				
Tyndall, John	36		37	30	32															
Vigeron, Robert																	64	72	73	
Waad, William	25		21				23	24		23	27	27								
Wakering, John																		75	76	71
Waldegrave, Edward	70		60	62	56		56	59		58	61 //									
Waldegrave, Thomas	68																			
Waldegrave, William																				
Walmesley, Thomas	17																			
Warre, Anthony	89		80	82	72		71	73		74	76	74	75							
Warren, Richard																				
Warren, Thomas	73		63	65																
Wentworth, John																				
Weston, Jerome																				
Weston, Richard	38		31	33, p	29		28	29		27	20	19	18		17		12	2	2	2

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1590	1591	1592	1593	1594	1595	1596	1597	1598	1599	1600	1601	1602	1603	1604	1605	1606	1607	1608	1609	1610
Willand, Robert																					
Williams, John																					
Wilmore, George																					
Wiseman, John	47	47			50	47	47	45	49	47	47	46	45								
Wiseman, Ralph	s								67	64	63	61	59		33	31	32	30	31		
Wiseman, Robert																					
Wiseman, Thomas														72	75	72	73	71	72	74	77
Wiseman, Thomas																					
Wiseman, William					73	63	63	68, p	73	71		68, p	66	72	67	65	66	65	66		
Whetstone, Bernard	59	64			68	60	60	58	62	59	59	57	56	54							
Whetstone, Bernard																		42	43	43	44
Wood, Robert																					
Wright, John																					
Wright, John																					
Wrothe, Robert	25	27			26	27	23	21	23	22	23	23	23	23	26		//				
Wrothe, Robert																34	35	34	35	34	34
Wrothe, William																				89	91
Wycliff, Edward	40																				
Wyniff, Thomas																					
Vernon, George																					
Villiers, George																					
Yelverton, Henry																					

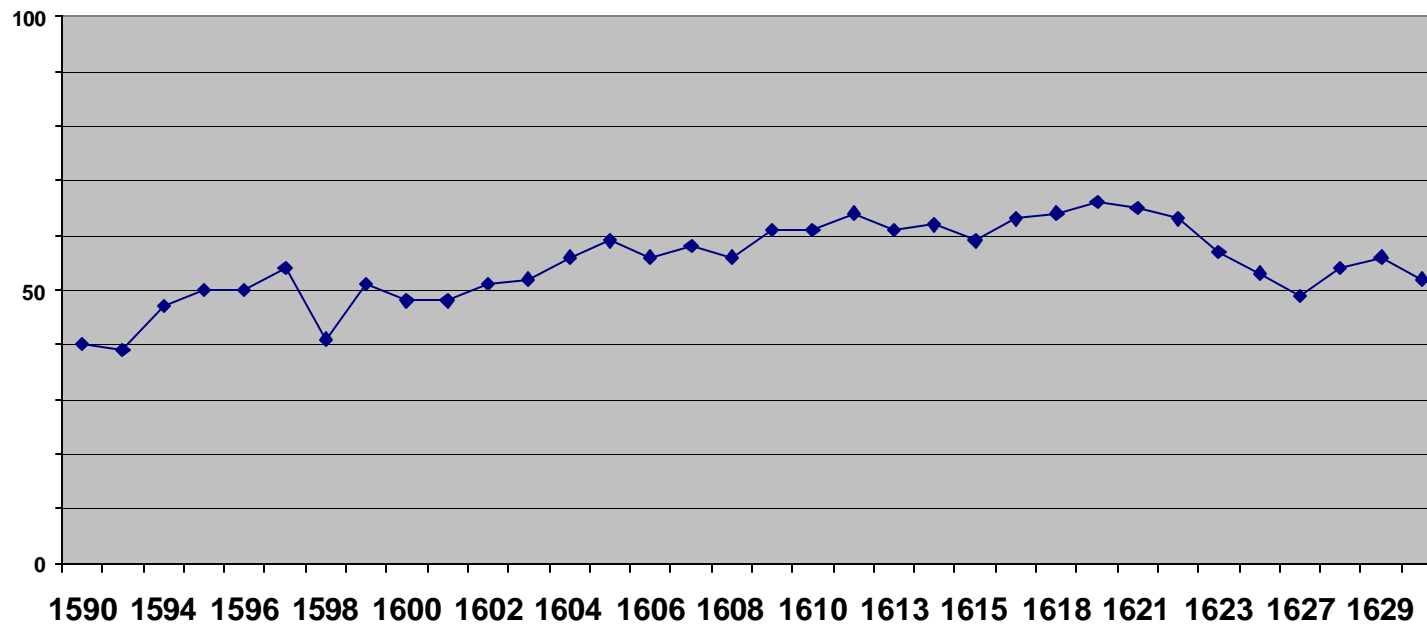
Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

	1611	1612	1613	1614	1615	1616	1617	1618	1619	1620	1621	1622	1623	1624	1625	1626	1627	1628	1629	1630
Willand, Robert								51		52	55	53	56		51		46	55	56	
Williams, John											1	1	1							
Wilmore, George								77		77	80	77	78							
Wiseman, John					//															
Wiseman, Ralph																				
Wiseman, Robert							72	75		75	78	75	76		71			63	64	63
Wiseman, Thomas	72		62	64	58		58	61		60	63	62								
Wiseman, Thomas	53, s		46	48	41		40	39		39	44	43	43				26	35	36	36
Wiseman, William																				
Whetstone, Bernard																				
Whetstone, Bernard	44		37	39						33	38	37	37	//						
Wood, Robert			84	87	76															
Wright, John			68	70																
Wright, John					61		61	65		64	66	64	65		57		51	59	60	59
Wrothe, Robert																				
Wrothe, Robert			s	//																
Wrothe, William	88		78	80																
Wycliff, Edward																				
Wyniff, Thomas										53	56	54	57		52		47	55		
Vernon, George																		20	21	19
Villiers, George										5	6	6	5		5		4			
Yelverton, Henry															20					

Sources: Public Record Office: *Patent Rolls* (C66/1421 – C66/2536); *State Papers, Domestic Series, 1547-1625* (SP13/F11; SP14/33). British Library: Additional MSS 278; Additional MSS 38,139; Egerton MSS 3788; Harley MSS 1622. PRO Lists And Indexes, No. IX, List of Sheriffs for England and Wales From the Earliest Times to A.D. 1831 (New York: Kraus Reprint Corporation, 1963).

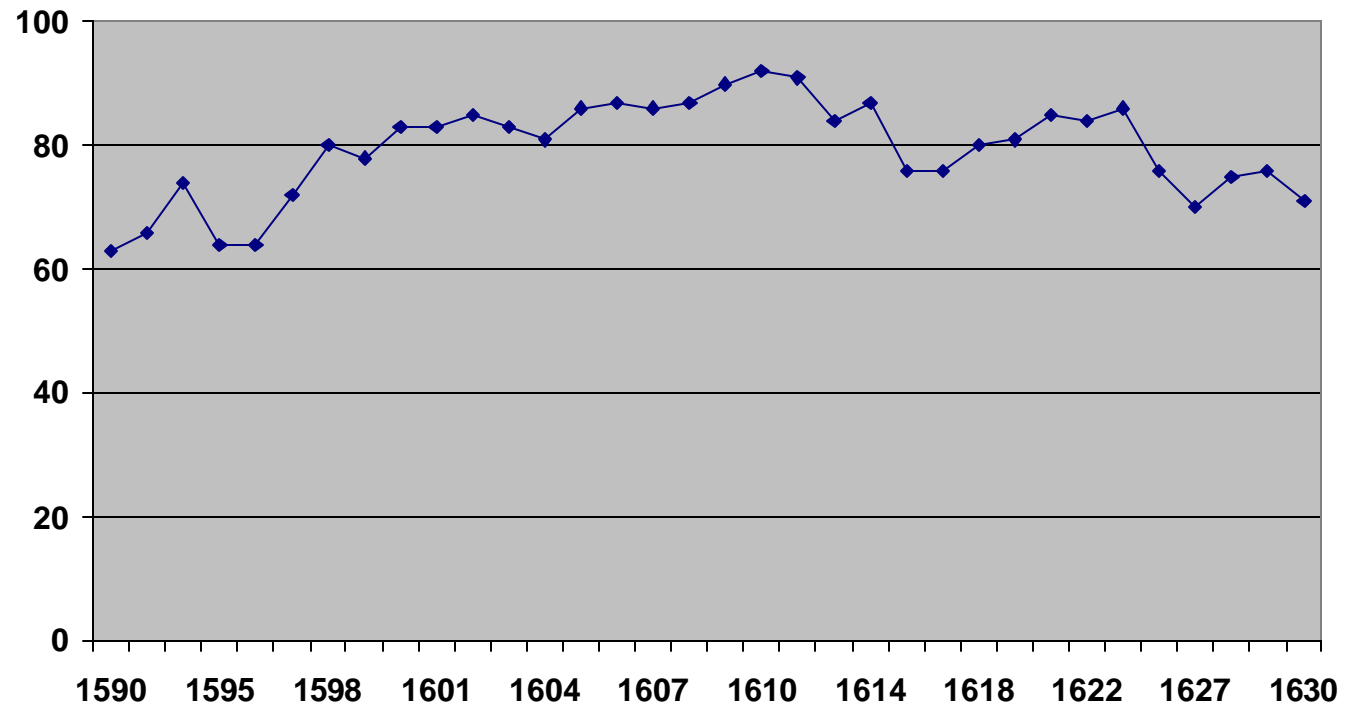
### Appendix No. 3

#### Trend of Justices of the Peace Appointed to Hertfordshire Commissions of the Peace, 1590-1630



#### Appendix No. 4

**Trend of Justices of the Peace Appointed to the Essex  
Commissions of the Peace, 1590-1630.**



## **Appendix No. 5**

### **Bishops of London and Lincoln Named to the Hertfordshire and Essex Commissions of the Peace**

#### **London Diocese**

John Aylmer (1577-1594)  
Richard Fletcher (1595-1596)  
Richard Bancroft (1597-1604)  
Richard Vaughn (1604-1607)  
Thomas Ravis (1607-1609)  
George Abbot (1610-1611)  
John King (1611-1621)

#### **Lincoln Diocese**

William Barlow (1608-1613)  
John Williams (1621-1641)



## **Vita**

Jeffery R. Hankins was born in Anchorage, Alaska, on March 26, 1952. As part of an Air Force family, Mr. Hankins has lived and worked in a number of different states including Ohio, Texas, Louisiana, and California.

He began college at Wright State University in Dayton, Ohio, and received a Baccalaureate Degree from the University of Texas at Austin. After working a number of years as a Legal Assistant, Mr. Hankins' interest in history led him to complete a masters degree at Texas State University in San Marcos, Texas. He then pursued his doctoral degree from Louisiana State University.

Mr. Hankins lives and works in Baton Rouge, Louisiana. He also lives in Austin, Texas, with his wife of twenty-five years, Jean McWeeney.