

## Reconstructing the Debates of the Protectorate Parliaments: The Pitfalls of J.T. Rutt's Edition of "Thomas Burton's" Diary.\*

'Undoubtedly some very dull man'. Such was Thomas Carlyle's assessment of Thomas Burton, MP for Westmorland and prolific diarist of both the second and third Protectorate Parliaments. In Carlyle's opinion, John Towill Rutt's 1828 edition of *The Diary of Thomas Burton* was 'a Book filled... with mere dim inanity, and moaning wind'. Much better, Carlyle believed, if someone would 'condense it into sixteen pages; instead of four thick octavo volumes'. Failing such a hefty cull, Carlyle conceded that 'even the rubbish of the rest, with a proper Index, might be useful'; that is, it 'might at least be left to rot quietly once it was known to be rubbish'.<sup>1</sup> Despite receiving Carlyle's opprobrium, however, Rutt's edition has endured as a key authority for the political history of the mid 17th century.<sup>2</sup> When a reprint was issued in 1974, to meet the demand for a text then increasingly difficult to obtain, it was noted how Rutt's edition remained of such importance that 'no student of the Interregnum or of the history of Stuart parliaments generally can afford to neglect it'.<sup>3</sup>

Surprisingly few historians of the 1650s have given serious attention to the limitations of Rutt's edition. Most have failed to engage with the disputes among scholars of the early Stuart period concerning the employment of parliamentary diaries.<sup>4</sup> Those discussions, however, were a consequence of the embarrassment of riches provided by the volumes of proceedings in the early Stuart parliaments produced by the Yale Center for Parliamentary History. As this article demonstrates, Rutt's edition of Burton's Diary is of nothing like the same quality, therefore creating additional problems of interpretation. Besides examining Rutt's editorial practices, this article suggests that the authority vested in his edition has perpetuated a number of questionable readings about both the membership and nature of the Protectorate Parliaments of the later 1650s.

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### *I. The Edition and its Editor*

John Towill Rutt (1760-1841) was a serial editor of texts. Besides his edition of *Burton's Diary*, he edited the *Theological and Miscellaneous Works of Dr Priestly* (1817-32), *Calamy's Historical Account of my Own Life, 1671-1731* (1830), and *The life, journals, and correspondence of Samuel Pepys, with a narrative of his voyage to Tangier* (1841). Rutt was a radical in both religion and politics; a Unitarian, he was drawn into the circle of Priestley and Gilbert Wakefield and was a member of the short-lived 'Society for Constitutional Information'.<sup>5</sup> It is easy to see why Burton's diary – replete with its record of parliamentary debates over liberty of conscience and constitutional reform – would have interested him.

Recent assessments of Rutt's other editorial endeavours offer mixed opinions about his proficiency.<sup>6</sup> For scholars of the Cromwellian period, however, Rutt remains an enigmatic figure: his record as an editor has hardly been considered, let alone held up to any sort of sustained scrutiny. Above all, more attention needs to be given to Rutt's editorial methods.

The most striking sign of Rutt's editorial enterprise is his use of footnotes. A glance through the four volumes shows that while a few pages contain no footnotes at all, a great many are swamped by them; on several occasions pages consist of only one line of text with the remainder filled with footnotes. Rutt often pursues his antiquarian interests at the expense of relevant context or detail. An exemplar of this is the 1100-word footnote that Rutt attaches to the end of his account of the final days of the First Protectorate Parliament which opens with

lengthy passages concerning Cromwell's dissolution of that parliament taken from Whitelocke's *Memorials*, Bate's *Elenchus Motuum Nuperorum in Anglia* and Ludlow's *Memoirs*. While largely superfluous, these quotations at least bear passing relevance to the text. The same cannot be said for the remainder of the footnote where Rutt plunges into a series of rambling anecdotes about the nature of Cromwellian rule, culminating in a darkly humorous story, printed in the Cromwellian newsbook *Mercurius Politicus*, about a man who was tied to a stag as punishment for killing one of the Duke of Saxony's deer.<sup>7</sup>

Too often, the reader will look to Rutt's footnotes for clarification, but find little in the way of useful detail. When presenting Burton's report of Sir Arthur Haslerig's remark on 14 February 1659: 'We are a million in debt; some say two, some say three million', Rutt takes the opportunity to include a footnote to put these words into context. Unfortunately, it is not the context that scholars would hope to find. This 'puny national debt of three millions', Rutt notes, 'had advanced beyond two hundred' by the mid-eighteenth century and had 'reached the magnificent amount of eight hundred, ninety seven millions' by the time the edition went to press. A moral excursus follows lamenting the cost of wars and the religious arguments used to justify them.<sup>8</sup> Nowhere does Rutt describe the state of the national debt in 1659 – there is no cross-reference to the Commons' debates on 7 April 1659, for instance, when it was revealed that there was a projected £2.5 million debt by year's end (revised down to £2.2 million on 16 April).<sup>9</sup>

Of course, Rutt can be excused; his antiquarian delight in the Duke of Saxony's deer or moral indignation about the state of the national debt were not untypical of contemporary editorial practice. One only need look at Carlyle's edition of *Cromwell's Letters and Speeches*, complete with its highly distracting elucidations and interpolations, to realise that in the

nineteenth century the personality and agenda of the editor was allowed to pervade the pages of scholarly editions of texts in a manner that modern readers now find unpalatable.

No problem then. The reader can simply steer around the flotsam and jetsam of Rutt's footnotes. But navigation is problematic. The index that Rutt provides at the end of the fourth volume of his edition is invariably an index to the footnotes, rather than to the main text. One can search with ease for 'Saxony, instance of the despotism of the Duke of' or 'Deer-stealing, cruel punishment inflicted for', but would look in vain for references to Haselrig's speeches on the Cromwellian Other House. Carlyle found Rutt's edition insufferable precisely because it lacked a 'proper Index'.<sup>10</sup> More recently, however, the availability of Rutt's edition on the website British History Online means that scholars can now overcome this difficulty through intelligent key word searches.<sup>11</sup>

But even if scholars overlook Rutt's footnotes and poor indexing, can they rely on his basic transcription of the material? Does his edition, despite its faults in presentation, make recourse to the original sources superfluous? Unfortunately not. To begin with, the reader is left asking *what* exactly are the original sources? Besides the briefest of prefaces, and some perfunctory asides in his footnotes, Rutt is mostly silent about his sources or the manner in which he employs them. Obviously, at the core of Rutt's edition is the manuscript diary of Thomas Burton. But this document, now among the Additional Manuscripts of the British Library in the form of six small pocketbooks, is not the easiest of sources.<sup>12</sup> No 'fair copy' of the diary exists; all we are left with are scribbled notes, written in an extremely small hand.<sup>13</sup>

Arguably, the fact that Burton's manuscript is so difficult to decipher has propagated the tendency of scholars to defer so readily to the authority of Rutt's edition. Yet Rutt struggled

with the source too. He readily admitted that he found impenetrable a number of the short phrases ‘borrowed from the Ancients’ interspersed in parliamentary speeches.<sup>14</sup> Closer inspection of his edition alongside the manuscript, however, reveals that he frequently omitted words and entire sections of speeches recorded in English too. Sometimes this was a matter of modesty, such as Rutt’s refusal to print Burton’s notes of evidence taken in a parliamentary committee on 10 January 1657 concerning a high-profile divorce case; the details of the wife’s infidelity were ‘omitted, as not proper for publication’.<sup>15</sup> At other times, however, Rutt simply struggled to transcribe Burton’s notes. While these omissions do not always alter radically the meaning of a speech, they often clarify points or suggest a speaker’s emphasis.

A good example is Rutt’s omission of an entire passage from Burton’s report of Nicholas Lechmere’s speech on 2 March 1659. Lechmere, the Protectoral Attorney of the Duchy of Lancaster, was responding to claims by the government’s critics that certain clauses in the *Humble Petition and Advice* which were addressed to his ‘Highness’ only, without naming his ‘Highness and his successors’, had effectively died with Oliver Cromwell – meaning those powers did not transfer to his son Richard. Lechmere claimed this argument was fallacious as ‘the word success[o]r’ was ‘not named in all other p[ar]ts’ of the constitution ‘that concern the r[igh]ts of the people’ yet he hoped ‘none will say’ the Protector was ‘not bound by that’. In Burton’s manuscript, the diarist then reports how Lechmere reminded the parliament of the ‘pet[ition] of right’ where there was ‘no word of K[ing], nor success[o]r, but only your M[ajes]tie’:

If they thinke the K[ing’s] success[o]r is not bound, the peop[le] will not thank you.  
All your offic[e]rs & ministers shall serve (you) acc[ording] to the lawes and  
stat[utes] of the Realme. I feare if we had had an[oth]er P[er]s[o]n in Ch[arles]

Stew[art's] place, in that principle they would have argued that h[i]s ma[jes]tie was only bound. These [a]r[e] dangerous principles, we shall down m[ore] with one hand than we shall build with 20.<sup>16</sup>

None of this passage appears in Rutt's transcription. Yet it enhances the point made earlier in that same speech, when Lechmere reportedly claimed that the *Humble Petition* 'was a pet[ition] of r[igh]t & br[ough]t the heads of o[u]r libertyes above the water'. Burton, who either lacked the will or energy to record the next part of the speech, summarized how: 'He r[an]n over the pet[ition] & adv[ice] wherein o[u]r Rights & libertyes were restored by that pet[ition] of r[igh]t'.<sup>17</sup> Clearly, Lechmere looked to draw the comparison between the parliamentary constitution of 1657 and the constitutional documents of the 1620s – a point which comes across more emphatically in Burton's manuscript than in Rutt's transcription.

Even more problematic is the fact that Rutt's edition is more than a transcription of the manuscript diary of Thomas Burton. The convenient shorthand title of *Burton's Diary* usually assigned to Rutt's edition is itself misleading. Although Burton sat in both the second and third Protectorate Parliaments, the surviving portions of his diary are not a 'complete' account of either of those parliaments. The coverage of the first session of the second Protectorate Parliament is the patchiest; the diary begins three months into that parliament's sitting and thereafter suffers from occasional gaps, the most frustrating of which is the chasm in the record between 20 January and 13 April 1657 – the crucial period when the offer of the Crown to Cromwell came to fruition.<sup>18</sup> To compensate for this lacuna, Rutt inserted additional material to supplement Burton's account. Often, this entailed a series of downloads from the Commons' Journal. More significant, however, was Rutt's 'discovery' of two sources among the archives of the British Museum. The first was an anonymous 'volume' (Additional MS 6125), which Rutt described as containing, among other things, 'several

speeches of the first Protector, apparently never printed'.<sup>19</sup> The second was the parliamentary diary of Guybon Goddard of Norfolk, who sat in both the first and third Protectorate Parliaments as MP for King's Lynn and Castle-Rising respectively.<sup>20</sup> Rich as this material was, the timing of its discovery was not ideal; as Rutt reveals in the preface, he found them only after 'some part of this Diary had passed through the press'.<sup>21</sup>

The editorial scars left from his attempts to work this additional material around those parts of *Burton's Diary* then already printed are plain to see - a prominent example being the 192-page 'Introduction', comprising chiefly of Goddard's account of the 1654 Parliament, tacked onto the beginning of the first volume.<sup>22</sup> At least this material was placed in its correct chronological sequence. The same could not be said for supplementary material illuminating those parts of Burton's account that had already gone through the press. Take, for instance, Rutt's discovery in Additional MS 6125 of Cromwell's letter to the Speaker of the Commons, read to the House on 26 December 1656, concerning their proceedings against James Nayler. Rutt 'found' this letter in the British Library, he explains, only after the entry for 26 December 1656 had been printed. But, rather than go back and revise the entry for 26 December 1656 to include this supplementary material, Rutt simply inserted it into the edition at the next convenient moment, which happened to be 29 January 1657.<sup>23</sup>

Although Rutt's struggle to accommodate this new material around the already printed portions of Burton's diary appears makeshift, it is nothing in comparison to his decision to incorporate Goddard's diary into the third and fourth volumes of his edition. First it is worth noting that, both in nature and content, Goddard's diary differs from that of Burton. The manuscript diary of Guybon Goddard which Rutt discovered is not the original but an 18th-century copy.<sup>24</sup> Rutt himself never hints that the manuscript from which he works is a later

copy, with the probable inaccuracies and errors that could entail. Thankfully, there survives among the Savernake Estate papers at the Wiltshire and Swindon History Centre what appears to be the original, or a contemporary copy, of Goddard's diary, unknown to Rutt, which allows the accuracy of the transcription to be tested.<sup>25</sup> Comparison between this manuscript and the eighteenth-century version, demonstrates that – barring a few minor omissions, alternate spellings and obvious transcription errors – the copy is a faithful one and transcribes Goddard's account in its entirety.<sup>26</sup>

Goddard's diary differs in some important respects from Burton's. For one, Goddard provides the only surviving report of proceedings in the first Protectorate Parliament of 1654. This account is patchy: covering the period from the parliament's opening on 4 September 1654 through to 18 December 1654, where it ends abruptly, over a month before the parliament's dissolution.<sup>27</sup> Qualitatively, Goddard's record of this parliament lacks the same level of detail or feeling of 'immediacy' found in Burton's record of the later parliaments: he often fails to identify speakers and regularly reduces whole debates to summaries of *pros and cons*. For the 1659 parliament, however, his style is much closer to Burton in giving detailed accounts of what was spoken and by whom. But once again, he does not cover the entire session – beginning with the parliament's opening, the diary ends on 5 March, over six weeks before the parliament was dissolved.<sup>28</sup>

Rutt drew heavily on Goddard's report of the third Protectorate Parliament when compiling the text of the third and fourth volumes of his edition. From that Parliament's opening on 27 January through to 5 March 1659, the accounts of the two diarists overlap considerably. This was a significant test for Rutt's editorial practices. In his preface, Rutt notes fleetingly how 'Mr Goddard's MS' allowed him to 'correct and complete, in numerous instances, Mr.



Burton's report of the Parliamentary debates' during Richard's Parliament.<sup>29</sup> But how exactly was Rutt using Goddard to 'correct and complete' Burton? What criteria, for instance, did he apply to assess the extent to which Burton's account was *incorrect* or in need of completion? Would material from Goddard be introduced only when an account differed substantially from, or recorded things not noted by, Burton? Nowhere does Rutt answer these questions. Instead, the reader must go back to the original manuscript diaries to decipher the editor's practices.

For the opening days of the third Protectorate Parliament, Rutt kept the two accounts separate, with corresponding detail from Goddard consigned to lengthy footnotes to Burton's text.<sup>30</sup> But he soon tired of this method and instead began amalgamating the reports of the two diarists.<sup>31</sup> Initially, Rutt warns the reader of this fact. For Thomas St Nicholas' speech on 8 February 1659, for instance, he notes that this speech was 'almost entirely from the Goddard MS', albeit he does not say what portions.<sup>32</sup> But Rutt only occasionally gives such citations thereafter, often failing altogether to inform the reader when and where he is using Goddard to supplement details provided by Burton. It is here – more than anywhere else in the edition – that historians should be wary of assigning the shorthand title of *Burton's Diary* to Rutt's edition. What Rutt produced turns out to be less an edition of Thomas Burton's diary and more an unattributed concoction of reports from *both* Burton *and* Goddard.

Sometimes Rutt presents portions from each diary side-by-side, at other times he merges them – imposing his own order on the material and altering the original meaning of each diarist's report in the process. A good example is Rutt's rendering of a passage from Sir Arthur Haselrig's lengthy reflections on 7 February 1659 concerning the origins of the Civil Wars and the Militia Ordinance:

The House declared the militia to be in them. That was then a great question.

Commissioners were then sent out in the name of the King and Parliament. Then was there the King against the Parliament, and Parliament against him.<sup>33</sup>

Look to Burton's manuscript and the corresponding section of the speech reads:

The h[ouse] decl[ared] the mil[itia] to be i[n] them. The Comiss[io]ns then sent out in name of K[ing] & P[arliament] soe ther[e] was K[ing] & P[arliament] ag[ains]t K[ing].<sup>34</sup>

On the other hand, this portion of the speech in the copy of Goddard's diary is recorded:

the Militia is declared to be in the Parliam[en]t that was then a great Question, Com[m]issions issued out in the name of the King and Parliam[en]t and Parliam[en]t then was there the King against the Parliam[en]t and Parliam[en]t and King ag[ains]t him.<sup>35</sup>

Rutt picks and chooses between the two texts – the result being that the meaning of both diarists is lost. Burton, for instance, has Haslerig making the point that the militia ordinance was issued in the name of 'K[ing] & P[arliament]', with the ironic twist that it meant 'K[ing] & P[arliament]' were pitted against the 'K[ing]'. Goddard captures this point too, albeit the eighteenth-century transcriber of Goddard's text added mistakenly the phrase 'and Parliam[en]t' after 'the King and Parliam[en]t'. Once those words are omitted, the sense of Goddard's account matches that of Burton's closely: the commissions were 'issued out in the name of k[ing] & p[arliament]: then was there the king ag[ains]t the p[arliament] & p[arliament] & k[ing] ag[ains]t Him'.<sup>36</sup> Rutt's rendering of the passage, loses this point altogether, making it seem as though the difference between the two sides was simply king against parliament and parliament against king.

Moreover, when Rutt merged the two accounts, he often found Goddard more compelling and used it to *supplant* Burton's text rather than to 'correct and complete' it. In effect, Rutt handled his sources in much the same way as many modern scholars who utilise modern editions of parliamentary diaries; that is, when choosing between different accounts of the same speech he plumped for the more dramatic, pithy or eye-catching phrase. The reports of the conclusion of Sir George Booth's speech on 28 February 1659 serve as a good example of this:

If this b[e] so then mag[na] Ch[arta] & pet[ition] of r[igh]t is out of doores, & hangs [u]p[on] the bear thred of this pet[ition] & Adv[ice] w[hi]ch is disputeable.<sup>37</sup> (Burton)

I pray Sir what becomes of *Magna Charta* and the Petition of Right which makes Englishmen freemen and not slaves must they be fought over again or shamed they hanging but by the weak string of the Petition and Advice.<sup>38</sup> (Goddard)

When combining these two accounts together, Rutt renders this passage as:

If this be so, I pray, Sir, what becomes then of Magna Charta and the Petition of Right, which make Englishmen freemen, and not slaves. Must they either be fought over again or shamed, they hanging but upon the bare thread of this Petition and Advice, which is disputable.<sup>39</sup>

Having compared both reports of Booth's speech, Rutt clearly favoured Goddard's text over Burton's. The more vivid language supplied by Goddard's account stands in stark contrast to the relatively dispassionate summary provided by Burton. At the same time, however, Rutt

found Burton's description of the *Humble Petition* as a 'bare thread' more compelling than Goddard's 'weak string'. The result is that Rutt provides a faithful transcription of neither Burton nor Goddard's text.

So how should historians deal with Rutt's text? John Morrill, commenting upon the Yale editions of proceedings in the early Stuart parliaments, argues that, although parliamentary diaries 'are difficult sources, treacherous both in their incompleteness and in their beguilingness', historians should not 'give up' and that 'navigation is possible'. But can the same be said for Rutt's edition? Take, for instance, Morrill's first guideline to those dealing with parliamentary diaries – that they are 'not verbatim accounts' of what was said and that historians should therefore 'avoid direct quotation' which gives a misleading impression of immediacy. Much better, Morrill argues, to paraphrase the sense of the speech, or to make clear that this was somebody's 'report' of what was said.<sup>40</sup>

Nevertheless, historians frequently quote from Rutt's edition as if it were a record of what was actually said in the Protectorate Parliaments. Take this passage from a recent article on Richard Cromwell's Parliament:

A number of speakers, of different political persuasions, argued that the Humble Petition gave negative but not positive power to the peers. John Stephens, for example, pointed out that the Humble Petition 'gives this Other House a negative power, but no affirmative power... It only saith what they shall not do, but doth not tell them what they shall do'.<sup>41</sup>

In this instance, following Morrill's guidelines would not have been altogether helpful. For, had the author instead said 'Burton reports how John Stephens....' they would have avoided giving a false impression of immediacy but at the cost of misattributing the source. In actual

fact, although Rutt never alerts the reader to the fact, the passage cited is a ‘pick and mix’ of reports of Stephens’ speech made by both Burton and Goddard:

Your Petition and Advice says there shall be another House. It gives *to this other House*, a negative power, but no affirmative *power* [is] given them, neither by that, not by the explanatory [clauses]. *It only saith what* [they] *shall not do; but doth not tell them what they* [shall] *do.*<sup>42</sup>

The italicised words are from Goddard’s account; those in squared brackets appear in neither diary but have been added by Rutt to clarify the meaning of his text. Clearly this can hardly be described as ‘Burton’s report’ of Stephens’ speech as only the first sentence and parts of the second derive from Burton’s diary. Even to say ‘John Stephens *reportedly* said...’ would be impractical in this instance as neither Burton nor Goddard reported the speech in the form provided by Rutt.

This example is extreme but by no means unique. The practice of quoting directly from Rutt’s edition is widespread: the vast majority of works that I have sampled employ Rutt as if it were an early modern *Hansard*. In reality, scholars must appreciate that they are quoting from a 19th-century text, jerry-built from 17th and 18th-century materials. As Morrill warned when dealing with the Yale volumes, ‘the authority of the *edition* increases the risk of too great an authority being vested by the reader in the *text*’.<sup>43</sup> The danger is all the greater when the edition in which authority is vested proves to be so problematic as that produced by Rutt.

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*II: Case Studies: The perils of Rutt’s edition.*

The injudicious use historians have made of Rutt's edition has certainly left its mark on accounts of the Protectorate. The remainder of this article will examine how an over-reliance upon the authority of Rutt's edition when dealing with Richard Cromwell's Parliament, in particular, has helped to propagate certain interpretations about the nature of that parliament and its membership. By turning to the original source material it appears that many of these interpretations are in need of revision or refinement.

But first, more must be said about the nature of the surviving manuscript diaries for Richard Cromwell's Parliament. Historians – often relying solely on Rutt's printed text - praise Burton's diary for its 'completeness'. Burton's biographer suggests that a 'less assiduous recorder than Burton might have omitted much that did not appeal to him or seemed slight or irrelevant and thereby given a less comprehensive picture'. Parliamentary diaries of this period 'suffer more from selectivity than from lack of it'; thankfully, 'Burton's temperament favoured fullness'.<sup>44</sup> Goddard's diary, by contrast, is usually downplayed because it supposedly lacks the detail of Burton's account. But, again, this is to confuse Burton's manuscript with Rutt's printed edition. It stands to reason that Rutt's Burton, incorporating swathes of text from Goddard, is more detailed than Goddard's account alone.<sup>45</sup> A comparison of the manuscript diaries of Burton and Goddard, however, reveals that the discrepancy between the two is less pronounced. Undoubtedly, Burton provides information ignored by others: his notes taken in committee meetings have no equal in Goddard's account. Moreover, Burton's frequent asides and records of discussions with fellow MPs provide a wealth of material concerning the nature of early modern parliaments. But chronological coverage and incidental material aside, it should not be assumed that whenever the two diarists record the same *individual* speech that Burton always provides the fuller, more descriptive text. Too often, it is assumed the impressive coverage of Burton's diary

means that its record should be prioritised over all others: but breadth does not necessarily reflect depth.

Take for instance the two diarists' respective accounts of the lengthy debates over the Cromwellian 'Other House' on 28 February 1659. At face value, Burton's manuscript seems 'fuller' – running to just over 6,000 words in total, compared to Goddard's account of just under 4,000. The *range* of Burton's account is also greater, providing a record of 58 speeches or interventions by MPs that day, as opposed to Goddard's 25.<sup>46</sup> Yet, of those 25 speeches recorded by both diarists, eight of them are lengthier in Goddard's diary and a further four are within 15% of the length of those found in Burton's diary. Intriguingly, it tends to be those speeches made by the opponents of the Protectorate which Goddard records in greatest detail – often producing accounts lengthier than the respective reports of the same speeches in Burton.<sup>47</sup> Burton recorded widely, but sometimes sacrificed depth; Goddard's more focused approach, on the other hand, meant that he recorded fewer speeches but in greater detail.

It is not just Goddard's account, however, that has been obscured by fixation upon Burton. Since the publication of Rutt's edition, a third parliamentary diary has emerged: that of John Gell of Hopton Hall, Derbyshire.<sup>48</sup> Gell, the son of the parliamentary commander Sir John Gell, was elected MP for Derbyshire for all three Protectorate Parliaments, but was barred from sitting in both 1654 and 1656. As such, the 1659 Parliament was the first time Gell sat in the Commons for any period of time. His diary, now in the Derbyshire Record Office, covers only part of this parliament; beginning on 5 February and ending on 8 April 1659.<sup>49</sup> Although scholars have cited Gell's diary occasionally, no printed edition exists. The only available transcription is a 1961 Vanderbilt thesis by Professor W.A.H. Schilling.<sup>50</sup> Schilling suggested that Gell's account had much to offer: comparison between Gell's diary and

(Rutt's edition of) Burton 'revealed a great deal of discrepancy between the two diaries' and convinced Schilling 'of the necessity of thoroughly reappraising Burton'.<sup>51</sup>

Yet, despite Schilling's mouth-watering conclusion, there has been no attempt to reappraise Burton; for half a century historians have continued to utilise Rutt's edition.<sup>52</sup> Indeed, when the reprint of Rutt's edition was issued in 1974, it was felt that Gell's diary was of little worth. Gell's account was 'less comprehensive' than Burton's: his style was 'rather more desultory' and sometimes 'quite incoherent'.<sup>53</sup> But, again, there is a danger that the *coverage* of Burton's diary obscures the fact that, when it comes to records of *individual speeches*, Burton is not necessarily as detailed as the supposedly 'less comprehensive' diarists. Moreover, Gell is not always the poor relation when it comes to coverage either: there are occasions when, through absence or lack of interest on Burton's part, Gell is our only surviving source for a number of speeches and, in one instance, a whole day's proceedings.<sup>54</sup> This is not to dispute that the reporting style of Gell's diary often leaves the reader to join the dots; but its overlap with, and deviations from, Burton's account should be a cause for re-evaluation of the latter not outright rejection of the former.

The misplaced confidence in the authority of Rutt's edition has led to the neglect of the original source material. Admittedly, some scholars have tried to look beyond Burton. Little and Smith, noting how 'scholars have utilised the diaries of Goddard and Gell 'much less than that of Burton', sought to rectify this discrepancy by deploying those sources 'wherever they add significantly to Burton's account'. But Burton's account here is shorthand for *Rutt's edition of* Burton's account; the *manuscript* diaries of Goddard and Gell are deployed alongside the *printed* text of Rutt's Burton. The implicit message remains that Goddard and Gell are substandard sources.<sup>55</sup> Instead, historians would be better advised to abandon Rutt's



edition altogether and go back to the manuscripts of *all three* surviving parliamentary diaries before deciding upon their relative utility. The remainder of this article offers a couple of case studies to demonstrate the real benefits that can be gained by re-evaluating all of the available evidence.

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The first case study is a speech given by the MP for Norwich, John Hobart, on 28 February 1659. Hobart is something of an enigma. His exclusion from the 1656 Parliament attests to the fact that the Protectoral authorities doubted his commitment to the regime. But, besides disaffection towards the Protectorate, what were his constitutional preferences? Historians, pointing to his correspondence with his distant kinsman Josiah Berners, have labelled Hobart, like Berners, a republican.<sup>56</sup> Carol Egloff has disputed this, however, coming to the conclusion that Hobart was a royalist dressed in republican clothing. Hobart was ‘so careful never to commit himself’ publicly to ‘out-and-out-royalism’ that ‘not only contemporaries but also historians have been misled’. Nevertheless, Egloff believes that Hobart ‘clearly expressed his royalist views’ in Richard Cromwell’s Parliament.<sup>57</sup> Given so much weight has been placed upon Hobart’s performance in the 1659 Parliament it is worth re-examining what exactly he is reported to have said according to the surviving evidence.

Hobart’s speech of 28 February 1659 is particularly revealing in this respect because so many versions survive: not only do all three parliamentary diarists provide an account of it but there also survives among the Tanner Manuscripts of the Bodleian Library a report written by Hobart himself.<sup>58</sup> Hobart was in the habit of sending reports of his speeches to correspondents back in Norwich, probably to inform – and impress – his constituents and

patrons.<sup>59</sup> Of course, these polished reports are unlikely to reflect precisely what Hobart said in the chamber. They include large amounts of detail omitted by all three diarists, some of which was probably embellished by Hobart. Moreover, at least one of those speeches reported by Hobart was either deemed so ineffectual that the diarists failed to record it, or it was simply never delivered.<sup>60</sup> Perhaps Hobart was the Walter Mitty of Richard Cromwell's Parliament, fabricating accounts of speeches that he wished he could have made in the chamber.<sup>61</sup> Either way, one should not automatically assume that Hobart's 'reports' are more reliable than those notes taken by the parliamentary diarists who heard (or did not hear) him. What Hobart's reports do offer is a means for arbitrating between the accounts of the diarists; they provide useful clues for assessing which diarist came closest to capturing Hobart's arguments or phrasing.

Hobart's speech on 28 February 1659 came in the midst of the debates over the Cromwellian 'Other House'. On 18 February the Commons, picking over the Protectoral constitution, began to debate whether or not parliament should consist of two houses and, if so, what should be the powers and bounds of the upper chamber. Some MPs argued that it was impossible to discuss those bounds until they were sure who exactly was entitled to sit in the upper chamber – was it to be composed of the old peers, sitting upon their ancient right, or the new Cromwellian peers only, according to the *Humble Petition and Advice*? As the debate evolved, the republicans sparred with crypto-royalist MPs who sought to introduce motions to restore the old peers. The result was a confusion over which way the debate should progress. The republicans were eager to shift debate back to the powers of the upper chamber, the crypto-royalists wanted to linger upon the issue of membership. It was at this juncture that Hobart intervened in the debate.

Rutt's version of Hobart's speech combines the texts of Burton and Goddard without indicating which portions derive from which source; the overall effect is that Hobart appears verbose and repetitive. Take, for instance, a passage at the heart of Hobart's speech which touches upon the *Humble Petition and Advice*. In Rutt's edition, the relevant passage reads:

It was moved, that this constitution might otherwise be the greatest tyranny that could be invented. A single person with an army. A negative voice, 130,000*l*<sup>62</sup> per annum, and a Council of officers, a balance upon you. This should be well considered. *For this Petition and Advice, if Pope Alexander, C.<sup>63</sup> Caesar Borgia, and Machiavel, should all consent together, they could not lay a foundation for a more absolute Tyranny.*<sup>64</sup>

The first part of this passage is Burton; the second *italicised* section is Goddard. But can we be certain the two diarists here recorded completely discrete portions of Hobart's speech? Did Hobart label the *Humble Petition* the 'greatest tyranny that could be invented' only to doubt that a 'more absolute Tyranny' could be created a few breaths later? Some clues are provided by the corresponding passage recorded in Gell's diary:

The Pet[ition and Advice] a foundation of tyranny. An army [is] standing in the chiefe magist[rate]. The other house rather a counsell of war then an other house. Non[e] of the army to bee of the other house.<sup>65</sup>

The 'foundation of tyranny' recorded by Gell is strikingly close to Goddard's 'foundation for a more absolute tyranny' and echoes Burton's 'greatest tyranny that could be invented'. The passage from Goddard is therefore likely to be synonymous with the first sentence of Burton's report, rather than being additional to it. Moreover, it seems likely that Goddard's words should be placed before the remainder of Burton's account, before the reference to the 'Council of officers' or 'counsell of war' as Gell has it. Rutt's marshalling of the material not

only makes Hobart's speech seem repetitive, it also muddles completely its running order and flow.

Moreover, what are we to make of the intriguing phrase at the beginning of Burton's account of this section of Hobart's speech, that '*It was moved* that this constitution might otherwise be the greatest tyranny that could be invented'? *Who* moved it? Was Hobart responding to an earlier speech? No answer is provided in Rutt's footnotes. Turning to Hobart's own report, however, all becomes clear:

You have also bin told S[i]r by a very Ho[noura]ble Person not far off [*written in margin: S<sup>r</sup> Anthony Ashley Cooper*] That if Pope Alex: 6, Caesar Borgia, & Matchiavell should joyne in a platforme of an absolute Tyranny they could not go beyond that wh[ich] is held forth in that thing wh[ich] is called the Humble Petition & Advice. A single Person sayth he, w<sup>th</sup> a standing Army, & 1300000<sup>li</sup> p[er] annum to mayntayne it, an absolute negative upon all Lawes both in Himselfe & in the other House, & that consisting cheifly of the Com[m]aunders of that Army a Councell of Warre.<sup>66</sup>

Of the three parliamentary diarists, only Burton provides any hint that this entire portion of Hobart's speech was paraphrased from an earlier speech – albeit he does not mention that Anthony Ashley Cooper was Hobart's inspiration. Yet, even without access to Hobart's report, Rutt could have made the connection by looking at his own transcription of Anthony Ashley Cooper's speech of 11 February 1659:

You are now upon a Petition and Advice, which is told you is a law, and if you say so, the judges will say so. Never was so absolute a Government. If the Florentine and he that sate in the great chair of the world, had all met together, they could not have

made any thing so absolute. Is there not another House sitting, that claim a negative over you? When you have passed this, what is wanting? Nothing but monies.<sup>67</sup>

This is a telling example of how certain ‘sound bites’ could grab the attention of listeners at one moment, but not at others. On 11 February 1659 it was Burton alone who picked up on Cooper’s phrase, even though all three diarists recorded his speech: Goddard catches nothing of this particular passage while Gell simply notes: ‘The Pet[ition] and Ad[vice] a military government, which is all the magistrate can expect. Moneyes wanting.’<sup>68</sup> On 28 February, however, when recording Hobart’s speech, Burton reduced the phrase to a summary, Gell got parts of it, and Goddard caught a great deal of it. What Burton thought fit to record one day he summarised another; what Goddard omitted the first time round, he tried to record faithfully the next. It is a powerful reminder that any record of a parliamentary speech in this period is patchy at best; whether or not a phrase or idea struck a chord with the listener was something of a lottery. It also casts doubt on the notion that we can draw inferences about the biases or sympathies of the diarists from what they record or omit. The ability of each diarist to record any given speech was conditioned by a plethora of external factors – bad light, cramped conditions, poor delivery, inadequate ‘sign-posting’ of key points – rather than mere selectivity.

Rutt’s editing also makes nonsense of the conclusion of Hobart’s speech. On 28 February, the issue at stake was – as mentioned above – whether the Commons should first consider the bounds or the membership of the Other House. According to Burton’s report, Hobart concluded by moving that the Commons should ‘first deb[ate] the p[er]sons & th[e]n the powers’.<sup>69</sup> If so, he clearly fell into line with the crypto-royalist MPs by moving that they should continue their discussion of the old peers. Goddard, on the other hand, heard things

differently; he records Hobart's conclusion as 'move to bound the negatives before you assert the persons'.<sup>70</sup> If Goddard is correct, Hobart aligned himself with those Commonwealthsmen who wanted to move away from the issue of membership and get back to the powers and bounds of the Other House.

Clearly one of the diarists misheard Hobart, but which one? Rutt did not trouble himself with such matters, but simply combined both of the diarists' accounts into one:

First debate the persons, and then the powers. I move to bound the negatives, before you assert the persons.<sup>71</sup>

Nowhere is the reader told that the first sentence is Burton's and that the second is Goddard's. Rather, they are left to draw the conclusion that Hobart was confused or perhaps filibustering. Unfortunately, on this occasion, not much light comes from the third parliamentary diarist, Gell.<sup>72</sup> But what of Hobart's own record of this speech? Here we have a clear statement of what he was driving at, albeit in this reworked version of his speech he makes the decisive point at the very beginning, rather than the very end, of the speech:

Mr Speaker. It is no mervayle to see yo[u]r motion slow where yo[u]r debates are so diffus'd, yet this long digression from yo[u]r intended method hath I hope sufficiently manifested yo[u]r wisdome in yo[u]r first election, to proceed to consider of the Bounds & Powers before yo[u] resolv'd upon the Persons.<sup>73</sup>

Far from moving for the issue that galvanised the crypto-royalists in the House, the ancient peerage, Hobart gravitated towards the republicans by demanding that the bounds of the upper chamber should first be considered. Moreover, the reports of Hobart's speech suggest that it was the arguments of Harrington and his adherents that influenced his thinking. Burton reports how Hobart summarised the Harringtonian position:

Those gent[lemen] that are for a popular gov[ern]m[en]t do say that the monarchy of Engl[and] was the best settled gov[ern]m[en]t And if acc[ording] to yo[u]r p[ro]p[er]ty you could make a fitt ballance they would not be ag[ains]t it.<sup>74</sup>

Goddard, too catches very much the same point, albeit he again fails to note that Hobart is paraphrasing the views of others:

the Monarchy of England the best limited Monarchy in the world, the House of Peers the best Boundary between the Supream Magistrate and the people and if such a Boundary could be now found it would be but to submit to it.<sup>75</sup>

But, according to Burton's report, Hobart went on to remark how the Harringtonians were adamant that 'such a bound' as the old peers 'you cant have'.<sup>76</sup> Hobart's own report is clearer still on this point - the 'ballance' of property had been so much altered that 'the Protector & Peeres have not one twelfth part in the Propriety of the lands of Engl[and] and the Comons have eleven p[ar]ts'.<sup>77</sup>

Yet Hobart provided more than a précis of Harringtonian ideas. According to Burton, he doubted whether the Other House could be 'such a bulwarke as the antient peers' had once been; 'if it p[ro]ve not like the walls between Tartary & China' it should be 'well c[on]side[r]ed'.<sup>78</sup> As Goddard reports, it was because they could not 'find such another House as the old House of peers was', that Hobart wanted the Commons to 'think of Boundaries, that we may not trust them with too great powers'.<sup>79</sup> Only Burton records anything about the bounds that Hobart had in mind: he was unwilling to 'let them have a neg[ative] o[ver] any thing unless that the gove[rn]m[en]t shall not be altered nor imposition upon c[on]sciences & w[ha]t other things gent[lemen] shall please to add'.<sup>80</sup> In his own report, Hobart provides further details about his plans, which boiled down to a sort of

Harringtonian division of functions between the two chambers, with the Commons propounding laws and the Other House having a limited deliberative power.<sup>81</sup>

Whatever this was, it was not the programme of a crypto-royalist. Hobart reached the conclusion that the ancient constitution was beyond repair and that a new arrangement, which reflected the realities of the balance of property, was needed. Nor were his pleas for tender consciences the mark of somebody who, according to Burton, could be labelled an Episcopalian.<sup>82</sup> At the same time, Hobart was not quite a conventional republican either. He did not back Haslerig and Scot in their virulent demands for a return to the unicameral Rump Parliament, nor was he a straightforward adherent to the Harringtonian theory espoused by Henry Neville or Adam Baynes. What is important here, however, is that by going beyond Rutt's text, and comparing it to the original manuscripts, our impression of Hobart is altered substantially. By reading all the sources separately, and then carefully collating them, it becomes clear that his opinions, while nuanced, are easier to penetrate than the confused, rambling and contradictory text of Rutt's edition would suggest.

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But it is not just our impression of individual MPs that has been skewed by the deficiencies of Rutt's edition – it has also perpetuated certain interpretations about the third Protectorate Parliament. Godfrey Davies and Ivan Roots, drawing almost exclusively upon Rutt's edition, stressed the fractious and tortuous nature of debate during this parliament. The Commonwealthmen, in particular, are portrayed as masters of parliamentary tactics in time wasting and filibuster. Debates were 'prolonged, side-tracked, interrupted, renewed, lulled to sleep by Haslerig and his allies'. To what purpose these men were working precisely, one is



never entirely sure. Ultimately, their ‘political frivolity’ was purely destructive; they crippled the parliament and hastened its collapse.<sup>83</sup> Too often, however, these examples of lengthy speeches, of contradictory and opaque utterances, are accentuated by Rutt’s esoteric editing practices. For the opening two months of the parliament in particular, the speeches given in Rutt’s edition are significantly longer than those found in the diaries of Burton, Goddard or Gell alone. By combining, without citation, the diaries of Burton and Goddard some speeches become tautological by definition and can be up to twice the length of what Burton or Goddard recorded separately. Little wonder that historians – mining Rutt’s edition for evidence – find many speeches are so lengthy, so verbose, so winding.

Derek Hirst, on the other hand, has offered an alternative reading of Richard Cromwell’s Parliament that moves away from conflict and conspiracy theories.<sup>84</sup> Such interpretations, Hirst recognises, have been the product of an over-reliance on Burton’s (by which he means Rutt’s) account. Instead, Hirst claims there are ‘grounds for another inspection of the record’. He suggests our picture of Richard Cromwell’s Parliament can be altered completely by turning to ‘what was – for the constitution-hungry Parliament – the peripheral field of religion’. The key evidence is a debate that began on 2 April 1659 over the draft of a declaration for a day of public fasting and humiliation across England, Scotland and Ireland.<sup>85</sup> Hirst notes how Burton’s account of that debate ‘is the one that has been noticed by historians’; this is for ‘good reason, since Burton’s is almost always the fullest and most coherent of the diaries’. Yet, Hirst contends, ‘Burton’s concerns were sometimes not those of others’. Almost ‘half of his account’ of the debates on 2 April, for instance, concerned ‘the problem of the applicability of an English declaration to the very different context of Church-State relations in Scotland’. This ‘knotty subject’ gave plenty of opportunity for republicans to temporise and bolsters ‘those who see Richard’s Parliament as riven with partisanship’.

But, turning to John Gell's 'almost equally long account' of the debates of 2 April, Hirst shows how Gell 'catches none of this, and instead records outpourings of gloom at the way a godly nation seemed to have lost its way'. Had Gell been our only surviving source for this debate, Hirst believes we would be less ready to see MPs as 'protagonists in a saga of time-wasting and confrontation'.<sup>86</sup>

Hirst's example is unfortunate. True, a comparison of Rutt's version of Burton's account of 2 April and that provided by Gell reveal two completely different versions of that day's debates. The reason, however, is not because Burton had different concerns to Gell, or that Gell was less interested in capturing conflict: it is because Rutt misdates Burton's notes of the debates of 4 April as 2 April. That the accounts of Burton and Gell look completely unlike is therefore unsurprising: they are actually separate accounts of speeches made on two different days. Rutt's mistake can be easily explained. Burton wrote the date 'April 2 1659' in his notebook but then left a third of a page thereafter blank before beginning his record of the debates on 4 April.<sup>87</sup> Perhaps Burton was unable to attend parliament on 2 April and left the space to supply details of what happened in his absence. The account which begins after the space, however, – and which is undated – is that of 4 not 2 April. By comparing Gell's account for 4 April with that dated 2 April by Rutt, the overlap between the two becomes obvious; both diarists record versions of almost all the same speeches and in the same running order.<sup>88</sup>

Of course, Rutt did not have access to Gell's manuscript, but he could have rectified his error by checking the Commons' Journal. On 2 April, the Journal notes that the House worked through the first ten paragraphs of the draft declaration – including issues such as the lack of Christian unity, the spread of 'Blasphemies and damnable heresies' and the 'remissness' of

the Civil Magistrate in ‘permitting the Growth of these Abominations’.<sup>89</sup> Here was the cause for those ‘outpourings of gloom’ for the godly nation that Hirst identified in Gell’s diary entry for 2 April. Yet, even this debate was hardly one of consensus. The Journal notes how the MP for Maidstone, Andrew Broughton, was asked to ‘explain himself’ concerning words which he had spoken and ‘to which Exceptions were taken by the House’. Broughton apparently made disparaging remarks about a certain passage in the eighth paragraph of the draft declaration which lamented how God ‘hath still left us in the Dark, and hid Counsel from the Wise; so that we have not hitherto attained to that happy Settlement in Church and State’.<sup>90</sup> Gell’s record of Broughton’s speech is brief but hints at its offensive nature: ‘Ch[urch] & state in the darke; god will darken us more’.<sup>91</sup> According to Gell, when Broughton was asked to clarify his words, he explained that the Other House was ‘such a bar’ that it ‘would give a checke’ to the declaration and delay it indefinitely.<sup>92</sup> According to the Journal, after Broughton ‘stood up in his Place’ and ‘explained himself concerning the Words spoken by him’, the House ‘rested satisfied’ and let the matter drop.<sup>93</sup>

Rutt had clearly read the Commons’ Journal for 2 April as he notes that exceptions were made against Broughton’s speech that day. Unfortunately, believing that Burton’s record of the speeches made on 4 April were those of 2 April, he adds a footnote to Broughton’s later speech on 4 April as if it was the speech for which he had been censured.<sup>94</sup> Broughton’s speech of 4 April, however, failed to elicit the same reaction as that of two days earlier. The Journal makes clear that debate had turned to the eleventh and twelfth paragraphs of the declaration, concerning the applicability of the fast to Scotland as well as England and the role that ministers and pastors should take in reading the declaration to their congregations.<sup>95</sup> This is why Hirst found Burton’s account fixated upon ‘the problem of the applicability of an English declaration to the very different context of Church-State relations’.<sup>96</sup> Some MPs

suggested it would be better to ‘recommend’ that ministers read the declaration or that they should ‘cause [it] to be read’ by someone on their behalf. Broughton took exception to this. As Burton notes, Broughton responded, ‘*Qui per alium, per se, fecit*’ or, as Gell recorded it, ‘hee th[a]t doth it by another doth it by hims[elf]’. His plea that parliament should not ‘impose upon gracious spirits’, as Burton recorded it, or ‘disturb th[e]m in the inner man’, as Gell reports, would have been tiresome to the Presbyterian majority in the chamber, but failed to provoke their censure in the same manner as his prediction of God’s continued displeasure two days earlier.<sup>97</sup>

Although this example of misdating an entire day’s worth of speeches is extreme, it amplifies the dangers of Rutt’s edition and the need for collation of all the surviving documents. Simply cherry-picking from Rutt’s edition to illustrate a point will not do. No speech, or day’s worth of debates, can be placed within their proper context without reference to the entire record of the debate, including those speeches made on previous or subsequent days and the outline of business provided by the Commons’ Journal.<sup>98</sup> Had Hirst consulted the entire record of the debates over the fast, from the introduction of the draft declaration through to its completion, rather than simply comparing Gell’s entry for 2 April with the misdated account of Burton, the overlap between the two diarists’ reports for 4 April would have become obvious. Once the two accounts are compared, Hirst’s assertion about the differing interests of the two diarists loses much of its substance. Gell, was just as assiduous as Burton in capturing the outpourings of republican speakers and their lamentations for the Church of Scotland. By moving beyond Rutt’s edition we therefore reach different conclusions about the nature of parliamentary debate in that ‘peripheral’ field of religion – one that correlates more closely with the rest of that ‘constitution-hungry Parliament’.

Ultimately, an over-reliance on Rutt's edition of Burton has driven the historiography of Richard Cromwell's Parliament in two directions: on the one hand its poorly edited speeches have been described as mere filibuster. On the other hand, the speeches in Rutt's edition have been shown to diverge so markedly from other surviving diaries that conflict and time wasting may have been the exception and not the rule. Yet both views exaggerate the truth by relying upon evidence skewed heavily by Rutt's poor editing practices. Neither interpretation is totally incorrect: evidence of lengthy speeches and conflict can still be found in all three manuscript diaries; so can examples where MPs tried to bring the house to unity or the discussion of more mundane (and less contentious) business. The reality lies somewhere between these two extremes. By bringing all three diarists' accounts together the arguments employed by the government's critics appear more focused and cutting than those presented by Rutt. Parliamentary conventions undoubtedly dictated the contours and flow of discussion; the government's opponents could command the parliamentary stage precisely because the rules of the House afforded them the opportunity to do so. But, equally, it is the force and vehemence of the arguments of the Protectorate's opponents – rather than their lack of concision or coherence – which typifies their speeches. The sympathies of individual MPs also become much clearer. The example of Hobart is a warning against forcing MPs into such rigid categories as crypto-royalist or republican. There was no such thing as defined party groupings in this parliament; MPs clearly coalesced over certain issues, but such alliances were only ever fleeting, loose and fragile. Comparing the surviving records allows us to abandon two-dimensional caricatures and appreciate the subtle hues and shades that defined each MP. Above all, Richard Cromwell's Parliament looks a lot less exceptional, and much more like its predecessors, than historians have assumed.<sup>99</sup>

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On many levels, Rutt's edition fails to meet those standards to which historians have grown accustomed. Descriptions of the source material consulted, where they exist, are fleeting; references to the primary sources are rare; supplementary detail in the footnotes rarely to the point. But, most worryingly of all, large sections of the four volumes are a 'cut and paste' job that seldom makes clear where the scissors and glue have been employed. Sentences are rearranged or omitted, speeches are misattributed, and an entire day's record misdated. These are hardly the marks of an edition with which historians ought to be satisfied; much less one which they should employ as if it were an uncomplicated and literal transcription of original source material.

Wherever possible, scholars should check the sources to verify Rutt's text; or, even better, abandon Rutt's edition altogether – especially for that period where the diaries of Burton and Goddard overlap. Although we are keen to look for new sources and new perspectives on a given topic, it is just as important to master and utilise fully the sources we already have. Ultimately, it seems Carlyle's wish to leave Rutt's 'four thick octavo volumes' to 'rot quietly' on the rubbish tip of failed endeavours, while harsh, may not be totally unjustified in light of the high standards scholars have now come to expect from editions of parliamentary diaries. Rather, it is to be hoped that the accounts of Burton and Goddard can be saved from petrification among the pages of Rutt's edition and given fresh life in a new scholarly edition that, along with the undervalued diary of Gell, will enhance and nuance our understanding of the 1650s as a whole.

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<sup>1</sup> *The Letters and Speeches of Oliver Cromwell*, ed. T. Carlyle, rev. S.C. Lomas [hereafter Carlyle-Lomas] (3 vols., 1904), iii, 17-18. The edition discussed in this article is *The Diary of Thomas Burton*, ed. J.T. Rutt (4 vols, 1828) [hereafter Rutt-Burton].

<sup>2</sup> Ironically enough, Carlyle made judicious use of Rutt when compiling his edition of Cromwell’s letters and speeches. Carlyle-Lomas, i, pp. lix-lxi.

<sup>3</sup> *The Diary of Thomas Burton*, ed. J.T. Rutt (4 vols, New York, 1974) [hereafter Rutt-Burton], i, p. (10).

<sup>4</sup> G.R. Elton, ‘Studying the History of Parliament’, *The British Studies Monitor*, 2 (1971), 4-14; J.H. Hexter, ‘Parliament under the Lens: Reflections on G.R. Elton’s “Studying the History of Parliament”’, *The British Studies Monitor*, 3 (1972), 4-15; G.R. Elton, ‘A Reply’ *The British Studies Monitor*, 3 (1972), 16-22; J.S. Morrill, ‘Reconstructing the History of Early Stuart Parliaments’, *Archives: The Journal of the British Records Association*, 21 (1994), 67-72; J.S. Morrill, ‘Paying One’s D’Ewes’, *Parliamentary History*, 14 (1995), 179-86; J.S. Morrill, ‘Getting Over D’Ewes’, *Parliamentary History*, 15 (1996), 221-30; M. Jansson, ‘Dues Paid’, *Parliamentary History*, 15 (1996), 215-20; D.L. Smith, ‘Reconstructing the Opening Session of the Long Parliament’, *HJ*, 51 (2008), 1103-1114.

<sup>5</sup> W.P. Courtney, rev. P. Spence, ‘John Towill Rutt’, *Oxford Dictionary of National Biography*.

<sup>6</sup> Cf. A. Roper, ‘Rutt’s Edition of Pepys’, *The Library: The Transactions of the Bibliographical Society*, 5 (2004), 428-38; S. Mills, ‘Aspects of a Polymath: Unveiling J.T. Rutt’s Edition of Joseph Priestly’s Letters to Theophilus Lindsey’, *Enlightenment and Dissent*, 24 (2008), 24-53.

<sup>7</sup> Rutt-Burton, i, pp. cxxxiii-cxxxvi.

<sup>8</sup> *Ibid.*, iii, 257.

<sup>9</sup> *CJ*, vii, 627-31, 640-1; Rutt-Burton, iii, 361-8, 447.

<sup>10</sup> Carlyle-Lomas, i, 17-18. The 1974 reprint of Burton does include a useful index of speakers provided by Professors Hardacre and Pinckney.

<sup>11</sup> The online version of Rutt’s edition can be found at: <http://www.british-history.ac.uk/search/series/burton-diaries>

<sup>12</sup> BL, Add. MSS 15859-15864.

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<sup>13</sup> It seems unlikely that the surviving notebooks were used by Burton to take notes in the chamber. It is more likely they were written up at the end of the day's proceedings, or shortly after - from notes, now lost, taken during debates. A good example of what notes taken in the chamber are likely to have looked like is provided by Burton's notes of Cromwell's speech on 25 Jan. 1658 which appear at the back of one of the manuscript books. BL, Add. MS 15861, ff. 106v-110v.

<sup>14</sup> Rutt-Burton, i, p. cxcii, fn.

<sup>15</sup> Rutt-Burton, i, 334-7.

<sup>16</sup> BL, Add. MS 15863, ff. 52v-53.

<sup>17</sup> BL, Add. MS 15863, f. 52v; Rutt transcribes the end of this passage as '...restored *as* by that Petition of Right' (Rutt-Burton, iii, 586.), which loses Burton's sense that Lechmere claimed the Humble Petition was a new Petition of Right.

<sup>18</sup> As this gap falls between the first and second surviving manuscript notebooks (BL, Add. MSS 15859-15860), it is tempting to think a notebook is now missing, rather than that Burton stopped reporting parliamentary business for almost three months. Other gaps were through Burton's absence, such as that from 6 to 23 May 1657 when Burton was 'out of town' (Rutt-Burton, ii, 116).

<sup>19</sup> Rutt-Burton, i, preface. The volume is now at BL, Add. MS 6125. For examples of material incorporated from this volume see Rutt-Burton, i, pp. cxlviii-clxxix, 370 f.n., 382-5, 397-416.

<sup>20</sup> Rutt-Burton, i, preface. This manuscript is now at BL, Add. MS 5138.

<sup>21</sup> Rutt-Burton, i, preface.

<sup>22</sup> Rutt-Burton, i, pp. i-cxcii.

<sup>23</sup> Rutt-Burton, i, 370 (29 Jan. 1657).

<sup>24</sup> BL, Add. MS 5138. On the final page (p. 331) is a brief note: 'exam[ine]d by the original Sept[embe]r 29<sup>th</sup> 1720' which could indicate the date of the transcription.

<sup>25</sup> W[iltshire and] S[windon] H[istory] C[entre, Chippenham], Savernake Estate MS 9/34/3. Although this manuscript is contemporary, it was probably written up after the events described from rough notes that are now missing. The debates from 30 Jan. to 28 Feb. 1659, for instance, are all misdated by a day (an error which is replicated in BL, Add. MS 5138). My gratitude goes to Dr. Stephen K. Roberts for alerting me to the existence of this manuscript.



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<sup>26</sup> WSHC, Savernake MS 9/34/3; BL, Add. MS 5138. The scribe of the latter inserts a number of asterisks to indicate omissions – see pp. 219, 220, 275, 277. Having inspected the original diary, most of these omissions are not very lengthy, often no more than one or two words.

<sup>27</sup> BL, Add. MS 5138, pp. 1-104; WSHC, Savernake MS 9/34/3, pp. 7-79.

<sup>28</sup> Goddard was ejected from the House on 6 Apr. 1659 on the grounds of electoral malpractice. *CJ*, vii, 626.

<sup>29</sup> Rutt-Burton, i, preface.

<sup>30</sup> Rutt-Burton, iii, 6-7, 11, 13-15, 26-30, 35-7, 49, 51, 54, 57-61, 85-89, 99, 113.

<sup>31</sup> For an early example of this see footnote to the entry of 29 Jan. 1659 (Rutt-Burton, iii, 16).

<sup>32</sup> Rutt-Burton, iii, 118 f.n. See also note at beginning of account of 14 Feb. where Rutt notes how ‘here is a blank in the Diary [i.e. Burton’s Diary]’ and that for the ‘first speech’, that of Sir Arthur Haslerig, Rutt was ‘entirely indebted to the Goddard MS’, Rutt-Burton, iii, 256 f.n.

<sup>33</sup> Rutt-Burton, iii, 95.

<sup>34</sup> BL, Add. MS 15862, f. 28v.

<sup>35</sup> BL, Add. MS 5138, p. 128.

<sup>36</sup> WSHC, Savernake MS 9/34/3, pp. 98-99.

<sup>37</sup> BL, Add. MS 15863, f. 33v.

<sup>38</sup> BL, Add. MS 5138, p. 252.

<sup>39</sup> Rutt-Burton, iii, 527.

<sup>40</sup> Morrill ‘Reconstructing’, 71 and *passim*; ‘Getting over D’Ewes’, 222-29. See also Smith, ‘Reconstructing’, 1107-9.

<sup>41</sup> J. Peacey, ‘The Protector Humbled: Richard Cromwell and the Constitution’, in *The Cromwellian Protectorate*, ed. P. Little (Woodbridge, 2007), 48.

<sup>42</sup> Rutt-Burton, iii, 538; BL Add. MS 15863, f. 36v; BL Add. MS 5138, p. 255.

<sup>43</sup> Morrill, ‘Getting over D’Ewes’, 222.

<sup>44</sup> Rutt-Burton, i, p. (8). See also Rutt’s entry on Thomas Burton in the *ODNB*.

<sup>45</sup> A point missed by Little & Smith when they claim Burton’s account is much ‘fuller’ for the third Protectorate Parliament compared to the Parliament of 1656-8. To prove this they count the number of *printed pages* in Rutt’s edition for both parliaments. P. Little & D.L. Smith, *Parliaments and Politics during the Cromwellian Protectorate* (Cambridge, 2007), 8, f.n. But this is an illusion - because Rutt merges the diaries of Burton and Goddard together, he constructs a text that is longer than that found in Burton’s manuscript diary.

<sup>46</sup> While Burton records many of the speeches from earlier that day concerning a petition from John Lilburne's wife, Goddard reduces this debate to a sentence. BL, Add. MS 5138, p. 245; BL, Add. MS 15853, ff. 30v-31.

<sup>47</sup> A prime example of this is the speech made by the lawyer Thomas Terrill; Goddard's reports is just over 1,000 words compared to Burton's 850. BL, Add. MS 5138, pp. 247-51; BL, Add. MS 15863, ff. 31v-33r.

<sup>48</sup> The diarist is sometimes erroneously described as Sir John Gell; he would not succeed to his father's baronetcy until 1671.

<sup>49</sup> The surviving manuscript is now in two parts. 1) D[erbyshire] R[ecord] O[ffice], D3287/60/8 a-c this is in the form of a notebook and covers the period 5 Feb. to 21 Mar. 1659. 2) DRO, D258/10/9/2 these are unbound pages, presumably detached from the notebook and cover the dates 23 Mar. – 8 Apr. 1659.

<sup>50</sup> W.A.H. Schilling, 'The Parliamentary Diary of Sir John Gell, 5 February – 21 March, 1659', Vanderbilt University MA, 1961 [hereafter, 'Schilling-Gell'] The transcription is incomplete as Schilling – working in America from a photostat of the bound portion of the diary – seems to have been unaware of the existence of the unbound portion of the diary which takes Gell's account to 8 Apr. 1659.

<sup>51</sup> Schilling-Gell, 3.

<sup>52</sup> Roots-Burton, i, p. (10).

<sup>53</sup> Roots-Burton, i, pp. (2)-(4). Although expected at the time of the reprint, we still await an edition of Gell's diary based upon Schilling's thesis.

<sup>54</sup> See the second case study below.

<sup>55</sup> Little & Smith, *Parliaments and Politics*, 8-9.

<sup>56</sup> For Hobart's correspondence with Berners see C.H. Firth, 'Letters concerning the Dissolution of Cromwell's Last Parliament, 1658', *EHR*, 7 (1892), 102-110.

<sup>57</sup> C.S. Egloff, 'John Hobart of Norwich and the Politics of the Cromwellian Protectorate', *Norfolk Archaeology*, xlii (1994), 38-56.

<sup>58</sup> BL, Add. MS 15863, ff. 37v-38; BL, Add. MS 5138, pp. 257-8; Schilling-Gell, 137; Bodl., Tanner MS 51, ff. 25-26v: report of Hobart's speech, 28 Feb. 1659.

<sup>59</sup> See for instance Bodl., Tanner MS 51, f. 30: Hobart to Payne, 4 Mar. 1659.

<sup>60</sup> There is no reference, for instance, in Burton's diary to Hobart's speech of 24 Feb. 1659 regarding the Baltic fleet, see Bodl., Tanner MS 51, ff. 23-23v. Burton also fails to record anything of Hobart's speech on 18 Apr. 1659, see Bodl., Tanner MS 51, ff. 46-47v. But, given that Burton 'came late' to parliament, it is possible that he was absent when Hobart delivered that speech, Rutt-Burton, iv, 448-9.

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<sup>61</sup> Morrill, 'Reconstructing', 68.

<sup>62</sup> '1300000li' in Burton's manuscript: BL, Add. MS 15863, f. 38.

<sup>63</sup> '6<sup>th</sup>' in Goddard's manuscript: BL, Add. MS 5138, p. 258.

<sup>64</sup> Rutt-Burton, iii, 542-3; BL, Add. MS 15863, f. 38; BL, Add. MS 5138, pp. 257-8.

<sup>65</sup> Schilling-Gell, 137.

<sup>66</sup> Bodl., Tanner MS 51, f. 25v.

<sup>67</sup> Rutt-Burton, iii, 228; BL, Add. MS 15862, f. 79.

<sup>68</sup> BL, Add. MS 5138, p. 173; Schilling-Gell, 62.

<sup>69</sup> BL, Add. MS 15863, f. 38.

<sup>70</sup> BL, Add. MS 5138, p. 258; checked against WSHC, Savernake MS 9/34/3, p. 156.

<sup>71</sup> Rutt-Burton, iii, 543.

<sup>72</sup> Schilling-Gell, 137. Gell's account of Hobart's speech ends with the passage discussed above.

<sup>73</sup> Bodl., Tanner MS 51, f. 25.

<sup>74</sup> BL, Add. MS 15863, f. 37v.

<sup>75</sup> BL, Add. MS 5138, p. 257. Again, Rutt garbles the reports of Burton and Goddard, see Rutt-Burton, iii, 542.

Hobart's own report overlaps considerably with both reports, see Bodl., Tanner MS 51, ff. 25-25v.

<sup>76</sup> BL, Add. MS 15863, f. 37v.

<sup>77</sup> Bodl., Tanner MS 51, f. 25v.

<sup>78</sup> BL, Add. MS 15863, f. 37v.

<sup>79</sup> BL, Add. MS 5138, pp. 257-8.

<sup>80</sup> BL, Add. MS 15863, f. 37v.

<sup>81</sup> Bodl., Tanner MS 51, ff. 26-26v.

<sup>82</sup> In Burton's report of a later speech by Hobart in which he warns 'that you returne back ag[ai]n to Episcopacy. Ile assure you it lyes sadly o[n] many mens hearts', Burton apparently adds the note 'q[ue]ry?' how it lyes o[n] his owne known to be Episcopall', BL, Add. MS 15864, f. 13. Hobart's own report of this speech does not mention 'Episcopacy', see Bodl., Tanner MS 51, ff. 44-45v. Perhaps this is another example of Hobart 'fashioning' his speech after the event? Alternatively, Burton may have misjudged Hobart and, assumed him to be a crypto-royalist, heard and recorded his utterances with this in mind. It could also explain why Burton wrongly recorded the conclusion of the 28 Feb. speech.

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- <sup>83</sup> I. Roots, 'The Tactics of the Commonwealthsmen in Richard Cromwell's Parliament' in *Puritans and Revolutionaries, Essays in Seventeenth-Century History presented to Christopher Hill*, ed. D. Pennington & K. Thomas (Oxford, 1978) 283-309; G. Davies, *The Restoration of Charles II, 1658-1660* (San Marino, 1955), 52.
- <sup>84</sup> D. Hirst, 'Concord and Discord in Richard Cromwell's House of Commons', *EHR*, 103 (1988), 339-358.
- <sup>85</sup> *CJ*, vii, 622, 623-4.
- <sup>86</sup> Hirst, 'Concord and Discord', 341-2.
- <sup>87</sup> BL, Add. MS 15864, f. 9.
- <sup>88</sup> Compare Rutt-Burton, iv, 328-33 with DRO, MS D258/10/9/2, ff. 19-21.
- <sup>89</sup> *CJ*, vii, 623-4; *A Declaration of the Lord Protector And both House of Parliament, For a day of Solemn Fasting and Humiliation... upon the Eighteenth day of May, 1659* (1659).
- <sup>90</sup> *CJ*, vii, 624.
- <sup>91</sup> DRO, MS D258/10/9/2, f. 18v.
- <sup>92</sup> DRO, MS D258/10/9/2, ff. 18v-19.
- <sup>93</sup> *CJ*, vii, 624.
- <sup>94</sup> Rutt-Burton, iv, 330 f.n..
- <sup>95</sup> *CJ*, vii, 624-5.
- <sup>96</sup> Hirst, 'Concord and Discord', 341.
- <sup>97</sup> BL, Add. MS 15864, f. 9v; DRO, MS D258/10/9/2, f. 20.
- <sup>98</sup> Of course, the Journal is not infallible. Burton and Gell report a division on 4 Apr. 1659 which, according to both diarists, was resolved by 104 votes to 78. See BL Add. MS 15864, f. 9; DRO, MS D258/10/9/2, f. 19v. But this does not appear in the Journal, *CJ*, vii, 624-5; Rutt-Burton, iv, 329.
- <sup>99</sup> 'Despite the utterly abnormal conditions under which it met, Richard Cromwell's Parliament was in many respects just one more seventeenth-century Parliament', Hirst, 'Concord and Discord', 345-6.