

SHIP MONEY DURING THE PERSONAL RULE OF CHARLES I:

Politics, Ideology and the Law 1634 to 1640.

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SUMMARY

This thesis focusses on ship money as a key to examining politics, ideology and the law during the Personal Rule of Charles I. The work is divided into five chapters, with an Introduction and a Conclusion. The first chapter traces the origins of ship money, places it in the context of the government's foreign and domestic concerns, and analyses the first writ of 1634. The second chapter examines the development of national ship money from the Privy Council's perspective of "new counsels", as the great experiment in prerogative taxation and as a key to the relationship between central and local governors. This is followed by discussion of the impact of ship money, emphasizing the wide variety of response it evoked and the ways in which this response changed, placing this in turn against a background of debate about the nature of authority in the state. The contemporary accounts for ship money are used as the statistical base to illustrate changing response to the service and the political implications of this. The fourth chapter is concerned with opposition to ship money, which was shaped by the continued absence of a parliament during the Personal Rule. All of the different forms this opposition took, varying from the court to parish level served to strengthen the importance of law and tradition in English society. It is argued that the experience of ship money substantiated fears that there was a conspiracy to subvert the fundamental laws and religion of England, and contributed significantly to a growth in political consciousness across the country and down the social scale. The fifth chapter covers the period from the summer of 1639 until the abolition of ship money by the Long Parliament, when politics without parliament collapsed in spite of the efforts of the government to unite the country against the Scots.

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LIST OF ABBREVIATIONS USED IN THE REFERENCES

Add MS	Additional Manuscripts.
<u>A P C</u>	<u>Acts of the Privy Council.</u>
<u>B I H R</u>	<u>Bulletin of the Institute of Historical Research</u>
B L	British Library, London.
B R O	Bedfordshire Record Office.
<u>Clar St P</u>	<u>State Papers Collected by Edward Earl Of Clarendon</u> ed by R. Scrope and T. Monkhouse, (3 vols , Oxford 1767-1788)
C 115	Scudamore Newsletters, Chancery Masters Exhibits, Duchess of Norfolk Deeds, Public Record Office, Chancery Lane, London.
<u>C and T</u>	<u>The Court and Times of Charles I</u> , ed by T. Birch (2 vols, London 1848).
<u>C S P D</u>	<u>Calendar of State Papers Domestic.</u>
<u>C S P Ven</u>	<u>Calendar of State Papers Venetian.</u>
C U L	Cambridge University Library.
Dd/Ph.	Phelips Manuscripts, Somerset Record Office.
<u>Ec H R</u>	<u>Economic History Review.</u>
Eg MS	Egerton Manuscripts, British Library.
<u>E H R</u>	<u>English Historical Review</u>
E L	Ellesmere Manuscripts, Henry Huntington Library, California.
Gardiner	S.R. Gardiner, <u>History of England from the Accession</u> <u>of James I to the Outbreak of the English Civil War.</u> (10 vols, London 1896-1910)
Harg MS	Hargrave Manuscripts, British Library.
Harl MS	Harleian Manuscripts, British Library.
H A	Hastings Manuscripts, Henry Huntington Library, California.
<u>H J</u>	<u>Historical Journal</u>
<u>H M C</u>	<u>Historical Manuscripts Commission.</u>
<u>J B S</u>	<u>Journal of British Studies</u>
Laud,	W. Laud, <u>The Works of the Most Reverend Father in</u> <u>God, William Laud</u> , (6 vols, Oxford 1857).
N R O	Northamptonshire Record Office.
PC2	Privy Council Registers, Public Record Office, Chancery Lane, London.
<u>P and P</u>	<u>Past and Present</u>
Rushworth	J. Rushworth, <u>Historical Collections</u> , (7 vols, London 1659-1701).
Russell	C.S.R. Russell, <u>Parliaments and English Politics</u> , (Oxford 1979).
Sharpe	<u>Faction and Parliament</u> , ed by K. Sharpe, (Oxford 1979)
Sommerville	J.P. Sommerville, <u>Politics and Ideology in England</u> (London, 1986).
SP14	State Papers Domestic, James I, Public Record Office, London.
SP16	State Papers Domestic, Charles I, Public Record Office London.
<u>S T, III</u>	<u>State Trials</u> , Volume III, ed T.B. Howell, (London 1809).
<u>Strafforde's</u>	<u>Letters and Despatches of the Earl of Strafforde</u>

<u>Letters,</u> STT	ed W. Knowler, 2 Volumes, (London 1739). Temple Papers, Stowe Manuscripts, Henry Huntington Library, California.
Tomlinson	<u>Before the English Civil War</u> , ed by H. Tomlinson, (London 1983).
<u>T R H S</u>	<u>Transactions of the Royal Historical Society</u>
T W	Trevor-Wing Manuscripts, Bedfordshire Record Office.
WWM/Str P	Watson Wentworth Muniments, Strafford Papers, Sheffield City Libraries.

Note on Sources

In quoting from manuscript material all spellings have been modernised, and capitals limited to proper nouns and the beginning of sentences. Punctuation has usually been kept as written in the original, except where an alteration was obviously necessary to aid the sense.

All dates are given in the old style, although the year is dated from the 1st January.

In the footnotes all manuscript references are given in chronological order, so that the sequence of events may be followed.

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INTRODUCTION: "THE OCCASION OF SHIP MONEY"

Two competing mythologies over-shadow interpretations of Charles I's Personal Rule. One stresses "a design to alter the kingdome both in government and religion", creating an inevitable conflict and civil war.(1) The other emphasises the destruction of harmony and prosperity by "an envy unto the royal prerogative".(2) The first of these has its origins in the propaganda of Parliamentarians, such as Henry Parker, who sought justification for rebellion against their King; the second, no less partisan, was created by Royalists like Sir Philip Warwick, to defend Charles I against these accusations of tyranny.(3) The net result is that the issues of the 1630s were almost immediately removed from their own context and reinterpreted to explain shocking crisis and the calamity of civil war. Although Clarendon believed that discontent undermined stability, he too saw the politics of the Personal Rule as fundamentally misguided, the result of ill-judged policies based on mistaken premises and bad counsel.

"Supplemental acts of state were made to supply defect of laws;... obsolete laws were revived, and rigorously executed, wherein the subject might be taught how unthrifty a thing it was, by too strict a detaining of what was his to put the king strictly to inquire what was his own...

I cannot but again take the liberty to say, that the circumstances and proceedings in those new extraordinary cases, stratagems and impositions, were very unpolitic, and even destructive to the services intended..

If these men [judges and councillors] had preserved the simplicity of their ancestors, in severely and strictly defending the laws, other men had observed the modesty of theirs, in humbly and dutifully obeying them."(4)

It has long been traditional to define the Personal Rule in terms of

the King's aversion to parliaments; and for as long as the whig interpretation of Stuart political history was dominant, the King's disdain for parliamentary government was in itself a sufficient explanation of, and justification for, the collapse of royal authority in 1640.(5) The great Victorian historian Samuel Rawson Gardiner agreed with the members of the Long Parliament when they decided,

"it is by experience found that the not holding of Parliaments accordingly hath produced sundry and great mischiefs and inconveniences to the King's Majesty, the Church and Commonwealth;..."(6)

The ship money experiment was seen as only another instance of Charles's willful blindness:

"In retrospect", wrote Barnes in his study of Somerset, "no other secular program attempted by Charles and his Council during 'the personal rule' appears quite so foolhardy as ship money."(7)

Until quite recently there seemed little to add to Sir Symonds D'Ewes' analysis written in 1638,

"At home the liberty of the subject received the most deadly fatal blow it had been sensible of in five hundred years last past; for writs were issued the summer foregoing to all the sheriffs of England, to levy great sums of money in all the counties of the same kingdom and Wales, under pretext and colour to provide ships for the defence of the realm..."(8)

Perspectives began to change with the impact of a series of local studies, culminating in John Morrill's study of the relationship between government and localities entitled "The Revolt of the Provinces". Far from the certainties of Gardiner, Morrill argued that political response "was largely conditioned by local events and local power structures", national issues were perceived through a filter of local particularism,

"The gentry did not consider dispassionately such problems as those arising from the Book of Orders, ship money or the Nineteen Propositions. They did not attempt to weigh their legality or necessity in the light of abstruse general constitutional principles. Rather, they evaluated the effect such measures would have on the peace and security of their local communities."(9)

In 1979 Conrad Russell's book "Parliaments and English Politics" took these ideas and applied them to the arena of national politics, and in so doing re-opened debate about what lay behind the political crises during Charles I's reign:

"the difficulties of the early Stuarts were not, in the first instance, difficulties with their Parliaments: they were difficulties which were reflected in their Parliaments. In trying to explain, in purely Parliamentary terms, why Charles I had a difficult reign, we are asking the wrong question: we are mistaking the symptom for the disease."(10)

Russell found that the ideals enhancing unity, consensus and deference and a strong emotional commitment to harmony in the body politic were far more deeply-rooted and far more meaningful to contemporaries, than constitutional conflict.(11) He believed the assumption that there was a high-road to civil war depended too much upon hindsight and could only lead to historical distortion:

"a parliamentary history is not a history of England. Parliaments were a mirror of what went on elsewhere: a history written from a mirror is likely to be written at best backwards, and at worst through the looking glass."(12)

The problems which beset England in the 1620s were therefore caused by an unpopular and incomprehensible war, which put intolerable strain upon the structure of English government. The King's inability to raise money, the Parliaments unwillingness to understand the costs

of warfare and the unpopularity of the Duke of Buckingham all created faction, chaos and anger.(13) Misunderstandings multiplied, and a "prince bred in parliaments" became disgusted with them.(14) In March 1628 Sir Benjamin Rudyard urged MPs not to create a breach between the King and his people:

"If we pursue (the King to draw one way and the Parliament another) the commonwealth must sink in the midst."(15)

To Russell the new King's reign marked a decisive change, a change to "a much less safe world".(16)

In his study of the Personal Rule, Kevin Sharpe argued that the 1630s saw a return to vigorous government by the Privy Council, and that Charles himself "embarked upon an ambitious renovation in the fabric of Church and State."(17) "The calm and peace continued" until the Scots rebellion "revived the problems and grievances of 1628."(18) As a corrective to some of the rather negative statements made about the Personal Rule and the notion of eleven years tyranny, Sharpe's work has its value, but it also has its limitations.(19) His approach is dominated by the King's priorities, and he assumed a simple face to face relationship between King and subject, centre and localities. Revisionist analyses aimed to remove the gloss of subsequent interpretations and return to the values and perceptions of the time. This approach has opened up new areas of research and removed some of the old simplicities: this is particularly true of political thought, the theatre and the cultural contexts of English politics.(20) Early modern culture was not simply one of the written word: rituals, traditions, symbols and the pervasive presence of the

spiritual world all governed people's expectations and their behaviour.(21) Any attempt to understand the politics of the 1630s must take into account the multi-layered levels of meaning which shaped the exercise and the perception of power. It must go beyond the court.(22)

Similarly, it is a mistake to separate arguments about the functional breakdown in English government from their ideological context, because the two are necessarily related. In an age which valued tradition and was fearful of change, the strength of conservatism made it difficult for men who were sincerely committed to the ideals of good government to tackle the problems they confronted.

"Time", said the lawyer Thomas Hedley, "is the trier of truth, author of all human wisdom, learning and knowledge." (23)

Seventeenth century thought emphasised dual concepts of balance and polarity, the relationship between opposites: superstition and godliness, Popery and true religion, tradition and innovation, order and chaos, authority and rebellion.(24) All political troubles for example could be understood in terms of an unhealthy imbalance between complementary elements in the body politic. The marriage of liberty and prerogative should work, so should the harmony between peace and law; but the only conceptual language to explain the tensions created by a changing world were supplied by the sinfulness of rebellion, the traditions of evil counsel and the powerful, emotional, rhetoric of anti-popery.(25)

This conceptual inability to deal with matters of government

needing reform further exacerbated ideological conflict. As Gerald Harriss has noted:

"Medieval conflicts were often creative and led to adjustments in the system; those in the seventeenth century more frequently produced a barren confrontation and the rebound to an ideological stance."(26)

Taxation is a particularly apposite illustration of this process. In 1625 parliamentary manoeuvres to reform the fiscal system led the Commons to grant tannage and poundage to the King for one year only; subsequent disagreements forced him to collect without parliamentary consent or lose half of his revenues in time of war.(27) This in turn raised the issue of principle, whether parliamentary consent was legally necessary, and created martyrs to the cause such as Richard Chambers.(28) A similar pattern followed the parliament's determination to pursue the Duke of Buckingham before granting the King five subsidies.(29) Events rapidly moved beyond the control of those who initiated them to confrontation and what Esther Cope has called "a harvest of bitterness" in the Parliament of 1628: despair and anger underlay Sir John Eliot's words,

"Where is the law? Where is meum et tuum? It is fallen into the chaos of a higher power."(30)

The same holds true of ship money, but removed from the immediate urgency of war the service created alienation slowly and cumulatively. The Crown's attempts to tackle some of the most serious shortcomings affecting the levying of state taxation, made it seem unduly aggressive and invasive in the localities.(31) In particular the King insisted upon a framework of subordination and absolute

obedience, which immediately struck Joseph Meade in a letter to Sir John Isham of 4th September 1635:

"The letters are come down for ship money, both town and University [of Cambridge] shall combine. It is his Majesty's favour he takes no notice of any privileges or enfranchisements that any place or corporation hath for exemption, nor knows of any they have, nor will they have any such thing pleaded in this service, but if they have any such thing they may plead it hereafter and then there shall be no precedent...."(32)

The Council's weaknesses in controlling sheriffs, constables and bailiffs, their passion for obedience and their willingness to impose authority by the force of law all undermined their concern for the poor and oppressed and their ability to be sensitive to local as well as national needs.(33) Then during Hampden's Case in 1638 the Judges defined the King's right to defend the realm as so inherent a part of his prerogative that even an Act of Parliament could not deprive him of it. From the vantage point of Civil War, Secretary Coke's son wrote,

"The judgement of ship money transcended all that Stratford ever did."(34)

Fears already created were then reinterpreted as alarming evidence of a slide into tyranny and oppression, and the experience of prerogative government made it appear that ideological fears earlier expressed in parliaments were being fulfilled.(35)

Just as Arminianism gave credence to anti-popery, so ship money seemed to substantiate fears the King was misled by men who wanted to subvert the fundamental laws and liberties.(36) Petty events became meaningful and significant: 2s 8d charged by a

Hertfordshire bailiff to cover his expenses could thus be seen as proof of that oppression.

"hee the saied Pruddon had 1s 8d and Mr Conigbies [the sheriff] man 1 s. Secondlie that the sheriff gave him order not to prize any distresses, but to sell them for as much as hee could. Thirdlie that in one and the same warrant hee gave him order to distraine or if anye weere obstinate or distresses weere not readie hee should imprison ther bodies. Then he shewed a letter from the the Lordes of the Counsell dated the last of June 1638, to which the hand of William Archbishop of Caterburie and others were subscribed in which amongst other particulars they promise that if anie suite should be brought against anie man hee should employ to distraine, they should receive no damage but that three Attornies were appointed in the Kings bench, Common Pleas and Exchequer one in each court to answeare all such suites as should bee brought against anie parties for distraining for shipp-
monie without anie charge to them...
Mr Coningsbie made but slender defence."(37)

Re-emphasising ideology has not reproduced Gardiner's picture, in spite of the claims made by the American historian Theodore Rabb.(38) New work on the importance of European affairs, and the emotional as well as political appeal of international Protestantism, has advanced understanding of the dilemmas facing the regime and its critics.(39) Religious tensions generated by Arminianism and by Puritanism helped deepen distrust, and to generate debate about the nature of both authority and obedience.(40) The divisions in England during the 1630s were real, but they were multi-faceted; arguments were not fixed along clearly differentiated lines, people reacted to different events in different ways and their perceptions changed over time.(41) These divisions also need to be seen as problems facing the kingdom at the time and not interpreted simply as a part of an inevitable slide into conflict and civil war; but this does not mean that contemporaries thought they lived in a perfect world. Fears

about popery and arbitrary government, about faction and Puritanism need to be seen as different responses to social, economic and religious change and alternative explanations of what was wrong.(42)

Alternative explanations led to the suggestion of alternative remedies. Some recent analyses have focussed on the failings of Charles I's kingship, and have stressed his personal responsibility for the eventual conflict.(43) This is far too simplistic an explanation. English government rested on consent, co-operation and respect for the law, on an accepted chain of command stretching from the King to parish officers; it is not credible to argue that a "decadent court" could impose its will, could collect ship money for as long as it did without there being some community of interest between the King and the ruling elites.(44) To blame the King ignores the role of councillors like the Lord Keeper Coventry, government servants like Edward Nicholas and local governors like John Gell and John Buxton.(45) It ignores the poets, politicians and playwrights who offered Charles that delicate mixture of criticism and compliment.(46) It ignores the gulf of interest which separated the merchant community from those who advocated an aggressive foreign policy and alliance with the Dutch.(47) It also ignores the fact that Charles was not an original thinker: other men shared his belief that order and authority in Church and state were under threat, other men shared his dislike of the multitude, other men also found solutions to these problems in the politics of "new counsels".(48) Charles as well as his critics believed that the majority opinion agreed with him.(49) Like his King Sir Symonds D'Ewes deplored the "fiery spirits" who destroyed the 1629 Parliament.(50) Another old Parliament man Sir

Robert Phelps, was appalled by "those odd lunatics", Burton, Bastwick and Prynne.(51) It is often difficult to evaluate the motives for conformity, especially as events in the 1640s made it politically expedient for those who had alienated their neighbours by too much diligence in the King's service, to keep their heads down.(52) All strands of opinion agreed in exalting the person of the King: this was more than empty rhetoric, it was the basis of obedience and service.(53) The story of the Personal Rule is how that sympathy and community of interest was lost, and how King and people became alienated from each other: "the King hath suffered as much as we" lamented Sir Francis Seymour in the opening days of the Long Parliament.(54)

The character, wishes and ambitions of the King shaped political life during the Personal Rule, but it was the absence of a parliament which limited the ways unease, discontent and opposition to royal policies could be expressed.(55) The effects of this and contemporary perception that it represented a fundamental change in political life cannot be underestimated; the absence of a parliament symbolised the King's anger.

"Well, God of his mercye looke on us;" wrote Sir Thomas Barrington to his mother on 2nd March 1629, "'tis farr more easy to speak bravely then to be magnanimous in suffring, yet he whose hart bleedes not at the threatens of these times is too stupid, I pray God send us better grounds of comfirt, and with all to be armed for the worst that can befall us."(56)

Yet this was not the only constraint on political life, because those who were in government at this time identified themselves with a politics of distance and authority, rather than a politics of advice,

consultation and consent exemplified in parliaments. In the regulations governing the conduct of the Privy Council drawn up in 1625 there is a great contrast to parliaments which were summoned specifically

"to treat and consent about difficult and urgent business concerning the state and defence of the kingdom and the Church of England."(57)

At the Council Board there was no right of speech, petitioners "commonly" knelt to present their petitions and then withdrew, leaving the Lords to their own deliberations. The emphasis was on dignity, honour, order and propriety, for this court had responsibility for everything that "hath relation to the esse or bene esse of the state".(58) Its dealings were private and not public occasions and the King's subjects were essentially passive recipients of his love and favour.(59)

"the Council Table is the sovereign and superintendant court under his Majesty's person and is to dispute de omniente et quicunque rei proposita respondere, watching over the body of the state, and parts, and is a marvellous satisfaction to people that have so open access and so honourable hearing in all causes of grievance or relief, at so high a seat of justice, and so near the sacred person of the King.(60)

The high value attached to the Council is in striking contrast to the rhetoric describing a parliament as a symbol of unity between King and people, as well as a preservative against tyranny: such were the views of Thomas Scott, the godly pamphleteer,

"A Parliament therefore, where Prince and People meet and loyne in consultation is fit only for that weightie and important worke in whose even ballancing the weale of a State doth consist. And without this Council the greatest Peere or Officer yea the greatest profest Engineers in State strategems may easily erre upon either hand many degrees from good government and so fall into Anarchy or

Tyrannie."(61)

To men committed to the ideal a parliament symbolised, all Charles needed to do was to trust his people. This attitude is vividly illustrated by Sir Symonds D'Ewes' opinion written in his autobiography:

"An easy matter indeed it is or a King of England to gain the hearts of his subjects, if he oppresses them not in their consciences and liberties; which blessing in my daily prayers I beg of God for our present sovereign, that so his reign over us may be long and happy, and his memory after his death dear and precious to posterity."(62)

To achieve this promised state of harmony the King would need to accept the type of policies outlined by the Earl of Warwick in January 1637:

"If his Majesty proposed on the score of reputation to make war against the House of Austria; if he decided on an alliance with France for the recovery of the Palatinate; if he meant to maintain the dominion of the seas by force, he Warwick, ventured to promise for all and to stake his head that parliament would readily consent to supply him with all that he might desire to ask of it."(63)

The King's interpretation of the public good, and his analysis of what had gone wrong, made it impossible for him to share Warwick's outlook. He looked instead to what Carleton called "new counsels" as a counter to the threat to royal authority.(64) In general terms the characteristics of "new counsels" were peace, prerogative power, dislike of Puritans, distast of the multitude. The strongest image was of the King as

"lex loquens, a living, a speaking, an acting law."(65)

The government of the Personal Rule with its emphasis upon obedience and authority and its disdain for popularity aimed to restore a proper balance between King and subject.(66) Indeed Charles saw this reformation as a function of his kingship:

"Miscarriages in Government may escape, rather through ill Counsel of *som men* driving on their private ends, or the peevishness of others envying the public should be managed without them... than anie propensitie a Prince hath of himself to injuriosness and oppression."(67)

Parliaments as such were not precluded, merely disorderly parliaments in circumstances which placed the King's honour in jeopardy.(68) The King sought stability yet flux and uncertainty were characteristic of politics at this time: nothing was permanently fixed, either nationally or in European affairs.(69) Government without parliaments could have been altered at any time had the King wished it.(70)

After the 1629 Parliament, Attorney General Heath advised the King to place his trust only in

"discreet and well affected persons, and thos not too many in number" and urged the Council to "maturely consider and resolutely determine and constantly execute thos things which appertain to government, which will add much to their honor and power amongst those who are to be governed."(71)

Changes in the Council in the 1630s, such as regular weekly meetings, the development of committees and steady information gathering by Edward Nicholas, meant that the government was not conducted in the same haphazard way described by Derek Hirst in the 1620s.(72) Advantages gained from a better administrative structure were offset by other more negative developments. In attacking the Duke of Buckingham Sir William Walter declared

"where there is abundance of good counsell there is peace and safety."⁽⁷³⁾

Yet after the Duke's death there was no return to an "abundance of good counsell": the "crisis of counsel" was far more significant because powerful men remained excluded from the King's confidence.⁽⁷⁴⁾ Death removed Pembroke and Dorchester, the two most powerful advocates of the Protestant cause and Sir Thomas Roe, champion of Elizabeth of Bohemia, noted the change at court by 1632 with bitter irony,

"We cannot say there is any faction in England. All goes one way and I know not the wit of it."⁽⁷⁵⁾

After Weston's death in 1635 the Council was dominated by career politicians like Manchester, by those who firmly believed in "new counsels" such as Laud and Windebank, and by career civil servants like Edward Nicholas.⁽⁷⁶⁾ Faction fighting certainly existed, but it was faction within a closed circle of those who shared the King's disdain for popularity.⁽⁷⁷⁾ Attempts to break into this circle in 1632 or in 1637 for example were dismal failures.⁽⁷⁸⁾ Charles himself chose to work with a small group of select advisers: only three Privy Councillors knew the foreign policy rationale behind the ship money fleet and Secretary Coke was ruthlessly manipulated to "hoodwink" the rest of the Council.⁽⁷⁹⁾ In addition, during the Personal Rule the opportunities for contact between the localities and the court and the Council were diminished.⁽⁸⁰⁾ Sir Thomas Lucy, the leading gentleman in Warwickshire, complained in 1633 that Secretary Coke was "the only councillor left I have had the honour to be acquainted with."⁽⁸¹⁾ The government certainly communicated its wishes to the

country, but it did not foster reciprocal contact.(82) No-one in government, with the possible exceptions of Secretary Coke and Wentworth who were not at the centre of power, had the same sort of landed and popular base as Lincoln, Warwick, Brooke or Saye.(83) Edward Hyde who was an acute observer, sensed change in a letter to Lord Denbigh in February 1637,

"The Kinge is now thoroughly possest of his ship money, which all the judges of England have assured him may be levied by law,... This and a spirituall Treasurer may in tyme make the Kinge very rich."(84)

A narrow outlook, administrative competence and isolation from local opinion produced that peculiar combination of concern and insensitivity which is so marked a feature of the ship money service.(85)

Ship money was at the very heart of politics of "high" prerogative dominant in England after 1635.(86) It was not only the most controversial secular policy pursued by Charles and his Council; it was also the one which had the longest continuous existence, for the service was conceived in the summer of 1634 and abandoned in the winter of 1640, and its scope was wider than any other government policy, stretching from the Privy Council in Whitehall right down to the parishes.(87) The development of ship money was unique to "new counsels" and this thesis was undertaken in the belief that the shared experience of the service was the obvious focal point for a study of national politics in the absence of parliaments. Given the richness of the source material, it was possible to look at the workings of all the writs in all the counties of England and Wales, rather than needing to rely upon case studies. The scope of the

service also made it possible to ask questions about political awareness across the country, across the ranks of men and across time. The aim of this thesis is therefore to highlight the complexities and diversities of politics in the 1630s.

The politics of the Personal Rule need their own context, important as the origins of the civil war are in English history. Following Conrad Russell's "self-denying ordinance", I have tried to reference events to the 1610s and 1620s and only occasionally to the 1640s, and to see Charles I's kingdoms as part of a Europe bitterly divided by religious wars.⁽⁸⁸⁾ Ship money played a significant part in a dual process of alienation and politicisation.⁽⁸⁹⁾ This process worked at different levels, in different ways and through different media: in the masques, in the Privy Council's handling of politics, in the imagery surrounding the ship money service and in the use of the law as an ideological and political weapon. Charles's government was not apathetic, unimaginative or insensitive; but this does not mean its vision of order and authority or the instruments it used to promote harmony and secure co-operation were shared by all the King's subjects or seen in the same terms. Ultimately it was the legacy of the past which created, sustained and in the end destroyed ship money, just as it was the changing perceptions of the present which created the complex relationship between politics, ideology and the law.

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"NEW WRITS OF AN OLD EDITION"

"The King hath directed new writs of an old edition to the ports and maritime counties, to maintain a proportion of shipping for the guard of the narrow seas secundum legem et cosuetudinem Angliae, which is very needful for the French have prepared a fleet and challenge a dominion of the seas, where anciently they durst not fish for gurnetts without licence." Sir Thomas Roe to the Lord Deputy of Ireland, 4th December 1634.(1)

The origins of ship money, that "pick-lock trick", vividly illustrate the complexities of politics in the 1630s, being marked by secrecy and hidden agendas even within the Privy Council itself.(2) Foreign and domestic considerations were all involved, most importantly the King's reluctance to let himself be a prisoner of parliaments, the belief he and the Council shared that the country needed a settled period and the protection of English interests in Europe.(3) The development of ship money therefore, lay at the heart of policies of peace, an unofficial Anglo-Spanish alliance, and dependence upon the prerogative rights of the Crown.(4)

Since the peace with Spain in 1630 the English and Spanish had been drawn together by a mutual hostility towards the Dutch and a mutual fear of French aggression, particularly in Flanders. In 1630, Lord Treasure Weston assured the Spanish Ambassador that Charles wished Anglo-Spanish friendship to be his legacy to his successors.(5) The King's preference for Spanish alliance, according to John Reeve,

"suited his notion of monarchy, his very liberal Protestantism and his highly developed artistic sense. Charles did not fancy himself as the champion or even the moderator of Calvinist Europe. A pro-Spanish policy seemed to offer the chance to join his dynastic ambitions with his ideological preferences."(6)

Following the Protestant victory at Breitenfeld in the autumn of 1631 hopes for a Protestant alliance of England, Sweden and the United Provinces and a new parliament were frustrated, to the despair of Elizabeth of Bohemia's supporters.(7) Instead, the Spanish alliance reflected the dominance at court of Portland, Cottington and Laud, men who shared the King's own political perspectives. Nevertheless, other commitments and other directions of policy were not totally excluded, official neutrality left the English a free hand in negotiating on behalf of the Palatinate cause: as Secretary Coke wrote,

"for other quarrells or differences, as we are friends to all sides and enemies to none,so we will not tie ourselves to any neutrality which may hinder us from treating with any party that shall offer best conditions...."(8)

For this reason, and because of the strength of anti-Spanish sentiment in England, dealings with the Spanish were kept a close secret.(9)

During 1632 and 1633, however, the European situation changed rapidly. Within a short space of time Gustavus Adolphus, Wallenstein and Frederick of Bohemia all died, and the German situation deteriorated, as Maximillian of Bavaria (who occupied the Palatinate) became more powerful at the Imperial court.(10) French and Dutch offensives attacked the Spanish in Flanders, in Lorraine and across the Rhine, whilst military campaigns were matched by a considerable build up of naval power by both of these states. Already wary of the Dutch, some English politicians, particularly those with an interest in naval policy, like the Secretary of State Sir John Coke, looked on

Richelieu's fleet in the Channel with fear and distast.(11) By chance a short time later, secret papers concerning a proposed alliance of France and The United Provinces were intercepted, setting out details of a planned conquest of Flanders, where the English, as Coke noted, "had better reason to maintain the Spaniards there than to let the French in."(12) All of these events threatened not only the King's dynastic honour, but also the working alliance of England and Spain. Although officially neutral the English secured considerable benefits from co-operation with the Spanish: an effective alliance existed to enforce Olivares' economic embargoes against the Dutch, undermining their carrying trade and restricting access to their herring fisheries.(13) Increased customs revenue from increased trade and the profits to the Crown from the carrying trade in Spanish silver were other important fiscal benefits developed under the regime of Lord Treasurer Portland.(14)

As a counter measure to the changing balance of power and the increased tensions in Europe Portland, Lord Cottington and Secretary of State Sir Francis Windebank entered into another round of secret talks with the Spanish agent in London, Juan de Necoalde.(15) In January 1634 during these talks, Portland suggested the idea of a Spanish subsidy to finance an English fleet, which "by its number would add greater weight to a proposition for peace" by intimidating the Dutch.(16) A month later in February, Windebank told Hopton, the English agent in Spain, that the King

"hath been pleased to direct the Lord Treasurer to call the Lord Cottington and myself unto him, and to confer with Necoalde upon some course to be held for giving assistance to the King of Spain; such as may stop the current of the Hollanders' conquests, peradventure draw them to a peace, yet not plunge his Majesty into a

sudden, dangerous and untimely war with those people. To do this it is of both sides thought fit, that his Majesty should put a strong and powerful fleet to sea, that may open the ports, prohibit all kinds of depredations in these seas, and secure even the coasts of Flanders. And this to be done upon pretence of suppressing and punishing the great liberty which hath of late been taken, both by the States and by those of Dunkirk, even within his Majesty's safest harbours, both in England and Ireland.(17)

This was the hidden purpose of the ship money project, it was concealed even from members of the Council itself, as well as from the country as a whole.(18)

The public purpose of the new fleet was as part of a policy of defensive re-armament designed to safeguard peace and neutrality. The English and Irish coasts were fortified against any invasion threat, and in February 1634 the Lords of the Admiralty required

"Sir Henry Marten and Attorney General Noy to compose a reglement whereby his Majesty's ancient right in the narrow seas and in his chambers and ports be preserved."(19)

Thus, ship money was justified as a reaction to affronts to English honour at sea, committed by the ships of many nations, particularly the Dutch and the Spanish, and by pirates; trade was disrupted and the sovereignty of the seas at risk.(20) These were the priorities acknowledged to the Council, and embodied in the ship money writs: only Portland, Windebank and Cottington knew that the fleet would be used to help the Spanish "through the present Disorder and ill success."(21) All through the spring and summer of 1634, these three were in secret pressing Necolalde for a Spanish subsidy of 200,000 crowns to finance a fleet of twenty ships, whilst at the same time a committee of the Privy Council was researching historical precedents

to raise the rest of the money by prerogative means.(22)

Negotiations for a Spanish subsidy and research into the means of raising a revenue for the navy went on simultaneously. Patricia Haskell has argued that the King turned to ship money only when the plans for Spanish cash came to nothing, or seemed too great a compromise of English neutrality: hence, ship money was "a more expensive, though preferable method."(23) However, the time scale of negotiations makes this impossible. Three sets of articles for a defensive treaty between Charles and Phillip IV were drawn up in July and August of 1634, when arguments about assessing ship money divided the committee. In October, the month the writs were issued, Charles refused to compromise on the sovereignty of the seas. Arthur Hopton in Madrid continued to describe money as "a pledge of a straighter alliance" in the spring of 1635 at the same time as ship money was being collected in the maritime counties.(24) The service may be best seen as part of defence policy during a period of tension and uncertainty: the fleet financed by the writs, although a small one of only twenty ships, was a bargaining point in English hands, to preserve trade and shipping, to further the interests of the Prince Palatine and to keep options open.(25)

As Gardiner pointed out, Charles's intention was to "hood-wink the Council", and "No better instrument for this work of concealment could be found than Secretary Coke."(26) At a Council meeting on 8th June 1634 Coke spoke to the King of his duty to

"represent to his Majesty the truth in all affairs, how distasteful soever".

Then he voiced his concern about the insolence of the Dutch "of whom

as we deserve most so we suffer most", was equally eloquent on the indignities perpetrated by the Spanish, and concluded with a plea for a "speedy and powerful means to redeem us from this contumely and contempt." The remedy he urged was "to recover your undoubted right of sovereignty in all your seas."⁽²⁷⁾ The writs for ship money later made much of "the dangers which everywhere in these times of war hang over us", of the "effects of war whensoever it taketh a people unprepared", and the risks for an island people when "the dominion of the seas is likely to be lost."⁽²⁸⁾

On these terms alone the writs seemed sensible and prudent measures. The western coasts and the coasts of Ireland and Wales were frequently raided by Moslem pirates, ships were lost and Christians taken into slavery.⁽²⁹⁾ In 1634 the Dutch had actually attacked some Dunkirkers in English waters. Public safety and honour were in jeopardy. In 1635 the Venetian Ambassador told the Doge and Senate "the ships of the merchants here are subject to countless outrages and infinite loss": ship money propaganda made much of these dangers to an island trading nation.⁽³⁰⁾ Sovereignty of the seas also had a popular appeal. Charles and the gentry of Kent shared an admiration of John Selden's "De Mare Clausum".⁽³¹⁾ Sir William Monson wrote on the historical proof of the sovereignty of the seas, encouraged no doubt by the £100 a year pension Necolalde paid him.⁽³²⁾ Sir John Borough, the Keeper of the Tower, who was also involved in the historical research into ship money, was the author of a work called "The Sovereignty of the British Seas", written in 1633.⁽³³⁾ He employed a curious mixture of national pride and anxiety to vindicate a programme of naval re-armament in time of peace:

"and therefore the sovereignty of our seas being the most precious jewel of his Majesty's crown and (next under God) the principal means of our wealth and safety, all true English hearts and hands are bound by all possible means and diligence to preserve and maintain the same, even with the uttermost hazard of their lives, their goods and fortunes."(34)

When ship money became a national levy in August 1635, the Venetian Ambassador thought,

"the people seem to consent to it readily in the hope that this will avail to establish the sovereignty of the seas, for which they are eagerly jealous."(35)

On this analysis the writs of 1634 were issued in favourable circumstances compared to the fraught years of the 1620s, when the Forced Loan met with fierce resistance and plans for a national levy of ship money had to be abandoned in 1628.(36) A strong navy could be made publicly acceptable by appealing to national interest and to popular prejudice, at a time of considerable anxiety about the danger of war: "Christendom is full of wars, and there is nothing but rumours of war."(37) To those unaware of the co-operation of England and Spain, the preparations for war by Phillip IV and Louis XIII could seem very menacing and on at least one occasion, Secretary Coke tried to quieten fears that the ship money fleet was part of a planned offensive.(38) Yet the Venetian Ambassador, and his Dutch colleague Joachim, believed the Council manipulated rumours and reports of Dutch aggression "for the purpose of inducing the people to pay willingly and promptly."(39) This fluid and uncertain situation worked to the government's advantage as newsletter writers, private correspondents and diarists noted ship money propaganda and thought

it justified by the threat of hostile foreign intentions.(40)

A committee of Privy Councillors set up in March, met during the spring to look at the cost of a fleet, and to discover an acceptable means of paying for it.(41) There is a later tradition that around May, thanks to Attorney General Noy,

"[a] substantial way was thought upon, to raise a notable revenue for the King, by ship money."

Surviving sources neither confirm nor deny this: instead they show that several experts worked together, each responsible for his own field, the legal to the Lord Keeper and the Attorney General, the naval to Secretary Coke, Edward Nicholas and Sir William Monson, and historical precedents to Sir John Borough and Sir John Bankes. Secretary Windebank dealt with the King.(42) It made sense to combine knowledge and expertise, because, although Secretary Coke minuted the decision "for the manner of levying, the legal course to be followed", the legal course was not obvious.(43) The committee believed

"the subjects ex loyalitie debito , are bound to aid the King.... All former ages afforded aids of one kind or other to the King for guard of the English seas."(44)

The crucial question was how such aids could be collected legally by the power of the prerogative: in English law the Crown could only levy taxes granted by consent in parliament, and since 1628 the prerogative had been limited both by the experience of the Forced Loan and by the Petition of Right. In 1629 the Attorney General Sir Robert Heath advised that

"care be taken, that the king's gracious and royall awnswere to the [late] Petition of Right, in the true and right understanding therof, be not broken."(45)

Five years later the government was still concerned to uphold an interpretation of the Petition of Right enshrined in Charles's first answer "saving the royal prerogative." This gave the Crown freedom to act in the absence of a parliament for the necessary defence of the realm.(46) After the failure of the 1629 Parliament, the King's attitude to parliaments had hardened.(47) Proclamations in 1629 had laid a heavy burden of guilt on

"those that have given themselves to faction and to work disturbance to the peace and order of our kingdome", and said that "the late abuse having driven us out of that course ["Our love to the use of Parliaments"] we shall accouynt it presumption for any to prescribe any time unto us for Parliaments the calling, continuing and dissolving of which is always in our own power; and we shall be more inclinable to meet in Parliament again, when our people shall see more clearly into our intents and actions, when such as have bred this interruption shall have received their condign punishments, and those who are misled by them, and by such ill reports, as are raised upon this occasion, shall come to a better understanding of us and themselves."(48)

The prospect of another parliament was implicitly dependent on a return to stability and order, yet in the calmer circumstances of 1631 Charles let pass what was probably the best chance he ever had to restore his sister and her children to their lost inheritance because he did not wish to be pressured into a parliamentary course.(49) He told the Council,

"by the discouse of many concerning a Parliament he was now offended and his proclamation violated, and therefore wished all men to be wary how they displeased him in that kind, adding further that he would never be urged by necessity or against his will to summon one."(50)

In the context of 1634 it was even more unlikely that any of the inner circle of Charles's advisers would actively promote a

parliament, there was no immediate advantage to the Palatinate cause on offer and the interests of Weston and Laud in particular were averse to a summons. None of the newsletter writers mentioned the possibility of a parliament until after the death of Portland in March 1635: as Sir John Melton wrote to Wentworth in May 1635,

"the time for assembling a Parliament will be much more seasonable when there is but a tacit necessity, and while the current of his Majesty's prerogative is strong, and the people sensibly apprehending his power to subsist without a parliament, than when there shall be an absolute necessity to impell it."(51)

During the 1620s the granting of parliamentary subsidies had been a bitter source of contention. Parliaments had failed to give the King an adequate or dependable revenue in a time of evident necessity.(52) Doubts were also raised by some MPs like Sir Robert Phelps and Sir Nathaniel Rich about the use of the subsidy for a defensive foreign policy, such as Charles favoured in the 1630s. They distrusted the Crown's plea of necessity, which they claimed was "alleged in every parliament a pressing argument [but] can never be satisfied."(53) Charles had already made it clear he had no desire to hold himself hostage to parliamentary debates, and still held to his opinion of 1628, should parliaments fail to aid him

"I must, according to my conscience, take those other courses which God hath put in my hands."(54)

After 1629 Charles committed himself to "new counsels"; he saw the main danger to stability and order coming from the evils of popularity which encouraged disloyalty, he believed the cure was obedience, a habit which would be fostered in time and in the absence of parliaments.(55) In a mirror image of the popery and absolutism

theories beloved of Pym and his circle, Charles saw a conspiracy of free-speakers, parliamentarians and puritans, who wished to undermine the prerogative and make the King a prisoner of faction.(56) G.L. Harriss has drawn attention to what he believed was a radical change in the political outlook after 1629:

"The dissolution of parliament in March 1629 thus marked the end -for the moment at least- of a conviction that had sustained king, ministers and Commons for the past twenty years, that a parliament was the proper instrument to meet the common needs of the realm and would produce union between crown and people."(57)

Charles was not alone in this belief that parliaments had failed him. It had been the view of councillors, like Laud and Dorset before the 1628 parliament, moreover, the events of that parliament, and especially of the 1629 session, disillusioned more moderate men, like Coventry or Manchester. As Conrad Russell has argued the existence of a parliament did depend on the will of the King: if the King did not will it, the only recourse was patience and a faith in the "legal course."(58)

Medieval practice gave the King the power to levy money for an evident necessity if the usual means had been tried and failed, or could not be used. The high value placed on historical and traditional precedents underpins the ship money experiment, and it helps to explain why men who had opposed the Forced Loan, for example, accepted the resort to prerogative government.(59) The King's prerogative was used to justify Charles's collection of tunnage and poundage, opposition to which had collapsed in 1631; similarly, prerogative power allowed the revival of distraint of knighthood and the forest laws.(60) However, the difference between the 1620s and

the 1630s lay in the legal status of the Petition of Right, which was responsible for what Conrad Russell has called "the greater legalism" of the Personal Rule.(61) Charles did not like the Petition of Right, he had not wanted to accept the limitations it placed on his prerogative and he saw it as a slight upon his honour. In addition, he did not think it fitting for the subject to assert rights and liberties, since these were best left to the guidance of the King.(62) Until the 1628 Parliament the interpretation of medieval precedents, particularly concerning extra-parliamentary supply, "were sufficiently ambiguous to allow considerable room for manoeuvre both to [Charles] and his councillors."(63) The Petition of Right then redefined the relationship of law and prerogative by clarifying that ambiguity. It also hardened the King's attitude; he would not tolerate any doubts about the nature the prerogative, nor any questioning of the belief that the rule of law and the rule of prerogative were synonymous.(64) The legal situation was more difficult and more tense than in 1626, because the dominance of "new counsels" at court put the Crown's relationship with its leading subjects, many of whom were attached to a different tradition, under considerable stress.(65) Lack of a parliament restricted the ways in which this stress could be made visible, yet it also meant that the Committee needed to proceed with all the care and deliberation for which the Lord Keeper was famous, as well as with all the astuteness of Attorney General Noy.(66)

As part of his prerogative the King had the right to call on the ports to aid him in the defence of the kingdom, either by providing ships for his use, or as a cash payment.(67) According to the Council's own researches, English kings had had this right since

at least the reign of King Alfred but most of the precedents were from the wars against France in the thirteenth and fourteenth centuries, and were accepted as legal after *De Tallagio Non Concedendo*.(68) During the Elizabethan war against Spain, the Crown had required its subjects to supply ships at their own expense almost every year from 1588, and from the inland counties from at least 1595-6.(69) In theory these ships ought to have been paid for by the merchants via a duty on trade, but in practice levies had been very unpopular and were largely ineffective or abortive.(70) In 1603 and in 1628 there were schemes devised for a national levy of ship money, neither of which were put into practice.(71) From the Crown's point of view, Jacobean attempts to levy anything resembling ship money had been unsatisfactory in a number of ways. There had been no effective way for the Council to force reluctant local officers out of their usual "coldness and backwardness" in the face of royal demands for money: in 1619 when James I asked for a contribution for defence against piracy, the mayor of Southampton was adamant that the merchants of the town could not pay the £300 set and tried to bargain for £100 instead.(72) Similarly, in the past the burden of aiding the King had generally fallen on those who were thought to benefit from maritime trade, mostly merchants who had paid some sort of a charge on trade - such as the 1% duty on imports and exports imposed in Weymouth in 1619.(73) Levies of this sort had not been envisaged as a way of raising money for the navy, they usually paid for ships provided by the coastal communities.(74) The only exception to this rule happened in 1628, when a planned levy of ship money equal to three subsidies was scrapped.(75) Recent precedents were not

much use for financing a fleet of the King's own ships. Yet there is clear evidence from the 1620s that politicians in and out of office thought the King should have some new way of financing naval defence: this must have seemed particularly important after the disasters of Buckingham's campaigns. During the late 1620s various schemes were drawn up by Sir John Pennington for example, or by the parliamentary middle group discussed by Christopher Thompson. It was felt change was needed because "extraordinary occasions require extraordinary ways which cannot pass simply by ordinary ways."⁽⁷⁶⁾ Although Sir David Lindsey Keir believed that Charles could have achieved his aims with less disruption if he had stuck to the familiar model of Elizabethan ship money, contemporaries recognised it was useless for the needs of national defence.⁽⁷⁷⁾

As an ancient right ship money was attractive to a king whose characteristic approach to politics has been described by Richard Cust as "respect for tradition and what he took to be legal and proper". Moreover, court culture at this time proclaimed the Stuart order as the point in history where ancient traditions were fulfilled.⁽⁷⁸⁾ There were other advantages as well. By citing medieval precedents the Crown could gloss over the inadequacies of Elizabethan and Jacobean levies, whilst the nature of the surviving records made it possible to create a new structure for the service.⁽⁷⁹⁾ Contemporaries were well aware of the narrowness of the taxation base represented in the subsidy, "greater in name than in truth, more in sound than in substance"; and attempts were made in the 1620s to set this to rights.⁽⁸⁰⁾ The sense that the Crown ought in justice to have the means of tapping the wealth of the kingdom links

the Council in the 1630s with other reform-minded groups such as the circle of Pym and Bedford; one line of argument taken by Sir William Monson illustrates the government's readiness to tackle fundamental weaknesses in the relationship between King and subject,

"conjecture what wealth hath been ...since that time, [the death of Elizabeth] to the infinite enriching of all people in general, which will make them repine the less at paying ship money." (81)

Whereas the Bedford group had sought a parliamentary reform of revenue, once the Lord Keeper and the Lord Privy Seal assured Charles about the legality of ship money, the service became part of a pattern which characterised politics in the 1630s, whereby the King's ancient rights were re-defined and exploited to their full limits within the parameters of the law as the government understood it. (82)

Prerogative taxation was, nevertheless, a sensitive subject and one which the Council handled with caution: as Windebank wrote to Cottington on 6th June, secrecy was crucial

"until the manner of ordering it (whereupon the good or ill success entirely depends) were thoroughly debated and fully settled." (83)

Under pressure from Charles, who wanted to avoid "unnecessary delay", the committee met in June to discuss the principles upon which a charge could be made and to establish its administration. (84) The most difficult issue was to how exactly "the legal course" should be followed. (85) Given the existence of the Petition of Right and the respect for parliamentary consent for extraordinary taxation, the Committee was concerned to establish as wide an authority for the prerogative as was possible to allow the King to ask for aid

directly. In the surviving notes taken at the committee there is a striking similarity to Sir Robert Heath's advice to Charles in 1629, here again there is the insistence on the King's first answer to the Petition of Right,

"this answer preserves the levying of aids to this end for defence of the kingdom, it being an ancient prerogative of the crown."(86)

The traditional basis for grants of tunnage and poundage was to preserve trade, nevertheless

"The royal power of levying aids for defence of the seas is not barred, though it hath not been much used since this grant of tunnage and poundage ...But at this day there is no such act in force."(87)

Research showed there were real difficulties in adapting the precedents of the past, because England was not in a state of imminent war or under apparent threat of invasion:

"All those records go upon apparent dangers, the enemy being discovered at sea or preparation for an invasion."(88)

These were difficult questions with legal implications, but the committee skirted round any real discussion of the issues; in asking "for what occasion" and "for what time the subject is bound to this charge", their only answer was to fall back upon an attitude of absolute trust in the King,

"For the cause of danger the King must be believed, for the employing the money that way the King must be trusted."(89)

They believed the danger was "imminent" and "emminent", the King had the right and the power to use his prerogative, the law of sewers

was a precedent and "quod omnes tangit ab omnes debet supportare."(90)

"A potent fleet would serve us , do us honour, employ our men... Make us feared of our neighbours and comfort all our merchants to the increase of trade."(91)

In consultation with Noy the committee also had to create an administrative framework for the service.(92) Historical research uncovered many details which would later become familiar features of the ship money service:

"the ports were ever charged to aid the King in the guarding of the seas in times of danger or fear of invasion and charged to find men, mariners, ships and provisions at their own costs, for a time and then got the King's commissions granted for assessments, and the charge assessed, levied by distress and resistance imprisoned.

But care taken that more than necessity should not be levied or any part employed to other purposes."(93)

It was decided to adopt a flexible approach which would leave future options open, "that it were best not to charge the kingdom too deeply at first, nor yet to go low, hereafter profit might invite to it or necessity enforce it."(94) To this end the service needed a structure which would involve the localities and command their obedience, yet leave the control of the service and of the fleet in the Crown's hands. Various ideas were voiced. The committee suggested that the counties might nominate their own captains, but rejected this "the ships being the King's it is fit the captains be of his appointing, such as have been seasoned."(95) Similarly they wondered if paymasters and purveyors might be appointed to collect, but rejected this as well on the grounds that this sort of officer would need skilful and constant supervision to be effective.(96) Some of the

medieval writs had named the high sheriffs of the counties as part of commissions appointed to assess, yet it was only by chance that this officer was included when the Council decided to include coastal areas in the writs. In June, Secretary Coke wrote in his notes that the service was to be supervised by commissioners.(97) Noy believed it was essential "this business go on willingly and cheerfully", and he believed a "principal person of honour and service to be named Custos Maris for the time" would secure this end. Had this idea, and his other schemes to involve the counties such as the taking of prizes, been accepted, ship money would have had a very different structure from the one it eventually developed.(98) In a letter to the King on 22nd July, Coventry wrote

"Mr Attorney hath still said that [a Custos Maris] would be such a person of honour and eminence that the gentry of the kingdom would be apt to follow, for that he conceives would add both strength and lustre to your business, if a considerable number of persons of quality shall voluntarily put themselves into action, and it will be of great use for future occasions."(99)

Perhaps the element of the "voluntarily" involved to great a gamble on active support which might not have been forthcoming; but in the eventual dependence on sheriffs and borough officers who had a legal duty of obedience because of their offices, there is once again an echo of Attorney General Heath's advice:

"the subordinate government at holme...[should] be placed upon discreet and well affected persons, and thos not too many in number, which will make men strive to deserve well of the king, that they may be graced in ther countrie."(100)

In June the committee met to consider practical details on four points: the number of ships needed, a "distribution of the

charges amongst the several ports", how such a charge should be levied and for how long the ships would be employed in the King's service.(101) Matters relevant to the navy were assigned to Coke. Portland and Sir John Bankes were to obtain a comprehensive list of all the ports and their members from the customs house. Collectively they decided "for the manner of levying, the legal course is to be followed": writs were to be sent to the ports, and the magistrates were to assess the charge on land and personal wealth, under the supervision of officers or commissioners. It was agreed that there would be no refusals, each community would be obliged either to provide a ship or to pay money, whereas individual refusals would be countered by taking distresses. Coke noted,

"The first demand to be for six months. And when the ships are fitted out and in service, then new writs may be served to continue for six months to six months, till that service has been performed."(102)

These plans set up a new model for ship money, akin to the collection of the subsidy which was also assessed by commissioners, but, like the Forced Loan or the abandoned ship money levy of 1628, the basic assessment was on places not persons.(103) They also show that ship money was envisaged as a long-term measure if necessary and not as a one off: this clearly invalidates the tradition that the success of ship money in 1634 prompted Charles to extend the service to the inland counties.(104)

Discussion continued at meetings during June and July, and when the Attorney General was too ill to attend he was represented by Sir John Bankes.(105) Tempers became frayed in the consideration of two key issues: "should the maritime counties be joined with the

towns", and should the Council in London make all the assessments because "it would avoid many disputes but not so well please the parties."(106) Coventry and Coke were at odds with Noy.

"Mr. Attorney is upon it still to have the maritime counties joined with the towns for the easing the charge, but the committee continues of the same opinion as heretofore, that it is safest to begin with the towns." Coventry warned Coke "one thing, of which I spoke nothing in my letter to his Majesty, that hath some relation to yourself. Mr. Attorney misliketh the repartition that so many places are joined together ... you may take some occasion to speak of the repartition, and so give his Majesty satisfaction if he have taken any notice of Mr. Attorney's mislike."(107)

By this time the committee had moved on to the next stage in the administration, which was the question of the local management of the service. It was agreed that two different assessments were needed,

"the first upon the towns setting forth how much each town may bear towards the charge of each ship, the second setting down how much each particular inhabitant and owner shall pay".(108)

This raised questions about the methods of assessment: whether this should be done by the towns named in each writ, or by the sheriffs. Coventry recognised that the method of assessment would be vital, because it would be a public statement about the relationship of the Crown to the localities, and because for the service to succeed it would have to respect local sensibilities as well as to leave the government the means to enforce its policy. Noy wanted a high profile for the sheriffs, most of the committee were in favour of respecting local autonomy.(109) After heated debate Coventry referred the whole matter to the King's consideration and two different forms of draft ship money writs were drawn up, which awaited the King's decision

when he returned to London. Coventry suggested an "afterwit", which combined the two proposals -the towns were to assess themselves at a general meeting with the sheriff within a specific time limit, if they failed to hold a meeting or to reach agreement then the sheriff was to assess. In this way, if the towns lost their autonomy it would be their own doing:

"I humbly submit whether this may not be a middle way ... and beget some forwardness in the officers of the towns to do it themselves, rather than upon their default to have an assessment made on them by the sheriff.(110)

The tone of Coventry's letter to the King shows that he expected Charles to be interested in the minutiae of debate and to be able to resolve their disputes by his own authority. It is also interesting that he wrote this letter himself, did not use a clerk "not daring to trust any to copy it out", and sent it directly to Secretary Coke to warn him of Noy's antagonism. He already knew Windebank was going to see the King to report on the meeting, perhaps an indication of how the committee had divided.(111)

In the event Noy's plans were discarded with his death and the Lord Keeper's "afterwit" became the prototype for the ship money writs.(112) These were to be issued under the Great Seal out of the Court of Chancery, described by Justice Weston as "the next authority to a Parliament."(113) Unlike the later writs they were not really county based, the basic unit of 1634 ship money was a grouping of ports, drawn from an extensive list of ports and coastal villages from the customs rolls and the cursitors lists in Chancery.(114) The Council had no real intention of calling upon the ports to provide ships, each writ was to pay some of the costs of the King's fleet but

this did not become public knowledge until the service was well underway.(115) Unlike the subsidy, ship money was a community rather than a personal charge and assessment of personal payment was delegated to the localities; this reflected the ideal of ship money as a national service, paid out of a collective obedience owed to the King. It also represented a return to the models of medieval taxation, such as in the 1334 Subsidy or the tenths and fifteenths, and a rejection of Tudor changes embodied in the subsidy.(116) The whole of the English and Welsh coastal areas were to be charged, for unlike the subsidy, and the 1628 ship money levy, the writs of 1634 included the Cinque Ports.(117) All of these were changes compared to ship money in 1588 or 1596, yet there was little to repudiate them in the medieval records, which only had details of service demanded and not of payments made.(118)

In his letter of 21st June 1634, Noy warned Coke "a sad and evil beginning will come to nothing" and that the best advertisement of the unity of the kingdom would be "the general willingness."(119) English political thought in the seventeenth century attached considerable importance to the law, which was believed to be a safeguard for liberty and property: as Lord Falkland told the Parliament in 1640, "it is the temple, the sanctuary whither the subject is to run for shelter."(120) The Council had spent a long time trying to ensure ship money, although "new writs of an old edition" would command a general consent because it would be a service "secundum legem et consuetudinem Angliae."(121) Whilst the final drafts of the writs were being prepared for the King's signature, significant changes were made amongst the judiciary and

the Crown's law officers. The Attorney General Noy was terminally ill in the summer of 1634, and died on 9th August: Nathaniel Tompkins told Sir Robert Phelps,

"the King hath lost an able of great parts and reputation,
... nor do I think the King and those he trusts in the
election of his ministers are yet resolved who shall be
the man."(122)

There was fierce competition for the place, which was eventually given to Sir John Bankes, who was involved in the work on ship money, and had been Noy's liason with the Council committee during his illness. Both Bankes and his colleague as Solicitor General Sir Edward Littleton were highly respected and able lawyers, they had been prominent as such in the 1628 Parliament; like Noy and Wentworth they were useful men who were potentially dangerous out of office.(123)

Also at this time the Queen's Attorney Sir John Finch, "a man of great ability and greater ambition", had achieved spectacular success in exploiting the King's rights in the forest eyres. It is significant he did this by expanding a project which had been initiated already by Noy.(124) In Michaelmas Term the King dismissed Sir Robert Heath from his office as Lord Chief Justice of the Common Pleas, and appointed Finch in his place. The direct reason for Heath's dismissal that he got himself entangled in a battle with Richard Montagu the Arminian Bishop of Chichester over a law suit, but ship money added a political complication.(125) Heath and Noy were old rivals. Noy was reputed to hate Heath, and did not want him to have a share in ship money, which was Noy's project as distraint of knighthood was Heath's. Before his death Noy may have set loose ideas

which led to his downfall.(126) Finch's appointment was certainly a surprise,

"Great were the Discourses what the occasion should be of that sudden Advancement. But four days after the Writ for Ship-money coming forth, it was conceived by common discourse that he was to be instrumental to advance that Business."(127)

Three weeks later Richard Shelton, the Solicitor General, was dismissed for reasons which are still obscure. It is possible he may not have been willing to accept arguments that ship money was legal in time of peace.(128)

There were political and ideological calculations behind these changes. When the King appointed men who were sound on the prerogative in general and ship money in particular, he armed himself against the kind of conflicts which had marred the government's relationship with the judiciary in the 1620s. Sir Randolph Crewe was dismissed because of his views on the legality of the Forced Loan. Charles then threatened to "sweep" the benches of the judges who questioned the Loan.(129) After the Five Knights Case, the judges had been scandalised to discover Attorney General Heath had tried to alter the records of the King's Bench on the King's orders.(130) Having been forced to give an unqualified assent to the Petition of Right, Charles ordered its first printing to be destroyed and substituted a less obnoxious version.(131) In October 1629 Chief Baron Walter fell from favour, when he tried to evade bringing Sir John Elliott and other imprisoned MPs to trial.(132) Such actions made the Crown appear unduly punitive, and the use of the law courts, for example on the issue of arbitrary imprisonment or in the case of

the imprisoned MPs, also made it seem as if the government had to justify the legality of its actions. The repercussions were grave, as Johann Sommerville wrote of the 1620s:

"Problems arose because [Charles's] view of the constitution differed drastically from that of a good many of his wealthiest and most influential subjects."
(133)

During this decade the government handled legal issues in an aggressive and assertive way, appearing to trample on law and liberties. An atmosphere of crisis and instability continued in the early 1630s when in Clarendon's view,

"any disrespect to acts of state or to the persons of statesmen was in no time more penal, and those foundations of right by which men valued their security, to the apprehension and understanding of wise men, never more in danger to be destroyed."(134)

Legal conflicts presented the clearest and most direct challenges to government by prerogative. The MPs imprisoned after the 1629 session refused to abandon claims of parliamentary privilege.(135) In 1631 Richard Chambers of London questioned the legality of tunnage and poundage without grant in parliament and was ruined in the process.(136) In 1632 Edward Stephens brought a case in the Exchequer questioning the legality of knighthood fines, and in Shropshire Sir Robert Corbet cited the Petition of Right in a dispute with the Earl of Bridgewater against payment of muster masters fee.(137)

Yet by 1634 the Crown was keen to promote images of peace, harmony, gravity and tradition, so that

"the apparitions of feares and jeolousys... willbe soon dispelled. And his Majestys raign made glorious."(138)

Influential members of the Privy Council were anxious to promote harmony between King and subjects, to restore the appearance of consensus: Coventry had consistently opposed the use of legal coercion in the 1620s, but Laud, who had taken a hard line in the past, came to believe that opposition should not be given publicity - he thought Hampden's Case most unwise.(139) Public images spoke of the harmony between peace, law and prerogative, yet the interpretation of the law was ambiguous and the potential for conflict was visible in the number of public legal disputes during the first decade of Charles's reign.(140) This disobedient assertion of liberties was at odds with a view, increasingly favoured at court, which regarded the king's power as the basis of political order and saw ancient liberties, as well as the tradition of parliamentary consent, as an unfortunate consequence of medieval disorder:

"The Great Charter had an obscure birth from usurpation," wrote Laud, "and was fostered and shown to the world by rebellion."(141)

This was a minority view at court and in the Council, but, during the 1630s the King preferred to have in government men like Justice Trevor, Sir John Coke, Lord Chief Justice Finch or the Lord Deputy Wentworth, who believed in what Salisbury described to the Parliament of 1610 as "the marriage of prerogative and liberty."(142)

TABLE I: THE SHIP MONEY WRITS OF 1634

<u>ADDRESSED TO</u>	<u>SHERIFFS</u>	<u>COUNTIES</u>	<u>CHARGE</u>
City of London	Lord Mayor & Sheriffs	-	£35,118
Berwick-on Tweed & towns adjacent to Guisborough, Newcastle & Durham.	Sir John Hotham Sir William Belasys Sir John Delavall	Yorkshire Durham Northumberland	£6,615
Kingston-on Hull & towns adjacent & the maritime places in Lincs.	Sir John Hotham Sir Walter Norton	Yorkshire Lincolnshire	£6,615
Yarmouth & towns adjacent as far as Wisbeach.	Sir John Wentworth Sir Robert Balham	Norfolk Cambridgeshire	£6,735
Ipswich & towns adjacent to Brighthemstone in Essex.	Sir John Barker Sir Cranmer Harriss	Suffolk Essex	£6,615
Westminster & places adjacent in Essex, Surrey Middlesex & Kent as far as Graves- end.	John Cordell & John Highlord Sir William Culpeper Sir Cranmer Harriss Edward Chute	Middlesex Surrey Essex Kent	£4,621
Canterbury & towns adjacent as far as Chichester.	Edward Chute Sir William Culpeper	Kent Sussex	£6,735
Southampton, Portsmouth & towns adjacent & Isle of Wight.	Sir White Beconsawe	Hampshire	£6,615
Poole, Purbeck, & towns adjacent in Dorset as far as Lyme Regis.	Sir Thomas Trenchard	Dorset	£2,204
Axminster & & towns adjacent in Devon as far as Slingsbridge.	Sir Thomas Drewe	Devon	£6,615

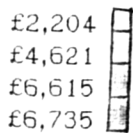
<u>ADDRESSED TO</u>	<u>SHERIFFS</u>	<u>COUNTIES</u>	<u>CHARGE</u>
Saltcombe & towns adjacent to Barnstaple	Sir Thomas Drewe	Devon	£4,621
Milbrook & towns adjacent in Cornwall as far as Stratton	Hugh Boscawen	Cornwall	£2,204
Minehead, Bridgewater, & towns adjacent in Somerset, City and County of Bristol, & City and County of Gloucester.	Henry Hodges Edward Stephens Mayor and Sheriffs Mayor and Sheriffs	Somerset Gloucestershire Bristol Gloucester	£6,735
Milford & Cardiff & towns adjacent in Wales, Cheshire, Lancs. & Cumberland.	George Milbourne Edward Wynne Thomas Vaughan Hector Phillips Hugh Lloyd Watkin Lougher Evan Evans John Scarfield Sir Thomas Aston Humphrey Chetham Richard Barwiss	Monmouthshire Anglesey Carmathenshire Cardiganshire Denbighshire Flint Merionethshire Pembrokeshire Cheshire Lancashire Cumberland	£2,204

TOTAL NUMBER OF WRITS = 14 .

TOTAL SUM CHARGED = £104,252 .

MAP I: THE SCOPE OF THE SHIP MONEY WRITS OF 1634

CHARGES



London was charged £35,118
TOTAL CHARGED : £104,252

ii: THE SHIP MONEY WRIT OF 1634

The ship money writs issued between 20th October and 6th November 1634 were an uneasy amalgamation of traditional practices and the ideas discussed by the committee of the Privy Council during the summer.(143) Fourteen writs went out, and unlike the later writs they focussed on the ports, and the coast; Table I shows how the writs were addressed to areas of the coast, divided for convenience, sometimes but not always along county boundaries, for example from Yarmouth to Wisbeach in East Anglia, or from Poole to Lyme Regis in Dorset. As the Council told the sheriff of Dorset in January 1635, the port towns were to bear the heaviest burden because they had the greatest benefit from safeguarding the seas.(144) For this reason London the greatest port in the kingdom, had a charge of £35,118. Large and wealthy cities like Bristol, York or Newcastle, as well as the south-eastern coast (which benefited from London's trade), paid proportionately more than the Welsh or Cornish ports. In line with the requirements of the law and in keeping with tradition, the writs asked for ships of a specified tunnage, manned and provisioned for twenty-six weeks service, to rendez-vous at Portsmouth on 1st March.(145) In the summer the committee had been worried about proceeding too fast, and had been very careful to avoid sudden, unwarranted disclosures, thus it was only gradually revealed that the aim of the writs was to provide money for the navy.(146) A letter of instructions was sent out on 31st October, but compared to the detailed requirements sent with later writs these were short and unhelpful, merely telling the recipients to put the writ into

execution and to rate with equity, indifferency and expedition.(147)

The Lords had decided the King needed money rather than ships long before October 1634; but the counties and ports were only told of this after some initial moves had been made to begin assessing and collecting, or as a means of encouraging speed and diligence in the service.(148) Thus in November 1634 the Earl of Suffolk, Lord Warden of the Cinque Ports received a letter asking for his aid and encouragement in the Cinque Ports and telling him that the King would lend one of his ships.(149) Similarly, Sir John Bridgeman wrote to the Earl of Bridgewater, the Lord President of Wales and the Marches, after a meeting of Chester and the Welsh ports in January 1635:

"I find them much encouraged in the service by the memorial sent by your Lordship, signifying his Majesty's pleasure to accept the sum of money therein mentioned for providing the ship."(150)

The Council knew that it was sensible to handle prerogative revenues with caution, but the service also started slowly because argument and confusion still existed in London. Probably in October, Edward Nicholas scribbled down a few notes to the effect that not enough money was being asked for: the charge on the Welsh counties was £2,204, £2,000 short, as was the charge for Cornwall.(151) In order to maintain the appearance of legality, the Council wrote to the counties letting it be known that out of consideration for his people the King would lend them one of his ships so that they could fulfil the service required of them. The counties were then supposed to petition the King for this favour.(152) Hence the confusion which arose when the sheriffs of Somerset and Gloucestershire offered to

provide another ship at a cheaper rate than the James: the Council did not refuse outright, instead the Lords' reply stressed how difficult it would be to fulfill the terms of the writ without borrowing the King's ship.(153) On the same subject, the sheriff of Kent was told his ship did not have the same tunnage as the hypothetical one in the writ, therefore it would be necessary to borrow one from the navy.(154) A comment in Rostingham's newsletter to Lord Scudamore of 26th February 1635 is interesting in this context, he maintained that the City of London had only been allowed to furnish their own ships for the fleet because they would not petition to use one of the navy's as the "meaner" counties had done.(155)

In December 1634 and January 1635 the Council ordered second assessments, mainly from the wealthier counties who had already been forward in the service.(156) The sheriffs of Yorkshire and Lincolnshire were told to levy an additional payment of £1,385 on 15th January 1635. A fortnight later the sheriffs of Norfolk and Cambridgeshire were informed they had to raise an extra £1,235.(157) These second assessments were disruptive and led to many bitter, and to the Council displeasing, disagreements in Somerset, Bristol, Southampton, Norwich, Barnstaple and York.(158) At the same time as the second assessments were ordered the Lords of the Admiralty were reviewing the expence the fleet entailed, following the stalemate in negotiations with the Spanish.(159) Necolalde complained to his master in January 1635 "the English are in no way willing to concede a step that could offend the Dutch and be of advantage to us"; whereas Windebank felt "the friendshipp and alliance of his majestie

and the countenance and protection of his royall fleet", should have been sufficient to please the Spanish.(160) In the meantime Nicholas' concern was that no extraordinary charge should be "cast on the King."(161) The final sum charged in 1634-5 was £104,252, £83,564 of which was actually payable in cash to the Treasurer of the Navy: London was charged £35,118 but £20,688 was allowed for the expence of hiring and equiping five ships which sailed as part of Lindsey's fleet.(162) Nevertheless, in March 1635 the Officers of the Navy told the Lords of the Admiralty they expected a shortfall of £10,000; the fleet eventually cost the King £40,545 more than ship money brought in, £23,323 18s 4d of which was borrowed from the Exchequer to be repaid by order from the next levy.(163)

The actual administration of ship money evolved in a piecemeal fashion during the course of the writ and there are no signs that the Council worked out any coherent framework for the service until events made this necessary. Ad hoc arrangements also characterised the administration of the first writ in London and the localities. There were not even clear ideas, let alone instructions, about the payment of ship money. Ship money could not be paid into the Exchequer as part of the King's revenues because this had legal implications. Payment into the Exchequer recognised a fiscal obligation; and the Crown's claim that ship money was not a tax rested on the assumption the subject was providing ships rather than paying money.(164) If any money was paid into the Exchequer, in the same way as the subsidy, this could be interpreted as legal proof that ship money was a tax and therefore contrary to the Petition of Right, the statutes against arbitrary taxation and Magna Carta.(165)

In reply to the earliest enquiries from the sheriffs, the Council told them to pay any money either to the Officers of the Navy or the Officers of the Ordinance, and they ordered the Officers of the Navy to receive the first payment of £1800 from the sheriff of Sussex on 30th January 1635.(166) An order of the King in Council on 1st February set ship money apart from the other services of the navy, and said that the Clerks of the Council were to keep a special book for that purpose.(167) There was another review of the administration on 4th March, which publicly declared that the King would lend his ships to the counties, ordered the Officers of the Navy to furnish them and authorised Sir William Russell, the Treasurer of the Navy, to receive the sheriffs' money. He was then given the power to issue tripartite receipts, one copy for the payee, one for the Treasurer's records and one for the Council's book. On sight of a warrant from the Council, he could disburse money to the Lieutenant of the Ordnance and the Victualler according to the estimates prepared by the Officers of the Navy.(168) Within a few days money began to be paid in, and the first of his long series of accounts was produced on 8th March.(169) A draft order of the Lords of the Admiralty, requesting that all ship money business should go through the hands of Edward Nicholas, who had acted as a liason between the Council and the Admiralty and had helped in drawing up the charges for the service, was refused: "this proceeded not in regard it might have been an injury to the Clerks of the Council." However, Nicholas continued to play a large part in the review of ship money during the spring and summer of 1635, and in the autumn he was rewarded by being appointed Clerk of the Council in Ordinary

and given the sole right to keep the Council's book "which his Majesty did, of his own gracious goodness without any notion from me."(170)

The high sheriffs of the counties were originally included in the writs to assess the maritime areas of their counties, and thereby ease some of the burden on the ports.(171) This was a bold step to take, because few of the medieval precedents made reference to this office, and those which did named the sheriff as part of a commission of jurors rather than acting alone.(172) Nevertheless, the sheriffs were to prove a particularly useful link between the Council and the local communities, overseeing the execution of the writs and supplying much needed information to Whitehall. How useful the sheriffs could be was only gradually revealed by chance in the course of this first writ. The writs laid down that the chief officers of the corporations should meet together and settle the proportion each town should bear within a time limit of thirty days; if they could not agree or failed to meet, the sheriff was to decide and his authority was to be binding.(173) All the original emphasis was on the ports, and at the beginning of the service the sheriff's role was seen as a subsidiary one. However, thirty days was a tight time limit, when, as the mayor of Dover complained to the Lord Warden of the Cinque Ports,

"such is the distance of the towns and cities that we are in an exigent and know not what to do therein."(174)

Those named in the Westminster area writ agreed how much and how to rate in three meetings between 24th November and 3rd December, but other places found it more difficult.(175) The Council granted the

Welsh ports more time to meet with the other ports and the sheriffs of Wales, Lancashire, Cheshire, and Cumberland, who were all included in the one writ: there were obviously great obstacles in bringing together the officers from such a wide area during winter conditions.(176) In December 1634 King's Lynn petitioned against

"the indirect and dilatory courses used towards them by those of the City of Norwich... putting off the meeting until the time had expired."(177)

In this way the role of the sheriffs was enhanced because of the slowness and reluctance of the corporations, who did not conform as fast as the Council would have liked. On 3rd December 1634 the Council sent a general letter to the sheriffs, ordering them to assess the corporations if they had not already assessed themselves, and from time to time various sheriffs were ordered to put the writs into effect.(178) The sheriffs of Somerset and Gloucestershire were told to assess Bristol, Gloucester and Minehead on 3rd December when the Council gave a firm negative to the grievances presented to them by Bristol's agent.(179) When the sheriff of Dorset complained the corporations had "under rated themselves and cast a great burthen on the rest of the county", the Council pointed out that the towns could have no justification for this, because the writ commanded a fair and impartial assessment and only gave the towns the right to set their own share within a month of receipt. They promised the sheriff full support in dealing with this abuse.(180)

In such cases of dispute between the corporations the Council used the sheriffs as brokers of their own authority. When Newcastle petitioned in December 1634, complaining of a conspiracy amongst the

other towns who intended to shift much of the burden off themselves and on to Newcastle, the Council wrote to the sheriffs of Yorkshire, Northumberland and Durham to assess all places but to do so with care in response to the petition.(181) The sheriffs were given much of the responsibility for paying the money in to the Treasurer of the Navy, although the larger corporations, such as Gloucester, Bristol or the Cinque Ports, and a few of the smaller ones, preferred to keep their independence and do it for themselves.(182) On occasion the Council did not hesitate to tell a sheriff it was his responsibility to make sure the corporations paid, or to order him to deal with defaulters who had absconded from a borough to avoid payment - as happened in Bristol or Totnes for example.(183)

The maritime areas of the counties were included in the scope of the writs specifically to ease the burden on the ports.(184) The problem was that the Council did not define maritime for the purposes of the service, nor did it give guidelines on how to distribute the charge between the towns and the county.(185) As a result of this, the most common complaint against the sheriffs was that they did not assess the maritime places included but not individually named in the writs. It was frequently alleged that they did this to keep the burden of ship money on the ports.(186) Such complaints reached the Council with monotonous regularity from December 1634 when the sheriff of Cornwall asked for permission to ease the towns, and was told he had mistaken the tenor of the writ because the maritime places should bear some of this.(187) Disputes often arose when a large and prosperous port petitioned the Council, saying that the burden of its taxation was too great because the

sheriffs involved had not assessed the coastal villages: Newcastle, Colchester and Maldon, Maidstone, Norwich, Yarmouth, King's Lynn, York, the Lincolnshire ports of Boston, Lincoln and Grimsby, and Ipswich all petitioned to this effect.(188) The problem was particularly acute on the second assessments: given the terms of the writs to proceed with equality, it could seem very unfair to assess poor coastal villages in order to ease a rich port. In answer to complaints from York Sir John Hotham and Sir Walter Norton wrote that, when they knew of the reduction in the charge of their writ (from £6,615 to £6,365) they gave ease "where we conceived it most needful", having already assessed for the higher sum.(189) Sir John Hotham told Wentworth, several months later in May, of the Lord Mayor of York's persistence in trying to get relief from "a small part of the coast in which justly cannot be assessed £100", and which had been excluded from the ambit of the writ.(190) The Council eventually took legal advice from the Lord Chief Justice and the Attorney General, who replied that maritime places not mentioned by name in the writs could be assessed for ship money if the Council so signified.(191) This advice was taken in respect of the maritime areas of the Suffolk and Essex writ where the sheriffs reported consistent refusals to be assessed.(192)

This sense of an unduly heavy and onerous burden pervades the ship money disputes of the 1634 writ. It lies behind Bristol's appeal to Bishop George Coke: he in turn appealed to his brother the Secretary of State, grieved by the sheriffs of Somerset and Gloucestershire's

"unfriendly and unadvised dealing which I conceive they do either of a misconceived opinion of themselves out of an uncharitable disposition, or encouraged by others of a misconceived opinion of the wealth of this great city.

What you please do in this case will much reflect on me"
(193)

Pleas of poverty and inability to pay were traditional responses to the demands of the Crown, and in the past they had proved successful strategies against ship money type levies.(194) In 1634-5 the government's attitude was different. The Lords were not willing to accept generalised pleas of poverty any more than they were willing to accept excuses of too little time without adequate justification:

"The Bridstow men sent up their excuses why they ought to be spared from setting out a ship of 800 tuns ... but the Lords have declared all their excuses void and frivolous and that his Majesty expects their duty and obedience to his commands."(195)

In January 1635 some of the JPs and Deputy Lieutenants of Devon presented to the Lords,

"the grievances" of those villages "drawn into contribution, which till now were never accounted maritime places, nor members of the ports, nor have they any trade or adventure upon the sea, nor are they more subject to the dangers of pirates than the inward parts of this county or of the kingdom."(196)

They claimed over the whole county a hundred parishes had been wrongly defined, and that the ports were putting as great a burden on the parishes as on themselves, which was unjust. This was dangerous because the magistrates of the towns would "be permitted by impositions to enlarge their members. ...and make assessments without their jurisdiction." Should ship money be imposed in this unsatisfactory way "your Lordships cannot expect from them either an able or a willing communion with the rest of the county in those general and due aids of his Majesty."(197) Not surprisigly this was

not well received, and five of the J.P.'s who had written the petition, petitioned again in apology,

having found "divers errors ... they do acknowledge without reserve they have thereby incurred your Lordships' just displeasure. "(198)

The Reverend Garrard wrote to Wentworth

"they have appeared, received some reprimand, and so I believe will be dismissed back home again, it being punishment enough to have travelled four hundred miles to so small purpose."(199)

Generalised reports, such as the one from the sheriff of Sussex in January 1635 claiming to have encountered opposition and "difficulties", were equally unsuccessful since the Council always wanted specific details and the names of defaulters.(200)

All of this does not mean that the Board was unsympathetic or that petitioning was as pointless as it was time-consuming and costly: Bristol got its abatement for example; Yorkshire and Lincolnshire, and Kent and Sussex were all granted reductions on their general rates.(201) Any redress depended upon an acceptance of a basic liability and the expression of a general willingness to pay. It also helped to have influential friends. William Whiteway recorded in his diary for January 1635,

"upon petition [the King] reduced the £3,500 that the county of Dorset was set to pay to £2,204 and afterwards upon the petition of the Purbeckers drawn up by Mr. Giles Green and solicited by Sir John Bankes the King's Attorney, Dorchester was ordered to ease Purbeck ... Sir Thomas Trenchard sheriff ... confessed it to be unreasonably but durst not do otherwise This rate was paid with much grudging."(202)

Many corporations sought relief from burdensome assessments, but

they always had to accept the Council's interpretation of how their authority should be used. The Lords would not allow an abatement of £560 on Southampton's second assessment, instead they sent the mayor a special letter to quieten unrest among the "meaner sort".(203) Weymouth, having failed to get a reduction of its £220, found it impossible to delay its way out of payment: the sheriff of Dorset complained and a messenger was despatched to collect the full sum which was outstanding.(204) Newcastle petitioned hard against its assessment of £3,589, but the only contentment it got was an assurance on 18th June 1635 this would not constitute "a precedent for future payments", and two days later the entire amount was paid to Sir William Russell.(205) Yarmouth's bailiff received a sharp rebuke on 23rd April 1635: "Having not yet heard of any such diligence used by you, as is both requisite and necessary", the Council charged the bailiff with speed in the King's name, especially as the town had cause to be grateful to the Lords for an abatement on the first assessment.(206) The same day letters were sent to the mayors of Norwich and Lyme Regis warning them they were "truly mistaken" to think of avoiding even "the last penny" by trying to ignore the Council's authority over them.(207)

The second sort of complaint which went to the Council for arbitration involved jurisdictional disputes, mainly whether an outlying village was part of a corporation, sometimes about the jurisdiction of the sheriff or borough officers. A very few places tried to evade payment by claiming not to be maritime: there was the protest of the Devonshire gentry, and a petition from Sir Robert Phelps on behalf of the inhabitants of Tintinhull Hundred in

Somerset, which denied that the hundred had any maritime places , although, out of duty, ship money had been paid.(208) The Isle of Purbeck in Dorset claimed to have "no benefit" from being on the coast in order to bring Dorchester into the assessment.(209) A more typical example is the request of the officers of St.-Martin-le-Grand asking for the right to assess themselves and thus avoid coming under the City of London's jurisdiction.(210) A similar petition came from the parish of Linton in Kent, signed with five signatures and five marks, in protest against the borough of Maidstone, which had assessed £7 of its £340 ship money on them: the money was collected

"but in regard they have never been taxed until now in any payment whatsoever with or by the corporation of Maidstone, they humbly pray that they may not be included in the charter or liberties of Maidstone."

The Council allowed them to preserve their independence by paying the sheriff of Kent instead.(211)

The importance of traditional rights can also be seen in protests from the clergy, who were included with the laity in the ship money levies: a collection of historical precedents was presented to the Council to uphold the historical practice of separate taxation for clergy and laity.(212) Three Bishops, of Exeter Winchester and Norwich, approached Archbishop Laud, saying that clergy should be exempted from assessment by the sheriffs and fearing the burden ship money would be whilst there were clerical subsidies still outstanding.(213) The King then ordered that they should pay but no precedent would be created.(214) Canterbury Cathedral clergy also sought the right to assess themselves and pay the sheriff rather than the mayor, which was granted.(215) Late in June 1635 the Council

took action against the prebends of Norwich Cathedral and some of the lay persons living in the close who were refusing to pay ship money to the mayor; out of respect for their privileges, they were ordered to pay the sheriff of Norfolk.(216) The Council was always careful to regulate the writs according to local practice and to these sorts of established rights and privileges. When the Company of Merchant Strangers pointed out that they were traditionally exempt from paying subsidies and that the King's subjects abroad did not pay taxes to other kingdoms, their cause was taken up by the Spanish ambassador and the Council decided in view of the reciprocal privileges any money paid by the members of the Company should be repaid.(217) Special privileges were also upheld for the Doctors' Commons and to preserve the rights of the five heralds and pursuivants-at-arms.(218) A similar care was taken with regard to the Cinque Ports. When the writs were issued the Council asked Suffolk the Lord Warden for his help and encouragement, and in July 1635 wrote to him about an arrear of £50 owed by the ports, reported by Sir Edward Culpeper the Sussex sheriff. Out of deterrence for ancient privileges:

"We have thought fit whereby to pray and require your Lordship, to whose care and charge it doth properly appertain, to take such effectual order that the sum of £50 be forthwith levied and paid to the high sheriff."
(219)

Thus it was the King's duty to defend the kingdom and his right to ask for aid from the subject for this, it was the subject's duty to pay, but it was his privilege to have the King safeguard traditional rights and liberties. Safeguarding liberties gave the King

considerable power to enforce ship money, and to control the disputes which it provoked, since by appearing to protect local interests the crown in fact limited the scope for evasion and protest. All of this is consistent with Charles's determination that everyone should pay ship money, which in March 1635 struck the Venetian ambassador as truly remarkable.(220)

Complaints which reached the Board were almost always either from the local communities or were jurisdictional rather than personal. Only the long-standing power battle between Sir Robert Phelps and the bailiff and capital burgesses of Ilchester came to arbitration at the Council table during the course of the first writ.(221) For the most part the Council was distant from local quarells. Similarly, when reports of "murmerings" were sent in, the Council's public instruction to the officer concerned was usually sufficient since there were very few repeated complaints of this sort.(222) This attention to authority coupled with a reluctance to become enmeshed in local concerns is very much in keeping with the style of kingship Charles preferred, described by Judith Richards as remote and formalised.(223) There are several well documented examples which illustrate the power the government could use without the need for provocative coercion. On January 26th 1635 the sheriff of Sussex was told to deal with recalcitrance by distraint or imprisonment. The Reverend Garrard's letter to Wentworth of 1st March shows how effective this approach could be:

"The sheriff of Sussex sent up to the Lords to receive their further directions what he was to do, giving them information that seven or eight port towns of that county stood out and would not pay toward the shipping. But as soon as they heard that the sheriff by a new command began to distraint, they came roundly in and paid their

money."(224)

Robert Robotham wrote to Sir Gervaise Clifton of "something to do" about ship money in Devon during the early months of 1635: backed by the Lords Sir Thomas Drewe distrained in the county, while the Council defused the protest of some of the JPs and Deputy Lieutenants.(225) The Council's authority was maintained in a letter of rebuke for non-payment in March, and in its handling of the difficulties in Barnstaple and Totnes, so that £7,730 was paid by Sir Thomas Drewe at the beginning of April, £9,210 (including the corporations) by April 12th and the full sum of the two writs, £11,236, by June 13th.(226) In both these instances full payment and obedience were obtained without significant disruption to the local communities.

The episode of the Devon JPs made it clear the Council was not going to create martyrs like the Loan refusers, and it also became clear that the Lords would not allow the disaffected amongst the gentry to absent themselves and so avoid payment.(227) In a letter of 26th January the Venetian ambassador noticed a marked difference between the social classes in the way they responded to the service,

"The lesser folk who have least power agree to pay fairly readily, without waiting to be compelled. The cavaliers and others of higher condition do not follow this course, and they try to evade it as much as they can or at least to delay the effectuation... But as few seem inclined to follow their example, they will have to use the ointment of patience for their ills, unless they prefer to hazard everything in order to preserve a little." (228)

Absenting was a tactic tried in London, in Bristol (by Sir Francis

Doddington for example), in Totnes and Norwich. It may have been a way of avoiding payment without outright refusal, either from a dislike of taxation without consent in parliament or just from an unwillingness to part with money. It may also have been a sabotage technique, considered by Richard Cust to be "a half-way house towards refusal, calculated to achieve much the same ends" as refusal of the Forced Loan.(229) Certainly it is significant that such a tactic was reported from places which also experienced a series of difficulties about ship money: attempts to reduce the sum charged, assessment difficulties and disputes between the county and the corporations.(230) These problems bred frustration, discouraged conformity and created resentment, as Anthony Mingay wrote to Framlingham Gawdy ,

"My counsel is, to you in the country, not as yet to laugh right out at us that are now interested in this business."(231)

The Lords must have recognised that in undermining gentry resistance, however passive, they would ensure the success of the levy , because the gentry were the men who would "govern and guide" the shire.(232) With the support of the gentry discontent among the lower orders could be contained. Yet there are also a few small indications of conflict amongst the poorer sort, which show that the service was not accepted as quietly as the Venetian ambassador thought. The mayor of Southampton described the resistance of the "meaner sort" to a second assessment by the sheriff of Hampshire, and Nicholas noted in the review of ship money,

"the charging of poor men this last year not only retarded the business but begot much clamour."(233)

The Council's most significant success was against resistance in London. When the ship money writ was received, the Court of Aldermen's first reaction was not to assess for ships, but to order a search of the City's legal archives and to summon the City's solicitor.(234) The lawyers duly reported, with the result that on 2nd December

"this court after due and serious consideration of the premises of the ship money writ, conceiving thereby that by their ancient liberties, charters, and acts of Parliament they ought to be freed,... doth order and agree that a draft of a petition touching the said business this day read to this court shall be engrossed , and with all dutiful respect for and on this City's behalf, be humbly presented to the King's most excellent Majesty."(235)

A few days later the Lord Mayor came to court to present this petition against ship money, which was London's reply to the Council's order to attend and give account for London and Southwark.(236) The King demanded the names of the City's counsel, commanded that the writ be put into execution and told the Lord Mayor

"either to distrain or clap the rebellious refusers into prison from whence they are not to be loosed ... without a special warrant from the Board."(237)

A second writ was sent requiring the writ of 20th October to be enforced immediately.(238)

The Lord Mayor then began to rate the wards, copies of the rates being sent to the Council, although the actual sum required was in dispute, the Council set £35,000 but the City assessed for only £30,000.(239) On Sunday 14th December the City Recorder and its counsel attended,

"Mr. Howe told their Lordships they had done nothing but what became them, which was what the City had commanded them, to overlook such records for such and such previous levies, as would free them from these seven ships ... but if they had animated the City to oppose the King's service then might his Majesty have been displeased with them."(240)

The Recorder was ordered to attend every Sunday "till the work should be perfected"; then according to the Venetian ambassador , Portland cut short the Lord Mayor's excuses with the words

"the offices and persuasions of the lawyers in this matter would be noted, and they would have reason to repent of what they had done as would all those who encouraged stiffness in this matter."(241)

The Lord Mayor was left to persuade the Common Council "it was right and expedient not to thwart the royal wishes": this was what Garrard described to Wentworth as "some gentle check."(242)

Over the next few months the Council took a hard line in dealing with attempts to evade the full charge of ship money, and with refusals and resistance from those who were taxed. The City was unsuccessful in its attempt to reduce its charge from £35,000, but refused in turn to petition for loan of the King's ships.(243) In January the Council allowed the City to set out five ships it was to hire to join the fleet, and to pay money for the other two to Sir Willilam Russell; the latter sum was fixed by the Council at £14,430, but the City insisted on no more than £11,475 entering this figure in its own records.(244) When the City belatedly petitioned for the use of the King's ships and asked to be allowed to pay in cash as the counties did, the King said he expected them to meet their targets: Rossingham told Lord Scudamore the truth was London would not

petition when other places did, and the King was not inclined to grant them any favours now.(245) Charles himself said "he would not tolerate any refusals", neither would the Lords permit any halt in preparations when the money was slow to come in "because then of excuse for refusing."(246) Reports to the Council every week in February and March showed there were numerous refusals to pay, and in response the Council urged full use of the powers of the writ of distraint and imprisonment, as well as summoning both the collectors and the refusers for rebuke.(247) An order of 21st February said

"divers persons not only gave dilatory answers but refused to make payment, and that as the King would not suffer such undutiful courses to be practised by any, he had commanded the sheriffs and officers of the City to enter the houses of such persons take their goods and sell them for satisfying the sums assessed on them."
(248)

On 1st March Sir Robert Parkhurst the Lord Mayor produced a copy of some scurrilous verses against himself which had been found at the cross in Cheapside. He showed them to the King who "was very merry at it."(249) These sort of verses were a familiar form of political protest with circulation to a wide audience. One surviving rhyme highlights a double-edged hostility directed against the Crown's rationale and against the City's management of the service:

The City coffers abounding with treasure
Can pay this ship tribute and do poor men pleasure
To save that pass, the more's the pity,
The grey cloaks divide it and yet tax the City.
At present there being amall occasion for gold
Haste thither Collectors , 'tis time it were told
And taken from such city assesses
Many whom sly Piecrust easily passes
And speedily conveyed't to court,
Where they to see it will make sport,
And set out ships from Puddle Dock
To scour the seas. A pretty mock.
If that this ship tribute be not speedily paid

Piecrust Lord Mayor saith in Newgate you shall be laid
Where you shall see rogues, thieves and evil knaves,
Yet none so bad as are tribute's slaves.
If men like Piecrust could make so great gain,
As £20 in the hundred, to Irish men's pains
For moneys lent, some reasson there were
To pay this ship tribute without wit or fear.
Oh cruel hard Piecrust, though pay all men must
This cruel, hard tribute, thou art unjust
And favourest this project, when laid in thy grave
All good men will say then: Parkhurst was a knave.

Finis..(250)

The Council used the same methods in London as they did in dealing with more sporadic resistance elsewhere: the Lords insisted on actual details and placed their authority behind the execution of the writ. Nevertheless, there are several striking aspects about the handling of London's ship money. The King was personally and very publicly involved -like the Forced Loan, ship money was a pledge of his own honour.(251) According to Rossingham's newsletters , the King summoned the City lawyers, told the Lord Mayor "he would not tolerate any refusals", and when the Aldermen asked

"Many hundreds in the city that will not pay, what shall we do with them? 'Distrain ', said his Majesty".

At this Council session of 6th February

"the King asked the Lords whether [the City authorities] might have warrants to distrain but none of their Lordships made any answer unto that. Then was Mr. Attorney General called up and demanded this question twice or thrice before he would answer his opinion."(252)

Bankes's opinion was required to endorse warrants to "break open houses and distrain of rich men and men of quality."(253) Such interest had to be handled carefully: Sir Robert Parkhurst's report was

"so displeasing that one of the great Lords had one of the Aldermen (softly) begone and not trouble the King thus, which makes some believe that their Lordships are wary of the business."(254)

Some of the nobles and gentry avoided payment by leaving London, others who lived there refused outright, would only pay by distraint, or endured imprisonment in Newgate.(255) It is interesting that resistance was couched in terms of an appeal to expected popular sympathy. One refuser who told the Lord Mayor to pay for him, was committed to Newgate, he,

"cried out that he was taken to prison for refusing ship money. The people did not rescue him. He paid and was freed."(256)

Resistance was unsuccessful because the Council made the service a high priority; in spite of the protests of poverty, the delays and the refusals the money was paid, and the Officers of the Navy were instructed by the Lords of the Admiralty to inspect London's ships which were at Tilbury Hope on April 24th.(257)

Finally London's experience revealed an important difference between ship money and the subsidy. The subsidy was paid by an individual taxpayer for his income, the total charge being paid at his usual place of residence.(258) Ship money on the other hand was taxed on communities. Its taxable base was property: in effect it was a land tax, and did not take account of property owned anywhere else.(259) In setting ship money assessments, however, payments for the 1628 subsidies were "a direction to the Board for grounding of their opinion of the rates", although only as a rough guide.(260) This put the larger boroughs and the cities at a disadvantage, because

many of those who lived in London (for example) had a lot of property outside the City which was represented as part of the taxable base in the subsidy books. In 1634 much of this wealth was by definition outside the scope of the ship money writ.(261) Other places used the poor rate as a guide for payment as the writs and instructions suggested, but many of the people who paid the poor rate in London were very poor themselves, particularly in comparison with the great nobles and merchants among the subsidy men.(262) Hence one reason why in later writs common payments were made the basis of the assessments, and why the burden on the corporations was steadily reduced.(263) In 1634-5 the subsidy was certainly used as the basis of London's ship money assessments, which were often very high: Rossingham wrote that some wards were collectively set at between four and nine times the subsidy, whereas on an individual level the Earl of Clare begrudgingly paid £40, the Earl of Berkshire £30 and Sir William Curtyn a rich merchant was set at £130.(264) Even George Garrard, only a lodger, was assessed for 40s: writing to Wentworth he bemoaned

"great sums to be paid at one tax and we know not how often it may come Giving subsidies in parliament I was well content to pay to, which hath brought me into this tax, but I tell my Lord Cottington I had rather give and pay ten subsidies than this new old way of dead Noy's."(265)

When the Spanish negotiations reached stalemate, the fleet became an important asset for England, especially after the French declaration of war on Spain in May 1635.(266) In London the ambassadors Senneterre and Necolalde paid assiduous court to members of the Council, whereas English ambassadors going to Madrid and Paris were

instructed to give maximum publicity to the fleet.(267) Competing factions at court argued for another increase in naval power. Factions centred on the Queen, Elizabeth of Bohemia's champion Sir Thomas Roe, and the Spanish faction dominated by Windebank and Cottington, were all agreed on the need to make alliances and to promote English honour abroad.(268) Charles was still keen to promote the image of the sovereign of the seas, as well as to counter the Dutch and the French.(269) Yet in contrast to the hypothetical glories of war, there were real benefits to peace, not least the possibility that "temporising", as Coke called it, might improve the chances of restoring the Prince Palatine. Charles therefore aimed to maximise his options, not turning in any one direction either towards peace or war, or towards a French, Spanish or Protestant alliance.(270)

The Council's original commitment to the ship money programme had been open ended: Secretary Coke noted this decision at a committee meeting in June 1634.(271) It was implicit in the decision "to begin with the towns", reported to the King by Lord Keeper Coventry.(272) In November 1634 Charles asked the three senior judges, Finch, Bramston and Davenport, to consider whether it was legal for the King to charge ship money on all the counties of England and Wales when the kingdom was in danger.(273) In June 1635 they replied that in their opinion this was legal, but this reply had already been anticipated in March when the King authorised a warrant for new ship money writs out of Chancery.(274) By June plans were already underway for another fleet of forty-five ships, with over eight and a half thousand men, at an estimated cost of £218,500 and financed by the whole country and the King.(275) Ship money in 1634

was a heavy burden on a restricted area of the country, it made sense to widen the scope of the service, to equalise the burden as well as to increase the yield.(276) On June 16th Cottington wrote to Wentworth,

"We grow weary of our term but not of our business, for his Majesty hath resolved to enlarge his writs for shipping to all the counties of England, the distribution and perfecting whereof is like to be a business of much labour amongst the Council."(277)

A week later Garrard told him of rumours:

"I hear writs are sent already to the inland shires to contribute as the maritime shires have done already. I know not the law but it stands with great reason since they partake plenaryly of the benefit, as well as those that have paid."(278)

In early July Laud summarised the Council's aims,

"We are now going on to prepare for a greater navy against the next year, and because the charge will be too heavy to lay it upon the port towns or maritime counties only, therefore his Majesty thought fit a parite rationis and for the like defence of the kingdom to extend it to all counties and corporations within England and Wales, that so the navy may be full, and yet the charge less as coming from so many hands. I pray God bless this business, for if it go well, the King will be a great master at sea, and in these active times, we by God's blessing may be the more saie atland."(279)

Once the legal situation had been clarified, the second stage involved a review of the administration, because it was particularly important to remedy procedure for the more innovatory national taxation. Nicholas's notes survive for this, and show how much had been learned from the previous year.

"That the writs be sent out in June or July at the furthest.

That in them may be expressed not only the burden of the ships and the number of the men and the time they are to serve, but also the ordnance and ammunition necessary for

them and (if legal) the sum requisite for fitting each ship the business may not be delayed as formerly by second assessments and levies.

That the estimates for each ship may be made complete, with the advise of the Officers of the Ordnance and the Victualler as well as the Officers of the Navy.

That the writs for the assessments may be directed not only to the sheriffs of counties, mayors, baillifs etc of towns but also to the deputy-lieutenants and justices of each division in every county.

That as the assessments will be made in one sheriff's time and the levies in another, choice be made of well-affected men to be the sheriffs for the next year, and that the sheriffs that make the assessments be ordered to deliver these up to their successors with an account of what they have levied and also to deliver up the money they have received.

That the Judges of Assize in their circuits are to charge the sheriffs etc to lay their assessments on all places and persons indifferently, and to take care that none but men of good quality be assessed, for the charging of poor men this last year not only retarded the service but begot much clamour."(280)

Preparation was far more detailed, comprehensive and practical than in 1634. This was partly because the scope of the new writs was intended to be much wider and was more innovatory, and partly because many of the difficulties encountered during the first writ had been caused by the lack of detailed specific information for local officers to work from. Many of the suggestions here were proposed in order to remedy shortcomings revealed during the time of the first writ: not just " the sum requisite for fitting each ship", but also second levies and the decision to move the issue of the writ from the autumn to the summer.(281) Noy's original idea was to send out writs in the autumn to finance a fleet for the spring.(282) In fact, because of the delays in the localities most of the money was paid in between March and September 1635, resulting in an acute cash flow problem, only alleviated by a loan from the Exchequer. The

Council hoped that a writ issued in the summer, with clear and straightforward instructions, as well as details of assessments for the counties and the boroughs, would result in full payment long before 1st March 1636.(283) This was a reasonable expectation, since the 1634 levy had been paid in fairly quickly once the initial delays were sorted out.(284)

It is interesting that there was at least some discussion on whether or not to involve a wider range of local officers in the counties, but, there were practical and political reasons which favoured leaving the service in the hands of the sheriffs. Ship money was collected under an enforceable writ, therefore the sheriff was necessary to put compulsion into effect, and the choice of a "well-affected" man for each county was not as difficult a task as the appointment of an entire commission of like-minded men.(285) Addressing ship money writs to the J.P.s and deputy-lieutenants would have created a structure similar to collection of the Forced Loan, or to the commissions for distraint of knighthood. The government had reason to be wary about entrusting substantial prerogative revenues to the JPs, not simply because of the political legacies of the 1620s, but also because there had been evasion, favouritism and prevarication about knighthood fines.(286) The Commission of the Peace represented both the centre and the localities, whereas the sheriff as one man could be made to act more like a royal official, and by only a small extension of tradition, could be made accountable for his shire.(287) Charles himself thought the sheriff's office was important, and was anxious for "the best men in the shires" to be selected. Enhancing the role of one discreet man was in keeping with

the narrowing of political life to "make men strive to deserve well of the king, that they may be graced in ther countrie".(288) Richard Cust has shown how the financial success of the Forced Loan rested upon a delicate balance between the King's implicit threat that future summons of parliaments were conditional upon the obedience of the subject, and bargaining between local and central interests.(289) In the circumstances of 1635, when there were rumours of a parliament "though they do but mutter yet underhand", Charles was not going to recreate the situation of 1626-8 and allow public protest from among the gentry to force his hand.(290) It was important, especially with the unsettled state of Europe, for the King to keep the initiative: the Venetian ambassador cannot have been the only one to have picked up rumours ship money meant "all signs of a speedy convocation of parliament recede into the distance."(291)

On a practical level, it was true that gentry commissioners assessed and collected the Forced Loan, yet it was equally true the same sort of men had allowed the value of subsidy to fall from £70,000 to £55,000 during the 1620s.(292) In this context Justice Weston was right when he said the sheriff was

"the fittest man for that purpose, for if there were commissioners or many men appointed for doing threerof they might perchance be partial to their friends."(293)

Partiality and disaffection were less likely from one easily identifiable officer bound to the office by oath. Other similarities were pertinent: gentry commissioners assessed subsidies and collected composition for purveyance, the sheriff managed the king's rents and services due to him as part of his prerogative.(294)

The final part of the review involved the assessments. The clergy were included in the ship money assessments, with the instruction that due respect should be paid to their status and privileges.(295) The Council received protests about this in principle and complaints about the practice.(296) In July 1635 an order of the King in Council declared the assessment would not create a precedent or impinge on the clergy's rights and privileges.(297) A second order commanded the sheriffs to assess the clergy

"as they shall continue to do for the rest of his Majesty's subjects, but with care and caution that respect should be shown to their persons and calling , and no inequality or prejudice to go against them."(298)

The new letters of instructions required the sheriffs to be careful to assess only those able to pay.(299) Thus, the Council envisaged a nation of propertied taxpayers, lay and clerical, noble and commoner, commercial and landed, all of whom were to pay ship money to aid the King in the necessary defence of the realm.(300)

From this time on the Council came to rely on the administrative expertise of Edward Nicholas, to whom the King entrusted the "care" of ship money.(301) In June 1635 he produced lists of ships and men for a fleet costing £218,500.(302) He also produced detailed schedules of the counties and corporations setting down suggested charges, which were later incorporated into the sheriffs' instructions: the ostensible reason for doing this was because the localities were unfamiliar with the cost of shipping, in reality such suggestions reduced the scope for dispute.(303)

To ensure "this business go on willingly and cheerfully" the extension of ship money was explained to the country as a logical

development, following on from the success of the 1634 levy.(304) The government publicised the service in various ways. Privy Councillors used their personal influence, and the Lord Keeper addressed the Assize Judges at the end of Trinity term,

"wherein commending his Majesty's care in setting out this fleet upon his own charge and of the port towns, being a fleet of providence rather than design, he intimated that his Majesty intends to set out a greater fleet and that the inland towns shall contribute and the Judges give notice thereof in their circuits."(305)

In this address Coventry praised the King's concern for the defence of the kingdom so that the country "enjoyed a most happy peace and plenty". He published the Council's view

"The wooden walls are the best walls of this kingdom; and if the riches and wealth of the kingdom be respected for that cause the Dominion of the Sea ought to be respected."(306)

The sheriffs also received a letter from the Council, saying that the King was pleased ship money was paid so readily, and inviting them to London to view the accounts on a day specially set aside for this purpose. They were to see how the money was spent and to formally acknowledge the King's share in the venture.(307) All together this gave the new service a powerful propaganda, as a matter of too much national concern to be left to a small section of the nation. As Sir John Bankes said during Hampden's Case:

"it is consonant to reason of law,... where a danger is to all, and all receive a benefit, all are to be equally charged This is a writ to command obedience from his subjects, and upon such reasons as may satisfy any reasonable man."(308)

By emphasising reason, and not forcing obedience from fear of

future consequences, the Council took control of the terms of political debate. This is a great contrast to the way the Forced Loan was handled, when the language used to communicate the Council's intentions to the political nation was much cruder and more strident in tone.(309) Reasonableness agreed with the opinions of men like Garrard who decided "I know not the law but it stands with great reason", or of some of the Kent gentry who in 1637

"concluded that if a kingdome were in jeoperdy it ought not bee lost for want of mony if it were within it."(310)

National honour and prestige, the common interest in defence, were important themes the Council used to link the King and his subjects together in "the managing of the whole business of shipping."(311)

REFERENCES FOR CHAPTER 1

1. SP16/278/3.
2. Henry Parker, The Case of Ship Money Briefly Discours'd (London, 1641) p 49.
3. Reeve, p 172-296; Reeve, BIHR, lix (1986), p 215-224.
Charles still held this view in 1639 when he told Sir Thomas Wilford "They were fools in the last parliament." SP16/422/35
For the background to 1634 see, Cust, p 13-38; T. Cogswell, Foreign Policy and Parliament: the Case of La Rochelle, 1625-1626. EHR, cccxci (1984), p 241-267; Smuts, Court Culture, p 139-292; Clar St P, I, p 75; Strafforde's Letters, I, p 47; 226; 419; A.J. Loomie, The Spanish Faction at the Court of Charles I, BIHR lix (1986), p 37-49; M.B. Young, Servility and Service: the Life and Work of Sir John Coke (London, 1986), p 205-228.
4. P. Haskell, Sir Francis Windebank and the Personal Rule of Charles I, (Southampton University Ph.D. Thesis, 1979) chapters V, VI, VII; Loomie, BIHR lix (1986), p 38-4; Strafforde's Letters, I, p 233-4.
Many of those closely associated with prerogative rule were also associated with a Spanish alliance, Reeve, p 130-138.
For individual politicians see,
Cottington: M. J. Havran, Caroline Courtier: the Life of Lord Cottington, (London, 1973) p 92-104.
Windebank: Haskell, Windebank, chapters V and VI.
Wentworth: Strafforde's Letters, I, p 233-4.
Portland: M. Van Cleave Alexander, Charles I's Lord Treasurer, (London, 1973) p 29-30; 215-6.
Monson, the vice-admiral attached to the Spanish faction, thought prerogative rights important and the Spanish alliance vital: Loomie. BIHR, lix, (1986) p 37; for Monson's views see The Naval Tracts of Sir William Monson, Vol III, ed by M. Oppenheim, Navy Records Society, XLIII, (1912), "Precedents Known to the Author of Princes, as well Turks as Christians, Standing up for their Prerogatives in their Seas and Ports", p 207-211; "A Discourse Directed to the Subjects Exhorting Them to Pay Ship Money", p 211-219. Also Edward Nicholas, B L Eg MS, 2541, f 24, verses on the 1628 parliament, "His Majesty may wonder now to see ' Some that would needs be king as well as he."
5. Gardiner, VII, p 169-220; Adams, in Tomlinson, p 99-100; Reeve, p 226-296; Loomie, BIHR, lix (1986), p 39-40; 48-49.
6. Reeve, p 183.
7. Reeve, p 275-291.
8. SP84/149/234.
9. Smuts, Court Culture, p 31-42; Clar St P, I, p 94-5; Young, Servility and Service, p 230-232; Gardiner, VII, p 367-369; Loomie, BIHR lix, p 41-43.

10. J.V. Polisensky, War and Society in Europe 1618 to 1648, (Cambridge, 1978), p 143; J.H. Elliott, Richelieu and Olvares, (Cambridge, 1984), p 120-3; J.I. Israel, A Conflict of Empires, Spain and the Netherlands 1618 to 1648, P and P, 76 (1977), p 67-68.
11. P. Haskell, Hampshire Ship Money, in Hampshire Studies, ed. by J. Webb, N. Yates and S. Peacock, (Portsmouth, 1981) p 73-74; Israel, P and P, 76 (1977), p 44-5; Clar St P, I, p 93-95; V.-L. Tapie, France in the Age of Louis XIII and Richelieu, translated by D. McN. Lockie, (London, 1974), p 195; 380-1.
For English fears about French naval power see: SP16/271/78; Strafforde's Letters, I, p 228; The Naval Tracts of Sir William Monson, Vol III, p 221-222; Clar St P, I, p 76 describes France as "a dangerous enemy"; H A 9598; C S P Ven. 1632-1636, p 209; 287.
12. Haskell, Hampshire Studies, p 74; Clar St P, I, p 105.
Quoted by Young, Servility and Service, p 249.
13. J.S. Kepler, Fiscal Aspects of the English Carrying Trade During the Thirty Years War, Ec H R, 2nd series, xxv (1972), p 261-263; Israel, P and P 76, (1977), p 44; Havran, Caroline Courtier, p 134-135.
14. H. Taylor, Trade, Neutrality and the English Road, Ec H R, 2nd series, xxv (1972), p 236-260; Kepler, *ibid*, p 261-293.
These were significant in view of Portland's financial plans for the 1630s, C S P Ven 1632-1636, p 196.
15. For previous talks which came to nothing, see Reeve, p 269-274; Gardiner, VII, p 170-3; 209-11; 213-4; Loomie, BIHR, lix (1936) p 39-40.
Cottington negotiated the peace in 1630, and the secret agreement for the Spanish to restore the Palatinate in return for English help in destroying the Dutch republic, Adams in Tomlinson p 100.
All three of these councillors were cultivated by Necolalde, promoted Spanish interests and deliberately made the work of other envoys more difficult, Loomie, BIHR lix, p 37-8; C S P Ven 1632-1636, p 186; 191; 216.
16. Quoted by Loomie from his translation of a secret Spanish document; BIHR lix, p 40.
17. Clar St P, I, p 76.
18. Gardiner, VII, p 356-7.
Coke was ignorant of these negotiations, Clar St P, I, p 98-100; Hopton's letter to Coke is very different to Hopton's letter to Windebank.
Secrecy was kept in Spain, although the Venetian ambassador heard rumours in London, C S P Ven 1632-1636, p 210-11; 216.
19. C S P Ven 1632-1636, p 224; Strafforde's Letters, I, p 239; the quotation is taken from B L Add MS, 30221, f 65.
It is significant the Lords of the Admiralty were Portland, Sir Henry Vane, Cottington, Windebank, the Earl of Lindsey, Strafforde's Letters,

I, p 209.

Loomie describes Lindsey as part of the Spanish faction, BIHR lix , (1986), p 37.

Portland, Windebank and Cottington knew the King's intentions, Clar St P, I, p 74-6; 150.

It is also interesting to see the early involvement of Edward Nicholas, who drew up the order and the subsequent reglement, as well as being involved in ship money preparations, B L Add MS, 30221 f 65-9; for ship money see SP16/270/71; D. Nicholas, Mr. Secretary Nicholas, (London, 1955), p 85.

20. These dangers are set out in the reglement of February 1634, B L Add MS, 30221, f 66-9.

For examples of the kind of affronts which caused resentment see, Clar St P, I, p 81; 93; Strafforde's Letters, II, p 25.

C S P Ven 1632-1636, p 132; 135.

21. For the ship money writs see for example, 1634 SP16/276/2; 1635 SP16/295/23; 1636 Coventry City Records Office, A35 Ship Money Book, (subsequently cited as Coventry Ship Money Book), f65-7; 1637 SP15/367/110; 1638 SP16/401/15; 1639 SP16/432/70.

The Lord Keeper used similar language in his address to the Assize Judges in 1635, Rushworth, II, p 297-8.

This matter was dealt with in Hampden's Case, ST , III, p 857-8.

Some of the opponents of ship money saw it as part of an isolationist , pro- Spanish strategy which they wished to see changed , see below, p 424-472.

Strafforde's Letters, I, p 228.

22. Clar St P, I, p 76; 103-4; 109-113; Rushworth, II, p 246; H M C Cowper MS, II, p 59; B L Add MS, 32093, f 55; B L Harg MS, 321, f 150 r-v; SP16/276.12; Navy Records Society XLIII (1912) p 193-199; 207-10.

23. Haskell, Hampshire Studies, p 74.

24. Clar St P, I, p 109-11; 112-3; 125; SP16/276/12; Clar St P, I, p 155; 214-5; 246; 251-2.

25. Overtures were made to the English by the Dutch, the French and the Swedes in 1634-5, C S P Ven 1632-1636, p 143; Young, Servility and Service, p 249; Strafforde's Letters, I, p 242-244; 412; Clar St P, I, p 76; 157-8; 305 Lord Aston was told to warn the Spanish the fleet could be used against them if they did not help the Prince Palatine.

26. Gardiner, VII, p 356-7.

27. SP16/259/51.

As an indication Coke was unaware of hidden agendas see, Clar St P, I, p 98-100; 155; and SP16/286/100 where he assured Oliver Fleming the only purpose of the ship money fleet was to restore English honour to its "ancient style and lustre". Coke may have been simply devious, but Young does not think so, he believes foreign policy in the 1630s reduced Coke to being "a paper shuffler" Servility and Service, p 231.

28. ST, III, p 830; 848.

Hampshire Record Office, Herriard Collection, 44M69/014.

29. For piracy see, SP16/271/76; 272/1; 277/43; especially SP16/279/106 Advice of a Seaman Touching the Expedition Against Turkish pirates; Rossingham to Sir Thomas Puckering 5th October 1636, C and T, II, p 252; C S P Ven 1632-1636, p 150-1; 433; WWM/Str P/14(79); Strafforde's Letters, II, p 25.

30. C S P Ven 1632-1636, p 433; Rushworth, II, p 297-8.

31. Charles ordered copies of the book to be kept in the Council's records, the Exchequer and the Court of Admiralty, PC2/45, p 78-9; K. Fincham, The Judges' Decision on Ship Money in February 1637: the reaction of Kent, BIHR, lvii (1984), p 232-3.

32. Navy Records Society XLIII (1912), p 200-3; 204-6. Loomie, BIHR, lix (1986), p 38.

33. Sir John Borough, The Sovereignty of the British Seas, London, 1651).

For his involvement in ship money research see, SP16/276/65.

34. Borough, The Sovereignty of the British Seas, p 164-5. These ideas are remarkably similar to Monson's, Navy Records Society XLIII (1912), p 211-19, 'A Discourse Directed to the Subjects Exhorting Them to Pay Ship Money'.

Sovereignty of the seas was also an important priority identified by Sir Robert Heath in 1629, "the narrow seas be guarded, and the trade of marchants [and fishermen in the nursery of mariners] made safe, and his Majesty's sovereignty of those seas be not disputed, but made good, which will be an infinite honour and safety to the kinge and kingdome.", Reeve, BIHR, lix (1986), p 224.

35. C S P Ven 1632-1636, p 434.

36. Cust, p 91-252; R.J.W Swales, BIHR, l (1977), p 164 '6.

37. Rushworth, II, p 297-8.

For other examples of anxiety see, Strafforde's Letters, I, p 226; Clar St P, I, p 150-1; HA 9598. Sir Symonds D'Ewes recorded his personal despair Autobiography of Sir Symonds D'Ewes, II, p 110-11; 128-9.

38. SP16/286/100.

39. C S P Ven 1632-1636, p 319.

40. Strafforde's Letters, I, p 225; C S P Ven 1632-6, p 319; C115/M36/8471; 8439; B L Eg MS, 2716, f 177; B L Add MS, 35331 f 60v; B L Eg MS, 784, f 109v-110.

41. SP16/270/55; B L Harg MS, 321, f 147-158.

42. Rushworth, II, p 246.

There is a later tradition Noy had this project in mind for a couple of years, but this seems unlikely, John Lord Campbell, The Lives of the Chief Justices of England, (3rd edition, 4 vols, London, 1874) III, p 41; S T, III, p 828 quotes a letter of Howell to Sir Arthur Ingram to this effect dated 20th January 1634 but Annabel Patterson has shown that these letters are forgeries Patterson, Censorship and Interpretation, p 210-218; Clarendon, History of the Rebellion, (Oxford, 1843), I, p 30.

SP16/270/55; Clar St P, I, p 94-5; B L Harg. MS, 321, f 147-153; SP16/272/36; Derbyshire Record Office, Handlist of Coke Manuscripts at Melbourne Hall; Navy Records Society XLIII (1912), p 186-7; 188-9; 204-6; 207-210; SP16/276/64; SP16/272/36; Clar St P, I, p 94-5.

43. SP16/270/55.

44. B L Harg. MS, 321, f 147.

45. Quoted by Reeve, BIHR, lix (1986), p 224.

46. For the dispute about answers to the Petition of Right see J. Guy, *The Origins of the Petition of Right Reconsidered*, H J, xxix (1982), p 304-312.

Reeve, p 119-71.

This was the crown's justification in Hampden's Case, S T, III, p 924; 1052-6.

47. L.J. Reeve, *The Legal Status of the Petition of Right*, H J, xxix (1986), p 257-77.

B L Harg. MS, 321, f 147-50; 151-156.

48. Stuart Royal Proclamations Volume II, p 223; 225-6.

49. Reeve, p 99-171; 275-296.

50. Quoted by Reeve, p 281.

51. WWM/Str P/6 (167-172).

C S P Ven 1632-1636, p 440-1.

The quotation is from WWM/Str P/15 (57).

52. Russell, p 222-7; 417-8; Cust, p 1-3; 13-15; Harriss in Sharpe, p 73-103.

53. The medieval precedents were ambiguous, Harriss thinks the doctrine of necessity which gave the sovereign an unanswerable right to tax without consent was stronger in Europe than England and not influential until the later years of Elizabeth's reign, Harriss, in Sharpe, p 79-80; 83; 95.

Quoted by M.B. Young, *Buckingham, War and Parliament: revisionism gone too far?* Parliamentary History, v (1985), p 54.

54. Quoted by Reeve, p 18.

55. Cust, p 324-329; Reeve, p 12-13; 58-171; 275-296; Gardiner, VI, p 120-1; 122.

56. Cust, p 17-8; 86-90; 209-12; 327-9; Reeve, p 99-106; 174-181; Sommerville, p 160-3; 172-3.

57. Harriss, in Sharpe p 99.

58. Cust, p 29; 54-5; Strafforde's Letters, I, p 164; 194; Cust, p 61; 63; 78-80; Reeve, p 58-117; 275-291; Russell, in Tomlinson, p 123-150.

The quotation is from SP16/270/55.

For the importance of right timing see, WWM'StrP/15(57); Strafforde's Letters, II, p 61-2.

59. Harriss, in Sharpe, p 73-103, especially p 96.

60. Reeve, p 119-171; G. Hammersley, *The Revival of the Forest Laws under Charles I*, History, 48 (1960), p 85-102; H.H. Leonard, *Distraint of Knighthood: the Final Phase*, History, 63 (1978), p 23-57.

61. Swales attributes this phrase to Conrad Russell, BIHR, 1 (1977), p 176.

62. Guy, HJ, xxv (1982), p 289-312; Cust, p 325-6; Reeve, p 58-171; C115/M36/8448; Coventry Ship Money Book, f 19; I C, 210.

63. Cust, p 328-33; R.P. Cust, *Charles I, the Privy Council and the Forced Loan*, JBS, 24 (1985), p 217-8; Sommerville, p 9-111; 145-188.

64. Reeve, HJ, xxix (1986), p 257-77; Sommerville, p 165-72; 235. For an interesting example of Charles' view of the law, see the discussion of the masque "The Triumph of Peace" put on at the Inns of Court in 1634 in S. Orgel and R. Strong, Inigo Jones: the Theatre and the Stuart Court, (2 vols, Berkeley California, 1973), I, p 63-65.

65. Dudley Carleton to the House of Commons in 1626, "I beseech you Gentlemen, move not his Majesty with trenching upon his Prerogatives, lest you bring him out of love with Parliaments. You have heard his Majesty's often mesages to you...That if there were not correspondency between him and you, he should be enforced to use new Counsels. Now, I pray you, consider what these new Counsels are and may be. I fear to declare those I conceive." Quoted by Reeve, *The Secretaryship of State of Viscount Dorchester*, p 16.

Cust, p 89-90; Reeve, p 9-296; Cope, Politics Without Parliament p 11-33; Sommerville, p 172.

66. R.P. Cust, *News and Politics in Early Seventeenth Century England*, P and P, 112 (1986), p 60-90.

For Coventry see Windebank's tribute to the King, Clar St P, II, p 39. Also Lloyd's State Worthies, quoted in John Lord Campbell, The Lives of the Lord Chancellors and Keepers of the Great Seal in England, (7 vols, London, 1848), II, p 552.

For the character of Noy, Dd/Ph/212/12; C S P Ven 1632-1636, p 265.

67. D.L. Keir, *The Case of Ship Money*, Law Quarterly Review, lii (1936) p 550-554; Swales, BIHR, 1, (1977), p 165-6; Haskell in Hampshire Studies, p 78-9.
Requisitioning ships for the king's use seems to have been akin to purveyance, for a fifteenth century example see Rotuli Parliamentum, V, p 59-60.
68. S.T., III, p 1018.
B L Harg MS, 321, f 147-3.
Navy Records Society XLIII (1912), p 193-199.
B L Harg MS, 321, f 153v.
The Crown made much of this during Hampden's Case, ST, III, p 1015; 1030.
Richard Bentham thought this was unanswerable in law, Warwickshire Record Office, Coughton Court Manuscripts, C R 1998, Box 60, Folder 2 /10.
69. Sir W. Holdsworth, Law Quarterly Review, xxxv (1909), p 12; A P C (1588), p 49-50; 60; 51; 99; 394-6; A P C 1595-1596, p 161.
70. A P C 1595-1596, p 161; Haskell, in Hampshire Studies, p 78-9.
71. C S P D 1598-1601, p 405-6; SP16/92/181; Swales, BIHR, 1 (1977), p 164-76.
72. A P C 1618-1619, p 397.
73. C S P D 1619-1623, p 51.
Plans were drawn up for a charge on auxillary shipping on the merchant companies in July 1633, C S P D 1633-4, p 126; 137; 147.
74. Swales, BIHR, 1 (1977), p 166-9; Keir, Law Quarterly Review, lii (1936), p 552-3; A.H. Lewis, A Study of Elizabethan Ship Money, (New York, 1922), p 24; 30.
75. Swales, BIHR, 1 (1977), p 164-176.
76. Swales, BIHR, 1 (1977), p 164-176; Young, Servility and Service, p 186-204; C S P D 1628-1629, p 65; B L Harl MS, 2305, f 311; C. Thompson, The Origins of the Politics of the Parliamentary Middle Group, TRHS, 5th Series, xxii (1972), p 80.
77. Keir, Law Quarterly Review, lii (1936), p 554.
78. Cust, p 325; Smuts, Court Culture, p 247-276, developing a point made in his thesis, Absolutism, p 437-8.
79. Surviving documentation cited in ST, III did not say very much about methods of collection or liability for payment.
80. The quotation is from A P C 1628, II, p 516; the ship money committee noted on parliamentary grants "then everyone of duty paid, now any of light conscience forbear and withdraw what they can", B L Harg MS, 321, f 153; C.S.R Russell, Parliament and the King's Finances,

in The Origins of the English Civil War, ed Russell, p 91-116; Cust, p 15; D. Thomas, *Financial and Administrative Developments*, in Tomlinson, p 117.

81. Russell, in The Origins of the English Civil War, p 106-107; Navy Records Society, XLIII (1913), p 187.

82. Clar St P, I, p 94-5; Hammersley, History, 48 (1960), p 85-102; Leonard, History, 63 (1978), p 23-57; WWM/StrP/15(57).

For a discussion on Charles's attitude to innovation see J.L. Malcom, *Charles I on Innovation: a Confidential Directive on an Explosive Issue*, BIHR, liii (1980), p 252-5; although the context is 1640, Charles' instruction to Windebank (quoted, p 254) "let innovat and spare not, it may be a good example for me, to doe the lyke, upon occasion herafter..." is suggestive to say the least.

For the ship money implications of this see below p 329-334; 416; 473-477.

83. Clar St P, I, p 94.

84. Clar St P, I, p 94; B L Harg MS, 321, f 147-158; SP16/270/55; SP16/272/3.

85. SP16/270/55.

86. B L Harg MS, 321, f 154; Reeve, BIHR, lix (1986), p 223-4.

87. B L Harg MS, 321, f 156v; S T, III, p 874-5 for St. John's argument on this, and p 996 and 1056 for the Crown's answer.

88. B L Harg MS, 321, f 156v.

89. B L Harg MS, 321, f 156v; 153.

90. B L Harg MS, 321, f 156-8.

91. B L Harg MS, 321, f 153.

92. B L Harg MS, 321, f 150; SP16/270/55 ; 272/36; S T, III , p 1017; all show Noy was consulted.

93. B L Harg MS, 321, f 151v.

94. B L Harg MS, 321, f 150.

95. B L Harg MS, 321, f 150v.

96. B L Harg MS, 321, f 150v.

97. S T, III, p 1020-1; SP16/270/55; 272/36.

98. B L Add MS, 32093, f 55; B L Harg MS, 321, f 150.

99. SP16/272/36.

100. Quoted by Reeve, BIHR, lix (1986), p 224.
101. SP16/270/71.
102. SP16/270/55.
103. SP16/270/55.
Cust, p 52-54; 99-100; 116.
Swales, BIHR, l (1977), p 164-176.
104. This idea seems to have developed partly from the Lord Keepers' address to the Assize Judges in 1637, S T, III, p 841, it is standard text book fare, for example M.A.R. Graves and R.H. Silcock, Revolution, Reaction and the Triumph of Conservatism, (London, 1984), p 213.
105. SP16/270/55; B L Add MS, 32093, f 55; B L Harg MS, 321, f 147-158; H M C Cowper MS, II, p 59.
106. SP16/272/36; H M C Cowper MS, II, p 59; B L Harg MS, 321, f 150.
107. SP16/272/36; H M C Cowper MS, II, p 59.
108. SP16/272/36.
109. SP16/272/36; H M C Cowper MS, II, p 59.
110. SP16/272/36.
111. SP16/272/36; H M C Cowper MS, II, p 59.
112. SP16/272/36.
113. S T, III, p 1075.
114. SP16/272/36; 270/55. For the structure of the 1634 writ see Table I and Map I.
115. B L Add MS, 32093, f 55.
See below p 60-62.
116. R. Glasscock, The Lay Subsidy of 1334 in England, (London, 1975).
P. Williams, The Tudor Regime, (Oxford, 1979), p 60-1.
117. Swales, BIHR, l (1977), p 169; Hirst, JBS, 27 (1978), p 63-66;
SP16/276/64; PC2/44, p 240.
118. ST, III, p 826-1252 makes no mention of money received only of service demanded.
119. B L Add MS, 32093, f 55.
120. Lord Falkland in parliament, during the debates on the ship money case, ST, III, p 1275.

121. SP16/278/3.

122. Dd/Ph/212/3.

123. Hammersley, History, 48 (1960), p 94-6; SP16/270/55; HMC Cowper MS, II, p 59; C S P Ven 1632-1636, p 265.

C115/M36/8435.

Bankes, Strafforde's Letters, I, p 427; Clarendon, History of the Rebellion, V, p 229.

Littleton, Clarendon, History of the Rebellion, V, p 227-8; R. Tuck, The Ancient Law of Freedom: John Selden and the Civil War, in Reactions to the English Civil War, ed. by J.S. Morrill, (London 1982), p 138.

Reeve, BIHR, lix (1986), p 221-222.

SP16/203/108, anonymous newsletter, "Noy and Selden are come on our side, and the rest of the rebels would be glad of worse conditions."

124. Clarendon, History of the Rebellion, I, p 30, "upon the stock of a good wit and natural parts, without the superstructure of much knowledge in the profession by which he was to grow, [he] was willing to use those weapons in which he had most skill ... he took up ship money where Mr. Noy left it;...".

125. The Fairfax Correspondence: Memoirs of the Reign of Charles the First, ed. by G.W. Johnson, (2 vols, London, 1848), I, p 293-4; Reeve, p 191.

126. Campbell, Lives of the Lord Chief Justices, II, p 41.

Reeve, BIHR, lix (1986), p 221-2.

127. Rushworth. II, p 253.

128. C115/M36/8435.

G.E. Aylmer, The King's Servants, (London, 1961), p 112-3; SP16/278/3.

129. Cust, p 3; 54-5.

130. Guy, HJ, 25, p 295-301.

E L 7785-7788, Notes by the Earl of Bridgewater of the debates on the Petition of Right in the House of Lords.

131. Reeve, HJ, xxix, p 257-77, particularly p 262.

132. Aylmer, The King's Servants p 111-2.

Reeve, 146-147; 149.

133. Sommerville, p 172.

134. Clarendon, History of the Rebellion, I, p 86.

135. Reeve, p 118-172.

136. Reeve, p 164-5; Gardiner, VII, p 84-87.

137. Leonard, History, 63 (1978), p 30-1.
E L, 7657; 7658; 7659.
138. The quotation is from Reeve, BIHR, lix (1986), p 224; K.M. Sharpe, *The Image of Virtue: the Court and Household of Charles I, 1625 to 1642*, in The English Court From the Wars of the Roses to the English Civil War, ed. by D. Starkey, (London,1987), p 248-60; J. Richards, P and P, 113 (1986), p 70-96.
139. Cust, p 54-5; Strafforde's Letters, II, p 170.
140. The masque put on at the Inns of Court in 1634 had an anti-masque proclaiming the liberty of the subject, Orgel and Strong Inigo Jones, the Theatre and the Stuart Court, I, p 63-65; for its significance see L. Venuti, *The Politics of Allusion: The gentry and Shirley's "The Triumph of Peace"*, English Literary Renaissance 16 (1986), p 182-205.
Smuts, Court Culture, p 185-292, especially p 247-276; Sharpe in The English Court, ed Starkey, p 257-60, especially the verses by John Owen quoted on p 258 "All subjects in their manners follow kings/
What they do, bids; forbearing forbids things/ A king's behaviour sways his subjects lives/ As the first mover all the fixt stars drives."
For the political repercussions of this state of legal uncertainty see p 35; 169-178; 248-372; 424-498; 524-570.
141. Quoted by Smuts, Court Culture, p 273; see also p 272-3
142. ST, III, p 1056; 1128; Sommerville, p 169-72; Young, Servility and Service, p 172.
143. Most of the writs were issued 20th October 1634 SP16/276/1; 2; 3; PC2/44, p 238-9; but some were issued 6th November SP16/277/15.
144. Table I is based on the Council's final agreed list of places charged SP16/276/64 and SP16/277/15.
145. SP16/276/1.
146. SP16/272/36.
PC2/44, p 246, 252; 288-9; 322-3;359; 411-2; H M C Cowper MS, II, p 73-4.
147. PC2/44, p 199-200.
148. SP16/276/7.
PC2/44, p 246; SP16/277/59; H M C Cowper MS, II, p 73-4.
149. SP16/277/59; PC2/44, p 246.
150. H M C Cowper MS, II, p 73-4.
151. SP16/276/7.

152. H M C Cowper MS, II, p 73-4.
C115/M36/8442; 8443; 8447; 8450; 8451.
153. PC2/44, p 322-3.
154. PC2/44, p 288-9.
155. C115/M36/8451.
156. SP16/283/91; PC2/44, p 419-20: Hampshire with reference to Southampton.
PC2/44, p 322-3: Somerset and Gloucestershire.
PC2/44, p 324-5: Yorkshire and Lincolnshire.
PC2/44, p 390-1: Norfolk and Cambridgeshire.
H M C Cowper MS, II, p 74; C115/M36/8449: Bristol.
SP16/283/34: Dorset.
A second assessment was not required from the poorer counties of Wales, the North-west and Cornwall.
157. PC2/44, p 324-5; 390-1.
158. SP16/535/69.
Somerset: Dd/Ph/223/78; SP16/290/75 and 77; PC2/44, p 590; SP16/291/103.
Bristol: H M C Cowper MS, II, p 74; C115/M36/8449; PC2/44, p 387-8.
Southampton: SP16/283/91; PC2/44, p 419-20; SP16/285/78.
Norwich: PC2/44, p 463; 496.
Barnstaple: PC2/44, p 473.
York: PC2/44, p 563; WWM/StrP/15(64); SP16/285/77 and 771.
159. SP16/283/118 and SP16/284/1 show two sets of estimates.
Clar St P, I, p 246; 251-252; SP16/284/44.
160. Quoted by Locmie, BIHR, lix (1986), p 42.
161. SP16/284/44.
162. See Table I.
SP16/283/117.
163. SP16/287/5.
SP16/319/54; SP16/300/77.
SP16/284/45.
PC2/45, p 297-8. To be repaid from the 1635 levy SP16/305/1.
164. S T, III, p 1076; 1095; 1186-8; 1198; 1213-3; 1250.
B L Add MS, 2833, f 27v-30v.
C.S.R. Russell, *The Ship Money Judgements of Bramston and Davenport*, EHR, lxxvii (1962), p 312-8.
165. Russell, EHR, lxxvii (1962), p 316-7.
S T, III, p 1191-2 ; 1198.
Sommerville, p 151-63.

166. PC2/44, p 326; 334; 336; 339; 346; 350; 359.
167. PC2/44, p 372.
168. SP16/234/15.
169. SP16/313/51; 362/11; 11 i and ii; 284/40.
SP16/284/43 .
170. SP16/284/14; 284/44; 284/45; 284/48; SP16/276/63.
Nicholas, Mr Secretary Nicholas, p 38-82.
For Nicholas as a respected naval administrator and colleague of Secretary Coke, see, Young, Servility and Service, p 136; 140; 149.
C S P D 1634-1635, p 276 dates this order SF16/276/7 20 October ? 1634 but it is more likely to date from February 1635 when the responsibility for ship money was shared out amongst all the Clerks of the Council, PC2/44, p 372.
SP16/535/74; SP16/293/53.
SP16/296/69; 70; 71.
SP16/300/58; PC2/45, p 185; 201.
The Nicholas Papers, Volume I, ed. by G.F. Warner, Camden Society, new series, vol 40 (1886), p xvi.
171. SP16/272/36.
B L Add MS, 32093, f 55.
172. A point brought up during Hampden's Case by Sir Humphrey Davenport, as well as by Hampden's own counsel, ST, III, p 1014 Holborne; 1207-10.
D'Ewes, Autobiography, II, p 131.
Manchester, the Lord Privy Seal, recognised how much they needed reliable information from the localities in order to govern effectively, H M C Buccleuch MS (Montagu House), I, p 273.
173. SP16/276/1; 2; 3; PC2/44, p 199-200.
174. SP16/277/59.
175. SP16/278/100.
176. H M C Cowper MS, II, p 73-4.
PC2/44, p 314.
177. PC2/44, p 297.
178. PC2/44, p 297. .
There is a good example in STT Ship Money Box, dated 19th December 1634 concerning assessments under two writs sent to the sheriff of Essex.
179. PC2/44, p 265-6; 266-7.
180. PC2/44, p 323.

181. The phrase "brokers of authority" is used by Clive Holmes in Seventeenth Century Lincolnshire, (Lincoln, 1980), p 47-90 in chapters 5 and 6 to describe the professions and the gentry, p 47; 64-5 in particular.

SP16/276/101; PC2/44, p 322-3.

182. PC2/44, p 497-8; 511; SP16/287/80.

PC2/44, p 442; SP16/284/82; SP16/285/53.

Smaller corporations: SP16/362/111 Lancaster. SP16/363/47i Carlisle.

183. PC2/44, p 470-1; 499; 511.

PC2/44, p 439-40; 640-1.

184. B L Harg. MS, 321, f 150.

B L Add MS, 32093 f 55.

185. The writs were merely addressed to "places adjacent" between the corporations, see Table I.

186. PC2/44, p 333; 375; 390-1; 405; SP16/283/30; PC2/44, p 429-30; SP16/295/50; WWM/StrP/15 (64); PC2/44, p 588; 599; 656; SP16/293/90; SP16 293 109.

187. PC2/44, p 295-6.

188. Newcastle: SP16/279/101.

Colchester and Maldon: PC2/44, p 375.

Maidstone: PC2/44, p 464.

Norwich: PC2/44, p 390-1; 656.

Yarmouth: PC2/44, p 563; SP16/283/30; SP16/283/48; SP16/285/77 and 77i; PC2/44, p 563.

York: PC2/44, p 270-1.

Boston, Lincoln and Grimsby: PC2/44, p 333.

Ipswich: SP16/923/90; PC2/44, p 656.

189. SP16/285/77 and 77i.

190. WWM/StrP/15 (64).

191. PC2/44, p 441-2 ; 457-8 .

192. PC2/44, p 333.

PC2/44, p 441-2; 457-8.

PC2/44, p 513.

The coastal areas of Suffolk and Ipswich petitioned for relief in 1635 on the ground they had been over-charged the previous year, PC2/45, p 135; SP16/300/59 and 59i; SP16/306/66 undated 1635 but dated by PC2/45, p 183 to about 28th October 1635.

193. H M C Cowper MS, II, p 74.

194. See above p 42-44.

195. C115/M36/8443.

See also PC2/44, p 293-4; 295-6; 323; 389.

196. WWM/StrP/24-5(57).

197. WWM/StrP/24-5(57).

Those who signed were Sir Edward Seymour, Sir George Chudleigh, Sir William Strode, Sir Francis Drake, Sir Edward Giles, John Acland, Stephen Calmady, Sir Francis Glanville, Henry Walrond, John Davies, Simon Trease, Sampson Hill, Henry Ashford and Humphrey Prous.

Sir George Chudleigh had represented Devon about the Forced Loan, he was also a friend of Sir John Coke's, Cust, p 126; 148.

Devon men were rumoured to have a petition ready in support of the imprisoned MPs in 1629, *Letters of John Holles, III*, ed P.R. Seddon, Thoroton Record Society p 395.

There were seven hundred parishes in the Archdeanery of Devon and Cornwall, *Guide to the Parish and Non-Parochial Registers of Devon and Cornwall*, ed by H. Peskett, Devon and Corwall Record Soceity extra series, vol 11 (1979), p ix.

198. PC2/44, p 411-2.

WWM:Str.P'14 (309). This is signed by Sir Edward Seymour, Sir George Chudleigh, Sir Francis Drake, Sir William Strode and Sir Francis Glanville.

It is worth remembering the Lord Lieutenant of Devon was the Earl of Bedford, who refused the Privy Seal Loan and colluded in resistance to the Forced Loan, and who did no ship money favours during the 1630s, Cust, p 84-5; Cope, Politics Without Parliament, p 114.

199. WWM/StrP/14(309).

200. PC2/44, p 350; 640; 640-1; 651; 660.

201. C115/M36/8449.

SP16/285/77 and 77i. WWM/Str.P/15(64).

202. B L Eg MS, 784, f 111.

203. Court culture which was, according to Smuts, profoundly influenced by divine right theology, laid great stress on the absolute duty of obedience, Smuts, Court Culture, p 218-239.

SP16/285/78.

PC2/44, p 499; 500.

204. *Weymouth and Melcombe Regis Minute Book*, ed. by M. Weinstock, Dorset Record Society, I (1964), p 33; PC2/44, p 552; 563; SP16/335/113f.

205. SP16/278/101; PC2/44, p 497-8.

206. PC2/44, p 497-8.

207. PC2/44, p 492-3; 497.

208. WWM/StrP/24-5/(57); 14 (309); 24-5 (59); SP16/535/69; Dd/Ph/223/78.
209. SP16/283/34; B L Eg MS, 784 f 111.
210. PC2/44, p 313.
211. SP16/282/86; PC2/44, p 347.
The mayor tried again the next year and was rebuked, PC2/45, p 156-7.
212. SP16/306/80, undated 1635. notes derived from early chronicles to show that the clergy ought not to be taxed for ship money. It used the Council's own claim that ship money had Anglo Saxon origins, being largely derived from danegeld, to show that the clergy were never taxed by the Saxon kings. William II "the Atheist" was the first king to assess the clergy, and, since the reign of Edward III this had been the duty of the bishops not the sheriffs.
213. PC2/44, p 318.
214. PC2/44, p 318.
215. PC2/44, p 343.
216. PC2/44, p 621.
217. SP16/232/12; PC2/44, p 381; C S P Ven 1632-1636, p 337-8.
218. SP16/285/39.
PC2/44, p 469.
219. PC2/44, p 246.
SP16/294/27.
220. Cust, p 91-149; 187-252.
C S P Ven 1632-6, p 337-8.
221. SP16/535/69; Dd/Ph/223/50; 51; 54; PC2/44, p 577; SP16/290/75; SP16/290/77; SP16/291/56; SP16/291/57; PC2/44, p 657; Dd/Ph/223/55; 58; 65; 71.
222. The phrase "murmerings" comes from a Council letter to the Mayor of Norwich, PC2/44, p 389.
Moderates on the Council disliked coercion in the 1620s. Cust, p 54-60.
223. Richards, P and P, 113 (1936), p 70-96.
224. PC2/44, p 350; WWM/Str P/14 (309).
225. H M C Various Collections VII, p 410.
There were also the problems in Axminster Hundred noted by Walter Yonge in his diary, B L Add MS, 35331, f 61.
PC2/44, p 657.

H M C Fifth Report, p 571-2; 573.
WWM/Str.P/14(309).

226. PC2/44, p 470-1; PC2/44, p 467; 468; 473; 517-8; SP16/313/791i;
SP16/286/79; SP16/290/90.

227. WWM/Str P/14(309); 24-5(59).
Cust, p 218-38; 239; 240; 241.

228. C S P Ven 1632-1636, p 325.

229. Analytical Index to the Series of Records Known as the
Pemembrancia 1579-1664, ed. by W.H. and H.C. Overall, (London, 1878)p
468, (subsequently cited as Remembrancia); C115/M36/8449; PC2/45, p
57-8; PC2/44, p 385-6; PC2/44, p 640; 640-1; PC2/44, p 621; Cust, p 241.

230. London: Remembrancia, p 467-8 ; C115/M36/8442; 8443; 8447; 8449;
8450; 8451; 8453; C S P Ven 1632-1636, p 314-6; WWM/StrP/14(260);
Strafforde's Letters, I, p 376; PC2/44, p 336; 34/; 469 PC2/45 p 57-8;
H M C Various Collections VII, p 410;

Rushworth, II, p 266; SP16/287/9; SP16/885/39; SP16/278/109; C.U.L. Add
MS, Ec/32 Historical Tracts, f 108b; R.R. Sharpe, London and the
Kingdom: a History, (3 vols, London 1894) II, p 112-3.

Devon: PC2/44, p 293-4; 411-2; 467; 473; 517; 517-8; 640; 640-1 ;
WWM/StrP/24-5(57); 14(309); H M C Various Collections VII, p 410; B L
Add MS, 35331, f 61; H M C Fifth Report, p 571-2; 573.

Bristol: C115/M36/8443; PC2/44, p 266-7; 439-40.

H M C Cowper MS, II, p 74.

Norfolk: PC2/44, p 298-9; 389; 390-1; 463; 464; 496-7; 497-8 ; 553 ;
553-4; 588; 621; 656; 660; PC2/45, p 46; 57.SP16/293/90; SP16/302/779;
Norfolk Record Office, Norwich Assembly Proceedings Book, f 310r.

231. B L Eg MS, 2716, f 181.

232. STT/2059, Sir Peter Temple to his mother, 12th July 1636.

233. C S P Ven 1632-6, p 325.
SP16/283/91.
SP16/535/74.

234. Sharpe, London and the Kingdom, II, p 112-3.

235. Sharpe, London and the Kingdom, II, p 113.
Rushworth, II, p 266-7.

236. Rushworth, II, p 266; C115/M36/8442; Remembrancia, p 467.

237. Sharpe, London and the Kingdom, II, p 113.

238. Sharpe, London and the Kingdom, II, p 113.

239. Sharpe, London and the Kingdom, II, p 113; SP16/278/109;
C115/M36/8443.

240. C115/M36/8442.
241. Remembrancia, p 467; C S P Ven 1632-1636, p 314.
242. C S P Ven 1632-6, p 314-5; WWM/Str P/14 (260).
243. C115/M36/8443; 8448; PC2/44, p 336; Sharpe, London and the Kingdom, II, p 114.
244. C115/M36/8451.
245. C115/M36/8453.
246. C115/M36/8447.
247. C115/M36/8447; 8448; 8449; 8450; 8451; 8453; Remembrancia, p 467-8.
248. Remembrancia, p 467-8.
249. C115/M36/8453.
250. Cust, P and P, 112 (1986), p 66-9.
Cust, p 101, quotes Sir Benjamin Rudyard's opinion that the success of the Forced Loan in London was vital for "the awe of the Council" in the localities.
C.H. Firth, The Reign of Charles I, TRHS, 3rd series vol vi (1912), p 28; 41; 42; 44 has some examples of these songs including Martin Parker's "Sailors for my money" of 1635, p 23.
The verses quoted are from C U L Add MS, Ec/32 Historical Tracts, f 108b.
251. Cust thinks the King's interest made it difficult to oppose the Forced Loan, Cust, p 105-12.
252. C115/M36/8442; 8447; 8448; 8449.
SP16/286/8 is an account annotated by the King.
SP16/284/48, the King was to be informed the fleet was to be ready by 24th April 1635.
The Venetian ambassador commented on Charles's interest, C S P Ven 1632-1636, p 327-3.
The King's role in ship money management is discussed p165-178; 405-424.
253. Sharpe, London and the Kingdom, II, p 114.
254. C S P Ven 1632-1636, p 314-5.
255. PC2/45, p 57-8; Remembrancia, p 468; C115/M36/8448; 8449; 8450; 8451; V. Pearl, London and the Outbreak of the Puritan Revolution: City Government and National Politics 1625 to 1643, (Oxford, 1961), p 89; 89n; R. Ashton; The City and the Court 1603 to 1643, (Cambridge, 1979), p 185-6.

256. C115/M36/8453.

Six men who had refused were committed to Newgate and released ten days later; they claimed they were set free without paying but admitted to Parkhurst that the money had been paid for them. Rumour spread through London that they had been released without paying either ship money or the gaol fees, and that the Lord Mayor had apologised to them. They were ordered back to Newgate.

257. C115/M36/8442; 8447; 8448; 8449; 8451; 8453.

£1900 had been collected by 21st February C115/M36/8450.

£11,475 was paid in 23rd February SP16/535/51.

£7,475 was paid to Sir William Russell 9th March PC2/44, p 460; SP16/287/39.

London's ships and the King's were all to be ready by April 24th SP16/284/49.

258. This is set out at length in Coventry Ship Money Book f 24v.

259. See below p 117-123; 150; 153-159.

260. Coventry Ship Money Book f 24v.

263. See Table I, Table II and Table III.

262. SP16/278/100 and 101 shows that Middlesex assessors used the poor book and the subsidy books.

C115/M36/8443 comments on the difference in the rating basis.

M.J. Power, *The East and West in Early-Modern London*, in Wealth and Power in Tudor England : Essays Presented to S.T. Bindoff, ed E.W. Ives, R.J. Knecht and J.J. Scarisbrick, (London, 1978), p 166-185; C.G.A. Clay, Economic Expansion and Social Change: England 1500-1700, (2 vols, Cambridge 1984), I, p 210-3; 219-20; 229; London 1500-1700: the Making of the Metropolis, (London, 1986) ed A.J. Beier and R. Finlay. *Introduction*, by Beier and Finlay p 13-17.

263. PC2/45, p 71-5, Instructions for 1635 writ.

See below p 117-123.

264. SP16/278/109.

C115/M36/8443; *Letters of John Holles 1587-1637, Volume 3*, ed. by P.R. Seddon, Thoroton Record Society, xxxvi (1987), p 471; 471n.

C115/M36/8453.

265. WWM:Str P 14 (260).

266. Elliott, Richelieu and Olivares, p 130; P. Limm, The Thirty Years War, (London, 1984), p 33-4; Clar St P, I, p 126.

267. Loomie, BIHR, lix (1986), p 42-4.

Clar St P, I, p 307-8.

268. Smuts, EHR, lxliv (1978), p 26-45.

Young, Servility and Service, p 234; 242-7; 250.

Adams in Tomlinson, p 100.

269. I owe this point to Andrew Thrush.
270. Harland Taylor and Kepler in Ec H R, 2nd series, 25 (1972), p 263-83.
"Temporising" quoted by Young, Servility and Service, p 249 from Coke's instructions drafted for the Earl of Arundel.
See below p 31-35.
271. SP16/270/55.
272. SP16/272/36.
273. S T, III, p 1219.
The Autobiography of Sir John Bramston, Camden Socieity, first series xxvii (1845), p 68-9.
274. S T, III, p 1219.
The Autobiography of Sir John Bramston, p 68-9.
SP16/284/2.
275. SP16/290/30.
276. S T, III, p 1041-2, Sir John Bankes said "if there were a failing of their ability, that they cannot do it, shall it not be elsewhere required? That is agreeable to the rule of law ..."
277. WWM/Str P/15(108).
278. WWM/Str P/15(128).
279. Laud, Works, VI Part II, p 422.
280. SP16/535/74.
281. SP16/535/74.
282. B L Add MS, 32093, f 55.
283. PC2/45, p 297-8; SP16/305/1.
SP16/284/82: £19,499 2s. 10d. paid 14th March 1635.
SP16/288/29: £66,413 16s. 9d. paid by 3rd May 1635.
SP16/284/45; 293/53; 300/77.
The Council was surprised that payment was not as prompt during the next writ, C S P Ven 1632-1636, p 489. Also see PC2/46 p 115-6, the Council to the sheriff of Cambridgeshire and Huntingdonshire 28th April 1636, ordering him to proceed even though 1st March was past.
284. This can be seen from the payment figures. The first payment of £1800 was on 30th January 1635, PC2/44, p 359. There was only £4,279 10s. 11d. in arrears by 21st November 1635 when the first payments for the 1635 levy came in, SP16/302/45.
The implications of payment patterns are discussed p 335-372.

285. SP16/535/74.

Cust, p 50-1; 52-4; 99-100; Reeve, BIHR, lix (1986), p 224.

The Council seems to have abandoned the idea that the disaffected should be given the chance to prove their loyalty, a line taken by moderate Councillors during the Forced Loan and discussed by Nathaniel Tompkins writing to Sir Robert Phelps then, Dd/Ph/219/35; Cust, p 53.

Leonard, History, 63 (1978), p 25-7.

286. Sommerville, p 236-7; Cust, p 50-1; 52-4; 99-100; Leonard, History, 63 (1978), p 23-37.

C.G. Durstan, Berkshire and its County Gentry, (University of Reading Ph. D. Thesis, 1977), p 37-8; W. Hunt, The Puritan Moment: the Coming of Revolution in an English County, (London, 1983), p 276; E.S. Cope, Edward, First Baron Montagu of Boughton 1562-1644, (Philadelphia, 1981), p 136; W. Willcox, Gloucestershire: a Study in Local Government, (New Haven 1940), p 121-2; Barnes, Somerset, p 168-9; A.L. Hughes, Politics, Society and Civil War in Warwickshire, (Cambridge, 1987), p 100-4; A.J. Fletcher, A County Community in Peace and War: Sussex 1600-1660 (London, 1975), p 212-3; Cope, Politics Without Parliament, p 135-6; J.S. Morrill, William Davenport and the "Silent Majority" in Early Stuart England, Journal of the Chester Archaeological Society, (1974), p 121; C and T, II, p 96; 99. -

287. Cust, p 96 thinks the JPs had no acceptable means of using coercion in the localities and that this was a major weakness in the structure of the Loan.

The Council came to treat the sheriffs as royal officials first, see below p 124-135; 138-139; 142-143; 145-146; 151-155; 168; 176-178; 181-192; 185-193; 213-214; 248-372. Contemporaries recognised and resented this change, SP16/351/70; B L Harl. MS 3796, f 65 possibly by Sir Anthony Weldon complains of "the arbitrary wills" of the sheriffs. Fincham, BIHR, lvii (1984), p 235 illustrates the concern of the Kent gentry about the changing role of the sheriff.

H M C Sixth Report, p 278, John Finet wrote to Lord Fielding 16th October 1635 that some sheriffs were anxious about the legal implications "of repayment or worse if they should be questioned hereafter".

Sir John Bankes said the sheriff "hath this power not only for the execution of legal power but also for the defence of the realm", S T, III, p 1032.

288. C and T, II, p 140.

Quoted by Reeve, BIHR, lix (1986), p 224.

289. Cust, p 48-51; 99-149; 321-4.

290. WWM/StrP/6(170).

Cust, p 72-3; 78-83; 245-7; 307-315.

291. C S P Ven 1632-1636, p 299-300: this letter is dated 24th November 1634, it is interesting in conjunction with rumours picked up by Rossingham at the end of December, "It is believed this will grow a yearly charge upon the kingdom", C115/M36/8443. The

government certainly did not make any public statements to this effect at any time during the collection of ship money from 1634 to 1640.

292. Russell, p 398.

293. S T, III, p 1077.

294. P. Lake , *The Collection of Ship money in Cheshire during the 1630s: a Case Study of Relations Between Central and Local Government*. Northern History, 17 (1981), p 45-71; E. Marcotte, *Shrieval Administration of Ship Money in Cheshire 1637* , Bulletin of the John Rylands Library, 53 (1976), p 161-71: she is both too harsh and too simplistic in her treatment of the sheriffs' role in ship money; M. Dalton, *The Office and Authority of the Sheriffs*, (London, 1623) B L Add MS, 11045, f 43-4; PC2/50, p 471; SP16/427/117; Williams, The Tudor Regime, p 407-8.

295. PC2/44, p 199-200.

296. SP16/306/80; PC2/44, p 318.

297. PC2/45, p 52.

298. PC2/45, p 54.

299. PC2/45, p 71-5; 76; 82-4; 87-8; 89; 90-1.

300. The principle of "quod omnes tangit ab omnes debet supportare" was constantly re-iterated by Privy Councillors and by the Assize Judges as well as by the Crown's legal officers, S T, III, p 1041 "where a danger is to all, and all receive a benefit, all are equally charged".

PC2/44, p 318; 348; SP16/297/19; PC2/45 p 106; *Autobiography of Sir John Bramston*, p 68.

For the importance of property as a condition of political participation see, Sommerville, p 145-163.

301. B L Eg. MS, 2716, f 181.

302. SP16/290.30.

303. PC2/45, p 71-75 for an example of the Instructions.
PC2/45, p 77-8; 78-80; SP16/269/69 and 70.

304. B L Add MS, 32093, f 55; Rushworth, II, p 297-8.

There are striking similarities with the preparations for the Forced Loan, Cust, p 51; 99-102.

Lists of Councillors and Judges were drawn up to help publicise and supervise the Book of Orders, E L 649.

Also to Richelieu's war preparations at this time in France, I owe this point to David Parrott.

305. WWM/Str.P/15(136).

For the role of the Assize Judges as a link between the centre and

the localities in explaining and publicising the government's intentions see Sharpe in Tomlinson p 65-6.

306. S T, III, p 837; 838.

307. SP16/298/74, September ? 1635 but more likely to be July or August.

308. S T, III, p 1041; 1044.

309. Cust, p 17-19; 46-51; 81; 105-6.

The association of law and reason did have political overtones, Sommerville, p 92-5, which discusses the widely held belief that the common law was "tried reason", p 93. This could become a point of contention, see for example Mr. Jones' speech during the Short Parliament (4th May 1640): "A generation of men have rayzed a doctrine that the common law wants reazon: parlament too strong, too high, too populous." The Short Parliament (1640) Diary of Sir Thomas Aston, ed. by J.D. Maltby, Camden Society Fourth Series, vol 35 (1988), p 133, subsequently cited as *Diary of Sir Thomas Aston* The Council's attitude to the law is discussed, below, p 165-214; 405-498.

310. WWM/StrP/15(128).

Fincham, BIHR, lvii (1984), p 232.

311. PC2/45, p 201.

"ABOUT THE MANAGING OF THE WHOLE BUSINESS OF SHIPPING"

"I then made some expressions of his Majesty's great care for the safety of this realm, of the important reasons of state more now than at other times, of the happy condition we enjoyed by his Majesty's religious and gracious government, and, (from the great expense his Majesty hath been at out of his own revenues), urged the evident appearance of necessity to provide against so imminent dangers, with what I held most advantageous for his Majesty's honour.... I took occasion thereupon to let the country know the great and gracious care his Majesty had that the taxes might be made and executed with all possible equality, and that the fault therein, if any were, must lie on them that were guilty." Lord Chief Justice Finch to Archbishop Laud, 8th August 1639.(1)

This chapter is concerned with the "managing of the whole business of shipping", what this reveals about the political priorities, methods and ideals of rule by prerogative. Such an evaluation must begin with a discussion of the source material. Ship money was above all a Privy Council policy, power and authority were disseminated from the centre to the localities. This meant that because "the business was unquoth", the Council was in a very powerful ,directive position, able to promote the kind of response the King wanted from his subjects.(2) Ship money papers show that the way the Council managed the kingdom was subtle and sophisticated; but they do not , and cannot, reveal the full complexity of politics in the 1630s. Much was left unsaid which was deemed improper or impolitic, by different people and for many different reasons. Context is crucial, because circumstance, convention and propriety colour the two main sources for the ship money service, which are the Privy Council Registers and the Domestic State Papers. The Registers are the official record for the day to day work of the Council, they record attendances, and

orders but not debates among Councillors: as an official record they pay homage to the ideals of harmony and consensus, giving very little indication how decisions were reached. In effect this means there is very little to show how the Council actually worked, apart from the bureaucratic record, nor is there much to show who formulated policy or what sort of reactions were provoked amongst members of the government itself. The implications of this are far reaching. It is, for example, fairly standard to attribute much of the administration of ship money to Edward Nicholas yet there is no way of knowing whether memoranda were prepared for discussion at Council meetings, were written in response to matters already debated or were notes taken whilst a meeting was in progress.(3) It is quite clear that debate amongst Councillors was a normal part of the process of government, although these differences were aired in secret in the absence of the Clerk of the Council.(4) A memorandum written in Lord Cottington's hand about 1625 described the Privy Council as "the representative body of the King", able to discuss "matter of state" as "the sovereign and superintendant court under his Majesty's person."

"When anything is propounded at the Board it falleth consequently into debate, every man speaking as he findeth cause. If it be apparent and clear, resolution is taken accordingly, but if difficult and perplexed they take further time and consideration, desire a full Board, and appoint a second and sometimes a third or fourth meeting. When all is said that will be spoken, they settle it by vote beginning with the lowest and so ascending upward. The major part ordereth the matter."
(5).

It is, therefore, very difficult to assess what lies behind the formal phrases "The Board upon due consideration ..." or "after debate", which occur so often in the Registers.(6) Public statements by Councillors

about policy also need to be handled with caution, since they are statements of public conviction, part of a collective responsibility to uphold unity in the King's government against the dangers of faction and disaffection. This is not to argue that Councillors were insincere, rather it is to stress that such statements must be seen in the context of a government concerned to strengthen harmony in the state.

The Domestic State Papers, which include the letters and papers accumulated by Nicholas as keeper of the Council's ship money books, are in a different way still official papers. Petitions, sheriffs' letters and warrants are not objective accounts of local feeling about the service, they show ship money to be a part - although a new and controversial part - of the relationships between governed and governors. In order to promote the cause petitioned for, to gain the King's favour or to protect the writer from charges of disaffection, many of those who became involved in the service adopted a vocabulary of loyalty and obedience acceptable to the King. Moreover, the language used had to be appropriate to ship money: the writs and the Instructions confined discussion to questions of equity, of traditional rates and of obedience to the King's commands. There were other important features which shaped the source material. Ship money required a new type of response from the King's subjects, particularly from those men who served as officers for their communities. The Council treated the men who held public office as if they were de facto officers of the Crown, and the service expected obedience to the King's just and proper commands should take precedence over more local or traditional ties.(7)

1: ASSESSMENT AND ADMINISTRATION

On 1st September 1635, the Reverend Garrard sent the latest news to Wentworth

"All the shires of England are rated by the Lords and the writs are gone down already to cess and gather monies for setting out the King's ships for the next spring. I doubt not but Mr. Raylton hath sent your Lordship a transcript thereof, otherwise I would. The whole sum, if they can get the money, comes to £218,500; your county of York £12,000, London and Middlesex £21,500, ships forty-five, mariners seven thousand one hundred and three. A notable revenue, if it be paid every year -far better than tunnage and poundage and yet that is paid too."(8)

This new assessment of the taxation base of the kingdom was part of a radical fiscal experiment, which aimed to raise revenue for the King in a just and equitable manner from his subjects. It was widely recognised that the decline in the subsidy assessments was a crying scandal.(9) The issue was summarised in a pamphlet entitled "Considerations Touching Trade with the Advance of the King's Revenues"; although this dates from around 1641 it uses arguments which were familiar to the 1620s. Its author claimed the problem was

"the inequality and unconscionable disproportion of the rating of the subsidies. The poorer sort cannot pay the King, the greater sort as having no law in their own hand will pay but what they please, but the middle sort they must and shall pay, and in such disproportion as is insufferable."(10)

In addition the subsidy did not have a fixed yield, leaving considerable scope for evasion and under-representation. The Council saw this as continuing evidence of the hold of faction and disaffection upon the King's subjects; they could not be trusted to do

their duty. In 1634 the Council committee had disparaged present disloyalty in comparison with the loyalty of Edward III's time,

"for then everyone of duty paid, now any of light conscience forbear and withdraw what they can."⁽¹¹⁾

The sum set on each county and its corporations was detailed in the Instructions sent with the writs: this avoided the legal complexities of demanding money in the writs, but reduced the scope for side-tracking and evasion.⁽¹²⁾ After 1634 the Council abandoned any real attempt to link the costs of ship money to the costs of hiring a particular ship from the King. The writs of 1635 ostensibly asked for forty-five ships, and the Council's list of charges matched each county with an appropriate vessel, yet, in reality only twenty-seven ships went out.⁽¹³⁾ Charges for ship money therefore, were charges for naval defence based on perceived ability to pay. In September 1635 the Lord Keeper told the men of Coventry how this had been calculated ,

"the subsidy was a direction to the Board for grounding of their opinions of the rates through the realm."⁽¹⁴⁾

Coventry paid £438 19s 4d for the five subsidies granted in 1628-9, pretty close to the £500 set by the Council. Shropshire too was set at five times its subsidy level of £900.⁽¹⁵⁾ However, subsidy levels were not a fixed guide. Norfolk paid £2512 11s 8d for a subsidy in 1628, a third of its ship money levy, and on the other hand, in July 1636 Nicholas made a special note of Rutland's complaint that its £1,000 amounted to sixteen subsidies. Wentworth also thought Yorkshire's £12,000 was equivalent to six subsidies.⁽¹⁶⁾ The assessments for national ship money fulfilled the Council's aim to

distribute the burden of naval defence more equitably than in the traditional model, which had been followed in 1634.(17) In Trinity term 1635 the Lord Keeper ordered the Assize Judges to inform the people:

"upon advice with his Council [the King] hath resolved that he will forthwith send forth new writs for the preparation of a greater fleet the next year, and that not only to the maritime towns, but to all the kingdom besides. For since all the kingdom is interested both in the safety and profit, it is just and reasonable that they should all put in their helping hands."(18)

Apart from in 1638, the writs demanded just over double the amount of the 1634 writ but from the whole of England and Wales not just from the coastal areas and the maritime counties undoubtedly gained from this more equitable redistribution. The whole of Hampshire was set at £615 less than the maritime areas of the county had paid the year before, Devon was to pay about two thirds of the previous charge.(19) Within the counties distributing the charge across the hundreds also resulted in much lower assessments for the ports: Plymouth and Barnstaple, set by the Council at £100 each in 1635 had been assessed for £185 and £252 4s 8d the year before, Westminster assessed for £1000 had paid £1,610 7s. 3d in 1634.(20) Table II and Map II show the Council's assessment of the distribution of wealth between the counties, and Table III sets out a comparison with the subsidies granted in 1628. None of their conclusions are particularly surprising. London always had the heaviest charge. Yorkshire as the largest county was assessed for two ships of six hundred tons each. The south had to pay more than the north, and Wales less again -the whole of Wales was set at the same sum as

Devon. Assessments reflect the prosperity of the south-eastern counties of Essex, Kent, Surrey or Berkshire, or the wealth of the Cotswolds in Oxfordshire and Gloucestershire. This regional variation can be seen in ratings per square mile, which was not a system used by the Lords but does illustrate their care to match assessment level to likely ability to pay. Surrey, Essex, Suffolk, Somerset and Warwickshire for example, were assessed at £5-6 per square mile. Kent, Berkshire and Northamptonshire were higher at £6-7 a square mile. Yorkshire and Lancashire on the other hand were rated at £2 10s. and £1 15s a square mile .

The Instructions said that assessment within the county was to be based upon the "most usual common payments", no mention was made of subsidy rates, even though the sums demanded were very similar to the last subsidies. When the hundred of Ossulton and Kingport claimed the sheriffs of Middlesex had acted against equality in following the subsidy and setting the hundred at 9/11ths of the Middlesex total, the Council rebuked the sheriffs for relying on the subsidy

"which this Board doth not think so fit a pattern for this service."(21)

During September 1635 Coventry and Norwich both petitioned against charges of £500 and £1,100 respectively, on the grounds that they were rated "contrary to the usual proportion for other public charges" and beyond their ability to pay.(22) In the course of the 1635 writ it became evident that using the subsidy as a "direction", led to an over-estimate of the wealth of the larger boroughs because of the differences in the structure of the two taxes. Humphrey Burton and John Million of Coventry pointed this out to the Lord Keeper:

"this commission runs quem libet iuxta statutem suum et facultates suas et terre tenentes in eiusdem. So that we could not tax any man by virtue of this commission for ship money for any estate he hath not in our city and county; whereas in the subsidy in case a stranger (as in every subsidy formerly we have had some) be taxed for lands, tenements or goods, yet he pays but in one and gets off the rest by certificate and with 6d. allowance for the certificate in the Exchequer."(23)

Complaints presented to the Council led to a change in thinking about the assessment base which can be seen from the Coventry Ship Money Book. When Coventry presented its first petition at the end of September, the Lord Keeper

"demanded of us what proportion we held with the county of Warwick saying that the subsidy was a direction for the Board...."(24)

A month later Coventry's steward wrote to the mayor,

"I was twice with Mr. Chamberlain... and [he] told me that the Lord Cottington ... there being... some occasion to instance the payment of subsidies,... said that the manner of payment of them was no certain ground or rule concerning this business but most uncertain." (25)

Subsidy payments seem to have acted as an interim guide, both for the Council and for the localities. However, once the novelty of the first writs had worn off the service acquired its own precedents. Mention of the subsidy virtually disappears from ship money papers by the time of the 1636 writ: the Council preferred to use common payments as a guide tempered by the "latitude" given in the writs when disputes arose.(26) People who sought redress for ship money grievances soon learned to use the language the Council found acceptable. The petition of Staffordshire JPs against the increase in their county's charge from £2,000 to £3,000 made no mention of the

subsidy but spoke instead of the poverty of the county, its smallness and lack of trading.(27)

In March 1635 the Venetian Ambassador noted that the King

"wishes the present imposition to be paid by all without distinction."(28)

The care which was devoted to assessing the country was part of this commitment to ship money: it was the King's express wish "service for the common good might be equally carried to the content of all his subjects."(29)

"For the cause of danger the King must be believed, for the employing the money that way the King must be trusted."(30)

It was right therefore for the subject to be able to put his trust in the King who was the source of all justice. The subsidy was notoriously inequitable, not only did the low level of return disparage the King but also the whole way the tax was levied was widely seen as unjust. According to Richard Cust the subsidy assessments "although bearing no obvious relation to an individual's property, nevertheless reflected in a very crude way, the hierarchy of wealth in local society."(31)) The Council aimed to refine this. Their insistence on equity and on common payments was, therefore, an integral part of the ship money experiment. By breaking with the model of the subsidy, the Lords were not only attempting to redress the inequalities which shifted fiscal burdens from the richer to the poorer members of a community. They were also making a public attempt to widen local loyalties into a national community.

Control of the assessments created a considerable incentive for

obedience. Redress of grievances depended upon proof of good affection. After the first writ, only Bristol and Northumberland, which were considerably over-charged in the 1635 writ, were ever let off with a reduction which took effect immediately.(32) In all other cases the Council took the line assessments on the counties were only subject to change for the next writ. A reduced assessment could therefore be held over as an incentive, to promote obedience. Cheshire gentry protested against the county's charge in 1635 of £3,500: their grounds were that Lancashire which was much larger was charged the same, whereas they were really comparable to Staffordshire set at £2,000. An order of the King in Council at the beginning of November promised them ease in future, and Nicholas noted in July 1636

"Cheshire is rated too high for that its riches and people are but half as much as Lancashire."(33)

Continuous bickering went on between the city of Chester and the county; Sir Thomas Aston, the sheriff, reported he found it difficult to raise the money by traditional rates. Yet the full sum was paid by 11th March, and Cheshire was rewarded for its good affection with a lesser charge in the next writ of £3,000.(34) In September 1635 Norwich petitioned the Council, claiming a charge of £1100 was contrary to their proportion with the county by traditional rates. The Council wrote to Sir John Wentworth to re-assess Norwich by the usual percentage of public rates if this seemed fair, re-distributing the difference in the county. When the second writ was issued Norfolk's arrears were only £20 7s 8d, and the Council reduced the county's charge to £7,800.(35) These were very positive rewards for

loyalty and dutiful affection.

Similar reasons influenced the Council's emphasis on equity and indifferency, especially in the care they told the sheriffs to exercise when assessing the poorer sort. The injunction not to oppress those unable to pay became stronger in successive Instructions, showing that it was not easy to overcome the kind of anomalies which troubled subsidy assessments. In the Instructions for the 1637 writ the Lords accused previous sheriffs of burdening the poor in order "to confuse the service" and they commanded that no-one in receipt of poor relief should be assessed for ship money.(36) Although Charles was angered by Sir Henry Anderson's call "to return to the old way by parliaments", he was sympathetic to pleas of injustice and the oppression of those people who were weak and socially vulnerable.(37) Championing the oppressed was a more certain way for men like Sir Robert Phelips in Somerset to "keep the King's favour and also retain the love of [their] countrymen."(38)

Care in making the assessments was only the beginning of "a business of much labour amongst the Council."(39) The writs and the letters of instructions together created an administration, designed to respect local traditions and make use of local knowledge whilst leaving overall control of ship money in the hands of the King and Council. Centralised direction was maintained through the Council's assessments, the role of the sheriffs and the powers laid down in the writs to compel obedience. The Council's formal instruments were the writs and the instructions: the terms set out in these gave the Council formidable power in controlling disputes and protest, and to oversee the general direction of the service. Together they created a

structure for the service, which, on paper at least was simple and comprehensive. The writs commanded the subject to provide a ship of a specified tunnage, manned and provisioned for twenty-six weeks in the King's service. Care of the service was entrusted to the high sheriff of each county and to the chief magistrates of the corporations. Each writ was also accompanied by letters of instructions from the Council; these priced shipping at £100 per tun, suggested assessments for the boroughs which could be changed in the light of more detailed local knowledge, and also laid down the assessment procedure.

This began with the corporate towns, who were given the right to partake in their own assessment providing that a meeting was held with the sheriff within a fixed time limit. After the 1634 writ the corporations lost the right to determine their charge: not only did the Council set out the sums, but the sheriff's attendance was necessary for any meeting to be quorate. The usual time limit was thirty days after receipt of the writ, although in 1636 the Council expanded this to forty. Once this time had passed then the sheriff was given the power to assess and his decision was to be binding with or without their consent.(40) The writs allowed for the use of "latitude", but the Council told the sheriffs

"these rates we wish to be observed rather than any difference of opinion amongst you of the corporations or between you of the corporations and the sheriff of the county should retard the service."(41)

In December 1635, Humphrey Chetham sheriff of Lancashire told the Council he found the Lords' directions invaluable because "my self (a

stranger to their persons and abilities) [I] could not judge and determine."(42) They were also a higher authority for the sheriffs to refer to in order to secure co-operation. When Coventry sought to change £500 Richard Murden, the sheriff of Warwickshire, said ,

"for his part he thought the Lords of the Council had received better intelligence than he had, and better know places and their wealths than he himself did, saying further that he would not alter anything they had done, and bid us rest ourselves contented, saying we must pay that £500"(43)

Tension often existed between the sheriffs and the corporations, which had to be resolved in the interests of the King's service. Many sheriffs reported that their working relationship with the boroughs in their county was strained and unsatisfactory. John Gell sheriff of Derbyshire told his cousin Secretary Coke of the obstreporous attitude of the Derby magistrates in a letter of 11th September 1635:

"those of Chesterfield I find very conformable, but for the town of Derby ... their doings give ill example to the rest of the county, therefore I thought it my duty to acquaint your honour herewith ..."(44)

Sir Thomas Drewe sheriff of Devon asked Nicholas for a letter from the Lords for the corporate towns "to quicken them in performance of their duties.(45) In August 1637, Sir William Widdrington sheriff of Northumberland desired to be freed from responsibility for Newcastle's arrears; the county, Berwick and Morpeth had paid and Newcastle being a county by itself was outside his jurisdiction.(46) The late sheriff of Cheshire Sir Thomas Cholmondely wrote a resentful reply to the Council's letter of 30th November 1638, rebuking sheriffs in arrears.

"The whole money assessed upon the county and city was £3,000, whereof by your good Lordships' instructions £260 was proportioned upon the city and £2,740 upon the county. This assessment upon the city was under-taken by the mayor and the aldermen, and was by them in former years paid in by collector or agent of their own and never to the sheriff of the county, neither were they willing to pay the same to me There is not one penny of my assessment behind unpaid; if there be any it is by the mayor and aldermen of Chester, on whom I have no distress, nor are they within my late bailliwick; but it would raise new contestations and trouble to that Board if I had or should have invaded their challenged liberties to collect their own moneys. I have advertised the mayor and aldermen of the said arrear and his Majesty's expectation that it should be paid."(47)

Sir Paul Harriss sheriff of Shropshire identified the problem and suggested a solution in a letter to Nicholas of 21st April 1637,

"I have no power either by the writ or the Lords' letters to intermeddle with any of their assessments, or to compel them to hasten the same, or to collect their moneys. If there be anymore taxations hereafter it were best to give no power to the corporations."(48)

The Council placed ultimate responsibility for the collection of ship money with the sheriffs; because of this they were attentive to the sheriffs' ideas to improve it. Drafts of the Instructions for the 1637 writ prove there were plans to extend the sheriffs' authority into the boroughs in the name of greater efficiency.(49) Furthermore, the chief officers of the boroughs were not usually men of rank whose honour involved service to the King. In November 1639 Nicholas noted a possible solution to this problem of divided jurisdiction within the counties,

"That in case the mayors of corporate towns shall not assess and levy the sums charged on them then the sheriffs of the counties respectively shall enter, assess and levy."(50)

Ship money brought the shrievalty into an unaccustomed prominence in county affairs. Once the corporations had been assessed, the sheriff was then to summon the constables of the hundreds to divide the county's charge among the hundreds. They were to follow the most acceptable "common payments", tempered by what the Council vaguely described as "a power and latitude" to ensure "equity and justice."⁽⁵¹⁾ Once the assessments on the hundred had been agreed, the sheriff was to send out warrants to the petty constables and some of the "most able" men of each parish to rate the property owners in each parish. Assessments were to be approved by the sheriff's signature, collectors appointed by his warrant and default remedied by his baillifs. He was to bind over or imprison any local officer who refused to do his duty, and to fill in any gap in the administration created by default. At any time the sheriff could be made to assess any part of the county from the hundreds down to the individual, also he had to supervise collection and distraint and to return defaulters.⁽⁵²⁾ Any gap in the management of ship money was to be filled by the sheriff's instant diligence, Sir Thomas Trenchard found that not even illness was an acceptable excuse.⁽⁵³⁾ The Council placed this immense burden on the sheriffs in order to reduce the scope for default: as they wrote to the sheriff of Worcestershire on 10th April 1639,

"you seem to excuse yourself of the delay and neglect used in the assessment and levies for shipping within that county, by laying the fault upon petty constables As we cannot but much marvel thereat, considering that by his Majesty's writ and the letters and instructions sent you therewithal from this Board, you are directed to make the said assessments and levies yourself, in case that those you appoint under you shall not readily and diligently do the same, so we do now straitly require you accordingly to pursue the same in all particulars, as you

will answer the contrary at your peril. However, for such petty constables or other persons ... upon certificate of their names and offences returned hither, we shall be willing to give you our best assistance therein, by conventing the said persons before this Board to answer the same."(54)

Right from the issue of the 1635 writ the Council worried the sheriffs might be relying too much on constables and other inferior officers.(55) They believed the sheriff's first loyalty should be to the King's service, and that the demands this imposed should take priority over any lesser loyalties, so the sheriffs were repeatedly urged to act swiftly against defaulters, regardless of their social standing.(56) In November 1636, for example, the sheriffs of the 1635 writs were ordered to return the names of all JPs, Deputy-Lieutenants and Lord Lieutenants who had refused to pay ship money or had been distrained; these men were to be dismissed from their offices because their undutiful example was "encouraging others to do the like".(57)

Experience in the first ship money writs led the Council to see the shrievalty as a convenient and necessary mediator between the centre and the localities.

"we find by experience where the sheriff hath been diligent and affectionate in the service, the money hath been still, either totally, or to a very small sum levied."(58)

Nicholas's notes from 1635 specified "choice be made of well-affected men to be sheriffs for the next year."(59) Letters to the sheriffs in the early months of the 1635 writ rebuked the negligent and praised the diligent in the King's name. Humphrey Chetham, sheriff of Lancashire was sent a letter of commendation on 23rd December 1635 which said the King noted his diligence, eased him

from his office and accepted "ready payment as a testimony of the good affection of your county."(60) By the summer of 1636 the Council was already making a definite association between the loyalty of the sheriffs and the success of the service in different counties. In July 1636 , Nicholas noted

"Monnoux did ill in county Bedford . Temple did less in county Buck. Dolman well in Berks. Sir Thomas Aston in Cheshire well."(61)

The plight of Sir Peter Temple, showed how a gentleman of standing within his county could be humiliated by the charge of disaffection.

In a spirit of fear and bitterness he told his mother

"I was sent for on the 30th of June by a messenger , to attend the King on Sunday the 3rd of July, about the ship money wherein I am blamedI am to attend the King at Theobalds on the 17th day of July, to give an account to him what I have done in the service, and as he likes my proceedings, I am to continue in the messenger's hand or be released or worse."(62)

To promote greater efficiency the Council put the shrievalty under increasing stress. On 5th July 1637 the Council considered how best to punish sheriffs and supervise the collection of the arrears, as well as wondering whether the sheriffs could be compelled to pay in within twenty- five weeks.(63) A letter to some of the sheriffs in arrears for ship money a week later said,

"you are to hold a vigilant eye and a strict hand upon your ministers or see [punishment of the refractory] done yourself; neither are you to hope that you may put off any part of this duty upon your successor by delays or that any excuse or petition will be taken, considering that the writ itself and our letters which were sent along with it do abundantly direct you how to proceed."
(64)

Hand in hand with these pressures for speed went a push for greater

care in making the assessments, especially on the poorer sort and the clergy. (65) The King also ordered a national review of rates in July 1637, so that ship money and other public services would be secured upon an accepted basis in each county. (66) Although this was supposed to end prevarication and the kind of "frivolous" complaint the Council deplored, it put additional strain on the sheriffs during the difficult months before Hampden's Case was settled. Sir William Portman complained to Nicholas, in Somerset "such as expect ease or are refractory lay hold of the occasion for delay". (67)

Yet after the summer of 1637, the Council's attitude towards the sheriffs became increasingly punitive. They saw ship money as legal, honourable and necessary for the "renown and defence of the kingdom." (68) Besides the dislike of prevarication, there was another motive for their increasingly hard-line because they came to believe that to be effective the service needed a compulsory element. John Selden summarised a commonplace in seventeenth century ideas,

"the idea of a law carrying obligation irrespective of any punishment annexed to the violation of it ... is no more comprehensible to the human mind than the idea of a father without a child." (69)

The writs always gave the sheriffs and other officers the power to compel payment, it was only right that the King should have the power to compel the sheriffs. This was done in a number of different ways. Sheriffs were summoned to London and made to account for their inadequacies before the King himself: a prospect which horrified John Buxton sheriff of Norfolk in 1638. (70) They were to be placed in the custody of a sargeant-at arms and attended from place to place in public humiliation like Sir John Hanbury or Sir Alexander Denton,

sheriffs of Northamptonshire and Buckinghamshire for 1637.(71) Lewis Harriss, under-sheriff of Oxfordshire in 1636 was sent to the Fleet for suspected dishonesty and disaffection.(72) After the Judges' Decion in February 1637, in keeping with other developments which generalised the service, individual sanctions were less common than blanket policies and persuasion was replaced by threat. From 1637 there was the threat of prosecution in the Star Chamber for the steadfastly recalcitrant.(73) The Council also sought to make the sheriffs personally accountable, from their own estates, for the arrears and to make them collect within a very short space of time.(74) Behind all of these measures lay the assumption the sheriffs really could "govern and guide" their counties.(75) To a certain extent the Council was right. An honest and diligent sheriff could do much even in a county where there was significant opposition to ship money. Sir William Pelham and Sir Edward Hussey in Lincolnshire guided the service through the difficulties created by Sir Walter Norton's dishonesty, the attempted sabotage and alleged opposition of some of the county's leading gentlemen, and innumerable local disturbances.(76) Sir Robert Bannister plodded on steadfastly against rating disputes, recalcitrance and attacks upon his officers in Northamptonshire.(77) John Lucas, sheriff of Essex in 1636-7 was given "approbation and encouragement" by the King himself for his handling of that difficult county.(78)

In the early days of ship money the Venetian Ambassador recognised that there was a political purpose hidden behind some of the difficulties. In a letter of 21st November 1636 he wrote

"those whose only study is to find opportunities for re-opening the doors of parliament ... encourage to the

utmost the reluctance of the people and make the noise of their complaints reach the King's ears even more loudly than is really the case,... But his Majesty's intentions are very different, and if the service and reputation of the crown are not sufficient to justify the contributions which he demands, he intends to break down all obstruction ..." (79)

Resistance in Essex led by the Earl of Warwick was broken with relative ease: the county which had arrears of £907 outstanding on the 1635 writ in August 1639, whereas £7,970 was paid on the 1636 writ by the end of November 1637. (80) Even when faced with considerable resistance, the fear of the Council's displeasure spurred some of the sheriffs into action. Staffordshire formally protested against the increase in its ship money charge from £2,000 to £3,000: at the request of the grand jury, the JPs presented the county's dissatisfaction to the King. The sheriff, Sir Edward Littleton, reporting to Nicholas in February 1637, wrote

"Whole regiments come daily to my house saying distraint for they have no money." (81)

He then used exactly the kind of diligence the Council most admired, putting his duty to enforce the King's commands before the unwillingness of his county and advancing sums of his own money to further the service. Yet his comment to Nicholas is illuminating,

"I shall be solicitor to effect all things with speed, it being ten times worse than the burden of being sheriff."
(82)

The Council significantly under-estimated the more diffuse gentry opposition, led by men like Sir Robert Phelps in Somerset, Sir William Brereton in Cheshire, or Richard Knightley in Northamptonshire. (83) This in turn meant that they looked to the

sheriffs when the service ran into problems, and laid the blame there. Sheriffs thus came to occupy a similar role to MPs in the 1620s in the government's political mythology: they were too often

"men who cloaked their own ambitious or malicious ends under pretext of zeal to the common liberty."

A circular letter sent out to the sheriffs on 30th June 1638, told them the arrears were caused by "your own backwardness and remissness" and dismissed all excuses "especially at this time when there hath been a public judgment for the King." (84) Sir Thomas Pennystone sheriff of Oxfordshire replied to this letter on 16th July. He complained of negligent constables, of his inability to "make collectors" because "all men generally refuse to take that employment" and his lack of bailiffs, "I dare not trust them, except the lords of their liberties may be answerable for their bailiffs." He ended the letter with an assurance,

"I can give you no further account at this time but that there shall no neglect be justly laid upon me, for I shall ever prefer his Majesty's service before any thing that shall concern me and mine." (85)

His letter was read to the King in Council, and in reply got a stinging rebuke for making "such trifling doubts" and a warning,

"we do expect that you should effectually perform the service, knowing that you are subject to account unto his Majesty for any neglect that should be discovered in you." (86)

As a result of their authoritarian stance, the Council became almost obsessed with the idea that reported problems were no more than a cloak for wilful disobedience. This can be seen in a letter of March 31st 1640 to Sir Thomas Wrothe sheriff of Somerset, who was

disheartened by "so much delay and unwillingness" in his county.(87)

The Lords wrote

"having the power of the county in your hands and the King's writ grounded upon so solemn a judgment to warrant you and a full instruction from us, ... it appeareth unto us that the whole scope of your letter is rather to prepare an excuse for doing nothing, than to perform your duty."(88)

When Finch, now Lord Keeper, addressed the Assize Judges in Hilary Term 1640, he attributed the failure of ship money to the negligence and disaffection of the sheriffs,

"They will look through their fingers and see when and whom they please, sometime for reward, partiality and affection or fear of offending great ones or a multitude."(89)

As well as the formal mechanism of the writs and the Instructions, the Council also developed its own methods of controlling the service. Much of this administrative work devolved on Edward Nicholas, whose competence were recognised by the King himself and who was described by Clarendon as

"in truth, throughout his whole life, a person of very good reputation and of singular integrity."(90)

Every year the service was formally instituted by Privy Seal orders, which said the King would lend his ships to the counties, empowered Sir William Russell to receive the money from the sheriffs and ordered him to produce tripartite receipts for the records.(91) From 1635 the "care" of ship money was given to Nicholas.(92) He was to keep all the incoming and outgoing correspondence and copies of all receipts, in addition he was to report to the Council on ship money at the beginning of the meeting every Sunday.(93) The sheriffs were

ordered to write to Nicholas every fortnight, they were told to send copies of their rates to him and learned to rely on him as a useful intermediary.(94) In a letter of 26th March 1638 Sir John Curzon sheriff of Derbyshire told Nicholas,

"I have been diligent in his Majesty's service of the ship business since I received your letter in calling upon the borough towns and collecting what more moneys I could get, some by distresses. I have forborne upon their fair promises for the present, they pretending want of moneys, yet I thought it a better course a while to forbear them than to incense a multitude, but I purpose to in it by one course or another shortly. If you would advise me to be quicker let me have your direction."(95)

It was obviously easier to confide difficulties to Nicholas, rather than to risk rebuke from the Lords. Few sherifs would have dared to be as frank with the Lords as William Walter, sheriff of Oxfordshire during the 1636 writ, was to Nicholas in a letter of 12th February 1637. In this he confessed,

"It is my misfortune to be elected in a county not so conformable as others,... whereby my pains become the greater, which if measured only by the speed of the effect must seem the less."(96)

These letters were also a good source of information to the Council. Ship money was an annual service which employed different officers in the localities each writ; Nicholas's administrative expertise was one point of stability and continuity across the period 1634 to 1640, enabling the Council to consolidate the strengths of the service and reform its weaknesses. William Bassett sheriff of Somerset for the 1636 writ suggested the idea of rates reform to Nicholas in a letter of 8th February 1637:

"it will be necessary for the levying of money of this nature hereafter, (if such shall be required), that the

gentlemen be commanded to new divide and make a modern rate over the whole county."(97)

Similarly, Sir Paul Harriss provided information about Shropshire's dissatisfaction with the shrievalty of his predecessor John Newton, about the inequality of the county's allotments, and the gentry's determination "to petition their Lordships that if the like taxation come hereafter, we may pay but rateably with our neighbouring counties."(98) This warned the Council of possible difficulties the next year.

Flow of information served two purposes. Firstly, it kept the Lords in touch with what was happening in the counties. Secondly, by keeping the sheriffs in close contact, the Lords could lend their assistance when it was required on difficult issues or call in the JPs, the Assize Judges, the Crown's legal officers, or one of the bishops. Sir Robert Bannister's bitter quarrel with Rothwell and Guilsborough Hundreds in Northamptonshire was sent out to the JPS and to the Bishop of Peterborough.(99) The Attorney and Solicitor Generals resolved the assessment dispute between Chipping Norton and Over Norton with the hundred of Chadlington in Oxfordshire, which had threatened to sabotage the sheriff's collection.(100) The Earl of Bridgewater and the Council of the Marches were delegated the long drawn out saga of Sir Paul Harriss and the disreputable Edwardses. (101) Bishop Pierce of Bath and Wells must have become an authority on Somerset's ship money, thanks to the numerous disputes the Council referred to his arbitration.(102) These four examples from the 1636 writ show that secondary assistance freed the sheriff for his proper job which was to collect ship money. Sir Peter Temple failed to keep

in touch with the Board during the autumn and early winter of 1635, and was therefore vulnerable to the charges of neglect and disaffection brought against him the next year.(103) Poor communication with the Council meant that he had no help in dealing with Buckinghamshire's "oppositions" to ship money until they had become entrenched and intractable.(104) In contrast the Somerset sheriffs John Mallett and William Bassett had the constant support of the Lords, the Bishop of Bath and Wells and the Assize Judges.(105) Indeed the Lords acknowledged the disaffection lay not with the sheriffs, but in the county, which was "full of faction."(106)

As part of the Instructions from 1636 onwards the sheriffs were told to return a copy of the agreed assessment for the county, divided out among the hundreds and parishes and also showing how much was set on each clergyman for his temporal and spiritual estates.(107) The assessment was to be sent in within a month, and every year the Council drew up a second order of rebuke to the majority of sheriffs who were not prompt:

"his Majesty takes it as a great neglect ... and wills them to do it forthwith."(108)

This is a very good illustration of the way the Council used experience to develop the administration. "Multiplicity of complaints" were a major feature of the service so that it was useful for the Lords to have the relevant information to hand, and to be able to cross reference to previous assessments.(109) It went some way towards circumventing the type of obstruction Sir Thomas Delves reported from Cheshire in February 1637. He told the Council he found the constables uninformative and unco-operative, but could not get

any help from the previous sheriff, Sir Thomas Aston who was away in the Low Countries.(110) In February 1640 the Council requested Sir Paul Harriss, who had dealt with a resentful county in 1636-7 and attempted a comprehensive reform of the Shropshire rates, to send his papers to the present sheriff Mr. Kinnaston: Sir Paul's experience,"would give a great light unto him in the expediting of the service required of him."(111)

Nicholas's notes and papers created a ship money archive for the Council to draw upon when needed: in January 1638 the Attorney General was taking action against a number of Essex recalcitrants and asked Nicholas,

"send me for his Majesty's service the return made from Hallingbury Magna, concerning the making of a rate for the last shipping, and such other information touching the said return as was delivered unto you by the high sheriff of the said county." (112)

Nicholas and the Treasurer of the Navy's office together kept the King and the Council informed about the state of the payments. From March 1635 until January 1641 the Treasurer produced weekly accounts showing each county's payments.(113) Often accounts were drawn up for two and sometimes three writs to enable the Lords to see the shape of the service. From January 1635 Nicholas kept track of the sheriffs reports of sums they had levied, and from these compiled a separate paper which detailed "ship money levied but in the sheriffs' hands."(115) Ship money in the sheriffs' hands obviously relied upon the reporting procedure, yet it was a useful subsidiary source of information for the Council.

To understand how this system worked in practice, it is useful

to examine one such set of accounts in detail. On 9th June 1638 Sir William Russell informed the Council that only £16 15s 2d had been paid off the 1635 account since 24th February, the 1636 account stood at £188, 228 Os. 6d. and the 1637 at £102, 106 16s 1d. According to Nicholas' paper submitted at the same session, this was £31,503 less than was levied on 10th June 1637.(115) Nicholas also had details of £5,300 levied but not yet paid in by twelve sheriffs.(116) £1,000 in hand was proof of Sir William Portman's continued diligence in Somerset, in spite of fears "upon rumour of the Judges' opinions no man will pay."(117) On the other hand, Sir Thomas Pennystone only had £200 more levied in Oxfordshire. He had only paid £1,000 after he had been charged with "supine neglect" by the Lords in April, and £200 was not sufficient proof of further diligence.(118) It was this level of detailed information which led Laud to deplore the impact of Hampden's Case,

"the King's monies come in a great deal more slowly than they did in former years, and that to a very considerable sum."(119)

Nicholas had nothing to show the progress of collection in Northamptonshire which was 96% in arrears, or in Buckinghamshire where Hampden's cousin Sir Alexander Denton was sheriff and already under suspicion for listening to "kindred and friends ...known to be hollow hearted to the King."(120)

Nicholas was the most important part of an informal network of officials who supported the formal structure of the service created by the writs and Instructions. He had charge of assessment details, for example, making note in a memorandum entitled "Concerning

Shipping" in April 1638 that Winchester should be abated £20 "de futuro".(121) He was ordered to liase with the King's Remembrancer and the Clerks of the Exchequer about payment of arrears by writs of levari and scire facias.(122) His experience of naval administration also made the service run smoothly, since he already had an established working relationship with the Officers of the Navy.(123) Finally, Nicholas had been Buckingham's secretary at the time of the Forced Loan and had handled much of the Duke's correspondence with the shires: he had direct personal experience of the kind of management which had ensured the financial success of the Loan.(124) He advised the Duke in the 1620s on such matters as whether or not to support a petition; in the 1630s the King valued his competence and his expertise.(125)

"When I acquainted his Majesty with the account you sent from Mr. Nicholas," wrote Coke to Windebank on 7th March 1638, "of the slow coming in of the ship money this last week [he] thought it not sufficient to write letters to quicken the sheriffs, but requireth the sheriffs themselves near London who are most behind to appear before his Majesty and the Board on Sunday next"(126)

As senior Clerk of the Council, Nicholas was ex officio Muster-Master-General of England and Wales. Aylmer has described his function as that of "central co-ordinator of the work done under the Lords and Deputy Lieutenants in the counties."(127) Although "troubled with a kingdom of affairs", from time to time Nicholas toyed with some innovative ideas about the service. It is interesting to find occasional references about the possibility of including JPs and Deputy-Lieutenants in ship money administration amongst his notes. Another one of his plans was to charge castles and coastal

fortresses to the ship money account - a radical departure from the traditional model of the service which never seems to have got any support.(128) He drew up and maybe devised the proposals for the reduced charges in 1638.(129) In November 1639 the Council rejected a different scheme to increase the ship money charge to £254,760 in order to bring in more money to compensate for the King's heavy expenditure on the fleet. They opted instead for the same charge as in 1637 but for a smaller tunnage -less ships for the same money was more expedient than the other way round.(130)

The rationale of the administrative changes was to make the service as easy to manage as possible, and for it to reflect the shared commitment of the King and his people to the defence of the realm: the ideal was the "cheerful and ready Payment" which Wentworth praised in Yorkshire.(131) Hence the administration was designed to help the sheriffs bring this about. One example of this was the decision to include a clause in the Instructions from 1636 for the sheriffs to pay Sir William Russell, ending a source of inconvenience during the 1635 writ.(132) Another was the plan to make the writs "returnable a purpose" discussed in the autumn of 1639, which would have given the sheriffs and the Council greater powers of compulsion.(133) The great strength of the administration was that the Council's authority and influence permeated into every shire, to deal with rates, assessments at all levels, distraint, refusals, arrears and recalcitrance. Even in counties like Leicestershire where few problems actually reached the Board, the Council's priorities meant that the service always had a high profile in local affairs.(134) For the first national writ the sheriffs were kept in

office until the New Year specifically to ensure diligence in collecting ship money.(116) Garrard was pleased with the success of this measure, which he included in his monthly letter to the Lord Deputy in December 1635,

"The high sheriffs to get themselves quick out of their offices bestir themselves apace in their several counties, monies they bring in daily, and I do not hear of any numbers that are refusers; so it will prove a good business."(136)

The Lords' letters show that they had a very clear picture of the kind of duty owed by local officers to the King. In February 1637 a letter to the sheriff of Sussex said collectors for ship money should be chosen from men,

"as are fit to such places in their own persons ... and yet by their abilities may be responsible for the sums by them received."(137)

Numerous summons for recalcitrant constables and bailiffs show that the Council took disobedience seriously.(138) In some counties local ways of managing affairs were disturbed in the interests of ship money. Buckinghamshire and Herefordshire high constables were held in office beyond the usual term in 1636 and 1637 respectively, because

"it is held requisite for the better dispatch of the business of shipping that the high constables in all the hundreds in that county be continued in their places and offices until that service be perfectly finished."(139)

On 1st December 1639 the King ordered all new constables were to assess, levy and collect any outstanding charge from the 1638 writ, and for the 1639 writ.(140)

Following disruptions, particularly in Essex, in June 1636 the King ordered the Attorney General not to grant out any more

bailliwicks, and to investigate by Quo Warranto the title to lordship of all liberties in the hundreds granted since 12 Jacobi.(141) For the sheriffs to be able to enforce distraint they had to have loyal bailiffs -disaffected bailiffs answerable to the lords of hundreds who did not like ship money could seriously undermine the collection of arrears. Moreover, the Council attached considerable importance to the ideal that all should pay ship money, and that it should be impossible for the ill-affected to shift their burden onto those who had done their duty,

"his Majesty being resolved that none shall upon shifts or delays escape payment towards so public and good a work and service, which is not only legal in itself but honourable for the kingdom."(142) .

In September 1637, Sir Robert Banister asked for the speedy return of his messenger to the Lords,

"I have no service done by any one bailiff but himself, for they all of them have such a dependency of the nobility and gentry of the county, that write to them as often as I will, they put nothing into execution."(143)

There was a similar situation in Oxfordshire and Berkshire where the bailliwicks were

"granted by patents to persons of great rank, whose substitutes have little or no dependence on the sheriffs."(144)

One remedy was to command the obedience of the lords of the hundreds, as was done by an Order of Council of 28th November 1636 sent to two Berkshire gentlemen.(145) As a final resort the King ordered all bailiffs to give security to execute the sheriff's warrants, all who refused or neglected were to be prosecuted by the

Attorney General.(146) When he was investigating a charge of improper behaviour against Sir Thomas Fanshawe the King's Remembrancer, Sir John Bankes asked,

"Is even life tenure of an office conditional upon its proper execution, and can such an office be forfeit for certain offences?"(146)

As Aylmer has remarked, an attitude like this threatened "the treatment of offices under the Crown as pieces of quasi-private property."(147)

The dual shrievalties of Sussex and Surrey, Cambridgeshire and Huntingdonshire were also separated explicitly in the interests of ship money. An Order of the King in Council of 20th December 1635 was made, to ask the Judges for their opinion on the legality of ending the custom of dual shrievalties for these four counties.(148) Six months later on the advise of the the three senior judges, Charles ordered "every county shall have his proper sheriff": the reason given was to end "the many inconveniences" to ship money.(149) The escheators too were made the eyes and ears of the Council during the summer of 1640, to check up on sheriffs and bailiffs and "render them the more inexcusable" should they be negligent.(150) John Knapp Escheator for Norfolk and Suffolk complained resentfully to the Lord Treasurer,

"it is altogether impossible for me to assist ... without neglect of my place and breach of my oath."(151)

Another complication was that ship money had its own time table: the writs were usually issued in the autumn and payment set for 1st March in the next year.(152) In 1635 the writ was issued in

August and spanned two shrievalties, but even following advise to choose "well-affected men" the net result was chaotic and disruptive.(153) The Council did not repeat that particular experiment; instead they chose to identify the office of the sheriff with the writs. As Garrard wrote to the Lord Deputy on 9th October 1537,

"On Michaelmas day the King at Hampton Court solemnly pricked the high sheriffs of England and Wales, that so the more speedily they may go hand in hand to gather the ship moneys for this next year, the writs being already sent to them."(154)

The Council again worked from the assumption obedience to the King's commands should always be a loyal subject's first priority. The Lords wrote to the mayor and late mayor of Barnstaple on 23rd December 1635,

"the change of magistrates must not be any cause for stopping or hindering the execution of the service."(155)

Like the sheriffs the mayors and bailiffs of the corporations were accounted liable for collection of arrears even after their term of office had expired. In August 1638 the Council was chasing up arrears from the Hertfordshire boroughs, and its letter of rebuke was minuted by the town clerk of Berkhamstead,

"Upon letters from the Council dated the 5th of August for the payment of ship money so long behind, with this monition to pay it upon the 2nd of September next or appear before the Council to answer for the neglect. The resolution was thus, that the Bailiff succeeding, the writ hath given him no power to distrain, and it is for this forbearance to so distrain that causeth the non-payment, therefore he refuseth to distrain."(156)

Nicholas in his turn reported this to the Lords, who sent a severe

rebuke to the bailiff, censuring his disaffection and negligence and warning him he would be held accountable.(157)

In 1634 the Council Committee decided

"care [should be] taken that more than necessity should not be levied or any part levied to other purposes."(158)

Definition of ship money as a service and not a tax required this. From this decision sprang the Council's policy of making the local community, and not the King, liable for the expenses arising from collection. It was customary for the collectors of the subsidy to be given 6d in £1 allowance for payment into the Exchequer, which was convenient for the taxpayer but not for the Crown. No such allowance was permitted for ship money. John Newton sheriff of Shropshire in 1635 told Nicholas he could not get the collectors to take office without the promise of 6d allowance.(159) This was discussed at the Council, and the reply he received vividly illustrates how the government wanted the localities to react to the service.

"No allowance is to be expected nor has any been given way to in any county, but the service has been cheerfully performed both last year and this at the charge of those who have been employed therein."(160)

A few weeks later in early 1636, Humphrey Chetham, who had just completed the successful collection of ship money in Lancashire, unexpectedly found himself in trouble on this issue. In consultation with the JPs who had helped him to rate the county, he had levied a second sum over and above the £3,500 specified in the writ and Instructions. Anxious because he had caused offence, he explained his reasons to Lord Newburgh the Chancellor of the Duchy of Lancaster,

"I did then communicate with them my intent to levy on the county £96 to bear the charges in execution of the

writ with my purpose likewise to contribute the overplus or remainder of the sum back again And withall charged all the high constables of the hundreds of the county, that neither they nor the petty constables should levy or collect more money than was by their several warrants appointed because ... I had levied the sum of £96 to bear the whole charges, which ... I understand my writ doth warrant me so to do, which accordingly as I conceive myself to be bound unto by the direction of the writ, so it is my great care punctually to observe the same, but until such time as I had paid in the money and received a discharge and given an account of the £96 so levied as aforesaid to your Lordship, I thought it neither safe nor convenient for me to return the same back again to the county wherein, if I have erred it hath been by the opinion of those that are most understanding and experience than myself whose advise hath misled me and for which I crave pardon"(161)

The King was adamant, and Chetham had to surrender.(162) From time to time Nicholas received requests for his help in securing an allowance, on the principle put forward by George Bayfield, the under-sheriff of Norfolk, in August 1638 "no man goes a warfare of his own purse."(163) Nobody had official sanction for any allowances against ship money, except Sir William Russell. In the Council's eyes extortion for allowances was one of the most serious charges which could be brought before it.(164) Such matters should be properly managed at a county level to ensure the content of the King's subjects. The Lords had little time for complaints like one made by the Worcestershire sheriff in September 1636:

"The constables and other officers grow weary and unwilling to attend the service, in regard there is no allowance for their pains."(165)

Their attitude changed for the 1639 writ. An allowance of 6d. in £1 was granted for all counties and corporations paying in full by the first week in April of 1640: nobody qualified.(166)

Officers employed in Whitehall were expected to show the same sort of commitment. The Cursitors in Chancery provided information on the port towns in 1634.(167) Messengers of the Chamber, who were dilatory in delivering the 1634 writs were suspended from their jobs, investigated by the Attorney General, and made to petition the King for pardon.(168) Sir William Balfour as Lieutenant of the Tower was expected to uphold the independence of the Tower Liberties by his personal supervision of their part in Middlesex ship money.(169) Auditor Bingley audited the accounts, and Exchequer officers were drawn into the collection of intractable arrears.(170) The Victualler's Office was given new powers and new responsibilities. The office in Portsmouth regularly received large sums of ship money from Hampshire on the Council's orders, whilst London, Portsmouth and Plymouth provided back-up service for the sheriffs who had difficulty selling distrained goods.(171)

Distrainment for non-payment was another area where the Council pushed the service beyond familiar bounds. In June 1634 Secretary Coke noted the Council's determination to use distrainment to eliminate refusals; research showed there was a compulsory power in the medieval levies "the charge assessed, levied by distress and resistance imprisoned."(172) On the other hand, the sheriffs disliked distraining, which often left them with unsold goods on their hands and carried the added danger of legal action. Sir Edward Hussey, sheriff of Lincolnshire for the 1635 writ contended to Nicholas

"I would be loath to distrain if I might effect the busines by any other means."(173)

Sir Peter Temple wondered "whether shall the sheriff distrain , for

he is threatened to be sued if he do."(174) To counter this on 10th January 1636 the Council ordered the Victualler to receive goods taken as distresses for ship money which were suitable for provisioning ships. The sheriffs were told to take goods such as wheat, peas, beans, mutton or hogs of sufficient value to discharge the ship money liability and cover the additional costs of transportation.(175)

The Council's orders about distraint gradually changed the nature of ship money liability. Payment of the tax was based upon a property charge within a particular community; yet, default was treated as part of a personal liability. Hence, the sheriff of Hampshire was ordered to distraint for ship money from any part of a man's estate.(176) Two months previously, the sheriffs of Gloucestershire and Bedfordshire had been told to distraint tenants for their landlord's default: this contravened the writ, and the Council suggested tenants should seek redress in the courts of equity.(177) The Gloucestershire landlord was Lord Saye and Sele, and the Lords suspected collusion between him and his tenants to frustrate the service. Orders of this type countered the kind of intimidation used by landlords or powerful members of the local community. In Burton Latimer in Northamptonshire, it was alleged the constable was "threatened to be turned out of his tenantry "for doing his duty in ship money.(178) The Council knew about the constable of Ilchester in Somerset who would not act on the sheriff's warrant in May 1635,

"for Sir Robert Phelps had commanded him to the contrary, and that Sir Robert would answer it."(179)

It was more difficult to deal with the kind of communal action against distraint which Sir Francis Astley complained about in Norfolk in March 1638,

"I find much difficulty in causing the collectors to take distresses, and such as be taken few or none will buy. Countrymen combine together to bear name and property of one another's goods, which discourages the collectors for fear of suits by mistakings."(180)

A counter measure was discussed in Council in the King's presence on 10th June 1638,

"Whereas it hath been represented to the Board by the high sheriffs of some counties, that the distresses by them taken concerning the ship money did often times lie upon their hands to their insupportable charge and trouble in regard the county many times by combination refused to buy them off. And so that they could not as they conceived sell them out of their county, it was thereupon thought fit and ordered that his Majesty's Attorney and Solicitor General with the rest of his Majesty's learned counsel, shall forthwith seriously consider and advise whether in this case it may be lawful to sell the distresses so taken in a foreign county and so certify their opinions therein to the Board."(181)

Sale of distresses continued to be troublesome right through into 1640: yet the Council persisted in seeing this as a failure of affection or initiative on the sheriffs' part. Particularly during the final writ, sheriffs reporting concerted opposition and resistance to distraint were often rebuked for their contributory negligence. In answer to two letters from Sir Thomas Wrothe sheriff of Somerset of early April 1640, the Lords wrote,

"you show the greatness of the difficulty you pretend to meet with in making sale of distresses by you taken where payment is denied, by reason you find no buyers in that county. ... We cannot understand this difficulty is alleged by you otherwise than an excuse and can be no great hindrance to the service if you offer the distresses at rates that are reasonable and cheap."(182)

Similarly, instructions to the sheriffs of Bedfordshire and Cardiganshire reveal how little the Council wanted to understand of the sheriffs' problems: they were told to send the cattle to market "without proclaiming them to be distresses." (183) Yet the Lords knew they were not dealing with isolated incidents, although they tended to treat them as such. The sheriffs of Cheshire, Dorset, Lincolnshire and Hertfordshire reported their complete failure to find buyers for distrained goods. (184) Later in the summer, the Escheator of Herefordshire and Worcestershire described how men in those counties moved their cattle across the county boundary to make distraint impossible. (185) Yet in spite of all the information at their disposal the Council remained resolutely unsympathetic. When John Brownlow the sheriff of Lincolnshire wrote of

"the exceeding great backwardness, both in them that should pay and in them that are employed to assess and levy the money",

Nicholas noted

"his excuses are frivolous and he is to execute the writ or shall answer for his own neglect." (186)

According to Leicester's secretary Hawkins, the decision to prosecute sheriffs in the Star Chamber was motivated by the sheriffs refusal to distraint,

"Six of the sheriffs of this year are served into the Star Chamber for not distreyning for the ship money, they answer they dare not." (187)

The Council regarded the power to distraint as an important part of enforcement, and as a means of countering disobedience. An

undated letter in the Temple papers describes how the miller of Lutterworth in Leicestershire, one of Sir Peter Temple's tenants, was summoned before the Council on a complaint from the sheriff

"the chief matters alleged against me was that I slighted his warrants refusing to execute them. ... And some of the Lords said the sheriff did do very well to distrain my goods for the other men's goods, because I would not distrain on their goods."(188)

The 1634 writ had already shown that even the threat of distraint could be effective in reducing opposition.(189) Backed by the might of the Council sheriffs were to proceed against recalcitrance wherever it appeared. John Lucas the sheriff of Essex approved by the King, became the subject of gossip for his ruthlessness. This gossip found its way into Rossingham's newsletter to Sir Thomas Puckering of February 1st 1637

"The sheriff of Essex did lately assess an hundred near unto him at so much. Then he sent to the high constables to proportion it to the several towns and persons, which they did not do in the time limited. ... taking notice of their carelessness, he forthwith gets half a dozen of waggons. With these he goes in person to the houses of the aforesaid high constables, and distrains their goods, which he causeth to be put into these waggons. Then he sells them and so raiseth that sum of money laid upon the whole hundred."(190)

John Lucas' stance here is a counterpart on a smaller and more local scale of the King's own authoritarian attitude during early 1635, which had also been the subject of Rossingham's letters.(191) Then Charles had ordered the authorities in London to break open the houses of men who had absconded to avoid payment.

Sheriffs were told to return the names of absentee landlords who had nothing to distrain, or of people who did not live in the

county: the Council would deal with these, just as the sheriffs were to help the borough magistrates to track down those who lived in the county but owed money for property in the town.(192) A messenger was usually dispatched to deal with such people by bringing them before the Lords or by giving the sheriff any necessary assistance.(193) The Council's insistence on action is again striking: names, addresses and sums outstanding were required, not bland generalisations. In August 1639 the mayor of Totness returned the names of eighty-two defaulters under the 1637 writ, responsible for an arrear of £4 18s, and he tried to get off collection by claiming

"most of them [are] men of better rank and quality, too powerful for me to contend with."(194)

A messenger was sent after forty-nine Suffolk defaulters returned by the sheriff in October 1638. Such timely assistance was very useful in gathering up arrears just before the sheriff went out of office and before a new ship money writ was issued.(195) Returns like this one show how the Council could become enmeshed in local affairs for the sake of very small sums:

"Garrett the tanner, gone into New England, 2s. ... Hundred of Loes,... Swetling, Robert Bond hanged and his goods seized upon 6s. 4d."(196)

Some men thought it was beneath the dignity of the King's government

"to pursue the persons of an infinite number of his poor subjects and for such petty and abject sums as suit not his Majesty's honour to seek or receive."(197)

Nevertheless, the Lords gave the sheriffs an impressive amount of support in dealing with some of the most difficult aspects of distraint; and, as long as the sheriffs were prepared to act, they

-and lesser officers- had the full weight of the government behind them.

This can be seen in three particular areas which the Council "managed": dealing with violent resistance to distraint, securing compensation for officers who had been attacked or abused in the course of their duty, and the development of a special Crown prosecution service to handle the numerous and disruptive legal suits the service produced. Some of the earliest reports back to the Council showed that one of the most effective ways to sabotage the service was with the threat of legal action; this highlighted the tension between local and central loyalties, and often led to just the kind of backsliding the Council deplored. In March 1637 Sir Henry Skipwith sheriff of Leicestershire complained about Sir Arthur Haselrigg, who had arrested Thomas Burditt and Andrew Collins of Gartree hundred for distraining him during the 1635 writ

"which means all are afraid to take a distress of him."(198)

Sir Edward Hussey returned one of the chief constables of Lincolnshire Willilam Official who

"said he would not distraint for that he was already sued for distraining Lord Saye."(199)

Legal action taken against the King's officers also created what Thomas Triplett described to Archbishop Laud as "an ill precedent to the simplicity of obedience."(200) Resistance to distresss involving violent attacks on officers was always treated seriously, as an attack upon the King's honour as well as upon an officer acting as

his servant. When William Boteler wrote to his under sheriff and two of the Bedfordshire constables on 14th July 1638 he reiterated the Council's orders:

"if any person or persons shall use any manner of violence to yourselves or your instruments or shall resist you or any of them in the due execution of the writ aforesaid then I require you to bring the said parties before me to the end they may enter into bond to appear before his Majesty's most honourable Privy Council to answer their contempts and misdemeanors in that behalf, or otherwise to convey them to the common gaol for this county, there to remain until his Majesty shall give special commaund for their deliverance, according to the tenor of the writ aforesaid and certaine letters of instructions therewithall sent unto me..."(201)

Compensation was often secured for those who had suffered in the King's service. Henry Robbins of Hutton in Somerset was ordered under bond of £50 to pay compensation to the late constable of Bempstone Hundred as the sheriff should determine.(202) In October 1638 Nicholas recommended the Lords to award damages of £4 against Thomas Menton and Andrew Kingsley, to Mr. Pruddon a Hertfordshire bailiff.(203)

Violent resistance and legal actions disrupted the service , and led to what the Lords termed "discouragment".(204) The Council usually told the sheriff or borough officer involved to refer a troublesome action to the Attorney General: examples of this included intimidation of two Mayors of Banbury, suits brought before the Oxfordshire JPs or the case of Francis Sawyer of Kettering in Northamptonshire.(205) Resistance to distress and legal suits resulting from this came to the Council's attention more frequently when King allowed the hearing of legal cases involving ship money

after the Judges' Decision of February 1637: as Rostingham summarised the Lord Keeper's address to the Judges in one of his newsletters,

"All that will refuse to pay this ship-money may sue and have the law open..."(206)

Legal actions were expensive and created conflict, indeed during the Short Parliament Sir Ralph Hopton said the country was,

"cast up all by chardges in suits in references it costs the kingdome £100000 more."(207)

There were also serious political implications about the legality of distraint. A case was made that it was contrary to Magna Carta by Sir Richard Strode, who attempted legal action on these grounds. His presentment to the Grand Jury of Devon in August 1639, said

"whereas by the Great Charter of the liberties of England, it is enacted that no freeman may be taken or imprisoned or disseized of his freehold, or liberties, or free customs, or be outlawed or exiled or in any manner destroyed, but by the lawful judgement of his peers or by the law of the land; yet nevertheless, contrary to the said laws and liberties, one cow worth £4 10s, being the lawful property of Sir Richard Strode of Plympton St. Mary, by colour of an unlawful rate made, was by Thomas Row taken and sold for the King's service on 23rd March last at Newingham, to raise the said rates for shipping."(208)

The last thing the Crown wanted was an equivalent of the Five Knights' Case. or a second Hampden's Case. At the beginning of July 1638 the King ordered that if any officers were threatened about ship money, such suits would be answered without any charge to those involved, by lawyers appointed by the Crown to deal with King's Bench, Common Pleas and the Exchequer.(209) In this way the Lords intended to ease the burden on the diligent and to disarm opposition from those like Christopher Merryweather of Wiltshire, who was accused of

"hatching affidavits." (210)

The final phase of the administration was the collection of persistent arrears, by means of writs from the Court of Chancery and the Exchequer. Refusals and legal challenges to ship money prompted the King to ask the Judges whether he had the power in law to compel payment in December 1635 and again in February 1637. (211) Shortly afterwards writs of certiorari were sent to the late sheriffs of the counties still in arrears for ship money, commanding them to return the names of defaulters and the amount outstanding. (212) A writ of mittimus transferred these writs and their returns to the King's Remembrancer in the Exchequer,

"for further process thereupon to be had " "further cause to be done thereupon for the levying, collecting, and receiving all and singular the aforesaid sums of money of the aforesaid contribution as yet unpaid, as by right, and according to the law and custom of our kingdom of England hath been used to be done." (213)

Further process meant the issue of writs of scire facias to show cause why the money had not been paid, and levari facias to command payment. Writs such as these were normally used to levy debts owed to the King, and Exchequer process was widely associated with taxation default. (214) They were also very powerful instruments since they commanded payment from lands and tenements as well as from goods and chattells, and unlike the ship money writs they were not limited by county or borough boundaries. As such these writs represented a more extensive power of enforcement than the sheriffs' writs of distringas. (215) Levying arrears by this complicated procedure, involving the transfer of authority from the sheriff to

the Council and from thence to the courts of law, was the ultimate sanction against disobedience.(216)

TABLE II: THE COUNCIL'S RANKING OF COUNTIES FOR SHIP MONEY.

<u>CHARGE</u>	<u>COUNTY</u>	<u>NO OF BOROUGHES</u>	<u>TYPE OF COUNTY</u>
£14,000	London	-	-
£12,000	Yorkshire	10	Coastal
£9,000	Devon	12	Coastal
£8,000	Essex	5	Coastal
	Kent	10	Coastal
	Lincolnshire	5	Coastal
	Somerset	8	Coastal
	Suffolk	10	Coastal
£7,800	Norfolk	5	Coastal
£7,000	Wiltshire	5	Inland
£6,000	Hampshire	6	Coastal
	Northamptonshire	5	Inland
£5,500	Gloucestershire	3	Coastal
£5,000	Dorset	9	Coastal
	Cornwall	18	Coastal
	Middlesex	1	Coastal
	Sussex	4	Coastal
	South Wales	10	4 Coastal 2 Inland
£4,500	Buckinghamshire	2	Inland
	Leicestershire	1	Inland
	Shropshire	7	Inland
£4,000	Berkshire	6	Inland
	Hertfordshire	3	Inland
	Lancashire	5	Coastal
	Warwickshire	5	Inland
	North Wales	7	5 Coastal 1 Inland
£3,500	Cambridgeshire	1	Coastal
	Derbyshire	2	Coastal
	Herefordshire	2	Inland
	Nottinghamshire	3	Inland
	Oxfordshire	6	Inland
	Surrey	3	Inland
	Worcestershire	4	Inland
£3,000	Bedfordshire	1	Inland
	Cheshire	1	Coastal
	Staffordshire	4	Inland

<u>CHARGE</u>	<u>COUNTY</u>	<u>NO OF BOROUGHES</u>	<u>TYPE OF COUNTY</u>
£2,100	Northumberland	3	Coastal
£2,000	Durham	1	Coastal
£1500	Monmouthshire	2	Coastal
£800	Rutland	None	Inland
	Bristol	-	-
£700	Cumberland	1	Coastal
	Westmoreland	1	Inland

NOTES FOR TABLES II AND III AND MAP II

1. The charge given is the most usual charge. Cornwall for example paid £6,500 and Lancashire £3,500 in the 1635 writ, but their usual charge was £5,500 and £4,000 respectively.

2. The descriptions coastal and inland have been used to differentiate between the 1634 and subsequent writs.

3. The "rankings" used to illustrate geographical distribution of ship money charges in Map II have been derived from this Table: they are not distorted by the reduced writ of 1638, all the Council did was to reduce all sums by two thirds.

4. "Rankings" used in Map II are: A, £12,000; B, £9,000; C, £8,000 and £7,800; D, £7,000; E, £6,000; F, £5,500; G, £5,000; H, £4,500; I, £4,000; J, £3,500; K, £3,000; L, £2,000 to £2,100; M, £1,400 to £1,500; N, £700 to £900; O, £400 to £650.

TABLE III: COMPARISON OF SHIP MONEY AND THE SUBSIDIES OF 1628

COUNTY	USUAL SHIP MONEY	FOUR SUBSIDIES OF 1628
Bedfordshire	£3,000	£2,461 6s 8d.
Berkshire	£4,000	£3,138 2s 8d.
Buckinghamshire	£4,500	£4,267 8s 2d.
Bristol	£800	£719 16s.
Cambridgeshire	£3,500	£3,183 0s 8d.
Cheshire	£3,000	£2,475 2s 8d.
Cornwall	£5,000	£7,589 12s.
Cumberland	with Westmoreland	£611 14s 4d.
Devon	£9,000	£23,727 0s 8d.
Derbyshire	£3,500	£2,306 18s 10d.
Dorset	£5,000	£4,703 3s 10d.
Durham	£2,000	£1,297 14s 8d.
Essex	£8,000	£7,782 3s 4d.
Gloucestershire	£5,500	£6,036 10s 8d.
Hampshire	£6,000	£7,789 4s 4d.
Hertfordshire	£4,000	£3,743 16s.
Herefordshire	£3,500	£4,08 15s 8d.
Huntingdonshire	£2,000	£1,806 2s 4d.
Kent	£8,000	£9,784 8s.
Lancashire	£4,000	£4,505 14s 4d.
Leicestershire	£4,500	£3,082 9s 4d.
London	£14,000	£14,825 9s 4d.
Lincolnshire	£8,000	£7,059 4s.
Middlesex	£5,000	£5,602 1s 6d.
Monmouthshire	£1,500	£1,297 18s.
Northamptonshire	£6,000	£3,596 9s 4d.
Nottinghamshire	£3,500	£2,070 18s 8d.
Norfolk	£7,800	£8,207 0s 8d.
Northumberland	£2,100	£909 19s 4d.
Oxfordshire	£3,500	£3,074 10s.
Rutland	£800	£600 10s 8d.
Shropshire	£4,500	£2,941 2s 8d.
Somerset	£8,000	£13,638 1s 4d.*
Staffordshire	£3,000	£2,317 13s 10d.
Suffolk	£8,000	£7,639 8s.
Surrey	£3,500	£5,556 6s 8d.
Sussex	£5,000	£4,667 4s 8d.
Warwickshire	£4,000	£3,075 12s.
Westmoreland	£1400 with Cumberland.	£504 7s 8d.
Wiltshire	£7,000	£6,944 6s.
Worcestershire	£3,500	£3,870 10s 8d.
Yorkshire	£12,000	£15,663 19s.

* The figure given for the subsidies in Somerset is incomplete because it does not include Bath's charge.

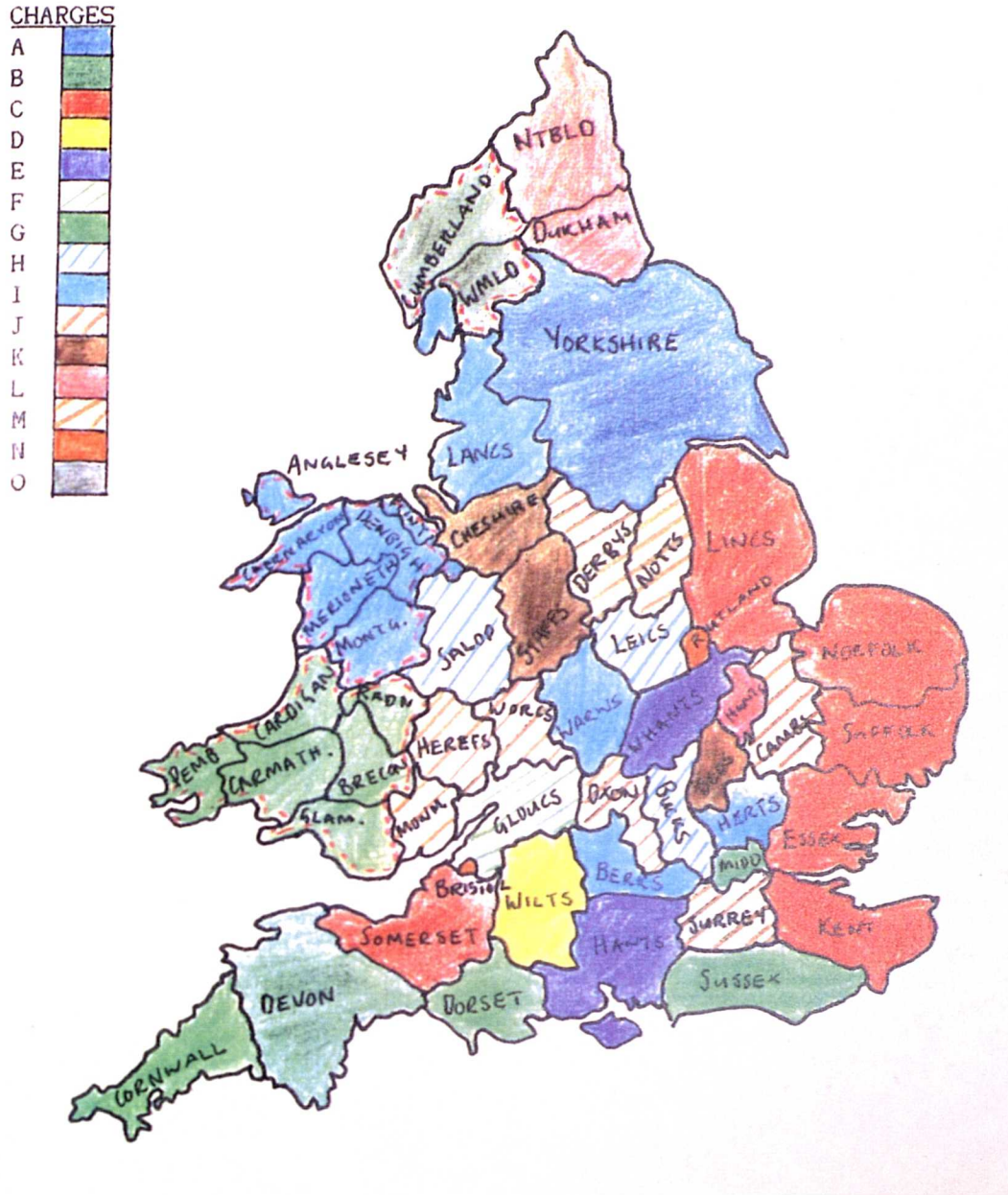
SOURCES.

For the ship money sources see Table I, the most usual ship money charge as defined for that Table has been used here.

Northamptonshire Record Office, IL 1925 Comparison of National Taxes from the reign of Charles I dating from the 1640s.

Note: I do not know whether these figures include the traditional allowance of 6d in £1 given to collectors and I have been unable to find reliable figures for the Welsh counties apart from Monmouthshire to extend the comparison to all counties paying ship money.

MAP II: GEOGRAPHICAL DISTRIBUTION OF SHIP MONEY CHARGES



London's charge was always the highest.

ii: THE MANAGEMENT OF SHIP MONEY

"It must needs be granted that in this business of defence, the *suprema potestas, is inherent in his majesty, as part of his crown and kingly dignity. ... the question will not be de persona, ... the question is only de modo,* by what medium or method this supreme power, which is in his majesty, doth infuse and let out itself into this particular;" The First Day's Argument of Mr St John, on behalf of Mr Hampden. (217)

St John recognised the exercise of authority in the state lay at the heart of the politics of "new counsels". How the King and the Council managed ship money, how they employed the authority of the prerogative had profound political implications in England in the 1630s. Gradually, the management of the service revealed the ideals of what Sir Hugh Cholmley called "high" prerogative, the most notorious of which was Justice Berkeley's contention,

"There was a Rule of Law and a Rule of Government, and that many things which might not be done by the Rule of Law might be done by the Rule of Government..." (218)

Ship money administration reflected the government's aims: national defence through naval strength, political unity after the turmoils of the previous decade, a just and equitable fiscal base. To achieve these ends the King and the Council employed the full weight and authority of the monarchy.

This authority came directly from the person of the King himself, who from the earliest days of ship money planning took a close and detailed interest in its progress. The service was shaped by Charles's political priorities, the most striking of which was his aversion to the summoning of a parliament in the near future. (219) In contrast to the period of the Forced Loan, the subject was never

promised a parliament in return for payment: the rewards of affection were the King's approbation, and the possibility of future ease.(220) Charles attached considerable importance to the ideals of justice and social fairness enshrined in the writs.(221) Similarly, he had a high regard for traditional forms: the emphasis on the most usual rates as the basis for ship money assessments was certainly convenient, but it was also perfectly consistent with Charles' ordered view of the world.(222) Ship money was after all planned to exemplify his "maxim" expressed to the Parliament in 1628,

"the people's liberties strengthen the King's prerogative, and the King's prerogative is to defend the people's liberties."(223)

Little survives to show the workings of Conciliar politics, but there is a fascinating example in the Coventry Ship Money Book of the inter-action between the two sides of this equation. When the Coventry men presented their first petition on September 20th 1635,

"the King's Majesty being there did say these words, 'God forbid that they should pay beyond their proportion'. His Majesty not long afterwards left the the Lords, then one of the officers called openly for Coventry men, saying we must come in. ... The Earl of Dorset demanded whether we were contented to pay according to our proportion, to which we answered 'Yea , with all our hearts.' We offered to show how we made good our affirmations and began to show our letters and acquittances etc. But the Lord Keeper bid us withdraw ourselves; and not long afterwards we attended and heard their Lordships had granted us their letters to the High Sheriff."(224)

The King did not need to stay at the meeting after he had made his pleasure known and once the Coventry men voiced their willingness to pay, they were virtually assured of redress. Likewise, Charles's wish that the clergy should be shown proper respect, which was central to

the Laudian ideal of the beauty of holiness, is also reflected in the secular government's concern about clerical assessments.(225)

The overwhelming impression from the sources is that the King was very interested in how the service was to work. This contradicts the view that Charles felt himself above routine bureaucracy and was only interested in results, which is held by his most recent biographer Charles Carlton. He was on occasion very interested in particulars, and felt that the King's relationship to his people as their governor touched upon his royal honour.(226) Those who worked in government did not regard Charles as a cypher: Dorchester said,

"The King holds in his hands the total directory, leaving the executory to every man within the compass of his charge."(227)

Although the King did not attend every Council meeting, major policy decisions were always handled by the King in Council and the sources show that Councillors were aware that he held forceful opinions. The Venetian Ambassador writing in 1637 also credited the King with a concern for good government,

"He selects his ministers not from affection, but from his opinion of their capacity."(228)

Nicholas's qualities as a state servant, and his reputation for personal integrity led the King to bring him into a prominent position in the administration. Certainly Charles worked well with him and respected his work.(229) As far as ship money was concerned, Charles's involvement directed the service in certain directions: towards authority, towards legalism and towards enforcement. In addition the King was prepared to assert his authority whenever

necessity. At the end of December 1635, the Venetian Ambassador recorded,

"In some counties, but without success, they are employing both mildness and severity for the raising of taxes for the fleet. To avoid running into a dangerous situation, his Majesty has decided to speak himself to the leading men among them."(230)

Similarly, Charles decided to rebuke dilatory sheriffs when he was on progress during the summer of 1636.(231) Sheriffs receiving reminders for arrears were warned that the King himself took notice of their disaffection as he viewed the accounts. Those who were diligent were encouraged with promises of future royal favour.(232) Ship money's public image as a service owed to the King himself was created and fostered by Charles's own actions. His wishes were the driving force behind the increasing pressure put upon the sheriffs.(233) He was also extremely sensitive about example: three loan refusers of the 1620s, Sir Robert Phelps, William Stroude and Thomas Lathom were each called upon to explain their actions before the King.(234) When Windebank wrote to Charles on 24th May 1639 describing Sir Francis Seymour's "boldness in the shipping business", the King scribbled his reply in the margin,

"You must needs make him an example, not only by distress, but if it be possible, an information in some court as Mr. Attorney shall advise."(235)

In an age of personal monarchy it is not really surprising that the King's wishes and his choices should shape politics. Although this has long been recognised about the character of the court, recent work by David Starkey and Kevin Sharpe has shown how artificial is the division between court and government, the character and the

personnel of each were shaped by the personality of the King.(236)
In October 1637, the Venetian Ambassador Anzolo Correr summarised the King's aims to the Doge.

"The hardness shown by them [parliaments in the 1620s] led to the change in the old principles of government, and to inventing ways of getting on without parliaments Accordingly the king, moving slowly through these rocks but steadfast in his determination, thought of opening the door by the key of the laws, and so to proceed to absolute authority without opposition, as he is doing. Having shaken off his fears he has had the laws interpreted in his favour by the lawyers of the realm, ... He has made up his mind upon two points, and if he carries these he will encounter no further difficulties. The first is to make all the houses in the kingdom, in towns and out pay a tax in proportion to fortune and titles, for the maintenance of the fleet, which costs more than 200,000 sterling a year. The other is the matter of the forests.(237)

The law as a "key" to authority is central to the enforcement of ship money. The service began as the revival of an ancient right of the Crown, but ship money gradually achieved a legal existence very different from the amorphous collection of ancient precedents dredged up in 1634.(238) This process began with the King's first request to three of the Judges, asking whether he could charge ship money upon the inland counties.(239) When the 1635 writ was issued, some of the sheriffs were rumoured to be "disputing or at least desiring to be resolved of the legality of such levies ": Charles reacted by turning to the Judges, to define some of the prerogative powers inherent in ship money.(240) All the Judges were required to endorse this statement:

"I am of opinion as where the benefit doth more particularly redound to ye good of ye ports as in case of piracy or depredations uppon the seas there the charge hath beene and may bee lawfully imposed on them accordinge to presidents of former times soe where ye good and safety of the kingdom in generall is concerned

and the whole kingdome in danger of which His Matie is the only judge there the charge of ye defence ought to bee borne by all the realme in generall. This I hold agreeable both to law and reason."(241)

This opinion was not published, it "walked in the dark for a year and upwards" in the words of Lord Falkland: its main purpose was to clarify the state of the law for the government.(242) With the issue of another writ in October 1636, the King was under sustained pressure from some of the nobility to abandon ship money, summon a parliament and embark on an offensive foreign policy.(243) In these circumstances the law took a role in propaganda: in February 1637 Charles sent a letter and a Case to the Judges, again asking for clarification of the law, but this time on a more comprehensive basis, and this time with specific reference to ship money. The letter developed the contrast between the "great chearfulness and alacrity" of most of the people, and the "inconveniences" created by "some few, haply out of ignorance what the laws and customs of this our realm are".(244) The Case asked the Judges to endorse formidable powers for the prerogative.

"When the good and safety of the kingdom in general is concerned, and the whole kingdom is in danger; Whether may the not the king, by Writ under the Great Seal of England, command all the subjects of this kingdom, at their charge to provide and turnish such number of Ships with men and victuals and munition, and for such time as he shall think fit, for the defence and safeguard of the kingdom from such danger and peril; and by law compel the doing thereof, in case of refusal or refractoriness? And whether, in such a case, is not the King the sole judge, both of the danger, and when and how the same is to be prevented and avoided."(245)

The King's desire caused the Judges grief and consternation. The wording of the first Case had been slightly modified by Chief

Baron Davenport, but was on the whole acceptable even to Justice Croke.(246) The situation was different in February 1637, because the Judges were not happy. Intense pressure was then put upon the judiciary to bring them to conformity: presumably with the aim of avoiding the kind of difference, occasioned by the Forced Loan a decade before. Richard Cust described the Judges' refusal to subscribe to the legality of the Forced Loan as,

"A significant setback to the service, particularly as they were joined some three weeks later by a group of about fifteen peers."(247)

There are significant parallels here. At this stage opposition to ship money was strongly aristocratic in character, and by February 1637, these opponents had achieved considerable publicity with Lord Saye's action in the King's Bench.(248) The King was therefore on the offensive against the dangers of popularity and faction.(249)

When the Long Parliament began proceedings against Finch, it came out that he had pretty systematically intimidated the Judges in order to achieve a majority opinion. Each man was visited in his chambers, given a copy of the King's letter and the Case and urged to compliance. Some, though not all of them, remembered a strict injunction "from his Majesty" imposing secrecy.(250) Doubts expressed by Bramston, Croke, Hutton and Crawley were not allowed public expression. Both Bramston and Crawley were concerned because they felt this second case gave too wide a power to the prerogative. Sir John Bramston's son recalled that his father,

"desired to have some clauses inserted to their answer of the case, which would have retained the case in material parts; for, instead of 'such time as your Majestie shall thinck fitt', he would have had 'and duringe such necessitie only', and desisted not pressing for that

addition vntill he was told by the anciente Judges that it was euer the use for all to subscribe to what was agreed by the maior part; ..." (251)

Crawley was troubled by the differences between the two Cases, but his scruples were dismissed by Finch with the words,

"Pish, it was all one in effect." (252)

Trevor also remembered being urged to sign because it was for the King's service and the good of the country, and because the Lord Chief Justice and the Lord Baron had already signed. (253) Hutton complained of undue haste,

"Our opinions were very suddenly required; for the king's letter bears date Feb. 2, and our opinions upon it bear date Feb. 7, following; and it was in a case wherein we never heard any argument: and we usually do; ..." (254)

Croke and Hutton were explicitly warned of the consequences of dissent - Croke was frightened enough to think of acting against his conscience. (255) None of this disquiet was allowed into the public arena: at the York assizes Finch and Berkeley categorically denied there were any differences of opinion, saying "it were a base and unworthy thing for any to give his hand contrary to his heart". (256)

Once the Judges' decision had been obtained the King ordered it should be recorded in the Exchequer, and published generally. (257) Less than a month after the King's letter, the decision had entered the public domain. (258) Writing to Lord Fielding on 18th February, Edward Hyde said,

"the Kinge is now thoroughly possess of his shipp-money, which all the judges of England have assured him may be leavied by law, which is a notable revenue attached to the crowne." (259)

The Lord Keeper, addressing the Judges as they departed for the Assizes, ordered them to proclaim this to the provinces, as confirmation of the legality of ship money.(260) Newsletters and discussion continued the debate.(261) As the Venetian Ambassador wrote on February 26th,

"Your Excellencies can easily understand the great consequences involved in this decision, as at one stroke it roots out forever the meeting of a parliament, and renders the king absolute and sovereign."(262)

Following this decision the King gave public permission for suits involving ship money to proceed, allowed the opposition access to the records in the Tower and went on the offensive against defaulters amongst the better sort.(263)

These developments also occasioned the first discernable split amongst the Council since the arguments of the summer of 1634. A major part of the Council, including Charles, favoured a test case which would provide a declaratory judgement for the King about ship money - in effect a sort of prerogative Five Knights Case aimed at clarifying the law and silencing dissent. The motive behind the Five Knights' Case had been to clarify ambiguities in the law in such a way that it would force the King to call a parliament.(264) In 1637 the initiative was, in spite of Lord Saye, to remain firmly with the government.(265) A crown prosecution was sought to destroy the credibility of opposition, because it would publicly expose the contrast between their "ignorance" and the King's "princely love and affection."(266) Laud and Wentworth, who were already isolated by their anti-war stance in 1637, thought such a policy most unwise. They welcomed the Judges' Decision, in Wentworth's eyes

"the greatest Service that Profession hath done the Crown
in my Time"

yet they believed it was foolish and dangerous to open up debate on
such a sensitive area.(267) Wentworth thought Hampden and his
associates "should be Whipt Home into their right wits."(268) Laud
replied,

"I think it might be done were the rod rightly used, but
as it is used it smarts not."(269)

The government's public policy was to be above conflict, to allow the
authority of the law to become evident, and thereby to make the
opponents of ship money look impotent and foolish. The gentry of Kent
recognised this when they discussed the likelihood of a ship money
trial,

"if it should not bee on the king's side, he would never
suffer in the point any judgment to bee had, if the 'taxe
were adjudged legal, it was lawe and a vayne thing then
to think he would ever endure it should bee reversed.
Parliaments could not doe more then kings would suffer,
and have seldom overthrowne judgments in which all the
judges had been herd..."(270)

In this can be seen the influence of the Lord Keeper Coventry and the
Lord Privy Seal Manchester. These two, who had been made unhappy by
the policies of coercion during the Forced Loan and were conciliators
by temperament and inclination, were closely associated with ship
money.(271) In a private letter of April 1637 Laud told Wentworth
quite categorically,

"The King trusted this business and the way of settling
it in the hands of Lord Coventry."(272)

The situation was quite different to 1626-7, when the hawks in the

Council gave "the positive backing the King needed", and to 1629-30 when political life was transformed by Charles's strong feelings of anger and disgust. The hard-liners had to wait until the changed circumstances after Hampden's Case made such opinions as Laud and Wentworth exchanged once more acceptable to the King.(273)

When the Judges gave their opinions in Hampden's Case during the spring and summer of 1638, the specious unity between the Crown and the Judges fell apart. In spite of attempts to keep uniformity, Croke and Hutton claimed the right to voice their dissent, and Sir John Denham, old and ill as he was, refused to let Finch persuade him not to find for Hampden.(274) Two out of the three most senior Judges, Sir John Bramston and Sir Humphrey Davenport, found for Hampden on the grounds that the administrative process was not good in law.(275) Jones "who handled the business so that no man could tell what to make of his argument, in dock out nettle", decided "for this time for the King".(276) Holland writing to Hamilton in June 1638, acknowledged this amounted to a empty victory,

"Our shipping business is at last judged and decided for the King, but only by a voice, five of the Judges not agreeing with those that have been for the King, which occasions a great restiveness in the business, our people being more inclined to believe that those that were against the King were less against their consciences."(277)

John Burghe, gathering news for Lord Scudamore, was full of foreboding:

"I pray God no ill success follows, considering some of the Judges gave their opinions to the contrary."(278)

Information from the sheriffs before the Case was finally

settled had forewarned the Council. They expected trouble and determined to use the Case as if it had given the King an absolute and unquestionable verdict.(279) In April the King had told the sheriffs

"he can make no better interpretation of this your supine neglect than it proceeds from some disaffection."(280)

After June 1638 the Council used the judgement as a propaganda tool, to undermine "doubts" expressed by some of the sheriffs. Unfavourable publicity was answered by the Judges: earlier in the year: at the Oxford assizes, Judge Jones expounded the arguments for the King to counter the circulation of opinions in favour of Hampden, and to quieten the kind of private speculation which led Sir Symonds D'Ewes to produce precedents showing the illegality of the service for his neighbours edification.(281) The push for greater efficiency and greater accountability increased from this time: personal responsibility became the hall-mark of relations between the Council and the sheriffs. A circular letter of June 30th 1638 emphasised that the Lords would lay the blame for default,

"(whatsoever cause or difficulty may be otherwise pretended) to your own backwardness and remissness in not putting roundly and effectively into execution your said power and authority on that behalf, and this the rather for that we find in former years there was more of the said money and in shorter time levied and paid in by your predecessors. And as for the advertisements by you given and questions made of some particulars, which you pretend to give impediment to the service, we esteem them of small consideration, especially at this time there having been a public judgement given for the King."(282)

By the summer of 1639 the Council was seeking the legal means to enforce shrieval responsibility for ship money arrears.(283) According

to Rossingham's newsletter to Lord Scudamore, the Attorney and Solicitor Generals were asked to consider,

"whether the high sheriffs by law ought to make good for so much of the ship money as, through their default through negligence, they have left uncollected, now that the Judges have declared their judgement that ship money was legally due to his Majesty when he should see cause to send out these writs for the preservation of the kingdom. Mr. Attorney and the lawyers define the question, whether ship money were legally the King's rent as some other collections are, proper to all sheriffs to gather and pay into the Exchequer, and where in those particulars they shall make wilful neglect, in those cases the high sheriffs are doubtless to make these rents good out of their own estates."(284)

As in the difficult question whether ship money could be annual, the Judges were called upon to define the nature of the service. This must have put them under considerable pressure, given the ambiguity of the law and the King's desire for a clear answer where perhaps none could be given.(285) The kind of conflicts facing the Judges can be seen in their handling of two different requests for legal clarification after Hampden's Case was settled. In Michaelmas Term 1638, Lord Saye's case was heard in the King's Bench, before Justices Berkeley, Jones, Croke and Bramston, who dismissed it with astonished disdain.

"Sir John Bramston said that they had no precedent like this, viz, to take the thing in question the next term and before the Judges faces that did determine it."(286)

A few months later in the summer of 1639 the Crown's legal officers asked the Judges to determine "yea or nay" whether ship money was an annual rent for which the sheriffs were liable; but their answer was equivocal - only where the neglect could be shown to have been wilful.(287) Rossingham also reported that,

"the Judges in their arguments declared, though it were legal to levy money by this writ, yet it were not legal to make it annual."(288)

Londoners, who had been imprisoned in Newgate by the Lord Mayor for refusing to enter into bond to appear at the Board, were given bail or released.(289) Other recalcitrants, like Alexander Jennings who had refused to pay the messengers' fees and was in contempt of Council orders, remained imprisoned.(290)

Many different media were used to communicate the King's wishes to his people. Propaganda by Privy Councillors, as well as the use of their personal influence, confirmed the importance of ship money. Wentworth promoted payment of ship money in Yorkshire, and Secretary Coke helped Sir Greville Verney with a few of his difficulties with the 1635 writ in Warwickshire(291) A similar role was played by the Assize Judges, who publicised the King's involvement in the service and helped to sort out local problems.(292) Moreover, the language of the writs and Instructions with its heavy emphasis on public honour, duty and obedience, was communicated throughout the kingdom via the sheriffs' warrants and the instructions sent to high and petty constables, assessors and collectors.(293) Sheriffs reiterated the Council's wishes at many of the public meetings during which assessments were made.(294) This commitment to ship money meant that those who wanted the King's favour competed for it within this context of obedience, and in a context where that favour was publicly shown to those people who were dutiful. In a letter of 6th April 1637, Secretary Coke told Wentworth,

"For your countrymen of Yorkshire I had from Mr. Vice-president speedy notice of their readiness. As also from Sir William Saville, and did presently acquaint his Majesty and the whole Board with their good example. Whereupon letters of thanks were written to take notice of it. And when Sir John Ramsden brought up the monies, I brought him to the King."(295)

Undutiful conduct was also noticed because the Council kept a strict control over ill-example. A contempt publicly expressed was treated as a serious matter. In September 1635, Manchester reported Mr. Taverner from Hertfordshire, a known malcontent who had spoken disdainfully about rating at a public meeting in Hatfield. He advocated immediate action, urging Secretary Coke to send a messenger with a warrant because,

"This man must be schooled, the business may suffer through such insolency."(296)

Public expressions of dissent from the sort of men who were the leaders of their local communities were regarded as dangerous, because they encouraged a similar attitude lower down the social scale. In a fierce battle between the borough of Ilchester and Tintinhull hundred in Somerset, Sir Robert Phelps was accused of disruption by the sheriff Henry Hodges and William Dawe, the disreputable Bailiff of Ilchester.(297) They claimed that as a result of Sir Robert's attitude at "a public meeting" John Napper one of the constables of Tintinhull hundred refused to act on the sheriff's orders. Napper defied the sheriff, saying he would pay no more heed to his warrant than "a straw under his foot", and in his turn threatened the tithingman of Northover with the wrath of "the little man", for he "should be undone for he should have a messenger sent

for him."(298) After investigation by Councillors, Sir Robert was called upon to justify his conduct before the King himself.(299)

Dissent from the pulpit was seen as very dangerous, particularly in areas where the Council feared, but often could not prove, collusion between radical preachers and dissident gentlemen. In May 1637, Giles Randall, a Huntingdonshire curate, was reported first to one of the county's JPs and then to the Council. He had preached,

"upon a general fast day, ... that amongst the many sins which caused the wrath of God to be heavy upon this nation, the taking of the Loan and ship money to be two of them, ... further said that the taking of the Loan and the ship money is felony, and without restitution there can be no salvation."(300)

The Lords reacted swiftly, ordering Sir Capell Bedell to investigate locally and sending a messenger for Mr. Randall.(301) He appeared before the King on 21st May, was remanded in the messenger's custody for a week and then discharged under bond of £500, pending investigation.(302) Evidence given before four Huntingdonshire JPs showed that Mr. Randall had in fact preached on a theme dear to the Council's heart, denouncing the oppression of the poor by

"unjust levying of [ship money], casting it off from rich men's shoulders onto poor men's necks."(303)

Much of the interest of this episode lies in the Council's response, in the gravity they attached to the charges. Accusations made against clergymen from London, Essex and Northamptonshire, as well as the Bishop of Lincoln's defensiveness about opposition to ship money from "the preciser sort" in Bedfordshire, show that the government was peculiarly sensitive to dissent in areas where resistance to ship money could be linked with Puritanism.(304) In Norfolk during the

1637 writ, the sheriff hinted at co-ordinated resistance between lawyers and clergymen, which the Council regarded with horror: the Lord Keeper regularly warned "the sons of the law" to remember their duty of conformity.(305)

Action against ill example went hand in hand with the importance of a public rebuke. In May 1637 two Bedfordshire ship money collectors complained to the Lords about Thomas Dunford, whose "refractory carriage... hath animated divers to stand out, whereby the said service suffereth." Dunford was in attendance and was discharged on condition he paid his assessment;

"And in regard the offense is not to be passed over with impunity if the allegations be true, their Lordships did further order that the Judges of Assize be hereby prayed and required at the next Assizes to be held in that county, to call up the said Dunford before them and publicly to amend his carriage in the said business, and if they find cause then to give order for his punishment according to his demerits."(306)

This public rebuke was to counter the damage done at local level, to inflict a visible shame. The Council also approved prompt action by the sheriffs in confronting recalcitrant local officers, endorsing the sheriffs' actions by conveying to them news of the King's approval.(307) Many sheriffs asked the Lords to back their own efforts to achieve conformity, motivated by the same desire for order and good affection. John Cartwright of Aynho in Northamptonshire ordered his servants to resist when the sheriff came to distrain his cattle and he then slighted the authority of the writs. Sir Robert Banister brought the situation to the Council's notice immediately in a letter of 1st September 1637:

"Humbly desiring your Lordships to take into consideration the retractoriness in general of this county, and

especially of the hundred where Mr. Cartwright lives If a man of Mr. Cartwright's rank and in the Commission of the Peace shall abet and give countenance to base people thus to affront his Majesty's service, ... I leave the consequences to your Lordship's wisdom."(308)

It was normal practice for the sheriffs to handle recalcitrance themselves as much as possible, but to rely on the Council to deal with potentially dangerous men. Sir Humphrey Mildmay, the second ship money sheriff of Essex, complained in July 1636 about constables who were steeped "in the gall of malice towards the service". Four months later he asked that

"some reformation may be had upon some of the chief constables, some untoward Londoners and the chief bailiffs. I do conceive, under favour, that the work your Lordships command me to do would be very easy ... the evil-affected would quake at the noise thereof, and his Majesty's money come in very roundly."(309)

Although there was an element of truth in some of these charges, the impression they gave, as well as the Council's own emphasis upon the conformity of prominent men like Denzil Holles or Lord Falkland, confirmed the belief that a small contingent of the disaffected were responsible for lack of harmony in the body politic.(310) This assumption lay behind the removal of Deputy-Lieutenants and JPs who had been negligent in the ship money service, which was first ordered in November 1636.(311) It also lay behind the disastrous mishandling of the Short Parliament.(312)

Underlying action against the recalcitrant was the fear that an evil example would persuade subjects out of their loyalty. Once again it possible to see how the sheriffs' reports reinforced the Council's fears, and to see that the concern for obedience was one shared by

the King and some of his leading subjects. In November 1635, Sir John Hotham sheriff of Yorkshire wrote to Wentworth,

"I have according to your direction certified his Majesty and the Lords of Sir Michael Wharton's refusal, and I assure you his Majesty resents it much as I well perceived, when at my coming to town I was sent for to give him an account of my proceedings upon this last writ for shipping, wherein I gave him such satisfaction as he was well content and satisfied with my endeavours therein. He asked me whether I thought there would be any refusers in Yorkshire. I told him that, this man well-regulated, I hoped there would be none. He hath given me a positive command instantly to distrain upon him (and I assure you my Lord it pleased me in the manner for it was *en roi*)... ." (313)

When William Stroude of Barrington was investigated for opposition, the under-sheriff of Somerset said to Bishop Pierce

"divers in his presence hearing of Mr. Sroude's replevin wished they had not paid so soon." (314)

Concern about the wrong sort of publicity was a factor in the development of the Crown prosecution service, which attempted to contain legal conflict to the Westminster courts. This can be illustrated from a Shropshire example in early 1637. In this county an awareness of the implications of the Petition of Right occasioned by the muster-master dispute between Sir John Corbet and the Earl of Bridgewater, combined with resentment of an unscrupulous parvenu sheriff and an unequal rating system. (315) According to Robert Ryece writing to John Winthrop resentment was made publicly visible in a very symbolic way during the summer of 1636, when the King was on progress in Shropshire,

"the K[ing] was exceedinge angry for his badde entertaynemente. the Shereefe had but 10 men and never a gentleman with hym, but every gentleman was from his howse, and in all places where the King was to lodge the goodman gone, none at home but the wy'e, with abondance

of all sortes of victualls and servants. Heere formerly was Benevolences and Shipmony denyed, which some construed was the cause of eury mans generall absense."
(316)

By February 1637, Rossingham had news from Shropshire of a challenge to the legality of ship money: he had heard

"an under-sheriff was prosecuted for distraining, and a jury there found it for the king against the subject."(317)

A week later in the next letter to Sir Thomas Puckering he corrected himself,

"The distraining for non-payment of the ship money was not tried before Judge Jones, as in my last. However, all things were ready for the trial. Counsel was fee'd on both sides. Mr. Serjeant Cresswell was for the king, but a juror was withdrawn, that it might be tried at Westminster Hall at more leisure.(318)

After this letter, the case disappears into obscurity. There is no way of knowing how many, or indeed how few, potentially explosive cases were quietly undermined. Yet this attempted control over access to the law cut right across all traditions of a common law and a common peace. By limiting the scope for protest the Council was also limiting the scope both for participation and for the resolution of conflict. In effect they confirmed discontent and "grudging" by confining redress of grievances to ways acceptable to the Council; this served to identify the service with disruption, even though some of the disputes may have been of long-standing or of an irresolvable nature.(319)

However, the most effective form of enforcement was by the Council's own management of the service. The Lords always maintained

overall direction of the service, although they did expect the sheriffs to ensure that the terms of the writs and Instructions were met locally. It was the sheriffs' duty to deal with the basic administration and to settle complaints locally. Sir George Sandys sheriff of Kent was rebuked on 9th December 1636 for not handling Sir William Selby's assessment grievances,

"The Board would not be so pestered and often troubled if the high sheriffs of the several counties were careful to perform their duties." (320)

In this context it was sensible to make sure that the men who held the office of high sheriff were men of quality, who could command the respect of their counties, and men of good affection, who would endorse the service. The Council tried to implement this policy, particularly for the first national writ in 1635 and again in 1639. (321) Yet this was not the only consideration which governed the choice of an important officer. There were two different tactics for dealing with opponents of the regime at this time. The older tradition was to employ such men in the King's service, giving them the chance to re-assert their loyalty and to heal harmful divisions in the body politic: this approach, which was particularly associated with the Lord Keeper Coventry in the 1620s, had been out of favour in important political circles during Charles' reign. A second approach superseded this, which was to exclude opponents from participation in government, to rely on "discreet and well affected persons" in the words of Attorney General Heath. (322) From 1637 some of the leading opponents of ship money were pricked as sheriffs: Sir Alexander Denton in Buckinghamshire and Sir Anthony Irby in

Lincolnshire for the 1637 writ, Martin Lumley for Essex and Sir Symonds D'Ewes for Suffolk in 1639 are some of the most striking examples.(323) At one level this gave them the chance to re-assert their loyalty, and demonstrate their good affection: Thomas Grantham, the son of a prominent Loan refuser and an active Parliamentarian during the Civil War, was nevertheless a conscientious ship money sheriff for Lincolnshire in 1638-9.(324) Choosing opponents of the service for the shrievalty coincided with the moves to make the sheriffs personally and legally liable for their counties ship money; such men would be constrained by their oath of office and the duties it imposed, as well as by the danger of Conciliar actions against them.(325) Individual sheriffs were on occasion treated with severity, like Sir Anthony Irby who in early 1640 was held in custody and made to attend the Council *de die in diem* until he had paid a substantial sum off his arrears.(326) Others got off more lightly, like Sir Alexander Denton - he simply refused to accept personal liability for the county.(327) Enforcement was more difficult when the Council was diverted by events in Scotland, by the general collapse of ship money, and by the Parliaments of 1640.(328) Nevertheless, the anger of MPs in the Long Parliament about the prosecution of the sheriffs in the Star Chamber, shows that here the Council was treading on dangerous ground.(329)

The ship money sheriffs were, on the whole, well-affected and loyal to the King's service. Most of them were drawn from the ranks of the county gentry, with experience as JPs, Deputy-Lieutenants or as MPs: they paid a price for their loyalty, giving up time, advancing money out of their own pockets, and sometimes alienating

their friends and neighbours. Edward Chute the first ship money sheriff in Kent bewailed the dilemmas of his situation to his neighbour Sir Edward Dering.

"I am heartily sorry that soe many of my respected friends and neighbors should censure mee and my proceedings in a businesse of this weyght and consequence, or that any should taxe mee of partialitie or inconsideratness herein."(330)

Some, like Humphrey Chetham in Lancashire in 1634 and 1635, or John Buxton in Norfolk in 1638, sought to use the shrievalty to enhance their own position in their counties.(331) Others, like Sir Edward Littleton in Staffordshire for the 1636 writ or John Whatton in Leicestershire for the 1638, laboured for the King in the face of formidable difficulties.(332) By choosing prominent men, and using ship money to bind them to the King's government, the Council was trying both to strengthen the service and to bring the leading gentry into active participation. It cannot be a coincidence that plans were made to widen the administration of the writs, to include the JPs and Deputy- Lieutenants, at times when the King was under pressure to call a parliament during the war-scare of 1635 and 1636. In such circumstances the governemt wanted as wide a support for its policies as possible.(333)

Much of the basic administration was carried out through the writs and Instructions, and adapted to local circumstances by means of the Council's replies to the sheriffs' letters, or in response to a problem which had been dealt with at the Board. In many cases the Council's letter served either to clarify a particular difficulty or to vindicate the conduct of the sheriff. Sir Edward Hussey and Sir

Anthony Irby both needed specific guidance on how to rate Lincolnshire's newly-drained lands: perhaps the repetition indicates a lack of communication between succeeding sheriffs, but perhaps this also reflects the complexity which fen drainage created in rating the county.(334) Given the difficulties of working these changes into a traditional framework for levying county rates, the fact the Crown was "graciously inclined to show favour and encouragement to such works" and the touchy defence of common rights by the fenlanders, the sheriffs needed the Lords to enhance their authority.(335)

All in all the Council believed that by regular contact and regular pressure from above, they would ensure the success of the service. For example, sheriffs who were in arrears received reminders which gave them the alternative of payment or attendance at the Board by a specified date; in many cases this money was not paid in on time, the sheriff would be dispensed from attendance and given another date. Thus, on 8th August 1639 the five sheriffs of Herefordshire, Northamptonshire, Staffordshire, Shropshire and Worcestershire, who had paid in no ship money under the 1638 writ, were commanded to attend on 1st September.(336) On that date Philip Holman for Northamptonshire and Sir Richard Lee for Shropshire were convened for negligence; the other three claimed to be busily engaged in their counties, were dispensed from their attendance and given until the beginning of the next term to bring in their arrears.(337) Holman had to attend again on the first Sunday in October: he had been commanded back to his county accompanied by a sergeant at arms who found him disaffected, the Lords then saddled him with personal liability for his county and a fixed schedule for his payments.(338)

The other four sheriffs were reminded of their duty again at the end of November. Another date was fixed, when that expired, they were given until Candlemas Term; in February 1640 this time was extended until Easter Term with a warning that they ran the risk of Star Chamber proceedings.(339) In May the Attorney General was instructed not to prosecute Mr. Skrimshaw the late sheriff of Staffordshire because he had paid all but £16 13s. 5d. of his arrears.(340) In July Sir Robert Whitney was urged to return details of the Herefordshire defaulters.(341) Table IV shows the response of these counties to Conciliar pressure, as reflected in payments of ship money they had collected to Sir William Russell. Without the Council's intervention it is unlikely that any money owed for the 1638 writ would have been paid in for Herefordshire, Northamptonshire and Shropshire: the writ of December 1639, coinciding as it did with news that the King was summoning a parliament, was virtually a dead letter in these counties.(342)

TABLE IV: SCHEDULE OF SHIP MONEY PAYMENTS IN FIVE COUNTIES 1639-40

Date	Herefords.	Nhants.	Staffs.	Salop	Worcs
Charge	£1200	£2150	£850	£1650	£1250
3rd Aug 1639	-	-	-	-	-
31st Aug 1639	-	-	-	-	£60
12th Oct 1639	-	£811 6s 9d	£250	£650	£260
30th Nov 1639	£50	£1311 6s 9d	£650	£973 18s 1d	£540
15th Feb 1640	£660	£1311 6s 9	£690	£1374 1s 10d	£540
4th March 1640	£660	£1311 6s 9	£723 7s	£1541 11s 5d	£690
16th May 1640	£660	£1311 6s 9	£833 7s	£1541 11s 5d	£690
26th June 1640	£660	£1311 6s 9	£833 7s	£1541 11s 5d	£690
16th Jan 1641	£660	£1311 6s 9	£833 7s	£1541 11s 5d	£690

Such pressure was often a spur, as well as a justification for action: in the first fortnight of July 1636, Sir Peter Temple and Heneage Proby were both driven to tackle Buckinghamshire's arrears when Sir Peter was ordered to attend the King on 17th. (343) As Proby wrote to John Greene on 9th July,

- "I charge you in his Majesty's name,
1. To collect what moneys you may that is unpaid in your division.
 2. To pay what you do receive to Sir Peter Temple at Aylesbury on 14th July, and deliver him the returns of such as will not pay at the same time.
 3. That immediately you are to deliver to Robert Kingston the bailiff of your three hundreds, and tender a true copy of the returns of all such as will not pay, that he may forthwith make distresses upon them according to his warrant.
 4. You must apply your utmost endeavour in this service, because Sir Peter Temple is attended upon by a messenger from the King on the 17th of July." (344)

In dealing with the sheriffs and in handling different counties, the

Lords came to distinguish between the well and the ill affected. Their perception of sheriff and county governed their response to any difficulties. According to the letter of the writs, counties were in arrears when the payment date of 1st March was passed, yet, to take two examples, late payments from Leicestershire were regarded in a completely different light from late payments by Oxfordshire. The Council's information showed there were very different reasons for this in the two counties. Leicestershire sheriffs got into the habit of allowing the constables until after the harvest to bring in arrears, which is reflected in a pattern of substantial sums paid to Sir William Russell each autumn.(345) There were few rating disputes from this county, and little gentry opposition apart from by Sir Arthur Haselrigg.(346) In Oxfordshire, on the other hand, there was an articulate opposition to the service from the constables, fierce rating disputes between the corporations and the hundreds and nearly forty of the county's Deputy-Lieutenants and JPs were returned for either refusing or being distrained for the 1635 writ.(347) This pattern persisted in spite of dismissing JPs as prominent as Lord Saye and his son from the Commission of the Peace, and despite retaliatory action against the more unruly constables.(348) As a result the Council was far less likely to put a favourable interpretation upon late payments. In April 1639 John Whatton sheriff of Leicestershire, told Nicholas he had already paid £500 of his own money to Sir William Russell,

"with much ado (I) have received almost £400 towards it. ... many which are well affected and willing to pay yet do not for want of money, but desire a little respite, which, although I do not give, yet if I may forbear awhile to distrain of such, the money will come the cheerfuller, and the time I think will not be long. And I persuade myself

it will give his Majesty and your honourable Lordships better content than if any strict course be hastily taken to cause a murmering among the common people, ..." (349)

A few weeks earlier the sheriff of Oxfordshire's father had written that his son had been "much employed in hearing complaints of injury and inequality of former taxes", which he claimed had produced "clamour" in the county. (350) At the end of May, the sheriff was in trouble with the Board for non-payment and for his handling of Pirton hindred, and he was rebuked in no uncertain terms by the Lords,

"This manner of your proceeding in a public service of this nature and importance, joined with the consideration that hitherto you have not paid in any part of the ship money, gives us cause to doubt your affection to this business, and that you go about to make new rates on purpose to discontent all men and frustrate the service. We therefore give you timely notice of the interpretation here put upon your proceedings, ... (351)

After four writs the Council was familiar with the difficulties encountered by Oxfordshire's sheriffs, which formed a recurring pattern of rating disputes, reluctance to pay, disruptive legal suits and persistent arrears. (352) It was a paradox that the more difficult the county, the less patience the Council often had for its sheriffs; yet a difficult county also meant that the sheriff had little room for manoeuvre at a local level. After the 1635 writ, only the sheriffs of well-affected counties, or sheriffs who were very determined like William Bassett in Somerset in 1636, risked advancing substantial sums of their own money to further the service. (353) John Whatton in Leicestershire or Francis Godolphin in Cornwall could be fairly certain they would not be out of pocket, Philip Holman in Northamptonshire could not. (354) Similarly, rating disputes and

unsettled or unpopular rates were common problems for many counties; but they were much more intractable in Northamptonshire and Somerset than in Devon or Shropshire. Each county had a shared experience of out of date rates which were re-modelled by succeeding sheriffs and were the subject of complaints to the Board.(355) Sir Christopher Yelverton sheriff of Northamptonshire in 1639, described rating disputes as

"an opportunity in those which shall refuse to shelter and cover themselves under that common pretense of inequality."(356)

Yet, the disruption this caused was contained in Devon, whereas it was not in Northamptonshire: this in turn alienated the gentry and the Lords from each other.(357)

Rating disputes were the most intractable, the most persistent and often the most divisive type of problem the Council had to manage. They could range in scope from the charge upon an entire county, to the most equitable division between different hamlets in a parish.(358) They could vary from questions such as should the nobility of Nottinghamshire pay, although not charged by name in the writ of August 1635, through considerations touching redress of grievances amongst the clergy, down to such minutiae as whether Thomas Lathom of Essex was liable for ship money charged on his wife's estate before the date of their marriage.(359) Literally hundreds of disputes reached the Council table every year, and it is clear from surviving sheriffs' papers that these may only be a fraction of the total.(360) Being a new service ship money did not have a settled structure, and it took a while for the Council to

learn how to manage it, by using different techniques at the Board itself, by delegating and by expanding the Instructions. Amongst some of Sir Roger Twysden's neighbours in Kent, during the spring of 1637, there was a marked degree of sympathy for the service in spite of their experience of its limitations,

"for the inconvenyences the inequalityes did produce, a few yeeres would so settle it, that every cyty, towne, hundred and parish should know what they were to pay, and then there could bee no great matter but what the sherif himself would easily redresse."(361)

The Lords did not take this tolerance completely for granted and during the first three years of ship money the Council developed a number of key strategies for managing disputes. The most important was to rely upon the sheriffs. Straightforward matters were usually referred back to the sheriff to be dealt with locally. On 25th June 1637 the Lords sent the sheriff of Dorset a petition they had received from the Mayor of Corfe Castle claiming an overcharge for ship money. They ordered the sheriff to give the petitioners "such ease and relief as you shall find cause", with the proviso that if the town had paid its charge for the current writ there should be ease in future.(362)

More difficult matters, which had often been sent once to the sheriff and not settled to the satisfaction of all the parties involved, were sent out for wider arbitration - sometimes to the JPs, one of the Bishops or to the Assize Judges. To take one Somerset example, there was a bitter quarrel between Sir Robert Phelips on one side, and on the other, the sheriff of 1634 Henry Hodges, two of his cronies Smith and Dawe who dominated the capital burgesses of

Ilchester and Sir Robert's old adversary Sir John Stawell. This quarrel took on its ship money dimension during the 1634 writ, but became infinitely complicated over the next two and a half years, involving references to the Council, from them to succeeding sheriffs, to the Bishop of Bath and Wells, back about half a dozen times to the Council, and finally to the Judges of Assize. There was more at issue here than rating disputes, especially in Sir John Stawell's accusation of "an abuse by combination" designed to frustrate the King's service. Sir Robert was furious because he felt his honour and "his inheritance" had been brought into "prejudice or question" by "men known to be malicious to me". He demanded, and he got, the public humiliation of his enemies before the King and before his county at the Wells Sessions and the Assizes.(363)

A third approach involved using the authority of the Privy Council as an instrument of government, resolving disputes by hearing evidence, and by acting as a sort of final court of appeal. The Council was at its most powerful when it acted as an adjudicator, especially when there were competing local interests seeking the King's favour. Peter Lake has argued that struggles between Chester and the Cheshire gentry, far from hindering payment, actually promoted the payment of ship money.(364) In some cases the Council's handling of disputes served to limit damage, defusing local anger which would otherwise have been directed against ship money. Sir John Dryden assessed £435 more of Northamptonshire's ship money for 1635 on the Eastern division of the county than on the Western, contrary to the established practice for local rates, but with some justification under the terms of the writ.(365) Some of the leading

nobility and gentry, including Lord Montague of Boughton, Lord Wharton and Lord Brooke wrote to Sir John, urging him to think again otherwise they would have cause "to complain higher." (366) When he refused to change his mind, they wrote to the Lord Lieutenant the Earl of Exeter and petitioned the Lords who gave them redress within a matter of days. (367) The Council's revision of the assessment, their decisive handling of Sir John Dryden and their support for Lord Montague, whose local standing was being asserted during the 1630s, were astute moves. (368) Northamptonshire was a backward county in the 1635 context: a ship money rate which was seen as unjust and innovatory could have been disastrous; for there was not only a disputed rate -at the Kettering Quarter Sessions the JPs received a petition against the service as "a very great and insupportable grievance", the sheriff tried to wriggle out of his responsibilities and he and his "puritan constables" were later accused of disruption by Dr. Sibthorpe. (369). The Council's authority reconciled the parties and promoted the King's service, by choosing the men most likely to be reliable.

In the same way the King's conversion to the case against Sir Walter Norton helped to limit the damage in Lincolnshire caused by this sheriff's "intricate and unimitable ways". Charles had initially supported Sir Walter against the investigations of the Earl of Lindsey, but the weight of evidence, given "in the face of the country", was overwhelming and the King and Council changed tack. (370) Powerful men in Lincolnshire, beginning with the Lord Lieutenant the Earl of Lindsey and the majority of his Deputies, would have been alienated. Sir Walter Norton also named the Bishop of

Lincoln, the Earls of Lincoln and Rutland and Lord Saye, who was Lincoln's father-in-law, as ship money defaulters.(371) The Crown could not afford to run this risk in a county which also saw the Earl of Lincoln and Lord Saye's attempts to sabotage the service, just as he had undermined the Forced Loan.(372) As it happened hostility was directed away from the principle of legality, which had been voiced by Sir John and Sir Christopher Wray, and re-directed against Sir Walter Norton when the Deputy-Lieutenants had to concentrate on the redress of county grievances caused by extortion and corruption.(373)

The ideals of reconciliation, which were so important in the poetry and plays of the 1630s, influenced the Council's handling of disputes.(374) The Council Board was the place where neighbours could be reconciled or where the poor could come to find justice, like the tenants of Mickleton in Gloucestershire who claimed to be oppressed by their neighbours of great estate.(375) Settling disputes also demanded a sensitivity to different interests and a recognition of unspoken tensions shaping different responses to the service: an example of this can be seen in the Council's handling of the petitions of Sir John Jennings and the townspeople of St Albans in February and March 1636.(376) These petitions complained of gross inequalities in the way the borough authorities had rated for ship money; the Council gave Sir John satisfaction because the corporation had contravened the writ and Instructions, but they must have known that if Sir John had not been content he could very easily have disrupted the service. Sir John Jennings was one of the wealthiest men in St. Albans, was a JP, had been the town's MP in 1628 and he had been a stalwart Loan refuser. Thanks to the satisfaction given to

the town in 1636 his protest was confined to absenting himself to London in order to avoid distraint.(377) When dealing with conflicts the Council had to reconcile the parties in a local dispute, and at the same time make sure that they fulfilled their obligations to the Crown. What can appear as contradictory or insensitive handling -such as the different levels of tolerance and sympathy displayed towards towns stricken by the plague in 1636- depends upon the local context.(378) Sometimes the Council's aims were complex: in handling the numerous Somerset rating disputes the Council was lenient to contain tacit opposition and to promote content.(379) Sometimes differences which already existed were exacerbated by ship money, for example between the Dean and Chapter of Winchester and the city's corporation which came to the Council in March 1637.(380) Then competing interest groups sought to prove their loyalty to the King to win him to their side.

A favourable response depended upon a willingness to conform, not just to the service itself but also to the standards the King expected from those who held positions of public trust. In May 1638 the parishioners of Hornchurch in Essex petitioned about an unequal rate and "the indirect carriage" of George Thorogood. All parties were ordered to attend three days later, when counsel and witnesses were heard: following a reference from the Lords made "upon untrue suggestions", Thorogood had "factiously" set a new rate "unduly made and merely out of malice ... to prejudice and retard the service". This rate was not to stand, all money levied on it was to be repaid and the sheriff was "to take care" the order was put into effect. A fortnight later, the petition was presented again, all the

evidence gone over for a second time, and the previous order confirmed. The Board also said that if they heard of the matter again, the next decision would be the Fleet.(381) By 1638 the Lords had learned that unless curtailed this sort of dispute would drag on for months, even years - such as the one about Bricklesea, which began in 1635 but was unresolved in 1639.(382) Individual disputes did not often get as far as Whitehall since most sheriffs took Sir John Byron's line and actively discouraged this.(383) Most men used appeal to the Lords as a last resort, in a case of peculiar complexity or in defence of a right they felt was in danger.(384) In any case the Lords themselves preferred not to "give an absolute direction ... in complaints of this kind", because more than any other sort of dispute these cases needed detailed local knowledge.(385)

The final method of handling disputes shows how far the King had moved from the crude approach which characterised policy in the 1620s. There would be no equivalent of the patient and consumptive Sir Francis Barrington to act as a martyr-figure for other refusers.(386) The Buckinghamshire refuser who fell foul of the Council and went to prison for slighting their authority was not John Hampden but Alexander Jennings.(387) Nor was it the gentry of Essex who paid for the county's resistance to the 1635 writ, rather it was the constables, raters and collectors who were summoned to Whitehall. Warwick's nominee the constable of Harlow half hundred was summoned before the Council in May 1636 and imprisoned in the Fleet until the ship money for his area had been paid.(388) Oxfordshire constables were punished for voicing the political views of their local magnate Lord Saye. Nothing happened to Lord Saye who on the 1635 writ alone

owed £25 in Gloucestershire, £24 in Oxfordshire and sued the constable who distrained him in Lincolnshire.(389) No prominent men were imprisoned for refusing ship money; they were offered a different alternative, either to co-operate with the King or face dishonour. In the early days of ship money, the King summoned refusers and spoke to them in person: in November 1635, Sir John Hotham told Wentworth he had heard of "divers lords" refusing ship money adding "My Lord of Hertford hath been sent for to the King".(390) This announced the King's commitment to the service, but it also honoured the leaders of society with Charles's personal attention. The Venetian Ambassador thought it was an effective tactic,

The King "has them summoned one by one and in a suave and pleasant mannner tries to presuade them to contribute, asking them to consider the necessity of being found armed at sea for the safety of the realm and for trade and for the honour of the crown. By this means their bitterness seems to have been in great part removed and themselves rendered much more disposed to satisfy the King although disorders have not disappeared altogether.(391).

When persuasion was not enough the King decided to punish gentlemen by dismissing them from the Bench or the Deputy-Lieutenancy.(392) A purge of office-holders presented opponents of ship money with an unpleasant choice: to be dismissed from the King's service was to be lessened in honour and consequence.(393) Opposition in Essex was probably broken by a warning from the King to Warwick that he would remove all of the Earl's men from their local offices.(394) Some gentlemen felt this was to their dishonour, like Walter Boucher of Bramley in Gloucestershire.(395) Others were careful. In November

1639, the Earl of Leicester's man of business advised him to give up a long battle about the assessment for 1637 on his house in Westminster,

"The St. Martin's parish authorities have dealt very 'unconscionably' with you, but there is very little likelihood of remedying the position without running the risk of your being reported 'as a refuser, which wilbe of worse consequence than the money they require'. If nothing can be done by the Masters of the Parish it will be better to end the business 'for fear of the worst.'" (396).

Those who encouraged retractoriness were punished by the loss of the King's favour, reflecting the government's view of the gentry as the natural leaders of their communities. Even in August 1639 the Council believed

"there be also many which will pay rather than give his Majesty any just cause of offence against them, as namely any or almost all of the nobility of the kingdom, also those that have any means of dependance upon the court, all rich men through the kingdom, except here and there one obstinate man, which is not much considerable, who also may have cause to repent it before the year come about, with men being often subject upon a thousand occasions to fall into the King's mercy. (397)

On the other hand the Council did not acknowledge political consciousness amongst the lower orders, they believed such men were manipulated by their betters and were treated rather like wayward children. They were summoned, rebuked, made to acknowledge their fault and often bound to conformity: thus, fear of punishment would motivate them out of their disaffection. A Lincolnshire constable named William Official, who would not distrain on Sir Edward Hussey's warrants because he was afraid of Lord Saye, was ordered to conform on a bond of £500. (398) The Board's handling of disobedience

shows that they perceived a distinct difference between the classes: sheriffs were rarely imprisoned, although some like Sir Peter Temple were placed under house arrest, yet in accordance with the writs constables and bailiffs often lost their liberty in local gaols or were sent to the Fleet. Some of the Buckinghamshire constables and bailiffs summoned with Sir Peter Temple in July 1636 were punished with prison, whereas Sir Peter was rebuked by the King. A 1639 list of defaulting bailiffs in Lincolnshire, Surrey, Essex, Middlesex and Hertfordshire shows the same differences of approach. Three Middlesex bailiffs were to be sent for by messenger and their bonds sued, in contrast, a bailliwick in the hands of the Earl of Danby - a nobleman known to be unsympathetic to ship money - was merely to be surveyed. (399)

Experience gained from the management of three ship money writs led the Council to make a number of significant policy decisions in 1637, which were designed to reinforce and reform the service. They show the relationship between the Council's main management techniques, management by law, by example and by reform. Initially the Council sought clarification on the law.(400) Then they aimed to to clamp down on defaulters and negligent sheriffs.(401) Finally, they attempted an ambitious reform of rates for common payments across the country to remedy administrative weaknesses. After the Judges' Decision of February 1637, Laud saw rate reform as the best way of bringing about content and conformity, in preference to fighting a legal test case forced on it by men out of sympathy with the government's aims. On 5th April 1637 he wrote to Wentworth,

"But for the ship money (God be thanked) 'tis settled under the Judges' hands so that for ought I know nothing

now remains of difficulty, but to make the assessments as equal as may be."(402)

These decisions coincide with the failure "of the most ardent Parliamentarians" to persuade the King to call a parliament and reflect his commitment to the existing status quo.(403) It is clear the government was not happy because ship money did not always promote general content: inequitable rates, social oppression and the discontent this produced, were easily identified as major weaknesses. Protests to the Council stressed willingness to pay but reluctance to be bound by an unequal rate, and considerable arrears were often created by such disputes. In the summer of 1637 Bishop Pierce of Bath and Wells the late sheriff John Mallett and the serving sheriff William Bassett were still hearing evidence about rating disputes in some of the Somerset hundreds for the 1635 writ. the county was £1,258 2s 3d in arrears on its full charge of £8,000.(404) In Warwickshire the £266 6s 8d abated from Coventry's 1635 assessment bred discontent and caused considerable delays: the county paid less than a third of its charge by the issue of the next writ, and in November 1638 £229 4s ½d was still outstanding.(405) The delicacy of the situation was summed up by Sir Christopher Yelverton in February 1640,

"both the services meeting together might trench and interfere one upon another and thereby prejudice both."
(406)

Hence, as the Lords told the sheriff of Essex in February 1637, everyone benefited if the number of disputes remained low.(407) Like the prosecution service, rate reform began as a response to

particular problems, and reflects many similar features whereby the informal system of referencing to JPs and Judges was formalised. John Lucas' new rates for Essex had undermined Warwick's attempt to manipulate dissatisfaction, the Earl's claim that the rates used for the first two writs were more equitable was shown to be a convenient fiction.(408) At about this time it was becoming increasingly obvious that opponents of ship money, such as Sir Francis Doddington, would use a rating disputes for their own ends whenever the occasion arose.(409) William Bassett who was a loyal and diligent sheriff suggested that this ought to be remedied in February 1637,

"it will be necessary for the levying of money of this nature hereafter (if such be required) that the gentlemen be commanded to new divide and make a modern rate over the whole county."(410)

Petitions were received from the gentry for and against that county's rating system known as the Hinton rate, which were referred to the Somerset Assize judges in May 1637.(411) Word got round the Lords were considering rates, which became a theme in many of the sheriffs' letters.(412) Evidence came in from counties as far apart as Northumberland and Devon showing dissatisfaction with "unequal and detestable" rates was a very common grievance.(413) Many of the most diligent and well-affected sheriffs urged the Council to tackle rate reform: indeed Sir Paul Harriss identified unsettled rates as the root cause of Shropshire's discontent.

"I do not find but the whole county for the general are very willing in paying of this money, as also to continue the like at his Majesty's pleasure, but the inequality of the allotments have caused this delay ..."(414)

By this time the Council had realised that settled rates were an

important factor in the successful collection in Lancashire and Norfolk, two counties which both had an accepted modern rating system.(415) They also knew that rating was the most complex task facing the sheriffs, as well as the most open to dispute. Continual re-ratings also caused new clamours, were time-consuming and kept grievances to the fore. On occasion the Lords suspected the sheriffs colluded with opponents of the service and made rating the counties more complex than it need have been. Sir Robert Banister's informant at court hinted at the possibility of such collusion in Northamptonshire: in a letter to Nicholas on 1st May 1637 this sheriff reacted with outrage and dismay,

"that my faithful endeavours should have so variable a construction ... that it was believed his Majesty and most of those that sat at the Board, that I forbore to follow the irregular rates of my predecessor with an intent to perplex the service, My Instructions from their Lordships was to rate with equality and indifferency, which I have done sincerely and upon good ground to be maintained, although it do trench deep upon men of the best rank being best able to bear it and somewhat ease the poor tillage man and day-labourer being in my poor opinion not fit to be charged. ... All of which I desire may be made known to his Majesty and their Lordships who will never find me backwards or remiss in any service by them committed to my care.(416)

The writs had enhanced the authority of the shrievalty in a distinctive way, but this also created resentment. There was a body of opinion which saw the scope given to the sheriffs' "arbitrary wills" as the most vulnerable point in the administration: injustices in the ratings gave most credibility to the critics of prerogative taxation.(417) This argument was set out in a paper entitled "Considerations Touching the Ship Moneys, 1636", which was probably written by Windebank's friend Sir Anthony Weldon,

"in every place there are some malevolent spirits, that labour to poison and censure the most honourable occasions, blasting this for an imposition, an innovation, against the liberty of the subject and a bar to parliaments, not weighing the the lawfulness nor the necessity of the work, and therefore they are reasoned to take and whisper advantage at their miscarriage or suspicion thereof and to oppose and blemish the matter for the nation's sake. They kick at the rate for the hundred because supposed unequal and set by the sheriff, and at the rates for the parishes because of the meanness of the persons that did it, at the assesses because done by one or two such as the constable appointeth, which is indeed not many times well done and ever causeth much faction in the parishes. But the service in all this hath prejudice, and whatsoever the cause is, that breedeth the defaulter. His Majesty shall send for his person, for he is commonly the poor man that hath scarce whereof to distrain. And this will never be otherwise, but yearly worse and worse till there be redress herein, which appeareth plainly by the instance of divers parishes that have more defaulters this year than were the last year and it is to be feared in time these miscarriages will multiply more defaulters than willing payers and so bring the service to confusion or combustion."(418)

It was generally accepted in the most informed political circles that the King's extraordinary revenues had to be reformed.(419) Ship money opponents acknowledged this. Warwick and Danby urged Charles to drop ship money in return for the assurance of a parliamentary supply, whereas in the safety of private discussions Sir Symonds D'Ewes and some of the Kent gentry objected to prerogative taxation but voiced their willingness to pay for defence.(420) Other men, including many of the sheriffs, were willing to accept ship money as long as it was well administered, and respected social propriety: one of Weldon's most pertinent criticisms was that rating alienated "the people" by giving power to "such persons by whom they are loath to be lawed."(421) Another anonymous remonstrance in March 1637 presented a dismal picture of corruption,

oppression and incompetence in the counties, with "divers abuses committed by officers in collecting the ship money, as well against his Majesty as against the subject."(422) These were the factors creating ship money arrears, which, Nicholas noted at this time "are more every year than other years."(423) The remonstrance claimed that reform was not only necessary but was seen as desirable by the gentry,

"Great part of the money is levied on the poorer sort of people by which means they rely on the parish for relief, in so much that many of the better sort offer upon a just tax to pay it among themselves..."(424)

Sir Anthony Weldon went several steps further. He urged the Council first to set the rates on the hundreds and parishes as they did for the county and the corporations, if necessary by a commission specially for the purpose. Secondly, "to turn and transfer the immediate charge from the person to the place and make it local and fixed." Ship money under this scheme would be a fixed annual charge with a set payment date each year and for which the sheriff would be publicly accountable. An equal mix of "love, which may be expected in an equal proceeding" and "fear of shame" would promote obedience and content - he did not question the King's legal capacity to uphold the service and he recognised that all subjects were bound "by law, conscience and common equity" to pay for defence.

"And thus, under favour, may the business be established for ever, and the payment made equal and habitual without more trouble, complaint or prejudice."(425)

It is impossible to know whether these arguments were put before the Council because they were considering ship money problems or were

sent in spontaneously. Similar ideas certainly had a common currency in 1637.(426) So did others more critical of the government such as the rumours that ship money was not being spent as it should, an awareness of abuses or the sense of an unduly onerous burden on the poor.(427) These critiques of ship money are equivalent to the literature of compliment and criticism discussed by Kevin Sharpe; they show that the Council was not unresponsive, nor inattentive to outside voices and they reinforce the points made by Malcom Smuts when he stressed that the court in the 1630s was more open and accessible than is often thought.(428) The King's attitude to these rumours was ambiguous, he was only half amused when he said to Finch "he would sooner eat the money than convert it to his use."(429).

In early July 1637 proposals for a third national writ were discussed in Council, and plans were made at the same time to set about reforming some of the weaknesses in the service.(430) A legal loophole was closed by including the "salus regnum" clause in the wording of the writs, changes were made to the Instructions to protect the vulnerable groups of the clergy and the poor, as well as discussions about making the sheriffs accountable.(431) In addition Nicholas noted that the Lord Keeper had spoken to the Assize Judges, telling them to address the JPs in the counties about equalising the rates for all public services with the aim to remedy rating disputes.(432) From the Council's point of view this looked like the best moment to address this subject, the war scare was over and the opposition of Lord Saye's group appeared to be nicely contained.(433) Once the rates were reformed on the authority of the Commission of the Peace, there would be no need or scope for disputes. The

administrative structure would match the legal basis established by the Judges, which the King and the Lords intended to consolidate by prosecuting John Hampden.(434) In March 1637 the Venetian Ambassador thought all opposition had been broken because of "fear of the penalty".(435) If the King had then suspended the writs even for a year, it could quite easily have looked as if he was waiting for the courts to confirm the legality of ship money: issue of another writ was a public statement of faith. So news of this writ was an important bit of political gossip Hawkins sent the Earl of Leicester,

"I have very little news to give you. ... But I saw at Mr. Attorneys that the tax for ship money is going on for another year."(436)

Once the writs were sent out, the King repeated the July order for the Judges

"to confer with the Justices of the Peace ...for a course to be set down in the several counties for an equal distribution of all public rates and to take a course that the same may be set forwards and pursued by their Lordships for the present and by their personal order in their next circuits."(437)

John Burghe, described the state of the kingdom to Lord Scudamore,

"All things are at this instant in that calmness that there is very little of novelty to write, ... for all business goes on in the strong current of this present time to which all men for the most part submit ... yet they only privately breathe out a little discontented humour and lay down their purses, for that great tax of the ship money is so well digested (the honour of the business sinking now into apprehension and amongst most winning an affection to it) I suppose will become perpetual."(438)

Yet this appearance of conformity was deceptive. Clarendon identified 1637 as a turning point when many of the gentry became

apprehensive about ship money with a second national writ, the Judges' Decision and the clamp down against defaulters.(439) A settled ship money rate announced the King's intention to make the service as perpetual as he saw fit. There had been rumours to this effect as early as the winter of 1634-5, these were fed by the "malevolent spirits" censured by Sir Anthony Wheldon and indirectly by the Council's own practice.(440) The Lords frequently promised redress of grievances for the next writ, they often said an inequality would not create a precedent and they increasingly resolved disputes by reference to previous ship money practice in a particular county.(441) Such promises of relief de futuro all implied de futuro there would be more writs. There were other delicate areas: seventeenth century society rested on a foundation of rights, customs and liberties, some of which were already threatened by the Council's management of ship money. Only a few months earlier Charles had ordered the Judges to publish their decision of February which had acknowledged his right to ship money whenever he thought fit.(442) The Council and the sheriffs recognised that ancient rights enjoyed respect but they also recognised the necessity of change. It was not always easy to resolve this tension and the Lords were not always consistent even in their management of a particular county, indeed to be sensitive and responsive to the wishes of the King's subjects they had to be flexible. If customary rates in Devon were inequitable because they were old, then they had to be changed but, other rights as well as the King's had to be respected: when dealing with rates in Axminster Hundred taken up by Walter Long in February 1638, the Lords told Sir Thomas Wise the sheriff to take great care and to

immediately if he had cause to vary an ancient rate.(443) This dilemma was at the heart of any reform in the state. Objecting to the rating of his lands in the tithing of Sock Dennis, Edward Phelps wrote to William Bassett, "to defend my right",

"I do now offer you to impose on the land by your own particular what sum you shall hold £500 per annum fit to bear over and above the £130 set on the hundred."(444)

To which the sheriff replied the same day,

"Being devoted to the King's service I shall be glad of any augmentation to his treasure if I knew what sum would be fit and proportionable to the value of £500 p annum in this county, and paying it as not of the hundred might not trespass the hundred ..." (445)

Rate reform continued to be contentious during the 1637 writ, especially as meetings to settle rates coincided with the adverse publicity from Hampden's Case in the spring of 1638.(446) Not all counties acted on the Judges' instructions and in those which did meetings to settle rates were often bitter and angry.(447) The sheriff's reports showed that it was exceedingly difficult to collect ship money at the same time as the county was settling rates. There was never enough time to reform the rates in Devon, because of the pressures of collection.(448) In Shropshire and in Somerset the gentry could not agree about new rates any more than they could on the old.(449) In Somerset, Sir William Portman's letters told a sorry story,

"Your Lordships were pleased to give directions for a general review of the rates of this county, of which notice being taken and many expecting to be eased thereby do deter and neglect the return of their assessments and collecting the moneys imposed on their several divisions until such review and settling of the rates of the county be made, which I conceive will be a work of that difficulty as not soon to be effected."(450)

Yet there were some successes to comfort the Lords, most notably and most surprisingly in the new rates arranged by Sir Alexander Denton in Buckinghamshire.(451) In February 1638 Sir Anthony Weldon presented another paper, arguing this time for a combination of the rate for composition to assess the hundreds and the poor rate for the parishes. He wanted this rate to be used specifically because it was ancient,

"it is imposible to have anything so exact but something may be said against it, but sixty years continuance without either murmuring or alteration plead sufficiently for it. And better any rule than the discretion of one man....But this must only be a guide to the hundreds and parishes but when it comes to be rated by every several parish then the poor cess is the best guide; in which every man is charged by ability as well as land. And if any great man favour himself it is the fault of the parish which by law may have remedy either at the sessions or by the Judges of Assizes. But I hope no gentleman is so unworthy to spare himself to lay it upon his poor neighbours."(452)

In this persuasive argument ship money rates would be based upon the two pillars of society, custom and the law; but time and commitment both at a national and a local level were needed to bring this about. According to the Venetian Ambassador's letter of 12th February 1638, the court circulated a report that the present writ was to be the last. In his opinion the Lords hoped

"to facilitate the payment, which meets with serious difficulties",

but they may equally have hoped to create a useful hiatus during which the rates could be fixed, arrears collected and disaffection settled.(453) Instead the charge was reduced by two thirds, and in

the stressful months of 1638-9 rating reform disappeared from the sheriffs reports and the Council's agenda.

After Hampden's Case there is a distinct and marked change in emphasis away from the policies of moderation which marked the first four writs. The Council sent out letters of rebuke for arrears in February 1638, the first time rebukes were issued before the payment date of March 1st.(454) There are signs of tensions between the King and the sheriffs, and the King and the Council.(455) In the Exchequer Chamber, on 9th June 1638 "the greatest courtier of them all", Lord Chief Justice Finch, poured scorn on the "vulgar censure" surrounding the case and spoke of an urgent need to trust the King.(456) The Lords drew a forceful contrast between the King's care and others' neglect, between the disaffection of present sheriffs and the diligence of their predecessors.(457) The King himself pressed for harsher measures against the sheriffs and for severity against defaulters, particularly in London.(458)

The 1638 writ was marked by confrontation, even though it was not a financial failure.(459) Renewed pressure was put upon the Judges and the courts.(460) Most significantly the quality of response changed during this writ: the bulk of surviving source material is from the Council to the sheriffs, response to the writs was slow and information sent to Whitehall was limited, guarded and cautious. The sheriffs' reports drew an increasingly disheartening picture of poverty and ill-affection.(461) As Coke wrote to Windebank in July 1639,

"My lords have used their uttermost care in advancing the business, but the disaffection of the chief movers in it is much beyond those of former times."(462)

At a local level the disaffection expressed itself in more overt ways amongst the common people, as the pattern of resistance to the service gradually became communal. It is ironic that as the Council handling of defaulters became harsher, it became less effective - largely because of local attitudes beyond its control.(463) The moderation characterising the Council's handling of the Devon JPs and Deputy-Lieutenants in 1635 or of the defiant Somerset protester William Stoude of Barrington in 1637, gave way to confrontation at the time when problems became more difficult to tackle.(464) Others like Sir Francis Seymour, Sir Hugh Cholmley and Sir Roger Twysden no longer tried to secure general consent by acting against their consciences.(465) In ship money administration the King and the Council developed the most ambitious and sustained programme of the Personal Rule. They sought content and harmony, a restoration of good order based on two policies of a firm legal structure and an equitable rating system. Above all they believed in an image of the King as "lex loquens, a living, a speaking law, an acting law", as the foundation of unity after the disorders of the previous decade.(466) Yet by the summer of 1639 both of these policies were in a state of disarray which was only in part applicable to the new crisis caused by Scotland.

"in England everybody is discontented... Such is the state of one little kingdom which seems to be in profound peace and flourishing, but latet angris in herba and the least insurrection in Scotland would occasion great trouble in this country."(467).

REFERENCES TO CHAPTER 2

1. SP16/427/31.
2. PC2/45, p 201.
Lake, Northern History, 17, p 44-71.
Coventry Ship Money Book, f 53.
3. The King gave Nicholas "the care" of ship money,
B L Eg MS, 3558, f 19.
4. SP16/8/77; 78; 79; 80; 82.
Cust, p 9.
5. SP16/8/80.
6. For example, PC2/47, p 289.
7. See below p 128-214; 248-288;
8. WWM/Str P/15 (206).
9. See above p 44-45.
10. Quoted by M.D. Gordon, *The Collection of Ship Money in the Reign of Charles I*, T R H S, 3rd Series iv (1910), p 146.
11. B L Harg MS, 321, f 153.
State Papers Relating to Musters, Beacons etc in Norfolk,
ed by W. Rye, (Norwich 1910), p 117-8. Council to the sheriff, Deputy-Lieutenants and JPs of Norfolk, 12th February 1627/8: "By the Kinge's owne letter you shall best perceyue the nature and importance of ye business; what his Matie expects at yor hands your owne iudgment will best tell you, when his confidence is such in yor good affections, as that he comits ye managing of the busines wholye to yor selves...."
12. See above p 38-39; 63-64; 83-85.
SP16/535/74.
13. PC2/45, p 77-8.
SP16/343/15.
14. Coventry Ship Money Book, f 24v.
15. Coventry Ship Money Book, f 45; SP16/296/73.
Shropshire, SP16/347/51.
16. State Papers Relating to Musters, Beacons etc in Norfolk,
p 131.
Strafforde's Letters, II, p 110.
17. See Table I and above p 48-49; 83-88.

18. S T, III, p 838.
19. SP16/276/64.
SP16/296/70.
20. SP16/282/10.
21. PC2/45, p 109; 124.
The subsidy had been used in Middlesex the year before, SP16/278/100.
22. Coventry Ship Money Book, f 21v.
SP16/298/15.
23. Coventry Ship Money Book, f 24v-25.
24. Coventry Ship Money Book, f 24v.
25. Coventry Ship Money Book, f 42-43.
26. For example, PC2/45, p 110-111; PC2/46, p 439; 445; PC2/47 , p 48-9; 97; PC2/51, p 158-9.
27. SP16/345/76.
28. C S P Ven 1632-6, p 338.
29. PC2/49, p 28-9.
30. B L Harg MS, 321, f 153.
31. Cust, p 259.
32. Bristol: PC2/46, p 41; SP16/316/73. Bristol paid £1,000, and so was technically abated for the 1636 writ, SP16/366/82; 467/45. Northumberland was not abated until 28th May 1637, SP16/357/105.
33. PC2/45, p 77.
PC2/45, p 212.
SP16/329/73.
34. SP16/298/64; PC2/45, p 428-9; SP16/317/100; PC2/46, p 79-80.
SP16/327/11; SP16/305/19; PC2/45, p 301-2.
SP16/315/126; SP16/332/64.
35. SP16/298/15.
PC2/45, p 111-2.
SP16/334/43.
SP16/332/64.
36. SP16/368/118.
SP16/369/8-18, Instructions for the 1637 writ.
37. Strafforde's Letters, II, p 56.

38. For example, Sir Robert Phelps' and his son Edward's championing of the lesser burgesses and the poorer sort of Ilchester against the bailiff and capital burgesses, Dd/Ph/223/50; 51; 54; 60; 65; 68; 71.

Eventually the Council agreed Ilchester should be treated as part of Tintinhull hundred, PC2/48, p 338.

The quotation is taken from a letter from Elizabeth Pert to her son-in-law John Buxton in August 1638, C U L Buxton Manuscripts, Box 96. See below p 321-329.

39. WWM/Str P/15 (108).

40. For 1634 procedure see above p 49-52; 65-67.

1635 : PC2/45, p 71-5, 82-4, 87-8, 90-1.

1636 : PC2/46, p378-92.

1637 : SP16/369/8-18.

1638 : PC2/49, p 475-80.

1639 : PC2/51, p 121-34.

41. The phrase "latitude" is repeatedly used, for example, PC2/45, p 175; PC2/47, p 157; PC2/48, p 344; PC2/51, p 158-9.

Letters of Instructions for 1637, 2nd clause. PC2/48, p 237.

42. SP16/304/34.

43. Coventry Ship Money Book, f 13.

44. Coke and Gell were cousins, H M C Cowper MS, II, p 170. SP16/297/34.

45. SP16/302/87.

46. SP16/366/22.

47. SP16/404/2.

48. SP16/354/48.

49. SP16/368/120.

50. SP16/432/33.

51. For example, PC2/46, p 439; PC2/47, p 157, 326-8; PC2/48 p 596-7; 608-9; PC2/49, p 82; SP16/387/24.

52. 1635: PC2/45, p 71-5; 82-4; 87-8; 90-1.

1636: PC2/46, p378-92.

1637: SP16/369/8-18.

1638: PC2/49, p 475-80.

1639: PC2/51, p 121-34.

53. PC2/45, p 265-6.

54. PC2/50, p 249.

55. SP16/298/73.
56. SP16/369/8-18.
SP16/296/74.
SP16/354/164.
SP16/327/128, said to distraint from men of any quality.
57. SP16/333/13; PC2/46, p 448-9.
58. PC2/50, p 260 .
59. SP16/535/74.
60. SP16/305/19.
61. SP16/329/73.
62. Quoted in G.G. Nugent, Memorials of John Hampden , his Party and his Times, (2 vols London 1831), I, p 231-2.
63. SP16/303/64.
64. PC2/48, p 135-6.
65. Poorer sort, for example: PC2/45, p 403-4; SP16/317/43; PC2/46, p 96; 98, 453; SP16/344/74; SP16/357/127, 150; PC2/47, p 432.
Clergy, for example: PC2/45, p 381; SP16/342/74; PC2/47, p 257, 262, 423-4; SP16/363/64.
66. SP16/301/96.
SP16/363/64.
PC2/48, p 123.
67. The word "frivolous" was used to describe repeated petitions from Somerset, Dd/Ph/223/65; SP16/387/42.
See below p 175-176; 202-213; 344-345; 455-457; 467-472.
68. PC2/47, p 318.
69. Quoted by Tuck in Reactions to the English Civil War, p 142.
70. C U L Buxton Manuscripts, Box 96, letter from Elizabeth Pert to John Buxton of 14th August 1638 : "You must not be too fearful of these businesses ... we hear daily that sheriffs are called before the Council and yet most of them come off very well."
71. Sir John Hanbury: PC2/49, p 373; SP16/398/57; 398/136.
Sir Alexander Denton: SP16/402/88; PC2/50, p 628; 681; 683; PC2/51 , p 160, 204-5; B L Add MS, 11045, f 68.
72. PC2/48, p 363.
SP16/380/2.
SP16/381/33; 42; 43; 44.
SP16/383 /19.

C S P D 1637-8, p 304.
PC2/49, p 281, 284.
PC2/50, p 148, 244.
SP16/422/9.

73. The first threat was against the two sheriffs for the 1635 writ in Northamptonshire, PC2/51, p 101-3.

H M C De L'Isle and Dudley MS, VI, p 267.

For threats against individual sheriffs, see: PC2/50, p 471; B L Add MS, 11045, f 43-4; SP16/427/116. PC2/51, p 101-3; 312; 314-5; SP16/445/65; PC2/52, p 431-2; SP16/452/7; 24; 106; B L Add MS, 25,277, f 21-48; SP16/455/12; 13; 14; 15; PC2/52, p 513; SP16/456/31; 41; PC2/52, p 559; E L 7843; 7844; PC2/52, p 627; 664; SP16/461/73; 468/49.

74. PC2/50, p 471.
B L Add MS, 11045, f 68.
PC2/50, p 532.
SP16/427/117.

75. STT, 2059.

This assumption was shared by some of the sheriffs, for example SP16/398/121, Sir John Hewett sheriff of Huntingdonshire to Edward Nicholas 22nd September 1638: "I am so fallen in valuation that many collectors will neither obey my warrants nor come to me."

76. Successful collection in Lincolnshire, SP16/366/3 & 4.

Commendation for the sheriff, PC2/48, p 85.

Sir Walter Norton: SP16/315/121; 317/1; 318/51; 321/86; PC2/46 , p 226-7, 311; SP16/331/26 & 261; H M C De L'Isle and Dudley MS , VI , p 52-3; PC2/46, p 375; SP16/332/68; PC2/46, p 454; SP16/336/78, 81; SP16/345/181; PC2/47, p 157; SP16/352/19 & i; PC2/48, p 28.

Lord Saye and the Earl of Lincoln: SP16/315/121; C and T, II, p 272-3; SP16/357/96 vii; Clar St P, II, p 1.

Problems: SP16/333/44; 335/32; 345/42; PC2/46, p 461; PC2/47, p 14; SP16/352/67 , 68 ; 354/49 & 491 ; 357/96 & 961-viii; 106; 124; 125; PC2/47, p 130-1; 423-4; 425; 479; 488; SP16/367/53.

Sir Walter Norton accused the Deputy-Lieutenants Sir Anthony Irby and Sir Christopher Wray of "treading a parliament way", SP16/331/26. He also levelled charges of disaffection against his accusers, SP16/336/78.

77. Rating disputes: SP16/346/86; PC2/47, p 192-3; SP16/348/64. Recalcitrant officers: SP16/341/64 & 64 i-vii; PC2/48, p 599. Violent resistance: SP16/379/32; 386/84; 401/13; PC2/49, p 528; 602 ; SP16/404/134; 409/114; 410/138.

78. PC2/47, p 432.

79. C S P Ven 1636-9, p 99-100.

80. Payment: SP16/427/8; 372/47. Breaking resistance: C and T, II, p 274-7. It was also effectively checked, because the next year Essex was rated by the 15th November

1637, SP16/371/104.

Diligence of Lucas: PC2/47, p 134.

V.A. Rowe , *Robert Second Earl of Warwick and the Payment of Ship money in Essex*, Transactions of the Essex Archaeological Society, 3rd Series, I (1964-5), p 160-3.

Hunt, The Puritan Moment, p 269-72.

B.W. Quintrell, *The Government of the County of Essex*, (London University Ph.D Thesis, 1965), p 338-44.

81. See below p 304-317; 405-423; 473-498.

Note the similarity of this petition to petitions to a parliament.

SP16/345/76; 346/108.

82. SP16/349/88.

SP16/349/881 & 881i return the required assessment details.

The Council recognised his affection SP16/367/37, which is reflected in the payment patterns, SP16/370/62, 70; 371/124; 372/47;382/34.

£300 was uncollected in March 1640, SP16/448/5.

83. Sir Robert Phelips: Dd/Ph/223/49; 51; 52; 53; 54; 56; 58; 60; 65; 67; 68; 69; 71; 73; 74; 75; 76; 77; 78; 79; 82; 83; 87; 90; PC2/44, p 577; SP16/290/75; 77; 291/56; 57; PC2/44, p 657; SP16/300/56; 302/75; 304/36; 37; 60; PC2/45, p 349; SP16/312/38; 39; 39i; 331/1; PC2/47 , p 158-9; 256; SP16/354/69 i; 69ii; 374/28.

Barnes, Somerset , p 213-219.

Sir William Brereton, Lake, Northern History, 17 (1981), p 45-71.

Richard Knightley, SP16/338/2i.

See below p 405-498.

84. PC2/49, p 308-10.

The quotation about ambitions is from Finch's letter to Laud 8th August 1639, SP16/427/31.

85. SP16/395/59.

86. PC2/49, p 344-5.

87. SP16/448/79.

88. PC2/51, p 412-3.

89. An Impartial Collection of Great Affairs of State, ed by J. Nalson, (2 vols, London 1682), I, p 287.

90. As quoted in DNB.

91. 1635: SP16/300/58; 301/26.

1636: PC2/47, p 12-13.

1637: H M C De L'Isle and Dudley MS, VI, p 140.

1638: PC2/50, p 41-2.

1639: PC2/51, p 187-9.

92. B L Eg MS. 3558, f 19.

93. SP16/301/38.
SP16/344/60.
SP16/365/117.
SP16/374/11.
PC2/50, p 100.
For an example of Nicholas's notebooks, covering more than three years, see SP16/301/96.
94. SP16/301/38.
SP16/344/60.
SP16/365/117.
SP16/374/11.
PC2/50, p 100 .
Asking Nicholas for help, for example SP16/400/83; 445/54.
95. SP16/386/52.
96. SP16/346/107.
97. SP16/346/65.
98. SP16/347/31.
99. SP16/356/7; 364/76; PC2/48, p 158; SP16/370/83; PC2/47,p 192-3 ;
SP16/349/103; 350/37; 350/381 & ii; 351/63 & 63i; 354/138; PC2/47, p
355-7; SP16/355/4.
100. PC2/47, p 221; SP16/349/92; 352/10; 361/25; PC2/48, p 149-50.
101. SP16/347/31; 380/5; PC2/48, p 26; SP16/385/85; PC2/49, p 3;
SP16/386/80, 81.
102. Barnes, Somerset, p 217; 218-220; 222-4; 240-1.
103. Sir Peter Temple did not write to Nicholas, nor did he pay in any money before his term of office expired. He then went to London in pursuit of one of his father's legal actions, delegating the service to his under sheriff. He missed the Council's letter ordering the outgoing and the incoming sheriffs to co-operate with each other, and because of this he failed to hand over necessary papers to Heneage Proby.
See STT Ship Money Box for his dealings.
SP16/314/100, the first Buckinghamshire payment appears on the account for 27th February 1636.
For the Council's actions, see STT 907; 908; PC2/46, p 109; 275 ; 287; 304.
The phrase "oppositions" is Sir Peter's own, from a list of queries dated September 1635, STT Ship Money Box.
104. STT Ship Money Box details the numerous wranglings about rates in Buckinghamshire. Also SP16/331/3.
He could not sell distresses in September 1636, SP16/331/44.
Stoke Hundred petitioned against his rating in November 1636, more

than a year after he sent out warrants for the hundreds to rate, STT Ship Money Box, Memorandum of Shipping; PC2/46, p 462.

105. Somerset help: SP16/335/22; 336/29; PC2/47, p 110; 123-4; 132-3; SP16/354/86; 355/54 ; 357/5; 65; PC2/47, p 484; SP16/365/1; 2; 3; 4; PC2/48, p 202-6; SP16/370/55; PC2/48, p 352-3; SP16/371/124; PC2/48, p 375-6; 382-3; SP16/388/28; PC2/50, p 79.

1636: PC2/47, p 187-8; SP16/348/48; 351/61; 62; PC2/47, p 256; SP16/351/69; 69i; 69ii; 354/86; 355/137; 141; PC2/47, p 414-5; 423 ; SP16/354/5; 357/6; 361/19; 363/11; 365/2; PC2/48, p 187-8; SP16/367/11; 18; 23; PC2/48, p 211; SP16/367/103; 103i; 103ii; 368/31; 36; 44; 369/86; 371/20; 372; 15; 374/28; PC2/48, p 486; SP16/378/72; 379/28; 28i; 29; PC2/48, p 522; SP16/380/66; 67; 68; 75; 76; PC2/48, p 602; SP16/389/71; 392/1; 1i; PC2/49, p 271; 327; PC2/50, p 506-7; 565-6; 642-3; 658; SP16/435/10; PC2/51, p 205-7.

Mallett and Bassett were among the sheriffs who were "not to be troubled any more about ship money arrears", SP16/467/45.

106. SP16/432/34.

107. 1636: SP16/333/39-58; PC2/47, p 83.

1637: C S P D 1637, p 38; SP16/374/11.

1638: PC2/49, p 474-80.

1639: SP16/413/16; 414/89.

108. For example, SP16/344/60: the form of the order was standard every year.

109. The phrase is used by Sir John Croke sheriff of Dorset in 1637-8, SP16/386/6.

For an example of this see the difference between Broomhall and New Romney in Kent, PC2/49, p 101.

110. SP16/348/35.

111. PC2/51, p 314.

112. SP16/380/69.

For action against the Essex recalcitrants, see SP16/379/17; PC2/48, p 522; SP16/380/33, 34.

113. Sir William Russell's first account is SP16/284/43, the last SP16/476/53.

114. The first is 23rd January 1636 SP16/312/19, the last 6th November 1640 SP16/471/32.

115. SP16/392/47; 48; 49 ;50.

116. SP16/392/50.

117. Sir Willam Portman encountered problems, but was diligent, for example SP16/387/26. He was the only Somerset sheriff ever commended for diligence in February 1638, PC2/48, p 600, and he was not charged

with "supine neglect" by the Lords in April, PC2/49, p 123-4.
SP16/389/124.

118. SP16/392/50.

Sir Thomas Penystone paid £1,000 by 19th May 1638, SP16/390/120.

The Council's letter, PC2/49, p 123-4.

He was horrified "by some misreport made of me", SP16/389/6.

119. Laud, Works, VI Part II, p 524-5.

120. Sir John Hanbury's account of the service was dismissed by Nicholas as "trifling", SP16/387/731.

SP16/392/42 shows £360 of Northamptonshire's £6,000 was paid.

For Denton family connections see M.F. Keeler, The Long Parliament, 1640-1641 A Biographical Study of its Members, (Philadelphia, 1954) p 154-5.

Buckinghamshire paid £700 on 19th May 1638, SP16/390/120.

SP16/386/88.

The King took negligence in these counties seriously, SP16/385/54; PC2/49, p 10.

121. SP16/388/57.

122. PC2/48, p 326.

See below p 158-159.

123. See above p 38; 61; 64-65; 84-88.

Aylmer, The King's Servants, p 78-9; 132-4.

124. Cust, p 8, 128, 148.

125. Cust, p 128.

126. SP16/385/34 .

See above p 64-65; below p 167.

127. Aylmer, The King's Servants, p 133.

128. The quotation is taken from a letter to Nicholas from his old school-friend who was serving as mayor of Winchester in 1638, SP16/400/83.

SP16/535/52.

SP16/535/74, and SP16/332/62.

129. Two sets of charges were drawn up, SP16/400/132 and 133; SP16/401/36; 37; 38.

130. SP16/432/41 ;432/40 .

131. Strafforde's Letters, II, p 110.

132. PC2/46, p 378-80.

The Life of Humphrey Chetham, ed by F.R. Raines and C.W. Sutton, Chetham Soceity, new series vol 49 and 50 (1901), p 81 says no

information as yet whether payments should be made again to the Treasurer of the Navy.

Sheriffs had to be told to pay Sir William Russell, for example PC2/45, p 336-7.

Even when told to pay the Treasurer of the Navy, sheriffs still asked Nicholas "who is the Treasurer of the Navy and where does he live ?", SP16/347/23.

133. SP16/431/80.

During Hampden's Case Sir John Bramston pointed out that, because the writs were non-returnable, after the 1st March following they had no legal existence, S T, III, p 1212-3.

134. SP16/301/187; 302/52.

Records of the Borough of Leicester, IV, ed by H. Stocks, (Cambridge 1923) p 283.

It is of course impossible to know what went unreported: the ship money papers in Chetham's Library in Manchester, in the Buxton Manuscripts, amongst Sir William Boteler's in T W or Sir Thomas Cholmondely's papers John Rylands Library English Manuscripts 1091, or in STT Ship Money Box illustrate how much "managing" went on at a purely local level.

135. The sheriff of Cornwall was told he would not be freed from his office until all his ship money had been paid, SP16/303/19. The sheriff of Lancashire was freed on full payment, SP16/303/19.

Sir John Dryden sheriff of Northamptonshire questioned whether this could be legal, SP16/303/23 and was in turn questioned by the Council, SP16/301/96.

136. Strafforde's Letters, I, p 491.

137. PC2/47, p 149.

138. See above p 74-75; below p 179-184; 201-202; 280-285; 287; 442-443.

139. Buckinghamshire: PC2/46, p 105-6; STT Ship Money Box, Sir Peter Temple to the Buckinghamshire JPs, 11th October 1636 and 2nd November 1636.

Herefordshire: SP16/331/71; 355/129.

The quotation is from PC2/47, p 38.

140. PC2/51, p 109-10.

141. SP16/327/17.

142. On shifting the burden onto the well-affected see, for example, PC2/46, p 227.

The quotation is from SP16/364/32.

143. SP16/367/9.

144. SP16/464/24.

145. PC2/46, p 456.
146. PC2/51, p 109-10.
147. Quoted by Aylmer, The King's Servants, p 124.
148. Quoted by Aylmer, The King's Servants, p 124.
149. SP16/326/63.
SP16/327/122.
WWM/Str P/15(364).
SP16/304/78.
150. PC2/52, p 652-3.
151. SP16/464/12.
152. SP16/277/15, October 1634.
SP16/277/295/23, August 1635.
Coventry Ship Money Book, f 65, October 1636.
SP16/367/110, September 1637.
SP16/401/15, November 1638.
SP16/432/70, December 1639.
The 1639 writ was payable by 1st April 1640, or at a discount by
20th February, SP16/441/29; PC2/51, p 226-7, 240-1.
153. See below p 256.
SP16/535/74.
154. WWM/Str P/17(209).
155. SP16/305/18.
156. SP16/408/39.
Hertfordshire Record Office, Berkhamstead Minute Book, f 4.
Hertford: SP16/397/83; PC2/49, p 415-6; SP16/398/38.
St. Albans: PC2/49, p 415; SP16/398/36; 399/81.
157. PC2/49 , p 417.
158. B L Harg MS, 321, f 151v.
160. SP16/301/96.
SP16/303/86.
161. *Life of Humphrey Chetham*, p 82-4.
162. *Life of Humphrey Chetham*, p 88.
163. For example, SP16/331/12; PC2/47, p 16-7; 17.
CUL Buxton MS, Box 96.
164. The Council took these accusations of extortion seriously,
SP16/331/70; B L Harl MS, 3796, f65-6.

A commission to examine ship money abuses was set up in January 1640, PC2/51, p 265.

Sir William Russell's poundage, SP16/337/77 and 78.

165. SP16/331/112.

166. SP16/431/80 ;PC2/51, p 306.

By 11th April 1640, only thirteen counties had paid any money to Sir William Russell, none of these had paid more than a third of their charge, SP16/450/70.

167. SP16/270/55; 430/59; PC2/328-9.

168. PC2/44, p 597; SP16/300/32 & 321; PC2/45, p 468.

169. PC2/45, p 429.

170. Auditor Bingley, see for example, PC2/46, p 125-6; SP16/427/7; PC2/46, p 454; PC2/48, p 569; SP16/421/7;PC2/48, p 577-8; PC2/50, p 636-40.

Exchequer officials: PC2/48, p 6; 9.

171. PC2/45, p 338, 351-2; 360; SP16/346/95.

172. SP16/270/55.

B L H arg MS, 321, f 151v.

173. SP16/352/68.

174. STT Ship Money Box, memorandum entitled "To Know", September 1635 .

175. PC2/45, p 351.

176. PC2/46, p 445.

177. PC2/46, p 345; SP16/331/45.

178. SP16/313/111.

179. SP16/291/57.

180. SP16/385/1.

181. PC2/49, p 267.

182. PC2/52, p 447-8.

183. PC2/52, p 623.

184. SP16/455/70; 456/49; 457/92.

185. SP16/455/70.

186. SP16/457/92 & 921.
187. H M C De L'Isle and Dudley MS, VI, p 267.
188. STT 1163. This letter can be tentatively dated to early 1637. Lutterworth complained against the sheriff's rates in February 1637, PC2/47, p 121. Sir Henry Skipwith returned malcontents at about the same time, and complained about "some Puritans that are so near Northamptonshire that they savour too much of the disobedience of those parts", SP16/346/109; 350/91 March ? 1637.
189. See above p 74-75; 77-81.
190. C and T, II, p 273.
191. See above p 80-81.
See below p 165-176; 213-214.
See below p 300-301; 455-457; 561.
192. Return absentee landlords: SP16/331/39; 40; 354/58; 368/71 ; 390/9; PC2/48, p 345; PC2/49 p 263-4; SP16/398/72; PC2/49, p 397; 403-4; SP16/374/731.
Sheriffs to help with the boroughs: PC2/48, p 373; SP16/331/12; 66 .
193. For example see, SP16/374/731; PC2/48, p 527: Middlesex.
PC2/49, p 397; 403-4; 407 : Surrey .
194. SP16/427/5 & 51.
195. C S P D 1638-9, p 64.
PC2/49, p 511.
Suffolk arrears stood at £1,885 on 20th October 1639, SP16/400/66.
196. C S P D 1638-9, p 64.
197. B L Harl MS, 3796, f 65.
198. SP/16/350/91.
199. SP16/357/96v11.
200. SP16/447/27.
201. T W 869.
202. SP16/380/76.
203. SP16/400/64.
204. PC2/50, p 694.
For an example of "discouragement" see, SP16/389/124, William Cox to John Mallett late sheriff of Somerset "I see no hope but death or that that is as bad, perpetual suits." Legal actions "frightened" the Devonshire constables, SP16/432/78.

205. SP16/366/19.
PC2/46, p 419.
Francis Sawyer: N R O, Isham of Lamport Collection, I C 2581;
SP16/389/19; 31;87; PC2/49, p 440; SP16/399/46; 400/5; 412/112 and
1121; PC2/50, p 129; 470.
206. H M C Sixth Report, p 281.
S T, III, p 841-2.
C and T, II, p 274-7.
The quotation is from C and T, II, p 281.
For some examples of suits see, Warwickshire: PC2/49, p 185.
Shrewsbury: SP16/400/22.
Totness and Berkshire: PC2/50, p 597-9.
Middlesex: SP16/427/19.
Nottinghamshire: SP16/367/46; 400/59.
Leicestershire: SP16/409/165.
Northamptonshire: SP16/409/166.
Oxfordshire: SP16/367/53.
207. *Diary of Sir Thomas Aston*, p 37.
208. SP16/427/32.
This was presumably the reason why Lord Saye and Sele's action
involved distraint, Fincham, BIHR lvii (1984), p 235 quotes from Sir
Roger Twysden's commonplace book on this. See below p 474 - 476
209. PC2/49 , p 323 .
For orders to refer cases see PC2/49, p 397; 551; PC2/50, p 576; 596-
7; 597-9; 681; 694.
Finch used the existence of this service to pour scorn on Sir Richard
Strode, SP16/427/31. "I told him for his accusation of under-officers
he had his way of complaining free, and upon his desire assigned him
counsel for that purpose, in which he has done nothing."
210. SP16/417/42.
The offer of legal protection was only effective as long as the
constables believed in what they were doing, John Buxton found it was
no use in dealing with the reluctant and evasive constables of
Blofield hundred. SP16/410/49.
211. *The Autobiography of Sir John Bramston*, p 66; 67.
212. SP16/346/19. The writ for Buckinghamshire upon which John
Hampden was returned was issued 9th March 1637, S T, III, p 846. For
other counties see, PC2/47, p 132-3; C and T, II, p 274-7; SP16/355/6;
356/53; 357/65; 379/54; PC2/48, p 639-40; SP16/404/133; 410/57 .
213. S T, III, p 847; 855.
214. Aylmer, The King's Servants, p 45-6.
215. Barnes, Somerset, p 226-7 n 44.

216. For example, Rossingham's newsletter of 21st February 1637 reported the prosecution of Essex defaulters as a sanction against disobedience, C and T, II, p 283. Sir John Dryden and Charles Cockayne found the process was effective in Northamptonshire, although it had limitations, SP16/404/133.

217. S T, III, p 860-1.

218. The Memoirs of Sir Hugh Cholmley, (Privately Printed, 1787) p 62.
Rushworth, II, p 323-4.

219. The Venetian Ambassadors always saw ship money as the lynch-pin of rule by prerogative, their reports are important because the Ambassadors had contacts with the world of political rumour and counter rumour, C S P Ven 1632-6, p 299-300; 470; 500-1; 513; 515; C S P Ven 1636-9, p 99-100; 118-9; 153-4; particularly Correr's 'Relation of England', p 297-9; 387.

220. Cust, p 47-8; 50; 72-3; 84-6; 326-7.

221. See for example SP16/354/164; draft clauses for the Instructions for 1637, SP16/368/118; two remonstrances against ship money abuses, B L Harl MS, 3796, f 65-6. and SP16/351/70 cite oppression of the poor as an evil the King will not countenance.

222. Smuts, Absolutism, p 168 -178 ; 396-413;
Carlton, Charles I, p 154-190, especially p 157-90; Cust, p 325-6.

223. Quoted in Sommerville, p 134.

224. Coventry Ship Money Book, f 19.

225. For concern about the clergy see for example, SP16/342/74; PC2/47, p 39; 257; 262; 423-4. Hertfordshire Record Office, 82917 Archbishop Laud to some aggrieved clergy of Hertfordshire, 1st January 1638.

Bulstrode Whitelocke picked up a sense of lay hostility to the clergy over ship money, but he got the details wrong, Memorials of English Affairs, (London, 1732), p 22.

Kevin Sharpe takes the view that Charles not Laud was the driving force behind the ecclesiastical changes of the Personal Rule, Tomlinson, p 62-3.

226. Carlton, Charles I, p 157-8.

227. Quoted by K. Sharpe, Archbishop Laud, History Today, 33 (1983), p 45.

228. C S P Ven 1636-1639, p 297.

229. See above p 64-65; 115-116; 135-142.
The Nicholas Papers Volume I 1641-52, p xvi.

DNB entry for Nicholas says Charles wanted to promote Nicholas to the Mastership of the Wards.

230. C S P Ven 1632-6, p 494-5.

231. SP16/330/28.

232. For example, SP16/344/49; PC2/48, p 463; 379/130; 382/63; 385/34; PC2/49, p 123-4; PC2/50, p 617.

233. SP16/382/34; 385/63.

234. Sir Robert Phelps, Dd/Ph/223/69; William Stroude, SP16/345/35; Thomas Lathom, SP16/345/35.

235. Clar St P, II, p 47-8.

236. D. Starkey, *Court History in Perspective* and K. Sharpe, *The Image of Virtue in The English Court from the Wars of the Roses to the Civil War*, p 1-24; 226-260; especially p 257-60.

237. C S P Ven 1636-1639, p 298-9.

238. B L Harg MS, 321, f 147-149v.
SP16/276/65.

239. *The Autobiography of Sir John Bramston*, p 67-8.

240. The quotation is taken from a letter of John Finet to Lord Fielding 16th October 1635, H M C Sixth Report, p 278.
H M C Fourth Report p 46-53.
S T, III, p 1221.

The Autobiography of Sir John Bramston, p 67-8; 80.

241. H M C Fourth Report, p 51.

242. S T, III, p 1264.

243. The Earl of Danby put forward the pleas of the pro-parliamentary group (most of whom were ship money opponents) in December 1636, and Warwick in January 1637. The King was very angry with Danby, but treated Warwick with rather polite contempt, C S P Ven 1636-1639, p 110-11; 124-5.

Gossip in London was of improving Anglo-French relations and Spanish resentment against "masked enemies." C S P Ven 1636-1639, p 152-3; C and T, II, p 249; 256; 258; 275-6; WWM/Str P/17(31).

Wentworth was seriously alarmed, Strafforde's Letters, II, p 61-2.

Adams, *Spain or the Netherlands*, in Tomlinson p 100-1.

244. S T, III, p 842-4.

245. S T, III, p 842.

246. H M C Fourth Report, p 51; Croke said he signed the first Case because it was the law, p 46. Hutton said the first Case took him by surprise and he had not leisure to go into details, S T, III, p 1198.

247. Cust, p 54.

248. See below p 443-446; 454-455; 474-476.

The gentry of Kent knew all about Saye's case ,and discussed its implications at length, Fincham, BIHR, lvii (1984), p 235. C and T, II, p 272-3; 274-7.

249. Charles's letter to the Judges ascribed opposition to ignorance or self-seeking, S T, III, p 843.

Wentworth's memorandum written in 1637 describes a continuous struggle against "the ill-affected", Strafforde's Letters, II, p 62.

250. H M C Fourth Report, p 46-53.

251. *The Autobiography of Sir John Bramston*. p 68.

252. H M C Fourth Report, p 53.

253. H M C Fourth Report, p 53.

254. S T, III, p 1198.

255. H M C Fourth Report, p 46; 51.

256. Rushworth, II, p 32-4; S T, III, p 1286.

257. SP16/348/19.

258. The King's letter is dated 2nd February 1637, the Judges' Decision is 7th February, S T, III, p 842-6.

The Decision was read in Westminster Hall and entered in the Courts of Record on 24th February, SP16/348/19 .

259. H M C Sixth Report, p 281.

260. S T, III, p 846-7.

261. C and T, II, p 281-2.

Fincham, BIHR, lvii (1984), p 232-5.

Sir Robert banister found it did not help in Northamptonshire, SP16/348/64.

Sir Robert Phelps got a copy of the Judges' Decision, Dd/ph/212/11. Samuel Hartlib, who knew Pym, Knightley, Hampden and other members of Saye and Sele's circle, had a copy, Sheffield University Library, Hartlib Papers, HA 50, 26/21 1A-2B.

Coventry's clerk wrote a copy out into the Ship Money Book, Coventry Ship Money Book, f 74-74v.

There were copies circulating in Northamptonshire, Cheshire and Kent N R O, IC 3536; B L Harl MS 36,913 f 40-41; Fincham, BIHR, lvii, p 232.

262. C S P Ven 1636-9, p 154.
263. S T, III, p 845-6; Littleton said "the king commanded with his own mouth, that free access should be to the records in this business", p 942.
C and T, II, p 281-2.
H M C Sixth Report, p 281.
264. Guy, H J, 25 (1982), p 291.
Cust, p 58-62.
265. Saye was out-manoevered during the summer of 1637, see below p 445-449.
266. The phrases are taken from the King's letter to the Judges.
S T, III, p 843.
267. Smuts, EHR, xciii (1978), p 26-45.
Strafforde's Letters, II, p 61.
Laud, Works, VII, p 326-7.
On Hampden's Case, Strafforde's Letters, II, p 158; Laud thought the Case "puts thoughts into wise and moderate men's heads, which were better out", Strafforde's Letters, II, p 170.
268. Strafforde's Letters, II, p 158.
269. Laud, Works, VII, p 398.
270. Sir Roger Twysden's Commonplace Book, Fincham, BIHR lvii (1984), p 236.
271. Cust, p 44-5; 54-61.
The King consulted Coventry and Manchester in 1634, Clar St P, I, p 94-5.
272. Laud, Works, VII, p 333.
273. Cust, p 61.
Reeve, p 118-171.
274. The Judges gave their decisions in the order of reverse seniority, Weston 22nd January 1638, Crawley 27th January, Berkeley 10th February, Croke 14th April, Trevor 24th April, Vernon no date given, Hutton and Jones 28th April, Denham 16th May, Davenport 28th May, Finch 8th June and Bramston 9th June; the dates are compiled from several hand written copies of the speeches in Cambridge University Library, C U L 11/v/27; 30.
Croke: According to Bulstrode Whitelocke, who was Croke's son-in-law, Croke was troubled with fears "of any Danger or Prejudice to him or his Family", Whitelocke, Memorials Of English Affairs, p 22; The Autobiography of Sir John Bramston, p 68.
Hutton: ST, III, p 1198. The Autobiography of Sir John Bramston, p 68.
Hutton explained his reasons to Wentworth, Strafforde's Letters, II, p 177-8.

Denham: Finch was accused of threatening Denham in his impeachment charges, *The Accusation and Impeachment of John Lord Finch, Baron of Fordwich, Lord Keeper of the Great Seal of England by the House of Commons*, The Harleian Miscellany, IV, p 348-9.

Denham himself said he was ill, S T, III, p 1201.

Garrard wrote to Wentworth that Denham "amended his opinion as a codicil to his will." WWM/Str P/18(80).

275. S T, III, p 1202-1216; 1243-51.

276. S T, III, p 1181-91.

Jones hedged about so much Finch had to ask him to say exactly where he decided, S T, III, p 1190.

The quotation is Garrard description to Wentworth in a letter of 10th May 1638, WWM/Str P/18(33).

277. Scottish Record Office, Hamilton Manuscripts, G O/406/1/374, I am very grateful to Michael Maxwell for sending me a facsimile of this letter.

Sir Symonds D'Ewes writing his autobiography in 1638 also corroborated Holland "these two judges were great lawyers and most religious and honest men, and so their judgments did outbalance six of their puisnes in all men's opinions. Besides, they were very aged, and so spoke as having one foot in the grave, without fear or affection." The Autobiography, II, p 131.

The impact of Hampden's Case is discussed more generally below , p ??

278. C115/N4/8626, see also C115/N4/8625. Contrast this with the optimism of the same correspondent the previous autumn, "All things at this instant here are in that calmness that there is very little of novelty to write", C115/N4/8619.

279. Gardiner noticed the irony of this, "Charles acted as if doubt was no longer possible. The voice of the judges, when it spoke in his own favour, was to him as the voice of the law itself", Gardiner, VIII, p 280.

SP16/381/53; 71; C S P Ven 1636-9, p 376-7; SP16/386/88; 389/33; 124; 390/62; possibly PC2/49, p 192; SP16/390/116; 157; C S P Ven 1636-9, p 419; SP16/393/19; PC2/49, p 283; H M C Cowper MS , II, p 237.

280. PC2/49, p 123-4.

281. PC2/49, p 283;308-10.

H M C Various Collections, VII, p 417-9.

For examples of discouragement caused by the Judges' opinions see, SP16/390/116;157;393/19.

Autobiography of Sir Symonds D'Ewes, II, p 129-30.

282. PC2/49, p 308-10; C U L Buxton MS, Box 96.

283. PC2/50, p 471; 532-3;

SP16/427/117.

B L Add MS, 11045, f 43-4.

284. B L Add MS, 11045, f 43-4.
285. B L Add MS, 11045, f 43-4.
286. B L Add MS, 22959, f 56r-v.
287. B L Add MS, 11045, f 43-4.
288. B L Add MS, 11045, f 43-4.
289. B L Add MS, 11045, f 43-4.
290. *The Autobiography of Sir John Bramston*, p 78.
H M C Seventh Report, p 73 .
H M C Fourth Report, p 46.
PC2/46, p 298; SP16/328/27; 332/2; PC2/46, p 437; SP16/ 345/83.
291. Strafforde's Letters, II, p 26-7.
H M C Cowper MS, II, p 119.
292. S T, III, p 826-42.
Rushworth, II, p 294-8.
See below p 480.
293. See examples in STT Ship Money Box, or John Rylands Library, English MS, 1091, f 11v, or Norfolk Record Office, Aylsham Manuscripts, AYL/193.
294. For examples of public meetings where the terms of the writs were mentioned see, Eg MS, 2716, f 181; SP16/278/100; PC2/44, p 314; PC2/45, p 109; SP16/336/30; 346/95; Dd/Ph/223/68; SP16/378/78; B L Add. MS, 32093, f 181; SP16/ 410/152; 418/15; 441/52; B L Add. MS, 25,277, f 41-2.
295. WWM/Str.P/17(14).
296. SP16/298/47.
297. SP16/290/75; 77; Dd/Ph/223/56; 58.
298. SP16/290/75; 77.
299. SP16/302/75.
300. SP16/355/8.
301. PC2/47, p 407.
302. SP16/357/13; 89; 93.
303. SP16/361/64 & 641.
304. London: SP16/414/23 & 231.
Northamptonshire: PC2/48, p 392; SP16/372/103; PC2/48, p 422; and SP16/383/46.

Essex: SP16/350/541 .

Bedfordshire : Laud, Works, VI Part II, p 476-7.

305. SP16/395/40; PC2/49, p 436; SP16/390/120.

The quotation "sons of the law" is taken from the Lord Keeper's address to the Assize Judges, C and T, II, p 281-2 "If any one oppose, he shows his ignorance: and the younger lawyers, sons of the law, are not to dissent against the fathers of the law, who have given their judgments of the lawfulness of this writ."

306. PC2/47, p 369-70.

307. PC2/46, p 311-2.

308. SP16/367/7 .

He and his servants were sent for on 3rd September 1637, SP16/367/18; PC2/48, p 207. He was then examined by the Attorney General, SP16/367/64. Sir Robert Banister was commended by the King, PC2/48, p 208-9, who then took Cartwright's part saying he had acted "out of passion and want of judgement being a young man". The King accepted this and discharged him on submission, SP16/368/2; 23.

309. SP16/328/49.

SP16/335/67.

For other examples of sheriffs urging the Council to take a tough line with subordinate officers, see, SP16/336/69; 328/49, 50; 346/107 & 1071; 349/92; 352/19 & 191; 361/25.

310. Denzil Holles : SP16/303/13; 303/6 .

Lord Falkland: PC2/46, p 447; SP16/376/106.

See below p 405-498.

311. SP16/335/13; PC2/46, p 443.

312 See below p 542-555.

313. WWM/StrP/15 (206).

314. SP16/355/54.

315. Muster-master dispute, EL 7657; 7658; 7659.

For general distaste towards John Newton, see, EL 6976.

The 1636 sheriff Sir Paul Harriss wrote to the Lords in February 1637 detailing the county's unhappiness, SP16/347/31.

For rating defects see SP16/347/31; 366/5; *Orders of the Shropshire Quarter Sessions 1638-1708*, Shropshire County Records 14 (1902), ed R. Lloyd Kenyon, p 1-2.

316. The Winthrop Papers., III, (Massachusetts, 1931), ed by A.M. Schlesinger, p 355.

This snub is very similar to Lord Brooke absenting himself from Warwick when Charles visited the town that summer, A.L. Hughes, *Thomas Dugard and his Circle in the 1630s - A 'Parliamentary-Puritan' Connection?*, H J, 29 (1986), p 789-90.

317. C and T, II, p 272.

318. C and T, II, p 274-5.

319. C. Herrup, The Common Peace: Participation and the Common Law in Seventeenth Century England, (Cambridge, 1987), p 1-10; 193-206.

J.A. Sharpe, *The People and the Law*, in Popular Culture in Seventeenth Century England, ed Reay, p 244-70.

The quotation "grudging" is taken from B L Eg Ms 784, f 111.

320. PC2/47, p 22.

Sandys was not very effective in dealing with rating disputes, C U L Add MS, Gg 1.29, f 118; Fincham, BIHR lviii (1984), p 231.

321. SP16/535/74.

SP16/432/33, Nicholas noted the sheriffs for 1638 were "ill-chosen".

SP16/431/80; 433/34 on choice of sheriffs for Berkshire, Somerset, Gloucestershire, Lincolnshire, Somerset and Wiltshire.

322. Cust, p 53.

Dd/Ph/219/35.

Quoted by Reeve, BIHR lix (1986), p 224.

323. Sir Alexander Denton was returned as a defaulter in Oxfordshire, SP16/422/9; he was accused of disaffection SP16/388/86, and was asked by the Council whether he believed ship money was legal, B L Add. MS, 11045, f 68.

Sir Anthony Irby was a loan refuser, and was accused of disrupting ship money by Sir Walter Norton SP16/331/26; 336/78.

Sir Symonds D'Ewes' views were unsympathetic to ship money, The Autobiography and Correspondence of Sir Symonds D'Ewes, II, p 130-1.

He managed to get off being made sheriff in 1638, H M C Gawdy MS, p 169-70; he then got into trouble for lack of diligence when he was sheriff in 1639-40 and his protestations of innocence and devotion were not believed, SP16/451/18; 456/31; 41; Autobiography and Correspondence of Symonds D'Ewes, II, p 240-1.

He wrote to his wife with great pleasure that "we utterly damned ship money", B L Harl. MS 379, f75.

Martin Lumley was a friend of the Earl of Warwick, Keeler, p 372; he was returned as an Essex defaulter in 1636 although he did eventually pay, SP16/335/671; 358/4; 55. He was excluded from the Commission of Peace, P R O Crown Office Entry Book, Chancery, C/193/13/2. He was indicted for neglect by the Attorney General in May 1640, B L Add MS, 25,277, f 212-48.

324. Holmes, Seventeenth Century Lincolnshire, p 103-4; 106-7; 143. Keeler, The Long Parliament, p 193.

Grantham was prompt in returning recalcitrant constables, SP16/412/42; he certainly used the power he was given to distrain, SP16/415/33; and he paid £2,214 of £2,900 by the date of the county's last payment for that writ on 14th March 1640, SP16/448/7.

325. See above p 176-177.

326. PC2/51, p 184; 215; 218; 224; he was in attendance on 16th February 1640, PC2/51, p 312 and appeared again on 19th PC2/51, p 312-33.
327. B L Add MS, 11045, f 68v; PC2/51, p 204-5.
328. See below, p 524-570.
329. Journal of the House of Commons, II, p 115.
330. See Appendix Two.
Quoted by Fincham, BIHR, lvii, (1984), p 233.
331. *Life of Humphrey Chetham*, p 74; 96.
CUL Buxton MS, Box 96; SP16/397/46; 400/14, he was afraid his dutiful service for ship money had made him "the most odious, despicable man to my county that can be imagined", SP16/467/45. He was certainly very frightened of the wrath of the parliament in 1641, B L Add MS, 42,153, f 84.
332. SP16/346/108; 349/88; 366/38.
SP16/418/57; 421/175; 427/95; PC2/51, p 258-9; SP16/455/125.
333. SP16/535/74; 332/62.
For pressure for a parliament, see WWM/Str P/15(128); C S P Ven 1632-6, p 500-1; 513; C S P Ven 1636-9, p 136; C and T, II, p 274-7. The war scare was effectively over by August 1637 in Laud's opinion, Laud, Works, VIII, p 364-5.
334. SP16/345/42; 355/22; 371/54; 374/12, 16; 378/11, 19; PC2/48, p 547.
335. C. Holmes, *Drainers and Fenmen: the Problem of Popular Political Consciousness in the Seventeenth Century*, in Order and Disorder in Early Modern England, ed by A.J. Fletcher and J. Stevenson, (Cambridge, 1985), p 166-95.
The quotation is from SP16/374/12.
336. PC2/50, p575.
337. SP16/428/1; 428/7.
SP16/427/68; 428/17, 18
338. PC2/50, p 694; SP16/428/69; 429/7; PC2/50, p 655.
339. PC2/50, p 675; 683; 694; PC2/51, p 101-3; 314-5.
340. SP16/453/6.
341. PC2/52, p 619.
342. Herefordshire, SP16/452/82; 466/77.
Shropshire, SP16/463/85; PC2/53, p 33-4; *Orders of the Shropshire Quarter Sessions*, p 2-3.

Northamptonshire, SP16/445/54, 541.

See Tables V, VI and VII for the payments for these counties for the last writ.

Table IV is based upon SP16/427/11, 109; 431/6; 433/45; 445/45; 448/7; 453/99; 458/36; 476/53. The payments are extended beyond July 1640, the last time the Council concerned itself with these sheriffs, to show the last account for the 1638 writ.

343. PC2/46, p 304; STT 2059.

344. STT Ship Money Box.

345. PC2/51, p 38.

PC2/51, p 240-1.

346. See Tables V, VI and VII.

347. Only one Leicestershire rating dispute reached the Board, PC2/47, p 121; SP16/346/109.

The county's sheriffs were very diligent, for example the 1636 sheriff Sir Henry Skipwith wanted to be the first sheriff to pay in, SP16/346.109; in August 1640 the Escheator of Warwickshire and Leicestershire commended the Leicestershire sheriff for diligence, SP16/465/30.

In 1636 the sheriff claimed no JPs or Deputy-Lieutenants refused or were distrained under the 1635 writ, although Sir Arthur Haselrigg had threatened legal action about a distraint and was excluded from the Commission of the Peace, C/193/13/2; SP16/350/91.

348. For payments see Tables V, VI and VII.

1635: SP16/301/63; 302/90, i and ii; 301/96; 313/51; 315/123; 318/75; PC2/46, p 164; SP16/327/19; 327/126; 329/59; 336/51; PC2/46, p 460; PC2/48, p 352-3; SP16/372/101; 381/33, i and ii; 381/41-3; 383/19; CSPD 1637-8, p 304; PC2/49, p 281; 284; 346.

1636: SP16/346/1011; 107, i and ii; PC2/47, p 192; SP16/349/92; PC2/47, p 221; SP16/352/10; PC2/47, p 347; SP16/356/47; 357/70; 366/22; CSPD 1637, p 408; SP16/367/53 and 53i; 368/23; 24; 33; 45; 78; 94; 370/1; 65; 98; 371/115; 372/101; PC2 48, p 363; SP16/383/19; 389/23.

1637: SP16/371/10; 382/39;78; 383/19 ; 385/63; 386/73; 389/6; 131; 393/19; 395/59; PC2/49, 286; 344-5; SP16/420/81; PC2/50, p 495-6

1638: SP16/417/6; 422/69; 424/79, i and ii; PC2/51, p 101-3; SP16/458/82; 468/124.

1639: SP16/450/143; PC2/52, p 431-2; 460; 462; SP16/458/81; PC2/52, p 723; SP16/464/24; 466/79; 467/80; 139; 468/20; 21; 31; 47 ; 80; 123.

For gentry opposition see, PC2/46, p 419; 447; SP16/336/511;346/106; PC2/50, 495-6; SP16/422/9; C/193/13/2.

Nathaniel Fiennes presented a petition to the Short Parliament on behalf of some Oxfordshire constables imprisoned for resistance , *Proceedings of the Short Parliament of 1640*, ed by E.S. Cope and W.H. Coates, Camden Society, 4th Series, 19 (1977), p 284; *Diary of Sir Thomas Aston*, p 45.

349. SP16/418/57.

350. SP16/417/6.

351. SP16/422/69.

352. See note 347 above, and PC2/46, p 419 for legal actions.

353. For William Bassett, see SP16/361/119; 371/20 Bassett asked for help from the Lords "for such as have not yet paid will be glad to take any advantage of me"; he was more than diligent against considerable odds, reducing the Somerset arrears to £50 by the autumn of 1640, SP16/467/45.

For other 1636 sheriffs see for example, SP16/351/2; 369/73; 371/26.

354. John Whatton, SP16/417/57; 455/126.

Francis Godolphin, SP16/444/44.

Philip Holman was made responsible for the 1637 writ after Sir John Hanbury's death, PC2/48, p 381; and for the 1638 PC2/50, p 655. There was very little chance he would recover any of his money if he had acted on the Council's orders.

355. Devon: H M C Various Collections VII, p 410; B L Add MS, 35331, f 61; WWM/Str P/14 (309); 24-5 (59); SP16/301/76; 302/57; 338/8; PC2/47, p 163; 300-1; SP16/351/20; 370/55; PC2/48, p 596-7; SP16/391/12; 417/43; PC2/49, p 307; SP16/432/78; PC2/49, p 89; SP16/442/27; 443/49; 444/15; 449/61; PC2/51, p 325-6.

SP16/441/26, Sir John Pole wrote in January 1640, "This work hath been of very great charge and expense unto me."

Shropshire: See n315 above; SP16/311/62; 336/30; 347/31; PC2/48, p 182; SP16/370/18; 385/85; PC2/48, p 361; PC2/49, p 374; SP16/400/36; PC2/50, p 68; 399; PC2/51, p 314. *Orders of the Shropshire Quarter Sessions*, p 1-2.

Northamptonshire: H M C Buccleuch, III, p 355-6; SP16/535/110; 300/23; 39; PC2/45, p 181-2; SP16/301/98; 345/78; 346/86; PC2/47, p 192-3; SP16/349/103; 351/63; 355/14; 370/83; 385/24; 387/73; 398/5. Rating by anything like consensus broke down after 1638, SP16/417/5; 433/22; 445/54 and 1.

Somerset: Barnes, Somerset, p 210-22.

356. SP16/445/541.

357. See below p 473-498.

358. For example, the charge on Flint as part of the North Wales writ; the request for redress was negated in 1635, PC2/45, p 238-9, because of the pressure of time and settled the next year, SP16/346/24; PC2/46, p 460; PC2/47, p 149-50.

Cheshire: PC2/45, p 212.

Herefordshire: Nottinghamshire Record Office, Portland Manuscripts, Dd/4 P/68/12; 13.

For disputes within parishes, see for example, Tavistock in Devon, SP16/442/27; 443/49; Weston Zoyland and Middle Zoyland in Somerset, SP16/399/49; or Chicksand in Bedfordshire, PC2/47, p 211.

359. SP16/297/19; PC2/45, p 106.
For clerical grievances see for example, discontent amongst Lancashire and Lincolnshire clergy, SP16/341/32; 328/48; an Oxfordshire vicar made similar claims of being victimised, SP16/355/171; other disputes involved the farming of the tithe at Lambourn, PC2/48, p 428, or the cathedral clergy in Chester SP16/354/47.
360. See above p 322-323.
361. Fincham, BIHR, lvii (1984), p 235.
362. PC2/48, p 51.
363. SP16/535/69; PC2/44, p 577; SP16/290/75; PC2/44, p 657; SP16/302/75; 304/60; PC2/45, p 349; Dd/Ph/223/53, 58; SP16/333/1; 335/4; PC2/47, p 158-9; Dd/Ph/223/50; 51; 54; 55; 56; 67; 69; 71; 75; 78.
364. Lake, Northern History, 17 (1981), p 44-71.
365. N R O, Montagu MS, 27/18; 19 (the letters concerning this dispute are in reverse chronological order in the letter book); SP16/300/23.
366. N R O, Montagu MS, 27/19; 17.
367. SP16/300/23; N R O Montagu MS, 27/ 17-19; SP16/300/29; PC2/45, p 181-2.
368. SP16/535/110; 301/98; 302/5; N R O, Cockayne Collection, C 2582; PC2/45, p 244; Cope, Life of a Public Man, p 149-52.
369. Derbyshire, Lancashire and Monmouthshire had paid in all their ship money before Sir John Dryden had sent out warrants to assess, SP16/305/4; 305/39; 305/91. Northamptonshire did not make a payment until the middle of February, thirty counties (counting North and South Wales as two units rather than breaking them down into single counties) had already paid something, SP16/313/41; 104.
N R O Montagu MS, 27/23; SP16/302/5; 318/6.
For a range of local difficulties see N R O, Dryden of Canons Ashby Collection, D(CA) 905; C 2708; Miscellaneous Papers ZA443; Weedon Bec 1443, Vestry Minutes Book; Burton Latimer Parish 55p/504, Constables Accounts, p 41; 42; 51; 52; 61; 62; 63.
370. SP16/315/121; 318/51; 52 and i; 330/11; 331/26 and i; 332/68; 333/23; 336/78; PC2/46, p 226-7; 458; PC2/47, p 10; 470; PC2/48, p 28.
The quotation is from SP16/331/26i.
371. SP16/315/121; 331/26i; 332/68; 336/78; SP16/357/96vii.
372. Sir Walter Norton claimed his opponents were "the principal opposers of the Loan and prime refractories", SP16/331/26. Cust, p 170-5; 293-7.

373. SP16/331/26; 261; 332/68; 336/78.
374. Sharpe, Criticism and Compliment, p 15-22; 39-53; 265-301.
375. PC2/46, p 98.
376. PC2/45, p 432-3; SP16/315/88.
Keeler, Long Parliament, p 233.
377. PC2/46, p 15.
378. For example, Kidwelly got relief by asking at the beginning of the 1636 writ, before its county had assessed and thus before any disruption could be caused, SP16/345/26; or Chipping Camden which waited too long to ask for relief on its 1635 writ, SP16/331/39; 41; 332/6; 333/34; 335/58; relief was given to King's Lynn for the 1636 writ, but this was modified because of the needs of the county of Norfolk, PC2/47, p 38-9; 80; B L Add MS, 27,447, f 81.
379. See below p 309-312.
380. PC2/47, p 238.
381. SP16/391/49.
PC2/49, p 227; 266.
382. SP16/301/96; 302/4, November 1635; 409/32 December 1638; B L Add MS, 25,040, f 94r-v, 6th January 1639.
383. SP16/312/43.
384. For example, as a last resort. STT, 963; a case of complexity, PC2/47, p 79; in defence of an endangered right, PC2/49, p 16-7.
The gentry in Kent resented the difficulties in getting redress. BIHR, lvii (1984), p 235.
385. PC2/47, p 271-2.
386. Cust, p 199-200; 220-1; 232-3 Loan refusers were said to describe themselves as brothers and Sir Francis Barrington as their father.
387. Antonia Fraser says Hampden was imprisoned, but this statement is not in Nugent's biography and I have found nothing to substantiate it, A Fraser, Cromwell, Our Chief of Men, (London, 1973), p 56.
Hampden was prosecuted for not paying 20s in Stoke Mandeville, the village where Jennings was an assessor, ST, III, p 847; STT Ship Money Box; PC2/46, p 287; 298; SP16/328/27; 332/2; PC2/46, p 437; SP16/345/83; 399/72; PC2/49, p 171.
Hampden presented a petition to the Long Parliament on 7th November 1640 on Jennings' behalf, The Journal of Sir Simonds D'Ewes, p 3-4.
388. SP16/336/69.
V A Rowe, *Robert Second Earl of Warwick and the Collection of Ship*

Money in Essex, Transactions of the Essex Archaeological Society, 3rd Series I (1962), p 160-4.

389. Gloucestershire: SP16/331/40.
Oxfordshire: SP16/422/9.
Lincolnshire: SP16/357/96vii.

390. WWM/Str P/15 (206).

391. C S P Ven 1632-6, p 495-6.

392. SP16/335/13; PC2/46, p 448.

393. A J Fletcher, *Honour, Reputation and Local Office Holding in Elixabethan and Stuart England*, in Order and Disorder in Early Modern England, ed Fletcher and Stevenson, p 92-115.

394. Rowe, Transactions of the Essex Archaeological Society, 3rd Series I (1962), p 162-3.

Warwick had been deprived both of his offices and of his influence in 1626 which had placed the government of Essex with "a group of men who looked towards the Court and towards Buckingham." Cust, p 199-200.

395. PC2/47, p 178.

396. H M C De L'Isle and Dudley MS, VI, p 202.

397. B L Add MS, 11045, f 43-4.

398. SP16/357/96vii.

399. Thomas Alderne sheriff of Herefordshire in 1639 was sent to the Fleet, but this was very exceptional, the Lords believed he had deliberately tried to mislead them about the murder of his under-sheriff, SP16/446/722; 447/78; PC2/52, p 461; SP16/452/86; 453/106; 454/43.

For Sir Peter Temple see Nugent, Memorials of Colonel Hampden, I, p 231-2; STT 205; Lewis Harriss an Oxfordshire under-sheriff spent a month in the Fleet, PC2/49, p 284; 346.

SP16/327/113; PC2/46, p 306.

Francis Freeman the constable of Wilby in Northamptonshire eventually took his grievances, which included imprisonment without bail for offences against the messenger, to the House of Lords, Journal of the House of Lords, IV, p 101.

SP16/429/97

400. See above p 169-173.

401. See above p 171.

402. Laud, Works, VII, p 326-7.

Rossingham heard that Laud was unhappy about ship money, C and T, II, p 275 although he thought it "a most fond fancy" that the

Archbishop could be in sympathy with those who wanted a parliament as rumour suggested.

403. C S P Ven.1632-6, p 500-1.
See below p 445-446; 447-449; 452.

404. SP16/357/1; 151; 365/1; 2; 3; 4; 366/73.
SP16/356/35.

405. Coventry ship Money Book, f 49-53v; SP16/305/33; 322/13;
PC2/46, p 330;333/29.
SP16/334/43; 401/8.

406. SP/16/445/541.

407. PC2/47, p 134.

408. There were suggestions during the 1635 writ that the rates favoured the wealthy, for example PC2/45, p 403-4.
Warwick claimed the gentry's opposition was motivated by their unhappiness with unequal rate, PC2/47, p 330. The King called in the rates, which were examined and Lucas' found to be just and equitable for which the sheriff was commended, SP16/358 is Lucas's book of rates; PC2/47, p 432.

409. Sir Francis Doddington absented himself to avoid paying in Bristol for the 1634 writ, PC2/44, p 439-40; he protested in Gloucestershire SP16/333/34; PC2/47, p 299-300; and the next year in Somerset, Barnes, Somerset, p 215.

410. SP16/357/139; 140. Only the petition in favour of the Hinton Rate survives, there is a copy of the Council's order in Sir Robert Phelps' papers, Dd/Ph/223/77.

411. SP16/346/65.

412. This subject was discussed very frequently during the first half of 1637, SP16/346/65; 95; 347/59; PC2/47, p 221-2; SP16/354/154; PC2/47, p 322; SP16/355/69; 357/27; PC2/47, p 471; PC2/48, p 11-2; SP16/366/5.

The number of counties where the sheriff complained or with significant rating disputes about unequal rates is striking. For some examples of such disputes where the sheriff did not actually ask for a new rate, see:

Buckinghamshire, PC2/47, p 298; 354; PC2/48, p 157-8.

Devon, SP16/338/9.

Surrey, PC2/47, p 183-4; 308-9; SP16/348/53.

Middlesex, SP16/341/51; 52; PC2/47, p 223; 289; SP16/346/63.

Warwickshire, SP16/357/142.

Dorset, SP16/357/76.

Oxfordshire, SP16/352/10.

Cheshire, SP16/357/44.

Cambridgeshire, SP16/349/50.

Herefordshire, PC2/47, p 357.

Kent, PC2/47, p 22; 233.

Lincolnshire, SP16/355/175.

Northamptonshire, PC2/47, p 191-2; SP16/351/63; 364/76; 77; 91.

413. SP16/366/5.

414. SP16/366/5.

415. SP16/304/6; some of the Lancashire rate books are among the Chetham Papers in Chetham's Library in Manchester.

State Papers Relating to Norfolk, p 161; 205-9. I have checked Norfolk's assessments for ship money against the tables published by Rye and find that the proportions correspond.

416. SP16/355/14.

417. The quotation is taken from B L Harl MS, 3796, f 65.

418. B L Harl MS, 3796, f 65-66. This paper is not dated although it is bound in B L Harl 3796 with an undated note by Nicholas which, judging by the context, was written during the course of the 1635 writ. The context of Weldon's argument makes me think it should be dated to the summer of 1636.

DNB, mentions the friendship between the two men.

The quotation is B L Harl MS, 3796, f 66.

419. See above p 44-45; 117-122.

420. C S P Ven 1636-9, p 110-11; 124-5.

Autobiography and Correspondence of Sir Symonds D'Ewes, II, p 132-3; Fincham, BIHR, lvii (1984), p 233-4.

421. B L Harl MS, 3796, f 69.

422. SP16/351/70.

423. SP16/376/96.

424. SP16/351/70.

425. B L Harl MS, 3796, f 65-66.

426. Similar ideas are in Prynne's pamphlet An Humble Remonstrance Against the Tax of Ship Money (London, 2 variant editions 1641 and 1643), John Newell reported Richard Rose JP of Lyme Regis, for saying "What a foolery is this, that the country in a general peace be thus much taxed and oppressed with the payment of great sums." SP16/370/1.

Laud and Wentworth shared a common feeling that it was unfair for "all public Works should be put upon the Crown," but were angered by the resentment about ship money, Strafforde's Letters, II, p 132.

427. Some of the King's poorer subjects complained ship money was an oppression, for example SP16/387/46.

Prynne, An Humble Remonstrance, (1643), p 16-17
See below p 449-451.

428. Sharpe, Criticism and Compliment, particularly the chapter on Davenant, p 54-108.

429. ST, III, p 1232. The King was often described as "merry" when he had reason to be upset, for other examples see C115/M36/8453 which deals with ship money problems in London or the Countess of Carlisle's astonishment because the King treated the promotion of the Bedford faction as a matter of mirth, H M C De L'Isle and Dudley MS, VI, p 346.

430. See above p 169-171.

431. Laud, Works, VII, p 333. Laud told Wentworth "the counsel learned of [Laud] came to him and informed him that if one clause were not added the business would fall short and the suits entered be judged against the crown."
The King ordered the clause "quod salus regnium Angliae et populi eiusdem periclitabatur" be in the new writs, PC2/48, p 123.
The lack of this phrase in the 1635 writ, it was only in the Mittimus, was part of St John and Holborne's case for Hampden, ST, III, p 965; 968.

432. SP16/301/96.

433. See below p 452.

434. See above p 169-173.

435. C S P Ven 1636-1639, p 158-9.

436. H M C De L'Isle and Dudley MS, VI, p 123.

437. PC2/48, p 295.

438. C115/N4/8617.

439. Clarendon, History of the Rebellion, I, p 86-87.

440. C115/M36/8443.
B L Harl MS, 3796, f 66.

441. There are numerous examples of this practice, see, for example: SP/16/302/56; PC2/45, p 212; 238-9; SP16/304/80; PC2/45, p 432-3; PC2/46, p 54-5; 346/65; 347/31; PC2/47, p 166; 357; PC2/48, p 101.
For example, the sheriffs of Hertfordshire and Hampshire, and the bailiff of Westminster were told to consult their predecessor's rates, PC2/47, p 222; 223; 421.

442. See above p 172-173.

443. SP16/346/115; 381/37.

SP16/302/57; PC2/45, p 249; PC2/48, p 596-7.

Sir Robert Banister's rate for Northamptonshire caused great resentment because he used a rate for purveyance established in Elizabeth's reign, although it was long established it did not take account of changes in the county since the end of Elizabeth's reign, SP16/364/77.

444. SP16/354/691.

445. SP16/354/691i.

446. For example, Hertfordshire, SP16/381/71; Buckinghamshire SP16/381/53; Somerset, SP16/389/26;124; and Bedfordshire, *Ship money Papers of Henry Chester and Sir William Boteler*, p 57-62; SP16/390/62.

447. I have found evidence of rates reviews in Buckinghamshire, SP16/381/53; Bedfordshire, T W 855; 861; 862; 863; 865; 866; 867; Somerset, SP16/369/24; 379/13; 381/2; PC2/48, p 609; 389/26; Cheshire, SP16/382/38; Herefordshire, SP16/410/23; Nottinghamshire, PC2/48, p 487-8; Derbyshire, SP16/392/31 and i; Devon, PC2/48, p 596-7; SP16/391/12; PC2/49, p 307; Berkshire, SP16/387/24; PC2/49, p 82; Wiltshire, B L Add MS. 32093, f 181; Rutland, B L Eg MS, 2986, f 391; Hampshire, Hampshire Record Office, Quarter Sessions Papers, 44 M/69/013 (I am grateful to Catherine Pullenger for this reference); Shropshire, SP16/422/82; Durham, PC2/49, p 28.

448. Devon, SP16/391/12; PC2/49, p 307. The Devon rates were not settled for the 1638 writ, SP16/417/43.

449. Orders of the Shropshire Quarter Sessions, p 1-2.

Somerset Assize Orders 1629-40, ed by T G Barnes, Somerset Record Society, vol 65 (1959), p 285; 291. SP16/369/24; PC2/48, p 544; 381/2; PC2/48, p 611; SP16/389/26; PC2/49, p 166; SP16/390/63; PC2/49, p 295.

450. SP16/381/2.

451. SP16/381/53; Sir Alexander Denton's rates, became the basis of rating in Buckinghamshire, see Richard Grenville's notebook printed by C G Bonsey and J G Jenkins, *Ship money Papers and Richard Grenville's Note-Book*, Buckinghamshire Record Society, 13 (1965), p 93-110. Grenville says "in the that yeare that Sir Alexander Denton was shreive [ie 1637-8], the ship mony (after many meetings about the equality & proportion of dividing it upon the severall hundreds) was by the generall vote of the gentlemen of the country agreed to be taxed; ..." p 93.

452. SP16/381/37.

453. C S P Ven 1636-1639, p 370.

454. PC2/48, p 599.
1635, PC2/46, p 329-32.
1636, PC2/48, p 135-6, 19th June 1637.
455. PC2/49, p 283; 308-10; 323; C S P Ven 1636-9, p 377.
456. WWM/StrP/17(137)
ST, III, p 1217; 1226.
457. For example, PC2/50, p 532-3.
C U L Buxton MS, Box 96, letter from the Lords to John Buxton sheriff
of Norfolk 30th June 1638.
458. SP16/382/34; 385/34.
SP16/417/110.
459. By November 1639 when the next writ was issued, £51,317 6s
10d had been paid and there was £18,432 13s 2d outstanding.
460. See above p 176-178.
461. For examples of ill-affection see, SP16/414/119; 415/33.
For examples of poverty see, SP16/417/14; 418/5; 64.
As an example of this change in response there is a great silence in
Somerset during the shrievalty of William Avery which Barnes remarked
on, Barnes, Somerset, p 237.
462. H M C Cowper MS, II, p 237.
463. See below p 248-498.
464. See above p 69-70; C and T, II, p 273; SP16/336/29; 355/54;
PC2/47, p 457. Barnes, Somerset, p 222-4 considers the Council made a
great mistake with Stroude.
For an example of confrontation see, B L Add MS, 11045, f 68.
465. Clar St P, II, p 47-8; Memoirs of Sir Hugh Cholmley, p 60;
Jessup, Sir Roger Twysden, p 34; 38.
466. ST, III, p 1098.
467. SP16/393/71.
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"THE BUSINESS WAS UNQUOTE": SHIP MONEY IN THE LOCALITIES

"I am confident I shall not infringe my fidelity, nor merit the withdrawing of your favour from me. For I will not do any things wherein I have not reason to abet me, and in so doing I hope I shall be a just servant, to the King & my country."

William Boteler, Sheriff of Bedfordshire to the Earl of Cleveland, 15th December 1637.(1)

"I hope that you will be careful to keep the King's favour and also to keep the love of your countrymen, which I must confess as the times now are is a very hard task to be performed, yet I hope you will endeavour it,..."

Elizabeth Pert to her son-in-law John Buxton Sheriff of Norfolk, 14th August 1638.(2)

So far the emphasis has been upon the King and the Council, but to look at ship money only from their perspective, with their aims and expectations would be to look at events through the "multiplying glass of affection" deplored by Justice Finch.(3) William Boteler's desire to be "a just servant, to the King and my country" was shared by many of the gentry and nobility; to serve the King was to be honoured in the country but such men were not and could not be merely passive servants of the King's will.(4) The theme of this chapter is the conflict which developed between the authority of the state, considered by King and Council to be the foundation of order, and the giving of consent. In essence ship money came to symbolise a denial of public consent at every level of society, asserting the supreme authority of the prerogative in government. Yet seventeenth century government rested upon foundations of consent and co-operation, balancing the interests of the King's government, of local governors and of local rights, liberties and traditions. A successful royal policy had to command respect and obedience from those who

governed in the King's name.

Anthony Fletcher and John Stevenson have described the vigour of English society, .

"What gave abiding strength to ... perceptions of the social order was that they were based upon an old cosmology in which concepts of a 'Great Chain of Being' and of a 'body politic' held sway. While these concepts prevailed, the ideal of society as a living organism in which each man and woman had an allotted role, underpinned the complex reality of a system of hierarchical relationships. These relationships were mediated by the vertical ties of patronage and clientage and softened by additional horizontal ties of kin and neighbourhood.... The traditional concept of order was suited to a localised society in which hierarchy, together with obligation to those below and deference to those above, made sense of people's lives."(5)

Much has been written about the autonomy of the English localities, where there were deeply-rooted traditions of local loyalty and independence, and the people were deeply suspicious of the outsider.(6) However, this world was changing in a number of distinct ways, which have a bearing on the impact of ship money. During the sixteenth century the crown's authority had been extended into the provinces so that the work of the JPs became the common framework for government.(7) For some counties, like Elizabethan Norfolk, this experience created alienation and division, but on the whole centre and localities were becoming more closely linked.(8) Clive Holmes has examined the growth of a unifying culture amongst the gentry and the professions, the impetus for its development being the responsibility for government shared by the gentry and the Crown.(9) As Attorney General Heath advised, the King needed men of good affection and honour to serve him, whereas for gentlemen their prestige, honour and reputation were enhanced by serving the King and

the community. Charles's government was sensitive to the temper of different counties and different men.(10) Similarly, leading gentry, like Sir Robert Phelps in Somerset, Sir John Isham in Northamptonshire or Sir Thomas Puckering in Warwickshire, kept themselves well informed about London politics.(11) Others cultivated useful contacts such as Secretary Coke, the Earl of Bridgewater or Edward Nicholas, to promote their causes when they had need of the King's attention.(12) Many of the boroughs also valued links with London and the court: Coventry depended upon their recorder the Lord Keeper for guidance with their petition in 1635, Bristol turned to Nicholas for his help in their "little businesses" and much smaller towns paid for an attorney to represent their interests in London, as Northampton did with Robert Woodford.(13)

In seventeenth century thinking co-operation and harmony were essential for society to function and much emphasis was placed upon ways of resolving disputes through compromise and consultation; but the assumptions of a shared outlook were challenged by changes in politics and ideology.(14) Recent work has drawn attention to the development of ideological differences which polarised ideas and raised the spectres of popery and popularity as explanations of political breakdown. These divisions were much more than a squabbling amongst men interested in abstract questions: they reflect the differences between two very different concepts about the nature of government, government by a supreme authority given directly to the King by God and government by consent and co-operation under the rule of law.(15) Ideas which enhanced the King's authority and of his prerogative rights, were increasingly prominent at the court of King

James I. In the early years of Charles's reign "new counsels" changed the direction of politics and the relationship between the centre and the localities.(16) Divisions at the heart of government alienated the King from leading members of his nobility such as Warwick and Saye and Sele, political strife created a wider interest in news and came to involve the common sort of people. This in turn fed the nightmare of popularity.(17)

If relations between the centre and the provinces were gradually changing, so too were the relationships between the different classes of men. Cultural changes which made elites more cohesive were also slowly separating them from their social inferiors. Gentry and middling sort had a community of interest, as land holders and as the holders of local offices, in preserving order. Furthermore, it is clear that these middling sort were themselves becoming more involved in government and more interested in what it did at county and at national level.(18) Below the ranks of the gentry, population growth, changes in the economy and inflation increased the number of men entitled to vote in Parliamentary elections, so that by 1640 two out of five adult males had this right. Even though many were not aware of this right or chose not to exercise it, thanks to the work of Derek Hirst and Richard Cust we know that constituency opinion was a concern for for MPs, particularly those elected by large and vocal electorates such as Kent or Yorkshire.(19) From the 1590s Crown policies, particularly those to do with raising money attracted considerable adverse attention in the localities. In the opening years of the seventeenth century, popular hostility towards purveyance was a real influence on

the House of Commons in their dealings with the King and Council.(20)
When discussing the Great Contract MPs in 1610 spoke of their need
to

"feel the disposition of our counties" because of "the
trust so many millions of people have reposed in us".

Sir John Holles told Salisbury "In the better sort" there was "a very
sharp appetite, but in the plebs... a very uncertain temper."(21)
Behind these claims was a growing political awareness, which was
itself a response to the increasing demands from the centre.

During the 1620s the unity of the kingdom came under renewed
pressure at court, in parliaments and in the country. Conflict centred
over the relationship between government and the law or in the
language of the time, liberty and property. Events proved the wisdom
of Bacon's words to the parliament in 1610,

"I was ever of opinion that questions which concern the
power of the king and the liberty of the subject should
not be textual, positive and scholastic, but slide in
practice silently and not be brought into position and
order."(22)

Ship money must be seen in the context of a society which found it
difficult and painful to come to terms with change and with
conflict.(23) The events of the 1620s had been shocking and
disruptive, not only to the King but to many of his subjects, hence a
major theme of politics during the Personal Rule was to be the
resolution of conflict. Some like Wentworth found the solution in an
enhanced royal authority.(24) Others tried patience and trust in the
King, lamenting the mistakes of a few extremists, this attitude was
summed up by Justice Hutton during Hampden's Case,

"I know not how it comes about that this kingdom which hath thus long flourished by parliaments, should now forget her frequent kind of government by parliament, whether by reason of something past, or some new disaster now fallen out, that this which is the ancient way ... is so much out of use now a days. ... There was seen too much of the ambitious humour of some in the last parliament, that stirred up nothing but confusion and discontentment, as we now feel to our great prejudice."
(25)

Many of the important men in the counties tried to build bridges between the King and his people: such an attitude makes sense of the conduct of men like Sir Robert Phelps, or Sir Roger Twysden or of the friends of Sir Francis Seymour who persuaded him to pay ship money for the good of the country.(26) Rich and poor alike looked to the King for good government and demonstrated their eagerness to serve him.(27) Ship money brought these social and political tensions into the arena of the nation: for every village in the course of these years had direct experience of a conflict about the nature of authority. The chapter therefore focuses on three distinct areas, which show how the ship money service alienated King and people from each other, beginning with the challenges posed by getting in the King's moneys.

1: THE SHERIFF'S TASK: GETTING IN THE KING'S MONEYS

The impact of ship money began with the reception of the writs directed to the high sheriffs. This was a new service, in the words of Sir Roger Twysden "a novelty", or in the opinion of the clerk of Coventry,

"the business was unquoth, no man alive ever knew or heard the like..."(28)

It needed careful handling, for as Sir Henry Slingsby noted in his diary,

"The comon people judges not with things as they are with reason or against; but long usage with them is instead of all."(29)

The most common response in 1634 and 1635 was a mixture of confusion and willingness. Sir John Bridgeman reported the reaction to the first writ in Wales to the Earl of Bridgewater in a letter of 4th January 1635,

"I find them much encouraged in the service by the memorial sent by your Lordship, signifying His Majesty's pleasure to accept the sum of money therein mentioned for providing the ship, if they cannot otherwise do it. They protest they cannot do it by any means ther being no seasoned timber fit for that purpose so suddenly to be had in these parts."(30)

Some sheriffs went looking for ships for hire, some faced hostility and reluctance, one had his authority called into question.(31) Many shared the confusion experienced by the mayor and council of Dover, who confessed they were "at an exigent, and know not what to do or where to begin."(32) This confusion and hesitancy continued the following year. At the start of the next writ in August 1635, Sir

Peter Temple who was then sheriff of Buckinghamshire, had the writ itself translated and sent his under-sheriff John Frankish to lawyers to settle a list of queries.(33) Rating appalled him. He was also intimidated by "oppositions", threatening him with legal action: given the choice he would have preferred to imprison refusers rather than distrain them.(34) In Wiltshire the first sheriff Francis Goddard doubted his ability to act on his own: he summoned the county's JPs to a general meeting at Devizes so that he could draw upon their expertise. However their response was disappointing, although they came as requested they would not act with the sheriff because they were not named in the writ, and he was left to get on with the assessment on his own.(35) Sir John Byron the sheriff of Nottinghamshire was very nervous about assessing the nobility who were "somewhat numerous and possess a great part" of the county. He simply did not know which course to follow, so he wrote to Nicholas in September 1635

"the reason I had to think the noblemen were included (though not by name expressed, either in the writ or directions) was the greatness of the sum charged upon this small and poor county in respect of others, which, (I can assure your Lordships) is such that (unless they be pleased to make contribution in some measure proportionable to their revenues) it will not be possible to levy it without an extraordinary pressure upon the rest of the county and chiefly upon the meaner sort..." His fear was to "trench upon their privileges, or rashly meddle with such as are above my sphere."(36)

The writs were strange, thereby creating anxiety in some people. John Finet picked up a rumour in October 1635 that some of the sheriffs were anxious about the legal consequences of their responsibilities for ship money,

"disputing or at least desiring to be resolved of the legality of such levies and how they and their heyres may be discharged of repayment or worse if they should be questioned hereafter." (37)

When the second sheriffs took over in early 1636, some of them were bothered they might be contravening their oath of office binding them not to receive any writs which had been opened and some were concerned about their capacity to act on a writ passed on from their predecessors. The Lords dismissed this fear as only a "misplaced doubt". (38) In Salisbury the city council decided they had no option but to indemnify the mayor,

"Yt is agreed by the common consent of this company, that if Mr John Dore now Maior of this Cittye, shalbe questioned, troubled, or put to any chardge or expence, touchinge or concerninge the rate or tax by hym made for the raysinge of the sum of £300 ... then the said Mr John Dore, nowe Major, his heires, executors and administrators shalbe defended and saved harmless of all losses, chardges, damages and expenses by this company."
(39)

Underlying these fears were the rumours of a parliament circulating since the death of Lord Treasurer Weston and the prospect of renewed warfare: the writs were drafted in terms of emergency defence before the outbreak of war, traditionally a prelude to the summoning of a parliament. These tactics of evasion, delay, protest, and the underlying fear of legal questioning have parallels with 1628 and with 1640. (40) All of this points to a nervous and anxious beginning to the ship money service in many counties: this is not surprising given recent history and the function the law played in English life. Jim Sharpe has described the law as a common inheritance of the English people and a point of contact between elite and popular

cultures, "of central importance in the way in which they went about their daily lives."⁽⁴¹⁾ The law existed not only to regulate society but also as a means of resolving conflict and restoring order in the event of dispute. These early fears about the legality of ship money show that some people anticipated its divisive effect and anticipated this could have social and political consequences. It also marks the beginnings of another stage in a political struggle which centred around the relationship between the subject and the law. John Reeve has described how this conflict began in the aftermath of the 1629 Parliament with the imprisonment of dissident MPs, when the courts became the arena where opposition was expressed. Ship money was therefore the catalyst which broadened the defence of liberty beyond the claims of parliamentary privilege and beyond the ranks of the elite.⁽⁴²⁾

Charles's aversion to the idea of summoning a parliament in the immediate future created ship money and shaped its administration. This was the first time the Crown had tested a new fiscal service, without trying to secure parliamentary consent. Purveyance had been regularised by Lord Burghley with parliamentary approval, James I's government sought a parliamentary revenue in the Great Contract of 1610, not a prerogative one.⁽⁴³⁾ Finance and taxation became one of the chief contentions between the Crown and the subject, reform plans repeatedly came to nothing and the government increasingly resorted to projects, indirect taxation and prerogative rights.⁽⁴⁴⁾ Tunnage and poundage, the Forced Loan, forest fines and distraint of knighthood fit into this pattern whereby the process of consent was gradually being removed from the revenue

raising process.(45) Ship money represented a new stage in this development, but this only became evident slowly, when the King issued and continued to issue national writs and the Judges declared ship money so inherent a part of his prerogative it could not be taken away by an act of parliament.(46) By early 1637 general opinion amongst the Kent gentry recognised this was a break with the past,

"There was much difference betweene the doing of it by letter (that being a kind of entreaty) and this way which was compulsory."(47)

Without a parliament the process of consent became purely localised and an additional burden for the sheriffs.

The writs were given a framework of tradition, but what they actually demanded from the counties was very new and also very ambitious. The authority of the prerogative was to be used to collect revenues for the defence of the realm, following local custom as established in agreed and equitable rates at hundred and at parish level, taking into account personal wealth not based upon land, as well as maintaining a proper respect for the clergy.(48) All of this was to be done within a fixed time-scale and without a hint of any need for the traditional pattern of consent given in parliament. Little wonder that at least some people regarded this with dismay: Sir Symonds D'Ewes described "the grief and astonishment of most men's hearts" amongst the Essex gentry.(49) Dismay is recorded in the Norwich Assembly Book when the City Council decided to obey the first writ of October 1634, only "after due consultation had of the weighty consequence of the business."(50)

The sheriff's first task was to communicate the King's wishes, as set out in the writ, to the county and to secure their consent and co-operation for assessment and collection.(51) The writs made provision for an assessment meeting between the sheriff and the officers of the corporations, which often became the occasion of a more general gathering.(52) The usual pattern was to call a general meeting which was also attended by leading gentry, high and petty constables and any parish notables who cared to turn up. Often too, the sheriff sought the advice and agreement of the county's leading figure, as Sir Robert Banister did in consulting Lord Montague of Boughton about the ship money rates for Northamptonshire in 1636.(53) Consent was often sought beyond the terms of the writs and Instructions, which assumed the sheriff could act as an autonomous agent of royal control. Although the Council believed that the King's command was more than sufficient authority, in practice the sheriffs needed to balance and negotiate: to secure "one mutual assent and consent" to the 1635 writ in Radnorshire Morgan Vaughan told the Council,

"I called an assembly of all the JPs, constables and the better part of all the inhabitants of the said county, which I rather did because the service was so unusual."(54)

The sheriffs could not adopt the Lords' methods of dealing with the localities which were directive and authoritarian. Their approach could be at odds with a different tradition which was essentially consultative, communal and time-consuming. One result was that there was never enough time for ship money. The Council's aim was to get the money in before the fleet was ready to sail in the spring; but

only a handful of the counties actually managed swift payment. The annual nature of the service also meant that this process of consultation was repeated each year.(55) Succeeding sheriffs, therefore, had to reconcile two different tensions, needing to act with speed and sensitivity, to please both the Lords and their neighbours.

Although the county was the basic unit of ship money assessment, every county except Rutland had corporate towns included in its total charge. In Buckinghamshire for example the writ was addressed

"to the sheriff of our county of Bucks, the Bailiffs and Burgesses of the borough and parish of Buckingham, to the Mayor, Bailiffs and Burgesses of the borough of Chipping Wycombe, to the Bailiff, Aldermen and Burgesses of the borough of Aylesbury, and to good and lawful men in the same boroughs, and parishes and members of them. And to the towns of Amersham, Wendover, and Great Marlow; and to all other towns, boroughs, villages and hamlets and other places in the said county of Buckingham, greeting.(56)

The towns shared the county's financial target, but were administered separately using their own copies of the general county writs. The corporations were usually allowed thirty days during which their chief officers, or those from a majority of them, had to meet with the sheriff to settle their separate assessments. The sheriff's presence was necessary for the meeting to be quorate, and his Instructions contained the Lords' suggestions for borough charges in each county. Instructions were only sent to sheriffs, thus the towns were dependent on his good will for information on how much the Lords had suggested they pay.(57) Even a large city like Coventry depended on the under sheriff of Warwickshire who

"showed a letter from the Lords of the Council directed to the high sheriff of the county of Warwick, and said he would give a copy thereof to Mr. Mayor if he might be paid first...."(58)

Should there be no meeting, or no agreement within thirty days, the sheriff was given the power to assess the corporations without the need for their consent. Many sheriffs did not care to change the Council's own assessments, although they were given the power to do so, as long as the county's total was still met.(59) Some sheriffs took the same line as Francis Godolphin in Cornwall who would only allow relief to the poorer boroughs if the other towns re-distributed the money between themselves and not on the county.(60) Others used the threat of the sheriff's assessment to break opposition or dissatisfaction. A meeting was held on 12th September 1635 at the Swan in Warwick between the sheriff of Warwickshire and the chief officers of the county's corporate towns. Coventry's representatives were furious because they believed their suggested charge of £500 was contrary to both equity and tradition; they had some tentative support from the Bailiffs of Warwick and Birmingham until the sheriff lost his temper,

"the high sheriff stood up and began with threats and big looks to say, 'Take heed, beware lest you be £50 more money.' Saying nothing could be done without him, and that he would not alter anything the Council had done, and they thought Coventry might well pay £500, and so did he too.... And because of the meeting aforesaid, the City found the peremptoriness of Mr High Sheriff to hold the City at that proportion of £500, he not sparing to say that perhaps they should be much more if the thirty days were passed, ... then the absolute power for making the assessments upon Coventry in general would be in the said high sheriff only, and the City thereby without remedy as from him, or from elsewhere as it might happen."(61)

The ultimate responsibility was supposed to lie with the sheriffs, but, because the corporations possessed rights given to them by their charters, the sheriffs did not possess the authority needed to back up their responsibilities. The effects can be seen, for example, in the complaints made by Sir Paul Harriss sheriff of Shropshire for the 1636 writ, in a letter to Nicholas of 21st April 1637. Shrewsbury and Wenlock were "very backward", one distracted by "such divisions and factions among them about a preacher they mind nothing else", the other slow and dilatory, setting a bad example "which maketh other corporations the more careless and myself condemned for my forwardness". He asked for "some sharp letter" to remind all the corporations of their duty, acknowledging the root of the problem was "I have no power either by the writ or the Lords' letters to intermeddle with the corporations".(62) Even when abuses were brought to the sheriff's attention he had no power to rectify them within the corporations, or to resolve disputes unless the Lords asked them to. William Bassett refused such a request from Edward Phelips,

"Being excluded by the writ directed unto Ivelchster to make any sub-divided assessment within the borough I shall not be able to relieve the inferior burgesses more than by way of exposition unto the bailiff to use all equally, which I have recently pressed him unto...."(63)

Unlike the counties, who took their ship money grievances to the sheriff or the JPs or the local gentry, the boroughs had no mediating authority to help them resolve disputes unless they went directly to the Board.

Assuming there were no intractable problems with the boroughs, the sheriff had then to assess the body of the county. To

do this he was to call upon the high constables of the hundreds, to follow agreed and just local rates, whilst at the same time adapting these rates to suit present circumstances. Hassell Smith saw ship money as the first government move in the evolution of common rates for taxation,

"For the first time the hybrid procedure which had developed from the 1558 Arms Act, whereby militia taxes were rated upon areas but levied upon individual estates, had been superseded by a thoroughgoing rating system..."(64)

Rating was the most formidable task commanded in the writs and was the essential foundation for successful collection. Ship money did not create rating disputes, they were a normal part of parish and county government and were amongst the most frequent community conflicts referred to the Quarter Sessions in Somerset and Warwickshire or to the Assizes on the Western Circuit.(65) Even in counties where there were an agreed set of rates for general purposes these were in a constant state of change, but in general rates were becoming more uniform because this was seen to be in everyone's interests, one single rate made collection easier and gave less scope for dispute. Well before the 1630s some JPS had opposed the practice whereby constables

"make their taxations several", "as the occasions for which those taxations are made are divers and several, so as are the means to come by them from those that refuse payment also divers, and cannot by one measure to all be compelled."(66)

Some counties, such as Lancashire and Norfolk, had worked out a modern set of rates during the 1620s which were a great help to the sheriffs of those counties. Against this background of consent

Humphrey Chetham was able to deal with recalcitrance swiftly and without damage to the service.(67) In other counties ship money was the spur a county needed to settle a general rate. Buckinghamshire, did not have a modern rate book when Sir Peter Temple received the county's first writ in August 1635. He ordered the high constables to come to his house at Stowe and bring

"In writing under your hands respectively a true copy of the rates of every town and parish within your division of the payment towards the relief of the maimed soldiers and likewise the rate of the mustermaster's fees and that you require all the petty constables within your said division respectively to send to me by or before the said day all and every their respective rates upon the particular inhabitants or landholders within their several limits for and towards the several payments aforesaid, to the end I may thereby also the better be able to inform my judgement to lay an equal tax upon the several villages and inhabitants, as by his Majesty's writ I am required."(68)

In his rates he took care that the taxation was "several", using different rates as they were acceptable to each parish or hundred as well as the poor rates at parish level as commanded in the writs. He also took care to devise an elaborate formula to secure consent in the hundreds and the parishes should disputes arise, and to mediate between all parties involved in collecting ship money. To his disgust he found the Council had little time and even less patience for his approach, and he was forced to endure rebuke and humiliation as a reward for his pains.(69) Discontent remained a constant feature of ship money in Buckinghamshire, particularly in the three Chiltern Hundreds. During the 1636 writ the gentry of these hundreds enlisted the JPs and the Lords on their side against the sheriff Sir Anthony Chester.(70) Eventually Sir Peter's rates were amended by his cousin Sir Alexander Denton, who wrote to Nicholas on 8th February 1638,

"I hope none or few shall have cause to complain worth the admittance, which I must confess hath taken up my whole time to accomodate this county, that hath been formerly so troublesome to their Lordships to regulate the just complaints of the inhabitants. And in this I hope I have done no disservice, but a general reformation."
(71)

This reform remained in general use during the 1640s, and may explain why Buckinghamshire was unusually prompt in paying the 1638 writ. It is worth noting that the county did not pay a greater proportion of its charge than in previous years; the general consent given to the rates did not eradicate the pattern of arrears, it only meant that those who were going to pay got the money to Sir William Russell a bit faster than usual.(72)

Other sheriffs were less successful. In Kent, Edward Chute's experience during the 1634 writ led him to make a new survey of the county to replace an out of date and inequitable rating based upon composition for purveyance. This created an uproar in the county and Chute bitterly lamented "the impossibility of giving satisfaction to a multitude." (73) His letter to his neighbour Sir Edward Dering illustrates the tension between equity and tradition underlying all the attempts to settle the rates.

"I am heartily sorry that soe many of my respected friends and judicious neighbors should censure me and my proceedings in a businesse of this weyght and consequence, or that any should taxe mee of partialitie or inconsideratnesse herein; when (I protest by the faith of a Christian and reputation of a gentleman) I have in my judgement, used all probable meanes to informe myself of the true worth of each hundred, and have imposed a taxe upon them severallie proportionable thereunto; wherein I confess I have not soe much looked at the quantitie of lande in them contained, as at the qualitie and abilitie of persons therein resident: at which course, although it be not soe pleasing unto some yet is, I am sure, more agreeable to the writt and the expresse directions in the Lords' lettres, then to subject poore

farmers and occupiers of land at rackt rents to the payment of the greater parte of this extraordinarie imposition."(74)

Two years later Sir Roger Twysden noticed his neighbours were still dissatisfied because of the constant squabbling over rates.(75) In Northamptonshire, the first sheriff Sir John Dryden broke with the tradition of an equal division "in all common and general payments" between the East and West Divisions of the county. Sir John informed the Council he thought himself justified under the terms of the writ and Instructions, because these commanded him to have a respect for tradition and to use his own knowledge of local conditions. He had used copies of the rolls for Provision Rates, the subsidy and the Fifteenth, and in addition he claimed there were more market towns and more resident Earls and Lords in the Eastern Division.(76) The Lords would have none of this, ordering a second assessment to be made on traditional lines.(77) In 1636 Sir Robert Banister made a new rate in consultation with Lord Montagu of Boughton, who had vehemently objected to Sir John's first rate. His was based on a 1596 purveyance rate which Sir Robert claimed had "peaceably and annually been paid by the space of very near fifty years without opposition", "the surest safest way"; but even an ancient rate did not command general acceptance.(78) His successor Sir John Hanbury made yet another rate and complained to Lord Manchester in September 1638,

"The manner of the tax laid upon the county the last year by Sir Robert Banister by way of provision hath been a great hindrance to me having bid it the other way which is more equal."(79)

There is little to indicate how the fourth sheriff rated the county,

but the fifth, Sir Christopher Yelverton, seems to have used his own method, collating what information he could get of his predecessors rates "thereby to be better enabled to manage this service to his Majesty's contentment and the better satisfaction of the county."⁽⁸⁰⁾ At least four different rates existed in Northamptonshire, all of which were designed to raise £6,000 in the manner prescribed in the writ and Instructions and none of which commanded a general consent. The sheriffs got the blame but the reasons behind this state of affairs are complex: they lie in the political outlook of the county's gentry, in a history of fierce rating battles between the two divisions during the previous decade and in the changing economy of the county because of enclosure.⁽⁸¹⁾

Rating in Lincolnshire was complicated by changes in both the landscape and the wealth of the county created by fen drainage and enclosure. Here the ambiguities in the writ and Instructions were obvious. Sir Walter Norton, a "stranger to the county", devised a new rate the details of which could be changed on payment of a bribe.⁽⁸²⁾ The second sheriff, a Kesteven man, was believed to have favoured his own division at the expense of the rest of the county.⁽⁸³⁾ Fen drainage was an intractable problem for his successor, Sir Anthony Irby.⁽⁸⁴⁾ All of the Lincolnshire sheriffs encountered difficulties in rating the corporations, which in some county rates, but not in all, were rated with their divisions.⁽⁸⁵⁾ •

Other counties had ancient rates, which did not adapt to the demands of ship money. In Devon land was assessed at different rates across the county and Sir John Pole told the Council "his chief troubles" during the 1638 writ were occasioned

"by the murmur and discontent of the common people at the disproportion of the hundred rates, which proportions I could not alter, being such as heretofore have been for divers years used, and the disproportion not till of late palpably discerned."(86)

In Cheshire, Sir Thomas Aston found the mise rates, pleasing to the county because they were ancient, so unequal that he could only use them to raise two thirds of the total charge. He wrote in a letter of 20th June 1636,

"to appease the discontent of the county... I was constrained to get in an extraordinary way, by power of the writ of 4th August, raising a third part of the sum upon particular men's personal estates, which brought the commonalty who had borne the burden of the former charge to pay the rest with contentment."(87)

It was common practice to raise money like this on rich men's estates, using the Instructions as authority and with the intention of alleviating poverty, either on places or persons.(88) In Shropshire the flexibility of the local rating system was abused by the first sheriff John Newton, described by the clerk of the peace as, "high-minded, self-willed, ignorant and transcendently malicious."(89) The Shropshire hundreds were divided into a hundred different allotments according to land values, the boundaries of which were determined by the JPs. Newton's proceedings created a general feeling of discontent so that the next sheriff Sir Paul Harriss attempted a complete re-evaluation of the allotments.(90) Neither Sir Paul's review, nor the one undertaken with the assistance of the JPs and the Assize Judges, proved to be acceptable.(91) Shropshire was not the only county where the gentry did not find it easy to remedy rates, even though they knew them to be a grievance in need of redress.(92) In a

category all by itself was the Somerset rate known as the Hinton Rate, which was both praised and vilified by Somerset ship money protesters and became the focal point in some of the most difficult and sustained rating disputes to reach the Council Board.(93)

Once all the counties had assessed themselves for ship money, previous rates could be used as guidance or as the means to challenge an unsatisfactory assessment.(94) Real problems were created by the annual nature of the service and by its administration by one man holding office only for a year; much of the work by its nature repeated work already done the previous year and outside the Council it was very difficult to build up any administrative expertise, especially as succeeding sheriffs created succeeding and often contradictory precedents. Redress of grievances from previous years came to one of the most difficult and irresolvable tasks facing a new sheriff, as John Button sheriff of Hampshire confessed to Nicholas,

"The two former rates were made so unequal and detestable to the county that I could make no use of them for precedents to proceed by, as all other sheriffs have done, but have been forced to make absolutely new rates.(95)

Sir Thomas Pennystone sheriff of Oxfordshire in 1637 stressed his desire to meet the needs of the King and his county,

"though it hath been a work of much labour unto me and hath required much time, yet I hope it will make the county more willing to pay it when nothing did more retard the service than the unequal ratings of both towns and persons."(96)

The sheriffs were never commanded to hand on their rates to their successors for guidance, because this could have been

interpreted as a sign that ship money was not annual but permanent. The Council often acted as the mediator for such a request. They passed on John Lucas' 1636 rates for Essex in response to a request from his successor Sir William Luckyn, but they could do little to help the sheriff of Cheshire in 1636 who wanted information from Sir Thomas Aston his predecessor.(97) The Lords often looked at previous rates when dealing with rating disputes, but as the 1637 sheriff of Nottinghamshire pointed out,

"Nor is or ought the acts of a sheriff (under your Lordships' favour) to be a binding rule for all their successors, for then that part of the county that might have ease by the favour of the first sheriff, might continue to oppress all other parts of that county."(98)

Whether a rate was acceptable depended on who had made it, how it had been made, who had objected to it and whether there was a good chance of either the sheriff or the Lords agreeing to a change. There was virtually no chance the Council would change Coventry's charge after the Bishop of Coventry and Lichfield settled it in 1635; so in spite of "some mutterings", Sir Thomas Lucy decided to deal "kindly" with the city after the disputes of the previous year had "put the county in a great deal of unnecessary expense and often meeting."(99) No-one would have been very happy to have Henry Hodges' rates for Somerset in 1635 made permanent, and even as honourable a sheriff as Sir William Portman was accused of reducing the assessment on Milverton hundred as a favour to his under-sheriff.(100) Rating was always complicated and, in many counties, became increasingly difficult with succeeding writs.

In the Instructions for the 1636 writ the Council required

the sheriffs to send up a book of rates, setting out the charges as agreed on the corporations, the assessments set on each hundred and the assessment on each clergyman for his temporal and spiritual estate.(101) They wanted this book to be sent to them within a month of making the assessment: assuming that the sheriff met with the corporations and settled their assessments within the thirty day limit, this would indicate that the Council thought the sheriffs would be able to assess the entire county in about eight weeks.(102) The Council always valued a prompt and willing response as proof of diligence; yet this need could be at odds with other requirements set out in the Instructions, where the sheriffs were ordered to proceed with care for equity and to make full use of "latitude". Local evidence suggests that where there was a general content rates could be made quickly and without undue conflict. It took a little more than a month for Sir Thomas Cholmondely to secure the assessment in Cheshire for the 1637 writ. (103) Very different to Hertfordshire, where the rates for this writ were still very unsettled well into the spring of 1638 and the sheriff complained

"neglect and refusal generally to assess ... begat cavil upon particulars."(104)

Most sheriffs failed to return a book on time and received rebukes for negligence because many chose to interpret the original instruction in a different way from the Lords, thinking that they were required to send in a rate book within a month of an agreement rather than having only a month to secure it.(105) Even though this was only a small part of the sheriffs' task, the difference in outlook between the Council and the localities is illuminating. To the

sheriffs it seemed obvious, first to secure agreement then return the assessment to the Lords; but what the Lords wanted was a swift response with the time limit circumscribing the scope for dispute.

Allowing for the fact that rate books do not survive for every county and for every writ, and that some counties such as Somerset never did agree on hundred rates, most sheriffs took about three or four months to reach an agreement on this first stage in assessment.(106) It also took a similar length of time for a disgruntled hundred or aggrieved corporation to present a complaint to the Council.(107) If the Lords ordered redress of a complaint on this scale, involving the assessment of many parishes and often for several hundred pounds or calling for the balance between the hundreds and the corporations to be re-examined, then the sheriff had no other option but to re-assess the whole county.(108) After the 1634 writ, the Lords reduced a county total on only three occasions, they allowed the sheriffs to redress local grievances only by re-allocating part of the total burden.(109) During the great rating dispute between Coventry and Richard Murden the sheriff of Warwickshire, the city accused the sheriff of furthering the interests of the shire at their expense,

"upon the matter, the sheriff is not so indifferent but a party; so the more is gotten from Coventry, the less is paid by the county of Warwick."(110)

Mr. Murden certainly tried every device he could to force the city to be rated at an eighth part of the county rather than as a fifteenth, even when the Bishop of Coventry and Lichfield had decided for Coventry after hearing all the relevant evidence. With £233 6s 8d to

re-assessed on the county he was obviously concerned about the discontent which could be created by such a large and sudden alteration, the situation was particularly difficult because the other corporations in the county were so much poorer than Coventry.(111) After Murden's death, Sir Greville Verney was pricked sheriff in his place and found rating the county as slow and as reluctant as his predecessor had feared. Both Verney and the county in general believed that "the county of Warwick was over-charged and Coventry too much eased".(112) In February 1636 he painted a picture of confusion and inaction to the Council, describing the chief constables as "much perplexed" "how equally to apportion the sum taken from Coventry." Coventry's example had been followed by Birmingham and Warwick who were petitioning the Lords for redress.(113) Warwickshire was the slowest county paying ship money under the 1635 writ, and even at the end of 1638 nearly £230 was still outstanding - almost the exact sum taken off Coventry and laid on the county.(114)

Major rating disputes involved suspending the assessment of parishes within a hundred or making a second assessment and possibly destroying content. It was far easier to resolve complaints in counties where there was little real reluctance to pay: the Council asked the sheriff of Cornwall to examine whether Camelford and Launceston should be eased in November 1637, before he had settled the county's rates.(115) Disputes because of the "inequality" of the sheriff's proceedings with the Somerset hundreds during the 1635 writ went on for years, creating both an intractable body of arrears and a climate of hostility.(116) Barnes' verdict was,

"Despite a ready excuse for complaint present in the sheriff's novel assessments, despite a rallying point

provided by the Hinton rate, the opposition's complaints might have been silenced by a sheriff moving against them from a position of power and prestige. However, once men of equal or greater power had organized the complainants and had amplified the outcry so that it was heard at Whitehall, a greater power than the sheriff's was needed to check the wail."(117)

Securing content was made more difficult in counties like Somerset, Oxfordshire and Northamptonshire because there were so many delays and disputes at a local level, by the time a complaint got to the Board it was already late in the year. In the middle of arguments about Northamptonshire's rates Sir Robert Banister sent in a rate book to the Lords in January 1637, Rothwell and Guilsborough hundreds immediately retaliated by petitioning the Lords. Claim and counter-claim followed when the King heard all parties, references to local JPs and the Bishop of Peterborough did not settle the argument they merely brought collection to a standstill. Sir Robert wrote at the end of July

"divers meetings have resolved on nothing...The county by that means being so distracted...have ever since paid little or any money, neither could I quicken them unto it my hand being tied."(118)

At the end of their patience the Council gave the sheriff an order allowing him to proceed on the basis of the assessment he had already made. The hundreds petitioned again for justice at the start of the 1637 writ, accusing the 1635 and 1636 sheriffs of oppressing them.(119)

Both the Lords and the sheriffs acknowledged the potential scope for dispute and tried to discourage complainants from seeking redress after the county had assessed. Instead they offered future

ease on condition of present conformity.(120) Analysis of the numerous rating petitions reaching the Council table confirms this. King's Lynn, for example, whilst suffering from the aftermath of plague secured an abatement of £50 from the sheriff and the corporations when Norfolk was assessed for the 1636 writ, but the town still felt aggrieved and petitioned the Council for more help. Although the Lords were sympathetic to the town's plight, they listened to the sheriff when he argued for caution to avoid disrupting collection.(121) Some of the sheriffs shared the Council's fears that rating disputes were a cover for intended disruption, Sir Robert Banister believed this happened during his shrievalty in Northamptonshire. In a letter of 28th July 1637, he drew an explicit contrast between dutiful and disaffected behaviour in this context.

"If alterations be made it will distract his Majesty's service and raise many petitions to your Lordships, divers hundreds having already paid a great part of their money according to my assessment. It was the case in the hundred where I live the last year that Sir Hatton Fermor and myself petitioning to your Lordships to be relieved of a tax laid upon us by the one half more than could be justified by any rule or reason, we were first ordered to pay our money, which in obedience we did, and then we had your Lordships' letter to the Justices of Assize to examine the business, whereby the service was no way distracted or delayed."(122)

Time and time again the sheriffs urged the Lords not to order immediate changes in the rates of the hundreds or the corporations, but to defer relief until another writ. William Bassett believed that petitioning was a tactic employed by "factious spirits" in Somerset during the spring of 1637 to undermine the ship money service: he found the corporations and the hundreds more eager to protest about

their supposed rights than to serve the King.(123) As he told Nicholas in February 1637,

"I cannot but impute this ... to the general under-hand refusal, though they will not let me know it."(124)

In March he warned the Council not to grant relief to Taunton, because,

"the rest of the towns corporate wait agaze... if the town be eased the burden will lieth the heavier upon the county who pays their moneys slowly. And if alteration be made upon the towns ... [it] may perhaps beget as many clamours on [the county's] part. ..."(125)

Bassett had no scruples in accusing Taunton of disaffection, not only had the town refused to assess within the forty days time limit laid down in the 1636 writ, but it had also ignored the findings of both the Assize Judges and the JPs.(126) The Council supported him and ordered Taunton should pay £100 that year, waiting until the next writ for relief.(127)

The sheriffs' duty to rate the county became one of the chief grievances provoked by the ship money service. In most cases this was not because the sheriffs were dishonest or disreputable, although a few of them were.(128) Nor was it simply because some sheriffs were quite ruthless in putting the King's interests before those of their friends and neighbours.(129) The unpopularity of the rating process stemmed from the basic ambiguity in the writs and the Instructions: these ordered the sheriffs to assess ship money rates following local custom, whilst at the same time making allowances "according to the latitude left unto you by the writ"(130). The Council intended the sheriffs should respect tradition, whilst at the same time being

flexible enough to tax every man "according to his estate and faculty", and to respond to the needs of others who were heavily in debt or had a large family to maintain.(131) In this way the "arbitrary wills" of the sheriffs were a necessary but detested part of the administration.(132) One of the reasons many sheriffs advocated rate reform was to end this conflict of loyalties whereby a man devoted to the King's service could lose the approval of his social equals, becoming instead, in the bitter words of John Buxton, "the most odious, despicable man to my county that can be imagined".(133) This was not what the Council intended. The Instructions presupposed there would be a common identity and interest across the county and that all local differences could be resolved easily or could be subsumed to national interests and the desire to serve the King.

Once the hundreds were rated, the sheriff then had to summon the high and petty constables who were to be issued with warrants to assess the parishes in each hundred. It was essential to command the loyalty and commitment of the constables: in the words of Sir Christopher Yelverton,

"because they are the eyes by whom I most powerfully discern the state of the county."(134)

Work by Joan Kent and Keith Wrightson has led to a re-assessment of the traditional picture of the constables as inefficient, illiterate and idle.(135) Just as the nobility and gentry represented the county community, serving as links between centre and localities, so too on a smaller scale the constables represented the interests of the hundred or parish in the county. This diffusion of authority reflected

the differences in social power between the great county gentry who dominated the Commission of the Peace and the elite in the parishes, lesser gentry, yeomen and men drawn from the middling ranks of society. A popular ballad quoted by Keith Wrightson catches the tension between public service and immediate loyalties to the neighbourhood,

"The Justices will set us by the heels
If we do not as we should,
Which if we perform, the townsmen will storm,
Some of them hang's if they could."(136)

The other sort of pressure officers had to face can be seen in the petition of John Gibbon one of the chief constables of Walshcroft Wapentake in Lincolnshire, which was presented in May 1637. Along with his fellow chief constable John Gibbon assessed Thorganby at £5 1s 8d, setting £4 on William Caldwell JP "being owner in fee of the greatest part of the town amongst divers others of a very poor estate." Caldwell was not best pleased; "being not contented with the said assessment, saying his town should pay but £3 whatsoever it was assessed at" he went to Sir Edward Hussey the sheriff who confirmed Gibbon's assessment "as just and equal".

"Whereupon the said Mr Caldwell hath abused him divers times before men of great quality and hath used the petitioner in a very disgraceful and reproachtul manner, telling him he was more fit to be hanged at the gallows than to be an assessor and threatened he would sit on the petitioner's skirts for making of the said assessment, whereby the petitioner is in great fear of some unkind office for his service and is discouraged from executing his duty in his place, the said Mr. Caldwell being a powerful and eminent man in the country and hath made the petitioner to be bound to his good behaviour for some passionate words uttered by him when he was so wrongfully abused."(137)

Given the limitations of the sources, which give prominence to either dishonest or recalcitrant constables, it is nevertheless possible to reconstruct a picture of what was expected of them. Sir John Barker told the Suffolk constables in December 1635 they should proceed "with all equality and indifferency that no man may have just cause to complain."⁽¹³⁸⁾ An assessment needed to have the sanction of the community, to be regarded as equal and to be made in a public and proper manner. Complaints against constables and assessors, accusing them of making assessments in alehouses, favouring some sections of the community against others or acting in secret, show that this kind of conduct broke codes of honour. All of the important groups needed to be respected: Sir John Dryden tried to settle a bitterly disputed assessment in Burton Latimer in Northamptonshire by delegating the job to a tenant of each of the two major landlords in the parish, a representative of the freeholders, the high constable, the petty constable and one of the churchwardens. In this instance the sheriff was unable to resolve the rift in the village, so that the enmity fuelled by the ship money quarrel of 1635 was kept alive throughout the 1630s.⁽¹³⁹⁾

The Council did not like the sheriffs to be too dependent on the constables, nor to leave them simply to get on with the job as Sir John Hotham did in Yorkshire.⁽¹⁴⁰⁾ In the Instructions the sheriffs were "armed" to take on any of the constables' functions if they refused to act, and the Lords imposed a similar duty on the high constables:

"It is understood whenever the petty constables cannot perform the service, that the said high constables put their helping hands and without favour or partiality or dispute see the service performed."⁽¹⁴¹⁾

Sheriffs frequently found themselves at odds with the constables and often they urged the Lords to make an example of some for the benefit of the service.(140) Sir Anthony Vincent wrote to Nicholas in March 1637 about the "absolute defiance" of the parish officers of Reigate in Surrey,

"I have found so much contempt ... unless their Lordships make them a present example, and that with much severity for the same, I doubt not many other parishes will follow their abuses."(141)

In May 1638, finding "so sudden and so general a backwardness in the King's service", William Boteler told some Bedfordshire constables the Lords had sent for them when they had done nothing of the sort, even the hint of this was enough to make some recalcitrants conform.(142) As late as the summer of 1640 the escheator of Warwickshire told Bishop Juxon that the sheriff of Warwickshire believed there were still benefits to be gained from taking an exemplary course against the constables.(143)

The Lords always backed the sheriffs against the constables without exception, even though in the early days of ship money they were not as severe as some of the sheriffs felt they should have been: "let them smart well," wrote Sir Humphrey Mildmay of some Essex constables, "for they are in the gall of malice towards the service."(144) The Council was often severe in the punishments they gave to constables and they approved of those sheriffs who acted on their own initiative to curb disobedience, like Thomas Wigmore who sent defaulting constables from Herefordshire to the court of the Marches.(145) They regarded a sheriff's attitude to his inferior

officers as a key to his affections: Sir Symonds D'Ewes struck exactly the wrong note with the Council in his petition of June 1640 when he tried to shift the blame for the failure of ship money in Suffolk on to the constables "with whom the gist of the matter is now vested." Paying too much heed to what the lower orders did and to their "innumerable sighs and groans ... instead of payment", not disciplining them out of their opposition, setting these considerations above "the King's great necessity", all proclaimed D'Ewes political views as much as if he had openly stated his private view that ship money was "the most deadly and fatal blow" to the liberty of the subject in five hundred years. (146)

Sheriffs needed to be men of sufficient standing to command the respect and obedience of the constables, particularly when the sheriff was out of office and collecting arrears: Francis Goddard told Nicholas constables ignored him, "as I am out of office and not in the Commission of the Peace, they pay no regard to my letters." (147) On other occasions a local magnate could bring constables to conformity, as the Earl of Exeter did in Cleyley hundred in Northamptonshire in the autumn of 1635. (148) The reasons why so much attention was focussed upon disciplining constables were very simple. Without the co-operation of the constables, it was virtually impossible to win the assent of the community to ship money assessment or collection, and in spite of the letter of the writs and Instructions, it really was not feasible to set all the tasks involved in ship money on the sheriffs should the constables fail. This could be done on a small scale, if a few parishes or even a hundred failed, but it could not be done on a grand scale. Sheriffs lacked the time

and the knowledge, as well as not having the consent of the community, to tax each village and each householder.(149) Much of the opposition to ship money began at a parish level and was often an expression of communal discontent: getting in the King's money meant making constables, assessors and collectors put the King's interest before any other.(150)

Yet there was little to induce local officers to do this beyond an appeal to loyalty and obedience to the King's writ, or the fear of punishment. The Council never went in for the kind of local bargaining which lessened the impact of the Forced Loan, and there were no allowances permitted to local officers, or for sheriffs for that matter.(151) This did create resentment and undermined goodwill. When John Buxton was going up to London in August 1638, his under-sheriff set out all the dissatisfaction felt by servants who were unrewarded and felt disregarded,

"If their Lordships be well pleased with the service as I hope they will, you may be pleased to offer to their consideration that something may be allowed for the clerks and collectors which will make them more cheerful in the service, no man goes a warfare of his own purse, the King hath had £30,000 out of this county and no penny allowance given, which makes every man weary of his place. If anything may be yielded it may be upon the condition that before such a day all the money be paid or no allowance paid to them that fail. If you see any hope or responsiveness in the Lords we and the county will take it well and love you above your predecessors if you can obtain it, whatsoever you endeavour will be gratefully acceptable to us all."(152)

Lack of any reward, the threats of legal action and the damage done to the bonds of friendship and neighbourliness, all took their toll in an increasing unwillingness to serve. In Somerset, Nottinghamshire and Warwickshire men were more reluctant to act as constables

because of ship money, in Oxford and Weymouth there were unusual problems electing a mayor in 1637.(153) Sources do not survive for every county or every borough, but it is not likely these were isolated examples because the costs of ship money were high and many sheriffs reported instances of intimidation and violence.(154) These threats increased rather than diminished with time.

The Council's chosen sanction was fear of punishment, but it was not always effective. In Lincolnshire Sir Anthony Irby found the threat of a return to the Lords led to "but a very small amendment" amongst the constables involved in collecting arrears.(155) John Buxton returned defaulting constables from three Norfolk hundreds to the Council on 13th August 1638, the Lords sent warrants for them on 19th, they appeared on 29th. They were all bound to conformity, but Reynolds and Stephenson, the two constables of Blofield hundred, defaulted again and again.(156) They even enhanced their local standing by their opposition,

"They are such factious peremptory fellows that their ill example, besides their persuasions in a secret way, hath in a straight manner retarded others ... Stephenson more especially hath bragged since his return from the honourable Board that God did strengthen him in such a marvellous manner that he answered boldly and undoubtedly for himself... I have observed that such hundreds as bordered upon the hundred of Blofield were so infected by the vicinity that I had more to do to collect and levy their arrearages than in all the county of Norfolk besides." (157)

Particularly when the constables were needed during the campaigns against the Scots the sheriffs had to deal "in a more amiable way" than they had during earlier writs.(158) Mass refusal in 1640 made it virtually impossible for the sheriffs to compel the constables.

Complaints made by the sheriff of Herefordshire in September 1640 serve as an example of the ways in which consent was denied:

"constables and collectors have done but little service, for distrain they will not, therefore I have travelled through divers parts of the county with the constables and distrained many of the principle gentry,... I make it my only business but I am hardly threatened for it ... I am wearied in the imprisoning of constables. If you think fit that the Lords know of this I desire it."(159)

Only with the help of constables, assessors and collectors could the King's money be collected; thus, although the service was delegated to the sheriff, he had to command the respect and obedience of several hundred lesser officials. These men in their turn needed to respect his standing and to be willing to serve the King as he commanded them. Assessment and the collection of arrears were the two most contentious areas of the service, there was very little trouble about actually collecting most of the money in spite of the odd collector who absconded or died or went bankrupt.(160) Reading the sheriff's reports it is striking how quickly money could be assessed and collected where the community was willing, or how persistent refusals and delays could be where that consent was lacking. At the beginning of February 1637 £6,400 was collected of £6,790 agreed as the county's share of Norfolk ship money less than one month after all the rates were settled, in contrast to Northamptonshire where there was very little agreement on parish rates three months after the hundreds were assessed by the sheriff and only £160 of £6,000 had been paid.(161) Francis Godolphin offered to let the Cornish boroughs pay their ship money to his receivers, if they got it in on time - a valuable incentive because it would save

them the costs of a return when they had "complained much of their poverty and disability."(162)

The delicate balance between respect for the immediate community and obedience to the King's commands, presented sheriffs in particular with a direct conflict of loyalties. This conflict is not as simple as a clash between locality and state, it is often an indication of how willing a sheriff was to accept the Council's authority. A certain amount of sensitivity to local needs was only to be expected, the dividing line was if and when to put the full force of the writ into effect. Sir Francis Thornehaugh's very frank letter to Nicholas of 18th May 1638 about Nottinghamshire ship money illustrates this,

"I perceive my forbearance and respect to them has produced no other effects but refractoriness, but now I intend to proceed to distraining which I hope will bring in the King's money, though not willingly. The arguments of Judge Croke and Judge Hutton against the King for this ship money have made men more backward than they would have been but I hope I shall get my charge up ere it be very long which is as fast as I shall get it in."(163)

The Council looked on the way sheriffs responded to the service as an indication of their good affection. Returning refractory constables, distraining and using the Council's authority to contain legal disruptions were all measures of this. Sir Edward Hussey returned constables as fast as they became troublesome, Sir Anthony Irby did not return a single one until after his year of office had expired.(164) Sir Peter Temple and Sir Paul Harriss, two very different men who shared a common concern for the content of their neighbours, would only return when they had no other option.(165) John Lucas and William Bassett returned, distrained and imprisoned

the constables in order to break opposition in their counties; Bassett also protected officers who were doing their duty by informing the Lords of threats against them, so too did Sir Robert Banister another diligent sheriff eager to serve King and county.(166)

Similarly, most sheriffs decided to use what Sir Edward Hussey called "compulsive means", the differences between sheriffs became apparent in the timing of that decision and in their attitude towards distraint.(167) This was common in all counties regardless of the level of their arrears; even in a diligent county there would be administrative problems created by the service, and it was how they were regarded and how they were handled which marked out difficult counties, such as Oxfordshire, from conformable ones such as Leicestershire. In a letter of 28th March 1637 Denys Rolle sheriff of Devon, confessed he had had "a very busy time" getting in most of the county's ship money,

"I hope I have so managed it that there hath been no complaint made to their Lordships justly against my service, or murmuring in the county that I can learn of at my carriage, yet hath not the service passed without opposition, many suffering distresses taken of their goods for the satisfaction of their rates and some base people have not spared to spatter the officers employed by me with base, scandalous language and some there are that have published their resolutions to bring their actions against the constables for taking distresses. ... Much of the money unpaid for the county is from such needy men as are hardly able without much distraintment on them to pay their rates, being so poor that I distraint not their goods out of commiseration of their poverty, those others which are yet behind in their rates be so refractory that their persons are fitter to be made examples than their goods, yet I will not rest in my duty to gain payment of their rates as his Majesty's writ requires. You shall much oblige me in signifying to me their Lordships' pleasure for proceeding in the collection of the residue of the money.(168)

This is a typical not an atypical picture; managing ship money in the counties meant managing a complex and subtle balance between content and discontent. Sheriffs like Sir Thomas Cholmondely had no difficulty in deciding where their first loyalties lay: once "fair and friendly means" had failed to get in all of the Cheshire ship money he sent warrants to distraint to the constables, the under-sheriff and the bailiffs. He had already received the Council's stinging letter of rebuke for arrears sent out on 30th June 1638, and he was unwilling to endure "great hindrance to his Majesty's service and my reproof from his Majesty and the Lords of the Council." (169) Earlier in the year Cholmondely had found opposition was strengthened by "great hopes" about Hampden's Case, so he took comfort from the Council's decision to prosecute all ship money suits in Westminster at the Crown's expense. He then urged his officers not to be afraid of refractory men because

"they shall only need to repair to me and advertise the oppositions against you and I will take course to ease you of travail or charge according to his Majesty's new command unto me." (170)

Cholmondely's confidence and success were made possible by the circumstances of his county and the reactions of the people there to the service. A little more than a year later, the serjeant-at-arms sent to supervise Philip Holman the sheriff of Northamptonshire drew a picture of complete dissatisfaction,

"I have attended him from place to place with two men and three horses ... as he desired me (ad terrorem) to the common people and officers; but it has procured no money to his purse. And generally that neither the high constables nor petty constables have done their duties, ... nor that Mr. Sheriff hath punished their defaults, and now thinketh it too late for him to do so. Others have done that and left it on Mr. Sheriff, who has not distrained

any nor desireth to do. And so I may stay with him ad infinitum. Nor doth he take care for my fees and charge, but saith plainly it is his Majesty's service and his Majesty will pay me."(171)

To understand why ship money lost the consent of the community, it is now necessary to look beyond the sheriff's and the commands of the writs.

11: A VARIETY OF RESPONSE?

"Gentlemen, I have called you together, to acquaint you with his Majesty's and the Lords commands to me, in that which concerns the state, this country and ourselves, and is contained in this writ and those instructions, which shall be read unto you, for it is fit you first know, and then act according to your knowledge."

Sir Thomas Cholmondely Sheriff of Cheshire to the High Constables of the County, 31st October 1637.(173)

"I lieued as priuately as I could in the Charter House Yard, ... one cause of which I impute to the help I had from my father-in-law, Alderman Abdy in the layinge the ship-monie, when he left me out, as beinge in Middlesex, of the Citie Roll; and by the help of Sir Henry Spiller and Mr. Longe, two Justices and great rulers in Middlesex, I was left out there, as beinge in London, my house beinge within the barrs, and soe truely in London." Sir John Bramston.(174)

On the face of it there is a superabundance of evidence about the response to ship money in the localities. Every county had ship money writs, every sheriff was required to communicate with the Council at regular intervals, and all ship money payments were recorded in Sir William Russell's accounts. Ship money was important to the Council, and the Lords were in constant contact with local governors, not just the sheriff but also JPs, high and petty constables, borough officers, even the Judges and some of the bishops. The service generated both interest and paperwork in the provinces as a result. In addition, Edward Nicholas was a thorough and conscientious administrator, who kept both his ingoing and outgoing correspondence, as well as rough notes and draft plans. Nevertheless, there are real difficulties in using the surviving source material to answer two very simple basic questions. How did people respond to ship money, and why?

Most of the surviving material centres around the relationship between the Council and the sheriffs. County politics were filtered to the Council through the sheriffs who did not always want to trouble the Lords with petty details; and with a very few exceptions most sheriffs were concerned to minimise any opposition and to publicise their own dutiful conformity. Without a parliament there was no forum for political debate and the avenues people used instead of parliament, like the Assizes or the Quarter Sessions, were not always adequate for expressing general grievances. This means the emphasis in the sources is on rating, assessment and payment, and the sheriffs usually chose not to trouble the Board unless difficulties could not be resolved locally -they sought help mainly for matters which they felt were outside their own competence or authority. Consequently, it is often quite difficult to know how the service was routinely managed. Reports were written not only to inform the Lords but also to publicise the writer as the King's loyal and devoted servant, or to defend him against an accusation of negligence or disaffection. Success bred confidence and opposition despair, colouring the way different sheriffs described their counties. When the Council decided to increase the pressure on the sheriffs, the sheriffs protected themselves by exalting their own devotion when successful and stressing their resolution in the face of immeasurable difficulties when they were not.(174) Obviously the sheriff's own diligence and the county's willingness influence the sources: not all sheriffs sent in copies of their rate books, some were more reluctant than others to return defaulting constables, some did not need the Council's help. Some things the Council did not want or need to hear about. It did

not concern them that Coventry's dispute with the sheriff of Warwickshire in 1635 cost the City over £100 in legal fees and presents.(175) Some things the sheriffs did not want the Council to know: in reply to the Council's enquiries Robert Corbet only said "to my knowledge" none of the JPs or Deputy-Lieutenants in Shropshire were refusers.(176)

What people actually thought about ship money was rarely reported, except for outrageous views which went beyond what was proper or pleasing, like Edward Boyes of Bonnington in Kent when he said in August 1635

"if we have such taxes laid upon us we must rebel, or we must be fain to rebel."(177)

Sheriffs obviously did not report their neighbours who endorsed the service, since no-one was going to fall foul of the authorities for advocating submissive and dutiful behaviour. Support for the government was rarely articulated, and was confined to generalised statements and assurances of devotion at the end of letters. Indeed this was the way the Council wanted the service to be presented, as can be seen in the Lord Keeper's addresses to the Assize Judges or in the Judges' Decision of February 1637 which were all couched in the language of patriotism and duty.(178) Until some of the Judges gave their opinions during Hampden's Case, no-one set out a clear public exposition of the historical, legal and political assumptions underlying ship money. Similarly, because the government was convinced dissident clergy encouraged lay faction, clergymen who preached against the service could find themselves in trouble, and

consequently in the records.(179) Sermons exhorting obedience must have been preached, but because they did not interest the authorities they only appear by chance or by inference in the sources, such as the report that a Devon vicar preached against Thomas Wise who had been sheriff of Devon as "a factious man and one who did not levy ship money".(180)

Ship money focussed upon the county as the basic administrative unit of the service but this tends to obscure the fact that the county was not the only community: depending upon context people belonged to family, village, hundred, borough or nation. The writs were written in appeal to a sense of national identity and a personal commitment to the King's service. The Council sought to bind the nation to the King in this way, but such a strategy assumed a willingness to subordinate the personal and the local to the national good as the Crown defined it. This did not always happen. In many places ship money became part of an already existing pattern of local politics, such as the constant squabbling about Norwich's share in Norfolk county levies or jurisdictional disputes between Hereford and Herefordshire about taxing outlying parishes.(181) Social and political tensions played their part, so too did personal animosities like the quarrel between Sir Robert Phelips and Sir John Stawell in Somerset.(182) Others, like John Hampden, had a different interpretation of the public good.(183) Emphasis on the county distorts some of these different loyalties. County affairs assume a higher priority than boroughs', because the sheriff was a gentleman of the county serving as one of its officers and the boroughs had their own jurisdictions. The doings of high and petty constables as

well as the considerations which influenced parish assessors are not well represented in the sources; such people only really came into contact with central authority in the event of conflict. After all the Council did not want to be troubled with the minutiae of local affairs, that was the sheriffs' sphere. Where it is possible to look at ship money in surviving collections of papers, belonging to sheriffs as different as Sir Peter Temple, Sir Thomas Cholmondely, William Boteler, or John Buxton, it is clear that the majority of disputes must have been resolved locally.

Response to ship money was shaped by three important variables: the political culture of the area, the extent to which people were aware of national issues as distinct from purely local and the degree to which the ruling elites shared the Council's priorities. All of these need definition. By political culture I mean the ways in which power was exercised in the community, the ideals people respected in making political choices and the relationships between the different groups in society in making these choices. Needless to say by political choices I do not simply mean such matters as parliamentary elections, rather to the ways in which communities functioned and the way they enforced their values. Recently there have been several attempts to explain why and how different political cultures functioned in early modern England.

Attention has been drawn to the ecology of politics, pointing to differences between arable and pasture regions and to the different relationships between the common people and the gentry in these areas. In very general terms, in the open-field regions religious and cultural conservatism were reinforced by a settled and

hierachical social order, dominated by resident gentry. In wood-pasture areas on the other hand, the social structure was more unstable and egalitarian and the pressures of a market economy were more strongly felt. Squire and parson were not as influential in these areas where wealthy and confident middling sort asserted their position by means of godly discipline and puritanism. Popular politics in these areas tended to be more independent of gentry control and to be vigorous in its defence of local traditions and privileges.(184) These models seem to be of most use in explaining different local patterns of response to ship money, for example resort to violence or use of the law courts.(185) There are some links between response to national issues and the geography and social structure of different areas, but they are not always straightforward, and do not always corresond in a neat and tidy way to response to national politics. Pinchbeck was typical of the independent fenland villages in Lincolnshire, it was a centre of resistance to both the Forced Loan and ship money.(185) On the other hand resistance was equally fierce and determined in the open field areas of western Northamptonshire and northern Oxfordshire, where there were marked differences in wealth between the gentry and the yeomanry but where there was nevertheless a strong sense of political community.(187) Geography and social structure do not as such determine response. Other factors also created culture.

The influence of religion cannot be discounted, especially as everyone would have agreed with Sir Robert Cotton when he wrote, "religion is the mother of good order". What Patrick Collinson calls "commonplace prayer book religion", the Anglicanism of the Prayer Book

and the Book of Homilies, had immense strength - enough for people to refuse to abandon it during the Civil War. (188) This sort of ritualised, essentially communal religion buttressed secular authority and inculcated obedience, perhaps making parishes where it was strongest most receptive to ideas enhancing tradition, order and deference. (189) Part of its appeal lay in the place it gave to the forms of popular religious culture, such as church ales and festivals, and the support it gave to paternalism and deference in social relations: David Underdown has seen this as part of a cultural conflict which had far-reaching implications. (190) In their own ways Charles, Laud and the Arminians shared something of this view of the church as a community of the faithful under the governors God had given them. (191)

Puritan ideas on the other hand, enhanced obedience to the law over obedience to authority as such: the law of God like the law of the land should flow in known and certain channels. (192) This does not mean that there is necessarily a link between puritanism and rebellion as Charles's government teared, indeed the traditions of godly magistracy vigorously reinforced social order. (193) Passive rather than active resistance characterised English political writings. (194) Yet Peter Lake has recently argued that the "religious component in the political crisis of the early seventeenth century" needs to be re-evaluated in the context of ideological division and the rise of Arminianism:

"popery as the ultimate model of false order was an awful warning of what would happen if the process of decay and corruption were not halted and the pursuit of the public good and true religion not placed above merely private concerns and gratifications. There was, of course, a basic

structural similarity between the Protestant view of the effects of popery on the Church, and, say, Sir Edward Coke's view of the effects of corruption on the commonwealth. In both cases a sinister force, based on the corruption of human nature, spread gradually through what had started out as a perfectly stable and sound institutional structure, until it was utterly subverted and undermined."(195)

By the 1630s there were significant differences between areas like Essex and Northamptonshire, where the gentry and the common people shared a belief that the King had abandoned tradition and godliness in both Church and state, and other areas where the link had not been made between ecclesiastical and secular grievances.(196) Such an analysis may help to explain why Suffolk and Norfolk for example, where the gentry were godly in outlook and solidly Parliamentary during the Civil War, obeyed ship money writs. Here the gentry worked within a framework of discipline and obedience to the magistrate which took precedence over all other concerns.(197) Indeed Diarmid MacCulloch has shown how the development of godly Protestantism in Suffolk was a bond of unity between the classes of men in both rural and urban areas, and helped reinforce the identification of the community with the law.(198) Opposition in the 1630s was very different from the kind of opposition Hassell Smith described in Elizabethan Norfolk because it involved not only protest but also disobedience.(199) This was fundamentally incompatible with disciplinary Puritanism, which stressed that in the face of adversity, suffering and patience were part of the Christian lot, and unquestioning obedience the proper response to the workings of God's providence in a sinful world.(200)

Awareness of national issues and an interest in the implications of different policies had been fostered by the events of the 1620s, but the government considered this unhealthy: in 1627 Attorney General Heath called subversive libels "the epidemical diseases of these days". The Council exercised a strict censorship on the circulation of news: printing of domestic news was banned throughout the 1630s and discussion of the regime was discouraged both in public and in private. Most news was disseminated either by word of mouth or by letter, even the Hampden Case speeches which by all accounts sold well, were only available hand-written until 1641.(201) It is nevertheless possible to argue that a national awareness did play its part in shaping response. Ship money was a new service, and people made comparisons in order to give their own experiences a context, lessening the feeling of insecurity but forcing them to look beyond just the immediate locality. The service was national for national ends, propagandised in terms of international honour and safety. In addition there was an awareness and sensitivity to precedent fostered by recent history, and a feeling that consensus and harmony in society were under threat.(202) All of these factors mitigated against a purely localist type of response.

News travelled by word of mouth, gossip and rumour circulated widely. How else would Sir John Hotham have known that the grand jury of Essex was "somewhat bold" about ship money in a petition to the Assize Judges in November 1635? (203) News and rumour rarely found their way into official sources, except when some unfortunate individual got into trouble, but they undoubtedly played their part in shaping political perceptions.(204) Sir Roger Twysden's Kent

neighbours "beeing retyred to their county howses", gossiped about Lord Saye for a whole summer, weighing up the pros and cons of prerogative taxation and setting current politics in a broad context of history and law.(205) Even false rumour is illuminating. In June 1636, Sir John Lambe reported Ralph Britten, a Northamptonshire lace buyer, who when asked for good news replied,

"that the King had fallen out with my Lord of Canterbury and had cast him off and we should have a parliament."(206)

Ship money very quickly acquired a mythology of its own, based upon rumour but damaging enough to worry the Lords. In February 1635 the Venetian ambassador believed rumours the King had helped himself to the money were fuelling opposition in London, even though he thought these rumours were "only the timorous suspicions of the people."(207) Rumours that ship money was to be permanent were circulating early in 1635, and were picked up by the Venetian ambassadors from time to time.(208) By the summer of 1637, it was common currency that ship money collection was being abused both locally and nationally: the poor were being oppressed, the country taxed into poverty and the people denied a parliament for private ends. Two sources as different as Prynne's "An Humble Remonstrance To His Majesty Against the Tax of Ship Money" and Wheldon's "Considerations Touching the Ship Moneys" both identified the Crown's failure "to show the ends and uses thereof of which the people doubt" as common grievances.(209) Another firmly entrenched prejudice strengthened by gossip, was that inequality in rates reflected the undue prominence given to men of

inferior social standing. Sheriffs and JPs "being usually gentlemen that more respect their reputation, than to doe any inequality" would not stoop to the behaviour of constables and assessors who, in the angry words of Sir Fleetwood Dormer, "waited and watched upon advantage".(210)

Travellers sent news to friends at home and visitors to the provinces were asked for news not just from London but also about other counties. There are many small signs, which when taken together, indicate an interest in the world of politics of which ship money was an important part. To comfort her anxious son-in-law, John Buxton sheriff of Norfolk, Elizabeth Pert wrote in August 1638

"You must not be too fearful of these businesses ... we hear daily that sheriffs are called before the Council and yet come off most of them very well."(211)

John Rous the Suffolk clergyman described by Richard Cust as "a well-informed, but essentially provincial, observer" commented on Hampden and Lord Saye, as well as Harrison the divine who was fined £10,000 for accusing Justice Hutton of treason. He did not mention a single rating dispute in his commonplace book, not even a cause celebre like Bishop Williams'.(212) Similarly William Whiteway's diary for January 1635, reveals a fascinating intermingling of local, national and international concerns,

"The King pressed the contribution towards the shipping in all places, yet upon petition he reduced the £3,500 that the county of Dorset set with to pay to £2,204.... Dorchester was rated at £200 by Sir Thomas Trenchard ... This rate was paid with much grudging. In the county it came to 5s upon each £100 land. In this town they rated the house and places of men. I paid 50s towards it. In London of £30,000 virtually but £12,00 was collected, many

refusing.... In all other places this rate was currently paid and the ships provided towards the spring, which made the French and Hollanders so fearing that they entered a new confederacy with one another."(213)

The crucial distinction was between public and private, this governed not only what people said but also what they did. A public statement had a different meaning from a private one, especially when it made by someone of standing. For this reason the Lords attached great significance to example: Manchester wanted a Mr. Taverner "schooled" for his abrasive attitude to ship money at a public meeting in Hatfield in September 1635.(214) Similarly when Sir Robert Phelps or Sir Edward Hussey made it clear in public that they had serious misgivings about the rates in their area, the sheriffs interpreted this as an attempt to rally support.(215) Other people kept their views to themselves and kept them private. Sir Roger Twysden's mother considered ship money "an unusual sess", her son thought this "an innovation and there was no precedent"; yet he entreated her to pay and keep her opinions to herself.(216)

Newsletters also reveal an interest in politics which was not necessarily localist. These were written by semi-professional observers like Edmund Rossingham and were a valuable means of discussing events given the restrictions on published material. Rossingham's letters assumed some matters were of common concern, and that the nobility and gentry who paid his fees were interested in what was happening in different areas of the country as well as in Europe. The first ship money writ of 1634 was discussed at length even though it only ran in the maritime areas of the country.(217)

Letters written in early 1637 assumed that John Lucas's ruthless severity against Essex constables was just as interesting to a gentleman in Warwickshire as the Judges' Opinion, William Sroude's replevin, Bishop Williams' ship money embarrassments with William Shelley in Buckden, news of legal opposition in Shropshire or the activities of Lord Saye.(218) Between 1637 and 1639 Rostingham discussed the Judges' Decision of February 1637, the Council's seizure of Oliver St. John's papers, arguments in Hampden's Case, Sir Alexander Denton's refusal to give his opinion on the legality of ship money, the dilemmas facing the Council about a new ship money writ in the summer of 1639.(219) It is hard to measure the impact of this type of news, or how many people became aware of the issues they raised, because reading aloud, copying out and talk all disseminated both news and ideas. Nevertheless, the impression they created was that ship money, although important to the King, was a point of conflict, a source of disruption to his subjects.

It is just as hard to measure awareness of constitutional issues, although people did distinguish between different political and ideological positions. A strongly traditionalist outlook, reinforced by the reporting of conflict in church and state during the 1620s, sought explanations in terms of corruption, evil counsel and the subversion of the law. In a sense changes in ideological and political awareness during the 1620s, were consolidated during the early years of the Personal Rule. By the middle of the decade these changes had altered the way people viewed politics and the way they interpreted other people's actions. When they used the labels of "court" and "country" they did so as a sort of shorthand for

differences in political and religious outlook. In crude terms the country was linked with a staunch Protestantism, affection for parliaments and a respect for the rule of law. The stereotype of the court, on the other hand, existed as a symbol of increasing corruption, associated with fears of popery and arbitrary government.(220) Hence Garrard could describe Finch to Wentworth as "the greatest courtier of them all", or Christopher Montague could write "there is none of doubt of my Lord Bramston for the country".(221) This is not to say that these labels identified specific policies or that politics was necessarily polarised, rather it is to argue language increasingly reflected a mood of crisis.

One of the most striking features of English society at this time is its inherent defensiveness and conservatism. For all the stress on harmony and consensus, people believed that rights and liberties as well as social order were hard won and easily lost. They believed they were living in an age of disorder and decay, a belief validated by the traumatic events of the Thirty Years War in Europe.(222) They tried to understand events by looking to the past and to past precedents, to regain harmony and order and preserve true religion. Such tears were common; where people differed was in their understanding of the origins of this crisis and from these differences came the advocacy of different remedies. For some it was easy to identify the court as the source of danger. To those, like Saye's circle, who believed that the origins of government lay in a contractual relationship between the King and his people, and that law and custom were the safeguards of the commonwealth, ship money could be seen as a grave danger.(223) Thus, William Prynne attacked

ship money because it was "of purpose to keep off a parliament"; but he also argued that universal payment violated rights granted by charter, the law and ancient custom.(224) Others saw the greatest threat as an attack upon authority, particularly the authority of the Crown. They saw faction at work at a local and a national level, putting a barrier between the King and his loyal people.(225) This was the Crown's own belief, which was expounded at length in the Lord Keeper's annual address to the Assize Judges. Coventry propagandised a politics of fear: disobedience would lead to the ruin and dishonour of the kingdom, England would share the fate of Europe.

"what hath been done of late years abroad by fire and sword, it were a pity and a grief to think of; yet we have by the goodness of God, and his majesty's most provident care, all this while enjoyed a most happy peace and plenty.... let the people know how careful and zealous his majesty is to preserve his honour and the honour of his kingdom, and the Dominion of the Sea; ... that foreign nations may observe the power and readiness of this kingdom which make them slow to contend with us either by sea or land, and that will be the best way to confirm unto us a firm and sure peace."(226)

The whole ship money service was couched in terms which demanded trust and commanded the national should take precedence over the local. When the service was successful it was because people accepted the kind of argument used by Justice Weston when he said,

"It is but a parting with a little money secundam statum et facultates."(227)

This was what Wentworth meant when he said,

"the authority of a king is the key-stone which closeth up the arch of order and government, which contains each part in due relation to the whole, ..." (228)

The subject's rights and liberties, local privileges and traditions were all dependent on obedience to the Crown's commands, because without the authority of the King all government and all property would be lost. (229) Entrusting the King with the preservation of the public good meant accepting his definition of a national emergency and the need for the country to pay the money, as well as accepting a personal liability. Many people were willing to do this, many, for a wide variety of reasons, were not: Sir John Bramston, Justice Bramston's son, thought ship money was legal, necessary and equitable, yet years later he recounted with great pleasure how the influence of family and friends freed him from assessment for his own property. (230)

Opposition was so often cast in localist terms, because to oppose the service in terms of the national interest was to question the King's government and to slight his honour. To do so without the shelter of parliamentary privilege was very dangerous, only a man as powerful as Warwick or Danby could run the risk of offending the King in this manner. (231) At the Gloucestershire assizes in the summer of 1636 Baron Davenport publicly rebuked Robert Hoblins who had

"answered he would not pay 140 shillings ship money because it was not granted in Parliament".

Hoblins stand meant he lost eighteen cows, distrained to cover the

costs of his assessment, was beaten up, denied the chance to have his case heard in court, imprisoned and then bound for good behaviour.(232) Little wonder that much comment was reserved to the private sphere.(233)

Yet the common sort of people did have political opinions as well as their governors, and as Sir Roger Twysden noticed they

"are sencible of no losse of liberty so much as that hath joyned with it a parting from mony, and on none make so many observations,..."(234)

"The common sort of people" knew how they wanted to be governed, with a proper deference towards authority and respect for justice, the law and customary rights. They wanted their social superiors as well as the King to rule as they should in a traditional manner.(235) Their view of politics was shaped by their local experience of participative community politics, by a sense of justice and a sense of role and deference - justices should be good justices, noblemen should be good lords and kings should be fathers to their people - and by popular ballads and the world of gossip and rumour.(236) They were also intensely attached to the ideals of the rule of law and the great council of the realm in parliament; but they were less afraid of social disorder than the gentry and less aware of wider considerations such as the defence of the Protestant cause abroad. (237) Some were more afraid the king was being seduced by popery and absolutism. When Robert Woodford heard rumours of a parliament in 1637 he prayed,

"oh Lord prserve him in this life and keep him from all conspiracyes ... move his hart to call a parliament which

(being directed by thee) may concludde upon wholesome lawes for the Kingdome and may redress exhorbitancyes..." (238)

In many places the lower orders were acutely aware of what their social superiors did, looking to a local magnate or to the JPs for guidance and example, either of conformity or disobedience.(239) In this way the natural order of rank and deference was preserved, for example when some of the Bedfordshire gentry promised to deuse opposition at Nether Gravenhurst so that the sheriff would not need to report refusers to the Lords.(240) Such awareness was not simply confined to the actions of a local gentleman. In 1639 Nicholas Darton vicar of Kilesby in Northamptonshire reported Benjamin Hall, because

"as I was persuading my people to pay his Majesty's tax for ship money, showing them this reason, because it was so thought expedient by the gracious and right honourable Council Board, [Hall] answered me proudly that some of the Lords who are good men neither did pay it, nor would pay it."(241)

Nor did the common people always behave in a deferential manner, they chose their own political mentors just as they chose their spiritual guardians. In Coggeshall in Essex as described by Dr. Aylett to Sir John Lambe in a letter of 21st March 1636, resistance to ship money was led by a combination of secular and religious leaders yet not the obvious ones. Edward Sparhawk "neither licensed preacher or curate but (as I am informed) a suspended minister" was preaching against "heavy impositions", "cursed adorations" and "the doubling of taxes", "our cousin Aylett the lord of the town is as forward as any" but Dr. Aylett thought Sir Thomas Wiseman or Henry Neville were much more

trusted by the people there.(242) An insubordinate popular politics was thus one consequence of ideological division amongst the elite.

The underlying aim of the Personal Rule was to allow the King and his people to be reconciled. Politics continued to be shaped by the crisis of 1629 which had created the Personal Rule and contemporaries recognised that the breach between the King and the parliament marked a decisive change. Sickened by disobedience the King aimed to create a climate where obedience was the natural response to the King's commands: Wentworth called this

"a time to forget, as in others to learn..." (243)

Longing for harmony and order was not confined to the Council, it also shaped response to ship money in a number of ways, persuading people to put the King's wishes first for a time at least. Naval strength was another important propaganda point for the government because this was popular across a broad spectrum of opinion and social class. Although Charles chose not to be directly involved in the European conflict, this was never a foregone conclusion and there was always the possibility of another war.(244) Foreign news was not subject to the same strict censorship as domestic, newsletter writers for example frequently relayed European news as well as reporting the negotiations carried out with various powers.(245) Critics of Buckingham's war policies had argued for a defensive, naval strategy in Europe, hence it could seem that wise and moderate counsels were predominant at court once more.(246) Moreover, sovereignty of the seas had a popular appeal, with its overtones of Elizabethan grandeur

and an anti-Catholic foreign policy. Certainly the Venetian Ambassador believed national pride played its part in making ship money acceptable,

"the people seem to consent to it readily in the hope that this will avail to establish the sovereignty of the sea, for which they are eagerly jealous."(247)

As well as appealing to national honour, ship money propaganda called for unity and obedience. In October 1637, Sir Thomas Cholmondely urged the Cheshire constables to join in the King's work

"with one heart and many hands", "upon no less pains than our fidelity and diligence, the love and honour we owe unto his Majesty".(248)

Yet the other side of the propaganda was a constant stress upon punishment and the terrible consequences of disobedience. Wentworth believed a firm hand was needed and only constant vigilance would "bridle and discipline" the "ill-affected".(249) This could create a climate of fear as much as of willingness, but it was only effective as long as the Council's agents in the localities believed in the efficacy of the threat.

The effects of a changed relationship between government and subjects meant that people had to learn different ways of dealing with the Crown during the ship money years. In the past it had been possible to delay and shift and prevaricate, until an unacceptable royal demand faded away. This had happened as recently as the benevolence of 1625, and such techniques had repeatedly undermined earlier ship money levies. When the first writ was issued in 1634 a

number of these techniques were tried.(250) The most common response was reluctance to be included in the assessments, particularly in the coastal villages.(251) In Cheshire the sheriff found his actual authority was questioned outside the coastal area.(252) Other tactics included prolonged delays, incomplete collection, vague declarations of insurmountable opposition, and a regrettable tendency shown by some of the gentry to take themselves off in order to avoid payment.(253) Some of these tactics were tried in 1635 when the service became national: the sheriff of Wiltshire was in effect bargaining for a reduction in his county's charge when he told Nicholas the total could not be met without another assessment on the county, and that he deemed such an assessment very difficult.(254) Unspecified opposition was again reported from counties where the sheriffs were reluctant to return names.(255) Obstructing by delay in acting upon the sheriffs' warrants, refusal to assess or to serve as collectors or assessors were all common and could be damaging to the service when the gentry allowed them to be.(256) The Council never accepted such excuses.

A more subtle handling of politics underlay Sir Robert Phelps' involvement in Somerset complaints, highlighting the ways in which politics was transformed during the Personal Rule. His petition on behalf of the inhabitants of Tintinhull hundred in June 1635 was a masterpiece of understatement:

"whereas the present sheriff of this county did by his warrant dated the 28th March impose a tax of £20 upon the maritime places in this hundred, unto which although we were confident we had no such places within the hundred, yet in obedience and duty to his Majesty's

service, without any dispute we submitted ourselves... I Sir Robert Phelps likewise gave approbation...

But the sheriff finding a friend of his one George Smith of Ilchester to be rated higher than the rest (which was done upon good reasons) is so partially affected to him, that he rejects the former rate, refuseth to receive our moneys... and further to interrupt and delay his Majesty's service and to puzzle and perplex all our former order and course of proceedings did the 6th of May send out another warrant...

Now upon consideration of this it is most humbly desired to the end his Majesty's service may not by these unnecessary interruptions be retarded, nor we who have readily performed our duties and paid our moneys be subject to new troubles, or to the disorderly will and oblique ends of a partial sheriff."(257)

This was worthy of a man who was the son of a great lawyer, an experienced parliament man and a champion of his county. At one and the same time the petition pointed to the loyalty of the Tintinhull men, their willingness to submit to the king's commands above their own interpretation of their liability, and forcibly contrasted their voluntary co-operation with the corrupt and self-seeking behaviour of Sir Robert's personal enemies, Hodges and Smith. All the complexities of Somerset rating disputes show not only that there were many causes of discontent, but also that there were many ways of serving King and county without reverting to outright disobedience or opposition. The impact of a disagreeable service could be minimised. Sir Robert did not actually pay ship money for his Tintinhull property in 1634; because he spent the equivalent of his charge derending his neighbours' desire to keep Northover distinct from Ilchester, the constable did not ask for any money from him.(258) By this time Phelps was playing a difficult hand: he was trying to balance court and country, outflank his old rivals and to enhance his

credit with the King at one and the same time.(259) He was also genuinely concerned to see the service well managed and to protect those in his care. His chief tactics were petition and counter-petition, to such an extent that the Council lost patience, but he also worked to maintain tradition and to involve the Commission of the Peace in ship money to limit the scope available to the sheriffs.(260)

Phelips' role in Somerset needs elucidating for it is a complex one. All of his affections were solidly "country" in the meaning of the word used by contemporaries: he valued parliaments enough to fight for a seat and as "the country's only friend" he valued consent in parliament enough to attack some of the overblown claims made for the prerogative as contrary to law and reason.(261) His fears for the future of parliaments were voiced on numerous occasions such as when he described a benevolence in 1623 as

"a way of dangerous consequences, and that of two fold aspect: the first that levies of this kind will seem by use and practice to create and invest a right of property in the King in the goods of his subjects, at his owne pleasure and by any pretense to be exercised; that it will procure an utter destruction of Parliaments when one of the principal works of a Parliament may be done in another way."(262)

He certainly never voiced such views in his dealings over ship money, the question is why? Some clues about his motivation can be gleaned by inference from the advice he received from Nathaniel Tomkins about the Forced Loan.

"If you deny faintly and are not a leader of those who shall refuse, you shall hardly be held a meritor among

them; if you doe not avowedly declare yourself to advance the work, you shall have no thanks from the King."(263)

Phelips' own inclinations were always for "the middle way" because he wanted the voice of the county in the meaning of the word developed by Mark Kishlansky; he wanted the honour that came from representing his community and serving his King.(264) Opposition had carried a heavy price in the 1620s when his bad relations with Buckingham and his overt criticism of the government had cost him dear.(265) However, there was more at stake here than simply personal prestige. His enemies in the Poulett faction were a nasty lot: Phelips was never associated with anything like the extortion and oppression of Hodzes, Smith and Dawe or Sir John Stawell's attempts to intimidate witnesses.(266) The choice in the 1630s was whether to let the county fall into the hands of these men by opposing ship money outright and risking the King's "high displeasure". Hence he developed the tactics of opposition by what Sir John Stawell called "combination": in essence this meant making sure that the country knew he would speak for them and that the court heard him when he did. 26

Other people took a Phelips type of approach at a more local level. They safeguarded themselves, their friends and their neighbourhood against some of the more objectionable aspects of ship money, especially when it became clear that the King was not going to drop the service. Sir Oliver Luke, another old parliament man, followed this line in Bedfordshire when he delayed the assessments in the hundred where he lived. The language he used in his letters to

the 1637 sheriff invested the rating process with an immense significance, writing of "Justyce" "begginge your lawfull favour in the behalte of that poore hundred".(267). Localist language in this sense could make "parting with a little money" a matter of importance which maintained the public credit of leading men.(268) These local manoeuverings also served to preserve social heirachy and to defend order and authority: both were upheld when Lord Cleveland complained to William Boteler on behalf of Manshead hundred in Bedfordshire in December 1637.

"There is a reporte come to me out of the Country that you intend to lay a far greater Rate then was the last yeare; ... If your intentions are so you must give mee leave to doe that which I shall bee loit to doe to appeale for reparacions unto the Lords of the Councell; Wherefore I desire to heare from your selte by the returne of this Messenger whether this reporte [can?] bee true or not for I shall hardly believe it from the mouth of another." 269)

Much of the opposition to the crown during the 1620s had centred around similar themes, aiming to protect and defend the localities against an aggressive government.(270) The issue is not quite so simple however. Precedent was tremendously important in creating the body of custom which was the basis of the common law. Hence by defending local rights and protesting against changes, people who were uneasy about the implications of ship money were able to prevent it becoming a peacefully accepted precedent for the use of prerogative taxation. Prynne used this argument and some of the Kent gentry were very aware of its implications,

"They argued, no judgement could more establish any thing for law then a constant practice, ...if it were used some

yeeres and payd, after tymes could not question the legalyty of it, for it would be held but the renuing of an old custom, which all assented to.(271)

When the King was out of love with parliaments there was no effective way to make him listen to different counsels from the ones he had already chosen. These sort of ideas, and the fear that parliaments might never be summoned or even listened to, were not new, but during the Personal Rule they took on a different dimension as other avenues of protest had to be used.(272)

In an assize sermon at Norwich Thomas Scott the author of "Vox Populi", preached against corruption at the court of James I and called upon the officers of local communities to be especially vigilant in the cause of true religion and against the dangers of in justice and arbitrary government:

"And you gentlemen of the Grand Enquest and and of other Iuries with chiefe Constables and petty constables I turne to you; Consider you are the eyes and eares wherewithall Iustice sees and heares; without you shee is blind and deafe; ... The poorest constable is an eye to the richest and wisest Magistrate."(273)

His vision was of a community created by godliness which bound King and people together. The conflicts between authority and popularity were resolved because of the common concern for righteousness: in Scott's analysis

"thou art bound to resist and break thine own crooked and perverse will and subject it to God who hath subjected thee to Caesar."(274)

The safety of the kingdom was ensured not only by subjection to

temporal authority but also by the active participation of good men in the business of government, as constables, JPs, MPS, Judges and councillors. The great symbol of that participation, as well as the chief avenue of communication between the King and his people, was a parliament. A part of the local response to ship money involved confrontation between the ideal of active citizenship, central to the Puritan picture of the commonwealth, and the priorities of the King and some of the bishops who distrusted the voice of the multitude.(275) This can be seen in the tensions surrounding the expression of public grievances.

There are two surviving instances of communal protest against the levying of ship money where people used the traditional means of petitioning the JPs or the Assize Judges against an oppression. It is significant that these petitions were made in Essex and in Northamptonshire, where some of the leading gentry were opposed to the service, because these protests were made during the early months of the 1635 writ, and at a time when there were rumours of a new parliament.(276) These protests served two functions: they represented the dissatisfaction of the freeholder class immediately below the ranks of the gentry, and in appealing to their betters for remedy they sanctioned the resistance of men like Warwick. In this way protest was communal rather than individual, and in this way the bonds of society and the social hierarchy were respected - the local community spoke to its leaders, who in turn either remedied their grievances or took them to the King and Council. Localist language therefore does not always represent narrowness of political outlook, rather in these petitions it is expressing the dissent of whole

communities.

Although Essex and Northamptonshire were the only counties known to petition against ship money as a national grievance before 1639, other counties did use their grand juries as mediators of ship money grievances. It was acknowledged that the grand juries, composed of "two or three, out of every hundred, of the most discreet, able and sufficient persons, both for their estates and understanding ... are beter acquainted with the grievances of the countrie, than the justices are.": in Staffordshire, and probably also in Cheshire, the JPs were asked to seek redress against an over charge by the grand jury of their county.(277) Evidence also survives to illustrate the working relationship between the JPs and the grand jury in Herefordshire, in drawing up a petition for a county abatement in early 1638. The grand jury spoke of "extraordinary taxations and assessments lately imposed upon the poor commons", a phrase deleted by the JPs, and itemised the causes of the county's poverty. They acted "in the behalf of the poor commons of this county" so that the JPs would convey their entreaties to the King. The contrasts between the grand jury petition and the JP's drafts are significant: no mention was made by the JPs either of "extraordinary taxations" unless to support the poor, or of representing a communal interest, instead they emphasised the afflictions the county had to bear "consideration herewith hath caused us to fly unto your Majesty's charity for ease".(28) This supports Esther Cope's argument that when no parliament met people used whatever channels were open to them to articulate or redress grievances they would otherwise have taken to the parliament itself.(29) Assizes in Gloucestershire and

Shropshire in 1636 saw protests against the legality of ship money.(280) After the Judges' Decision of February 1637 the Kent gentry petitioned at the assizes for relief - surely a significant act in a county troubled by the implications of recent politics and the timing of the petition suggests that the real motivation was political rather than material, an expression of discontent which could not be voiced elsewhere.(281) A similar petition was sent from the grand jury to the Somerset JPs in 1638 against "the great and heavy taxations by new invented ways".(282) A year later in August 1639 Sir Richard Strode tried to use the Devon grand jury as a vehicle for his protest that ship money was against Magna Carta, a protest which was denied by Lord Chief Justice Finch.(283)

The great change initiated by ship money was that the Privy Council became the final arbiter for local disputes involving the service. In the past this type of work was done by gentry commissioners authorised by parliament and statute and people still turned to the quarter sessions, not just where the gentry were hostile to the service but in many counties. The Lords themselves called upon the experience and prestige of the Commission of the Peace to help in dealing with disputes.(284) They did not approve of JPs who used their own authority in what they considered inappropriate ways, such as granting out writs of replevin to counter distraint, or being involved in disruptive legal actions.(285) Lloyd Pierce was put out of the Commission of the Peace by the King's "express command" at the end of April 1636 because as a JP he "ought to have expressed more forwardness and better affection for the King's service."(286) Stratford tried to destroy the public credit of

Sir Hugh Cholmley when he led the revolt against ship money in the liberty of Whitby Strand several years later.(287) Sheriffs and JPs normally worked closely together and the sheriffs knew the authority JPs exercised in county government could offer them valuable help. Struggling against rating disputes in Somerset William Basset complained "there is no man living can make any rate upon almost any hundred" and asked for complaints to be heard by small groups of JPs.(288) Warwickshire, Somerset and Nottinghamshire JPs dealt with an increasing volume of rating disputes between 1635 and 1640, when the distribution of local taxes became important precedents in determining ship money assessments.(289) JPs did not see a breach between themselves and the King, they were not obstructive, what they did do was to mitigate the effects of ship money when it threatened to become disruptive; a good example of this can be seen in the way the Northumberland JPs worked with the 1636 sheriff to assess the county because the constables were drawn from the ranks of "the meanest sort of people".(290) When leading men like Sir Francis Doddington went to the JPs to settle their rates they were attempting to put an unfamiliar service on a regular footing, to establish it in a familiar context and to widen the basis of authority and consent beyond the sheriff.(291)

This broad basis of authority and consent was needed because ship money exacerbated existing social and political tensions. To begin with the rating process engendered an intense competitiveness, whereby individual people and their communities watched how others were charged. What was happening in other places provided a context which precedents could not supply. In Coventry it was soon known that

Worcester and Evesham had been abated "as stood with the intention" of the Instructions; this knowledge was a powerful weapon to counter the sheriff of Warwickshire's argument that he could not change what the Lords had ordered.(292) In Bedfordshire the unsettled state of the rates meant the different hundreds kept a close eye on how their neighbours were being charged, and grievances accumulated after two writs led William Boteler to take "great care and pains for the equall imposition of the ship money to a righter distribution and devision than heretofore".(293) Thomas Wollaston who was mayor of Walsall in 1636 kept a careful check on what the borough, the fforren and the divisions of Staffordshire were charged to ensure that customary proportions were observed, making a note of an over charge on the borough of 20s 9d.(294) Chester cathedral clergy decided after several writs to pay with the county, hoping for a lower rate.(295) Boroughs such as Taunton and Minehead in Somerset or Wigan in Lancashire asked the Lords to charge them as part of their hundreds in order to reduce the amount they had to pay.(296) The tithing of Frome Whitfield gave the sheriff of Dorset some trouble by choosing to pay with Dorchester for the 1637 writ rather than as usual with the hundred of the George "for that they are lower rated there".(297) Newark men petitioned the Lords for relief from their charge, suggesting Retford was rich enough to bear any sum taken off their town.(298) On a more personal level, the Earl of Leicester was touchy about his ship money rate in Westminster where he only had a house and a little garden and he would not pay until he knew what his noble neighbours were charged.(299)

Rating and the grievances revealed by disputes brought many of

the tensions within society into the open. Outsiders such as London men, people holding a royal office or absentee landholders were other easy targets for local vindictiveness. (300) Certain groups were more vulnerable and less able to protect themselves than others, particularly the clergy and the poorer sort. In the complaints of some of the Lancashire parish clergy to the Lords about their 1635 assessments, there are some vivid examples of exactly these kind of divisions in local society. In the village of Croston the vicar believed the assessors

"being a rude and ignorant multitude have laid more upon the vicar alone than upon all the gentry of the parish, though their estates be worth an hundred times more than his."

He produced figures to show how six of the local gentry were set at a total of £15 15s, although he said they were collectively worth at least £1050 a year. The vicarage worth only £200 per annum had been set at £16s: this was a tenth of the charge on the parish, and the vicar was to pay £4 5s 7d even though he had less than a third of the profits of the tithes. The parson of Walton wrote,

"By the confession of a constable (the lay gatherer) they have extorted from the poor (who were in main beggars and had nothing to distrain upon) to spare the rich sort.

The assessors chosen to make the assessment are for the most part illiterate mean men of this parish, and themselves and their landlords many of them servants, and as they made their assessments one of the landlords said "Let us deal with the doctor to ease ourselves." And another of the assessors said "Lay him on soundly for he hath too much."...

These clerics took their grievances to the Board because they could

not get what they regarded as proper justice in their own neighbourhood. The rector of Halsall was furious with the sheriff

"who (instead of taking away any partiality and inequality) in mitigation took off (from £9 4s) £1 11s and 7d, as if then I would be insensible of the weight of a mountain, a pebble stone being taken from it."

Even then the "obstinate assessors refused" to obey the sheriff's orders for redress.(301) Similar complaints from other places showed that these were not isolated grievances; but even though the Council took them seriously and tightened up the Instructions there was little that could be done to ensure obedience.(302) This highlights again the problems the Council had in getting its will enforced even in matters concerning ship money and even in safeguarding the interests of the clergy which were important to the King himself.(303)

It is clear both from local sources and from the Council's own attitude that the poorer members of society were often oppressed and over-burdened by ship money payments. Sheriffs from Kent, Essex, Devon, Northamptonshire, Northumberland, Leicestershire and Hertfordshire reported that the general rates in their counties were unfair to the less well-off.(304) Some provision could be made against this by levying an over-plus to be redistributed amongst the poor when the collection was complete, this was certainly done in Thames Ditton in Surrey during the 1635 writ, but however just it seemed, at a parish level this ran contrary to the letter of the writ.(305) The king hated examples of injustice,

it is not his Majesty's pleasure that any should be charged above their abilities for the ease of those who are better able to bear it."(306)

Yet, given the constraints on time and the real difficulties the sheriffs faced in trying to do justice to a whole county, redress for the poorer sort was often hard to come by. This was made more difficult by the constantly changing pattern of assessments, when the charges both on parishes and on persons could vary from year to year there was considerable scope for favouring friends and neighbours as well as paying off old scores. There were ways of easing the burden of frequent subsidies such as rotas of taxpayers and the system known as bearers, but, because the ship money charge was assessed on poor rates and on local taxations the sheer numbers of people involved in any charge made such accommodation difficult.(307) Giles Randall, the Huntingdonshire curate accused of preaching against ship money, had in fact attacked the "unjust levying of it, casting it off from rich men's shoulders on to poor men's necks".(308) This points to a common concern linking the King, the Council and men who saw themselves as guardians of the weak.

Complaints of imperfect assessments, based either on personal favour or rate fixing were very common right from the start of the service: there are numerous such complaints in Sir Peter Temple's papers that never got near the Privy Council.(309) In many cases complaints never got near the sheriff either, redress needed time, money and access the poor did not often have. John Buxton was not being very realistic when he refused to give any credit to the

constables' claims that the 1637 arrears from Blofield hundred were created by the poverty of the taxpayers.

"for rating poor men I conceive they discover their own carelessness in the service,... they should not according to the terms of the warrant have assessed any poor man, ... and had they complained of that in its season I am confident [Sir Francis Ashley] would have eased the poor and laid the burden on the better sort...."(310)

The chain of command from sheriff to high constables to petty constables to parish assessors was far too long to ensure that the King's wishes were carried out as he would have desired. This meant that in local affairs just as much as in national ones it was vital to have a patron. The constable of Ayelsbury hundred sent Henry Mead "a very poor man, greatly in debt", to Sir Peter Temple when he could not pay his ship-money assessment and the constable wrote a letter on Mead's behalf.(311) Gentry certainly kept a check on what the constables and assessors were doing, although there is little surviving evidence about their dealings with individuals looking for help, perhaps because redress at a parish level could be settled informally, but there is plenty of evidence to show their occasional, rather haphazard, concern about the poor they were interested in.(312) Sir Richard Fermor found "the whole inhabitants of Halton much grieved" in January 1636 and so wrote on their behalf to Sir Peter Temple.(313) Sir Robert Phelps and his son Edward were champions of the lesser burgesses of Ilchester, acting for them in dealings with the sheriffs and the Council.(314) William Boteler received plenty of letters from the gentry of Bedfordshire asking for relief for various parishes.(315) Otherwise redress was hard to get

and expensive. It cost the parish of Northleach in Gloucestershire between 5s and 10s a time to go to meetings about Gloucestershire's rates, more money than many people were actually charged for ship money.(316) Getting relief could also be disruptive and unneighbourly, especially when it meant going to the Council. Sir Roger Twysden noticed this created a real dilemma: the inhabitants of Kingsnorth parish in Kent wanted redress against the assessors for assessing £20 when £10 was set but did not like to do it when they discovered,

They "could have no remedy unlesse they should pursue hym eyther at the council boord or Star Chamber which they were told would bee a great charge to them and an undoing to him."(317)

Distrain often caused similar tensions between duty to the king and respect for neighbours and this was perhaps the most hated aspect of the service in the localities. It was standard practice for the sheriffs to distrain the constables for default amongst their neighbours or for refusing to distrain as well as returning them to the Board or imprisoning them as the writs commanded.(318) Constables were held accountable for their communities in the same way as the sheriffs were held accountable for their counties by the Lords and the costs for many constables were high. When faced with the choice one Lincolnshire constable told Sir Edward Hussey,

"He had rather answer afore the Lords of the Council than distrain his neighbours."(319)

Poorer members of society were particularly vulnerable when the bailiffs came to distrain. They could lose their livestock and their

household goods if they were unable to pay their assessments, thereby exacerbating a cycle of poverty. In Blofield hundred in Norfolk in early 1638 the constables found it impossible to collect all the money, and impossible to get redress from the sheriff John Buxton, even when they presented him with two hundred poor people unable to pay. As a last resort they went to London to petition the Lords:

"the people from whom it ought to be levied for the most part being so poor that for the most part they are rated some 2s, some 3s and a great many under 12d... [we] made [the high sheriff] acquainted with the poverty of other people and that we thought it not his Majesty's pleasure that such poor as these that cried out when we came to them for money, that they and their children are ready to starve for bread, and that they had nothing to distrain but their bedding and some other poor miserable stuff of little or no value. so as we durst not go on in the service until his Majesty and their Lordships were acquainted with their miserable poverty.... (320)

The Council tried to tackle this abuse at source via the Instructions: in a memorandum probably drawn up in the spring of 1637 Nicholas wrote,

"that there be a charge in the next letters directing the sheriff to take order that there be no person assessed that receiveth alms from the parish, nor no cottagers unless they be known to have estates in lands or goods over and above what they get by their daily labour. For I am credibly informed that such was assessed by petty constables in Rutlandshire, Sussex etc, for as much as they were forced to sell their working instruments to prevent being distrained..." (321)

Sir Peter Temple's papers for the 1635 writ in Buckinghamshire and William Boteler's for the 1637 writ in Bedfordshire, illustrate the sheriff's work in distraining. The amounts involved were very often

those "petty and abject sums" deplored by Sir Anthony Weldon.(322) It makes sad and rather pathetic reading, infinite labour for very small reward:

"Job Gibson distrained. The constable hath the distress being one skillet and a kettle. V s[hillings]...

An assessor William Benson distrained two pairs of stockings." Little Kimble October 1636.(323)

"Distr: 1 bible....

Distr: 2 dishes.

Distr: 1 dish 1 porringer & 1 saucer.

Distr: a brass pan & one kettle.

Distr: a brass pot.

Distr: 2 dishes.

Distr: 1 candlestick.

Distr: 1 warming pan.

Distr: 1 gray horse." Poddington and Wimmington, late summer 1638.(324)

There was less to deter a bailiff from abusing his office when distraining a poor man, very little fear of a law suit or the anger of a great man. Distraint had worse consequences for the poorer sort than for their wealthier neighbours, for all the reasons outlined by Nicholas and because of some of the administrative weaknesses inherent in the service. The Council's orders were that the officers should take goods of sufficient value to cover the cost of the outstanding ship money plus any expenses incurred in doing the King's business, after the sale of the goods any overplus was to be returned.(325) This was open to abuse and it was little wonder people shut their doors against the sheriff's officers, concealed the ownership of goods, drove their cattle over county boundaries or

mowed their grounds early.(326) It was little wonder either that they resorted to legal action or to violent resistance.(327) In the autumn of 1637 Thomas Barton and his wife of Brigstock parish in Northamptonshire, encouraged their neighbours not to pay, hassled the constable when he came to distraint and told him to his face he "would answer it before better men than the sheriff was."(328)

It has often been remarked that ship money was paid by more people right down the social scale than ever before in a national taxation, but this was not a triumph for the service.(329) It may have been a triumph in getting money for the navy, but it could not resolve the fundamental weakness in the English fiscal system. At the heart of the decline of the subsidy lay the Crown's inability to get parliaments to tap increasing wealth and the reluctance of the landed classes to tax themselves according to their true value. Even when the rates on hundreds and parishes were just the burden of assessments still fell upon the middling and poorer sort, the gentry and the nobility remained under-taxed in spite of the Council's emphasis on equity and indifferency.(330) There were three basic and intractable reasons for this. The poor rate was the basic unit for ship money payments in the parishes, many people paid poor rate who would not figure as subsidy men. Seventy-one people paid £58 10s for the subsidy of 1628 in Titchfield hundred in Hampshire, more than two hundred paid ship money of £65 10s 3d in 1637.(331) There was not a traditional rate in existence which taxed the wealthy according to their wealth and not according to their influence. As a class the gentry were used to being under-taxed; they had been since at least the reign of Queen Elizabeth. Sir Thomas Pelham, a wealthy Sussex

gentleman, paid about the same for ship money as he had for subsidies during the 1620s, in other words far less than he was worth.(332) The weight was felt elsewhere. The mayor of Bedford had to charge men worth 100s as if they were "county men" worth £100, land in Canterbury had to be taxed at double the rate charged in the rest of Kent.(333) Smaller landholders, tradesmen and craftsmen made up the shortfall in the counties: in Shilton the wealthy farmers taxed themselves at between 2½d and 1½d an acre whereas

"the other poor farmers which are tenants are taxed at 4d the acre. And some poor cottagers at 1s the acre and divers others in the same kind oppressed".(334)

The wealthy and powerful were able to fix their assessments simply because they had the social power to get their own way. In Brill in Buckinghamshire, where much of the land was owned by Mrs Banister and Sir Robert Dormer, there were constant difficulties in setting a fair assessment. Richard Franklin complained to Sir Peter Temple: he was set £1 0s 5d for lands worth £3 a year, to spare his landlord Sir Robert Dormer. Sir Peter ordered the assessors to

"particularise what they do assess the landlords and what every one of the their tenants and not obscure it so."
(335)

Two years later during the shrievalty of Sir Alexander Denton two men from Brill petitioned the Lords, alleging the assessors had left out all the land belonging to Mrs Banister, to spare her and thereby increase "the burden on the poor." George Carter one of the complainants was involved as an assessor in the 1635 disputes.(336)

In 1635 Bishop Williams of Lincoln was not charged at all for his demesne in Buckden in Huntingdonshire, he and his tenant John Phillips were under-rated paying only £3 for the parsonage and nothing for eight hundred acres of pasture ground. When William Shelley, the constable for the next year, decided to set £8 on the pastures the Bishop sent for the assessors, wrote to the sheriff, the JPs and Archbishop Laud, let his servants insult and terrorise the village officers, imprisoned Shelley and cost him £40 16s 8d in expenses. The Lords were presented with conflicting claims of devotion and conflicting accounts of villainy, however, on enquiry the Bishop was discovered "much to blame." (337) On a wider scale, in the parish of Igtham in Kent it was claimed that twenty-four land owners had been kept out of the assessments or grossly under-charged for the 1634 writ. (338) It is very difficult to assess how common this type of social oppression was, but, the inference must be that it was common rather than rare, it was certainly not unique to ship money because the heaviest burden of composition for purveyance also fell upon the poorer classes. (339)

In the context of ship money, a new service administered in a uncertain and unsettled way, there were political repercussions. Social injustice came to be closely identified with the service, and in particular with the power given to constables, assessors, collectors and bailiffs "being mean men". (340) It was widely believed oppression resulted directly from giving this power to men who were not fit by birth or education to exercise it. "Considerations Touching the Ship Moneys 1636", which the Council certainly read, identified this as an outright grievance:

"so many abuses and inconveniences arise thereby, the moneys are not paid with any love or alacrity, defaults multiply, much money is retarded and some utterly lost, and the unequal carriage of the work bringeth the service to great prejudice, scandal and censure of the vulgar and into much dislike and opposition in divers places. ...

And as the rates on the hundreds are seldom or never equally set, or if they be yet the people are not satisfied therein because they are so set and by such persons as they are loath to be lawed by; so the assesses are fraught with much partiality, favouring the rich and laying unsupportable burthens upon the poorer sort, and especially landholders, who for the most part sitting at rack rents are forced to bear heavy landscots; which causeth many defaulters, much complaints and murmur and instead of payment his Majesty is put to pursue the persons of an infinite number of his poor subjects,..."

(341)

Thus, the administrative and indeed the fiscal weaknesses of the service increased dissatisfaction by contravening some of the basic assumptions people held about how they should be governed. As David Underdown has written these assumptions were very simple and rather ill-defined, but very powerful,

"people of all social levels shared similar ideas about how their families and communities ought to be ordered: with due respect for legitimate authority, but also with the expectation of appropriate behaviour by their governors, which in turn meant due respect for law, natural justice and customary rights. These ideas formed the basis for their political attitudes, whether towards the matters that most immediately affected them - town governance, common rights, food supplies - or the more distant affairs of the kingdom."(342)

If the poor were oppressed, some of the gentry felt outraged when officers treated them with less deference than they deserved. When Eustace White the high constable of Louthesk in Lincolnshire distrained Sir Gervase Scrope, that gentleman threatened such boldness would cost him a thousand pounds,

"I will teach you to know the difference there is betwixt you and me."(343)

Even courtesy, the hall mark of the gentleman could be violated by disrespectful bailiffs: this enraged Francis Rous who poured out his resentment to the House of Commons

"For if [I have] a bowle and the bailiff cometh [and I offer] to make the bailiff drinke he takes the bowle with him for so he did once to a friend of myne and put it in his pocket."(344)

Experiences of this sort gave the abstract theoretical questions about property or goods a personal context.(345)

By the time the Council embarked on its ambitious programme to settle ship money in the summer of 1637, consent and content had been steadily undermined by the experience of the writs. When ship money seemed a service, during the 1634 and 1635 writs, consent was freely given to aid the King; with the issue of another writ in 1636 there were signs of some grudging, in Exeter for example or in Northamptonshire.(346) Over the two years of 1637 and 1638 this became much more widespread. Changes in the way the Council managed the service altered their relationship with the sheriffs. The origins and the failures of the Council's plans to fix settled rates for ship money emphasise this: the scheme was a response to the sheriffs' suggestions, it foundered with the changing political scene during 1637 and 1638.(347) Economic recession then hit hard at some of the counties where ship money was most readily paid: Wales, Cumberland and Westmoreland, possibly Cheshire too.(348) In the west country expectations that the fleet would be a defence against pirate raids

were not met, and by the end of 1639 there was considerable hostility towards ship money because of this in Exeter.(349) In many counties there were signs of an increase in passive resistance, showing less willingness to give but a reluctance to oppose outright.(350) In others opposition had settled into a pattern of recalcitrance which was exacerbated by arrears, disorder and increasing gentry resistance.(351) Threats of legal action had also begun to have an impact by 1637, so too had examples of public disobedience and contempt.(352) All of these were very worrying signs of a diminishing public consent to ship money before the Bishops' War.

Ultimately ship money had little to recommend it to the King's people. It denied consent at a local and a national level, and it disrupted the local communities. Concepts of neighbourliness and good lordship, ideals of godliness, deference and order unified society, and the tradition of the law as part of the natural law made by God and existing before time, sustained faith in the ideal of the kingdom. Englishmen were Englishmen because they shared in the rule of law and had a special relationship with God as true protestants. Nicholas Tyacke has shown how Arminianism destroyed the religious consensus in England.(353) Ship money had a similar impact in secular affairs. In its day to day administration, particularly in the cumulative experience of the writs, ship money violated many of the concepts people believed held society together. It put a barrier between King and people because it undermined not only the broad participatory base of the law but also the broad participatory base of local government.(354) It compounded social injustice with the experience

of prerogative taxation and it defied the social order and the traditions of government by placing power in the hands of one official, the sheriff, who had neither the established authority in his office nor acceptable means to control the actions of his officers. Violations of the complex and subtle balance between order and consent were summarised by Sir Francis Seymour in a scathing speech in the House of Commons on 16th April 1640.

"The abuses of the sheriffs in leavyng of the said moneys are most intollerable, who send out men in favour or mallice and areas grievous a plague as the task masters of Egypt. They employing in most places none but Rogues to execute their wariars, as one of them hath said un to me, none else can be procured to serve if this be tollerated I know not but that the Lawe of Villany were better in force."(355)

Social harmony was disturbed by rating disputes, by troublesome law suits and by extortion and outright violence.

In 1610 Sir Maurice Berkeley said to the House of Commons,

"the walls between the king and us are the laws, and if he and his ministers shall leap over them or break them down, what have we to secure us?"(356)

Yet the government made it clear that the law could not be used to protect the kingdom, only to settle individual grievances and then only in the ways permitted by the Crown. Ship money served as a most effective "bar to parliaments" but it did nothing to endear the politics of new counsels to the King's subjects.(357) English society was governed through the courts which transmitted the King's justice to his people. In managing ship money the Privy Council, acting as the "the sovereign and superintendant court under his Majesty's person",

delegated royal authority to the sheriffs.(358) Most people infinitely preferred the more traditional transmission of authority from the King in parliament. Ship money therefore pointed to a link between bad government and unlawful government, some people then took the next step and saw this a sign of God's wrath towards a people who ignored his law.

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21.10.93

DO NOT REMOVE

Dear Dr Thompson,

Thank you for your letter. You are very welcome to read my thesis, for what it is worth.

I remember our meeting in the P.E.O. - it was January 1985 when I had only just started working on ship money, and was very grateful for the references you gave me. Please feel free to contact me, if & when you are in Norwich, it would be nice to chat about the seventeenth-century again. Our address incidentally is 87 not 69 College Road - we were going to buy 69 (the mistake is not yours) but the sale fell through, and I was rather puzzled that you should have got 69 as our address but never mind.

The thesis is available from me on disc if that makes it easier for you to read, I would be very happy to lend you a set.

Yours,

Alison Gill.

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