

**Petitionary Negotiation in a Community  
in Conflict: King's Lynn and  
West Norfolk  
c.1575 to 1662**

**Peter Smith**

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## **Abstract**

This study examines petitions which originated in Norfolk during the first half of the seventeenth century. It asks three questions: How and by whom were petitions used? What do those petitions reveal about power relations and social values? What was the impact of the civil war and the interregnum on petitionary negotiations? Detailed research focuses on Norfolk in general and King's Lynn in particular.

Petitioners sought places and advancement, as well as redress for ills and injustices. Petitions were indicators of where authority and responsibility were perceived to lie, but also of the status of the petitioners and their right to be heard. Petitions also helped to reflect and generate socio-political expectations and values. The persistence of petitioning, even in times of greatest conflict, indicates the high value placed on this form of interactive negotiation.

The background to individual petitions is shown by a review of the political environments of petitioning and the process of petitioning examined for the period c.1600-1640. The study identifies a network of Norfolk arbitrators to whom the crown and petitioners turned for assistance.

Petitions to Norfolk Quarter Sessions from 1629 to 1660 provide evidence of social values and accountability, while a study compares the varied impact of the civil wars on petitioners to Quarter Sessions in Norfolk, Warwickshire and Essex.

Two printed petitions are put into a local context. The first, called here the Merchants' Manifesto, was published on behalf of the Borough of King's Lynn in 1642 and reflects the concerns of the borough over the previous ten years. This is followed by an exploration of the town's continued use of petitioning in its negotiations with Parliament in the years to 1662. West Norfolk women who signed a national anti-tithe petition, published in 1659, are identified and the impact of the petition on the Norfolk political community is discussed. A further case study looks at the complex issues underlying a comparatively straightforward petition against marshland enclosure.

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*Peter Smith, 2012*

## Abbreviations

#	Item.
Blomefield	Francis Blomefield, <u>An Essay towards a Topographical History of the County of Norfolk</u> .
<u>CAM</u>	M.A.E. Green, <u>Calendar of the Committee for the Advance of Money, 1642-1656</u> (London, 1888, 1967).
<u>Coventry Docquets</u>	Jan Broadway, Richard Cust & Stephen K. Roberts (eds.), <u>A Calendar of the Docquets of Lord Keeper Coventry, 1625-1640</u> (Kew, 2004).
<u>CCC</u>	M.A.E. Green (ed.), <u>Calendar of the Committee for Compounding, 1643-1660</u> (London, 1892, 1967).
<u>CJ</u>	Journal of the House of Commons, on-line edition accessed through URL: <a href="http://www.british-history.ac.uk">http://www.british-history.ac.uk</a> .
<u>CSPD</u> [plus year]	<u>Calendar of State Papers Domestic Series of the Reign of Charles I: Preserved in the State Paper Department of Her Majesty's Public Record Office</u> (London, 1858-93);  <u>Calendar of State Papers: Domestic Series</u> [during the Commonwealth] (London, 1875-86);  <u>Calendar of State Papers, Domestic Series, of the Reign of Charles II: Preserved in Her Majesty's Public Record Office</u> (London, 1860-1972).
Digest Registers	Quaker Digest Registers: Births, Marriages and Burials, England and Wales, 1650-1837: Norfolk, Reel 6, Friends House Library.
Hall Books	King's Lynn Hall Books, NRO KL/C7/8-11, King's Lynn Hall Books 6-9.
HMC	Historical Manuscripts Commission.
<u>LJ</u>	Journal of the House of Lords, on-line edition accessed through URL: <a href="http://www.british-history.ac.uk">http://www.british-history.ac.uk</a> .
NRO QS	Norfolk Record Office, Norfolk Quarter Sessions rolls.

<u>ODNB</u> on-line	<u>Oxford Dictionary of National Biography</u> accessed on-line at <a href="http://www.oxforddnb.com">www.oxforddnb.com</a>
SP	The National Archives, State Papers.
TNA	The National Archives.

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## **Petitionary Negotiation in a Community in Conflict: King's Lynn and West Norfolk**

*“Much of what in the past has been treated as discrete phenomena, such as parliamentary petitioning, was simply part of a continuum and arose from a long-standing background of experience”.<sup>1</sup>*

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<sup>1</sup> Victor Morgan, “Introduction” in The Papers of Nathaniel Bacon of Stiffkey IV 1596-1602, Victor Morgan, Jane Key & Barry Taylor (eds.), (Norfolk Record Society, 64, Norwich, 2000), p.xlii.

## CHAPTER ONE: INTRODUCTION

### 1.1: Three Questions

Mid-seventeenth century English communities were constructed and maintained by negotiation. The negotiations were carried out by many different means in many different forums, from the informality of the alehouse to the complexities of the royal court. Channels included conversation, letters, pleas and addresses and, increasingly, news sheets and pamphlets. Among these processes, petitions made a distinctive legal and quasi-legal contribution. Petitions were ubiquitous, used by or on behalf of most sections of the community. Described once as “the small change of government”,<sup>2</sup> petitions were valued and turned to in times of difficulty and ambition alike. Petitions declared seriousness of intent. Whether printed and published or handwritten and narrowly circulated, petitions were more likely to be placed on record; they wrote negotiations into the public transcript, and they declared the status, equally, of petitioned and petitioner.

In this thesis I ask three main questions:

- How and by whom were petitions used?
- What do those petitions reveal of power relations and social values?
- How did the civil war and interregnum impact on petitionary negotiations?

I will explore the use of petitions in three main areas of interaction: between individuals and national institutions; between individuals and the county level of government as represented by the Quarter Sessions; and between the chartered Corporation of King’s Lynn and the national government. The chronological focus will be weighted towards the years of Charles’s personal rule, the civil war, the interregnum years of search for constitutional stability and the immediate years of the Restoration. This focus will be balanced by a study of an earlier period during which the processes and patterning of petitioning illustrate aspects of political negotiation otherwise absent from this account. This will also provide evidence of the familiarity with petitioning as a normal part of political and social life well before the upheavals of the mid-seventeenth century. The

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<sup>2</sup> R.W. Hoyle, “Petitioning as Popular Politics in Early Sixteenth Century England”, *Historical Research* 75 (2002), p.389.

geographical focus will be on Norfolk and in particular on King's Lynn and West Norfolk; an area that embraces both a mercantile town and agricultural countryside, and which during the civil war period was, according to Gordon Blackwood, at best politically ambivalent.<sup>3</sup> This close geographical focus will enable examination of how the petitioning process worked in detail and was embedded in the particularities of time and place.

The thesis will ask how petitionary negotiations helped to shape the socio-political communities in King's Lynn and West Norfolk. It will explore continuities of concern but also the new, frequently desperate, crises with which those continuities had to compete for attention. I will consider what these petitionary negotiations reveal of the community, its characteristics, concerns, norms and values. After exploring the socio-political environments in which petitions in England circulated, I will use primary sources to consider petitionary negotiations between public authorities and government, individuals and government, and individuals (and parishes) and Quarter Sessions. One case study (of a petition against the enclosure of salt marshes at Burnham Norton) will consider a petition which reveals both the complex polyphonic quality of petitionary negotiation and the inter-relationships between local and national politics.<sup>4</sup> Another will explore how one printed, nationwide petition (published as These Severall Papers were sent to the Parliament) sheds light on a minority group within the community of King's Lynn, questions concepts of 'appropriateness' in communicative action and may have contributed to a decade of distress for its signatories.<sup>5</sup>

In the four decades before England encountered its revolutionary years, theory insisted that the realm was one, was united and was all-embracingly Protestant. David Underdown has described this all-pervading myth as a belief in a cosmic order which linked everything that existed from inanimate matter to God Himself in a great chain of being. In this series of interlocking hierarchies, everyone from the lowest labourer to the sovereign himself had reciprocal duties and obligations.<sup>6</sup> However universal the theory, in practice governance was a constant matter for negotiation across what Lake and Questier have

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<sup>3</sup> Gordon Blackwood, "The Gentry of Norfolk During the Civil War" in An Historical Atlas of Norfolk, Peter Wade-Martins (ed.) (Norwich, 1993), p.106.

<sup>4</sup> See Section 5.1, Polyphony and Petitioning: the Case of the Fishermen of Burnham Marshes, p.211.

<sup>5</sup> See Section 5.2, Handmaids of the Lord in King's Lynn and West Norfolk, p.225.

<sup>6</sup> David Underdown, Revel, Riot and Rebellion: Popular Politics and Culture in England 1603-1660 (Oxford, 1985), p.9.

described as “concentric circles” of political activity.<sup>7</sup> It was such interactive negotiation that gave each ‘circle’ its meaning. Griffiths, Fox and Hindle describe such socio-political relationships as an ongoing set of negotiations between dominant ideologies and those subordinate to them. For Griffiths and his colleagues, it was these negotiations which constituted the exercise of power.<sup>8</sup> Petitioning was, in Hoyle’s phrase, “the small change” of governance, the continuing, multi-layered dialogue that constituted negotiated power.<sup>9</sup> The language of petitioning was the only discourse that was shared by every level of social relationship, from the national and individual’s dialogue with God, through King and government and Parliament to county and locality. Petitions were an ongoing set of negotiations made concrete. Braddick and Walter agree that power relations were in constant negotiation.<sup>10</sup> They differentiate between a public transcript created by records such as petitions and the undeclared views and intentions retained in petitioners’ own minds, their private transcripts.<sup>11</sup>

In this thesis I will show that petitioning not only expressed and reflected the continuing negotiations between unequal parties, but also defined the loci of authority if not always of power. Petitioning expressed petitioners’ expectations of those in authority and challenged unfair or unjust use of authority. By reiterating the values of society, petitioning both maintained and reinforced those values. Petitions were founded on concepts of reciprocal obligation and contributed to and maintained the reputations of those petitioned. Petitions provided a means by which ordinary people could seek to influence policies determined from Court or Parliament. The persistence of petitioning, even when there was scant expectation of a positive outcome, demonstrates the continuing commitment to the concept of petitionary negotiation. But above all, petitions reflected universal anxieties about well-being and survival.

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<sup>7</sup> Peter Lake & Michael Questier, “Margaret Clitherow, Catholic Non-Conformity, Martyrology and the Politics of Change in Elizabethan England”, *Past and Present* 185 (2004), p.45.

<sup>8</sup> Paul Griffiths, Adam Fox & Steve Hindle (eds.), *The Experience of Authority in Early Modern England* (Basingstoke, 1996), Introduction.

<sup>9</sup> R.W. Hoyle, “Petitioning as Popular Politics”, p.389.

<sup>10</sup> Michael J. Braddick & John Walter (eds.), “Introduction” in *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland* (Cambridge, 2001).

<sup>11</sup> Public and hidden transcripts are discussed in James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven, 1990).

## 1.2: Definitions, Principles and Historiography

The word ‘petition’ has been in use in the English language since the first half of the twelfth century.<sup>12</sup> Several of the many definitions set out in the OED have religious connotations. Others have specific reference to parliamentary and legal processes. For the purposes of this thesis, three definitions are particularly relevant:

- a formal written request or supplication, (now) especially one signed by many people, appealing to an individual or group in authority (as a sovereign, legislature, administrative body, etc.) for some favour, right, or mercy, or in respect of a particular cause.
- a formal written application made to a court, setting out facts on the basis of which the petitioner seeks to some legal remedy or relief.
- the action of formally asking, supplicating or requesting.

The consistent elements in these definitions are that petitions are formal, written, addressed to authority and make requests. As we shall see below, other elements were added by convention.

For Erskine May, whose volumes on constitutional history defined the British constitution for over a century, petitioning was “a popular right”. But he added, “though this right has existed from the earliest times it had been, practically, restricted for many centuries, to petitions for the redress of personal and local grievances”.<sup>13</sup>

For Lex Heerma van Voss, petitions were more forceful; they were demands rather than requests and, vitally for the argument of this thesis, they were directed to an established authority.<sup>14</sup> Zaret shows that in the fifteenth century, English kings “received several thousand petitions each year”. Petitions were also sent to Parliaments whenever they were sitting; he estimates that more than 16,000 were sent to Parliament in the thirteenth to

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<sup>12</sup> Oxford English Dictionary, online: <http://dictionary.oed.com>.

<sup>13</sup> Sir Thomas Erskine May, Constitutional History of England Since the Accession of George the Third (London, 1861), Vol. 2, p.62.

<sup>14</sup> Lex Heerma van Voss, “Petitions in Social History”, International Review of Social History 46 (2001), Supplement 9.

fifteenth centuries. Scribbled on scraps of parchment, they complained about miscarriages of justice, and made requests for relief from taxes, forest laws or other regulations. Petitions were an acknowledged way of expressing popular grievances. Traditionally, petitions were bound by a rhetoric of deference. They were required to be deferential, juridical and spontaneous. They were also required to be “an apolitical conveyance of information”.<sup>15</sup>

Heerma van Voss sets out a formula for petitions: they need to mention the ruler or ruling body addressed, the request being made, the motivation for the request and the name and possibly qualities of the petitioner.<sup>16</sup> This is a formula generally followed by the petitions in the current study. Hoyle explores, and attempts to classify, the forms taken by popular petitioning; these forms include action by individuals to courts or councils seeking redress for wrongs, and requests from collectivities (towns, corporate bodies and trading associations).<sup>17</sup> Petitions of both these types are extensively explored in later sections of this thesis. Zaret adds that collective petitions came from local corporate entities (guild halls, wardmoots, common councils, assizes and Quarter Sessions) and were presented as the unanimous view of the guild, city or county. They were expected to be genuinely locally originated and were expected neither to criticise specific laws nor to imply popular discontent with government.<sup>18</sup> But Hoyle identifies a long tradition of petitions not seeking redress alone but proposing positive, innovative action. Hoyle argues that collective petitioning by groups of common people in the sixteenth century was an important form of political communication. However, petitioning represented a conservative form of behaviour when compared with calls for insurrection.<sup>19</sup> When Henry VIII was confronted by armed rebels on the Pilgrimage of Grace, he berated them for not bringing their concerns to him first as humble petitioners so that he could disabuse them of false fears. The King told them he was “most prone and ready to hear all his subjects of all degrees resorting with petitions of complaints unto him and both to grant the same and to see redress made in all things according to justice”. It was the act of assembly not the act

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<sup>15</sup> David Zaret, Origins of Democratic Culture: Printing, Petitions and the Public Sphere in Early-Modern England (Princeton, New Jersey, 2000), pp.81-82, 90.

<sup>16</sup> Lex Heerma van Voss, “Petitions in Social History”, p.6.

<sup>17</sup> R.W. Hoyle, “Petitioning as Popular Politics”.

<sup>18</sup> David Zaret, Origins of Democratic Culture, p.96.

<sup>19</sup> R.W. Hoyle, “Petitioning as Popular Politics”, pp.366 & 367.

of petitioning which the King deplored.<sup>20</sup> For Zaret, contentiously, expressing a grievance through a petition did not carry any suggestion of popular political rights.<sup>21</sup> He claims that convention demanded that petitions should appear to be spontaneous and not coordinated in any way with other similar petitions. Neither the petition nor the response was expected to be made public.<sup>22</sup> In practice, says Zaret, this did not count for much; people were interested in politics and wanted to know things and politicians wanted them to know.<sup>23</sup>

How free anyone, petitioners or otherwise, was to express their own views has been and must inevitably continue to be a matter for debate. Burgess claims that the stylised and conventional terms of respect for social hierarchy, the established church and the monarchy, in which political discourse was expressed, reflected fear of the consequences of using other terms. It was not a matter of whether censorship was or was not effective, but more a matter of people not choosing, or not daring, to say or write things that threatened disunity.<sup>24</sup>

For Burgess and Zaret and many historians of mid-seventeenth century England, it is the headlining petitions (the Petition of Rights, the Root and Branch Petition and the scores of county petitions on church and governance) which demand attention and have significance. But, as Hoyle points out, most petitioners were individuals pursuing their own needs. As we shall see, even corporate petitions sought amelioration of specific situations rather than a fundamental change of policy.<sup>25</sup>

Whether your petition was seen, read and acted upon usually depended, as much else in society, on your ability to pay admittance fees to power. It was not simply that money helped you pay for professional help in drawing up your petition. Your ability to finance the payments, demanded at every level, determined your ability to open doors to the right channels and thus at long, expensive, last to reach the appropriate point of power. But more than that, your place in the cosmic order of things was also determined by pedigree as well as your money and that, too, affected the likelihood of your being heard.

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<sup>20</sup> R.W. Hoyle, "Petitioning as Popular Politics", p.366: citing PRO E 36/121 f.4-5.

<sup>21</sup> David Zaret, Origins of Democratic Culture, p.58.

<sup>22</sup> David Zaret, Origins of Democratic Culture, p.59.

<sup>23</sup> David Zaret, Origins of Democratic Culture, p.66.

<sup>24</sup> Glenn Burgess, Absolute Monarchy and the Stuart Constitution, (London, 1996), p.3.

<sup>25</sup> R.W. Hoyle, "Petitioning as Popular Politics", p.357.

For Patrick Collinson, England was a hierarchy of local community, county community and commonwealth; a community of the realm.<sup>26</sup> Each overlapping community was also a semi-autonomous, self-governing political culture.<sup>27</sup> As well as deference in the normally accepted sense, there was also what Collinson calls “downward deference”, the involvement with and having regard to the opinions of those below. In ways that will be explored later, gentry befriended local townspeople and helped them to pursue their lawsuits against other gentry, as a means of pursuing their own private agendas.<sup>28</sup> Nevertheless, according to Kevin Sharpe, this commonwealth of interlocking hierarchies was a unity, a whole, with its own pulsating life in which there were few who did not either give or receive service; most did both. Communities (and presumably individuals) participated in the exercise of power through the giving of counsel and presentation of petitions.<sup>29</sup>

Underdown suggests that this concept of commonwealth was already at the edge of breakdown by the first decades of the seventeenth century.<sup>30</sup> The notion of an idyllically stable community was most celebrated at the moment when it was about to be superseded. The ‘worm in the rose’ was the irresolvable issue of national and local finance; it is the one big issue that underlies many of the petitions considered here.

Petitioning had universal significance within early modern English society. That universality will be explored in Chapter Two: ubiquity.

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<sup>26</sup> Patrick Collinson, De Republica Anglorum or History with the Politics Put Back (Cambridge, 1990).

<sup>27</sup> Patrick Collinson, De Republica Anglorum, p.21. The practice is reviewed in Section 3.1 below, pp.58-86 on the work of Nathaniel Bacon as arbitrator.

<sup>28</sup> Patrick Collinson, De Republica Anglorum, p.29.

<sup>29</sup> Kevin Sharpe, Politics and Ideas in Early Stuart England: Essays and Studies (London, 1989), pp. 11, 13 & 16.

<sup>30</sup> David Underdown, Revel, Riot and Rebellion.



### 1.3: Defining King's Lynn and its Country

#### Introduction

In this thesis I aim to examine the extent to which petitioning was deeply rooted in one particular borough and its surrounding countryside. The process will reveal particular aspects of the narrative of the community (the events and interactions in which it was involved), but also show how in practice petitioning was used, viewed and valued. Petitions highlight the experiences of these critically important years, but also the continuing concerns of a community that both had to earn its keep and pay its way. To understand these things we also need to know something of the place from which most of our evidence derives.

#### King's Lynn and its country<sup>31</sup>

King's Lynn and its neighbouring villages and townships offer an opportunity to study petitioning in a sub-region that was both important enough in national terms to be more than a forgotten corner of old England and yet not so central to national political life as to distort the character of a community dominated by sea and farm.<sup>32</sup> King's Lynn boasts a set of Corporation minutes covering most years through several centuries.<sup>33</sup> Within the Ancient Petitions collection at The National Archives, there are at least 115 petitions, dated between 1277 and 1455, from or relating to King's Lynn. In the Bacon Papers, there is evidence of concerns and practices concerning petitioning in the late sixteenth and early seventeenth centuries.<sup>34</sup> Lynn features strongly in State Papers and parliamentary records, especially in the 1640s and 1650s when the borough was a port of strategic as well as economic importance. State papers document many more contacts between the area of

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<sup>31</sup> See Appendix 1 for a list of parishes and a map of the study area, together with contemporary maps of King's Lynn and The Wash.

<sup>32</sup> For Admiralty purposes in the Early Modern period, the Lynn sub-region extended from the fens to Blakeney, that is some ten miles beyond the modern eastern boundary of King's Lynn and West Norfolk District Council.

<sup>33</sup> NRO KL/C7/8-11, King's Lynn Hall Books 6 to 9, King's Lynn archives, Old Gaol House, King's Lynn.

<sup>34</sup> Victor Morgan, Jane Key & Barry Taylor (eds.), The Papers of Nathaniel Bacon of Stiffkey, IV 1596-1602 (Norfolk Record Society, 64, Norwich, 2000) - hereafter Bacon Papers IV.

study and the central authorities. Quarter Sessions' rolls offer insights into petitions from the non-elite public.<sup>35</sup>

King's Lynn has also captured the interest of a succession of local antiquarians and historians such as Mackerell, Richards, Harrod and Hillen, whose texts offer, sometimes tantalisingly inadequately, references to petitions and the contexts in which they arose.<sup>36</sup> State Papers, searched through the Calendar of State Papers Domestic, the National Archives catalogues, the Calendar of the Committee on Compounding, the many reports of the Royal Commission on Historical Manuscripts and a number of specialist bibliographies, have yielded many further petitions.<sup>37</sup>

## Historiography

The borough of Lynn (variously described as King's Lynn and Lynn Regis) was governed by a Corporation consisting of a mayor, twelve aldermen and eighteen common councillors. Common councillors elected men to fill vacancies as they arose and aldermen in turn filled common council vacancies from among the body of freemen.<sup>38</sup> The Corporation's records take the form of a series of substantial Hall Books held in the Norfolk Record Office at King's Lynn.<sup>39</sup> A two-volume history of the borough by Henry J. Hillen was published in 1907.<sup>40</sup> Like earlier antiquarian 'histories' of Lynn (by William Richards (1812) for example), it shows more enthusiasm than respect for sources, few of which are cited.<sup>41</sup> The complex events leading to Lynn's declaration for the King in 1643 and the story of the siege itself and its aftermath are told in considerable

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<sup>35</sup> D.E. Howell James (ed.), Norfolk Quarter Sessions Order Book, 1650-1657 (Norfolk Record Society 26, Norwich, 1955).

<sup>36</sup> Benjamin Mackerell, The History and Antiquities of the Flourishing Corporation of King's Lynn in Norfolk (London, 1738); William Richards, History of Lynn (London, 1812); Henry Harrod, "Report on the Deeds and Records of the Borough of King's Lynn" (King's Lynn, 1874); Henry J. Hillen, History of the Borough of King's Lynn (Norwich, 1907).

<sup>37</sup> Elizabeth Darroch & Barry Taylor, A Bibliography of Norfolk History (Norwich, 1975); Barry Taylor, A Bibliography of Norfolk History, Vol. II (Norwich, 1991); Janice Henney with Victor Morgan, East Anglian Theses Completed (1982); C.W. Reynolds, Norfolk Churches Reference Guide (Norwich, 1990); Walter Rye, An Index to Norfolk Topography (London, 1881); George A. Stephen, A Descriptive List of the Printed Maps of Norfolk, 1574-1916 (Norwich, 1928).

<sup>38</sup> Peter Sykes, "Borough of King's Lynn 1524-1835 Chronological Lists of Mayors, Aldermen, Common Councillors and Some Others", April 2002, (typescript).

<sup>39</sup> NRO KL/C7/9-11, Hall Books 7, 8 & 9.

<sup>40</sup> Henry J. Hillen, History of the Borough of King's Lynn (Norwich, 1907).

<sup>41</sup> William Richards, History of Lynn.

detail by Ketton-Cremer.<sup>42</sup> The extensive sixteenth and early seventeenth century material in the borough and county archives was used in the 1970s and 80s in three doctoral theses by Gary Lynn Owens (1970), Susan Majors Battley (1981) and George Alan Metters (1982).<sup>43</sup> Owens saw a breakdown in relations between borough and national government, but his study stopped short at the recall of Parliament in 1640. This current thesis does not seek to be a continuation of Owens' work, nor does it attempt to be a 'history' of Lynn; the intention is to show how petitions illuminate concerns and events in Lynn and how those concerns and events illuminate contemporary use of petitioning.

### **King's Lynn described**

Sir Henry Spelman, in 1631, described Norfolk for the benefit of the Privy Council.<sup>44</sup> He had been commissioned by the leading agriculturalists of the county to support their case for de-restricting corn exports.

The Countye of Norff. Is an Ileland inclosed on the South side towards Suff[olk] with the riuer of Waueney runninge to Yarmouth, and the lesser Owse passinge by Lynn, on the North side with the mayne sea; and aboundeth by these means with Hauens and Hithes places of Exportation and importation.

That part of it towards the Sea, and much of therest westward is Champion, the other part towards Suff. Woodland and pasture ground.

The woodland and pasture part is sustained cheefelye by graseinge, by Dayries and rearinge of Cattell, yet it is able both to maintayne it self with Corne and to afforde an ouerplus to their neyboures of Suff.

...The champion part is of another nature consistinge wholly in effect of Corne and sheepe, wch by perticular course of husbandry there used, doe maynetayne each other, and this part thereby affordeth such plentye of Corne as euerye towne is able

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<sup>42</sup> R.W. Ketton-Cremer, Norfolk in the Civil War (London, 1969).

<sup>43</sup> Gary Lynn Owens, "Norfolk, 1620-1641: Local Government and Central Authority in an East Anglian County", (Wisconsin, Ph.D. 1970); Susan Majors Battley, "Elite and Community: The Mayors of Sixteenth-Century King's Lynn", (New York, Ph.D. 1981); George Alan Metters, "The Rulers and Merchants of King's Lynn in the Early Seventeenth Century", (UEA, Ph.D. 1982).

<sup>44</sup> Sir Henry was not only a noted antiquarian and lawyer and a leading member of the Norfolk county gentry, but also at this period an advisor to the Privy Council. He was a member of the 1630 commission established to attempt a reform of fees charged by the central administration, see G.E. Aylmer, The King's Servants: The Civil Service of Charles I, 1625-1642 (London, 1961), p.181.

generallye to feede it self and diuers others... it hath ben the custome of these parts for manye hundreds of yeares past, to utter their Corne at the Hauens, Hithes and landinge places upon the Sea and Riuers sides...

Those parts of the Coast of Norff. Hauinge diuers ports and Hauens use much trade and commerce wth New Castle for Salt and Coales both summer and winter and sayle about 60 or 70 Shippes yearelye to Iseland, and prouide their Salt from Newcastle for yt voyage, and usuallye carrye great quantities of barly and Mault to Newcastle about 500 Coome everye springetide...

About 12 years since there was about £30,000 by estimation of outlandish gold brought ouer and taken for Corne transported that winter, betwixt Lynn and Wells, inclusiue...<sup>45</sup>

In 1738, the antiquarian Benjamin Mackerell described Lynn itself as:

This beautiful and large Town [standing] towards the Mouth of the Great-Ouse, [is] encompassed with a deep Trench, and Walls for the greatest part of it, containing about 2360 Houses, or Families, and divided by four small Rivers, which have about fifteen Bridges over them. It lies along the East side of the River, which upon high Spring-tides flows above twenty Feet perpendicular, and is about the Breadth of the Thames above the Bridge, so extending itself about a Mile, having on the North-end towards the Sea a Royal Forstress, commonly called St.Anne's-Fort, with a Platform of twelve large Guns, which easily can command all Ships coming in and going out of that Harbour; and towards the Land, besides the Wall before mentioned, it is defended by nine regular Bastions and a Ditch, which lie almost in the Form of a Semi-circle, and make it above half a Mile in the Breadth cross the Middle thereof.

The Goodness of its Situation affords a great Advantage to Traffick and Commerce, having a commodious large Harbour, capable of containing two hundred Sail of Ships, and several navigable Rivers falling into it from Eight several Counties, by which means diverse Capital Cities and Towns therein, viz. Peterborough, Ely, Stamford, Bedford, St.Ives, Huntington, St.Neots, Northampton, Cambridge, St.Edmunds-Bury, Thetford etc are served with all Sorts of heavy Commodities, as Coals from Newcastle, Salt from Lymington, Deals, Firr-timber, all Sorts of Iron, Wines etc Imported hither from beyond the Sea; and from these parts great Quantities of Wheat, Rye, Oats, Cole-feed, Barley, etc are brought down these Rivers, whereby a great foreign and inland Trade is maintained, the Breed of Seamen increased, and the Customs and Revenues of the Town very much advanced.<sup>46</sup>

Mackerell's Lynn would have been recognisable to its mid-seventeenth century citizens.

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<sup>45</sup> SP16/157/121, as transcribed by Walter Rye in Rye, State Papers Relating to Musters, Beacons, Shipmoney etc in Norfolk from 1626 Chiefly to the Beginning of the Civil War (Norwich, 1907), pp.180-187.

<sup>46</sup> Benjamin Mackerell, The Flourishing Corporation of King's Lynn, (London, 1738), pp.2-3.

King's Lynn was an important market centre. According to Exchequer records cited by Chartres, butchers alone rented 30 stalls in King's Lynn market in the sixteenth century.<sup>47</sup> The town had a thriving company of market officers, perhaps totalling 40 to 50 men. The market must, according to Chartres, have generated a considerable income for the Corporation. Muldrew has analysed the occupations of 792 heads of households in Lynn in the 1680s, plus another 155 from outside the borough who traded there.<sup>48</sup> Servicing the needs of the community was the backbone of the trading community: 49 butchers, 30 bakers, nineteen brewers, 36 tailors and 32 cordwainers. Beyond that sector lay the trading community: 28 merchants, 28 grocers, fourteen mercers, seventeen wool and linen drapers and 112 mariners involved in importing and exporting goods. In the 1680s, aldermen and mayors were almost exclusively drawn from merchants and wholesalers. It was a domination that had begun in the sixteenth century. A very similar culture pertained throughout the early years of the seventeenth century, as Alan Metters has shown.<sup>49</sup> That civic elite frequently owned property and often estates both within and outside the borough boundary.

Lynn's 'country' included scores of parishes in the fens and marshlands to the west of the borough, the higher ground to the east and south, and the many creeks between the port and Blakeney to the east. As will be seen below, the borough port authorities lay claim to responsibility for shipping using those creeks for generations before the crown finally ceded control to the town. The focus area for this study will include over 100 parishes in eleven hundreds: King's Lynn, Freebridge Lynn, Freebridge Marshland, Clackclose, Grimshoe (part), South Greenhoe (part), Smithdon, Docking, Brothecross, Gallow (part) and North Greenhoe (part).<sup>50</sup>

We have seen that Lynn was an important port serving a fertile agricultural and coastal hinterland. It was also within comparatively easy reach of London. There was a well established post system between the borough and London. A note from the State Papers for 1644-45 sets out the stages of the posts between London and Hull via Lynn. To Lynn:

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<sup>47</sup> John Chartres (ed.), Agricultural Markets and Trade, 1500 to 1750 (Cambridge, 1990), p.35 cites Exchequer Records E 134, 24 Car. I, M7.

<sup>48</sup> Craig Muldrew, The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England (Basingstoke, 1998), pp.55-57.

<sup>49</sup> George Alan Metters, "The Rulers and Merchants".

<sup>50</sup> Appendix 1 lists those parishes and offers a map of the sub-region.

London, Waltham, Ware, Barkway, Witchford Bridge, Newmarket, Brandon, Lynn (90 miles in seven stages).<sup>51</sup> All these factors helped make Lynn a centre of strategic military importance.

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<sup>51</sup> CSPD 1644-45, p.170, November 1644.

## CHAPTER TWO: UBIQUITY

This thesis asks how and by whom petitions were used. In early modern England, petitions were ubiquitous. They were used as a tool within negotiations in every sphere of socio-political interchange. In this section I will consider petitions in relation to the crown, to localities and communities, and to Parliament. The processing of petitions left bureaucratic detritus that enables us to understand the scale, breadth and reach of petitioning.

### 2.1: Petitioning Environments

#### Crown

Petitionary negotiations did not take place within a socio-political vacuum. The following sections will consider the socio-political environments in which petitions circulated and which they also helped to shape and construct. In the unity of this fictional commonwealth, the King was above all, under God alone. To him all deference was due. In return, the King was expected to bear a reciprocal obligation; he was expected to run the state competently and cheaply, simultaneously keeping the country out of harm's way, defending Protestants at home and abroad, and maintaining peace, prosperity and stability in every part of the realm. Above all, he was to be the supreme dispenser of justice and grace; the arbitrator in any dispute presented to him, whether legal, fiscal, religious, economic or social, and the giver of pardons, gifts and advancement. To be able to fulfil this role, the King had to be omni-competent; able not merely to interpret ecclesiastical, statute and common law, but to find solutions that superseded all such laws.<sup>52</sup> Petitions and petitioning were at the heart of this interchange between monarch and subjects. "All suites made to the King" wrote Sir Julius Caesar, a Master of the Requests under both Elizabeth and James, "are either for Justice or for Grace".<sup>53</sup> Sir Julius's claim and the

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<sup>52</sup> Glenn Burgess, *Absolute Monarchy*.

<sup>53</sup> L.M. Hill (ed.), *The Ancient State. Authorities and Proceedings of the Court of Requests by Sir Julius Caesar* (Cambridge, 1975), pp.241-48.

processes by which petitions for grace, and especially for justice, were processed will be the focus of a later section.<sup>54</sup>

Linda Levy Peck has challenged the view that there was a general acceptance of such a concept of the monarchy in England.<sup>55</sup> While clearly there were strongly differing views on the monarchy and the political realm, even dissident views were prompted and shaped by this dominant political discourse. The notions of limited and absolute monarchies were the subject of widespread, if careful, contemporary debate. Glenn Burgess usefully draws attention to Sir Walter Raleigh's interpretation of an "entire monarchy": it was, said Raleigh, a monarchy where

the whole power of ordering all state matters both in peace and war, doth by law and custom appertain to the prince, as in the English Kingdom, where the prince hath the power to make laws, leagues and war; to create magistrates; to pardon life; of appeal etc. Though to give a contentment to the other degrees, they have a suffrage in making laws, yet ever subject to the prince's pleasure or negative will.<sup>56</sup>

An 'entire' monarch was not above the law; the sovereign was both the sole maker and supreme interpreter of the law. But as Burgess makes clear, an 'entire' monarch was one who, in King James's words, "has not a superiority above it". But the monarchy was expected to be always bound by law and custom and, above all, to make judgements that were equitable.<sup>57</sup> The limits to royal (and indeed in due time to parliamentary and Cromwellian) prerogative and the equity or otherwise of the application of power, were constantly tested through petitions. It was not only among the growing political opposition that Charles's decision to raise ship money was challenged, for example. For year after year, petitions flowed into the courts at Westminster from all levels of society seeking relief and equitable treatment. Such petitions will be considered in many of the sections that follow.

An 'entire' monarch was expected to act as an impartial arbitrator in disputes. Many of the thousands of petitions received by the Stuart Kings were seeking mediation or arbitration.

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<sup>54</sup> Section 2.2, *Bureaucratic Residues: Evidence for Ubiquity*, pp.38-57.

<sup>55</sup> Linda Levy Peck, "Kingship, Counsel and Law in Early Stuart Britain" in *The Varieties of British Political Thought, 1500-1800*, J.G.A. Pocock (ed.) (Cambridge, 1993), p.83.

<sup>56</sup> Glenn Burgess, *Absolute Monarchy*, p.35, citing Sir Walter Raleigh, *Works* (Oxford, 1829), VIII, p.2.

<sup>57</sup> Glenn Burgess, *Absolute Monarchy*, pp.35 & p.37.



The processes involved will be considered in a later section, where the public concerns revealed by such petitions will be explored. The system required a general expectation that such arbitration would be infused with equity, mercy and generosity. Many commentators remark on the breakdown of trust between people and monarch which is deemed to have precipitated the civil wars. ‘Confidence’ is another word that could have been used. Kennedy claims it was not just the usual big issues (such as Laudianism and taxation) which generated the civil wars, but a general breakdown in relations.<sup>58</sup> King’s Lynn’s printed petition, discussed below in the section on a Merchants’ Manifesto, lists the areas of dissatisfaction where petitionary negotiation had so far failed. One area of dissatisfaction cited by the manifesto for the borough concerned fenland drainage, an issue which Kennedy uses to explore accumulating dissatisfaction with Charles’s performance. Anxieties about the way enclosure and drainage issues were determined were made manifest not only in printed and overtly political petitions (such as the King’s Lynn’s Merchants’ Manifesto), but also in petitions such as that from the self-described “poor fishermen” of Burnham Marshes.<sup>59</sup> A case study below will show that the fishermen’s plea for their livelihood was part of a complex argument over the King’s performance. When elections were at last called in 1640, anger and dissatisfaction not only showed itself in the elections but also in the spate of petitions which were sent to the House of Lords.

However ‘entire’ the monarch was, the sovereign did not rule unaided. A ruler was always surrounded by ministers, courtiers and servants who were each bound to do what the monarch willed, but each of whom sought to have the King will the ‘right’ things. Thus the crown was never, as Patterson implies, a single-minded unity.<sup>60</sup> Richard Cust has given a sounder example of the process of policy-making under Charles I. In 1629, the King intervened in the affairs of the borough of Great Yarmouth, Norfolk. The King wrote to the borough that he had received a petition which demonstrated the existence of “much faction and distraction” there. But Cust shows that the letter was in fact composed by Charles’s Secretary of State, Dudley Carleton, Viscount Dorchester, using material from

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<sup>58</sup> M.E. Kennedy, “Charles I and Local Government: The Draining of the East and West Fens”, *Albion* 15.1 (1983), pp.19-31.

<sup>59</sup> Their petitions are explored in Section 4.2, A Merchants’ Manifesto, pp.141-173 and Section 5.1, Polyphony and Petitioning: the Case of the Fishermen of Burnham Marshes, pp.211-224.

<sup>60</sup> Catherine F. Patterson, *Urban Patronage in Early Modern England: Corporate Boroughs, the Landed Elite and the Crown, 1580-1640* (Stanford, California, 1999), p.7.

earlier Privy Council papers and a letter from the Attorney General, Sir Robert Heath.<sup>61</sup> All those in a position to influence the King were likely to find themselves lobbied and petitioned by parties to a dispute. Cust goes on to show that the Great Yarmouth disputes generated more than eight petitions in the years immediately after 1629. He argues that those like Dorchester, who tried to influence Charles, had to be circumspect, especially on issues where the King had views of his own. In those matters where the King's interests were not so engaged, then ministers and advisers had a much clearer run to make up the monarch's mind for him.<sup>62</sup>

Aylmer describes in meticulous detail the administration that served Charles.<sup>63</sup> He maintains that the 40 years before the revolution were administratively "relatively static". There was detailed and widespread government intervention in social and economic life, yet no standing army or 'proper' police force. As Aylmer and others have shown, at local level, central government could only deliver policies with the voluntary co-operation of a hierarchy of part-time, unpaid officials. Without such co-operation the central government was helpless.<sup>64</sup> But as we shall see later, the process of petitionary negotiation, arbitration and mediation opened up channels of communication and political involvement to every acknowledged subject. Petitions, and the way they were responded to, generated, reflected and fed upon political debate over such issues as taxation and the limits to royal prerogative in ways that bound together communities, counties and the kingdom.

## Localities and communities

Petitioning had a long history as a means of communication between localities and the crown. But the significance of petitioning went well beyond this. Each and every one of the 115 petitions from or relating to King's Lynn, dated between 1277 and 1455 (held in the Ancient Petitions collection at The National Archives), wrote into the nation's records the town's status as a port and community.<sup>65</sup> More than 56% of these 'Lynn' petitions

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<sup>61</sup> Richard Cust, "Anti-Puritanism and Urban Politics: Charles I and Great Yarmouth", *The Historical Journal* 35 (1992), pp.1-26, p.2.

<sup>62</sup> Richard Cust, "Anti-Puritanism and Urban Politics", p.25.

<sup>63</sup> G.E. Aylmer, *The King's Servants*.

<sup>64</sup> G.E. Aylmer, *The King's Servants*, p.7.

<sup>65</sup> <http://www.nationalarchives.gov.uk/documentsonline/>

related to trade issues: licences to trade, fines, customs, losses of ships and goods, piracy, impounding of goods in England and abroad. But a dozen more petitions from that period were exchanged in disputes between the town of Lynn and the Bishops of Norwich over the town's rights and liberties. Petitions were used to achieve incorporation for King's Lynn, as for many other boroughs, and had been used to define and frequently redefine the rights and liberties of those authorities and the merchants and traders who were their freemen. Morrill's study of Cheshire shows how that complex and strategically important shire, which stretches across the route from London to Ireland, had been defined by petition and response. In 1450, "the abbots, priors, clergy, barons, knights, squires and commonalty of the County Palatine of Chester" used a petition to Henry VI to try to define the county's special status as exempt from parliamentary taxation.<sup>66</sup> King's Lynn's first charter is dated 1205.<sup>67</sup> A further 25 charters had followed by 1688. The borough was proud of its royal charters, gained by petition, even if the petition which prompted the granting of the Cromwellian Charter (possibly prompted by the Protector) was rapidly disowned after the Restoration.<sup>68</sup> The borough was especially proud of the charters of Henry VIII which liberated it from the overlordship of the Bishops of Norwich.<sup>69</sup> A change of title from 'Bishop's Lynn' to 'King's Lynn' did not put an end to disputes over rights, liberties and the boundaries of jurisdictions. As will be seen below, notably from the consideration of the papers of Nathaniel Bacon, petitions continued to be used to test the limits of royal prerogative and borough liberty.<sup>70</sup>

If petitioning helped to define the institutional structures within localities, they were also used to define the collectivities; the people themselves in their relationships with one another. For Peter Lake, the "county community" was a sort of "imagined community", a bundle of moral and social norms and constraints of tacit assumptions and expectations about one's own and other's conduct.<sup>71</sup> Petitions (presented and received) helped give material manifestation to otherwise unembodied abstractions. It is likely that a King's Lynn published petition of 1642 (called here the Merchants' Manifesto) was used to give a

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<sup>66</sup> John Morrill, Cheshire 1630-1660: County Government and Society During the English Revolution (Cambridge, 1974), p.1.

<sup>67</sup> Henry J. Hillen, King's Lynn, Vol. 1, p.47.

<sup>68</sup> The Cromwellian Charter is discussed below, p.184.

<sup>69</sup> Henry J. Hillen, King's Lynn, Vol. 1, pp.237-243.

<sup>70</sup> Section 3.1, A Norfolk Network of Arbitrators: Bacon and the Circulatory of Benefit, pp.58-86.

<sup>71</sup> Peter Lake, "Puritans, Popularity and Petitions", p.288.

borough MP a visual aid for use in the Parliament to which the petition was addressed.<sup>72</sup>

On a different stage, at Norfolk Quarter Sessions, petitions gave added weight and permanence to what might otherwise have been less coherent utterances made to a crowded court.

The contribution Norfolk gentry made to petitionary negotiations is discussed in detail below.<sup>73</sup> Interaction between members of the county community of gentry from which such networks as that of the Norfolk arbitrators was drawn, their knowledge and awareness of each other, bound them into Lake's 'imagined community'. It was a community of which the commonalty of subjects was well aware. As will be seen, petitioners exploited the known views and attitudes of those who handled their petitions. Individual members of the county community had relations, friends and patrons active at Court and in the royal household. As Patterson has shown, many boroughs invested heavily in patrons in high places, sometimes appointing them High Stewards.<sup>74</sup> Petitions flowed between subjects, county gentry and royal courts and councils, and helped knit together a commonwealth of sorts even if it was one which included a diversity of political and religious ideas.

For Stephen Roberts there was no sense of local government as such; people spoke figuratively of 'commonwealths'.<sup>75</sup> There was a "consensus among political theorists about the shared responsibilities of government and governed which attached no significance to local rights or independence". But that assessment seems at odds with the stream of petitions from boroughs which had a very real sense of their own importance and were seeking to clarify both their independence and their rights.<sup>76</sup> For some historians, the crown not only brought local bodies like King's Lynn into existence but dominated their affairs thereafter. Kevin Sharpe claims that the Privy Council took upon itself "the formidable burden of supervising local government".<sup>77</sup> The crown's Book of Orders was a

<sup>72</sup> See Section 4.2, A Merchants' Manifesto, p.141.

<sup>73</sup> Section 3.1, A Norfolk Network of Arbitrators: Bacon and the Circulatory of Benefit, p.58-86.

<sup>74</sup> Catherine F. Patterson, Urban Patronage, appendix, "Borough High Stewardships, 1580-1640" lists the appointments she has identified. At p.249 she gives for King's Lynn, Robert Dudley, Earl of Leicester, 1572-1588, Thomas Egerton, Lord Ellesmere, 1598-1617 and Thomas Howard, Earl of Arundel in 1635.

<sup>75</sup> Stephen Roberts, "Local Government Reforms in England and Wales During the Interregnum" in "Into Another Mould": Aspects of the Interregnum, Ivan Roots (ed.) (Exeter, 1981, 1998), p.50.

<sup>76</sup> Ivan Roots (ed.), "Into Another Mould": Aspects of the Interregnum (Exeter, 1998), p.50.

<sup>77</sup> Kevin Sharpe, Politics and Ideas in Early Stuart England, p.89.

critically important element in this business of governing local governors. Quintrell has shown how Charles's Book of Orders of January 1631 itself stemmed from a petition.<sup>78</sup> That petition in turn arose as a result of the pressures on the poor law system, pressures that were reflected, as we shall see below in the large number of petitions made to Quarter Sessions.<sup>79</sup> However, relationships between crown and localities were determined by a reciprocal dependency: localities enjoyed crown-gifted charters setting out their rights, but the crown was in turn dependent on the economic and financial contributions made by localities.

Similarly, localities were also shaped by inter-dependency. "Charity, neighbourliness and reciprocal obligation" was, for Steve Hindle, the ethos of community.<sup>80</sup> Hindle writes that the parish was "the locale in which community was constructed and reproduced... the arena in which structure, ritual and agency combined to create and maintain (and perhaps even to challenge) a highly localised sense of belonging". Yet, Hindle argues, economic, political and ideological changes in the late sixteenth and early seventeenth centuries generated a new understanding of 'the community' as the well-to-do, the chief inhabitants, who were not merely representatives of the local community but regarded themselves as "that very community". They used petitions as a tool to redefine who belonged to that community. Hindle suggests that, in some cases at least, such parish elites determined who should and should not be considered part of the community through the petitions they submitted to the ecclesiastical hierarchy. These requested that attendance at, and voting rights in, parish meetings should be restricted to the better sort of inhabitants. The incumbent and churchwardens were rewarded with a bishop's faculty, an authoritative document whereby the oligarchic structure of parish governance was formally established or confirmed as a 'select vestry'. The Vicar-generals' books of the diocese of London contain 42 such faculties, each of them effectively a parish constitution, during the period 1601-62. Thirty of these documents date from the period 1611-37.<sup>81</sup>

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<sup>78</sup> B.W. Quintrell, "The Making of Charles I's Book of Orders", English Historical Review 95 (1980), pp. 553-572.

<sup>79</sup> Section 3.2, Norfolk Quarter Sessions, Challenging Decisions, Setting Values, p.87.

<sup>80</sup> Alexandra Shepard & Phil Withington (eds.), Communities in Early Modern England: Networks, Place, Rhetoric (Manchester, 2000), p.110.

<sup>81</sup> Alexandra Shepard & Phil Withington (eds.), Communities in Early Modern England, p.102 citing Beat Kumin, The Shaping of a Community: the Rise and Reformation of the English Parish c1400-1560 (Aldershot, 1996), p.252 and London Metropolitan Archives DL/C/338-344.

Such redefinitions of community were mirrored at shire level as the crisis of the 1640s developed. Lake reports that support for individual petitions was no longer claimed to be from the county but from “the good men in the county”, or those “well affected to the King”; it was, says Lake, an “ideologically defined version”.<sup>82</sup>

For the political community at least, localism was, in Fletcher’s words “a crucial ingredient in men’s thinking and actions... It can be defined as attachment to the interests of and identification with units smaller than the state, such as regions, counties, towns and neighbourhoods”.<sup>83</sup> Such localism is the major focus of the sections below which explore King’s Lynn’s relationships with the crown and Parliament. The petitions considered there show how local controversies interacted with county and court through petitions.<sup>84</sup>

Localism was frequently expressed through petitions with a concern for the economic well-being of the community. In Tudor times, Great Yarmouth and Lowestoft were in dispute over fishing rights. Their dispute was brought to King Edward VI’s attention by petition. Both claimed that the commonwealth as a whole would benefit from their liberties being upheld; but Great Yarmouth claimed it deserved the primacy because of the loyalty it had shown to the King while Lowestoft had supported Kett’s Rebellion.<sup>85</sup> The long-running dispute between King’s Lynn and the Admiralty Courts in the sixteenth and early seventeenth centuries was also essentially over trading and financial rights. Petitions played an important part in this conflict too and the dispute will be discussed later.<sup>86</sup>

The traditional assumption was that a petition which declared itself to be presented on behalf of the mayor and citizens of an incorporated borough or a county meeting in Quarter Sessions did indeed represent the views of the whole. As the period of Charles’s personal rule reached its climax, such assumptions disintegrated. Morrill writes of Cheshire that there was “every sign that on the eve of the Long Parliament the gentry were united in their resentment of the government”.<sup>87</sup> Richard Cust’s article on Great Yarmouth shows how parties to a political dispute could claim a level of support at odds with the

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<sup>82</sup> Peter Lake, “Puritans, Popularity and Petitions: Local Politics in National Context, Cheshire, 1641” in Politics, Religion and Popularity in Early Stuart Britain, Thomas Cogswell, Richard Cust & Peter Lake (eds.) (Cambridge, 2002), pp.286-7.

<sup>83</sup> Anthony Fletcher, The Outbreak of the English Civil War (London, 1981), p.379.

<sup>84</sup> See in particular Sections 3.1, 4.2 & 4.3.

<sup>85</sup> Chris R. Kyle & Jason Peacey (eds.), Parliament at Work: Parliamentary Committees, Political Power and Public Access in Early Modern England (Woodbridge, 2002), pp.21-22.

<sup>86</sup> Section 3.1, A Norfolk Network of Arbitrators: Bacon and the Circulatory of Benefit, p.58.

<sup>87</sup> John Morrill, Cheshire 1630-1660, pp.29-30.

actual situation.<sup>88</sup> Fletcher has shown in immense detail how mass petitioning swept the country and changed the face of English politics, from the London-originated ‘root and branch’ petition to the petitions and counter-petitions from almost every part of the country which soon followed.<sup>89</sup> At least some of the petitions were possibly never circulated in their alleged county of origin. The degree to which the movement was managed or directed from the centre is also debated: Lake, for example, shows that Sir Thomas Aston’s pro-royal petitions were the product of a Cheshire gentleman who nevertheless had close links with the King’s friends and timed his actions in support of key debates.<sup>90</sup> Collusion or co-operation? Maltby insists that the pro-episcopal petitions collected by Sir Thomas Aston and published on his behalf at the King’s command, nevertheless reflected local views, and contained local priorities within a framework of shared concerns.<sup>91</sup> King’s Lynn’s Merchants’ Manifesto was clearly part of this national petitioning movement. But as will be seen below, just whose views it represented or whether it was a compromise must be a matter for speculation.<sup>92</sup>

Petitions at this time were usually many-layered and multi-dimensional. While Fletcher insists that a gulf had opened between Westminster and the provinces, it is also surely true that petitions reveal that local and national have always been inextricably intermeshed.<sup>93</sup>

## Parliament

The relationships between the localities and Parliament, and between both and the crown, were critical factors in mid-seventeenth century England. Petitioning both expressed tensions within those relationships and contributed to the developing political conflict that eventually led to radical change in the practice of governance.

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<sup>88</sup> Richard Cust, “Anti-Puritanism and Urban Politics”, p.22.

<sup>89</sup> Anthony Fletcher, *English Civil War* generally, but in particular pp.191-227.

<sup>90</sup> Peter Lake, “Puritans, Popularity and Petitions”.

<sup>91</sup> Judith Maltby, “Petitions for Episcopacy and the Book of Common Prayer on the Eve of the Civil War 1641-1642” in *From Cranmer to Davidson: A Miscellany*, Stephen Taylor (ed.) (Woodbridge, 1999), pp.103-167.

<sup>92</sup> Section 4.2, *A Merchants’ Manifesto*, pp.141-173.

<sup>93</sup> Anthony Fletcher, *English Civil War*, p.81.

Until the Triennial Act of 1640/41, Parliament was not in any way a permanent element in governance in England.<sup>94</sup> Normally, the House of Lords and the House of Commons met only intermittently. Aylmer points out that Parliament only met in four and a quarter of the 26 years between 1603 and 1629, and then experienced a further gap of eleven years before the crisis Parliaments of 1640.<sup>95</sup> For Aylmer, Parliaments only ever met at times of crisis and for Collinson, Parliaments were “an occasional even exceptional forum”.<sup>96</sup> Such interpretations have been strongly disputed by Victor Morgan. Intermittent though Parliament was, it was also an “institution in expectation”, a gathering prepared for by both would-be members and the communities they hoped to serve.<sup>97</sup> This will be seen to have been an essential factor in generating the circle of reciprocity discussed below in the section that focuses on petitions to Nathaniel Bacon.<sup>98</sup>

When Parliaments met they were big events with splendid royal processions, lovingly described by Elizabeth Read Foster.<sup>99</sup> Foster says that Charles viewed Parliament as an extension of his court.<sup>100</sup> The House of Lords was indeed substantially the creation of the sovereign; the bench of bishops was entirely crown appointed. James and Charles notoriously saw the creation of lay peers as a tried and tested way of generating income as well as support in the chamber. In the Upper House, the throne was held to represent the King’s physical presence. Peers were expected to abide by the same codes of etiquette and behaviour as if the King had been there; breaches of the code were close to treason. Aylmer points out that permanent parliamentary staff did not go out of office on dissolution, but came under the authority of the royal household.<sup>101</sup> In so saying, Aylmer is turning reality on its head; the officers were primarily King’s servants, employed in the royal household and only intermittently seconded to parliamentary duties. The Houses were royal courts staffed by royal servants.

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<sup>94</sup> The Act is dated 16 February 1641.

<sup>95</sup> G.E. Aylmer, The King’s Servants, p.57.

<sup>96</sup> Patrick Collinson, De Republica Anglorum, p.25.

<sup>97</sup> Victor Morgan, Elizabeth Rutledge & Barry Taylor (eds.), The Papers of Nathaniel Bacon of Stiffkey V 1603-1607 (Norfolk Record Society, 74, Norwich, 2010) (hereafter Bacon Papers V), p.liv. Dr. Morgan draws evidence for his claim from petitions to Nathaniel Bacon of Stiffkey.

<sup>98</sup> Section 3.1, A Norfolk Network of Arbitrators: Bacon and the Circulatory of Benefit, pp.58-86.

<sup>99</sup> Elizabeth Read Foster, The House of Lords, 1603-1649: Structure, Procedure and the Nature of Its Business (London, 1983).

<sup>100</sup> Elizabeth Read Foster, The House of Lords, 1603-1649, p.16.

<sup>101</sup> G.E. Aylmer, The King’s Servants, p.59.



The House of Lords was also a court in the legal sense. Its legal role has been researched and written about at length by Hart.<sup>102</sup> Hart's focus is on petitions to the House of Lords for legal redress (law-specific petitioning). Hart claims that the Lords revived their appellant role in 1621 out of concern for social order and stability. The revival generated a large-scale public response, says Hart.<sup>103</sup> It also changed the public profile of the Lords. What had been primarily a legislative and advisory institution now became a body to which petitions were sent in their hundreds. Most petitions concerned judicial cases and were from defendants, claimants and others who were dissatisfied with or disputing the decisions of equity courts, or who were simply frustrated at the lack of progress their actions were experiencing.<sup>104</sup>

The effectiveness or otherwise of petitioning Parliament was dependent inevitably on the capacity and ability of Parliament to cope with the demands made upon it. Before the civil war, says Aylmer, Parliament played little part in administration; its activities were advisory, inquisitorial and, to a lesser extent, legislative and judicial.<sup>105</sup> Fletcher insists that early-seventeenth century Parliaments were ill-fitted to play a constructive role in government,<sup>106</sup> and Sharpe argues that Parliaments had a poor record for passing statutes.<sup>107</sup> The Privy Council remained, in Parliament's eyes as much as anyone else's, the primary focus for counsel to the King.

During the Short and Long Parliaments, the physical environment of Parliament gave petitioning a whole new theatrical and very public dimension. Kyle and Peacey have written of the significance of the physical environment in which Parliament worked.<sup>108</sup> Parliament did not operate in a vacuum. It not only adapted and interacted with the outside world, but was brought cheek by jowl within that world. Westminster then, as now, was a major tourist attraction; it was theatre, the drama and set as well as the words. Within the palace were alehouses, inns, shops and private dwellings; it was extremely noisy and no-doubt noisome. Everything that happened there was public. People were able (and did) sit

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<sup>102</sup> James S. Hart, Justice Upon Petition: The House of Lords and the Reformation of Justice 1621-1675 (London, 1991).

<sup>103</sup> James S. Hart, Justice Upon Petition, pp.7 & 16.

<sup>104</sup> A wide analysis of appeal petitions to the Lords has been beyond the scope of this thesis, although several petitions to the Lords do feature within it.

<sup>105</sup> G.E. Aylmer, The King's Servants, p.57.

<sup>106</sup> Anthony Fletcher, English Civil War, p.39.

<sup>107</sup> Kevin Sharpe, Politics and Ideas in Early Stuart England, p.75.

<sup>108</sup> Chris R. Kyle & Jason Peacey (eds.), Parliament at Work.

and stand in the chambers while business was being transacted. Large groups, and not simply individuals, were able to enter the lobby and indeed the debating chamber itself. There must always have been a need to find somewhere private, secret, in which to do real business.<sup>109</sup>

By the time of the 1640 Parliaments, MPs were subject not just to the agitation of factional leaders but to extensive petitioning, says Hirst, almost to the point of being overwhelmed.<sup>110</sup> For Hirst, the prominence given both by localities and the Commons to petitioning suggests the importance politicians attached to their representative role, and also points to the involvement of a wider public in the political process. But I will show that such concerns did not emerge as a result of factors that developed during the late 1630s. The involvement of the wider public in political debate through petitioning had existed at least since the late Elizabethan period, as will be seen from my analysis of the work of Nathaniel Bacon. In addition, consideration of the issues raised in the King's Lynn Merchants' Manifesto will show that the petitionary scripts of the 1640s reflected concerns that had existed years before the calling of the Long Parliament provided the public theatre for their expression.<sup>111</sup>

## Quarter Sessions

County Quarter Sessions (boroughs like King's Lynn and Great Yarmouth had their separate equivalent courts) provided a key forum for petitionary negotiation. They were known in every parish and, in theory at least, accessible to all the sovereign's subjects. Meetings of Quarter Sessions were always public affairs. The progression of meetings from place to place and season to season was well known. Petitioners knew, in Braddick and Walter's terms, how to navigate their way in their world.<sup>112</sup> What happened in court might appear chaotic but it was above all public. A. Hassell Smith has described how

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<sup>109</sup> Chris R. Kyle & Jason Peacey (eds.), *Parliament at Work*, p.9.

<sup>110</sup> Derek Hirst, *Authority and Conflict: England 1603-1658* (London, 1986), p.194.

<sup>111</sup> Section 4.2, *A Merchants' Manifesto*, p.141.

<sup>112</sup> Michael J. Braddick & John Walter (eds.), *Negotiating Power in Early Modern Society* (Cambridge, 2001), p.1. How capable non-petitioners were at such navigation will never be known, nor the extent to which petitioners relied on professional assistance.

crowded sessions were in Norfolk.<sup>113</sup> The fifteen or so justices, many attended by their private clerks, the sheriff, clerk of the peace, all the high constables, 23 members of the grand jury, members of the petty juries, prisoners answering bail, alehouse keepers and corn dealers seeking licences, maimed soldiers and others seeking relief, informers, a host of advocates and, of course, petitioners all crowded into or around the court. Justice was done in public and the way it was done affected the reputations of those petitioned as well as those petitioning.<sup>114</sup>

The greater proportion of petitions to Quarter Sessions consisted of challenges to poor law decisions made at parish level. But as Hindle has pointed out, the number of appeals against those local decisions was “dwarfed by those who were relieved without question”.<sup>115</sup> The parish authorities had substantial powers to assess resources and need, adjust rates and dispense relief. Their powers were discretionary but not arbitrary. Quarter Sessions held those parish authorities to public account.

In petition after petition there is an implicit appeal to fair play and natural justice (something going beyond the letter of common or statute law). For example, when an unnamed person tried to evict Robert Roands from his illegally constructed home, fellow villagers petitioned on his behalf.<sup>116</sup>

Judging by the infrequency with which it was done (Norfolk Quarter Sessions seem to have received about two petitions a year) petitioning Quarter Sessions was not a step lightly taken. But the existence of Quarter Sessions was clearly greatly valued, as will be seen later, and sessions continued almost without a break during the civil war and the troubles that followed. Petitions to Norfolk Quarter Sessions will be considered in detail below, as will their implications for reputation-building. A further section will compare

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<sup>113</sup> A. Hassell Smith, Court and County: Government and Politics in Norfolk, 1558-1603 (Oxford, 1974), p.87.

<sup>114</sup> See Section 3.2, Norfolk Quarter Sessions, Challenging Decisions, Setting Values, ‘Reputation’, p.92.

<sup>115</sup> Steve Hindle, On the Parish? The Micro-politics of Poor Relief in Rural England c.1550-1750 (Oxford, 2004), p.408.

<sup>116</sup> NRO QS C/S 3/31 [Appendix 4: Transcriptions #7]. The case is discussed at more length at p.88 below.

the Norfolk Quarter Sessions experience during and after the civil war with that of Essex and Warwickshire Sessions<sup>117</sup>

## Filtering

We can be certain that petitioning in seventeenth century England was, in Victor Morgan's words "a pervasive practice, familiar to all across the social spectrum".<sup>118</sup> Petitioning as an exercise in political campaigning became a weapon, newly (or at least more vigorously) used by artisans and women. Reactions to women's petitioning will be discussed further in a section relating to one particular petition signed by women from King's Lynn in 1659.<sup>119</sup> But it is also probable that many people were, or felt themselves to be, excluded from such petitionary negotiations. It is also very clear that the petitions that now remain in the public record have been filtered not simply by time and chance, but by deliberate action. Those petitioned could and did decline to accept petitions. John Morrill has shown how grand juries 'sifted' the work to be put before the county bench at the start of each session.<sup>120</sup> He also almost casually points out that most complaints, petitions and presentments were 'sifted' before being passed to Justices of the Peace. Just as they were filtered before they were accepted, there would have been another filtering process after they had been considered and determined; only those that it was felt might be needed for future reference were likely to be retained in personal or official archives.<sup>121</sup>

Petitioning was certainly pervasive and familiar across the social spectrum, but we do not and cannot know its full extent. Nor can we know what petitions were filtered out of the

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<sup>117</sup> Section 3.2, Norfolk Quarter Sessions, Challenging Decisions, Setting Values, p.87 and Section 4.5, War's Impact on Quarter Sessions: An Inter-county Comparison, p.207.

<sup>118</sup> *Bacon Papers V*, p.lxiii.

<sup>119</sup> Section 5.2, Handmaids of the Lord in King's Lynn and West Norfolk, p.225.

<sup>120</sup> John Morrill, *Cheshire 1630-1660*, p.8.

<sup>121</sup> 'Filtering' of petitions is still practised in British government circles. When the Parliamentary Committee on Procedures met in 2008 to consider the practice of what it called "e.petitioning" (petitions placed and signed on the Prime Minister's No.10 website), it was particularly concerned with the determination of what should be excluded and who should undertake the filtering. Dr. Laura Miller, the Hansard Society's specialist on electronic democracy, assured MPs that the Society accepted that a filtering mechanism was a priority. The Society did not advocate a free-for-all petitioning system in which there were no barriers to entry. There would have to be processes in place which would make sure that petitions were judged on their merit (Hansard on-line: Oral Evidence taken before the Procedure Committee on Wednesday 30 January 2008, Q.118 response by Dr Laura Miller, Hansard Society). There is every reason to believe that similar views were held in the seventeenth century and that 'filtering' was exercised then as now.

system, or to what extent potential petitioners excluded themselves in the expectation, justified or otherwise, that they would be ignored. The petitions of those who did petition and whose petitions were retained nevertheless provide raw material in plenty for an exploration of aspects of the socio-political environment of the mid-seventeenth century.

## 2.2: Bureaucratic Residues: Evidence for Ubiquity

In the section above, we have seen that petitioning was a formalised means of establishing, developing and re-affirming relationships: relationships between sovereign and subject, centre and locality, and within communities, and, significantly as we shall see later, between individuals, clients and patrons. The petitions considered in this section extend our understanding of the ubiquity of petitioning. They come from two main periods: the early years of the reign of James and the years of Charles I's personal rule. The first of these periods was one in which Parliament, whether currently sitting or expected to be called, was a dynamic element in the political environment. The second was one from which that element had been removed.

Handling the many thousands of petitions to Quarter Sessions, Parliament and Court produced bureaucratic residues which are invaluable as evidence for the ubiquity of petitioning. Such records illustrate the depth of penetration by central government into communities. But they also reveal an informal county-level network of mediators and arbitrators called into existence in response to petitions. These arbitrators, some named by the petitioners, others appointed on behalf of the crown, provided a vital, politically-engaged link between petitioners through the factional politics of the county gentry to the high politics of the Court. In Chapter Three I will use and extend that evidence to explore what petitions reveal of political interchange and social values. In Chapter Four I will explore how the dramatic events following 1642 impacted both on the processes of petitioning and on the lives of petitioners. But first I will explore further the administrative systems which, G.E. Aylmer maintains, remained "relatively static" during the 40 years before the revolution of 1642.<sup>122</sup>

### The King's Servants

"The King's Servants were his own and not yet those of some institutional abstraction, the Crown or the State... early Stuart England was at one and the same time a 'much-

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<sup>122</sup> G.E. Aylmer, *The King's Servants*, p.1. While the processes may have remained relatively static, it will become clear that the characteristics of the products handled by the bureaucracy altered. Petitions had a different political weight when directed to the crown during a period when Parliament was in session or an election expected than in periods of personal rule.

governed' country and a country with very little government".<sup>123</sup> There was detailed and widespread government intervention in social and economic life, yet no standing army or 'proper' police force and little central bureaucracy. Governance, at the national level, was delivered through a multi-layered and highly complex array of courts, councils and formal and informal bodies including the Privy Chamber, the Privy Council, the Star Chamber and the High Commission (on ecclesiastical affairs). These bodies were supplemented by the courts of law, a central executive, the royal household and revenue and finance and other departments. The word 'departments' is, says Aylmer, an anachronism; contemporaries used 'court', 'council' or 'office'. The latter could as now mean either a post or an institution. There was no clear distinction between politicians and civil servants. All office holders were the King's servants and all were expected to support the crown. None could be removed from post except by the King. There was no distinction made between 'political' and 'non-political' offices. The King chose his ministers on their individual merits and because of their usefulness to him.<sup>124</sup>

Below the officers of rank were administrators and below them a regiment of copying clerks, messengers, porters and cleaners. Aylmer says the central executive was largely concerned with receiving, sorting and answering incoming communications (letters, reports, petitions etc.) and with preparing and issuing outgoing instructions.<sup>125</sup> The King could still receive incoming letters and petitions personally and respond to them personally, but it was rarely that simple. Four Masters of Requests, who waited at Court on a monthly rota, could present petitions to the King and initiate the processes required to implement decisions. But it was always a complicated business. The King's decision (and decisions made on his behalf) still had to be processed, signed, sealed and delivered; this task was never and could never be a task for the King alone. "The King could do very little unless he was accompanied at least by one of the two Secretaries and some of their subordinates." The Secretaries of State were administrative officers as well as having executive authority.<sup>126</sup> The King's servants could deal with all but the most important matters of state on their own initiative and their clerks and servants did the actual business. The Lord Keeper/Chancellor retained a suspensive veto (a power to hold up or

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<sup>123</sup> G.E. Aylmer, The King's Servants, p.3.

<sup>124</sup> G.E. Aylmer, The King's Servants, pp.9-10.

<sup>125</sup> G.E. Aylmer, The King's Servants, p.13. Aylmer gives a diagram of how this worked, p.14.

<sup>126</sup> G.E. Aylmer, The King's Servants, p.16.

stop altogether) over any decision deemed to be based on bad advice or misuse of funds.<sup>127</sup>

Aylmer concludes that the division of business between the Secretaries and the Council may have been “haphazard and arbitrary and at best inexact”, but his claim that a “...relatively large amount of time [was] spent by sovereign and Council on private matters, often of a seemingly trivial nature...” should not go unchallenged. In an ‘entire’ monarchy, bound together by a discourse of deference and obligation, no issue was trivial; the King’s reputation was always at stake.<sup>128</sup> For Aylmer, the Privy Council was “the supreme executive body in the country” under the King.<sup>129</sup> For Sharpe, it combined the advisory and executive roles and is “the most important and least studied organ of early modern government”.<sup>130</sup> Through the Privy Council, there was detailed and widespread government intervention in social and economic life. Yet there was no standing army or ‘proper’ police force. Neither was there any equivalent to Her Majesty’s Inland Revenue and Customs. As Aylmer and others have shown, at local level, central government could only deliver policies and fulfil its perceived obligations with the voluntary co-operation of a hierarchy of part-time, unpaid officials.<sup>131</sup>

## Justice, grace and the Court of Requests

In their coronation oaths, both James I and Charles I vowed to “cause law, justice and discretion in mercy and truth to be executed in all [their] judgements”.<sup>132</sup> Petitions were part of that process. Petitioners to the crown were exercising the right of all the King’s subjects to ask him to exercise his duty of judgement with discretion, equity and mercy. Many petitions were designed to solicit posts, gifts and profits, in Caesar’s phrase “either for Justice or for Grace”. Caesar analysed both in some detail: “suites” for Grace he

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<sup>127</sup> G.E. Aylmer, *The King’s Servants*, p.18.

<sup>128</sup> G.E. Aylmer, *The King’s Servants*, pp.18 & 19.

<sup>129</sup> G.E. Aylmer, *The King’s Servants*, p.9.

<sup>130</sup> Kevin Sharpe, “Crown, Parliament and Locality: Government and Communication in Early Stuart England”, *English Historical Review* 101 (1986), p.336 and Kevin Sharpe, *Politics and Ideas in Early Stuart England*, p.89.

<sup>131</sup> G.E. Aylmer, *The King’s Servants*, p.7.

<sup>132</sup> G.W. Prothero (ed.), *Select Statutes and Other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I* (4<sup>th</sup> edn., Oxford, 1913), p.391 and Thomas Long, *A Resolution of Certain Queries Concerning Submission to the Present Government* (1689) Wing/696:19, where Charles’ oath is reproduced.



divided into petitions for gifts, commissions of favour, letters of favour, protections and pardons.<sup>133</sup>

Receiving such petitions was a substantial part of the work of the King and his Privy Council. Hoyle suggests that James was approached by 700-800 petitioners a year, but that it is not clear how many he dealt with face-to-face.<sup>134</sup> Many more petitions went directly to the chief officers of state. For example, the voluminous papers of Robert Cecil, 1<sup>st</sup> Earl of Salisbury, contain many petitions, including some identifiable as from Norfolk.<sup>135</sup> Weiser calculates that Charles II received 10,000 petitions in the ten years following his restoration in 1660.<sup>136</sup> From 1621, the House of Lords also had a Committee for Petitions when Parliament was sitting.<sup>137</sup> The fact is that the number of petitions going to the sovereign and Court is incalculable at present.

The process for coping with such a mass of petitioning, in the years from Elizabeth to the collapse of Charles I's reign, was set out in a paper (probably by Dr. John Herbert) dated 26 April 1600. The paper details the duties of a Secretary of State:

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<sup>133</sup> L.M. Hill (ed.), The Ancient State, pp.241-48. Sir Julius's original volumes were published in 1593 and 1596.

<sup>134</sup> R.W. Hoyle (ed.), Heard Before the King: Registers of Petitions to James I. 1603-16 (List and Index Society, Special Series 38; Kew, 2006), p.xxiv. It is probable that Hoyle underestimates James's petitionary workload. Nevertheless, whatever the total of petitions to this or any other king, for the petitioner each petition was unique and likely to be the only one they would proffer to the king in their lifetime. People who petitioned in a persistent, repetitive way were actively resisted. For example, Amy Martine is berated for being "a verie importunate sutor" (R.W. Hoyle (ed.), Heard Before the King, p.8, number 83) and Elizabeth Willett is threatened with punishment for her "daily importunitie" [p.231, number 2705].

<sup>135</sup> HMC 9 Hatfield, p.275 ref. 1917, for example, relates to a petition from Henry Warren to Salisbury concerning advowsons in Norfolk.

<sup>136</sup> Brian Weiser, "Access and Petitioning during the Reign of Charles II" in The Stuart Courts ed., Eveline Cruikshanks (Stroud, 2000) p.205.

<sup>137</sup> James S. Hart, Justice Upon Petition, p.3, shows that from 1621 when Parliament was sitting, the House of Lords had a Committee for Petitions. The committee only met when Parliament was in session and it seems in the main to have dealt with judicial cases. Petitions received by this committee grew from a handful in 1621 to 48 in 1628 and possibly totalled around 200 for the decade. By the opening of the Long Parliament in 1640, however, public demand had increased dramatically. The Lords received over 200 cases in the first three months of the session. By the middle of 1641 the number had reached 500 and by the close of the year nearly 650. The outbreak of civil war in 1642 stemmed the tide for a while, but did not interrupt the flow completely. Demand persisted until the house was abolished in 1649. It was then renewed, on a scale comparable to 1640, when the house was restored in 1660. Over 850 petitions were presented in the comparatively brief Convention Parliament. In a personal communication with the author (18 September 2010), James Hart says that the committee never successfully established specific criteria for taking or rejecting cases. Most were determined on an ad hoc basis. Its relationship to the Court of Requests is unclear. For petitioners, the Lords' committee had distinct problems: cases were simply left un-concluded whenever Parliament was prorogued.

... [issues] are very seldom heard particularly but rather ended by overruling an obstinate person, who is made to acknowledge his fault, or else the parties are remitted to some court of justice or equity, or recommended by some letters to some justices in the country to compound the differences either by consent of the parties or by direction. Or if the cause be great, then to write letters to some principal persons to have some circumstances better understood and examined, concerning matter of fact, whereof the council cannot be so well informed, when they have only the suggestions of one party against another upon which report it often happeneth that quarrel and differences are taken up by the council, when it appears clearly who is in default...

If there be some suits to the Queen of poor men, then do the lords endorse their petitions with their opinions and recommend the dispatch to the Secretary or for the poorer sort to the Master of the Request.<sup>138</sup>

The Masters of Requests, while responsible for processing the petitions which reached the sovereign or the Privy Council direct, were also responsible for the Court of Requests which determined petitionary suits.<sup>139</sup> The process of commissioning local justices and others to investigate and act upon petitions was at the heart of the work both of the Court of Requests (which was familiarly known as the ‘Poor Man’s Court’) and of the Masters of Requests.<sup>140</sup> As one of the two Masters of Requests in the last decade of Elizabeth’s reign, Sir Julius Caesar argued that the sovereign was “the fountain of all English justice in all causes, from whence all judges... derive their authority” and that therefore the Court of Requests could determine all “causes publick, mixt and private” on the monarch’s behalf.<sup>141</sup> The Court, he added, “was and is parcel of the King’s most honourable Councell”.<sup>142</sup> The legal commentator I.S. Leadam describes the Court as one for civil causes corresponding to the Court of Star Chamber which was concerned with criminal matters.<sup>143</sup> Its judges were either members of the Privy Council or appointed by the Privy Council. A prerogative Court, it shared that status with, as Leadam suggests, the considerably less popular Court of Star Chamber. Both courts continued to operate until 1642.<sup>144</sup> On 27 December 1642, Charles issued a proclamation declaring that the Court of

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<sup>138</sup> G.W. Prothero (ed.), *Select Statutes*, pp.166-168.

<sup>139</sup> James S. Hart, *The Rule of Law, 1603-1660: Crowns, Courts and Judges* (Harlow, 2003), p.27 points out that the Court was nominally at least presided over by the Lord Privy Seal.

<sup>140</sup> I.S. Leadam (ed.), *Select Cases in the Court of Requests A.D. 1497 to 1569* (Selden Society, 12; London, 1898), p.xiii.

<sup>141</sup> L.M. Hill (ed.), *The Ancient State*, p.xiii. Sir Julius’s original volumes were published in 1593 and 1596.

<sup>142</sup> L.M. Hill (ed.), *The Ancient State*, p.6.

<sup>143</sup> I.S. Leadam (ed.), *Select Cases*, p.x-xi.

<sup>144</sup> I.S. Leadam (ed.), *Select Cases*, p.li claims the Court of Requests was not abolished but “died a natural death”. But Leadam adds (p.lii) that the title of ‘Master of Requests’ continued through the civil wars

Requests and all other central courts would in future be relocated to Oxford. Parliament retaliated in an Ordinance of 21 January 1642/43 banning access to the Court of Requests at Oxford.<sup>145</sup> While the posts of Masters of Requests continued after 1660, the Court of Requests was not revived.<sup>146</sup>

Although its soubriquet suggests that the Court of Requests offered a cheaper option than taking a case through Chancery, the costs must still have been considerable. The court did not require plaintiffs to pay a fee to go before it, but its processes must have required considerable travel and payment of fees to legal advisers. Proceedings began with a petition to the sovereign setting out the plaintiff's case. The defendant contributed an answer, which in turn was answered by the plaintiff, which prompted a further rejoinder from the defendant. The Court issued a commission (under the Privy Seal) to two or more magistrates of the neighbourhood, to try a case and either settle it or report back. Eventually the entire bundle of accumulated paperwork was sent back to the Court. Only then did the hearing proper begin; the parties to the suit and their witnesses were examined yet again and the Court finally came to a judgement.<sup>147</sup>

### **A Master of Requests and his register of petitions**

Evidence of the paper trail left by the processing of this mounting flood of petitions is provided by some notebooks generated by a Master of Requests, Sir Roger Wilbraham. The entry books form a register of docquets to petitions recorded for Sir Roger by his clerks. It is at best an intermittent account of petitions handled by just one of the four Masters and Extraordinary Masters who served the crown at any one time.<sup>148</sup> The notes included in the register are enlightening, but are only a swift jotting down of work in progress. As is usual with archival material relating to petitions, what we have remaining

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and interregnum and beyond, with the post holder and assistants being responsible for investigating petitions seeking personal satisfaction. (One Master was another Nathaniel Bacon: in 1656 he was paid a salary of £500). Leadam himself suggests that Charles II did not re-establish the Court because of its close association with the Star Chamber.

<sup>145</sup> James F. Larkin (ed.), Stuart Proclamations, Vol. ii, Royal Proclamations of Charles I 1625-1646 (Oxford, 1983), p.836, proclamation number 380.

<sup>146</sup> I.S. Leadam (ed.), Select Cases, p.li.

<sup>147</sup> I.S. Leadam (ed.), Select Cases, pp.xx-xxi.

<sup>148</sup> As will be seen below, p.59, several petitions which the Bacon Papers suggest were referred to Nathaniel Bacon by Wilbraham are not recorded in the remaining register notebooks.

to us constitutes only partial information and rarely the final outcomes. Nevertheless, the register does enable us to follow the operation of some of the Masters' duties in practice.<sup>149</sup> The editing, transcription and indexing of this notebook enables us to identify the extensive network of local gentry and Justices of the Peace who were called upon to investigate claims made on petition to the King.<sup>150</sup> While the addresses of petitioners are rarely given in Wilbraham's notebook, one can often be led to petitions with a Norfolk origin through the names of the people by whom suits were investigated. It is unlikely, for example, that a group consisting almost entirely of Norfolk gentlemen would be commissioned to hear a case from outside the county.<sup>151</sup>

Sir Roger Wilbraham (1553-1616) was admitted to Gray's Inn in 1576. Appointed Solicitor General in Ireland in 1585-6, Wilbraham remained a working lawyer. His journal records him attending assizes at Norwich in September 1598.<sup>152</sup> The senior judge on the Norfolk circuit then was Lord Chief Justice Popham, who had a long experience of Norfolk matters.<sup>153</sup> Popham and Wilbraham were to work closely together on hearings relating to the Essex rebellion of 1600-1. By that time Wilbraham had been a Master of Requests for nearly six months. He was knighted by James I in 1603 at the same ceremony as Sir Julius Caesar, his fellow Master of Requests.<sup>154</sup>

The petitions to the King recorded in Wilbraham's register provide ample support for Caesar's classification of petitions to the King. Petitioners, he said, were seeking grace or justice, gifts from the King or protection from the consequences of situations encountered by individuals. The petitions from Norfolk, identifiable as such in Heard before the King are, as the chart below indicates, mainly concerned with debt, land disputes and inheritance, and other family issues.

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<sup>149</sup> Lansdowne MS. 266, published as R.W. Hoyle (ed.) Heard Before the King, p.2, entry 14BL.

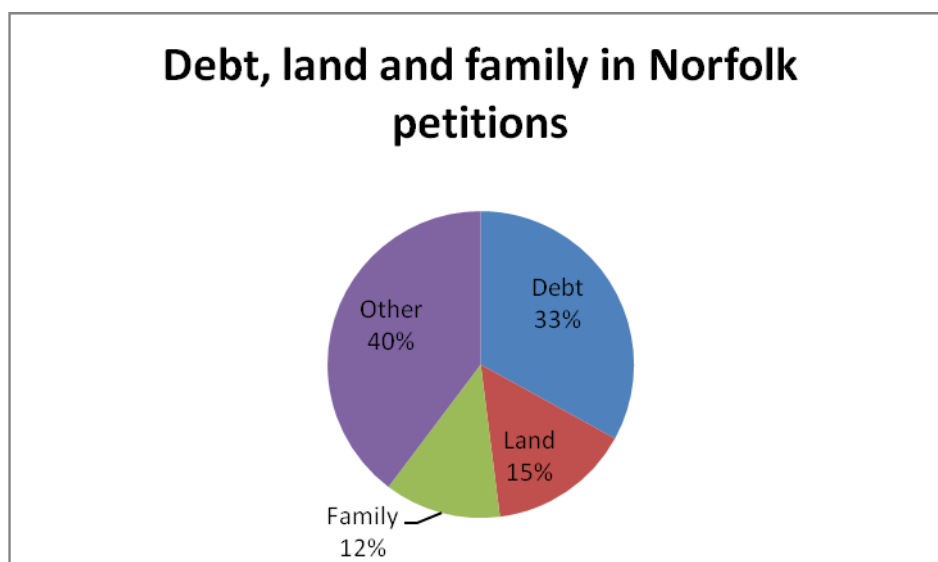
<sup>150</sup> R.W. Hoyle (ed.), Heard Before the King.

<sup>151</sup> The Bacon Papers, as we shall see below, unlike Wilbraham's register, contain full copies of many of the petitions together with background papers and letters. This source of information about petitioning will be explored further in Section 3.1, p.60.

<sup>152</sup> Harold Spencer Scott (ed.), The Journal of Sir Roger Wilbraham (Camden Miscellany, 10; London, 1902), p.20. Biographical details here are from Scott's Introduction.

<sup>153</sup> Dr. Victor Morgan has described Popham's "multifold oversight of Norfolk" in the Introduction to Bacon Papers IV, pp. xxxviii-xxxix.

<sup>154</sup> Harold Spencer Scott (ed.), The Journal of Sir Roger Wilbraham, p.vii.



**Figure 2.1: Debt, Land and Family in Norfolk Petitions**

*Analysis of causes promoted in petitions originating from Norfolk as entered into Sir Roger Wilbraham's entry book (source: R.W. Hoyle (ed.), Heard Before the King).*

Of the petitions in Sir Roger's register, the earliest from the county was from Robert Walker of Thristforth [possibly Thursford] in Norfolk, which complained of injuries by Richard Spratt.<sup>155</sup> The petition was referred to a commission of "the next justices of peace and one Mr Farmor" to enquire into and "procur an amitie". The register tells us nothing about Robert Walker or the injuries he suffered from Richard Spratt. The name of Mr Farmor becomes increasingly familiar as our knowledge of what is identifiable as a Norfolk network of arbitrators develops and the Bacon Papers, to be considered below,

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<sup>155</sup> Lansdowne MS. 266 f.2 published as R.W. Hoyle (ed.) Heard Before the King, p.2, entry 14. Walker's petition was not the first petitionary dealing that Sir Roger had had with Norfolk people. An earlier Norfolk petition which referred to a local commission by Sir Roger appears in the Bacon Papers. It is a petition which has characteristics in common with many others from the county handled by Sir Roger as Master of Requests. In November 1602, Ralph Dade of Overstrond [Overstrand] in Norfolk petitioned Elizabeth I for protection from the activities of creditors. Dade had stood surety for a number of small debts entered into by possibly as many as eight other men. The total owing amounted to £63 and Dade was being pursued for the money to the extent that he was unable to carry on his normal business to the jeopardy of his wife and six children. Sir Roger endorsed the petition and commissioned Sir Arthur Heveningham, Nathaniel Bacon, Thomas Farmer and John Fountaine to investigate. He pointed out that Dade was only a surety and not the principal debtor. Wilbraham's docquet records that the Queen was anxious to help him if possible. It might be possible, he suggested, to negotiate a payment plan with the creditors which, being endorsed by the Queen, would then be legally binding on all parties. An agreement was reached in January 1602/3 (Bacon Papers V, pp.2-3).

give a wealth of information of the kind not present in Wilbraham's succinct entry books.<sup>156</sup>

### **Justice and grace in pre-civil war petitioning**

The register compiled for the Master of Requests, Sir Roger Wilbraham, was an example of the paper trail left by the complex bureaucracy which surrounded petitioning. Similar remains, dating from the period of Charles I's personal rule, have been preserved in the collection of docquets belonging to Lord Keeper Coventry. A large proportion of the collection has been calendared.<sup>157</sup> Wilbraham's register justifies Sir Julius Caesar's contention that petitions related to the sovereign's duty to dispense justice and grace, although our focus here on arbitration has meant more attention has been paid to justice and to grace in the form of pardon than to kingly largesse. Coventry's docquets have a different emphasis and redress the balance. These docquets suggest that petitions received by the Privy Council in the 1630s were substantially concerned with money; both the King's need for it and his petitioners' desire for opportunities to make it.<sup>158</sup>

### **Coventry's docquets**

Scores of individuals from King's Lynn and North-West Norfolk and others serving the county community had dealings with the Privy Council during the decade or so leading up to the civil war. Their involvement was frequently initiated by way of petitions. The progress of these can be mapped through the docquets which were attached to the documents as they moved through the bureaucracy of Court and Council. A unique source of information concerning such activity in the years 1625 to 1640 exists in the form of docquets authorising action under the Great Seal. The collection was made by Thomas

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<sup>156</sup> See Section 3.1, *A Norfolk Network of Arbitrators: Bacon and the Circulatory of Benefit*, p.58.

<sup>157</sup> *Coventry Docquets*. Worcestershire Record Office intend to continue to use Birmingham City Archives' references on the docquets formerly held at Birmingham for the foreseeable future, alongside any alternative references that may emerge from current work on the unified collection.

<sup>158</sup> *Coventry Docquets*, pp.v & vii. p.viii describe docquets as "brief, largely formulaic, summaries" produced as part of the administrative procedure by which grants, commissions or patents were issued under the Great Seal. The docquets accompanied the paperwork through the processes required before writs were sealed.

Coventry, the Lord Keeper, and has been brought together at Worcestershire Record Office. Before 2006, the collection was split between Worcester and the Birmingham City Archives. A calendar of the Birmingham docquets (18,900 of them) was published in 2004.<sup>159</sup> The authors of the Calendar have also published a descriptive article which includes transcriptions of a few selected docquets.<sup>160</sup>

Having been Recorder of London, Solicitor General and Attorney General, Thomas Coventry was Lord Keeper between 1625 and 1640, the year of his death. As Lord Keeper, Coventry was in effect in charge of a large part of government administration. Coventry retained those docquets which related to documents which passed through his hands. It is this collection which found its way to Crome Court, Coventry's Worcestershire home.

In their Introduction to the Calendar of the Birmingham docquets, the authors provide a full-page 'map' of how petitions were processed at the Court of Charles I. They claim that almost everything sealed on orders from the crown was originated by petition. Docquets were brief, largely formulaic, summaries. While their original purpose was for administrative convenience, the docquets now provide information on the workings of Charles's government. The Calendar arranges the docquets into groups which relate to the different Chancery clerks or groups of clerks who originated them: the Crown Office, the Prothonotary, the Clerks of Presentations and Faculties, the Patent Office, the Petty Bag, the Six Clerks and the Alienations.<sup>161</sup>

The docquets illustrate the huge range of business undertaken by the crown officers and show that much of the activity was concerned with raising income for the crown and perforce for the crown's servants. Broadway, Cust and Roberts warn that even the vast number of docquets in the Calendar does not represent all the grants made under the Great Seal.<sup>162</sup> The Calendar identifies 51 categories of grants. Of the calendared docquets,

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<sup>159</sup> A further three thousand docquets were at Worcester as part of the collection of the papers of the Coventry family of Croome Court, Croome D'Abitot, Worcestershire. Worcestershire Record Office is currently working on unifying the collection.

<sup>160</sup> Jan Broadway, Richard Cust & Stephen K. Roberts, "Additional State Papers Domestic for Charles I from the Docquets of Lord Keeper Coventry (1625-1640) in the Birmingham City Archives", Archives 31 (2006), pp.148-167.

<sup>161</sup> Jan Broadway, Richard Cust & Stephen K. Roberts (eds.), A Calendar of Docquets of Lord Keeper Coventry, 1625-1640 (Kew, 2004), pp.vii, v & viii.

<sup>162</sup> Jan Broadway, Richard Cust & Stephen K. Roberts (eds.), Calendar of Docquets, vol. 1, p.ix.

around 169 in 22 of the categories can be identified as relating expressly to King's Lynn and neighbouring villages within the period 1629-1640 or to county-wide matters affecting the area. Of these roughly half (81) relate to what might be presumed to be routine administrative matters. Among these would be the allocation of assize judges to circuits, and the appointments of sheriffs and Justices of the Peace. Such appointments were, as Hassell Smith shows for an earlier age, accompanied by fierce lobbying on behalf of the candidates.<sup>163</sup> Of the remaining 88 docquets, nearly 40 relate to licences to alienate crown lands; in effect, a form of taxation imposed on the transfer of property notionally still part of the crown estate. The licences relate to properties in 29 different villages in West Norfolk, the geographical focus of this thesis. That checks were kept on such properties (probably by informers who retained part of the fee due to the crown) can be inferred from the granting of at least one pardon to a local owner for failure to apply for such a licence. Nineteen of the 'local' docquets relate to clerical benefices and another six to the plural holding of benefices. Commissions were established to investigate eight bankruptcies; examination of original docquets suggests that such commissioners included local lawyers.<sup>164</sup> The commissioning of locally based 'agents' in investigations was an established part of the routine of the Court of Requests and in other circumstances where Privy Councillors and judges initiated inquiries before reaching decisions. We will see how such procedures worked in practice in our consideration of the activities of Sir Nathaniel Bacon of Stiffkey.<sup>165</sup>

## Grace and money

The King's Grace (the royal prerogative of giving privileges to petitioners of a kind that tended to benefit both the giver and receiver) was as strong an element in Charles I's tools for income generation as it had been in the time of James I. Arguably Charles's need to be 'generous' to his subjects grew as his relationship with Parliament cooled. Each royal gift generated income in the form of fees or purchase of licences. Evidence of such acts of

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<sup>163</sup> A. Hassell Smith, *County and Court*, for example, Part II "Office-holding: its significance in county politics", pp.47-139.

<sup>164</sup> *Coventry Docquets*: 602107/525, bankruptcy of Francis Bishop, Walter Kirby on list of commissioners; 602107/597, Mason and Kirby named; 602107/1072, Pennel, Abraham Partlett and Thomas Girling named. Walter Kirby was a leading advocate in King's Lynn and a leading actor in the events surrounding the siege of King's Lynn in 1643.

<sup>165</sup> See Section 3.1, A Norfolk Network of Arbitrators: Bacon and the Circulatory of Benefit, p.58.



grace and favour abound in Coventry's docquets. Those granted privileges in perpetuity included Captain Jan van Haesdoncke. The Dutchman's receipt of a grant of rights to drain and enclose sea marshes in, among other places, North Norfolk, involved huge sums of money that were earmarked to pay off substantial debts incurred by the crown. The episode is considered in detail in 'The Fishermen of Burnham Marshes'.<sup>166</sup> There were scores of ways in which the Privy Council became involved in the lives of the King's subjects in the perpetual search for income. John Coke of Holkham and his family, for example, were granted a licence to eat flesh on fast days,<sup>167</sup> while another two recusant Norfolk families were pardoned for land transactions.<sup>168</sup> Petitions would undoubtedly have been made by those seeking appointments which offered the potential of financial rewards, such as the post of Customs Officer at Lynn granted to William Bird in February 1637.<sup>169</sup> Licences were required then, as now, to sell wine; recipients of such licences included Audrey Newark and her daughter Jane to trade at Burnham Westgate<sup>170</sup> and Alice Toll to sell wine at 'Old Lynn and Rising', that is West Lynn and nearby Castle Rising. Alice Toll's licence linked Alice's name with that of her son Thomas; they were probably the wife and son of the Thomas Toll who was to be MP for King's Lynn in the Long Parliament.<sup>171</sup> It is probable that another petition for a wine licence is linked to one of Thomas Toll's adversaries from the civil war period. Walter Kirby and his son Francis were granted a licence to sell wine at Sloane, Cambridgeshire.<sup>172</sup> In seven cases, petitioners sought Commissions of Rebellion, a legal device that resulted in the issuing of warrants for named people to appear in civil actions. Of 170 Norfolk docquets, at least 84 concerned financial matters. The figure would be much greater if appointments to benefices were to be included, and it is highly likely that the civil court actions implied by the Commissions of Rebellion would also have been about financial disputes. Governments, civic and state, were overwhelmingly concerned with the management of

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<sup>166</sup> Coventry Docquets, 603563/328 and 603563/312 respectively. 'The Fishermen of Burnham Marshes' petition is discussed in Section 5.1, p.211.

<sup>167</sup> Coventry Docquets, 602725/226.

<sup>168</sup> Coventry Docquets, 603397/62, Peter Fisher, 13.03.1635 and 603397/102 Augustin Whall, 12 June 1637.

<sup>169</sup> Coventry Docquets, 601183/439.

<sup>170</sup> Coventry Docquets, 604084/47, dated 4 March 1634.

<sup>171</sup> E.M. Beloe, "Guildhall Court of King's Lynn" (Norfolk, 1923), Norfolk Record Office, King's Lynn Branch; Bradfer-Lawrence Collection, BL XIa/33. Beloe's unnumbered pages show that Thomas Toll, the MP, died twenty days after his wife Alice. His son, another Thomas, succeeded him as a member of Parliament for King's Lynn.

<sup>172</sup> Coventry Docquets, 604084/67, dated 16 July 1635. E.M. Beloe, "Guildhall Court" shows that Kirby sued two debtors in the court in 1651 and 1658: in both cases the debts were related to trade in wine.

money. As Michael Braddick has shown, the crown was substantially dependent on prerogative taxation during the years of Charles I's personal rule.<sup>173</sup> For the government, the docquets represent the processes of raising money from a large range of licensing and exemptions. The scale of petitioning which customarily prompted the processes might justify the description of petitioning as "the small change of governance".<sup>174</sup> These 'pennies' in fact added up to a substantial part of the income of the crown and its servants.

## Justice

While Coventry's docquets largely map a process that made money for the crown, the idea of the crown dispensing justice was not altogether lost. But, as we have seen with the recusants pardoned for their 'crimes' of occupying land whilst persisting in their recusancy, even appeals for justice or pardon could be accompanied by money-making opportunities for the crown itself or for the King's servants. Two unnamed labourers from Downham Market, near King's Lynn, successfully petitioned for a special pardon for counterfeiting coins from pewter.<sup>175</sup> That same year, the Co-Lord Lieutenant of Norfolk, Henry, Lord Maltravers, together with Sir Francis Crane, Chancellor of the Order of the Garter, were granted a licence to make farthings (they were to pay the Exchequer 100 marks a year for the privilege). For no given reason, the granting of the licence was recorded twice, once on 20 August 1635 and again the following February.<sup>176</sup> It was not until 1 March 1635-6 that a royal proclamation was issued about the subject. It stated that because of the great numbers of farthings being counterfeited, Maltravers and Crane were to cause the farthing tokens to be "made with such a distinction of brass as will readily be known".<sup>177</sup> No doubt their honours required the assistance of skilled metalmen to actually hammer the coins.

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<sup>173</sup> Michael J. Braddick, The Nerves of State: Taxation and the Financing of the English State, 1558-1714 (Manchester, 1996), p.79 et seq.

<sup>174</sup> R.W. Hoyle, "Petitioning as Popular Politics", 389.

<sup>175</sup> Coventry Docquets, 604085/250, dated 5 November 1635.

<sup>176</sup> Coventry Docquets, 603019/74 and 81.

<sup>177</sup> CSPD 1635-36, 1 March, citing Coll. Procs. Car. I., No. 207; see also James F. Larkin (ed.), Stuart Proclamations, Proclamation No. 213 dated 1 March 1635/6, where a note says that two men, William Taylor and Robert Stephenson, were tried before the Star Chamber for counterfeiting tokens and fined £1,000 and £500 respectively. The note adds that farthings were cheap tokens made on licence and not by the Mint.

Broadway, Cust and Roberts illustrate how documents occasionally folded in with the docquets can illustrate the way petitions and patronage could be used to delay or even change decisions even after a grant or order had been made. Two examples they publish concern Lynn's rival Norfolk port of Great Yarmouth. In the first, the Earl of Dorset intervened with Lord Keeper Coventry to try to expedite a special pardon granted for a Great Yarmouth mariner convicted of murdering ship-boys during a voyage to Newfoundland.<sup>178</sup> The original conviction had been overturned because it was deemed to have been made out of a mixture of malice and ignorance of conditions on such voyages. The pardon had gone through all its due processes, but still required Coventry's signature. The Earl urged the Lord Keeper to act quickly "for charity sake, the man being a poor mariner, whose livelihood depends on his voyage". Was Coventry holding out for bigger fee for processing the pardon?

Enclosures with another docquet include a petition from the bailiffs, aldermen and burgesses of Great Yarmouth against the award of a patent to one Thomas Davey to the office of "gaging" of "redd herrings".<sup>179</sup> The patent would have extended the inspection of and imposition of duty on white herrings to the smoked variety. The Corporation opposed this. No-one had told the borough anything of the plan until the patent had already been prepared and was ready for the royal seal. They had had no opportunity to show how "inconvenient or abusive" such an extension would be. This exchange demonstrates the way petitions could be used to challenge earlier decisions, a process which is amply demonstrated at local level through petitions to Quarter Sessions.<sup>180</sup>

### **Access to a better future**

The history of one man illustrates how the three elements of justice, grace and the perpetual search for income could be intertwined over decades. The memorable name of Agmundesham Pickayes appears within the Calendar thrice in very different

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<sup>178</sup> Jan Broadway, Richard Cust & Stephen K. Roberts, "Additional State Papers", p.160, citing Birmingham City Archives, Coventry MSS, DV 908, 604085/213, Special Pardons; dated 21 May 1634.

<sup>179</sup> Jan Broadway, Richard Cust & Stephen K. Roberts, "Additional State Papers", p.163, citing Coventry DV 892, 602756/171, Grants and Patents, undated but c. April 1635.

<sup>180</sup> See Section 3.2, Norfolk Quarter Sessions, Challenging Decisions, Setting Values, p.87.

circumstances. Docquets in the Coventry collection show him appointed as Receiver General for Norfolk, Suffolk and Huntingdonshire on 27 November 1629. On 28 July 1637 another docquet marks the establishment of a commission to enquire into his failure to hand over to the crown the taxes collected. A third docquet, dated 2 July 1639, notes the appointment of two men to take his place.<sup>181</sup> When the civil war broke out, Pickayes became a major in the royalist cavalry; he compounded in June 1650. Despite his former problems at handing over money to the crown, Major Pickayes was, by July 1661, Clerk of the Cheque to the restored Charles II.<sup>182</sup> In the previous December he had informed against Edward Shelton of Essex, who had not only uttered treasonable words and predicted a renewed war but had on 16 December “12 men in arms and others to command”.<sup>183</sup>

Petitions to government might well have been numerically multitudinous and found everywhere, but they also represented a point of access to equity or a better future. That is one reason the process was so valued. But the deep reach of the Privy Council into the lives of citizens also ensured that every community would possess at least one inhabitant who knew his way around the maze of Whitehall bureaucracy. For at least one, the wine-trader and lawyer Walter Kirby, such knowledge was to prove invaluable when the conflict over the royal revenues came to a head in the civil war. Walter Kirby was the lawyer whose skill at negotiating surrender terms after the siege of Lynn was to provide some protection for himself and his royalist colleagues.<sup>184</sup>

## Complexities and patronage

We have seen that the close involvement of the crown and Privy Council in the everyday lives of its citizens ensured that many came to develop the skills for penetrating the maze of Whitehall decision-making. But the system remained complex and arcane. As we have seen, Aylmer has shown that the procedures involved much time, paper and sealing wax

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<sup>181</sup> Coventry Docquets, 503183/68, 602204/474 and 603183/667.

<sup>182</sup> P.R. Newman, Royalist Officers in England and Wales, 1642-1660, a Biographical Dictionary (London, 1981), p.296.

<sup>183</sup> CSPD 1660-61, p.419 (19 December 1660).

<sup>184</sup> See Section 4.3, Siege and Aftermath, p. 174.

and the payment of numerous fees.<sup>185</sup> Fees were expected to be topped up by gratuities. These only became bribes when they were particularly and unusually large and led to officers making decisions against the best interests of the King.<sup>186</sup> At any stage (whatever the decision of the King or Privy Council) paperwork could, as we have seen above in an example from Great Yarmouth, be lost, put on one side or even vetoed by the Lord Keeper. The whole procedure was, according to Aylmer, “a formalized bureaucratic ritual”.<sup>187</sup> It is possible to take issue with Aylmer’s assessment; rituals follow set, repeated, patterns. The Privy Council processes were certainly complex and arcane. They were also vulnerable to vagaries and interventions that disrupted patterns and generated uncertainties. All was enveloped within the discourse of patronage; friends, preferably powerful friends, were required at court if decisions were to be made and implemented. Norfolk’s Sir Henry Spelman was an active member of the commission set up by the Privy Council in 1630 to attempt to regulate the fees charged for processing petitions and grants.<sup>188</sup> So who better could King’s Lynn Corporation call upon for assistance with their petition over corn exports than Sir Henry?<sup>189</sup> They were not only calling on the support of a noted antiquarian from a leading Norfolk family, they were involving in their concerns a man who knew the system as well as anyone in the land. The borough’s mid-seventeenth century campaign on corn laws is discussed at more length in the section on King’s Lynn’s Merchants’ Manifesto.<sup>190</sup>

A number of examples deriving from King’s Lynn and West Norfolk help to demonstrate the complexities that were involved in petitioning the central authorities. When in a hard place any help was welcome. Shipwrecked mariner Giles Tatsell, with a wife and children to support, petitioned the Privy Council after the loss of the *Unity of Friends* which sailed out of Lynn. The *Unity of Friends* was captured by the *Black Bear* of Amsterdam, presumably a Dutch pirate vessel, sometime before 17 April 1636.<sup>191</sup> Evidently Tatsell’s cry for help to the Privy Council took a long time to be heard, as seven months later he had still not received a response. Tatsell wrote in impassioned terms to a friend, a Mr

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<sup>185</sup> G.E. Aylmer, *The King’s Servants*, p.12 et seq.

<sup>186</sup> G.E. Aylmer, *The King’s Servants*, p.179.

<sup>187</sup> G.E. Aylmer, *The King’s Servants*, p.17.

<sup>188</sup> G.E. Aylmer, *The King’s Servants*, p.181.

<sup>189</sup> SP16/157/121.

<sup>190</sup> See Section 4.2, A Merchants’ Manifesto, p.141.

<sup>191</sup> *CSPD 1635-6*, p.371 and *CSPD 1636-7*, p.282.

P[ri]ckles asking him to pursue the matter with Mr Nicholas, the Secretary to the Privy Council. His letter to Mr Prickles is dated from Lynn on 19 November 1636.

When a naval captain found himself in dispute with Lynn Corporation over payment of his crew, he sought and obtained the help of the secretary to the Privy Councillor, Sir John Coke. Rather than writing Sir John a letter, the captain sent him “a humble petition”. In January 1629/30, Lynn and surrounding ports had petitioned the crown for additional protection for shipping in The Wash.<sup>192</sup> The government had responded positively and commissioned *The Fourth Lion’s Whelp* under Captain Thomas March to undertake protection duties. The Wash ports had offered to pay for this protection and their offer had been accepted. What was not clear was what was the precise contribution each port was to make and for what period. Already in November 1630, Captain March had petitioned the Privy Council for payment of “certain extra reimbursements” incurred by him while he was in command of the ship and for letters in his support to be sent to the local authorities concerned.<sup>193</sup> *The Fourth Lion’s Whelp’s* captain and crew expected to be paid for the entire year, but from subsequent petitions, it seems the ports only paid for the eight months the ship was actually at sea.<sup>194</sup> On 19 March 1630/31 Captain March petitioned “Sir John Cooke, Knight and one of his Majesty’s Privy Counsell” asking the Privy Council to urge Lynn and the port towns to pay the full cost of the deployment.<sup>195</sup> He complained that he had already been trying for fourteen days (the manuscript originally claimed fifteen days) to get a decision from the Board of the Admiralty, but the Admiralty Court had not met. The captain urged the Privy Council to ask Lynn and Boston to give reason why they should not pay in full.

Two crew of the ship, Abraham Sampson (boatswain) and William Caine (gunner) wrote to the Commissioners of the Navy and Admiralty.<sup>196</sup> They urged full payment so “that our children may not suffer misery”. The petition, dated 1 April 1631, is endorsed “The petition of Sampson and Caine, boatswain and gunner in the *4th Whelp* [sic.] for their wages from Kings Lyn for 17 weeks”. Captain March, in a petition to the Lords of the Admiralty dated 5 April 1631, dismissed the two men as “imbecile and weak people” who

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<sup>192</sup> CSPD 1629-30, p.178.

<sup>193</sup> CSPD 1629-1631, p.372, 2 November 1630.

<sup>194</sup> SP16/187/11.

<sup>195</sup> SP16/187/11.

<sup>196</sup> SP16/188/6.

“complained without cause”.<sup>197</sup> Nevertheless, despite this claim, Captain March met Lynn representatives (the latter told the Privy Council this on 18 April) and explained the situation to them.<sup>198</sup> He appears not to have made any headway. On 28 April, the captain again wrote to the Privy Council (or rather to its clerk, Nicholas) urging that an immediate letter be sent to the boroughs.<sup>199</sup> He offered the services of his own messenger, Roger Bungay, to take the letters to the coastal towns and advised that it was no use writing to the current mayor of Boston because he was going out of office before the letter could reach him. Instead, wrote Captain March, the letters should be sent to Sir Anthony Erby and Mr Houghton; another should go to Sir Hamon L’Estrange, then governor of Lynn. But it was Sampson and Caine’s petition rather than the captain’s which provides evidence that action, somewhat belatedly, was taken. Sampson and Caine’s petition was endorsed with a note dated Portsmouth 3 August 1631 setting out that the petitioners were still owed £15 16s 9d accrued while *The Fourth Lion’s Whelp* was in harbour at Lynn.<sup>200</sup>

This series of petitions relating to *The Fourth Lion’s Whelp* illustrates that petitioning was a complex matter. While the crew needed the support of their captain to get a satisfactory result, the same need for support also applied to the captain. Yet the latter needed to press the case in language which suggested to his superior officers that he was in control of the situation, conscious of his superiority over his subordinates and certainly not in collusion with them.

The evidence from such petitioners demonstrates the complexities and frustrations in which negotiations could become enmeshed and the real suffering caused to actual people by disputes and delays.

Some petitioners had less need to find support, as their potential value to the crown was self-evident. In May 1635, former Mayor of Lynn, Thomas Milner (or Miller) petitioned the Lords of the Admiralty. He had found himself imprisoned accused of improper conduct in pressing men for service in coastal protection vessels. His petition said that he had already been in prison for ten days and he called on their Lordships either to bring him

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<sup>197</sup> CSPD 1631-33, p.3.

<sup>198</sup> CSPD 1631-32, p.313.

<sup>199</sup> SP16/188/6.

<sup>200</sup> CSPD 1631-32, p.24.

to examination or let him go.<sup>201</sup> Milner's troubles were precipitated when three mariners, John Howson, Christopher Aldington and Jeffrey Dobbin of the *James* gave evidence that Alderman Milner, a Justice of the Peace, had arranged for unsuitable substitutes for men already impressed. Milner's petition brought action. He was examined by representatives of the Navy Office who reported back to the Lords of the Admiralty.<sup>202</sup> Milner was questioned about the accusations that he had substituted 'insufficient' men to replace others already pressed. His answers were, the officers reported, "onely negative and that the fellows do him injury in their accusations". Why the accusers should do that, said the investigators, they could not understand.<sup>203</sup> They concluded that Milner could not be entirely absolved from blame, but they and the Lords of the Admiralty agreed that he would be more useful to the crown as a free man than as a punished one. Milner pledged he would do all he could to help his majesty in future and returned to his duties at King's Lynn. The incident seems neither to have damaged his reputation nor his wealth, but it may well have damaged his health. Hall Book 8 shows that Milner was frequently marked absent in 1637. Nevertheless Alderman Milner was elected to serve a second term as Mayor of King's Lynn in 1638, ten years after his first mayoralty. He died in office.<sup>204</sup>

### **Ubiquity: A question answered**

This examination of some of the bureaucratic sources relating to King's Lynn and West Norfolk has shown that petitions were used extensively by people from all kinds of social backgrounds. But while petitioning was ubiquitous it was by no means universal; an unknowable number of men and women were filtered out during the long complex processes of petitioning. Nevertheless the system, despite its uncertainties and complexities, was widely understood and turned to in time of need. In the following section, petitions will be examined in more detail to show how petitioning was used to take forward political arguments and challenge bureaucratic decisions in a circle of

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<sup>201</sup> CSPD 1635, pp.89, 289, 59.

<sup>202</sup> SP16/289/78 dated Deptford 30 May 1635. Navy Office paper.

<sup>203</sup> Henry J. Hillen, King's Lynn, Vol. 1, p.339 says that the investigation also heard from four men physically unfit for service who were nevertheless impressed.

<sup>204</sup> At the time of Lynn's declaration for the King in August 1643, the borough turned to Milner's widow, Priscilla, for financial help. She made £300 available, but the post-siege Corporation then worried about what might happen to the debt if she should die before the council had repaid it. Negotiations were entered into and eventually the Corporation exchanged some land at Islington in Marshland in settlement of the debt (NRO KL/C 7/10, ff.123 & 340v).



asymmetrical reciprocity and, in so doing, consolidated collective values and individual reputations.

## CHAPTER THREE: POWER RELATIONS AND SOCIAL VALUES

### 3.1: A Norfolk Network of Arbitrators: Bacon and the Circularity of Benefit

In Chapter Two I asked how and by whom petitions were used. In Chapter Three I ask what those petitions reveal of power relations and social values prevalent in King's Lynn and West Norfolk. Primarily petitions were concerned with seeking remedies for individuals or groups of individuals, but through a detailed study of two very different sets of records I will attempt to show that petitions:

- established reputations
- contributed to the generation of a circle of asymmetric reciprocity
- influenced policy development
- facilitated challenges to power
- reinforced established social values.

The first section will use the records mentioned above in Chapter Two, the notebooks of one Master of Requests, Sir Roger Wilbraham, together with the published papers of Sir Nathaniel Bacon to show the close involvement of petitioners in local and central politics and political activity.<sup>205</sup> I hope to be able to show that petitions rooted politics and politicians into local communities. I will argue that even the most humble and mundane of petitions contributed to the reputation of Bacon and therefore to his standing and influence within the political community, both in Norfolk and London. The second section, by looking in considerable detail at petitions to Quarter Sessions, explores the concerns and values revealed by those petitions.

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<sup>205</sup> R.W. Hoyle (ed.), Heard Before the King; A. Hassell Smith, Gillian M. Baker & R.W. Kenny (eds.), The Papers of Nathaniel Bacon of Stiffkey: I 1556-1577 (Norfolk Record Society, 46, Norwich 1979) - hereafter Bacon Papers I; A. Hassell Smith & Gillian M. Baker (eds.), The Papers of Nathaniel Bacon of Stiffkey II 1578-1585 (Norfolk Record Society, Norwich, 49, 1983) - hereafter Bacon Papers II; A. Hassell Smith & Gillian M. Baker (eds.), The Papers of Nathaniel Bacon of Stiffkey III 1586-1595 (Norfolk Record Society, 53, Norwich, 1983) - hereafter Bacon Papers III; Bacon Papers IV; Bacon Papers V. A selection from the Bacon Papers was published earlier: H.W. Saunders (ed.), The Official Papers of Sir Nathaniel Bacon of Stiffkey, Norfolk as Justice of the Peace, 1580-1620. (Camden 3<sup>rd</sup> Series, 26; London, 1915) and also by F.W. Brooks (ed.), "Supplementary Stiffkey Papers" in Camden Miscellany 16 (Camden, 3<sup>rd</sup> Series, 52; London, 1936).

## A network of Norfolk arbitrators

We have seen in the previous section that the crown received many thousands of petitions. Often these were of a mundane nature, concerned with relief for debt or the resolution of disputes over wills. I suggest that even the most mundane of petitions contributed to the generation of a circle of asymmetric reciprocity within which questions of political sensitivity and significance were raised and negotiated. I will first use Wilbraham's notebooks and the papers of Sir Nathaniel Bacon to show the existence of an informal network of arbitrators, rooted in their neighbourhoods but known at Court. Through detailed consideration of the Bacon Papers, I will show how acting as an arbitrator built reputations that could be turned into political credit and generate obligations of reciprocity.

To maintain its own reputation for wisdom and generosity (and to generate obligations of reciprocity), the crown needed to be able to respond to all the petitions it received. Mention has already been made of the processes through which responses were developed and channelled. We have seen that men of local stature were commissioned to facilitate this work. Hoyle states that "the normal course of action" was to refer disputes to commissioners named by the plaintiffs and defendants.<sup>206</sup> It is not in fact clear that this was 'normal' practice. In the Court of Duchy Chamber, which operated in a very similar manner to the Court of Requests, names of gentry commissioners merely had to be agreed by the plaintiffs and defendants and were usually drawn from "a panel of reliable commissioners".<sup>207</sup> It is safe to assume that in the Court of Requests men nominated by either party would not have been named as commissioners unless the Master of Requests handling the petition deemed them both appropriate and acceptable to the crown.<sup>208</sup>

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<sup>206</sup> R.W. Hoyle (ed.), Heard Before the King, p.xviii.

<sup>207</sup> William D. Shannon, "'On the left hand above the staire': Accessing, Understanding and Using the Archives of the Early-modern Court of Duchy Chamber", Archives 35 (2010), p.26.

<sup>208</sup> In some instances, Wilbraham records that "defendants" were invited to name two arbitrators 'econtr'; (R.W. Hoyle (ed.), Heard Before the King, p.44, item 631 for example) but the entries do not suggest that petitioners themselves regularly nominated arbitrators. As will be seen below when the Bacon Papers are considered, in one or two instances plaintiffs do expressly ask for Nathaniel Bacon and others to serve on an arbitration commission, but this was far from universally the case. In one instance it is apparent that Nathaniel Bacon was named as an arbitrator by the defendant after the Master of Requests had named the commission at a stage when the defendant had the right to name

Both the names of the commissioners and the plight of debtors and other petitioners become very familiar in the pages of Wilbraham's register. Two of the named arbitrators, Sir Arthur Heveningham and Nathaniel Bacon, were among the most frequently called upon by the Masters of Requests and Privy Councillors. By identifying those with whom they served, it is possible to reconstitute a network of Norfolk justices and gentry and the petitions with which they dealt. I hope to be able to show in the pages which follow how Wilbraham's register, taken together with Bacon's own records, the Bacon Papers, can reveal not only nearly 100 petitions from Norfolk people but a network of 80 or more gentry and magistrates through which the petitioners' relationships with the Court were mediated. A table which sets out to identify this network of Norfolk arbitrators appears as Appendix 4.1. The nature of the network and the implications of the work that arbitrators undertook will be considered below.

Nathaniel Bacon was already well-established as someone to whom central authorities turned as an arbitrator by the time Wilbraham began keeping his register in 1603. In that register, Bacon's name is linked with those of another sixteen men as arbitrators in eight cases. Those men in turn appear in lists of other arbitrations which did not include Bacon, but clearly consisted of men associated with Norfolk. The process can be taken to a third and fourth order before the links with Norfolk become attenuated. Through this process and by including eight other names similarly linked with Bacon's prior to 1603, a cohort of about 76 arbitrators can be constructed.<sup>209</sup> Several arbitrators were named by right of office because of their specific roles in a named community; for example, the Mayors of King's Lynn, Norwich and Great Yarmouth.<sup>210</sup> Fewer than half the arbitrators were or had been Justices of the Peace. This suggests that local knowledge, reputation and standing

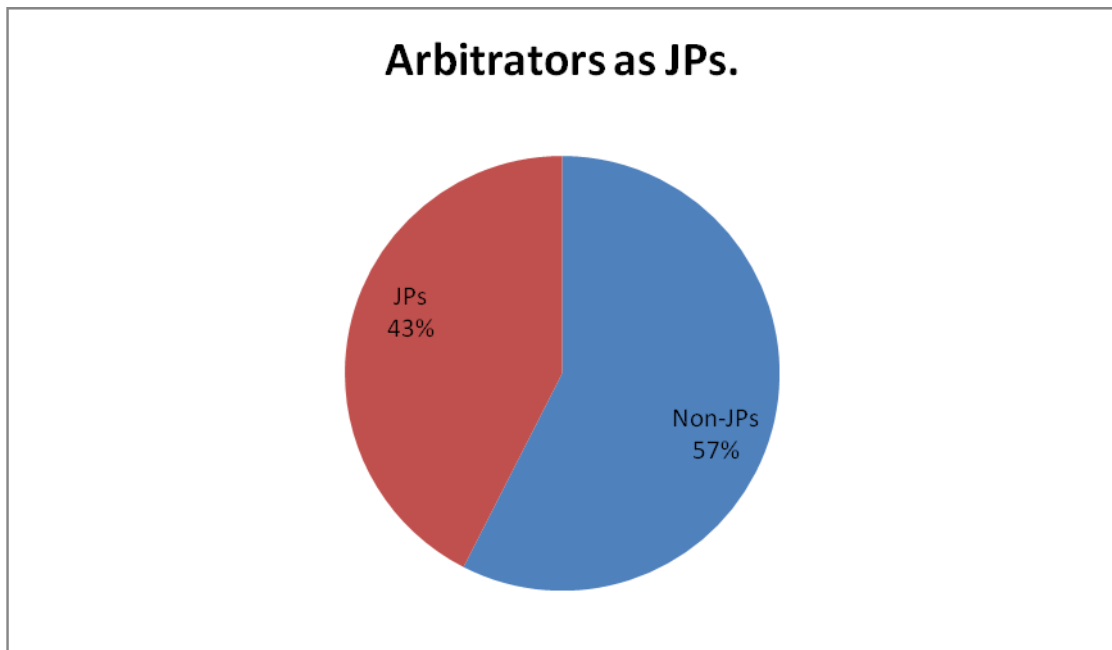
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"his people" (Bacon Papers V, pp.121-2 and R.W. Hoyle (ed.), Heard Before the King, item 493, Hall versus Banks and Tonge). So far as the acceptability of arbitrators is concerned, there is at least one possible exception: a Christopher Benifield is named to serve with Sir Nathaniel Bacon and others, (R.W. Hoyle (ed.), Heard Before the King, p.60, item 855). It is possible that 'Benifield' is a mis-writing of Bedingfield. The Bedingfields of Oxborough were disbarred from public service by their adherence to the Catholic faith. The issue of selection of arbitrators impacts on considerations of the political involvement of petitioners and thus of hegemony. It will be returned to at the end of this section.

<sup>209</sup> The names have been extracted from the indexes of R.W. Hoyle (ed.), Heard Before the King and the Bacon Papers and appear in Appendix 4, Table 1. Analysis of Bacon Papers V shows that at least half of the 76 arbitrators were linked with Bacon through petitionary arbitrations during the first four years covered by Wilbraham's register. While the register covers 1603-1616, the published Bacon Papers currently only run to 1607.

<sup>210</sup> Those named as serving by right of office are not included in the Table of Arbitrators (see Appendix 5, A Network of Norfolk Arbitrators, p.348).

counted as much as official, Court-approved status.<sup>211</sup> The fact that fewer than half of the network's members (31 of the 73) were Justices of the Peace is scarcely surprising.



**Figure 3.1: Arbitrators as JPs**

*The majority of the cohort of arbitrators in the cohort were not JPs. Of the cohort, 22 men had enhanced status within the community: twelve served as Knights of the Shire and eleven as sheriffs; five, like Dr. Robert Redman were eminent lawyers.*

A. Hassell Smith says that some 424 gentlemen were established in Norfolk in 1580.<sup>212</sup> There was strong competition for places on the Commission of the Peace, with families maintaining links with the Court to promote their candidates.<sup>213</sup> Hassell Smith identifies fourteen 'magnate' families established in Norfolk by the beginning of Elizabeth's reign.<sup>214</sup> Of the arbitrators in our cohort, eleven can be identified as from these magnate families. But as Hassell Smith shows, the ranks of magnate families were thinned by religious controversy and economic change. Though our cohort includes several names (for example, Lovell and Heydon) from families whose powers had diminished, it includes several more from families who had moved into the county and established power bases

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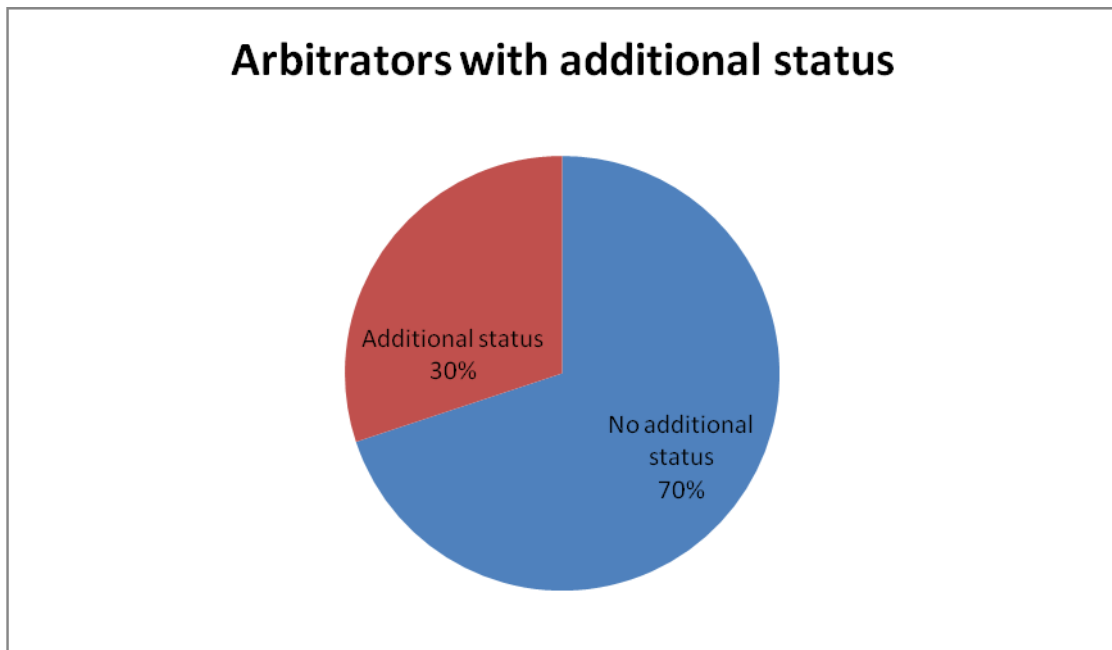
<sup>211</sup> A. Hassell Smith, County and Court, Appendices.

<sup>212</sup> A. Hassell Smith, County and Court, p.53.

<sup>213</sup> A. Hassell Smith, County and Court, p.61.

<sup>214</sup> A. Hassell Smith, County and Court, p.52.

there. These include the Bacons of Redgrave and Stiffkey, the Gawdys of Harling and the Heveninghams.<sup>215</sup>



**Figure 3.2: Arbitrators with Additional Status**

Hassell Smith discusses in detail the factions and disputes between the Norfolk gentry. Two major divisions were between those who supported the Court, even where doing so might go against county interests, and those who tended to put their county interests first. It was a crucial division, particularly impacting on attitudes towards the generation of income for the crown in the form of licences, monopolies and fees. The other division was over religion. Recusancy resulted in the exclusion from power and influence of the Bedingfields of Oxburgh. Others were ‘suspect’ but continued to be named on arbitration commissions. These included Sir William Yelverton of Bayfield and William Rugg of Felmingham who married into the magnate Townshend family. Rugg was described as “backward in religion”, but clearly his connections weighed more heavily than his questionable beliefs when the names of arbitrators were being decided.<sup>216</sup> Another described as “backward in religion” was John Pgrave of North Barningham. John Pgrave’s saving grace was his legal expertise and his standing in the legal world (he was

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<sup>215</sup> A. Hassell Smith, *County and Court*, p.52.

<sup>216</sup> A. Hassell Smith, *County and Court*, p.58 (for Yelverton) and pp.226 & 284 (Rugg).

Treasurer of the Inner Temple).<sup>217</sup> The inclusion of others in the lists (the Bishop of Norwich, William Redman, for example, and the Diocesan Chancellor, the distinguished lawyer Dr. Richard Redman [or Redmayne]) was most definitely because of their religious positions rather than in spite of them. Others of strong Protestant views were listed: Sir Edward Lewkenor, a Sheriff of Norfolk but originally a puritan leader from Suffolk, and John Rawlins, a puritan rector of Attleborough. Nathaniel Bacon of Stiffkey himself was undoubtedly a leader of the forward Protestants and three men (Sir Robert Jermyn, Sir John Higham or Heigham and Sir Robert Ashfield) who were busy members of the Suffolk cohort of arbitrators, were closely associated with the group of influential Protestant gentlemen who lived in the vicinity of Bury St. Edmunds.<sup>218</sup> Hassell Smith describes in considerable detail the divisions between Protestant gentry in East Anglia.<sup>219</sup>

Agreement on religion did not ensure good relations between individual arbitrators. Sir Arthur Heveningham and Sir Nathaniel Bacon were united on religion but divided on many other issues, being on opposite sides in the ‘court versus county’ factional conflicts. Although equally in demand as arbitrators, they are nowhere listed together in Wilbraham’s register. Hassell Smith describes Heveningham as “irascible and unpopular, a catalyst for strife and discontent”. To his kinsman Philip Gawdy, Bacon was “honest Nathaniel Bacon”. Gawdy could hardly contain his glee when Heveningham, despite all the gifts he had made and flattery he had distributed at Court, failed to be picked as Sheriff in 1593.<sup>220</sup> Unlike Bacon, Heveningham was constantly rejected in his attempts to become a Knight of the Shire.<sup>221</sup>

### **Nathaniel Bacon: an arbitrator’s work**

Wilbraham’s register, intermittently kept and partial record that it undoubtedly is, nevertheless offers insights into the processes by which the crown coped with the many thousands of petitions which came its way each year. The published papers of Nathaniel

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<sup>217</sup> A. Hassell Smith, *County and Court*, p.226.

<sup>218</sup> A. Hassell Smith, *County and Court*, p.203.

<sup>219</sup> A. Hassell Smith, *County and Court*, Chapter Ten, pp.201-228.

<sup>220</sup> Isaac Herbert Jeayes (ed.), *Letters of Philip Gawdy of West Harling, Norfolk and of London to Various Members of His Family, 1579-1616* (London, 1906), pp.65, 74, 76 & 78. The successful name was that of Philip’s brother, Bassingbourne Gawdy, junior, Sheriff of Norfolk 1593-94.

<sup>221</sup> A. Hassell Smith, *County and Court*, pp.69 & 330.

Bacon reveal how those processes impacted on the chosen arbitrators. We have seen that Bacon was one of the Norfolk network of arbitrators most frequently named in Wilbraham's register. In this section, I will explore Bacon's involvement in petitionary negotiation in more detail, before reaching some conclusions about the political importance of petitioning and of the arbitration process.

During his long years of public service, Bacon (or more accurately, his clerk, Martin Man) was a meticulous keeper of records. Bacon's archive was dispersed after his death, but has been tracked down piece by piece over the past 40 years with the finds transcribed, annotated and published by Norfolk Record Society in a series of volumes, the latest of which, volume five, was published in the autumn of 2010.<sup>222</sup> There can be no argument that the collection thus reassembled constitutes "undoubtedly the most complete and detailed studies of the activities of an important county gentleman..."<sup>223</sup>

Nathaniel Bacon (?1546-1622) was the second son of Lord Keeper Sir Nicholas Bacon and his first wife Jane, daughter of Thomas Ferneley, a Suffolk merchant. Sir Nicholas died in 1579. Educated at Trinity College, Cambridge and Gray's Inn, Nathaniel Bacon inherited and built upon an extensive network of court connections. He was related by marriage to many prominent members of Elizabeth I's court, including William Cecil, Lord Burghley. Nevertheless, Bacon himself remained essentially a county figure never seeking any court office. That did not preclude him being a member of five of Elizabeth's Parliaments and one of James's. He served as MP for Tavistock in 1571 and 1572, was one of the Knights of the Shire for Norfolk in 1584, 1593 and 1604, and MP for the borough of King's Lynn in 1597.

Bacon lived in Norwich and then Cockthorpe before building Stiffkey Hall, a few miles further west of Cockthorpe, and moving there in 1573. Cockthorpe was one of the small villages around the extensive harbours and creeks of Wiveton, Cley and Blakeney on the North Norfolk coast.<sup>224</sup> Bacon very quickly accrued commissions from the crown. He became a Justice of the Peace in 1574 and was subsequently a Commissioner of Musters,

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<sup>222</sup> For details of Bacon Papers see p.56, fn. 203.

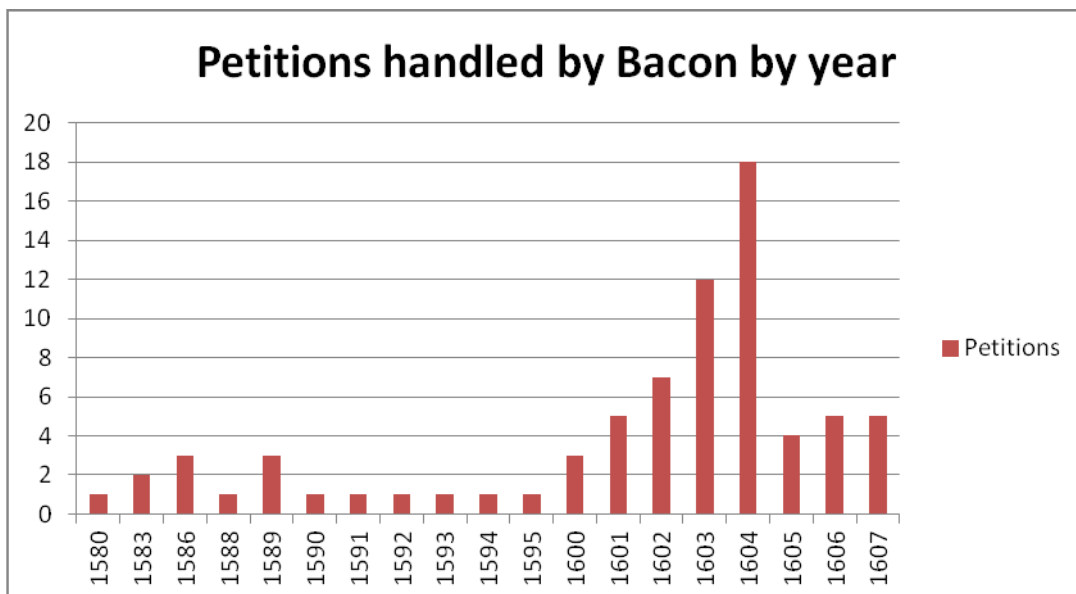
<sup>223</sup> Bacon Papers I, p.xv.

<sup>224</sup> Jonathan Hooton, The Glaven Ports: A Maritime History of Blakeney, Cley and Wiveton in North Norfolk (Blakeney, 1996).



for corn exports and for subsidy collection. He twice served as Sheriff of Norfolk, but despite all that service was not knighted until the new reign in 1604.<sup>225</sup>

On the basis of the evidence published in Bacon Papers I-IV, in the years from 1573 to 1602, Bacon appears to have received only 33 petitions. Most years he would get one or two, but in several years none are recorded at all. There is some evidence to show that more petitions were being sent to him around the end of the century rather than earlier. The numbers are still small, but hint at his increasing standing and status. In turn, as his status increased so did the number of people turning to him for assistance.<sup>226</sup> A small number of petitions were sent to him directly by the petitioner or petitioners. In a very few cases, Bacon was asked to use his powers and status (for example as Knight of the Shire, a member of Quarter Sessions and as Commissioner for Musters) as an advocate.<sup>227</sup> But from the beginning of James's reign and his election as Knight of the Shire for Norfolk in James's first Parliament, Bacon's petitionary workload more than doubled. In just four years, 1603-1607, he was involved in at least 38 more. The histogram below illustrates dramatically this increase.



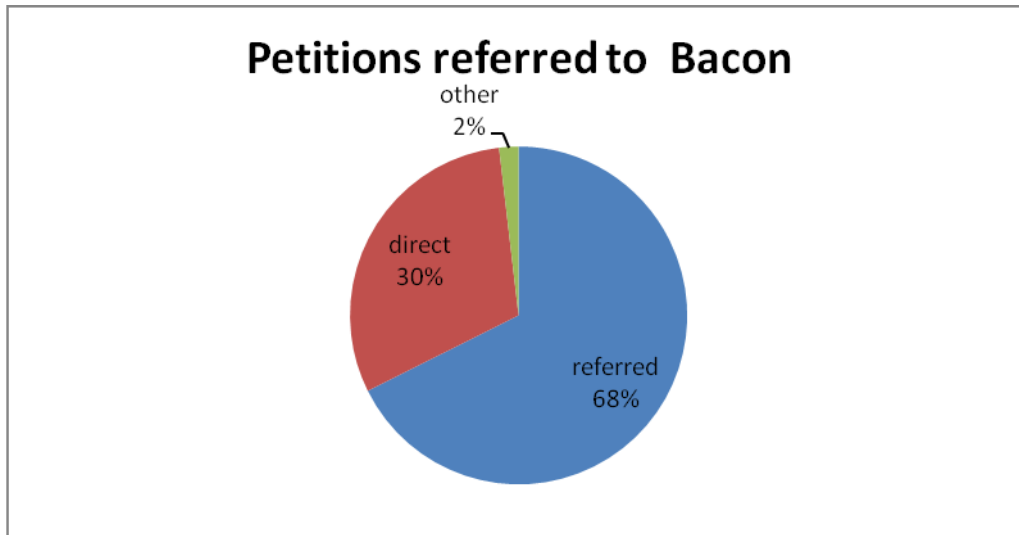
**Figure 3.3: Petitions Handled by Bacon by Year**

<sup>225</sup> Bacon Papers I, pp.xvi-xvii. The Introduction gives extended biographical notes and a family tree.

<sup>226</sup> Years with three petitions or above: 1586 (3), 1589 (3), 1600 (3), 1601 (5) and 1602 (7).

<sup>227</sup> Bacon Papers III, p.261 (petition to Quarter Sessions); Bacon Papers III, p.224 (to Bacon as MP); Bacon Papers IV, p.288 (to Bacon as Commissioner for Musters).

While a large number of the petitions handled by Bacon were sent to him directly, a substantial majority were referred to him by the Masters of Requests or by other senior officers of the crown. The chart below illustrates this.<sup>228</sup>



**Figure 3.4: Petitions Referred to Bacon**

The process of commissioning local justices to investigate and act upon petitions was one at the heart of the work of the Court of Requests.<sup>229</sup> It is possible that some of the earlier petitions in the Bacon Papers also arrived with Bacon as part of this process, but the wording of letters requesting Bacon's assistance do not make this evident. Whether the arbitrator was commissioned by the Privy Council, the Master of Requests or a court, the basic procedure remained the same. Bacon and his colleague or colleagues were expected to interview the petitioner, those complained of and witnesses, bringing them together if that was thought helpful, to assess the arguments, to reach a settlement at their discretion and to report back. Though the system worked to a formula, it was flexible in its interpretation and was predicated on finding solutions rather than assigning guilt or innocence. The final decision, if there was to be one at all, rested elsewhere. This flexibility means the process can be described as 'negotiative'.

Bacon was a man of strong views and commitments. Whenever his name was put forward as an arbitrator, petitioners could be certain they were getting a man who knew the stresses, strains and ambiguities of the Norfolk political environment from the inside. And

<sup>228</sup> Bacon was also, on two or three occasions, the petitioner.

<sup>229</sup> I.S. Leadam (ed.), Select Cases, p.xiii.

central authorities always had the assurance that, whatever Bacon might propose by way of settlement, they and they alone retained the last word.

In the coming pages I will consider how these principles are reflected in a selection of the petitions on which Bacon was approached. The first examples will show the kind of case on which Bacon built his reputation as someone who could be relied upon to bring local and legal knowledge and expertise to bear on complex matters. Later examples show him involved in those issues which were plainly of vital interest to politicians in the county and at court, and which further enhanced his reputation.

### **Responsiveness to neighbours: the foundations of reputation**

Bacon received what appears to have been his first recorded petition in 1578. Petitions are usually clearly labelled as such by the petitioner. While the appeal for help to Bacon from Robert Shorting lacks that self-description, it follows a well established style.<sup>230</sup>

Shorting's letter begins with the habitual "Whereas" and ends with the formula frequently used in petitions, "Yours all bounden to pray [for] you durin[g] life". Bacon is addressed as "the worshipfull Nathaniel Bacon, esquier, at Cockthorpe" and the paper is dated 27 May 1578. Shorting was in prison. He had asked Bacon for help before and the only explanation for Bacon's failure to respond was that he had "not sene the same".<sup>231</sup> Now Shorting redoubled his appeal. He especially asked Bacon to prevail on the prison keeper, Mr Bradshaw, to mitigate his demands on Shorting. Bradshaw was not only demanding that Shorting paid for his provisions while he was actually in prison, but also when he was not!<sup>232</sup> Shorting asks Bacon to impress on Bradshaw the need to be "reasonableyer" or Shorting and his "cosang Harrison shall both be undone". The editors identify the petitioner as a Robert Shorting who held land in Bacon's own parish of Cockthorpe and in the neighbouring parish of Morston. They identify "cosang Harrison" as probably John Harrison, yeoman of another neighbouring parish, Langham. If that latter identification is

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<sup>230</sup> Bacon Papers II, p.9. The editors indicate that the original is damaged and the surname in the signature incomplete. It is possible that the word "petition" was also lost.

<sup>231</sup> Bacon Papers II, p.9, line 5.

<sup>232</sup> Bacon Papers II, p.9, line 4, "the tyme of my absens".

accurate, Shorting's cousin not only survived despite Shorting's fears but thrived. Bacon leased Harrison lands, sheepcourses and two manors in December 1581.<sup>233</sup>

The petition dates from early in Bacon's public life and is one of comparatively few addressed directly to him during his career. There is a clear expectation on Shorting's side that Bacon's local status and social standing required a response to the pleas of a neighbour in difficulties. The case also reminds us that Bacon could and did have complex relationships with his 'clients', and he could rarely have been an entirely dis-interested participant in the enquiries he was asked to lead. However, it was this rootedness in his locality that was to make Bacon particularly useful to central government as it sought to respond to the petitionary demands made upon it.

Bacon's rootedness in his locality was enhanced by his appointment by the crown as a Justice of the Peace for the County of Norfolk. That appointment was determined by his existing reputation and by support from friends and family with court connections. It also presented him with many opportunities for extending his reputation and the numbers of people under an obligation to him. As a Justice of the Peace and member of the county bench, Bacon would have seen many petitions addressed to Quarter Sessions of the kind analysed in the next section.<sup>234</sup> Some were retained in his personal archives. One such petition was the plea from John Platten and his wife who had been evicted from their home in Aldborough and sought somewhere to live and relief "in this there owld age".<sup>235</sup> As a JP he would have been responsible for approving petitions for alehouses in his area, such as those from Warham and Bodham.<sup>236</sup>

Another petition to Quarter Sessions had more extensive ramifications. There are indications that Bacon played an active role in its production and promotion. Ostensibly the petition, signed by 'Thomas Cooke' (Coke) and others on behalf of a number of "small bakers", was addressed to Norfolk Quarter Sessions in or about 1594.<sup>237</sup> From the number of notes and memoranda in the Bacon Papers, Bacon must have become involved in the case in some way beyond his duties as a member of the county bench. Most probably it

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<sup>233</sup> Bacon Papers II, pp.193-4.

<sup>234</sup> Section 3.2, *Norfolk Quarter Sessions, Challenging Decisions, Setting Values*, p.87.

<sup>235</sup> Bacon Papers V, pp.17-18.

<sup>236</sup> Bacon Papers V, p.183 (Warham) and p.287 (Bodham).

<sup>237</sup> Bacon Papers III, p.262.

was referred to Bacon as the petitioners' 'local' Justice of the Peace. The primary petitioners were Thomas Coke of Cley, Thomas Fytt of Hunworth and Thomas Speller of Stiffkey, each of them 'Bacon's people'. Coke and Speller were near neighbours of Bacon and almost certainly known to him. Hunworth also was very much within his geographical sphere of interest. It is possible that the three consulted and worked with their local Justice of the Peace before petitioning Quarter Sessions. The case involved complaints against over-zealous enforcement of regulations and will merit further attention later in this section.<sup>238</sup> Similarly, when the townsmen of Alethorpe petitioned the Norfolk bench in mid-July 1604, they made it clear they were doing so on the advice of the county's MP, Sir Nathaniel Bacon.<sup>239</sup> Such prior interaction between Bacon and by those in his locality was a factor in many of the petitions referred to Bacon by Wilbraham and Caesar and other Privy Councillors.<sup>240</sup> Such work with or for his local people was an integral element in the reputation for responsiveness that was to underpin Bacon's more overtly political activity.

A person's religious affiliation or reputation materially affected their contribution to the community. Bacon's reputation for 'strong' or 'advanced' Protestantism no doubt influenced his nomination as an arbitrator on many occasions. One petition from early in Bacon's public career makes overt appeals to his religious sensibilities. Henry Stutfield nominated Nathaniel Bacon, together with other leading Protestants, when he petitioned the Privy Council for protection. Stutfield claimed that his Catholic landlord was attempting to raise the weekly fines he had to pay for his recusancy by forcing Stutfield into debt, impounding his animals in default of payment and selling them off below value. Stutfield's petition denounced the obstinate recusancy of the landlord, Downes of Great Melton and his "ungodly", "horible" and "detestable" opinions, while asserting the petitioner's own loyal Protestantism. But whatever Bacon's inherent sympathies towards a co-religionist (and possibly even an implied obligation to help him) Stutfield was not to

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<sup>238</sup> Ten years later, Bacon as MP was petitioned by Norfolk master bakers that this law was not being enforced strictly enough. They asked Bacon to seek a tightening up on enforcement (Bacon Papers V, p.87).

<sup>239</sup> Bacon Papers V, p.112.

<sup>240</sup> Bacon Papers V, p.50, Edmund Newby of Warham; p.56, Walter Sheltram of Walsingham of whose 18 creditors 12 lived within a three mile radius of that town; pp.119 & 125, Thomas Haylock whose most determined creditor was William Tidd of Wells. A meeting of creditors was held at Bacon's residence, Stiffkey Hall, in 1605 (p.198).

gain instant satisfaction or even, to his own way of thinking, satisfaction of any kind. Perhaps even that redounded to Bacon's credit in the eyes of his neighbours.

No doubt Bacon's neighbours, the villagers of Wiveton, would have turned to him for help automatically as the local gentleman and Justice of the Peace when all was not well with their village charity.<sup>241</sup> Possibly acting on Bacon's advice, the inhabitants of Wiveton petitioned Lord Chief Justice Popham as a Justice of Assize for the Norfolk circuit. Popham asked Bacon and Mr Henry Spelman to investigate. Bacon's reputation for uprightness and willingness to devote long hours to resolving local issues must have made his appointment welcome to the villagers. The petitioners claimed that John Kinge had gradually acquired control over the village charity and its paperwork (the paperwork had been taken out of the town chest) and misappropriated income due to the fund. Bacon received a package of documentation from Popham at the beginning of July 1602. He made a memorandum of what needed to be done on 14 July.<sup>242</sup> By 4 December 1602 he was able to make a memorandum ordering Kinge to make sure that £18 7s 9d was back in the town chest by Twelfth Night, together with all the papers relating to the charity.<sup>243</sup> That might well have been the end of the matter, but Bacon also demanded that all bonds and notes of debts relating to Wiveton stock should also be brought to Bacon by 6 January 1602/3.<sup>244</sup> Memoranda which followed suggest that at least 29 further items (some related to the charity, others not) sprang from Bacon's original investigation of the Wiveton accounts.<sup>245</sup> One wonders if Bacon's reputation for upright and efficient dealing continued to endear him to the parishioners.

Normally any arbitrator could rely on the gratitude of his client, and gratitude bred an obligation to reciprocate in some measure whenever the opportunity arose. This was articulated in a letter from Bacon to his half brother Sir Francis Bacon.<sup>246</sup> The letter had been sought in a petition to Sir Nathaniel Bacon from the bailiffs and sundry inhabitants of Southwold. The petitioners were involved in an arbitration to be heard by Sir Francis. They feared they would not get a fair hearing because of past connections between both

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<sup>241</sup> Bacon Papers IV, pp.269-270 and Bacon Papers IV, p.271, an extract from the charity's original deed.

<sup>242</sup> Bacon Papers IV, p.272.

<sup>243</sup> Bacon Papers IV, pp.297-298.

<sup>244</sup> Bacon Papers IV, p.298.

<sup>245</sup> Bacon Papers IV, pp.298-301.

<sup>246</sup> Bacon Papers V, pp.260-261, October 1606.

Bacons and their opponent in the case, Richard Gooche. All the petitioners wanted was a fair hearing and for Sir Nathaniel to urge Sir Francis to give them one. That he did, but only after he had interviewed both sides himself and come to the conclusion that Gooche was at fault. He urged Sir Francis to listen to both sides of the argument and try to make peace between the parties. He added that the townspeople would then have cause to be beholden to him “and I also take it kindly at your hands”.<sup>247</sup>

We have seen that reputation (credit) mattered to Bacon. But reputations are always vulnerable. No doubt Bacon gained credit from the good people of Alethorpe when he assisted them with their dealings with Wylliam (William) Dye.<sup>248</sup> Dye suppressed Bacon’s rate assessments for the village and imposed his own. Moreover, he beat and abused his own livestock—“it is incredible that any Christian should offer the like unto dum beastes”—and encouraged his sons and servants to “beate and abuse us his poore neighbours”. Behind all this aggression lay Dye’s determination to enclose and agriculturally improve parts of the village common and the multi-owned field strips. No doubt Bacon gained credit for helping the villagers take the issue to Quarter Sessions. But credit gained could easily be lost. Possibly within weeks of Alethorpe’s petition going to Quarter Sessions, Bacon himself was petitioned. The villagers of Eccles complained that Bacon’s farmers, John and Robert James, were behaving in much the same way as Dye, breaking and ploughing up heathland where, since time out of mind, villagers had had rights of common. And with a very humble menace, the petitioners warn (without any offence intended to be sure) that “we your poore tenauntes may trie that which we hope is our right”, implying they would take the issue to law.<sup>249</sup>

### **An arbitrator’s workload**

As Bacon’s reputation grew, so did his responsibilities and obligations. This inevitably meant a steady increase in the workload on his shoulders. Each petition, each act of arbitration, added to Bacon’s considerable workload. Some were more demanding than others. Bacon was asked by Sir Edward Coke, then Chief Justice of Common Pleas, to

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<sup>247</sup> Bacon Papers V, p.260.

<sup>248</sup> Bacon Papers V, pp.112-3.

<sup>249</sup> Bacon Papers V, p.115.

take on a petition from the heirs of John Moretoft.<sup>250</sup> John had deposited £40 with Thomas Thetford for use by his five sisters should they ever need it. Now that John was dead, the women, four married and one a widow, wanted their shares of that money but Thetford refused to pay it. The problem was that Thetford had loaned the money on. Bacon took up the case and had it sorted out in a matter of weeks. In total contrast, Bacon's involvement in administration of another will was to make work and trouble for him for several years. Much larger sums were involved, but so too were elements of complex patronage and obligation.

Bacon's involvement in the case of Penning versus Penning began when Bacon was Knight of the Shire for Norfolk in 1604.<sup>251</sup> His fellow MP was Sir Charles Cornwallis. Arthur Penning left his estate to his elder son Anthony. From that was to be deducted a legacy of £4,000 for his younger son, Edmund. Anthony Penning wanted to meet the legacy through a transfer of land and assets. Edmund's wife, Anne, who had served the Cornwallis family for ten years,<sup>252</sup> was determined to get every penny she could to ensure her husband had the standing in the world that he deserved. The subsequent arguments involved parliamentary committees, the Lord Chancellor and numerous meetings of the arbitrators who included both Bacon and Cornwallis. In August 1606 Anne Penning wrote to Sir William Cornwallis, brother of Bacon's fellow MP, Sir Charles (Sir Charles was by then Ambassador to Spain). At her behest, Sir William encouraged Bacon to stand by his duty to protect Anne's interests. Bacon's friendship towards him required no less and would be requited by a like act of friendship by Sir William should occasion demand. And with a barbed mix of threats and promises Sir William added that he was sure the Lord Chancellor would subsequently think well of Bacon for protecting the interests of a deserving woman.<sup>253</sup> Bacon did his best, but the affair continued to drag on for several years to come.

The to-ing and fro-ing seeking a satisfactory conclusion to the Penning dispute began in what was Bacon's busiest year. In 1604 he handled at least eighteen petitions. Four of these were sent to him as an MP. Another required a detailed investigation of a major estate. Two cases were related to actions in the Star Chamber. Others involved traders and

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<sup>250</sup> Bacon Papers V, p.243 together with pp.249, 250 & 253.

<sup>251</sup> Bacon Papers V, p.134.

<sup>252</sup> Bacon Papers V, p.250.

<sup>253</sup> Bacon Papers V, pp.250-1.



foreign merchants. One petition alleging mischievous litigation may in fact reflect Bacon's own determination to wrest a local rector from his living.<sup>254</sup> One petition, requesting the review of a decision of a manorial court, reminds us of Bacon's other responsibilities; in this case, his stewardship of the royal manor of Walpole in the Fens.<sup>255</sup> In addition, he was still taking on work relating to petitions to Norfolk Quarter Sessions.<sup>256</sup>

### **Supporting Court concerns**

Bacon's usefulness to the people of Norfolk required him also to be of use to the crown, and that usefulness needed to go beyond relieving Privy Councillors of some of the burden of responding to petitions. Bacon, like every Justice of the Peace, had a sworn responsibility to maintain law, stability and good governance within his county. Bacon's reputation for upright efficiency, discrete dependability and sheer capacity for work (as well as their mutual religious concerns and personal friendship) may have been what led Lord Justice Popham to ask Bacon on one occasion to act as his investigating officer rather than arbitrator.

Sir John, as Lord Chief Justice of England and Privy Councillor, contacted Bacon, and Bacon alone, on 4 February 1601/02. He shared two problems with his "very loving frind". The first was a petition from Emanuel Calliard, the second a report of an "outrage donne... in very ryotouse manner at Antingham". A link between the two was clearly present, as Popham said that some of those named in the petition were also involved in the second. Calliard's petition complained that there were too many alehouses in Cromer, that there were illegal games played in them and other misbehaviour. He and others had asked John Kempe of Antingham to take action against these alehouses. However, Kempe not only failed to act but, together with one Spillman (Spelman) and two constables, had connived at the offences. Calliard may well have spoken to Popham as well as handing him the petition. Certainly Sir John knew, when he wrote to Bacon, that there were nine alehouses in Cromer and that some of the constables were profiting from them. Bacon was

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<sup>254</sup> Bacon Papers V, p.111 and p.112 n.326. John Braddock complained of malicious action by a person unnamed, but identified by the editors as the Rev. James Pointer, Rector of Blakeney and Wiveton.

<sup>255</sup> Bacon Papers V, p.136.

<sup>256</sup> Bacon Papers V, p.112.

asked to investigate and to bind over the constables and others to appear at the next assizes. While we do not seem to have Popham's paper on the Antingham situation, the judge makes it clear that the incident was too serious to be allowed to "pass awaie without dewe examinacon". Popham asked Bacon to call the parties together, undertake a preliminary examination and "sufficient cause appearinge" seek sureties from those involved to appear at the next Norfolk Assizes.<sup>257</sup>

The cases show Bacon being commissioned to act as an agent of central authority in investigating what was potentially a serious dereliction of public responsibilities by constables and a Justice of the Peace, John Kempe. Bacon was being asked to act as magistrate in a one-man lower court, hearing evidence, making judgements, taking sureties and committing defendants and witnesses to the assizes. We do not know why Popham chose to ask Bacon to work alone on these cases rather than appointing "three or two" to serve together. But Popham undoubtedly felt that Bacon shared his own concern for the upholding of puritan morality and standards of good governance.

The Privy Council could be expected to be particularly interested when alerted to what threatened to be an escalating breakdown in peaceful relations, particularly when the breakdown involved substantial landowners in an area of the country notoriously difficult to govern. In 1587, Adam Robinson of Magdalen Bridge (a notoriously lawless part of the Fens) sent a petition to the Privy Council.<sup>258</sup> Robinson is described as a glasyer or glazier.<sup>259</sup> While Robinson was conveying a message from Sir William Heydon, Deputy Lieutenant of the county, to William Warner, Warner's men "with force of armes" and "hard threateninge speaches" detained him on Warner's property. Other disputes followed. In February 1588/9 the Privy Council commissioned Bacon to arbitrate. Bacon duly brokered a deal which was subsequently registered at Thetford Assizes a year later. Robinson v Warner is of interest because it shows how the formal process of petition, local mediation and then ratification by an Assize Court judge could reach a binding conclusion in a situation where both negotiation and force of arms (and even recourse to law) had apparently failed. The process had a flexibility that was lacking in recourse to law. As with all good negotiations, but not necessarily with cases in law, the process was

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<sup>257</sup> Bacon Papers IV, p.231 (letter) and Bacon Papers IV, p.230 (petition).

<sup>258</sup> Bacon Papers III, pp.76, 81 & 95.

<sup>259</sup> Given that the case was entirely about land and beasts, 'grazier' seems a more appropriate reading.

about discovering and reaching solutions to problems rather than identifying victors and losers, guilt and innocence. What was important was that a situation of potential conflict had been defused successfully.

### **Promoting local interests**

Petitions reveal something of the lobbying to which Sir Nathaniel Bacon was subjected as a member of Parliament. They also reveal his involvement in campaigning on key political issues affecting the county, and Bacon's archives provide petitions that are evidence of the way that the political 'grass roots' used this quasi-legal tool to try and affect policy determination and delivery.

Bacon's first membership of the House produced only one petition. In 1593 he received a petition from "The Commoners of Norfolk" urging him to work for the improvement of the clergy, a standard call of forward Protestants at the time and one to which the petitioners could expect Bacon to give support.<sup>260</sup> The first Parliament of the new reign, however, produced more petitions, several lobbying for renewal or revision of national policies. One petition, or more accurately, bundle of petitions, came from the creditors of Edward Downes. They were seeking a private bill to arrange the sale of Downes' land to repay debts.<sup>261</sup> A second petition, concerning a similar situation, concerned lands in Yorkshire.<sup>262</sup> Back in Norfolk, the fens and marshland had been devastated by a combination of river flooding and inundation by the sea. Marshland communities pointed out that other similarly devastated areas (in the West Country for example) had called for financial assistance in Parliament. His Norfolk petitioners asked Bacon to act similarly on their behalf.<sup>263</sup> At much the same time, forty inhabitants of Wells (the town's harbour was just a few miles from Bacon's home at Stiffkey) urged him to campaign for more vigorous support for the fishing industry.<sup>264</sup> In a well-structured petition, the inhabitants said that Wells depended substantially on fishing. The industry contributed to the crown and nation,

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<sup>260</sup> Bacon Papers III, p.244.

<sup>261</sup> Bacon Papers V, p.100.

<sup>262</sup> Bacon Papers V, p.84. It is possible that Sir Thomas Erskine, the petitioner, had personal connections which might give him to believe that Bacon was under an obligation to help his cause. It is also possible that Erskine was lobbying a number of MPs. And of course both might have been factors.

<sup>263</sup> Bacon Papers V, p.277.

<sup>264</sup> Bacon Papers V, p.78.

as every year Wells' fishermen had provisioned the late Queen with fish for her household worth £100. The industry not only offered employment to the people of Wells and its surrounding countryside, but also provided training in seamanship and navigation from which the whole country stood to benefit. However, demand for fish was so low and the price so cheap that fishing boats were being laid up rather than put to sea. Statutes were designed to support fishing; the obligation on all to eat fish every Wednesday and Friday should be more strictly observed.<sup>265</sup> Bacon received this petition in early March 1603/4. It was clearly intended to influence (or support) his personal agenda when Parliament met.

Comparable with fishing in its importance to the Norfolk economy was the growing and export of corn. Here, too, a determined effort was made through petitioning to affect the new King's attitude towards existing statutes. A trio of draft petitions concerning this effort exist within the Bacon archives.<sup>266</sup> Bacon was no doubt involved in their development, both as a member of the county bench of Justices of the Peace, prospective Knight of the Shire and commissioner for corn exports. As will be seen elsewhere in this section, he was a redoubtable opponent of the system of special licensing of exports and enforcement by informers that Elizabethan corn laws entailed. Bacon Papers V includes three petitions to the King from the county bench tentatively dated to November 1603. The drafts recall previous petitions attempting to lessen the impact of the rules on farmers and transporters. The statutes benefited some people, but were of disbenefit to the majority. The petitions sought either liberty from controls or adjustment of the price limits set by statute. The petitioners seem to have had some success: an Act of 1604 increased prices.<sup>267</sup> It was hardly a resounding victory. The county continued to argue against controls on corn exports through the coming decades and those campaigns will be looked at in a later section.<sup>268</sup>

Such petitions as these are surviving evidence of the dialogue between Bacon and his petitioners over matters of major concern to Norfolk 'interests'. What they do not reveal is to what extent Bacon himself was involved in the initiation of these petitions. That he was

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<sup>265</sup> Judith Middleton-Stewart, "'Down to the Sea in Ships': Decline and Fall on the Suffolk Coast" in Counties and Communities: Essays on East Anglian History, Carole Rawcliffe, Roger Virgoe & Richard Wilson (eds.), (Norwich, 1996), pp.69-85, writes of the pressures on the East Anglian fishermen.

<sup>266</sup> Bacon Papers V, pp.52, 53-55, 59-60 & 92-3.

<sup>267</sup> Bacon Papers V, p.54 n.143.

<sup>268</sup> Section 4.2, A Merchants' Manifesto, p.141.

so involved is certain. The fiscal failure of the Elizabethan state was, says Conrad Russell, one of the central issues confronting James and his English Parliament when the new reign opened.<sup>269</sup> “Administrative privatisation” of licensing and enforcement, together with the issue of compulsory purchase of food (purveyancing) at prices fixed, allegedly, 300 years earlier were seen as an alternative to consensual taxation, subsidies granted by Parliament. Though granted by Parliament, the subsidies were apportioned to individuals and collected by local commissioners. Petitions of the kind handled by Sir Nathaniel Bacon became useful scripts to which he could refer when debating with parliamentary colleagues in or out of the chamber. It is to these political debates that we must now turn.

### **Petitions and county politics**

Three substantial issues divided Norfolk’s gentry and political elite in the Elizabethan and early Jacobean years. The first was religion. Bacon’s stance on religion affected his relationships with such senior politicians as Lord Chief Justice Popham and impacted on much of the work he undertook. But in the following pages the focus will be on the other two great issues of domestic politics: taxation and jurisdiction. Petitions going through Bacon’s hands reflected the arguments over the balance between direct and indirect taxation in the generation of crown income and the division between local, customary law and prerogative courts in the sphere of law enforcement. Bacon’s papers show how petitioning could and did involve people from all levels of society in these great political debates.

### **Taxation and jurisdiction**

Norfolk justices were deeply divided between those who gave enthusiastic support to the complex of licences and monopolies on which crown income was substantially dependent and those who wished to balance such fiscal creativity with respect for local rights, the common law and Parliament.<sup>270</sup> Many Norfolk gentry had a deep personal interest in the system of licences and monopolies; others had an equally deep personal interest in the

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<sup>269</sup> Conrad Russell, *King James VI and I and his English Parliaments* (Oxford, 2011), Chapter One.  
<sup>270</sup> A. Hassell Smith, *County and Court*, Ch. 11, “Conflict in Local Administration”, pp.229-245.

system of direct taxation approved by Parliament that left assessment and collection, effectively, to local taxpayers. Petitioning gave a voice to those who suffered (or claimed to suffer) as a result of national policies and also put evidence into the hands of those taking part in the political debates on those policies at Court and in Parliament.

There was never any question about where Bacon stood in this great division. He championed historically-based local rights against threats from prerogative courts, and Parliament-approved taxes against the indirect taxation of fees and charges. Whether this political stance flowed from his parliamentary career or was given electoral endorsement by it we cannot be certain. Petitions protesting against over-zealous application of crown-imposed rules, regulations, licences and controls, through the work of Sir Nathaniel Bacon and like-minded colleagues, became a set of ongoing negotiations between Norfolk residents and the crown. Hassell Smith shows that Bacon had been actively campaigning against the malpractices of informers since at least 1582.<sup>271</sup> As will be seen from the following instances, Bacon became involved in challenges to the enforcement of licensing and import/export controls, with protests against allegedly corrupt informers and, finally, in one of the sixteenth century's classic disputes over the limits of power of prerogative courts.

Many Tudor and Stuart Acts and Statutes, in M.W. Beresford's words, "encouraged zeal for the law by offering a share in the penalties" to private enterprise enforcers.<sup>272</sup> He called the system "a marriage of justice with malice or avarice". The crown's financial interest in the benefits from this marriage made it slow to embrace reform. But as well as the cash benefits informants generated, they also set off waves of unpopularity. The crown liked the cash but not the opprobrium. Petitions against the excesses of individual informers were many and were acted upon.

When, in 1594, Bacon became involved in the plight of the petitioning small bakers, the major issue had been the activities of informers and enforcers, in particular the activities of one notorious informer, Henry Parnell.<sup>273</sup> Parnell's methods of collecting 'fines' were

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<sup>271</sup> A. Hassell Smith, County and Court, p.241, where the conflict is put into a wider context.

<sup>272</sup> M.W. Beresford, "The Common Informer, the Penal Statutes and Economic Regulation", Economic History Review 10 (1957), p.221.

<sup>273</sup> A. Hassell Smith, County and Court, p.241.

menacing; for example, he assaulted Thomas Fytt and “dog hym with a callyver or musket supposed to be charged”.<sup>274</sup>

Petitions about informants were rarely simple and straightforward. The following example began as a complaint against an informer, rapidly progressed to involve clashes over jurisdiction and ended with an uncomfortable declaration by Bacon. Again, the petition reached Bacon from his home ‘country’. Richard Walsingham and Matthew de Heire owned a small trading ship which sailed out of Cley. When their ‘crayer’, the *Jone of Clay*, arrived back at Cley from Newcastle laden with coal, it was impounded by James Borne, an informer who worked with the Admiralty Court. Borne alleged the *Jone* had carried more corn on its outward journey than its licence permitted.<sup>275</sup> Walsingham and de Heire petitioned William Cecil, Lord Burghley, the Lord Treasurer and Sir Walter Mildmay, Chancellor of the Exchequer, for help.<sup>276</sup> The petitioners asked for action on two fronts: they wanted their immediate predicament solved and the *Jone* released so they could recommence trading, and they wanted a general enquiry into the way Borne conducted his business. The petitioners called Borne “a comon dysturber of Her Majesties subjectes in the costes of the county” and said that the *Jone* had been only one of several boats stopped by Borne who had then demanded money from their owners not to bring prosecutions. The two men asked that Sir Nathaniel Bacon and Thomas Farmer should be commissioned to work on both strands of enquiry and that they should be joined by Sir William Paston, then Sheriff of Norfolk, on the wider issue.

Cecil and Mildmay duly commissioned Sir William, Bacon and Farmer in the roles the petitioners suggested.<sup>277</sup> Sir William Paston seems in practice to have played no part in the subsequent investigations.<sup>278</sup> The commission empowered the justices, “finding no sufficient cawse to the contrarie” to release the *Jone* back to her owners. They were also empowered, if they found Borne to be as bad as the petitioners alleged, to order that he should not be employed in similar cases again. If there was sufficient evidence, Borne should also face trial for his extortions. All should have gone swimmingly so far as the

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<sup>274</sup> Bacon Papers III, p.265.

<sup>275</sup> David Yaxley, A Researcher’s Glossary of Words ...of East Anglia (Dereham, Norfolk, 2003), p.55, defines a crayer as a small sailing vessel of two or three masts and 30 to 50 tons.

<sup>276</sup> Bacon Papers II, p.246.

<sup>277</sup> Bacon Papers II, p.248, letter dated 9 September 1583.

<sup>278</sup> Bacon Papers II, p.344 n.298.

ship-owners were concerned. But they did not. First, there were legal problems over the nationality of one of the owners. Then the Admiralty Court judge, Sir William Heydon, said that his commission from the Queen was proof against their Lordships' commission to Bacon and Farmer and insisted that he would not release the masts and tackle of the ship. On the matter of how Borne went about his business, the two Justices of the Peace accepted that he had "receaved money upon some feare he bred" in some people. But they did not want Borne prosecuted, at least not by them.

We are lothe that by our meanes he should be made a publik example for thies his offences against the lawe, because he hath lyved amongst us as a gentleman and have had some good patrymony, thoughe the same be nowe altogether consumed.<sup>279</sup>

There were some subtle judgements here about the impact of their judgements on their own reputations and their standing with neighbours. The arbitrators were reluctant to just let the matter drop for the sake of "the good quietnes of our contrey". They suggested that Borne should be required to answer for himself before a superior court. And thus Bacon and Farmer washed their hands of the matter. But the issue of the relative powers of local justices and Admiralty Court judges and officials continued to cause trouble along the north coast of Norfolk for several decades. The case was to re-emerge fifteen years later as evidence in a major turf war between the Lord High Admiral and his Privy Council colleagues.<sup>280</sup>

## Local rights and national authority

Disputes over the rights of the Admiralty Court in Norfolk, especially as interpreted by its president, Dr. John Burman, and the rights of the county's mariners, workers, merchants and other residents came to a head in the final years of the sixteenth century. Again the conflict can be followed through the petitions and supporting documents it engendered. The situation had far-reaching implications for local-central relations and indeed for the foundations of the Queen's peace in Norfolk. While the confrontation was seen from

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<sup>279</sup> Bacon Papers II, p.256. Hassell Smith seems to suggest that several Norfolk gentry found themselves embracing the system of licences and informers because of the economic pressures they were facing (A. Hassell Smith, County and Court, Ch. 15, 'General Conclusions', p.333).

<sup>280</sup> Henry J. Hillen, King's Lynn, Vol. 1, p.318.



King's Lynn as a threat to its corporate rights, privileges and freedoms, from the centre things were perceived differently. Brian Levack insists that Dr. Burman had tried to uphold the authority of the Lord Admiral "in the face of local resistance". As a good servant of the crown, Burman was expected to be totally committed to the crown. His responsibilities were bound from time to time to place him and his like in conflict with men who were jealous of their local privileges.<sup>281</sup> Bacon was commissioned by the Lord Treasurer to use his powers as a locally-based mediator.

The Bacon Papers are full of graphic accounts of confrontations between the judge and King's Lynn's leaders. On 19 December 1600, the Mayor of Lynn, Alderman William Gurlyn, confronted Dr Burman in the Admiralty Court itself at St. George's Hall in Lynn. Insults were frequently and very publicly exchanged. The issue was brought to a head a few weeks later through a petition. Dated 8 February 1600/01, the petition was addressed to Thomas Sackville, Lord Buckhurst, the Lord Treasurer, by "the pore traders and marchantes of Lynne". The petitioners argued that only a year earlier Lord Buckhurst's predecessor had given a warrant to King's Lynn that the officers of the port there should be the authority for enforcing rules and regulations concerning imports and exports. Despite that, "John Burman, Doctor of the Civill Lawes" had persisted in arresting traders and merchants and taking them before the Admiralty Courts at King's Lynn and Norwich.<sup>282</sup> They added, "The said doctor intermedleth with the penall statutes of transportacions of corne, beere, butter and other thinges". Burman insisted his court could try any case as though it were Her Majesty's Court of Exchequer itself. He had insisted to the Mayor of Lynn that his warrant was from the Queen herself and though the whole Privy Council came down he would ignore them. He would only recognise a warrant in the Queen's hand or that of the Lord Admiral. The petition added that at Wells, too, the

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<sup>281</sup> Brian P. Levack, The Civil Lawyers in England, 1603-1641: A Political Study (Oxford, 1973), pp.33-34.

<sup>282</sup> Brian P. Levack, The Civil Lawyers, pp.3-4 & 182. The Civil Lawyers is substantially concerned with relations between civil and common lawyers. Dr. Burman was a civil lawyer not a common law one. Levack suggests that civil lawyers, dependent largely on prerogative and ecclesiastical courts for their livelihoods, supported the monarchy and the English church and argued in favour of absolute monarchy. Nathaniel Bacon, on the other hand, was known for an attack he had made on church courts for being wedded to pre-reformation canon law.

doctor had refused to recognise licences granted by the Privy Council telling traders who said they had such licences that they had “lice, but no sence”.<sup>283</sup>

The Lynn petitioners proposed that Bacon, who they had elected as their MP in 1597, together with Judge Gawdy, be appointed to arbitrate. Lord Buckhurst agreed to that proposal, commissioning Sir Nathaniel Bacon and Mr Justice Gawdy of the Queen’s Bench to bring together petitioners and witnesses, and report back.<sup>284</sup>

At the end of their investigation, Bacon and Judge Gawdy sent a joint certificate to the Lord Treasurer, which has not survived as far as we know. But Bacon seems to have added his own personal rider. He recalls an earlier petition received “about 17 yeares past” complaining about the informer, Borne, and the Admiralty Court.<sup>285</sup> He implies that Burman and his court had continued to abuse the system.<sup>286</sup> Power was to remain in the hands of the Lord High Admiral for many years more. On his succession, King James I agreed that the borough should have responsibility for admiralty matters but only after the serving Lord High Admiral (still Charles Howard) died or retired. When Howard did at last resign, his powers were duly transferred to the borough. In the charter of 6 February 1619, King’s Lynn Corporation was granted full admiralty powers (with its own Admiralty Court) for the exercise of which it was to be responsible to no-one but the King.<sup>287</sup>

## Knowledge and experience

Bacon brought to investigations a knowledge and experience that he had accrued from birth of the ways of high courts, the royal court itself and courtiers. He also had a local knowledge both of his country (North and West Norfolk) and of the rest of the county he served so assiduously. He knew the people. That, in itself, could give him problems. As we have seen in the case involving Borne the informer, he was unwilling to press for action against a man he knew personally and whose financial problems he appreciated. He

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<sup>283</sup> Bacon Papers IV, pp.179-180.

<sup>284</sup> Bacon Papers IV, p.183, dated 4 March 1600/1. Mr Justice Gawdy is identified at IV, p.196, footnote 430.

<sup>285</sup> Bacon’s misremembering of the details suggests Bacon had not examined his own extensive archives.

<sup>286</sup> Bacon Papers IV, p.196, dated 24 April 1601.

<sup>287</sup> Henry J. Hillen, King’s Lynn, Vol. 1, p.318.

was also a part of his community. As a local Justice of the Peace his paths were as likely to be crossed by Dr. Burman and his men as much as anyone else's.<sup>288</sup> Whatever his private thoughts about Dr. Burman, he found himself obliged to work with him.<sup>289</sup>

When petitioners asked for Bacon to be commissioned to look into their case, it was because they appreciated his knowledge, experience and understanding of their situation. He was thought to abide by his own dictum, that credit in the broadest sense was more important than maximised profit.<sup>290</sup> No doubt his supplicants were also aware that Bacon was only a conduit, not the ultimate authority; turning to him would not guarantee them success, but would assure them of a fair hearing.

It is also clear that Bacon's participation in locally well-known cases did him no harm with local electors. Whether it was his stance on taxation that was endorsed by the electors, or his very public opposition to harassment by informers, Bacon was consistently successful in parliamentary elections. His first win in Norfolk came after his initial campaign against informers in 1584. He was successful again in 1593 while the bakers were having their problems with Parnell, and he was successful again (in King's Lynn) in 1597. Sir Arthur Heveningham, the proponent of prerogative, had no success at all at the polls.

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<sup>288</sup> Bacon Papers IV, p.203 for mediation between Bacon and Burman over rights to a porpoise cast up on the beach of one of Bacon's manors.

<sup>289</sup> Even as he was investigating the conflict between Dr. Burman and his Admiralty Court and the Borough of King's Lynn, Bacon was asked to work with Dr. Burman on a murder enquiry which involved a leading merchant dynasty from the borough. On 4 December 1600, Lord Chief Justice, Sir John Popham, commissioned Dr. John Burman and Dr Thomas Talbott, judges of the 'Vice-Admiralty Court' together with Bacon jointly to investigate the suspected murder of John Stone. Popham examined the chief suspect, John Wormell, and copied the evidence to the three local investigating magistrates. John Wormell had become a freeman of Lynn by birth in 1587-8. The Wormells were prominent merchants in Lynn for at least another 60 years (Bacon Papers IV, p.157; Anon., Calendar of the Freeman of Lynn (Norwich, 1913), p.121).

<sup>290</sup> Bacon expressed his feelings about reputation and credit in a remarkable letter to Sir Robert Mansell, Vice Admiral in Norfolk and Suffolk (Bacon Papers IV, p.117, dated 20 March 1599/1600). Mansell had asked Bacon what were the grievances of "the contrey alongest the coast". Bacon replied that others had already set out in detail complaints about abuses by officers of the Admiralty. Some such abusers seemed to justify themselves on the grounds that others before them had done much the same. "Good brother, suffer me a little to advise you... I know you respect your credit above your profit, let those corrupt ones, who will not be content a lawfull gayne, be discharged, yea punished according to their desertes" (Bacon Papers IV, p.118).

## Pattern of petitionary dialogue

The pattern of petitionary dialogue which we have viewed in the years c.1580 to 1607 was to persist through the first half of the seventeenth century. The petitions handled by Sir Nathaniel Bacon, a Norfolk Justice of the Peace in the late sixteenth century, share a characteristic with those to Justices of the Peace serving on Norfolk Quarter Sessions fifty years and more later. Individual petitioners felt their plight was putting at risk their prosperity and often their life itself. They were not, in the main, seeking determination of the law alone so much as equity, fairness of treatment and a mitigation of their situation. The fact that arbitrators and mediators had their own agendas which made them more than willing perhaps to support a particular petition, does not invalidate the fact that the petitioners were indeed often abused and their lives and well-being under serious threat. Petitioners exercised choice and manipulation in the appointment of arbitrators. In Bacon, petitioners would have had an arbitrator known to them by reputation if not in person. The reputation by which he was known, at least from 1600 onwards, was as a hard working, committed man of wealth and property and religious conviction, one who knew his way round the law books and had influence both locally and nationally. It was known that he was willing to work to find solutions and remedies for people of small means, as well as for those with wealth and standing.

What did such commissions mean for Bacon himself? Cases entailed a great deal of work. Even with the support of the office staff he employed at his own expense, the workload would have been considerable.<sup>291</sup> One cannot know why any individual person takes on heavy portfolios of good works and public service. Richard Cust has said that gentlemen like Bacon felt themselves to be in competition with fellow gentlemen in matching themselves against standards set by an ‘honour code’. The code required them to have good lineage and a large house and estate (Sir Nathaniel Bacon was clearly well-born and early in his marriage set about building Stiffkey Hall), but their gentlemanly ‘virtue’ could also include, says Cust “wisdom, learning, godliness, service of country, service in arms, service in office”. Bacon’s self-selected lifestyle included most, if not all, of Cust’s listed

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<sup>291</sup> A. Hassell Smith, “Justices at Work in Elizabethan Norfolk”, *Norfolk Archaeology* 34 (1967), pp.93-110, discusses in detail the work of Justices of the Peace.

virtues.<sup>292</sup> The virtuous gentleman, Cust pointed out, needed to be seen as capable of exercising power and delivering on patronage.<sup>293</sup> Bacon's motivation was surely not confined to seeking to impress his gentry neighbours. Protestants like Bacon were expected to serve God through ministering to others, to be, in Michael Walzer's word, "serviceable".<sup>294</sup> Being serviceable could not win a soul salvation, but it could be read (by oneself as much as by one's neighbours) as evidence of predestination to glory. On a more quotidian level, in return for his commitment to service, Bacon received what he describes in a letter to Robert Mansell as "credit": his reputation and standing with his own community, in the county, in Parliament and at court.<sup>295</sup> It was "credit" that could be used to promote his own favoured causes, policies and people at a time when "cronyism was no crime".<sup>296</sup>

The importance of reputation is discussed further in the next section, in which it is shown how petitioning Norfolk Quarter Sessions lent petitioners a degree of agency within their local communities. In this section we have seen that petitioning could give a measure of agency also on issues that were rooted in local communities but reached far beyond their parish boundaries. Petitioners were drawn into the political debates that were also taking place at county and Court level, but that was happening within a process and forum over which the centre alone had ultimate control. Despite that ultimate control, petitioners clearly felt that seeking arbitration through petitioning held potential benefits for them. Where debts and land rights were concerned this was clearly so, as arbitrators with the authority to call parties and witnesses together could resolve issues in ways that courts imposing imprisonment could not. On the more overtly political issues (the activities of informers, licence-holders and monopolists) there were benefits too. Petitioners could hope for some mitigation of their own plight, while indirectly challenging the basis on which prerogative taxation, for example, was being applied. For county politicians like

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<sup>292</sup> Richard Cust, "William Dugdale and the Honour Politics of Stuart Warwickshire" in William Dugdale, Historian, 1605-1686, Christopher Dyer & Catherine Richardson (eds.) (Woodbridge, 2009), p.90.

<sup>293</sup> Richard Cust, "Honour, Rhetoric and Political Culture: the Earl of Huntingdon and his Enemies" in Political Culture and Cultural Politics in Early Modern England, Susan D. Amussen & Mark A. Kishlansky (eds.) (Manchester, 1995), pp.93-4.

<sup>294</sup> Michael Walzer, The Revolution of the Saints: A Study in the Origins of Radical Politics (London, 1965), p.167.

<sup>295</sup> Bacon Papers IV, p.117, letter to Robert Mansell.

<sup>296</sup> Lord Peter Mandelson, "Meeting myself coming back", BBC Radio 4, 8pm, 14 August 2010.

Bacon, the process gave them an opportunity both to show themselves as champions of those in difficulty while strengthening opposition to a system to which he was opposed. For the centre, arbitrations of this kind allowed for a ‘lancing of local boils’ while leaving the system fundamentally unchanged. As we have seen, even substantial change could eventually be brought about at local level (the resolution of jurisdictional boundaries between the borough and prerogative courts) through negotiations in which petitions and arbitrations played a public role.

Petitions offer historians a particularly detailed insight into the social and political dialogue that engendered the constantly negotiated characteristics of early modern England. In this section we have seen how Bacon’s responsiveness to the personal plight of individual petitioners enabled the creation of a reputation which made him useful to the crown and Privy Council and which could then be exploited to promote his own interests and those of his country and county. Petitions registered at Court show that Bacon was not unique but one of a large, loose-knit and fluid network of arbitrators in Norfolk making political dialogue both a reality and firmly rooted in local communities.

### 3.2: Norfolk Quarter Sessions: Challenging Decisions, Setting Values

In Chapter Three of this thesis I ask the question: what do petitions reveal of power relations and social values in King's Lynn and West Norfolk? In this section I hope to show how Quarter Sessions provided a negotiative forum in which quasi-judicial decisions by local office holders could be challenged by petitions. Petitions placed those challenges and requests into public debate and decisions were written into the public record. The petitions I consider here originate from King's Lynn and its immediate 'country', West Norfolk, and were identified in those Norfolk Quarter Sessions rolls currently accessible in the Norfolk Record Office, in the published Quarter Sessions Order Book for 1650-1657, in the manuscript Quarter Sessions Order Book for 1657-1668 and in the King's Lynn Order Book. From what must of necessity be a detailed consideration of those petitions I will identify themes and values emerging from them and reach some conclusions about the way petitionary negotiations developed and reinforced social values and relations. I will conclude that the persistence of the structures and processes through such troubled times underline the importance placed on Quarter Sessions as a forum for social negotiations by petitioners and petitioned alike.

### Introduction

It is generally agreed that mid-seventeenth century English society was hierarchical and that the dominating political objective was to maintain the social order.<sup>297</sup> Within this context, social norms were established, maintained and reinforced by countless small acts of communication and decision. The grounding theory was that royal authority was God-given or at least God-endorsed and that all other manifestations of authority flowed from that Godly act of generosity. This implied that those who exercised authority had to exercise it in a way compatible with Biblical precepts: the poor must be sustained, the widow cared for, the hungry fed and prisoners set free. In practice, such idealistic imperatives were mitigated by an awareness that one person's good might be another's disbenefit. Generosity towards the poor, for example, might be at the expense of the well-being of ratepayers. Right actions always had to be balanced against the economic

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<sup>297</sup> Michael J. Braddick & John Walter (eds.), *Negotiating Power*, pp.1-187. The "Introduction, Grids of power: order, hierarchy and subordination in early modern society", usefully reviews some of the literature while adding numerous insights.

consequences. The most Godly attribute of all was righteous judgement and this was the virtue all magistrates were expected to display and, in Quarter Sessions, to display in a public forum.

The petitions to Norfolk Quarter Sessions, discussed below, illustrate social negotiation in action through the medium of judgement. In petition after petition there is an implicit appeal to fair play and natural justice—something going beyond the letter of common or statute law. For example, when an unnamed person tried to evict Robert Roands from his illegally constructed home, that person is accused in a petition by other villagers as acting out of malice.<sup>298</sup> Natural justice, common sense and equity required Roands to be allowed to remain in the cottage. So too did financial good sense. It would cost the community more in poor rate to keep a homeless Roands than one that had his own roof over his head. In the social negotiations represented by petitioning to Quarter Sessions, one argument would rarely be left to carry the full burden of the case being made.

Social norms were reinforced; sobriety and dependability were attributes to be commended and the Pauline injunction that everyone should earn their own keep was constantly underlined.<sup>299</sup> There was acute awareness among poor petitioners that the Poor Law differentiated between those who could labour but did not and those that would labour but could not. The ‘impotent’ were expressly described in 1598 as those with failing eyesight, arthritic limbs and chronic diseases, while a contemporary commentary by Michael Dalton differentiated between the thriftless poor fit only for the House of Correction and the poor by casualty: impotent victims of injury, accident, disease or life cycle.<sup>300</sup> We see this rationale articulated in the documents presented to Quarter Sessions. The elderly insisted they would have worked and kept themselves if they were not physically disadvantaged (one had weak ankles, another was blind). The slightly better off accepted that comparative affluence brought with it a duty to share the burden of care for orphaned children. Usually the terms of deference in which petitions were expressed were customary; it is, of course, impossible at this remove to know how heartfelt individual petitioners were in using them. A handful of petitions suggest that if the magistrates took pity on the petitioners, then God would not only give them blessings in the next world but

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<sup>298</sup> NRO QS C/S 3/31 (Appendix 4:, Transcriptions #7).

<sup>299</sup> 2 Thessalonians 3.10.

<sup>300</sup> Michael Dalton cited by Steve Hindle in *Identity and Agency in England, 1500-1800*, Henry French & Jonathan Barry (eds.) (Basingstoke, 2004), p.38.



prosperity in this. Prosperity, in such a Calvinistic world, was an outward sign of predestined salvation. That was one reason why those in poverty felt the need to explain why they were in such a plight.

From the number of petitions which have survived, it would seem that petitions were a regular but infrequent feature of Quarter Sessions. The magistrates as a body might expect to receive at most two petitions a year that originated from the towns and villages of West Norfolk and the coast through to Blakeney Point. Petitions originated from only a handful of parishes out of the 150 in the hundreds around Lynn. Within the borough, which had its own sessions, court records only refer to a single petitioner to the court in the 30 years here considered. Though the borough itself was a frequent petitioner, few petitions seem to have been received by the Corporation itself. The assumption has to be that in most cases disputes, if there were disputes, were sorted out at parish or borough ward level. There were other factors affecting the number of petitions which we can now study. The survival of petition documents was not only determined by physical factors, such as damage and deterioration, but by selection; petitions were selected to be kept either because of the endorsements recording decisions, or because it was felt the issues might have future relevance, for example for land-holding, or because the arguments were being written into the public record. The question of 'public record' will be returned to later in this section.

Several instances here recorded leave the impression that Norfolk was a place which might stretch to caring for the elderly, but treated its children with barbarity. It is difficult at this distance to know or understand why Walpole St. Peter was, in April 1642, so earnestly determined to send a bastard child back to its birthplace three counties away.<sup>301</sup> Perhaps the high premium placed in all petitions on natural justice and fair play was at work in these hard cases, too. Why should a vagrant woman's marriage to a shiftless no-hoper be allowed to saddle an impoverished marshland community (one experiencing all the social trauma that came with large-scale drainage and enclosure) with caring for the lot of them on the rates?<sup>302</sup>

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<sup>301</sup> NRO QS C/S 3/33.

<sup>302</sup> M.E. Kennedy, "Charles I and Local Government", pp.19-31; Richard F. Grantham (ed.), The Drainage of the Fens (London, 1913).

The great silence, the petitions that are not there and those that were never sent, neither proves nor disproves that the ones that were sent properly represent how life was lived in West Norfolk. The interest in these petitions is both in the explicit text and in the sub-text which reveals the value-arguments which the writers felt would be most likely to succeed. The arguments made by petitioners were almost always rhetorical, adopted and presented with a view to achieving declared objectives. Not one of this group of petitions argues for acceptance on grounds likely to have been deemed irrelevant, anachronistic or fundamentally in error by the justices to whom they were addressed. In this they are a world away from many of the printed petitions of the day and from the spirit of These Several Papers were Presented to Parliament, the petition of the Seven Thousand Handmaids of the Lord signed in 1659 by many women from King's Lynn and West Norfolk.<sup>303</sup> Such petitions were frequently polemical, confrontational and sought to shape the values of political debate and action. In contrast, petitions to Quarter Sessions either shared or adopted the values of the justices that were being petitioned. Actions were sought or challenged on the basis of established value systems and in turn helped to create the values that were voiced.

## Negotiations

The negotiations between petitioners and petitioned were always weighted heavily towards those who held authority (the borough merchants and gentry) who both before, during and after the mid-century conflicts dominated the county magistracy. There was at best, in Dr Victor Morgan's phrase, an "asymmetrical reciprocity".<sup>304</sup> Not all petitioners to Quarter Sessions were impoverished and powerless, but all petitioners were requesting something which they needed but did not have. Only the Justices could fulfil their needs. Nevertheless, every negotiation starts from an assumption that the ensuing dialogue will bring benefits to both parties. For the Justices as a collectivity, each and every petition represented an endorsement of their authority, power and status. By extension, each petition underlined the standing of each individual magistrate within his community. Petitions were invariably addressed to those believed to possess power and authority; to be

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<sup>303</sup> Mary Forster, These Several Papers Were Sent to the Parliament (1659), Wing (2nd ed.) / F1605: the petition is discussed at length in Section 5.2.

<sup>304</sup> Dr. Victor Morgan, personal communication.

seen to be petitioned underlined the receiver's possession of both. Receiving petitions, processed as they were in an open public forum, gave members of the Bench an occasion to enhance their reputations. Individual magistrates could display their capacity for righteous judgement and practical wisdom, and show how closely they matched the template of the ideal magistrate so frequently and publicly set out in assize sermons. How they performed might, at the margins, affect their reputation as a magistrate even to the extent that their careers were enhanced or curtailed. It is to such matters as the expectations and reputations of magistrates that I now turn.

## Expectations

Justices of the Peace were expected to attend the twice-yearly Assize Courts.<sup>305</sup> It was the custom for judges and justices to hear a sermon by an eminent divine before beginning the business of the court. Sermons were lengthy and sought to embed the work of the courts and responsibilities of all present in (the government-approved version) of The Bible. Printing and publishing such sermons extended their messages beyond the original audience. For example, Thomas Scott spelt out the responsibilities of judges and justices in his sermon to Norfolk Assizes at Thetford in 1620, which was published three years later.<sup>306</sup> The King's authority came from God; that of assize judges came from the King and that of justices from the King also. But justices had to show themselves worthy of their appointment.<sup>307</sup> Scott then sets out what 'worthiness' would require them to do: "Reforme what you can, inform [the King] where you cannot, that the higher power may". Scott adds, knowingly, "He is unworthy of his place, who attains it onely for his owne grace, to hurt his enemies, profit his followers, to uphold his faction and partie; and therefore attends his profit or pleasure rather than his calling, where withall he thinkes his conscience is not charged, but that it is enough for him to sit on the Bench, to tell the Clocke, and keepe his Cushion warme".<sup>308</sup>

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<sup>305</sup> A. Hassell Smith, County and Court, p.87.

<sup>306</sup> Thomas Scott, The High-waies of God and the King ... Two Sermons Preached at Thetford anno 1620 (London, 1623). STC 22079.

<sup>307</sup> Thomas Scott, The High-waies of God and the King, pp.82-83.

<sup>308</sup> Thomas Scott, The High-waies of God and the King, p.83.

When the civil war came, the language of assize sermons changed, but the expectations they put forward did not. When he preached to Shropshire Assizes at Bridgnorth in 1657, Thomas Gilbert omitted reference to the King, but he, too, rooted the task of judges and justices in the Bible, notably the Old Testament.<sup>309</sup> Judges (and justices) were to be well skilled in the law. They were to beware partiality and not take bribes. They must heed passion and “neither bring their heates with them nor heat themselves on the Bench”. Above all they were to “get hearts cast into the mould and frame of the Law of God”.<sup>310</sup> These were the precepts for righteous judgement that magistrates were expected to follow when responding to petitions they received. How magistrates performed against such precepts was one element on which their reputations were established. As we have seen above, for Sir Nathaniel Bacon and his fellow arbitrators, reputation mattered. It mattered, too, for Justices of the Peace serving on Quarter Sessions. Reputation was the core ingredient in the circle of asymmetrical reciprocity.

## Reputation

The pool from which magistrates were drawn was determined by wealth and worldly prosperity. The justification for this was set out in An Ease for Overseers published in 1601. “The very ornament of wealth doth adde a kinde of grace and majestie to a man... povertie makes a man dispicable”.<sup>311</sup> The wealthy would be careful how they handed out money because they had, themselves, something to lose. “If he is poore he will not be respected... The poor despise him that is poore”.<sup>312</sup> Who became a Justice of the Peace was determined by election either by one’s elite peer group in towns like King’s Lynn or by the King and his advisers for the county bench. No-one was a Justice of the Peace by divine right. Reputation was one of those major factors, like patronage and connections, which determined who became and who remained justices and enjoyed the local power and responsibility that went with the position. Hassell Smith has shown in great detail the

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<sup>309</sup> Thomas Gilbert, An Assize Sermon Preached Before the Right Honourable the Lord Chief Justice Glyn (London, 1657), Wing/G719.

<sup>310</sup> Thomas Gilbert, An Assize Sermon, pp.24-28 (each point is elaborated at length in the text).

<sup>311</sup> Anon, An Ease for Overseers of the Poore: Abstracted From the Statutes (Cambridge, 1601). STC (2<sup>nd</sup> ed.)/7446. p.9.

<sup>312</sup> The anonymous author tried later to make amends by explaining “If God had made all rich one would not care for another, if all poore, one could not helpe another: therefore rich and poore have neede one of another” (ibid., p.16).

importance gentry placed on membership of the Commission of the Peace for the County and to the position on the Bench to which they were assigned.<sup>313</sup> Membership was an issue for factional conflict which demanded influence at Court as well as within the county itself. In such a situation, reputation was of great importance to the gentry and an opportunity for negotiation by the rest of the community. Braddick and Walter suggest that dominant groups, like justices, were held to account by the social negotiations here represented by petitions.<sup>314</sup> This is problematic; there was never any question of justices being accountable to the communities they served. As the assize sermons made amply clear, justices, like judges, were responsible only to God and to the King or the King's replacement. It is even more difficult to see what sanctions petitioners might apply against a county bench which repeatedly failed to match the desires and requests of its petitioners. Reputation was the only factor over which the petitioners might, directly or indirectly, exercise influence. Wise (or at least, dependable) judgements could enhance the reputation of individual justices. This would not directly affect their position on the bench, but did undoubtedly affect their standing in society. Reputation mattered.<sup>315</sup> Two Norfolk magistrates offer illustrations of the influence reputation had, or did not have, over their careers.

### Sir Ralph Hare

For some justices, a reputation for wisdom and good rule was underpinned by substantial wealth and land holdings. Sir Ralph Hare served his county and his country regardless of

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<sup>313</sup> A. Hassell Smith, *County and Court*, see in particular "A Place on the Bench", pp.51-86.

<sup>314</sup> Michael J. Braddick & John Walter (eds.), *Negotiating Power*, p.10.

<sup>315</sup> There were limits to the importance of reputation. In 1602, John Atkins of King's Lynn petitioned Sir Thomas Egerton, the Lord Keeper, complaining of the behaviour of Thomas Baker, Alderman and Justice of the Peace at King's Lynn and of the behaviour of his brother, John. In 1608, Alderman Baker was brought before the Star Chamber accused of homosexual acts and expelled from King's Lynn Corporation. Baker was able to secure his reinstatement to the Corporation by the following year. The usefulness of the Baker brothers to the political community of West Norfolk had been clearly established at the beginning of James I's reign, when they had been responsible for initiating political links between the county and James's key Scottish adviser, Sir George Home, in 1603. Reputation mattered, but was not paramount over other factors such as wealth, influence and political expediency (*Bacon Papers IV*, pp.263-4); George Alan Metters, "The Rulers and Merchants"; *Bacon Papers V*, pp.59-62.

who was in power. He was an active MP in 1654, 1656 and 1661.<sup>316</sup> His service on Norfolk Quarter Sessions crossed the divide between republic and restored monarchy without so much as a flicker. His family power-base survived all and subsequently flourished. The family land holdings dominated the crucial east-west crossing of the Ouse at Stow Bridge and, according to Amussen, their wealth dwarfed that of everyone else within their 'country'. She estimates that the family controlled more than two-thirds of the land in the villages of Stow Bardolph and Wimbotsham, and inventories show that the contents alone of the family seat of Stow Hall were worth £4,433 in 1663.<sup>317</sup> Sir Ralph had managed to protect his family holdings and wealth through the turmoil of the civil war period. However, he had also continued to build up a reputation, largely through his chairmanship of Quarter Sessions, for sound judgement, responsiveness and care. It was this reputation which is reflected in a petition from Downham Market. The petition illustrates the extent of Sir Ralph's involvement in the affairs of an area wider than the immediate neighbourhood and the kind of complex issues he was expected to resolve.<sup>318</sup> Sir Ralph was publicly and privately involved in a constant round of conflict resolution, responsiveness and care. In Amussen's words, "The Hares provided good rule".<sup>319</sup> While his wealth guaranteed Hare a continuing role after the Restoration of 1660, his reputation did him no harm.

### **Robert Doughty**

Another survivor from pre- to post-restoration politics did not fare so well and reputation undoubtedly played a part in his downfall. Robert Doughty of Hanworth in North-East Norfolk had been a tax commissioner during the Cromwellian period and continued to be so under Charles II. He was appointed a justice by the Restoration government only after

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<sup>316</sup> R.W. Ketton-Cremer, *Forty Norfolk Essays* (Norwich, 1961), p.36, says that Sir Ralph was one of the elected MPs barred from taking their seats after the 1656 election.

<sup>317</sup> Susan Dwyer Amussen, *An Ordered Society: Gender and Class in Early Modern England* (Oxford, 1988), p.16.

<sup>318</sup> NRO Hare 690 188/3. In this instance, Sir Ralph was asked to determine whether a sum of money arising from drainage work should be distributed between Downham Market commoners with land affected by the work, or put to the benefit of the village as a whole.

<sup>319</sup> Susan Dwyer Amussen, *An Ordered Society*, "Gender", p.30.

several months' hesitation.<sup>320</sup> Like Hare, he was a busy man. Rosenheim says Doughty's notebook records 650 occasions when he acted in his capacity as JP. Much of the time he was acting alone with a clerk between sessions. On three occasions he was called upon by his fellow justices to give the charge to the jury at Quarter Sessions. That he responded to the demands made of him and with care, is clear. But Rosenheim also detects an excess of zeal. The scripts of his addresses may indeed show, as Rosenheim claims, a "nearly obsessive seriousness", while others might see in them an exuberant delight in language.<sup>321</sup> Entries in the actual journal reveal evidence of disputes among justices, criticisms of his ways from influential constables and retribution exacted by aggrieved citizens. Constable William Allison complained that Doughty "Did not do law because I did not take the informations of all parties and would not let the witness that did speak say all he had to say".<sup>322</sup> The following summer, Doughty was in dispute with his fellow justices over whether or not a man should be gaoled for defying an order to appear to answer a charge of bastardy.<sup>323</sup> At the same sessions, the bench was in dispute again over where a husband and wife, separated by circumstances, should be settled.

A year later, events took a serious turn. An aggrieved Elizabeth Smith "...knocked off the hinges off of my door at Metton & much of my ceiling there is broke a pieces and carried away".<sup>324</sup> A day later his servant's chamber was robbed of sheets, shirts and breeches. Doughty scatters thoughts about who might have perpetrated the two crimes. Clearly, Doughty no longer inspired deference in his own country or respect among his fellow magistrates. His position as tax collector for the division almost guaranteed unpopularity, but now his reputation as a justice was eroded and he was soon dropped from the commission.

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<sup>320</sup> James M. Rosenheim (ed.), The Notebook of Robert Doughty, 1662-1665 (Norfolk Record Society, 54, Norwich, 1989), p.2.

<sup>321</sup> James M. Rosenheim (ed.), The Notebook of Robert Doughty, p.114, for example, lists, at great length, those who constables and jurors should watch out for, including forestallers, engrossers, regrators, unlawful balances, weights and measures, goldsmiths, pewterers, brasiers, badgers or kidders, bakers, brewers, coopers, drovers, butchers, fishmongers, millers, maltsters, tanners, curriers, shoemakers, tilemakers, clothiers, carders, spinsters, weavers, fullers and dyers.

<sup>322</sup> James M. Rosenheim (ed.), The Notebook of Robert Doughty, p.30, 22 December 1663.

<sup>323</sup> James M. Rosenheim (ed.), The Notebook of Robert Doughty, p.40, 4 August 1664. It transpired that the accused was already held in a debtors' prison.

<sup>324</sup> James M. Rosenheim (ed.), The Notebook of Robert Doughty, p.62.

Robert Doughty was known to his colleagues on the bench, but what he did was also known to the people of his community. The latter were familiar with his ways and helped create his reputation.

Reputation does not feature as such in Hassell Smith's list of magisterial attributes. Yet reputation mattered, to justices themselves and their consciences, perhaps, but also for the ease of their relationships with their neighbours within the community and their prospects for advancement in the complex magisterial hierarchy.<sup>325</sup> Ill reputation in the community was not enough to unseat a magistrate, but it could help generate an environment within which decisions might be taken by the political elite.

The impact of the civil war on magisterial stability within Norfolk was studied by D.E. Howell James.<sup>326</sup> The ecclesiastical hierarchy and committed royalists like Sir Hamon L'Estrange were quickly eliminated and new men sympathetic to Parliament took their place.<sup>327</sup> But there was a strong sense of continuity because of the continued involvement of leading families such as the Hares. It mattered intensely after 1644 that one was deemed to be "well affected", one of us. And it mattered just as intensely, if differently, after 1660. Men with reputations for wisdom, men like Sir Ralph Hare, could and did span the regimes. And reputation mattered to the institution itself. Quarter Sessions continued to have a reputation as a responsive forum for redress of disputes and relief of distress presented to it by petitioners. Its work continued through the years of civil conflict, just as it had through the years of Charles's personal rule. In 1659/60, when the government seemed on the edge of collapse, Norfolk Quarter Sessions continued to meet and continued to receive petitions.

We now need to consider in detail the expectations and values revealed by petitions to Norfolk Quarter Sessions from petitioners from North-West Norfolk.

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<sup>325</sup> James M. Rosenheim (ed.), *The Notebook of Robert Doughty*, p.60.

<sup>326</sup> D.E. Howell James (ed.), *NQS Order Book*, p.4.

<sup>327</sup> However, Sir Hamon did not immediately cease his activities as a JP following the surrender of Lynn: NRO QS C/S 3/34x4 contains a note of an examination of George English of Holme taken before Sir Hamon on 29 October 1643.



## The Norfolk source material

In the Norfolk Record Office there are 25 boxes containing Norfolk Quarter Sessions rolls relating to the years 1629-1663, but of these boxes, eleven contain material which is too fragile to be produced. Frequently, other rolls are fragmentary. The years 1632-36 and 1648-1653 are particularly badly affected. This means that it is not possible to determine whether the volume of petitioning fluctuated over the thirty years under consideration. But within the surviving boxes there is a consistency: among literally thousands of scraps, straps and sheets. Each box is likely to contain at most two or three petitions from the King's Lynn and West Norfolk sub-region. Additionally, each box contains one or two petitions from other rural parts of the county. This pattern of frequency is confirmed by the published Quarter Sessions Order Book for 1650-1657 and the manuscript Order Book, 1657-1668.<sup>328</sup>

Petitioners from Great Yarmouth, Norwich and Lynn itself would have directed their petitions to their respective borough courts. Yet I have been able to identify only two petitions (from the same person) to the King's Lynn court during the whole period and that seems to have been a plea from a member of a mayoral family.<sup>329</sup> Even though they shared many of the same personnel (King's Lynn aldermen served on the county Quarter Sessions bench), the style and content of Lynn's Borough Quarter Sessions differed considerably from the Norfolk sessions convened in the borough. Lynn Sessions Order Book 1655-1662 is for the most part in English, but reverts to legal Latin at the Restoration.<sup>330</sup> The general pattern for each sessions seems to have been a report to the mayor, recorder and "eight aldermen" (unnamed but the figure required to give a quorum) regarding prisoners held in gaol at the time of the sessions. Against each name a brief note is made of the action taken; frequently this is "branded" or "to continue to be held until provides sufficient sureties of good conduct". Fuller reports are given later in the notes on each session; in-between came many routine matters. There are also minutes of the Great Inquest or Grand Jury. But whereas the county received scores of petitions from individuals and groups requesting action or arbitration, the only two petitions recorded in the whole of the six years covered by the Lynn Sessions Order Book came from Elizabeth

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<sup>328</sup> D.E. Howell James (ed.), NQS Order Book; NRO QS C/S 2/2 [MF/RO 162/6], Norfolk Quarter Sessions Order Book 1657-1668.

<sup>329</sup> Lynn Sessions Order Book 1655-1662, NRO KL/C21/3.

<sup>330</sup> Norfolk Quarter Sessions Order Book, 1657-1668 similarly reverts to court Latin soon after the Restoration.

Wormell. The entry for Thursday 1 May 1656 records “Upon the humble petition of Elizabeth Wormell, it is ordered that the overseers for the poor doo take her into their care and allow her eighteen pence per week maintenance in regard to her present great necessity until further order”. The entry for 18 September 1656 records that Elizabeth Wormell, having again petitioned the court, was given an additional six pence a week “because of her being very sick and weak”. It may be relevant that Alderman Bartholomew Wormell, Mayor in 1650 and therefore a member of the court, was still active in civic affairs in 1656, as was Alderman Doughty Wormell.

Outside the borough as within it, petitioning was an exceptional activity. Out of the 150 parishes in the study area, scarcely a dozen approached Quarter Sessions as petitioners. It was expected that problems should be resolved at parish level, just as in the borough problems would have been raised first with parish and ward officers. Nevertheless, the opportunity to petition Quarter Sessions was always freely available and was resorted to with regularity if not frequency. It was an opportunity which was valued and contributed to the survival of Quarter Sessions through these challenging years.

From the fourteen Norfolk Quarter Sessions boxes I was able to inspect, I retrieved 23 original petitions from West Norfolk. Some of these, together with another nine, are also mentioned in the published Quarter Sessions Order Book.<sup>331</sup> The Quarter Sessions Order Book for 1657-68 survives in manuscript form, but was again too fragile to be produced. Examination of the book on microfilm revealed another five petitions from West Norfolk.<sup>332</sup> It is possible that more petitions were directed to Quarter Sessions, but were not retained by the court officers.<sup>333</sup> In many, if not most cases, petitions were retained because endorsements recorded decisions made and these might require future reference. All the entries in the Order Book of course are of this nature. There are other petitions which will have been retained because the cases were ongoing or of special interest. Into this category falls the petition from Thomas Whicte, former Chief Constable of Freebridge Marshland and the dispute involving Richard Shephard which had already taken up the

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<sup>331</sup> D.E. Howell James (ed.), NQS Order Book.

<sup>332</sup> NRO QS CS 2/2, microfilm MF/RO 126/6. The pages do not carry folio numbers; page numbers given below are authorial additions.

<sup>333</sup> The miscellaneous contents of most of the boxes open for inspection would suggest that every scrap of material was put by. One box even contained a sheet on which a clerk had practised writing his alphabet.

time of several prominent local gentry.<sup>334</sup> The petition from Walpole St. Peter attempting to have a seven-year-old boy sent back to the place of his birth may have been retained both for its intrinsic legal interest and in the expectation of further disputes regarding the fate of the child concerned.<sup>335</sup> It is safe to conclude that the petitions which have survived were deliberately retained by the court officials. What we cannot know is if any, and if so how many, were deliberately disposed of.

Of the 38 petitions identified from these sources, 23 have been transcribed fully or in substantial part.<sup>336</sup> The Order Book petitions are simply summarised in the primary source. Two-thirds of these petitions were concerned with what might broadly be considered public policy issues, while others were probably largely administrative and procedural (writing into the public record agreements already reached). At least 23 petitions related to poor law issues: relief, settlement and vagrancy. Fifteen petitions originated from, or purported to represent, the concerns of communities and their inhabitants.<sup>337</sup> Eight of these were from office holders: churchwardens or overseers of the poor. These included one from the King's Lynn's poor law authorities seeking to find support for children from outside the borough.<sup>338</sup> At least two parishes went to Sessions more than once. Others may have been involved with petitions from individuals. Petitioners and petitioned alike considered that a reputation for responsiveness and caring mattered in those in authority. At Quarter Sessions level, responsiveness at any rate seemed assured; of the petitions considered here, there is evidence that most were responded to. No doubt the others, too, were acted upon, despite the absence of evidence to that effect.

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<sup>334</sup> NRO QS C/S 3/31x1 (Appendix 4: Transcriptions #6); NRO QS C/S 3/27 (Appendix 4: Transcriptions #2).

<sup>335</sup> NRO QS C/S 3/38 (Appendix 4: Transcriptions #8).

<sup>336</sup> I am grateful for the extensive assistance I have received from Elvie Herd, the late Diana Mansell and the staff of the Norfolk Record Office in transcribing these petitions. The material is reproduced in Appendix 4, Petitions to Quarter Sessions, p.332.

<sup>337</sup> H.R. French, *The Middling Sort of People in Provincial England 1600-1750* (Oxford, 2007), p.97 et seq. discusses the multiple meanings of 'inhabitants'. The word could relate to all those who lived in a place, but more usually implied those entitled to live there, those who contributed to parish rates, or those who were heads of financially independent households. There is also the sense of those who considered themselves to be the chief inhabitants, the rector or vicar, the church wardens and other office holders.

<sup>338</sup> NRO QS C/S 2/2, pp.61-2.

While one or two of the petitions are so vigorously written on the page (that of Richard Shephard, for example)<sup>339</sup> as to leave no doubt that they were written by the petitioner himself, many others may have been written by or with the assistance of local scribes. Margaret Spufford estimates that within each village there would have been two or three scribes at any one time.<sup>340</sup> They would have been the parish clergyman, clerk or churchwarden, schoolmaster, shopkeeper or a literate yeoman. Help could also be given by public notaries in, for example, King's Lynn. Several petitioners were clearly familiar with Quarter Sessions and the legal system. It is to aspects of such familiarity that I now turn.

## **Familiarity**

Negotiations between the generality of people and the gentry elite Justices of the Peace could never be between equal partners. But if one balancing factor was the desire of the justices for a 'good' reputation, another was the public's familiarity with the law and fora in which negotiations occurred. Alan Cromartie has maintained that to seventeenth century Englishmen the law was, in its entirety, the inheritance of every free-born Englishman.<sup>341</sup> John Morden in 1610 declared that "The inhabitants [of Norfolk] are so well skilled in matters of the law as many times even the baser sort at the plough-tail will argue *pro et contra* cases in law". Their "cunning and subtiltie hath replenished the shire with more lawyers than any shire whatsoever" and adds that this is the origin of the well-known phrase "Norfolk wyles many a man beguiles".<sup>342</sup>

The justice system, like the poor law it administered, was at this time highly visible. Quarter Sessions not only took place in public, but were a familiar part of community life. Potential petitioners were familiar with the system. Certainly in many of the petitions considered below, this was undoubtedly the case. King's Lynn authorities displayed their legal experience and expertise in their petition to the county Quarter Sessions by the skill

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<sup>339</sup> NRO QS C/S 3/27.

<sup>340</sup> Margaret Spufford, Figures in the Landscape: Rural Society in England, 1500-1700 (Aldershot, 2000), p.40.

<sup>341</sup> Alan Cromartie, "The Rule of Law" in Revolution and Restoration: England in the 1650s, John Morrill (ed.) (London, 1992), p.55.

<sup>342</sup> C.M. Hood (ed.), The Chorography of Norfolk (Norwich, 1938), p.68.

with which their petition identified potential asset holders who could be required to take responsibility for two fatherless families.<sup>343</sup> Thomas Whicte's situation was clearly unique; as a long serving Chief Constable of Freebridge Marshland now in dispute with 'his' local gentry over tax payments, he was very familiar with the county and its administration.<sup>344</sup> But others also display familiarity with the system. The eleven villagers from Northwold who supported Roands against his indictment for illegal settlement, clearly knew that the provisions of the Erection of Cottages Act 1589 permitted justices to waive the four acre provision to assist the impotent poor.<sup>345</sup> Similarly, the fire victims of East Winch were aware that justices had made emergency payments to people in similar circumstances through the 'treasurer for casualties for this Countie', thus relieving local ratepayers of some of the burden.<sup>346</sup> Thomas Kempe, as a former constable, knew his rights well enough to take his case for resettlement at Pensthorpe to the Assize Court at Thetford and, when the order of that court was challenged at Pensthorpe, to take it back to sessions for back up.<sup>347</sup> Dorothy Chester and her late husband John had had an earlier child-care agreement recorded by sessions. If, as is possible, John Chester was the alehouse keeper praised by Hockwold's petitioners, then he would clearly have had another relationship with the legal authorities.<sup>348</sup> While other petitioners addressed their petitions simply to the Quarter Sessions, Dorothy Chester placed Sir Edmund Moundeford's name at the head of her petition. Sir Edmund was an MP for Norfolk in each of the Parliaments of 1640.<sup>349</sup>

Many of the other people mentioned in our sample of petitions might also be expected to know the legal system well: parsons, executors of wills, employers of apprentices, overseers of the poor. Petitioners were not negotiating with the unknown. As we have seen above, they were also well aware of the self-help principles behind the poor law and

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<sup>343</sup> NRO QS C/S 2/2, pp.61-2.

<sup>344</sup> NRO QS C/S 3/31x1 (Appendix 4: Transcriptions #6).

<sup>345</sup> NRO QS C/S 3/31 (Appendix 4: Transcriptions #7). The "impotent" poor were those unable through either physical or mental incapacity to maintain themselves through their labour (see Steve Hindle, "Civility, Honesty and the Identification of the Deserving Poor in Seventeenth-century England" in Identity and Agency in England, Henry French & Jonathan Barry (eds.), p.38 et seq.).

<sup>346</sup> NRO QS C/S 3/37x2 (Appendix 4: Transcriptions #11). The Privy Council was responsible for giving permission for collections for fire victims and vestry meetings would regularly receive appeals for help. But such appeals were on behalf of whole communities rather than three families. Of that, too, these families would have been aware.

<sup>347</sup> NRO QS C/S 3/28 (Appendix 4: Transcriptions #3).

<sup>348</sup> NRO QS C/S 3/33 (Dorothy Chester) and C/S 3/34 (Hockwold inhabitants). The latter is undated.

<sup>349</sup> Hamon Le Strange, Norfolk Official Lists (Norwich, 1890).

consciously argued in terms which reflected the difference between feckless and impotent. One argument that might have been expected does not make an obvious appearance in the petitions considered here. Hindle argues that church attendance was a demonstration of what he calls ‘deservingness’; it was not called in aid by our petitioners.<sup>350</sup> Religion, or at least religious language, was confined almost entirely to the codas with which petitions ended. These will be separately considered, below.

## Analysis

Several of the petitions retrieved from the Quarter Sessions rolls and from the Quarter Sessions Order Books reflect the role of Quarter Sessions in putting agreements into the public record and ending or varying those agreements as situations altered. Others represent challenges to decisions made elsewhere (by parish officers for example), or even to earlier decisions of sessions. Many reflect anxieties about fair play and social harmony. These concerns will be explored, as will the values singled out for praise or condemnation. In many of the petitions, women can be seen as initiators or catalysts for actions, but also as vulnerable victims. In the following pages I will review the petitions broadly within five categories: administration, challenge and arbitration, women in petitions, social harmony and values.

## Administration

As part of its responsibility for poor law administration, Quarter Sessions had oversight of the placement of orphaned children as apprentices and the approval of Sessions had to be achieved before the arrangements could be varied. One ratepayer who had difficulties with his apprentices was Robert Burgess of Tilney.<sup>351</sup> His petition, now damaged, was received at the Sessions held at Norwich on 15 January 1655/6. Burgess explained that he had been required to take Valenger Mason as an apprentice. He kept the lad for three years despite the fact that the boy’s “scald head” meant he was useless to Burgess. Robert Burgess

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<sup>350</sup> Steve Hindle in *Identity and Agency in England*, Henry French & Jonathan Barry (eds.), p.41.  
<sup>351</sup> NRO QS C/S 3/42A(1) (Appendix 4: Transcriptions #20).

asked to be discharged of this apprentice and his wish was granted.<sup>352</sup> But that was neither the first nor the last the Sessions was to hear of Robert Burgess and his apprentices. In 1654, Robert Burgess had sought Sessions' approval for discharging his hired servant, Mary Borde. She was, he claimed, "impotent". He was required to continue to look after her until the end of her hire period, Michaelmas, when she would become the responsibility of Tilney overseers.<sup>353</sup> But two years later the parish of Swaffham complained to Quarter Sessions that Mary was still impotent and making herself a charge on that parish.<sup>354</sup> She was ordered back to Tilney in August 1656, but was still at Swaffham in April 1657 when Tilney was ordered to pay Swaffham overseers 2s a week plus arrears of 20s.<sup>355</sup>

In an era of high mortality, the poor-law authorities were continually concerned with the upkeep of orphaned children. The following petitions relate to schemes designed to balance the needs of the children for homes and care with that of ratepayers who might themselves be near the edge of economic viability.

The Rev. John Calthorp and five other inhabitants of Tilney petitioned justices for their endorsement of a scheme for the education and upkeep of a minor, Marmaduke Pellam.<sup>356</sup> Marmaduke was left £10 in the will of Richard Bosome and Gregory Gawcett had been appointed administrator.<sup>357</sup> As a fatherless child, Marmaduke was a charge on the parish of Tilney. Mr Calthorp and his co-petitioners proposed that Mr. Gawcett pass the £10 and responsibility for spending it to the parish. The parish would use part of the money to educate Marmaduke and the rest as a stock for the child. Under such a scheme, said the petitioners, the child might be "releaved with his owne money and put out apprentice with parte of it". Mr Gawcett was said to agree with the proposals so that he might be discharged of his responsibilities for Marmaduke. The petition is endorsed as agreed. John and Dorothy Chester had an agreement to pay 18d a week towards the maintenance of their grandchildren living at Swaffham. In 1643, Dorothy Chester found her circumstances substantially changed with the death of her husband. She asked for and was given "an

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<sup>352</sup> D.E. Howell James (ed.), NQS Order Book, p.84, item 840.

<sup>353</sup> D.E. Howell James (ed.), NQS Order Book, p.70, item 635.

<sup>354</sup> D.E. Howell James (ed.), NQS Order Book, p.90, item 905.

<sup>355</sup> D.E. Howell James (ed.), NQS Order Book, p.97, item 1006.

<sup>356</sup> NRO QS C/S 3/28 (Appendix 4: Transcriptions #4).

<sup>357</sup> Possibly Gregory Gawsell of Watlington, a neighbouring parish, a JP and Sheriff of Norfolk in 1649 (Hamon Le Strange, Norfolk Official Lists).

abatement” of the payment.<sup>358</sup> “Inhabitants” of Walpole St. Peter petitioned for and were given a settlement for the care of the three orphaned children of Johann Bell. No friends of Johann being willing to accept responsibility for the administration of Johann’s estate, three men, Richard Jackson jun., Richard Fisher and Ambrose Alcocke, were ordered to sell Johann’s goods and receive rents for the benefit of the three children. Ambrose Alcock was allowed his expenses for burying the widow and relieving the children.<sup>359</sup> Francys Warde and William Eldred, overseers of Stoke, made arrangements for the care of three daughters left by John Wright deceased. Thomas Wyer owed the estate £5 but refused to pay. The Court ordered he must do so.<sup>360</sup> The £5 was a significant sum; the whole estate was valued at only £7.5s and the overseers claimed it had cost £8.9s.6d to make arrangements for maintaining the children. George Turpin also turned to the Quarter Sessions to sort out arrangements for an orphaned child.<sup>361</sup> The mother of two-year-old Frances Simpson had died eighteen months earlier, and the baby was put to nurse in the care of George Turpin. The arrangement had been meant to last for six months until the baby was a year old, but before the six months had passed the child’s father, Thomas Simpson of Necton, also died. Necton’s churchwardens took custody of Simpson’s estate of more than £40 in goods and money for the benefit of the child. The parish paid Turpin 18d a week to continue to care for the baby. The arrangement collapsed when one Francis Wigg took out Letters of Administration on Thomas Simpson’s estate. Turpin petitioned to be disburthened of the child. The endorsement to the petition is difficult to interpret. It seems to suggest that, for the time being, Necton should continue to pay Turpin 18d a week for the upkeep of the child but that the child be re-settled at Raynham, presumably the place of its birth. In April 1659, Edward Lay of Clenchwarden petitioned for approval care arrangements for four children.<sup>362</sup> He and Richard Davy had been made supervisors of the will of Anthony Atkinson. Atkinson died leaving four children. Lay said he had carefully provided for and “put out” two of the children. Nothing had been left in the will for maintenance of the other two. Lay asked that the parish of Clenchwarden should provide for the youngest, Mary, and he himself would continue to provide for the remaining orphan. Sessions approved the plan.

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<sup>358</sup> NRO QS C/S 3/33 [9]. From a petition from Hockwold, considered below, p.117, it is possible that John Chester was a respected alehouse keeper.

<sup>359</sup> D.E. Howell James (ed.), NQS Order Book, p.31, item 157.

<sup>360</sup> D.E. Howell James (ed.), NQS Order Book, p.32, item 163.

<sup>361</sup> NRO QS C/S 3/38x1 (Appendix 4: Transcriptions #14).

<sup>362</sup> NRO QS C/S 2/2, p.71. Clenchwarden is presumably Clenchwarton.



King's Lynn's churchwardens presented a petition in January 1658/9 seeking the county sessions' aid in placing two sets of children abandoned by their respective fathers.<sup>363</sup> In both cases, the authorities had identified financial assets outside the borough which they felt should be called upon to pay for the care of the children. The court supported the borough's proposals, but stipulated that if for any reason the arrangements did not materialise, then King's Lynn should once more be responsible for the children.

Much of the work of Quarter Sessions consisted in making such administrative arrangements and adjustments. Another major role was in hearing challenges to the decisions of others, hearing negotiations and offering arbitration in disputes. It is to examples of these activities that we now turn.

### **Challenge and arbitration**

Steve Hindle has suggested that the poor negotiated with authority by challenging decisions made, for example at parish level, or in a higher place such as Quarter Sessions.<sup>364</sup> Certainly in the petitions that follow there were elements of challenge and negotiation as well as appeals for arbitration and mitigation.

Henry Golding was in a desperate plight following the death of his father who "it had pleased god to send him a great many of children sixteen or seventeen by too wives".<sup>365</sup> On the face of it he had had a useful inheritance from his father, but the nine acres and other assets had to be shared with his father's second wife. As executor—"I confess but it had bene beter that I had not medeld with it"—Golding had been responsible for paying off his father's debts and he had taken in two of the small children to bring up as his own. On top of his responsibilities towards his father's family, Golding complained that the poor law authorities had "foorst a prentiss uppon me". The apprentice was aged seven when he arrived and lame. Golding asked to be released from keeping the apprentice, offering to pay towards the cost of finding the child another place. He spelt out the extent of his financial difficulties: "I doe owe fower scoor and tenn pownds which my land is

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<sup>363</sup> NRO QS C/S 2/2, pp.61-2.

<sup>364</sup> Steve Hindle, "Exhortation and entitlement; negotiating inequality in English rural communities, 1550-1630" in *Negotiating Power*, Michael J. Braddick & John Walter (eds.), p.115.

<sup>365</sup> NRO QS C/S 3/31 (Appendix 4: Transcriptions #5).

morghede for sum of it and the other in legasses and bonds, and now have wife and children of my own to bring up” and implied that the authorities had acted unfairly and unjustly in adding to his debts and burdens.

As we have already seen, in the winter of 1637-38, eleven inhabitants of Northwold petitioned to save the home of Robert Roands.<sup>366</sup> Roands was “aged, poer and sickley, much indebted & scarce able by his labor to maintayne himself”. He had been accused of breaching the settlement laws by building himself a cottage in the parish. Roands had been indicted as a result of a complaint made by one person “out of malice”. The Erection of Cottages Act, 1589 declared it illegal to erect a cottage unless there was attached to it four acres of land, but cottages could be erected with the consent of the justices for the benefit of the impotent poor.<sup>367</sup> The petitioners sought this solution on Roands’ behalf “commiserating his want & necessitie”, but also pointing out that if Roands was turned out of his home he would become a “a charge and burthen to the parishe”.

Permission to build cottages was also part of the case made by homeless fire victims from East Winch.<sup>368</sup> The victims clearly felt the village had failed in its moral obligation towards them, but mitigated their complaints in the hope of reaching a satisfactory negotiated settlement. On 17 April 1645 three couples were left homeless and without “goods, necessities and apparrell (saving one poore bedd which was with great hazard saved)”, when fire destroyed their homes. The families were left destitute. All the houses in the village were full and unable to receive them. In their petition they both appealed for financial help and suggested a solution. They asked the Quarter Sessions to “appoint and order the treasurer for casualties for this countie” to assign money to East Winch overseers to meet the families’ needs “as in charitie you have heretofore done in cases of like nature”. Additionally, they asked the justices for permission to build cottages on the manor waste. It was within the power of justices to waive rules concerning house building in this way. The petition acknowledges that the Lord of the Manor would also have to give his leave for the building. The endorsement only registers the financial decision: “granted 11d equally”.

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<sup>366</sup> NRO QS C/S 3/31 (Appendix 4: Transcriptions #7).

<sup>367</sup> D.E. Howell James, *NQS Order Book*, Introduction, p.16.

<sup>368</sup> NRO QS C/S 3/37x2 (Appendix 4: Transcriptions #11).

Fire victims were undoubtedly accepted as being deserving poor. Age and incapacity were also factors which might properly be prayed in aid. In the following petitions, the petitioners were going further than merely seeking help. They were challenging decisions made at parish level. Edward Messenger of Ashwicken, who claimed to be aged “fourscore years almost blinde and very laime of his ancles”, said he was unable either to work or to go out begging.<sup>369</sup> His house was in disrepair, and he was unable to sustain himself on the sixpence a week allowed him by the parish, which “in these hard times of dearth and scarcitie” was all the parish could find for him. The justices doubled his income to 12d weekly. Another senior citizen, John Parker of Snettisham, made repeated pleas.<sup>370</sup> He petitioned Quarter Sessions at Lynn on 11 October 1653. Echoing the poor law, he was, he said, old and lame, his sight much decayed, and he was unable to hear. The Parish allowed him 4d a week. He needed more. The justices were subtle in their response. Snettisham overseers were ordered to increase Parker’s allowance to 9d, but only until sessions after Easter by which time better weather would have arrived.<sup>371</sup> By 1655 Parker was 79, still lame and with very bad eyesight. He again petitioned Quarter Sessions for extra help and again he was awarded 9d a week until Spring. But the overseers were invited to appeal against the decision in front of independent justices.

In what must have been an instant petition drawn up on the day it was presented, Thomas Taylor of Downham Market protested he had been ordered before the Sessions on a summons issued by Edward Tilney, bailiff of Clackclose Hundred.<sup>372</sup> When he duly appeared nothing was offered against him. It was a long journey from Downham to Norwich Castle where the sessions were being held and Taylor feared there was knavery afoot. Tilney was ordered to explain himself to local justices.

In each of the cases so far the questions raised seem straightforward. The next hints at a much more complex ‘back story’. John Hansell and Thomas Greenwood of Hillington presented a joint petition, known both from a sheet in the Sessions Rolls for 1656 and

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<sup>369</sup> NRO QS C/S 3/38x1 (Appendix 4: Transcriptions #13).

<sup>370</sup> NRO QS C/S 3/42A(1); D.E. Howell James (ed.), *NQS Order Book*, p.85, item 842.

<sup>371</sup> Steve Hindle in *Identity and Agency in England*, Henry French & Jonathan Barry (eds.) suggests that such seasonally-adjusted decisions by magistrates had more to do with the availability of work. I see no reason why JPs should not have been reflecting all these factors.

<sup>372</sup> NRO QS C/S 2/2, p.5.

from references in the Order Book.<sup>373</sup> The petitioners had for many years been inhabitants of Hillington without being burdensome to their neighbours, but by reason of many troubles and losses had become extremely poor. Greenwood is not mentioned in the Order Book. But, in January 1655/56, Hillington overseers were ordered to pay Hansell 18d a week while his wife was sick. In April 1657 he was still receiving poor relief. Overseers were ordered to pay 1s 6d (i.e. 18d as before) until they found Hansell work, but he must do any work offered him. Hansell was also ordered to apologise to Lady Hovell in front of witnesses. What had Hansell said to or about the wife of Sir Richard Hovell? Sir Richard was the leading gentleman of the Hillington area, and one of those royalists who had made an accommodation with the parliamentary regime.<sup>374</sup> Hansell, for his part, may have been the John Hansell who, in 1634, had appeared before the High Commission for his non-conforming views and activities.<sup>375</sup> John Hansell claimed in his petition never to have been “burdensome” to his neighbours in the past, but in October 1651 four families, including Hansell’s, had lost all that they had as a result of a fire. Hansell and three other men had then petitioned Quarter Sessions for help; John Hansell’s name is the first on the certificate accompanying the petition. The certificate sets the total value of their losses at £41, of which £13 had been lost by Hansell. The petition stresses their worthiness to receive help. The petition is endorsed that the families should be compensated by the treasurers of the county’s common fund. The Order Book records a different, more detailed resolution. It reports that five families (rather than the four of the petition) had been made homeless by the fire. Some inhabitants of Hillington had spent £3 helping the families and these were to be compensated from the parish rate. Overseers were to provide for them in future. The court added that if the owner, a Mr Steade, rebuilt the destroyed property, he was to let the houses to the distressed families. If he did not do so, then he

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<sup>373</sup> NRO QS C/S 3/42A(2); D.E. Howell James (ed.), Norfolk Quarter Sessions Order Book, pp.84 & 97, items 839 & 1008. NRO LEST/F107, dated 1643, relates to a John Hansell. It is one of four indentures now in the L’Estrange papers, relating to land at Ringstead, West Norfolk. But the document describes John Hansell as “of East Winch, yeoman”. CSPD 1634-5, p.53: “Acts of the Court of High Commission”, 8 May 1634, also relates to a John Hansell. This Hansell was living at the time at Congham. Unlike East Winch, Congham is adjacent with Hillington. Clearly it would be rash to assume that either of these John Hansells were the destitute Hansell of Hillington, but there is a strong possibility that the Hansell appealing for help to Quarter Sessions was the Hansell of Congham.

<sup>374</sup> Sir Richard Hovell. He had been in King’s Lynn during the siege and had pleaded protection under the King’s Lynn Surrender Articles when he appeared with Sir Thomas Dereham before the Committee of Compounding in the autumn and winter of 1651.

<sup>375</sup> M.A.E. Green (ed.), Calendar of the Committee for Compounding, 1643-1660 (London, 1892, 1967) hereafter CCC, Part 4 (1892), p.2891, cases before the committee, October 1651.

would have to give security to the parish for their support for the families. Mr Steade is recorded as having given his consent to this plan.

Far from having not been ‘burdensome’ in the past, Hansell had been the subject of considerable thought and efforts by the community to secure his well-being. And the Justices of the Peace in 1655-56 would have been well aware of this. The endorsement on the 1651 petition was signed by nine justices, and at least six were still present on the bench when Hansell appeared before them in 1655-56. Hansell’s claims were not necessarily true, but the local knowledge of the authorities would have made that obvious to those hearing the petitions read. The case illustrates the continuity of service given by justices locally, while national government was in a perpetual state of upheaval. It shows the meaningful and patient efforts made by the bench to find solutions that both helped resolve stressful situations while minimising the impact on ratepayers.

Taxation was always a contentious and conflictual process of balancing the needs of the poor with the capacity (and willingness) of ratepayers to contribute. No part of the process of assessment, collection or payment was anonymised. Many ratepayers would have joined with the anonymous writer of 1601 who claimed: “the poore cannot, the rich will not, but the middle sort must pay all”.<sup>376</sup>

How much ratepayers should pay was strongly contested in Freebridge Marshland Hundred. Thomas Whicte (or White) had been chief constable of the Hundred for eighteen years. Freebridge Marshland was geographically a huge territory surrounding one side of King’s Lynn and many miles from the county town of Norwich. Whicte had had the duty of collecting taxes.<sup>377</sup> Some “gentlemen” had accused him of adding new taxes to their bills. Whicte denied the accusation. He argued that collectors had been entitled to hold back some of the taxes collected to cover their outgoings. He had never collected so much as “one pennye other than had anciently byn paid by every of the said townes unto three of his predecessors [as] chief constables”. He accepted that he had collected 36s a year more than he had passed on to the appropriate treasurers and he had deposited “the said overplus moneys amounting to £33.6s into the hands of Sir John Hare”. The overplus was “usuly

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<sup>376</sup> Anon, *An Ease for Overseers of the Poore*, p.29, cited by Steve Hindle in *Negotiating Power*, Michael J. Braddick & John Walter (eds.), p.109.

<sup>377</sup> Michael J. Braddick, *The Nerves of State*, p.16 discusses the importance of tax collection by local office holders and the hostilities that were created.

allowed both by the Justices of the Peace and the gentry unto the chief constables as a small recompense for their great and extraordinary charges paynes and travaill, they living each 40 myles from Norwich and their expenses in support of their office and services to the countrey amounting to £10 [per account] at the least". He asked to be cleared of the accusations made against him and for the money deposited with Sir John Hare to be returned to him. A decision was postponed and the money remained with Sir John.

In the foregoing petitions of challenge and arbitration there are no hints of violent conflict. In the following, the challenges became serious and personal, with accusations of abuse of power and office. Two petitions have survived which represent complaints of serious abuse of power and status. A third petition adds a poignant coda.

In 'main land' Norfolk, Richard Shepheard was always going to be an outsider. In his rambling petition, in 1630, he describes himself as a mettlemán (that is, a tinker or blacksmith) from the far side of the fens at Waplode Drove in Lincolnshire.<sup>378</sup> When he married a well-to-do widow from West Winch on the high road from King's Lynn to London, he discovered that her inheritance had been eroded by traders and conspirators who, he alleged, were led by none other than the local parson, Robert Bates. When Cicely Whitfield's husband, James, died the Letter of Administration concerning "all his goods rights cattells & chattells, moveables and unmoveables" was made out to Cicely but left "in the hande and custodye of the said Robert Bates Clarke so longe as the said Cisley remained in her widdowhoode". When Cicely married Shepheard, the Letters of Administration should have been passed to the new husband. They were not. A complex legal dispute ensued. There were hearings before Sir Thomas Dereham and Sergeant-at-law Attow, both local gentry. Now Shepheard asked the magistrates "for Gods sake duely and maturely to weye the premises & suffer not these mighty ones which can bost themselves of their estates to wronge your pore petitioner in a cause so manifest & plaine".

But Shepheard could not leave the matter there. On the reverse of his petition he took up the case. However imprecise Shepheard's accusations, it is clear that he believed that improper use of letters of administration had deprived his new wife (and therefore

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<sup>378</sup> NRO QS C/S 3/27x1 (Appendix 4: Transcriptions #2).

himself) of assets to which they were entitled; that this abuse had been either perpetrated or condoned by parson Bates, that Sir Thomas Dereham and Sergeant Athow, despite their status, had listened to all but resolved nothing, and that parson Bates was continuing to dog his footsteps in a menacing manner. For all the length of his petition, it is exceptional in running to two sides of closely written text, and from his liberal use of legal terms such as *prudente lite*, it is clear that Shephard was acting on his own behalf, using words in his own way and failing in doing so to make absolutely clear the outcome for which he was looking.

In another petition the abuse of power by a comparatively mighty one (or his wife) concerned a local constable, who was also a landlord, and his tenants. For Edward Ellis of Toftrees, in 1630, the abuse of power by his landlord, yeoman farmer Thomas Kempe and his wife Margaret, had had desperate consequences. Without cause or justification:

The said Thomas Kempes wife came unto your petitioners house when both your said present petitioner and his wife, children and people being then sent about their lawfull labours and leavinge their house dore locked, the said Kempes wife breaks open the said dore and cast out your petitioners househould stuffe and... utterly spoyled the same and tooke the said [door?] home and set a staple and a haspe upon the same and then carried the same dore backe againe unto the said house hange it up and the locke the same against the said petitioner so now he is lefte in a manner harbourles to his Extreame losse & hindrance & of his pore wife & children.<sup>379</sup>

Not content with that, Kempe had diverted the water supply away from Ellis's land and refused to restore it. Only when Ellis had sought and gained a letter from the local magnate, Sir Roger Townshend, had Kempe restored the supply. More persecution was to follow. Constable Kempe ordered Ellis to Kempe's house and there beat him, causing him great distress. Unlike Shephard, Ellis was quite clear what he wanted the magistrates to do: he wanted Kempe to be ordered to stop persecuting the Ellis family and for Kempe to pay him compensation for the injuries he had caused and for the Ellis family to be provided with a new house in which they might live peaceably without harassment from the Kempes. Even if nothing more, petitioning Quarter Sessions offered another hope of compensation for the vulnerable.

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<sup>379</sup> NRO QS C/S 3/27 (Appendix 4: Transcriptions #1).

Scarcely two years had passed before the Quarter Sessions received, in June 1631, a petition from a Thomas Kempe who had fallen on hard times.<sup>380</sup> His wife had died leaving Kempe to bring up “fowre sickle children”. Kempe, who said that he had fallen into great poverty, gave his address as Pensthorpe, but that was the point at issue. Kempe had gone to the Assize Court at Thetford where he had been granted a certificate ordering Hughe Dixon to accept and receive Kempe as a resident in Pensthorp[e]. Kempe copied the certificate to the Norfolk magistrates. Dixon, in all probability an overseer not looking forward to having a motherless family of four children settled in the parish, had refused to comply, claimed Kempe. The magistrates ordered that Kempe should be paid 4d a week until another order be made. Any new order to Dixon is not recorded on the petition. It is possible that Thomas Kempe, labourer of Pensthorpe, is the same man as Thomas Kempe, yeoman and constable of Toftrees. The two parishes, while not contiguous, are only a very few miles apart on opposite banks of the River Wensum. If they are indeed the same man, the petition would be a salutary reminder of the fluidity of all hierarchies. As Craig Muldrew has argued from his research into families in post-Restoration King’s Lynn, the social structure was anything but stable.<sup>381</sup>

While Kempe accused the Pensthorpe authorities of refusing to act on an order from the Assize Court, Margaret Rowse went further and accused fellow Methwold villagers of taking punitive action against her husband.<sup>382</sup> Edmund Rowse had been acquitted by Quarter Sessions of horse theft, as no evidence had been offered against him at the sessions in Norwich, far distant from Methwold. But the “town of Methwold” had taken its own view and “sent away her husband for a soldier” and then refused her the right to arrange a collection to help her meet the expense of keeping herself and their children in his absence. A horse valued at 63s. 4d had been seized by a Mr Mace of Feltwell. Once acquitted at Norwich, Edmund had tried to get the horse back but failed. Now Margaret petitioned for Mr Mace to be ordered to return the horse or its value to her.

Margaret Rowse’s petition reminds us of the vulnerability of women in mid-seventeenth century England and it is to the women mentioned in our petitions that we now turn.

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<sup>380</sup> NRO QS C/S 3/28 (Appendix 4: Transcriptions #3).

<sup>381</sup> Craig Muldrew, “Class and Credit: Social Identity, Wealth and the Life Course in Early Modern England” in *Identity and Agency in England, 1500-1800*, Henry French & Jonathan Barry (eds.) (Basingstoke, 2004), p.150.

<sup>382</sup> NRO QS C/S 3/37x1 (Appendix 4: Transcriptions #12).



## Women in petitions

Quarter Sessions was a realm in which men had authority but women had, in theory at least, as much opportunity as anyone else to petition for redress or remedy. Ann Marie McEntee perceives “the emergence of a political consciousness that was based on a demand for cultural emancipation” during the civil war period.<sup>383</sup> Patricia Crawford has argued that with husbands and fathers away at war or in exile, women found themselves acting as defenders of their homes, petitioners for estates and generally responsible for their families’ survival.<sup>384</sup> There is little hint of either an emerging feminist culture or of new roles for women in our sample of petitions to Norfolk Quarter Sessions. Fourteen women from West Norfolk are mentioned in the petitions. Most appear as vulnerable victims. Others show themselves the equal of their husbands and one emerges as her husband’s partner in abusing others. Three others were concerned about their reputations and two more appear only as that huge number of women, mothers who died while their children were young. Only one, Margaret Rowse, could be thought to fit into Crawford’s categories of women taking on responsibility for their families. Her husband was absent because her village had taken the opportunities presented by the war to get rid of a trouble-maker. It is arguable that in other times other means would have been found to achieve the same result.

Petitions to Quarter Sessions highlighted in a public forum the vulnerability of women. The deaths of Johann Bell of Walpole St. Peter and the anonymous mother of baby Frances Simpson gave rise to complications in arrangements for the care of their motherless children.<sup>385</sup> The death of her husband James created complications for Cicely Whitfield over the estate she inherited, that were only made worse by her subsequent marriage to Richard Shephard.<sup>386</sup> She was left with an estate diminished by transactions of debatable propriety and was confronted by two groups of men going to law to get their hands on the assets which had been left to her by her first husband.

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<sup>383</sup> Ann Marie McEntee, “‘The (Un)Civill-Sisterhood of Oranges and Lemons’: Female Petitioners and Demonstrators, 1642-53” in Pamphlet Wars: Prose in the English Revolution, James Holstun (ed.) (London, 1992), p.95.

<sup>384</sup> Patricia Crawford, “Women’s Published Writings 1600-1700” in Women in English Society, 1500-1800, Mary Prior (ed.) (London, 1991), p.213.

<sup>385</sup> D.E. Howell James (ed.), NQS Order Book, pp.31 & 32, items 157 & 163.

<sup>386</sup> NRO C/S 3/27X1, 1629-30 (Appendix 4: Transcriptions #2).

Getting married did not solve the problems of Brigitt Ward.<sup>387</sup> She had given birth to a boy in Northamptonshire. She subsequently settled in the marshland village of Walpole St. Peter and married Peter Wilson. Her child, now a boy aged seven (the age when he might be put out to work) was brought to Brigitt and Peter at Walpole by a mysterious stranger. The parish baulked at having another mouth to feed and petitioned Quarter Sessions to send the boy back to his place of birth. Peter Wilson was already indigent and he had no prospect of being able to keep his new family. Laura Gowing in ‘Ordering the body’ narrates the story, revealed by a petition in Kent, of a woman in childbirth being pulled from one parish to the next in a bid to avoid the illegitimate baby become a charge on the parish.<sup>388</sup> Only by the naming of a father could the future upkeep of a child be ensured. A father had to be present, prepared to admit paternity and *able to maintain the child* [my emphasis]. The choice of a father was, says Gowing, determined by financial viability.<sup>389</sup>

Margaret Rowse lost her husband Edmund when, from her viewpoint, a vindictive local community punished him for a crime from which the courts had acquitted him. Edmund was sent off to be a soldier and she was refused permission to make a collection to raise money to keep their family. Margaret Rowse courageously decided to denounce her persecutors in a petition to Quarter Sessions.<sup>390</sup>

When three East Winch families lost their homes through fire, the wives, Elizabeth Welbaucke, Elizabeth Walker and Rachel Darney, petitioned for assistance as equals with their husbands.<sup>391</sup> Dorothy Chester, on the death of her husband, in competent and restrained terms, negotiated a reduction in the payments she was expected to make towards the upkeep of her grandchildren.<sup>392</sup>

Mary Ashton and Marian Topin were victims, it would seem, of their own unneighbourliness towards each other. But in the 1650s, women accused of unbecoming behaviour were certainly vulnerable. Mary Ashton, wife of James Ashton of Downham

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<sup>387</sup> NRO C/S 3/33 (Appendix 4: Transcriptions #8).

<sup>388</sup> Centre for Kentish Studies, QM/SB 1335 [no date: James 1] cited by Laura Gowing “Ordering the Body: Illegitimacy and Female Authority in 17<sup>th</sup> Century England” in *Negotiating Power*, Michael J. Braddick & John Walter (eds), p.43.

<sup>389</sup> Laura Gowing, “Ordering the Body”, pp.52 & 55.

<sup>390</sup> NRO QS C/S 3/37x1 (Appendix 4: Transcriptions #12).

<sup>391</sup> NRO QS C/S 3/37x2 (Appendix 4: Transcriptions #11).

<sup>392</sup> NRO QS C/S 3/33 (Appendix 4: Transcriptions #9).

Market, petitioned Quarter Sessions for protection of her reputation and specifically from the accusations of another Downham wife, Marian Topin.<sup>393</sup> Mary had been accused of defamation by Marian. The petitioner had:

been inhabited in the towne aforesaide manie years and well knowne to all her neighbours about her that her never wronged anie of them by violent Speches or anie misdemenour.

On the other hand it was well known to the neighbours that Marian Topin's first husband "Did forsake her by reason of her ill temper and violent speches". The petitioner asks for permission to bring a witness to her good standing to be heard by the court. The petition ends with a concluding paragraph which develops the customary signing off phrase from "and your petitioner shall ever pray" to "Your petitioner shall ever be bound to pray for your worships soales and hapiness in this world and in the world to come".<sup>394</sup>

The petition is reminiscent of the many hundreds of such cases considered by Laura Gowing in her study of ecclesiastical courts in early-modern London.<sup>395</sup> Gowing points out that in 1641 the ecclesiastical courts were abolished, not to be reinstated again until 1660. Studies in Lancashire and Essex show that Quarter Sessions cases concerning adultery and fornication increased during the period 1650-58 following the abolition of the church courts.<sup>396</sup> The Ashton case may well, in earlier times, have been dealt with by the archdeaconry courts rather than Quarter Sessions.<sup>397</sup> The petition's extended conclusion might also indicate that it was drafted by an advocate used to preparing cases for hearing at ecclesiastical courts. For a woman, reputation might be a matter of life and death. The Rump Parliament's Acts included one allowing for the death penalty for women (and only women) convicted of adultery.<sup>398</sup>

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<sup>393</sup> NRO QS C/S 3/41A 1654 (Appendix 4: Transcriptions #15).

<sup>394</sup> NRO QS C/S 3/41A 1654 (Appendix 4: Transcriptions #15).

<sup>395</sup> Laura Gowing, *Domestic Dangers: Women, Words, and Sex in Early Modern London* (Oxford, 1996).

<sup>396</sup> "Prosecutions in Quarter Sessions 1626-1666 in Lancashire and Essex" in *An Ungovernable People: The English and Their Law in the Seventeenth and Eighteenth Centuries*, John Brewer & John Styles (eds.) (London, 1980), Appendices.

<sup>397</sup> R.B. Outhwaite, *The Rise and Fall of the English Ecclesiastical Courts, 1500-1860* (Cambridge, 2006). While excellent about defamation and the ecclesiastical courts before and after the civil war period, Outhwaite is not clear about what happened to such cases during the hiatus.

<sup>398</sup> G.E. Aylmer, *The State's Servants: The Civil Service of the English Republic 1649-1660* (London, 1973), pp.49 & 307.

The gentry on the Quarter Sessions bench also displayed a concern for a woman's reputation. When John Hansell insulted Lady Hovell (we are not told how) he was ordered to offer a public act of apology before he was granted poor law payments.<sup>399</sup>

Women could be protagonists as well as victims. Certainly it was alleged that Margaret Kempe had exceeded the bounds of acceptability in her violent behaviour towards Edward Ellis and his family.<sup>400</sup> Ellis alleged that Margaret Kempe acted on behalf of her husband, Constable Thomas Kempe, in smashing down Ellis's cottage door, despoiling his goods and barring his family access to the property. But Ellis's unnamed wife and children were also the victims of Margaret's actions. As Gowing says of gender relations in mid-seventeenth century England, it wasn't a simple case of men perpetrating outrages on women!<sup>401</sup>

However, women as petitionary negotiators were an exceptionally small minority. Only three women petitioned Quarter Sessions in their own names and in their own interests.<sup>402</sup> Dorothy Chester did so as a widow much respected in the community.<sup>403</sup> Mary Ashton was defending herself in what was, in effect, a legal dispute with another woman.<sup>404</sup> Margaret Rowse alone emerges as a woman liberated by events to demand redress against her community.<sup>405</sup> Margaret Rowse was claiming citizenship in her own right. While the status and authority of the courts was reiterated by the receipts of petitions, the acceptance of petitions endorsed the rights of the petitioner, as a citizen, to negotiate with the justices.

## Social harmony

Regulating alehouses was a major activity of Quarter Sessions and one that gave rise to five of the petitions sampled. The petitions reveal substantial social concern about alehouses and their regulation. Earlier in the century, alehouses had been described as

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<sup>399</sup> D.E. Howell James (ed.), *NQS Order Book*, p.97, item 1008.

<sup>400</sup> NRO QS C/S 3/27 (Appendix 4: Transcriptions #1).

<sup>401</sup> Laura Gowing, "Ordering the Body", p.45.

<sup>402</sup> NRO QS C/S 3/37x2 (Appendix 4: Transcriptions #11).

<sup>403</sup> NRO QS C/S 3/33 (Appendix 4: Transcriptions #9).

<sup>404</sup> NRO QS C/S 3/41A 1654 (Appendix 4: Transcriptions #15).

<sup>405</sup> NRO QS C/S 3/37x1 (Appendix 4: Transcriptions #12).

“nurseries of all riot, excess and idleness”.<sup>406</sup> Alehouses were frequently centres for dissent as well as social gatherings. Quarter Sessions, as can be seen from the Order Book, was always anxious that they should be well run.<sup>407</sup> The editor of the Order Book implies that licensing laws were more strictly applied “by the puritans”. Certainly all the petitions identified here from the Quarter Sessions rolls and the Order Book were post-1645. But while alehouses, in the eyes of the law, existed primarily to meet the needs of travellers, a point taken up by petitioners, the reality was more complex. One of the first Acts of Parliament after the outbreak of war was to maximise income from the excise on the sale of beer and ale.<sup>408</sup> The authorities had a financial, as well as social and political interest, in regulating alehouses. All five petitions post-date that development.

Controversies about licensing decisions could involve comparatively large numbers of protagonists. In what was probably the normal process and one not necessarily recorded, Thomas Loader petitioned for a licence for an alehouse in Morston. Local justices were asked to investigate and issue the licence if they saw fit.<sup>409</sup> In other cases the process was not so straightforward. No fewer than 40 Hockwold villagers added their signatures or marks to a petition opposing the approved licensee and supporting another established licensee.<sup>410</sup> The petitioners claimed that Edward Miller, a blacksmith, had made false claims when applying to the justices for a licence. He had said his house had been an alehouse for fifty years previously. This, they argued, was not true. The petitioners also described Miller as “unfitt to keepe such a house beinge a Notorious swearer, a scoffer att Religious duties, a cholericke hastie moodie man and noe wayes necessitated to use such a callinge”. He was also perfectly capable “in body and purse” to earn his living as a blacksmith. There was already a licensed alehouse keeper in the parish and had been for six years and the parish, not being “a road toune” or on a thoroughfare, did not need another alehouse. Unlike Miller, John Chester was an “honest carefull man” who kept the rules and orders in his house according to the statute.<sup>411</sup> From this petition we can learn that a large number of adults in Hockwold valued honesty and carefulness in keeping

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<sup>406</sup> Peter Clark, The English Alehouse: A Social History, 1200-1830 (London, 1983), p.145 quoting Robert Harris (1610).

<sup>407</sup> D.E. Howell James (ed.), NQS Order Book, Introduction, p.16.

<sup>408</sup> Peter Clark, The English Alehouse, p.45.

<sup>409</sup> NRO QS C/S 2/2, p.17.

<sup>410</sup> NRO QS C/S 3/34 (Appendix 4: Transcriptions #10). The petition itself is undated, but from a box of material attributed it to 1645.

<sup>411</sup> The lack of a date on this petition is frustrating: if the petition dates from before April 1643 it could refer to the John Chester whose widow petitioned Quarter Sessions (see above p.101).

regulations in an alehouse keeper. They liked John Chester and did not want to see his business undermined by a man who lied and did not need the alehouse keeper's job to keep body and soul together. What it does not tell us, or even hint at, are the motives of those who signed; for example, their religious and political allegiances. No amount of reading between the lines can show with any degree of seriousness that the Hockwold 40 were an homogenous group of puritans prizing above all else social stability and harmony. No doubt their motives were as mixed as that of any other group of 40 villagers, or even those of the nineteen petitioners of Wormegay.

In 1655, nineteen petitioners from Wormegay intervened to try to save the licence of one Robert Pennell.<sup>412</sup> Pennell had not long been granted a licence to keep a common alehouse in the village when he became victim of a revenge action by John Rix. Pennell had arrested Rix for disorderly conduct, only for Rix to retaliate by bringing witnesses to Quarter Sessions to show that Pennell was an unsuitable man to be a licensee. Pennell's supporters insisted that Rix had acted out of "mallice and revenge" and that Rix was "a most disorderly swearing and uncivil fellow". Their petition is undated, so we cannot be clear whether it pre- or post-dates the Order Book entry ordering Pennell's alehouse to be suppressed and Pennell himself to be treated as an unlicensed alehouse keeper if he continued in business.<sup>413</sup> A further frustration arises with an entry in the Order Book for 1657-1668. An entry for the Sessions at King's Lynn in October 1657 indicates that a Robert Pennell of Hillington was ordered not to continue to run an unlicensed alehouse and to take down the sign from outside the house.<sup>414</sup> The constables of Freebridge Lynn Hundred were ordered to enforce the ruling. The Order Book mentions two other "alehouse" petitions without giving details. William Oxborow's petition, signed by "many inhabitants" argued that there were too many alehouses in East Rudham, three.<sup>415</sup> Justices investigated and agreed there should be only one, Oxborow's, which was situated on the "common road". Finally, Walsoken inhabitants petitioned for the suppression of an unlicensed alehouse in the parish, alleging that its landlord, William Fenn, harboured vagabonds.<sup>416</sup> Their wish was granted and the alehouse suppressed.

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<sup>412</sup> NRO QS C/S 3/42A(2) (Appendix 4: Transcriptions #18).

<sup>413</sup> D.E. Howell James (ed.), NQS Order Book, p.80, item 767, dated 17 July 1655.

<sup>414</sup> NRO QS C/S 2/2, p.12.

<sup>415</sup> D.E. Howell James (ed.), NQS Order Book, p.27, item 108.

<sup>416</sup> D.E. Howell James (ed.), NQS Order Book, p.51, item 407.

Reputation clearly was a matter of concern when judging whether a person was suitable for licensing as an alehouse keeper. We have seen above that reputation and status were important incentives to justices to fulfil their tasks honourably. But individual petitioners often shared the concerns of justices for reputation. We have seen, above, Mary Ashton's anxiety that justices should protect her reputation from defamation by Marian Topin.<sup>417</sup> Henry Golding was concerned that in petitioning for assistance he was undermining the reputation built up by his late father who "...was anonest man and well reported of in the Towne".<sup>418</sup> In struggling to meet his obligations to family and community, Golding had got heavily into debt. In petitioning magistrates he was making the scale of his difficulties public knowledge. "...truly my debet is so greatt that I am lost to make it known. But I must though with greef". Golding's comment underlines the public nature of the petitioning process; while privately made requests might remain private, public petitions could not. He expected the details of his history and debts to become general knowledge as a result of petitioning.

Henry Golding's concern for reputation points towards the values shared, or expected to be shared, by the West Norfolk community in the mid-seventeenth century.

## Values

If petitioners were in favour of motherhood and apple pie they did not say so. Whatever their private thoughts and values might have been, the ones they embraced for the purposes of influencing the justices were the obvious ones: self-sufficiency, willingness to work, fulfilling moral obligations to family, living peaceably with neighbours and, possibly, deference to one's betters, magnanimity and a willingness to resolve differences. Licensee John Chester was praised by fellow villagers for being honest, careful and keeping to the rules and orders.<sup>419</sup> Henry Golding particularly valued his father's honesty.<sup>420</sup> The Northwold petitioners showed they valued "commiseration" of the want and necessities of others.<sup>421</sup> But they mixed commiseration with sound economics when

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<sup>417</sup> NRO QS C/S 3/41A 1654 (Appendix 4: Transcriptions #15).

<sup>418</sup> NRO QS C/S 3/31 (Appendix 4: Transcriptions #5).

<sup>419</sup> NRO QS C/S 3/34 (Appendix 4: Transcriptions #10).

<sup>420</sup> NRO QS C/S 3/31 (Appendix 4: Transcriptions #5).

<sup>421</sup> NRO QS C/S 3/31 (Appendix 4: Transcriptions #7).

pleading on behalf of Robert Roands. On self-sufficiency, even the very old and disabled (Edward Messenger and John Parker, for example) felt under an obligation to earn their own keep, if not by working then by begging.<sup>422</sup> By their decisions, the justices showed they agreed with this sense of obligation and in helping John Hansell also warned him that he must be willing to take any work offered him.<sup>423</sup> The fire victims of East Winch offered to take self-sufficiency to the length of building new homes for themselves if the court was willing to assist them in acquiring a site.<sup>424</sup>

Inability to provide for oneself and one's family was preferred as a justifiable reason for sending Peter Wilson's new stepson Robert Ward back from Walpole St. Peter to Northamptonshire.<sup>425</sup> Henry Golding was dismayed that, even having got heavily into debt, he was unable to meet his obligations towards both his own wife and children, members of his very large extended family and the parish-imposed apprentice.<sup>426</sup> The obligation to help orphaned children by taking them into one's home as apprentices was acknowledged, even though Burgess and Golding found good reasons why they should be released.<sup>427</sup> Similarly, the obligation to assist widows and their children by becoming executors of wills is mentioned by Henry Golding as the cause of his downfall, while Gregory Gawcett was happy to relinquish such responsibilities.<sup>428</sup> John Farthing sought the commiseration of the justices. He had not only stood bail for his indicted son, but taken responsibility for his son's family when Farthing junior failed to appear in court.<sup>429</sup>

The petitioners attacked vices as well as promoted virtues. Licensee Robert Pennell's supporters at Wormegay attacked his rival John Rix for being a "disorderly, swearing and uncivil fellow abusing his father and mother and all his neighbours in the towne".<sup>430</sup> Hockwold villagers condemned Edward Miller for being "a notorious swearer, scoffer at religious duties, a cholerick, hastie, moodie man".<sup>431</sup> Mary Ashton condemned her rival Marion Toper for her ill temper, violent speech and defamation, and for driving away her

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<sup>422</sup> NRO QS C/S/ 3/38x1 (Appendix 4: Transcriptions #13); NRO QS C/S 3/42A(1) (Appendix 4: Transcriptions #19); D.E. Howell James (ed.), NQS Order Book, p.85, item 842.

<sup>423</sup> D.E. Howell James (ed.), NQS Order Book, p.97, item 1008.

<sup>424</sup> NRO QS C/S 3/37x2 (Appendix 4: Transcriptions #11).

<sup>425</sup> NRO C/S 3/33 (Appendix 4: Transcriptions #8).

<sup>426</sup> NRO QS C/S 3/31 (Appendix 4: Transcriptions #5).

<sup>427</sup> NRO QS C/S 3/42A(1) (Appendix 4: Transcriptions #20); and as above.

<sup>428</sup> As above and NRO QS C/S 3/28 (Appendix 4: Transcriptions #4).

<sup>429</sup> NRO QS C/S 3/41A (Appendix 4: Transcriptions #16).

<sup>430</sup> NRO QS C/S 3/42A(2) (Appendix 4: Transcriptions #18).

<sup>431</sup> D.E. Howell James (ed.), NQS Order Book, p.32, item 162.



husband.<sup>432</sup> Others condemned abuse of power (Ellis and Shephard), arbitrary persecution (Ellis), making false statements (inhabitants of Hockwold), bribery (Shephard again) and misappropriation of funds (Whicte).<sup>433</sup> John Games, in prison for debt for several years, condemned Robert Cooke of Terrington not only for making false accusations against him, but also for being unwilling to reach any sort of resolution of a situation which was benefiting nobody.<sup>434</sup>

The petitioners seem remarkably unwilling to advise the justices on what virtues they themselves should display. It was clear they were expected to show compassion; do “not turne your eyes and hands from the cry of the poore” pleaded the ancient Edward Messenger.<sup>435</sup> The debtor John Games repeats the word “worships”, underlining the sense the word gives that magistrates should be men of worth, honourable, men of virtue and religion and wise.<sup>436</sup> And by repeatedly describing himself as their worships’ petitioner, he underlines his relationship to them, a relationship of dependence. The much abused Ellis appealed to the justices for the “Lord Jesus Christes sake” to give fair judgement and re-establish community peace and harmony in Toftrees.<sup>437</sup> And Richard Shephard, who also believed himself much abused by those in authority, asked “for God’s sake duely & maturely... weye the premises” and protect the vulnerable from the misuse of power and local influence.<sup>438</sup> In so doing he was also challenging the justices to live up to expectations: they should be educated enough to recognise a premise when asked to do so and wise enough to come to a balanced judgement.

The details set out here delineate a corpus of shared values or, possibly, a corpus of the values that were known to be approved. During much of the period, petitioners had every reason to be circumspect.

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<sup>432</sup> NRO QS C/S 3/41A (Appendix 4: Transcriptions #15).

<sup>433</sup> Ellis: NRO QS C/S 3/27; Shephard: NRO QS C/S 3/27; Whicte: NRO QS C/S 3/31x1.

<sup>434</sup> NRO QS C/S 3/41A (Appendix 4: Transcriptions #17). Ironically, in 1630 a John Game had been one of the inhabitants of Terrington St. John who accused overseer John Waters of giving money to people who did not need it (Tim Wales “Poverty, Poor Relief and the Life-cycle: Some Evidence From Seventeenth-century Norfolk” in Land, Kinship and Life-cycle ed. Richard M. Smith (Cambridge, 1984) p.368).

<sup>435</sup> NRO QS C/S 3/38x1 (Appendix 4: Transcriptions #13).

<sup>436</sup> NRO QS C/S 3/41A (Appendix 4: Transcriptions #17).

<sup>437</sup> NRO QS C/S 3/27 (Appendix 4: Transcriptions #1).

<sup>438</sup> NRO QS C/S 3/27x1 (Appendix 4: Transcriptions #2).

Norfolk Quarter Sessions continued to meet almost without interruption during the civil wars and troubles. Petitioners continued to seek redress from the county magistrates. In turn, addressing petitions to Quarter Sessions underlined the legitimacy of that body, the magistracy and county government itself, at a time when all three might have been called into question. The continuance of that government structure through the turmoil of the troubles shows both the need of petitioners for governance and the willingness of petitioners to accept the legitimacy of the post-1642 magistracy. However, silences within petitions to Quarter Sessions hint at a complexity and sophistication in petitioners' approaches to power. Some of those silences concern religion and the civil war itself. Religious language and discourse dominated political expression in pamphlets and, especially, instructions to justices delivered through assize sermons. But our corpus of petitions remains predominantly secular. As we have seen within our sample, the adopted discourse is overwhelmingly secular. It is hardly surprising that the petitioners chose to ignore the age's passionate embracing of providentialism—the concept that if bad things happen to good people it is either because they have not been as good as they ought or that the experience of disease, distress and injustice might give them an opportunity for improvement—it could too easily rebound to their disbenefit. The religious language of the 'doxologies' that conclude so many petitions might have been uttered with total commitment and conviction, but no attempts are made to use religious arguments or justifications within the main texts of pleas. Nevertheless, claims of irreligion could and were used against opponents; Hockwold inhabitants condemn Edward Miller as "a scoffer of religious duties".<sup>439</sup>

Also absent from the petitions are overt references to the troubles. Margaret Rowse's husband was sent away to be a soldier. Even that act is not described as being as a result of the war, but simply as a convenient way of getting rid of an awkward character.<sup>440</sup> There are no references to the political context of the petitions, nor any hint of ambivalence towards the gentry named (Hare, Dereham, Hovell and Mundeford) who managed so dexterously to bridge, rise above or survive the political conflict.

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<sup>439</sup> NRO QS C/S 3/34 (Appendix 4: Transcriptions #10). The final paragraphs of petitions are discussed in more detail and from a different perspective, below, p.125.

<sup>440</sup> NRO QS C/S 3/37x1 (Appendix 4: Transcriptions #12).

There is, however, a subtle difference in ‘feel’ between the earlier petitions and the later ones that hints towards an explanation of our silences. The interregnum petitions continue to share pre-war concerns (for example, challenging parish decisions over poor rate pensions), but add another layer to the picture. From the period of the troubles come the petitions about debt, about defamation and impudence, and about the public responsibilities of alehouse keepers. They add a sense of greater social danger.

In these years of religious and political conflict, petitioners had to choose lines of approach that were appropriate to those they were attempting to influence. Unlike the anonymous mass public to whom printed petitions were addressed, or the distant and comparatively anonymous authorities within Parliament and its committees, Justices of the Peace were known, present and met with. Petitions to Quarter Sessions went to known individuals within a fragile collectivity. The diversity of their views was public knowledge. In public, justices attempted to maintain a measure of unity. Unity legitimised their authority. By not using political or religious arguments to support their pleas, petitioners avoided undermining that unity.

Habermas, in his theory of language, includes the challenge of ‘appropriateness’. It is not enough for words or phrases (discourses) to be understood by parties communicating with each other, there has to be mutual acceptance that the language is being used appropriately.<sup>441</sup> The silence about the civil war was deliberate. The use of partisan/polemical language in the particular forum of Quarter Sessions would have been inappropriate. I will compare the Norfolk experience with that of two front-line counties, Essex and Warwickshire, in a later section.<sup>442</sup>

## **Death and survival**

Overwhelmingly, what is conveyed by our sample of petitions and by the petitions recorded in the Quarter Sessions Order Book is not so much a set of shared (or even

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<sup>441</sup> Jürgen Habermas, The Theory of Communicative Action. Vol. 2. Lifeworld and System: A Critique of Functional Reason (Cambridge, 1987), p.121.

<sup>442</sup> Section 4.5, War’s Impact on Quarter Sessions: An Inter-county Comparison, p.207.

adopted) values, it is more a dominating concern with death and its consequences and with the precariousness of survival. Status and life were always precarious.

Nearly half the sample of petitions concerned the consequences of a death in the family. Richard Shephard's petition centred on the exploitation of widow Cicely Whitfield's inherited estate.<sup>443</sup> Henry Golding found himself overwhelmed when his twice married father died leaving him to bring up some of his sixteen or seventeen siblings in addition to his own children and the apprentice forced on him by the parish.<sup>444</sup> Newly widowed Dorothy Chester courteously sought a variation in childcare payments because the death of her husband John had left her estate "weake".<sup>445</sup> The death of Thomas Simpson and his wife in quick succession left George Turpin with short-term child care responsibilities that had unexpectedly become permanent and insecurely funded.<sup>446</sup> When widow Johann Bell died leaving three children, Walpole St. Peter parish had to petition Quarter Sessions for endorsement of the arrangements for care of the children and the burying of their mother.<sup>447</sup> Weeting inhabitants petitioned Norfolk Assizes for an order for re-location of three-year-old Christopher Bowles after his mother had died in Harborough in Leicestershire.<sup>448</sup> On behalf of the Assizes, Quarter Sessions decided Christopher should stay in Weeting, and a charge on that parish, until he was seven when he should be re-located to Harborough, the place of his birth.

The threat of want and misery before death was before the eyes of at least seven more petitioners. Edward Ellis in 1630 feared that his great distress could mean that he was likely to spend the rest of his days with his poor wife and children in great misery and calamity.<sup>449</sup> Friends and neighbours of Robert Roands in Northwold feared that Robert, aged, poor, sickly, much in debt and unable to maintain himself, might additionally be made homeless if his house was declared illegal.<sup>450</sup> In 1646, Margaret Rowse, her husband having been pressed to serve as a soldier, found herself unable to provide for her two small children and denied the right to make a collection in Methwold on their behalf as

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<sup>443</sup> NRO QS C/S 3/27 (Appendix 4: Transcriptions #2).

<sup>444</sup> NRO QS C/S 3/31 (Appendix 4: Transcriptions #5).

<sup>445</sup> NRO QS C/S 3/33 (Appendix 4: Transcriptions #9).

<sup>446</sup> NRO QS C/S 3/38x1 (Appendix 4: Transcriptions #14).

<sup>447</sup> D.E. Howell James (ed.), *NQS Order Book*, p.31, item 157.

<sup>448</sup> D.E. Howell James (ed.), *NQS Order Book*, p.58, item 476.

<sup>449</sup> NRO QS C/S 3/27 (Appendix 4: Transcriptions #1).

<sup>450</sup> NRO QS C/S 3/31 (Appendix 4: Transcriptions #7).

was “fitt for poore people in such extremitie”.<sup>451</sup> John Games, languishing in prison for debt, with no money to pay off the debt or buy provisions for himself, feared he would have perished in prison if the prison keepers had not provided him with basic necessities.<sup>452</sup> Thomas Kempe also declared that he and his four sick children were “lyke utterly to perrishe” unless the justices provided some relief.<sup>453</sup> The ancient John Parker went back twice to sessions for aid in his plight.<sup>454</sup> Edward Messenger in 1647, at 80 a year older than Parker, almost blind and “very laime of his ankles” foresaw “such distresse coming upon him in his decrepit old age that he is likely to perish by hunger and cold”.<sup>455</sup>

## Last words

For the most part, all the petitions follow a recognisable pattern of the kind described by Zaret.<sup>456</sup> Starting with humble addresses to the justices, petitioners conclude with offering a return in the form of prayers or blessings. Of 21 petitions, four have no sign off (concluding phrases) at all, ten have a minimal often contracted phrase such as “ever bound to pray” etc., and seven have longer variations on the normal practice. There seems to be no common factor among these seven, although five were individuals, two of whom were women. The intensity of these ‘doxologies’ does not seem to correlate with the intensity of the petitioner’s plea. Shephard made no promises to pray, but pledged melodramatically in the margin to remain “their worships poor petitioner til death”, only to plunge once more into his attack on abuses of power and status.<sup>457</sup> Daily prayers were promised by the elderly Edward Messenger and by Turpin.<sup>458</sup> Mary Ashton promised to pray for the justices’ “hapiness in this world and the world to come”, while Dorothy Chester was to pray that their “wealth and hapiness long continue”.<sup>459</sup> Northwold prayed

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<sup>451</sup> NRO QS C/S 3/37x1 (Appendix 4: Transcriptions #12).

<sup>452</sup> NRO QS C/S 3/41A (Appendix 4: Transcriptions #17).

<sup>453</sup> NRO QS C/S 3/28 (Appendix 4: Transcriptions #3).

<sup>454</sup> NRO QS C/S 3/42A(1) (Appendix 4: Transcriptions #20); D.E. Howell James (ed.), NQS Order Book, pp.62 & 85, items 542 & 842.

<sup>455</sup> NRO QS C/S 3/38x1 (Appendix 4: Transcriptions #13).

<sup>456</sup> David Zaret, Origins of Democratic Culture, p.90.

<sup>457</sup> NRO QS C/S 3/27 (Appendix 4: Transcriptions #2).

<sup>458</sup> NRO QS C/S 3/38x1 (Appendix 4: Transcriptions #13). NRO QS C/S 3/38x1 (Appendix 4: Transcriptions #14).

<sup>459</sup> NRO QS C/S 3/41A (Appendix 4: Transcriptions #15); NRO QS C/S 3/33 (Appendix 4: Transcriptions #9).

for their worships' "healths & prosperities", while Tilney prayed for their "health long to endure".<sup>460</sup> After recounting his long tale of woe, Henry Golding concluded: "I leave you to god having been too bould to trouble your worships. I rest".<sup>461</sup>

But after his complaint of abuse by his landlord, Constable Thomas Kempe, Edward Ellis concluded: "And the pore petitioner and all his shall dayelye bounde to praye to God for your prosperities in this worlde your good Worships in humble daelye to be commended". It is a phrase that seems perhaps to stress that prosperity and well-being in this world go hand-in-hand with responsibility for the abused and unfortunate.<sup>462</sup>

Michael Walzer identifies phrases such as "esteem", "honour", "pray for" and "obey" with a Calvinist view of the magisterial role.<sup>463</sup> However, as with wills, there is a danger of reading too much into variations in formulae. It is probable that many of the documents were the result of dictation to scribes (at least one, that of Edward Messenger<sup>464</sup> whose sight was decayed, could hardly have been otherwise) or produced by unnamed public notaries. Others may have been transcribed by court officials for the public record. Margaret Spufford has shown how those planning to make wills had a circle of people to whom they could turn for assistance: friends and acquaintances, as well as local officials, teachers and curates.<sup>465</sup> Each village might have two or three such 'scribes' to whom individuals might turn without having to go to a nearby town to purchase the skills of a public notary. The use of such advisers affected the style in which wills were presented, warns Spufford.<sup>466</sup> Similar warnings apply to the formalities of petitions. The concluding formalities of petitions were usually the most deferential in language, but such deference must always be suspect. Deference in the context of petitioning was always conditional.

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<sup>460</sup> NRO QS C/S 3/31 (Appendix 4: Transcriptions #7); NRO QS C/S 3/28 (Appendix 4: Transcriptions #4).

<sup>461</sup> NRO QS C/S 3/31 (Appendix 4: Transcriptions #5).

<sup>462</sup> NRO QS C/S 3/27 (Appendix 4: Transcriptions #1).

<sup>463</sup> Michael Walzer, *The Revolution of the Saints*, p.33.

<sup>464</sup> NRO QS C/S 3/38x1 (Appendix 4: Transcriptions #13).

<sup>465</sup> Margaret Spufford, *Figures in the Landscape*, pp.28-43.

<sup>466</sup> Nevertheless, insists Steve Hindle, petitioners were always at the elbow of the writer, influencing what was written and the language used: Steve Hindle, *On the Parish?*, p.164.

According to E.P. Thompson, it was a means to “the calculated extraction of whatever could be extracted”.<sup>467</sup>

## Conclusions

The petitions considered in this chapter were prompted by unique and often complex situations, but they shared concerns and values. The process of petitioning generated, reinforced and expressed social norms accepted in North-West Norfolk in the mid-seventeenth century. Participation in petitionary negotiations confirmed the status of the participants. If the act of receiving petitions confirmed the authority and status of the justices who received them, the proffering (and acceptance) of petitions confirmed recognition of their citizenship on petitioners. In this regard, the fact that only three petitions were from women surely suggests something about the status of wives and widows. We cannot know how many petitions were presented which were ignored or discarded by the court authorities. We cannot know why those who do not seem to have petitioned are absent from the records of petitionary records. Why, for example, is there no counter petition on record from Brigitt Ward, whose child was so ruthlessly taken from her?<sup>468</sup> Did she choose not to? Was she incapable of finding someone to make her argument for her? Or was she, impoverished as she and her new family were, considered a non-citizen, one excluded from the system?

Even within the petitions still on record there are surprising silences. These silences suggest that discourses were used selectively, that there were arguments and approaches to negotiation that were tacitly (unconsciously) accepted as inappropriate for use when addressing locally based authority and power. Beneath the normative concerns and values (and silences) of the petitions lie the perennial concerns of the society, the daily struggle for survival in the face of death, dearth, poverty and vulnerability.

While petitions shared some characteristics of approach, each petition was unique. All had a back history, a complexity, which is now hidden from us. For example, we cannot know

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<sup>467</sup> E.P. Thompson, “Eighteenth-Century Society: Class Struggle Without Class?”, *Social History* 3 (1978), p.163.

<sup>468</sup> NRO C/S 3/33 (Appendix 4: Transcriptions Walpole St. Peter #8).

why Chief Constable Whicte found himself at odds with local taxpayers after so many years of acceptable service.<sup>469</sup> Was the dispute really a symptom of discontent not so much with Whicte and his performance, but with the taxes currently being demanded? Were questions about the legality of Whicte's actions merely a proxy for questions about the tax demands being made by the crown itself? Whicte's praying in aid for the expense of his journeys to Norwich to pay over money implies that the taxes at issue were quota taxes levied by the King, possibly the controversial ship money. When taxpayers accused Whicte of adding 'new' taxes to existing burdens, were the gentry really attacking a national tax legitimacy which was open to challenge?<sup>470</sup> The gentry who challenged Whicte may well have acted with a unanimity that was more apparent than real. It is probable that their motivations and strength of feeling would have been mixed. Behind Whicte's apparently mono-vocal petition lies a polyphony of irretrievable views. The same might be assumed about other petitions in the corpus. Wherever a petition purports to speak for a collectivity (whether parish officers on behalf of their entire parish or 40 villagers seeking action over an alehouse), a multiplicity of views and motivations can always be assumed. What petitions undoubtedly did do was to raise issues in a public forum and to write views into the public record. The repetition of cultural assumptions in a public forum generated the political discourse of a generation. Petitions were part of that process. Social values such as sobriety, dependability and self-sufficiency were constantly reiterated and thus reinforced. Addressing petitions to Quarter Sessions underlined the legitimacy of that body, the magistracy and county government itself. The continuance of that government structure through the turmoil of the troubles shows both the need of petitioners for governance and the willingness of petitioners to accept the legitimacy of the post-1642 magistracy. However, the silences within petitions to Quarter Sessions hint at a complexity and sophistication in petitioners' approaches to power.

Among those who wrote and who drafted petitions at Quarter Sessions level there was a tacit agreement about what arguments might appropriately be used, about the norms with which they would be expected to comply. They might assume that society had a responsibility towards its members, especially toward the deserving poor. They might assume that society should require that all who could pay towards the costs of government should do so, whether they wanted to or not. They might assume that the decision of

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<sup>469</sup> NRO QS C/S 3/31x1 (Appendix 4: Transcriptions #6).

<sup>470</sup> Michael J. Braddick, *The Nerves of State*, p.155 et seq., where tax resistance is discussed.



parish office-holders might be challenged. But it was inappropriate to challenge the legitimacy or the quality of those office-holders being petitioned. Some norms are just common sense. But then Berger and Luckman said forty years ago: “Commonsense knowledge is the knowledge I share with others in the normal, self-evident routines of everyday life”.<sup>471</sup> Petitioners to Quarter Sessions ‘knew’ what might work and what did not, or what might work to their disadvantage. Cristina Bicchieri has described norms as a cluster of self-fulfilling expectations.<sup>472</sup> If people believe that a sufficiently large number of others uphold a given norm then, under the right conditions, they will conform to it. But where conditions and situations are not uniform, where there are doubts or anxieties, then it is best to avoid placing yourself in a position of exposure.

In these years (1630-1660), no-one could be certain what in practice would be acceptable religious language and religious claims to make in a petition. No petitioner post-1643 could be certain where the true allegiances of magistrates lay. In such circumstances it was common sense to remain vague or silent. It was not safe to make assumptions about norms in such matters to these magisterial recipients in such times. As will be seen elsewhere in this thesis, the same did not apply to all petitioners. It was safe for those petitioning parliamentary authorities post-1644 to make assumptions about norms concerning religion, legitimacy and the law, even though in reality those wielding power on such bodies as the Committee for Compounding might hold as great a diversity of view and attitude as those serving as Justices of the Peace. The same continuity of service at Quarter Sessions level which assured continuance of governance at local level embraced in a public way a diversity of view that meant that political and religious norms could not be assumed. Parliament and its committees had a corporate identity which absorbed and obliterated the individual views of their constituent members. Quarter Sessions justices remained individuals known, seen, met and heard in their local communities.

Overwhelmingly, what is conveyed by our sample of petitions and by the petitions recorded in the Quarter Sessions Order Book is not so much a set of shared (or adopted) values as a dominating concern with death and its consequences, and with the precariousness of survival. Status and life were always precarious. Petitions were often an

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<sup>471</sup> Peter L. Berger & Thomas Luckman, The Social Construction of Reality: A Treatise in the Sociology of Knowledge (London, 1967), p.37.

<sup>472</sup> Cristina Bicchieri, The Grammar of Society: The Nature and Dynamics of Social Norms (Cambridge, 2006), p.ix.

act of last resort. We are left with an overwhelming sense of the vulnerability of seventeenth century lives; death was ever present then as now, but could have devastating consequences for those left behind. Inherited assets were both the hope and protection of widows and orphans, but also an attraction for those who preyed on the vulnerable and for parish authorities desperate to augment their income. Social negotiations may have generated norms that made for an easier understanding of one's place and role within the community, but they did not threaten or call for a restructuring of society. The negotiations were about amelioration and survival.

## **CHAPTER FOUR: PETITIONS AND THE IMPACT OF WAR**

### **4.1: War, Continuity and Change**

#### **Introduction**

In Chapters Two and Three I considered the ubiquity of petitioning and the information that can be extracted from petitions concerning power relations and social values. In this chapter I consider the impact of the civil war and interregnum as reflected in the practice of petitioning. At the heart of this chapter will be an analysis of a petition printed and published on behalf of the merchant community of King's Lynn. That section will seek to demonstrate how the petition reflected concerns that had already been expressed through (unprinted) petitions in earlier years and how those same concerns continued to be expressed through petitions in the years of the Parliament and Protectorate. This will be followed by the implications of petitions from King's Lynn and West Norfolk to the government following the siege of King's Lynn in 1643, then a section showing the use made of petitions during those years by individuals suffering as a result of the conflict. We have already considered some of the petitions sent to Norfolk Quarter Sessions between 1640 and 1660, in a later section the impact of the conflict on petitioners to Norfolk Quarter Sessions will be compared with the impact on petitions to Quarter Sessions in Essex and Warwickshire. Two further sections, each a detailed case study, will reflect on the complexities behind a seemingly straightforward petition of 1641 from the Fishermen of Burnham and the existence of a female dissenting class in King's Lynn and its country as revealed by a printed petition of 1659. Firstly, however, I will outline the context in which those further sections should be read.

#### **War and change**

The flood-tide of petitions which greeted Parliament when it was recalled in 1640 was clearly different in kind, quantity, urgency and complexity to anything that had gone before. Collective petitioning was not new; however, mass petitioning with many thousands of signatures required a scale of management that was unprecedented. Signature gathering must have involved meetings in every major tavern and church in the land, and

clergy and ministers of all wings of Protestantism were involved. While the gentry gave the movement leadership, analysis of the social backgrounds of petitioners indicates that the movement went across all levels. There was central co-ordination but, as both Zaret and Maltby argue in their different contexts, individual mass petitions added to and adapted the national model to incorporate local concerns.<sup>473</sup>

Printing such petitions gave an additional dimension to petitioning. Printing broke every convention of petitioning, in that it destroyed any pretence of spontaneity, deference and privacy. It turned political petitions into propaganda. The purpose behind such mass petitions became not to seek redress but to shape legislation. Thomas Aston's Cheshire petition was expressly timed to coincide with one particular vote in Parliament. Both Zaret and Fletcher treat the phenomenon at great length and in considerable detail.<sup>474</sup>

Petitions were by definition directed towards a focus of power, or perceived power. This gives an added interest to the addressees of the pro-episcopal petitions, 29 of which are reproduced by Maltby. The King was still unequivocally head of the church as well as of the state, yet two-thirds of these petitions are directed solely to Parliament, a further four are addressed to King and Parliament, one to the King and "peeres", and one to the Commons alone. Only three are addressed to the King alone (those from Essex, Lancashire and Cornwall).

There was a decided shift within Parliament itself. In 1628 it had set out its demands to Charles in a petition of its own, the Petition of Rights. By 1641 it had set out its manifesto in the form of ten propositions; the former implied a degree of deference absent from the latter. While Fletcher insists that at the opening of the Long Parliament no-one had envisaged "a permanent alteration in the balance of the constitution", within six months the language had become one that signalled a fundamental change in relationship.<sup>475</sup>

The conflict rapidly altered the geography of governance. Membership of the Privy Council had become one of the areas of conflict. It was an irresolvable dilemma: it could not remain the King's own council if its membership was dictated by a faction within the

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<sup>473</sup> David Zaret, *Origins of Democratic Culture*; Judith Maltby, "Petitions for Episcopacy".

<sup>474</sup> David Zaret, *Origins of Democratic Culture*; Anthony Fletcher, *English Civil War*.

<sup>475</sup> Anthony Fletcher, *English Civil War*, p.46.

Commons. While the debate over its membership continued, the Council's authority dwindled rapidly. Fletcher says that by the spring, the council was dealing with nothing but private petitions and routine economic regulation.<sup>476</sup> When the King's household removed to Oxford, the Council's staff moved with it. The collapse of the Council's authority and the removal of its staff to Oxford both left a power vacuum at Westminster. This was "a gaping hole in the edifice of government that Parliament was initially reluctant to fill", says John Adamson.<sup>477</sup> Its leaders wanted to settle the fight before it attempted to settle the constitution. A succession of attempts were made to create a smaller, manageable, executive that could meet and decide policy and action away from the maelstrom that wartime Westminster had become: the Committee of Both Kingdoms (1644-46), the Derby House Committee (1646-48) and the Council of State (1649-53). The Committee of Safety, founded at the opening of military action in 1642, stopped short of naming itself a 'substitute' for the Privy Council. It drew on Privy Councillors remaining at Westminster, says Adamson, and in its way of working copied the practices of the pre-war Privy Council. Like the Council, the Committee's principal administrative instrument was the warrant: a formal instruction requiring action, addressed to a named party and signed by a representative number of its members.<sup>478</sup> Its membership grew steadily in numbers, until by the year's end it included all the politically active peers remaining in Westminster. For Woolrych, the Committee of Safety, consisting of leading activists from both Houses, "rapidly became an embryonic government, the distant ancestor of a modern war cabinet".<sup>479</sup>

The larger the body, the greater the difficulty political managers experience in maintaining control. In 1644, with renewed factionalism raging, the Committee of Safety was in effect replaced by the Committee of Both Kingdoms. That committee, consisting of 21 Englishmen and four Scots, was given unprecedented powers in a move that was, according to Adamson, a major transfer of power from legislature to executive.<sup>480</sup>

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<sup>476</sup> Anthony Fletcher, *English Civil War*, p.46.

<sup>477</sup> John Adamson, "The Triumph of Oligarchy: the Management of War and the Committee of Both Kingdoms" in *Parliament at Work*, Chris R. Kyle & Jason Peacey (eds.), p.104.

<sup>478</sup> Chris R. Kyle & Jason Peacey (eds.) *Parliament at Work*, pp.102-3.

<sup>479</sup> Austin Woolrych, *Britain in Revolution* (Oxford, 2002), p.228.

<sup>480</sup> John Adamson, "The Triumph of Oligarchy", p.103.

Parliament was much depleted. Elizabeth Read Foster shows how the war impacted on the House of Lords.<sup>481</sup> The expulsion of the bishops was the first development which reduced numbers in the Lords. Then, in 1642, the King summoned peers to attend him at York in May; already by that time many had withdrawn from the Chamber, while others left soon after. Foster estimates that about half of the peers supported the King, and about a quarter the 'parliament'. Thirty or more peers remained at Westminster. By 1646, 29 peers were deemed qualified to vote. Attendance was less than twenty.<sup>482</sup> By the time of its demise, the House of Lords was down to six, who were precluded from acting in any legislative way.

Power in Parliament was now diffused among committees. King's Lynn Corporation, with its strong parliamentary connections, was probably adept at seeking out the appropriate committee to petition on any particular occasion, but those committees, according to Jason Peacey, became the focus for political controversy, factional disputes and 'territorial' disputes.<sup>483</sup> They were manipulated by politicians and served purposes beyond their official remit. A committee for petitions was also established; some of the petitions the committee considered were generated by parliamentary legislation, notably those from injured parliamentary troops. This work came to dominate the committee's workload. There were also, notoriously, disputes between the army and these new parliamentary committees, notably the Committee of Accounts.<sup>484</sup>

Eric Gruber von Arni reminds us of the scale of the casualties inflicted in the civil wars: 190,000 in England and Wales, 60,000 in Scotland and possibly as many as 618,000 in Ireland. Within 48 hours of the battle at Edgehill, Parliament had passed an Act which acknowledged the state's responsibility to provide for the welfare of its wounded soldiers and also the widows and orphans of those killed.<sup>485</sup> After the defeat of the parliamentary army at Lostwithiel, Parliament received a number of petitions from those who suffered in

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<sup>481</sup> Elizabeth Read Foster, The House of Lords, 1603-1649.

<sup>482</sup> Elizabeth Read Foster, The House of Lords, 1603-1649, p.16.

<sup>483</sup> Jason Peacey, "Politics, Accounts and Propaganda in the Long Parliament" in Parliament at Work, Chris R. Kyle & Jason Peacey (eds.), p.59.

<sup>484</sup> John Adamson, "The Triumph of Oligarchy", pp.101-127.

<sup>485</sup> Eric Gruber von Arni, Justice to the Maimed Soldier: Nursing, Medical Care and Welfare for Sick and Wounded Soldiers and Their Families During the English Civil Wars and Interregnum, 1642-1660 (Aldershot, 2001), p.64.

it.<sup>486</sup> Despite the legislation, issues were not being resolved automatically, and redress still needed to be prompted by petition. Petitions from war victims were also presented to county Quarter Sessions, which were required to have procedures for allocating compensation. Petitioning of this kind will be considered in the section on Quarter Sessions, below, where there will be comparisons made between the Norfolk experience and that of frontline counties: Essex and Warwickshire.<sup>487</sup>

Kyle and Peacey show how Parliament struggled to cope with the changes the war brought about; its transformation from medieval institution to omni-competent authority with responsibility over all aspects of society. During this period, they argue, Parliament not only needed to be at work, but also to discover and determine how to work. It had to do this in inadequate, medieval premises, crowded, jostled and surrounded at all times with mayhem, instability and insecurity.<sup>488</sup> Old hazards, dearth and disease together with the new hazards of death and disruption, caused by war, provided the context within which new, inevitably temporary solutions were sought for challenges that were not merely matters of life and death but of eternal significance.

## Parliament

Ironically, the more Parliaments became used as a sounding board, the less likelihood there was of getting anything done. As we have seen, the Commons already had a reputation for time wasting and failing to deliver legislation. For the Short Parliament of 1640, says Sharpe, “The flood of local petitions and bills made things worse. Parliament

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<sup>486</sup> CJ, 10 October 1644. The petitions, grouped together, were from “the Physicians of the Army” under Essex; Abraham Webb, apothecary; and Tho. Trapham, Surgeon to Sgt. Major General Skippon. The Commons ordered that £100 be raised from “the committee at Haberdashers Hall” for furnishing medicaments for the service of my Lord General’s Army. The petitions of the Army Physicians and Thomas Trapham were referred to Sir Gilbert Herard for him to answer. Phillip Skippon was head of the parliamentary infantry which had been defeated at Lostwithiel; his family base was in West Norfolk and he was responsible for Norfolk during the brief period of governance by the Majors General during the interregnum.

<sup>487</sup> Section 4.5, War’s Impact on Quarter Sessions: An Inter-county Comparison, p. 207.

<sup>488</sup> Chris. J. Kyle & Jason Peacey (eds.), Parliament at Work.

was now being called upon to perform everyday tasks whilst meeting only occasionally and to resolve a myriad of particular local problems by laws".<sup>489</sup>

Oliver Cromwell's Protectorate Parliaments have been accused of being incapable of achieving anything because of endless internal disputes. Peter Gaunt argues otherwise.<sup>490</sup> The second Protectorate Parliament considered 100 bills and passed 60 Acts in 40 weeks, they just were not the kind of Acts which historians of subsequent generations considered worthy of note. The Acts included ones on land drainage in Hampshire and Essex, the transport of food in and around Norwich, the repair of Ely cathedral and a multitude of others which seem to be rooted in local demands for action. Gaunt contends that MPs were almost overwhelmed by the flood of petitions relating to private or local grievances. From time to time MPs "made half hearted resolutions to receive no more for a week, or to transact no private business for a fortnight". In practice, the steady flow of petitions was rarely disrupted. Petitions were slotted in early in the morning or whenever MPs found an hour or two (sometimes just a few minutes) to spare. Parliaments during the interregnum were almost as intermittent (almost as much an exceptional event) as they had been before the Triennial Act. Gaunt calculates that Parliament was in session for a little under fifteen of the 57 months of Oliver Cromwell's Protectorate, and that even when it met there had been distinct limitations to Parliament's powers.<sup>491</sup> Responding to local requests and demands for redress of local difficulties was as much a focus of parliamentary activity in the late 1650s as it had been in the 1640s. Petitioning remained the main medium for communicating local interests to Parliament. Colin Davis has written that the First Protectorate Council issued Ordinances at the rate of 20 a month, over half of which were responses to petitions.<sup>492</sup>

Religion, discerning and implementing God's will, was perceived to be a real, dynamic element to all that happened. But, Maltby argues, while there had been almost universal hostility among English Protestants towards the religious policies of Archbishop Laud, the "easy coalition of destruction" soon fell apart over what should be constructed.<sup>493</sup> While

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<sup>489</sup> Kevin Sharpe, *Politics and Ideas in Early Stuart England*, p.96.

<sup>490</sup> Peter Gaunt, "Oliver Cromwell and his Protectorate Parliaments: Co-operation, Conflict and Control" in *"Into Another Mould": Aspects of the Interregnum*, Ivan Roots (ed.) (Exeter, 1998), pp.70-100.

<sup>491</sup> Peter Gaunt, "Oliver Cromwell and his Protectorate Parliaments", p.74.

<sup>492</sup> J.C. Davis, "The Cromwellian Protectorate", (Review) *Parliamentary History Yearbook* (2008), p.278.

<sup>493</sup> Judith Maltby, "Petitions for Episcopacy", p.106.



the conflict was about the nature of the church and in particular the way it was governed, the debate was recognised at the time as also being about social and secular relationships. In Maltby's collection of petitions, Sir Thomas Aston condemns "this all knowing age" in which:

old women without Spectacles can discover Popish plots, young men and prentizes assume to regulate the Rebellion in Ireland. Sea-men and Marriners Reforme the House of Peers, Poore men, Porters, and Labourers spy out a malignant party, and discipline them; the countrey clouted-shoe renew the decayed Trade of the Citie. The Cobbler patch up Religion; and all these petition for a translation, both of Church and State, with so little feare of the Halter, that they would thinke themselves neglected, if they had not thanks for their care of the Re-publick...<sup>494</sup>

### **Women and other citizens**

Sir Thomas Aston's 'saloon bar prejudices' were no doubt shared by many of his fellow knights and gentry. Behind such rhetoric was fear. What was feared was the erosion of the myths of the Great Chain of Being and the unified commonwealth. Almost as soon as the Short Parliament collapsed and the Long Parliament began its cataclysmic career, mass petitioning, a genre embraced with such enthusiasm by Pymite parliamentarians and proto-royalists alike, began to be used in new ways by working people and women. As we saw in Chapter Three, workmen like the fishermen of Wells and the small bakers of Norfolk used petitions channelled through Sir Nathaniel Bacon to try to influence national policy fifty years before the Long Parliament was called.<sup>495</sup> And we have seen in the section on Norfolk Quarter Sessions that individual women were experienced in using petitions to argue on their own behalf.<sup>496</sup> But the political turmoil of the civil war period undoubtedly added a different scale and dimension to such petitioning.

Fletcher sees a discreetly presented petition from London apprentices as the moment when "men of lesser rank" began to take charge.<sup>497</sup> The petitioners were fired up by the depression in trading and blamed the economic problems of London on the failure of Parliament to resolve crucial issues; "For the poor the central reality was the economic

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<sup>494</sup> Judith Maltby, "Petitions for Episcopacy", p.114.

<sup>495</sup> Section 3.1, A Norfolk Network of Arbitrators: Bacon and the Circulatory of Benefit, p.58.

<sup>496</sup> Section 3.2, Norfolk Quarter Sessions, Challenging Decisions, Setting Values, p.87.

<sup>497</sup> Anthony Fletcher, English Civil War, p.173.

depression". The pressure on the City Corporation from its impoverished citizens did not engender the militancy of such men as Isaac Penington, the city MP who was one of the leaders of the war party in the Commons, but Penington and his colleagues were swift to use disaffected citizens on the streets to give muscle to their demands.

A spate of petitions emerged from those streets during the autumn of 1641. Fletcher cites petitions from mariners and seamen, then apprentices, from "many thousand poor people" from "15,000 Poor Labouring Men", from "many hundreds of distressed women" and from the "Silk Throwers", all drawing attention to the plight of the 200,000 or so Londoners in danger of starvation because of economic distress.<sup>498</sup>

The economic consequences of the political crises added to the endemic threats of dearth and pestilence. There was a long convention that women were free to protest on the streets when driven by fear for the survival of their families during times of famine. Food supplies and the well-being of the family were seen as legitimate 'women's issues'. Their protests could be easily dismissed by authorities as "misguided but not politically threatening".<sup>499</sup>

Anne Stagg had received a polite, if dismissive, reception when she delivered a petition to the Commons in February 1641/2.<sup>500</sup> The petition was presented in the names of "Gentlewomen and Tradesmen's wives, and many others of the female sex, all inhabitants of the city of London and the suburbs thereof". The petition began by offering the "lowest submission" and "thankful humility" to those in Parliament, "the noble worthies", who were struggling to rid the country of the Catholic menace, "popish lords and supposititious bishops". It continued, in the most deferential language, to suggest that failure to implement the Pymite programme of reforms was the reason why God was angry with the country. And it justified women's involvement with suitable biblical quotations. A version was subsequently printed and published.<sup>501</sup> This printed version goes on to tell how, when

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<sup>498</sup> Anthony Fletcher, *English Civil War*, p.183.

<sup>499</sup> Bernard Capp, "Separate Domains? Women and Authority in Early Modern England" in *The Experience of Authority in Early Modern England*, Paul Griffiths, Adam Fox & Steve Hindle (eds.) (Basingstoke, 1996), p.121.

<sup>500</sup> Stephen Hodgson-Wright (ed.), *Women's Writing of the Early Modern Period 1588-1688: An Anthology* (Edinburgh, 2002), p.203 where the petition is transcribed and introduced.

<sup>501</sup> Anon, *A True Copie of the Petition of the Gentlewomen, and Tradesmens-wives, in and About the City of London* (1642). Thomason/24:E.134[17].

the petition was presented by Anne Stagg, “a gentlewoman and brewer’s wife”, Mr Pym himself came to the Commons’ door, called for the women and said that their petition was “very thankfully accepted of”. With no sense of irony or criticism, the pamphlet reports that Mr Pym told the women “to repair to your houses and turn your petition into prayers at home for us”. If the situation was, indeed, a symptom of God’s anger, then prayer was indeed an appropriate path through which to try to end it.

The events of the 1640s and 50s dispelled such polite receptions. Mass petitioning by women, their reprinted pamphlets, the presence of women protestors within the Palace of Westminster itself as well as making mayhem on the streets of London, the active roles played by women within such subversive organisations as the Levellers and, later, within the Quaker movement, all seemed very threatening indeed to the traditionalist male political elite. Bernard Capp comments that “Many men believed that the upheavals of civil war had seriously damaged authority within the family as well as in the state and society, and some feared that female activism posed a serious threat to the entire political, religious and social order”.<sup>502</sup> For Patricia Crawford, it was now that women found “a public collective voice”.<sup>503</sup> Evidence for petitions being ignored solely because of the gender of their originators seems hard to identify. McEntee argues that the peace petitioners’ efforts in August 1643 were unsuccessful because “the [women] petitioners’ collective political action had yet to be taken seriously by the dominant [male] political culture”.<sup>504</sup> However, it is clear that there was not, in the summer of 1643, any dominant political culture, and the war continued because no single group had achieved a dominant position. Some Leveller women’s petitions did get a result by one means or another: for example, the review of Lilburne’s case in 1646, the release from prison of Mary Overton in 1647 and a review of debtor law in 1653. The conclusion must surely be that petitions were judged on the basis of their political acceptability rather than on the gender of their signatories, a conclusion surely confirmed by the treatment of the petition of the “Handmaids of the Lord”, which is the subject of a case study, below.<sup>505</sup> Their massive petition, with names set out region by region from across most of the country, was not

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<sup>502</sup> Bernard Capp, “Separate Domains?”, p.122.

<sup>503</sup> Patricia Crawford, “The Challenges to Patriarchalism: How did the Revolution Affect Women?” in *Revolution and Restoration: England in the 1650s*, John Morrill (ed.) (London, 1992), p.125.

<sup>504</sup> Ann Marie McEntee, “The (Un)Civill-Sisterhood”, p.95.

<sup>505</sup> Their petition is the subject of Section 5.2, Handmaids of the Lord in King’s Lynn and West Norfolk, p.225.

only signed by women, almost certainly drafted by women and presented by women, but was even printed and published by a woman, Mary Westwood who, like Giles Calvert, the Quakers' printer of preference, worked from the Black Spread-Eagle. The Handmaids' message, together with the methods they used to promote it, no doubt alienated many in the community and thus contributed to the backlash against radicalism that resulted in the Restoration just a few months after Mary Forster published the pamphlet. The results of petitions were not always the ones looked for.

## 4.2: A Merchants' Manifesto

### King's Lynn's printed petition

As the troubles besetting Charles's England were about to escalate into open warfare, the community of King's Lynn united sufficiently to publish a statement of its concerns. The published petition, scarcely a page long, constituted a manifesto of the Corporation's interests. In March 1641/42, the chartered town of King's Lynn in Norfolk declared, in print, its position on current controversies and signalled the issues in which it had a particular local interest.<sup>506</sup> Its printed petition of 1642 not only sets out the corporate position on issues facing Parliament at that precise moment in political time, but signals a series of local issues which reveal the continuities of concerns facing the borough. The petition was not simply King's Lynn's contribution to a nationwide campaign addressed to Parliament, but also the most visible part of a continuum of petitions addressing the same issues. Each of the themes set out in the published petition will be considered in the light of the manuscript petitions which relate to those issues. The printed petition is presented as:

The humble petition of the Mayor, Recorder, Aldermen, Common Council, and Inhabitants of the Borough of King's Lynn in the County of Norfolk to the House of Commons.

It praises the Commons for excluding bishops from Parliament and settling the militia. "We cannot but with all thankfullnesse, according to our duties, blesse God, the King and you the great Court and blessed cause of this desired reformation and Securitie". It adds

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<sup>506</sup> Anon. The Humble Petition of the Mayor, Recorder, Aldermen, Common Council and Inhabitants of the Borough of King's Lynn in the County of Norfolk to the House of Commons. Printed with a petition from Shoreditch in Wing (2<sup>nd</sup> ed.) H3481: Thomason E.137 [21]. The text was used by its printer to fill up two sides of a page in a much longer pamphlet complaining about the continued misbehaviour of the vicar of Shoreditch. The pamphlet only carries the printed date 1642, Thomason failed to add an acquisition date, but from its position within volume E137 of Thomason's original collection, the text can be dated with some certainty to the opening weeks of 1642, i.e. March or April 1641/2. Neighbouring tracts are predominantly concerned with events in Ireland and anti-Laudian. Thomason E.137: [18] A Magazine of Scandal (1641), an anti-Laudian tract; [19] An Exact and True Relation How Eighteen French and Irish... were apprehended at Salt-come... (1641); [20] England's Safety in Navie and Fortifications (1642); [21] the Shoreditch/Lynn tract; [22] The Latests and Truest Newes from Ireland (1642), includes reference to a letter dated 27 February, 1641; [23] The Order of the House of Lords for... suppressing of a sermon falsely fathered upon James, Archbishop of Armagh (1641). The petition on which the pamphlet is based is not itself recorded in the King's Lynn Hall Book (the signatories included people not members of the Corporation), but an entry for Friday 11 March 1641/42 authorises 40s to be paid to a Mr. Wilby for delivering the petition to Parliament (NRO KL/C7/10, King's Lynn Hall Book 8, 1637-1658, f.88).

that more action is needed against papists and relief for Protestants in Ireland. And then it lists issues of particular importance to the borough:

Lastly, we humbly desire, that by your helpe, the Seas be effectually guarded and our Trading thereby advanced, our English from Turkish slavery redeemed, Projectors at home punished, Scandalous Ministers removed, and the Petitions against Bishop Wren prosecuted, under whose tyrannie and popish innovations we have much suffered. And your Petitioners shall ever pray for the continuation of happy Successe to all your endeavours in this blessed Parliament.

The printed petition was clearly intended to signal that King's Lynn, a strategically and economically important port on the North Sea, was united in its support of the parliamentary movement for reform. Parliamentary and other records place the petition in a very different context. The borough was in the midst of "distractions", during which authority within the town was vigorously contested both on the streets and in Parliament.<sup>507</sup> Within a few months, these distractions were to lead to a full-scale confrontation between leading local supporters of Charles and the forces of the parliamentary Eastern Association. Both the 'distractions' and the aftermath of the Siege of Lynn were the subject of petitions for fully a decade. But in March 1641/2, whatever was going on upon the town streets and militia parade grounds, the Mayor and Aldermen of Lynn were still the King's men. This even applies to Thomas Toll, one of the borough's MPs in the Long Parliament who became a leading member of the parliamentary regime. If the title page of the printed petition is to be believed, they were still able to unite behind a strongly Protestant, anti-Laudian agenda of a kind familiar across the country. In September 1642, Toll was still blaming "delinckquants and cavelers" for leading the King astray.<sup>508</sup> Perhaps the inclusion of a local manifesto of concerns helped enough of the aldermanic bench to unite behind the petition.

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<sup>507</sup> CJ, 3/12, 13 March 1641/42, letter from Alderman Thomas Toll MP to House of Commons. Alderman Toll was absent when the Corporation minuted its decision to send the petition to Parliament (see fn505 above). So, too, were several other key supporters of the parliamentary cause within the Corporation, such as John Percivall, who was to serve as an MP for Lynn with Toll in the early years of the Long Parliament. There is no evidence to suggest their absences were due to doctrinal problems over the petition.

<sup>508</sup> Mary Frear Keeler, The Long Parliament, 1640-41: a Biographical Study of its Members (Philadelphia, 1954), pp.361-2. Toll is described as a merchant who supplied the town with "gunpowder and rye". Keeler cites BL Add MSS 22,619 folio 38, a letter from Toll to the Mayor of Norwich for his views on Charles's advisers. However, what Keeler does not report is that the letter was written from Westminster on 10 September 1642 to both the Mayor and to the Sheriff of Norwich. The letter reports on the movements of the Lord General, the Earl of Essex and mentions sums of

While military and related political exigencies were to dominate petitioning in Lynn in the years after the publication of the town's printed petition in 1642, issues listed in that brief manifesto had been and would continue to be the subject of intensive petitionary negotiation between King's Lynn and the central authorities. The negotiations both reflected and generated the community's expectations of government. Simultaneously, they established what the community believed was its own contribution to the common weal.

As we have seen, Lynn's stated concerns included that the seas should be guarded, trade protected, projectors punished, Protestantism promoted and English slaves redeemed. It is to these themes that I will now turn.

### **“The Seas be effectually guarded and our Trading thereby advanced”**

This simple clause in the printed petition of 1642 embraces the three major concerns on which the community used petitions as part of its negotiations with central government in the years before 1642: protection for shipping, paying for that protection and government-imposed restrictions on trade. Two of those issues continued to reverberate during the years of civil war and commonwealth. Trading restrictions which had dominated the merchant community's concerns for many decades suddenly disappear from petitions with the ending of the King's personal rule. But anxieties over protection escalated, as the constant battle against harassment merged into a full-scale trade war with the Dutch. In the following sections I will look at the importance of the coastal trade, the long negotiations over export restrictions, the pleas for shipping protection and the constant debate over taxation, before reaching some interim conclusions about what the petitionary negotiations may tell about the relationship between central and local government at this very fraught time.

King's Lynn had sought to have legal control over its section of The Wash coast and the town harbour from the sixteenth century. It successfully negotiated the acquisition of rights as an Admiralty Court in 1604. As we have seen earlier, the Corporation had sought

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money for mobilising troops in Norfolk. Toll's concluding prayer for a speedy end to the conflict would no doubt have been shared by protagonists and neutrals alike.

these rights both from Elizabeth and from James I. King's Lynn Corporation finally agreed in effect to buy the rights from the High Admiral of England, Charles Howard, Earl of Nottingham, after a long-running dispute with the judge of the Admiralty Court, Dr John Burman.<sup>509</sup> These rights set the basis of all the port's subsequent negotiations over protection and therefore deserve to be examined here in some detail.

Hillen suggests they gave the Corporation power to decide any matters arising either in foreign parts or upon the high seas, if one of the disputants were a resident of the town.<sup>510</sup> Not only could they put into execution the laws against forestalling on the seas (that is, preventing goods from being taken to market to force up prices, an issue we will return to later), but enforce the statutes regulating the nets and 'engines' used in taking fish. They could imprison aggressors, levy fines and distain upon those who refused to pay. The borough could seize wrecks, demand royal fish, and levy dues such as anchorage, beaconage, ballast and lastage. The only restriction was that income derived from these activities had to be spent upon the borough and the port. Because of its Admiralty Court powers, the borough's subsequent negotiations with successive central governments concerning coastal protection were based not only on the pecuniary interests of the merchant community but also on its statutory duties.

## Protecting shipping

Petitions from Lynn or its citizens to government and state offices during the period of the Long Parliament and interregnum are dominated by the demand for protection of shipping. Several hundred messages over the issue are logged in the Calendar of State Papers Domestic. Even more than the problems of "home-land" security, the desperate plight of ships in the North Sea was the issue which, together with taxation, dominated the day. Protection and taxation had always gone hand-in-hand. According to Williams, tonnage and poundage, first collected in 1373, was, in theory appropriated to the protection of the narrow seas.<sup>511</sup> In most instances, the government merely gave the town permission to provide ships themselves. Lynn and the eastern ports were still trying that way forward

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<sup>509</sup> See Section 3.1, A Norfolk Network of Arbitrators: Bacon and the Circulatory of Benefit, p.58.

<sup>510</sup> Henry J. Hillen, King's Lynn, Vol. 1, pp.318-9.

<sup>511</sup> N.J. Williams, The Maritime Trade of the East Anglian Ports 1550-1590 (Oxford, 1988), p.235.



until the 1630s. In the sixteenth and early seventeenth centuries, the threats were perceived to come from the Spanish Netherlands. Norfolk was, given the right winds and tides, only fourteen hours sailing away, calculates Owens<sup>512</sup> and, as many petitioners were to point out, the enemy had intimate knowledge of the coast from decades of legitimate trading. But, as Williams indicates, though Englishmen were quick to complain of their losses, they were quite capable of giving as good as they got.<sup>513</sup> Dorothy Owen has transcribed a “petition to the Chancellor” (which she dates to between 1433 and 1443) from three Dieppe merchants, in which they seek redress against a Lynn merchant who seized their ship laden with victuals for England. “Meekely” beseeching, these “humbles oratours” sought compensation for the losses caused by “the sayd ryottous taking” and promised that “youre said beseechers shall ever pray to god for the kying and for you”.<sup>514</sup>

The losses suffered by Lynn and its traders are graphically enumerated in a petition, undated but from the turn of the sixteenth century, in the Bacon Papers.<sup>515</sup> “The humble peticon & remonstrance of the Maior Aldermen & Burgesses of the Towne & Portes of Kinges Lynn in the Countie of Norff. And of the Inhabitanes of Wells & Burneham & the members of the same Port”. Within the previous twenty months there had been lost at sea and “spoiled by the Dunkerks 37 Shipps and Barques belonging to that port and members the losse amountinge to the value of £13,000 at the least”. The Newcastle fleet was being rebuilt at a cost of £2,000. The Iceland Fleet which had been “70 Saile of Shipps or thereabouts” was down to twenty. Lynn was facing costs for drainage and for defences “and in other Warlique provisions... by commaunde from this honorouable board” of another £1,200. There were 250 to be relieved, with the number growing because of the number of men pressed into his Majesty’s service or taken by Dunkirkers. The borough had paid the loan demanded, except for “a very small matter wch will also be presentlie payde”. The town had willingly given this sum in the expectation that it would enable the King to do something about the Dunkirkers and so restore the prosperity of Lynn. The port and the whole county was exposed to the “danger of the Enimies more then any parte of ye kingdome”.

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<sup>512</sup> Gary Lynn Owens, “Norfolk, 1620-1641”, p.139.

<sup>513</sup> N.J. Williams, The Maritime Trade, p.238.

<sup>514</sup> Dorothy M. Owen, The Making of King’s Lynn: A Documentary Survey (Oxford, 1984), p.453.

<sup>515</sup> H.W. Saunders (ed.), The Official Papers of Sir Nathaniel Bacon, p.47.

The Privy Council, so addressed, had demanded that the county should furnish two ships of war in time for the general rendezvous at Portsmouth on 29 May. The petitioners asked that the Board:

be pleased to ease us of this insupportable burthen wch we are by noe meanes able to undergoe. And wee as in dutie ever bound will pray for yor honors health and happiness longe to endure and be ready at all tymes willinglie to beare and pay such charges as the good subjects of this kingdome doe.

This theme (an obligation on the state to protect its citizens with a reciprocal duty on the beneficiaries of protection to pay for that protection in cash or kind) resonated through the coming decades as the threats to shipping became ever more complex.

By the 1650s, Lynn shipping was experiencing threats not only as a result of the ‘traditional’ activities of privateers, whether Dunkirk-based and ‘freelance’ marauders, but also inter-state warfare with the Dutch and challenges from those, including the Irish, who challenged the legitimacy of the English regime. The Calendar of State Papers Domestic records scores of contacts annually between ship masters and public authorities, and the various metamorphoses of the Privy Council, the courts and committees of the Admiralty and the navy over problems and crises arising from threats to shipping. Crises there were, too, when whole trading fleets found themselves bottled up by enemy fleets in harbours from Lynn and Great Yarmouth to London itself.

Two poignant petitions from Wells, then an important harbour, indicate the frustrations that could arise even when naval protection was theoretically provided. On 10 October 1653, Henry King, master and part owner of *The Trial* of Wells petitioned the Council of State for the return of his vessel.<sup>516</sup> *The Trial* had been returning from fishing in Icelandic waters when it was captured by the Dutch off the coast of Scotland. The vessel was re-taken by the frigate *Gilliflower* under Captain Howard. King now petitioned for the return of “the said bark and goods to himself and other poor fishermen, to keep them and their families alive”. He adds that much of the fish “being very perishable” and other goods had already been taken away since *The Trial* was taken by the Dutch. Two days later the Council recorded that Captain Howard had written to say he was willing to restore *The Trial* to Henry King. In an undated petition of the same year, ships masters and inhabitants

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<sup>516</sup> CSPD 1653-54, p.195.

of Wells and adjacent parts had told the Admiralty Committee of its frustration when protection had been almost simultaneously offered and denied them.<sup>517</sup> When the Admiralty had commanded two convoys to escort the whole fleet to Ireland, the Wells fleet had expected to receive the same benefit as Great Yarmouth ships and others. But:

when Captains Thompson and Wilkinson came by our coast, they would not stay an hour, though we begged but one tide to come out and the weather was good, so that our eleven sail are left.

The 42 signatories begged a speedy replacement convoy, or else not only would “our fishery adventurers” be disappointed but “many poor families whose livelihoods depend thereon will be undone”.

Did the situation worsen over the three decades under review? It is impractical to try to track changes through the quantity of paperwork flowing into government offices. Crucial records are missing from some volumes of the Calendar, the Council of State Letter Book from the 1651-2 volume for example, and the entire Council Order Book for August 1658 to August 1659. In some volumes inter-departmental State Papers are included, in others not. I have traced records of fourteen protection-related petitions presented in the last eight years of the interregnum, but only one from the previous ten years; the fifteen years before the civil wars began yield at least ten. But it would be wrong in the circumstances to reach any conclusions about the comparatively silent years when governance was disputed and the priorities were dominated by issues of general survival. The comparative dearth of petitions and official papers about shipping protection during the civil war years does not mean that the problems had gone away, only that other issues had taken pre-eminence; in Lynn’s case its military role and the tensions that arose from it.

It could also be, of course, that there was widespread satisfaction with the service being provided. At first glance this seems unlikely, but a petition from the winter of 1647/8 indicates that despite all the turmoil facing the country, regular protection was being provided. The petition, dated 8 February 1647/8, was from “the Inhabitants of Yarmouth, Lynn, Blakeney, Wells, Alborow and Southwold”. The request was “for a present Convoy,

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<sup>517</sup> CSPD 1653-54, p.333.

to guard the Fishing Fleets employed in the North Seas and Island”.<sup>518</sup> The Lords’ Journal records:

That, foreasmuch as the Safeguard of the said Fishing is of very great Concernment to the whole Kingdom, there may be presently taken up, and employed for the Island Guard, Two Vessels, both bearing not above One Hundred Men in the Whole, over and besides the Ships agreed upon for the next Summer’s Fleet.

This decision was conveyed to the Committee of the Admiralty and Cinque Ports a few days later. This positive outcome might have been eased by the fact that Lynn’s MP Thomas Toll was a Navy Commissioner.<sup>519</sup>

Records from the year after the execution of the King indicate that the traditional problems were continuing unabated. There were requests for convoy protection for individual ships heard on May 21, going from Lynn to Hamburg to bring back cargo of rye.<sup>520</sup> Other convoys were arranged for 4 July, 10 August, 17 August, 10 September, 25 September, 25 October, 17 November, 3 December, 13 December and 28 December. The Council of State on 21 June wrote to Thos Meadow and Wm Lucas bailiffs of Great Yarmouth:

You are to remove the pirates and sea rovers who were taken at sea and brought prisoners to Great Yarmouth to Norwich Castle taking care they are safely guarded thither as they are very unruly and disorderly where they are and their continuing at Yarmouth may prove prejudicial to the State.

A corresponding warrant to Norwich Castle to receive the prisoners is also recorded. On 11 October the Admiralty Committee wrote to Capt. Peacock:

Several of our merchant ships have been lately surprised and taken by pilfering sea rovers lurking between Cromer and Lynn. For the prevention of the like mischief and protection of our vessels trading to and from these parts, we desire you to order some ship of the North Guard fit for this service to ply between Cromer and Lynn and take or destroy all such pickeroons and sea rovers as he shall meet with.<sup>521</sup>

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<sup>518</sup> “Island”, a reference to the long-established Iceland fighting fleet which sailed from Lynn.

<sup>519</sup> LJ, Vol. 10, 19 February 1647/8; and LJ, Vol. 10, 2 March 1647/8.

<sup>520</sup> CSPD 1649-50, p.153.

<sup>521</sup> CSPD 1649-50, pp.201 & 338.

Despite all this one Dunkirker managed to escape. The Admiralty Committee set up an inquiry into how this had happened on 20 February 1650/51.<sup>522</sup>

That February, the Council of State received a petition from “the inhabitants of Lynn”. The Calendar record does not indicate what it was about, but the petition was referred to the Admiralty Committee.<sup>523</sup> In December 1651, the Council of State was writing to the Naval Commissioners ordering arrangements for the hire of a protection vessel because “Our merchants suffer much by pirates in the trade from the coast of Lynn and Boston”.<sup>524</sup> The following March, the Admiralty Commission was writing to the Naval Commission ordering it “to survey the *Concord of Yarmouth* hired for the service and if it is found she can carry 17 guns instead of 10 to supply her accordingly as petitioned by the merchants of Lynn and Yarmouth”.<sup>525</sup> In the summer of 1652 there was a flurry of petitioning and lobbying. Lynn Corporation agreed to petition the Council of State concerning the continuing losses at sea. A committee was established to draw up the petition and it was advised to co-opt “Captain Clarke or Captain Looman or such other as shall be thought fitt” to explain to London about “the late losses at sea”. The petitioners were allowed £5 to cover the expense of taking the case to London.<sup>526</sup> On 17 August the Council of State received both the Lynn petition and one from “several masters of ships of Hull, Boston, Lynn, Yarmouth and Ipswich now in the Thames desiring convoy”. This petition was referred to the Committee for Foreign Affairs. A month later the Council received another petition from “the people of Lynn and Boston”, but this time it was referred to the more traditional receiving office, the Admiralty Commission. That Commission was ordered to investigate and report back. Whether or not as part of those investigations and report, the Council in October minuted “to look out a petition and examination taken in the Admiralty Court in March last concerning some loss suststained by some of Lynn from the Dutch”.<sup>527</sup> The increasing complexity of issues facing the precarious republic required an increasing bureaucracy to deal with business, with the inevitable increase in the chances of paperwork being mislaid.

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<sup>522</sup> CSPD 1650, p.6.

<sup>523</sup> CSPD 1650, p.3.

<sup>524</sup> CSPD 1651-52, p.65, 15 December 1651.

<sup>525</sup> CSPD 1651-52, p.519; SP18/27/33, 1 March 1651/2, authorises the increase in complement; interestingly it is signed by Valentine Walton who, as a former Governor of Lynn, would have been familiar with both the coast and the merchants seeking help.

<sup>526</sup> NRO KL/C7/10, Hall Book 8, August 1652.

<sup>527</sup> CSPD 51-52, pp.370, 404 & 451.

The Lynn and Boston petitioning initiative initially bore fruit. The *Concord* was duly refitted and hired and, together with a frigate, the *Briar*, began convoy duties. But before the end of winter Lynn and Boston were petitioning again. Aldermen from the two towns, under the leadership of Joshua Green, Mayor of Lynn, petitioned the Council of State to order the *Briar* to return to convoy duties. The petitioners were grateful for the initial response of the Council, but disappointed to say the least about the subsequent withdrawal of the *Briar*. *Concord* on its own would be insufficient “because of the many imminent dangers apparent by the enemies on those seas”.<sup>528</sup> A later, undated and unnumbered, note in the *Calendar* refers to a petition from Lynn and Boston to the Admiralty Commissioners.<sup>529</sup>

In February 1653/4, the town was once again petitioning for protection. On this occasion the petition was addressed to “the Committee of the Admiralty and Navy for the obtaining of shippes for convoys for ye bay of Lynn and Boston”. And almost exactly two years later the borough again petitioned for convoy protection, this time directing the plea to the Council of State.<sup>530</sup> The latter petition is surely the one referred to in *CSPD 1655-6*. This petition, which carried no less than 73 signatures, was from Thomas Toll, the mayor, aldermen, the common council, merchants, shipowners and mariners of Lynn to the Council.

Our late sad losses by pirates and enemies at sea are renewed upon us by enemies on our coast. We supply the northern ports with corn and ten counties in part with coals and salt and they will be disappointed if we cannot venture a ship out of harbour without danger. We beg a speedy and safe convoy for our coast and channel (being 20 leagues from the usual course of convoys); by our late trade with Dunkirk and Ostend, the enemies know our coast so well that they chase, plunder and take us in our own bay. We beg that the captain of the convoys may consult with our chief magistrates how best to secure and promote trade.<sup>531</sup>

The petition was referred to the Admiralty Commission “to see that ships be soon sent for convoy and guard of the trade in those parts”. Annexed is other information about seized British ships and the sailing of 60 men-of-war from Flemish ports. On 22 May warning was sent to all ports that a fleet of nineteen or twenty private men-of-war had sailed from

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<sup>528</sup> *CSPD 1652-3*, p.206, 10 March 1652/3.

<sup>529</sup> *CSPD 1652-3*, p.421.

<sup>530</sup> NRO KL/C7/10 Hall Book 8, f.410, 15 February 1653/4; f.477, 25 February 1655/6.

<sup>531</sup> *CSPD 1655-56*, pp.210-11, 6 March 1655/56 and p.332.

Dunkirk and Ostend and that a squadron had been sent out to intercept them. The same day's Council minutes had notes that gunpowder and gun carriages were to be provided for Lynn's defences.

A reference to what may or may not be another petition in this sequence is referred to in the following year. It is recorded as from "owners, masters and traders for coals to Newcastle and Sunderland in Ipswich, Lynn, Yarmouth, Woodbridge etc" and was referred to a committee.<sup>532</sup> In March 1660, mariners and merchants sent another petition to Lynn Corporation asking for its support in seeking a convoy.<sup>533</sup> The Corporation agreed to petition the Committee of the Admiralty and Navy, sending the mariners' letters and petitions to the committee. The Corporation also agreed to seek support from Boston and Wells to strengthen the call.

### **From Turkish Slavery Redeemed**

The printed petition's reference to redemption of English slaves taken by "Turks" can be seen both as a further call for protection of trade and a condemnation of the failure of Charles's government to solve a long-standing problem. Reports discussed by Privy Councillors in 1636 suggested that a fleet of Turkish ships was harrying shipping off the west coast.<sup>534</sup> The Turks (also variously known as corsairs) made additional money by enslaving English people and redeeming them at a price. In 1634, King's Lynn Corporation had donated £20 for the redemption of a petitioner, Brian Luxton.<sup>535</sup> And in January 1642/3, the Corporation recorded its agreement to giving £5 in response to "an entreaty of Mr Cooke of Holkham towards the release of one Richard Davy of Holkham who is a slave in Turkey".<sup>536</sup> Linda Colley has shown in Captives that fleets of Muslim corsairs had preyed on European shipping and exposed shorelines for centuries.<sup>537</sup> The Barbary powers were Morocco, Algiers, Tripoli and Tunisia, of which the last three were regencies or military provinces of the Ottoman Empire. Colley estimates that between

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<sup>532</sup> CSPD 1656-57, p.286.

<sup>533</sup> NRO KL/C7/11 Hall Book 9, f.37, 23 March 1660.

<sup>534</sup> CSPD 1636-37, p.134, 20 September 1636.

<sup>535</sup> NRO KL/C7/9 Hall Book 7, f.319, 17 November 1634.

<sup>536</sup> NRO KL/C7/10 Hall Book 8.

<sup>537</sup> Linda Colley, Captives (New York, 2002).

1600 and 1640 corsairs from Morocco, Algiers, Tripoli and Tunisia seized more than 800 trading vessels from the British Isles and 12,000 English were taken into slavery. Between the 1610s and 1630s, Cornwall and Devon lost a fifth of their shipping to corsairs.<sup>538</sup>

We have seen that negotiations between King's Lynn Corporation, the Norfolk trading community and central government continued with petitions reflecting the desperation of the community. Protection was intimately linked with paying for that protection, and it is to the petitionary negotiations associated with taxation that we now turn.

### **Paying for Protection**

We have seen that from at least the fifteenth century, protection of coastal shipping had been a major political issue in Norfolk and one inextricably linked with relations between the centre and the locality, taxation and provision of public goods. In the winter of 1626/27, no less than 250 fishing vessels were anchored in Great Yarmouth harbour, unwilling to sail unless they could be guaranteed safe passage. Great Yarmouth petitioned the King for protection and also wrote to Lynn and other East Anglian ports seeking support. Owens claims that the barrage of letters brought results and the ships were on their way within a few days.<sup>539</sup> That summer, two naval ships were stationed off the coast. Great Yarmouth felt obliged to petition for further protection the following winter. On both occasions, Privy Council responses referred directly or indirectly to how protection was to be financed. On the first, a heavy hint was dropped to Great Yarmouth about its tardiness in paying ship money and, on the second, Great Yarmouth was ordered to consult with others "as to the course for levying monies for their convoy, either upon the coast towns or the Counties of Norfolk and Suffolke".<sup>540</sup>

It becomes hard at this time to distinguish one crisis from another. While the Great Yarmouth fleet faced its problems, another row was breaking out over the collection of national taxation in the form of the Benevolence. Great Yarmouth petitioned the Privy Council for the town to be relieved of its obligations, but Lynn chose to send a lengthy

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<sup>538</sup> Linda Colley, *Captives*, pp.36, 43, 44, 45 & 59.

<sup>539</sup> Gary Lynn Owens, "Norfolk, 1620-1641", p.169.

<sup>540</sup> Gary Lynn Owens, "Norfolk, 1620-1641", p.169 citing, first, Yarmouth Corporation Archives C.18/6/231v and secondly SP.16/91/45, order of Privy Council 24 January 1627/28.



address to the Councillors, says Owens.<sup>541</sup> Lynn's letter claimed that 34 ships had been lost in the previous two years and there were constant interruptions of coastal trade by pirates. When such approaches were rejected by the Privy Council, says Owens, outrage went underground. A letter, signed "AB, London, Gray's Inn", urging resistance to the forced loan, was found in a street in King's Lynn shortly after Lord Keeper Coventry had quit his lodgings there to return to London. The Mayor of Lynn forwarded the letter on to Coventry, who showed it to the King.<sup>542</sup>

At the same time as the dispute over the Benevolence was continuing, Lynn, Great Yarmouth, Norwich and the rest of the county were ordered to purchase and equip four ships of war.<sup>543</sup> The ships were clearly needed. The Privy Council was sent co-ordinated petitions from each of the three Norfolk Corporations pleading for the burden of cost to be eased. There were positive reactions from the Council this time: Great Yarmouth was required to pay only one third of the cost of its two ships, and Lynn to pay for only one ship instead of two. County ratepayers (those living outside the parliamentary boroughs of Norwich, Great Yarmouth and Lynn) were to cover the rest of the bills. Unsurprisingly, county Deputy Lieutenants objected. Lynn, they said, could afford to pay. The Council was "unreceptive".<sup>544</sup>

On 20 January 1629/30, a petition from "Merchants, mariners and owners of Lynn, Boston, Wells, Burnham and other creeks within the bay" went before the Lords of the Admiralty.<sup>545</sup> Lynn offered to man and victual a *Lion's Whelp* themselves. The *Whelp* was duly deployed and Lynn duly paid. But the borough's concept of paying was at odds with that of the ship's crew. Abraham Sampson and William Caine, boatswain and gunner of *The Fourth Lion's Whelp*, petitioned the Lords of the Admiralty in the spring of 1631.<sup>546</sup> Their ship was lent to King's Lynn to guard the ships of that town and others in the bay. She was employed more than a year in that service, but the towns would only pay for eight months. Pay for seventeen weeks more was owed to the petitioners. Admiralty staff

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<sup>541</sup> Gary Lynn Owens, "Norfolk, 1620-1641", p.403 cites Yarmouth Corporation Archives C.19/6/53, 54, 55. Declaration of Mayor of Lynn 19 Jan 1626/7 SP.16/50/46.

<sup>542</sup> Gary Lynn Owens, "Norfolk, 1620-1641", pp.379-382 citing SP16/54/82 & SP16/54/82i of 23 February 1626/27.

<sup>543</sup> Gary Lynn Owens, "Norfolk, 1620-1641", p.403.

<sup>544</sup> Gary Lynn Owens, "Norfolk, 1620-1641", p.405.

<sup>545</sup> CSPD 1629-31, pp.68 & 178, 159/46 and Henry J. Hillen, King's Lynn, Vol. 1, p.333.

<sup>546</sup> SP16/188/6.

calculated the bill for wages accrued while *The Fourth Lion's Whelp* was in harbour amounted to £15.16s.9d.<sup>547</sup> *The Fourth Lion's Whelp's* captain, Captain Thomas March, also petitioned.<sup>548</sup> There were delays in the Lords of the Admiralty meeting, so Captain March asked the Privy Council Secretary to put pressure on the Mayors of Lynn and Boston to pay the arrears or show why they should not do so. In a parallel letter from Captain March to a Privy Council clerk, Nicholas, the captain, asked that pressure should be applied on the towns by local gentry, for example by Sir Hamon L'Estrange of Hunstanton.<sup>549</sup> A letter was indeed sent from the Privy Council and the Mayor of Lynn and others met the Captain to clarify the situation.

Lynn continued to argue over its tax payments throughout the 1630s (and indeed as we shall see, well beyond) and it did so with increasing desperation as plague added to the plight of the town and its people. It petitioned for an easement of the ship money demand in November 1634.<sup>550</sup> The borough did so again in October 1636 because of “the town’s great want” due to the devastation caused by the plague. It seems to have gained some mitigation to this demand.<sup>551</sup>

Lynn’s pleas about the impact on the local economy of the plague cannot be lightly dismissed. Owens tells the story in detail. By late October 1636, 69 families were infected and 2,400 persons were receiving daily relief from borough funds. At least £50 per week was required to feed and house plague victims. Another £140 was required for the weekly care of 2,426 persons left destitute by the sickness. With business seriously depressed, the tradesmen and craftsmen were unable to make their customary donations towards the relief of the poor. The borough called on ratepayers in the surrounding countryside for help.<sup>552</sup> This appeal came at an unlucky time: the Privy Council was just despatching its third demand for ship money. Nevertheless, King’s Lynn sent a representative to Norfolk Quarter Sessions to plead for assistance. After four meetings, held over six weeks, only

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<sup>547</sup> SP16/188/6i & 6ii, 1 April 1631.

<sup>548</sup> SP16/187/11.

<sup>549</sup> CSPD 1631-33, 2 April and 28 April 1631.

<sup>550</sup> NRO KL/C7/9 Hall Book 7, f.402; Gary Lynn Owens, “Norfolk, 1620-1641”, p.246.

<sup>551</sup> NRO KL/C7/9 Hall Book 7, ff.451, 452 & 466.

<sup>552</sup> Gary Lynn Owens, “Norfolk, 1620-1641”, pp.143 & 243.

£20 from the three nearest hundreds was pledged. It was scarcely enough for half the victims for a week, says Owens.<sup>553</sup>

Turning theoretical mitigation of assessments into real benefit on the ground proved difficult. More petitions were despatched by Lynn. William Paston, then Sheriff of Norfolk, reported to the Privy Council on 6 January 1636/7. He said Lynn's petitions had prompted another review of what help others in Norfolk could offer the borough. Most authorities had been prepared to offer a further relief of £50 and this relief was applied. Lynn had then asked to be relieved of all or the greater part of their tax assessment of £250. Thetford, Norwich and he, Paston, had floated the possibility of a relief of a further £50, but the tax had already been gathered in from much of the county and altering assessments would have meant collectors having to start again. Whether or not now to ease Lynn of any other sum, the sickness being ceased, Paston submitted to their Lordships' judgement.<sup>554</sup> After further intensive petitioning by the borough (it claimed that not only had plague hit the town, but 25 ships had been lost by storms and shipwreck), the Privy Council abated the borough's ship money assessment by £250 and ordered the Sheriff to raise that sum from some other part of the county.<sup>555</sup> The Sheriff resisted. The Privy Council changed its mind and commanded the £250 to be forthwith levied. Now Lynn resisted this new twist. Lynn agreed to pay up, but asked that the £250 mitigation should be carried forward against future demands.<sup>556</sup>

The narrative of Lynn's persistent attempts to mitigate tax demands, as revealed by its petitions to authority, is complex. What is clear is that the level of taxation was seen as a crucial element in the local economy and subject to continuing negotiation between the locality and the centre. Those negotiations were prompted, shaped and carried forward through petitioning. Petitionary negotiations underlined the relationship between central

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<sup>553</sup> Gary Lynn Owens, "Norfolk, 1620-1641", p.248.

<sup>554</sup> CSPD 1636-37, p.34, 6 January 1636/7.

<sup>555</sup> CSPD 1636-37, p.448, 17 February 1636/37.

<sup>556</sup> CSPD 1637, p.45, April 1637. An odd footnote to Lynn's plague years is prompted by a petition from Dr. Samuel Barron in January 1639/40. The doctor complained to the Privy Council that Lynn had omitted to pay the fee owing to him for his services during the plague. As a consequence, representatives of the Corporation met with Dr. Barron in front of the Privy Council; the borough was ordered to pay the doctor an additional £70, which the Corporation agreed to do (NRO KL/C7/10, Hall Book 8, ff.47, 56 & 57; the Privy Council's arbitration is at CSPD 1639-40, p.404, 31 January 1639/40). The good doctor may well have been the same Dr. 'Baron' who Ketton-Cremer claims was called in to tend Sir Hamon L'Estrange when he was on the run after the siege of Lynn in 1643 (R.W. Ketton-Cremer, Civil War, p.190).

governments and local communities; central government existed to provide local public benefits that could not be provided by other means. But central government was also dependent on local communities. As Braddick has shown, the role of local elites was crucial to a successful tax regime.<sup>557</sup> Braddick's argument that the main cause of complaint against tax demands centred on perceived unfairness in the allocation of burdens is supported by the West Norfolk petitions.<sup>558</sup> Braddick also suggests that challenging the legitimacy of a demand might be a proxy for challenging the legitimacy of the regime imposing the burden.<sup>559</sup> There is no obvious evidence for such a challenge within the Norfolk petitions, but the evidence for discontent with ship money is unavoidable.

## Restricting and regulating trade

The "trade" clause in King's Lynn's printed petition was concerned with the protection of shipping from external threats. But it stayed silent about one of the issues that had dominated local politics for more than a century: restrictions imposed on trade by central government.

From Elizabethan times, Norfolk landowners ('tilthmasters'), as well as merchants, had petitioned for relief from restrictions on corn exports.<sup>560</sup> The extent of the decades-long dispute over restrictions on corn exports is made plain in the papers of North Norfolk JP,

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<sup>557</sup> Michael J. Braddick, *The Nerves of State*, p.197.

<sup>558</sup> Michael J. Braddick, *The Nerves of State*, p.111.

<sup>559</sup> Michael J. Braddick, *The Nerves of State*, p.132.

<sup>560</sup> Petitions from Lynn concerning corn exports pre-date the Tudors. In the National Archive collection of Ancient Petitions, at least five petitions relate specifically to corn exports through Lynn. In 1300, the concern was about preventing corn exports rather than promoting them. The people of Lynn and the surrounding area said that there was a great dearth of corn and other food because aliens from Zeeland, Brabant, Frisia and elsewhere took all manner of merchandise from the town. The petitioners asked the King to order his bailiffs to declare the area a prohibited one for such trade, because when the aliens took victuals they caused as much damage as they could by sea and by land (TNA SC 8/279/13914). Some twenty or more years later, a petition from "the Commonalty of the realm" sought action to prevent thirteen cogs loaded with corn, malt and flour belonging to German merchants from sailing from Lynn (TNA SC 8/79/3948). But the concern then was probably less that East Anglia would be denuded of corn than that the stock would fall into the hands of the Scottish army with whom England was then at war. Two petitions specifically asked for permission to export corn from Lynn to Scotland. In each case the justification was to redeem individuals from Scottish prisons (TNA SC 8/159/7858 in 1381 and TNA SC 8/301/15024 in 1404).

Nathaniel Bacon of Stiffkey, a creek within the jurisdiction of Lynn harbour.<sup>561</sup> Bacon was a Commissioner for the Restraint of the Exportation of Corn. A more recent volume of the Bacon Papers provides more information about corn petitions.<sup>562</sup> The restrictions had been imposed ostensibly in an attempt to ensure that in times of dearth and famine, food-stuff was forced onto local markets rather than exported. Norfolk tilthmasters and traders had countered that Norfolk was a major corn producing area which served a wide region of England by coast and river. By restricting trade, the government was actually threatening supplies to English towns and counties, and putting the Norfolk corn producers at risk. If the industry went under, the result would be social unrest of the kind the corn laws were supposed to circumvent.<sup>563</sup> In 1629, a wide coalition of producers and traders from Norfolk describing themselves as “divers merchants and inhabitants in the port and members of King’s Lynn, co. Norfolk” petitioned the Privy Council for an end to the restrictions.<sup>564</sup> The petitioners argued that the prices of all kind of corn were at very reasonable rates and appealed to the Council’s foreign policy interests and Protestant sympathies. The corn was needed by thousands of the (Protestant) subjects of the King of Denmark starving in Emden and Hamburg. Even that appeal was of no avail. Instead the government introduced, in 1631, a new Book of Orders requiring more active monitoring of corn prices and movements by county Justices of the Peace.

Norfolk’s response, in 1633, was a major petition addressed to the Privy Council. The list of petitioners reads like a roll-call of all the great and good upon whom the state relied for the governance of Norfolk:

Petition of Henry Lord Martravers, Sir John Hobart, Sir Roger Townshend, Sir Miles Hobart KB, Sir William de Grey, Sir Henry Spelman and John Coke, on behalf of themselves and the Tilth-masters of the Champian part of Norfolk, to the Council.<sup>565</sup>

In Norfolk, a political storm developed over the clash between national statutes and local custom and practice. Instead of continuing negotiations with the government through petitions, justices chose other ways of pursuing their concerns. The county’s justices

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<sup>561</sup> H.W. Saunders (ed.), The Official Papers of Sir Nathaniel Bacon.

<sup>562</sup> Bacon Papers IV.

<sup>563</sup> Bacon Papers IV, pp.213-4.

<sup>564</sup> CSPD 1629-31, 149/115; R. Hindry Mason, The History of Norfolk (London, 1884), p.262 gives Norfolk prices at 16 December 1630 as, per quarter, wheat 50s, rye, 36s, barley 30s.

<sup>565</sup> CSPD 1633-34, p.385.

produced a series of questions over how the Order Book should be interpreted in law. The questions were taken to Norwich Assizes in 1633 and elicited the response of Lord Chief Justice Heath, known briefly as the “Resolutions of the Judges”.<sup>566</sup> In practice, Norfolk justices seem to have made their own judgements over when to apply the law and when to turn a blind eye. Norfolk Quarter Sessions records reveal that initially JPs made considerable efforts to check the flow of corn leaving the country; thirteen cases were taken to court in five months from the west division alone. But as Owens comments, “there were few officials more disposed to undermine Whitehall’s programme for dealing with a corn shortage than the Norfolk JPs once the magistrates felt the crisis had passed”.<sup>567</sup>

Many Norfolk justices simply failed to carry out Privy Council orders. In 1636, many justices left the county bench. Others, like Sir Hamon L’Estrange, expressed disenchantment privately.<sup>568</sup> Meanwhile, many individual merchants, like Thomas Barrett and Lynn’s future Royalist Mayor, Walter Kirby, petitioned for a licence to export.<sup>569</sup> No doubt each contributed fees both to the Exchequer and to the private purses of officers who expedited the transactions.

It is surprising that such a major political issue as corn export controls generated so few petitions during the period of Charles’s personal rule. There had been petitions in plenty at the turn of the century as the Bacon Papers show, but only two can be dated to our period, that of “divers merchants” in 1629 and “tilthmasters” in 1633. Both were heavyweight documents. But neither of these major petitions seem to have enjoyed any success; the Order Book remained in force, if only patchily enforced, the exchequer continued to receive fees for licences and there is no obvious evidence of any tilthmasters or merchants going out of business. The magistracy (a number of whom were also merchants and tilthmasters) clearly decided that other forms of response might be more productive than

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<sup>566</sup> Gary Lynn Owens, “Norfolk, 1620-1641”, p.248, citing “Direcons from the Judges of the Judges of the assizes houlden at the Castle in Norwich 4<sup>th</sup> day of March Ao Do 1532.33”, Tanner MS 288 ff. 266-270.

<sup>567</sup> Gary Lynn Owens, “Norfolk, 1620-1641”, p.290. Owens cites Norfolk Record Office, Norfolk Sessions Rolls Boxes 28 and 28a (1630-32).

<sup>568</sup> Gary Lynn Owens, “Norfolk, 1620-1641”, p.330 cites Le Strange to Townshend 5 September 1636, Norfolk Record Office, Le Strange, MS NF.5.

<sup>569</sup> CSPD 1635-36, pp.21-42; Privy Council Registers in Facsimile 11, 1 July-25 Sept 1640, p.300. The Index to that volume shows that Kirby was one of eighteen such petitioners during the period and that the load for which he requested a licence, 200 lasts, was the normal figure for exports allowed.

petitioning. While developing and eliciting legal rulings on the interface between prerogative rules and custom and practice, the justices either chose to ignore a law from which the force had ebbed or opted out of the magistracy itself. But the clash between local custom and national statute (more accurately between magisterial interests at local and national levels) added to the growing dissatisfaction and unexpressed disenchantment with Charles's regime.

There are hints in the public records of other trade-related difficulties facing the town. In 1638, a coal shortage precipitated a conference between the Privy Council, Newcastle coal producers and coastal shippers led by Great Yarmouth's Thomas Horth.<sup>570</sup> The King decided there must either be a free trade or coals carried at a price set by himself. Newcastle was left to choose which it should be. Meanwhile, the coastal fleet was ordered to go north and bring back coal at 19s a London chaldron. A copy of the King's Order in Council was specifically sent to Lynn and other coastal ports. Three years later Lynn was embroiled in a trade dispute with the merchants of the Hanseatic League. In a letter which bore every resemblance to a petition, the "Hanse Towns" appealed to the House of Lords for restoration of their traditional rights concerning properties and steelyards "in London, Boston and Lynn".<sup>571</sup> Additionally, the merchants complained that by charging differential customs duties against "foreign" traders, those ports had "engrossed the whole trade both outward and inward". The Lords' response was that the property issues should be pursued through the courts. As for the customs issues, they would be taken into consideration "were they not too much occupied with home affairs". On 28 August, both Houses assented to "Propositions made concerning the Freeing of foreign Goods imported from Custom and Subsidy, when they are exported within a year". There may possibly be a further hint of trading disputes concerning coastal traffic in an otherwise unexplained petition mentioned in the Lynn Hall Book dating to the winter of 1650/1.<sup>572</sup> The Hall Book records that the Corporation had been ordered to respond to a petition sent to the Council of Trade by "mariners of Scarborough" and other north coast ports. The Corporation was to place its response "in Sir Thomas White's box". What the complaint was about is not indicated.

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<sup>570</sup> CSPD 1637-38, p.347 #19, 4 April 1638.

<sup>571</sup> HMC, 4, 1874, pp.62 & 99; LJ, IV 359, 11 August 1641 and LJ, IV 382, 28 August; CJ, II 374-5, 28 August.

<sup>572</sup> NRO KL/C7/10 Hall Book 8, ff.305 & 306.

The coal business was an increasingly demanding part of the port's activities. But so also was the centuries-old fishing business. A salutary reminder of this comes in a petition to Lynn Corporation reported in the Hall Book.<sup>573</sup> The fish drying area of the riverside had been disrupted by the fortification of the borough. In February 1646/7, "divers Adventurers at sea" petitioned the Corporation for a "Fish Ball". The fish ball or boal was an extensive area of well-drained gravel covered open land next to the river on which fish catches could be unloaded, washed and dried. An earlier fish boal had been constructed in the sixteenth century. Surveyors were appointed in March and a ten-year lease granted for the new fish boal in May. The area of the new boal was fourteen acres, and every acre was covered by shingle. The area of the river bank concerned is still open and gravel covered: the Boal Quay car park at Lynn.

### **Projectors punished**

The limits on the use of prerogative powers to generate income was one of the central disputes leading to the civil war. The King's constant search for funding for escalating costs of, for example, coastal and naval defences led to increasingly innovative uses of his prerogative powers.<sup>574</sup> Selling the right to reclaim land lost to the sea was an important income generator. Nowhere did the policy have a greater impact than in the marshlands between King's Lynn and its Lincolnshire counterpart, Boston. King's Lynn's petition comes out unequivocally against "the projectors" (the Earl of Bedford and his co-speculators) who were exploiting the King's policy to their personal benefit. Negotiations over the impact of the work of the projectors were to embroil King's Lynn in protracted negotiations through the rest of the century.<sup>575</sup> The borough and its neighbouring country was vulnerable to flooding and reclamation offered some hope of protection. Lynn traders could hope and expect some benefit from the generation of new wealth for local gentry families. But the port's greatest assets were its network of river communications with surrounding counties and the accessibility of its harbour. Drainage threatened those assets.

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<sup>573</sup> NRO KL/C7/8 Hall Book 6, ff.321 & 330 and NRO KL/C7/10, f.206.

<sup>574</sup> Michael J. Braddick, *Parliamentary Taxation in Seventeenth-Century England* (Woodbridge, 1994). Section 5.1, Polyphony and Petitioning: the Case of the Fishermen of Burnham Marshes, p.211, reveals in some detail the complex finances in which seemingly simple land reclamation schemes could become embroiled.

<sup>575</sup> A King's Lynn Navigation Bill was introduced to Parliament in 1697.



The harbour of King's Lynn was one of the key ports in England. Its actual status has been set at about the tenth largest in the land, but its importance was greater than that ranking might imply. While its prime as a base for the Hanseatic League was past, it was, in the mid-seventeenth century, experiencing a vital new importance as a centre for coastal trade during the rapid expansion of coal transportation.<sup>576</sup> As we have seen above, the Lynn Hall Books and State Papers show a continuing and intensifying concern with the protection of trade and a continuing struggle to find ways of resourcing that protection. But the viability of the port depended not only on protection of shipping at sea, but on the condition of the harbour itself. Access needed to be kept free by the regular scouring of the waterways by flows of fresh water from fenland rivers. Equally, the port and its surrounding country was vulnerable to catastrophic inroads by the sea. One particularly devastating event, in November 1613, led to the inundation of many marshland villages. A subsequent enquiry by the King's Commissioners based at Lynn assessed the losses.<sup>577</sup> Efforts to keep the sea at bay and drain the Fens created a whirlpool of conflicting interests.

Hillen says that on 19 June 1618, the Privy Council received a petition from the Court of Sewers for the counties of Cambridge, Norfolk, Huntingdon, Lincoln, Northampton and the Isle of Ely, complaining because the work in hand was so greatly hindered. The main object of the project was to provide sufficient outfalls for the Nene, Welland and Great Ouse and to protect Lynn, Wisbech and parts of Lincolnshire. The best way of achieving this was disputed and the petitioners requested the presence of a Clerk of the Council at their next session, to act as umpire. Other petitions were sent in that summer from King's Lynn Corporation, and from "the inhabitants of Sutton and Mepal, Isle of Ely" over drainage and harbour protection issues.<sup>578</sup>

While the port of Lynn was concerned with the impact of changes in river flows on access to harbours and transport systems, its hinterland was deeply divided over the impact of enclosure and drainage on traditional social and economic structures. For more than 30 years from 1628, the fen and marshland around Lynn was embroiled in social disturbances, including riots, criminal damage and court disputes. These have been written

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<sup>576</sup> Susan Majors Battley, "Elite and Community", p.25.

<sup>577</sup> Henry J. Hillen, King's Lynn, Vol. 1, p.316.

<sup>578</sup> Henry J. Hillen, King's Lynn, Vol. 1, p.317.

about in considerable detail by, for example, Keith Lindley.<sup>579</sup> Fen drainage was seen as a money-making expedient which undermined property rights. Considerations of social justice and harmony were swiftly abandoned if they conflicted with the chance to make money, says Lindley.<sup>580</sup> The fenland disturbances were essentially defensive, conservative and restrained, with the fenmen seeing themselves as defending their traditional economy against innovation.<sup>581</sup> Protestors, claims Lindley, were not interested in the national disputes surrounding the civil war, but only in protecting their own way of life.<sup>582</sup> Though they were happy to exploit claims of political support for their own ends, this was entirely opportunistic. Their concerns spread either side of the 1642 divide and their loyalties were complex.<sup>583</sup>

M.E. Kennedy has argued that fens drainage was executed and defended by a continuous and unscrupulous use of the power and authority of royal government to manipulate local institutions and overawe the local populace.<sup>584</sup> There were occasional sops awarded to the existing communities and landowners. In 1638, a petition from “the owners and inhabitants of Norwold” [Northwold] elicited a response from the Commission of Sewers meeting in Huntingdon.<sup>585</sup> This gave the villagers the right to enter the part of their common allotted to the drainage undertakers and continue to work the land, taking profit from it until the drainage scheme had been adjudged perfected. They were also allowed to fit “gapsteads” and bridges for the safe passage of their cattle. A hint of the power games being played is given by a petition sent to the King in February 1637/8. The petition was from Francis, Earl of Bedford, and Henry, Lord Maltravers, then co-Lord Lieutenant of Norfolk, and from other “adventurers in draining the Great Level of Fens”.<sup>586</sup> The petitioners said they had completed seven years drainage work under the Lynn Sewers Act and had claimed 95,000 acres for the petitioners, of which 12,000 had been set aside for the King. The petitioners now asked that legal difficulties should be resolved so that the handover of the land could be completed. The King dismissed the petition in a peremptory manner, insisting that the work had been “imperfectly performed” not only in his view but

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<sup>579</sup> Keith Lindley, Fenland Riots and the English Revolution (London, 1982).

<sup>580</sup> Keith Lindley, Fenland Riots, p.1.

<sup>581</sup> Keith Lindley, Fenland Riots, p.57.

<sup>582</sup> Keith Lindley, Fenland Riots, p.253.

<sup>583</sup> Keith Lindley, Fenland Riots, p.143.

<sup>584</sup> M.E. Kennedy, “Charles I and Local Government”, pp.19-31.

<sup>585</sup> NRO PC 75/153.

<sup>586</sup> CSPD 1637-38, p. 252, 13 February 1637/8.

of the whole country; the petitioners had not brought the land up to a state ready for “cultures”. Kennedy claims that by abusing power and putting his own need for cash before the region’s need for informed arbitration, Charles contributed another element to the distrust that eventually brought him down. Some contemporaries certainly felt that to be the case, but complained that a new regime made little difference. The Anti-Projector or the History of the Fen Project (1646) expresses outrage about the evils manifested before the civil war, but complains that the old evils were being extended under Parliament.<sup>587</sup>

The six counties petitioned King Charles at Newmarket against Lyn Law which was condemned at a Sessions of Sewers at Huntington, 14 Car. Before this the people were pursuanted, imprisoned by Council table warrants and their hay taken off their carts, and the six Counties were most grievously oppressed. Afterwards the King turned undertaker himself and so our oppression continued for the Commissioners were still Judges and Parties.

Parliament had failed to stop the oppression, wrote the authors. A bill was rushed through an almost empty House without warning or consultation. The Act was “a formidable monster” which perpetuated the error of allowing “Parties to be Judges”. Amid a long list of disbenefits from drainage, The Anti-Projector includes the threat to wheat and barley supplies to London and the north if “our navigable rivers be... made unserviceable by the undertakers new ditches”. As the premier river-port in the region, interruption of water flow to navigable rivers mattered not just to Lynn but to the national economy.

A new stage in the clash of interests between traders and projectors came in 1651 and was signalled by a dramatic petition from King’s Lynn.<sup>588</sup> A proposal for a massive sluice at Denver threatened to disrupt inland trade along the River Ouse. Lynn also feared that the interruption of water flows would adversely affect the haven at King’s Lynn. Unlike any of the scores of other petitions produced by the borough, the Denver Sluice petition was written into the public transcript (the Hall Book itself) in full. A full page was devoted to the petition. A substantial part of the page was taken up by the list of those to whom the petition was addressed:

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<sup>587</sup> Anon. The Anti-Projector or the History of the Fen Project (1646) Wing/A3504.  
<sup>588</sup> NRO KL/C7/10 Hall Book 8, f.307, 14 March 1650/51.

To the Honourable William Lenthall esquire. Speaker of the Parliament, the Lord Commissioner and Keeper of the Great Seal, the Judges of the Upper Bench and Common Plees and [...] gentlemen that are Commissioners for the Draining of the Great Level of the Fenns as by Act of Parliament kept 29<sup>th</sup> of May 1649.

The petition argued that sluices at Denver would “utterly destroy navigation and into seaven or eight counties... to the ruin of your petitioners but the undoing of many in severall counties”. Indeed, other towns and cities were quick to associate themselves with Lynn’s protests, including Cambridge, Bury St. Edmunds and Thetford.<sup>589</sup>

Nevertheless, the plans went ahead. Vermuyden was persuaded to take up the work once again and designed the sluice works. These were “ill-formed and still worse executed” and, according to W. Elstobb in 1779, had caused the “Ruin of the Navigation of Lynn and the Deplorable State of the Fens”.<sup>590</sup> Thomas Badeslade, in 1725, insisted that before the sluice was built Lynn Haven was “ample and great”.<sup>591</sup> Ships rode at anchor in twelve feet of water with a good channel out to sea. After the sluice, water levels fell by eight to ten feet in a few years.

Even before the setback represented by the completion of the building work at Denver, Lynn had been concerned about the impact drainage was having on the navigability of its harbour. In 1654, a petition was sent from the town’s justices and Grand Jury to the Council expressing those concerns.<sup>592</sup> The issues were referred to a Commission for the Adventurers for the Great Level, headed by Major-General Lambert, with an expectation that the commission would report within a few weeks. Instead, the controversy was to rattle on for more than another century. The first sluices at Denver were destroyed by the combined strengths of floods from upstream and sea surge from the north in 1713. After initial rejoicing, there was fresh cause for complaint: the debris from the huge works had

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<sup>589</sup> Dorothy Summers, The Great Ouse: The History of a River Navigation (Newton Abbot, 1973), p.83.

<sup>590</sup> W. Elstobb, Report on the State of the Navigation Between Clay Hithe and Denver Sluice, 1778 (1779), p.15, cited in Dorothy Summers, The Great Ouse, p.80 fn. 12.

<sup>591</sup> Thomas Badeslade, The History of the Ancient and Present State of the Navigation of the Port of King’s Lynn and of Cambridge... (1725), pp.12 & 81, cited in Dorothy Summers, The Great Ouse, p.76 fn. 2 & p.97.

<sup>592</sup> CSPD 1654, p.65, 31 March 1654.

been liberally strewn down the river, causing still more disruption to navigation. The sluices were rebuilt in 1748-50.<sup>593</sup>

That simple phrase in the printed petition, “projectors at home punished”, signalled many things to many readers without being explicit about any of them. Lynn’s merchant traders were able to unite against projects which threatened the continued viability of their port, while avoiding explicit judgements against the King’s financial policies or the social implications of enclosures. A similar line is pursued in the borough’s petitionary negotiations. The continued viability of their port was an issue on which the borough felt it had the right to be heard; it was fundamental to the Corporation’s reason for being. Seeking to influence financial or social policy might have been trespassing on territory beyond its central purpose. Seeking to keep the port open and profits flowing clearly was not. The form of Lynn’s 1650 petition (addressed not only to Parliament, but to the Keeper of the Great Seal, the high court and the commissioners for drainage) reflected both the vehemence of the Corporation’s views and the added anxieties generated by the political instability of the times. Ultimate responsibility for deciding whether the Denver Sluice project went ahead or not was in doubt, if not in dispute.<sup>594</sup> But whoever was in charge of the development, whoever had the final say, needed to recognise the seriousness of this threat to trade and act accordingly. An arbitrator was needed in this vital dispute between landed interests and merchant interests, production and distribution. In 1650 there was no certainty where authority (and the prospect of successful arbitration) lay. By (uniquely) writing the Denver Sluice petition into its own minute book in full, the Corporation was signalling that its outrage was firmly within the public transcript. That it was also fully in the public domain cannot be doubted. By its choice of addressees, the Corporation made the issue a matter of debate within a public sphere that embraced local, county, judicial and parliamentary communities. The Corporation’s objective was not this time to add its voice to a national campaign to effect regime change, but to effect a policy change: to negotiate out of existence a major threat to the port’s future well-being. A published petition may have reached more individuals, but in this instance that was not the objective.

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<sup>593</sup> Dorothy Summers, *The Great Ouse*, pp. 84-87, 97-98. Dorothy Summers reports contemporary counter-claims that Lynn’s troubles were caused by natural changes to the exit channels to the sea and that Denver’s contribution to the problems was “inconsiderable”.

<sup>594</sup> NRO KL/C7/10 Hall Book 8, f.323, 3 October 1651 shows that the Corporation did not decide to remove the King’s arms from the council chamber until another six months had passed.

The Corporation's strategically addressed, unpublished, petition reached all the audiences the Corporation needed to reach.

### **Scandalous ministers removed, and... Bishop Wren prosecuted**

Attacks against Bishop Wren were commonplace in petitions in 1642. In the following pages I will explore both the local aspects of the quarrel with Wren and the extent to which this clause reflects continuing concerns in the borough and its district.

The Rt. Rev. Dr. Matthew Wren, a close friend and colleague of Archbishop Laud, was Bishop of Norwich for less than three years. During that time he vigorously enforced rules concerning worship and the behaviour of clergy. Many Norfolk people left the country to seek freedom to worship in their own way elsewhere. Ketton-Cremer calculated the number to be some 3,000 from the diocese. Of those exiles, 33 people from seven families left Lynn and its environs.<sup>595</sup> Wren was engaged during most of his time in the diocese in combating dissidents in Ipswich, Great Yarmouth and Norwich itself. No similar problems were reported from Lynn, but one major controversy centred on a preacher active in the country around Lynn, the Rev. Paul Amryaut. Born in Germany in 1600/1, Amryaut became a teacher at Hillington in 1629 and rector of Irmington and Wolferton in 1633. He was suspended by Wren for failing to bow at the name of Jesus and went into exile in Holland. Amryaut returned to England in December 1640 and by 1648 was Vicar of East Dereham.<sup>596</sup> As early as May 1640, the Corporation had written to its MPs, then William Doughty and Thomas Gurlin, "concerning the grievances of the Church" but without itemising them. The letter merely stated that something "ought to be done in this towne".<sup>597</sup>

Although this thesis identifies scores of petitions dating to mid-seventeenth century King's Lynn, there are few among them that specifically and unequivocally relate to matters of religion. In Norwich, petitions on religious issues abound, from early attacks on Bishop Wren to later efforts to bring the ownership of the cathedral itself into the hands of the

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<sup>595</sup> R.W. Ketton-Cremer, *Civil War*, p.76, where he cites Tanner MS 68 f.332.

<sup>596</sup> *ODNB* on-line article 457, Stephen Wright "Paul Amryaut".

<sup>597</sup> NRO KL/C7/10 Hall Book 8, f.54.

Corporation.<sup>598</sup> On several occasions Norwich was brought to the point of riot and bloodshed over religio-political debate. In Lynn, there is evidence of dispute in the political sphere (notably over the election of Hudson in 1646 and again of Guybon Goddard in 1656, and possibly also surrounding the resignations of individual aldermen and councillors in the turbulent years of the civil war and interregnum), but whereas Evans confidently identifies religious loyalties in such disputes in Norwich, with two significant exceptions, the petitioning record in Lynn does not enable any such labelling. The first exception, a petition from the town's ministers to the Corporation, will be considered below. The second, a national printed petition of 1659 which had local elements, demands separate consideration and I will return to it in a separate case study.<sup>599</sup>

That the population of Lynn had a strong radical religious element is evident. The town had a long record of anti-episcopalian activity and Protestant witness. Until the Charter of Henry VIII it had been named Bishops Lynn. For centuries there had been disputes between the town and the bishop's palace over rights and dues. But in 1634, says Ketton-Cremer, all seemed right with the church in Lynn. The archiepiscopal visitation report by Sir Nathaniel Brent concluded that all three Lynn churches were "exceeding fair and well kept and the three ministers are very conformable and agreed exceedingly well". Of schismatics, Sir Nathaniel maintained "few of that fiery spirit remain there or in the parts thereabout". In 1638, says Ketton-Cremer, Archbishop Laud told the King there were only six lecturers in the Norwich diocese, including one in Lynn, but that "they are all performed by comformable and neighbouring divines".<sup>600</sup> As late as 1639, Laud was reporting to the King that the Norwich diocese was "all quiet and conformable".<sup>601</sup>

Past disputes had been over doctrine, as well as property rights and taxation. William Sawtre, described as parish chaplain at St. Margaret's, Lynn, had been a Lollard martyr in 1401. Robert Barnes, born in Lynn in 1495, priest, was martyred in the Protestant cause

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<sup>598</sup> John T. Evans, Seventeenth-Century Norwich: Politics, Religion and Government, 1620-1690 (Oxford, 1979).

<sup>599</sup> Mary Forster, These Several Papers is discussed in Section 5.2, Handmaids of the Lord in King's Lynn and West Norfolk, p.225.

<sup>600</sup> R.W. Ketton-Cremer, Civil War, pp.60 & 85; see also William Laud, The Works of the Most Reverend Father in God, William Laud D.D. (Oxford, 1847-60), V, p.350.

<sup>601</sup> William Laud, The Works of... William Laud, V, p.364.

under Henry VIII in 1540, while John Barrett, also born in Lynn in 1495, was a friar who became a leading Protestant theologian.<sup>602</sup>

From 1589, the Corporation had paid for preachers and lecturers to serve the town and from 1600 supplemented the incomes of the senior clergy at the parish church of St. Margaret as well as those of the chapel of St. Nicholas.<sup>603</sup> In 1636, Bishop Wren reported to Laud on the state of his diocese and complained about lecturers installed by private citizens for their private pleasure at many centres, including Lynn.<sup>604</sup> One such was Samuel Fairclough, established as a lecturer in Lynn by Sir Nathaniel Barnadiston in 1619.<sup>605</sup> Fairclough was soon in trouble with Bishop Samuel Harsnell of Norwich over his alleged non-conformity. Thomas Robinson, a protégé of Alderman Thomas Gurlin of Lynn, published an anti-Catholic attack in 1622.<sup>606</sup> One of the most influential independent preachers of this time was John Goodwin (1594-1665), a protégé of the Townshends of Raynham, West Norfolk. He was elected a lecturer at St. Nicholas by the Corporation in 1629, only to be suspended by the Bishop of Norwich a year later. Goodwin then became minister of Coleman Street church, in the City of London.<sup>607</sup> His patron there was Alderman Isaac Penington, an MP for London, and a crucial figure in delivering the City of London's support for the parliamentarians. Alderman Penington's closest colleague in the parliamentary cause was Alderman Thomas Atkins. Atkins, MP for Norwich in the Long Parliament, was himself a Lynn man who continued to own property in the borough to his death.<sup>608</sup> John Arrowsmith (1602-1655) was, from 1631, first curate and then vicar of St. Nicholas's chapel. After the siege of Lynn, Edward Montagu, Earl of Manchester, installed Arrowsmith as Master of St. John's College, Cambridge. John Bachilar (d 1674) was, from 1643-45, chaplain to Col. Valentine Walton after Walton took charge of Lynn. Bachilar was appointed one of the twelve divines authorised to license religious literature. Lynn MPs, Toll and Percivall, were supporters of the town's puritan lecturer.<sup>609</sup>

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<sup>602</sup> [ODNB](#) on-line searches.

<sup>603</sup> Peter Sykes, "Borough of King's Lynn 1524-1835".

<sup>604</sup> [CSPD](#) 1636-37, p.223, #19, 7 December 1636.

<sup>605</sup> Unless otherwise stated, the biographical information given here is from the [ODNB](#) on-line.

<sup>606</sup> Thomas Robinson, [An Anatomy of the English Nunnery at Lisbon](#), STC (2<sup>nd</sup> edn.)/21125.

<sup>607</sup> [ODNB](#) on-line: Tai Lui, "John Goodwin (1594-1665)", ref. Odnb/10994.

<sup>608</sup> [ODNB](#) on-line, Keith Lindley, "Penington, Isaac (c.1584-1661)", ref. Odnb/21840.

<sup>609</sup> Clive Holmes, [The Eastern Association in the English Civil War](#) (Cambridge, 1974), p.24.



One more significant Protestant figure who was present in Lynn at a critical moment in its affairs, may be associated with a petition agreed by Lynn Corporation in February 1643/44. William Dowsing (1595-1668), designated in ODNB as “iconoclast”, may have been provost marshal to the parliamentary army which besieged Lynn in 1643.<sup>610</sup> His responsibilities for provisioning the army may well have kept him in the town for a while after the siege brought the town under parliamentary control. Dowsing believed that statutes passed by Parliament requiring the removal of stained glass from churches should be meticulously implemented. He clearly had followers in Lynn. When, in February 1643/44, the Corporation discussed the issue of the “breaking of the windowes” at St. Margaret’s great parish church, there was no shortage of names both from within the Corporation and outside it, of people who wished to be involved in the work. Cooper transcribes a minute from the churchwardens of St. Margaret’s and St. Nicholas’s Lynn about the issue.<sup>611</sup> The minute signed by Aldermen Nathaniel Maxey and Edward Robinson and sixteen others, agreed that the stained glass should be replaced at both buildings and that all ratepayers in the parish should be required to contribute towards the £100 needed to commence the work. The minute added “that then Mr Percivall and Mr Toll our Burgesses of the parliament are interated [sic] to take the pains to procure order from the parliament to compell them to pay the same”. Subsequently, the Corporation agreed a petition to be sent to the Eastern Association Committee at Cambridge. That petition’s overt message was that the borough expected financial remuneration for undertaking Parliament’s business. The unstated message was that Lynn now accepted the authority of Parliament and of the Eastern Association.<sup>612</sup> Religious commitment to iconoclasm does not come across with any force in the borough petition. Even the apparent parish unity may well have been one of acceptance of the inevitable.

A subsequent petition which was before the Corporation three years later is harder to interpret.<sup>613</sup> The petition was from “ministers in the town” to the Corporation about an ordered Day of Humiliation. Hillen identified the ministers as “John Horne, Edmund Almond, Thomas Hoogan, Nicholas Toll and Thomas Leech, who were then (1646)

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<sup>610</sup> Trevor Cooper, The Journal of William Dowsing (Woodbridge, 2001), p.11, though Cooper accepts the Provost Marshall and the iconoclast may possibly have been different Dowsings.

<sup>611</sup> Trevor Cooper, The Journal of William Dowsing, p.366.

<sup>612</sup> NRO KL/C7/10 Hall Book 8, f.131.

<sup>613</sup> NRO KL/C7/10 Hall Book 8, f.201.

dependent upon the Corporation for their stipends”.<sup>614</sup> John Horne (1616-1676) was another protégé of Colonel Walton. He was a minister at Lynn All Saints in 1643 and was rector there in 1646. He was ejected in 1662.<sup>615</sup> The petition from those ministers, recorded in Hall Book 8, gave rise to considerable discussion of “dark words and sentences” in 1646.<sup>616</sup> The Corporation had been ordered by Parliament to hold “A Day of Humiliation... for the release of God’s judgement being visited upon the country in water and rain”.<sup>617</sup> All ministers were to offer prayers in every church and chapel in the town. The ministers may have taken issue with the order or with its language, or possibly with the Parliament itself now that it was clearly and officially imposing Presbyterian principles on the English church. Were the words truly not understood or does the crisis over those words relate to a failure to find anything approaching unity? There was little doctrinal agreement among ministers: Arrowsmith, for example, was totally opposed to religious toleration; Bachilar, on the other hand, was at this period in favour of toleration though later he disowned all radicals; William Falkner (died 1682), the son-in-law of Lynn’s Mayor, Thomas Greene and preacher at St. Nicholas’s, became a leading post-restoration defender of Anglican orthodoxy.<sup>618</sup> The ministers’ petition was “twice playnly read”, but there were still “dark words and sentences” not understood. Three ministers spoke to the Hall in support of the petition. The Corporation deputed a small group of aldermen and councillors to discuss the issues with the ministers. At their meeting the following week, the Corporation decided to stay with their original decision and to declare 23 December 1646 a day of “publique humiliation”.<sup>619</sup>

Even though the actual “dark words and sentences” of the ministers’ petition seem not to remain in the public transcript, it was clearly a catalyst for serious discussions and negotiations. Were ministers and Corporation alike divided by religious and political differences? Did they weigh the consequences of defying a parliamentary order against their own passionate commitments? Or did they struggle to maintain some accommodation with each others’ predispositions? Whatever was going on is now hidden

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<sup>614</sup> Henry J. Hillen, *King’s Lynn*, Vol. 1, p.345. The Rev. Nicholas Toll was brother of the borough’s MP, Thomas Toll (Mary Frear Keeler, *The Long Parliament*, p.361).

<sup>615</sup> ODNB on-line, “John Horne”.

<sup>616</sup> NRO KL/C7/10 Hall Book 8, f.201, 9 December 1646.

<sup>617</sup> Henry Harrod, “King’s Lynn Hall Book 8, Index”, MS dated 1868, copy at Norfolk Record Office, King’s Lynn branch.

<sup>618</sup> ODNB on-line biographies.

<sup>619</sup> NRO KL/C7/10 Hall Book 8, f.202.

from us, but it is clear that the issues were seen as vitally important to the community. The petition was unique. Its reception was also unique and the deliberations were (given the time constraints; the Day of Humiliation was scheduled for a fortnight from the first debate) extensive.

Five years later, on 3 October 1651, the Corporation made another order for a day of “publique humiliation”. This time there was no equivocation.

This House taking into serious consideration how the hand of God hath been stretched forth against this nation by the sword and for many years past. And that notwithstanding, all former sinnes do still abound both in the Nation and in particular amongst us in this towne to the high provocation of Almighty God - by profaning of the Sabbath, slighting his ordinances, swearing and cursing (common amongst the young children) drunkenness, pride, envy, wantoness, jealousy and other grievous sinnes. In the due acknowledgement of all which... to make oblation and fast in His sight. And for the imploring a blessing from God that wee may make a right use and improvement both of his former judgement and of his late mercies in a reformation of life and Godliness.<sup>620</sup>

Decisively, the Corporation ordered that all should meet at St. Margaret’s Church on the Day of Humiliation and to take a day off work should they need to do so. The day the order was issued, the Corporation ordered the late King’s arms to be taken down from the hall. With the republic triumphant, it was not the time for ministerial negotiation by petition.

But nerves were on edge. The very next day, 4 October 1651, the Mayor of King’s Lynn, Jonas Scott, was obliged to call a special meeting of the council. He had the Act of Parliament for the Keeping of the Day of Public Humiliation read and then presented an amendment to the order made by the council only the day before.

Whereas in the 12<sup>th</sup> line of the said Order there is mention made of praying for a blessing upon the Governors of this nation, it is hereby declared that thise House did then and doth intend and mean the Parliament of the Commonwealth of England.<sup>621</sup>

In the years after the republican triumph, the Corporation persisted with one surprising religious enterprise, the translation of The Bible. The project was debated in council at

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<sup>620</sup> NRO KL/C7/10 Hall Book 8, f.323.

<sup>621</sup> NRO KL/C7/10 Hall Book 8, f.324.

least eleven times between May 1652 and May 1657, when the chamberlain was ordered to pay William Humble for his work on The Bible “translated into several languages”.<sup>622</sup>

In November 1658, the town’s ministers again petitioned the Corporation, this time ostensibly on behalf of the town’s poor. Hall Book 9 records:

This day the petition of the ministers and several of the inhabitants of this burrough which was read in this house the last hall day about the setting up of publique brewhouses within this town for the benefit of the poor.<sup>623</sup>

The petition was given due consideration. A number of members were named, together with the names of several non-members, from whom a committee might be gathered. These were to consider the proposal and suggest a “moddle” [sic] but also to hear any comments from established brewers in the town. They were given just a fortnight to report back. This they did, in writing, on 15 December, but seem to have been asked to give further consideration.

A sign of the changing times was the entry dated 27 May 1661 [folio 80] when the Corporation received a petition from the inhabitants of St. Margaret’s asking for the appointment of “a godly orthodox divine (and of good attendance and audible voice)”. Of the twelve preachers and lecturers identified by Sykes, two served beyond the 1660 watershed: the Rev. Thomas Hoogan of St. Margaret’s who served until 1667 and William Faulkner, preacher at St. Nicholas’s, who served until he died in 1682.<sup>624</sup>

King’s Lynn’s vehement attack on Bishop Wren in its “manifesto” remains enigmatic. Wren was, by the time of the petition, out of Lynn’s way as Bishop of Ely. The petition challenges Wren on political rather than doctrinal grounds. As Bishop of Norwich, Wren had sought to impose the new Laudian rules he himself had helped to write with vigour and without negotiation. The borough cherished its right to challenge impositions made upon it. The episode of the “Dark Words and Sentences” clusters around similar issues: the imposition of a religious rite or duty and the erosion of the right to challenge that imposition. The town’s ministers seem to have challenged the government’s requirement

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<sup>622</sup> NRO KL/C7/100: Henry Harrod, “King’s Lynn Hall Book 8, Index”.

<sup>623</sup> NRO KL/C7/11 Hall Book 9, f.7.

<sup>624</sup> Peter Sykes, “Borough of King’s Lynn 1524-1835”.

for a day of public humiliation, but on this occasion appear to have been overruled by the Corporation, though clearly only after much debate and argument. The 1640s “blessed parliament”, full of hope and promise was, Lynn’s leaders had learned, a very different animal from the Parliament with which it had been in constant negotiation since the siege of the borough in 1643.

It is that experience of corporate negotiation in a time of civil war and political instability to which we now turn.

### 4.3: Siege and Aftermath

In this thesis I am attempting to show that petitioning expressed and reflected continuing negotiations between unequal parties. Petitions were assumed to be requests from those lacking the means to do something to those the petitioner perceived, or hoped, had the authority or notional responsibility that would enable the desired end to be achieved. The act of petitioning thus defined where the loci of authority, if not of power, was conceived to be. This section will concentrate on petitionary negotiations entered into by the borough of King's Lynn. It will follow the narrative of the port's involvement in the first civil war and its consequent efforts to mitigate the crises it encountered. Its petitions continued to set out the borough's expectations of those in authority and challenged unfair or unjust use of that authority. But above all, its petitions reflected universal anxieties about well-being and survival.

In the summer of 1642, both Houses of Parliament debated moves by Charles to place loyal troops in King's Lynn. Orders were passed by both Houses forbidding the billeting of troops in Lynn (and Great Yarmouth) without the consent of both Houses. The Parliamentary Orders permitted the people of Lynn to resist the King's attempts.<sup>625</sup> A few days later more orders were passed giving named individuals the right to train and exercise volunteer bands "for the safeguarding of the said Town and preserving the Magazine therein".<sup>626</sup>

The following winter, King's Lynn Corporation agreed to petition Parliament for financial aid towards the cost of fortification.<sup>627</sup> It expressly asked for £400 to be allowed out of money lent by the council, towards the cost of fortifications and ordnance. Hindsight tends to associate this move with manoeuvres in advance of internal conflict, a sign that the borough was preparing for civil war. That is not necessarily so. The mariners and merchants of Lynn had long called for protection of the port from Dutch and other marauding forces. Now England was in conflict with the port's major trading partner, Scotland. It was an issue on which men with widely varying views might properly unite however mixed their motives in doing so. The decision to send the petition was recorded on 12 December 1642. A week later the Corporation delegated a deputation to go to

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<sup>625</sup> CJ, v.2, 14 July 1642; LJ, v.5, 14 July 1642.

<sup>626</sup> LJ, v.5, 26 July 1642.

<sup>627</sup> NRO KL/C7/10 Hall Book 8, ff.106 & 107.

London to present the case in support of Lynn's petition. The deputation was to include the borough's MPs, Thomas Toll and John Percivall, and a new member of council, attorney at law, Walter Kirby. Toll and Percivall were each former Mayors of Lynn and were elected to the Long Parliament in 1640; they replaced members who may have been considered too conciliatory towards the King. It is hard to judge how much support the MPs enjoyed within the congregation. As was soon to be made clear, Kirby did not share the political commitment of Toll and Percivall. This seemingly 'cross-party' approach to Parliament, like the borough's 1642 printed petition, implied a measure of unity not experienced on the ground.<sup>628</sup> But this corporate approach to Parliament seems to have achieved its ends. On 11 January 1642/43 Parliament ordered that:

the Treasurers and Receivers of the Subscription Monies, in the town of Lyn, do detain in their Hands Four hundred pounds of the Subscription Monies collected in the said Town, to be employed towards the Fortifying and Defence of the said town.<sup>629</sup>

While the fortifications petition may reflect a temporary alliance within the Corporation, another petition from the Corporation in January 1642/43 seems to reflect strong, political cross-currents within the Corporation. According to Henry Hillen, the Corporation had been rebuked for not paying its current MPs the five shillings a day to which they were entitled.<sup>630</sup> But the petition seems concerned more with by whom the MPs should be paid and by implication, by whom they should be elected.<sup>631</sup> Should the town's MPs continue to be elected by a small elite, the mayor and aldermen, or by a potentially more radical constituency, the entire Corporation, its freemen and even the town's leading "inhabitants"? The elite's choices for MPs continued to serve, paid or unpaid, throughout the months before and after the outbreak of the civil war and the siege of Lynn. Percivall sat in Parliament until his death in 1644; Thomas Toll continued to serve throughout the Long Parliament until the dismissal of the Rump in 1653 and returned with that Parliament in 1658/59 before being replaced, on his death, by his son.<sup>632</sup>

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<sup>628</sup> Anon. The Humble Petition of the Mayor, printed with a petition from Shoreditch in Wing (2<sup>nd</sup> ed.) H3481: Thomason E.137 (21) (see preceding Section, A Merchants' Manifesto).

<sup>629</sup> CJ, v2: 11 January 1642/43.

<sup>630</sup> Henry J. Hillen, King's Lynn, Vol. 1, p.343.

<sup>631</sup> NRO KL/C7/10 Hall Book 8, f.109.

<sup>632</sup> Hamon Le Strange, Norfolk Official Lists.

Another petition went from Lynn to Parliament that winter. This time it was not in the name of the mayor, aldermen and councillors but solely “from divers inhabitants” of Lynn. It appears to have been directed to Parliament to support reports being given to the House by MP Thomas Toll. Certainly, the petition is recorded in the context of a letter from Toll which reported “Distractions and some Divisions” in the town and “some Oppositions to those constituted Officers and Captains by Ordinance of both Houses”. The House of Commons resolved to send for “Mr Kirkeby the Attorney... as a Delinquent”. Simultaneously, an Order from the Lords expressly took authority over the trained bands in Lynn away from the mayor and aldermen and placed it in the hands of MPs Toll and Percivall and a small group of other, presumably more trustworthy, men.<sup>633</sup> Shortly after, the Commons set up a Committee of Inquiry “to examine the State of the Business of the Town of Lynn concerning the late Distractions there... and to have power to commit to safe Custody... such as they shall find, upon full Proof, to have disturbed the Peace of the said Town, and have made and committed the late Tumults and Riots there...”.<sup>634</sup> Oddly, the committee set up by Parliament included Thomas Gurlin “now Mayor of Lynne” as well as the MP who replaced him in the Long Parliament. Clearly political loyalties were confused, or fluid, or both. Holmes concludes that Norfolk MPs at this moment were mainly neutralists anxious to secure the peace of their “country”, but that in a time of “such poverty as we can scarce keep the poor from mutiny” popular sentiment favoured Parliament.<sup>635</sup> Lynn was, says Holmes, divided.

In March, after his triumph at Lowestoft, Cromwell and his troops headed first for Norwich and then for Lynn.<sup>636</sup> Henry Harrod says that, on 27 March 1643, a petition was sent from the town to Cromwell at Cambridge asking him to convey Lynn’s desire for peace.<sup>637</sup> It was to be conveyed to Cromwell by a delegation from the town at the town’s expense. The team to support the delegation was to include the recorder and Kirby (which might imply Kirby was included in the party as a lawyer, not a member of the council). This is confirmed by an entry in the Hall Book.<sup>638</sup>

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<sup>633</sup> CJ, v.3, 22 March 1643; LJ, v 5, 22 March 1643.

<sup>634</sup> CJ, v.3, 11 April 1643.

<sup>635</sup> Clive Holmes, The Eastern Association, pp.57-59. Holmes cites A True and Exact Relation of the Present State of the City of Norwich (1642).

<sup>636</sup> Henry J. Hillen, King’s Lynn, Vol. 1, p.351.

<sup>637</sup> Henry Harrod, “Report on the Deeds”, p.114.

<sup>638</sup> NRO KL/C7/10 Hall Book 8, f.115.



If Hillen's account is to be believed, and he rarely gives sources for his statements, on 1 May 1643 Lynn was seeking authority to seek out "malignants" among the many strangers in the town, but by 13 May Civicus Aulicus was reporting that the borough had declared for the King.<sup>639</sup> Parliament ordered local magnate and former deputy lieutenant Sir Hamon L'Estrange, his sons and others to be handed over for incarceration at Wisbech. Ketton-Cremer,<sup>640</sup> again not giving references, implies the declaration came several weeks later. Parliament, on 10 July 1643, had ordered Lynn to fortify the town against a possible attack by the King's army marching south towards nearby Lincolnshire.<sup>641</sup> The declaration for the King was left until 13 August, when Sir Hamon was declared governor of the town.

## Surrender

Lynn was placed under siege by parliamentarians under Edward Montague, Earl of Manchester. The King's army was diverted away from Norfolk and Lynn negotiated surrender terms on 19 September. According to the eighteenth century Lynn historian Benjamin Mackerell, the town was required to find £3,200 - the amount deemed to be equivalent to a fortnight's pay for the officers and men of Manchester's besieging army.<sup>642</sup> The surrender terms agreed promised no reprisals against either L'Estrange or Kirby, or their colleagues. Cromwell's brother-in-law Colonel Valentine Walton, who according to Ketton-Cremer had been part of the parliamentary team which negotiated the surrender, was appointed governor of Lynn. He was also MP for Huntingdonshire. The radical parliamentarian, Miles Corbett MP of Great Yarmouth, replaced the long-serving Francis Partlett as Recorder of Lynn.<sup>643</sup>

The surrender document promised no reprisals. Just what that meant and the extent of the protection it gave was to be tested in Parliament and parliamentary committees for almost a decade. Petitions to those bodies allow us to identify several protagonists caught up in the siege: Walter Kirby and Robert Jegon, each of whom claimed to have helped negotiate

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<sup>639</sup> Henry J. Hillen, King's Lynn, Vol. 1, pp.353, 354.

<sup>640</sup> R.W. Ketton-Cremer, Civil War, p.67.

<sup>641</sup> LJ, v.6, 10 July 1643.

<sup>642</sup> Benjamin Mackerell, The Flourishing Corporation of King's Lynn, p.222. It is perhaps surprising that the many subsequent petitions from Lynn arguing inability to pay taxes seem not to mention the impact of this considerable 'fine'.

<sup>643</sup> R.W. Ketton-Cremer, Civil War, p.359.

the surrender terms, the former Governor of Lynn, Sir Hamon L'Estrange and his family, Sir Thomas Dereham, Sir Richard Hovell, Jeremiah Beck of Castle Acre, Robert Skidworth of Fordham, the Rev. Robert Ballam of Walsoken and the Rev. Daniel Wigmore, Archdeacon of Ely. Each of these gentlemen were to find themselves in conflict with the Parliament authorities and their cases will be returned to later.<sup>644</sup>

### **Where to turn for assistance?**

The outbreak of hostilities and the subsequent twin needs to win the war and finance the military occupation, transformed power relations at every level. Petitions reveal both the desperate search for solutions and the bureaucratic nightmare by which individuals and collectivities like King's Lynn Corporation were engulfed.

In the February following the siege (1643/44), King's Lynn Corporation turned to Edmund Montagu, Earl of Manchester, not only for finance for the garrison (as we have seen, Manchester had been empowered to disperse funds), but also for advice on implementing parliamentary orders. Montagu had been installed as commander of the Eastern Association forces around the time of the Lynn siege.<sup>645</sup> The Lynn Hall Book records:

Mr Toll, alderman, and one of the burgesses and Jonas Scott, one of the Common Council is desired to go to the Earl of Manchester to Cambridge with a petition about payment for firing and candle for the Court of Guard and concerning the breaking the church windowes and concerning the taking down the painted glass and what other things shall concern the towne.<sup>646</sup>

The Corporation's next minute set up a committee, with powers to co-opt parishioners, to investigate what would be entailed in removing the stained glass and the cost of the work required by order of Parliament. The petition and the associated minutes clearly indicate that the town saw the Earl, then head of the Eastern Association, as the embodiment of parliamentary and military authority. But whether that perception was widely accepted or

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<sup>644</sup> See Section 4.4, Justice and Grace and the Court of Parliament, p.191.

<sup>645</sup> ODNB on-line, Ian J. Gentles, "Montagu, Edward, Second Earl of Manchester (1602-1671)", article 19009.

<sup>646</sup> NRO KL/C7/10 Hall Book 8, f.131, 16 February 1643/4.

approved within the Corporation is not clear. The absence of Alderman Toll's colleague Percivall from the delegation to Cambridge is not a difficulty. Percivall may well have been in London at the time or sick (he was to die later that year), but his commitment to the parliamentary cause is not in doubt. But the delegation of responsibility to Jonas Scott, a mere common councillor, is another matter. Evans' study of Norwich shows how the nature of corporation dynamics made the radicalisation of common council to be achievable more rapidly than that of the aldermanic bench.<sup>647</sup> It is just possible that this brief minute of a petition to Manchester indicates a similar state of affairs in King's Lynn.

The reference in this petition "firing and candle" indicates that the garrison was already finding difficulty in financing its basic wants for fuel and heat in this time of hard winter. Paying for the army and its garrisons soon became a major problem. Holmes writes that Manchester's army of the Eastern Association was bedevilled by financial difficulties. Parliament empowered Manchester to raise and disperse money by-passing county committees.<sup>648</sup> By 1644, the Committee of the Association (just one representative from each county in the Association), together with fiscal and administrative departments, was established at Cambridge. Lynn's governor, Col. Walton, together with the Association's auditor, Dr. Stane, proposed that excise revenues should be assigned directly to the Association. His first petition to this effect apparently failed. A second attempt, made in a petition to Parliament, was supported in the House by Miles Corbett. Not only was Corbett Bailiff of Great Yarmouth, MP for that borough and Recorder of Lynn, but he also chaired what Holmes describes as "the Westminster Committee of the MPs" for East Anglia. The lobbying was probably assisted by Thomas Coke, who acted as the Cambridge Committee's parliamentary officer.<sup>649</sup> The borough was to find that having a Parliament permanently sitting and easily accessible in London did not guarantee the swift resolution of problems. The Commons packed Lynn's petition off to the Committee of the East Association once again.<sup>650</sup>

The context for all the petitions of this period was the continuing perception of military threat and the military occupation of the borough to which this anxiety gave rise. The military presence generated financial burdens on Lynn's citizens and increasing friction as

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<sup>647</sup> John T. Evans, Seventeenth-Century Norwich.

<sup>648</sup> Clive Holmes, The Eastern Association, p.177.

<sup>649</sup> Clive Holmes, The Eastern Association, pp.118-121.

<sup>650</sup> CJ, v.4, 21 May 1645.

the troops went under-occupied and largely unpaid. Again petitions reflect and highlight the situation.

The Committee of Both Kingdoms, on 23 June 1644, wrote to Colonel Walton warning him of a new threat from the Royalists.

We believe you have before this received intelligence of the march of the King's forces ... you will also well know of what consequence it is that your town of Lynn Regis should continue in obedience to the Parliament. We therefore desire you to use your utmost care and diligence therein and that you disarm and secure all those whose fidelity you suspect.<sup>651</sup>

The following summer, the Committee of Both Kingdoms received what was clearly bad news about the state of the Lynn garrison. At its meeting on 29 May 1645 it had recorded:

To report to the Commons that the Governor of Lynn had given a report of the state of that garrison to the committee who had thought fitt to send him immediately again to Lynn and therefore to desire the House to take into consideration an Ordinance that is prepared for the establishment on payment of that garrison.<sup>652</sup>

On 15 August 1645, the Committee of Both Kingdoms considered a petition from Lynn and ordered that it be reported to the Commons. Ten days later it ordered that £2,000 be borrowed to pay garrisons at Newport Pagnell and Lynn.<sup>653</sup>

At much the same time, efforts began to move troops from Lynn up to Newark to join the siege there. State Papers from August through to the following January are full of letters ordering, cajoling and nearly beseeching the Lynn troops to expedite their march to Newark. Lynn troops were still arriving at Newark in January; the siege of course continued until May 1646.

The end of fighting produced two petitions from King's Lynn Corporation. In July, the town petitioned Parliament for the Lynn garrison to be stood down. The July 1646 petition for the disbandment of the garrison was clearly ignored. The following February the mayor and Corporation petitioned again on the future of the garrison, this time to the

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<sup>651</sup> CSPD 1644, p.271.

<sup>652</sup> CSPD 1644-45, p.539.

<sup>653</sup> CSPD 1645-47, pp.67 & 82.

Eastern Association.<sup>654</sup> That, too, seems not to have gained its object. By July 1647 the situation was, it was claimed, desperate, with the garrison and the town reaching the point of mutiny. John Morrill estimated that there were serious mutinies in at least seventeen counties in the summer of 1647.<sup>655</sup> The £2.5 million owed to the army nationwide in March 1647 was several times the annual sum allocated for payment by Parliament. A case study showed that the costs to communities of free quarter could exceed the amount levied in taxation. Systematic looting and desertion were endemic. So was seizure and ransoming of officers and civilian officials. Morrill says that during 1645-7 at least 25 counties petitioned that they were unable to bear the burden of maintaining their forces at strength.

Thomas Hoogan, governor of the Lynn garrison, wrote to Speaker Lenthall on 5 July 1647 about the garrison's mutiny. Hoogan told the Speaker that he had been to London to argue for money to pay the garrison. Eventually he had been given an Order to pick up the money from the parliamentary collector of taxes at Norwich. By the time Hoogan had reached Norwich the money had already been spent. The soldiers at Lynn heard this and "ranne into a mutiny". They were bought off when Hoogan and the borough's mayor managed to find the cash and pay off the men.<sup>656</sup>

The following day another letter was written to Speaker Lenthall, this time by Lynn's MP and Mayor, Alderman Thomas Toll. It introduced to him two other Lynn aldermen, Edward Robinson and Bartholomew Wormell, who were presenting a petition on behalf of the town.<sup>657</sup> "The miserie of our Towne is growne unto such a hight and our souldiers for want of pay are growne mutinous". The answer was to either pay the troops regularly or to disband the garrison immediately. If the latter occurred the town would undertake themselves to hold the town "for King and Parliament". The town's situation reached the news sheets: Perfect Occurrences for 17-24 September 1647, reported "...great dangers of mutiny and fear of bloodshed at Lynn, the townsmen quarrelling with the soldiers, because

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<sup>654</sup> NRO KL/C7/10 Hall Book 8, f.205.

<sup>655</sup> John Morrill, "Mutiny and Discontent in English Provincial Armies, 1645-1647" in Past and Present 56 August 1972, pp.53, 49 & 51.

<sup>656</sup> Tanner MS 58/335.

<sup>657</sup> Tanner MS 58/343.

the latter have not money to pay quarters; the seamen made parties with the inhabitants”.<sup>658</sup>

Concerns about the burdens imposed by the existence of the Lynn garrison pre-date a nationwide petitioning campaign described by Robert Ashton. Ashton has written in detail about the movement for the disbandment of the army in these years.<sup>659</sup> When petitioners found direct petitioning to Parliament was blocked, they directed their petitions to the army. Civilian petitions to Lord General Fairfax included one from “the well affected of Norfolk and Suffolk”, which Fairfax referred to Parliament in June 1647. It called for the disbanding of the army as the only expedient for avoiding a second civil war.<sup>660</sup> Ashton insists this was a different petition from the even more radical and specific petition of July delivered directly to Parliament and printed as The humble petition of the peaceable and well affected Inhabitants... of Norfolke and Suffolke... with the City and County of Norwich (2 July 1647).<sup>661</sup>

It was at precisely this moment (July 1647) that Lynn’s apprentices chose to petition the Corporation for extra holidays. The petition was handed in by Master Richard Browne.<sup>662</sup> On the surface, the minute could not be more innocuous. But at this moment in Norwich the apprentices were an organised, radical group within the body politic.<sup>663</sup> What the Lynn apprentices were petitioning for was Corporation compliance with Parliament directions. The holidays were stipulated in a parliamentary ordinance: were the freemen of Lynn prepared to show their continued loyalty to Parliament even when it was likely to hit their pockets as employers? The answer given to the apprentices was ‘yes’. The Corporation decided the apprentices should have the second Wednesday in every month as a holiday. How unequivocal that ‘yes’ may have been we cannot deduce from this minute.

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<sup>658</sup> CSPD 1645-47, p.599, Newspaper Collection.

<sup>659</sup> Robert Ashton, Counter-Revolution: The Second Civil War and Its Origins, 1646-8 (New Haven, 1994).

<sup>660</sup> Robert Ashton, Counter-Revolution, p.129 cites LJ, v.9, 262-3, 263, 277-9; HMC 6<sup>th</sup> Rep (House of Lords Calendar 1647), p.183, also Parliamentary History XV 483-9.

<sup>661</sup> BL E.396.(22).

<sup>662</sup> NRO KL/C7/10 Hall Book 8, f.216; Richard Browne may have been the freeman and apothecary, whose own apprentice, Robert Hullier, was entered as a freeman in 1660-61 (Anon., Calendar of Freemen of Lynn, p.170).

<sup>663</sup> John T. Evans, Seventeenth-Century Norwich.

## Election dispute

There is little evidence of the intensity of political debate within Lynn that was at the time being experienced in a very volatile Norwich. But that there was a factional dispute in post-siege Lynn became clear on the death of MP John Percivall. Hillen claims that at first the House refused to fill the vacancy. Miles Corbett put the Lynn case for an election and a writ was obtained.<sup>664</sup> Corbett was an out-and-out supporter of the parliamentary regime and surely would not have pressed for an election if he thought the selection would go ‘the wrong way’. And yet that seems to be what happened. Edmund Hudson was elected but disbarred for “having assisted at the rising of Lynn”. The disbarment came following a petition to Parliament from “divers Aldermen, Common Council and others free Burgesses of King’s Lynn”. The use of this formula itself indicates the split that existed within the civic community; the petition had not received the support of the mayor, or the majority of the aldermanic bench, but it did claim the support of freemen not represented on the council. Parliament rejected Hudson because “he had been in Arms against the Parliament: and that such Persons, by Order of the House, ought not to be admitted to sit as Members of this House”.<sup>665</sup> The Lynn seat was eventually filled, in 1649, by William Cecil, Earl of Salisbury.<sup>666</sup>

Disputed elections were the catalyst for the traumatic uprising at Norwich in April 1648, described and analysed by Evans.<sup>667</sup> Petitions, and the politicising actions of those acquiring signatures for petitions, were at the heart of the Norwich uprising. Evans claims that there was a series of royalist rebellions and anti-government or anti-army riots in East Anglia in the spring and summer of 1648.<sup>668</sup> As we have seen, Lynn was not exempt from such crises. There are scores of entries in the Calendars of State Papers Domestic for these years relating to fears of insurrection, and troop and ordnance movements in the West Norfolk area. For example, the Council of State wrote to the Governor of Lynn on 18 February 1649/50: “We hear the enemy have some design upon Lynn”. It was planned to take advantage of the busy market there, and some of the ships in port were involved in the conspiracy. Lynn’s mayor and magistrates were ordered to arrest “Cornelius Fornoy,

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<sup>664</sup> Henry J. Hillen, King’s Lynn, Vol. 1, p.343.

<sup>665</sup> CJ, v.4, 18 February 1645/6

<sup>666</sup> Hamon Le Strange, Norfolk Official Lists.

<sup>667</sup> John T. Evans, Seventeenth-Century Norwich.

<sup>668</sup> John T. Evans, Seventeenth-Century Norwich, p.173.

master of Hugh Farrar's ship".<sup>669</sup> Later entries report that the Council of State was informed of "the breaking of the design [for insurrection in Norfolk and Suffolk] before it came to maturity". It agreed to give £20 reward to those at Lynn who were "active in suppression of the insurrection".<sup>670</sup> Fear that fortifications and ordnance might fall into the wrong hands might be part of the explanation for several government orders in the early 1650s. On 19 February 1651/2, the governor of Lynn was ordered to move all the brass guns from Lynn and Great Yarmouth into the Tower of London.<sup>671</sup> He was also ordered to demolish the blockhouse at the port. The Corporation petitioned the Council of State against the demolition and were rewarded by a stay of action.<sup>672</sup>

### **Finance and a new charter**

According to Ashton, the most common complaint of provincial petitions over the whole of the period 1646-8 related to the weight of financial and other burdens on war-torn counties.<sup>673</sup> The financial difficulties facing King's Lynn Corporation in the aftermath of the civil war produced an interesting series of petitions which eventually culminated in the town being given far-reaching powers in a new charter. In May 1645, the borough petitioned Parliament for an easing of its assessments.<sup>674</sup> On 24 October that year, the borough sent to London a deputation, armed with a petition, 'soliciting' aid. In July 1647 another petition, and another deputation, was sent to London and the costs of the visit approved.<sup>675</sup> On 24 December 1647, the Corporation again agreed to petition Parliament soliciting relief.<sup>676</sup>

At least one of these petitions produced results. The Hall Book records, in December 1645, that the Commons had agreed that the town's assessment of £157.6s.4d was too great in view of Lynn's sufferings from plague and lost trade.<sup>677</sup> It was ordered that the town should pay just £78 6s 8d and the rest of its assessment should fall on the county.

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<sup>669</sup> CSPD 1650, pp.1-2.

<sup>670</sup> CSPD 1650, p.456, 5 December 1650 and p.462, 9 December 1650.

<sup>671</sup> CSPD 1651-2, p.147, 19 February 1651/2.

<sup>672</sup> NRO KL/C7/10 Hall Book 8, f.376; CSPD 1652-53, p.280, 15 April 1653.

<sup>673</sup> Robert Ashton, Counter-Revolution, p.132.

<sup>674</sup> NRO KL/C7/10 Hall Book 8, f.165.

<sup>675</sup> NRO KL/C7/10 Hall Book 8, ff.216 & 217.

<sup>676</sup> NRO KL/C7/10 Hall Book 8, f.226.

<sup>677</sup> NRO KL/C7/10 Hall Book 8, f.169.



Signatories on the order reproduced in the Hall Book begin with the Earl of Manchester, commander of the parliamentary army which had raised the siege of Lynn. His name is followed by that of Miles Corbett, the town's Recorder, Thomas Toll, its MP and William Wauton, governor of the Lynn garrison. Clearly it paid to have friends at the parliamentary court.

Lynn continued, however, to be deeply concerned about the burden of paying for the army well into the new decade. Over an eighteen month period, King's Lynn Corporation sent three or four petitions seeking a resolution of payment problems. In May 1650 it consulted its new MP, William Cecil, Earl of Salisbury and Lynn's Governor, Colonel Walton, before petitioning for a review of the assessments set by the Norfolk County Committee. On that occasion, the petition was addressed to the Eastern Association but, as Holmes has pointed out, the Association was largely a spent force by this time.<sup>678</sup> The following January (1651/2) a similar petition was addressed to the Committee of the Army and when that seemed to be getting nowhere, the Corporation petitioned the Committee of the Army again, this time asking for an opportunity to address the committee. Lynn was firmly ordered to resolve the position themselves in direct talks with the County Committee.<sup>679</sup>

The borough was not content simply to ask for help. It developed its own scheme to ease local needs. This involved siphoning off some of the taxes and dues collected on trade passing through the port. The proposal was to levy a 2d charge on each chaldron of coal imported through the port, the money to be spent on relieving the poor of the borough. By then the town had retained a legal adviser in the capital. The entry for 31 October 1651 included "This day ordered there be a letter written to Mr Thomas Moore our Townes Solicitor at London".<sup>680</sup> He was to seek directions from the Earl of Salisbury and Colonel Walton in drawing up a petition outlining the proposal. The Earl and the Colonel had also

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<sup>678</sup> Clive Holmes, *The Eastern Association*.

<sup>679</sup> NRO KL/C7/10 Hall Book 8, ff.281, 339, 340, 341 & 344. Payment problems also affected the military themselves. Two ensigns from the Lynn garrison (Robert Raby and John Whitworth), petitioned Parliament for recompense for their services. Colonel Wauton was ordered to go to present the petition and answer to it at "the Committee of Parliament appointed to consider such cases" [*CSPD* 1652-53, p.115 Proceedings of the Council of State, 21 January 1652/3, item 13]. There is a chilling echo of this petition towards the end of the regime's control. In August 1658, the State Council received a petition from "the officers of Col. Salmon's regiment quartered at Colchester, Ipswich, Norwich and Lynn" in 1657 and 1658 for payment of £28.8s.4d disbursed for fire and candles in the cold season for the guard they kept at the several towns. The petition was referred to the Army Committee (*CSPD* 1658-59, p.123, Proceedings of Council 26 August 1658, item 26).

<sup>680</sup> NRO KL/C7/10 Hall Book 8, f.328.

been consulted in May 1650, when the borough petitioned the Eastern Association concerning its dispute with the County Committee in Norwich over assessments for tax [folio 281]. The cauldron clearly continued to bubble for years. On 28 November 1651, it was agreed to petition for the tax again; this time the petition was to be addressed to the Committee of the Navy and Customs, [folio 332] but the names to be attached to the petition were not agreed until 12 January 1651/52 [folio 335]. The petition seems to have been successful: on 4 April 1653 the Committee of the Navy was petitioned for permission to disperse the residue remaining in the coal fund, a not inconsiderable £196 [folio 376]. This seems to have encouraged the town to go back for more: on 5 January 1654/55 it agreed to petition the Committee for Customs. It asked for coal duty to be allocated to the town “betwixt the 12<sup>th</sup> of October and the 1<sup>st</sup> of April next” towards the care of “the poore of the borough” in the light of “the Extraordinary losses and great importunities lately happened to this towne”.<sup>681</sup> [folio 441]

A general power to run such schemes to the benefit of the townsfolk was one of the elements in the next major development in which, in theory at least, petitionary negotiations played a part, the granting of a new charter for the borough.

Each and every petition from Lynn to Parliament reaffirmed the revolutionary government’s authority. By petitioning Parliament and its institutions, the borough was contributing to the construction of that authority. Each petition helped generate a legitimacy of sorts, a legitimacy of necessity. There was simply nowhere else to which the borough could turn. And when first the King, then Parliament itself was swept away, the legitimacy of necessity became ever more acute. This necessity culminated, so far as King’s Lynn and boroughs like it were concerned, with the reformation of incorporated boroughs of 1656.

As an incorporated borough, King’s Lynn was a creature of central government. Kings graciously bestowed charters and could, as generously, change them or take them away.

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<sup>681</sup> Henry J. Hillen, King’s Lynn, Vol. 1, p.368, on what basis is not stated, presents this narrative in a different light. He claims that “a duty of two shillings per chaldron on coals imported by strangers” was contested because of “doubts over the probity of the Corporation who distributed the money”. At the instigation of the Attorney General an enquiry was held at which it was claimed that the borough had collected a coal tax for ten years; that the income amounted to about £1,000 per annum, and that the Corporation received the money but did not account for its use. Hillen as usual does not give any sources for his story.

As King in all but name, Cromwell set out on a reformation of incorporated boroughs in 1656. King's Lynn's charter was one of those scrutinised. Whether or not that scrutiny was initiated from the centre, the revised charter would have given the borough enhanced powers that reflected objectives set out by the borough in a series of petitionary negotiations.

In July 1656, the Calendar of State Papers Domestic records that the Council received a petition from the mayor etc. of Lynn surrendering the borough's old charter and seeking a new one. Desborow, Jones, Lambert, Sydenham, Strickland and the Lord Deputy were appointed to "consider the charter and what the petitioners offer for the good government of their borough".<sup>682</sup> This was almost certainly a move required by Cromwell's government as part of its local government reforms.<sup>683</sup> While that need not imply that the move was not welcomed by at least some in the Corporation, there appears to be no reference in Lynn's Hall Book to such a petition. The committee headed by Desborow reported twelve days later that it had considered several charters granted to Lynn by John, Henry VIII, Philip and Mary, and James. The committee recommended that Lynn's charter should be renewed "with this variation, that the power of imprisoning for not obeying by-laws be restrained and the Corporation left to lay reasonable fines, not exceeding £40 for such offences, to be levied by distress or otherwise." The new charter was to include additional powers: to unseat a serving mayor and elect another as though the vacancy was through death. The borough's power to summons parties concerned in Admiralty causes was extended to "maritime towns adjacent to their limits", presumably to Cley and Wiveton at the east end of Blakeney Point. West and North Lynn were brought within the borough boundaries. Most interestingly, the borough was empowered to set up public stock companies to be managed by the mayor and burgesses to the benefit of the poor. Cromwell being present, the new charter was approved and the Attorney General was asked to grant accordingly. Hall Book 8, 19 December 1656, records the new charter being brought in, but nothing more than that and with the Restoration the episode (and the Cromwellian Charter) was soon set aside. The process of the granting of the Cromwellian Charter (whether or not the petitioning was simply a legal fiction) was a major attempt by Cromwell to assert the legitimacy of his authority. Inevitably, with the failure of his revolution, such evidence of legitimacy could not be allowed to continue in

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<sup>682</sup> CSPD 1656-57, p.5, 3 July 1656.

<sup>683</sup> Stephen Roberts, "Local Government Reform".

place, no matter how beneficial it may have proved to the governance of the borough of King's Lynn.

When King Charles II came into his own again in 1660, the Corporation made many changes. It removed the Commonwealth Coat of Arms as soon as was humanly possible. It agreed to replace the serving MPs with Sir Ralph Hare and Mr Edward Walpole, and it agreed to assure the King of its loyalty. The terms in which that loyalty was to be expressed was clearly a matter of debate. At first, the congregation agreed to send an address to Charles, but at some stage this was extended and the words "Humble Petition" added between the lines of the Corporation's records.<sup>684</sup> A week earlier the congregation had wanted to tell the King of the town's "great joy" at the safe return of his sacred majesty and his taking up the reins of government once more.<sup>685</sup> Charles was invited to visit the town if he had an opportunity and it was agreed that the Corporation should pay an undetermined amount to entertain him should he take up the invitation. Next, the congregation instructed the Recorder to seek a pardon "under the Great Seal", leaving him considerable latitude in wording and telling him to go ahead and present the petition and address when he thought the moment was seasonable.

## Conclusions

In the immediate aftermath of the siege, there was a collective determination that 'government' should not break down. The leading local protagonist, Sir Hamon L'Estrange, retired from public life, one or two other leading councillors disappeared from the scene, but otherwise the town's government continued unbroken. This continuity was underlined by the adoption by the Corporation of the traditional form of the petition to progress negotiations with the new authorities on issues which required resolution. The formula of the petition requires both a suppliant and an addressee. As suppliant, the Corporation spoke unequivocally on behalf of the mayor, aldermen and inhabitants of Lynn. But to whom should pleas for redress be addressed? Over the years petitions were addressed to Parliament of course, but also to various incarnations of the Council of State, to the Eastern Association, to various government committees and to Cromwell both

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<sup>684</sup> NRO KL/C7/11 Hall Book 9, f.44, 28 May 1660.

<sup>685</sup> NRO KL/C7/11 Hall Book 9, f.43.

before he came to national power and to Cromwell as Lord Protector. A crucial element in petitioning is the assumed inequality between petitioners and those petitioned. But inequality masked varying levels of reciprocal need and mutuality. For past historians of King's Lynn, a victorious parliamentary army imposed its will (and a garrison) on the defeated borough.<sup>686</sup> In reality, only one faction within Lynn had been defeated. The subsequent relationship between the borough, the King's Lynn trading community and 'parliament' was never a simple binary one. There were so many parliamentary supporters within the Corporation that few changes of personnel occurred after the siege. Past mayor, Thomas Toll, became a leading parliamentarian within the Commons. The town's chief legal figure, Recorder Corbett, was not only a Norfolk man and Norfolk MP but a leading protagonist within the Cromwellian faction. Other members of the borough elite, like Bartholomew Wormold, mayor during the critically important year of 1650-51, was a constant visitor to Westminster on borough business and maintained personal relationships with parliamentary (and army) leaders through years of political turmoil.<sup>687</sup> King's Lynn's petitions were not from a repressed and occupied town to its enemies and oppressors. Petitions and arguments over how policies were to be paid for do not necessarily imply the policies themselves were disapproved. There can be little doubt that King's Lynn Corporation's merchants and traders were as anxious as any in Parliament that the port should remain secure, uncontested by opposing forces, and still capable of earning its living. The frequent petitions were substantially about the irresolvable problem of financing government; a problem King's Lynn had argued about before, as well as after, the traumatic regime change of the 1640s.

We have seen that the Corporation went to considerable lengths to resolve difficult situations through negotiation with those identified as having authority and capability. It chose to use a time-honoured formula, that of petitioning, for progressing negotiations at key moments. By using deferential petitioning as its channel for negotiation, the Corporation was choosing to emphasise continuity, legitimacy and the rule of law.

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<sup>686</sup> Henry J. Hillen, *King's Lynn*, Vol. 1, p.362, for example, assumes a unity of royalist sympathies within the borough which is simply at odds with the record.

<sup>687</sup> NRO KL/C7/10 Hall Book 8, f.340, 23 February 1651/2, for example, requires Alderman Wormell to make representations in London on the borough's behalf and f.341 thanks him and approves his expenses claim. On earlier occasions, Wormell had been the borough representative on delegations to the Eastern Association Committee (f.205, 1 February 1646/7) and to Thomas Fairfax (f.217, 20 July 1647).

In the thirteen years before the siege of Lynn, the community sent some fourteen petitions to central government; of those, only six were from the borough acting substantially on its own. In the thirteen years after the siege (until the Cromwellian Charter was granted in 1656), 34 petitions were sent from the Lynn community to central government; of those, no less than 27 seem to have originated from the borough council. This startling escalation in petitioning reflects the desperate times through which the borough was living. But it also reflects the changed relationship between borough and centre. Its MPs were not outsiders at Westminster. Accessibility to decision-making became complicated, difficult, convoluted, frustrating to the extent that professional lobbyists were needed to guide the borough through the corridors of power, but the number of petitions generated in Lynn suggests that the borough had higher hopes of being heard.

By examining the subjects on which King's Lynn corporately petitioned government, I have attempted to show the continuity between pre- and post-siege King's Lynn. The petitioning levels, processes and themes changed in focus and proportion, but the borough of King's Lynn continued to petition central government. By doing so it confirmed the right and responsibility of central government (a government whose legitimacy was constantly being challenged) to govern. Simultaneously it signalled that, as a Corporation, it had the legitimacy to represent the interests of the borough to central government. This, too, was a legitimacy that could well have found itself challenged. The Corporation not only continued to meet after the siege, but did so with almost the same personnel as it had before the town had declared itself for the King. And almost immediately it was petitioning the parliamentary powers on the town's behalf. In so doing, it was declaring its own right to do so as much as it was declaring Parliament's right to receive petitions and act upon them.

#### 4.4: Justice and Grace and the Court of Parliament

The re-call of Parliament in 1640 opened up a whole new range of opportunities for those intent on petitioning power. James S. Hart estimates that the House of Lords alone received 600 petitions before the end of the autumn term in 1641.<sup>688</sup> One example of such an approach (a petition from the fishermen of the Burnhams against plans to enclose the salt marshes there) reveals a complex maze of legal challenges which can be traced to the crown's desperate search for revenue. The petition will be considered in detail as a case study, below, which shows how the opportunity provided by the re-call of Parliament was exploited in one instance.<sup>689</sup>

The opening of military hostilities saw the collapse of the whole system of government focussed on the King, not only the Privy Council and Secretaries of State, but also of the county hierarchy of Lords Lieutenant and deputies appointed by the monarch. Aylmer has shown that while some Privy Council staff remained in post, most dispersed and with them went, for the time being, the whole complex system of royal seals and signet offices.<sup>690</sup> The vacuum could not last long. So far as Norfolk's people were concerned, Parliament rapidly inherited the kingly duty of dispensing justice and grace upon petition.

Parliament soon acquired its own seal and its own version of the Privy Council, but one as subdivided as the Privy Council had been. There was a proliferation of committees, many with independent accounting procedures. Several were soon embroiled in turf wars. Petitions continued to go first to Parliament, before being assigned to what was felt to be the appropriate committee. The Committee for Petitions for the most part specialised in claims for assistance from Irish Protestants and maimed servicemen. After Cromwell became Lord Protector he received many petitions himself, some of which were dealt with by his Master of Requests.<sup>691</sup> The signet and privy seals were restored.<sup>692</sup> In practice, once the chaos and confusion of the first civil war were stabilised, petitioning to power became as complex and confusing as ever it had been.

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<sup>688</sup> James S. Hart, junior *The Rule of Law, 1603-1660*, p.189.

<sup>689</sup> See Section 5.1, Polyphony and Petitioning: the Case of the Fishermen of Burnham Marshes, p.211.

<sup>690</sup> G.E. Aylmer, *The King's Servants*, pp.17-19.

<sup>691</sup> G.E. Aylmer, *The King's Servants*, p.46. The Royal Prerogative Court, the Court of Requests, and the Master of Requests were considered in Section 3.1, p.58.

<sup>692</sup> G.E. Aylmer, *The King's Servants*, p.47.

However, Lynn found itself with key players at the new court, the Court of Parliament. As we have seen, one such was Miles Corbett, Recorder of Lynn, bailiff and MP for Great Yarmouth, and one of the leaders of the Eastern Association and of its parliamentary arm, the eastern group of MPs.<sup>693</sup> Another was Lynn alderman and MP, Thomas Toll. As a Navy Commissioner, Toll was in a good position to help.<sup>694</sup> Corbett, on the other hand, must frequently have been out of reach if not out of touch, as from 1650 he was in Ireland as a Commissioner.

By 1651, Lynn had professional help with its lobbying. The Corporation recorded on 31 October “a letter written to Mr Thomas Moore our Townes Solicitor at London”.<sup>695</sup> The minute required him to seek directions from the Earl of Salisbury (by that time one of the borough MPs) and Colonel Walton in drawing up a petition. On each of the many occasions when the Corporation petitioned others in positions of power, the borough delegated a team of aldermen and others to accompany and explain the requests being made. Harrod indexes occasions on which deputations (with or without petitions) were appointed to put the Corporation’s case.<sup>696</sup> Seventeen of these deputations related to burdens placed on the town because of the civil war: these included the burdens of quarter and assessments. Two relate to the dispute over who had the right to vote in the elections for the borough’s MPs. Here again the borough council refers to the “Town Solicitor” in London, appoints a committee to draw up instructions and names councillors who might be called on to go to London.<sup>697</sup> On other occasions, the Corporation was content to send the petition accompanied by a letter setting out its requests.

Similarly, individuals needed and received help when petitioning authority. For example, in 1653, the Governor of Lynn petitioned on behalf of Raby and Whitworth, formerly ensigns at Lynn garrison, for payment of wages.<sup>698</sup> And in a petition to the Commissioners of the Admiralty, dated August 1655, John Blabee was able to pray in aid of the support of

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<sup>693</sup> R.W. Ketton-Cremer, *Civil War*, p.67 and see also Sarah Barber, “Corbett, Miles (1594/5–1662), Politician and Regicide” in the *ODNB* on-line.

<sup>694</sup> *CSPD 1649-50*, p.153; his appointment as a commissioner to negotiate with the Scots [Thomas Birch (ed.), *A Collection of State Papers of John Thurloe, Esq., Secretary, First to the Council of State, and Afterwards to the Two Protectors, Oliver and Richard Cromwell... Containing Authentic Memorials of the English Affairs, from the Year 1638 to the Restoration of King Charles II* (London, 1742), p.79] was possibly less relevant to local concerns.

<sup>695</sup> NRO KL/C7/10 Hall Book 8, f.328.

<sup>696</sup> Henry Harrod, MS, “King’s Lynn Hall Book 8, Index”, 1868, held at King’s Lynn Archives.

<sup>697</sup> NRO KL/C7/10 Hall Book 8, f.495, 26 September 1656.

<sup>698</sup> *CSPD 1652-53*, p.115.



the mayor of Lynn. Blabee said he had served the commonwealth at sea for nearly three years; he had been maimed in the leg, for which he never had a pension, and had a poor wife and diseased child.<sup>699</sup> He sought a pension and to be freed from service. The supporting letter from mayor John Bassett and from alderman James Green, reported that Blabee had been in five engagements with the Dutch, and had four children and a wife, Ann, who was in great distress.<sup>700</sup> Nevertheless, Blabee's petition is endorsed, bleakly, "Read and ordered to return to his ship". There was a happier result when, in 1653, John Noll, and several other leading Lynn citizens, petitioned the Council of State for aid for Dennis Mason, a Lynn ship's captain and his boy who had been captured by the Dutch and languished in a prison in the Netherlands. Both were repatriated a few weeks later.<sup>701</sup>

During the interregnum, it no doubt helped to show your credentials as supporters of the Cromwellian regime. A campaign by the "inhabitants of Grimstone" to revive their village school received the backing of Lynn MP and prominent parliamentarian, Thomas Toll.<sup>702</sup> The inhabitants petitioned the Lord Protector on 26 June 1656. A letter of support was signed by Toll and seven other Justices of the Peace, and an Order in Council dated 27 June recommends the Trustees for Ministers to settle £30 a year on the Grimston schoolmaster.<sup>703</sup> The school was not simply a 'feel good' project, it was an important political and religious initiative. As the petition pointed out, the school would serve 30 settlements within walking distance. Toll guaranteed its master would be "well-affected", and all that in an area where active royalist gentry outnumbered parliamentarian gentry by three to one.<sup>704</sup> Establishing a strong Protestant centre in Grimston would help consolidate the parliamentarian cause in a contested area.

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<sup>699</sup> SP18/122/132.

<sup>700</sup> CSPD 1655, p.521.

<sup>701</sup> SP18/40/128. While Henry J. Hillen, King's Lynn, Vol. 1, p.377 clearly records the name of Mason's leading benefactor as Noll, the original document might also be transcribed as Toll, a more likely reading in view of the prominent role played by Thomas Toll MP in Lynn affairs. However, neither John Noll or John Toll appear in the Calendar of the Freemen of Lynn or in Peter Sykes, "Borough of King's Lynn 1524-1835".

<sup>702</sup> SP18/128/94 and CSPD 1655-56, pp.387-8.

<sup>703</sup> A stone attached to Grimston Parish Church gives the date of the original foundation of the village school as 1631. R.W. Ketton-Cremer, Forty Norfolk Essays, p.40, citing vestry minutes, says that John Brooksbank was appointed as head in 1659, but in 1660 was reported to have "lately deserted" his charge. That the village had difficulty in keeping the school in being is suggested by William White, History, Gazetteer and Directory of Norfolk (4<sup>th</sup> edn., London, 1883), p.294, where it is recorded that a Free School in Grimston was endowed with a house for the master and five acres of land, called Butland, by Sir John Thorowgood, "about 1726".

<sup>704</sup> Gordon Blackwood, "The Gentry of Norfolk", p.106.

## Petitioning from desperation

The civil war and its aftermath transformed the political and financial situation in Norfolk as elsewhere. In the following pages I will consider the impact of that transformation on petitioners from King's Lynn and West Norfolk. For many petitioners during and immediately after the civil wars, petitioning became a symptom of their having reached a stage of desperation in their negotiations with parliamentary and protectorate regimes. Petitioning in these circumstances was turned to when other channels had been exhausted. Petitioners were frequently negotiating for their survival (in one case literally for life itself, but in most it was more a matter of financial survival). What becomes clear from these negotiations is the commitment of all the protagonists to the law and to finding solutions that kept the social structure of Norfolk more or less intact in these disturbed times.<sup>705</sup> I will first turn to the fate of Sir Hamon L'Estrange, governor of King's Lynn at the time it declared for the King, to that of others 'discovered' in Lynn at the time of the siege and of Sir Hamon's son, Sir Roger. I will then continue with a review of petitionary negotiations with parliamentary fund-raising committees, before offering an interpretation of the significance of these negotiations.

While the King's Lynn surrender terms promised no reprisals, there was little chance that so prominent a figure as Sir Hamon L'Estrange should escape retribution of one form or another. His wife, Lady Alice, catalogued the many individual claims for damages made against him.<sup>706</sup> Claimants against Sir Hamon included the Lynn MPs, Toll and Percivall, leading aldermen Thomas May, Bartholomew Wormell, William Johnson, Robert Clarke, "one Seafowle" and James Pope. The Commons argued in December 1643 that the surrender articles did not protect malignants against claims made by individuals whose interests had been damaged in the siege. In these cases their claims were to be assessed and reparations imposed by the less-than-independent trio of Colonel Walton, governor of Lynn, and the two MPs, Toll and Percivall.<sup>707</sup> A petition from "the Inhabitants and

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<sup>705</sup> Ketton-Cremer estimated that in September 1643 "one-eighth of the whole of Norfolk" had been sequestered (R.W. Ketton-Cremer, *A Norfolk Gallery* (London, 1948), p.58).

<sup>706</sup> R.W. Ketton-Cremer, *A Norfolk Gallery*, pp.73 & 86; Henry J. Hillen, *King's Lynn*, Vol. 1, p.367 reproduces Lady L'Estrange's detailed accounts of these losses. *CCC*, p.2690 lists Sir Hamon's long correspondence with the Commission on compounding.

<sup>707</sup> *CJ*, v.3, 6 December 1643.

Commoners of Heacham and Holme” (the area around the L’Estrange seat at Old Hunstanton) gave Parliament an opportunity to move in to ‘protect’ the harvest. The petitioners complained that their Right of Commonage was being taken away from them by Sir Hamon. The House of Commons gave a group, headed by the High Sheriff of Norfolk and Colonel Walton, power not only to protect the harvest but to oversee it and arrange the sale of the crops of cole seed and grain.<sup>708</sup>

In September 1646, King’s Lynn Corporation petitioned Parliament for action to be taken against those who had held the town against Parliament three years previously.<sup>709</sup> The petition sought reparations from L’Estrange and others associated with him for demolishing properties in South Lynn in order to erect defences during the siege of Lynn.<sup>710</sup> According to William Richards writing in 1812, on 9 December 1643 Parliament had ordered:

that such persons as did take any of the goods of the well-affected, by themselves or such as they appointed, or did any damage to their houses or mills or any other ways, shall make restitution to all such well-affected persons as have been damnified, according to the greatness of their losses.

According to Richards, Lord Paulet was ordered by Parliament to pay reparations as a result of a petition from “the town of Lynn”, but he dates that order to 31 (sic) April 1646, that is, five months before the petition recorded in the Lynn Hall Book.<sup>711</sup>

Faced with continuing demands against him, Sir Hamon sought protection from the Parliament he had so vigorously opposed in the field. Together with “Robt. Clench, Gentleman” he petitioned Parliament, complaining “That they are in Danger of being sequestered without being heard, contrary to the Articles made by the Earl of Manchester at the Taking of Lynn”. The petitioners argued that justice required their opponents to abide by natural law. Their petition was duly sent to the joint Committee on

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<sup>708</sup> CJ, v.3, 3 July 1644; R.W. Ketton-Cremer, A Norfolk Gallery, p.66. Ketton-Cremer says that even before the siege, L’Estrange had antagonised people living in Heacham and other nearby villages during a protracted legal dispute.

<sup>709</sup> NRO KL/C7/10 Hall Book 8, ff.190 & 200.

<sup>710</sup> HMC 11, p.179.

<sup>711</sup> William Richards, History of Lynn, p.759.

Sequestrations and in the meantime the House of Lords ordered “all further Proceedings against the petitioners to be stayed”.<sup>712</sup>

The previous August, Sir Hamon had written to the Earl of Manchester declaring his desire for a quiet life. Sir Hamon addressed his recent adversary as “Major General of the Association of Norfolk” and asked for his assistance. He had been branded a malignant but since the siege he had “referred himself into a strict soliloquy... and reconciled his opinion to the sense of the Parliament”.<sup>713</sup> No doubt his statement had credibility with parliamentary gentry in the area. Sir Hamon had made no secret of his disenchantment with the King’s financial policies during the years before the siege.<sup>714</sup>

Sir Hamon’s son, Roger, took a very different line and was soon petitioning for his life.<sup>715</sup> Roger was captured carrying the King’s Commission to restore Lynn to royal command. He was rapidly tried and condemned to be hung. His capture became a *cause celebre*. Roger’s first petition was directed to Robert, Earl of Essex, and accompanied by a letter dated from “the prison in Hayden Lane, Dec.28, 1644”, less than a week before the date set for his execution. The letter begins: “I am in question for my life but were not the lives of many more concerned with mine I should not intrude into your serious affaires”. He faced being hung as a spy but, he argued, he was not a spy but a prisoner of war. He makes a clear allusion to Sir John Hotham, governor of Hull, who had been a parliamentarian but then surrendered the town to the Royalists. Sir John was at that moment awaiting execution. Once a precedent was set for executing prisoners of war, who knew to whose deaths it might lead? His petition to the House of Lords, dated 31 December 1644, repeats the argument that he was a soldier not a spy and ends “Prostrate at Your Lordships feet he humbly implores your mercy”. Roger L’Estrange won his reprieve and was soon out of prison. Whether he escaped from prison or was released when fighting ceased is a matter of dispute.<sup>716</sup>

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<sup>712</sup> LJ, v.7, 12 April 1645.

<sup>713</sup> Parliamentary Archives, Willcocks Papers, WIL/2/47.

<sup>714</sup> Gary Lynn Owens, “Norfolk, 1620-1641”, pp.330 & 331, quotes letters of this earlier period from Sir Hamon to Sir Roger Townshend and Sir Henry Calthorpe.

<sup>715</sup> Parliamentary Archives HL/PO/JO/10/1/177: contains Sir Roger’s commission from the King, his petition to the Earl of Essex, dated 28 December 1644 and his petition to the House of Lords dated 31 December 1644.

<sup>716</sup> R.W. Ketton-Cremer, A Norfolk Gallery, pp.75-85.

Even during bloody internecine conflict, negotiation had a respected place, and petitioning was the process of choice for initiating or progressing those negotiations in potentially desperate situations. Even when the most fundamental norms of loyalty and obligation were being turned upside down, petitioning continued to be accepted as a general right. Petitioners had a right not only to bring their concerns to the attention of those with authority to act, but a right to be heard and to be responded to. The obligation to listen and respond was still deemed to rest on those with power and authority, whoever for the time being they might be.

### **Political solutions and the plight of individuals**

The unprecedented circumstances of civil war and post-war military occupation demanded equally unprecedented responses from Parliament. MPs were in permanent sitting and in permanent need to identify sources of revenue. The response of MPs was to set up a committee. Another committee soon followed. A plethora of committees was soon at work.<sup>717</sup> The complex system which developed was substantially dependent on, as indeed its predecessors had been, paid informants. Each committee soon became the focus for petitions. Those petitions reveal a pattern of negotiation between taxpayers, parliamentary committees and army-backed tax collectors. It is this pattern of negotiation that will be explored in the coming pages.

The first of the parliamentary finance committees to be established was the Committee for the Advance of Money, established on 26 November 1642. The Committee for Compounding followed a few months later. Soon there were to be others for accounts, the army, sequestrations, sale of fee-farm rents and crown lands. All had overlapping responsibilities and all were accountable to the Houses of Lords and Commons and the variously named ‘cabinets’ of the day. The taxation system overseen by the parliamentary committees was a complex web of assessments and fiscal punishments. Every household worth more than £100 a year was subject to assessment for tax purposes. Those considered to have taken sides with the King in the war were declared delinquents and subjected to sequestration of their assets. However, delinquents could compound at different rates of

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<sup>717</sup> CAM; “Introduction”; G.E. Aylmer, The State’s Servants, pp.8 et seq.

obligation determined by the level of their alleged involvement in the war. Further complexity was added by the treatment of debts; all financial obligations owed to a delinquent or compounder were deemed repayable instead to Parliament. Debtors frequently declined to pay unless the mortgages and bonds they had entered into were returned to them. Frequently, these were untraceable or unavailable. Claims and counter claims dragged on for many years. Scrutiny of petitions reveals the plight in which many individuals found themselves. It is to these individual case histories that we now turn, beginning with disputes involving those caught up in the events at the siege of Lynn.

Walter Kirby was one of those who negotiated the surrender of Lynn. Like others who had been in Lynn at the time of the siege, Kirby faced sequestration. John Lynsy of Cambridge owed Kirby money and was in prison for debt. Lynsy petitioned the Parliamentary Committee on Compounding for relief from his debt because, he claimed, Kirby was a delinquent. Kirby countered that not only as a negotiator of Lynn's surrender was he exempt from further punishment, but that he had contributed £150 of the £2,300 fine imposed on the town. Furthermore, since the siege he had "done good service for Parliament".<sup>718</sup> Another who claimed to have been a negotiator at Lynn, Robert Jegon of Buxton, Norfolk, found himself caught between parliamentarians at national and county level.<sup>719</sup> Sequestered for three months immediately after the siege, his discharge had not been registered at county level. In 1652, the county attempted to nominate him as a delinquent. Jegon appealed to the Committee for the Advance of Money and was granted his discharge.

Merely having been present at Lynn during the siege could be considered evidence of bad faith. Petitions reveal some of the dramas faced by veterans of the siege. Jeremiah Beck of Castle Acre was to use the surrender document in support of his case against sequestration when he petitioned Parliament in the winter of 1644/45. The Committee of Sequestrations

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<sup>718</sup> CCC, p.2350. What Kirby might have done is not clear. Kirby continued to practise as an attorney in the town, apart from a period when he was imprisoned because of his royalist sympathies during the 1655 East Anglian 'rising' crisis. At the Restoration he was immediately reinstated to the borough council, promoted to the rank of alderman and, within months, elected mayor (Hall Book 8; NRO BL Xla/33, Bradfer-Lawrence Collection, E.M. Beloe (ed.), "Guildhall Court of King's Lynn", Norfolk, 1923, details cases in which Kirby acted; Hall Book 9 f.62 for Kirby's restoration; CSPD 1655, p.368, report of council (3 October 1655): the council ordered the release of 32 Norfolk gentlemen, including Kirby, who had been arrested on suspicion of conspiracy. The 32 included Hamon and Roger L'Estrange, and Captains William March, Wharton and John Moss).

<sup>719</sup> CAM, p.1389.

agreed to lift the order on 10 January 1644/45. The House of Lords also found in his favour, but lifting the sequestration order required the support of both Houses and the Commons were at best tardy in following the Lords' lead. The Commons were deeply concerned about indemnity clauses in these years, as the successful parliamentary army was campaigning for indemnification for its own officers and men against civil and criminal law liabilities arising from the conflict.<sup>720</sup> Beck petitioned the Commons, asking it to find the time to consider his case as a matter of urgency.<sup>721</sup> He had not had the "benefits of his estate" for three years, although he had paid money into Haberdashers' Hall (the City of London collecting point for payments to the parliamentary cause and meeting place of the Committee of Compounding) and had besides made a £300 gift "in his country".<sup>722</sup> He pleaded that he had only briefly been in error and also he pleaded his "youth" and that he had since signed the covenant pledging loyalty to King and Parliament. "Having in all other things faithfully conformed to the parliament" he pleads with "this Honourable House... to come to a judgement" and to do so in his favour as agreed already by the Committee and the House of Lords. His petition was carefully filed together with a copy of the terms of surrender of Lynn. But Beck's arguments with the Committee on Compounding continued until at least April 1651.<sup>723</sup> It is not clear whether the James Beck granted the office of Sergeant-at-Arms in Ordinary by Kings Charles II in July 1660 was in any way related to Jeremiah.<sup>724</sup>

Sir Thomas Dereham of Dereham Grange complained to the Committee on Compounding that he had only been in Lynn because he had taken his sick child to the town for treatment and whilst there had had his horse impounded.<sup>725</sup> Sir Thomas appeared before the Committee with Sir Richard Hovell of Hillington.<sup>726</sup> As late as 1656, John Lovell of Rowdham [Roydon?] was petitioning the Lord Protector for his plight to be eased. He had been decimated for being in Lynn during the siege. He explained that he had only been there because of the extreme sickness of his only sister, who shortly died. He said that

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<sup>720</sup> G.E. Aylmer, *The State's Servants*, p.13.

<sup>721</sup> Parliamentary Archives, HL/PO/JO/10/1/181; R.W. Ketton-Cremer, *Civil War*, p.294 suggests Beck was still a student at the Inner Temple when he inherited substantial estates at Castle Acre, close to Lynn; he also suggests Beck was jailed for threatening the lives of tax officers in 1644. R. Hindry Mason, *The History of Norfolk*, p.316 gives Beck as 'Beke'.

<sup>722</sup> *CCC*, Introduction.

<sup>723</sup> *CCC*, p.841 lists correspondence between the Commission and Jeremiah Beck from 1646 to 1651.

<sup>724</sup> *CSPD 1660-61*, p.144.

<sup>725</sup> *CCC*, p.2891; it is possible that Thomas Dereham was the same man who was, in 1650, Treasurer at Norwich Castle, mentioned at D.E. Howell James (ed.), *NQS Order Book*, item 38.

<sup>726</sup> *CCC*, p.2891. October 1651.

when the town first stood out, he had offered a large sum to be freed, but was detained by force. He had never worn arms, and though sued in several actions at law had never been found guilty. He claimed to have always been well affected and begged a rehearing of his case. He was granted his wish.<sup>727</sup>

The Archdeacon of Ely, Daniel Wigmore, featured in a petition to the House of Commons from a widow from Lincoln.<sup>728</sup> Mary Parker claimed a share of Wigmore's estate on the grounds that he had been in Lynn during the siege. An inn and six properties belonging to her had been razed by the Royalist general Montague Bertie, Lord Wilbraham, in order to protect the garrison at Lincoln. Presumably she felt it would assist her claim for compensation if she could identify a potential source of the cash. Wigmore himself is said by Mason to have petitioned Parliament on Christmas Day 1645. Aged nearly 80, he said he had only been at Lynn for health reasons and had been trapped there when the siege broke out. He was said to own parsonages and other properties on the Isle of Ely worth £789; his original fine had been £1,500, as a result of his petition the fine was reduced to £800.<sup>729</sup>

Disputes once entered into could last for many years. One such, centred on Docking, a town in the Lynn hinterland a few miles from L'Estrange's Hunstanton estates, gave rise to petitions both from the defendant and the constable who initiated the dispute.<sup>730</sup> The issue involved a key member of the local community who had links with both sides in the civil wars. The story that took up parliamentary time from 15 December 1649 to June 1652 had begun in 1643. John Drury took out a mortgage on 'Docking Parsonage' to enable him to pay off a debt of £1,500 to Robert Jetter of Suffolk "a convicted recusant and delinquent". In 1643 William Barker, at the time constable of Docking, informed on Drury to the Norfolk committee for sequestrations. Drury was summoned and examined, and in 1644 goods, chattels and leases were seized. Efforts were made each harvest to seize corn from Drury's estate, and in both 1647 and 1648 Drury thwarted these efforts. Drury's activities in 1648 included an armed clash with county commissioners in which

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<sup>727</sup> CSPD 1656-57, p.111, 16 September 1656.

<sup>728</sup> CCC, p.18; the petition reached the Committee for Compounding in February 1644/45. A similar case of a specific source for funding appears in CCC at p.829: in October 1643 the sequestered estates of John Barcroft of Chard, Somerset were identified as a source for £300 to be paid to the newly installed parliamentary garrison at Lynn.

<sup>729</sup> R. Hindry Mason, The History of Norfolk, p.322.

<sup>730</sup> CAM, pp.1171-2.



Drury allegedly took away four state-owned horses and a cart with ten combs of rye. Drury failed to meet the June 1649 deadline for compounding. Both he and Barker sent petitions to the Committee, the former for the right to be represented by counsel and the latter for the case to be proceeded with. On 1 June 1652 a request was made on Drury's behalf for discharge and this seems to have been granted.<sup>731</sup>

As an informer, Constable Barker had a pecuniary interest in the outcome of the case. So, too, had the treasurer of the committee. The chief officers of the Committee for Advance of Money were paid £150 a year, but also received a percentage of the money collected through the Committee's efforts.<sup>732</sup> M.A.E. Green says that the ranks of informers included senior army officers unable to obtain arrears of their own pay by other means.<sup>733</sup> One of the most prominent informers in North-West Norfolk assumed an army rank as his work progressed. Thomas Garrett was appointed agent for the Norfolk Sequestrations Committee in February 1649/50. Within a very short time he was petitioning the Committee for Compounding for a rise because of the onerous responsibilities he carried in transporting cash for Parliament and because of the increase in his workload.<sup>734</sup> In November 1654, Garrett, styled 'Captain', petitioned the committee again. This time he petitioned for a share of the assets of Jeremiah Beck and Sir Hamon L'Estrange, assets which he claimed to have identified to the benefit of government funds.<sup>735</sup> Garrett was involved in at least one other high profile case before the Committee, the disposal of the sequestered estate of Sir Robert Wynde which lay just beyond the Lynn borough

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<sup>731</sup> It is probable that the John Drury here reported upon was a member of the Drury family, which had produced at least one High Sheriff of Norfolk earlier in the century. A John Drury signed the Address to General Monck from the Gentry of Norfolk and Norwich in 1660 (see Hamon Le Strange & Walter Rye (eds.), *An Address from the Gentry of Norfolk and Norwich to General Monck in 1660: Facsimile of a Manuscript in the Norwich Public Library* (Norwich, 1913)). Docking Hall was the seat of Hugh Hare, 1<sup>st</sup> Lord Coleraine, a personal friend of Charles I and both stepson and son-in-law of Henry Montague, 1<sup>st</sup> Earl of Manchester (see Julian Hare, "The History of the Hare Family", typescript, Norwich Millennium Heritage Library Shelf ref. C.Har NL00073004). A paper in the Le Strange archive at Norfolk Record Office, NRO LEST/L8/5, which describes itself as "a valuation of everyman's estates within the Smithdon Hundred" and is dated 5 March 1638, shows that Hugh Hare, "Lord of Colrane" had an estate of 2,556 acres at Docking and Southmeire. Of those acres, 2,406 were farmed by John Drury, from Docking Rectory.

<sup>732</sup> CAM, Introduction, p.xii.

<sup>733</sup> CAM, p.xiii.

<sup>734</sup> CCC, p.388.

<sup>735</sup> CCC, p.718.

boundaries. Among those who sought to take over the estate was the Lynn MP, Thomas Toll.<sup>736</sup>

At least one other of Captain Garrett's colleagues felt that he, too, deserved more financial remuneration for the work he did. Richard Salter petitioned in January 1655/56. He was, he said, sub-commissioner for Norfolk. The post had formerly had the help of an assistant, now it did not and Salter felt he should have a share of the saved salary.<sup>737</sup>

Even those who made little pretence to 'innocence' found themselves involved in protracted hearings. Robert Ballam, Minister of Walsoken, who had been taken prisoner at Lynn, complained to the Committee for the Advance of Money in April 1651 that his case had been dragging on for four years "not knowing when there shall be an end of this unjust vexation". He was discharged a month later.<sup>738</sup> Robert Skidworth of Fordham, Norfolk, petitioned the Committee for the Advance of Money on 21 March 1651 pleading that goods seized by Captain Garrett should not be sold until he had been proven guilty or not guilty.<sup>739</sup> The Committee agreed that the sale should not happen. But by November, Skidworth, who was alleged not only to have been one of the Lynn rebels but to have aided the King at Downham during Charles's flight from Oxford, was a prisoner in the Tower of London suspected of conspiring with the 1651 insurrection.

There was never any doubt about the loyalties of the former Lord Lieutenant of Norfolk, the Earl of Arundel. A petition on behalf of the Earl was surely a forlorn attempt to protect valuable capital assets. The petition was from "William March, gent., servant of the Earl of Arundel and Surrey" and was addressed to the House of Lords.<sup>740</sup> It protested that William Older and others had been cutting down the Earl's timber around Arundel and that others had cut down timber at Kenninghall Place, Norfolk, in Rising Chase, North Wotton and elsewhere near Lynn. The timber in Norfolk was cut "pretending it to be used for the fortification of Lynn", but not only was Lynn 30 miles distant but that all the Earl's timber in Rising Chase had already been cut down for that purpose". Thomas Howard, 14<sup>th</sup> Earl of Arundel, 4<sup>th</sup> Earl of Surrey and 1<sup>st</sup> Earl of Norfolk and Premier Earl in the

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<sup>736</sup> CCC, p.1475; correspondence about this case began in 1643 and lasted until at least 1653. Mr. Toll made his claim on 19 July 1650 and is recorded as being successful on 13 August that year.

<sup>737</sup> CCC, p.718.

<sup>738</sup> CAM, p.990.

<sup>739</sup> CAM, p.1325.

<sup>740</sup> HL/PO/JO/10/1/170 and LJ, vi, 592.

English Peerage, had been Lord Lieutenant of Norfolk and of several other English counties.<sup>741</sup> At the time of the petition, he was in exile on the continent while his son was fighting with the royalists.

Another of those involved in the siege was to petition Parliament several years later. Richard Clampe of Lynn served with Manchester at the siege of Lynn and went on to serve with Fairfax as an engineer at the siege of Newark. Clampe complained that he had not been paid for his services and could not make ends meet. The position of Customs Searcher was vacant at Lynn and in December 1647 he petitioned Parliament for the post in recompense for his unpaid expenses. The Committee of the Navy endorsed his application.<sup>742</sup> Clampe had been entered as a freeman of Lynn in 1639-40.<sup>743</sup> Peter Sykes says Clampe was entered as a physician and that he served on Common Council from 1655 to 1662 when he proffered his resignation. Clampe died in 1696 aged 79 and his tomb in St. Margaret's, King's Lynn describes him as "learned in mathematics and science".<sup>744</sup>

Each and every one of these petitions had vital significance for the individual petitioning. But each also contributed to the process of legitimisation of regimes whose authority was constantly being questioned. It is to that legitimising process to which I will now turn.

## **Legitimising new regimes**

Petitioners only resorted to petitioning when 'negotiations' with various state bodies had already reached an advanced stage and often after many months if not years of interchanges had taken place. By petitioning these bodies, petitioners acknowledged their own powerlessness to do anything about the situation in which they found themselves. Petitioners acknowledged the right of the authorities to challenge them and to raise taxes and revenues; the alternative would have been the loss of everything they possessed

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<sup>741</sup> R. Malcolm Smuts, "Thomas Howard, 14<sup>th</sup> Earl of Arundel" in ODNB on-line. Catherine F. Patterson, Urban Patronage, p.249, suggests that Thomas Howard was also High Steward or patron of the borough of King's Lynn in 1635.

<sup>742</sup> HL/PO/JO/10/1/246; Henry J. Hillen, King's Lynn, Vol. 1, p.368 claims Clampe was one of the witnesses at an inquiry into Lynn's levying of a coal tax.

<sup>743</sup> Anon., A Calendar of the Freemen of Lynn, p.170.

<sup>744</sup> Peter Sykes, "Borough of King's Lynn 1524-1835".

through sequestration. However, events were going on in the battlefield or in the disputes between the New Model Army and parliamentary factions, and government by Parliament was seen to be sufficiently established as to require some measure of deference to its demands. Simultaneously, the delays in turning to petitioning for redress would suggest that the petitioners were not convinced that government was yet permanently established. The protracted nature of the negotiations suggests petitioners believed the current storm was one to be ridden out, not fled before. They were prepared not only to pay fines, but to make voluntary contributions towards the cost of governing the county to buy time in which further change could happen.

There is more evidence of ambivalence within the county community. At Docking, yeoman farmer John Drury presumably had local help when in successive years he successfully defended his harvest from the depredations of professional tax collectors.<sup>745</sup> Not many miles further into Norfolk at Hillington, Lady Hovell, wife of Compounder Sir Richard Hovell, had her honour defended by Quarter Sessions.<sup>746</sup> Such ambivalence implies that the authorities could never be secure in knowing just how far their writ would run.

Petitions from Royalists, Royalist sympathisers and other compounders all bear witness to a commitment to the rule of law, even where the law as presently constituted was not one which compelled whole-hearted loyalty. They were land and property owners with something to lose. So, of course, were the men of property who constituted the leadership of the parliamentarians. Both petitioners and petitioned shared a common concern for maintenance of the rule of law. Those petitioned also were concerned with legitimacy (acting with the support of law). At least in theory, it was not felt to be enough to demand money and goods at the point of a sword. Despite this commitment on both sides to legality, the driving motive for both sides was money, financial survival. Compounders were desperate to hold estates together to protect what they could of their financial assets: government was equally desperate to procure the finances needed to maintain a standing army and ever growing navy. Principle was, then as ever, linked arm in arm with financial desperation.

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<sup>745</sup> Above, p.200.

<sup>746</sup> NRO QS C/S 3/42A(2); see Section 3.2, Norfolk Quarter Sessions, Challenging Decisions, Setting Values, p.87.

Through all the years from 1643 to 1660, who or what possessed sovereign power was contested. Petitioning Parliament, or any of its multitude of committees, or any of the successor bodies or even Lord Protector Cromwell himself, bestowed a degree of legitimacy on both the petitioner and those petitioned. To accept a petition was to accept the citizenship of the petitioner. Being petitioned was an acknowledgement of power to act and the right so to act. Wherever power went, petitions followed.

### **Kingly grace restored**

After the Restoration, the newly reinstated King Charles II was inundated with petitions for grants of offices under the crown. Considerable confusion ensued. Most petitioners claimed to have given particular help to the Royalist cause. Henry Isam petitioned for the place of Sub-commissioner of Excise for Norfolk.<sup>747</sup> He had, he claimed, served the Princes Rupert and Maurice (and others) in Spain and Portugal. He had already been granted four places, only to discover that each had already been filled. Edmund Schuldham went through a similar experience. He petitioned the King for a place at Lynn as Searcher or Comptroller.<sup>748</sup> He produced a certificate asserting his good conduct and loyalty signed by Sir Jacob Astley and three others.<sup>749</sup> His petition was referred to the Treasury Commissioners for action. But the Commissioners had already been busy filling vacancies (all caused by the deaths of previous incumbents) in the customs service at Lynn. It is probable that these successful candidates had also petitioned the crown for appointments. Edward Bromley, described as a stationer of Lynn, was appointed to replace the deceased William Bird as Searcher at the port.<sup>750</sup> His application had been supported by a certificate signed by Sir Horatio Townshend, the King's choice as Governor of the town, and by ten others.<sup>751</sup> Bromley's certificate claimed he had been imprisoned six times by the parliamentarians, had twice been tried for his life and had lost more than £1,000. Also, on 17 July 1660, John Anguish was appointed Comptroller and Richard Godfrey, Customer.<sup>752</sup> Robert Godfrey was granted the post of Collector of

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<sup>747</sup> CSPD 1660-61, p.449, December 1660.

<sup>748</sup> CSPD 1660-61, p.64.

<sup>749</sup> CSPD 1660-61, p.61.

<sup>750</sup> CSPD 1660-61 p.122, 17 July 1660.

<sup>751</sup> CSPD 1660-61, p.283 (Sir Horatio's appointment), p.459 (Bromley's certificate).

<sup>752</sup> Both CSPD 1660-61, p.122.

Customs on Wool.<sup>753</sup> King Charles had come into his own and was expected to celebrate the event by distributing largesse and posts of profit. Petitions not only stimulated his 'generosity' but declared the legitimacy of his rule. The sovereign was once again the fount of all grace and justice.

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<sup>753</sup> CSPD 1660-61, p.144 This appointment also dates to July 1660.

#### 4.5: War's Impact on Quarter Sessions: An Inter-county Comparison

Throughout this thesis we have seen how petitionary negotiation was deeply rooted in local experience. It follows that the war and its aftermath would impact differently on petitionary negotiations within different communities, as they found themselves in very different situations as a result of the war. Norfolk was, like every other county in the land, affected by the war and contributed politically, physically and financially to the conflict, but after the short siege of King's Lynn in 1643 it rarely found itself on the front line of fighting. The following pages will compare the general outlines of petitioning to Norfolk Quarter Sessions over a six-year period during the interregnum, with similar data from Essex and Warwickshire. Fidelity to the Quarter Sessions model of social justice was as strong in Essex and Warwickshire as we have seen it to have been in Norfolk.<sup>754</sup> The study is based on Quarter Sessions Order Books from the three counties.<sup>755</sup>

The printed order books cover a period of considerable social stress and turmoil. Warwickshire had been on the front line during the first civil war. Its Quarter Sessions ceased to meet from September 1642, when the two justices present were interrupted by the arrival of troops; sessions recommenced in September 1645.<sup>756</sup> Hindle writes that the 'distractions' of civil war meant that poor rates went uncollected at Priors Marston for the four years to 1647, at Atherstone-on-Stour for the six years to 1649, at Henley-in-Arden for the nine years to 1649, at Temple Balsall for the ten years to 1652, and at Newbold-on-Avon for an unspecified period to 1655.<sup>757</sup> It is scarcely surprising that Warwickshire sessions were being overwhelmed with petitions about poor law issues. Essex Quarter Sessions were interrupted between Epiphany 1642-3 and Easter 1644.<sup>758</sup> Several entries relate to civil war events, especially the siege of Colchester, and 36 war-related petitions

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<sup>754</sup> Section 3.2, *Norfolk Quarter Sessions, Challenging Decisions, Setting Values*, p.87.

<sup>755</sup> D.H. Allen (ed.), *Essex Quarter Sessions Order Book 1652-1661* (Chelmsford, 1974); D.E. Howell James (ed.), *NQS Order Book*; S.C. Ratcliff & H.C. Johnson (eds.), *Quarter Sessions Order Book Easter, 1650 to Epiphany 1657* (Warwick County Records 3, Warwick, 1937). The earliest Order Book to survive in Essex does not open until 1652; also the records of the Trinity Sessions, 1654, are missing. D.E. Howell James (ed.), *NQS Order Book* (also the earliest extant volume in the county) covers from Easter 1650 to Epiphany 1657. In Warwickshire, several volumes of order books had preceded the volume used in this study; as with Norfolk, the volume runs from Easter 1650 to Epiphany 1657.

<sup>756</sup> S.C. Ratcliff & H.C. Johnson (eds.), *Quarter Sessions Order Book, 1650 to Epiphany 1657*, pp. xi & xxiv.

<sup>757</sup> Steve Hindle, *The Birthpangs of Welfare: Poor Relief and Parish Governance in Seventeenth-century Warwickshire* (Dugdale Society Occasional Papers 40, Stratford-upon-Avon, 2000), p.27, n. 92..

<sup>758</sup> D.H. Allen (ed.), *Essex Quarter Sessions Order Book*, p.xxvii.

are recorded.<sup>759</sup> In Warwickshire there were twenty war-related petitions. These war-reflecting petitions resulted in the main from claims for pensions for maimed soldiers or soldiers' widows (56); seven petitioners claimed they had been displaced by the war and three petitions were from prisoners. All these petitioners claimed they had supported the parliamentary side during the troubles, and some were able to name a parliamentary regiment in which they served. One widow went further and produced a letter of support from Oliver Cromwell himself.<sup>760</sup> There seems to have been no serious interruption to Quarter Sessions in Norfolk and only twelve petitions arising from the wars are recorded.

Across all the counties, the largest proportion of petitions to Quarter Sessions consisted in challenges to poor law decisions made at parish level. The three order books contain decisions on 447 requests identified as having been made by petition. There are other requests recorded as having been 'prayed' for, for example, but it is clear that the recording clerks used the word 'petition' deliberately and advisedly and, presumably, accurately.<sup>761</sup> The entries in the books reflect decisions that needed to be recorded. Most petitions that are recorded were acted upon, though not necessarily in the way the petitioner had hoped. Of the 447 petitions from the sample group of three counties, 25.3% were from the Norfolk Order Book, 25.7% from Essex and 49% from Warwickshire. More than half (226, 50.6%) were from individual males, and just under a quarter (105, 23.5%) from individual women. Somewhat surprisingly, only nine petitions (2%) seem to have been from couples. A further 32 (7.2%) were from small groups of petitioners: prisoners, perhaps, or neighbours affected by fires. A substantial number of petitions (77, 17.2%) were from "inhabitants", in this context almost invariably the parish authorities.<sup>762</sup>

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<sup>759</sup> D.H. Allen (ed.), *Essex Quarter Sessions Order Book*, p. xxvi & Index, p.225.

<sup>760</sup> S.C. Ratcliff & H.C. Johnson, *Warwickshire Sessions*, iii, Epiphany 1650-51, widow Varnum.

<sup>761</sup> There is, however, evidence that court clerks sometimes did not describe petitions as such in the order book: for example NRO BL/O/FF 4/1-2 clearly identifies itself as a petition while the related entry in the D.E. Howell James (ed.), *NQS Order Book*, p.38, item 233 does not. There is no contrary evidence that papers were described as petitions when they clearly were not. While each published volume of the compared order books takes a different approach to typographical and transcription challenges, there is nothing to suggest that editorial choices influenced the application of the description "petition".

<sup>762</sup> H.R. French, *The Middling Sort of People*, pp.97-107. A substantial number of petitions in all three counties were addressed to Quarter Sessions by 'the inhabitants' of parishes. H.R. French has shown that the word 'inhabitants' was used in different ways in different contexts: as all those living in a particular place or all those with an eligibility to live in that place. For the most part, 'inhabitants' can be assumed to mean male heads of financially independent households, those who contributed to parish rates and had thus gained citizenship, and by extension, those who they had appointed to represent their interests. The description, sometimes with qualifications such as "the major part of" or



It is in communications between such inhabitants and the magistracy that we find widely differing practices between the three counties. While petitions from “inhabitants” are 25.6% of the Essex total and 37.8% of Norfolk’s, in Warwickshire petitions from inhabitants were a mere 2% of the petitions recorded by sessions. Warwickshire also differs from the other two counties in the proportion of its petitions referring directly to poor law issues: 90.4% compared with 67.8% in Essex and 51.7% in Norfolk.

Warwickshire also shows a substantial difference over petitions for collections following fires. Briefs for such collections had in the past been the responsibility of the crown. During the Commonwealth, Quarter Sessions took on the responsibility. It is a responsibility which Norfolk and Essex may have been less willing to pick up than Warwickshire. Warwickshire received petitions for briefs in each year from 1650 to 1657, with substantial peaks in both 1652 and 1653. In Essex there were only three petitions recorded, one in each year from 1652 to 1654. In Norfolk there were only two such petitions, one each in 1652 and 1654.

Overall, 75% of the petitions to the three bodies were concerned with poor law issues, 15.2% with the effects of war and 11.6% with issues arising from employment (almost entirely pleas for payment or claims that payments were being withheld). Again there are considerable differences between the counties. Whereas only 3% of Warwickshire’s petitions were concerned with employment issues, the figure was 16% in Norfolk and 23.4% in Essex. Of the 7.8% of petitions on other matters, 38% were about highways and bridges. Some of these may well have arisen from post-war conditions; Warwickshire records show how devastating was the war’s impact on infrastructure. But petitions arising directly from the war were far more in Essex (31%) than in Norfolk (10%) and Warwickshire (9%). Those figures may reflect the level of efficiency of systems designed to relieve maimed soldiers and the widows of soldiers than on the impact of the war itself.

The most significant survival of the wars and troubles was that of the Quarter Sessions themselves. Even during the critical years of 1659 and 1660 when the Corporation at King’s Lynn continued to gather but thought it better not to keep records of decisions,<sup>763</sup> Quarter Sessions continued to meet and dispense justice without apparent interruption.

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“chief” but often without, could thus refer to the churchwardens, overseers of the poor and others appointed to special responsibilities.

<sup>763</sup> NRO KL/C7/11 Hall Book 9.

The failure to hold a Sessions at King's Lynn in July 1659, as was the normal practice, could be seen as evidence of anxiety about holding such a public event there at that time. That month sessions were held at nearby Swaffham and Fakenham. But sessions were back at King's Lynn in October that year.<sup>764</sup> The entry for the July Sessions at Norwich in 1660 bears a flourish and note in the margins "18th July anno 1660 the first sessions after The Restoration Anno Regni Caroli 2<sup>nd</sup> 12".<sup>765</sup> This uninterrupted continuity shows more than anything else the value placed on Quarter Sessions and the social justice they dispensed.

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<sup>764</sup> NRO QS C/S 2/2, pp.77, 81 & 87.

<sup>765</sup> NRO QS C/S 2/2, p.113.

## CHAPTER FIVE: CASE STUDIES

### 5.1: Polyphony and Petitioning: the Case of the Fishermen of Burnham Marshes

The petition of the self-styled “Poor Fishermen” of Burnham Norton, Burnham Deepdale and Burnham Overy was presented to the House of Lords in 1641.<sup>766</sup> This single petition, preserved together with its accompanying papers in the parliamentary archives, brings together the three themes of ubiquity, power relations and social values, and the impact of civil conflict with which this thesis is concerned. But it also shows how an apparently monovocal ‘surface’ transcript can hide a polyphony of interests. Petitions often grew out of complex situations. The petition of the Burnham ‘fishermen’ underlines the multi-voiced and multi-layered complexities of petitioning. At first sight, the petition seems to represent a classic case of David versus Goliath, expressing the outrage of impoverished people who found their lives disrupted by enclosure or drainage schemes.<sup>767</sup> However, other contemporary petitions reveal that the fishermen may well have been taking part, wittingly or unwittingly, in a much wider conflict over the development of the Norfolk coast and the exercise of the royal prerogative. There is evidence that local landowners had reason to be antagonistic towards the adventurers planning the enclosures. The fishermen’s petition is revealed as a polyphonic text in which many voices may be detected.

The fishermen’s petition, a statement of complaint and a certificate of veracity, are each preserved in the House of Lords Record Office. The first is a *breviate* (a formal statement drawn up by a lawyer), the second re-states the case and has 25 names appended, the third re-states the case yet again in very similar terms and has nineteen names appended of which three seem also (improperly) to appear on the statement of case.

The petitioners complain about the activities of William Neve and John van Hansdoncke. By embanking and enclosing the salt marshes which linked the three townships, the two

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<sup>766</sup> The Burnham Fishermen’s petition is preserved at HLRO HL/PO/JO/10/1/75 [1641] together with the Articles of Evidence and Certificate of Veracity; Historical Manuscripts Commission, *Fourth Report*, p.111.

<sup>767</sup> Keith Lindley, *Fenland Riots*, writes extensively of such issues as they arose during the turbulent years of fens drainage, see Section 4.2, *A Merchants’ Manifesto*, pp.162-3.

would deprive the petitioners of grazing for their horses, cows and other cattle and threaten their chief livelihood: dredging for oysters offshore. The fishermen describe how, until the embankment was begun, they had been able to bring their cobble boats right up to the gates of their properties; now they had to carry their oysters on their backs for upwards of three furlongs.<sup>768</sup>

While the petitioners' attack was directed at Neve and van Hansdoncke, their real problem was with the King. Neve and his colleague came fully equipped with a royal patent under "the King's broad seale". The petitioners did not challenge the legitimacy of the policy of embankment, drainage and enclosure. The King had approved the policy, but, they imply, he would surely not have approved of the way it was being implemented? So the petitioners' attack is directed almost exclusively at Neve. But as will be seen later, the legitimacy of the King's licence was being challenged not only in the Court of the Exchequer, but also in the Privy Council.

In the Burnham petition, both Neve and van Hansdoncke are described as gentlemen and citizens of London. Van Hansdoncke was almost certainly John van Haesdoncke. As will be seen shortly, van Haesdoncke was at the time of the fishermen's petition deeply enmeshed in legal actions. These actions challenged the use of the royal prerogative to give away salt marshes like the Burnhams to would-be developers.

Van Haesdoncke was associated with Cornelius Vermuyden on the River Don navigation project in South Yorkshire. The scale of van Haesdoncke's financial investment in drainage was simply colossal. A Privy Council docquet confirms the grant to John van Haesdoncke of 4,706 acres of marshes in Norfolk together with 5,294 acres in Suffolk, Cheshire and Flint for the sum of £20,000.<sup>769</sup> According to G.E. Aylmer's calculations, that sum would have been just under a fifth of the sum contributed nationwide in ship money in a year.<sup>770</sup> That was not the end of it; the docquet added that van Haesdoncke was also required to pay soccage of four pence an acre. The scribe calculated this could mean

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<sup>768</sup> Three furlongs is just over 600 metres.

<sup>769</sup> Worcestershire Record Office, (but formerly in the Birmingham City Archives), Coventry Collection 603563/328 is a docquet drawn up in April 1636 as part of the process of granting Jan van Haesdoncke, gent, a grant in perpetuity, for which £20,000 was paid to the Exchequer. See also Jan Broadway, Richard Cust & Stephen K. Roberts (eds.), *A Calendar*, p.263, where the name is transcribed as Hesdoncke.

<sup>770</sup> G.E. Aylmer, *The King's Servants*, p.65.

£166.13s.4d each year in total.<sup>771</sup> He adds that the decision was witnessed by the King at Westminster, that is, approved under the Sign Manual. Van Haesdoncke and his involvement with the King will be returned to later.

The man more immediately known to the fishermen and the one who emerges from their petition as their main antagonist was William Neve.<sup>772</sup> I have no evidence to connect this William Neve with the Sir William Le Neve of Aslacton who was listed as a delinquent by the Committee on Compounding, nor to the Rev. Robert Neve who was intruded into the living of St. Margaret's, Burnham Norton in 1643.<sup>773</sup> Blomefield records that William Neve, gent., owned property at Burnham Ulp[h] and died on 7 December 1657.<sup>774</sup> That William Neve owned considerable property in Burnham Norton is confirmed by a will dated 1657/8; this will also mentions "my 20 acres of marsh ground parcell of the lands late gayned from the sea".<sup>775</sup>

Whatever his family background, Neve undoubtedly had local Norfolk connections and it is reasonable to suppose that he already owned land in the Burnhams at the time of the enclosure dispute. While he was an attorney in Common Pleas, he was also Steward of the Burnhams' Manor Court and Leet. As such, he had both power locally and clear links to the national legal community. The fishermen claimed in their petition that they had been put in fear by Neve's threats to *sub poena* them to appear in court in London. They were, they insisted, ignorant men who hardly knew what they were being forced to sign when articles were placed before them. Neve had abused his authority, placed people in fear and had taken advantage of their ignorance. His actions had deprived them of long established

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<sup>771</sup> CSPD 1635, 19 August 1635, sets out an unspecified docquet indicating that rent would amount to £203.12s per annum.

<sup>772</sup> Neve is also known as 'Newe', but Neve is the form of his name engraved on his gravestone at Burnham (personal observation of author).

<sup>773</sup> CCC, pp.113-4; C.N. Moore, *St. Margaret's Church, Burnham Norton with Notes on its Rectors, the Carmelite Friary and Norton Village* (Burnham Norton, 1977), p.11, says that the Rev. Robert Neve replaced Dr. Thomas Lushington as Rector of Burnham Norton. Dr. Lushington was a chaplain to King Charles I.

<sup>774</sup> Francis Blomefield, *An Essay Towards a Topographical History of the County of Norfolk*, VII, p.31.

<sup>775</sup> TNA PROB 11/281, will of William Neve, Gent. Burnham Norton, Norfolk, dated 13 January 1657/8. I am grateful to Ms. Nancy Ives for drawing my attention to this will. Her transcription is reproduced in Appendix 3, p.319. As the will indicates, Neve also had an interest in land at Thornham where there had been successful land reclamation.

rights to pasture cattle and horses on the common marshes to “the great impoverishinge of us poore Inhabitants and all our famylies”.<sup>776</sup>

A second line of defence was opened up by the petitioners’ lawyer. Not content with threatening the fishermen themselves, Neve had turned on the one man upon whom the fishermen most depended: Thomas Hooper. Hooper was the man who purchased their oysters to sell in the London markets. Neve accused Hooper of being a forestaller, that is, a trader who pre-emptively bought up stock to force up prices at market. Neve seems to have taken Hooper before the Leet Court and there frightened the jurors into submission. But here, say the petitioners, Neve was not only abusing his powers but going beyond them; if Hooper was a forestaller, which they insisted he was not, then the case was properly one for the Admiralty Court at Lynn not the Leet Court because the deals were made while the stock was still at sea.<sup>777</sup>

Another thread in the petitioners’ case played on the gentry’s dread of increase in the poor rates. The “about fortie poore fishermen” (and forty men put their hands to the documents), employed by Hooper, each had families dependent on their earnings; those earnings were dependent on access to the oyster beds and marshes and to the London markets to which Hooper held the key. Not only were their livelihoods at stake (a message repeated over and over again), but so were the future tax burdens on the gentry. The consequence of forcing people into indigence was a frequent theme in petitions, for example, to Quarter Sessions.

Just how poor were these poor fishermen? Were they indeed all fishermen at all? Were they also pawns in a much bigger game? While many of their family names are familiar in the area, determining their social and financial standing is difficult. One name in the petition is ‘Robert Stuntley’. A table tomb at Norton church refers to Robert Stuntley and a Robert Stuntley was Norton’s official oyster taster at the opening of the dredging season in 1651.<sup>778</sup> He may have been a leader among the local fishermen, but the crucial figure in the action may more likely have been Thomas Banyard. His name is the first to appear on the poor fishermen’s petition. A Thomas Banyard is described as “of Burnham Norton,

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<sup>776</sup> The full text is at Appendix 3.2, p.19.

<sup>777</sup> From the breviat, reproduced at Appendix 3.2.

<sup>778</sup> Personal observation of author; C.N. Moore, St. Margaret’s Church.

gent” in other papers in the Norfolk archives, and documents show him involved in transactions concerning messuages, land and tenements in Burnham Norton.<sup>779</sup> Any group action of this kind needs a co-ordinator and in this case the co-ordinator also needed to know a good lawyer who knew the procedures for petitioning those in power. Thomas Hooper, with his city connections, may have been a source of information for the poor fishermen, but Thomas Banyard was more likely to have fulfilled the roles; both men had a lot to lose if Neve’s activities were not curtailed, Hooper as oyster merchant and Banyard as a local ratepayer in a community hit by unemployment.

There may also have been a fear of what would happen to the land once it had been drained and enclosed. There are indications that in Yorkshire, van Haesdoncke had settled émigré Dutch and French Protestant tenants on reclaimed land in a manner that contributed to violent confrontations.<sup>780</sup> In the light of that experience and their own frequently violent encounters with continental-based shipping, the sea-going families of North Norfolk had little cause to be friendly towards Dutch and French intruders, be they Protestant or not.

The petitions are distinctly short on deference, using formulae that are scarcely more deferential than those used today to open and conclude a letter. The anxieties of the petitioners are clear and undoubted: fear of losing their livelihoods and placing their families in poverty, fear of being dragged through courts and receiving rough justice. There are familiar appeals to customary law, but an awareness that such appeals could be turned against them.<sup>781</sup> Neve had already warned that if the issue went to Court they would have to “...give an accompt for all the tyme they had enjoyed the said Marshes (which hath been beyond the memory of man)...”.

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<sup>779</sup> NRO: Wal. 779, 28x1 (16 February 1642).

<sup>780</sup> CSPD 1641-43, pp.481 & 496 show van Haesdoncke petitioning the King in 1643 for recompense for the destruction wreaked on his “tenants at the Level in Hatfield Chase” by a war band led by a Captain Venatti. Vernon Cory, Hatfield and Axholme, an Historical Review (Ely, 1985), p.66, writes of a clash involving the Venatti family at Hatfield Chase (sic) in 1642, but does not name van Haesdoncke. The Venattis were participants, adventurers who received land holdings as a result of their association with Vermuyden’s Don Valley drainage schemes (Clive Holmes, “Drainers and Fenmen: the Problem of Popular Political Consciousness in the Seventeenth Century” in Order and Disorder in Early Modern England, Anthony Fletcher & John Stevenson (eds.) (Cambridge, 1981), pp.166-195, describes the tenants as French and Dutch, who later appealed to the Commonwealth government for assistance on the grounds that they were “poor Protestant strangers” who came to England seeking liberty of religion).

<sup>781</sup> See Andy Wood, “Custom, Identity and Resistance” in Paul Griffiths, Adam Fox & Steve Hindle (eds.), The Experience of Authority in Early Modern England (Basingstoke, 1996), pp.249-286.

The text exudes a strong sense of outrage at the way principles of natural justice and fair play have been ignored by Neve and van Haesdoncke. What the documents do not offer is any sense of negotiation or dialogue. No request, humble or otherwise, is spelt out. The message is simply that the activities of Neve and van Haesdoncke should be stopped. True justice demanded this. In the view of the petitioners, the law had ceased to offer them protection, but had instead become an unrelenting weapon against them. The petition signals powerfully that the fishermen believed social norms and values were being outraged and undermined by an action of the King himself, the putting of his “own broad seal” to the project. They do not spell out the reasons why the King should have acted in such a way. Presumably they felt no necessity for doing so in a petition to Parliament.

### **Petitioning Parliament**

The recall of Parliament in 1640 opened up a new channel for protest. Some 40 people from these economically hard-pressed communities earning a precarious living from a storm-battered, pirate-patrolled coast were able and prepared to overcome their fears of retribution and put their names to documents sent to Parliament. If nothing else, it suggests a touching trust in the role of Parliaments. Like so many protests to that particular Parliament, while the attacks were still being directed at those advising the King and applying ministerial policies, the dissatisfaction was ultimately with the King himself. As we have seen earlier, Owens, in his thesis, sees the crisis in central-local relations as generated by what was seen as the failure of the government to understand the needs and problems of boroughs like King’s Lynn.<sup>782</sup> Incidents like that revealed by the Burnham fishermen’s petition show that there were causes for similar dissatisfaction deep into communities in North-West Norfolk.

Compared with the wave of oppositional pamphlets and petitions being published about this time, the fishermen’s petition seems to count for very little. But that wave, of which by thus petitioning they became part, helped generate the cultural environment of protest in which political debate was taking place. In turning to the House of Lords for redress, the Burnham fishermen were joining a gathering throng. While the Lords received few

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<sup>782</sup> Gary Lynn Owens, “Norfolk, 1620-1641”.



petitions during the three weeks of the Short Parliament, says Hart, the situation was very different in the opening months of the Long Parliament.<sup>783</sup> The pressure was so great that the Lords issued an Order trying to stem the flow.<sup>784</sup> By the end of 1641, the year of our fishermen's petition, the House of Lords had received nearly 650 petitions.<sup>785</sup>

## Testing the prerogative

However, the dispute over the drainage and enclosure of the Burnham Norton marshes was, as has been indicated earlier, part of a wider dispute over the King's right to sell patents for drainage rights. And even that dispute was, of course, part of the major debate over the limits to the royal prerogative.

While the anger of the 'fishermen' was directed at Neve and van Haesdonke, at the heart of the dispute was a policy supported by the King with his royal patent and "sealed with his own broad seal". The seal had been bought at considerable expense. Petitions show that, while the national (King's) coffers were the intended beneficiaries, others were intended to benefit from the sale to Neve and Haesdoncke of the rights to drain and embank Burnham Norton Marshes. Contemporaneously with the "Poor Fishermen's" petition, royal rights to the marshes (and specifically van Haesdoncke's right to profit from those rights) were being challenged in both the Court of the Exchequer and the Privy Council. Other people, possibly more powerful than the fishermen, were concerned about what was happening along the North Norfolk coast.

Van Haesdoncke was a business associate of Sir James Hay, 1<sup>st</sup> Earl of Carlisle. According to Roy E. Schreiber, the Earl was unique in his practice of acquiring drainage rights from the King and then selling them on to others for a profit.<sup>786</sup> Schreiber cites as evidence the sale of land in May 1635 to "the Dutch engineer, Jan Van Haesdoncke" for £12,216.<sup>787</sup> This was a year before the evidence of the sale of the royal patent to van Haesdoncke. Carlisle died in 1636. Whether van Haesdoncke's acquisition of the royal

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<sup>783</sup> James S. Hart, *Justice Upon Petition*, p.65.

<sup>784</sup> *LJ*, IV, p.260 cited by James S. Hart, *Justice Upon Petition*, p.67.

<sup>785</sup> James S. Hart, *Justice Upon Petition*, p.67.

<sup>786</sup> Roy E. Schreiber, "The First Carlisle: Sir James Hay, First Earl of Carlisle as Courtier, Diplomat and Entrepreneur, 1580-1636", *Transactions of the American Philosophical Society* 74.7 (1984), p.144.

<sup>787</sup> Roy E. Schreiber, "The First Carlisle": Schreiber cites *CSPD 1635*, p.339.

patents involved additional marshland or whether the transaction represented an attempt by van Haesdoncke to cover his legal entitlement to lands already acquired, is not clear. Certainly both Carlisle's name and that of the King were involved in subsequent petitions sent by van Haesdoncke to the Privy Council. One such petition, dated 6 June 1638, sent to the Privy Council by the heirs of the 1<sup>st</sup> Earl, indicates that the transfer of rights was in satisfaction of a debt of £21,320 owed by the King to the 1<sup>st</sup> Earl.<sup>788</sup> This petition also indicates that the basis for the King's rights to the land to which he was, for one reason or another, selling the patents for reclamation, was already being challenged in the courts. The patent docquet, as set out in CSPD, identified the land for reclamation as that "deserted by the sea". The argument was to become one over at what tide, neap or spring, the determination should be made.<sup>789</sup> The State Papers note that the Privy Council instructed the Lord Treasurer and Lord Cottington to meet with the Barons of the Exchequer and the King's legal advisers to try to clarify the situation.<sup>790</sup>

Two years later, a petition dated 22 February 1639/40, shows that the issues were still unresolved. The Privy Council set up a group of its members to determine the issues raised by the petition.<sup>791</sup> The continuing delays distressed van Haesdoncke. In June that year, he again petitioned the King, reminding him of the earlier decision and pleading for rapid action to stop the petitioner being harried through the Court of Exchequer.<sup>792</sup> In a petition dated 6 June 1640, he reminds the King of his decision, acknowledges that the Privy Councillors had much else on their minds, but reports that he was in danger of losing all his recent investment in marsh drainage if immediate action was not taken to halt court proceedings. An endorsement ordered the Attorney and Solicitor General to stop all proceedings until the principle was sorted out.<sup>793</sup>

Were the Burnham fishermen aware of all these court actions and Privy Council debates when they petitioned the House of Lords? In their petition the fishermen acknowledged that van Haesdoncke and Neve had confronted them armed with a seemingly impregnable royal patent. The language of their petition was, perhaps, not so much short on deference

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<sup>788</sup> CSPD 1637-8, p.492, 6 June.

<sup>789</sup> CSPD, 1635, 19 August.

<sup>790</sup> CSPD 1637-8, p.492.

<sup>791</sup> CSPD 1639-40, pp.479-80, 22 February 1639/40.

<sup>792</sup> CSPD 1640, p.271.

<sup>793</sup> CSPD 1640, p.271.

as heavily laden with irony. The fishermen and their backers would, surely, have been well aware that the King's 'broad seal' was at that moment being challenged within the high courts? It seems unlikely that such events were unknown to them. And such ignorance becomes even less likely when one considers evidence of other contemporary legal transactions involving marshlands along the North Norfolk coast and indeed, their own Burn creeks.

The problems the Burnham fishermen faced were being repeated farther east around the coast. At Salthouse, an alliance between fishermen and a local landowner seemed to win at least a temporary victory. At Salthouse, too, van Haesdoncke was cast as the villain.<sup>794</sup> With or without a royal warrant, he built a bank between a series of islets which remained dry at high tide, thereby changing drainage flows which prevented ready access to the islands for grazing and access to the sea by the local fishermen. The latter protested that they were forced to beg and seek new places to live and the owner of the islets, Lady Sydney, complained that she had lost access to the marshes for grazing her cattle. Hooton deduces that this combination of interests, fishermen and local landowner, was at least initially successful: a map of 1649 showed that the channel to Salthouse was no longer obstructed. Hooton also suggests that van Haesdoncke was involved in a major dispute which affected the future of one of the coast's more important creeks, at Wiveton.<sup>795</sup> In order to reclaim potential pasture either side of the River Glaven between Glandford and Cley, the landowner, Sir Henry Calthorpe, and his son Philip decided to build a bank right across the mouth of the Glaven, allowing the river to feed out to the sea through a sluice at low tide. Hooton speculates that van Haesdoncke supervised this project during 1637. It had a devastating effect on the ports of Cley and Wiveton, which gave rise first to hearings in the manorial court and then the Privy Council.

## Gentry support

Meanwhile in the Burn Creek, at least one other local landowner (one with substantial national connections and advised by Grays Inn lawyers) had, like Haesdoncke, been given

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<sup>794</sup> Jonathan Hooton, *The Glaven Ports*, pp. 122-3; Hooton gives the name as van Hasedunck, but there is little doubt that the same man was involved. Hooton cites B. Cozens-Hardy, "Cley-next-the-sea and its Marshes", *Transactions of the Norfolk and Norwich Naturalists' Society* 12.3 (1926-7).

<sup>795</sup> Jonathan Hooton, *The Glaven Ports*, pp.123-128.

rights to local marshes by the King and could also wave a royal patent. Were the Burnham fishermen aware of that? Indeed, could that have been a source for covert gentry support for their cause?

Direct evidence is hard to find, but two names emerge as potential supporters. As Lords of the Manor of Polstead Hall, the Thurlow family owned manorial rights of land in the Burnham parishes of Norton, Deepdale, Westgate and Sutton.<sup>796</sup> They had held property in Norton since at least 1619 and also owned the manors of Walsingham Priory and Windham Priory in Burnham Overy. According to Blomefield, John ‘Thurlowe’ of Burnham Overy, who died in 1632, held of the King nineteen acres of marshland.<sup>797</sup> Another John Thurlow of Overy, said by Rye to have been born in 1619 and to have died in 1684,<sup>798</sup> used his position as executor of Nicholas Smyth of Burnham Overy, gent., to transfer 40 acres to Henry Thurlow: a Deed of Feoffment shows the 40 acres came in 39 distinct pieces of land scattered throughout the area.<sup>799</sup>

As extensive land and property owners whose portfolio included marshland in Overy, the Thurlows were clearly of importance locally; Sir Philip Parker provides a link through to the national scene. Sir Philip acquired from the King rights to marshes at Overy and adjacent Holkham. The rights came in the form of a patent from Charles addressed to Sir Phillip Parker and his heirs, dated 11 July 1638.<sup>800</sup> The document describes Sir Philip as of Aworton in the County of Suffolk, knight. It also names as a party to the agreement, ‘Thomas Cooke’ of Gray’s Inn. Sir Philip was to pay an annual rent of £5 to the crown. In 1638, Sir Philip was Sheriff of Suffolk. That he already had responsibilities in Burnham Overy is indicated by a hearing before the Court of High Commission in 1634. In May that year, he was called as a witness and required to repair the chancel of St. Clements, Burnham Overy. A later minute notes that he had fulfilled his obligations and that he was discharged.<sup>801</sup>

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<sup>796</sup> Francis Blomefield, *An Essay Towards*, VII, p.16.

<sup>797</sup> Francis Blomefield, *An Essay Towards*, VII, p.25.

<sup>798</sup> Walter Rye, *Norfolk Families* (Norwich, 1913), p.903.

<sup>799</sup> NRO Wal. 789 281x1; if Rye, above, is correct, Henry Thurlow was unlikely to have been John’s son; John was said to have married the daughter of William Doughty of King’s Lynn only in 1664.

<sup>800</sup> NRO Wal. 777 281x1, a 34-folio copy made at an early date.

<sup>801</sup> *CSPD 1634-35*, p.52 (8 May 1634).

Thomas Coke of Grays Inn was to feature in another transaction involving “marshground at Overie” in 1644. Together with William Watts of Grays Inn, Coke is named in an indenture of feoffment between Robert Bacon of Thornegge [Thornage] and Thomas Dix of Burnham Overy.<sup>802</sup>

This accumulating evidence reveals something of the complexities of interests behind the opposition to the moves to drain and enclose the Burnham marshes. The evidence suggests that the poor fishermen’s petition was written in a multiplicity of voices not immediately apparent in the measured prose of their lawyer. But the fact that others had axes to grind does not undermine the validity of the fishermen’s claim that their livelihoods were under threat. Nor does it take away from the achievement of getting forty ordinary folk to sign up to their defiance of “the king’s own broad seale”. The fishermen exploited an opportunity to participate in an alliance of interests which made their own challenge more likely to succeed. In one sense, the fishermen’s efforts were unrewarded, as the petition does not seem to have been acted upon. In another sense it helped bring about changes far beyond the petitioners’ expectations. The petition to Parliament reinforced concepts of parliamentary responsibility for righting wrongs even where they were perpetuated in the name of the King and under the King’s own broad seal.

As we have seen in the opening chapters of this thesis, Stuart monarchs were conceived as ‘entire’ sovereigns: sovereigns, that is, with the right and duty to do whatever was deemed to be necessary to fulfil the tasks given them by God.<sup>803</sup> However, according to the contemporary constitutional lawyer Sir Edward Coke, what the King might do by right, by his prerogative, was never beyond the law; the royal prerogative was part of the law and its scope bounded by law.<sup>804</sup>

Debates over prerogative, both in and out of Parliament were, says Burgess, an attempt to define the law more precisely, not to make new law.<sup>805</sup> While the King’s right to licence development of sea marshes was not being challenged, litigants in the Court of Exchequer and petitioners to the Privy Council alike were concerned to define precisely what and

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<sup>802</sup> NRO Wal. 78/1, 269x2; Thomas Dix may have been the same Thomas Dix who resigned as alderman at King’s Lynn in 1644.

<sup>803</sup> Glenn Burgess, *Absolute Monarchy*, general argument.

<sup>804</sup> Glenn Burgess, *Absolute Monarchy*, p.204.

<sup>805</sup> Glenn Burgess, *Absolute Monarchy*, p.204.

when sea-washed land became the King's to sell: what constituted sea marsh and at which point in the tidal cycle were boundaries to be calculated? The debate in which Burnham's poor fishermen became embroiled was a small part of that debate over the limits to the King's prerogative power, or more properly the debate over how an un-challenged principle might be translated into down-to-earth practicalities. Income generation through the sale of rights and privileges came at a cost to those who believed they already owned those rights and privileges. The poor fishermen and their land-owning neighbours both faced material losses as a result of the King's use of prerogative powers. We may surmise that the failure to negotiate a resolution of such clashes of interest contributed to the tensions which led to civil war. Against a background of price inflation, crown lands (and what were claimed to be crown lands) were sold for what Nicholas Tyacke has described as "short-term profit".<sup>806</sup> While arguably the royal prerogative had been functionally effective during the 1630s, says Michael Braddick, it had been so at "a very significant political cost". The regime's subsequent collapse had set loose a political crisis that led to the disintegration of monarchical power and civil war: the process of armed negotiation.

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The protests of the fishermen of Burnham marshes and their land-owning supporters gains new significance as part of this political crisis.

van Haesdoncke's subsequent personal history was frequently violent. He was involved in gun running for Charles I, possibly captured by parliamentarians on Jersey, and may have been captain of a Dutch ship badly damaged in one of the battles of the First Dutch War.<sup>808</sup> After the Restoration, van Haesdoncke became a Gentleman of the Privie

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<sup>806</sup> Nicholas Tyacke, "Introduction: Locating the 'English Revolution'" in Nicholas Tyacke (ed.), *The English Revolution, c.1590-1720: Politics, Religion and Communities* (Manchester, 2007), p.13.

<sup>807</sup> Michael J. Braddick, "The English Revolution and its Legacies" in *The English Revolution*, Nicholas Tyacke (ed.), pp.31, 36 & 27.

<sup>808</sup> Simon Groenveld, "The English Civil Wars as a Cause of the First Anglo-Dutch War, 1640-1652", *The Historical Journal* 30 (1987), p.549(n) shows that Jan van Hausdoncke was accredited as a captain in Charles's navy in December 1643. *CSPD 1641-43*, pp. 418, 500-502 indicates that van Haesdoncke became deeply involved in the royalist fight. Promoted first to Captain then Colonel, he entered into a £2,000 bond with, among others, Henry, Lord Martravers, co-Lord Lieutenant of Norfolk, to deliver arms and ammunition to the King's army of the north at Newcastle; later correspondence with Prince Rupert reveals that Haesdoncke was commissioned to recruit "experienced soldiers" in the Low Countries to join the royalist army in 1643. Correspondence relating to van Haesdoncke's employment by the Royalists to ship arms from Dunkirk to England's west country in April and May 1645 was among paperwork captured by the parliamentarians at Sherburn. The letters were mostly from Henry, Lord Jermyn in Paris to Charles's Principal Secretary of State, George, Lord Digby. Captain John van Haesdoncke sailed from Dunkirk with four frigates, 6,040 muskets, 2,000 pair pistols, 1,200 carbines,

Chamber to Charles II. His will asks for debts to be paid to, among others, Sir Philibert Vernatti, out of money owed to van Haesdoncke by King Charles.<sup>809</sup>

## Conclusion

This case study has underlined the multi-voiced and multi-layered complexities of petitioning. The petition is a polyphonic text in which many voices may be detected. It brought into the sphere of public debate forty Norfolk men, some of whom are recorded elsewhere as having landed interests but most of whom are otherwise unknown to the public transcript. At the heart of the petition, as of the wider public debate, was a challenge to the extent of the King's "broad seale" (King's prerogative). The fishermen mounted their challenge on the grounds that the seal was being used to justify actions that were contrary to natural justice. True justice would recognise their right to life, their right to make a living from the marsh and sea and not place obstacles in their path. Natural justice ought properly to inform the King's actions just as much as it should underlie common and statute law.

Beyond the multiple voices of the fishermen's petition itself can be discovered the multiple voices of land-owners who were simultaneously challenging that same use of the King's seal. Knowingly or not, the 'poor fishermen' and their more mighty neighbours were allies in disputing the limits to the King's prerogative. The patent holders and gentry sought to negotiate a solution through the high courts and through petitions to the King and his council. The fishermen seized the opportunity presented by the calling of Parliaments to negotiate by petition. They added their voices to the rising tide of

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150 swords, 400 shovels, 27,000 lb of match, and 50,000lb of brimstone. The frigates arrived at Dartmouth by 11 May 1645 and were gratefully received as Sir John Culpepper wrote to the King [CSPD, 1644-45, p.480]. But van Haesdoncke ran into a storm: before he sailed. Queen Henrietta Maria had ordered the captain to hand over all or part of the armaments to her; he had refused and sailed despite her commands. Lord Jermyn wrote to Lord Digby "while it grieves me that Haesdoncke did not obey the Queen's order yet the arms arrived at a very opportune moment in the south west" CSPD 44-45, p.456. The correspondence is at CSPD 44-45, pp.374, 387, 429, 466, 469, 480, 494, 511, 546 & 617. The Thurloe Papers reproduce a report from Vice Admiral Cornelius de Witt to the States General, dated 11 August 1652, noting that a ship captained by "Captain John de Haes" had had its foremast shot away in the "hot fight" off the Helder in which Admiral Von Tromp died [Thomas Birch (ed.), *A Collection of State Papers of John Thurloe*, p.392].

<sup>809</sup> National Archives PROB 11/358, Will of John Van Hasdunck Esq., one of the Gentlemen of the Privie Chamber, dated 15 October 1678. I am grateful to Ms Nancy Ives for drawing my attention to this Will. Her transcription appears in Appendix 3.2.

dissatisfaction with the way the royal prerogative was being used. There can be little doubt that all the petitioners were well aware of the public debate; 'poor' did not mean ignorant. Their petition added to the political environment in which the drama at Westminster was being played out.

The fishermen's representations remind us again that petitions cannot be easily compartmentalised into social, legal, political, local or central. This petition was all those and more besides: a well argued case for natural justice. The petition also reminds us of the futility of trying to assess success or failure within petitionary negotiations. No-one endorsed the petition with a joyous "agreed". But the coming of war put off the immediate crisis and the petition undoubtedly contributed to the political environment which made that war probable if not inevitable. It was a 'result', but scarcely one to be rejoiced over.



## 5.2: Handmaids of the Lord in King's Lynn and West Norfolk

The preceding section showed how an apparently straightforward plea for protection could reveal local involvement in complex issues at the heart of national conflicts. In this case study I explore how one printed nationwide petition can be used to shed light on a community within the King's Lynn community. I will hope to show that this petition, printed and published in 1659 as part of a nationwide campaign, enjoyed support from women from King's Lynn and West Norfolk, but contributed to the fears and anxieties which led Norfolk gentry to support Monck and the restoration of monarchy.

The petition was published as These Severall Papers were sent to the Parliament but is perhaps better known as The Petition of the 7000 Handmaids and Daughters of the Lord.<sup>810</sup> The petition was undoubtedly designed, on one level, to try to influence Parliament. As such it can be described as petitionary negotiation. But the petition also revealed the depth of the chasm between the world views of those that signed and those who saw in the petition signs of more conflict to come. The failure of the petitionary negotiation to establish a unified social view was followed by decades of suffering for the petitioning women from West Norfolk.

Detailed analysis of their individual and collective biographies reveals that the women petitioners were not merely living within the borough and its neighbouring villages, but they were also closely enmeshed with the merchants and traders who were the local elite. Through their own printed petition of 1642 the merchant elite drew public attention to a manifesto of demands and issues in a way which implied united conviction and commitment. Analysis of the women's petition of 1659 suggests that the King's Lynn community was a fundamentally divided one.

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<sup>810</sup> The full text is reproduced from a copy in the Huntington Library in Early English Books on-line and in Mary Garman, Judith Applegate, Margaret Benefiel & Dortha Meredith, Hidden in Plain Sight: Quaker Women's Writings 1650-1700 (Pendle Hill, 1996), pp.58-128. The introductory preface to the printed pamphlet bears the name of a leading Quaker, Mary Forster. The pamphlets were sold through the Black Spread-Eagle at the west end of St. Paul's, an outlet through which many Quaker pamphlets were published. But the imprint does not bear the customary declaration that the work was being published by the people called Quakers. It is possible that the Quaker imprint was not placed on the book out of a conscious effort to imply the work's inclusiveness. I am grateful to Dr Catie Gill, of Loughborough University, author of an ODNB entry referring to this work, for some suggestions she has made concerning secondary reading about the pamphlet.

In this section I will first briefly describe the petition as published and name the women signers who can most securely be identified as coming from King's Lynn and West Norfolk. I will describe the national context and significance of the petition before considering the text itself. I will then move to the local context and especially the Quaker community to which the local signers belonged. This will be followed by a consideration of subsequent events, the fears of the Norfolk gentry and the sufferings of the Quaker community. A final section will bring together some conclusions.

### Seven thousand names

The mammoth petition was published by Mary Westwood in 1659.<sup>811</sup> Entitled These several papers were sent to the Parliament, the printed petition includes “above seven thousand of the Names of the Handmaids and Daughters of the Lord”. I have written earlier of this pamphlet within the general context of petitioning in mid-seventeenth century England.<sup>812</sup> The work reveals a substantial element of radical thought and action within the King's Lynn community which otherwise might lie hidden. The petition, by its failure, illustrates the crucial part negotiation plays in generating and reinforcing social norms and political culture.

On 20 July 1659, two unnamed women presented a petition to the House of Commons.<sup>813</sup> Despite, or because of, the fact that the Commons would not accept the petition, it was published by Mary Westwood as a 72-page pamphlet. It has been described as “A densely printed collection of petitions by different groups of Quaker women from various parts of the country collated together as a single female response to the ‘oppression of Tithes’”.<sup>814</sup>

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<sup>811</sup> Maureen Bell, “Mary Westwood Quaker Publisher”, Publishing History 23 (1988), pp.5-66, provides an extensively researched review of Mary Westwood's publishing activities and thoroughly grounds her in the history of the Quaker movement.

<sup>812</sup> See Section 4.1, War, Continuity and Change, p.131.

<sup>813</sup> John L. Nickalls (ed.), Journal of George Fox (Cambridge, 1952), p.394. Fox recalled in his Journal “...two women did present the testimonies of above seven thousand women's hands against tithes and the reasons why they could not hold up the priests that took tithes...”.

<sup>814</sup> Marcus Nevett, Women and the Pamphlet Culture of Revolutionary England, 1640-1660 (Aldershot, 2006), pp.160-161.

Sharon Achinstein estimates that over 500 Quaker pamphlet titles appeared in the years 1653-57 and another 500 in 1658-60.<sup>815</sup> The pamphlets helped consolidate the movement's identity and were given away as tools for spreading the Quaker message. Within the Quaker movement, women were much travelled evangelists. Distribution of pamphlets and financial support for travelling ministers generated a need for at least an embryonic organisation. It was the effectiveness of that organisation which made the Handmaids' petition possible. The first name on the petition is that of Margaret Fell, the gentlewoman, who co-ordinated the Quaker missionary efforts of the 1650s from her home at Swarthmore Hall in Lancashire.

The printed petition These Severall Papers consists of a number of sections based on geographical areas, each of which has its own introductory passage followed by columns of the names of women. The structure of These Severall Papers enables the tentative identification of named individuals from mixed social backgrounds. Stephen A. Kent has analysed the signatures appended from Somerset and from Lincolnshire and Cheshire.<sup>816</sup> The section for Norfolk and Suffolk contains more than 550 unduplicated names; of these, about 60 names can be tentatively identified as relating to women from Norfolk. Of those, a dozen can be linked to King's Lynn and six more to nearby villages. All these Norfolk women have been identified through their subsequent Quaker connections.<sup>817</sup> As has been shown convincingly by Kent, not all those named in These Severall Papers were Quakers. Kent estimates that only 49% of those signing the petition in Somerset were to become involved with the Society of Friends.<sup>818</sup> Equally, not all those who signed and did become Quakers were subsequently recorded as suffering for their faith. Quakerism before 1660

<sup>815</sup> Sharon Achinstein, "Texts in Conflict: the Press and the Civil War" in The Cambridge Companion to Writing of the English Revolution, N.H. Keeble (ed.) (Cambridge, 2001), p.63.

<sup>816</sup> Stephen A. Kent, "'Handmaids and Daughters of the Lord': Quaker Women, Quaker Families and Somerset's Anti-tithe Petition in 1659", Quaker History 97 (2008), pp.32-61; Stephen A. Kent, "Seven Thousand 'Handmaids and Daughters of the Lord': Lincolnshire and Cheshire Quaker Women's Anti-tithe Protests in Late Interregnum and Restoration England" in Women, Gender and Radical Religion, Sylvia Brown (ed.) (Leiden, 2007), pp.65-96.

<sup>817</sup> Many of those who signed the petition would not have been formally identified within the Quaker movement either in 1659 or in later years. I compared the names printed under Norfolk in the East Anglia section with those set out in Arthur J. Eddington's compilation of names of seventeenth century Norfolk Quakers, with Quaker Registers of Births, Marriages and Deaths: "Norfolk Quakers in the Seventeenth Century: a Genealogical Account", and with Joseph Besse's An Abstract of the Sufferings of the People Call'd Quakers... from the Year 1650 to the Year 1660 (London, 1733) and An Abstract of the Sufferings of the People Call'd Quakers... from the Year 1660 to the Year 1666 (London, 1738). This information was supplemented by information from the records of the Society of Friends in Norfolk held in the Norfolk Record Office and other texts.

<sup>818</sup> Stephen A. Kent, "Handmaids and Daughters of the Lord", pp.32-61.

was not a member organisation but an open-ended movement. Nevertheless, the Quaker sources do help us to identify a group of women who were, or were to become under the pressure of punitive legislation, an inter-connected community within the community of King's Lynn and West Norfolk.

The twelve women who can with a degree of confidence be linked with King's Lynn are: Isbel Barnard, a widow who in 1663 married William Nash of Upwell, a village between Lynn and Wisbech; Ann Bradshaw, who died in Lynn in 1689; Katherine Bull, wife of George, who died in 1666 and whose home was often used for Quaker weddings in the years 1660-1663; Agnus (Agnes) Haselwood, wife of John, who in 1659 had a three-year-old child (other children were to follow); Mary Moulton, who married in 1661; Elizabeth Pice, wife of William (their son Samuel died soon after birth in 1660); Elizabeth and Mary Priest (Mary married in 1672 and Elizabeth in 1674); Mary's husband was Thomas, the widower of another Handmaid, Elizabeth Waller (Elizabeth bore Thomas children from 1660 until her death in 1668); Mary Whitworth was the wife of Joseph (their first child was born in 1651). Others from neighbouring villages are: Catherine Fenn, one of those married at Katherine Bull's house; Elizabeth Hubbard, possibly the Elizabeth Hubbard of Stoke Ferry who was closely associated with another signer, Elizabeth Paterson of Cockley Cley; Elizabeth Sutton of Holme, wife of Godfrey, who died in 1687; and Dorothy Ward of Hilgay, wife of Henry (the couple were active and suffering for their faith in 1657). Several of these names appear in the Abstract of Sufferings for the critical years 1660-1666.<sup>819</sup> Their sufferings will be recalled later.

### **The pamphlet and its national context**

The anti-tithe movement was already well established by 1659. A Norfolk woman's protests against tithes were related to the High Commission in 1637.<sup>820</sup> Abolition of the High Commission and a change of regime made little difference. Parliament showed no sympathy with opponents of tithes. In November 1644, the unpurged Long Parliament

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<sup>819</sup> Joseph Besse, An Abstract of Sufferings... to Year 1666, III, pp.4 & 11.

<sup>820</sup> CSPD 1637, p.582: evidence against Henry and Susan Tailor of Hardingham, Norfolk was placed before the High Commission. Among many other accusations, Susan Tailor was said to have denied the right of the clergy to tithes. She also denied them the right to take wives. Quakers were against paid clergy, whether married or single.

increased rather than diminished the powers against tithe-resisters.<sup>821</sup> Both Diggers and Levellers included the abolition of tithes in their manifestos. The Rump Parliament initially showed favour but failed to reach conclusions and the Barebones Parliament fell before it could reach any agreement. Barry Reay argues that, from 1653, the Quaker movement had been at the forefront of anti-tithe agitation. Recall of the Rump in 1659 brought renewed hope and increased expectations for the radicals. Those hopes were dealt a bitter blow when Parliament rejected a petition signed by 15,000 men. Parliament voted to keep tithes “for the Encouragement of a Godly Preaching Learning Ministry throughout the Nation”.<sup>822</sup> A clear decision had been reached. Parliament ordered assize judges to make it plain that all debate was to end.<sup>823</sup>

In calling for the abolition of tithes, the women were renewing calls for an end to a compulsory taxation theoretically retained to finance a national church. But tithes had long been the subject of impropriation by lay landlords and corporate bodies. While Nevett insists that the petition was part of a renewed call for religious freedom, for Reay, opposition also embraced a wide range of economic and social issues; tithes were seen as hitting the rural poor while leaving the urban and better-off largely unscathed.<sup>824</sup> The women petitioners were not alone in arguing against tithes, the renewed campaigning in 1659 saw the publication of at least seventeen anti-tithe pamphlets, including one by John Milton. They were countered by at least eight in favour of keeping tithes, one of which was authored by William Prynne.<sup>825</sup>

The Lynn petitioners were part of a nationwide network. But how did the women view themselves? For the Godly signers, whether Quaker or not, the issue was essentially about constructing God’s Kingdom, about doing the divine will. The cover describes the petitioners as “Handmaids and Daughters of the Lord”. James Holstun has pointed out the significance of these descriptions.<sup>826</sup> Holstun argues that ‘Handmaid’ was one of the

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<sup>821</sup> Barry Reay, “Quaker Opposition to Tithes, 1652-1660”, *Past and Present* 86 (1980), pp.98-120.

<sup>822</sup> Marcus Nevett, *Women and the Pamphlet Culture*, p.162, citing *The Copie of a Paper Presented to the Parliament and Read the 27<sup>th</sup> of the fourth Moneth, 1659*; *CJ*, 7 (1651-1659), p.694. The signatures appended to the men’s petition have not survived.

<sup>823</sup> Barry Reay, “The Quakers, 1659, and the Restoration of the Monarchy”, *History* 63 (1978), p.198.

<sup>824</sup> Marcus Nevett, *Women and the Pamphlet Culture*, pp.170-2; Barry Reay, “Quaker Opposition to Tithes”, p.117.

<sup>825</sup> Accessed through Early English Books on-line.

<sup>826</sup> James Holstun, *Ehud’s Dagger: Class Struggle in the English Revolution* (London, 2000), p.266; Christine Trevett has written extensively about Quaker women as prophets in *Women and Quakerism*

female prophets' favourite names for themselves; they used passages from the Biblical prophet Joel to justify their activities:

And it shall come to pass afterward, that I will pour out my spirit upon all flesh; and your sons and your daughters shall prophesy, your old men shall dream dreams, your young men shall see visions: and also upon the servants and the handmaids in those days will I pour out my spirit.<sup>827</sup>

The same text is quoted by the apostle Peter in the Acts of the Apostles when he extended Joel's words: "But this is what was spoken by the Prophet Joel: And it shall come to pass in the last days..."<sup>828</sup> Holstun's references to handmaids is in the context of a chapter on the Fifth Monarchist prophet, Anna Trapnell. In such a context, the belief that the outpourings of the spirit were a sign of 'the last days' is significant. The shared belief that outpourings of the spirit were a symptom of 'the last days' was just one of the links between Quakers and Fifth Monarchists which were to become such a dangerous embarrassment to the former in 1660/1 when the Fifth Monarchists offered armed resistance to the Restoration.

These Severall Papers was intended to be seen as an act of collective authorship. Nevertheless, the women named within it were each individually and collectively witnesses to the will of Christ, says Nevett. The apparently random arrangement of names in each section was a deliberate defiance "of the hierarchizing principles of alphabet, age marital status, seniority and perhaps even sectarian affiliation itself".<sup>829</sup> According to Joad Raymond, it was the collective nature of the petition that was seen to be its strength. Individual weakness no longer counted. The signers spoke collectively as representatives of a group. By publishing the views they had expressed to Parliament, they were extending the audience for what was already in essence a public performance.<sup>830</sup> In claiming that the handmaids "spoke collectively, as representatives of a group" Raymond was, I am convinced, in serious error. Heed should be taken of Christine Trevett's caution:

in the Seventeenth Century (York, 1991) and Quaker Women Prophets in England and Wales, 1650-1700 (Lampeter, 2000).

<sup>827</sup> Joel 2.28-9.

<sup>828</sup> Acts 2.16-17.

<sup>829</sup> Marcus Nevett, Women and the Pamphlet Culture, pp.170-2.

<sup>830</sup> Joad Raymond, Pamphlets and Pamphleteering in Early Modern Britain (Cambridge, 2003), pp.306-307.

seventeenth century women prophets are “far removed from us in more than time”.<sup>831</sup> The women had collectively discerned the will of the living God. It was that single, divine, will that was being communicated and the divine had chosen, once again, to use socially and politically weak women to promote that will. To the “Handmaids and Daughters of the Lord”, theirs was a public performance which was part of a ‘Divine Drama’ at the end of time. The Quaker movement’s test of authenticity of individual prophecy demanded that statements were compatible with Scripture and validated by the worshipping group.<sup>832</sup> These Severall Papers goes to lengths to show that the testimony against tithes was compatible with scripture and that the authenticity of the prophecy had been tested in worshipping groups throughout the country. Among those groups of radical women, as we have seen, one group thrived in mid-seventeenth century King’s Lynn. And, as will be seen below, it thrived in public.

### **The text itself**

Mary Forster’s general preface “To the Reader” immediately confronts the petitioners’ multiple transgressions of prevailing social codes, alluded to by Nevett, and reinforces the apocalyptic message of the handmaids:

It may seem strange to some that women should appear in so public a manner, in a matter of so great concernment as this of Tithes, and that we also should bring in our testimony even as our brethren against that Anti-Christian law...<sup>833</sup>

The convention that women should not concern themselves in public with political issues had, as we have seen earlier, been continually contested through the years of the 1640s and 1650s.<sup>834</sup> Mary Forster’s argument was by now a conventional one, that even the weak could be the means by which the Lord accomplished his “mighty work in the earth”.

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<sup>831</sup> Christine Trevett, Quaker Women Prophets, p.47. Dr. Trevett’s thought provoking book considers whether the split in the Quaker leadership in 1656 between James Nayler and George Fox was over the place of women’s prophecy in the movement. Inter alia she names Samuel Cater, a carpenter of Littleport on the Isle of Ely, as one of the men who worked closely with Nayler and was imprisoned with him. Cater was to develop links with King’s Lynn Friends later in the century (for example, see NRO SF 431/11, 308x5).

<sup>832</sup> See Jack P. Dobbs, Authority and the Early Quakers (Frenchay, 2006).

<sup>833</sup> Mary Forster’s preface can be found in Mary Garman, Judith Applegate, Margaret Benefiel & Dortha Meredith, Hidden in Plain Sight, pp.59-60.

<sup>834</sup> Section 4.1, War, Continuity and Change, p.131.

But the handmaids had gone further, they had taken up an issue presented to Parliament three weeks earlier by the men of the movement; those men had been given a hearing by Parliament and Parliament had made a rational judgement. The women were now re-opening the issue and re-opening a conflict that had brought the revolution to its impasse on many occasions in recent years: the role of the state in religion.

Mary Forster's justification is repeated: the women were acting in this way because God required them to. God was "choosing the foolish things of the World to confound the wise, weak things to confound the Mighty". Her apocalyptic text insists that the Second Coming was not merely imminent but had already occurred.

Surely the Lord is risen, he is risen indeed and hath appeared unto many... and he shall ride on conquering and to conquer till he hath subdued all our enemies, that God alone may rule and rain, and herein lies our strength, even in the power of our God...<sup>835</sup>

And that, too, of course, turned a principle of petitioning on its head. Petitions were a means for the comparatively weak to address the strong and powerful, those who had authority. But the handmaids' petition was not so much their own as one issued from the power and authority of the living God; the most strong was addressing the comparatively weak, the dependent.

Mary Forster and her fellow petitioners held Parliament to account for its failure to abolish tithes; each word was supported by a threat of divine retribution. There were threats of divine retribution, too, in the anonymous preface to the section of the petition attributed to "Essex, Norfolk, Suffolk, Cambridg, (sic) and Huntington".

The Lord had brought down all those who had failed to abolish tithes in the past. Now the Rump had been re-established against all expectations. "Now friends, you being first chosen by the Nation as a Parliament for to do the Nation the right, and to take-off the Nations oppressions: are not you to search out the oppression?" The people should have had no need to petition Parliament to do the right thing. Parliament should have fulfilled its original commission and ended the oppression without prompting. If now it failed to do

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<sup>835</sup> Mary Garman, Judith Applegate, Margaret Benefiel & Dortha Meredith, Hidden in Plain Sight, p.59.



so it must expect the consequences: the Lord who “bringeth down the mountains and exalteth the valleys” would “overturn by his power and arm all transgressors”.<sup>836</sup>

The East Anglian preface challenges the very culture of petitioning. Petitions for justice had often been dismissed “because it hath not been in the Worlds method and form”. People were being denied justice simply because of their failure to comply with conventional norms. Parliament’s duty was to do justice by the people, without flattery or the expectation of thanks; that was the very reason for its existence and if oppression was made known to it in “simplicity and innocency, without flattering petitions and addresses” then it had an obligation to act “to remove the grievance”. But at this point the petition goes a radical step further. The authors add what can only be seen as an open threat: act justly or “God will overturn you by it”.<sup>837</sup>

### **The Quaker community in King’s Lynn and West Norfolk**

Hillen records that the first to attempt to bring Quakerism to Lynn was by Thomas Briggs in 1653, but Briggs had been severely abused by townsfolk.<sup>838</sup> By the time George Fox, riding with Richard Hubberthorne, reached Lynn in 1655, there may well have been a group of sympathisers already established in the town.<sup>839</sup> Hubberthorne had been a captain in the New Model Army. Another former army officer, Edmund Peckover, had established a meeting at nearby Fakenham in 1654.<sup>840</sup> Fox records the visit in 1655 in his journal:

And from thence we passed to Lynn, and came there about three o’clock in the afternoon, and set up our horses; and we lighted on Joseph Fuce, who was an ensign; and we bid him speak to as many people of the town that feared God, and the officers and captains, to come together. And we had a very glorious meeting amongst them and... we desired Joseph Fuce to get us the gates opened by three

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<sup>836</sup> Mary Garman, Judith Applegate, Margaret Benefiel & Dortha Meredith, Hidden in Plain Sight, pp.86-87; in addressing Parliament as “first chosen by the Nation”, the East Anglian petitioners no doubt deliberately selected the word “chosen” that had many religious as well as political overtones.

<sup>837</sup> Mary Garman, Judith Applegate, Margaret Benefiel & Dortha Meredith, Hidden in Plain Sight, p.86.

<sup>838</sup> Henry J. Hillen, King’s Lynn, Vol. 1, p.416.

<sup>839</sup> This is claimed by William Richards in his History of Lynn, p.1104. Gwyneth Arveschoug has written more recently of this period in her “Short History of Quakerism in King’s Lynn and West Norfolk” (Typescript, York, 1991).

<sup>840</sup> Samuel Cater, The Lamentable Cry of Oppression (1679), Friends’ House Library Tracts 138/16, records at length and in detail the sufferings of the Fakenham Meeting, including those of Edmund Peckover and his wife Margaret. See also Madeline G.H. McReynolds, The Peckovers of Wisbech (Wisbech, 1998).

o'clock in the morning, it being a garrison, for we had forty miles to ride the next day.<sup>841</sup>

The journal also records a subsequent visit by Fox to Lynn in 1663 at the height of the persecutions. "Yet we did get out and went to Lynn where we had a blessed meeting. And the next morning after the meeting was done I went to visit some prisoners".<sup>842</sup> He returned to the inn and rode out of town. Just after he left, a troop of officers arrived and searched the inn for him in vain, "And so by the immediate hand of the Lord I escaped their cruel hands". Fox's journal does not give the exact date of his visit to Lynn gaol, or the names of the prisoners he saw there. It is possible they included men arrested when the Lynn Quaker meeting (by now an illegal gathering) was raided by troops. Hillen records that, "On the 7<sup>th</sup> December 1663, a detachment of soldiers from the garrison made a brutal raid upon the Lynn meeting house and captured nine worshippers".<sup>843</sup>

The event had a great impact on the Quaker community in King's Lynn. Five of the men imprisoned had connections with identified handmaids. One of the arrested men, Edward Shooter, died in prison. He had married handmaid Mary Moulton in 1661. The ceremony had been at the home of another handmaid, Catherine Bull. The apparently wealthy handmaid Isbel Barnard Nash left a bequest to Edward's son Bernard in her 1667 will.<sup>844</sup> Prisoner Joseph Whitworth was married to handmaid Mary Whitworth and another, John Haslewood, was married to handmaid Agnes (or Annis) Haslewood. Another, Thomas Waller, also had connections with the handmaids. Here there is potential for confusion. It is apparent that there were two Thomas Wallers involved with the Quakers in King's Lynn at the time. One Thomas Waller married handmaid Mary Priest in 1672. The other was married to Elizabeth until her death in 1678 and with whom he had had children in 1663. Shooter's fellow prisoner, John Yaxley, had married handmaid Elizabeth Priest in 1674 at the home of one of the Thomas Wallers.

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<sup>841</sup> John L. Nickalls (ed.), The Journal of George Fox, pp.215-216.

<sup>842</sup> John L. Nickalls (ed.), The Journal of George Fox, p.437.

<sup>843</sup> Henry J. Hillen, King's Lynn, Vol. 1, p.417; see also Joseph Besse, An Abstract of the Sufferings... 1666, III, pp.491-2.

<sup>844</sup> NRO ANW Will Register 1666-67, folio 419, MF/RO 331.

## Social background

The handmaids who retained their links with the Quaker movement were, in the 1660s and 1670s and beyond, a closely knit community, no doubt forced into closeness by the persecution they faced together. Our dozen handmaids constitute far too small a group for any significant conclusions to be reached about the social backgrounds of those who protested. Reay saw tithes as being a disproportionate burden on the rural poor.<sup>845</sup> Two or three of our dozen handmaids were from the rural area around King's Lynn, but the rest were from the borough. One of the women had, in 1659, suffered destraint for non-payment of tithes. The petitioners always made it plain that the suffering and burden laid on people by tithes was only one aspect of their protests; they were also opposed to any payment of clergy, whether by tithes or any other solution Parliament might discover. While the group does not offer extensive opportunities for exploring the social make-up of protesting petitioners, it is clear that social backgrounds were mixed. Adrian Davies's study of Essex Quakers is a stimulating contribution to our knowledge of an early Quaker community not too dissimilar from that of King's Lynn.<sup>846</sup> Some of the Lynn women and their families were comfortably off, others desperately poor. And by the time a measure of toleration was achieved in the 1690s several, including the proto-bankers Thomas Buckingham and Edmund Peckover, had achieved substantial positions in local society.<sup>847</sup>

Isabel Barnard undoubtedly came into the category of 'comfortable'. We do not know her maiden name, nor whether she was already a widow at the time she signed the handmaids' petition. We do know that before he died, her husband, Gilbert Barnard, agreed a settlement ("before an attorney at law") leaving property and assets for Isabel's use in her lifetime. Isabel herself died in 1667/8.<sup>848</sup> In her own will she leaves much of this inheritance to the children and grandchildren by this first marriage.<sup>849</sup> The residue of her estate went to her son-in-law, Cyprian Anderson, who in 1663 was assessed for seven

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<sup>845</sup> NRO ANW Will Register 1666-67, folio 419, MF/RO 331.

<sup>846</sup> Adrian Davies, *The Quakers in English Society, 1655-1725* (Oxford, 2000), Chapter 11, "Dregs of the People", pp.140-155, is particularly relevant.

<sup>847</sup> Gwyneth E. Arveschoug, "A Short History", p.15 describes Buckingham's status; funds he established are still available to assist Quaker work in Norfolk; Madeline G.H. McReynolds, *The Peckovers of Wisbech*.

<sup>848</sup> Digest Registers: 1650-1837: Reel 6 Norfolk.

<sup>849</sup> NRO ANW Will Register 1666-67, folio 419, MF/RO 331. Mary Prior, "Wives and Wills, 1558-1700" in *English Rural Society, 1500-1800*, John Chartres & David Hey (eds.) (Cambridge, 1990), pp.201-227, writes of the circumstances in which women had wills made in this period.

hearth, a measure of considerable wealth.<sup>850</sup> A baker and brewer, Cyprian Anderson was a councilman in 1670, mayor in 1688 and an alderman until 1705. Isabel Barnard's second marriage was to William Nash of Croull, Lincolnshire, a Lynn Quaker; the marriage took place at Upwell in 1663.<sup>851</sup>

Like Isabel Barnard Nash, Mary and Elizabeth Priest may have had family connections with the borough's political elite. Two "Preists" are mentioned in the Court Leet records of 1663, both were glovers. Gregory Preist, described as a gentleman, was a councilman from 1655 and an alderman from 1666-72. The other, Thomas, was less substantial, being assessed for three hearths compared with Gregory's five.<sup>852</sup>

Another handmaid, Katherine Bull, was the widow of George Bull, probably the George Bull who was a fishmonger and who became Sergeant at Mace to the borough and clerk of the borough market from 1633-1654.<sup>853</sup> Her home was the venue for four Quaker-registered weddings in 1661-1663.<sup>854</sup> Two of those marriages included women who, like Bull, had signed the Handmaids' petition. Edward Shooter, who was to die in prison, married handmaid Mary Moulton and William Turner wed petitioner Catherine Fenn (both in 1661).<sup>855</sup> The marriage between Samuel Fullbigg and Grace Huntley in 1662 may be evidence of the trading links of which Katherine Bull's husband had been a hub: Fullbigg was from Littleport on the route from Lynn to Cambridge and London, and Huntley from Tunstall, County Durham. The fourth and last registered wedding at Catherine Bull's house was between John Hart of Littleport and Martha Crabb, also of Littleport, in 1663. It was John Hart's first of three marriages; both those that followed appear to have been to handmaids. After Martha Crabb's death Hart married Elizabeth Green of Snarehill near Thetford (1666) and, on her death, Martha Barrett of North Walsham (1668). Eddington asserts that Hart died imprisoned for non-payment of tithes in 1680.<sup>856</sup>

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<sup>850</sup> Peter Sykes, "King's Lynn Court Leet, 1663, Indexed List of Names", typescript (King's Lynn, 1994) entry ref. Ch. 37.

<sup>851</sup> Digest Registers, 1663.

<sup>852</sup> Peter Sykes, "King's Lynn Court Leet".

<sup>853</sup> Peter Sykes, "Borough of King's Lynn, 1524-1835".

<sup>854</sup> Arthur J. Eddington, "Norfolk Quakers in the Seventeenth Century", p.341.

<sup>855</sup> On her bereavement, Mary Moulton was to marry Robert Turner, fellmonger, of Lynn in 1668. She died in 1683/4.

<sup>856</sup> Arthur J. Eddington, "Norfolk Quakers", various places alphabetically arranged by surname.

Katherine Bull was the widow of a key officer of the King's Lynn Corporation and would have continued to have had some status in the community. Joane Davis, who died at Lynn in 1682, may also have carried the inheritance of past standing. She is described by Eddington as Alderman Nelson's daughter.<sup>857</sup> A number of men associated with the King's Lynn's Quaker community in the years before toleration seem nevertheless to have been freemen of the borough. These included Thomas Fenn, grocer, entered 1650/1 and William Furbank, cordwainer, entered 1635/6.<sup>858</sup>

Handmaid Elizabeth Paterson's husband, John, was clearly a farmer on a substantial scale. In 1676 he lost 200 sheep and other goods (together worth £110) distrained from him for holding a Quaker meeting at Cockley Cley. One of his co-defendants then was John Hubbard who lost "cloth and bays" worth £19.<sup>859</sup> On another occasion, Elizabeth Hubbard and her husband, John, were fined £80 for failing to attend public worship.<sup>860</sup> Bonds in the Buckingham Papers give the trades of some of the men related to Handmaids: they included tailor, bricklayer and hempdresser.<sup>861</sup>

## Consequences

These Severall Papers with its columns of women's names printed for all to see, shows that in Lynn, as in towns and villages up and down the country, there were women who in 1659 were prepared publicly to breach conventions over women's involvement in political debate, conventions over accepting decisions made by an elected Parliament, and conventions over deferential communication with those with power. Such radical agitation, argues Reay, alarmed and alienated moderate opinion, reinforcing the conviction of the propertied class that opposition to tithes was a harbinger of "levelling".<sup>862</sup> About a third of livings with rights to tithes had been impropriated by lay property owners. Tithes were a property to be defended. By the following winter, Norfolk's influential (property-

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<sup>857</sup> Hamon Le Strange, Norfolk Official Lists, p.194: Alderman Thomas Nelson was Mayor of Lynn in 1641; a "wollyndraper", three apprentices of his were entered as freemen between then and the Alderman's death in 1656 (Anon., A Calendar of Freemen of Lynn).

<sup>858</sup> These names come from a comparison between Eddington's "Norfolk Quakers" and Anon., Calendar of Freemen of Lynn.

<sup>859</sup> Joseph Besse, An Abstract of the Sufferings..., p.502.

<sup>860</sup> Joseph Besse, An Abstract of the Sufferings..., p.493, 29 April 1670.

<sup>861</sup> NRO Society of Friends Archive, Buckingham Papers Cat. Ref SF 431/11, 308X5.

<sup>862</sup> Barry Reay, "Quaker Opposition", p.117.

owning) gentry were preparing to welcome back monarchical government.<sup>863</sup> Others in Lynn, of both genders, were as strongly convinced that, far from being an unmitigated disaster, the real revolution had scarcely begun.

The Handmaid's petition showed a movement (whether Quaker or not is largely a matter of semantics) which was clearly intent on continued campaigning on many of the issues which had divided the kingdom. It was a movement which supported the concept of parliamentary government, but resolutely refused to accept the decision of the only Parliament on offer in 1659. It was a movement whose supporters, in King's Lynn at least, included traders and merchants from families with political experience and at least one with financial resources. Above all it was, in the view of its associates, a movement not only convinced that the living God was on its side, but that it was receiving direct instructions from the divine.

The controversy over tithes was not the only one in which Lynn Quakers were deeply involved in 1659. Lynn Quakers were engaged in a doctrinal dispute with the Rev. John Horn, the town's leading radical, independent, minister in 1659.<sup>864</sup> The issue was the perfectibility of individuals. There were public debates in Lynn which resulted in both sides issuing their versions of the controversy in print.<sup>865</sup> It was a debate that seems esoteric now. Even at the time, it may have fed the increasing dissatisfaction with sectarian disputes which contributed to the Restoration a year later.

An alliance of Quakers, Baptists, Independents and Fifth Monarchists generated what Reay has described as an "almost universal fear of radical sectarianism".<sup>866</sup> The anxiety was heightened by the number of radicals joining the new militias established by the

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<sup>863</sup> Hamon Le Strange & Walter Rye (eds.), *An Address from the Gentry of Norfolk*.

<sup>864</sup> Henry J. Hillen, *King's Lynn*, Vol. 1, pp.416, 414 & Vol. 2, 885. Horne was ejected as vicar of All Saints in 1661, but continued to worship there and to lead a group of about 100. He was licensed as an independent teacher in 1672. Horne died in 1686, aged 73 years, and was buried in St. Nicholas's Chapel. All Saints, South Lynn was soon embroiled in further controversy: its new minister, the Rev. Mordaunt Webster, was in constant conflict with William Lloyd, Bishop of Norwich, see Peter Smith, "Bishop William Lloyd of Norwich and his Commonplace Book", *Norfolk Archaeology* 44 (2005), p.706.

<sup>865</sup> John Horne and Thomas Moore, junior, *A Breif Discovery of the People Called Quakers etc.* (London, 1659), Wing/H2795; George Whitehead, *A Brief Discovery of the Dangerous Principles of John Horne (a Priest in Lin) and Thomas Moore junior... etc.* (London, 1659), Wing W1896.

<sup>866</sup> Barry Reay, "The Quakers", p.193.

Committee of Safety.<sup>867</sup> In another place, Reay claims there was “fear of social anarchy”.<sup>868</sup> He claims that when an unnamed Norfolk gentleman was asked to explain why he had a hidden cache of arms he had replied:

To secure himselfe agaynst Quakers and Annibaptists who he feared would ryse to Cutt his throat if they did soe he was resolved to cutt their throats First if he could.<sup>869</sup>

Reay’s claim of “an almost universal fear of radical sectarianism” is valid only if the “almost” leaves a sizeable minority who wanted more revolution not less and an even greater group, no doubt, who simply wanted to be allowed to get on with their own lives.

That the handmaids of King’s Lynn and West Norfolk had weighty opposition is beyond doubt; what is in question is how far that active opposition ran. Sir Horatio Townshend, scion of good puritans, related to Parliamentary General Thomas Fairfax, had been a Norfolk magistrate since 1652 and an MP for King’s Lynn in Protectorate Parliaments.<sup>870</sup> Nevertheless, in 1659 he was campaigning for a change. According to Rosenheim, Townshend spent five months going between Norfolk and London raising support for a “free” Parliament.<sup>871</sup> Those who campaigned for a free Parliament and eventually for the return of the King were probably dominant among the gentry in the rural areas of West Norfolk. The L’Estrange family, Sir William Hovell, the Walpoles and Townshends were representatives of families used to dominating their ‘countries’. King’s Lynn now returned Edward Walpole and Sir Horatio Townshend as their MPs. The Convention Parliament selected Sir Horatio as one of the twelve members sent to Breda to bring back Charles II. Sir Horatio and his colleagues may have won the day, but that does not mean they had “almost universal support”.

In King’s Lynn, our handmaids remained committed to their faith. We are able to identify them solely because they remained faithful. How many of the unidentified petitioners severed their connection with the movement we cannot calculate. As we have seen, the

<sup>867</sup> Barry Reay “The Quakers”, p.201.

<sup>868</sup> Barry Reay, “Quakers and Society” in Radical Religion in the English Revolution, J.F. McGregor & Barry Reay (Oxford, 1984), p.161.

<sup>869</sup> Barry Reay, “Quakers and Society”, p.164, where Reay cites Bodleian Library MS Clarendon 64 ff.190-190v.

<sup>870</sup> James M. Rosenheim, The Townshends of Raynham: Nobility in Transition in Restoration and Early Hanoverian England (Middleton, Connecticut, 1989).

<sup>871</sup> James M. Rosenheim, The Townshends of Raynham, p.19.

suffering imposed by the legislation of the Cavalier Parliament was very real. The persecutions continued until the end of the century. Handmaid Dorothy Ward was married to Henry Ward of Hilgay. The Wards lost goods worth £13 in 1657 for non-payment of tithes; an incentive for her to sign the petition. In 1660, Henry Ward spent time in jail for refusing to swear the oath of allegiance.<sup>872</sup> The Ward's sufferings were to continue until at least 1684, when they were said by Besse to be near seventy and Dorothy "a sickly woman". That year sheriff's officers pulled Dorothy from her bed and occupied the Ward's household for four days, distraining and selling an enormous £100 worth of goods. Once the initial violent reaction of the 1660s had passed, rural Quakers seem to have been more deliberately persecuted than their urban co-religionists. In small towns like Fakenham, small groups of Quakers were particularly vulnerable from individual gentry opponents.<sup>873</sup> In the chartered borough of King's Lynn itself, the most publicised act of persecution (the raid on the Quaker gathering and imprisonment of its male worshippers) was perpetrated by national troops from the Lynn garrison. But the persecuted community had wealthy and no-doubt influential connections, including freemen of the borough and a borough Overseer of the Poor.<sup>874</sup>

## Conclusions

The East Anglian petition absorbed with These Several Papers were sent to the Parliament openly eschewed the outward forms of traditional petitioning and even boasted of the fact that it was not couched in traditional, flattering words. The author(s) insisted it remained a true petition because it sought the alleviation of suffering; we have seen how at least one West Norfolk woman had suffered loss as a result of refusal to pay tithes. The petition was addressed to Parliament in the belief that Parliament had the temporal authority to deliver redress. While the petition was seriously short on deference, it does set forward arguments that the petitioners might have had good reason to expect that it would find a sympathetic hearing among some, if not all, of the recipients. So their papers delivered to Parliament

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<sup>872</sup> Joseph Besse, An Abstract of the Sufferings..., pp.488, 513 & 490.

<sup>873</sup> Samuel Cater, The Lamentable Cry, has no doubt that personal antagonisms drove the persecution.

<sup>874</sup> In researching these connections I have consulted NRO ANW Will Register 1666-67, folio 419, MF/RO 331, the will of Isabel Barnard Nash; Peter Sykes, "Borough of King's Lynn 1524-1835"; Hamon Le Strange, Norfolk Official Lists; Anon., A Calendar of the Freemen of Lynn; Peter Sykes, "King's Lynn Court Leet", ref. SL3; and Gwynaeth E. Arveschoug, "A Short History.



remained a petition despite the additional role it was given as propaganda and recruiting pamphlet. The breach in petitionary etiquette that really mattered to Parliament concerned the location of authority. The handmaids refused to accept Parliament's ruling that the tithe debate was over, finished. Worse, they touched on what for many parliamentarians was a very raw nerve, their legitimacy as a Parliament. They had been chosen by the nation, declared the handmaids.<sup>875</sup> There were doubts about this of course and even doubts that being chosen by the nation rather than summoned by a God-anointed monarch was quite good enough. The handmaids made matters worse: they assumed that they and they only spoke not simply for themselves, or for the oppressed, or even for the nation, but for God. Their petition was not simply unflattering it was threatening: if you don't do as we advise "God will overturn you by it".<sup>876</sup> This was an escalation of a long established aspect of women's petitioning. Alison Thorne has shown how, at the opening of the century, women had petitioned on behalf of their male kin; in doing so they had chosen religious rhetorics to support their pleas both to enhance their moral authority and to "obscure" their intervention in matters of state. Their policy of dissociating themselves from the male realm of the public sphere served "paradoxically" to facilitate their involvement.<sup>877</sup> No doubt the organisers of the handmaids' petition were aware of such stratagems. However, the strength of the language used and the women's oft displayed willingness to flout conventional gender divides leave no doubt that the prophetic role assumed by the handmaids was not simply assumed for rhetorical purposes, but from deeply held conviction. It was a belief that sustained many of the petitioners during years of persecution and suffering.<sup>878</sup>

Elsewhere I have argued that petitionary negotiation helped to establish and maintain social norms and values. The East Anglian handmaids had a clear vision of the norms and values they wished to see established. They wanted an equitable society in which Parliament, on behalf of all the people, sought proactively to identify inequity and oppression and redress both. But what These several papers were sent to the Parliament illustrates yet again is that no amount of petitionary argument can breach gaps as wide and

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<sup>875</sup> Mary Garman, Judith Applegate, Margaret Benefiel & Dortha Meredith, Hidden in Plain Sight, p.86.

<sup>876</sup> Mary Garman, Judith Applegate, Margaret Benefiel & Dortha Meredith, Hidden in Plain Sight, p.86.

<sup>877</sup> Alison Thorne, "Women's Petitionary Letters and Early Seventeenth-Century Treason Trials", Women's Writing 13 (2006), p.38.

<sup>878</sup> Craig W. Horle, The Quakers and the English Legal System, 1660-1688 (Philadelphia 1988), p.102, citing Joseph Besse, An Abstract of the Sufferings... claims that 20,721 Quakers were in trouble with the law between 1650 and 1689 and that 450 died as a result.

persistent as that between the seventeenth century protagonists of social change, the property-owning conservatives and the great majority who, as ever, wished only for peace and stability.

## CHAPTER SIX: CONCLUSION, TOWARDS AN UNDERSTANDING OF PETITIONING

At the beginning of this study I set out to answer three questions, namely:

- How and by whom were petitions used?
- What do those petitions reveal of power relations and social values?
- How did the civil war and interregnum impact on petitionary negotiations?

My enquiries were grounded in a specific community over a specific period of time. It was an intimate community in which people were known to each other. My enquiries have shown that petitions were ubiquitous, embedded, valued and known across that society. The legal or quasi-legal status of petitions wrote the issues raised into the public record. That status also declared the seriousness of intent or of need with which the petitioner approached the petitioned person or body.

Petitions were always and everywhere a search for remedy, a tool in the ongoing negotiations between those in need and those perceived as having the ability to meet those needs and desires. Petitions could and often did lead to beneficial results for petitioners: an amelioration of their situation or an advancement of their interests. However, the importance and interest of petitions goes far beyond the results (positive or otherwise) achieved for petitioners. Petitions provide evidence of the nature of communities: their values, assumed or adopted, and their dominant preoccupations. Petitions contributed to the construction of a negotiated circle of dependence through the processes of reciprocity, obligation and reputation-building. Through their continuing search for remedy (for Julius Caesar's "grace and justice") petitioners helped both to identify and legitimate authority, and to locate their own place within the circle of dependence.<sup>879</sup> In short, the process of asking and responding (Habermasian communicative action) constructed or endorsed roles and relationships.<sup>880</sup>

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<sup>879</sup> L.M. Hill (ed.), *The Ancient State*, p.241.

<sup>880</sup> Jürgen Habermas's theory of communicative action is analysed in detail by Barbara Fultner in "Communicative Action and Formal Pragmatics" in *Jürgen Habermas: Key Concepts*, Barbara Fultner (ed.) (Durham, 2011), pp.54-74.

## Grounded in an intimate community

Petitions have been widely used by early-modern historians as evidence to support theories and arguments. For example, in 2000, David Zaret published what is surely the most substantial volume on petitioning in early modern England: Origins of Democratic Culture: Printing, Petitions and the Public Sphere in Early-modern England.<sup>881</sup> Despite the extent and breadth of his consideration of petitioning, Zaret's title and sub-title make plain his interests and focus. His primary concern was with printed petitions and their political implications. My own researches have taken a wider purview and I have grounded my exploration of petitioning in a specific locale in order to tease out what cannot be determined at a more superficial level. I have been concerned with petitioning as actually practised in one particular geographical area, that of the port of King's Lynn and its surrounding country, and to explore the "long-standing background of experience" from which those petitions sprang.<sup>882</sup> I have explored what petitions can tell us about the society which produced those petitions and the way petitions reflected both the changed circumstances brought about by the civil war and the continuity of concerns persisting through the years of conflict and tension. What has been revealed is a society that was intimate, where reputation, reciprocity and obligation were key concepts. It was a society in which the mutuality of dependency was recognised and negotiation was the norm of social interaction. Because every petition, in one way or another, contributed to this interdependent and interactive society, then every petition was a political one. Divisions between private and public, local and national are seen to be artificial constructs. King's Lynn and West Norfolk were largely inhabited by people who knew each other, who worshipped together, worked together and struggled together. Moreover, there was no clear blue water between the centre and the localities. As we have seen in Chapter Three, leading families had members at the Royal Court and serving in the burgeoning legal profession. Pauline Croft has given us a particularly vivid picture of the London life of MPs early in James I's reign.<sup>883</sup> We have seen in Section 3.1 that scores of local gentry were recruited to mediate and arbitrate on petitions sent to the crown and Privy Council.<sup>884</sup>

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<sup>881</sup> David Zaret, Origins of Democratic Culture.

<sup>882</sup> Victor Morgan, 'Introduction', in Bacon Papers IV, p.xlii, "Much of what in the past has been treated as discrete phenomena such as parliamentary petitioning was simply part of a continuum and arose from a long-standing background of experience..."

<sup>883</sup> Pauline Croft, "Capital Life: Members of Parliament Outside the House" in Politics, Religion and Popularity, Thomas Cogswell, Richard Cust & Peter Lake (eds.), pp.65-83.

<sup>884</sup> See Section 3.1, A Norfolk Network of Arbitrators: Bacon and the Circulatory of Benefit, p.58.

The crown appointed better-known local landowners to serve as Justices of the Peace. Those justices themselves oversaw the work of a constantly changing band of village officers, who themselves formed a group of politically aware people in every town and village. Such county or village ‘elites’ were always a minority in any community, but in a country with a population of five million (one in which Norwich’s population of 25,000 or so made it the second city in the land) the members of those elites were recognised, talked about, known and turned to in times of need. Reputations mattered.

Zaret declares that petitions in the seventeenth century reveal a shift from the private and secret to the public and open; from privileged influence to public opinion.<sup>885</sup> It is an attractive suggestion, but simplistic. Even when petitioning was for personal or family purposes, the very process itself placed the issues in the public domain, placed both petitioner and petitioned into the petitionary circle of reciprocity. The manner in which petitions were given, received and responded to affected reputations. Petitions that were truly ‘secret’ at the opening of the century were always likely to remain ‘secret’ and unknown to us. The petitions accessible for study in this thesis were deliberately and consciously placed on the public record in some form or another at the time of their presentation, and they remain on the public record to this day. The majority were heard and determined in environments, such as the Privy Council or a thronged Quarter Sessions court room, where the action would be observed, noted and responded to, not merely by officials and members of the court, but by people more than willing to report their observations back to the communities from which the petitions sprang. Many petitions were designed from the start to be ‘public’ documents to be used to support or advance a case or campaign: petitions agreed upon and recorded within the borough council chamber, the Quarter Sessions court room or even in Parliament.

### **Petitions and political agency**

I have argued that individuals and groups of individuals acquired a measure of political agency through petitions and their impact on reputation. We saw in Section 3.1 that every petition handled by Sir Nathaniel Bacon, regardless of whether or not it related to political

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<sup>885</sup> David Zaret, *Origins of Democratic Culture*, pp.6-7.

issues, contributed to his reputation and that in turn his reputation affected Bacon's status and influence in county and parliamentary politics and at Court. Each petition carried an implied appeal to Bacon's concern for his credit or reputation. Each petition remained deferential, acknowledging that Bacon, or those for whom he was acting, such as the Privy Council, had the power of remedy. Petitioning reinforced the existing social and political order.

The evidence from West Norfolk petitions seems at first sight to support Zaret over the emergence of public opinion. Group petitioners such as the fishermen of Wells in the sixteenth century and the fishermen of the Burnhams in 1642 used numbers of signatures to give weight to their pleas, but their petitions remained concerned primarily with the reputation of the person or body petitioned, not with the rights of those petitioning. The opinions of forty men might affect reputation, but represented no real threat to the peace and safety of the commonwealth. But mass petitions of the kind collected and published in the 1640s and 1650s always carried an implied threat to public peace. So too did petitions that implied support from across the country. There was a long-accepted practice of boroughs, like Lynn, joining with others to petition on issues such as trade and protection of shipping in which they had a shared but particular interest. However, the new mass petitions went well beyond that tradition. Petitionary negotiations in which reputation was a dynamic, always presumed that positive benefits would accrue to the party with power or influence. However, negotiation through mass petitions sought to counter the perceived strength and power of the body or person petitioned with the weight and power of the massed petitioners (i.e. with public opinion). Did that make petitionary negotiations more successful? In the case of the 'Handmaids of the Lord', the answer was clearly no.

The printing and publication of petitions in the 1640s and the huge scale of subscription to such endeavours was a spectacular development, but it was a development that sprang from well-established practice. It has been demonstrated, for example in Section 4.2, that the knowledge and understanding of the political usefulness of petitioning had been deeply embedded in this Norfolk community for at least a hundred years and arguably since the emergence of King's Lynn as an international trading centre in the High Middle Ages. The papers of Sir Nathaniel Bacon show that some of Bacon's petitioners were acutely aware of the political environment in which their requests for remedy were being made. In some cases, a degree of collusion is apparent between Bacon and the petitioners

in the pursuit of agreed political objectives. It is probable, for example, that Bacon co-operated with the fishermen of Wells, King's Lynn Corporation and the small bakers of rural Norfolk in the production of such petitions.<sup>886</sup> Bacon's handling of those petitions probably enhanced his political progress and stature. Such petitions gave burgesses and knights of the shire, as Bacon became, leverage and persuasion when they approached Privy Councillors or addressed Parliament. They enabled MPs to claim that their contributions to debates on national political issues were rooted not in criticism of the monarch but in the concerns of the localities they served. Even King's Lynn's printed petition fits this model. The petition gave the borough's burgesses a brief, succinct text to which they could refer and possibly a physical prop to brandish in the House of Commons at the appropriate moment. Thus, the locality's only printed and published political petition (this 'Merchant's Manifesto') is seen to have emerged from a habit of petitioning that was deeply embedded in society. Its concerns for trade echoed petitions from the borough dating back to the twelfth and thirteenth centuries.<sup>887</sup>

It is quite clear that the merchants' and other interests represented by the Corporation of King's Lynn had been politically aware for centuries and that they had used petitioning as one means of expressing their political views. But petitions, supported by other documentation available to us through the Bacon Papers, show that this awareness reached deep into the coastal and country communities of North and West Norfolk. A major contributory factor to this was the nature of the fiscal management of the state. As we have seen in each of the earlier sections, a huge proportion of the petitions interchanged during the years and considered in this thesis were in response to the financial demands of the local and national state. Taxes were not paid anonymously into an equally anonymous all-embracing fund. Direct taxes were assessed by the people who could expect to pay the lion's share of them; indirect taxes (licences and fees) were farmed out to people who were again well known and were collected by others who were recognised and often hated. Regulations relating to provisioning the crown meant people like the fishermen of Wells had to give up portions of their catch to the state. Every householder had to surrender a proportion of their stock and produce to the owner of tithe rights.<sup>888</sup> Real goods were involved in real transactions; if hard cash could not be found then wage bills

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<sup>886</sup> For example, the Wells fishermen, Section 3.1, 'Promoting local interests', p.75.

<sup>887</sup> The merchants' manifesto is discussed at length in Section 4.2, A Merchants' Manifesto, p.141.

<sup>888</sup> See Section 3.1, A Norfolk Network of Arbitrators: Bacon and the Circulatory of Benefit, p.58.

could not be paid. Familiarity with the system did not reduce debate over the implementation of fiscal policies (petitions over corn export licences for example, include sophisticated arguments over the impact of trade restrictions), but it did give an added edge to the debates over the balance between assessed taxation and payments of benefits to the poor, sick and homeless, debates which generated so many of the petitions to Quarter Sessions.

While the mass petitioning of the mid-seventeenth century did not politicise the people, the escalation of discontent did lead to new, more visible ways of expressing that discontent. As I have shown, King's Lynn's Merchants' Manifesto of 1640 did not voice new discontents, but it did express those discontents in a medium to match the new situation in which the borough's merchants found themselves.<sup>889</sup> While we can speculate about how that briefest of pamphlets might have been read, what we cannot know is how many, if any, readers that pamphlet acquired. Unlike many other printed petitions, the Merchants' Manifesto does not carry long lists of subscribers. We have seen earlier that there had been a long tradition concerning the importance of numbers. The fishermen of Wells in the sixteenth century and of Burnham in the seventeenth both expected the collection of 40 marks and signatures to give their requests added authority. The escalation of such argument by number to the 7,000 women's names of These Papers were Presented to Parliament (the printed version of the petition of the 'Handmaids of the Lord', discussed in Section 5.2) was undoubtedly of great significance.<sup>890</sup> But while a number of significant petitions related to 'opinion' (the guiding spirit of the Habermasian public sphere), every single petition, signed by no matter how many or how few, affected reputation. And, as we have seen, in such an intimate society reputation mattered. The opinions of petitioners might be airily dismissed by a king or Parliament intent on continuing on their determined paths, but the failure of an individual to respond appropriately to the requests of a petitioning neighbour could damage reputation and the bonds of reciprocity.

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<sup>889</sup> See Section 4.2, A Merchants' Manifesto, p.141.

<sup>890</sup> See Section 5.2, Handmaids of the Lord in King's Lynn and West Norfolk, p.225.



## **Reciprocity and reputation, inter-dependence and negotiation**

Those who petitioned central authorities from the twelfth century onwards were entirely aware of the mutual dependence of ruler and subject. There were things that subjects could not do alone (negotiate with foreign powers, for example, or protect vulnerable shipping). But they also knew that rulers could not act to meet those mutually agreed needs without the practical help of their subjects, especially the financial resources generated by farming, manufacture and trade, but also for provisions, ships, sailors and muster soldiers. Corporate and group petitioners in particular were aware of this circularity of dependency whenever they petitioned for protection for trade, support for merchants or mitigation of tax demands. But the circle of dependency was also a circle of reciprocity. The culture of reciprocity required favours given to be repaid with favours returned. Reciprocity applied whether the one petitioned was an aspiring politician with an agenda to promote, such as Sir Nathaniel Bacon, or a Lord of the Privy Council or the King himself. As Natalie Zemon Davis has commentated, gratitude required reciprocity and engendered obligation.<sup>891</sup> As part of this circle of reciprocity, a ruler was expected and required to dispense grace and justice, and the subject to be hard-working, dependable and serviceable and not a tax burden on their neighbours.

Reciprocity was fundamentally linked with reputation. A reputation for hard work, commitment and meeting obligations built up the kind of credit that was valued in what Muldrew has shown was a credit-driven society.<sup>892</sup> It was this that enabled Sir Nathaniel Bacon to develop his political standing and influence, both locally and centrally. Reputation put credit in both the financial and political bank. Responding to even the most non-political petition (his arbitration of the problems of five bereaved sisters, for example) added to Bacon's credit in the bank of reputation.<sup>893</sup> This may also have added to Bacon's financial well-being, probably crucially for Bacon himself, but it also helped him meet a religious obligation to be serviceable. Michael Walzer has argued that for Protestants influenced by Calvin, it was not sufficient that they should be submissive and obey Biblical instructions to assist those in need, but that they should also be 'serviceable'.

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<sup>891</sup> Natalie Zemon Davis, *The Gift in Sixteenth-century France* (Oxford, 2000), p.14.

<sup>892</sup> Craig Muldrew, *The Economy of Obligation*.

<sup>893</sup> *Bacon Papers V*, p.243, considered above in Section 3.1, A Norfolk Network of Arbitrators: Bacon and the Circulatory of Benefit, p.58.

Being serviceable, Walzer adds, included an obedience to command and to exercise power.<sup>894</sup>

The character of political petitioning undoubtedly changed during the century or so from Bacon's emergence as a public figure in Norfolk to the restoration of Charles II. The volume of noise increased, but whatever the political-philosophical label put on petitionary interactions by political scientists like Zaret, neither the underlying nature of the interaction nor its effectiveness changed. This was a negotiated society in which petitions were universally known, appreciated and utilised as a tool as likely as any to prove successful for the petitioner. Prior to 1642, this had been a society characterised by a concern with reputation, honour and reciprocated obligations. Society was changing as it always has done, by the steady accretion of layers of complexity and the withering of established layers. In poor law petitions, for example, Steve Hindle has detected a shift from pleas based on need to requests based on entitlement.<sup>895</sup> There are also indications that responding to petitions by appointing gentry as arbitration commissioners was falling out of fashion; the workload of the equity Court of Duchy Chamber which used this method extensively in the reigns of James and Charles I fell away considerably from the Restoration.<sup>896</sup> The demise of the Court of Requests during the civil war period had also shut off this channel for arbitration by commissioners. Such changes and their effects on petitioning invite further investigation.

### **Petitioning as a valued discourse**

In this study, we have seen that petitions were used by or on behalf of almost every section of the community. At one end of the social scale, Henry, Lord Maltravers, Co-Lord Lieutenant of Norfolk, could petition the King for a monopoly licence to mint farthings while at the other end, Margaret Rowse could petition against her village elders for sending her trouble-making husband off to war without making provision for his wife and family. Even the homeless Robert Roands was able to find villagers to petition

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<sup>894</sup> Michael Walzer, *The Revolution of the Saints*, p.167.

<sup>895</sup> Steve Hindle, *On the Parish?*, p.6..

<sup>896</sup> William D. Shannon, "On the left hand above the staire", p.34.

Quarter Sessions on his behalf.<sup>897</sup> The language of petitioning was a discourse that was shared by every level of social relationship, from the nation's and the individual's dialogue with God, through government and Parliament to county, borough and parish. Petitions were valued and turned to as a quasi-legal tool in the search for remedies and benefits. Petitions declared seriousness of intent. Petitions were written to be received, heard and recorded within a public forum (court, Privy Council, Parliament, Quarter Sessions) and so they were therefore more likely to be placed on record. For that reason if for no other, petitions were less likely to be ignored and more likely to be responded to than other means of persuasion such as written or spoken pleas. Petitioning was more accessible and less costly than pursuing remedies through the law courts, but frequently was an action used to supplement or foreshorten legal action.

Petitions were an ongoing set of negotiations made concrete by being written into the public transcript.<sup>898</sup> Petitioning expressed and reflected negotiations between unequal parties, negotiations which "constitute[d] the exercise of power".<sup>899</sup> But, as the Norfolk Quarter Sessions records show, petitions were frequently used to challenge decisions.<sup>900</sup> The balance of interests between petitioning subordinates and petitioned elites was always tilted in favour of the elite, but those elites themselves needed the "compliance or support" of their subordinates.<sup>901</sup> Some of the petitions that have been considered in these pages have specifically and openly addressed this mutuality of benefits. Notable among these was Sir Henry Spelman's economic argument for relaxation of the restrictions on corn exports.<sup>902</sup>

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<sup>897</sup> Coventry Docquets, 603019/74; NRO QS C/S 3/37x1; NRO QS C/S 3/31.

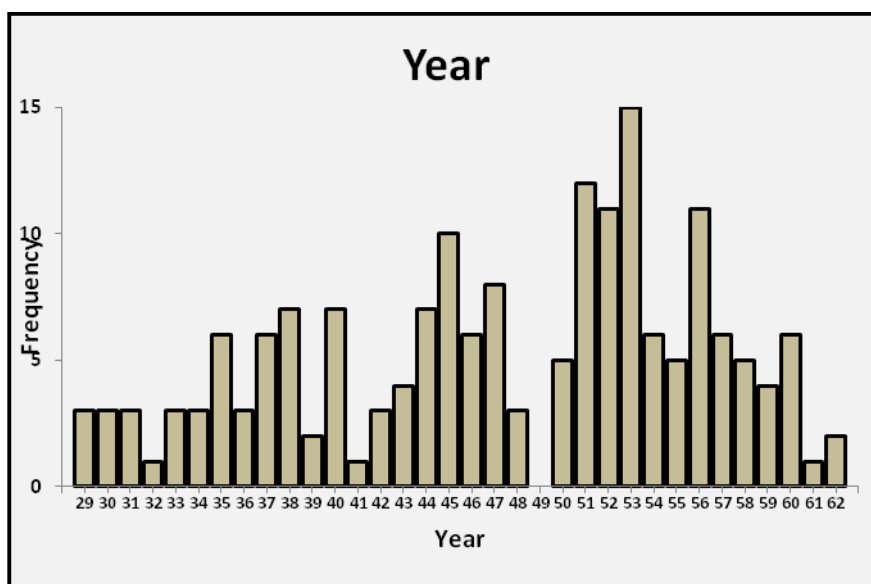
<sup>898</sup> James C. Scott, Domination discusses public transcripts.

<sup>899</sup> Paul Griffiths, Adam Fox & Steve Hindle (eds.), The Experience of Authority.

<sup>900</sup> See Section 3.2, Norfolk Quarter Sessions, Challenging Decisions, Setting Values, p.87.

<sup>901</sup> Michael J. Braddick & John Walter (eds.), Negotiating Power, p.6.

<sup>902</sup> CSPD 1633-34, p.385.



**Figure 6.1: Frequency of Petitioning**

*This chart is based upon petitions sent from individuals and corporate bodies in West Norfolk and King's Lynn to seats of power (such as the King, Privy Council, Parliament and Quarter Sessions) between 1629 and 1662. The low point at 1632 seems to result from the damaged and incomplete state of Norfolk Quarter Sessions records for that year. The petitions used are those recorded from those years in Appendix 2.1. While the base list of petitions cannot claim to include all petitions sent in those years, the differential between years clearly indicates something beyond the simple survival rates of records. There are significant inferences to be read for the low number of petitions recorded in those years in which national authority was contested: 1641, 1649 (a year for which no petitions are listed) and 1661. The peaks reflect the impact of financial demands made by the state.*

### **Developing and defining relationships**

Petitions were a major channel for developing and exploiting obligation, reputation and honour, all key components in negotiation. They also helped to define the parties to negotiation. Petitions indicated the loci of presumed authority. Figure 6.1 shows dramatically that when the loci of authority was in doubt, petitioning fell back, only to be revived with new vigour once the immediate crisis was resolved.

Paradoxically, petitioning also contributed to the resolution of such uncertainties. People would not send petitions to a person or body unless there was a reasonable expectation that the recipient could respond positively. The petition from the borough of King's Lynn to the parliamentary authorities so soon after the siege of Lynn was a public recognition

of the Corporation's acceptance of the parliamentary regime's right to legislate and of the borough's obligation to comply with the regime's dictats. However, it was also a reiteration of the borough's corporate survival, complete with all the rights and status of its pre-conflict self.

Meeting obligations was a mark of the legitimacy of government. That was as true of local government as of national. The borough Corporation had to show active support to meet the needs of its business community (providing adequate fish-drying facilities at The Boal is an obvious practical case in point) and Quarter Sessions was required to ensure the equity of the treatment of the poor, homeless and otherwise needy.<sup>903</sup> Central government was expected to provide public benefits for local communities that could not be provided from local resources. This was the core of King's Lynn's incessant calls for enhanced naval protection for shipping. But central government was also dependent on local communities, not least for generating wealth and paying direct and indirect taxes. Most of King's Lynn's petitions were an explicit acknowledgement of the mutuality of dependence between the town and the state. It was a circle (though surely not often experienced as a virtuous one), embracing state and traders, a circle of interdependence constantly being adjusted and re-stated through petitions.

Petitions declared the condition and status of the petitioners. Most petitioners declared themselves to be poor. All perceived a lack which those petitioned might assuage. Many were also impoverished. We have seen in the section on Quarter Sessions how the material level of poverty, the condition of the petitioner, their age, health and capacity to work was stated. The acceptance and recording of the petition declared the status of the petitioner (if not yet a citizen, voter or ratepayer, they were undoubtedly a member of the community, someone whose plight or request deserved consideration). Other petitioners used petitions both to declare their status and, in so doing, consolidate it. Petitions to Quarter Sessions described as from the inhabitants of a village were always understood as coming from householders who paid rates and taxes and thus had a financial stake in the community. Petitions addressed as from the chief inhabitants were read as from the principle decision-makers in the village, the parson, churchwardens and parish officers.<sup>904</sup> In putting their

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<sup>903</sup> Section 4.2, A Merchants' Manifesto, p.160 refers to The Boal; Section 3.2, Norfolk Quarter Sessions, Challenging Decisions, Setting Values, p.87 discusses the work of Quarter Sessions.

<sup>904</sup> H.R. French, *The Middling Sort of People*, pp.97-107.

names to such petitions, the petitioners were claiming that status within their communities and also having that status publicly confirmed. In a further sense, they were ‘earning’ that status by participating in the activity of petitioning. Peter Lake has discerned a development in such status identifications as the seventeenth century progressed. Petitions no longer claimed to be from “the county”, for example, but from “the good men in the county” or those “well affected to the king”.<sup>905</sup> There are indeed many examples of this type of formulation from King’s Lynn and Norfolk during the civil wars and after. Such identifications may have sought to ingratiate the petitioners with those they petitioned, but they simultaneously set up in opposition elsewhere. One person’s well-affected petitioner was another’s unrepentant rebel. The women who signed These Several Papers were sent to Parliament declared themselves to be God’s handmaids and prophets, but were perceived by many to be blaspheming heretics.<sup>906</sup>

### **Negotiation and compromise**

Petitions were tools in the ongoing negotiations that characterised seventeenth century England. But each petition was itself the result of negotiation and compromise. With collective petitions there was no doubt initial prior compromise over the objectives of each petition. Whether declared to each other or not, there can be little doubt that some of the 40 ‘fishermen’ who signed the petition against the draining and enclosure of Burnham marshes (whether or not they were genuine fishermen rather than interested land-owners) had concerns that were different from those of their neighbours. Lynn’s ‘Manifesto’ of 1640 was clearly also a compromise, its brevity suggests that much was said briefly that might have been argued over if stated at length and that much else was omitted altogether. Compromises were made to ensure that the borough might show that it was ‘on-side’ in the gathering conflict. However, beyond this, there is a sense that every petition was a compromise; most assumed a deference deemed desirable in a petitioner. Those from individuals were frequently ‘negotiated’ through professional draftsmen, with a result that the words intended to be placed on public record were likely to be different from the words used “‘offstage’ beyond direct observation by power holders”.<sup>907</sup> Petitioners,

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<sup>905</sup> Peter Lake, “Puritans, Popularity and Petitions”, p.287.

<sup>906</sup> Section 5.2, Handmaids of the Lord in King’s Lynn and West Norfolk, p.225.

<sup>907</sup> James C. Scott, Domination, p.4.

guided by their advisers, no doubt made the best case they could in support of their pleas. That does not mean they lied. In such an intimate society, outright lies were bound to be discovered. The language used may well have implied a deference and respect not deeply felt by the petitioner but, as we have seen above, the petitionary circle of ‘asymmetric reciprocity’ was concerned with building and utilising credit. The language adopted for petitionary transactions (the language of deference) seemed not merely appropriate but entirely natural to those using it.<sup>908</sup>

## **Change and the impact of war**

When I began this study, I had expected to discover that petitioners would find it easier to deliver petitions to a Parliament firmly based in Westminster and permanently in session than to a complex royal court at which one needed a specialist understanding of the processes of power to take a plea to the crown through to a successful conclusion. However, my researches have convinced me that the revolution merely replaced one serpentine complexity with another. It took a corresponding knowledge and expertise to pursue a petition to its close through the labyrinth of parliamentary committees.

The calling of Parliaments in 1640 released what was to become a torrent of petitions. Among the mass of printed political petitions of the early 1640s was the single sheet petition from the borough of King’s Lynn. Its pithy bullet points, analysed in Section 4.2, itemise long-standing concerns. Many of those concerns (such as tax assessment, the protection of shipping and the impact of drainage on the flow of the Ouse) continued to trouble the borough for decades to come. Nevertheless, the borough’s petitionary calls on the new government escalated in number after the revolution. I have identified six petitions sent to central government (the King and Privy Council) on behalf of the borough for the years 1629-1642. However, 28 were sent between 1643 and 1660. Was the escalation in petitioning the result of the situation in which the borough found itself before 1643 (despite the ravages of plague and pirates, the constraints on exports and constant demands for tax) less desperate than after the siege of the town? Or was it because the borough’s relationship with the parliamentary powers was closer than with

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<sup>908</sup> I would like to repeat my thanks to Dr. Victor Morgan for the phrase “asymmetric reciprocity”.

the crown? Or was the increase simply the result of the times, times which were even more desperate after the siege of the town than they had been before it and in which remedies were even harder to find? Half of the post-siege petitions from the borough concerned the costs of maintaining the parliamentary garrison in the town. But as we have seen in Section 4.3, tax assessments and protection of shipping featured in both periods.<sup>909</sup>

Petitions to Quarter Sessions were scarcely interrupted by the outbreak of armed conflict between Charles and his Parliament. The petitions reflect a continuity of concerns and anxieties. Comparison with Quarter Sessions records from Warwickshire and Essex suggest that Norfolk people suffered less from the conflict than did those living in frontline counties. However, the impact of the war is very much more visible in petitions from individuals to Parliament. The Coventry Docquets from the years immediately before the civil war are largely concerned with seeking benefits from the King; petitions for grace dominated over petitions for justice. In the parliamentary decade, people still sought jobs and largesse from the new regime just as their predecessors had done from the crown, but now a greater proportion of petitioning individuals pleaded for their lives and for the continued existence of their landed estates.

The conflict generated an approach to self-identification that was markedly different from previous practice. Earlier petitions had identified the writers as, for example, the inhabitants or chief inhabitants of a parish, people worthy of respect and a close hearing. In the 1640s there emerged petitions signed and marked by people describing themselves as “well affected”, people claiming respect and close hearing because of their support for the parliamentarian cause. It was not always entirely clear which faction of the parliamentary cause was being supported in such claims as, for example, in the petition from the “well affected” of Norfolk and Suffolk to Lord Fairfax.<sup>910</sup>

## Petitions as evidence

As historical evidence, petitions are far from perfect. There can be problems over the ‘truthfulness’ of the statements made in petitions. James C. Scott implies that petitioners

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<sup>909</sup> See Section 4.3, *Siege and Aftermath*, p.188.

<sup>910</sup> Robert Ashton, Counter-Revolution, p.129.



invariably adopt one ‘truth’ for expressing to those from whom they required help and another to friends and supporters out of the earshot of authority.<sup>911</sup> While petitions are more likely than not to be factually accurate, they may well mask the ‘true’ sentiments behind them. Quite apart from the fact that little anyone had to say was ever out of earshot of the authorities in this intimate world, the overall impression of the records from Norfolk Quarter Sessions is that they convey accuracy as to matters of fact. However, petitioners clearly did not feel under any obligation to tell the whole truth. The statements they made were selective in what they communicated. It has been a recurring frustration that petitions so rarely give a full picture of the problem faced by the petitioner or the context in which the petition was produced. The petition of the fishermen of Burnham is a strong example of the surface words of a petition presenting a straightforward case, while the unstated context is complex and far-reaching.<sup>912</sup>

Quite apart from issues over the veracity of statements made in petitions, there is a major difficulty over the survival of texts. As we have seen, scarcely half of the records of Norfolk Quarter Sessions for the years 1629-1661 have survived in a state which can be read. The notebooks of the Master of Requests, Sir Roger Wilbraham, were at best intermittently maintained and, like Lord Coventry’s docquets, give only the sparest of information. The Hall Books of King’s Lynn Corporation rarely record the wording of petitions, whether sent or received. The published papers of Sir Nathaniel Bacon are unique in the extent to which they give access both to petitionary texts and their contexts.

The records that do survive were saved with deliberate purpose. In the main, records were kept as authority for action to be taken (or indeed not taken) and were often endorsed with a note of what was to be done. Those surviving records give only so much information as was required for the purposes for which they were retained. Much of what remains can be at best only partially understood. The petition from the fishermen of Burnham, while mono-vocal and ostensibly concerned and only concerned with the difficulties embankment and drainage would cause the fishermen, clearly cloaked wider concerns about land rights and the royal prerogative. In many cases petitions to Quarter Sessions would be more meaningful to modern readers if the contexts were known, but often the

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<sup>911</sup> James C. Scott, *Domination*, p.4.

<sup>912</sup> Section 5.1, Polyphony and Petitioning: the Case of the Fishermen of Burnham Marshes, p.211.

establishment of such contextualisation can at best be fragmentary. We can speculate about the thoughts and emotions of petitioners, but we cannot retrieve them.

There is one more significant gap in our knowledge. We do not have, nor can we expect to find, the petitions that were presented but rejected, ‘filtered out’ by the receivers. My researches revealed records of petitions which were unsuccessful, but no petitions that were not even considered. The poor and homeless who appear in the records do so by grace of the receivers of their petitions. Others, notably itinerants and especially homeless women of child-bearing age, may well have been excluded by magistrates prejudiced against vagrants and the undeserving poor.<sup>913</sup> The scale of such exclusions cannot be calculated. This gap in our knowledge is arguably more significant than the gap created by the rejection of petitions on political grounds. Militants in the parliamentary army made very clear their disgust at having their petitions to Parliament not merely rejected, but burned by the public hangman. “There is little good” they wrote “to be hoped for from such Parliaments as need to be Petitioned: so there is none at all to be expected from those that burn such Petitions as these”.<sup>914</sup>

Despite all the problems with petitions as historical evidence, those that do survive provide significant insights into the communities that generated them. Communities and individuals valued and persisted with petitioning through all the traumas of mid-seventeenth century England. While petitioning was not ubiquitous, it was deeply embedded within the contemporary consciousness. Petitioning was deeply valued by petitioners and its value acknowledged by recipients. Even the Restoration Parliament accepted that petitioning was a right to be protected. The Petitions Act of 1661 set out to ban mammoth petitions delivered to Parliament by huge crowds of menacing supporters, but it added:

This act... shall not be construed to extend to debar or hinder any person, not exceeding the number of ten aforesaid, to present any public or private grievance or complaint.<sup>915</sup>

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<sup>913</sup> Keith Wrightson, *Earthly Necessities: Economic Lives in Early Modern Britain, 1470-1750* (London, 2002), pp.148, 156 & 198, the latter recounts the story of Henry Savery of Stow Bardolph in West Norfolk, who became a vagrant in 1629.

<sup>914</sup> Quoted in Robert Ashton, *Counter-Revolution*, p.125, where he cites BL E.392(4), p.6.

<sup>915</sup> Quoted in Chris R. Kyle & Jason Peacey (eds.), *Parliament at Work*, p.12.

Our understanding of the communities and individuals from which petitions sprang can enhance our understanding of the significance of those petitions. Equally, our enhanced understanding of petitions can add new dimensions to our understanding of early modern communities. Petitions add to our understanding of the way events in critically important years were experienced, but also reveal the continuing concerns of communities that both had to earn their keep and pay their way. Above all, petitions remind us of how precarious reputation, prosperity and life itself was. The most repeated petition, said frequently in churches up and down the land, was “Good Lord deliver us”.<sup>916</sup>

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<sup>916</sup> Thomas Cranmer, The First English Prayer Book (1549; New Arlesford, 1999), p.86.

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## APPENDICES

## Appendix 1.1: King's Lynn and its 'Country'

The choice of King's Lynn and its 'country' as a special focus for this thesis is discussed in earlier Section 1.3 (p.17). The area includes the district which is currently the Borough of King's Lynn and West Norfolk together with Fakenham and the coastal parishes to Blakeney, an area over which Lynn exercised admiralty powers in the mid-seventeenth century.



Map by Phillip Judge, Cartographer, UEA.<sup>917</sup>

<sup>917</sup> The map is based on administrative parishes post-1974.

## Appendix 1.2: Parishes in the Study Area

King's Lynn and its 'country': the parishes of King's Lynn and West Norfolk with the coastal parishes over which King's Lynn exercised admiralty court jurisdiction.

Parishes in West Norfolk		Parishes in North Norfolk
Anmer	North Creake	Holkham
Bagthorpe with Barmer	North Runcton	Wells next the Sea
Barton Bendish	North Wootton	Warham
Barwick	Northwold	Stiffkey
Bawsey	Old Hunstanton	Morston
Bircham	Outwell	Blakeney
Boughton	Pentney	
Brancaster	Ringstead	<b>Hundreds</b>
Burnham Market	Roydon	
Burnham Norton	Runcton Holme	King's Lynn
Burnham Overy Staithe	Ryston	Freebridge Lynn
Burnham Thorpe	Sandringham	Freebridge Marshland
Castle Acre	Sedgeford	Clackclose
Castle Rising	Sherbourne	Grimshoe (part)
Choseley	Shouldham	South Greenhoe (part)
Clenchwarton	Shouldham Thorpe	Smithdon
Congham	Snettisham	Docking
Crimplesham	South Creake	Brothercross
Denver	South Wootton	Gallow (part)
Dersingham	Southery	North Greenhoe (part)
Docking	Stanhoe	
Downham Market	Stoke Ferry	<b>Other Quarter Sessions locations</b>
Downham West	Stow Bardolph	
East Rudham	Stradsett	Thetford
East Walton	Syderstone	Swaffham
East Winch	Terrington St Clement	Fakenham
Emneth	Terrington St John	Walsingham
Feltwell	Thornham	
Fincham	Tilney All Saints	
Flitcham Cum Appleton	Tilney St Lawrence	
Fordham	Titchwell	
Fring	Tottenham	
Gayton	Upwell	
Great Massingham	Walpole	
Grimston	Walpole Cross Keys	
Harpley	Walpole Highway	
Heacham	Walsoken	
Hilgay	Watlington	
Hillington	Welney	
Hockwold Cum Wilton	Wereham	
Holme Next The Sea	West Acre	
Houghton	West Dereham	
Hunstanton Town	West Rudham	
Ingoldisthorpe	West Walton	
Leziate	West Winch	
Little Massingham	Wiggenhall St Germans	
Marham	Wiggenhall St Mary Magdalen	
Marshland St James	Wimbotsham	
Methwold	Wormegay	
Middleton	Wretton	
Nordelph		

### Appendix 1.3: Early Modern King's Lynn and The Wash



R.A. Skelton (ed.), *Lucas Jansz Waghenauer's Spiegel Der Zeevaerdt*, Leyden 1584-5, *Theatrum Orbis Terrarum* (Amsterdam, 1964): a detail from the Nord Zee chart showing King's Lynn, top left, and the North Norfolk coast to Blacqney (Blakeney) over which the borough exercised admiralty jurisdiction. King's Lynn is shown on the left of the Ouse estuary with Old or West Lynn on the opposite bank. Boston, Lynn's collaborator in several petitions, is shown on the north shore of The Wash.



## Appendix 1.4 Restoration King's Lynn



Bell's The Ground Plat of Kings Lynn, undated but from the third quarter of seventeenth century. NRO Bradfer-Lawrence Collection, BL 4/2-3.

## Appendix 2.1: Petitions, 1629-1662

The table below lists petitions relating to King's Lynn and West Norfolk referred to in the main text.

1629	SP16/149/115	"Divers merchants" petitioned Privy Council for permission to export grain.
1629	Hall Book 7 KL/C7/9 f.319	Brian Luxton, a prisoner in Turkey, petitioned for help from Lynn; granted £20 to redeem him.
1629	<u>CSPD 1629-31</u> p.372	Captain of <i>4th Lions Whelp</i> sought payment of 'certain extra disbursements' incurred protecting Lynn.
1630	NRO C/S 3/27	To QS: Ellis claims he was put out of house & home by Thomas Kempe, yeoman and constable.
1630	NRO C/S 3/27	To QS: Shepheard claims a will's provision had been misappropriated.
1630	<u>CSPD 1629-30</u> pp.171-180	Wash ports offer to pay led to deployment of <i>Lions Whelp</i>
1631	SP16/188/6	Sampson & Caine, bosun and gunner with Capt. March on <i>4th Whelp</i> plea for wages to be paid
1631	SP16/187/11	Capt. March petitions a privy councillor for Sampson and Caine's claims to be disregarded.
1631	NRO C/S 3/28	To QS: Kempe, a widower, sought right to settle at Pensthorpe and weekly relief.
1632	NRO C/S 3/28	To QS: Tilney parish sought approval for restructuring of care arrangements for fatherless child.
1633	<u>CSPD 1633-34</u> p.385	To PC: Martravers and "tilthmasters" of Norfolk bid for lifting of corn export ban.
1633	<u>CSPD 1633-34</u> pp.507 & 527	To PC from Sykes, appointment as gunpowder producer for East Anglia.
1633	<u>CSPD 1633-34</u> p.380; <u>CSPD 1634-35</u> p.187	To PC: request for finance to rebuild Blakeney quay.
1634	<u>CSPD 1634-35</u> p.95; <u>CSPD 1635</u> p.69	To PC: request for finance to rebuild Wells quay.
1634	Hall Book 7, KL/C7/9 f.402	To PC: borough pleads for easement of ship money demand.
1634	Hall Book 7, KL/C7/9 f.398-400	To PC: county oppose ship money reduction for Lynn.
1635	<u>CSPD 1635</u> p.304	To PC: 12 named debtors plead for release.
1635	NRO WAL770/8, 280x5	To the King from Edward Rennick concerning Crown rights over Burnham Westgate's market.
1635	SP16/299/57	To PC: Heyrick contests tax demand on his holiday home in Norfolk.
1635	<u>CSPD 1635</u> p.63; <u>CSPD 36-37</u> , p.63.	Series of petitions etc from Thomas Milner JP regarding abuse of impressment at Lynn.
1635	<u>CSPD 1635</u> p.501-2	To the King from fishermen of Norfolk & Suffolk against salt monopoly.
1635	<u>CSPD 1635-36</u> p.287	To PC from Dr Thomas Cooke re. Cambridge Fellowships reserved for Norfolk men.
1636	<u>CSPD 1635-36</u> p.34	To PC from Thomas Barrett for permission to export corn to Low Countries.
1636	SP16/336/12	To PC from Giles Tatsell re loss of <i>Unity of Friends</i> to United Provinces.

- 1636 Hall Book 7, KL/C7/9 f.451 & 2 To PC: Lynn seeks mitigation of ship money demand.
- 1637 SP16/347/30; SP16/354/157; To PC from Lynn appeal for reduction in 3rd tranche of ship money because of plague.
- KL/C7/9 f.466
- 1637 CSPD 1636-37 p.45 To PC from Lynn concerning tax and plague.
- 1637 CSPD 1636-37 pp.344 & 448 To PC from Lynn concerning tax and plague rebutting complaints from Norfolk tax commissioners.
- 1637 NRO C/S 3/31 To QS from Henrie Golding seeking release from having an apprentice because of debt.
- 1637 NRO C/S 3/31x1 To QS: Thomas Whicte chief constable of Freebridge denies tax irregularities.
- 1638 NRO PC 75/153 To Comm. Of Sewers from Northwold land owners re access rights during drainage.
- 1638 CSPD 1637-38 p.252 To the King from Fens Adventurers urging early completion of drainage scheme.
- 1638 NRO C/S 3/31 To QS from Northwold inhabitants urging re-housing of Robert Roands.
- 1638 CSPD 1637-38 p.492 To King from earl of Carlisle's beneficiaries against Haesdonck's drainage rights.
- 1639 CSPD 1638-39 p.326 To King from Haesdonck seeking protection of his drainage rights.
- 1639 CSPD 1639-40 p.214 To King from recusant John Cobb of Sandringham seeking protection from harassment.
- 1640 Hall Book 8, KL/C7/10 ff.47, To PC: Dr Samuel Baron claimed Lynn had defaulted on paying for his services during plague.
- 56, 57; SP16/443/38
- 1640 CSPD 1639-40 p.479 To PC from Carlisle's beneficiaries: part of dispute over coastal enclosure schemes.
- 1640 CSPD 1640 p.271 To King from Haesdoncke: part of dispute over coastal enclosure schemes.
- 1640 PCR in facs. Vol. XI To PC: Walter Kirby seeks licence to export corn.
- 1640 Parl. Archives To Lords: 40 fishermen of Burnham oppose coastal enclosure scheme.
- HL/PO/JO/10/1/75 (1641)
- 1641 Parl. Archives To PC: Lanslett Hammond appeals against his imprisonment for speaking against an Assize judgement.
- HL/PO/JO/10/1/113
- 1642 Thomason/E137[21]; Wing 2nd To Commons: Printed Petition from King's Lynn.
- edn./H3481
- 1642 NRO C/S 3/33 To QS: Walpole St. Peter seek to send a seven year old bastard back to birthplace.
- 1642 Hall Book 8 KL/C7/10 ff.106, To Parliament: Lynn sought financial aid from parliament towards costs of fortifications.
- 107
- 1643 NRO C/S 3/33 To QS: Dorothy Chester, grandmother sought variation in payments required for upkeep of grandchildren.
- 1643 Hall Book 8 KL/C7/10 f.109 To Commons from Lynn concerning payment of wages to state employees.
- 1643 CJ Vol. 3, 22 March To Parliament via Toll MP, petition from Lynn inhabitants re 'distractions & divisions'.
- 1643 Harrod, "Hall Book 8, Index", Peace plea from Lynn Corporation to Cromwell.
- p.114
- 1644 Holmes, The Eastern Eastern Association: petitioned for help with Lynn finances after siege.
- Association, p.120
- 1644 Holmes, The Eastern To Parliament: petition from borough for financial help channelled through East group of MPs.
- Association, p.120
- 1644 Parl. Archives To Parliament: Earl of Arundel petitions against plunder of his woods at Castle Rising.
- HL/PO/JO/10/1/170

- 1644 CJ Vol. 3, 3 July 44 To Parliament: Heacham and Holme petition against L'Estrange over possession of harvest.
- 1644 Hall Book 8 KL/C7/10 f.131 To Eastern Assoc. Petition from Lynn re. cost of removing church windows.
- 1644 NRO LEST/P20 f.37 To Parliament from county against deployment of army outside East Anglia.
- 1644 Parl. Archives HL/PO/JO/10/1/177 To Fairfax: appeal by Roger L'Estrange against death sentence.
- 1644 Parl. Archives HL/PO/JO/10/1/177 To Lords: appeal by Roger L'Estrange against death sentence.
- 1645 NRO C/S 3/34 To QS: 40 Hockwold inhabitants oppose grant of alehouse licence to reprobate.
- 1645 CSPD 1644-45 p.225; To Parliament: Lynn argued against reducing excise SP16/506/1 officers' own assessments for tax.
- 1645 CCC p.18 To Commons: Mary Parker sought reparations for war damage.
- 1645 Parl. Archives HL/PO/JO/10/1/181 To Commons: Jeremiah Beck petition against sequestration.
- 1645 LJ Vol. 7, 12 April 1645 & Parl. Archives WIL/2/47 To Parliament: Hamon L'Estrange and Robert Clench appeal against sequestration.
- 1645 CSPD 1645-7 p.67 Petition from Lynn referred to Commons by Committee of Both Kingdoms [text unknown]
- 1645 LJ Vol. 7, 19 April 45; CJ vol. 2 May & 15 December 1645 To Parliament: Thomas Bedingfield petition for permission to go abroad.
- 1645 CJ Vol. 4 21 May 45 To Parliament: Lynn re payment of garrison.
- 1645 Mason, The History of Norfolk, p.322 To Parliament: archdeacon of Ely petitions against fine of £1,500 on estate worth £789.
- 1645 Hall Book 8 KL/C7/10 f.165 & f.169v To Parliament: borough petitions for reduction in tax assessment.
- 1645 NRO C/S 3/37x2 TO QS: Four families from East Winch fire victims, sought help to rebuild lives
- 1646 NRO C/S 3/37x1 To QS: petition for help from Margaret Rowse who husband had been drafted into army.
- 1646 Hall Book 8 KL/C7/10 f.182 To Lynn Borough from "shipmasters and marriners" against "strangers" selling coal at port.
- 1646 Hall Book 8 KL/C7/10 f.190 To Parliament: Lynn wanted garrison disbanded.
- 1646 Hall Book 8 KL/C7/10 f.201 & 2 To Lynn borough from ministers in dispute over national day of prayer.
- 1646 CJ Vol. 4 18.02.46 To Parliament from 'divers well affected' in Lynn disputing election result.
- 1646 Hall Book 8 KL/C7/10 f.200 To Parliament from unknown 'well affected' calling for retribution against Lynn Royalists.
- 1647 LJ vol. 9: pp.262, 263, 277-9. To Parliament from well affected of Norfolk and Suffolk over disbandment of army.
- 1647 Hall Book 8 KL/C7/10 f.216 To Borough from Lynn apprentices petitioning for a day off a month.
- 1647 Hall Book 8 KL/C7/10 f.205 To Eastern Association from Lynn re cost of garrison.
- 1647 Hall Book 8 KL/C7/10 f.216-7. To Parliament from Lynn pay or disband the Lynn garrison.
- 1647 BL E395(22) To Fairfax re disbandment of the army, printed as The Humble Petition of the peaceable etc.
- 1647 Hall Book 8 KL/C7/10 f.206 To Lynn borough from 'adventurers at sea' requesting replacement of fish drying facilities.

- 1647 Parl. Archives  
HL/PO/JO/10/1/235
- 1647 Parl. Archives  
HL/PO/JO/10/1/246
- 1647 Hall Book 8 KL/C7/10 f.226
- 1648 NRO C/S 3/38x1
- 1648 NRO C/S 3/38x1
- 1648 LJ Vol. 10, 19 February 48 &  
02.03.48
- 1650 CCC p.388
- 1650 CCC p.2350
- 1650 QS. p.27#96
- 1650 Hall Book 8 KL/C7/10 f281
- 1651 Hall Book 8 KL/C7/10 f307
- 1651 CSPD 1651 p131
- 1651 CSPD 1651 p131
- 1651 Hall Book 8 KL/C7/10 f328
- 1651 CSPD 1651-2 p.49 V.16
- 1651 Hall Book 8 KL/C7/10 ff.305, 6
- 1651 QS. p.31#157
- 1651 QS. p.32#162
- 1651 QS. p.32#163
- 1651 QS. p.29#127
- 1651 CAM p.1325
- 1651 NRO BL/O/FF 4/1-2
- 1651 CAM p.1171-2
- 1651 CAM p.1171-2
- 1651 Hall Book 8 KL/C7/10 ff.328,  
332, 335
- 1652 CSPD 1651-52 p.158
- 1652 Hall Book 8 KL/C7/10 [Draft  
only]
- 1652 CSPD 1651-52 p.519;  
SP18/27/33
- 1652 Hall Book 8 (KL/C7/10) ff.335,  
339, 340, 341 &344
- 1652 QS. p.51#407
- To E. Of Manchester from unnamed people in Norfolk  
supporting Fairfax against disbandment of army.
- To Parliament: Clampe an engineer at Newark petitioned  
for recompense for services rendered.
- To Parliament from Lynn re. Garrison.
- To QS: 80 year old blind petitioner from Ashwicken  
sought relief.
- To QS: re care arrangements for fatherless child.
- To Parliament: Lynn petitioned for additional coastal  
protection vessels.
- Garret, agent for Norfolk Sequestration Committee  
sought rise because of increased work load.
- To Compounding Committee from debtor Lynsey.
- To QS: Thomas Life, ex-overseer for Downham,  
reclaimed cash paid out in course of duties.
- To Eastern Association from Lynn borough, dispute with  
county committee over assessments.
- To Parliament: Lynn objected to construction of sluices  
at Denver and interruption of navigation.
- To Council of State from 'inhabitants' of Norfolk calling  
for an association of honest men to defend public.
- To Council of State: a similar petition from 'the godly  
and well-affected'.
- To Comm. for Navy & Customs from Lynn Borough  
request to use coal tax for relief of poverty.
- A petition from John Bellerby was referred to Irish and  
Scotch Committee.
- To Comm. for Trade: petition from Scarborough and  
north sea ports against unfair practices at Lynn.
- To QS from Walpole St. Peter inhabitants re death of a  
widow with children.
- To QS from Hockhold inhabitants asking who should  
care for children of a slain man.
- To QS from Stoke inhabitants re. Costs of child care.
- To Qs from Weeting re dispute over 'watch and ward'.
- To Comm for Advance of Money from Robert Skipworth  
over sale of seized goods.
- To QS: fire victims seek assistance.
- To Comm for Advance of Money from John Drury of  
Docking for end to persecution by Wm. Barker
- To Comm for Advance of Money from William Barker  
against John Drury.
- To Comm for Navy & Customs from Lynn borough for  
use of coal tax
- To Council of State from inhabitants of Norfolk. Ref. To  
Irish and Scotch Committee.
- For Council of State from Lynn petition for power to  
recruit and pay captains for protection vessels.
- To Council of State from Lynn and Yarmouth re refitting  
of *Concord* for protection duties.
- To Committee for Army from Lynn re assessments.
- To QS from Walsoken inhabitants re disorderly alehouse.

1652	<u>QS</u> . p.51#408	To QS: from West Lynn re dispute with Lynn borough over care of orphan girl.
1652	<u>CSPD 1651-2</u> p.404	To Council of State from people of Lynn and Boston for convoy system.
1652	Hall Book 8 KL/C7/10 f.354; <u>CSPD 1651-2</u> p.370	To Council of State from Lynn borough and merchants for sea protection.
1652	<u>CSPD 1651-2</u> p.370	To Council of State from masters of ships trapped in Thames (includes Lynn ships).
1652	<u>QS</u> . p.41#274	To QS from Thomas Shrimpling seeking arbitration with Richard Young.
1652	Hall Book 8 KL/C7/10 ff. 339, 340, 341, 344	To Committee of Army, from Lynn; further escalation of row over garrison.
1652	<u>CSPD 1651-52</u> p.504	To Council of State from William Garrat of Lynn referred on to Com. For Foreign Affairs.
1653	SAL/MS/138, 127 f.235	To Cromwell from Norfolk 'Churches of Christ' for purge of preachers.
1653	<u>CSPD 1652-53</u> pp.137-193	To Council of State from Wells inhabitants, ref. To Irish and Scotch Com.
1653	<u>CSPD 1652-53</u> p.380	To Council of State from Reynold Clerke, constable of Tilney Lawrence; ref. To Irish and Scotch Com.
1653	Hall Book 8 KL/C7/10 f.379	To the Lord General from Lynn requesting powder and shot
1653	Hall Book 8 KL/C7/10 f.376; <u>CSPD 1652-53</u> p.280	To Council of State from Lynn asking for town to keep its blockhouse.
1653	Hall Book 8 KL/C7/10 f.376	To Navy Committee from Lynn for permission to disperse residue of coal tax.
1653	<u>CSPD 1652-53</u> p.206; <u>CSPD 1652-52</u> p.421	To Council of State from Lynn & Boston re. Deployment of <i>Briar</i> protection vessel.
1653	<u>CSPD 1652-53</u> p.295.	To Council of State from Thomas Cartwright of Lynn. Referred to Admiralty judges.
1653	<u>QS</u> . p.62#542	To QS from elderly John Parker for increased allowance.
1653	<u>CSPD 1653-54</u> p.89	To Council of State from Wm Exelbert of Lynn, referred to Committee on Prize Goods.
1653	<u>QS</u> . p.55#440	To QS from Lynn in dispute with West Lynn over care of orphan.
1653	<u>CSPD 1652-53</u> p.115	To Council of State from Governor of Lynn on behalf of unpaid ensigns from garrison.
1653	<u>QS</u> . p.58#476	To QS from Weeting inhabitants seeking expulsion of 3 years old vagrant.
1653	<u>CCC</u>	To Comm. For Compounding from Henry Dey of Burnham Ulph for protection from debt
1653	<u>CSPD 1653-54</u> p.195	To Council of State from Henry King of Wells for return of ship recaptured from pirates.
1653	<u>CSPD 1653-54</u> p.333	To Admiralty Committee from Wells complaining protection convoy did not wait for Wells ships.
1653	SP18/40/128	To Council of State from John Noll on behalf of Lynn sailors captured by Dutch.
1654	NRO Hare 690 188/3	To Commission for Fen Drainage from Downham Commoners.
1654	Hall Book 8 KL/C7/10 f.410	To Council of State from Lynn re protection convoys in Wash.
1654	NRO C/S 3/41A 1654	To QS from Mary Ashton countering defamation charges made by Marian Topin.

1654	NRO C/S 3/41A 1655	To QS from John Farthing whose son failed to answer bail.
1654	NRO C/S 3/41A 1656	To QS from imprisoned debtor John Games.
1654	<u>CSPD 1654</u> p.65	To Council from Grand Jury meeting at Lynn re Ouse navigation.
1655	<u>CSPD 1655</u> p.28	To Admiralty Comm. From John Samye who had not been paid for gunpowder.
1655	Hall Book 8 KL/C7/10 f.441	To Comm. for Customs from Lynn for permission to continue to levy coal tax.
1655	NRO C/S/ 3/42A(2); <u>QS</u> p.80#767	To QS from Wormegay parish in support of new licensee.
1655	NRO C/S 3/42A 1654	To QS from gaoler Samuel Wickham to be paid for time spent chasing escaped prisoner.
1655	SP18/122/132	To Comm. Of Admiralty from wounded sailor John Blabee for discharge.
1655	NRO C/S 3/42A(1)	To QS from Cambridge justices returning vagrant John Hodge to Methwold.
1656	<u>CCC</u> p.718	To Comm for Compounding from Norfolk sub-commissioner for extra help.
1656	NRO C/S 3/42A(2); <u>QS</u> pp.84 & 97#839 & 1008	To QS from John Hansell and Tom Greenwood for relief.
1656	<u>CSPD 1656-57</u> pp.5 & 22	To Council of State from Lynn for Cromwell to grant a new charter for borough.
1656	<u>CSPD 1655-56</u> p.210	To Council of State from Mayor, merchants & marriners of Lynn for protection from Flemish fleet.
1656	NRO C/S 3/42A(1); <u>QS</u> . p.85#840	To QS from Robert Burgess for change of apprentice.
1656	NRO C/S 3/42A(1); <u>QS</u> . p.85#842	To QS from John Parker requesting more relief.
1656	Hall Book 8 KL/C7/10 f.477; <u>CSPD 1655-56</u> p.210.	To Council of State from Lynn people (signed by 73 people) for protection convoys.
1656	Lynn Sessions Order Book KL/C21/3, 1 May	To Lynn Sessions from Elizabeth Wormell for maintenance.
1656	Lynn Sessions O.B. KL/C21/3, 18 September	To Lynn sessions from Elizabeth Wormell for increasing maintenance.
1656	SP18 128/94 ( <u>CSPD 1656</u> pp.387-8)	To the Lord Protector from Grimston for a schoolmaster.
1656	<u>CSPD 1656-57</u> p.111	To Council of State from John Lovell for release from sequestration.
1657	<u>CSPD 1656-57</u> p.207	To Council of State re dispute between Receivers-General for Norfolk and the Auditor.
1657	Hall Book 8 KL/C7/10 f.506	To Lynn borough, Thomas Vicars petition from Freedom.
1657	<u>CSPD 1656-57</u> p.286	To Council of State from east coast coal traders (specifically including Lynn) for protection.
1657	<u>QS</u> . p.94#972	To QS from Henry Harwood. Keeper of Swaffham House of Correction, for payment for repairs.
1657	NRO CS 2/2 [p.5]	To QS from Thomas Taylor of Downham Market against bailiff of Clackhouse Hundred.
1657	NRO CS 2/2 [p.17]	To QS from Thomas Loader seeking alehouse licence.
1658	NRO CS 2/2 [p.47]	To QS from inhabitants of Walsingham recommending Keeper of Walsingham Hospital.
1658	Hall Book 9, KL/C/7/11 f.5v	To Lynn borough, pay arrears granted on petition.

- 1658 Thurloe Papers VII p.602 To Thurloe from Master & Fellows of Johns College, Cambridge against B. Wormall of Lynn.
- 1658 CSPD 1658-59 p.123 To Council of State from Col. Salmon's regiment for payment of wages.
- 1658 Hall Book 9, KL/C/7/11 f.7v To Lynn borough from Ministers for establishment of a brewhouse.
- 1659 NRO CS 2/2 [pp.61-2] To QS from Lynn churchwardens re. cross boundary care arrangements for children.
- 1659 NRO CS 2/2 [p.71] To QS from Edward Lay of Clenchwarden for variation of child care arrangements.
- 1659 Printed as These Several Papers To Parliament about tithes from 7000 women including identified women from Norfolk.
- 1659 Printed as: Address from the Gentry of Norff To Monck calling for a free parliament.
- 1660 CSPD 1660-61 p.156 To Privy Council from Laurence Withers for customs post at Lynn.
- 1660 Hall Book 9, KL/C/7/11 f.44 To the King from Lynn borough seeking pardon.
- 1660 Hall Book 9, KL/C/7/11 f.37 To Lynn borough from merchants and mariners for protection for shipping.
- 1660 Hall Book 9, KL/C/7/11 f.37 To Committee for Admiralty for protection for shipping.
- 1660 CSPD 1660-61 pp.61, 64, To Privy Council from Edmund Schuldham of Lynn for customs post there.
- SP19/4/138
- 1660 CSPD 1660-61 p.449 To King from Henry Isam for Excise post.
- 1661 Hall Book 9, KL/C/7/11 f.80v To Lynn borough from St. Margaret's parish seeking appointment of orthodox minister.
- 1662 Hall Book 9, KL/C/7/11 f.103 To Parliament from Lynn borough for orthodox minister for St. Margaret's.
- 1662 Tanner MSS. Vol. 134, f.164 To Dean of Norwich from Joseph Cocks to retain property acquired during rebellion.



## Appendix 2.2: Petitions to King James 1

The following petitions from King's Lynn and West Norfolk were recorded in the notebooks of one of the Masters of Requests, Sir Roger Wilbraham. They have been calendared by R.W. Hoyle [R.W. Hoyle (ed.), Heard Before the King: Registers of Petitions to James 1, 1603-1616 (List and Index Society Special Series 38, London, 2006)]. For the comprehensiveness of these and other records see Section 2.2 (p.38).

Note: # = Item number.

Year	Hoyle ref.	Name	Action
1603	p.3 #28	Gardney, George	Gardner (see p.61#868) v Sir Thomas Roose & others for matters of justice
1603	p.4 #42	Wright, Thomas	Wright v Thomas Wife re detaining of writings
1603	p.9 #96	Prisoners at Norwich	Debtors in Norwich castle
1603	p.9 #99	Mundes, William	Mundes v Brightman & others for bringing unlawful suits against him
1603	p.9 #101	Seele, Richard	Seele v Bartholomew Boethwright for lands and debt
1603	p.11 #125	Mims, William	Mims v Peter Legay & Phillip Lamott & others for £300 and goods detained from him
1603	p.12 #133	Fowlden inhabitants	Fowlden v Hary Howdeth and his tenant Thomas Burham for injuries and entering their comens
1603	p.13 #153	Parfay, John	For toleration of debt
1603	p.14 #169	Rookesby, Rev Nicholas	Sought "tollaracion" ref to NB and others? Of debt?
1603	p.15 #185	Alexander, Jerom	Alexander v Roberte Plandan for lands
1603	p.18 #233	Phillipps, William	Persistent petitioner to be talked to
1603	p.19 #242	Palmer, Sir John	Palmer v Richard Maniard. Re debt?
1603	p.19 #243	Coogate, Thomas	Coogate v Bright for debt
1603	p.19 #248	Winter, Agnes & Alice	Winter v John Preteman for possession of house and land. Ref to Sir Nicholas Bacon alone.
1603	p.19 #250	Harpey, Nicholas	Debtor
1603	p.21 #284	Stubberd, Richard	Stubberd v Dr. West debt
1603	p.22 #298	Pells, John	"for £20"
1603	p.22 #306	Kimberley inhabitants	Kimberley v Sir Philip Woodhouse
1603	p.24 #337	Newby, Edmond	Newby v creditors for debt
1603	p.24 #341	Myms, John	Myms v Jeremy Alexander & William Freeman 'about a bond'.
1603	p.25 #349	Buckston, Henry	Debtor ref to Mayor & recorder of Lynn
1603	p.25 #358	Suger, Thomas	Dispute between Suger and his son over land
1603	p.25 #364	George, Robert	George v John Clarke for £60
1603	p.26 #372	Shardlowe, Thomas & wife	Dispute between couple and John Crowfoote "theire father in lawe for detayninge a 100 marks".
1603	p.26 #381	Cooper, Symon	Cooper v Pinchbacke "for seeking to put him out of his liveinge".

1603	p.27 #389	Neve, Walter	Neve v Thomas Neve “for detayninge certayne landes from him”.
1603	p.27 #393	Grace, Richard	Grace v Thomas Nash for £30.
1604	p.28 #404	Stibbard, Richard	Stibbard v Ambrose Worth and John Fuller over debt
1604	p.28 #409	Newark, Thomas	Debtor in Norwich prison
1604	p.29 #413	Frankling, Thomas & George	Debtors in Norwich prison
1604	p.29 #421	Weeche, Christian	First granted pardon for witchcraft at Mendham, then postponed for further enquiries [p.47#670]
1604	p.31 #433	Basham, Edmund	Basham v Samuel Cheverly over property dispute costs
1604	p.32 #456	Micklewood, Thomas	Financial dispute with father-in-law Robert Keble
1604	p.33 #468	Sheldon, Hugh	Debtor
1604	p.33 #471	Cromer towne	Referred to Assize justices to appoint investigators of abuses.
1604	p.35 #493	Tonge, Daniell	Debtor
1604	p.36 #514	Bayleston, John	Financial dispute with father William and brother Thomas
1604	p.37 #532	Gray, Thomas & Agnes	Dispute with lawyer Hamerston over house at Yarmouth
1604	p.38 #534	Parfaie, John	Debt: Parfaie, merchant, lost three ships to Dunkirkers
1604	p.43 #605	Cumbell, Randulph	Dispute with Maude Knyveton to be resolved by arbitration.
1604	p.43 #617	Tailor, Tymothy	Dispute with Robert Tilney & others to be resolved by arbitration
1604	p.45 #638	Shene, William	Dispute with Robert Batham over land
1604	p.46 #653	Chapman, Richard	Chapman & other tenants v Elizabeth Brooke over fines
1604	p.46 #661	Fuller, Robert & wife Elizabeth	Fullers v Thomas Woodhouse for her “marriadge goods”
1604	p.47 #673	Hatfield, Rev John	Hatfield v Sir Frauncis Lovel for detaining tithes
1604	p.48 #682	Bacon, Edward	Bacon v John Hunter for 16 acres of ground
1604	p.48 #684	Hambleton, Martin	Hambleton v John Mingay for title of land
1604	p.49 #692	Baker, John	Baker v John Drake over debt
1604	p.50 #708	Bridge, Robert	Bridge v Royal over unspecified wrongs
1604	p.52 #749	Roberts, Thomas & others	Roberts, Henry Ceey, Adam Chapman for toleration [of debt?]
1604	p.54 #780	Gellet, Willyam	Gellet v Thomas Biges, Thomas Rumpe, Thomas Worth unspecified
1605	p.60 #863	Harper, Walter	Debtor
1605	p.61 #868	Thexton, Rev Robert & others	Dispute over an ecclesiastical. Referred to Bishop of Norwich to appoint investigators
1609	p.124 #1583	Skynner, Clement	Dispute over inheritance
1610	p.129 #1644	Cocker, William	Cocker v Richard Bunting, William Nicholas & others over a sum of money.
1610	p.136 #1731	Wisbech	Town sought enlarged charter
1611	p.143 #1817	Mankells, Robert	Mankells v Robert Selby re bond

1611	p.143 #1823	Stubb, Richard	Land claim
1611	p.145 #1844	Wyndham, Sir Henry	Sir Henry v his wife Lady W and his son in law "for detayning his living from him"
1611	p.149 #1891	Chauntrell, William	To have farm of salt making in York, Lincs, Norfolk & Hull.
1611	p.155 #1949	Howsigoe, William	William H, prisoner in Kings Bench v John H, Richard H & John Watson over land, money & goods.
1611	p.165 #2071	Dunckum, William	Debtor
1612	p.170 #2123	Skyunner, Clement	Dispute over inheritance
1612	p.171 #2136	Howgil, Thomas	Debtor
1612	p.180 #2230	Coxon, Raffé	Coxon v creditors for debt
1612	p.196 #2404	Blont, Edward	Customer of Lynn seeks an assistant, Will. Leech
1613	p.199 #2425	Fix, John	Fix v Johne & Robert Browne over land
1613	p.202 #2451	Deane, Elizabeth	Deane, servant of the Lady Elizabeth to have right to impose toll at Bowe Bridge
1613	p.214 #2566	Petley, Matthew	Yeoman usher and sons to have licence to search and seale all butter from Suffolk and Norfolk
1613	p.216 #2586	Buxton, Henry	To be Controller of Customs, Lynn at future date
1614	p.219 #2613	Buxton, Henry	Confirmation of claim to controller's office at Lynn.
1614	p.227 #2678	Russell, Thomas	Debtor
1616	p.260 #2975	Hume, George	Hume to have benefit of fines imposed on Francis Dalton of Lynn for excess usury

## Appendix 2.3: Petitions in the Papers of Sir Nathaniel Bacon of Stiffkey

The following index records petitions mentioned in the first five volumes of The Papers of Nathaniel Bacon of Stiffkey, 1566-1607.

Year	Ref	Petition of	Narrative
1573	B P.1. p.050	Aylsham "townsmen"	Dispute over use of Club house.
1578	B P.2. p.009	Robert Shorting	Prisoner seeks relief
1580	B P.2. p.127	George Harwyn	Dispute between Harwyn and Ferroure over straying animals.
1583	B P.2. p.246	R. Walsingham, M De Heire	Petition against Bourne, an informer.
1583	B P.2. p.272	NB for Stutfield	Stutfield in dispute with imprisoned Recusant Robert Downes.
1586	B P.3. p.007	Lynn Customs Offs	Dispute between Lynn customs officers and monopolist Alexander Ged.
1586	B P.3. p.012	Rob. Sturges	Dispute over parsonage at Sheringham.
1586	B P.3. p.019	Rob. Bullen	Bullen & son allege being impoverished by recusant Rob Stileman.
1588	B P.3. p.068	Simon Smith o Lynn	Smith claims molestation by Will Downing
1589	B P.3. p.076	Adam Robinson	Robinson accuses Will Warner of false imprisonment in dispute over land ownership in fens.
1589	B P.3. p.079	Rev. Pecock & Laur. Webster	No text here.
1589	B P.3. p.086	John Braddock	Dispute over customs post at Blakeney.
1590	B P.3. p.101	Widow Margaret Nynge	Row between Nynge and Thomas Green over rights to land and property.
1591	B P.3. p.131	Franchise' of Bury, Suff.	Asks Bacon to arbitrate over rights of the Liberty of Bury.
1592	B P.3. p.206	T. Baker of Lynn	Bacon and Henry Spelman (Spelman) to arbitrate.
1593	B P.3. p.224	Commons of Norff	To Bacon and Coke as parliamentary candidates, for improvement of clergy and ending of abuses.
1594	B P.3. p.261	Country bakers	Bakers complain about activities of informer Henry Parnell.
1595	B P.3. p.303	Country bakers(a)	Another petition against Parnell.
1600	B P.4. p.121	Pulham tenants	Petition regarding Bacon's role as steward of the royal manor of Pulham.
1600	B P.4. p.126	Thomas Pearce	Family in dispute over land ownership.
1600	B P.4. p.137	Lovell	Thomas Lovell accused by Gawdy family of not contributing enough to muster.
1601	B P.4. p.179	Lynn v Burman	Petition from Lynn against Dr. Burman's oppression through Admiralty Courts.
1601	B P.4. p.192	QS re corn	Coast dwellers had petitioned QS about impact of ban on corn exports.
1601	B P.4. p.206	Widow Barr	Widow Katherine Barr had been defrauded of her estate by foreign merchant Adam Kyndt of Cley.

1601	B P.4. p.213	Coastal MPs	Draft petition from MPs for coastal counties complaining about corn laws.
1601	B P.4. p.214	Norfolk	Argued case against restriction of corn exports.
1602	B P.4. p.229	Inhabs. of Binham	Petition on behalf of John Mallesoon as alehouse keeper.
1602	B P.4. p.230	Emmanuel Callard	Complains that a JP was ignoring complaints against abuses of licensing laws in Cromer.
1602	B P.4. p.234	Foster of Brancaster	Bacon to resolve conflict between Foster & Guybon over land rights and killing a boar.
1602	B P.4. p.263	Atkins of Lynn	Start of saga against Alderman Baker of Lynn accused of abuse.
1602	B P.4. p.269	Inhabs of Wiveton	Wiveton complain that charity fund was defrauded by its feoffee John Kinge.
1602	B P.4. p.288	Inhabs of Wells	Wells hit by depredations of Dunkirkers, seeks coastal protection.
1602	B P.4. p.296	Ralph Dade	Ralph Dade being harassed by creditors asks for JPs to be appointed to mediate.
1603	B P.5. p.017	Platten	Elderly couple displaced from their home at Aldborough
1603	B P.5. p.037	Nicholas Ringall	Nicholas Ringall seeks satisfaction from debtor Thomas Chambers.
1603	B P.5. p.050	Edmund Newby	Newby of Warham, probably debt.
1603	B P.5. p.052	Norff. JPs	re. Corn
1603	B P.5. p.055	Martindale and Maye	Petition to recover farm from creditors.
1603	B P.5. p.056	Walter Sheltram	Schedule of debts. 18 creditors.
1604	B P.5. p.078	Wells inhabs	40 Fishermen of Wells about precarious state of industry, ask MPs to promote interests.
1604	B P.5. p.084	Erskine	Sir Thomas Erskine lobbying all MPs concerning land in Yorkshire.
1604	B P.5. p.087	Master Bakers	25 Master Bakers complain rules re apprenticeships are being ignored.
1604	B P.5. p.100	Edward Downes	Abstract of petitions from creditors of Downes concerning Parl. Bill to force sale of Downes land to pay debts.
1604	B P.5. p.107	Johnson	Johnson v Thomas Oxborough re administration of Fenne Estate.
1604	B P.5. p.108	Martin Hambleton	Referred to Bacon & others from Master of Requests.
1604	B P.5. p.111	John Braddock	Complaint against mischievous litigation, part of a dispute over vicar of Blakeney.
1604	B P.5. p.112	Townsmen of Alethorpe	Complaints against William Dye re (1) tax collection (2) enclosure (3) and treatment of animals.
1604	B P.5. p.115	Townsmen of Eccles	Call to Bacon to restrain his tenant farmers from ploughing up heathland/common
1604	B P.5. p.119	Thomas Haylock	Re. debts.
1604	B P.5. p.121	Hall v Banks and Tonge	For extension of debt.
1604	B P.5. p.131	Jermyn v Moore and Taylor	Moore, in trouble with Star Chamber had mounted counter action against Jermyn

1604	B P.5. p.132	Henry Young	Known only from letter from Henry Spelman to Bacon.
1604	B P.5. p.134	Penning v Penning	Family feud over inheritance.
1604	B P.5. p.135	Jermyn v Moore & Taylor	Jermyn renews his petition.
1604	B P.5. p.136	Thomas Edwards	To Bacon as high steward of king's manor of Walpole; Edwards disputes result of manor court judgement.
1604	B P.5. p.136	Thomas Croget	None available in primary source.
1604	B P.5. p.148	Williamson v Chambers	Williamson, a stranger, complains Chambers & associates dishonestly took his goods.
1605	B P.5. p.152	Rust v Fairfaxe	Related to a bond for delivery of corn to Suffolk which ended up in Low Countries.
1605	B P.5. p.153	Barwicke	None available in primary source.
1605	B P.5. p.166	Bennet for reprieve	William Bennet pleads for life of wife Katheren convicted of manslaughter.
1605	B P.5. p.183	Warham alehouse	Warham rectors & townsmen re licence for William Halman to have alehouse.
1606	B P.5. p.229	Fairfaxe v Sidney	Fairfaxe accuses Sir Henry Sidney of assault.
1606	B P.5. p.243	Heirs of Moretoft	Family cannot get access to money left to them.
1606	B P.5. p.245	Robert Colles	Colles dispossessed of house by John Man and William Gardner.
1606	B P.5. p.251	Utting	Utting petitions for Clement Lambart to pay debt owed to Utting by his father (deceased?).
1606	B P.5. p.256	Southwold	Southwold inhabitants asked Nathaniel Bacon to solicit help from Francis Bacon in Star Chamber case.
1607	B P.5. p.272	Robert Cotterell	Cotterell's land to be sold to pay debts to William Le Grys. Cotterell sought mitigation.
1607	B P.5. p.277	Marshland	Devastated by flooding Marshland asked Norfolk MPs to launch parliamentary motion on their behalf.
1607	B P.5. p.287	Bodham	Petition seeking public house in the village
1607	B P.5. p.291	Cromer Pier	Petition for a new pier at Cromer, a long lasting political dispute.
1607	B P.5. p.304	Richard Douglas	Sought an accommodation concerning forfeited bail money.

## Appendix 3: Petition of the Fishermen of Burnham

Petitions and wills relating to enclosure and drainage of sea marshes at Burnham.

### 3.1 Historical Manuscripts Commission, Fourth Report 1874 [BL ref W1807]

#### Appendix to Fourth Report

p.111 House of Lords Calendar (1641)

**“Petition of poor fishermen**, inhabitants of the towns of Burnham Norton, Burnham Deepdale and Burnham Onery [sic] in the County of Norfolk, complain of William Newe [sic] and John van Hasdonke, who under colour of a patent for the inclosure of certain salt marshes, have grievously oppressed petitioners, by depriving them of their common rights over the marshes, impounding their cattle and stopping up some of the old havens, so that petitioners’ boats cannot come up near their houses, and they are therefore compelled to carry their oyseters on their backs, Pray for relief”. Annexed with (i) articles of grievance (ii) certificate of petitioners as to the truth of their statements.

### 3.2 Petitions and Associated Papers From the Burnham Fishermen

Parliamentary Archives. HL/PO/JO/10/1/75 [1641]<sup>918</sup>

*This first document is in a small, tight and neat hand. Traditional short forms and shortenings have been replaced with modern usage*

**To the right Honorable the Lords now assembled in the  
Upper House of Parliament**

The humble petition of the poor inhabitants of the Townes of Burnham Norton, Burnham Deepdale and Burnham Overly in the county of Norfolk whose names are subscribed unto the Articles hereunto annexed for and on the behalf of themselves and diverse other poor fishermen inhabiting within the said townes.

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<sup>918</sup> While the petition is calendared as 1641, the certificate delivered with the petition is dated 14 November 1640.

Most humbly showing unto your honours that one William Newe [*? Neve*] of Burnham Norton a fore said, gent, one of the Attornies of his Majesty's Court of Common Pleas and one of the undertakers of the Salt Marshes belonging unto the townes aforesaid, together with one John Van-Hasdonke (who had gayned a patent from his Majestie for the imbanking of divers Salt Marshes within the said County) did about 3 yeares last past repayer [repair] to your petitioners and others, charging them to appear before certain Commissioners for compounding for the said Marshes, threatening that if your petitioners would not appear, to make them answer their contempte<sup>919</sup>.

That the petitioners fearing to runne into further danger made their appearance when the Commissioners by the instigation of the said Newe informed your petitioners that the said Van-Hasdonke had the King's broad seale to take away all their Marsh groundes forever and that if your petitioners would not sett their handes to certaine Articles then shewed (and with your petitioners desire may be produced before your honours) they should give an accompt for all the tyme they had enjoyed the said Marshes (which hath been beyond the memory of man) whereupon and upon the threats of the said Mr Neve the petitioners did subscribe to the said articles and the contents whereof (your petitioners being ignorant men) neither then did nor yet doth knowe.

That soone after your petitioners had subscribed the said Articles, they inbanked all the commons and Marsh grounds to your petitioners dores, contayning about 1000 acres, and ever since the said Mr Newe hath molested your poor petitioners by impounding their cattle and other vexatious ways, upon which Common Marshes your petitioners cattle did to pasture, which was a great part of their livelyhood.

That, by the said William Newe his imbanking the said commons and Salt Marshes, the severall olde channelles and havens are so straitened and stopped that whereas Shippes of great burthen could have come up to your petitioners gates, now small cobble boats cannot come within a quarter of a mile of the townes, by meanes whereof your petitioners are inforced to carry their oysters upon their backs above 3 furlonges unto their houses, by reason whereof the ancient channells are dayly shutt up more and more insomuch as that the said channelles will in a short tyme be utterly stopped and made impassable for your petitioners bootes whereby your poor petitioners will be utterly debarred of their ancient

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<sup>919</sup> Assumed to be the William Neve gent, referred to in the Walpole Papers at NRO Wal. 83, 269x3, ref. 20 July 1652. He and his family were resident in the Burnhams and a Robert Neve was briefly rector at Norton during the civil war period.



trade and custom of fishing and of all meanes of livelyhood to the utter undoing of your petitioners, their wives and familyes, as by the said Articles may appear.

That one Thomas Hooper hath by the space of 9 years years [sic] last past employed above 40 of your petitioners in getting and dradging for oysters which he doth buy of your petitioners for the supply & provision of the City of London and the said Newe out of malice to undoe your petitioners (they having not other meanes of livelyhood but fishing for oysters) doth molest the said Hooper for buying and receiving your petitioners oysters; this the said Newe being Steward of the Court belonging to the said townes, did inforce the Jurors to present the said Hooper for a forestaller\*, which is a fained pretence and of mere malice for the said Hooper doth receive the said oysters from your petitioners at sea within the Jurisdiction of the Admiralty courts, as by a certificate under many of our handes and hereunto also annexed may appear.

Now for as much as your poore petitioners have none other meanes of livelyhood for themselves and their familyes, their commons being taken away which was a great parte of their livelyhood and the ancient Channelles likely to be stopped up which will tend to the utter ruyn of your petitioners

Your petitioners humbly beseech your honours to take their just complaint and insufferable vexations and oppressions done unto them by the said Newe and Van-Hasdonke into your graces considerations and to afford them such relief therein as your honours in your graces wisdoms shal think fitt..

And the petitioners shall dayly pray for your honours.

*Sheet Two (in a different more open and larger hand)*

### **The Grievance**

Articles conteyneinge The Joynt and several Grievances of the poore inhabitants of the several townes of Burnham Norton, Burnham Deepdale and Burnham Overy in the county of Norff. By meanes of the many oppressions and invious dealings done and committed against the petitioners by one William Neve of Burnham Norton aforesaid, gent, one of the Attornyes of his Majesties court of Common Pleas and one of the Undertakers of the sault marshes belonging unto that said townes of Burnham Norton, Burnham Deepdale and Burnham Overy aforesaid as followeth

Imprimis: The said William Neve together with one John van-Hasdonke, cittezen of London, gent; the said John Van-Hasdonke having gained a Pattent from his Majestie for the imbanking of divers sault marshes in the county of Norff did about three years last past repaire unto us and diverse others And the said Willm Neve did then straightly charge us poore inhabitants to appeare before certaine Commissioners appointed at the request of the said Mr Van-Hansdonke there to compound for our marshes Threatneinge us that all such of us as neglected to make our appearance before the said Commissioners should bee Subpeanied upp unto London (whereby we geareing) there to answeare our Contempts Whereby we feareing least wee should thereby runn into danger did make our appareance according unto the tyme appointed by the said Willm Neve All which tyme the said Commissioner by the like instigacion and solicitation of the said Willm Neve inforced us That the said Mr Van-Hansdonke had the kings broad seale to take away all our marshe groundes forever And that if wee would not sett our handes unto certain articles which were then tendred us to subscribe unto wee should give an accompt for all the tyme wee had formerly injoyed our said Commons or marshes (which hath byn Tyme out of minde of man) and likewise that wee should answer itt att our perrille By reason whereof and other like Threates some of us poore inhabitants were inforced to subscribe unto certaine Articles contrived by the said William Neve and tendred unto us for that purpose. The substance whereof wee did not then understand which Articles being subscribed unto they then imbanked all our commons or marshe groundes (even unto our gates) conteyning in all by estimacion aboute one Thousand acres. And the said Willm Neve hath ..... since that tyme molested and impoverished us poore Inhabitants by impoundinge our Cattell and by other vexatious wayes and meanes soe as our Cattell cannot goe out our gates without much enforcing troubles uppon which common marshes wee have formerly depastured and kept diverse horses coves and other Cattell which were a greate use of our livelyhood But now wee are utterly debarred of and from all freedome and Priviledges which wee have formerly enjoyed of and in the said Commons and marshes to the great impoverishinge of us poore Inhabitants and all our famylies.

Item: by the late direccions and instagcions of the said Mr Neve hee the said Willm Neve by the meanes of imbankeing our said Commons and sault marshes hath in such sort strained stopped and destroyed the severall ould channels or havens belonging unto our several townes aforesaid That whereas formerly shippes of great burthen could have come upp unto our gates to loade and unloade there burthen Now the severall channells aforesaid are by the said Willm Neve or by his advise meanes or procurent soe stopped and straightned That our small Cobble Boates which are dayly employed att Sea in dragginge of Oysters being in number aboute Twenty Cobble boates cannot come within a quarter mile of our Townes without greate danger of the casting away of men and boates

whereby forty of us poor Inhabitants being fishermen and having noe other meanes of livelyhood but only dragginge of Oysters and fishinge att Sea are inforced to carrie all our Oysters upon our backes about Three furlongs unto our houses whereas before the imbankeinge of the said marshes wee could safely arrive att our gates with our boates and Oysters in them Besydes all which the said Channells doe continewally everie day more and more syltt upp by reason of the altering of the former Channells and the ancient courses thereof That itt is Conceived that the said Channells will very shortly bee utterly spoyled and stopped and made impassable for anie boates whereby wee poore Inhabitants and ffishermen shall bee utterly debarred and hindred of and from all means of livelyhood which wee have annciently hadd and gotten by our indastry in goeing to Sea as aforesaid to the utter undoeinge of us and our many famylyes which are solely and principlally relieved and mayneteyned by our anncient trade and Custome of fishinge and dragginge Oysters at Sea as aforesaid.

*Signatures, by mark (\*)*

Thomas Banyard<sup>920</sup>, Ephraim Beeston or Booston, William Clarkson\*, Thomas wiilken\*, John Cleres\*, William Colling, Edward Atte\*, Thomas Collison, Richard Danyell\*, Thomas Amos\*, Robert Stuntley,<sup>921</sup> Thomas Cleres, Robert ?\*. George ?, Edward ?, Frances Smith, Frances ?, William Swanton \*, William Miller\*,<sup>922</sup> John Goulden\*, Thomas Overman, John ?, James Huberd, John Houlton, Robert Carter.

**Certificate accompanying Poor Fishermen's Petition.**

*Sheet four, ? in first hand.*

Theis are to certefie you and every of you unto whom this present writing shall come any ways concerne. That Thomas Hooper, citizen of London, hath by the space of Nine yeares now last past and yet doth imploy about fortie poore fisherm,en belonging unto the townes of Burnham Norton and Burnham Deepedale in the county of Norff for getting and bringing of oysters with small Cobb;le boates in the Seas which is the cheife and only

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<sup>920</sup> Thomas Banyard, the first name on the "Poor fishermen's" petition is described as Thomas Banyard of Burnham Norton, gent, in NRO Wal. 779, 28x1, 16 February 1642.

<sup>921</sup> A table tomb at Norton church refers to Robert Stuntley; he is likely to have been the man who in 1651 was the town's official oyster taster (see C.N. Moore, *St. Margaret's Church*, p.6).

<sup>922</sup> William Miller is possibly the same man whose will was passed for probate in 1642. See Diocesan Records, Probate Inventories NRO Cat. Ref. DN.

meanes of livelyhood and maytenannce for us and all our familyes which are at the least in number a hundred poore Soules. Which said oyesters he the said Thomas Hoope doth buy of us for and towards the provision and supply of the said Citty of London. And likewise we doe hereby further certifie under our handes that one William Neve gent and Inhabitant of Burnham Norton aforesaid, an Attorney of his Majesties Courte of Common Pleas and one of the Undertakers of the imbanking the Commons and towne marshes formerly belonging unto the Inhabitants of the said Townes of Burnham Norton and Burnham Deepdale hath not only stopped and straitned the Channells belonging unto the said townes whereby wee poore fishermen are inforced with great Dainger opf life to land our oyesters and to carry them on our backs above 2 furlongs further than formerly we did before the imbanking of the said Common marshes. But further, uttlerly to undoe and starve us poore fishermen and all our familyes having noe other mayntenannce of livelyhood then our trade of catchinge Oyesters. Doe molest and hinder the said Thomas Hooper from buying and receiving our said oyesters, he the said William Neve being Sdteward of the Court and Leete belonging unto the said Townes of Burnham Norton and other Townes now adjoining by threates and other unlawfull means against the Jurors of the said Courte inforced the said Jurors to present the said Thomas Hoope as a forestalled and would not receive their verdict until they presented the said Thomas Hooper for a foresdtaller or how in Truth he the said Thomas Hooper doth not any way forestalle. But it is agreed us fishermen ascertain a price for our oyesters and doth receive them from us at Sea within the jurisdiction of the Admiralty Courte and likewise doth at their need and at such rates as he payeth unto us fishermen Witnes our handes this 14<sup>th</sup> day of November in the sixteenth yeare of the raigne of our most gracious Soverayne Lord Charles now Kinge over England etc Anno ye Dm 1640.

The marks of

John Dickinson, Edward Dickinson, Richard Dunne, Samuel Williamson, William Meller, Geo Samfry, Thomas Tilkin, Edward Swanton, John Cleres<sup>^</sup>, William Maule, John Norman, Edmond Leife, Thomas Amnes, Robert Stuntley<sup>^</sup>, Edward Jellion, Marke Jesse [?] Alfred Monsy, William Swanton<sup>^</sup>, Francis Rackham.<sup>923</sup>

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<sup>923</sup> The three names marked <sup>^</sup> seem to appear on both documents.

### Appendix 3.3: Papers relating to van Haesdonck and Newe

#### Haesdonck petition

Van Hansdonck. petitioned the King reminding him of an earlier decision and pleading for rapid action to stop the petitioner being harried through the Court of Exchequer.<sup>924</sup>

PETITION OF JOHN VAN HAESDONCKE to the King. Dated 6 June 1640. Marsh lands lying between the ebb and flow of the sea having been reputed to belong to the crown, a petition was lately presented to you by James, Earl of Carlisle, and others, concerning their origin and the marks distinguishing them from other land, and praying that the doubts concerning them might be cleared up by some of the Council, to be appointed by you with the advice of the judges, whereupon you appointed the Lord Treasurer, Lord Privy Seal, Lord Dorset, Lord Lieutenant of Ireland, Lord Cottington and Mr Sec. Windebank or any two of them, to take care of the marshes on your behalf and consider the petition concerning them and to execute all your orders on their certificates; But the present important business taking up their time, they have not had time to consider it.

Now the petitioner, having at great cost recovered from the sea the marshes near the manors of Titchwell, Salthouse and Kelling<sup>925</sup> in the county of Norfolk, amongst others, the pretended owners, by orders in the Court of Exchequer have much impeded him, by stopping him from the profits of the lands, and enjoining him to bring in to Court the money he has received for grain sown there, and sequestered his last year's crop of corn and grain and for other part of the lands obtained an order against him, if cause be not shown to the contrary the first Thursday of this term and he is likely to receive much prejudice from the time the Lords referees take to deliberate. He therefore prays you to speed the reference as much as possible and to command the Barons of the Exchequer that meantime he may receive no loss by orders of the Court.

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<sup>924</sup> CSPD 1640, p.271.

<sup>925</sup> Lands a few miles respectively to the east and west of the Burnham marshes.

An endorsement orders the Attorney and Solicitor General to stop all proceedings until the principle was sorted out.<sup>926</sup>

### Hay petition

A petition dated 22 February 1639/40 set out the situation anew:

Petition of James Earl of Carlisle, Sir James Hay, and Archibald Hay, trustees for the estate of the late Earl of Carlisle, and of the trustees for the estate of Sir Peregrine Bertie and Sir Philip Landen, knts., deceased, viz., Sir George Theobalds, John Van Haesdoncke, and divers others who are interested and have contracted for divers parcels of marsh land, to the King. That the marshes and marish grounds lying between the ebb and flow of the tide in England and Wales have been reputed parcel of the prerogative, as well in this realm as in Scotland and Ireland, and in some cases have been adjudged so in law. Petitioners and others your loyal subjects, relying on this your undoubted right and title, have been encouraged to contract and bargain with your Majesty for these lands, paying great sums of money to your Majesty for the same, besides expending great sums in embanking and reclaiming these marshes and recovering possession of them at law. Notwithstanding your grant of these marshes by letters patent, and your command under the Privy Signet declared to all justices and others for petitioners' quiet enjoyment of the same, ... [they can obtain no security] by reason of the common outcry, that your Majesty's title is not likely to prevail, and that it has become very doubtful in their opinions whether the matter in question of these marshes will be determined for or against your Majesty. Petitioners hope that these doubts may be removed if the beginning, progress, and increase of the said marshes from the nature, quality, and effects of the flowing and reflowing of the sea at spring tides, and the certain proofs and proper marks whereby these marshes may be distinctly known to differ from all upland grounds thereunto adjacent, were clearly set forth and declared as being the ground-work of your right and title to these marshes. For the just preservation of your rights, and to save petitioners from fruitlessly expending their money in a question of so great moment and sequence of profit to your Majesty, and yet so uncertain and doubtful to petitioners, they pray that you would command some special person of the Privy Council to undertake the care of this matter, and to consider what petitioners have digested

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<sup>926</sup> CSPD 1640, p.271.

concerning the nature, quality, and effects of the tides, and of the true origin and increment of salt marshes, and of the marks whereby they may be distinguished from all upland and natural ground, for to inform first your Majesty and the Council of the truth of the matter, and then that you will vouchsafe to require all the judges of your Bench, Common Pleas, and Exchequer to meet the Council and such other persons as you shall appoint, at which meeting this question may be thoroughly and fully debated and considered, and such resolutions come to as in their grave judgment may best sort; wherein it is hoped that no lapse of time or habit of usurpations shall be admitted in evidence to extinguish or prejudice what was originally your Majesty's right and chief flower of your prerogative by infallible proofs of demonstration; and that your Majesty will be pleased soon after to receive an account of the consultation and resolution of the judges; and the same to be decreed to the full satisfaction of your Majesty and your subjects interested therein, and that accordingly the cases of your petitioners may be received into the bosom of your clemency and most gracious consideration.<sup>927</sup>

### **Wills of John Van Haesdonck and William Neve**

Van Haesdoncke died in St. Margarets, Westminster, where he was a Gentleman of the Privy Chamber (probably unpaid). From his will, John Van Haesdonck was owed money by Charles II and by persons living in Hamburg and under the Duke of Saxony, probably George I of Hanover whose mother Sophia of Hanover was a granddaughter of James I (Stuart). Van Hasdoncke could only repay Sir Gilbert Vernatti, grandchild of Sir Philibert Vernatti, if these debts were repaid by the king. It would appear from notes written at the side of this will, that Cornelius van Haesdonck and his son John, were still having trouble over this will in 1708.

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<sup>927</sup> CSPD 1639-40, p.479.

**Will of John Van Hasdunck**

National Archive PROB 11/358

Prerogative Court of Canterbury /Will/ 1678/172

In the name of God. Amen.<sup>928</sup>

John Van Hasdunck Esq. one of the Gentlemen of the Privie Chamber to the King's most excellent Majestie the fifteenth day of October in the eighteenth yeare of his said Majestie's reigne Anno Domini One Thousand six hundred and sentie eight being of a perfect disposing mynd and memorie Thanks be to God and in reasonable good health considering the infirmities of old age doe make this my last Will and Testament in writing.

First I commend my Soul unto Almighty God my Creator, hoping through Faith in Christ Jesus for a Joyful Resurrection both of Soul and Bodie unto the Everlasting Life.

My Bodie I committ to the Earth to be decently buried after the Rites of the Church of England so as my Executors hereafter named in their discretions shall think fit, and my desire is to have a Monument of Black and White Marble erected neare the place of burial with my Coat of Armes and a short Inscription of my descent and Pedigree according to the Instructions by me left in writing which my Executores will find amongst my Papers.

As concerning the worldly Estate both real and personal wherewith it hath pleased God to blesse mee I give and bequeath unto my Brother Cornelius Van Hasdunck and John his Sonne their Heires Executors Administrators and Assignes

And I doe by these presents except and exclude out of the same and declare and exclude any my said Lands or Tenements Goods or Chattells debts or money owing to mee, as well four daughters and Heires of my eldest brother Mr Arnold Van Hasdunck (viz.) Francina Johanna Magdalena and Anna and their respective Husbands, Children and descendents as also their husbands and children or descendents of my two sists Kathering and Magdalena deceased.

And my will is that (after my funerall charges shall be payd and the debts and Summes of money by mee owing shall be satisfied and discharged that my Executors hereafter named shall out of such moneys as they shall reveive in part of payments of the debts owing to mee by His Majestie paye and satisfye unto Mr Benhamin de Laney the summer of One Hundred Pounds owing by mee unto him and secured by a bond of Two Hundred Pounds genaltie bearing date the

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<sup>928</sup> Line breaks have been inserted where to do so enhances ease of reading.



nineteenth day of April One Thousand Swix Hundred Sixty Fouyr, and which said Debt Mr. Laney did agree to forebeare payment of until I should receive some part of my said debt owing by his said Majestie to a greater value than the said And the said Mr Benjamin de Laney upon payment of the said One Hundred Pounds due upon the said Bond is to make Mee an allowance and deduct out of the said principale debt the value of Six and Twentie Peeces of Broad English and fortie shillings more when I lent his eldest Sonnee Both which summes of money my said Executors are to deduct and retain out of the said priocnipal debt of one hundred [pouinds] owing to the said Mr. Laney

Item I doe give and bequeath unto Sir Philibert Vernatti grandchild of Sir Ghilibert Vernatti the summe of One Hundred Pounds to be payd out of such moneys as my Executors in that behalfe shall receave of the debts owing to mee by his saide Majestie in case the saide Sir Ghilibert shall not be payed the somme by some other way or meenes by my order or appointment.

Item I give to the Poore of the Parish where I dye the summe of Five Pounds to be payd in manner aforesaide.

Item my will is and I doe hereby direct that what money shall come to the hands of Executors by any other wayes than by money owing by his Majestie shall be presented as a Fund to carrie on and prosecute the recovery and payment or satisfaction of the said debt owing to me by his saide Majestie.

And whereas there are two severall debts or summes of money owing to me, the one Partie living at Hambourghe or there aboute under that Majestracie and the other partie or persons living under the Elector, Duke of Saxonie for which saide Debts Severall Suits and Controversies are nowe still depending before the Courts of Judicature, the one under or belonging of ton the Saide Magistrate of Hamburg and the other under the Saide Duke of Saxone

And whereas I haveby severall Acts or Instruments bearing date on or about the seven and twenty of eight and twentieth day of May last past in this present yeare One Thousand six hundred and seventie eight made before and attested by Abraham Smith Notarie Publique near the Royal Exchange London given unto my saide Brother Cornelius Van Hasdunck and Johnne his somme after him the said several debts and summes of money when received I doe hereby declare and my will and mynd is, that the said moneys when shall be imployed for the getting in and recovering my said Debts and moneys owing to Mee by his said Majestie as aforesaid

Anything in the said Acts or Instruments conteyned to the contrarie thereof in any wise notwithstanding.

And I doe hereby make and appointy m,y said Brother Cornelius Van Hasdunck

and John the Sonne my Executors of this my last will and Testament  
 And I doe hereby Revoke disannull and make void all former Wills and bequests  
 my Mee heretofore made, and publish and declare this to be my last Will and  
 Testament the day and yeare first above written  
 Signed sealed and declared by the said  
 John Van Hasdunck to be his Last Will and Testament in the presence of AA

A Latin addition indicates that probate was granted that same year, 1678.

### **Will of William Neve**

National Archive PROB11/281

Prerogative Court of Canterbury, Will/1658/ 493

In the name and feare of God whose aid and directions I implore in all my Accouns,  
 Amen. The Thirteenth day of January in the Yeare of our Lord accordinge to the  
 computations of the Church of England one thousand six hundred and fiftie  
 seaven

I william Neve of Burnham Norton in the Countye of Norff. Gent. beinge in  
 perfect memorie, praised be God, revoking and annulling all other former Wills I  
 do hereby ordaine and make this my last Testament.

And first above all worldlie respects I bequeathe my Sowle into the hands of  
 Almightye God that freely have me it, Trusting and assuredlie hopeinge of  
 Salvation by the Bitter Death and passion and all sufficient meritts of my ever  
 Blessed Saviour and Redeemer Jesus Christ, my bodies to the earth from whence it  
 came.

Item I give and bequeathe unto Robert Neve my sonne and his Heirs all and  
 singlar that messuage together with the houses buildinges thereunto belonging  
 wherein I now dwell together with the home close thereunto belonginge and alsoe  
 my 20 acres of marsh ground parcell of the lands later gayned from the sea.

Item I give and bequeathe unto my twoe daughters Elizabeth and Bridgett Neve  
 and their heares, share and share alike, all and singular that messuage together with  
 the lands tenements and hereditaments thereunto belonginge which I lately  
 purchased from John Hubbard: and I will and my minde is that in case they cannot  
 otherwise pay it they sell soe much thereof as shall satisfie and pay the hundred  
 pounds which I owe to the executors of Mr Edward [?] Ashlay (in case I dye before  
 it can be satisfied).

Item I give to every of my children the several pieces of plate whereon the letters

for their names and severally and respectively sett

Item I give and bequeathe unto my said twoe daughters Elizabeth and Bridgett my lease of all Thornham lands which I have from the Honourable Robert Villiers Esq. and also the lease of the Manor of Thornham which took in the name of my worthy kinsman Mr Richard Povys of London and at the tyme and tearme of yeares therein yet to come and unexpired.

All the residue of my goods chattells and cattell whatsoever I give and bequeathe to the said Elizabeth Neve and Bridgett Neve my twoe youngest daughters whome I pordaine and make Executrices of this my last Will to recive and pay all my debts.

Item I give to my truly lovinge Cousin Mr Richard Pepys of London thirty shillings to buy a Mourninge Ringe.

I beseech God to bless all my children and send them to live together in unity and unytie as they hitherto have done.

I give to every of the Children of my Daughter Mantle and my Daughter Nicholas which they shall have at the time of my decease Fortye shillings a piece for a token and I bessech God that my Blessinges may be upon them all. In witness whereof to this my last Will conteyned in one Sheete of paper being all of my owne hand-writing I have putt my name and Seale the Day and Yeare first above written.

Wm.Neve

This Will was proved at London before the Judges for Probate of Wills and grauntinge administrating lawfully Authorizes, the twentie eight daye of June in the Yeare of our Lord one Thousand Sixe Hundred Fiftye Eight by the oathes of Elizabeth and Bridgett Neve, the Execitives therein named to whome was commityted Administration of all and singl at the goods chattells and debts of the said deceased they being first Sworne by Commission well and truly to Administer etc.

## Appendix 4: Petitions to Quarter Sessions

Section 3.2 (Norfolk Quarter Sessions: Challenging Decisions, Setting Values) [p.87] presents quotations from petitions to Norfolk Quarter Sessions to illustrate ways in which petitioning can offer insights into the values of mid-seventeenth century King's Lynn and its 'country'. The following appendix sets out those petitions in a more complete form.

### 1. Edward Ellis: NRO QS C/S 3/27, 1630.

... ..

The said Thomas Kempes wife came unto your petitioners house when both your said present petitioner and his wife, children and people being then sent about their lawfull labours and leavinge their house dore locked, the said Kemps wife breaks open the said dore and cast out your petitioners househould stuffe and ... .. utterly spoyled the same and tooke the said [door?] home and set a staple and a haspe upon the same and then carried the same dore backe againe unto the said house hange it up and the locke the same against the said petitioner so now he is lefte in a manner harbourles to his Extreame losse & hindrance & of his pore wife & children. And now the said Kempe not being therewith contented the said Kempe did sue the said petitioner and draw away his water & would not restore that land by any goode meanes till your said petitioner had procured the letter of the right worshipful Sir Roger Townshend Baronet to have his water restored him againe

... ..

And ... the said Kempe beinge Constable did send for the said Petitioner unto his house and when he came unto his said howse the said Kempe did so beate the said petitioner that he was the worse for it a longe tyme after So that now your said Petitioner is brought into such great distress that unless it maye please God to move your good worships heartes to wards this great distresse he is like to spend the rest of his dayes with his pore wife and children in great misery and calamity

May it therefore please your good worships even for the Lord Jesus Christes sake to take such a goodly cause and order and so to direct the cause betweene the said Petitioner and the said Thomas Kempe that this said Robert [crossed through] Kempe may so cease his suite commenced against the said Petitioner that he may satisfy him his losses injuriously sustained by him without cause And finally that your said pore Petitioner maye have a

house to dwell in with his pore wife and children and always after live peaceably with the said Kempe your said Petitioner giveinge noe cause on his parte to the contrarye. And the pore petitioner and all his shall

Dayelye bounde to praye to God for your prosperities in this worlde

Your good Worships in humble daelye to be Commended

Edward Ellis.

## **2. Richard Shepheard: NRO QS C/S 3/27X1 1629-30**

The humble suite & petition of Richard Shepheard of Waplode Drove within the Countye of Lincolne, mettleman, unto the right worshipful the Kinges

Majesties Justices to be assembled in the publique sessions at Kinges Linne within the Countye of Norff for the peace of the said Countye concerneinge such injury & wronges that hee hath sustained by Robert Bates Clarke, parson

of Westwinch within the Countye of Norff above written as followeth

Humblye complaineinge

Sheweth unto your good worships that whereas after the death of one James Whitfield late while he lived of Westwinch within the Countye of Norff aforesaid Husbandman deceased, one Cicely, his then Relict & widdow and the now wife of your good Worships poor petitioner did betake his selfe the Administrature of all his goods Rights Cattells & Chattells, moveables & unmoveables of the said James Whitfield her said husband deceased (as before) the letter Of which said Administration remaineinge in the hande and Custodye Of the said Robert Bates Clarke so longe as the said Cisley Remained in her Widdowhoode, duringe all which said tyme the said Cisley could not obtain the same from the said Robt Bates Clarke nor after a longe tyme after that she was married unto your pore Petitioner, neither could the said Shepheard attaine the same untill he was forced by compulsion of the said Robert Bates Clarke to enter suite, & so to prosecute the same against one, William Waytes of the said towne of Linne Regis Butcher<sup>929</sup> who confessed afterwards before the right worshipfull Sir Thomas Direham knight that he had at sundrye tymes certain fatte cattell of the said Cisley Whitfield in her widdowhood, & Thomas Gyles of Westwinch aforesaid yeoman confessed also before the said Sir Thomas Direham that he had seen the said

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<sup>929</sup> Henry J. Hillen, King's Lynn, Vol. 1, p.328 gives details of William Waytes' landholdings in Lynn.

Waytes fetch such goods but that he never knew him to paye anye money for them.  
 And his is the onelye cause that now maketh the said Mr Bates & those that houlde of his  
 syde contrarye to all Justice, Equitye & right most violently & injuriously to prosecute  
 your pore petitioner onely upon a matter of their owne first proceedeings *prudente lite* as  
 appeareth. And since that tyme the  
 said Thomas Gyles did cast your said pore Petitioner into prison upon Mattr followinge &  
 upon the daye of tryell he could prove a nothinge agianst your said petitioner  
 Maye it therefore please your good worships even for Gods  
 Sake duely & maturelye to weye the premises &  
 Suffer not these mighty ones which can bost themselves of their estates to wronge your  
 pore petitioner in a cause so manifest & plaine. And you poor petitioner etc.

*In margin*

Your good worships  
 Pore Petitioner  
 Till death

Rich. Shepheard

*On reverse*

May it please your good Worships the within mentioned Robert Bates also  
 acknowledges that he know of his owne knowledge that the said William  
 Waytes was greatlye in the said Widdow Whitfields debte for certaine  
 Fatte Cattel; that he had of her first husband in his life tyme  
 and for certaine thereof the said Robert Bates Clarke did cause Tho. Gyles and William  
 Meadowes, John Wright and John Goodwin to subscribe to the trueth thereof which was  
 presented to the view of the right Worshipfull Mr Attow Sargeant in law which not onely  
 his worship but Martin Souheese {?} can testifye.

Not withstandinge all this the said Mr Bates in most minaseinge wise [=menacing manner]  
 sayeth that wheresoever your pore petitioner goeth that he will followe him, & that he  
 shall goe into noe place but that he will  
 be at the heeles of him as John Scotter that was then Constable of olde Linne can testifye.

**3. Thomas Kempe:** NRO QS C/S 3/28, 1631.

Norff. 6 June 1631.

The plea

The humble petition of Thomas Kempe of  
Pensthorp in the County of Norff labourer

Humbly sheweth unto your good Worships your said poore petitioner  
That whereas the said Thomas Kempe in open Court at an Assises  
Holden at Thetford in the said County the eight daye of Marche  
Anno quinto Carolis ... .. Regae Anglie etc it was then and there  
Orderid that one Hughe Dixon of Pensthorp he to accept and receive  
The said Thomas Kempe into the said towne of Pensthorp there to be  
Setles as by a coppie of the same order maye appeare, Nowe maye  
It please your good Worships to understand the said Thomas Kempe by  
Reason of the death of his wyfe nowe of late, and havinge left  
Fowre sickle children is growne into soe greate poverty as bothe  
Himselfe and children are lyke utterly to perrishe unless by your  
Worships Commisseracion of his necessetie to provide some course for ther  
Releifes in this extremety, havinge nothing left for ther mayntenance  
Thus prayinge your Worships to tender this great poverty 6 June 1631.

*Endorsed: Pay iiiid weekly til other order etc.*

**4. Inhabitants of Tilney:** NRO QS C/S 3/28, 1631-32

To the Right Worshippfull his Majesty's Justices of Peace  
at this present Sessions of Peace assembled  
the humble petition of us the Inhabitants  
underwritten of the Towne of Tilney

Shewing that wheras one Rich. Bosome by his last will bequeathed  
(by his last will bequeathed: *crossed through*) unto one Marmaduke Pellam the some of  
Tenne pounds and by his will Gregory Gawcell esquire becam a person in Truth and had  
the said money for the use of the said Pellam which is now a pore fatherless child and  
lyveth at the Chardge of the said parish of Tilney, And for Releif in his cause we the

inhabitants have desyred Mr Gawcell that he would be pleased to paye the said money into the hands of us the inhabitants to imploye parte thereof for the Educacion and bringing upp of the said Child and the Rest as for a Stocke for the saide Childe, to whiche Mr Gawcell is well pleased So that he maye be dischardged therof

Therefore Maye it please your good worships to Order and enter an order in this Court that the said money maye be paide to the Inhabitants of Tilney to the use of the said Childe that he maye be releevd with his owne money and put out apprentice with parte of it and Mr Gawcell dischardged therof who is very desirous to deale with the money so he maye be dischardged And we shalbe bounde to praye for your good worships in health longe to Endure

*Signed or marked by six inhabitants including John Calthorp curat ibidem and endorsed as granted*

##### **5. Henry Golding:** NRO QS C/S 3/31, 1637.

Unusually there is no preamble: it is fairly basic; the name of the petitioner is only gleaned from the final paragraph added by his supporters. It is possible the name should read Goldmo or Goldino but my own view is that its Golding.

Good your worship heare my poore petition which I make known to you in the waye of wright and no otherwayes my father was anonest man and well reported of in the towne and had a mater of som £30 and as he had that it pleased god to send him a great many of children [?sir] sixteen or seventeen by too wives, and after that it pleased god to take him away and left with one two small children and gave me but nine ackers of that meanes & of that his second wife have three of that nine for her third so ther is but syxe which I have of my owne. I was his exectore. I confess but it hade bene beter that I had not medeld with it, for he gave amatter of three scoore pounds in legasses besydes other debtes which he did all that he left me wold not pay them be sydes them too small children which I kept of my own good will the on five yeares and now am farcd to give a peece of mony to put him out and the other I kept too years and was farct to give £3 to putt him to ... besydes the other which kept with me a yeare, not knowing which way to provid for them selves which was a greatt & endurance to me, and have been ameanes to fell me a great deal in



debte and truly my debet is so greatt that I am lost to make it known. but i must though with greef, I am suer not ... .. howsoever it hath pleased god to deall with me I know note I doe owe fower scoor and tenn

pownds which my land is morghede for sum of it and the other in legesses and bonds, and now having wife and children of my own to bring up thay foorst a Prentiss uppon me which I kept a yeare and halef, which wass but seven yeares ould when I tooke him asuredly, a lamd child which wilnot be browt up hardly for forty pounds and now I fynd it so greatt a hindrance to me, I put him away, and now all that I desire of yooour good worships is that I may be released of him and I am content to paye what youer worship pleases towards the puttinge of him owt, so not dowting that youer worships will take it into consideration. I leave you to god having been too bould to trouble youer worships. I rest.

*[Different hand]*

What this ... Henrie Golding hath testified in his owne behalf (for any thing I know to the contrary) your worships may entertayne as truth.

*[four signatures]*

*Endorsed:]*

He is relieved of app. John Bigg

## **6. Thomas Whicte or White: NRO QS. C/S 3/31, 1637**

... .. your petitioner being one of the chiefe constables of the hundred aforesaid [Freebridge Marshland] by the space of 18 yeares or therabouts did during his said term receyve of the gentry in their quarter rates the some of 36s the per annum more than he did disburse to the severall treasurers which being contrived to be contrary to the strict rule of the law he your petitioner being questioned for the same hath deposited the said overplus moneys amounting to £33.6s into the handes of Sir John Hare knight. Now may it please your worships to take into consideration and that forasmuchas your petitioner duringe all his time did never tax or impose upon the said hundred any other rate or some of money for the said Quarter rates in any of the Townes within his division to the value of one pennye other than had aciently byn paid by every of the said townes unto three of his predecessors chief constables at the least the said quarter rates being so appoynted at first by the Justices of the peace for this

countie at a generall quarter Sessions (as your petitioner conceveth} and not by the chief constables they having no power at all to rate the same:<sup>930</sup> and for the said surplusage in the said rates your petitioner retaineth it was anon usuly allowed both by the Justices of the Peace and the gentry unto the chief constables as a small recompense for their great and extraordinary charges paynes and travaill, they living eech 40 myles from Norwich and their expenses in support of their office and services to the countrey amounting to £10 per acc at the least. In regard wherof your petitioner humbly prayes your worships would be pleased to consider him as free from wronging the gentry by any new imposition and that the moneys by him deposited may be restored to him againe which your petitioner humbly offers to your Worships considerations.

*Endorsed: To rest in Sir John Hareses hands*

*till next Sesss who acknowledgth*

*the receipt thereof*

## **7. Inhabitants of Northwold: NRO QS C/S 3/31 1637-38**

Petition of Inhabitants of Northwold

To the right worshipps his Majesty's Justices of the peace of whose

Bench at the Sessions of the peace holden at Kings Lynn

The 16<sup>th</sup> Februarie 1637 [*amended to*] March 1637

The humble petition of the inhabitants of Northwold whose

Names are Subscribed in the behalf of Robt. Rooands [?]

Laburer in all humillitie sheweth

That whereas Robt Roands above said hath built a small cottage not having fower akers of ground thereunto belonging according to the Statute, was about two years since Dincted [indicted] by the malice of one private person for erecting the same, the said Roands being aged, poer and sickley, much indebted & scarce Able by his labor to maintayne himself, and charge we therefore commiserating his want & necessitie doe humbly intreate in his behalf that his house may be permitted still to stand and continewe otherwise he must be apresent charge and burthen to the parishe ... ..

*Signed or marked by eleven inhabitants*

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<sup>930</sup> This colon, unexpected as it may be, appears in the original.

**8. Parish of Walpole St. Peter** NRO QS C/S 3/33, 1642

To their right worshipps his maties Justices of  
The Peace att a generall sessions of the  
Peace holden att Kings Lynn the 26<sup>th</sup>  
Of April 1642

The humble petition of the churchwardens  
And overseers for the poore of the parish of  
Walpoole Peter in the behest of themselves  
And the rest of the inhabitants

Sheweth that about 4 [*sic*] monethes since an unknown person came to the aforesaid parish and brought with him one Robt Ward the bastard childe of Brigitt Ward now the wife of one Peter Wilson of our towne a miserable poore man and one that receives Almes and reliefe from the parish & is in no way able to maynetayne himselfe, and there left the sayd childe being about the age of 7 years since which [?] the sayd Brigitt Ward hath confessed that the sayd Robt. Ward is her bastard childe & was borne att Warmington in the County of Northampton & hath then lived there since he was borne untill about 4 moneths since that he was brought to our towne.

Your petitioners humbly pray that your Worships would be pleased to take their cause into consideration and that the sayd Robt. Ward may be sent back by order of this Court to Warmington in Northampton Shire where hee was borne in respect that the sayd Wilson is now his wife and noe way able to maynteyne themselves & that the sayd child is like to become a burthen to our parish.

**9. Dorothy Chester:** NRO QS C/S 3/33, 1643

petition of Dorothy Chester of Kings Lynne

To the right worthy Sir Edmund Moundeford,  
... .. and others His maties Justices of the Peace in the Countie of Norff  
The humble petition of Dorothy Chester of Kinges Lynne in the Countie aforesaid  
widowe.

Whereas your worships did order at the general sessions of the peace holden at Kinges Lynne the sixteenth daie of Januarie in the 13<sup>th</sup> year of King Charles raine Over England... that her late husband John Chester your ... should paie

18d weekelie to the Churchwardens and Overseers of Swaffham in the said Countie towards the maintenance of three of your petitioners grandchildren abidinge in Swaffham aforesaid which your petitioner hath paid weekelie the said sum hitherto And now your poor petitioners findeth her [estate] being weake and not able to continue the said weekly paid humbly desireth your good worships to take into your good consideration that your said poor petitioner must be abated something of the said weekelie paid towards the mayntenance of the said children. {words scored through/obliterated} And your poor petitioner shalbe ever bound to praie for your worships ... ..

#### **10. Inhabitants of Hockwold:** NRO QS C/S 3/34, 1644-45

To the Right Worships his Maties Justices of  
The Peace at the Quarter Sessions hearen  
Att Kings Lynn.

The humble petition of the inhabitants of  
Hockwold cum Wilton in the sayd County  
Whose names be hereunder subscribed.

Sheweth that one Edward Miller of Wilton, aforesayd Blacksmith upon false suggestions made to some of his Maties justices of the Peace informinge them that the house wherein he nowe dwelleth hath ben an Alehouse for Fifty years have thereby obtained a lycence to keepe an Alehouse therein which suggestion is most untrue and that sayd Miller a man unfitt to keepe such a house beinge a Notorious swearer, a scoffer att Religious duties, a choloricke hastie moodie man and noe wayes necessitated to use such a callinge, he being able both in body and purse to use his trade and that there is another honest man lycenced in that parishe for the Releife and benefitt of the pore and that the toune is noe thoroughfare or Road Toune.

Wee therefore the inhabitants for the Reasons aforesaid and for the preventing of further poverty upon the sayd toune, doe humily desire your worships that the sayd Edward Miller may be forthwith suppressed and that John Chester who is [also?] Lycenced and he hath

ben for six yeares last past may only bee lycenced in that parishe he beinge and have ben an honest Carefull man [in keeping sayd ] Rules and Orders in his house accordinge to the Statute in the above case made and provided.

*[About 40 signatures follow, about half by mark.]*

**11. East Winch fire victims:** NRO QS C/S 3/37x2, 1645.

To the right worships his Majesty's Justices  
Of the peace for this division

The humble petition of Richard Welbaucke &  
Margarett his wife, John Walker & Elizabeth his  
Wife Ralph Darney & Rachel his wife  
And their children.

Humbly sheweth

That whereas uppon the seaventeenth of this instant April there happened a sudden and vilent fire uppon the habitacions of your several and respective petitioners whereby your said petitioners habitacions with all their stocke necessities and apparrell (saving one poore bedd which was with great hazard saved) were whollie consumed and destroied and your petitioners left utterlie destitute of any habitacion or livelihood whereby to support themselves their wives & children (the houses in the said town being all full and not capable to receive them and their charge.).

May it therefore please your good worships to take into conderation the distressed estate of your said poore petitioners (and as in charitie you have heretofore done in cases of the like nature to appoint and order the treasurer for casualties for this Countie to afford & give such a proportion of money accordinge to their necessities, as to your wisdoms shall seeme meete to be paied to the overseers of the said towne, to be disposed of by the said overseers & the rest of the inhabitants of the said town for providinge necessities accordinge to their ...occasions & erectinge cottages accordinge to lawe by the leave of the Lord uppon some parte of the waste of the Mannour  
And your petitioners shall daily pray etc.

*A shorthand endorsement may read that they were granted 11d equally.*

**12. Margrett Rowse:** NRO QS C/S 3/37x1, 1646

The humble petition of Margrett Rowse of Methwold  
Sheweth

That whereas Edmund Rowse her husband was indicted at the Generall Sessions of the peace holden at the Castle at Norwich for the stealinge of a bay stoned horse of the price of 63s.4d & because noe evidence came in against him, he was therefore Discharged by the Court, one Mr Mace of Feltwell seized this said horse as folows, goods, & after your worships poore

Petitioners husband was discharged he demanded the horse which the said Mr Mace refused to deliver or anie recompence in lieu thereof. Wherefore your poore petitioner humblie beseech your good worships that you would be pleased to make some order whereby she may have satisfaction for her said

horse to relieve her now in her great extremitie

And your poore petitioner shall be ever bound to

Pray for your worships health and happiness long to continue etc.

Further your worships poore petitioner complaineth that wheras the towne

Of Methwold having sent away her husband for a soldier and she being

Left with two small children & not able to provide for them, the said Towne of Methold refuse to give her such collections as is fitt for poore people in such extremitie: Wherefore your poore petitioner humbly beseech your good worships that there be cause taken for her reliefe and her and hers

And your worships poore petitioner shall be for ever bound to pray

**13. Edward Messenger:** NRO QS C/S 3/38x1, 1647

To the right worships the Justices of the peace at the  
Sessions holden at Walsingham in January

Anno Dom. 1647

The humble petition of Edward Messenger of Ashwicken

In the County aforesaid sheweth that

Whereas your said poore petitioner being aged fourescore years almost blinde and very laime of his ancles, by which infirmities he is made unable by labour to sustaine himself any longer, or to travell abroad to gather reliefe from charitable people, and is allowed but six pence by the weeke from the

Towne wherein he inhabiteth, which in these hard times of dearth and scarcitie will not buy any considerable or competent maintenance for his releife; also the house wherein he dwelleth for lack of repaire (which he is utterly unable to bestow upon it) will not shelter and defend him from wind and raine, for that he perceiveth such distresse coming upon him in his decrepite old age that he is likely to perish by hunger and cold, and sees no means left to him whereby to escape that imminent misery which otherwise will inevitably come upon, but onely by making knowne this his pittiful distressed condition to your worships the Justices at this present Session, hoping that you will not turne away your eyes and hands from the cry of the poore but rather cause them to whom it belongs to allow some more competent relief & provision for supply of those his great wants made known unto you, and your worships shall not faile to reape the benefit of the dayle prayers of

Your most humble & poore petitioners

Edward Messenger

*Allow 12d weekly*

*Till other order*

#### **14. George Turpin:** NRO QS C/S 3/38x1, 1648

To the right worships his Majesty's Justices  
Of the peace for the County of Norff. At the  
Sessions at Lynn

The humble petition of George Turpin

Humble shewing, that one Thomas Simpson of Necton (about eighteen monthes since (his wife dyinge) putt forth to nurse unto your petitioner for half a yeare an infant a child of the age of 2 yeres named Frannces Simpson, and before the half year was expired the said Thomas Simpson died, & left an estate of £40 & upwards in goods & money which the Churchwardens of Necton took into their custody for the benefit of the said childe & ever since paid your petitioner 18d a week for the keepinge thereof untill about a fortnight since & then they refused to paie your petitioner anie longer uppon a pretence that one Ffrancis Wigg hath taken Ltrs of Administration of the said goods.

Now forasmuch as the said Tho. Simpson at the tyme of his death & long before was resident as an inhabitant in the saide towne of Necton & the said Childe onelie putt to your petitioner to nurse, hee most humblie prays

that your worships would be pleased to settle the said childe accordinge to Lawe and that your poore petitioner [damaged] be disburthened therof ... ..

*[ An endorsement on the petition shows that the Bench decided the child should be settled at Raynham and that Necton should pay 'him' 18d weekly till the order be taken away.]*

**15. Mary Ashton:** NRO QS C/S 3/41A 1654

To the Right Worships highness Justices of the peace for the County of Norfolke at their sessions houlden at Linn

The humble petition of Mary Ashton of downham markett

In most humble wise sheweth and complainmeth unto your good worships that whereas your petitioner having [? long/been] inhabited in the towne aforesaide manie years and well knowne to all her neighbours about her that her never wronged anie of them by violent Speches or anie misdemeanour:[ ...] now of [ ... ] is a Scandalus wooman whome hath bound your petitioner over to the sessions, one Marian Topin the wife of Robert Topin of Downham Markett to answer unto [ ... ] as shall be [ ... ] against your petitioner for [ ... ] your petitioner well prove she did never defame her.

... whereas your petitioner being a poore wooman and wife of James Ashton of Downham Market Sadler and Marian Topin a [ ... ] and contencious envious wooman well known to all her neighbours [ ... ] a bout to rowing your petitioner and [ ... ] It is well known to all the countrie that she had for husband before she married Robert Tovin [ word crossed out] never him att [ ... ] well known to all the neighbours that did - forsake her by reason of her ill temper and violent speches to her former husbands. Right worships your petitioner doth desire nothing but justice and that you would be pleased to take it in to your godlie consideration and that your petitioner her witness may be heard [ ... ] and your petitioner shall ever be bound to pray for your worships selfs and hapiness in this world and [ ... ] in the world to come



**16. John Farthing:** NRO QS C/S 3/4A 1654

your worships petitioner out of his fatherly affection to John Farthing his sonne, did enter a recognizance with him for his appearance at a sessions of the Peace holden at Kings Lynn aforesaid about a sessions or two hence, for the discharging whereof your said poore petitioner did take great care and came with his said sonne unto the Sessions and there staid with him awhile but not hearing him called your said petitioner went about some other necessarie occasions leaving his said sonne in the sessions hall. And whether he was called or not your petitioner knoweth not, but it seemeth hee did not appeare; and therefore absented himself for that your said petitioner not knowing where to find him is enforced to keep his children to the great impoverishment of your poore petitioner. In tender [consideration?] whereof your poore petitioner humbly requests that your worships be pleased of your clemency to discharge him of the said Recognisance and your poor petitioner shall ever pray etc...

**17. John Games:** NRO QS C/S 3/4A 1654

Sessions held at Lynn

that whereas Robert Cooke of Terrington in the County aforesaide havinge layd an action of a hundred pounds upon your worships poor petitioner in the Court of Kings Lynn whereas he could not get bayle the action being too great but [ text damaged] inforced to goo to prison and there have remained thirty and five months in which tyme the said Robert Cooke here had a tryall against your worships petitioner in the court and did prove but [ lost] nine shillings to be due unto him which sayd money was paid unto him formerly by your petitioner but havinge noo witness of the payment of it, the trial passed against him and the sayd Cooke have taken execution out against him of forty and five shillings which your worships poor petitioner is unable to pay he being a very poorman and havinge a wife and five small children which doth take poorly [damaged] of the towne of Tirrington. And himself being very much in want havinge not wherewithall to release himself but must have [?perished] in prison if the [] of the prison had not [] him necessities.

The humble requests therefore of your worships petitioner is that you will please to take into consideration the sad and poor condition of your worships petitioner, his wife and children under the hands of so Cruell an adversary who doth prosecute and persecute

against your worships petitioner out of malice and not for debt. And to yield him release accordinge as your worships shall thinke fit this his extreme misery.

**18. Inhabitants of Wormegay:** NRO QS C/S 3/42A(2), 1654-5

... .. in way of mallice and revenge hath [] some witnesses to the intent to come and inform this court against the said Robert Pennell thereby endeavouring to put him down. We the inhabitants do humbly beseech your worships that the said Robert Pennell may be continued for Wee know no fitter man for it in our Towne he suffering no disorder nor will [] to be kept in his house and we humbly [] your worhipps that the said John Rix is a most disorderly swearing and uncivil fellow abusing his father and mother and all his neighbours in the towne

*Signed by 19 signatures and marks*

**19. John Parker:** NRO QS C/S 3/42A(1), 1656

Petition of John Parker of Snet[ti]sham

Sheweth that your poor petitioner being a poore man and [] aged 79 years and [] being lame and very bad of sight, his humble petition to your good worships is that you would be pleased to bestow in his great necessity your charitable benevolence where on your petitioner may have a likelihood of maintenance in his old years and he is bound he shall ever pray for your worships etc.

**20. Robert Burgess:** NRO QS C/S 3/42A(1), 1656

A petition from Robert Burgess of Tiln[e]y requesting the discharge of his apprentice, the boy with the scald head.<sup>931</sup> However he also precipitated further trouble through his hired

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<sup>931</sup> D.E. Howell James (ed.), NQS Order Book, p.84, item 840.

servant Mary Borde. Burgess wanted rid of her too as impotent.<sup>932</sup> He was required to look after her until the end of her hire period, Michaelmas, when she would become the responsibility of Tilney overseers. But two years later the parish of Swaffham complained to quarter sessions that Mary was still impotent and making herself a charge on that parish.<sup>933</sup> She was ordered back to Tilney 5 August 1656 but was still at Swaffham in April 1657 when Tilney was ordered to pay Swaffham overseers two shillings a week plus arrears of 20s.<sup>934</sup>

Petition received at QS Norwich 15 Jan 1655-56

The humble petition of Robert Burgess of Tiln[e]y in the parts of Marshland  
Sheweth

That about three years since he has one Valenger Mason poore child of Tilny above said out to him [destroyed edge] by the worshipful Sir Ralph Hare, barronett and [destroyed] esq Justice of the Peace of this County and their monthly [destroyed] meeting at Wigenhall Magdalen the 29<sup>th</sup> of Octob [destroyed] And that your petitioner hath kept the said Vallenger [destroyed] his said apprentice ever since that tyme. Although [destroyed] had ever since he was sent to your petitioner (and [destroyed] a scalled head which your petitioner has endeavoured by all meanes to heale but never could to the great damage and loss of your petitioner.

And therefore he humbly [?] thiis hnble court that it will be pleased to take the [?] into consideration and discharge him of his said apprentice. And yr petitioner shall ever pray.

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<sup>932</sup> D.E. Howell James (ed.), NQS Order Book, p.70, item 635, 15 July 1654.

<sup>933</sup> D.E. Howell James (ed.), NQS Order Book, p.90, item 905.

<sup>934</sup> D.E. Howell James (ed.), NQS Order Book, p.97, item 1006.

## Appendix 5: A Network of Norfolk Arbitrators

	1 <sup>st</sup> Order Zone	2 <sup>nd</sup> Order Zone	3 <sup>rd</sup> Order Zone	4 <sup>th</sup> Order Zone
Nathaniel Bacon	Sir E. Bell*	T. Baxter	Miles Branthway	T. Damet
	Beningfield	Bishop of Norwich	Anthony Brown*	R. Goodnie
	R. Campe*	Mr Buckestons	Hugh Castleton	W. Gray
	Sir E. Cleer*	Sir J. Calthorpe*	Sir C. Cornwallies*	Mr Gunston
	A Drurie	Dean of Norwich	Roger Hobert*	N. Jervise
	Sir B. Gawdie*	T. Gibbon	Sir Ed Lewkenor*	S. Manoe
	Sir H. Gawdy*	Mr Gilburn	J. Rawlin	Sir Thomas Rowse
	Mr Guy	Sir C. Heigham*	J. Riches*	R. Sprat*
	Sir C. Heddon/Heydon*	Sir H. Hubbard*	W. Rigg	G. Sutton
	R. Holt	R. Jenkinson*	W. Rugg*	R. Thornton
	R. Hubbard*	L. Lomax	J. Scamber*	Sir Phillip Woodhouse*
	Sir T. Lovell*	Sir F. Lovell	H. Swady	
	J. Pa(l)grave*	Mayor of Norwich	Sir Henry Warner*	
	H. Sydney*	Le Strange Mordant*	J. Wentworth	
	Sir H. Sydney*	C. Pims		
		Dr R. Redman*		
		C. Spillan		
		Sir Clement Spilman* (Spelman)		
		Mr Steward		
		R. Stubbes*		
		Dr. Talbot		
		Mr Thedford*		
		J. Thurston		
		Sir H. Windon (?Wyndham)*		
		W. Yelverton*		
	R. Younger			

**Norfolk Arbitrators:** ‘1<sup>st</sup> Order Zone’ includes men named in Wilbraham’s Register to serve with Nathaniel Bacon (see section 3.1); 2<sup>nd</sup> Order Zone names were associated with 1<sup>st</sup> Order Zone men on other cases and so with 3<sup>rd</sup> and 4<sup>th</sup> Order Zones. Those starred also appear in Bacon Papers V as men associated with Bacon between 1603 and 1607. Because of the vagaries of spelling and complexity of family relationships, names may be duplicated or conflate.