The Power of Petitioning in Early Modern Britain

Edited by
Brodie Waddell and Jason Peacey

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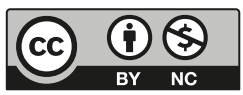

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1
Introduction: power, processes and patterns in early modern petitioning

Brodie Waddell and Jason Peacey

Understanding politics and social relations in early modern Britain requires an appreciation of petitioning. In this period, 'humble petitions' were thoroughly commonplace, featuring prominently both in moments of national conflict, such as the Civil Wars or the Exclusion Crisis, and in everyday negotiations about taxation, welfare and litigation. Historians encounter such documents – and responses to them – in almost every archive, whether in print or manuscript, and it is now a truism that petitioning was ubiquitous.[1] Recognising this ubiquity is vital to our appreciation of the hierarchical nature of past societies, but it is only a first step. To understand how governance operated and how politics was practised, and how they developed over time, it is necessary to examine supplicatory culture more closely. This volume brings together scholars who analyse the nature, function and impact of petitions in a variety of contexts and conjunctures. Such variety is crucial, and the aim is not to produce a comprehensive account of early modern petitioning but rather to do justice to the wide range of issues that need attention. This introduction sets such issues within a broad historical and conceptual framework, using the growing body of scholarship on early modern petitioning in combination with the fruits of a multi-year collaborative project that surveyed a wealth of material from different archives and institutions.

A key challenge is that petitions took many forms. While all were semi-formal requests to people in authority, they ranged from begging letters, scrawled on scraps of paper and addressed to potential benefactors, to carefully crafted and even radical demands, signed by thousands and submitted to the highest powers in the land. They could be presented by single individuals, small groups, whole localities, corporate

entities or even large and geographically dispersed interest groups. They were addressed to county magistrates and borough corporations, to mayors and civic officials and to royal counsellors, as well as to parliaments and heads of state. Many were also directed to assorted committees and charities, as well as to individual patrons, MPs and landlords. Petitions could be despatched to almost any institution and to any individual who wielded power or authority.[2] While the vast majority were handwritten, growing numbers appeared in print; although their titles generally involved a formulation such as 'humble petition', others used the language of 'supplication', 'address', 'complaint' or even 'bill', thereby denoting similarities with legal texts.[3] A key aim of this volume is to acknowledge this complexity. Incorporating petitions of different kinds, from different types of people and in different settings, is essential for exploring petitioners' attitudes and strategies, as well as shifting social relationships and patterns of governance.

In surveying this broad landscape, the aim is also to overcome the fragmented nature of recent scholarship and to highlight a series of issues at the intersection of social, economic and political history, and at the interface of local and national affairs.[4] Too often, scholars have approached this topic from very different starting points. Political historians have used petitions to demonstrate increasing levels of political participation at a national level, raising questions about the vibrancy of popular politics, the size and shape of the political nation and shifting attitudes towards the voice of the people.[5] Where historians once explored the constitutional conflict associated with texts like the *Petition of Right* (1628), attention has more recently turned to public disputation and to controversies regarding 'mass' or 'tumultuous' petitioning.[6] Such phenomena have been central to debates over the emergence of a 'public sphere', in terms of the implications of printed petitioning and of texts that invoked 'public opinion'. Considerable attention has thus been paid to the most dramatic and controversial kinds of petitioning that emerged in the febrile context of the 1640s, from the 'county' petitions that flooded into Westminster on the eve of Civil War to agitation by groups like the Levellers, and to the 'monster' petitions that accompanied the Exclusion Crisis.[7] For social historians, by contrast, petitions have been used to explore the 'texture' of, and changes in, social structures and relationships, together with how ordinary people sought support or redress when faced with hardships like dearth and economic dislocation. Such documents highlight the day-to-day struggles of otherwise unremarkable people from marginalised sections of society, mostly appealing as individuals or members of small groups.[8] They reveal humble lives

and the infrapolitics of local communities, but also developments further afield, including economic change and state formation. The appeals also show how the experiences of ordinary people could fuel collective action and influence reforming initiatives.[9]

The bifurcation between 'political' and 'social' approaches is understandable but also problematic, and this volume questions whether the bodies of material that different historians have studied are qualitatively distinct. Developing a more holistic appreciation of petitioning also makes it possible to situate the early modern period within a broader chronological framework, as well as to better understand the development of novel ideas regarding rights, popular sovereignty and political representation.[10] Accepting the need to examine what Richard Huzzey and Henry Miller call 'the shifting ecosystem of popular participation and representation', including the relationship between petitioning and other forms of subscriptional activity like oaths and loyal addresses, this volume also questions simplistic teleologies regarding the 'parliamentarisation' of political life and the emergence of mass politics before the democratic age.[11] The risks here include exaggerating the transformative effects of the Civil Wars and revolution, viewing seventeenth-century mass petitioning as 'precocious' and epiphenomenal, and downplaying the importance of petitioning that occurred during the early modern period.[12] Our contention is that only by taking seriously the range and volume of petitions regarding 'everyday' concerns is it possible to situate early modern cultures of supplication within a broader history of political participation.

In pursuing such an agenda this volume builds upon developments within recent scholarship. David Zaret has certainly recognised that the emergence of 'modern' petitioning was protracted and uneven. He has drawn attention to 'liminal petitioning' in the early modern period, which did not revolve around insurgent social movements, the mass mobilisation of opinion or ideas about natural rights. Nor did it involve mere 'petition and response' and traditional etiquette whereby 'humble' supplicants sought a benevolent response from ruling elites. 'Liminal' petitioning blended deference and defiance.[13] Elsewhere, recent literature on the 'transformation' of petitioning in the long nineteenth century has done more to acknowledge the importance of medieval and early modern petitioning.[14] Nevertheless, more needs to be done to calibrate the relationship between continuity and change, not least by probing stubborn assumptions regarding the distinction between 'private' petitions that dealt with 'bread-and-butter' issues and 'public' petitions that raised wider concerns. Central here is the possibility that even 'mundane'

matters – grounded in individual or localised concerns, and not involving attempts to mobilise public opinion – had political dimensions and implications.[15] Teasing out the importance of this vast corpus of texts requires blending the approaches of social and political historians, in order to appreciate the social depth of politics and understand the political and constitutional significance of the issues involved.[16]

This kind of approach has begun to emerge in scholarship on specific localities and on topics like monopolies.[17] It is also evident in work on petitioners who responded to the experiences of Civil War. This scholarship reveals how indebtedness, destitution and sequestration provoked engagement with various institutions and authorities, prompted reflections upon political and administrative processes and highlighted questions of ideology and allegiance.[18] It can also be seen in recent work on prisons, where supplications reveal how attempts to deal with prison conditions fostered novel forms of political, associational and intellectual engagement.[19] Similarly fruitful has been recent work on medieval petitions, which has highlighted the need to consider 'private' and 'common' (or 'public') petitions in tandem and to acknowledge the 'fluctuating and sometimes contested' distinction between them.[20] Such insights point the way towards a more holistic conception of petitioning by working across sub-disciplinary boundaries, exploring petitions in different jurisdictional and geographical settings, and examining supplicatory practices across England, Scotland and Wales, as well as across the social spectrum. The remainder of this introduction sets out the relevant issues that need to be explored, highlighting how these are addressed in the chapters that follow.

Petitioners

First, it is necessary to explore the identity of early modern petitioners. In a society that explicitly excluded most people from institutions of power on grounds of gender and socioeconomic standing, petitioning offered opportunities to engage with authority, seek redress and express opinions. It is important to examine the social profile of petitioners and to assess how far such opportunities were seized by different groups within society, particularly those – like women and the poor – who might otherwise be marginalised. This is an area where great care is needed, in a context where some of the more sceptical claims regarding the nature, role and importance of petitioning have been based on evidence from national rather than local contexts.[21] A key aim of this volume is to build

upon fragmented scholarship regarding the range of people who engaged in petitioning, using an inclusive approach to calibrate the possibilities and limits of petitioning as a viable means of participation.

This means building upon studies which demonstrate that petitioning was not merely the preserve of an elite. It was used by activists and agitators,[22] as well as enterprising projectors,[23] who were often well connected even if not wealthy. It was also undertaken by impoverished or subordinated members of society, including paupers, tenants and smallholders,[24] debtors,[25] poor litigants[26] and manual workers, including apprentices.[27] Attention has also been paid to those whose legal status and political agency might otherwise have been constrained by linguistic, national or cultural differences, not to mention conditions of servitude. These included alien 'strangers' from overseas,[28] as well as colonial subjects who submitted petitions to local institutions or to the metropole.[29] Recent work has also shown that petitioning provided certain opportunities for indigenous peoples, indentured British servants and even enslaved workers.[30] In this volume, Bowen notes how another potentially marginalised group, monoglot Welsh speakers, proved very willing to embrace petitioning.[31]

More obviously, the chapters in this volume attend to participation by women, whose other avenues for expressing grievances were severely limited. Although female petitioners have scarcely been overlooked in older scholarship, historians have focused too much upon the emergence of frequent and large-scale petitioning in the mid-seventeenth century, together with the liberating possibilities afforded by the Civil Wars and print culture.[32] Here too there is scope to broaden our horizons and to build upon recent work on petitioning by the families of convicts and captives, along with victims of warfare like veterans, widows and orphans. Almost every chapter in this volume deepens our appreciation of how women of all kinds engaged with local and national institutions.[33] This is also an area where it is possible to undertake quantitative analysis, which reveals that petitioning by women, like supplications to equity courts – where they made up 10–20 per cent of complainants across the early modern period – was entirely commonplace.[34] A sample of 387 petitions preserved in the seventeenth-century state papers reveals that about one in ten came from a named woman, while women also headed about one in six of the petitions to the House of Lords, whether on their own or as part of a couple or family group.[35] They were more common still among petitioners to quarter sessions, where almost one in four petitions were submitted by named women, only occasionally alongside husbands (see Table 1.1).

Table 1.1 Gender of lead petitioner (%)

	House of Lords	State papers	Quarter sessions
Male	66	74	59
Female	12	8	21
Mixed	6	2	3
Collective	16	17	18

Indeed, while petitioning was understandably more common among widows, who were unconstrained by the law of *coverture* and often headed their own households, it was not infrequent among wives and single women.[36] Less common was women's participation as subscribers – that is, supporters – of petitions submitted by other people, or as part of collective endeavours, although the latter was certainly not unknown.[37]

Statistical evidence makes it possible to assess whether certain institutions were more accessible than others for those with limited means. Petitions in the Parliamentary Archives and the state papers, as well as in the records of key Scottish authorities, are certainly weighted towards those from the nobility, gentry, clergymen, professionals and merchants, rather than smallholders, craftsmen, servants and labourers (see Table 1.2).[38] These patterns mirror those in London's equity courts, like Star Chamber, where gentlemen were considerably overrepresented.[39] It is thus important to recognise that many people from modest backgrounds were more likely to petition local magistrates, where petitions were much less commonly from gentlemen, clergymen and county officeholders than from the 'lower orders'. For those from the very bottom ranks of the social hierarchy, local institutions were much more inclusive.[40] Nevertheless, it would be wrong to conclude that poorer people were systematically excluded from national institutions. Just as it is necessary to recognise that the legal landscape included bodies like the Court of Requests – reputedly a 'court of poor men's causes' – where identifiable petitioners came from across the social spectrum,[41] so too is it important to acknowledge that the barriers to participation in other national institutions were practical – in terms of the time and expense involved – rather than formal. Here too chapters in this volume complicate our understanding of the possibilities available to, and exploited by, people of humble means and straightened circumstances.

Table 1.2 Social status of lead petitioner (%)

	House of Lords	State papers	Quarter sessions
Nobility or gentry	47	30	3
Royal or county officeholder	7	11	2
Clergy or clerk	7	7	3
Merchant	6	12	0
Local officeholder	0	0	10
Yeomen, husbandmen, tenant	2	4	5
Craftsman, tradesman, artisan	12	17	18
Servant, labourer, pauper	2	9	26
Unknown	16	11	32

Grievances

A second avenue that requires exploration involves the grievances that provoked early modern supplicants. There is scope to build upon the recognition that the content of petitions was as diverse as their authors, whose concerns often touched upon wider economic, social, religious and political issues – from enclosure to Church reform – and upon vital areas of policymaking, as well as the repercussions of political upheavals at home and abroad. Chapters by Howard and Waddell not only confirm that petitions related to every aspect of contemporary life but also highlight patterns in the kinds of request that were submitted to different authorities and how these evolved over time.

This can clearly be observed in relation to the most obvious topic of supplications: the desire for mercy. This was already familiar in the Middle Ages and would remain popular beyond the early modern period, but it also highlights important facets of petitioning culture.[42] First, it was common across different jurisdictions. At the local level, many people accused of minor offences sought clemency from magistrates; innumerable petitions related to impounded property and unpaid debts, as well as imprisonment. However, scholars have also demonstrated the importance of supplications from convicted felons and rebels that reached the Crown.[43] They have highlighted the frequency

with which people approached the 'High Court of Parliament', not just to secure forgiveness for offences against the institution itself, but also for merciful intervention in legal and financial battles, as discussed in Peacey's chapter. It is thus possible to observe how national and local institutions formed a connected but variegated jurisdictional landscape, and to demonstrate the frequency with which even humble individuals sought clemency and justice from the highest authorities. Those who sought mercy also responded to a shifting institutional and legislative landscape, from Parliament's re-emergence as an appellate court in the 1620s to the English Revolution, as with appeals to new executive bodies regarding the sequestration of property by local officials.[44] Here, the chapters by Howard, Peck and Waddell highlight how public awareness of statutory developments helps to explain broad patterns of petitioning over time. Petitions to county magistrates from indebted prisoners certainly became more common and routinised thanks to a series of statutes from the late seventeenth century onwards. In other words, examining the apparently straightforward desire for mercy highlights how petitioners could turn not just to local authorities but also to the higher powers, in line with ancient principles about the discretionary role of rulers in offering relief to those who were suitably humble and deserving. Such an approach also reveals how these practices evolved over time, exploring how contemporaries responded to institutional and constitutional change.

Very often the content of petitions reveals how supplicants responded to new circumstances with novel objectives. This can be seen in requests from the poor for material relief, which might appear simply to reflect age-old appeals for charity and traditional rhetoric, but which are actually more revealing. Such petitioning reflected economic conditions and local needs, mapping spikes in dearth and industrial disruption, while also responding to policy changes.[45] Indeed, petitions for relief to both English and Welsh county magistrates and central committees were distinctive in seeking official pensions from public funds rather than munificence from personal or princely charity, and petitions that focused on statutory welfare soon became one of the most common topics across many jurisdictions.[46] They were also symptomatic of a broader pattern whereby supplications on a range of issues – such as paternity support, cottage building licences, alehouse keeping licences, turnpike roads, canal construction and urban improvement – could be traditional in form but novel in reflecting and responding to broad patterns of state formation.[47]

Occasionally, petitions reveal overt engagement with government policy and with the nature of the polity itself, thereby revealing the

relationship between 'conservative' impulses and possibilities for change. Large protests were usually preceded and accompanied by written supplications, from the Pilgrimage of Grace (1536) and the mid-Tudor risings onwards.[48] Such documents emphasised the need to undo recent shifts in religious practice, taxation and tenurial structures. They also demonstrated a striking willingness to engage with constitutional matters and to relate supplication to more forceful kinds of participation. Such petitioning on sensitive matters of Church and state became increasingly common in both England and Scotland, as episodes like the 'millenary' petition of 1603 make clear. Even if they were not accompanied by armed uprisings, such petitions raise important issues about the relationship between tradition and innovation.[49] As such, the more numerous political petitions of later decades – from the Root and Branch petitions of 1640–1 to Leveller protests in the later 1640s – should be seen as outgrowths of long-established supplicatory practices, which combined nostalgic rhetoric with calls for far-reaching reforms.[50] Eventually, such claims about governance involved matters that were traditionally regarded as *arcana imperii* – like the royal succession and foreign policy – in ways that would have been more or less unthinkable in the sixteenth century.[51] This makes it important to address – as Bowie does in this volume – the long history of the relationship between petitioning and the emergence of an adversarial and campaigning political culture, and to explore contestation over the boundaries of legitimate agitation.

At the same time, the chapters in this volume also consider the politicisation of petitioning in other ways by contextualising high-profile episodes. This means acknowledging that well-known texts represented a tiny minority of requests to the authorities, even if the focus is narrowed to national institutions at moments of heightened political tension. It also means recognising the overlap between 'practical' and 'political' petitions. For example, complaints about religio-political issues such as the alleged 'popish' influence in government were often combined with grievances about the 'decay of trade',[52] while campaigns about patents and monopolies similarly mixed economic and constitutional concerns.[53] Scholars have arguably done too little to disentangle multiple issues within individual petitions, a theme explored in this volume in Robson's analysis of fen drainage disputes and in Peacey's discussion of 'protections' and parliamentary privileges. Both chapters raise questions about the degree to which 'political' and 'constitutional' matters were latent – or immanent – within petitions that dealt with ostensibly mundane issues, and about how everyday concerns could generate broader reflections upon political structures and systems.

Logistics

It is also necessary to address how petitioning was executed and how its impact was maximised. The processes involved in organising, composing and presenting petitions are often opaque; each surviving text was the product of a series of decisions and collaborations, only some of which are likely to be visible on the page. Nevertheless, the language and rhetoric that emerged can prove revealing about petitioners, whose words reflected Britain's changing political culture and social relations. Historians should pay close attention to questions of authorship, genre and rhetoric, as well as to strategies of preparation, submission and dissemination, territory where medieval historians once again highlight important possibilities for understanding historical change and institutional development.[54]

One core challenge is the fact that much supplication – like litigation – involved formulaic and sensationalised claims of poverty, suffering and oppression.[55] This is particularly important in a context where many petitioners lacked the writing skills and institutional expertise to compose texts themselves. Most people required help from scribes, scriveners or lawyers, or at least knowledgeable neighbours, thereby raising questions about whose 'voice' is recorded in any given petition.[56] However, rather than suggesting that petitions are untrustworthy or inauthentic, it seems more sensible to view petitioners as participants in a series of decisions about how to get their grievances addressed. They learned how to navigate political and administrative processes, becoming more knowledgeable about institutions – and specific policymakers – as print culture enhanced political transparency.[57]

In no small part, this means paying close attention to petitions as material and textual objects, some of which betray direct involvement by specific supplicants. Bowen, Worthen and Peck in this volume all address degrees of 'authorship', in terms of the contributions of amanuenses, advisors, supporters, mediators, patrons and clerks, while also being attentive to fragmentary traces of petitioners' own input.[58] This collaborative process was sometimes self-evident, as with monoglot Welsh petitioners who relied upon bilingual scribes to craft English narratives, but it seems likely to have been much more prevalent, even where it might least be expected. Very often, therefore, texts reveal a 'hybrid voice' rather than the unmediated 'voices' of previously 'unheard' individuals, or else 'fictive persona', detached from the lived experiences of named petitioners.

Attentiveness to texts also involves issues of rhetoric and the particular words used help to explain how supplications were justified.[59] Although petitions were expected to adopt a somewhat standardised format, and to obey generic conventions, such features are nevertheless illuminating, especially when considered alongside more idiosyncratic elements. The chapters in this volume enhance our sense that petitions could blend deference with more defiant claims about 'right', 'wrong' and the 'public good', and a certain kind of legalism. They indicate that supplication involved a 'social calculus' and careful rhetorical strategies, highlighting the political 'imaginaries' involved.[60] Bowen and Bowie both demonstrate how conventions regarding the manner and form of petitioning could be honoured but also manipulated, while Howard highlights that humility was often combined with emotive language regarding malice and fear, especially amid claims about physical violence. Peck, Worthen and Bowen show how requests for military pensions are especially multi-layered, evoking traditional images of 'impotent' widows, orphans and invalids, while also placing petitioners into broader narratives of political struggle and service to the state. Waddell and Peck, meanwhile, reveal that petitioners frequently buttressed their claims by deploying the language of statutory rights and duties, evincing awareness of recent legislation. Occasionally, the rhetoric of 'commonwealth' also features, most obviously during the fen drainage disputes examined by Robson. Such language may not always have been explicit or politically pointed, but it could certainly be strident, incorporating underlying claims about political legitimacy, sovereignty and 'delinquency'. Whether or not such language betrayed the influence of advisers or even political agitators, as well as the expectations of officials, it should not be treated as merely superficial. It may just as easily have emerged from the experiences of petitioners themselves, signalling the propensity for narrow issues to become framed in more expansive ways and the broader terms in which petitioners came to conceive of their grievances.

In addition to being complex and collaborative, petitioning was also a multi-stage process, key to which could be securing support from other people. It is now recognised that some petitions were mediated by local institutions that facilitated their submission to the higher authorities.[61] More obviously, many supplicants gathered signatures and endorsements, another area where the chapters in this volume reveal shifting attitudes and practices. This is often associated with mass petitioning in the 1640s, but a longer and wider perspective reveals a more nuanced picture. This means looking at petitioning in Scotland, as explored here

by Bowie, not just in terms of the Covenanters' dramatic campaign against the new prayer book in 1637 but also of a longer tradition of collective 'bands' and 'confessions', setting out views on Church government or spiritual reform. Such practices are crucial to the emergence of an adversarial and campaigning political culture, including the tendency for large-scale petitioning to foster counter-petitioning. Organisers grappled with whether mass subscription was legitimate or seditious, whether petitioning could be used to test loyalty (by identifying refusers) and whether large numbers of subscribers carried more weight than a select band of prominent leaders. Contestation on such issues was central to the history of mass petitioning, although Bowie also highlights the pragmatic concerns involved, in terms of whether it was logical (or risky) to identify a representative signatory and whether there was safety in numbers.

This volume also highlights a more complex history of mass petitioning outside Scotland. This includes large-scale campaigns by rural activists and Puritan campaigners, as well as the possibility that mass petitions might be accompanied by large crowds, demonstrating the potential for well-organised agitation from the mid-sixteenth century onwards. Such practices naturally provoked attempts to curtail mass activism, culminating in legislation against 'tumultuous petitioning' in 1661, and yet it is important to recognise that official attitudes to such behaviour were inconsistent or ambivalent rather than straightforwardly hostile.[62] This complexity also involves local responses to social and economic grievances of a more practical kind, as demonstrated by Robson's analysis of fenland disputes. It is even possible to blur the distinction between 'individual' and 'mass' petitions by recognising that particular supplicants sometimes gathered corroborating evidence and testimonial 'certificates' regarding their claims. This was important for veterans, war widows and orphans who wanted military pensions, as discussed by Peck, Worthen and Bowen; it was even more important for those who sought to present themselves as a collective body. Collective petitioning, in short, was more common than previously recognised, and Howard finds that roughly a tenth to a third of submissions to county magistrates came from 'the parishioners' or 'the inhabitants' of particular villages, although even complaints from single individuals might have been accompanied by supporting subscriptions.[63]

The final logistical issue was the presentation of petitions, another area where both practical and tactical issues arose, and where experimentation occurred, including around 'publicity'. Given the assumption that petitions would be submitted in person, supplicants confronted the possibility that this might prove arduous and costly, even in the context of quarter sessions, as Worthen demonstrates. The obstacles involved

would certainly have deterred many humble petitioners, just as the expectation that maimed soldiers should present themselves to magistrates for oral or physical examination was likely a discouragement. At the same time, the need to be present in person meant that even 'private' petitioning could have a 'public' dimension, reinforcing the need to avoid simplistic distinctions between traditional or 'practical' kinds of petitioning and the more demonstrative kinds of printed petitioning that have been associated with the transformation of political life during the English Revolution. This is not to deny the novelty of printed texts which publicised particular causes and which sought to represent or appeal to 'public opinion'. However, while such developments underpin claims about a link between petitioning and the emergence of a 'public sphere' of political debate, there are also grounds for caution.[64] Print was much less prevalent outside England, and it often facilitated the collection of signatures rather than the promotion of political causes more publicly. From the 1620s onwards, moreover, print was also used to circulate petitions fairly discreetly among political elites, and involved a kind of lobbying more obviously than overt political campaigning. Even this kind of behaviour proved controversial, and print only gradually became an acceptable means of petitioning Parliament. This means that, in both local and national contexts, and with regard to all kinds of complaints, there emerged – and remained – only a fuzzy distinction between printed and manuscript petitioning. Individual petitioners also moved somewhat tentatively from conventional and deferential forms of scribal supplication to discreet printed petitioning and then more public campaigning, in response to the frustrations they encountered.[65]

Expectations

Evidence of logistical innovation and experimentation reveals how contemporaries navigated the norms and conventions associated with petitioning, and the extent to which these were negotiable. As such, it highlights the expectations that both supplicants and the authorities had about petitioning. These included contemporary thinking about the manner and form of petitioning, acceptable genres and legitimate methods of presentation and dissemination, as well as about which institutions were appropriate targets for petitioners and what roles such institutions should play. Insufficient attention has been paid to what petitioning reveals about social and political 'imaginaries': how institutions were viewed 'from below' and what obligations elites and political

representatives were thought to have; how much consensus existed over such issues; and how far – and why – expectations changed over time.[66]

What emerges from the incorporation of local and national practices is that supplicants made careful choices about where to submit their petitions, and while some decisions may have been fairly obvious, or pragmatic, this was not invariably true. It is certainly not clear that supplicants merely approached their closest officeholder. That people had multiple options reflected a complex jurisdictional landscape, and the remit of different institutions was not always distinct or uncontested. Such issues are addressed in this volume by both Peck and Robson, the latter of whom traces specific sets of petitioners and long-running disputes across time and in different settings. During decades-long conflict over fen drainage, interested parties petitioned various different authorities, from royal officials to Parliament and the Council of State. Similar evidence emerges from other long-running – if smaller-scale – cases.[67] Such behaviour invites scrutiny of both the patterns and the thinking involved.

At times, petitioners clearly made conscious decisions that certain institutions were more appropriate than others. Following the union of the Crowns in 1603, Scottish supplicants faced novel choices about how to approach the authorities. Bowie's chapter explores how, as tensions rose during the 1630s, petitions were more often directed towards the Scottish Privy Council in Edinburgh than to the king in London. In other contexts, petitioners adopted a multipronged approach, simultaneously targeting more than one authority, whether local or national, judicial or political. As Worthen demonstrates, using legal channels at the same time as approaching royal councils and parliamentary bodies can be observed in certain 'private' matters. On other occasions, different institutions were approached sequentially, as petitioners escalated their cases from local to national forums, and from 'lower' to 'higher' authorities, just as litigants could appeal from lower to higher courts.[68] In the context of imperial expansion, planters in places like Barbados might sidestep local governors to petition monarchs directly.[69] Such behaviour suggests something akin to 'forum shopping' and an understanding of which channels were likely to be effective, as well as those that were most appropriate at any given stage in the process of resolving specific problems. Here it is vital to consider the respective virtues of petitioning in relation to litigation and more assertive forms of action, including riots, as Robson highlights. Such decisions reveal not just political and legal knowledge, and awareness of jurisdictional issues, but also contemporary perceptions regarding the power and receptiveness of different forums, as well as the probable effectiveness of different methods for seeking redress.

Addressing the choices that petitioners made about to whom they would turn indicates once again how they grappled with a shifting landscape. Petitioning highlights the power – perceived and actual – of particular authorities at specific moments and the pluralism of state structures, as well as how the 'nexus of obligations and expectations' changed over time. On such issues, tracking the volume of petitions received by different institutions contributes to wider debates about the distribution of authority in early modern Britain. As discussed by both Howard and Waddell, the rapid increase in the volume of petitions submitted to English county quarter sessions in the Elizabethan and early Stuart period reveals an intensification of governance, the heightened importance of statute law and a reciprocal relationship between the expanding authority of local magistrates and the number of requests that they received. As discussed by Peck, petitioning highlights changing expectations regarding the power of the state, in terms of the responsibility that it was thought to have for ever larger numbers of people employed in its service. Conversely, a widespread decline in the volume of extant petitions within sessions papers in the final decades of the seventeenth century indicates shifting lines of authority, as magistrates increasingly dealt with local concerns using summary powers, thereby making formal petitions less necessary and less likely to be preserved. While evidence across Britain is patchy, such trends were clearly not confined to England, although it is possible that the absence of evidence regarding local petitioning in Scotland indicates a tendency to privilege oral supplication, as well as the less intense involvement of secular officeholders in the administration of things like poor relief.[70]

Nationally, contemporaries grappled with changing attitudes on the part of – and relations between – royal and parliamentary authorities, between the House of Lords and the House of Commons and between representatives and their 'constituents'. Scholars have shown that the flow of petitions to Westminster varied over time, particularly in the context of attempts to clarify the boundaries of acceptable petitioning.[71] Central here are questions about whether Parliament more obviously became a focal point for 'poor men's causes'. This partly relates to the feasibility – or otherwise – of supplicants taking matters to the Crown and the Court of Requests, the possibility that royal attitudes towards petitioners became somewhat more ambivalent over time, and the potential for detecting growing institutional confidence within Parliament.[72] Peacey's chapter builds upon recent work on the openness, accessibility and responsiveness of Parliament and interactions between national institutions and members of a 'variegated public', as well as on perceptions of Parliament.

Such perceptions involve the hopes and expectations of petitioners, together with the responsibilities assumed by MPs and peers; it involves examining the extent to which Parliament asserted its role as a champion of weak and downtrodden subjects, striving to ensure that its own practices did not impact upon them negatively.[73] Pioneering here was Hart's work on how petitioning was transformed by the revival of Parliament's judicial role in 1621, which pointed to changing attitudes within and beyond Westminster, especially in a situation where the Privy Council became a less feasible means of addressing grievances, where attempts were made to reform the legal system and where disgruntled litigants turned to peers for justice.[74] Hart perhaps accentuated administrative impulses and the functional utility of Parliament as a forum for solving practical problems, rather than exploring the political attitudes of peers and petitioners, and it is certainly true that as Parliament became a more important forum for petitioners, it struggled to meet people's expectations. Severe logistical problems – including business overload – quickly emerged and some petitioners became frustrated and disillusioned. The authorities also remained mindful of the need to police the boundaries of acceptable petitioning and considered restricting how – and by whom – petitioning could legitimately be undertaken. Attention has already been drawn to attempts to impose limits on what constituted acceptable modes of petitioning, and it is important to recognise that official attitudes to petitioning remained unsettled during – and well beyond – the early modern period. This was certainly true regarding female supplicants, but evidence relating to 'freedom suits' also indicates that, while enslaved people were not entirely excluded from supplicatory processes, attempts were made to limit such possibilities, particularly as racial ideas hardened.[75] Such issues make it important to recognise the ongoing tendency for petitioning to cause controversy, in ways that generated new practices as well as new political ideas. There also remains scope to reflect upon how petitioning about practical and legal matters shaded into 'political' petitioning, as well as how petitioning encouraged people of all kinds to reflect upon institutions and their functions, and to grapple with novel ideas about representation.[76]

Effects

Petitioners' expectations, based upon their perceptions of the utility and authority of different processes and institutions, were inevitably driven by experience, and this makes it possible to highlight a final set of questions

regarding the effectiveness of petitioning, the receptiveness of those to whom petitions were directed and the impact of supplicatory practices. This is neglected territory: historians more often focus upon the opinions and aims of supplicants, and upon claims made regarding the legitimacy and authority of petitions, than upon the responses they received and the impact they made. The chapters in this volume highlight different ways of gauging the openness, inclusiveness and responsiveness of the political system, and how such things changed over time, especially in relation to 'public opinion'.

First, the chapters highlight possibilities for recovering decisions regarding specific petitions, particularly those involving precise and practical goals.[77] As demonstrated by Peck, Bowen, Howard and Waddell, local records often prove helpful in this regard, and although record-keeping at the national level was somewhat erratic, similar possibilities exist with petitions to the Crown, the Privy Council and Parliament, as discussed by Peacey.[78] Such decisions – alongside the willingness to promote specific petitions and take care with particular cases – obviously affected individual supplicants, and it is important to note when petitioners succeeded, when they failed and how they responded to being turned away.[79] This can certainly be explored with large-scale subscription campaigns in Scotland, such as when petitioners met with repression rather than redress, and Bowie's chapter enhances our understanding of the hostility that mass petitioning could generate. Much more work is needed on situations where individual petitioners encountered obstacles and how they comprehended – and responded to – the frustrations involved.[80]

Moreover, as the chapters by Howard and Waddell demonstrate, such evidence permits quantitative analysis regarding petitioners' success rate, at least at quarter sessions, and how this varied over time. More generally, however, it is worth reflecting upon how success and failure influenced the decisions that supplicants made about how – and where – to pursue their grievances. This involves recognising that petitioners sometimes received responses that were unclear or inconsistent. Robson demonstrates how complaints about fen drainage schemes sometimes received positive replies from the central authorities, but also that petitions from the drainers were more likely to be granted thanks to their alignment with royal interests. In circumstances of jurisdictional complexity, or even constitutional conflict, petitioners sometimes found themselves in awkward situations, prolonging disputes, provoking further petitions and further reflection, and even prompting other kinds of activism.

It is also possible to consider the impact that petitioning made on supplicants irrespective of their success or failure, in terms of how the

effort and organisation involved fostered distinctive public identities. Petitioning is as much about building coalitions, developing agendas, gathering evidence and articulating opinions as it is about attaining specific goals.[81] Peck demonstrates how petitioners for military pensions came to characterise themselves as war victims, whose claims for relief were predicated on honourable public service. Here, as elsewhere, petitioning encouraged individuals to relate their own experiences and grievances to those of others, and to reflect upon how and why their claims could be legitimated, perhaps even on their identities as covenanted or 'freeborn' citizens and as bearers of entitlements or rights. In other words, the petitioning process itself shaped political and social life even before supplicants received an official response.

In considering the structural impact of petitioning, its potential power becomes even more apparent, and the chapters in this volume highlight how petitioning shaped the state 'from below'. With poor relief, for example, Waddell demonstrates how parish officers and ratepayers might resist implementing legislation until commanded to provide support by local magistrates, whose orders were often direct responses to petitions from aggrieved paupers. Petitioning was thus central to the state's fiscal responsibilities, and as with other forms of activism it is integral to understanding the 'reactive' nature of the early modern state. Petitioning, in short, could affect policymaking and legislation.[82] In other contexts it is necessary to recognise that, while petitioners could elicit responses that offered the prospect of greater official involvement in local affairs, these did not invariably involve more effective governance, as Robson's account of fen drainage schemes makes clear. Of course, 'state formation' can also be analysed in terms of governance at the centre. Petitioning sometimes validated the discretionary power of monarchs, reinforcing expectations about royal mercy and justice, but it also affected the work and status of Parliament. On many vexed issues – including the protection of debtors and relief of creditors, discussed by Peacey – petitions promoted the development of clear, robust and fairer procedures. Dealing with petitioners fostered processes that affected and perhaps enhanced the authority of peers and MPs as sources of justice.[83]

Conclusion

This introduction has set out a synoptic approach to petitioning in early modern Britain, showing the value of analysing supplicatory cultures in varied contexts and using both qualitative and quantitative approaches.

What emerges is a clearer sense of the variegated but interconnected landscape of supplicatory culture, in terms of the people, issues, policies and politics involved, as well as the need to relate and compare practices in different settings. Although much work remains to be done, the advantages of a holistic approach are readily apparent. From inception to presentation and response, petitioning was a more complex process than is often recognised, and there is scope to deepen our appreciation of how texts were composed, organised, presented, publicised and received. These processes were often collaborative and involved tactical and strategic thinking, long before quill touched paper, and sometimes long after texts were submitted to the authorities. This approach also challenges simplistic distinctions: between different types of supplicant; between local and national petitioning; and between the deferential (or conservative) and more defiant and demanding possibilities. It is difficult to sustain neat distinctions between 'private' or 'practical' petitions, relating to specific individuals or localities, and 'public' or 'political' supplications, including 'mass' activism and printed campaigning. Situating petitioning within broader legal, social and political contexts facilitates connections to other forms of activism and other forms of writing. Moreover, attention needs to be paid to the 'mundane business of governance' and the 'little businesses' that dominated official workloads: which grievances were raised, how they were framed and what responses they elicited, as well as the political issues they invoked.[84]

This volume highlights the potential for using petitions to explore the structures and uses of power, as well as the chains of authority that connected centre and locality, and indeed metropole and colonies. This means examining how different elements of government operated and were related, how they could be navigated and utilised, and how different stakeholders thought about, and responded to, changing circumstances. It also means reflecting upon ideas about power and authority that informed the behaviour of both petitioners and the authorities, and that emerged from the experience of petitioning. Petitioning reveals how contemporaries negotiated jurisdictional complexity, and how they engaged with fundamental questions about political legitimacy; how they dealt with the conceptual as well as practical 'edges of governance'. It provides evidence for rethinking social relations and political participation, in terms of the inclusivity, accessibility and responsiveness of various institutions, the possibilities afforded to men and women of all sorts, and the thinking of everyone involved.

Beyond this, a holistic methodology makes it possible to challenge neat trajectories regarding supplicatory practices over time, in terms of

calibrating the importance of the mid-seventeenth-century revolution, monitoring how distinctions between 'public' and 'private' petitioning were clarified and tracing the emergence of the 'right' to petition. Petitioners clearly grappled with significant change, in terms of the grievances they encountered and the possibilities that existed to get these addressed. Shifts undoubtedly occurred in terms of how – and by whom – petitioning was undertaken, and in terms of who received petitions and how they responded. However, these shifts did not simply involve 'modernisation' or an ever clearer focus upon Parliament. Aggrieved people continued to face – and take advantage of – a wide variety of institutions and authorities locally and nationally, but also quickly adapted to positive, negative or even punitive reactions from officials and political elites.[85]

The history of petitioning was one of innovation and experimentation, the acquisition of new knowledge and awareness and shifting attitudes and expectations, over a protracted period. It is possible to trace broad patterns of change over time, and yet the processes involved were far from smooth or stable. These processes can be thought of as dialectical, since petitioners and petitioned alike responded to new circumstances with more or less novel practices, language and genres, thereby raising questions about the feasibility and desirability of different approaches, along with the legitimacy of different authorities and institutions. Petitioning was intrinsically a matter of negotiation between governors and governed, and the history of supplication involved how – and how far – the 'boundaries' of acceptable petitioning underwent renegotiation and witnessed ongoing contestation.[86] It remains unclear, for example, how sharp a boundary between petitions of 'right' and 'grace' could be defined.[87] Adaptation could be complicated and controversial, and both individually and collectively supplicants encountered obstacles, even outright hostility, as attempts were made to police acceptable conduct regarding the manner and form of petitioning. Such responses could generate frustration and anger, and they incentivised reflection and innovation – both rhetorically and tactically – on the part of petitioners. These changes, in turn, fostered procedural innovation. On all sides, in other words, it is possible to discern responsiveness, experimentation and creativity, as well as a capacity to accommodate and advocate change. Such processes certainly contributed to important trends in the culture of petitioning, including the rise of collective action and enhanced claims about the authority of 'popular' voices. However, it is also striking how 'responsive' different institutions and authorities proved to be, in terms of demonstrating sympathy for specific petitioners, modifying official policies, and even gradually transforming the nature and responsibilities of the 'state'. The distinction between 'public'

and 'private' petitions, which has been vital to claims about the transformation of petitioning in later ages, not only emerged slowly but can also be traced to changes in supplicatory practices within the early modern period, including greater willingness to petition Parliament and the risk of creating an unmanageable workload.[88] Here, as with issues like representation, the early modern period was crucial to the protracted and messy process by which fundamental issues were addressed, and it was integral to how contemporaries negotiated patterns and processes of governance, as well as the functions of key institutions.

In the chapters that follow, these issues and developments are explored in more detail, and with greater rigour and nuance. Their subjects range widely, although these are merely indicative of the relevant scholarly terrain. It would certainly be possible to pursue petitioning in many other contexts across early modern Britain and its developing empire. What these chapters usefully do, however, is investigate how people organised, wrote and submitted their petitions; how supplicants navigated particular circumstances and jurisdictions; how petitioners and political elites negotiated and contested the practices involved; and how petitioning was affected by the development of political, judicial and administrative institutions. They demonstrate not just how prevalent petitioning was but also how contemporaries grappled with the business of resolving grievances, including the accessibility, inclusivity and responsiveness of institutions. The perspectives offered in this volume show how – and how far – petitioning remained a crucial mode of communication between 'rulers' and the 'ruled', even as contemporaries navigated social, economic, religious and political change, related particular concerns to wider issues and promoted some kind of reformation or revolution.

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Notes

1. Bowie and Munck, 'Political Petitioning', p. 271; Zaret, 'Petition-and-Response'; Carpenter, *Democracy*, p. 66; Houston, *Peasant*, p. 24; Miller, *Nation*, p. 3; da Cruz, 'Introduction', p. 3; Dodd, *Justice*, p. 307; Dabhoiwala, 'Writing Petitions', p. 127; Knights, 'Participation', p. 39; Ormrod et al., *Medieval Petitions*, p. 5.
2. For individual MPs or committees, see Peacey, 'Printed Petitions'; Peacey, 'Dering'. For landlords, see Houston, *Peasant*.
3. For terminological issues, see the chapters by Zaret, Oddens and Knights in Huzzey et al., *Petitions*. For the 'address', see Vallance, *Loyalty*; Bowie, *Addresses*.
4. Van Voss, 'Introduction'; Bowie and Munck, 'Political Petitioning', pp. 271–8; Huzzey, *Pressure*.
5. Hoyle, 'Petitioning'; Hoyle, 'Agrarian'; Almbjär, 'Problem'; Coast, 'Speaking'; Phillips, 'Popular Politics'; Innes, 'Legislation'.
6. Boynton 'Martial Law'; Foster, 'Petitions'; Foster, 'Printing'; Guy, 'Petition of Right'; Young, 'Petition of Right'; Reeve 'Petition of Right'; Harrison, '"Abuses"'; Flemion, 'Saving'; Flemion, 'Petition of Right'.
7. Zaret, 'Petitions'; Zaret, *Origins*; Reinders, '"Citizens"'; Fletcher, 'Petitioning'; Maltby, 'Petitions'; Lake, 'Puritans'; Cust, 'Defence'; Walter, 'Confessional'; Woods, *Prelude*; Peacey, 'Dering'. See also: Suzuki, *Subordinate*, ch. 4.
8. Van Voss, 'Introduction'; Blaine, 'Power'; Hindle, *On the Parish*, ch. 6; Evans, *Unfortunate Objects*, ch. 5; Sokoll, *Letters*; Bailey, 'Think Wot'; Smith, '"Free"'; Tankard, 'Regulation'; Snell, 'Belonging'; Waddell, *God*, pp. 126–38; Hipkin and Pittman, '"Grudge"'; Healey, *First Century*; Hailwood, *Alehouses*; Weisser, *Ill Composed*, ch. 5; Hitchcock and Shoemaker, *London Lives*; O'Brien, 'Sexual Impropriety'; Peck, 'Great Unknown'; Worthen, 'Administration'; Falvey, '"Scandalus"'; Suranyi, *Indentured*; Rhodes, '"Man and Wyfe"'; Cockayne, 'Street'. Unfortunately, substantial collections of similarly 'prosaic' petitions have rarely survived from early modern Scotland, with only partial exceptions: Houston, *Peasant*; MacDonald, 'Prosaic'; Raffe, 'Church Courts'; Finlay, 'Court of Session'; Stewart, 'Petitioning', pp. 314–20.
9. O'Brien, 'Sexual Impropriety'; Falvey, '"Scandalus"'. For an especially clear example, see Hipkin and Pittman, '"Grudge"'.
10. Whiting, *Women*; Bowie, 'Customary'; Knights, 'London Petitions'; Knights, 'Participation'; Knights, '"Lowest Degree"'; Knights, '"Monster"'; Knights, 'Petitioning'. For a non-British example, see Munck, 'Petitions'.
11. Huzzey and Miller, 'Petitions', pp. 123–4; Vallance, 'Petitioning'; Vallance, *Loyalty*; Tilly, 'Parliamentarization'; Fishman-Cross, 'People'; Miller, 'Transformation'; Miller, *Nation*. For a pan-European perspective, see Lipp and Krempel, 'Petitions'.
12. Miller, *Nation*, pp. 3, 14–15, 27–8.
13. Zaret, 'Petition-and-Response'. For another similar narrative focused on a specific case study, see Longmore, 'Supplicants'.
14. Miller, *Nation*, pp. 14–15.
15. Stewart, 'Petitioning'; Raffe, 'Church Courts'; Würgler, 'Voices'; Loft, 'Petitioning'; Loft, 'Involving'.
16. Walter, 'Confessional'.
17. Smith, 'Petitionary'; Paterson, '"Bloodsuckers"'.
18. Hopper et al., 'Civil War Petitions'. Research on women petitioning during and after the Civil Wars has been especially valuable: M'Arthur, 'Women Petitioners'; McEntee, '"Sisterhood"'; Button, 'Royalist'; Whiting, *Women*; Weil, 'Allegiance'; Beale, '"Unpittyed"'; Beale, 'War Widows'; Peck, 'Great Unknown'; Worthen, 'Supplicants'; Thorne, 'Narratives'. See also Stoyle, '"Memories"'; Blaine, 'Power'; Matar, 'Wives'; Appleby, 'Unnecessary'; Hudson, 'Negotiating'; Worthen, 'Administration'; Vallance, 'Democratic'; Thorne, 'Letters'; Daybell, 'Scripting'.
19. Bell, 'Print Networks'; Woodfine, 'Debtors'. For an earlier example, see Crook, 'Petition'.
20. Ormrod, 'Murmur', p. 136. Dodd, 'Kingship'; Dodd et al., 'Multiple-Clause'; Dodd, *Justice*; Ormrod et al., *Medieval Petitions*; Smith and Killick, *Petitions*. For the increase in petitioning, see Myers, 'Parliamentary'. For medieval petitions from Scotland, Wales and Ireland, see Dodd, 'Sovereignty'; Maleszka and Stevens, 'Maintaining'.
21. Almbjär, 'Problem'.
22. Zaret, *Origins*; Fletcher, *Outbreak*; Maltby, *Prayer Book*; Peacey, *Print*, ch. 8; Walter, 'Confessional'; Knights, *Representation*, ch. 3; Lake, 'Puritans'; Stewart, 'Petitioning'; Bowie, 'Customary'; Carlin, *Regicide*; Cust, 'Defence'.

23. Hoppit, 'Petitions'; Loft, 'Involving'; Yamamoto, *Taming*, esp. pp. 146–55.
24. Healey, *First Century*; Hindle, *On the Parish*, ch. 6; Flannigan, 'Litigants'; Houston, *Peasant*; Hoyle, 'Agrarian'; Hoyle, 'Petitioning'.
25. Bell, 'Print Networks'; Woodfine, 'Debtors'; Hill, 'Court of Requests'.
26. Flannigan, 'Litigants'; Hart, *Justice*.
27. Smith, 'Revolutionaries'; Suzuki, *Subordinate*, ch. 4; Smith, '"Free"'; Gowing, *Ingenious*, ch. 6; Paterson, 'Starch'.
28. Luu, *Immigrants*, pp. 64, 67, 71, 74, 127–8, 144, 160–1; Selwood, *Diversity*, pp. 115, 121–2, 154–5, 161–2.
29. Higginson, 'Right'; Hall, *Reforming*, pp. 87–92.
30. Dixon, 'Chowans'; Yirush, '"Chief Princes"'; Daniels, '"Liberty"'; Suranyi, *Indentured*, ch. 4; Blaine, 'Power'. Indigenous petitioning appears to have been even more common with the Iberian empires: Masters, 'Thousand'.
31. For Scottish Gaelic speakers submitting petitions in English, see Houston, *Peasant*, p. 82.
32. Hughes, *Gender*, pp. 42–9, 54–61; Whiting, *Women*; Higgins, 'Reactions'.
33. M'Arthur, 'Women'; Suzuki, *Subordinate*; McEntee, '"Sisterhood"'; Whiting, *Women*; Kesselring, *Mercy*; Button, 'Royalist'; Thorne, 'Women's'; Matar, *Britain*, pp. 77–92; Peck, 'Great Unknown'; Worthen, 'Supplicants'; Beale, 'War Widows'; Smith, '"Free"'.
34. Haskett, 'Chancery', p. 286; Erickson, 'Common Law', p. 29; Horwitz, *Chancery*, pp. 36–7; Hunt, 'Wives', p. 126; Flannigan, 'Litigants', p. 322; Stretton, *Women*, p. 40; Kesselring and Mears, *Star Chamber*, p. 11.
35. In the late medieval period, about one in eight petitioners to the English Parliament were women: Ormrod, *Women*, p. 8.
36. Erickson, 'Common Law', p. 29; Whiteoak, 'Widows', pp. 99–107; Hunt, 'Wives', p. 126; Flannigan, 'Litigants', p. 322; Stretton, *Women*, p. 104; Matar, *Britain*, pp. 77–92.
37. Whiting, *Women*, ch. 2; Matar, *Britain*, pp. 77–92.
38. For Scottish evidence, see Goodare, *Government*, pp. 271–2.
39. Kesselring and Mears, *Star Chamber*, p. 11; Stretton, *Women*, p. 95; Horwitz, 'Exchequer', p. 172.
40. For the status of subscribers to 'large responsive petitions' to Parliament after 1688, see Loft, 'Petitioning', p. 353.
41. Flannigan, 'Litigants', pp. 325–6; Stretton, *Women*, p. 93; Hill, 'Court of Requests'.
42. Lacey, 'Royal Pardon'; Dodd, *Justice*, pp. 227–8; Neville, 'Royal Pardon'.
43. Kesselring, *Mercy*, ch. 4; Beattie, 'Royal Pardon'; Hay, 'Property', pp. 40–9. For continental examples, see Davis, *Fiction*; Verreycken, 'Crime'.
44. Weil, 'Allegiance'; Hughes, *Gender*, pp. 43–9.
45. Healey, *First Century*, ch. 6.
46. Supplications for relief to the Scottish Kirk sessions unfortunately do not survive in significant numbers, though records suggest that they were not uncommon: Stewart, 'Poor Relief', pp. 10, 18, 20; McCallum, *Poor Relief*, pp. 190–1.
47. Hoppit, 'Petitions'; Loft, 'Petitioning', pp. 348–9; Tomlin, 'Alms Petitions'.
48. Hoyle, *Pilgrimage*; Wood, *1549*, pp. 40–69, 156; Greenwood, 'Rebel Petitions'; Stoyle, *Murderous*, ch. 4–5.
49. Collinson, *Puritan*, ch. 5; Craig, 'Hampton Court'.
50. Fletcher, *Outbreak*, ch. 3 and 6; Foxley, *Levellers*, ch. 4.
51. Knights, '"Monster"'; Knights, *Representation*, ch. 3.
52. Fletcher, *Outbreak*, pp. 223–4; Whiting, *Women*, pp. 237–59.
53. Paterson, 'Starch'.
54. See above, note 19.
55. Woodfine, 'Debtors'. For medieval examples, see Dodd, *Justice*, p. 301; Harris, 'Taking Your Chances', p. 187; Dodd, 'Thomas Paunfield'.
56. Dabhoiwala, 'Writing Petitions'; Houston, *Peasant*, ch. 8. See also Vermeesch, 'Professional'; Myers, 'Parliamentary', pp. 387–8; Killick, 'Scribes'.
57. Hill, 'Court of Requests', p. 136; Peacey, 'Dering'; Peacey, *Print*, esp. ch. 9; Innes, 'Legislation'. For medieval precursors, see Wiedemann, 'Doorkeepers'.
58. For an additional example, see Smith, 'Norwich', pp. 21–2.
59. For some valuable examples of analyses of rhetoric in petitions, see Whiting, *Women*, ch. 4–6; Capern, 'Maternity'; Hindle, *On The Parish*, ch. 6; Maltby, *Prayer Book*, ch. 3; Chadwick et al., 'Acts'.

60. Houston, *Peasant*, pp. 179–83, 187, 270–1; Musson, 'Patterns'; Fletcher, 'Language'; Whiting, *Women*, ch. 4; Peacey, 'Printed'.
61. Smith, 'Norwich', p. 23; Paterson, 'Starch'.
62. Hoyle, 'Petitioning'; Woods, *Prelude*; Whiting, *Women*; Coast, 'Speaking'; Knights, '"Lowest Degree"'.
63. O'Brien, 'Sexual Impropriety'; Falvey, '"Scandalus"'; Burnett, 'Group'.
64. Knights, 'L'Estrange'; Woods, *Prelude*; Zaret, *Origins*; Coast, 'Speaking'; Heaton, '"Poor Man's Petition"'. This process began long before the 1640s: Whiting, *Women*, pp. 181, 186. For literary uses of the supplicatory mode, see: Whittington, *Renaissance*.
65. Peacey, *Print*, ch. 8–10; Kyle, *Theater*, ch. 5–6; Matar, *Britain*, pp. 77–92. For the negligible use of print in Scottish petitioning, see MacDonald, 'Prosaic', p. 294.
66. On the issue of expectations, see: Weiser, 'Access'.
67. For a more small-scale but similarly long-running dispute, see Peacey, *Madman*.
68. Peacey, *Madman*.
69. Amussen, *Caribbean*, p. 151.
70. For Scotland, see: Goodare, *Government,* pp. 197–203; MacDonald, 'Prosaic', pp. 294–5; Bowie, *Public*, pp. 56–7. In contrast, the Scottish church courts were active in local affairs and received at least some petitions from parishioners: Raffe, 'Church Courts'; Stewart, 'Poor Relief', pp. 10, 18, 20.
71. Dodd, *Justice*, ch. 2–4; Thrush, 'Legislation'; Knights, 'Participation', pp. 41–2; Miller, *Nation*, ch. 4.
72. Musson, 'Queenship', p. 171; Dodd, 'Thomas Paunfield', p. 227; Hoyle, 'Masters'; Weiser, 'Access'.
73. Hirst, 'Making Contact', p. 28; Dodd, *Justice*, pp. 182, 205; Harris, 'Taking Your Chances'.
74. Hart, *Justice* (passim).
75. Banks, 'Dangerous', pp. 809–27; Whittico, 'Rule'.
76. Hart, *Justice*; Peacey, 'Printed'; Peacey, *Print*; Peacey, 'Dering'.
77. Smith, '"Free"'.
78. Weiser, 'Access'.
79. Peacey, 'Dering'.
80. Peacey, *Print*, ch. 8.
81. Leston-Bandeira, 'Parliamentary'. For these effects in the nineteenth century, see Miller, *Nation*, ch. 8.
82. Hoyle, 'Petitioning', pp. 375–81; Loft, 'Involving'; Innes, 'Legislation'.
83. See also Hart, *Justice*.
84. Hirst, 'Making Contact', p. 29; Hughes, 'Parliamentary'; Sacks, 'Corporate'.
85. On these issues, see: Miller, *Nation*.
86. For the importance of negotiation, see: Woodfine, 'Debtors'.
87. Weiser, 'Access'.
88. Innes, 'Legislation', p. 112; Hart, *Justice*, pp. 66, 198. For the emphasis on 'public' petitioning by historians of modern Britain, as opposed to the 'private' and 'sectional' petitioning that characterised the early modern period, see: Miller, *Nation*.

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2

Genre, authorship and authenticity in the petitions of Civil War veterans and widows from north Wales and the Marches

Lloyd Bowen

This chapter considers the petitions of maimed soldiers (and, to a lesser degree, military widows) from north Wales and the Marches who requested relief from local authorities during and after the Civil Wars of the mid-seventeenth century. I use this material to engage with the emerging scholarship on genre, authorship and authenticity in early modern petitioning.[1] The chapter explores the generic conventions attending early modern petitioning and their implications for understanding the 'authorship' of these documents.[2] Considering questions of authorship in such petitions brings us up against historiographically contested terrain concerning 'truth' and 'authenticity' in such narrative legal evidence. While a good deal of scholarship in this field has centred on depositional testimony, petitioning local sessions courts has received much less attention, and this discussion aims to help address this omission.[3] This chapter contends that anxieties about the truthfulness and veracity of these petitions are not merely concerns of modern scholarship but were concerns shared by legal officials in the seventeenth century. Moreover, it argues that efforts of authentication and corroboration, of tying the petitioner to their petition, were features of county-based military relief which, while not revealing a single petitionary 'author', nevertheless allow us to connect our archival remains with real historical subjects.

Questions of authorship, truth and its relations in early modern texts have been the subject of a brilliant and stimulating intervention by the literary critic Frances Dolan in her 2013 book, *True Relations*.[4]

One of the book's chapters tackles legal depositions, a form of narrative evidence which is often found alongside petitions in quarter sessions archives.[5] Dolan is critical of historians who maintain that they can locate the 'authentic voices' of ordinary people in such material. She argues that historians acknowledge the problematic nature of depositional evidence, shaped as it was by court procedure, examining officials' questions (or 'interrogatories') and the conventions surrounding court evidence, but that they then carry on regardless, claiming to have found a kind of direct access to early modern realities. Dolan is keen to bring the tools of literary criticism to bear on such evidence by emphasising its literary nature. In foregrounding the constructed nature of this material, Dolan challenges historians' impulses to identify the individuals in whose name these legal testimonies were given as 'authors' possessing agency and identifiable subject positions.

Dolan's work provides many invigorating arguments for thinking more critically about early modern narrative legal sources and the complexities of their authorship, some of which are developed here. This chapter, however, suggests that we should be wary of the risk of effectively erasing the historical subjectivities of those in whose names legal representations such as petitions were made.

While Dolan's work is a timely reminder that we cannot recapture some kind of originary and unmediated evidence of historical reality, it is fair to say that historians have long recognised the problems of working with narrative legal evidence and have adapted and modified their methodologies and conclusions accordingly.[6] For decades the historiography of this area has been cognisant of the complex and constructed nature of such evidence, and most historians dealing with this material are not as methodologically naive as Dolan seems to suggest.[7] While they might invoke the 'voices' of historical subjects, they rarely claim to have heard the authentic personalities of historical actors. Indeed, the question of 'truth' in these sources is rarely one that troubles historians who know better than to deal in certainties in such problematic terrain. Dolan maintains that we cannot 'reanchor' this legal evidence to 'what we might call the real historical subject' or the 'I who speaks'.[8] Although this may be true in the most dogmatic sense that we will not find some verbatim oral testimony expressing the unmediated expressions of non-elite witnesses,[9] historians have long recognised that our documents are not the same as the people who wrote them, or, indeed, those in whose names they were written.[10] The historian's job of connecting documentary remains to the lived experiences of long-dead individuals is not an attempt to resuscitate authentic personalities but, within the limits of our sources, to recover

the fragments of lives once lived and to form generalisations about the worlds they inhabited, while recognising that this is always a partial and incomplete process.

Despite these criticisms, Dolan's work provides a fruitful set of ideas and arguments for approaching materials such as the petitions of Civil War soldiers and widows, and for thinking more deeply about questions of genre, authorship and authenticity. Particularly intriguing is her suggestion that, when examining materials presenting us with the subject positions of non-elite and illiterate actors as rendered by a scribe or amanuensis, we do not think simply in terms of 'mediation' but rather about 'collaboration', about processes in which several 'authors' contribute to a text's production.[11] Her emphasis on the processes and the personnel producing the documents that reside in our archives is an important element of the discussion that follows. Also significant for this analysis is Dolan's claim that this was a period when contemporaries confronted a hermeneutic crisis of truth, when uncertainty 'was a crucial part of how the seventeenth-century understood itself'.[12] The chapter pursues this idea, exploring contemporary efforts to establish certainty when faced with claimants for military welfare. These efforts will return us to the ways in which seventeenth-century officials sought to anchor petitions to the individuals before them: to authenticate the historical subject.

Military welfare during the Civil Wars and Restoration

The material under scrutiny in this chapter arose out of the welfare systems established respectively by the Parliamentarian and Royalist authorities during and after the Civil Wars of the 1640s and 1650s. Individuals who had been injured in military service on behalf of the state and rendered incapable of earning a living had been able to claim a pension from local authorities since the 1590s.[13] This system was overhauled and expanded enormously, however, in the mid-seventeenth century when a politicised form of welfare was instituted to help deal with the human cost of the Civil Wars.[14] An important initiative was the passing of a parliamentary ordinance in October 1642, immediately after the Battle of Edgehill, which provided for the maintenance not only of individuals who were maimed fighting against the king, but also for their widows and orphans should the soldier be killed 'in the service of the Church and Commonwealth'.[15] The welfare provision established by this ordinance underwent several changes in the coming years, most notably in May 1647, but was essentially in place down to the Restoration.

Royalist local governors quickly reversed this partisan welfare provision to eject Parliamentarians and support wounded and bereaved loyalists, and in June 1662 the Cavalier Parliament passed an act to provide relief for 'Poore and Maimed Officers and Souldiers' who had served King Charles I and his father in the conflict.[16] This legislation established the framework within which military veterans and widows operated for the remainder of the century.

These systems functioned at both national and local levels: individuals could petition for relief to military commanders, central authorities (such as Parliament, the Lord Protector, or, later, the king or Privy Council) or to the county quarter sessions. It was the local authorities, the justices of the peace sitting on the local county benches, which received the majority of applications for aid and which were most involved in the consideration and adjudication of veterans' and widows' requests for relief. The aim for most petitioners was the granting of an annual pension, a reliable annuity to support them. A major AHRC project, 'Welfare, Conflict and Memory during and after the English Civil Wars, 1642–1700', on which I was a co-investigator, has collected together and digitised these petitions (as well as accompanying certificates, on which see more below) from local and national archives and made them available through a fully searchable online database.[17] The petitionary material gathered from north Wales (Denbighshire and Caernarvonshire) and the Marches (especially Cheshire) forms the evidentiary basis for this chapter.

The generic conventions of welfare petitions

When approaching these petitions with a view to addressing questions of authorship and authenticity, we need to give due weight to Dolan's reminder that we must consider the issue of genre. The petition was long established by the mid-seventeenth century and its form was thus shaped by generic conventions and expectations which had grown up over centuries.[18] These conventions structured the physical form and rhetorical structure of petitions to the county bench. The petitionary genre, then, circumscribed the scope for individual expression and creative experimentation within these texts. Drawing on classical rhetorical models, petitions adopted a set of formal generic categories and such a structure was expected by the governors who considered them.[19]

There was thus a script to be followed in these petitions which served to constrain and to suppress individualised authorial presence.

Like legal depositions and examinations, petitions presented their subjects in the third person as 'your poor petitioner', or similar; it is unusual to find a petition framed as a first-person narrative although, as discussed below, these do exist. There were particular formats which were often adopted in welfare appeals from military veterans and widows, a system which, we should recall, had been in place for half a century by the time of Civil War. Moreover, there was a degree of shared cultural literacy surrounding such petitions which provided a repertoire of images and ideas for articulating problems and seeking redress, and these were mobilised reflexively and repeatedly to conform to the genre's expected norms. None of the petitions under review, for example, offered suggestions of cowardice or disloyalty in their subjects, all of whom displayed qualities of faithfulness and fidelity to their respective masters. All petitions rehearsed the worthiness of their subject and the necessity of their relief. A number of the Royalist petitions appropriated the language of the 1662 act establishing the Royalist pension scheme. Petitioners described their conduct in the service of 'King Charles the first of ever blessed memory', a phrase lifted from the text of the act, and there clearly emerged a common scribal understanding about how to do this.[20] Petitions followed a script of service although there were many variations on this theme and much diversity in detail and presentation, issues which will be addressed shortly. This petitionary script also possessed a narrative form: a beginning, middle and end.[21] For a soldier, the beginning was his enlistment in the army and being taken away from his family and home. The middle rehearsed his military service and commitment to the cause. Here too was to be found a kind of climax to the tale with the debilitating injury or injuries which laid the individual low and often ended his capacity to fight. The ending was a pitiable *denouement* in which the soldier, often elderly and incapable, pleaded his necessitous state and claimed his just reward. The petitions of widows followed a similar narrative arc, although here it was the enlistment, service and death (not always easy to prove) of the departed soldier which provided the document's substance, while the pathetic final image was the bereft single woman struggling to raise small children without support.[22]

As Dolan and others have noted in their studies of depositional sources, there is a kind of literary artifice to these petitions which emerges from their generic conventions and their framing towards an ultimate goal: to be effective, a petition needed to adopt certain rhetorical formulae and subject positions. These texts, then, have significant debts to genre as well as to the events they describe, and we must modulate our understandings (and our expectations) of authenticity and authorship

in these documents accordingly. As Mark Stoyle has noted with regard to Royalist veterans' petitions in Devonshire, these are 'by no means uncomplicated reproductions of the veterans' own memories, but rather artful pastiches, mixing genuine recollections of the 1640s with the approved terminology of the 1660s'.[23] These were thus not freewheeling descriptions of a soldier's experiences or of a widow's sufferings, but were rather codified narratives shaped to meet the expectations of a long-established form and of a particular audience. As is discussed below, however, these generic elements do not overwhelm the individual nature of many petitions and their capacity for narrativising specific episodes and relating distinctive life stories.

In thinking about genre and authorship, however, we should be careful of reading these petitions simply in the same mode as legal depositions, as some historians have tended to: petitions were a distinct genre and had elements which allowed the individual's subject position to assert itself differently, and perhaps more readily, than in depositional evidence. One significant difference between petitions and depositions, of course, was that the document was normally initiated and co-produced *by* the petitioner; he or she was not an unenthusiastic witness in a legal case as was often the case with depositions (aside perhaps from those initiating prosecutions), but was rather a willing collaborator in telling their own story.[24] Although there were clear generic requirements for the petition's formulation, the material included was proffered voluntarily by the petitioner who would have had a significant degree of control over the final text. Unlike depositions and examinations, then, these were not the products of a dialogue with court officials who asked (sometimes lengthy) interrogatories, based around points of law, which fundamentally shaped their evidence and which were then silently erased by court scribes.[25] While there were required elements for a successful welfare petition (a history of political loyalty and military involvement, for example), they were not bound by considerations of legal relevance as was the case with witness statements. It is also the case that, as Tim Stretton has argued, legal pleadings and depositions were not centrally concerned with historical truths but rather with the resolution of conflict.[26] Petitions differed, then, in that they *were* ostensibly making claims about historical truths rather than navigating conflicting versions of events between opposed parties. These claims were doubtless subject to exaggeration, distortion and sometimes outright fabrication but, as is discussed further below, there were processes to assist with the verification and corroboration of material contained in the petition. Although we might gain from thinking about petitions in the discursive field of other kinds of narrative

legal sources, then, we should also remain cognisant of their generic, authorial and procedural distinctiveness.

It is also the case that, while petitions entered into the same legal-bureaucratic world as depositions and examinations, the justices before whom they were presented had different attitudes and expectations towards petitions than they did towards other types of narrative legal evidence. When considering depositions dealing with theft, affray and trespass, and so on, magistrates were supposed to be impartial arbiters of the merits and demerits of the witnesses and of the cases before them. When it came to Civil War petitions, however, these same justices were very likely disposed by the shifting political allegiances of the time to be sympathetic towards many of the petitioners. Indeed, in many cases individuals from the magistracy had commanded and fought alongside those now petitioning for relief. In Cheshire, for example, George Booth appended a note to a widow's petition in October 1651, informing the justices that 'I know the petitioner to bee a poore woman & both shee & her children are obiects of pittye'.[27] In Denbighshire, Francis Manley, a Royalist major, Restoration justice and treasurer of the maimed soldiers' money, provided statements supporting a number of petitioners in the 1660s and 1670s.[28] Similarly, in Devonshire, Mark Stoyle has recently traced the career of a Restoration justice and ex-Royalist officer, Captain Bartholomew Gidley, who was an assiduous supporter of his ex-soldiers' petitions while on the bench.[29] For many of these justices, then, the petitioners before them were not simply anonymous 'authors' whose identities were subsumed beneath a veneer of scribal rhetoric. Rather, they were ex-colleagues whose petitionary personalities needed to match up with personal and local knowledge about their service and suffering.

Petitions, scribes and 'authors'

The adoption of generic language and a common format in our petitions was the result of the fact that the vast majority of these documents were drawn up by professional and semi-professional scribes. Acknowledging the input of clerks and scribes in the production of narrative legal evidence has been important to the recent literature on early modern secular and ecclesiastical depositions,[30] and was crucial to Dolan's arguments about the futility of pursuing an 'authentic voice' in such records. Emerging from similar historiographical contexts to those scholars who have examined depositions, academics have also begun to explore the processes by which early modern petitions were produced.[31] The semi-professional

'scriberate' of the provinces were the shadowy intermediaries between petitioners and their petitions. Unnamed scribes were part of a collaborative authorial process, although they have left hardly any record of their identities let alone the processes of their work: the declaration by one Abraham Hilton of Lancashire on the 1649 petition of Mary Peake that he was 'the wryter, her neigbor', is a very unusual exception.[32] We can identify common hands writing petitions (and also often their supporting certificates) in individual counties, which demonstrates the presence of a single scribe working across 'clients'. For example, the petitions of Edmund Wynne, David Lloyd and John Williams to the Caernarvonshire bench in 1660 were all written by one individual and they adopt a very similar format, layout and phraseology, down to the idiosyncratic spelling of the word 'mayhemed' for 'maimed'.[33]

Our petitions, then, while physically written by a single hand, do not have single 'authors'. These are mediated accounts that, in the words of Jonathan Healey, 'should be seen as speaking with a hybrid voice'.[34] We cannot know with certainty where the input of the petitioner ended and the shaping hand of the amanuensis began. It is likely that many of our petitioners were illiterates who could not read the evidence that was being submitted in their name. Indeed, there is a further compounding element which distances the petitioner from their petition in one part of our sample: the likelihood that many, if not most, of the Welsh petitioners did not even understand the language in which their petition was written. The overwhelming majority of ordinary individuals in the counties for which we have most evidence, Denbighshire and Caernarvonshire, perhaps of the order of 90 to 95 per cent, were monoglot Welsh speakers.[35] An individual such as Rydderch ap Edward of Creuddyn in western Caernarvonshire, who served the king under the north Walian commander (and Welsh speaker) Colonel Roger Mostyn, receiving 'bruises and infirmities', was almost certainly unable to understand the text of the petition submitted in his name to the Caernarvonshire bench in 1660.[36] In such instances, the scribal intervention was not just that of amanuensis but of translator too.[37] We should acknowledge, however, that this was normal procedure in these courts, where depositions and examinations were given in Welsh but were written entirely in English, and where Welsh only had a presence in the record when the words spoken were under review, as in cases of libel or sedition.

There are other instances where the petitioner's authorial role seems even more removed from the document than normal. We would expect this to be the case, of course, with young children, such as the orphan Frances Hughson of Macclesfield in Cheshire, who petitioned the

bench for assistance in 1655.[38] Her mother was dead and her father, a trooper, had been killed at Marston Moor, since which time she had been cared for by a grandmother whose recent demise was the occasion for her petition. Frances also suffered from scrofula and smallpox, so 'her eies are become so tender and dimme of sight, yt she is altogether unable to do any thing towards her livelihood'.[39] Although Frances must have been at least 11 years old by the time this petition was submitted, she had no legal competency to produce it, and her physical disabilities likely prevented her from seeing let alone reading the submission. The document was probably composed partly by the Macclesfield authorities, who submitted a certificate with a series of signatories supporting the petition, headed by the town's mayor, Lancelot Bostock.[40] There were many other petitioners, of course, who had become blind with age, such as John Thomas of Hereford, the 'poore blind man whoe, when he had his sight, was a souldier for his late majestie',[41] or who were blinded by gunpowder or shot during the wars themselves, such as Captain Richard Vaughan of Llanrwst in Denbighshire.[42] One presumes that their petitions were composed orally and read back to them, but such individuals were particularly reliant on intermediaries to 'author' their petitions.

Similar considerations of competency apply to those who suffered from mental illnesses following the wars, such as Rowland Hughes of Rhiw in Caernarvonshire, who petitioned the county bench as a faithful ex-Royalist, intimating that he was wounded in the head 'to the brackeing and crushing of his scull=bone whereby he is … very prone … to scowle, rayle and rave'.[43] Recently, Hughes continued, he was 'suprized with that lunacy or phrenzy [and] hath abused and rayled at the justices of the peace of this county, not then knowing or perceaveing what he did'. His petition apologised for his 'weaknes, absurdities and deboystnes'. Having been harangued by Hughes, the justices had removed him from the county's pensioners, and his petition was begging for readmittance. Hughes' petition might be offering cover for a simple outburst of anger against justices who were reviewing burdensome pension payments. However, we should ask whether he had the capacity to 'author' the petition when he was, by his own reckoning, 'a lunaticke, insensible of reasoning or understanding', probably because of some form of post-traumatic stress disorder or brain injury. Such problems are reminiscent of bills brought before law courts in this period in the name of those with a form of mental incapacity and, indeed, also of minors.[44] Although individual authorship of the petition is as doubtful as those written in another's hand, nonetheless, we should acknowledge Hughes' representation as a robust form of personal narrative. It describes events

which Hughes' audience would have witnessed and remembered: these were the same justices whom he had abused and who had barred him from his allowance. It is also noteworthy that Hughes was readmitted to his pension: in other words, his petition was understood to be an accurate and reasonable account by those well positioned to adjudicate. The Caernarvonshire justices accepted that the petition represented the man before them: he was its 'author', even if he had not set pen to paper.

Uncovering the 'petitioning subject'

Acknowledging the scribal presence in these texts is thus critical to understanding their provenance and establishing the interpretative boundaries of our evidence. It remains the case, however, that there *was* a 'petitioning subject', an individual whose experiences were being acknowledged and rehearsed in these petitions, and it is the historian's job to explore, examine and contextualise them within the limits of our sources.[45] On occasion this identity, this petitioning subject, can surface more readily through idiosyncratic forms which stand out from the general run of petitions and which are sometimes indicative of authorship without the assistance of a scribe (something which is not found in legal depositions). Often such examples demonstrate a falling away in the quality of the spelling, penmanship and paper, which are suggestions that the petitioner had taken the initiative in writing their own representation.

One such example can be found in the case of Corporal John Barret, who petitioned his commanding officer, Governor Edward Massey, around 1644, following an engagement at Painswick in Gloucestershire.[46] His petition is a vivid and expressive account of his travails, as Barret was 'left for dead … having received tenne wounds [and] stript … starck nacked to the very skine'. He was petitioning for clothes and wood so that he would not 'perish for want therof'. Having finished the petition with the usual prayer for its recipient, Barret then deleted the line and added some graphic details of his wounds, which he presumably thought would strengthen his case: 'your peticioner receved 7 wounds in the head, 5 of them therow the scull, 1 cut in the backe (to the bons) with a pole axe, his elbow cut off bons and all: his hand slitt downe betwine the fingers, as Mr Caradine the cyerrugion afermeth'. This level of detail was unusual, as was Barret's characterisation of the surgeon: 'never the man that asked us a farthing'. It is also telling that Barret's petition, although sometimes expressed in the standard third person ('your peticioner'), was mostly penned in the first person: 'I beseech your honer that you would be

pleased to take order that I may have some cloths (both linin and woolin) speedyly'. It seems likely that Barret was indeed the sole 'author' of this petition: the script is clear and assured but is not the kind of secretary hand found in most petitions, while the spelling is also distinctive and suggests a hand other than that of a scribe.

Another example suggestive of an individually penned petition is the 1652 representation of Roger Royland of Cheshire.[47] In his submission Royland described himself as 'a poore racker' (presumably one who lives on a rack rent) who had served Parliament at the Battle of Worcester in September 1651, and who had since fallen sick and become impoverished. Royland's petition shows little of the spatial organisation familiar from scribally produced petitions and, like Barret, he readily lapsed into the first person: 'my humble petition is … I humbly begg'. Interestingly, Royland also signed his petition, which was unusual for quarter sessions submissions and is again suggestive of a lack of familiarity with formal scribal protocols.

The unstable pronouns found in Barret and Royland's petitions can be seen in a number of other veterans' submissions and are suggestive of the subjects' close involvement in the production of their petitions. However, we can also sometimes catch glimpses of the procedural and generic conventions which sought to detect and amend such 'intrusions' of the petitioner into their texts. For example, the address of Thomas Lloyd of Llanrhaeadr in October 1667 described his five years' service for the king under local commanders and the wounds and imprisonments he suffered, but also referred to a certificate previously submitted to the bench 'certiefieinge my loyaltie', a phrase which has been caught by the scribe and changed with an interlineation to 'his loyaltie', the expected third-person formula.[48] Another fascinating example from Denbighshire is the petition of Reece Ithel of Holt to the January 1668 sessions.[49] Ithel informed the justices about his service as a Royalist soldier 'dureing all the time for most of the late unhappy warrs', in which he had been wounded, thrice imprisoned, had his house burned and his goods stolen. The petition then lapses into the first person: 'I was brought very poore & hath soe continued ever since and still am'. The text has been amended before presentation to the magistrates, however, to read 'hee was very poore & hath soe continued ever since & still is'. Similar transformations are found elsewhere in the petition with 'my' shifting to 'his' and, in one instance, the word 'myselfe' being changed to 'himselfe', with the tell-tale descender of the 'y' hanging, pendulous and incongruous, under the revised text.

Petitions like those of Barret and Royland appear to have been written by individuals who were not entirely familiar with the strict

formulae and structure expected in such submissions. There are many other petitions in which we find particularist elements that speak forcefully to the directing hand of the petitioner (albeit they might not have held the pen) in the production of their representations.[50] Such documents often contain distinctive narratives and included details not found in more formulaic submissions (although even 'formulaic' petitions always had distinctive details of service and suffering). Unlike legal depositions where extraneous material was supposed to be excised by the clerk, such evidence was not necessarily ungermane to the business at hand. Potentially all details of war service, injury and statements of fidelity were relevant in considerations of worthiness. One such petition was presented by Ellis Evans of Penmorfa in Caernarvonshire shortly after the Restoration.[51] The physical appearance of this petition is somewhat unusual. It is slightly larger than most and does not possess the neatness of hand and layout of typical scribal productions. Its phraseology also deviates from standard forms in several incidental details. Ellis recounted being pressed twice into the king's service, first for the Bishops' Wars in 1639–40, after which he 'came home to his countrie', a detail which most scribes would likely have omitted. He was once again pressed into the king's army after the outbreak of Civil War and served there (as a 'true solider', again an unusual phrase) for four years. In this service Evans recounted that he had received 'nyne severall greate wounds in severall parts of his bodie', including being 'shott through his yard [i.e. penis] & bullets remayneing still in his bodie, the markes of which woundes your petitioner is readie to shew if your worships soe please'. He recounted that he was forced to beg to support his wife and children, 'for that the wound in your petitioners yard doth greivously trouble your petitioner in the nature of a stone collick'. We cannot be certain whether Ellis physically 'wrote' this petition, of course, but such details point to his critical role in authoring this document and, as we shall see, he would also attest physically to the veracity of his service record. It is perhaps worth noting also that in the petition's conclusion, the text originally requested assistance for supporting 'his wife & children', but an insertion ensured that this read 'his wife & *small* children', the standard petitionary script for characterising such dependants.[52] This indicates that an adviser with some experience was also involved in the production of the document, providing guidance about normative phraseology, and assuming the role of collaborative author with Evans.

We can point to many other instances where petitions introduce individual tone and detail (dare one say 'voice'?) to the petitionary script.

Personal favourites include the 1663 petition of Robert Mathew of Vivod in Denbighshire who opened his representation with a blistering description of his service: 'whereas upon the enemyes approach to inviron & besiege the capitall mansion of that famous hall Hyarcoll [High Ercall in Shropshire] by those hiberbolicall & well knowen traitors the Oliveriant Crewe'.[53] Mathew was projecting back into the mid-1640s the regicidal spectre of Oliver Cromwell (who had nothing to do with the siege of High Ercall), presumably to emphasise his loyalty throughout the period, but also to dramatise the threat of the engagement in which he had been involved. It is also worth noting that 'Oliverian crew' was an unusual phrase, but also one which Mathew may have encountered in the popular Royalist astrologer George Wharton's 1663 almanac, *Calendarium Carolinum*.[54] This may thus be an example of topical print culture worming its way into the discourse of provincial petitioning: Wharton was as good a source as any for what we might describe as a popular Royalist lexicon at this time.

Arresting phrases such as those employed by Mathew, which capture something of the individual character of many petitions, are to be found throughout our sample. On Parliament's side, Dennis Brayne of Nantwich in Cheshire petitioned the sessions in the summer of 1650 describing himself as 'a maymed soldier in the service of Ireland against those monsters the rebells of Ireland'.[55] For the Royalists, meanwhile, Hugh Prescott of Worcester petitioned the king in 1660 recalling his loyal service at the Battle of Worcester, but also describing how 'the barbarous soldiers of that grand rebell Cromwell did hang your petitioner in a tree till death (as they conveaved)', a story supported by a certificate signed by nine witnesses.[56] In this context, we might also point to the distinctive descriptions of wounds and injuries in petitions such as that of Michell Powell of Wrexham who, in July 1660, referred to being shot in the right arm at Edgehill which 'in the process of tyme festered agayne & soe corrupted yt it gew to be a woolfe or gangren'. He continued that, even after receiving surgery, he remained 'in a lamentable condycion through deadnes of flesh, havinge his veynes & nerves shranke & knotted through the dolor therof'.[57] John Stringer of Barthomley in Cheshire, meanwhile, gave a graphic account of his being a victim of a massacre by Royalists in the parish church, when he was among a group 'stript naked [and] driven into the church porch like sheepe to the slaughter'. Here Stringer was wounded, 'fallinge downe for dead … smeared with his one [own] blood … [and] was clove through the scull of the head with a pollaxe insoemuch that his braines appeared to the viewe of many'.[58]

Collaborative authorship

Elements such as the striking phraseology of Robert Mathew's petition are exceptions to the norm but raise the important question of who 'spoke' in these petitions, who 'authored' them? Were these the words of Mathew or of the scribe who penned his petition? We can never truly know, of course, but this does not necessarily mean that we should rob petitioners like Mathew of their agency or simply dispose with the idea of the petitioner as historical subject and deal with the petition as an anchorless text. Part of the issue with exploring 'authorship' in the context of these petitions is, as Dolan has pointed out, that we are overly reliant on modern conceptions of 'authorship' as constituting individual and unmediated expression. By bringing petitions within models of collaborative authorship, such as those which have flourished in the exploration of early modern epistolary culture and literary production, however, we can liberate ourselves somewhat from our reliance on the notion of the individual authorial 'voice' in such works.[59] Such a move helps in understanding petitions as multi-authored texts which nonetheless script individual lives and over which petitioners had a critical degree of control and agency.

The dynamics of petitionary collaboration are more difficult to unpick than in the case of correspondence (where letters sometimes explicitly refer to the involvement of scribes) or drama (where linguistic and computational analysis can help identify distinct authorial contributions across lengthy texts). Nevertheless, we can sometimes discern traces of the plural participants who authored these petitions. For example, the modification of first-person to third-person narratives, as we saw in Reece Ithel's petition, helps disclose what must have been the common process of a scribe taking down oral narratives from the petitioner and neglecting to transform them into the standard format until a process of revision was undertaken. It is also the case, of course, that while the scribe would understand the generic protocols of constructing a petition, rudimentary details of service, battles, wounds, residence, family members and so on had to be provided by the petitioners themselves. Consider, for example, the petition of William Humffrey to the Caernarvonshire sessions in the early Restoration which provided a detailed narrative of his military service.[60] He had been 'an apprentize' in Shrewsbury when the king visited in 1642, and 'listed himself a volunteere' under Colonel Thomas Blagge ('Black'), who became governor of Wallingford Castle in Oxfordshire. He was then present at the attack on Chichester under Prince Rupert before being taken prisoner at Bridgwater and held for

19 weeks. Humffrey then served in Ireland under Colonel John Booler before travelling to France, the Isles of Scilly and then to Scotland under Prince Charles (now Charles II), before finally serving in Ulster where he was again taken prisoner and incarcerated in London for 21 weeks. He concluded that 'by reason of all which service' he 'is become very unable & quitte lost & benummed of his limbs & his backe boane quite broake as by inspeccion appeareth'. It is doubtful that Humffrey would have penned the petition (although his Shrewsbury apprenticeship suggests he would have understood its English), but he was clearly its 'author' in terms of providing the background, detail and descriptive elements which constitute its narrative. Such petitions are thus simultaneously evidence of both collaborative authorship and a degree of vigorous individuality.

An intriguing stray document among the Cheshire archive is also suggestive of the collaborative dynamics at play in authoring these petitions. It concerns the onetime soldier Richard Aulcol of Wybunbury who had served the king under Colonel Charles Gerard, Lord Brandon. A scrap of poorly written paper filed next to Aulcol's petition reads: 'you mouste remember for to set doune where you reseved youre woundes in youre petishon[.] The firste in Gloster shire at Sisiter [Cirencester] I remember in the hed[,] and at a fight at Barton House takeen prisner and cut in the hed and reseved a cut in the arme'; the text is witnessed by one Thomas Corser.[61] These details found their way into Aulcol's petition in the order and essentially as laid out in this paper.[62] Corser was not the writer of Aulcol's petition which is in another, much more professional, hand, and perhaps this was akin to a certificate supporting the petition (given Corser's signature as witness). But Corser was clearly also offering Aulcol advice and guidance, perhaps from a shared past in military service, and was evidently involved at some level in the 'writing' of the final document, although he was neither the scribe nor the petitioner.

The observations of James Daybell with reference to early modern female letter writers are relevant to our analysis of the petitions. He notes that it 'is important to remember that the rudimentary act of putting ink on a page was only one of a range of skills associated with authorship, including composition, communication, memory, imagination … and attention to detail', adding that if a woman dictated a letter, 'the fact that she did not pen her own words does not mean that she was not responsible for them'.[63] We can marry these observations with Cordelia Beattie's concept of 'the petitioning subject', elaborated in her analysis of petitions to the late medieval Court of Chancery.[64] Beattie suggests that the 'petitioning subject' is not a fictive persona or an *a priori* self revealed through 'authentic' self-expression, but rather the textual product of

an engagement with systems of law and bureaucracy. She rejects the imperative to choose between the 'textual' and the 'social' approaches to petitions, noting that the subject positions delineated within a petition needed, ultimately, to be adopted and inhabited by the petitioner. Critically, moreover, this 'petitioning subject' had to withstand scrutiny and processes of authentication by the court as the personality behind the petition attested to the text's veracity and key claims. The textual subject thus *became* a social personality before the magistrate's critical gaze. This chapter now considers such efforts by the quarter sessions courts of north Wales and the Marches to reconcile the textual and embodied personalities of our Civil War petitioners.

Welfare petitioners and systems of verification

Although we must acknowledge the co-authored and mediated nature of our petitions, this does not mean that we end up, as Dolan seems to suggest we must, in a world of stories bereft of identifiable authors and real historical actors. In developing our understanding of the relationship between Civil War petitioners and their petitions, it seems useful to pursue another of Dolan's insights: that our seventeenth-century subjects were characterised in no small measure by their search for truth, but also by their unease at its persistent elusiveness. This is not to say that local justices considering veterans' and widows' petitions were looking to uncover 'authentic' historical subjects in all their intimate complexity, but rather that they sought to reveal a true *political* subject whose narratives were sufficiently convincing and authentic to merit a pension. *This* was the 'petitioning subject' conjured in our documents, and it was this personality which needed to materialise before the bench and be reconciled with the documents they had submitted. Contemporaries met the challenges of evaluating petitioners' authenticity by paying close attention to documentation and systems of verification.

Vitally important with respect to the maimed soldiers and widows, and with many other supplicants to the bench too,[65] was the fact that petitioners were expected to attend the court where they would be visible before the tribunal of the local community.[66] We can find numerous petitions within the Cheshire archive, for example, which were endorsed by the county clerk 'absent', indicating that the petitioner did not attend the court, and some possess additional endorsements, such as 'attend at next sessions & informe [of] his estate & condicion'.[67] As we saw in the case of Rowland Hughes, his problems stemmed from the fact that he

personally had abused the Caernarvonshire justices, presumably while they were adjudicating upon his case.[68] There were also recurring inspections and assessments of maimed soldiers and widows, particularly when money was tight in the county coffers.[69] On these occasions in jurisdictions like Denbighshire, pensioners were required to bring in supporting certificates to help verify their claims.[70] In October 1672, Francis Manley wrote to the clerk of the sessions, Thomas Prichard, noting that 'if any of our poore maymed soldiers faile to appeare this foule season, let them not suffer for it'.[71] He asked that local justices review the veterans locally and report to the following sessions. It appears, then, that in such counties pensioners were expected not just to attend the sessions to present their petitions, but were also periodically required to attend to receive their monies. The Breconshire authorities in July 1673 demanded that maimed soldiers attend the first day of the next sessions to 'bee examined and allso inspected in order to their services, manners and condicions', and in 1677 demanded another inspection to ensure that none was in receipt of a pension save those who 'by reason of theyre wounds (received in the warrs) shall well deserve the same'.[72] Similarly, in Shropshire, a directive was issued in 1662 that justices examine maimed soldiers in their respective divisions and 'carefully distingwishe who are maimed [and] … who have faythfully & constantly continued in the servis of his late majestie or of his majestie that now is'.[73]

For veterans, attendance at court also meant that their wounds and injuries were on public display as verifying marks of their petition's narrative. Indeed, several petitions referred to this fact, such as that of Mawrice Parry who appeared before the Denbighshire bench in July 1660 with a petition describing how he was 'greevouslye wounded in his wrist' at Nantwich and had thus lost the use of his right hand 'as may appeare'.[74] In Cheshire at the 1663 Epiphany sessions, George Yearsley submitted a petition which described his service under Sir Thomas Aston in Dorset where he was 'sore wounded as I shall make it to appeare', the telling first-person reference being later deleted. Yearsley went on to describe how his injuries had forced him to use crutches and that he was impoverished 'through his wounds, which hee can shew unto your worships'.[75] A certificate supporting the claims of one Caernarvonshire petitioner from January 1661 informed the justices that he had been wounded in the king's service 'as is yet to be seene by the markes hee beares', while in 1673 Oliver Moris ap Hugh was removed from the Denbighshire lists on the basis of what he called 'bare allegacons', but testified that he was 'bearing the marke of a faithfull soldier' upon his body and demanded to be reinstated.[76] Visual inspection and matching

scars to stories was evidently an important part of the verification process that accompanied petitioning.

A remarkable document survives among the Caernarvonshire quarter sessions records from the early Restoration. It emerged from an order that three justices (including a former Royalist major) call all petitioners and maimed soldiers before them and 'look who are most deserving of relief by their maims and wounds'.[77] The resulting Foucauldian certificate thus described how our 'lunatick' Rowland Hughes was 'wounded in the head, necke & shoulder'; how John Williams of Beddgelert was wounded at the Battle of Naseby, suffering 'a great wound in the legge & in the thighe'; and even how Ellis Evans, discussed above, was 'shott in his privie members & in other places of the body very dangerous & is quite spoiled in manie places'. In such documents we can see magistrates' efforts to verify the details and the narratives contained in veteran's petitions and also their desire to marry up the document with the individual behind it. The slipperiness of the 'truth' in these circumstances, however, is nicely illustrated by the case of William Morris of Llanarmon. In his January 1661 petition to the bench, Morris described his two years' faithful service for the king where 'hee was shott in his right hand, whereby hee became maymed and not able to earne for his livinge'.[78] However, turning to the justices' certificate we find a description of him as 'quite maymed & hath lost his right hand beinge shott with a canon bullett'. His petition is 'true', then, but it is not the entire truth of the figure that stood before the justices; the slippage between being shot in the hand and losing a hand might well point to the elisions of a scribe adopting standard formulae in the production of Morris's petition.

Contemporaries were as exercised as historians by the fact that they were often in pursuit of the unknowable, living in an age of epistemic crisis in which 'truth' was frustratingly elusive. In determining political worthiness, individuals were called upon to describe ineffable qualities of loyalty and allegiance.[79] What did it mean, for example, for a petitioner to say that he served King Charles I 'with all the eagernes of his seale & fidelity'?[80] How could such qualities be measured or authenticated? Sometimes service could be established with marks and wounds on the body (although who was to say that these were not obtained by fighting for the other side?), but in most cases additional supporting material, often in the form of witnesses, was required to sustain a petitioner's claims. A group of Cheshire soldiers who petitioned the bench in October 1651 maintained that 'for theire fidellity and vallour dare [?doe] referr them selves unto any officers that knew us to approove of'.[81] In 1669, when Captain John Rogers petitioned the Herefordshire bench for

relief, the magistrates reviewed his petition, his certificates '& attestacions & other manifest demonstracions & p[r]o[o]ffs', before declaring themselves satisfied that 'he hath constantly & faithfully served his late Majestie'.[82] Here, then, the petition sat as one component within a nexus of interlinked authenticating processes and proofs, and its narrative needed to reflect and endorse other documents, oral testimony and physical inspection.

In addition to this formal assessment of petitioner and paperwork by the justices, applicants must also have fashioned their submissions in the knowledge that they were entering a world of informal policing and surveillance by their communities, and this fact must have helped ensure that their petitions stayed within the bounds of local awareness of their personal histories. In 1663 in Denbighshire, Susan Garett and two others testified that John Owens of Wrexham, a tailor who was in receipt of a pension, 'hath been for severall monthes in the servise of the late rebels & under the comand of Captain Anderson as a privat soldier'.[83] As a result of this testimony, Owens was suspended from the pensions list and another man was placed in his stead.[84] After this example, the local bench incentivised such informing, noting that if any in receipt of a pension could be shown to be physically healthy or insufficiently loyal 'in the tyme of the late troubles', then their informer would receive the individual's pension.[85] By contrast, such local knowledge could be used as a potential source of support and authentication. John Humphrey of Ruthin, for example, supported his application for a pension in 1678 by affirming that he was 'true & faithfull to the hazard of life & fortune, as som of my fellow souldiers that now are pensioners can justifie'.[86] It was surely the case that the community of pensioners conjured in Humphrey's submission, groups of whom must have encountered one another at periodic reviews of veterans and widows, constituted a check against petitioners making egregiously false claims in their representations to the bench.

In considering these issues of external assessment and contemporaries' desire for supporting evidence to help evaluate the petitioners' reliability, we encounter another important part of the archive: the certificates and testimonials from former military commanders, surgeons and neighbours who supported and endorsed many representations to the local sessions.[87] These documents help disclose the penumbra of social networks and patronage connections which were often necessary to move a petition forward successfully. In a recent discussion of one of the elusive scribes who produced early modern petitions, Faramerz Dabhoiwala observed that such supporting papers were considered by contemporaries to be more important than the petitions themselves,

even though they are now 'largely invisible to us'.[88] Fortunately, they are not invisible in the case of many widows and maimed soldiers. Unlike the petitions, these papers possessed marks of specificity and authenticity: they were signed (the petitions, usually, were not); they were dated (the petitions were not); they often carried seals (petitions did not); and many were written personally by the certifier (as we have seen, most petitions were not). These documents were vital proofs of the authenticity of the petitioner and his or her story. The Herefordshire bench in 1674, for example, refused the petitioner John Stannage a pension 'for want of a certificate to make good the substance of his peticion'.[89] Clearly such certificates could be a crucial component for magistrates' efforts to arbitrate the petitioner's truth claims, but they also served to concretise and authenticate the historical subject behind the petition.

Many of these certificates came from former officers, and petitioners had to mobilise wartime connections to obtain sometimes crucial endorsements. A cadre of old Royalist commanders from north Wales who were still alive in the 1660s and 1670s, including John Robinson, William Salesbury, Hugh Hookes, Francis Manley and William Wynne, validated many addresses to the Denbighshire sessions. When considering these supporting documents, however, we once more encounter generic protocols, as certificates had their own forms and conventions, including stock phrases that the petitioner had been a faithful soldier who merited a pension.[90] Not infrequently, however, more individual knowledge of the petitioner comes through in certificates and also some surviving personal letters to justices. The Royalist lieutenant colonel Hugh Hookes, for example, provided the Caernarvonshire magistrates with a certificate for the 'lunaticke' Rowland Hughes in January 1661, confirming his 'many sore and grievous wounds', but also testifying that he had been 'very faythfull' and, critically, that he was '*still* royally affected'.[91]

Although petitioners were meant to obtain certificates from their ex-commanders, often these individuals were dead or lived many miles away.[92] As a result, many petitioners turned to neighbours and friends to endorse their accounts. Numerous petitions contain impressive lists of parishioners who testified to the loyalty and sufferings of the petitioner, and often also to their straightened circumstances. We can see this in the 1668 certificate accompanying the petition of Evan Jeffrey of Gyffylliog in Denbighshire, which was supported by 28 parishioners who described him as a loyal soldier who 'by reason of his wounds receaved in that service [is] become unable to worke for his living to maintaine himselfe & two smale children', and so should be considered 'a great object of charity'.[93] In his petition Jeffrey referred to the certificate 'hereunto

annexed [demonstrating] that his peticion is trueth [sic]'.[94] Frequently such lists were headed by the local clergyman (and often the churchwardens too), who gave authority to these endorsements, as well acting as the natural voice of the parish community.[95] To strengthen his claim, Jeffrey had also obtained a certificate from local worthies (presumably he had visited these gentlemen or approached them at the sessions itself) who subscribed the statement on the dorse of his petition: 'I have inquired into the truth of ye petition & certificate, & I beeleev the contents to be true; & desire that the poore mans case may be considered.' The pension was granted and the order book noted that this was 'upon the certificate of Bevis Lloyd, esquire and others for Evan Jeffrey'.[96]

These certificates are often circumspect documents in which certifiers offer up their knowledge of a petitioner's service and qualities but are careful not to stray beyond the bounds of their knowledge. For example, Ellis Sutton's 1664 certificate for Thomas ap Richard noted that he was a Royalist soldier under Sutton's command and had received several wounds and was also taken prisoner at Naseby. Sutton concluded that 'to the best of my knowledge, or what ever I have heard, he hath continued loyall in the worst of tymes and that he is poore & not able to subsist without releef'.[97] The parishioners of Llanelidan testified to the service of Evan Foulke as a Royalist soldier, but they also carefully measured their support, noting that 'of his faithfullnesse in that service, the attestation of his officers and the scarres he bears seeme to us a good testimony, and incite us humbly to recommend him to your worships'.[98] At Cheshire's Nantwich sessions in July 1656, nine signatories endorsed the petition of John Handley who had been shot fighting against the invading Scottish army at Warrington Bridge in 1651. They testified that they had 'seene & perused' Handley's body and supported the account he provided in his petition, 'all of us beeing neighbours & souldiers under they [sic] same command, & weare & are ey witnesses both of the wound & the impoverishment of his person & estate', concluding that they would testify to the same on oath.[99]

Like later historians, then, even those who endorsed and supported the soldiers' accounts did not deal in unequivocal assertions of truth but rather of belief based on evidence. Handley's supporters, for example, maintained that they 'doe know and *beleeve* the contents [of his petition] to bee true'. One certifier, perhaps the Royalist commander Sir Geoffrey Shakerley of Hulme, nicely captured the kinds of assessments which contemporaries made about the petitionary archive in his assessment of his former trooper Richard Palyn's certificate in 1668 (which Palyn himself carried before the sessions): 'I doe verily believe this certificate is

true & desire you to looke upon the person as he is represented.'[100] Like Shakerley, historians recognise that narrative legal sources like petitions do not give us unproblematic access to any 'authentic' past. Rather, we look upon our subjects as they are represented and, weighing the strategic nature of those representations, assess their claims, link them to other forms of evidence, and generate broader interpretations about their lives and the societies they inhabited.

The act of petitioning, then, could be a demanding one. One needed not only to get someone to write your petition and frame it correctly; if you were disabled you might also need assistance to get to the sessions. You also needed to animate networks of support and assistance within the army which might have been long dormant, or among friends and neighbours. Soldiers needed to relive the shattering experiences of war, dislocation and injury, while widows had to revisit their experiences of abandonment and bereavement. The documents resulting from this process might not have been physically penned by the petitioner, but their accounts needed to be sufficiently robust to stand up to several forms of scrutiny. They had not just to be believable but *verifiable*. And we can chart many of the outcomes of this petitioning through the extant financial evidence: whether pensions or gratuities were granted. One of the issues with legal evidence is that we rarely know the outcomes of the cases whose narratives survive in depositions. With the petitionary material from the Civil Wars, however, we can, sometimes at least, indicate that these petitions were sufficiently credible to convince the justices who held the purse strings. This is a not inconsiderable test of the capacity of these petitions to represent faithfully the individuals in whose name they were presented.

Conclusion

While Dolan is right to stress the co-authored and fictive elements of narrative legal texts like petitions, we should remain cognisant that contemporaries as well as historians and literary critics also struggled with questions of authenticity and authorship. They tried to put measures in place to fix the unfixable, to find concrete evidence of internal allegiance through testimony of outward action. They measured biography against evidence. Moreover, Civil War petitioners were, in fact, well aware of the problems of presenting themselves as 'authors' of their accounts. The people they portrayed were gone although the wounds and the hardships they endured remained. Their petitions are Janus-faced: looking

back to the vigorous partisan from the standpoint of the ruined veteran. Their dilemma was conveyed powerfully by John Edwards of Ruthin, a Parliamentarian trooper under Colonel Thomas Mytton, who approached the Denbighshire bench in January 1650 with an account of his service. He described his 'integer and reall affectiants to the Parliamentary party' before being wounded and disabled at the siege of Denbigh.[101] Painfully aware that the author of the petition was not the man who had stood ready before those ancient walls, he asked that the justices

> will not looke upon his weake & ymbecyle parts as they appeare, but as they were, & to judge of his faithfullnes according to which his desires have exprest, & his hands acted, which being done he onely craves that subsistancy or allowance from you which the sence of the premises & the petitioners may ymprint upon yow.

While we should applaud Dolan's efforts to render more complex ideas of authorship and subjectivity in the legal archive, we should be careful of surrendering too readily the agency and subjectivity of figures like John Edwards. While I recognise Edwards was not unproblematically the sole 'author' of this petition, his experiences were nonetheless calibrated and assessed by contemporaries as well as shaped by generic conventions and legal discourses. The words presented in his account were not separate to his historical existence but constitutive of it. His self-presentation may have been strategic, but it was also anchored in verifiable and authenticated experience. If the Denbighshire justices thought it sufficiently true to award the petitioner before them a substantial pension of £4 per annum,[102] scholars should also be willing to register, record and honour what he asked for: that his sacrifice make some 'ymprint' in the minds of those reading his petition.

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Notes

1. Innes, 'Legislation', p. 112; Hart, *Justice*, pp. 66, 198. For the emphasis on 'public' petitioning by historians of modern Britain, as opposed to the 'private' and 'sectional' petitioning that characterised the early modern period, see: Miller, *Nation*.
2. An important cognate discussion of petitioning mechanics and narratives is to be found in Chapter 3 of this volume.
3. The literature on depositions before church and secular courts is enormous, but crucial contributions include Ingram, *Church Courts*; Gowing, *Domestic Dangers*; Churches, '"The Most Unconvincing Testimony"'; Stretton, *Women*; Gaskill, *Crime*; Walker, *Gender*; Shepard, *Accounting*.
4. Dolan, *True Relations*.
5. Although Dolan's principal focus is on church court depositions rather than those from quarter sessions.
6. O'Brien, 'Engagement'.
7. In a 2003 article, for example, Mark Stoyle recognised that Civil War petitions passed through a 'whole series of distorting filters' and in some respects were 'fictions': Stoyle, '"Memories"', p. 209. Cf. Taylor, 'Price of the Poor's Words', p. 844.
8. Dolan, *True Relations*, pp. 143–4.
9. See the problems inherent in dealing with a source that *seems* to offer such access in Harvey, 'Mary Toft', pp. 33–51.
10. For something of a shift away from a focus on texts, performativity and rhetorical conventions to materiality, social practice and lived experience, see Sbaraini, 'Materiality'.
11. Dolan, *True Relations*, p. 118.
12. Dolan, *True Relations*, p. 5.
13. For an outline of the relevant legislation, see Beale, 'Timeline'. For the Elizabethan scheme, see McGurk, 'Casualties'.
14. The literature on this subject is now extensive, but see Hudson, 'Negotiating'; Appleby, 'Unnecessary Persons?'; Stoyle, 'Memories'; Worthen, 'Supplicants'; Peck, 'Great Unknown'; Appleby and Hopper, *Battle-Scarred*; Beale, 'Military Welfare'; Hopper, 'Yorkshire'.
15. Firth and Rait, *Acts and Ordinances*, I, pp. 36–7.
16. Raithby, *Statutes of the Realm*, V, pp. 389–90.
17. This can be accessed at www.civilwarpetitions.ac.uk.
18. Dodd, *Justice and Grace*; Smith and Killick, *Petitions and Strategies of Persuasion*.
19. For these formal rhetorical elements in petitions, see Daybell, 'Scripting', p. 5; Dodd, *Justice and Grace*, pp. 281–2; Houston, *Peasant Petitions*, pp. 73–5; Beattie, '"Your Oratrice"', p. 20.
20. See, for example, National Library of Wales (NLW), Chirk Castle MSS B23a/9; B86/81; Caernarfon Record Office (CRO), XQS/1660/122; Herefordshire Archives and Record Centre (HARC), BG11/17/5/47; Worcester Archive and Archaeology Service, 110/1/185/13; Cheshire Archives and Local Studies (CALS), QJF 90/2, fo. 168.
21. Stoyle, 'Memories', p. 211.
22. For further discussion of widows' petitions, see Hudson, 'Negotiating'; Worthen, 'Supplicants'; Peck, 'Great Unknown'; Beale, 'War Widows'; Beale, '"Unpittyed by Any?"'.
23. Stoyle, '"Memories"', pp. 209–10.
24. For this critical contrast with depositions, see Taylor, 'Price of the Poor's Words'.
25. For this, see Stretton, 'Women', pp. 690–4.
26. Stretton, 'Women', p. 688.
27. CALS, QJF 79/3, fo. 96.
28. For three examples from a larger sample, see NLW, Chirk Castle MSS B25b/16; B86/35; B86/137.
29. Stoyle, '"Extreme Trials"'.
30. Bailey, 'Voices'; Falvey, 'Depositions'; Stretton, 'Women'; Collins, 'Narratives'.
31. Dabhoiwala, 'Writing Petitions'; Houston, *Peasant Petitions*; Healey, *First Century*, p. 93. Killick, 'Scribes of Petitions'.
32. Lancashire Archives, QSP 24/17.
33. CRO, XQS/1660/122, 123, 129.
34. Healey, 'Kin Support'; Healey, *First Century*, p. 93.
35. Jenkins, Suggett and White, 'Welsh Language', p. 46.

36. CRO, XQS/1660/75.
37. For bilingualism and petitioning in early modern Scotland, see Houston, *Peasant Petitions*, p. 82.
38. Although for evidence of children's initiatives in petitioning and for a fuller discussion of orphans and military welfare, see Chapter 6 in this volume.
39. CALS, QJF 83/1, fo. 148.
40. CALS, QJF 83/1, fo. 149.
41. HARC, BG 11/5/38, 1660–1 bundle, 1661 folder, no. 7. Cf. ibid, 1661–2 folder, first bundle, no. 35.
42. CRO, XQS/1660/126. On Vaughan, see Bowen, 'Face to Face'.
43. CRO, XQS/1671, unfol. For corroborative evidence that Hughes was indeed 'wounded in the head, necke & shoulder', see ibid., XQS/1660/121.
44. Rushton, 'Lunatics'.
45. The notion of the 'petitioning subject can be found in Beattie, '"Your Oratrice"'.
46. TNA, SP 28/228, pt. 2, fo. 361.
47. CALS, QJF 79/4, fo. 107. For further examples from this county, see ibid., QJF 85/2, fo. 173; QJF 91/3, fo. 119.
48. NLW, Chirk Castle MS B23d/5.
49. NLW, Chirk Castle MS B24a/24/1.
50. See also the discussion of non-standard petitions in Chapter 3 of this volume.
51. CRO, XQS/1660/139.
52. The same modification was also made in the body of the text.
53. NLW, Chirk Castle MS B86/19.
54. Wharton, *Calendarium*, sig. B.
55. CALS, QJF 78/2, fo. 29.
56. TNA, SP 29/9, fos. 212–13.
57. NLW, Chirk Castle MS B16c/44.
58. CALS, QJF, 78/4, fo. 49. His petition was endorsed by 22 local men 'some beinge eye wittnesses thereof'.
59. Daybell, 'Women's Letters'; Daybell, *Women Letter-Writers*, pp. 61–90; Coolahan, *Women, Writing and Language*, pp. 102–38; Love, *Scribal Publication*; Masten, *Textual Intercourse*; Hirschfeld, 'Collaboration'.
60. CRO, XQS/1660/132.
61. CALS, QJF 92/2, fo. 160. A Thomas Corser lived at Acton-near-Nantwich in this period: CALS, P331/8212/1.
62. CALS, QJF 92/2, fo. 161.
63. Daybell, *Women Letter-Writers*, p. 84.
64. Beattie, '"Your Oratrice"'.
65. Healey *First Century*, pp. 92–3.
66. Hudson, 'Negotiating', p. 156; Jones and King, 'Petition to Pauper Letter', p. 62; Chapter 3, this volume.
67. CALS, QJF 80/3, fo. 106.
68. Similarly, in Sussex, the pension of Jeremy (or Jeremiah) Clark(e) was suspended in July 1652 'for his misbehaviour and insolent carryage and speeches towardes the justices of peace at this present sessions': East Sussex Record Office, QO1/5/2, fo. 34.
69. CALS, QJF 93/1, fo. 130; QJF 94/3, fo. 239.
70. NLW, Chirk Castle MS B1, pp. 151, 155, 165; British Library, Additional MS 40,175, fos. 3v, 5v, 28v. See also CALS, QJB 3/1, fos. 18, 33v, 104, 178; QJB3/3, unfol. (11 Jul. 1676); QJF 95/4, fo. 102; HARC, Q/SO/1, fos. 117, 144r–v, 147r–v; Shropshire Archives, QS/2/2, unfol. (8 Jan. 1655/6; 7 Apr. 1657).
71. NLW, Chirk Castle MS B28d/42.
72. Powys Archives, B/Q/SO/1, fos. 11v, 27r–v.
73. Shropshire Archives, QS/2/3, unfol. (Michaelmas 1662).
74. NLW, Chirk Castle MS B16c/53.
75. CALS, QLF 90/4, fo. 134.
76. CRO, XQS/1660/104b; NLW, Chirk Castle MS B29d/12.
77. CRO, XQS/1660/121.
78. CRO, XQS/1660/135.
79. Weil, 'Allegiance'.
80. CRO, XQS/1660/196.

81. CALS, QJF 79/3, fo. 127.
82. HARC, Q/SO/1, fo. 143v.
83. NLW, Chirk Castle MS B19b/18.
84. NLW, Chirk Castle MS B2, p. 12.
85. NLW, Chirk Castle MS B2, p. 23.
86. NLW, Chirk Castle MS 34a/16.
87. Although in some jurisdictions, especially in Cheshire, these testimonials were often included on the petitions themselves.
88. Dabhoiwala, 'Writing Petitions', p. 138. Their importance can be seen, for example in the endorsement of one petition: 'I doe conceive yt the petitioner, *according to ye annexed certificate*, is a fitt person to be admitted a pensioner': CALS, QJF 99/1, fos. 177–8, emphasis added.
89. HARC, Q/SO/2, fo. 13v.
90. Some certificates from counties like Middlesex were even produced as printed forms with spaces for the details of the soldiers to be filled in: CALS, QJF 90/3, fo. 184.
91. CRO, XQS/1660/108, emphasis added.
92. See, for example, CALS, QJF 90/4, fo. 139.
93. NLW, Chirk Castle MS B25c/11.
94. NLW, Chirk Castle MS B25c/10.
95. See Chapter 8 in this volume.
96. NLW, Chirk Castle MS B2, p. 96.
97. NLW, Chirk Castle MSS B86/68, 69; B2, p. 32.
98. NLW, Chirk Castle MS B86/126. Cf. ibid., MSS B86/127–8.
99. CALS, QJF 84/2, fo. 251.
100. CALS, QJF 96/4, fo. 106.
101. NLW, Chirk Castle MS B9a/26.
102. NLW, Chirk Castle MS B1, p. 18. Edwards' pension was removed for an undisclosed reason in Oct. 1653 before being restored in Jan. 1656: ibid., pp. 58, 79.

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3

The process and practice of petitioning in early modern England

Hannah Worthen

To understand the experience of being a petitioner, the process and practice of petitioning needs as much attention as its content. This chapter will examine the business of petitioning by investigating a range of requests and complaints that were submitted to very different authorities in early modern England, from local quarter sessions to parliamentary committees. It is based upon recognition that, while petitioners understood that they faced a highly variegated judicial and institutional landscape, historians have been slow to explore how this was reflected in supplicatory practice. It will consider the internal evidence of these texts for insights into the experience of creating and presenting a petition with special attention to how this was – or was not – influenced by the gender of the petitioners. It will also look at how the material documents were presented to court, as well as examining their relationship to other legal recourses that supplicants interwove with their petitioning practice. Overall, this chapter reveals some of the collaborative and interlinked processes by which ordinary people sought redress for themselves and their families. In doing so it will present a means to recover the experiences of the petitioners of the past.

Petitions have long been used by early modern historians – and Civil War specialists in particular – as tools for assessing how people engaged with politics. For example, historians have used petitions fruitfully to argue for the involvement of women with the workings of Parliament and other public structures.[1] Zaret has suggested ways that printed petitions shaped the development of the public sphere in this period, and

Peacey has shown how these sources fit into a wider genre of lobbying literature.[2] A focus on the lives of wounded soldiers and war widows during the Civil Wars has resulted in a wave of new research on petitions submitted to quarter sessions by these victims of military conflict.[3] Recent digital humanities projects have sought to capture the breadth and reach of petitioning in early modern society and make the documents themselves accessible to a wider audience.[4] The interest in petitioning goes far beyond the Civil War period; for instance, Flannigan has used them to examine the ways in which people used the Tudor Court of Requests and how they narrated poverty within their supplications.[5]

Nevertheless, petitionary documents, accessed generally by historians either in discrete archival series or as separate digital entities, can easily become removed from their context. This has resulted in an emphasis on reading petitions as texts, but this comes with significant risks. The most obvious of these is the issue of authorship because petitions were, in almost all cases, not written by the petitioner. Dabhoiwala's research on the scribes behind petitions presented a significant challenge to historians who have used petitionary narratives to try to find the 'voice' of petitioners past.[6] Some recent research has met such challenges head on. For example, Houston's study of petitions submitted by tenants to their landlords examined the challenges and opportunities of relying upon the narratives within such texts.[7] Additionally, Bowen's contribution to this volume centres on issues of genre and authorship. He argues that with a focus on process and personnel it is possible to 'authenticate the historical subject'.[8] This work takes its lead from the endeavours of legal historians, and in particular those attempting to recover the lives and experiences of women, who have sought to contextualise the legal archive in order to more fully represent the experience of litigants.[9]

Despite this work, more understanding of the social history of petitioning is required. There has been scant attention paid to the experience of submitting a petition to an early modern court, and the ways in which people may have navigated different jurisdictions and social networks in order to do so. This chapter seeks to fill that gap. In doing so, it will be led by the research of historical geographers and environmental historians who have demonstrated the importance of a spatial understanding of the past. People shaped their landscape, and the landscape shaped them.[10] Increasingly, a 'spatial turn' has inflected historical scholarship more broadly.[11] For example, legal historians have considered the geographical elements of seeking justice in medieval and early modern England.[12] Knafla's detailed study of justice seeking in early seventeenth-century Kent has shown how the various geographical and jurisdictional

boundaries influenced litigation.[13] Similarly, Herrup's study of popular participation in the criminal law is strongly grounded in an understanding and analysis of the physical landscape of early modern Sussex.[14] Petitioning was not simply a textual act and so this chapter will consider the physical and spatial elements of petitioning. Engaging with legal and administrative public spaces was a necessary part of seeking redress in this way and that element may be just as important for understanding the implications of petitioning for ordinary people as the narratives that were recorded on the page.

This chapter is based upon a broad range of petitions, order books and legal documents. The sample examined here is not systematic. Indeed, it would be difficult to conduct a methodical survey using conventional archival methods because written evidence of petitioning processes is usually fleeting and incredibly rare to stumble across. Many of the documents discussed in this chapter were submitted during the Civil Wars, but it also draws on examples from earlier and later periods. In terms of jurisdiction, it includes petitions submitted to the courts of quarter sessions as well as to the parliamentary committees that dealt with sequestration and composition. Many of the examples are female petitioners (although not exclusively) and the chapter will consider gender as a factor while also presenting a case that many aspects of petitioning were not gendered. It will take a qualitative approach to petitions, examining the language used within them as well as the hints about process and practice that they occasionally contain. The first part will focus primarily on textual processes and use the documents for evidence of how petitions were written, collected and presented. The second part will consider the spatial and oral elements of petitioning by considering travelling and appearing in court spaces. The final section will link petitioning with wider practices of litigation in early modern England. It will use a case study in order to demonstrate a more general point: that petitioning often functioned as one mode of redress alongside others.

Consequently, this chapter will argue for a more critical and process-focused approach to the topic. Researchers that aim to illuminate the experiences of early modern people – particularly those whose lives have left only a minimal impression in the archives – can and should make use of petitions, taking full advantage of their rich and powerful narratives. It is precisely because petitions reveal something about the broadest spectrum of early modern society that it is imperative that this research is very careful in the deployment of such sources. By placing petitions within their social and institutional context, the role of the petitioner themselves becomes clearer. This chapter will argue that the process of

writing a petition drew on familiar and recognised structures and practices, which were inflected by gender and status but rarely determined by them. It will examine first the social, and second the spatial context of petitioning, with particular focus on evidence for how petitions were submitted. The final section will go beyond the petition to show how petitioning formed just one part of early modern justice seeking. The chapter will therefore demonstrate the value and importance of moving from the petitionary text to the world that the early modern petitioner inhabited.

The social practice of petitioning

To construct a petition was to engage in a social process. Evidence for the negotiations with scribes, lawyers, friends and allies can be read back from some of the textual elements of the petitions, as well as our knowledge about the social history of early modern England. From the humblest of petitioners to the most elevated, constructing a text full of deference and request and then submitting that to the authorities required an understanding of social norms, and often the leverage of social capital. Early modern petitions were not usually scribed by the named petitioner; instead, they were written as part of a collaborative process.[15] As Dabhoiwala's study of private petitions addressed through the Master of Requests to Charles II has argued: 'To employ a clerk to do your writing was as likely to be a mark of high status as of low.'[16] Thus, irrespective of status and gender, the experience of petitioning was likely to include seeking out someone with specialist scribal skills because of the requirements of what was a standardised, formal mode of redress.[17] This section will examine evidence for this social process of petitioning by examining the negotiations that petitioners would have undertaken with scribes, legal practitioners, supporters and powerful patrons.

Engaging a professional scribe to write one's petition would have been a commonplace practice but one that is often elusive in the text. There is occasionally brief and ephemeral evidence for the identity of the writer, however. For example, the interregnum state papers include records of the case of Elizabeth Rutter, a widow whose husband was accused of being a Royalist during the Civil Wars, and within this material is an oath from a gentleman named Thomas Harrison who asserted that he had previously penned a petition for Elizabeth, but it had gone missing.[18] Harrison was likely a lawyer or a local agent who worked for the Rutters. Similarly, there are numerous examples of the formulation 'signed for' being used at the end of petitions submitted to the

Committee for Compounding. For example, Mary Habingdon's petition is signed 'John Morris for the Pet[itione]r', Gilbert Muschamp's petition ends 'William Satterwaite in the behalfe of the lady Muschampe', and Lady Pordage's notes 'John Collins for the pet[itione]r'.[19] These are small glimpses of the negotiations and social processes that these petitioners had engaged in in order to submit their petitions.

Occasionally the same scribal name appears. For example, Thomas Turner scribed at least four petitions that were submitted to the Committee for Compounding in order to request the return of Royalist land that had been confiscated by Parliament. These were all for Lancashire and Yorkshire families who claimed the very low value of their estates.[20] Elizabeth Bretton, a widow from Lancashire, submitted a petition that was, unusually, co-authored with other petitioners who were not family members or co-owners of land.[21] This petition claimed that they were 'very poore people' and that each of their sequestered tenements were worth less than 40s a year. Parliament had supposedly set a 200li a year threshold, below which estates were not to be seized, and thus it may have been for financial reasons that they chose to combine their resources and submit a joint petition to the central committee.[22] Thomas Turner also scribed a petition for Richard Danby and his wife Elizabeth in Yorkshire who likewise claimed the very small value of their estate.[23] It is possible therefore that Thomas Turner was a northern agent who specialised in, or was sought out by, families of lesser means who had come under sequestration in Lancashire and Yorkshire. Thus, during the Civil Wars, networks of delinquent and recusant families may have worked with known sympathetic scribes or clerks to craft and submit their pleas for mitigation or mercy.[24]

Not all petitioners chose to, or were able to, employ professional scribes. The petition of Parliamentarian widow Jane Back, taken from the archives of the Committee for Compounding, is not written in the conventional secretary hand, contains more than the usual number of idiosyncratic spellings and uses first-person pronouns throughout.[25] Perhaps this was written by a friend or ally of Jane's, rather than a skilled professional, or even by Jane herself. Bowen found a similar example of petition for a pension from Elizabeth Newam which appears to have been written by a literate, but non-professional, hand.[26] This petition is written in the first-person voice, reading 'I humbley intreat your honours compassion.' However, Bowen points out that we should be cautious to assume that first-person pronouns prove that Newam wrote this unaided because at the bottom of the petition is a note that reads 'Elizabeth Newams marke'. Newam could not sign her name and so the 'I's of her

petition were not written by her hand. It may just be that in Elizabeth and Jane's cases, they used a non-professional scribe who was less used to the rules of the genre, rather than that they wrote them themselves.[27] Whether they employed a professional or received help from a literate neighbour, they were unlikely to be composing the text alone.

The collaborative nature of these documents is highlighted further by the influence of legal counsel and other supporters who had knowledge of legal processes.[28] Litigation was a normal and regular part of early modern society, and one in which all groups of society, including women, frequently engaged.[29] Stretton has argued that 'recognizing the influence of legal counsel and court officials does not automatically negate the input of particular litigants and witnesses' and this reasoning can be applied to petitioning.[30] For example, the Countess of Arundell submitted nine petitions between 1650 and 1654 that were addressed variously to Parliament, the Lord Protector and the Committee for Compounding. Five of the petitions are copies of others and they were variously signed by the Countess herself, as well as on her behalf by her lawyer, Fabian Phillips.[31] Some petitioners explicitly referred to the advice of legal counsel in their petitions. Elizabeth Hamilton, for example, based the arguments in her petition on the instruction of her 'learned Councell'.[32] Additionally, in lieu of a petition Alice Estcott submitted to the Committee a motion that had been prepared by her legal counsel, Fenton Parsons, which outlined the details of her case so far and requested a hearing.[33] Whether married or widows, elite women would have been used to engaging with lawyers thanks to their involvement in estate management and financial affairs, so working alongside legal practitioners to construct petitions would not have been an unfamiliar process.[34] We might only know about a lawyer if a petitioner referred explicitly to their advice in the text of their petition, and most petitioners did not do that because this was administratively unnecessary for these documents, unlike formal 'bills of complaint'. Also, poorer petitioners, particularly those to the quarter sessions, would not have had the financial means to formally engage a lawyer, so they would have depended on informal legal advice.

Less wealthy petitioners may have relied upon neighbours and patrons to help them craft the most persuasive petition. Here as well, the physical petition provides us with glimpses of the experience of creating an appeal to the authorities. Endorsements were additional signatures, or notes added to the bottom of a petition, that testified to the character of the petitioner and were usually signed by local people who knew the supplicant. For example, the petition of the soldier John Fletcher was accompanied by the signatures of 29 men who supported his request.[35]

Nicholas Rogers also had his petition signed by some of the inhabitants of Burton on Trent in Staffordshire, where he lived. The names included the local constables, minister and churchwardens.[36] A petition to the Cheshire quarter sessions from 1608 contained no less than 99 subscribers supporting the petitioner's complaint.[37] The physical process of collecting these signatures is almost always invisible, but the numerical scale of these subscriptions suggests some sort of mobile canvassing or public gathering.

Petitioners also used powerful friends.[38] In East Sussex, Herbert Morley was a frequent intercessor in the fates of maimed soldiers and war widows through his roles as Member of Parliament for Lewes, justice of the peace and Parliamentarian colonel.[39] In July 1656 he submitted a letter in support of the war widow, Cicely Adler, stating that 'shee deserves to be relieved according to the orders & directions of the Act of Parliament', which resulted in an above-average pension of 3li annually for her as well as repeated one-off payments from the sitting justices (which obviously included Morley himself).[40] Another widow who benefited from good parliamentary connections was Mary Poyntz, the widow of Newdigate Poyntz, who was a Royalist slain at the siege of Gainsborough. Included with her petition was a letter from William Lenthall, who was speaker of the House of Commons, in support of her request.[41] So, despite her husband dying while fighting for the Royalists, Mary still benefited from patronage and influential connections through her brother. Furthermore, the case of Parliamentarian widow Deborah Franklin was surely advanced by the overtures of Oliver Cromwell in 1651 and again in 1655 when he endorsed her petition directly for a widow's pension: 'Shew her all the favour you can by giving her a speedy dispatch of her business.'[42] It seems likely that these agents, rather than the words on the page, ultimately made their petitions more likely to be successful, and so the importance of supplicants' preexisting social relationships cannot be underestimated.

The final example for this section draws together many of the themes already discussed and highlights the importance of relationships with friends and patrons in the writing of the petition. Lady Margaret Rudston was the daughter of Sir Thomas Dawney and the wife of Sir Walter Rudston, an east Yorkshire landowner with estates in Hayton. The Rudstons were a substantial landowning family with strong ties to other powerful gentry of the area. Like many of these other families, the Rudstons became associated with the Royalist cause during the Civil Wars and, as a consequence, suffered the sequestration of their estates. Numerous petitions were submitted to the Committee for Sequestrations, the Committee for Compounding and the Committee for the Advance

of Money to protest the family's case.[43] Most of the petitions, following her husband's death, were submitted by Lady Margaret on behalf of her infant son, Thomas, rather than her personally, a strategy that many widows to the Committee for Compounding employed.[44] Only one bears her signature.[45] For her, then, the process of creating a petition was a much more collaborative experience than simply writing a doleful personal request. An archive of papers at the East Riding Record Office reveals the network of friends who helped Margaret pursue her case. These were primarily Royalist men who were also from Yorkshire, which shows the importance of local ties made before the Civil Wars. Lawrence Squibb was a key player in Margaret's sequestration case. He filed petitions with the Committee for Compounding on her behalf and passed on his own.[46] He was the Royalist brother to the Parliamentarian Arthur Squibb (one of the Commissioners for Compounding) who had to settle his own composition claim. Consequently, Margaret may have relied upon him because of his knowledge of the committee and the workings of the government.[47] It is clear that Margaret's petitioning process was part of a broader strategy familiar to landowning members of seventeenth-century society: to use the advice of lawyers and powerful friends and to litigate intensively in order to protect and preserve their family's lands.[48] Petitioning was one strategy that fitted within this familiar process.

Generally, therefore, the practice of writing a petition in early modern England fits in with well-established patterns of engaging with authority at this time. Networks of professionals, friends and powerful patrons were used by petitioners up and down society, regardless of gender and in line with their status. The elements that made a petition successful were unlikely to be confined to the narratives it presented, because it required employing assistance or mobilising patronage. Collaboration was part of the practice of petitioning and, as Stretton has argued, instead of trying to 'look around or behind lawyers and scribes, we should bring them into the frame'.[49] Acknowledging how many people might be involved in the composition of a single text may challenge certain assumptions about voice and agency, but ultimately it shows us the experience of creating a petition was a social practice rather than a merely literary one.

The spatial process of petitioning

Petitioning was not just a textual process. An early modern petition had to be brought to the relevant authority and then be submitted in court.

Most of these petitions would have been accompanied by a petitioner, but intermediaries, friends and lawyers were also sometimes involved. Historians have begun to turn to evidence for the spatial element in seeking justice at this time. For example, Flannigan's study of the Tudor Court of Requests found that the most substantial charges for litigants were born out of travelling to the court in the first place.[50] Phipps and Youngs noted that early modern litigants used a variety of courts: both local venues in familiar surroundings and more distant forums that necessitated significant travel.[51] Likewise, Knafla has mapped the jurisdictional choices of the litigants in early seventeenth-century Kent.[52] This work suggests that we need to consider evidence for the spatial process of petitioning.

Quarter sessions, like the twice-annual assizes, were major public events where people would gather and news would be swapped.[53] Thus, travelling to present one's petition to the assembled bench of magistrates was common and indeed usually expected. Evidence for this can be deduced from the petitioners who defended their inability to travel to sessions. For example, in Cheshire several petitioners wrote in their requests that they were ill and unable to travel to the meeting of the court at Chester.[54] Traces of evidence for the presentation process can also be found. For example, in Sussex in 1652 the justices ordered that Jeremy Clark's pension should be suspended 'for his misbehaviour and insolent carryage and speeches toward[es] the Justices of peace at the present sessions', which clearly indicates that he attended in person.[55] Occasionally there is also evidence that the petitioners themselves did not appear in court but that they sent a representative on their behalf. The maimed soldier Richard Fisher complained in a petition that his pension had been reduced 'in his absence and hauing no friend to plead his cause'.[56] Thomas Berkhead, a frequent and persistent petitioner who successfully claimed a pension from the Sussex justices on both sides of the Restoration, sent his wife to petition on his behalf in 1654: 'my wife hath Come purposely About this busines'.[57] His usual parish of residence is not clear from the quarter sessions records but it is possible that the appearance of his wife was a tactic to present himself as meekly as possible to the justices.

However, in general, Civil War petitioners were expected to attend in person and this was largely a mechanism to prevent fraud by claiming pensions from more than one county.[58] In 1650, John Phillips from West Sussex complained about the distance that he had to travel to the quarter sessions. Petitioners not only had to travel to present their petitions but also to collect their pensions four times a year. He wrote that 'the charge of fetching the said quarterly pencion is very neere (if not [as] full) as the

what hee receives in respect of the great distance of place'.[59] Another petitioner who was very explicit about the cost of petitionary-related travel was the Kentish maimed soldier John King. His petition complained that 'while your Petitioners habitacion was in London' he had to travel 'neare a 100 miles' to reach Maidstone for his pension 'to the expence of halfe of it before hee could returne home'.[60] Finally, the act of petitioning for relief could also result in a supplicant being forced to move. Joane Murrell, ordinarily resident in Cliffe near Lewes in East Sussex, had moved with her husband, a soldier, to the Garrison of Arundel in West Sussex during the wars (25 miles away).[61] Still resident there in 1655, she petitioned the West Sussex quarter sessions justices in Arundel for a widow's pension but was instead ordered by them to remove herself back to Cliffe to fall on parish relief there.[62]

Sussex offers an especially clear example of the ways that geographical distance influenced petitioning practice because the county was jurisdictionally divided into two divisions, East and West Sussex, out of necessity due to the area's notoriously poor overland transport infrastructure. Justices disliked travelling across the region, so the two divisions operated almost entirely independently with separate sessions in each (the Eastern generally in Lewes, and the Western in Chichester, Arundel, Petworth or East Grinstead).[63] Herrup found that Sussex's geographical features shaped the distribution of people seeking redress from the assizes and quarter sessions, with the numbers of indictments by location inversely proportional to the distance to the court.[64] Figure 3.1 shows the parishes of residence of Parliamentarian petitioners during the Civil Wars with a line connecting them to the quarter sessions that their petition (and presumably the petitioner themselves) was presented to. It demonstrates that the incentive of a pension was enough for petitioners to traverse Sussex's countryside. Unlike with indictments, there was a reasonably even spatial spread of petitioners across the two divisions. Nonetheless, distance certainly influenced the experience of petitioning. Lewes was where the Eastern division held their sessions, and where there was a joint session across the county once a year, and so its dominance is reflected on the map. As such, there were petitioners from across the border in West Sussex who travelled to Lewes to present petitions. Even within East Sussex some had to travel long distances like John Staplee, who went from Hastings to Lewes to present his petition: a distance of 24 miles (and the furthest of all the petitioners for Sussex).[65] Richard Basset of Wiston travelled to both the Eastern sessions in Lewes and the Western sessions in Arundel on separate occasions.[66] Unexpected events could also make travel even harder. For example, between April

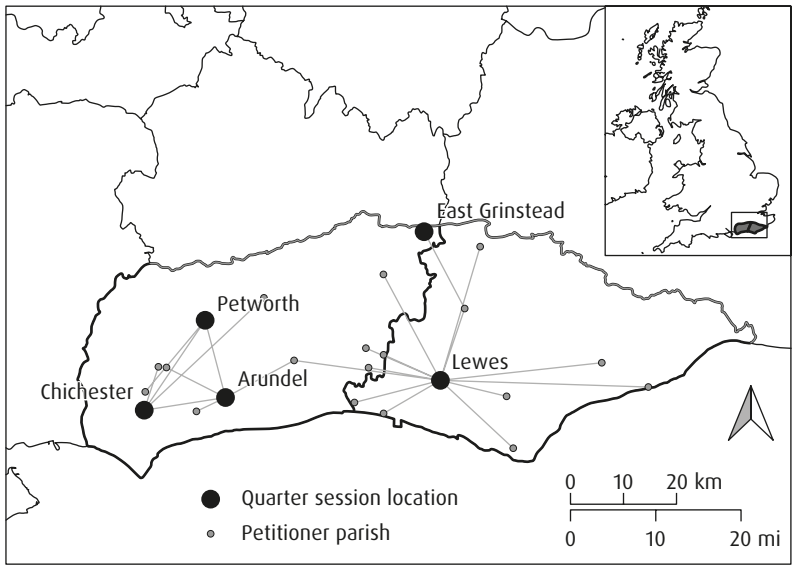

Figure 3.1 Map of East and West Sussex, with the parish of parliamentary petitioners and the quarter session location that they travelled to, 1642–1660
Source: B. C. Redwood, *Quarter Sessions Order Book, 1642–1649* (Lewes: Sussex Record Society, 1954); East Sussex Record Office, QS Order Books (Q/1/5/1–3) and QS Sessions Rolls (QR/56–127); West Sussex Record Office, QS Sessions Rolls (Q/R/W47–98).

1666 and April 1669 the justices for West Sussex avoided Chichester as a meeting place for the quarter sessions because of an outbreak of the plague there.[67] This disrupted the usual gatherings in the city and, therefore, probably also prevented people from travelling to claim pensions. As such, there are very few orders for relief in those years.[68]

Appearing at county sessions with one's petition seems to have been the norm. This may not always have been the case for petitions presented to courts in London and those with the means presumably preferred instead to use local lawyers or agents (as was the case with Margaret Rudston, above). However, some certainly did travel. For example, the petition of a Yorkshire gentleman Thomas Chaloner to the King's Privy Council complained that he, aged 72, had to 'travell on foote above 200 miles to come hither to seeke releife at your lordshipps handes'.[69] Elizabeth Cotton emphasised to the Committee of Sequestrations that she had had to travel 140 miles to London from her home in Cheshire.[70] Another widow, Margery Morris, whose husband was executed for his

Royalist treachery, protested to Parliament's sequestration committee that she was 'very sickly and weake' and unable to travel the 160 miles to London to the Committee in order to make an oath about her lands.[71] The wording of Morris's petition suggests that she did not travel with her supplication, possibly because she had connections in London who could make her case for her. Such journeys do seem to have been expected in normal circumstances, even if they could sometimes be excused due to ill health.

Attending in person was potentially also a way to add more weight to the persuasive power of a petition, and even women sometimes travelled to Parliament to present their cases themselves. In some cases women at least stood at the doors of parliamentary committees, and maybe even entered inside them, as part of a lobbying tactic. Peacey has shown that this tactic, of physically being present within the walls of Westminster Palace in order to press one's case, was used across the political spectrum during the Civil Wars. Either in person, by standing outside the doors to the Houses and committees, or through powerful personal connections, 'those outside Westminster were knowledgeable about, interested in, and prepared to try and influence' the political processes of Parliament.[72] These petitioners understood the power that came with physically positioning themselves within – or very near – the space where such decisions were made, using the presence of their own bodies to try to make their appeals slightly more difficult to ignore.

The example of Elizabeth Duchess of Hamilton shows how people might adapt a range of methods in an attempt to get their cases heard. She had been married to William Duke of Hamilton, who had died fighting for Charles II at the Battle of Worcester as a result of musket ball wounds that no surgeon was able to repair.[73] Because of her husband's decision to fight for the king, Elizabeth had all of her lands seized, including the property which she had brought to the marriage by her own right. She lobbied Parliament for the return of her estate by first presenting a printed petition 'to all or most of the members' of Parliament, but then, after she 'could not so much as obtaine the reading thereof', she subsequently submitted her request in the form of a manuscript supplication to one of the central committees.[74] So, Elizabeth first petitioned in print, and then returned to the more traditional method of a manuscript request when that was unsuccessful. Elizabeth's handwritten petition was more descriptive and emotionally evocative than her printed petition. The manuscript version pleaded that 'she and her poore Children liue upon Charity and borrowed bread', whereas the printed document just laid out her and her children's claims to the lands in legal terms.[75]

In 1653 she noted that she has 'divers times attended in person at the door and presented printed copies thereof unto all or most of the particular members', adding that her petition was 'not read' for six months, 'remaining now in the clerk's hands'.[76] The act of personally handing out her text to innumerable MPs shows how embodied the experience of petitioning might be, even when it was merely a single individual rather than a crowd.

Not all complainants arrived alone. One of the petitions of the widow Alice Estcott not only demonstrates her own presence but also that of a lawyer. Her petition claims that attending the Committee for Compounding in Whitehall, 'w[i]th her councell to her very greate chardge & such expence', had led her to find herself 'not able to continue'.[77] Alice, a resident of Holborn in London, did at least not have far to travel. Alice's repeated attendance at the Committee is suggested by the Committee's Order Books, which recorded, on at least two occasions in October 1650: 'It is this day ordered that the case of Mrs Alice Estcott bee heard on Tuesday next.'[78] Her earlier quoted petition implies that Alice was physically present in Whitehall at the doors of the Committee. The presence of her lawyer is even more certain. There are numerous entries in the Order Books of the Committee for Compounding that read 'upon the motion of' a lawyer. A few early entries from the start of the 1640s state that a petitioner 'appeared', but these became rarer as the decade continued.[79] Most entries state 'upon the reading of the petition' or 'the petition of … received' or 'upon the report of … ', which suggests that petitioners were not usually present in front of the committee.[80]

Much of the evidence for the petitioning process, and in particular the physical and practical aspects, is ephemeral. We are still left with perhaps more questions than answers. For example, what did it look like for a petitioner to present themselves in the courtroom? And what difference did it make being a woman in that space? The narrative tactics of male and female petitioners were relatively similar (pleading poverty for example, generally irrespective of status, was common) but within the space of the courtroom this may have not applied. However, what is clear is that petitioning was frequently an embodied experience that was likely to involve both travel and face-to-face interaction with authority. As such, it should be included in discussions of movement in early modern England, which have focused much more on migration for work or travel for commerce. Petitioning was not just a familiar and necessary part of life at this time, but also – like similar processes such as litigation – it entailed negotiating and interacting with the physical environment and its jurisdictional spaces. This has important implications for what it

meant to be a petitioner in early modern society, which might be profoundly shaped by the distance to the site of authority, the state of one's bodily health and the space where decisions were made.

Beyond the petition

This chapter has so far used petitions and adjacent archival documents to understand more about the social and spatial experience of petitioning. This final section will go beyond the petition in order to add a further layer to our understanding: how petitioning fitted alongside other modes of seeking redress. Beattie has argued that women navigated multiple English jurisdictions and were skilled at selecting which type of court, and which specific type of action, to use in order to achieve their desired outcome.[81] Langley similarly found that early modern Scottish clergymen's widows were adept at selecting and moving between different jurisdictions.[82] Robson's contribution to this volume presents a similar story of groups of fen-dispute petitioners presenting their grievances to multiple local and national jurisdictions.[83] This section will show how the focus for petitioners' claims could change, depending on what was the most politically expedient and useful at the time.

Petitioning was a means of negotiating with authority that frequently worked alongside other processes, and early modern petitioners, male and female, high and low status, could be adept at navigating their way through. The quantitative data from the Power of Petitioning project suggests that supplicants to the quarter sessions commonly requested intervention from the justices in their concurrent legal cases. Howard's chapter in this volume shows that many petitions to the Cheshire quarter sessions were seeking to initiate, redirect or respond to litigation in the seventeenth century.[84] She argues that the majority of these came from people petitioning for justice or punishment of their wrongdoers. For example, Dorothy Venebles asked the bench to intervene for her on a matter of inheritance.[85] Her family was involved in a number of Chancery cases on this same issue, but she appealed directly to her local justices in this case.[86] Perhaps the nature of petitioning – relatively cheap and accessible to all levels of society – made this an especially appealing tool for an aggrieved individual considering multiple possible routes for redress.

This practice can be seen clearly in a final example, which serves as a case study of the way petitioning could be used alongside other methods for seeking justice within early modern England's complex and overlapping judicial structures. Across three decades, Mary Crompton pursued

her inheritance disputes through the Committee for Compounding and the Court of Chancery simultaneously. She was the third wife of Fulke Crompton and together they had two children, Fulke and Frances. Fulke Crompton senior had had several other children from previous marriages and the eldest of those, Eyton, was seemingly overlooked in Fulke's provision for his children. This was a common problem in early modern families, and one which frequently resulted in inheritance disputes.[87] Fulke Crompton's will stated that, according to a conveyance dated 1637, the castle, lordship and manors of Dawley were to descend to Mary, 'my welbeloved Wife', and to Fulke and Frances, their children. Eyton Crompton – 'if he shalbe fully contented therewith' – was provided with the sum of just 6li 13s 4d yearly.[88] Fulke died during the wars in command of a Royalist garrison of Dawley Castle.[89] In November 1645, Mary Crompton was found to be in residence at Dawley after Fulke's death, and it was stated by the Committee for Compounding that she 'did keepe a garrison ag[ainst] the Parliam[en]t' there.[90] As a result of Mary Crompton's delinquency her lands were sequestered and all the rents confiscated. Eyton and his sisters claimed that these sequestered lands were lawfully theirs and, consequently, may have seen the confiscation of Dawley Castle for Mary's delinquency as an opportunity to regain their inheritance. In a petition to the Committee for Compounding, Eyton disputed the 1637 conveyance, claiming that he had witnesses willing to testify that it was not properly completed, and asked to compound for the estates on the grounds that he was the rightful 'heir at law'.[91] In a 1648 bill of complaint in the Court of Chancery, Eyton also accused Mary and her children of having 'deceiptfully & by sinister & indirect meanes gotten into their hands custody & possession aswell all and singular the said deeds' to the estate.[92]

Mary's petitions and pleadings were careful to stress the validity of her claim to the lands based not only on legal contract but also familial bonds. She stated that it was 'in considerac[i]on of his naturall loue and affection to yo[ur] Pet[i]tion[er]' that Fulke had conveyed Dawley Castle for the use of her and her children.[93] She also addressed the issue of Fulke Crompton's will and claimed that Eyton 'had offended his Father by his ill husbandry and undutifull Carriage' and, as a consequence, Fulke, 'takeing soe much displeasure and discomfort by the Carriage of the said Complaynant did declare that he was intended to settle his estate upon a Stranger', a situation that was avoided when Mary herself bore him children.[94] Mary's attempts to discredit the character and behaviour of Eyton within Chancery pleadings and petitions were matched by Eyton's persistent efforts to disgrace Mary on the grounds of being a Royalist. Eyton petitioned the Committee for Compounding in September 1652,

and described how, following Mary's marriage to Fulke Crompton, she had tried to persuade Eyton to side with the king. On his refusal she 'clapped a garrison' for the Royalists and barred him from entering the estate.[95] He himself was fighting for Parliament as a cornet of horse, and submitted with his petition a note from Major-General Thomas Harrison. This asked for a speedy hearing on Crompton's behalf, 'who has had some hard measure from a very wicked woman', again highlighting the importance of social connections and supporters when crafting a request.[96]

Mary addressed the issue of her supposed misdemeanours in her petition to the Committee for Compounding, in which she claimed that her estate was sequestered in 1645 for 'Acts of Delinquency' that were 'then p[re]tended to haue bin Com[m]itted by her against the Parliam[en]t'.[97] In Mary's answer to the bill submitted by Eyton's sisters, she argued that, shortly after the death of her husband, her stepdaughters 'did in the night tyme lett in the Kings Forces into the said Castle where vpon shee this defend[an]t was forced out of the said Castle'.[98] In another bill she argued that 'Souldiers did surprise her this defendant' when she was dwelling at Dawley, and she went on to say that 'she this defendant doth deny That she or any other to her knowledge did make or keepe a garrison at the said Castle of Dawley'.[99] In the same bill she also sought to discredit Eyton by claiming that 'she heard that he was a Common foote Souldier in the late Kinges Armey'.

The last document in the files of the Committee for Compounding on this case suggests that the committee members decided that neither side's argument was wholly convincing. They allowed Mary's two children from her marriage to Fulke to receive rents from the estate, and so were clearly not persuaded by Eyton's attempts to discredit the 1637 conveyance. Nevertheless, ten pounds a year was to remain sequestered for Mary's delinquency, indicating that her residence at Dawley while it was a garrison was considered sufficient evidence of her disloyalty.[100] In 1648, Parliament ordered that the Castle of Dawley was to be demolished, and so ultimately none of Fulke's children, or his widow, ever regained possession.[101] Mary, and the members of her family, used petitions and equity pleadings to present their own narratives and to attempt to wrestle control of the inheritance.

Through the case of Mary Crompton and her (somewhat estranged) family, a story can be told of how aggrieved individuals could engage with multiple authorities in order to pursue the justice that each party perceived to be owed to them. Not only is there an overlap in chronology in the submission of these documents but there is also an intersection in the types of arguments that were being used. The language of loyalty, for example, was a familiar part of Civil War petitions and is seen here

seeping into the Chancery bills, which suggests that petitioning and litigation were potentially complementary and mutually reinforcing methods for pursuing redress.[102] The use of overlapping spheres of justice may have been particular to those families with the financial means and imperatives to do so. This example centred around landed inheritance, a matter with weighty financial consequences, thus making the imperative to supplicate and litigate much stronger. Clearly, the broader political context may have been a factor here too. The Civil Wars brought about their own disruptions in justice seeking, which would have shaped litigants' and petitioners' choice of court and authority. Thus, more work is needed on the ways in which petitioning overlapped with litigation, and the ways in which gender, status and time were factors in the decisions behind petitioners' choices of jurisdiction.

Conclusion

This chapter has demonstrated that petitioning was a collaborative, social, embodied and spatial process. It has also shown that moving between different jurisdictions was a commonplace part of petitionary practice. Thus, it is important to look beyond the content and rhetoric of petitionary texts to the wider experience of petitioning.

Despite drawing on many women's petitions, this chapter has not stressed the role of gender in the petitionary process. In previous scholarship, analysis of women's agency or authorship in such texts is often focused on their position *as women*. However, it is argued here that, in many cases, gender did not have a large bearing on the creation of the text. Whether male or female, most people had a petition scribed on their behalf and then submitted it themselves or, seemingly more rarely, by intermediary. Nevertheless, it certainly was the case that some of the ways in which the process was experienced were shaped by gender. It was presumably more significant in the spatial and oral elements of petitioning because for women to engage with this process, and in particular to appear in court and negotiate these public spaces, was a different matter to a male counterpart doing the same. Thus, the petitions of women which have for so long been cherished by historians of gender, particularly of the Civil Wars, remain relevant for understanding more about the lives and experiences of women. Yet, we should be careful to ensure that key elements embedded within the petitionary process – such as narratives of supplication drawn up largely by scribes and often following conventions that applied to both genders – are not held up as exemplars of female agency or authorship. Instead, they should be studied within this broader framework.

Finally, while this chapter has not focused on the issue of authorship, the petitioner and their journey has been the starting point and central theme throughout. From the collaborations necessary to write their petition to the physical journey that petitioners may have undertaken and the other modes of redress they might have used, this chapter has sought to capture the experience of petitioning. Thus, it hopes to demonstrate that placing petitions within their proper context does not diminish the importance of the petitioner. The role of the scribe and the conventions of the genre mean that we cannot simply listen for their voice in the text, but their actions were what drove the broader petitionary process. Focusing on their actions means that the stories of petitioners' persistent and humble supplication – rather than just the petitionary texts themselves – can become more firmly embedded within the history of early modern justice seeking.

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Notes

1. McEntee, '"The [un]civill-sisterhood"', pp. 92–111; Higgins, 'The Reactions of Women', pp. 179–224; Mendelson and Crawford, *Women*, pp. 405–6; Hughes, 'Gender and Politics', pp. 162–88; Crawford, '"The poorest she"', 197–218; Button, 'Royalist Women Petitioners', pp. 53–66; Whiting. *Women and Petitioning*.
2. Zaret, 'Petitions and the "Invention" of Public Opinion'; Zaret, *Origins of Democratic Culture*; Peacey, *Print and Public Politics*; Peacey, *Politicians and Pamphleteers*.
3. Hudson, 'Negotiating for Blood Money', pp. 156–69; Appleby, 'Unnecessary Persons', pp. 209–21; Stoyle, 'Memories of the Maimed', pp. 204–26; Peck, 'The Great Unknown', pp. 220–35; Worthen, 'The Administration of Military Welfare', pp. 174–91; Worthen, 'Supplicants and Guardians', pp. 528–40.
4. The Power of Petitioning Project, https://petitioning.history.ac.uk; Civil War Petitions, www.civilwarpetitions.ac.uk; London Lives Petitions Project, https://london.sharonhoward.org/llpp.
5. Flannigan, 'Litigants', pp. 303–37.
6. Dabhoiwala, 'Writing Petitions', pp. 127–48.
7. Houston, *Peasant Petitions*.
8. See Chapter 2, this volume.
9. See: Bailey, 'Voices in Court'; Beattie, 'I Your Oratrice'; Stretton, 'Women, Legal Records, and the Problem of the Lawyer's Hand'; Phipps and Youngs, *Litigating Women*; Dolan, *True Relations*, pp. 117–23.
10. Wood, *The Memory of the People*; Whyte, 'Landscape, Memory and Custom'; Kane, *Popular Memory and Gender*.
11. Withers, 'Place and the "Spatial Turn"'.

12. Musson, 'Introduction'; Houston, 'People, Space, and Law'.
13. Knafla, 'The Geographical, Jurisdictional and Jurisprudential Boundaries'.
14. Herrup, *The Common Peace*.
15. Daybell, *The Material Letter*, pp. 73–4; Appleby, 'Unnecessary Persons', p. 211.
16. Dabhoiwala, 'Writing Petitions in Early Modern England', p. 131.
17. Daybell, *The Material Letter*, p. 70. For more on petitionary form see Chapter 9 in this volume.
18. The National Archives (hereafter TNA), SP 23/114, p. 1202.
19. TNA, SP 23/94, p. 531; TNA, SP 23/106, p. 572; TNA, SP 23/117, p. 127.
20. TNA, SP 23/88, p. 628; TNA, SP 23/83, p. 200; SP 23/77, pp. 41–2.
21. TNA, SP 23/83, p. 200.
22. Green, 'Introduction', xii–xiii.
23. Clay, *Yorkshire Royalist Composition Papers*, p. 139.
24. For more on networks of recusant families working together during the Civil War to combat the sequestration process, see Gregory, *Catholics during the English Revolution*.
25. TNA, SP 19/98, p. 81.
26. Lloyd Bowen, 'Uncertain Authors: Who Wrote Civil War Petitions?', www.civilwarpetitions.ac.uk/blog/uncertain-authors-who-wrote-civil-war-petitions/ (accessed 14 May 2023).
27. Bowen includes several more examples of petitions that broke from form and genre in Chapter 2 of this volume.
28. Stretton, *Women Waging Law*, pp. 123–7; Bailey, 'Voices in Court', pp. 392–408.
29. Phipps and Youngs, *Litigating Women*, p. 1.
30. Stretton, 'Women, Legal Records, and the Problem of the Lawyer's Hand', 698.
31. TNA, SP 23/62, pp. 686, 663, 683, 681, 676, 671, 669, 666, 662.
32. TNA, SP 19/12, pp. 398–9.
33. TNA, SP 19/110, p. 48.
34. Harris, *English Aristocratic Women*.
35. Kent History and Library Centre (hereafter KHLC), Q/SB/8/54.
36. 'The Petition of Nicholas Rogers of Burton on Trent, Staffordshire, 13 January 1657', *Civil War Petitions*, www.civilwarpetitions.ac.uk/petition/the-petition-of-nicholas-rogers-of-burton-on-trent-staffordshire-13-january-1657/.
37. Cheshire Archives, QJF 37/1/44.
38. Chapter 2 in this volume has more examples of endorsements submitted with petitions.
39. Fletcher, *A County Community*, pp. 131, 282–3, 301–3; Keeler, *The Long Parliament*, p. 280; Peacey, 'Morley'.
40. East Sussex Record Office (hereafter ESRO), QR/112, fo. 1r; Redwood, *Quarter Sessions Order Book*, pp. 128, 189; ESRO, Q/1/5/2, fo. 46r, QO/1/5/3, fo. 19v. For average pension payments to war widows and maimed soldiers see Worthen, 'The Administration of Military Welfare'.
41. TNA, SP 23/182, p. 186.
42. TNA, SP 23/86, p. 479; SP 23/233, p. 33. For more on prominent Parliamentarian widows' petitions see Hopper, 'To Condole with Me'.
43. East Yorkshire Record Office (hereafter EYRO), DDCR/5/1/54; EYRO, DDCR/5/1/56; EYRO, DDCR/5/1/75; TNA, SP 23/221, p. 546; TNA, SP 19/121, p. 99.
44. For more on the petitions of war widows' children and orphans, see Chapter 6 in this volume.
45. TNA, SP 19/121, p. 99.
46. EYRO, DDCR/5/1/75, 76.
47. TNA, SP 23/12, pp. 5, 167.
48. Margaret was also involved in a concurrent Chancery dispute over her daughter's marriage portion: TNA, C 9/10/92.
49. Stretton, 'Women, Legal Records, and the Problem of the Lawyer's Hand', p. 698.
50. Flannigan, 'Litigants', p. 315.
51. Phipps and Youngs, *Litigating Women*, p. 1.
52. Knafla, 'The Geographical, Jurisdictional and Jurisprudential Boundaries', pp. 130–41.
53. Cockburn, *A History of English Assizes, 1558–1714*, p. 972.
54. For example: Petition of Sara Aston, Cheshire Archives, QJF 47/1/48; Petition of John Vernon, Cheshire Archives, QJF, 67/2/71. With thanks to Sharon Howard and the Power of Petitioning Project for providing this metadata open access: https://petitioning.history.ac.uk/blog/2022/08/now-online-metadata-for-2847-petitions-and-nearly-10000-petitioners-1573-1799/.
55. ESRO, QO/1/5/2, fo. 34r.
56. West Sussex Record Office (hereafter WSRO), Q/R/W77, fo. 6; WSRO, QO/1/5/2, fo. 21v.

57. WSRO, Q/R/W80, fo. 4.
58. Appleby, 'Unnecessary Persons', p. 212.
59. WSRO, Q/R/W69, fo. 1r.
60. KHLC, Q/SB/6/67.
61. This, and all other calculated distances of travel in the chapter, are straight-line distances.
62. ESRO, QO/1/5/2, fo. 54r.
63. Fletcher, *A County Community*, Herrup, *The Common Peace*.
64. Herrup, *The Common Peace*, pp. 59–61.
65. ESRO, QR/77, fo. 8r.
66. ESRO, QO/1/5/2, fo. 33v; QO/1/5/2, fo. 39v.
67. WSRO, QO/1/5/5, fo. 58r.
68. ESRO, QS Order Books 1660–1679 (Q/1/5/3-7) and QS Sessions Rolls 1660–1679 (QR/126-159); WSRO, QS Sessions Rolls 1660–1679 (Q/R/W96-203).
69. 'Petitions in the State Papers: 1610s', in *Petitions in the State Papers, 1600–1699*, ed. Brodie Waddell, British History Online, www.british-history.ac.uk/petitions/state-papers/1610s (accessed 20 September 2023).
70. TNA, SP 20/12/32, p. 94.
71. TNA, SP 23/101, fo. 682.
72. Kyle and Peacey, 'Public Access to Parliament', p. 23.
73. Scally, 'Hamilton'.
74. Elizabeth Hamilton, *The Humble Petition of Elizabeth Duchess (Dowager) of Hamilton* ([London], 1651); TNA, SP 19/12, p. 399.
75. TNA, SP 19/12, p. 399.
76. Peacey, 'Parliament, Printed Petitions', pp. 355–6.
77. TNA, SP 23/83, p. 623.
78. TNA, SP 23/10, pp. 190, 191.
79. TNA, SP 23/2, fo. 112r, fo. 124r.
80. For example: TNA, SP 23/11, fo. 212v.
81. Beattie, 'I Your Oratrice', pp. 17–29.
82. Langley, 'Clergy Widows'.
83. See Chapter 7 in this volume.
84. See Chapters 8 and 9 in this volume.
85. Cheshire Archives, QJF, 86/1/123.
86. TNA, C 7/447/97.
87. Stretton, 'Stepmothers at Law in Early Modern England'.
88. TNA, PROB 11/205/524.
89. Symonds, *Diary of the Marches of the Great Army*, p. 249.
90. TNA, SP 23/77, p. 587.
91. TNA, SP 23/77, p. 623.
92. TNA, C 6/110/23.
93. TNA, SP 23/77, p. 579.
94. TNA, C 7/432/30.
95. TNA, SP 23/77, p. 637.
96. TNA, SP 23/77, p. 641.
97. TNA, SP 19/161, p. 615.
98. TNA, C 6/3/45.
99. TNA, C 7/432/30.
100. TNA, SP 23/23, p. 158.
101. 'House of Commons Journal Volume 5: 11 July 1648', in *Journal of the House of Commons* (London, 1802), pp. 631–2.
102. Weil, 'Thinking about Allegiance'; Worthen, 'Supplicants and Guardians'.

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4

‘The universal cry of the kingdom’: petitions, privileges and the place of Parliament in early modern England

Jason Peacey

In November 1621, the House of Lords took action regarding a worrying phenomenon: counterfeit letters of protection. Such certificates were issued to servants by peers and MPs, as well as by clerics in convocation. This practice aimed to prevent them from being arrested during parliamentary sessions and to ensure that members could fulfil their public duties untroubled by private litigation. The House responded to claims that the hand and seal of Edward, Lord Stafford, had been forged, doing him a ‘dishonour’ and representing an ‘abuse’ of parliamentary privileges. Suspects were rounded up, and two men – Thomas Waringe and John Blunt – were imprisoned after being set upon the pillory wearing papers describing their crime. Blunt, a recidivist, was given a life sentence in Bridewell, and was lucky to escape more severe punishment.[1] Two dangers quickly became apparent. The first was that letters of protection had become devalued. One man who claimed Stafford’s protection – the brewer, William Cowse – protested about being arrested and having his goods seized, and accused his captor of exclaiming that ‘he neither regarded the protection, nor your lordships’ orders’. Cowse was called before the Lords, and the arresting official was sent to the Fleet for ‘contemptuous speeches’. That this did little good – Cowse was returned to prison, ‘to his … utter undoing’ – suggested a system in crisis.[2] The second problem emerged from the interrogation of Waringe, who insisted that, rather than counterfeiting the protections, he had received six letters – with blanks for names to be inserted – from Stafford himself.

The impoverished Stafford was actually notorious, John Chamberlain reporting that he had 'given about 300 to … base and mean companions for 5s. apiece'. Peers encouraged Stafford to use more restraint, treating him less like a victim of counterfeiters than as someone who had abused his privilege for personal gain.[3]

That an arcane issue like 'protections' became a pressing parliamentary concern indicates its importance. Hitherto, however, amid debates surrounding the 1621 Parliament – a test case for rival interpretations of conflict and consensus in early Stuart England – the issue has been somewhat neglected. To the extent that protections have been noted, historians have either focused narrowly upon the 'abuse' of privilege by counterfeiters and members, or linked protections to a wider process whereby Parliament asserted its privileges and fuelled constitutional conflict. Here, protections were seen as being integral to how a traditional privilege – freedom from arrest – was invoked more frequently and forcefully, most famously with the cases of Sir Thomas Shirley (1604) and Henry Rolle (1629), to assert the 'rights', 'status' and 'institutional integrity' of Parliament, the ability to control membership of both Houses and the power to resist royal authority. Sommerville and others have insisted that this privilege came to constitute one of the liberties of the subject, even if only indirectly, as something which ensured that members could protect vital liberties. The ability to protect servants was thus a symbol of parliamentary power, which is why abuses went unreformed and why protections came to be deployed more aggressively. Members, it seems, were 'pushing the boundaries of privilege', and protections have been used to challenge 'revisionist' claims about the prevalence of consensus and about the limitations of institutional development.[4]

This chapter rethinks the issue of protections by locating it within a culture of petitioning. Petitions make it possible to pivot away from the relationship between parliamentary privileges and constitutional tussles, enabling reflection upon Parliament's relationship with the 'public' and upon its reputation as a forum for solving problems and securing 'justice'. Central here are relations between creditors and debtors, which have generally been explored in terms of political economy and the social history of insecurity, imprisonment and dispute resolution.[5] On such matters, petitions have proved invaluable for recovering contemporary attitudes and practices, and this chapter uses a wealth of supplicatory texts regarding protections to highlight the power of petitioning. This will certainly reveal that protections could be politically contentious, but it will also demonstrate Parliament's determination to clarify, control and refine how protections were deployed. This process was slow and messy,

but in addressing long-standing problems regarding the behaviour and treatment of creditors and debtors it signalled a concern with the legitimacy of Parliament. Protections, in short, provide a lens through which to explore the reputation of Parliament from the mid-sixteenth to the early eighteenth century, revealing a concern to prevent privileges from harming the public, as well as a determination to respond to pressure from petitioners who increasingly looked to Westminster rather than the Crown for help.

Restraining protections

Before addressing petitions directly, it is important to demonstrate that while the period before the Civil Wars appears to indicate that protections were bound up with constitutional conflict, a longer perspective reveals a genuine – if protracted – effort by Parliament to address the impact of privileges upon public justice.

In theory, granting 'protections' was commonplace and uncontroversial. Contemporaries were untroubled by the idea that protection from arrest needed to be offered to MPs, peers and members of convocation, and that those who demonstrated contempt needed 'special punishment'. The aim was to ensure that men who 'attend the public should not be disquieted in their private', and that they could concentrate upon 'the service of this House'.[6] Equally clear-cut was the need to protect people who travelled to Westminster as petitioners and witnesses, whose privileged status lasted as long as their business was 'depending'.[7] However, it was also more or less straightforward to protect servants from 'trouble, arrest or imprisonment', at least for a defined period before and after each Parliament, lest members should be distracted by the legal 'troubles' of employees.[8] Arrested servants were generally released by the Commons, and contemporaries became familiar with signed certificates – 'paper protections' – that could be shown to officials. They also became familiar with the idea that ignoring protections would bring charges of contempt and with the ability of Parliament – rather than the courts – to enforce privileges.[9]

Nevertheless, the practice of granting protections came under scrutiny. This partly reflected moves to protect members' possessions rather than just their persons (something central to Rolle's case), as well as moves to enforce privilege for arrests made 'in execution' of judgements (especially regarding debts) rather than just in 'mesne process', namely during legal proceedings.[10] It became clear that members were

concerned about *any* legal process that caused someone's 'mind' to be 'withdrawn'. Since privileges were thought to ensure the proper functioning of Parliament, they were sometimes seen as belonging to the institution, thereby provoking resistance to the idea that they could be waived by particular members on specific occasions.[11] Dissenting voices emerged within the Commons from the 1550s, on the basis that debts might go unpaid, thereby leaving creditors 'without remedy', but while these provoked debate and divisions, they made little impact.[12] Reservations lingered, however, and in 1621 James I expressed his concern that creditors were being 'defrauded' and that Parliament might imperil – rather than champion – subjects' liberties. He threatened action to ensure that 'the traffic of the kingdom may go on', while the polemicist George Wither decried the protection of 'every prodigal that cheats and cozens'.[13] Eventually, criticism of protections became a trope of Royalist polemic. Sir Roger Twysden worried about men becoming 'suitors for places' to avoid 'just suits and just debts', and about protections being granted too freely, such that 'the justice of England did in a great measure sleep'. Protections were 'burdensome to the people'.[14] It was this theme – the impact of protections upon trade and justice – that resurfaced during the Long Parliament. In May 1641, London's Common Council described protections as 'a greater burden … than the patents of soap, leather, salt or … Ship Money', and such complaints appeared both in print and on the streets, as activists mobilised citizens to complain *en masse*.[15] This was clearly the work of a nascent Royalist faction, led by George Benyon, whose resistance to protections resulted in his impeachment (1642).[16] It was this fire onto which royal advisers poured oil, Sir Edward Nicholas advising Charles I to promise help for aggrieved Londoners in order to 'win the city' (November 1641).[17]

Such comments notwithstanding, the debate over protections cannot be mapped straightforwardly onto constitutional faultlines. First, granting immunity to debtors was frequently used by the Privy Council, and although this was recognised as being a 'tender' issue, resolutions to issue protections more sparingly had only limited effect before the Civil Wars.[18] Second, Parliament did not straightforwardly seek to extend parliamentary privileges. The proliferation of protections partly represented an unintended consequence of legislative attempts to ensure that anyone whose litigation was halted by parliamentary privilege could renew proceedings once Parliament was dissolved, and to address concerns that debts might 'expire' (1604). Paradoxically, this statute undercut members' sense of responsibility for servants' debts and made it easier to grant protections.[19] More obviously, members recognised that

protections could be problematic and addressed concerns regarding their use. Apart from fears about men securing election in order to evade debtors, efforts were made to protect creditors against fraudulent debtors, in ways which indicated *agreement* between Crown and Parliament.[20] It also seems more evident that the 'abuse' of protections was discussed at moments of heightened political tension and that it was susceptible to political exploitation, rather than the impetus for such discussions coming from the Crown. In 1621, debates were informed by the determination to remove Lord Chancellor Bacon, and renewed controversy in 1641 resulted in part from the desire to eject an MP, Henry Benson – a suspected Catholic and future Royalist – who had sold protections.[21] Similar concerns about the abuse of privileges by Catholic members likewise drove subsequent debates and action in 1678.[22]

More generally, members proved willing to confront problems caused by protections and the 'abuse' of parliamentary privilege. From the 1580s onwards, certain claims to protected status were deemed fraudulent or inappropriate, even if such cases caused 'much dispute'.[23] The desire for reform became clearer in 1621, amid recognition that protections were too easy to obtain and that 'blank' written protections were being sold for a few shillings. William Hakewill insisted that 'the service is to be protection not the paper', and such texts were ordered to be revoked.[24] 'Paper protections', however, were merely indicative of a deeper issue: the need to prevent members from protecting 'friends', 'strangers' and tradesmen, rather than just 'menial servants'. The concern, in short, was that rather than protection being afforded to *bona fide* servants, it could be solicited by letter or petition, or in person. As such, members who were too liberal were named, shamed and threatened with punishment.[25]

That the progress of reform was slow is sometimes taken to have reflected foot-dragging, most obviously in the Lords, but this is somewhat misleading. In 1621, specific peers were certainly thought to be bending the rules by giving protections to men they had never met, and some clearly felt that noblemen were 'more faulty'.[26] However, while certain lords pushed the limits of privileges and while protections issued by absent peers were deemed legitimate, subsequent evidence points in a different direction.[27] Challenges were made if a protected individual was not deemed to be a menial servant; Stafford was given 'a check' for his liberality; and Viscount Saye worried about the 'grievances' that protections caused. Overwhelmingly, peers sought to clarify the rules and to see privileges 'perfected' rather than 'stretched'. Amid calls for an official register of protections, rules were clarified in the 'standing orders', and

peers were reminded not to 'pervert' their privileges, as things intended to enhance rather than hinder 'justice'.[28]

The real problem for reformers involved thorny technicalities and the challenge of devising effective rules. The question of whether people taken 'in execution' could claim protection provoked serious debate in 1576 and led to a formal division.[29] 'Paper protections' proved impossible to eradicate (eventually emerging as printed forms), and members became reliant upon them when judging individual episodes. Opinions also differed over how severely to punish those who issued dubious protections.[30] Even more difficult was the definition of 'menial' servant: while James I insisted that only personal attendants in London could be protected, such a restrictive approach was deemed unworkable, not least in the case of estate stewards 'in the country'.[31] The early decades of the seventeenth century saw cases where members justified protecting an MP's tailor, an attorney and someone employed to survey a country estate.[32] Chaplains, too, could be reckoned worthy of privilege, although questions were certainly raised about this idea in 1628.[33] Moreover, while it was easy to agree on the period either side of Parliaments when privileges should apply (to protect those travelling to and from Westminster), adjournments proved more contentious. It was recognised that a long recess might harm creditors, but it was hard to define what constituted an unacceptably long break, and in 1621 Dudley Digges and Robert Phelips urged self-restraint rather than tighter rules.[34] More difficult still were long parliamentary sessions, which clearly risked becoming 'burdensome'.[35] In other words, the conundrum regarding protections involved a tension between formal principles and practical realities.

Difficult problems ensured that protections remained a live issue to which members frequently returned, but over time members accepted Phelip's concern that privileges were something 'under which the nation groaneth', and sought to limit their use.[36] Reforming impulses re-emerged early in the Long Parliament: members questioned whether the servants of recusants were immune from prosecution, insisted that protection should only be given to 'menial' servants 'in town' and probed what it meant to be 'necessarily employed'; they also promised that peers who issued 'undue protections' would be 'answerable'.[37] In May 1641, MPs prepared a bill to restrain the multiplicity of protections and heard evidence from City officials. Although they recognised that the issue was 'tender' and liable to provoke 'long debate', they considered radical proposals to 'waive all protections for … menial Servants' and to make their own estates liable for 'just debts', even if they eventually decided to suspend privileges 'for a time'. Touting their zeal for change, the promise of

meaningful reform was even embedded in the Grand Remonstrance.[38] This determination to challenge the idea that Parliament was 'a burden to the kingdom' – amid concern that people would fall 'out of love with Parliaments' – ensured that reforming impulses remained evident long after Royalist pressure subsided. The bill was passed in November 1641 and while MPs complained that amendments by peers made it 'ineffectual', the sticking point was whether changes should be temporary or permanent and whether reform would apply to peers rather than just their servants. The determination to press on resulted in a Commons order that no protections were to be granted without official approval (December 1642).[39] Thereafter, it is striking that protections proved less troublesome during the Civil Wars. They seem to have been requested – and given – more cautiously. Attention turned to new complexities, such as immunity for Royalists during sequestration and compounding processes, the protection of men who served the state (including messengers and soldiers) and the privileged status of royal servants.[40]

During the late 1640s, radical and Royalist voices forced the issue of privileges back onto the agenda, and such pressure gave new impetus to reformers within Westminster.[41] Importantly, they now linked protections to other concerns regarding the reputation of Parliament, including the eligibility criteria for MPs, the legitimacy of MPs holding other public office and the introduction of processes to complain about individual members. It is also noteworthy that, on the day after the vote of 'no further addresses', MPs resolved to 'forbear' their privileges 'for some time' (January 1648), such that only members themselves were to have 'immunity' from arrest for debt and that their estates could be made liable.[42] Given how few Leveller demands became official policy, it is tempting to argue that this had become a normative – if not entirely consensual – position.

This is not to say that the issue went way, and protections – alongside members' freedom from arrest – once again provoked concern after 1660. Some MPs resisted change because of concerns that peers might protect people against whom the Commons chose to act, and that peers would infringe the privileges of colleagues in the lower House. Such tensions, which became acute in notorious cases like Fagge versus Shirley (1675), once again highlighted the potential for protections to prompt – or become a means of addressing – serious constitutional concerns.[43] More often, however, members confronted practical issues: the definition of 'menial' servant, the problem of long parliamentary sessions and whether 'goods' as well as 'persons' should be protected, as well as how to deal with periods when Parliament was prorogued. On such

issues there was greater agreement about the need to address a 'great grievance to the people' and to counter accusations about 'extending' rather than 'straitening' privileges. Regulations were repeatedly printed for display around Westminster and London, amid stern warnings that MPs who acted inappropriately would face official censure. Indeed, while the issue remained divisive, those most eager for reform were often old Parliamentarians, while those most resistant to change were frequently courtiers and cavaliers, who clung to the broadest interpretation of their privileges, resisted the idea that members could waive their privilege in specific circumstances and feared that excessive zeal would result in endless cases.[44] Such a conjuncture ensured that an MP like Thomas Wanklyn – who tried to protect paid employees beyond his household – was expelled for protecting a wealthy Catholic as a menial servant, albeit only after a formal division along party lines (1668).[45] By the late 1670s, members were moving towards a clear, strict and enforceable policy on the grounds everyone should know 'how far privilege extends', and even a government supporter like Robert Sawyer exclaimed that 'privilege will destroy all mankind'.[46]

The final stage in the process of regulating protections was procedural, as the desire for oversight prompted attempts to collate information about how protections were being used. Sheriffs, bailiffs and prison governors were required to supply lists of protections that were logged with them, a practice that was regularised after the Glorious Revolution.[47] This inevitably revealed 'irregularities', prompting MPs to reiterate the rules, punish offenders and revive the idea that all protections needed parliamentary approval, as well as the creation of official registers.[48] With a clearer picture, new practices emerged. After 1688, it became more common for members to waive their privileges (with permission), even if the willingness of some to do so inconsistently – reclaiming privilege when it was personally convenient – fuelled further debates and divisions.[49] Here too, calls for stricter control sometimes provoked recalcitrance, particularly by peers who worried about social status and being accountable to MPs. Registers made it possible to interrogate individual peers about whether they would 'own' those who were being protected as servants. Steps were also taken for 'vacating' swathes of protections for invalidating written (and printed) certificates and for ensuring that peers attend sessions before invoking privilege. Certain peers who issued *dozens* of protections pleaded ignorance regarding the rules or insisted upon the legitimacy of their privileges, but others mended their ways, and it is noticeable that when obstinacy emerged, reformers tended to issue formal protests.[50] Obstructive behaviour also encouraged further

tightening of the rules, including an order that attorneys and 'common solicitors' were incapable of being protected (1691).[51]

Such machinations also reveal the politics of reform, and during the early 1690s pressure for reform came most obviously from men like John Howe and the old Cromwellian Thomas Clarges, who worried that protections might become 'the greatest grievance of the kingdom' and that they reflected on 'the honour and credit of the House', as well as 'the good of our fellow subjects'. By this stage the issue had become bound up with 'country' attitudes and more or less explicitly linked to issues like impressment, triennial bills, place bills and public accounts.[52] The 1693 case of William Culliford – who tried to secure immunity from financial accountability as an officeholder – revealed the ongoing capacity of protections to divide MPs, but only over whether he should be expelled from the Commons.[53] In 1696, moreover, a bill envisaged allowing civil actions against members and their servants *at any time*, even if judgements would only be possible following the adjournment, prorogation or dissolution of Parliament. During sessions, privilege would only extend to persons rather than to property. Unlike previous bills, this one became law, and it was explicitly framed as promoting the 'greater ease' of subjects in recovering 'just debts' (1701).[54]

Traced across the seventeenth century, therefore, the messy story of 'protections' involves pressure to restrict – more obviously than to extend – privileges and a concern with the 'ease' of subjects rather than with limiting royal power. Members were clearly willing to invoke their privileges, even in the face of public criticism, thereby raising concerns that they were 'violently jealous for personal privileges'.[55] They also faced pressure from the Crown and its supporters, and from political radicals. Nevertheless, reforming impulses more obviously came from the sternest critics of royal policies: from Parliamentarians, Whigs and supporters of the Glorious Revolution. Such people appreciated the impact that protections had upon merchants and creditors; as such, the political controversies surrounding this particular parliamentary privilege provided the occasions for action rather than being the causes of change.

The power of petitions

It is in this context that it is possible to demonstrate how far members responded to the 'clamour' from petitioners who experienced protections first hand, and it is no coincidence that the most zealous advocates of reform – Lord Saye, Christopher Brooke and Sir Robert Phelips – justified

tighter rules by claiming that 'the country complains of our protections' and that it was 'the universal cry of the kingdom that we have granted that which is abusive'.[56] Monitoring reactions to individual citizens who grumbled about such issues reveals that members were careful about how rigorously to enforce privileges; that petitions provoked a shift towards challenging rather than defending protections; and that members became increasingly concerned about creditors and poor litigants, as well as about the reputation of Parliament.

To the extent that protections were enforced, members responded to petitions from people who were unfairly arrested, and the treatment of protected servants is revealing. This generally involved people bemoaning their fate – lying in prison to their 'great prejudice' – and citing 'the ancient customs and privileges of Parliament'. They were usually required to make good their claims, and guilty parties were questioned and censured. Such petitioners – including men protected by Lord Stafford – were generally released, while those by whom they were arrested faced imprisonment for infringing the honour of Parliament.[57] However, such cases also indicate a determination not to enforce privileges with excessive rigour. Members recognised that privileges were sometimes infringed 'ignorantly', and offenders who petitioned with humble apologies were often shown leniency and admonished to 'be more careful'.[58] In 1610, the constable who arrested an MP's servant – on the grounds of fathering a bastard – was ordered 'not to be troubled', and indeed the servant was required to pay fees.[59] Sometimes this leniency related to protections unmentioned or unshown, occasions when privileged status could not have been known, or cases where illiterate officials were unable to read letters of protection.[60] The Lords looked favourably upon a petition from Roger Harris, who arrested one of Lord Stafford's servants (William Jewell), because no 'writ of privilege' had been 'set up' in London's prisons or sheriff's court, as was 'the custom' and because privileged status was not claimed 'until *after* the serving of the said executions'. William Whittingham, who arrested another Stafford 'servant', was discharged once it became clear that the man – John Chappell – held a 'blank' letter of protection. Chappell, who had petitioned against Whittingham, was himself ordered to 'make good his complaint'.[61] Another lowly official involved on this occasion was looked upon kindly because his petition revealed him to be young and inexperienced.[62] In 1624, William Haye was treated leniently because he had been told that the man he arrested 'disclaimed all privilege', although peers pointed out that while masters might retract protections, servants could not 'dis-privilege themselves'.[63] Such issues prompted peers to clarify that anyone arrested *after* showing

a protection would be released, while those who subsequently produced a protection would be interrogated (1626).[64] On other occasions, it was recognised that technicalities might prove confusing. Petitions made MPs aware of confusion regarding the period of grace before and after sessions, as well as the ability of absent peers to issue protections.[65] In June 1621, Henry Elsynge (clerk of the Parliaments) responded to 'complaints' by recognising that creditors might not know that privilege extended over the adjournment. He sent a gentle warning to the men who had arrested James Halsey ('employed' by the Earl of Suffolk in his 'weighty businesses and affairs'), lest they should incur 'censure' for 'contempt'.[66] Beyond this, creditors who petitioned after being censured for infringing privileges were often mollified with reminders that their 'rights' were guaranteed by statute, and that legal proceedings could be resumed 'after the time limited for the said privilege of Parliament'.[67]

The point here is not that leniency was guaranteed; rather, the petitioning process reveals how members calibrated their responses to balance competing interests.[68] Some of those who protested about making arrests without 'witting or willing contempt' were ignored, especially if they were deemed to have acted out of 'vexation' or 'spleen' in pursuing legal proceedings.[69] In responding to petitioners, however, members reserved the right to distinguish between those who had erred and those who had not; between those who instigated and those who executed arrests, some of whom infringed privileges knowingly and found themselves in prison.[70] Members were attentive to the precise circumstances in which privileges were infringed, and decisions often resulted from protracted investigations rather than knee-jerk reactions. Recognising that cases could be complex and that blame could be difficult to apportion, members strove to get things right, and as more information emerged – especially through petitions and counter-petitions – members proved willing to broker settlements or even to reverse earlier decisions.[71] This could mean that privilege claims were denied. Members certainly assessed competing claims about whether protections had been shown, whether they were acknowledged by arresting officials and whether those targeted were legitimate servants.[72] In a situation where rules were necessarily fuzzy, a messy case might be described as an 'intricacy', which required legal advice and could be 'long debated'.[73] It might also involve being wary of unscrupulous individuals who sought help from a succession of peers, not least when specific protections were 'taken off', in tactical attempts – a 'juggle' or 'practice' – to forestall litigation.[74]

This attention to contextual factors also demonstrates that attitudes towards protections were influenced by concerns regarding the reputation

of Parliament. Leniency was dependent not just upon remorseful petitioning and upon wrongdoers acknowledging parliamentary authority, but also upon the attitudes demonstrated when arrests were made. The 'wilful breach of privileges' was troubling, and petitioners often referred to the fact that their protections were ignored.[75] This sometimes involved claims about being 'violently hauled … away' to prison or 'dragged and pulled' through the streets by men wielding 'staves and other weapons'. Sometimes, doubts were said to have been cast upon the authenticity of 'beggarly' protections. One man was told that if he 'went to plead a protection, they would drag him to Newgate, and lay him fast enough'.[76] In 1626, Henry Griffith complained that having been wrongfully arrested, he was threatened in a parliamentary corridor for having the temerity to complain about his treatment. However, it was then discovered that he himself had disrespected parliamentary authority (he 'did eat the process sent to him'), such that the arresting officials were acquitted. That this happened despite him having privileged status is intriguing; it also meant that the case caused 'much ado'.[77] More often, members were confronted with subtle forms of rule breaking. Some bailiffs ignored orders to release protected individuals (including men protected by Lord Stafford), thereby forcing them to submit multiple petitions.[78] Some of those who released privileged people felt compelled to petition Parliament, having found *themselves* being sued.[79]

More obviously, attempts to arrest 'servants' were said to have involved hot words that showed contempt for Parliament. Before the Civil Wars, some such offenders were made to ride through the city on horseback – charivari-style – wearing papers describing their offence, before being imprisoned.[80] Such exemplary punishments disappeared after 1640, but members continued to worry about 'contemptuous words' regarding parliamentary privileges. This was normally when petitioners accused arresting officers of deriding protections as things that they care about 'no more than … a rush', or indeed 'a fart'.[81] Firm responses to such outbursts – which once involved MPs chanting 'to the Tower with them' – reflected mounting evidence from (or claims within) petitions about 'ill language against the authority of parliament' and about 'disgraceful speeches' regarding specific members.[82] When Roger Williams arrested a privileged servant in 1641, he apparently said that 'he neither cared for the said protection nor for him that made it'. In 1667, 'unbecoming language' was used about the Earl of St Albans, whose letter of protection was torn up; in 1677, 'scurrilous language' was used against the Earl of Dorset; and in 1689 Lord Morley's protection was derided because he was a 'papist' who did not attend

Parliament.[83] Hostility towards controversial members, like wider disdain for Parliament, was clearly unsettling.

More significantly, members responded to a growing willingness to critique, rather than simply to resist, parliamentary privileges, as more and more petitioners sought to oppose rather than enforce protections.[84] This partly involved arresting officers defending their actions by citing procedural irregularities; such explanations could be effective, even while indicating that the system was confused.[85] Increasingly, however, claims were also made about blatant abuse, particularly in terms of people whose status as menial servants was questionable, as tradesmen, merchants and professionals: Samuel Ford, a 'coffeeman'; William Jewell, an innkeeper; a surgeon protected by Lord Fairfax. Often, petitioners approached Parliament having failed to get such protections retracted.[86] Questions were raised about the legitimacy of protecting family members, including a customs officer who could clearly afford to repay his debts. Ultimately, it meant questioning whether members' ability to do their jobs was really affected if legal action was taken against a 'scullion' or 'kitchen maid'.[87] Such claims clearly informed contemporary thinking, encouraging greater watchfulness, a willingness to seek clarification about individual servants, and a propensity to investigate rather than just to rely upon a member's testimony. In June 1663, Lord Morley insisted that Mr Beaver was a menial servant who received wages, even though he was a Fleet Street tailor, but some such claims were retracted – or dismissed – when other evidence emerged, as with a spate of cases in 1678.[88] One case in 1692 generated a 'sad account' of a protected individual who was notorious for 'lewdness and debauchery, adulteries and fornications', who was also a clergyman with a living worth £500 per annum, and who could hardly be classed as a menial servant.[89] In 1697, the Earl of Derby conceded to a petitioner, Roger Sawry, who challenged the protection given to a 'steward' who was in fact an attorney in Chancery, and one with a substantial estate.[90]

More importantly, petitions also influenced policy discussions. In some cases, this involved endorsing privileges, as when a petition from George Kember – servant to Lord Clifton – prompted the decision to approve protections by absent peers (1614).[91] Increasingly, however, it involved restraining their use. A petition in 1625 provoked a decision to forbid the protection of recusants, even if only after 'serious debate'.[92] Likewise, petitions in 1642 forced peers to consider the legitimacy of securing protection as a royal servant, just as later petitions raised questions about protecting soldiers whose pay was in arrears.[93] Moreover, while subsequent agitation against parliamentary 'tyranny' often involved

the abuse of privilege by members themselves, it was petitions about protections – both general and specific – that stiffened the resolve of MPs who wanted to waive their privileges in 1646, and that prompted moves to 'expedite' legislation.[94] In 1674, petitioners prompted the Commons to consider whether MPs could waive their privilege without permission from the House and whether privilege could be claimed by absent members.[95] In 1678, when Lord Cromwell was found to have issued a protection inappropriately (to John Milner, the clerk of a livery company), the Committee of Privileges was ordered to consider wider issues involving the protection of non-menial servants, and it was also a petitioner's complaint that provoked peers to proscribe the protection of attorneys.[96] In the same year, a complaint regarding the protection offered by Thomas Wanklyn generated bold reflections about the dangerous effects of long sessions, provoked Sir Courtney Pole to propose a thorough census of who was granting protections and prompted a resolution against 'paper protections'.[97] In 1696, a petition from Sarah Shoebridge – bemoaning that 'there has not been any interval … long enough to commence suits' – occasioned an order that the instigation of legal proceedings would not breach parliamentary privilege.[98] Finally, it was a complaint by merchants and artisans – supported by MPs who feared that some MPs secured election to avoid creditors for long enough to benefit from the statute of limitations (1623) – that led to this new policy being enshrined in law in 1701.[99]

In a situation where members were responsive to petitions, supplicants also pushed for greater clarity and further reform. Once individual members began waiving their privileges, petitioners cited such cases to pursue their own claims against protected servants.[100] Likewise, when Roger Sawry challenged the protection of a steward, he did so by citing the 1691 decision to prevent lawyers from being protected.[101] New policies and procedures also made it easier to submit complaints, as petitioners sought to expose the inappropriate use of privileges. This involved identifying protections that had been 'cancelled' in the official registers and that had never been logged, or insisting that 'obsolete' certificates were being deployed. This in turn prompted peers to insist that entries needed to be made at least ten days before the end of every session, and that protections could not be introduced retrospectively.[102]

Ultimately, members encountered – and responded to – more principled opposition to protections, particularly from the early 1640s onwards. Numerous petitioners made straightforward points about being unable to litigate, about tight-fisted executors walking up and down securely and about people evading 'justice' by escaping abroad, as well

as about men who avoided accountability in official capacities.[103] Some creditors made approaches to peers like the Earl of Manchester, asking for protections to be withdrawn.[104] Here too it is noteworthy that members could be receptive, both individually and collectively. MPs and peers occasionally revoked protections, perhaps because they could not recall issuing them or because they had been misled about someone's character, but also because of concerns about attempts to delay legal proceedings and avoid debts.[105] When Roger Harris was arrested for trying to sue William Jewell in 1621, Jewell's patron – Lord Stafford – tried to broker a settlement and considered retracting the protection.[106] In April 1624, Edward Denny revoked a protection to an indebted merchant, on the grounds that he was 'delaying' creditors, and professed his reluctance to 'shelter' anyone who used 'indirect means to defraud others'.[107] In 1660, the Earl of Denbigh secured the release of a creditor who had arrested his servant and did so 'in regard he is a poor man'.[108] Before being expelled in 1678, Wanklyn had apparently been warned about the danger of helping someone with a dubious claim to being a servant (he had an estate worth £1,000 per annum) and had at least contemplated revoking his protection, while also insisting that the man had done 'acceptable service'.[109] In 1690, petitioners approached the Lords after having persuaded the Bishop of St Davids to revoke a protection to Dr Nathaniel Johnston, an established figure within the College of Physicians who had a dubious claim to being a 'menial' servant (or 'secretary'). Their complaint was that Johnston merely turned for protection to another peer.[110]

Institutionally, the period after 1640 saw a willingness to question protections that might once have been enforced without a second glance. When peers upheld the privileges of royal servants in October 1642, they at least recognised that the issue was now contested, treating leniently those who had arrested John Morris. These officials insisted that 'the case was now altered' and that royal servants 'had not now those privileges they were wont to have'.[111] In other cases, members referred petitions to the Committee for Privileges, or appealed to the MP or peer concerned. In 1640, the MP Hugh Owen responded to a petition about one protection by insisting that the beneficiary was a genuine servant, but then agreed to waive his privilege.[112] In the case of George Mangy – who petitioned in 1665 about his arrest as a servant of the Duke of Buckingham – officials were divided and sent out contradictory orders about whether or not to effect his release. This indicates that cases could be complex, and that it was hard to reconcile privileges with the need to offer 'remedy' to creditors. This particular mess took quite a time to resolve.[113] On another occasion, peers responded to petitioners by requiring the Earl of

Holderness to justify one of his protections, prompting a concession that he would 'protect no servant from the payment of … just debts', even though the man was 'actually employed in my affairs', and thus entitled to privilege.[114]

Official interventions like these could be controversial, but they could also be forceful. Even in the late 1680s and early 1690s, some peers who were questioned over protections that prevented the execution of justice chose to resist, thereby provoking serious debates.[115] A dramatic case in 1692 involved a petition from George Wilson of Kendal, who claimed that Lord Morley protected hundreds of local people and used intimidatory tactics to deter magistrates from pursuing them. Morley, a reputed Catholic who was considered 'vile' by Whigs, had long been suspected of abusing privilege through generous use of protections, and Wilson's specific personal target, Thomas Powley, was a local woolstapler who fled to Morley's house purporting to be his gardener. Wilson faced a charge of *scandalum magnatum* for challenging the legitimacy of protections, but after serious consideration – and witnesses on both sides – he triumphed. Morley was sent to the Tower.[116] This was not a one-off, and in responding to other petitioners members over-ruled protections, citing the scale of debts owed, questions about the status of individual 'servants' or a determination to let the law take its course. Here too, individual petitions prompted general discussions, orders and regulations regarding the 'ill consequences' of protections.[117]

Occasionally, however, this concern regarding difficult relations between creditors and debtors led to the exact opposite of the behaviour that made protections controversial, as members granted the status of 'servant' to people out of pity for their financial predicaments. Here too there were royal precedents: the Privy Council sometimes granted protections out of 'commiseration' with debtors who were 'of good esteem and credit' but who had 'fallen into decay'.[118] Certain MPs demonstrated similar sentiments from the 1580s onwards, even though they risked being preyed upon and made victims of 'fraud'.[119] In 1607, Sir Warwicke Heale protected someone who had been dismissed as an apprentice (apparently without cause and after fruitless attempts to repair relations), and in 1621 Sir Thomas Jermyn raised eyebrows by protecting Francis Lovell, apparently unaware that he was a tradesman, but specifically to help him negotiate with creditors.[120] In 1630, a London haberdasher complained that his attempt to arrest an errant apprentice, 'who by lewd company-keeping did purloin both money and goods from him', had been frustrated by a protection from 'Lord Stanford', whose actions presumably involved sympathy rather than service.[121] In 1677,

Sir Lewis Palmer conceded that he had privileged an undeserving man, by whom he had been 'deluded', admitting that he sought to help someone who faced 'troubles' and 'craved his protection'.[122] Given such cases, it was inevitable that debtors turned to individual members for help. In December 1641, Thomas Asteley appealed by letter to the 'goodness' of Viscount Conway, citing his 'necessities' and seeking help to locate the individual 'for whom he is bound to his undoing', even though protections were now 'put at'.[123] In June 1643, a London shopkeeper, Ralph Martin, petitioned the Earl of Holland in the hope of getting protection, simply on the grounds of indebtedness.[124] Very occasionally, protections were justified on ideological grounds. Wanklyn was accused of privileging a 'righteous cause' by protecting a Catholic, even though the latter had lost a divorce case in the Court of Arches, thereby prompting one MP to worry that '[i]f you give your members leave to protect persons against judgments and sentences, when they think the judges are in the wrong, the House of Commons will be a great place'.[125]

Such cases indicate that, apart from being willing to reform the privileges system, to respond to petitioners' grievances and to ensure that the protection of servants did not ruin creditors, members were even prepared to 'abuse' their privileges out of a desire to help specific individuals, whether poor petitioners or embattled co-religionists. This makes it possible to return to the issue of 'counterfeit' protections, with which this chapter began.

Rethinking protections

As noted at the outset, claims that protections were being counterfeited surfaced in earnest in 1621 and resurfaced fairly frequently thereafter. Here too, however, evidence from petitions reveals a complex picture, in terms of a hazy distinction between protections that were forged, those that were inappropriate and those used to protect poor subjects.

It is difficult to know precisely when counterfeit protections first became a problem, although the opportunities for forgery clearly increased with the tendency to offer written 'letters', and claims about 'pretended' protections are evident from 1610.[126] 'Pretended' did not necessarily mean 'forged', however, even if this was what Lord Stafford referred to in complaining about 'lewd persons' who dishonoured both him and Parliament in 1621, and even if other cases followed.[127] In April 1640, evidence emerged that false protections – some of which survive – were circulating in London, some of which sold for £3. For those found

guilty, punishments could be severe, involving pillory, prison and hefty fines. Nevertheless, Parliament tended not to punish purchasers, or even scriveners and forgers of seals, concentrating instead upon the organisers of such fraud.[128] Here again, policy was driven by specific cases, like the episode in 1690 which prompted the decision to compile official registers of protections, although such lists certainly helped to identify other counterfeits.[129]

The danger was that protections might become debased, thereby undermining respect for parliamentary privileges, although some anxieties were probably misplaced. There were certainly occasions when a 'letter of privilege' was dismissed as a 'pretended protection' by bailiffs and sergeants, or as something that could be purchased from parliamentary clerks.[130] In 1621, Bulkeley Brandon explained his decision to arrest someone who claimed to be Lord Stafford's servant by referring to his knowledge that protections were 'sold for money', his concerns about 'corrupt and indirect dealings' and his awareness that John Blunt – 'who lately suffered punishment for false letters of privilege' – lived nearby. Brandon's suspicions were confirmed when he was able to buy a fake protection in Stafford's name (for 4s.). Stafford was evidently unable to confirm that a protection had been issued that day, because he was still in bed![131] Other cases were less clear, however, and in 1628 John Mayne was used 'barbarously' by an official who seized his protection as 'waste paper', only for Lord Morley to claim him as a 'servant … employed … in the country'.[132]

More intriguing are the complexities that emerged once complaints were investigated. Sellers of fake protections often claimed to be innocent victims and were given opportunities to produce the real culprits. Some such excuses were specious and, having tried this tactic in 1621, Thomas Waringe eventually confessed and was punished accordingly.[133] Others were more successful, however, and another man accused of counterfeiting Stafford's protection was acquitted when the finger of blame pointed to John Blunt, from whom he had purchased it for three shillings. As already noted, Blunt's 'notorious offences' ensured that he was the one who wound up on the pillory, before being 'perpetually imprisoned' under hard labour.[134] What seems clear, however, is not just that purchasers of counterfeit protections were treated as victims rather than culprits, but also that not everyone regarded monetary transactions as proof that documents were inauthentic. Some of those who purchased letters of protection went to thank those MPs with whom they were thought to originate, and some intricate and colourful episodes involving the trade in protections – with covert meetings in London taverns and

forgers who claimed to be peers' servants – only became apparent once documents were scrutinised by parliamentary clerks.[135]

The key story here involved the forging of the Earl of Huntingdon's protections, a trade that came to light in February 1626 and that centred upon two Norwich attorneys, George Gardiner and George Buttrice. Huntingdon's informer, Henry Lane, claimed that this 'abuse' had grown 'so prejudicial' that it might be necessary 'to prefer a bill in parliament against such protections', in order to achieve 'a reformation' for 'the good of the commonwealth'.[136] However, Buttrice and Gardiner quickly emerged as middlemen, who perhaps made no profit. The source of the protections was Timothy Castleton, who proved difficult to find, although Gardiner was sufficiently confident about his own innocence to promise that he would gladly 'suffer death' if he failed to clear himself.[137] He painted a detailed picture of a flourishing trade in Norwich, involving a dense web of customers and suppliers ('common sellers of protections'), but while purchasers were cleared of contempt, Gardiner was destined for the pillory, even if a debate ensued about whether this was too harsh.[138]

The importance of this episode lies in the possibility that some 'counterfeit' protections originated with peers and MPs. The whistleblower, Henry Lane, confessed that it was difficult to distinguish between true and false documents, and one customer approached Gardiner in the hope that he had connections with peers or their dependents. Castleton seemed trustworthy because he was related by marriage to the Earl of Warwick, because he was 'well acquainted' with a lord's secretary who could 'pleasure a friend in that kind', and because some of his protections were genuine. Castleton also insisted that Gardiner should supply the names of those who used his protections, so that these could be 'sent up' and 'entred, by the Lord's secretary in his book'. It was perhaps the belief that such protections could be traced to a legitimate source that explains why Buttrice and Gardiner reacted so badly to being punished, prosecuting those who informed against them, making defiant statements from the pillory and slandering Lord Keeper Coventry, thereby ensuring that Gardiner was made to ride – ceremonially, and backwards – on a horse through Cheapside before being imprisoned in the Fleet.[139]

This is certainly an extreme case, but it was echoed in other episodes, and it raises the possibility that 'counterfeit' documents began as genuine attempts to offer protection, even if only in ways that might be deemed inappropriate.[140] It may thus have been the case that Lord Stafford's protections were forged precisely because there were so many 'authentic' documents bearing his signature, and one man accused of peddling a forged Stafford protection subsequently 'procured a new letter

of privilege' from Stafford himself.[141] This indicates that the boundaries between 'forged', 'pretended' and 'inappropriate' protections were fuzzy indeed, and Stafford's motives are intriguing. He apparently issued a protection to William Cowse despite him not being a 'servant'; he disowned Cowse upon learning of his intention to defraud creditors of their 'due debt' (having 'from time to time admonished him from … such fraudulent courses'); and he changed his mind yet again upon discovering that he had been 'abused' by Cowse's creditors. He also insisted that the creditors knew – having told them personally – that Cowse's protection had been renewed.[142] In a similar case, Stafford gave a protection to Benjamin Crokey, with whom he had no prior association, but subsequently reversed his decision, ensuring that Crokey could be arrested. Stafford then insisted that he had been 'abused' in revoking the privilege, and the Lords quickly intervened on Crokey's behalf. Stafford's apparent indecisiveness perhaps indicates that he was challenged for protecting someone like Crokey, a poor ligitant who complained about his 'utter undoing' as a result of the 'indirect practices' of a powerful opponent. Nevertheless, his willingness to do so is telling.[143]

In situations where ambiguity existed over whether 'counterfeit' protections were forged or merely illegitimate, and where promiscuous protectors indirectly facilitated a semi-licit trade in 'authentic' protections, a central issue became the willingness of peers and MPs to help people in need. Whether or not mounting complaints about 'counterfeit' protections reflected growing criminality, contemporary anxiety may also have been a by-product of the willingness on the part of Stafford – and others – to protect individuals who faced arrest and prosecution, whether motivated by pity, politics or social justice, or indeed by some sense of the role of Parliament, even if this meant bending or flouting the rules.[144]

Conclusion

The aim here has not been to deny that 'protections' were susceptible to genuine and blatant 'abuse', but to insist upon the need for close scrutiny of the problems and the responses they elicited. It has also been to suggest that a fairly precise topic, studied over an extended period and through the lens of petitioning, offers a corrective to long-running debates about constitutional conflict and the development of parliamentary institutions. My argument has involved three intersecting elements.[145]

First, it is hard to sustain the argument that the business of protecting servants was straightforwardly indicative of constitutional conflict.

The rationale for protections was widely accepted, and their more frequent use obviously reflected attempts to address anomalies and ambiguities than to enhance parliamentary power. As onlookers recognised, the key aim was to 'restrain' rather than extend the privilege of freedom from arrest. Such efforts certainly involved political pressure at moments of heightened tension, and could be driven by political imperatives, but constitutional and ideological conflict tended to provide the occasions for, rather than the causes of, change. The process of reform was slow and messy, and the issue often generated 'much ado', but this reflected the need to grapple with thorny issues, not least how to balance competing interests. In 1621, Solicitor General Heath explained that 'we pity poor decayed men, but let's pity able men also', meaning that creditors ('honest men') ought to be 'preferred' to indebted servants ('poor men').[146] Another challenging issue was whether 'abuses' could best be rectified with definitive rules or with thoughtful and sensitive behaviour, backed up by parliamentary oversight. Over time, members tightened the rules as far as was feasible while keeping things as flexible as necessary. Moreover, reforming impulses were clear and consistent over time. Observing the interplay of theory and practice reveals that those who were least keen on restraining privileges tended to be the most dogged supporters of the Crown, while those most willing to embrace reform were most often associated with attempts to enhance parliamentary authority. On this issue their guide seems to have been Sir Robert Phelips, who insisted in 1621 that 'the way to keep liberties is not to extend them too far'. Both individually and institutionally, members demonstrated genuine concerns regarding the fate of creditors, the maintenance of mechanisms for securing justice and the 'miserable estate of some poor men'.[147]

Second, interrogating the attitudes of members requires looking beyond formal orders and policy changes to reflect upon the processes by which decisions were reached, and as such, petitions provide a means of rethinking parliamentary history. This chapter contributes to recent work which focuses upon deliberations and decision making, as well as the 'mechanics of practice', in order to trace institutional change.[148] With protections, as with other issues, Parliament was a reactive institution; policies and rules were devised, altered and tightened in response to petitions, the consideration of which highlighted genuine complexities. Viewed in processual terms, protections involved hard cases, handled with time-consuming care. Privileges could be enforced, but not necessarily with excessive rigour; sensitivity was shown to the difficulties faced by all parties; and determined efforts were made to understand the contexts in

which disputes emerged. Protections were thus treated like the legal cases into which Parliament intervened. Deliberations helped to focus attention upon disgruntled creditors, whose concerns prompted reflections upon the purpose served by granting 'servants' privileged status. One effect was that, amid the urge to use protections more responsibly, they came to be used in novel ways, as attempts were made to help 'poor men' who were palpably not 'menial' employees, but who clearly needed assistance.

Third, members' receptiveness and benevolence demonstrates that while legitimate concerns emerged regarding the reputational damage caused by 'counterfeit' protections, it was hard to distinguish between forged and inappropriate 'letters of privilege'. Here too, petitioners confronted members with hard cases, which made it difficult simply to condemn the 'trade' in protections. It also raised the possibility that criminality thrived in conditions where individual peers and MPs were less obviously guilty of 'corruption', or even of carelessness, than of behaving charitably to those whose plight caused concern. This involved perilous territory, and such generosity could obviously be seen as an 'abuse' of privilege. Even men – like Stafford – whose behaviour caused real consternation reflected upon the respective merits of debtors, creditors and poor litigants, in terms of the threats posed by vexatious and powerful opponents and in terms of the danger that they would be denied justice.

Ultimately, attitudes and practices regarding protections provide new perspectives upon the constitutional history of the seventeenth century. As MPs and peers deliberated upon petitioners' claims, and upon their obligations towards 'poor men's causes', they were prompted to re-evaluate their privileges and reflect upon how the authority and reputation of Parliament rested upon promoting 'justice'. The rise of parliamentary petitioning involved not just jurisdictional and processual problems with the legal system (as demonstrated by James Hart), but also other grievances. Attitudes to protections reflected a wider concern with the plight of 'poor litigants' who struggled in the legal minefield, who were 'undone' and 'damnified' by 'indirect' and oppressive 'practices', and who developed a sense of hopelessness.[149] The parliamentary history of the seventeenth century thus reveals the interplay of grievances and 'official' responses (whether individual or collective), which helped to transform contemporary perceptions and expectations both with and beyond Westminster. Parliamentary authority developed not just through battles with the Crown, but also through engagement with 'little businesses', the determination to be a responsive institution and the concern to ensure the 'greater ease' of subjects, not to mention a preoccupation with being seen to deal with ordinary grievances fairly and effectively.[150]

This story clearly has implications in terms of the respective positions of Whitehall and Westminster, albeit in ways that have not been fully appreciated. What needs stressing is that constitutional history is inseparable from the culture of supplication, and that petitioning was vital to the place of Parliament within the contemporary political imagination. While it is tempting to detect in members' responsiveness to petitioners an attempt to reposition Parliament in relation to the Crown, this can be viewed in terms of assuming responsibilities once associated with the monarch as the 'fount of justice' rather than just in terms of using privileges to challenge royal power. It was James I who emphasised the need to 'beat down the horns of proud oppressors' and to 'embrace the quarrel of the poor and distressed', and yet it was also James who became concerned that the 'respect' demonstrated by the 'humble' petitioner could involve 'pretense' and conceal rebellious intent; the period arguably witnessed the declining effectiveness of royal justice.[151] Institutional processes and institutional development can be used to reveal how closely the highly prized 'honour' of Parliament was associated with the ability to provide 'justice', as people who risked being 'undone' turned to Westminster – as they did towards Duke Humphrey in Shakespeare's *Henry VI* – because they 'cannot get no succor in the court'.[152] This is a story that emerges clearly from the broader history of petitioning, which has too often been characterised as involving depoliticised attempts to solve everyday problems or else as revealing new kinds of mass politics, which heralded novel ideas about representation and rights, revealing the development of a vibrant public sphere. Fascinating though such scholarship has been, it involves a limited appreciation of the politics of petitioning and a problematic periodisation of transformations in political culture. Studying the petitioning associated with protections involves what Zaret has called 'liminal' petitioning, which involved neither insurgent political movements nor traditional and humble forms of 'petition and response', and it also involves following scholars of medieval petitioning who have challenged the distinction between 'private' and 'public' petitions.[153] This means focusing upon mundane issues of governance, upon the connections between everyday grievances and certain kinds of 'complaint literature', and upon the expectations of those who saw in Parliament's members 'the only hopes and protectors of the Commons of England', as well as upon how petitioners were treated. As in the literature on medieval parliaments, this chapter has used interactions between Parliament and the 'people' to assess changing perceptions regarding the status and function of the institution, and changing ideas about how grievances would and should be addressed. It has demonstrated that

the vexed issue of 'protections' generated petitions which related to the grievances of humble subjects while also raising serious political issues. It also involves a story that is somewhat neglected in the historiography, apart from the attention paid to Civil War radicals who complained that Parliament was mistreating petitioners, as well as attempts by medievalists to recover notions of a 'heye court of rightwisnesse'.[154] Ultimately, the petitioning surrounding protections suggests that the development of Parliament involved a process of negotiating with the public and with the tribulations of ordinary people. This makes it possible to move beyond debates between 'revisionists' and 'post-revisionists', not least on the basis that the development of Parliament's power, reputation and authority was predicated upon a *restriction* rather than an *extension* of privileges, and upon more than just a confrontation with monarchical authority.

Acknowledgements

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Notes

1. Parliamentary Archives (hereafter PA), HL/PO/JO/10/1/19, fo. 49; *Journals of the House of Lords* (hereafter *LJ*), iii. 170, 172, 185–6; Gardiner, *Notes*, pp. 96–7.
2. PA, HL/PO/JO/10/14/4/3362; *LJ*, iii. 170, 174.
3. *LJ*, iii. 199; McClure, *Chamberlain*, ii. 409; *Calendar of State Papers Domestic* (hereafter CSPD) *1619–23*, p. 312; Gardiner, *Notes*, p. 111; Notestein, *Commons* (hereafter *CD 1621*), v. 192–3. See: Thrush, *Lords*, iii. 661–3.
4. Turberville, '"Protection"', pp. 590–600; Hunneyball, 'Privilege'; Thrush, *Lords*, i. 244–61; Stapylton, 'Freedom from Arrest', ch. 5; Foster, *Lords*, pp. 142–5; Hatsell, *Cases*, pp. 77–8, 182; Sommerville, 'Parliament', pp. 62–3, 66, 84; *LJ*, iv. 15–16.
5. Wennerlind, *Casualties*; Paul, *Poverty*; Bell, 'Charity'; Hudson, 'Henry Adis'; Woodfine, 'Debtors'; Hill, 'Court of Requests'; Muldrew, *Economy*.
6. Hartley, *Proceedings*, ii. 82, 95, 101; iii. 165, 370, 378, 391, 401–4; Willson, *Bowyer*, pp. 35–6, 175; *CD 1621*, v. 192–3; Bidwell and Jansson, *Proceedings* (hereafter *PP 1626*), i. 292, 494–6; Keeler et al., *Proceedings* (hereafter *PP 1628*), v. 358, 474; Notestein and Relf, *Commons* (hereafter *CD 1629*), pp. 162, 206.
7. Foster, *Lords*, 143; *Journals of the House of Commons* (hereafter *CJ*), i. 929; *CD 1629*, p. 63; *LJ*, iii. 170; iv. 262; v. 476; vi. 184; xi. 34; xii. 133, 665; Jansson et al., *Proceedings* (hereafter *PLP*), vi. 606; PA, HL/PO/JO/10/1/62; HL/PO/JO/10/1/185; HL/PO/JO/10/1/184; HL/PO/JO/10/1/137; HL/PO/JO/10/1/188. Occasionally, this was contested: *PLP*, v. 602, 607; *CJ*, ii. 255.
8. *Privileges and Practice*, pp. 20–1; Hatsell, *Cases*, pp. 39–40; Hartley, *Proceedings*, i. 382, ii. 101, iii. 370; *CD 1629*, 114; *LJ*, iii. 417; Foster, *Proceedings* (hereafter *PP 1610*), i. 10.
9. *CJ*, i. 6–7, 15, 18, 20, 25, 28–30, 35, 40–5, 51, 392; *PP 1610*, ii. 6; Hatsell, *Cases*, pp. 50, 71, 76, 121. For paper protections: Folger Shakespeare Library, V.a.321, fo. 66v; Lancashire Archives, DD/KE/6/8; Kent History and Library Centre, U269/O34; U269/L23/3; The National Archives (hereafter TNA), SP 16/479, fo. 18; *CSPD 1611–18*, p. 122; *CSPD 1619–23*, p. 242;

CSPD 1672–3, p. 572; *CSPD 1676–7*, p. 555; Huntington Library, STT Parliament Box 1/17; PA, HL/PO/JO/10/1/369/425; HL/PO/JO/10/1/429/342.

10. Hatsell, *Cases*, pp. 66–7; *CD 1629*, p. 88.
11. Willson, *Bowyer*, p. 175; *PP 1610*, i. 236.
12. D'Ewes, *Journals*, p. 17; Hartley, *Proceedings*, i. 411, 480; iii. 348–9, 482.
13. *CD 1621*, ii. 15, iv. 10; *CJ*, i. 564; Wither, *Remembrancer*, sigs. V3–4v.
14. Twysden, *Considerations*, pp. 140, 168; Twysden, 'Journal', iv. 148–51; *Life of Edward*, iii. 166–7.
15. Pearl, *London*, p. 115; *LJ*, iv. 258, 329; PA, HL/PO/JO/10/1/58; PA, HL/PO/JO/10/1/72; *Certaine Petitions*; *To All Such Persons*.
16. *Certaine Petitions*, p. 5; *LJ*, iv. 672, 683–4; Pearl, *London*, pp. 117, 136, 150–1, 265; Bruce, *Verney*, p. 170; PA, HL/PO/JO/10/1/73.
17. *CSPD 1641–3*, pp. 177–8; TNA, SP 16/485, fo. 238.
18. British Library (hereafter BL), Lansdowne MS 266, fos. 80v–194; *Acts of the Privy Council* (hereafter *APC*) *1621–3*, pp. 114, 175, 288, 299; *APC 1623–5*, pp. 25–6, 130, 166; *APC 1625–6*, p. 272; *APC 1627–8*, pp. 308, 346, 513; *CSPD 1623–5*, pp. 323; PA, HL/PO/JO/10/14/5/3400; TNA, PC 2/42, fo. 166; PC 2/43, fos. 101v, 259, 270v, 276v, 304, 310v, 313–v, 317v; PC 2/44, fos. 61, 104v, 157v, 191, 218; PC 2/45, fos. 222–5; PC 2/46, fos. 54, 78v; PC 2/47, pp. 58, 375; PC 2/48, pp. 281–2; PC 2/50, pp. 284, 306, 346; PC 2/51, pp. 37, 116; PC 2/52, pp. 496, 534, 562. See: Dawson, 'Privy Council'.
19. Foster, *Lords*, p. 143; Thrush, *Lords*, i. 258–9; *Statutes*, iv. 1029.
20. Jansson and Bidwell, *Proceedings* (hereafter *PP 1625*), pp. 353–4; *CJ*, i. 451, 481; McClure, *Chamberlain*, ii. 564; *CSPD 1623–5*, p. 187; TNA, SP 14/166, fo. 189; *CD 1621*, iv. 153–5, v. 39–40; *Proclamation*; *Statutes*, iv. 2, 1227–9, 1233. See: Smyth, 'Cyrus'.
21. *CJ*, ii. 115, 139, 301, 488; Coates, *D'Ewes*, pp. 66, 242–3.
22. *CJ*, ix. 500–1.
23. Hartley, *Proceedings*, ii. 101–2; *PP 1610*, ii. 57–8, 362; *CJ*, ii. 412.
24. *CD 1621*, iii. 380; iv. 400, 420–1; *PP 1610*, ii. 380.
25. *CD 1621*, ii. 227, 417–18; iii. 381, 409–10; iv. 159, 400, 420–1; v. 44, 192–3, 399; vi. 461; *CJ*, i. 555–6, 569; *PP 1610*, ii. 380.
26. *CD 1621*, iii. 410–11; iv. 420–1; v. 205–6, 399; *CJ*, i. 640; McClure, *Chamberlain*, ii. 409.
27. *LJ*, ii. 702, iii. 264.
28. *LJ*, ii. 289–91; iii. 165, 192; Gardiner, *Notes*, pp. 94, 111, 118, 126; *Manuscripts*, x, pp. 7–8. Similar logic underpinned the decision that protection should extend to goods as well as persons: *Manuscripts*, x, p. 10; *PP 1625*, p. 84; *LJ*, iii. 183–4, 198; *PP 1628*, v. 354, 364–5, 377, 382, 386, 394–6, 445, 499, 531, 539–41; *CJ*, i. 905, 925; Hatsell, *Cases*, pp. 164–5, 183.
29. Hartley, *Proceedings*, i. 480–1.
30. *CD 1621*, iii. 430–1. For print: PA, HL/PO/JO/10/1/465/836; *Manuscripts*, i, pp. 391–2.
31. *CJ*, i. 569; *CD 1621*, iii. 410, v. 64, vi. 461; Hartley, *Proceedings*, iii. 481; Robbins, *Milward*, p. 51.
32. Hartley, *Proceedings*, iii. 327–8, 340; Willson, *Bowyer*, pp. 609–10; *PP 1628*, v. 557–8.
33. *PP 1628*, v. 500, 535, 572, 576, 685.
34. *CD 1621*, iii. 380, vi. 183; *CJ*, i. 634; Hatsell, *Cases*, pp. 159–60; Hartley, *Proceedings*, iii. 365.
35. Twysden, *Considerations*, p. 140; Twysden, 'Journal', iv. 148–9.
36. *CJ*, i. 819; *CD 1621*, iii. 409–10; iv. 420–1, v. 399.
37. PA, HL/PO/JO/10/1/58; *LJ*, iv. 85, 110, 120, 258, 270, 329, 438; *PLP*, i. 551–8.
38. *CJ*, ii. 156, 164, 168, 177, 182, 213, 267, 294, 296, 303–4, 313–14; Coates, *D'Ewes*, pp. 42–3, 50, 66; Rushworth, *Collections*, iv. 396; BL, Harleian MS 6424, fo. 99; Gardiner, *Constitutional*, pp. 226–7.
39. *CJ*, ii. 314, 320, 323, 331, 334; *LJ*, iv. 458, 462, 538, 549, 558–9, 570, 601, 883; Coates, *D'Ewes*, pp. 132–3, 171, 188, 232, 243–4; Coates, *Private*, i. 217.
40. *CSPD 1641–3*, p. 205; TNA, SP 16/486, fo. 136; *LJ*, iv. 562–5, v. 381, vi. 184, x. 330; *CJ*, ii. 788, 818; PA, HL/PO/JO/10/1/155.
41. *Humble Petition*, pp. 4–5; Overton, *Remonstrance*, p. 11; Overton, *Appeale*, p. 36.
42. *CJ*, iv. 708, v. 9, 204–5, 223–4, 227, 417.
43. Robbins, *Milward*, pp. 300–1; *Debates*, i. 189–92, 223–5; iii. 112–14, 139–47, 219, 240, 261; iv. 11–12, 16–27; *LJ*, xii. 720–2; *CJ*, ix. 351.
44. *CJ*, viii. 319, 321, 436, 480; ix. 157, 185, 435; *LJ*, xi. 340–1, 480–1, 586, 629; Robbins, *Milward*, pp. 69, 80, 235–6, 245, 263; *Debates*, i. 52, 124–5, 145, 150–6; ii, 399–403, 421–4; iii. 10, 12–15, 114, 222–3; iv. 77–9, v. 47–58; *CSPD 1663–4*, p. 527; *CSPD 1670*, p. 584. Charles II worried about 'the multitude of protections', and his Privy Council did not issue them: *LJ*, xi. 474.

45. Robbins, *Milward*, pp. 235–6; *CJ*, ix. 430–1; *Debates*, i. 124, v. 48–58.
46. *Debates*, iv. 148, v. 47–8; *CJ*, ix. 435, 607; *LJ*, xi. 132.
47. *CJ*, ix. 185, x. 336; *LJ*, xiv. 421, 426, 436; *Debates*, v. 48. For lists: PA, HL/PO/JO/10/1/420/223; HL/PO/JO/10/1/421/241; HL/PO/JO/14/1-4; *Twelfth Report*, p. 452; *Thirteenth Report*, p. 11.
48. *CJ*, x. 340–1, 360; xi. 219, 343; *LJ*, xiv. 441.
49. Horwitz, *Luttrell*, pp. 90, 94–5, 163, 173, 176, 293.
50. *LJ*, xiv. 462, 521, 565, 576, 580, 583, 587, 604–7; xv. 114, 119, 120, 122–7, 392–3; *Twelfth Report*, p. 452; *Thirteenth Report*, pp. 11–15, 233; *Fourteenth Report*, pp. 248–9; PA, HL/PO/JO/10/1/369/425.
51. *LJ*, xiv. 637; *Fourteenth Report*, pp. 248–9; *Manuscripts*, x, p. 19.
52. *Debates*, ii. 399, x. 303–4; Horwitz, *Luttrell*, pp. 104, 136, 206, 309–10, 338, 397, 405, 408–9, 475; *CJ* ix. 500–1. See: Brooks, 'Country'; Hayton, '"Country"'; Hayton, 'Cocks'; Hayton, 'Reorientation'.
53. Horwitz, *Luttrell*, pp. 470–9.
54. *Manuscripts*, ii, pp. 371–2; *LJ*, xvi. 24, 32, 36, 38, 56, 75, 83, 88, 707; *CJ*, xi. 602; PA, HL/PO/JO/14/4/3362; *Manuscripts*, iv, pp. 373–4; *Statutes*, vii. 638–9; BL, Additional MS 30000E, fo. 219; *Burnet's History*, iv. 503–5.
55. *Debates*, x. 102, 108–12; Hayton, *Cocks*, p. 217; Wither, *Justitiarius*, p. 14.
56. *CD 1621*, ii. 227, 417–18; iii. 381, 409–10; iv. 159, 400, 420–1; v. 44, 192–3, 399; vi. 461; *CJ*, i. 555–6, 569; xi. 602; *CD 1629*, p. 156; *LJ*, x. 330; Bond, *Manuscripts*, p. 474.
57. *CJ*, i. 698; x. 279; *LJ*, ii. 269–70, 273–5, 588, 594; iii. 25, 27–30, 182, 186–7, 192, 447, 536, 581, 777, 780; iv. 71, 582; ix. 509; xii. 38; xiii. 57; *PP 1610*, i. 86; *PP 1626*, i. 163, 183, 351; *PP 1625*, pp. 52, 58–9, 66; Bond, *Manuscripts*, pp. 163–8, 172–5, 212–13; *PP 1628*, v. 334, 354, 359, 367, 372, 405, 546, 665, 679; PA, HL/PO/JO/10/14/5/3400 (Savage); HL/PO/JO/10/1/34 (Whitney); HL/PO/JO/10/1/35 (Brockett, Lewes).
58. Hartley, *Proceedings*, iii. 340–1, 404; Willson, *Bowyer*, pp. 36–7, 48–50; D'Ewes, *Journals*, p. 686; Notestein, *D'Ewes*, p. 251; *CJ*, viii. 304; *PP 1610*, i. 112, ii. 58, 362; *LJ*, ii. 621; iii. 30, 192, 199; xii. 186–7, 327; xiii. 233; *Debates*, iv. 40–1; Horwitz, *Luttrell*, pp. 296, 300; PA, HL/PO/JO/10/1/385/109. See the case of Lady Purbeck's servants in 1626: *LJ*, iii. 512, 676; *PP 1626*, i. 70–100, 119, 145, 156–7, 160–1, 179, 200, 227–8, 603–5, 615, 620–2; iv. 148; PA, HL/PO/JO/10/1/30.
59. *PP 1610*, ii. 379; *CJ*, ii. 438, 441.
60. PA, HL/PO/JO/10/1/35 (Brockett); HL/PO/JO/10/1/53; *LJ*, iv. 79, 360; Hartley, *Proceedings*, iii. 364–5; *CD 1629*, p. 217. See the case of Thomas Grey: *PP 1626*, i. 546, 605, 610; *PP 1628*, v. 410, 413, 474, 549, 690.
61. PA, HL/PO/JO/10/1/15; *LJ*, iii. 192; Gardiner, *Notes*, p. 118.
62. PA, HL/PO/JO/10/1/16; *LJ*, iii. 45, 58.
63. *LJ*, iii. 425. This was relevant in the Purbeck case: *LJ*, iii. 717; *PP 1628*, v. 171, 358, 360.
64. *PP 1626*, i. 240, 288–9.
65. *PP 1626*, i. 536–8, 626, 631; *LJ*, iii. 264.
66. PA, HL/PO/JO/10/1/19, fos. 31v, 33.
67. PA, HL/PO/JO/10/1/15; *LJ*, iii. 425, 447; *PP 1625*, pp. 59–60, 89; Bond, *Manuscripts*, pp. 168, 176–7.
68. This had been evident in Privy Council business: *APC 1619–21*, p. 313; *APC 1623–5*, p. 255; *APC 1626*, p. 122; *APC 1630–1*, pp. 29–30, 350; *CSPD 1629–31*, pp. 97, 102; BL, Lansdowne MS 266, fos. 80v, 82v, 109, 123v, 138v, 140v, 167, 182, 193.
69. PA, HL/PO/JO/10/1/17; HL/PO/JO/10/1/17A; *LJ*, iii. 39, 44–5; *PP 1628*, v. 572.
70. *PP 1610*, i. 89–90, ii. 58; *PP 1626*, i. 97; *LJ*, ii. 588–9, 594; iii. 264; iv. 170; *CJ*, viii. 464.
71. *CJ*, i. 21; *PP 1626*, i. 626; *PP 1628*, v. 572; Hartley, *Proceedings*, i. 488; Robbins, *Milward*, p. 198; Horwitz, *Luttrell*, pp. 167–8, 227; *Debates*, ii. 399–403, 421–4; PA, HL/PO/JO/10/1/485/1066.
72. *PP 1628*, v. 607–8, 653; *PP 1626*, i. 296–7, 301, 308–10; *LJ*, iv. 59.
73. *PP 1628*, v. 88, 90–2, 127, 157–9, 161, 353, 359, 382; *LJ*, iii. 417–18; Bond, *Manuscripts*, pp. 210–11.
74. PA, HL/PO/JO/10/1/369.
75. *LJ*, iii. 447; PA, HL/PO/JO/10/1/17A (Nanton, Bird); HL/PO/JO/10/1/176 (Symons); HL/PO/JO/10/1/186 (Townsend); PA: HL/PO/JO/10/1/307 (Blow); HL/PO/JO/10/1/

315 (Cherry); HL/PO/JO/10/1/129 (Gwatkin); HL/PO/JO/10/1/453/657 (Smith). See: Gardiner, *Notes*, p. 53; *LJ*, iii. 192, 196, 777, 780; vii. 368; xi. 327, 461; xii. 41, 294, 357, 380; xiii. 481; *CJ*, viii. 280, 464.

76. *PP 1625*, pp. 52, 55–6, 66, 73; *PP 1626*, i. 157–60, 246; *LJ*, xi. 517–8.
77. *LJ*, iii. 676; *PP 1626*, i. 258–9, 313, 315–16, 616, 622, 626.
78. *LJ*, iii. 425.
79. *PP 1626*, i. 257, 267, 287, 357, 374–5, 609; *PP 1625*, pp. 111, 183.
80. *CD 1621*, v. 196, 394, vi. 411; *LJ*, iii. 31, 35, 48l; iv. 91; *CD 1628*, iii. 70, 78–9, 82, 86.
81. *PP 1628*, v. 358, 660, 672; PA, HL/PO/JO/10/1/34 (Whitney); HL/PO/JO/10/1/35 (Convocation); HL/PO/JO/10/1/152 (Morgan); HL/PO/JO/10/1/344/354 (Lovelace); HL/PO/JO/10/1/348 (Wentworth); *LJ*, iii. 169–70; *LJ*, iv. 221; xi. 540; *PP 1626*, i. 246.
82. Hartley, *Proceedings*, iii. 370; Robbins, *Milward*, pp. 179–80; *CJ*, i. 714; Staffordshire Archives, D661/11/1/2, fo. 174v; *PP 1626*, i. 187–8.
83. Notestein, *D'Ewes*, pp. 304–5; *LJ*, xii. 85, xiv. 177; PA, HL/PO/JO/10/1/369/411; HL/PO/JO/10/1/406/59.
84. As the Privy Council became hesitant about granting protections, it too responded to petitioners' complaints: TNA, PC 2/43, fos. 178, 200, 275; PC 2/47, pp. 45, 53, 106, 203, 243–4, 259, 261, 417–20, 445, 459; PC 2/48, pp. 178, 392, 485, 603; PC 2/49, pp. 74, 89, 606; PC 2/50, p. 567; PC 2/51, p. 36; PC 2/52, pp. 693, 745; *APC 1623–5*, p. 255; *APC 1630–1*, p. 350.
85. PA, HL/PO/JO/10/1/126; *PP 1626*, i. 546, 604–5, 610; PA, HL/PO/JO/10/1/156.
86. *CJ*, x. 199, 279; *LJ*, xiv. 247; PA, HL/PO/JO/10/1/15 (Harris); HL/PO/JO/10/1/407/75; HL/PO/JO/10/3/183/13-14.
87. PA, HL/PO/JO/10/1/401/469 (Grenville); *LJ*, xiv. 58; PA, HL/PO/JO/10/1/487/1098 (Ellison); HL/PO/JO/10/1/487/1096; *CJ*, i. 906.
88. *LJ*, xi. 536; xiii. 167–8, 216, 280, 371; PA, HL/PO/JO/10/1/380 (Gent); PA, HL/PO/JO/10/1/374/511.
89. Horwitz, *Luttrell*, p. 238.
90. PA, HL/PO/JO/10/1/485/1065 (Sawry).
91. *LJ*, ii. 702.
92. *LJ*, iii. 446–7; PA, HL/PO/JO/10/1/28; *PP 1625*, pp. 64–5.
93. *LJ*, iv. 381, 394; x. 330 PA, HL/PO/JO/10/1/130; HL/PO/JO/10/1/185; Bond, *Manuscripts*, p. 474.
94. PA, HL/PO/JO/10/1/220 (London), *LJ*, viii. 617; *CJ*, iv. 708. For claims that peers flaunted their privilege: PA, HL/PO/JO/10/1/64 (Sewell); HL/PO/JO/10/1/138 (Greenhill); *LJ*, v. 481.
95. *Debates*, ii. 399–403, 421–4.
96. *LJ*, xiii. 137, 140, 426; xiv. 637; *Thirteenth Report*, p. 283.
97. *Debates*, v. 48, 56–8.
98. PA, HL/PO/JO/10/1/487/1092.
99. BL, Additional MS 30000E, fos. 218–20; Hayton, *Cocks*, pp. 104–5, 165; *CJ*, xiii. 326, 509–11; *Statutes*, iv. 1222. The Privy Council's abortive attempt to stop considering petitions for protection (in 1636) was an explicit response to 'daily' complaints from petitioners: TNA, PC 2/47, pp. 46, 53.
100. PA, HL/PO/JO/10/1/385/117.
101. PA, HL/PO/JO/10/1/485/1065 (Sawry).
102. PA, HL/PO/JO/10/1/457/753; *LJ*, xv. 301, 304, 422; *Manuscripts*, i, pp. 31, 391–2.
103. PA, HL/PO/JO/10/1/118 (Squire, Leigh, Raven); HL/PO/JO/10/1/126 (Batt); HL/PO/JO/10/1/44 (Harryes, Oxenbregge, Arnold); HL/PO/JO/10/1/46 (Lovett); HL/PO/JO/10/1/115 (Leigh).
104. PA, HL/PO/JO/10/1/162 (Gray).
105. PA, HL/PO/JO/10/1/38 (Staveley); *LJ*, xii. 280, 314; *Debates*, iv. 147–8.
106. PA, HL/PO/JO/10/1/15.
107. BL, Harleian MS 159, fo. 23.
108. *LJ*, xi. 27.
109. *Debates*, v. 47–58.
110. *LJ*, xiv. 565; *Thirteenth Report*, p. 190; PA, HL/PO/JO/10/1/429/342.
111. *LJ*, v. 381, 394.
112. PA, HL/PO/JO/10/1/118 (Leigh); *LJ*, xiii. 412; *CJ*, ii. 39–40; Notestein, *D'Ewes*, pp. 82, 88.
113. *LJ*, xii. 45, 131, 146, 150, 153; PA, HL/PO/JO/10/1/326/51.

114. *LJ*, xiv. 565; *Thirteenth Report*, p. 190; PA, HL/PO/JO/10/1/429/342.
115. *LJ*, xiv. 58, 70, 521, 576, 580, 583, 587, 604–7; *Thirteenth Report*, pp. 231–3.
116. *Fourteenth Report*, pp. 7–8; *LJ*, xiv. 687; xv. 10, 15–16, 23, 32, 44, 49, 52, 57. For concerns about Morley's protections: *Twelfth Report*, p. 452; *Thirteenth Report*, pp. 11–15.
117. PA, HL/PO/JO/10/1/28; HL/PO/JO/10/1/382/25; *PP 1625*, pp. 71, 73, 81; *LJ*, xiii. 132, 134, 137, 140, 145, 167–8.
118. *APC 1623–5*, p. 130.
119. Hartley, *Proceedings*, ii. 101–2.
120. *CJ*, i. 338, 555–6.
121. TNA, SP 16/181, fo. 88.
122. *Debates*, iv. 148.
123. *CSPD 1641–3*, p. 205.
124. PA, HL/PO/JO/10/1/152.
125. *Debates*, v. 48–9.
126. PA, HL/PO/JO/10/13/4.
127. PA, HL/PO/JO/10/1/19, fo. 49; *LJ*, iii, 170; Gardiner, *Notes*, p. 95; Lancashire Archives, DDKE/9/29/44; PA, HL/PO/JO/10/1/34.
128. *LJ*, iv. 64–5, 71; vii. 466, 471, 476, 544; xi. 341, 481, 586; xiv. 457, 461–2; xv. 135; PA, HL/PO/JO/10/1/191; HL/PO/JO/10/1/189; *CJ*, ii. 234; viii. 303, 480; TNA, SP 29/186, fo. 46. For counterfeit protections: PA, HL/PO/JO/10/1/19, fo. 47; HL/PO/JO/10/1/449/618; *Fourteenth Report*, pp. 248–9.
129. *CJ*, x. 332-41; *LJ*, xiv. 441.
130. *CD 1621*, iv. 159; PA, HL/PO/JO/10/1/42; HL/PO/JO/10/1/152 (Morgan).
131. PA, HL/PO/JO/10/1/19.
132. PA, HL/PO/JO/10/1/34; *LJ*, iii. 709, 717, 735, 773; *PP 1628*, v. 146, 171, 180, 183–4, 197, 199, 353.
133. *LJ*, iii. 172, 185–6; iv. 141, 144, 154, 161, 164, 251, 257; xi. 491, 495, 509, 512; PA, HL/PO/JO/10/1/19; Gardiner, *Notes*, pp. 95–6, 111; PA, HL/PO/JO/10/1/51.
134. PA, HL/PO/JO/10/1/19, fo. 47; HL/PO/JO/10/1/51; *LJ*, iii. 170–2, 179–80; iv. 145, 147, 158, 168, 175, 186; Gardiner, *Notes*, p. 96.
135. *LJ*, xi. 512; xiv. 457, 461; *CJ*, viii. 184; *Thirteenth Report*, pp. 27–9. Counterfeits survive: PA: HL/PO/JO/10/1/422/251.
136. PA, HL/PO/JO/10/1/30; *LJ*, iii. 525; *PP 1626*, i. 79–80, 137, 141, 145–6.
137. *LJ*, iii. 525; PA, HL/PO/JO/10/1/30; *PP 1626*, i. 143–5, iv. 136.
138. *LJ*, iii. 525, 537, 539, 550, 552, 558; PA, HL/PO/JO/10/1/30; HL/PO/JO/10/1/31; HL/PO/JO/10/1/34; *PP 1626*, i. 143–5, 192–3, 201–3, 227, 250, 252, 255, 259, 270, 273, 281.
139. PA, HL/PO/JO/10/1/31; HL/PO/JO/10/1/33; *LJ*, iii. 581, 675–6; *PP 1626*, i. 281, 351–2, 355, 549, 609, 611–12, 616, 622.
140. *CJ*, x. 296.
141. PA, HL/PO/JO/10/1/19.
142. *LJ*, iii. 170, 173–4; PA, HL/PO/JO/10/14/4/3362.
143. *LJ*, iii. 170–1, 173–4; TNA, C 3/338/8.
144. *CJ*, x. 336, 339–41.
145. For blatant abuses: *LJ*, iv. 38, xii. 301.
146. *CD 1621*, iii. 431, iv. 431.
147. *CD 1621*, iii. 409–10, iv. 420–1, v. 399.
148. Bulman, *Rise*; Bulman, 'Consensual', p. 110; Chou, 'Parliamentary'; Smyth, 'Cyrus', p. 340.
149. Hart, *Justice*; Peacey, *Madman*.
150. Sacks, 'Corporate'.
151. James I, *Political Writings*, p. 24; Hoyle, 'Masters'; Zaret, 'Petition-and-Response', p. 432; Weiser, *Charles*.
152. Oldenburg, 'Petition', p. 333.
153. Zaret, 'Petition-and-response'; Dodd, 'Multiple-Clause'; Dodd, *Justice*; Ormrod, 'Murmur'.
154. *LJ*, xii. 174; Musson, 'Queenship', p. 171; Dodd, 'Thomas Paunfield', p. 227.

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5

Gathering hands: political petitioning and participative subscription in post-Reformation Scotland

Karin Bowie

In modern petitioning, hands are gathered to signal the scale of support for proposed measures, affirming the stature of public opinion in representative systems of government.[1] Historians of modern Britain have underlined the importance of subscriptional petitioning as a means of exerting pressure on the Westminster Parliament. But when and why did petitioners begin to sign petitions in significant numbers? Petitions originated as oral pleas and, though they were written down for bureaucratic convenience from very early times, signatures were not uniformly required.[2] As rising literacy in early modern Europe facilitated the development of the 'paper state', petitions to the Scottish monarch were demanded 'in write' by 1581.[3] Yet the signature that mattered most was the recipient's, indicating gracious acquiescence.[4]

When a petitioner was present, a signature seemed redundant. Andreas Würgler has noted a continuing desire across Europe to submit petitions in person even when the plea was accompanied by a written text.[5] The physical appearance of petitioners could provide significant leverage, as seen in August 1560 when over 100 lesser noblemen gathered in Edinburgh and successfully petitioned for access to the Scottish Parliament to help enact the Protestant Reformation.[6] In the late sixteenth and seventeenth centuries, Scotland's Convention of Royal Burghs was typical in hearing oral supplications and receiving a corresponding written text.[7] Hannah Worthen's chapter in this volume confirms that appearances in person remained the norm for petitions to English quarter session courts alongside written submissions. On the

written text, a notary, scribe, lawyer, officer or clerk might affix their signature as an authorised agent rather than the petitioner. As John Finlay has noted, '[a]nyone who signed a petition was responsible for its contents' and in this spirit, advocates signed judicial petitions to Scotland's central civil Court of Session on behalf of their clients.[8] Sharon Howard and Faramerz Dabhoiwala have found that English petitions from groups of individuals (to quarter sessions and the Restoration monarch, respectively) were more likely to include signatures than individual petitions.[9] Ad hoc groups of petitioners lacked a formal head to sign for them and were unlikely for practical reasons to appear in court all together. The collection of signatures from absent group members may provide a precedent for the gathering of hands on political petitions, but a deeper explanation will be required for this tactical innovation, especially when endorsements were gathered from petitioners who could and did appear in person.

Important context for the gathering of hands can be found in recent scholarship demonstrating a shift towards more adversarial petitioning in the early modern era. Through investigations of the early modern public sphere, public opinion, popular politics, state formation and gender, scholars have demonstrated the co-option of ancient petitionary modes of complaint and request into increasingly aggressive forms of protest and demand.[10] Early modern historians tend to distinguish between 'peaceful' and 'subversive' petitioning, with the latter capitalising on the norms of the former.[11] Conventional petitions encoded and confirmed reciprocal relationships of lordship and deference through humble requests granted by an exercise of grace, and a virtuous prince was expected to hear the grievances of his people by affording them a customary liberty of supplication. However, as Amanda Jane Whiting has observed, 'as the articulation of grievance, [a petition] implied criticism; and as the suggestion of a remedy, it implied a right to offer counsel'.[12] Dissidents could exploit the subversive potential of petitions by reworking these formats to express collective political opinions in assertive terms. Such petitions might be made in the name of ideological as well as institutional groups.

Historians have highlighted outbursts of subscriptional petitioning in the century after the formation of the British composite monarchy.[13] During severe civil conflict, the collection of signatures on petitions and counter-petitions provided evidence of support for partisan positions. Print technology enhanced petitioning campaigns by providing printed copies for subscription and dissemination as news and propaganda.[14] Analyses of English and Scottish petitioning campaigns have underlined the involvement of ordinary men and women in the subscription

and presentation of petitions. From the Caroline Civil Wars to the age of Anne, participative petitioning activity demonstrated political muscle by engaging hundreds or even thousands of signatories and large crowds of supporters.[15] This contributed to what Dabhoiwala has described as 'the slow transition from a culture of mainly private, humble supplication to one of increasingly assertive and public solicitation'.[16]

The gathering of hands allowed public claims to be made about the desires of political communities even when there was no local consensus. As Mark Knights has emphasised for England, this fuelled disputes over the representation of opinions, including accusations of intimidation and false subscription.[17] The counting and contestation of hands tended to encourage a majoritarian mindset, with the quantity of signatories taking on greater importance alongside a continuing emphasis on social quality. When the Scottish cleric Andrew Melville stated in 1591 that votes should be weighed, not counted, he expressed normative values reflected in the aristocratic and oligarchic social structures and political institutions of the early modern era.[18] Keith Brown's study of early modern Scottish political participation indicates that a continuing faith in the rule of the weightiest co-existed with more democratic systems of voting in Parliament, royal burghs and Church assemblies.[19] As David Zaret has emphasised for England, the turn towards the counting of hands on petitions was controversial and petitioners often sought to escape the tension between quality and quantity by claiming both.[20] In this context, increasing resort to subscriptional petitioning had the potential to tip political cultures towards more participative and majoritarian methods and thinking.

However, it must be remembered that early modern regimes were quick to block unconventional petitioning. The resulting dialectic between repression and innovation requires greater attention. In 1565, the Bordeaux *parlement* refused to accept grievances from a group of Huguenots, arguing that this ad hoc group of dissenters could not petition because they did not constitute a political body and lacked a formal head to speak on their behalf.[21] This indicates potential difficulties for petitioning by opinion groups rather than constitutional communities. Moreover, the recording of names carried a risk of judicial pursuit for sedition. Subscription might not be a feasible strategy at a time when conviction for sedition could lead to imprisonment, banishment or death.

Another consideration for the historian of petitioning is the risk of producing a triumphalist narrative associating prominent episodes with the invention of democracy. The long view taken by this chapter suggests that Scotland's journey towards participative subscription included advances and retreats. Further research in a range of national contexts

is needed to understand how fundamentally humble practices of personal supplication could transform into aggressive statements of protest signed by large numbers of individuals and how this could become a safe and acceptable political practice. This chapter will begin to chart this research pathway by providing a study of participative subscription in Scotland from the late sixteenth century to 1637, showing how petitioning practices were shaped by experimentation and repression.

This approach endorses the call made by Hannah Worthen in this volume for closer attention to the process of petitioning, though, as Worthen acknowledges, source survival can make this a challenging pursuit. Petitions could be refused, suppressed or simply discarded after a decision was recorded, leaving no document to show whether the petition included signatures.[22] A recent assessment of petitions to the English Parliament on economic concerns from 1660 found it 'impossible to explore systematically the number of signatories on petitions'.[23] For the present study, sufficient evidence survives in state records, contemporary histories and letters to reconstruct subscription activity across more than four decades, despite efforts by Scottish authorities to discourage these subversive practices.

This chapter will begin by identifying two conditions that tended to encourage the gathering of hands in Scotland: a general trend towards personal subscription of oaths and documents, aided by rising literacy; and endemic post-Reformation religious conflict, exacerbated by the formation of the British composite monarchy with the 1603 union of the Scottish and English Crowns. In these febrile circumstances, subscription offered leverage both to the monarch and his opponents as a tool of allegiance and association. The chapter will trace the ebb and flow of authorised and unauthorised subscription practices to inform a close study of Scotland's first large-scale episode of subscriptional petitioning in 1637. It will ask why subscriptions were sought on adversarial petitions and how far these efforts were constrained by fear of punishment. The chapter will close with a brief comparison to contemporaneous political petitioning in England and reflections on the implications of the Scottish case.

Participative subscription before 1637

Jane Dawson has described a 'subscription culture' in sixteenth-century Scotland.[24] Strengthening literacy among elites supported a growing expectation that documents should be signed to provide physical

evidence of personal endorsement. Accused of composing a controversial joint letter, a writer stated in 1597, 'If it is ours, our subscriptions will beare it.'[25] From the mid-fifteenth century, manual signatures began to supersede seals on documents and personal letters came to be signed as well as sealed.[26] In 1540, endorsement by signet was expected of sheriffs, stewarts and baillies, while notaries were to have a 'subscriptioune' or 'signis manuale'.[27] The increasing importance of personal signatures can be seen in 1579 and 1584 parliamentary acts requiring 'writtis of importance' to be subscribed by the hands of the parties or two notaries on their behalf. The 1584 act lifted a requirement for seals, indicating the transition from seals to signatures.[28] A survey of surviving bands of manrent (clientage) found all were signed by hand after 1550, though some men required the help of a notary.[29] Signature literacy was improving across social levels, within geographical and gendered constraints on access to education. Using signed covenant oaths from 1638 and 1643, Rab Houston found male signature literacy ranging from approximately 10 per cent in rural parishes to 50 per cent in market towns and 70 per cent in Edinburgh.[30] A survey of late sixteenth-century papers by Margaret Sanderson found 72 per cent of noblewomen could sign papers in their own hand, compared to 45 per cent of female relatives of ministers and lawyers and 33 per cent of female relatives of burgesses.[31]

After Scotland's 1560 Reformation, oaths of confession, conformity and allegiance demanded public adherence to political and confessional standards through swearing and signing. Stimulated by concerns about the influence of court Catholics on young James VI (r.1567–1625), the 1581 King's Confession combined an anti-Catholic statement of faith with a promise to support the king in his defence of the Reformed Church. All parish ministers were ordered to 'crave the same confession from their parochiners', with refusers to be reported.[32] A surviving copy from the parish of Kinghorn in Fife shows signatures of local male elites followed by over 800 names of male and female parishioners provided by a notary 'with my hand at the pen'.[33] Women swore and sometimes signed these confessional oaths as members of the national Church, though the presumption of a male norm for manual subscription is indicated by a 1587 call by the General Assembly for endorsement by 'all men'.[34] A surviving example of a 1590 confession and general band shows women and men signing the confession while men signed the political band.[35] This reissue of the King's Confession was aided by the provision of printed copies with blank leaves for signatures.[36]

Alongside confessional subscriptions, the Scottish Church developed a practice of collecting clerical signatures to endorse disputed

policies. In 1582, a courtier challenged controversial grievances brought by representatives of the General Assembly to James VI by asking 'Wha dar subscryve thir treasonable articles?'. The clerical bearers immediately signed the document. In 1578, leading ministers considered asking all members of the General Assembly to subscribe the Second Book of Discipline, a new Church handbook embracing Presbyterian government and asserting the independence of the Church from the Scottish Crown. They chose to continue customary practice in having the clerk sign on behalf of the Assembly, but later apostasy by Patrick Adamson, archbishop of St. Andrews, made clear the value of subscription as a public record of approval.[37] Accordingly, in 1590 the General Assembly ordered members of Scotland's presbyteries to endorse the Second Book. Excommunication was threatened for refusal, though subscription seems to have been hampered by difficulties in obtaining manuscript copies of the book, which was not printed until 1621.[38] In seeking personal signatures from members of Scotland's regional presbyteries, this tactic went beyond representative endorsement to inculcate and evidence personal conformity within the Church through subscription.

The Scottish Crown also used subscriptions to shape and direct clerical obedience. In 1584 all clergymen were ordered to subscribe to an authoritarian set of parliamentary acts (known to Presbyterians as 'the Black Acts'), including an assertion of the supremacy of the monarch over the national Church. By their 'hand writtis', ministers, academics and schoolmasters were required to prove their 'humble and debtifull submissioun and fidelitie to our soverane lord the kingis majeiste' and their agreement 'to obey with all humilitie his hienes actis of his said lait parliament' – or forfeit their stipends.[39] Some clergymen resisted this with conditional subscriptions or outright refusal, and 22 ministers fled to England. Nevertheless, general compliance was encouraged by the threat of penury, imprisonment or exile and the execution of two laymen for sedition.[40]

The pursuit of a controversial preacher for seditious words in 1596 led to a renewal of the tactic of collecting signatures from members of regional presbyteries. In the absence of a meeting of the General Assembly, leading clerics in Edinburgh drew up a formal 'declinator' rejecting the jurisdiction of the Crown over the pulpit and circulated this to presbyteries for subscription.[41] This paper incorporated a petition in the name of the subscribing brethren beseeching the king to maintain the liberty of the Church.[42] Recipients were asked to 'sett your hand writt and subscriptions' to the paper, 'testifeing your approbatioun'.[43] This was meant to create unity, so that the Church could 'stand whole and

unbrokin'. Not enough presbytery records survive to evaluate the extent of participation, though a contemporary memoir stated that '[d]iligence was used in gathering subscriptions, so that in a short space the hands of at least four hunder were put to it' and another claimed that 'the best part' of the brethren returned signatures. After 10 days of gathering signatures, the declinator was handed to the king with a paper in name of 'the whole ministry of Scotland'. Contemporary records do not indicate that the signatures were submitted, suggesting that these acted as internal evidence of support for the submission of the declinator in name of the Church and that leaders may have feared the consequences of providing names.[44]

James VI saw the circulation of the declinator as seditious, 'tending to a direct mutiny'.[45] As tensions escalated in December 1596, James responded by publishing a proclamation against seditious speech by clerics, followed by a 'band of duetifulnesse' for all ministers to sign. Soon after, on 17 December, two petitions to the king were presented by spokesmen for a substantial body of discontented nobles, lairds, clerics and Edinburgh burgesses, in the presence of large and angry crowds. Described by Julian Goodare as an attempted coup that aimed to force James into changing his leading officers and advisors, the failure of this audacious event allowed the king to crack down on his opponents. A subscription of obedience was imposed on clergymen, sedition charges were brought against lay participants and four ministers fled to England.[46] James created a formal Commission of the General Assembly to provide greater royal oversight of the Church outside of General Assembly meetings and he moved to enhance the powers of bishops as Crown-appointed managers of the Church. In 1607, after his 1603 accession to the English throne, he published a new oath of allegiance affirming the superiority of the monarch over the pulpit.[47]

These measures had a dampening effect on participative subscription in Scotland. At the 1597 General Assembly, one minister offered a formal protestation stating that the meeting was 'not ane frie Assembly', but no one was willing to adhere to his paper in front of the king.[48] In Scottish courts of law, a protestation was a signed device providing a statement of dissent to reserve rights for future judicial action. As this example indicates, the form of a protestation could be co-opted to make public declarations of dissent with signatures of adherents.[49] According to a contemporary report, immediately after the Assembly at least 60 members signed the protestation to satisfy their consciences, yet for safety 'it was thought expedient to cutt off the names, and burne them in the fire'.[50] Continuing resistance was limited to a few bold individuals.

In July 1604, when James VI refused to allow a planned meeting of the General Assembly, a protestation was made at the intended meeting site in Aberdeen by three clerics sent as commissioners from the presbytery of St. Andrews. Though the Aberdeen protest had the sympathy of the king's chancellor, Alexander Seton, Earl of Dunfermline, only one presbytery acted and only three men signed a notarial instrument recording their statement in favour of the Church.[51] The next year, 16 ministers came to Aberdeen in July to hold a General Assembly without royal permission. On receiving letters from James and his Privy Council disallowing their gathering, their names were recorded in a notarial instrument attesting their obedience to the king in dissolving their meeting. Nevertheless, they were pursued by the Privy Council, leading to imprisonment and banishment.[52]

Two years later, a group of 42 ministers signed a protestation and petition in name of the Church to the 1606 Scottish Parliament resisting the restoration of lands and temporal privileges to the bishops. Echoing the approach seen in 1596, though without the circulation of papers for endorsement, the signatories claimed to be acting as representatives of presbyteries. Their document spoke for the 'Church in generall', begging the estates to listen to their arguments against lordly bishops.[53] However, the paper was not allowed to be presented to Parliament. An attempt was made by Andrew Melville to deliver an oral protestation, but he was ejected from the parliamentary chamber before he could make his statement.[54] Melville and his nephew James were imprisoned after they made an uncompromising appearance at the second Hampton Court conference in 1606 and both were eventually exiled, James to Newcastle and Andrew to France.[55]

In 1610, James VI created new Courts of High Commission giving his prelates greater powers to police Scotland's clergy and laity.[56] In a context of increasing suppression, a petition addressed to the 1617 Parliament was signed by only one clergyman on behalf of unnamed others. One minister stated that 'he wold subscrive it with his bloode' but 'he refused to put to his hand and subscrive it with inke, least the king sould have seen his name'. To limit the risk to his peers, Andrew Simpson of Dalkeith parish agreed to scribe and endorse the petition as clerk to their meeting. The signatures of other ministers were gathered on a separate paper and not revealed to the authorities.[57] In their petition, the ministers claimed to speak on behalf of the Church with a 'reasonable and humble supplication' from clerics representing 'all parts' of the kingdom.[58] As in 1606, this paper never reached the Parliament: one copy was torn up by the archbishop of St. Andrews and another was refused by the king's

clerk register who was responsible for processing petitions.[59] After the parliamentary session, Simpson was imprisoned in Edinburgh and later confined to Aberdeen, while another ringleader, David Calderwood of Crailing parish, was banished from Scotland.[60]

Subscription again was constrained when controversial Church ordinances were submitted to the 1621 Scottish Parliament for ratification.[61] Pushed through the 1618 General Assembly by the bishops at the king's behest, the Articles of Perth sought to bring Scotland's strictly reformed worship practices into closer alignment with the more moderate Church of England in the British composite monarchy. A substantial proportion of clergymen and laypeople chose to disobey a new requirement to kneel for communion, despite royal proclamations demanding obedience and pursuit by the Court of High Commission.[62] An unsigned petition against the Articles in the name of 'wearied and broken-hearted brethren, ministers and people' was submitted to the 1621 Parliament, though not admitted for consideration. A body of about 30 clergymen in Edinburgh drew up a protestation against the ratification after the Privy Council ordered them to leave the city within 24 hours. As in 1617, the document was signed by one minister, David Barclay, on behalf of the rest, who were said to have 'convened from all the quarters of the countrie'. Manuscript copies were placed on the door of Parliament House and Edinburgh's mercat cross when the act was voted on, and again at the mercat cross, St. Giles Church and Holyrood palace when the act was proclaimed.[63]

The dangers of political petitioning increased when a daring attempt to generate a collective complaint from members of the 1633 Scottish Parliament led to capital charges of sedition against a nobleman. The petition was drafted after a contentious parliamentary session, held during a visit by Charles I (r.1625–49) for his Scottish coronation. Two petitions against the Articles of Perth were produced at the start of the session, both claiming to speak for discontented clergy and laypeople. A deposed clergyman, Thomas Hogg, submitted a humble petition to the estates 'in my auen name, and in name of others of the ministrie lykwayes greiued'. Hogg also handed a petition to the king at Dalkeith on behalf of 'the pastors and professors of the reformed religion'. Claiming that 'the bodey of this kingdome' was 'ioyning in hearte with ws', the petitioners hoped that Charles would 'be fauorable to our petitions, wich we have deliuered to the Clerck of Register, to be presented to your Maiesty and estaits of the approaching parliament'.[64] Their petition was suppressed as before, though Hogg commissioned a notarial instrument to affirm that he had given the paper 'to Sir John Hay, Clerck of Register, to be presented

by him to such as ought, by the order appoynted, to consider [it]'. Among other controversial acts, Charles pushed through a re-ratification of the Articles of Perth, an affirmation of 'his majesties soveraigne authoritie, princelie power, royall prerogative and priviledge of his crowne over all estaites, persones and causes quhatsumevir [whatsoever] within this kingdome', and a new measure requiring clergymen to wear what the minister Samuel Rutherford described as 'mass-apparel'.[65] In a significant display of opposition across the Scottish estates, the acts were rejected by 15 of 66 nobles, 44 of 51 royal burghs and 'some' of the commissioners for 27 shires. The king himself noted down the names of those who voted against the acts, 'with much awe and terror'.[66]

Charles' contentious measures and methods in this Parliament stimulated the drafting of two collective petitions from unhappy members. Both were unusual in voicing the objections of an ideological grouping of Parliamentarians rather than an estate. The first was meant to be 'subscryved by many' and presented to the king before the voting, 'yit the matter being known they were prevented'.[67] The second, 'the humble Supplication of a great number of the Nobility and other Commissioners in the late Parliament', was written after the session, aiming to justify contrary voting by providing arguments against the approved acts. This included a warning to Charles that his remodelling of the Scottish Church was undermining the affections of 'a great many of your good subjects' and a complaint that 'the humble supplications of the ministrie' had been 'suppresst'. Unlike the first petition, this did not refer to those 'under-subscryveing', suggesting that the petition was meant to be presented by a nobleman on behalf of the group. Draft copies of the petition text are known to have been provided to two noblemen, John Leslie, Earl of Rothes and John Elphinstone, Lord Balmerino, in hopes that Rothes would present it. Balmerino's involvement was exposed when a copy with edits in his hand was handed to the archbishop of St. Andrews, leading to charges of sedition for failing to report the petition to the authorities. His conviction rested on the petition being defined as a 'scandalous, odious, infamous and seditious libel' against the monarch, rather than a plea for relief that a virtuous monarch should hear.[68] With this case, the Crown sought to place firm limits on adversarial petitioning, stimulating outrage and concern for the liberty of petitioning. Though Sir John Hay pressed for an immediate execution as a show of force, Balmerino eventually was pardoned.[69]

Balmerino's ordeal shows how aggressive, risky and contentious petitioning had become in Scotland. Soon after, a major protest episode in 1637 against a new prayer book provided conditions for participative

subscription by increasing numbers of aggrieved subjects in Edinburgh and beyond. The importance of this petitioning episode has long been recognised by historians of the Covenanting rebellion and full transcriptions of two participative petitions were published in the 1920s.[70] In more recent scholarship, seminal narratives of the petitioning campaign provided by David Stevenson and Allan Macinnes have been developed by Laura Stewart with an emphasis on the need for 'safety in numbers' after the Balmerino trial.[71] The next section will provide a close assessment of subscriptional practices in this episode to show how the supplication campaign became increasingly, though still cautiously, participative across four rounds of petitioning from August to November 1637.

1637 supplications

In 1630, a Scottish cleric commented that 'Our fire is so great already, that it hath more need of water to quench it, than oile to augment it.'[72] After the king's controversial 1633 acts and Balmerino's trial, Charles issued a book of canons in 1636 and a liturgy in 1637 without ratification by the General Assembly or Parliament.[73] The introduction of these books by 'missive letter' and the active role played by England's archbishop of Canterbury in their creation confirmed fears among many in Scotland about the royal supremacy, episcopalian rule and English hegemony in the British union.[74] After its publication, the prayer book was said to be 'the table talk and open discourse of high and low'.[75] Violent protests were staged in July 1637 when the new liturgy was first used in Edinburgh, led by shouting 'serving maids' in collaboration with their godly mistresses.[76] These protestors sought to reject this 'new illegal service', its 'alteratione of religione appearing so sensiblie to the hearts, eyes and ears'.[77] After a minister spoke in favour of the new service book in August at a synod meeting in Glasgow, he was attacked and beaten by 'some hundreths of inraged women' including 'numbers of the best qualitie'.[78]

Alongside rioting, opponents of the service book recognised that supplications to the Privy Council for relief from an order to acquire the prayer book could provide a non-violent 'means of remedie'.[79] Personal pleas for 'a suspension of this unreasonable charge' were provided in August 1637 by clergymen from the presbyteries of St. Andrews, Irvine, Glasgow and Ayr.[80] These were supported with letters and lobbying by sympathetic nobles and gentlemen who warned 'all wold generalie refuse [the liturgy] and numerouslie and confusedlie petition his Majestie' if the supplications were not heeded.[81] Though bishops on the Privy Council

sought to downplay the supplications, the Council declared that there had been a 'great mistaking' and tried to temporise by explaining that their order required no more than the purchase of the book. However, at the same meeting they registered a letter from Charles ordering them to proceed with 'the full and and quyat sattling of the practice of that service book'. The Council advised the king that they had been 'surprysed with the clamors and fears of many subjects from divers corners of the kingdome'.[82] They urged Charles to call councillors to London to discuss the 'present commotione' so that they could receive a written answer from him for their next monthly meeting in September.[83]

Additional pressure was piled on the Privy Council in September as hundreds of noblemen, gentry, burgesses and ministers congregated in Edinburgh to submit dozens of petitions from presbyteries and parishes. This round of petitioning was stimulated by the continuing use of the prayer book by a few bishops and parish clergy. In Edinburgh, many feared that Sir John Hay, newly imposed as provost, would force its use in the capital city.[84] In a contemporary account, John Leslie, Earl of Rothes reported a total of 68 petitions. Forty-five can be found in the Privy Council records, from four presbyteries, six royal burghs and 35 rural parishes. The higher number probably indicates unrecorded petitions, as Rothes' memoir supplies the texts of two more, from Glasgow and the presbytery of Auchterarder, which were sent to the king in London without being registered by the Privy Council.[85] Local correspondence reveals cooperation in the organisation of parish supplications, with 'doubles' being shared between ministers. Surviving petitions confirm that similar texts were used by parishes in Ayrshire and Fife.[86]

Thirty of the 45 petitions in the Privy Council records were not signed, while five were subscribed by clerks on behalf of two royal burghs and three parishes. Burgh records suggest that magistrates approved the burgh petitions and authorised commissioners to speak for the community. An unsigned petition from the burgh of Stirling was ratified by the town council and 'gevin in be Johnne Johnnstoun, baillie, in name of the provost, baillies and counsell of this burghe, for the haill communitie thereof'.[87] In the royal burgh of Dumbarton, the signatures of the provost and the burgh's commissioner signalled the consent of the Council to the petition on behalf of the community.[88] Similarly, parish petitions were authorised by the kirk session in name of themselves and their parishioners. Most were unsigned, while the petition of 'the gentillmen, elders and parochiners' of Rosneath noted that it was '[w]ritten and subscryved at our command be our clerk the 17 day of September 1637'.[89]

The presbytery petitions and some parish petitions were more inclusive, though they did not invite signatures from ordinary parishioners. Of four petitions from presbyteries, three stated the names of the petitioners in the text (11 from Haddington) or included signatures (11 from Cupar and 9 from Stirling). All four texts claimed to speak for the whole brethren of the presbytery, and three mentioned their parishioners.[90] Petitions from six rural parishes provided up to 16 signatures by ministers, session clerks, elders and landowners. These included the minister and six elders (five identifiable as landowners) in the parish of Beith; the minister and 14 elders in the parish of Cumnock (10 landowners, one merchant, one feuar and one tenant); three landowners from the parish of Dunlop; the minister, four elders, seven landowners and the session clerk from the parish of Galston; the minister and four gentlemen from the parish of Wester Kilbride; and the session clerk and 15 others (including three landowners, a feuar and a tenant) from the parish of Largs. Five of these petitions claimed to speak for the entire parish (the 'congregation', 'whole parrish', 'parochiners', 'remanent people'), while Galston specified 'ws, the minister, elderis, heritoris and parochinares under subscryvand'.[91]

As commissioners gathered in Edinburgh with their local petitions in September, a group supplication was framed in name of the 'Noblemen Barons ministers Burgesses & comons occasionalie here present'.[92] This was reported to include 20 to 24 nobles, 80 to 100 parish ministers and dozens of commissioners from royal burghs and parishes, making this Scotland's first quasi-national petition with evidence of substantial participation, though not by subscription.[93] Presented to the Privy Council by John Gordon, Earl of Sutherland, the petition remained unsigned because the petitioners appeared in person for its delivery, standing in ranked groups in the street. To ensure the Council would accept the petition, Rothes consulted Lord Treasurer John Stewart, Earl of Traquair, who advised on difficult points and helped to make the language 'very smoothe'.[94] The Privy Council provided no answer to these petitions but eventually agreed to send the group petition, two local supplications and a list of the rest to the king for his consideration.[95]

When hundreds of nobles, ministers and burgh and parish commissioners returned to Edinburgh in October to hear the king's answer, they reportedly brought more local petitions, though none were registered by the Privy Council. Instead, a second group petition was stimulated when unauthorised visitors were ordered by proclamation to leave the city within 24 hours. This time, subscriptions were collected even though the

petitioners were present in Edinburgh. Hundreds of signatures of 'noblemen, barrens, ministers, burgesses, and commones' were recorded on a parchment retained by the organisers. A paper copy of the petition was submitted to the Privy Council on 18 October speaking for 'undersubscrybers', but the names were not provided. Rothes claimed there were 500 signatures on the copy, contemporary letters mentioned 24 nobles and two or three hundred gentlemen, and a 1926 transcription tallied 482 hands.[96] The petitioners included representatives from the city of Edinburgh after Royalist interests on the Council were overwhelmed by two rounds of local supplication to the burgh council supported by agitated crowds.[97] On the front of the parchment, 349 signatures were led by nobles and lairds, followed by burgh commissioners and parish ministers, while the reverse contained a mix of 133 hands taken later, nearly all lairds or ministers. Stevenson tallied 30 nobles, 281 lairds, 48 burgesses and 123 ministers in total. The source shows that the burgesses represented 38 burghs.[98]

According to Rothes, the petition text and a covering letter were drawn up quickly in response to the proclamation to disperse, with the minister David Dickson of Irvine parish writing the petition and John Campbell, Earl of Loudoun, writing the letter.[99] The letter argued that many commissioners had legitimate business in Edinburgh and should be allowed to stay. The petition combined a statement of grievances with a formal judicial complaint against Scotland's bishops. Explaining that the supplicants had gathered in Edinburgh 'in all humilitie and quyet manner' to hear the king's response to their petitions, the petition stated that they had been 'surprised' by an order to leave in 24 hours or face charges of 'rebellione'. This 'unlawfull' charge was rejected and arguments against the prayer book and canons were repeated. To this was added a complaint against Scotland's bishops, accusing the prelates of fomenting seditious discontent between the king and his people by forcing his subjects to choose between ruin in this life or the next. By characterising the bishops as seditious counsellors, the petitioners avoided direct criticism of the king and gave Charles an opportunity to retreat from the disputed books. Alan MacDonald has found a similar combination of grievance and formal complaint in supplications to the Convention of Royal Burghs requesting the adjudication of disputes between burghs.[100] The text asked that 'this matter be put to a tryell' and demanded that bishops should not sit in the Privy Council in judgement on the petitioners. It closed by asking the Privy Council to convey their grievances to the king.[101]

This formal complaint against the bishops provided a new reason to gather signatures, alongside the idea that supplicants should be

identified if they did not appear in person. But hands were gathered on a separate paper, not the petition submitted to the Privy Council. Happily for the historian, a note was made on the signed document to explain this:

> becaus no particular persons compleners ar named and all who have enteres [interest] in the grevances conteind therin may not attend bot must appoint some few of ther number to waite for ansuer Therfor least the lords reject the supplication and complaint for the want of the supplicants and compleners names We have subscriuit this present double to be shawin to the lords if they sall happin to call for the same.[102]

An account by Robert Baillie, a leading minister, shows that he understood himself to have signed the parchment as a complainant.[103] Other signatories indicated that they were acting for others (e.g. 'J. Smyth for Edinburgh'). In practical terms, the taking of signatures served a further purpose in affirming membership in a burgeoning protest movement. For Rothes, the subscriptions 'teftifie[d] who joyned with that Petitione'.[104] Formal signatures confirmed the petitioners' mutual commitment to an increasingly assertive and potentially dangerous cause. Though organisers showed caution in retaining the list of names, participants would have taken confidence from the length and quality of the list.

On the same day that the Council received the new petition, a proclamation condemned the 'tumultous gathering of the promiscuous multitude' and banned any 'publict gatherings' and 'all privat meitings tending to factioun and tumult'.[105] The petitioners had been gathering in organised meetings by estate, with noblemen in a private house and gentlemen in the Tolbooth. The movement's aristocratic spokesmen justified this as the exercise of a customary liberty to 'come in person to petitione'. Yet the size and agitation of the crowds around the Council House became so great that a protective escort had to be provided by the petitioners to the councillors.[106] The authorities feared an insurrection, as seen in 1596, and their proclamation underlined the potential risk in signing a petition.

Nevertheless, when the Privy Council refused to record the October petition, organisers responded by gathering more signatures and attempting to generate copycat petitions.[107] As noted above, additional subscriptions were taken on the back of the parchment, under the heading 'We Undersubscribers assents and adheres to the within written Petition', and copies were made for subscription by presbyteries.[108] One such petition, a signed copy from the presbytery of Kirkcudbright, has been archived in

Privy Council papers alongside the four presbytery petitions submitted in September. The 1905 edition of the Privy Council register provided a full transcription of this petition and its 452 male signatures, while James D. Ogilvie published a collotype facsimile with a brief commentary in 1928.[109] However, the filing of this undated document with earlier presbytery petitions has tended to obscure its historical significance as a copycat petition organised after the October group supplication and featuring the hands of ordinary male parishioners alongside officeholders and landowners. In key works, the petition is misdated or not discussed.[110]

The Kirkcudbright presbytery text is a nearly identical copy of the 18 October petition, speaking on behalf of 'we, undersubscryvers, noblemen, barrons, burgesses, ministeris and commounes of the presbyterie of Kirkcudbright'.[111] Ogilvie noted that several commissioners who signed the October group petition in Edinburgh also signed the presbytery petition, including William Glendinning for the royal burgh of Kirkcudbright, the lairds of Knockbrex, Earlston, Gaitgirth, Carleton and Garlurg and the ministers of Kells and Kirkmabreck.[112] It seems very likely that one or more of these men brought back the copy and helped to organise the systematic collection of hands from congregations. The signatures begin with a group of ministers and landowners, probably taken at a presbytery meeting. Hands appear in blocks from the royal burgh of Kirkcudbright, the town of Minigaff and the parishes of Kirkmabreck, Anwoth, Dalry, Kells, Balmaclellan and Carsmichael. The Minigaff signatures include two baillies and those for Kirkcudbright include the provost, two baillies, four councillors, 22 burgesses and six kirk session elders. Seven notaries were employed to sign for male tenants and burgh inhabitants who could not write, and of these notaries, three signed for themselves.[113]

The organisers presumably hoped that this unusual display of subscriptional adherence would be taken as evidence of a local consensus, yet close reading of the signatures reveals otherwise. A total of eight ministers signed the document, accounting for half of the 16 charges in the presbytery.[114] This might be explained by logistical difficulties, but of the absent eight, four were deposed in 1639, suggesting Royalist sympathies.[115] From 1636, the Bishop of Galloway, Thomas Sydserf, had cracked down on non-conformity in this region.[116] The letters of Samuel Rutherford describe efforts to resist the imposition of conformist ministers after Kirkcudbright's minister was suspended and Rutherford was removed from the parish of Anwoth for non-conformity to the Articles of Perth. In 1634, Rutherford asked his close ally Marion McNaught, wife of Kirkcudbright provost William Fullarton, to try to impede the election of conformist men as parliamentary commissioners for the burgh.

He later warned that some parish ministers in Galloway were spying for the archbishop of St Andrews.[117] In September 1637, Rutherford wrote from internal exile in Aberdeen urging McNaught to organise a petition to return him to Anwoth. He proposed that she obtain the signatures of 'three or four hundred in the country, noblemen, gentlemen, countrymen [tenants] and citizens [burgesses]', 'the more the better'.[118] The gathering of many hands thus was being contemplated in Kirkcudbright near the start of the campaign against the prayer book, helping to explain why this presbytery chose to gather socially inclusive signatures to display support for non-conformity.

Surviving letters reveal further efforts to gather signatures, though no other supplications appear in the Privy Council records. On 13 November, Margaret Douglas, Lady Lorne wrote from Rosneath urging Sir Colin Campbell of Glenorchy to 'giue ane testiemonie of your affection to the truth of christs caus by puting your hand to that supliecasion w[hi]ch is to be presented to the keings maijistie', assuring him that 'ther can no hurt fall out upon any particular person senc it is so genaral a pitision'. Her confidence rested not just on the security provided by many hands but also the value of martyrdom: 'their can be no preiedice to suffer, in so good a caus for thos that loses ther life shall feind it and thos that saves their life shall los it as christ doeth testifie' (Matthew 16:25).[119] Despite these reassurances, Glenorchy chose not to sign the supplication.[120] He was also in correspondence about the minister of Kenmore parish by Loch Tay, who was advised not to 'subscryve that suplicatione, Until he receave advertisment frome the lord of lorne'.[121]

These letters reveal the involvement of a member of the Privy Council and his wife in gathering signatures. Soon to emerge as a Covenanting leader (better known as the eighth Earl and first Marquis of Argyll), Lorne absented himself from Privy Council meetings from August to mid-November 1637 and liaised with leading supplicants in Edinburgh on his return, but his involvement with Margaret Douglas in follow-on subscription has not been recognised.[122] The additional signatures on the back of the October petition included John Campbell of Ardchattan and four commissioners from Argyll territory: Archibald Campbell of Kilmound for Cowal and three ministers representing the presbyteries of Cowal, Argyll and Lorne.[123] In January 1638, a petition circulating among landowners in Argyll territory was said to have been 'subt [subscribed] be all that wes meatt w[ith]' except one.[124]

While more signatures were being gathered, leading supplicants in Edinburgh maintained their posture of resistance. When the Privy Council asked them to nominate spokesmen, they organised their estate

groupings into a facsimile of the political nation known as the Tables.[125] Rumours spread that key noblemen would be charged with sedition, because 'if the heads were removed, this body of petitioners would soon dissolve'. Councillors tried to persuade the movement's leaders to supplicate separately by estate rather than collectively and to withdraw their formal complaint against the bishops.[126] But as Lorne's agent Archibald Campbell of Glencarradale reported, 'thair hes bein many paines taikine To have wrocht devissione all in vaine for [th]e trewth is, It hes joynt them all more firme togedder'.[127] Expecting that the Privy Council would refuse their petitions again, a protestation was prepared for the December meeting and spokesmen placed at the front and back door of the Council House with notaries to take instruments. To prevent a public protest, the Privy Council allowed the 20 September and 18 October petitions to be resubmitted on the grounds that Charles' aggrieved subjects could find 'no safer nor more legal way' to express their concerns than 'humbly to supplicat'.[128] Forced to accept the fiction that the supplicants were being deferential rather than remarkably adversarial and participative, the councillors agreed to represent their case again to the king.[129] When Charles rejected the petitions and took personal responsibility for the prayer book in a February 1638 proclamation, the supplicants expanded their subscriptional activity by reissuing the 1581 King's Confession with a new oath requiring adherents to reject religious innovations not considered by free national assemblies. This new National Covenant was circulated without royal authority to sympathetic parishes for swearing and subscription, turning petitioners into Covenanters and launching the Wars of the Three Kingdoms.

Conclusion

Though Scotland's 1637 supplications have been studied by historians of the British Civil Wars, a longer view shows how this unusual episode of participative petitioning emerged from decades of authorised and unauthorised subscriptional events. Expected on documents by the mid-sixteenth century, signatures supported the enforcement of post-Reformation religious conformity through personal endorsement of parliamentary acts, books of discipline and confessional oaths. But when the collection of hands from presbyteries culminated in a near-coup in 1596, royal control measures discouraged the subscribing of political petitions and protestations. Over the next four decades, small numbers of clergymen signed on behalf of others and subscription lists were destroyed or

concealed. Novel attempts to present petitions to the king from disgruntled members of the 1633 Scottish Parliament were quashed and capital sedition charges were brought against Lord Balmerino. However, in 1637 very substantial (but not universal) discontent yielded four rounds of increasingly participative petitioning to the Privy Council. Signatures were not significant in August on personal petitions from clergymen, nor in September on institutional petitions from burghs, parishes and presbyteries and a group petition presented by assembled noblemen and commissioners; but in October the hands of 349 complainants were gathered and held in reserve to validate a more aggressive petition and complaint. Shortly after, 133 more hands were collected and copies were circulated for subscription, yielding a petition from the presbytery of Kirkcudbright with 452 hands and paving the way for local subscription of the National Covenant a few months later.

It is likely that participative subscription in Scotland was influenced by comparable practices in England and vice versa. A 1583 requirement in England for clerical subscription to the royal supremacy, Thirty-Nine Articles and prayer book may have provided a model for James VI's 1584 subscription of obedience; conversely, the 1584 Elizabethan Bond of Association bears comparison to the political band in the 1581 King's Confession.[130] To protest the 1583 subscription, groups of Puritan ministers and gentlemen in several shires sent petitions to the English Privy Council and 175 hands were gathered on a Puritan petition to Elizabeth I from 'a great number of your majesties loving and true harted subjects', claiming to speak for 'infinite more' in Norfolk.[131] These appeared at the same time as petitioning to English county quarter sessions was increasing, though only a minority of these were collective petitions.[132] When James VI inherited the English throne in 1603, the hopes of 'the sincerer sort' in England stimulated the 'Millenary' petition from more than 1,000 Puritan clergymen.[133] For this 'petition of the ministers of the Church of England, desiring reformation of certain ceremonies and abuses of the Church', it seems that signatures were gathered on a separate paper under the heading 'We whose names are under written doe agree to make our humble Petition to the Kings Majestie.'[134] This parallels the separate paper used in Edinburgh for the October 1637 petition, indicating a desire to record support from members of an ideological group without submitting the names. As king of England, James maintained his dislike of collective petitioning, receiving individual petitions for grace through his Masters of Request but quashing approaches by groups of tenants.[135] After the 1637 supplications in Scotland, the 1641 'Root and Branch'

petition to the English House of Commons gathered c.15,000 signatures 'in and about the City of London and severall counties'.[136]

Participative petitioning has been identified as a key development in the composite British kingdom, contributing over the long run to a shift towards a majoritarian mindset. Recognising that inclusive subscription was unusual and could be dangerous, this chapter has identified the conditions that led to Scotland's first substantial episode of subscriptional petitioning in 1637. Avoiding a triumphalist tale about the invention of modern petitioning, this analysis has taken a longer view to show tentative and uneven subscriptional activity shaped by fear of punishment. The gathering of hands in Scotland did not evolve steadily with rising literacy, but advanced and retreated as actors made pragmatic decisions about leverage and risk in a context of intense political conflict. When opinions were divided, subscription could rally support and imply consensus; yet subscription could only be pursued if petitioners felt enough safety in numbers to record their names, whether by their own hand or a notary, or were willing to take a personal risk for their convictions. These findings establish an agenda for further research on when and how large-scale participative subscription appeared and became normative across early modern Europe. At a time when online petitioning makes it easy for today's citizens to put their names on petitions, histories of early modern petitioning remind us that these practices emerged with difficulty and remain dependent on modern rights allowing names to be recorded on petitions without fear.[137]

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Notes

1. Huzzey, 'Contesting Interests', pp. 1–17; Miller, '"Petition! Petition!! Petition!!!"', pp. 43–61.
2. Connolly, 'Petitioning in the Ancient World', pp. 47–63. As an example, tenant petitions preserved in the Breadalbane papers were often unsigned. National Records of Scotland (hereafter NRS), GD112/11, Petitions from Tenants and Related Papers, 1716–1862.

3. Burke, *Social History of Knowledge*, p. 119; *Register of the Privy Council of Scotland* (hereafter *RPCS*) ser. 1, vol. iii, 349.
4. Medieval petitions were initialled by the Pope, while Britain's Charles II delegated his signature to his Master of Requests. Zutshi, 'Petitions to the Pope', pp. 89, 93; Dabhoiwala, 'Writing Petitions', p. 132.
5. Würgler, 'Humble Petitions', pp. 32–3.
6. Brown, *Records of the Parliaments of Scotland to 1707* (hereafter *RPS*), www.rps.ac.uk, A1560/8/2, 1 August 1560; Brown, 'The Reformation Parliament', pp. 212–5, 218–9.
7. Macdonald, 'Neither Inside nor Outside', p. 296.
8. Finlay, 'The Petition in the Court of Session', p. 348.
9. See Chapter 9 in this volume and Dabhoiwala, 'Writing Petitions', p. 135.
10. A selection includes Kümin and Würgler, 'Petitions, Gravamina and the Early Modern State', pp. 39–60; Zaret, *Origins of Democratic Culture*; Hoyle, 'Petitioning as Popular Politics', pp. 365–89; Te Brake, 'Petitions, Contentious Politics and Revolution', pp. 17–28; Whiting, *Women and Petitioning*; Vallance, *Loyalty, Memory and Public Opinion*; Bowie and Munck, *Early Modern Petitioning*.
11. Almbjär, 'The Problem with Early Modern Petitions', p. 1029; van Nierop, 'A Beggars' Banquet', pp. 419–20.
12. Whiting, *Women and Petitioning*, p. 2.
13. Zaret, *Origins of Democratic Culture*; Whiting, *Women and Petitioning*; Vallance, *Loyalty, Memory and Public Opinion*, ch. 1; Stewart, *Rethinking the Scottish Revolution*, ch. 1, 6; Bowie, *Public Opinion*, ch. 2.
14. Zaret, *Origins of Democratic Culture*; Peacey, *Print and Public Politics*, ch. 8, 11. See also Reinders, '"The Citizens Come from All Cities with Petitions"', pp. 97–118.
15. The literature on episodes of political petitioning in the century of regal union is substantial. Examples include Maltby, *Prayer Book and People*, ch. 3, 5; Walter, 'Confessional Politics', pp. 677–701; Carlin, *Regicide or Revolution?*; Knights, 'London's "Monster" Petition', pp. 39–67; Loft, 'Involving the Public', pp. 1–23; Bowie, *Addresses Against Incorporating Union*.
16. Dabhoiwala, 'Writing Petitions', p. 143.
17. Knights, *Representation*, ch. 3.
18. Spottiswoode, *History*, ii. 416–7.
19. Brown, 'Toward Political Participation and Capacity', pp. 1–33.
20. Zaret, *Origins of Democratic Culture*, pp. 257–65.
21. Hoffmann, 'The Language of Religious Conflict', p. 76.
22. Würgler, 'Humble Petitions', pp. 17–18; Zutshi, 'Petitions to the Pope', p. 92; Connolly, 'Petitioning in the Ancient World', p. 56.
23. Hoppit, 'Petitions, Economic Legislation and Interest Groups', p. 55 n.12.
24. Dawson, *Scotland Re-Formed*, p. 231.
25. Calderwood, *History*, v. 567.
26. Sanderson, *A Kindly Place*, p. 135; Daybell, *The Material Letter*, pp. 91, 95.
27. *RPS* 1540/12/16, 1540/12/18, 10 December 1540.
28. *RPS* 1579/10/33, 10 November 1579; 1584/5/85, 22 August 1584.
29. Wormald, *Lords and Men*, pp. 69–70.
30. Houston, 'The Literacy Myth?', p. 86.
31. Sanderson, *A Kindly Place*, pp. 137–8.
32. James VI, *Ane Short and General Confession*; Thomson, *Acts and Proceedings*, ii. 512, 515–18, 526–7; Calderwood, *History*, iii. 501–6; Hewison, *The Covenanters*, p. 103.
33. NRS, CH2/472/1, Kinghorn Church Session Records, pp. 249–258; McDougall, 'Covenants and Covenanters', p. 57.
34. Thomson, *Acts and Proceedings*, ii. 724.
35. National Library of Scotland (hereafter NLS), MS Gray 753.
36. James VI, *The Confession of Faith; RPCS* ser. 1, vol. iv, 463–7; Calderwood, *History*, v. 45–52, 87, 89–91; Thomson, *Acts and Proceedings*, ii. 756–61.
37. Kinloch, *Diary of Mr. James Melville*, 49, 95.
38. Kirk, *Second Book of Discipline*, pp. 57–8, 124–30, 164–72; Thomson, *Acts and Proceedings*, ii. 773.
39. *RPS* 1584/5/75, 22 August 1584.

40. MacDonald, 'The Subscription Crisis', pp. 222–39, 254; Donaldson, 'Scottish Presbyterian Exiles', p. 69.
41. Calderwood, *History*, v. 453–61.
42. Calderwood, *History*, v. 456–9.
43. Calderwood, *History*, v. 461.
44. MacDonald, *Jacobean Church*, pp. 67–8; Scot, *Apologetical Narration*, pp. 72–5; Calderwood, *History*, v. 460–1, 476–80.
45. Spottiswoode, *History of the Church of Scotland*, iii. 17.
46. The subscription of obedience was ratified by a convention of estates on 6 January. Some resistance was shown with manuscript papers urging clerics not to sign and motions by local church courts declaring it unlawful. Goodare, 'The Attempted Scottish Coup', pp. 311–36; Goodare, 'How Archbishop Spottiswoode Became an Episcopalian', pp. 89–93; MacDonald, *Jacobean Church*, pp. 80–1; *RPS* A1596/12/13/1, 13 December 1596, A1597/1/6/2, 6 January 1597; Spottiswoode, *History*, iii. 15–17, 21–2, 26, 47; Calderwood, *History*, v. 462–3, 486, 500–1, 510–3, 522–34, 536–7, 579.
47. MacDonald, *Jacobean Church*, chs. 5–6; Calderwood, *History*, vi. 495–6; *RPCS* ser. 1, vol. vii. 374–5.
48. Thomson, *Acts and Proceedings*, iii. 947.
49. Bowie and Raffe, 'Politics, the People and Extra-Institutional Participation', 801–5; Bowie, *Public Opinion*, ch. 1. See also Walter, *Covenanting Citizens*.
50. Calderwood, *History*, v. 697–99, 701–2.
51. Calderwood, *History*, vi. 264–8, 557–8; Row, *History*, p. 224; Lee Jr., 'James VI's Government', p. 45.
52. Calderwood, *History*, vi. 279–88.
53. Calderwood, *History*, vi. 485–91.
54. Calderwood, *History*, vi. 491, 494.
55. King, '"Your Best and Maist Faithfull Subjects"', pp. 17–30; Kirk, 'Melville, James'.
56. MacDonald, *Jacobean Church*, 144.
57. Calderwood, *History*, vii. 252–6; Row, *History*, p. 310.
58. Calderwood, *History*, vii. 253–6.
59. Calderwood, *History*, vii. 253.
60. Spottiswoode, *History*, iii. 247; Row, *History*, pp. 311–13.
61. Goodare, 'The Scottish Parliament of 1621', pp. 29–51.
62. Spinks, 'The Emergence of a Reformed Worship Tradition', pp. 266–70; Stewart, 'The Political Repercussions', pp. 1013–36; Mackay, 'The Reception Given to the Five Articles of Perth', pp. 185–201.
63. Calderwood, *History*, vii. 464–5, 485–7, 507; Row, *History*, p. 329.
64. *Grievances Given in by the Ministers*, pp. 3–4, 9–10; Haig, *Historical Works*, ii. 207, 215–6.
65. The act placed clerical dress under the royal prerogative, stating that a royal letter on clerical dress could have the force of law. *RPS* 1633/6/18-19, 28 June 1633.
66. Bonar, *Letters of Samuel Rutherford*, ii. 142–3.
67. Row, *History*, pp. 364–6.
68. The petition was drafted by the lawyer William Haig. Row, *History*, pp. 375–82; Howell, *Complete Collection*, pp. 596–608, 629.
69. Inglis, 'Sir John Hay', p. 135.
70. 'National Petition'; Fleming, 'Scotland's Supplication'; Ogilvie, *The Kirkcudbright Petition*.
71. Stevenson, *Scottish Revolution*, pp. 64–79; Macinnes, *Charles I*, pp. 158–66; Stewart, *Rethinking the Scottish Revolution*, pp. 64–70.
72. *Grievances Given in by the Ministers*, p. 31.
73. This also betrayed promises made in 1621 (to aid the ratification of the Articles of Perth) that there would be no further amendments to Scottish worship. *Grievances Given in by the Ministers*, p. 29.
74. James, '"I Was No 'Master of This Work"', pp. 506–25; Donaldson, *Making of the Scottish Prayer Book*, ch. 3; Laing, *Letters and Journals*, pp. 1–2; Bonar, *Letters of Samuel Rutherford*, i, 69.
75. Laing, *Letters and Journals*, pp. 4, 17.
76. Laing, *Letters and Journals*, p. 18; Macinnes, *Charles I*, pp. 159–60; Stewart, *Rethinking the Scottish Revolution*, pp. 56–62.
77. *RPCS* ser. 2, vol. vi, 521.
78. Laing, *Letters and Journals*, pp. 20–1.

79. Leslie, *Relation of Proceedings*, p. 3.
80. Leslie, *Relation of Proceedings*, pp. 5–6, 45–7; Tweedie, *Select Biographies*, i. 159; Laing, *Letters and Journals*, p. 19.
81. Leslie, *Relation of Proceedings*, p. 7; Laing, *Letters and Journals*, pp. 9–20, 450–1.
82. *RPCS* ser. 2, vol. vi, 521; NRS, Privy Council Acta PC1/37, p. 232.
83. Leslie, *Relation of Proceedings*, p. 6.
84. Leslie, *Relation of Proceedings*, pp. 4, 7; Laing, *Letters and Journals*, pp. 22–3; Inglis, 'Sir John Hay', p. 136.
85. Leslie, *Relation of Proceedings*, 8, 48; *RPCS* ser. 2, vol. vi, 700–9, 714–15; NRS, Privy Council Papers Second Series PC11/6B, pp. 290–335 (excluding 333). I thank Max Hunter for photographing these petitions in the NRS during the Covid-19 pandemic.
86. Laing, *Letters and Journals*, pp. 13–15, 21; Stewart, *Rethinking the Scottish Revolution*, pp. 66–8.
87. Renwick, *Extracts from the Records of the Burgh of Stirling*, p. 177.
88. NRS, PC11/6B, p. 292; *RPCS* ser. 2, vol. vi, 700–1.
89. NRS, PC11/6B, p. 326; *RPCS* ser. 2, vol. vi, 707.
90. NRS, PC11/6B, pp. 331–2, 334–5; *RPCS* ser. 2, vol. vi, 707–9, 714–15.
91. NRS, PC11/6B, pp. 299, 304, 308, 309, 313, 321; *RPCS* ser. 2, vol. vi, 701–7.
92. NRS, PC11/6B, 289; *RPCS* ser. 2, vol. vi, 699–700.
93. Leslie, *Relation of Proceedings*, p. 8; Laing, *Letters and Journals*, pp. 22, 33.
94. Leslie, *Relation of Proceedings*, p. 9. Traquair was approached because of his stature in Charles' Scottish government, exercising what was described as 'the most absolute sovereigntie that any subject among us this fourtie years did kyth'. Robert Baillie expressed the hope that Traquair would be 'moved to remonstrate to the King the countrie's grievances at the Bishops proceedings'. Laing, *Letters and Journals*, pp. 6–8.
95. Leslie, *Relation of Proceedings*, pp. 9–10, 47–8; *RPCS* ser. 2, vol. vi, 528–9, 699.
96. Leslie, *Relation of Proceedings*, pp. 12, 14; *RPCS* ser. 2, vol. vi, 534, 536–8; Fleming, 'Scotland's Supplication', pp. 369–70, 378.
97. Laing, *Letters and Journals*, pp. 22–23, 37; Inglis, 'Sir John Hay', p. 137. A petition from 'we, men, women, and chil|dren, and servants, Indwellers within the Burgh of Edinburgh' and 'we Burgesses' was reprinted in [Balquanhall], *Large Declaration*, pp. 42–3.
98. Stevenson, *Scottish Revolution*, p. 73; Fleming, 'Scotland's Supplication', pp. 373–8; Leslie, *Relation of Proceedings*, p. 19; Laing, *Letters and Journals*, p. 35.
99. Leslie, *Relation of Proceedings*, p. 19.
100. MacDonald, 'Neither Inside nor Outside', pp. 296–7. In Scotland, formal complaints were brought by bills, supplications and petitions. 'Bill, n.1', 'Complaint, n.', *Dictionaries of the Scots Language*, https://dsl.ac.uk/entry/dost/bill_n_1, https://dsl.ac.uk/entry/dost/complaint_n (accessed 26 April 2023). For examples of bills of complaint in England, see Stretton, *Marital Litigation*.
101. Leslie, *Relation of Proceedings*, pp. 49–50.
102. 'National Petition', p. 243.
103. Laing, *Letters and Journals*, p. 35.
104. Leslie, *Relation of Proceedings*, p. 19.
105. *RPCS* ser. 2, vol. vi, 542.
106. Leslie, *Relation of Proceedings*, pp. 16–17, 20.
107. Charles objected to the September petitions and his response prevented the Privy Council from accepting the October petition and letter. The signed copy of the October petition was provided to The National Archives in 1925 and filed as PC15/10. A facsimile was provided to the National Library of Scotland (J.138.2). Fleming, 'Scotland's Supplication', p. 314.
108. Fleming, 'Scotland's Supplication', pp. 376–7; Leslie, *Relation of Proceedings*, p. 21.
109. *RPCS* ser. 2, vol. vi, 709–15; Ogilvie, *The Kirkcudbright Petition*.
110. Stevenson, Scottish Revolution, p. 71 n.66; Macinnes, *Charles I*, p. 166; Stewart, *Rethinking the Scottish Revolution*, p. 69.
111. Alongside minor copying errors, the opening line refers to the 'preservatioun' rather than the 'goode' of Charles' ancient and native kingdom. The note from the Edinburgh parchment explaining why signatures were gathered is not included.
112. Ogilvie, *The Kirkcudbright Petition*, p. 2.
113. *RPCS* ser. 2, vol. vi, 700–8; NRS, PC11/6B, p. 333.

114. Robert Murray in Balmaclellan, Hew McGhie in Balmaghie, Peter Primrose in Crossmichael, John Dickson in Kells, James Irving in Parton, David Leitch in Rerrick, John Broune in Twynholm and Kirkchrist and William Dalgleish in Kirkmabreck and Kirkdale.
115. Scott, *Fasti Ecclesiae Scoticanae*, ii. 367, 398, 414, 416, 425.
116. Macinnes, *Charles I*, p. 155.
117. Bonar, *Letters of Samuel Rutherford*, i. 48–9, 50, 57, 94, 117, 132, 139, 148, 175, 324–9, 454.
118. Bonar, *Letters of Samuel Rutherford*, ii. 140.
119. NRS, GD112/39/64/9 Margaret Douglas, Lady Lorne, to Sir Colin Campbell of Glenorchy, 13 Nov. 1637. Macinnes confirms Margaret Douglas' active role in managing the Argyll estates and interest. Macinnes, *British Confederate*, p. 188.
120. NRS, GD112/39/64/13, Archibald Campbell of Glencarradale to Sir Colin Campbell of Glenorchy, 4 Dec. 1637.
121. NRS, GD112/39/64/7, Archibald Campbell of Glencarradale to Sir Colin Campbell of Glenorchy, 10 Nov. 1637.
122. Stevenson, *Scottish Revolution*, pp. 74–5; Macinnes, *British Confederate*, pp. 150–2, 156–8.
123. Macinnes, *British Confederate*, pp. 148–52; Fleming, 'Scotland's Supplication', p. 377.
124. NRS, GD112/39/65/2, George Campbell to John Campbell, fiar of Glenfalloch, 20 Jan. 1638.
125. Stevenson, *Scottish Revolution*, pp. 75–6.
126. Laing, *Letters and Journals*, pp. 40, 42, 44–5; Leslie, *Relation of Proceedings*, 36–7.
127. NRS, GD112/39/64/17, Archibald Campbell of Glencarradale to Sir Colin Campbell of Glenorchy, 18 Dec. 1637.
128. The presbytery of Kirkcudbright petition may have been submitted at this juncture.
129. *RPCS* ser. 2, vol. vi, 553–4; Laing, *Letters and Journals*, 40–1, 45–6; Leslie, *Relation of Proceedings*, 23, 37–40.
130. Bursell, 'Clerical Declaration of Assent', pp. 165–6; Craig, 'Growth of English Puritanism', p. 41; Cressy, 'Binding the Nation', pp. 217–34.
131. Peel, *Seconde Parte of a Register*, i. 157–60, 224–7.
132. See Chapters 8 and 9 in this volume.
133. Calderwood, *History*, vi. 220.
134. *The Answere of the Vicechancellor*, [7]; Craig, 'Hampton Court Again', pp. 46–70.
135. Hoyle, 'The Masters of Requests', p. 555.
136. *First and Large Petition*.
137. Constitutional rights to petition the monarch without fear of imprisonment were established in Scotland and England through their 1689 Revolution settlements, though the extent of this right continued to be contested. Bowie, 'From Customary to Constitutional Right', pp. 279–92; Knights, '"The Lowest Degree of Freedom"', pp. 18–34.

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6

‘For the dead Fathers sake’? Orphans, petitions and the British Civil Wars, 1647–1679

Imogen Peck

Orphanhood – the loss of one’s parents or parent, generally a father – was commonplace in early modern England.[1] Estimates by Peter Laslett and Ralph Houlbrooke suggest that somewhere between 20 and 50 per cent of children could expect at least one parent to die before they reached maturity.[2] The outbreak of Civil War in 1642 undoubtedly led to a marked increase in the number of children deprived of a parent, often at a relatively young age. The pitiful cries of fatherless children were a mainstay in the print produced by both sides, featuring alongside desolated towns and weeping widows as evidence of the cruelty of the enemy and the hardships wrought by war. Early modern conceptions of the state as a family – and families as a microcosm of the state – ensured that these accounts of orphanhood often performed political as well as descriptive or demographic work. Many of the king’s opponents drew uncomfortable parallels between Charles’ role as father of the nation and the rather unfatherly act of waging war on his own people, while in the years after the regicide Royalists frequently referred to Britain as an ‘Orphan’ nation deprived of its head, its people as ‘fatherless Infants’.[3] Indeed, the spectre of families unmoored from the authority of their male figureheads was itself a source of some anxiety, and was tied to broader concerns about the disruption of patriarchal structures both within the household and beyond. The pamphlet *Study to be Quiet: or, A Short View of the Miseries of Warre* (1647), for example, lumped fatherless children in with sons who ‘feare[d] not’ their fathers and servants indifferent to the authority of their masters as one of the undesirable consequences of war.[4]

This chapter looks beyond the representation of war orphans in printed material to explore the experiences, treatment and petitionary strategies deployed by, or on the behalf of, bereaved children and the implications that this has for our understanding of early modern petitioning, both within the Civil War period and beyond.

In recent years, there has been renewed scholarly interest in the impact of the Civil Wars on the lives of combatants and the civilian population more broadly. At the forefront of much of this work have been studies of petitions. The products of structured legal and administrative proceedings, produced for figures of authority, and penned not by claimants themselves but by scribes and other third parties, petitions may initially appear unpromising sources for those interested in the voices and experiences of ordinary men and women. However, over the last two decades historians have demonstrated that when approached with appropriate caution, these documents can be used to shed light on a wide range of subjects, from poverty and poor relief to early modern memory and attitudes to alehouses.[5] In the context of the Civil Wars, historians have focused on the petitions presented by injured servicemen and war widows in response to a series of acts and ordinances that sought to provide relief for 'maimed soldiers and mariners, and the widows and orphans of such as have died … during these late wars'.[6] Eric Gruber von Arni and David Appleby have provided detailed accounts of the petitions presented by, and relief afforded to, maimed soldiers, while Geoffrey Hudson, Hannah Worthen, Stewart Beale, Andrea Button and Andrew Hopper have analysed the treatment of war widows by both local and national authorities.[7] Yet despite their relative abundance in English society – and their inclusion within the compass of the various acts and ordinances that aimed to provide for soldiers and their dependents – the petitions of war orphans have received surprisingly little scholarly attention. At most, they have been included as a sub-category within discussions of war widows' petitions, which, as Hopper and Worthen have demonstrated, frequently included references to a woman's 'charge' of fatherless children as part of their claim.[8] Some children, however, found themselves with no living parent, and in this situation requests pertaining to war orphans were also presented by their extended family, neighbours and, in some cases, even the children themselves.

Drawing on petitions presented to local quarter sessions from across England and Wales, this chapter explores the relief provided to, and petitioning strategies deployed by and on the behalf of, Civil War orphans between the passage of the 1647 ordinance and the lapse of its Restoration equivalent in 1679.[9] It demonstrates the ways in which

existing petitioning strategies and conventions intersected with, and were reshaped by, the experience of conflict, as well as the ambiguous, contested status of war orphans as a particular category of claimant. This was an uncertainty which derived, at least in part, from novel understandings of merit, desert and official responsibility fostered by the experience of civil conflict and the changing relationship that the wars engendered between the state and its citizens. It also reveals the enduring, intergenerational impact of the wars on the lives of soldiers' families and the crucial role that petitioning played in forging and reinforcing partisan identities that were rooted in the experience of conflict, entrenching wartime divisions across generations.

The dearth of literature on orphans' petitions reflects the neglect of children's wartime experiences during the early modern period more broadly. In a recent special collection dedicated to this subject, Katie Barclay, Diane Hall and Dolly MacKinnon noted that 'children and young people, as categories of analysis in their own right, have not featured extensively in the literature on early modern civilians and war'.[10] This is particularly true of poor children, whose experiences are unlikely to be recorded in the letters, autobiographies and other manuscript reflections generally produced by a literate and educated elite. In her own contribution to the collection, MacKinnon revisited several well-known printed sources in order to reconstruct the wartime experiences of young people – but, as she acknowledged, her subjects do not include orphans or other children subjected to parish or institutional care.[11] Meanwhile, Ismini Pells has drawn attention to the frequency with which children were engaged in military activities and the ways the figure of the child was politicised in wartime rhetoric.[12] This chapter builds on these efforts to put the child back 'in' to the history of early modern war by focusing on the treatment and care of a group who were perhaps among the very worst affected: poor orphaned children. It contends that even these children might have some grasp of the petitioning process and its requirements, emphasising the centrality of petitioning to the lives and experiences, not just of men and women from across the social spectrum, but of children too. Further, by taking children seriously as potential agents in the petitioning process, it suggests the potential of a history of petitioning that centres on the experiences of children themselves, opening up new avenues for research in the history of petitioning more broadly.

The first section of this chapter outlines the legislative framework that governed the provision of relief for war orphans and makes some introductory comments about the nature and extent of the petitionary activity that these engendered. Owing to the age of the children involved,

the vast majority of petitions by or on the behalf of orphans – though, as we shall see, by no means all – were presented during the 1650s, and sections two to four focus on the requests made by three different types of petitioner during this period: war widows; extended family and other adults; and children themselves. Comparing these requests reveals the contrasting ways cases for relief and notions of desert were constructed and interpreted, as well as the strategies that people deployed to negotiate what was often a significant degree of ambiguity over the legislative position of war orphans. The section focusing specifically on children's petitions, meanwhile, explores the ways these requests problematise our understanding of petitionary processes and suggests that these materials may be a fruitful, but to date overlooked, source for historians seeking the voices of non-elite children during the early modern period. The final section explores orphan petitions presented after the Restoration, demonstrating that, for some children, their identity as a war orphan was one that endured into adulthood. Petitions and petitionary activity were central to this process. They were a tool that simultaneously forged and offered subjects an opportunity to articulate children's identity as war orphans, transforming poor, fatherless infants into sufferers for the Parliamentarian or Royalist cause and perpetuating partisan divisions across generations.

Approaches to orphans in Civil War England

The experience of Civil War shaped – and, in some cases, broadened – what it meant to be an orphan. In his book of meditations, *Good Thoughts in Worse Times* (1647), the clergyman Thomas Fuller observed that many parents 'which otherwise would have been loving *Pelicans*' were, by these 'unnaturall Warres', 'forced to be *Ostridges* to their own children', a comparison which drew on the long-standing symbolism of the pelican as a bird that nurtured its young with its own blood and biblical references to the rather less accomplished parenting skills of the ostrich, who was liable to leave her eggs to be trampled in the dust.[13] 'I am confident', Fuller wrote, 'that these *Orphanes* (So may I call them whilst their Parents are a live) shall be comfortably provided for'.[14] For Fuller, the circumstances of war extended what it meant to be an orphan to include those children who found themselves facing abandonment or hardship, even if their parents were not, technically, dead. Such linguistic flexibility can also be found in some petitions, if not in the legislation that sought to provide for the children of deceased servicemen (in this respect, Fuller's

apparent confidence was misplaced). In 1652, Jenett Cordox applied to the Lancashire quarter sessions for help caring for two 'Naked starved and almost famished' infants, the children of Parliamentarian soldier John Goose.[15] Though Goose was in fact away on service in Scotland rather than dead, the fact that Cordox's petition referred to the children as 'Orphants' points to the sometimes-blurry line between extended absence and oblivion as well as the potentially strategic co-option of the language of orphanhood to engender official sympathy.[16] While this chapter focuses exclusively on children whose parent(s) were purported to be dead rather than absent, this distinction was not always altogether clear-cut, or easy to determine, for those left behind.

Though not everyone shared Fuller and Cordox's expansive use of the term orphan, there was widespread consensus that more needed to be done to care for the children of those slain in service. In a sermon delivered to the House of Lords in 1644, Edmund Staunton referred to 'widows and orphans made so by the warres' as a special category of the bereaved: 'sword widows, and sword orphans'.[17] These 'sword orphans' were the product of the Parliamentarian war effort and, as a result, Staunton argued that they were owed a degree of financial relief. Throughout the 1640s, there were repeated calls for the authorities to offer additional assistance to the war's child victims, with many authors and preachers appealing to biblical passages that emphasised the divine punishments meted out to those who oppressed widows and orphans.[18]

Under the terms of the Elizabethan Poor Laws, the care of orphaned children was the responsibility of lineal kin, and, failing that, of the parish and parish officers. This was supplemented in some areas, most notably London, by Courts of Orphans which administered the estates of, and appointed guardians for, the children of deceased freemen.[19] However, as the wars intensified and the death toll began to rise, Parliament recognised the need to provide additional support – though, as this chapter will show, these earlier, established expectations cast a long shadow over the way requests on the behalf of orphan children were presented and received throughout the 1650s and 1660s. In October 1642, Parliament issued an ordinance for 'maintenance to be given to the wives and children of those that are killed', as well as to injured Parliamentarian soldiers, to be raised and distributed by local parishes.[20] The following year, they established another collection for the same purpose, to be administered more centrally via the Cordwainers' Hall in London.[21] This patchwork of parish and centralised provision formed the backbone of the Parliamentarian relief system until 1647, when, under rising pressure from the army, they issued a new ordinance. This stipulated that maimed

Parliamentarian soldiers, and the widows and children of men killed in Parliament's service, who were unable to maintain themselves could apply to the justices of the peace at their local quarter sessions for financial relief.[22] While widows and orphans were still expected to be held in special regard by the parish, this encouraged justices to provide further assistance from county funds when this was deemed necessary. Priority, however, was to be given to injured soldiers, with payments for widows and orphans to be granted from any surplus that was left after pensions to veterans had been paid. In 1651, a similar act sought to provide relief for the families of those killed fighting in Scotland and Ireland.[23]

The Parliamentarian acts and ordinances stipulated that only the dependents of men killed fighting for Parliament or the Commonwealth state were entitled to apply. After the Restoration, however, the tables were turned. Constitutionally, the clock was set back to 1641 and across the country Parliamentarian soldiers, widows and orphans were stripped of their pensions.[24] Royalist supporters, denied assistance under the previous regimes, were quick to express their hopes that services for the king would finally be rewarded. Once again, the language of orphanhood was central to how these appeals were expressed. When the Irish poet Francis Synge penned a tract which celebrated Charles II's restoration and the appointment of James Butler, Duke of Ormond, as lord lieutenant of Ireland, he declared his confidence that they would not 'let Loyalty, like a neglected Orphan, languish in a Corner'.[25] In 1661, an anonymous pamphlet, *An humble representation of the said condition of many of the king's parties*, outlined a series of proposals on the behalf of long-standing Royalists. This included the request that 'Children of such, as have been sacrificed, Or dyed in the bed of honour, and in memorable Action, for his Majesty' may 'reap the fruits of their Fathers Martyrdome', a turn of phrase that elided the death of their Royalist parents with the execution of Charles I, the Royal martyr.[26] In 1662, the Cavalier Parliament passed an act which was essentially a mirror image of the 1647 legislation: any injured Royalist soldiers, their widows and orphans in need were now entitled to apply to their local quarter sessions for a pension.[27]

It is perhaps worth noting at this point that although the orphans of deceased servicemen were explicitly included in all the various acts outlined above, petitions by or pertaining to orphans independent of either parent are significantly scarcer than requests by either war widows or maimed soldiers. In Lancashire, for example, I have identified fewer than a dozen petitions by, or on the behalf of, war orphans specifically between 1647 and 1670, but several hundred by war widows and maimed soldiers. The picture is similar in Cheshire, where I have identified 11

orphan petitions for the same period. These figures echo Stewart Beale's findings from the Midlands, where surviving petitions and payments indicate that orphans petitioned for and received relief far less frequently than either widows or soldiers.[28] This disparity can be attributed, at least in part, to the fact that the loss of *both* parents – including a widowed mother who might then petition on her own and her children's behalf – was significantly less common than the loss of a father alone. But it also reflects the enduring expectation, established under the Poor Laws, that orphan children were the responsibility of any surviving lineal kin, the parish and, only as a very last resort, the county authorities, who would generally compel parishes to act rather than distribute relief from their own stocks. Indeed, in spite of their rhetorical power, one recurring theme in this chapter is the apparent reluctance of some cash-strapped local officials to acknowledge war orphans as an independent category of claimant, one whose entitlements derived not just from their own need but from their parents' actions which had placed new and enduring obligations of care upon the state. Should the benefits attached to loyal service be, as the author of *An humble representation* clearly believed, 'transmitted to posterity'?[29] Or, in an age of widespread orphandom and limited resources, was it unreasonable for sword orphans to expect to inherit special, intergenerational rewards for the actions of their fathers over and above those provided to all poor parentless children? It was the ongoing negotiations and uncertainties over the answers to these questions, as well as the degree of spare cash available in parish and county stocks, that shaped the way war orphans' petitions were presented, and their subjects treated, throughout the period.

Widows' petitions

Of the petitions presented on the behalf of war orphans, by far the most prevalent were those produced by war widows, in which women regularly referred not just to the number of dependent children that they had to support and their pitiful condition, but also to their status as war orphans entitled to relief under the terms of the 1647 ordinance.[30] In 1652, the Wiltshire widow Mary Birch recounted her husband's fate and the plight of her two small children, before closing her petition with an appeal to the 'Act of Parliam[en]t for the reliefe of poore widowes and Orphans whose fathers and husbands have lost theire lives in the states service'.[31] The same year, Jane Houndwell concluded her account of the 'sad and miserable Condicon' of her children with a request that they should be

relived according to the 'Act or Ordinance of parliam[en]t for Releife of Widdows and Orphans', while the Staffordshire widow Margaret Nicholls asked for assistance 'as the lawe alloweth for such widowes and Orphans'.[32] The terms of the 1647 ordinance made provision for 'widows *and* orphans', and women used references to their poor, fatherless children to establish their eligibility on both fronts, as well as to elicit sympathy and, ultimately, sufficient money for their plight. Indeed, in some areas, there is evidence which suggests that the payment of pensions to war widows was directly based on the needs of their children. In the West Riding of Yorkshire, for example, some women were granted pensions to be paid until their youngest child was seven years old – seven being the age that poor children could usually expect to be apprenticed, and therefore removed from their mother's care.[33] In other cases, widows who petitioned on the behalf of the family unit were awarded multiple payments rather than a single sum, a decision which recognised their individual, as opposed to collective, entitlements. For example, when Anne Haywood applied to the Cheshire quarter sessions for a widow's pension in 1651, she relayed her own need and that of her four fatherless children. She was granted a gratuity, with 10s. allotted for herself, and a further 10s. for each child.[34]

In an unusual case from 1653 the widow Mary Buckley, from Wrexham, lent on her children's entitlement as the mainstay of her claim. In her petition, Buckley explained that her husband Samuel had served for the Parliament, and that since his death she had been forced to pawn all her goods in an attempt to maintain her two small children. She concluded her request with an appeal to the justices to provide 'all lawfull favour as belongeth to poore fatherlesse Children' – her own entitlement as a widow, though implicit, was not explicitly mentioned.[35] When we compare this petition with another request that Buckley had presented four months earlier, this appears to have been something of a change in strategy. In her previous petition, Buckley had appealed to the 'lawfull favour that belongeth to poore distressed widdowes' – not poor, fatherless children – a very similar phrase, but a quite different emphasis, and in her account of her children she had dwelt not upon their poverty and pitiful orphan status, but upon the potential loss of their inheritance.[36]

Closer inspection of Buckley's petitions suggests why she may have made these changes. In a note at the bottom of her first petition the magistrate, Humphrey Mackworth, essentially dismissed Buckley's claims about inheritance as irrelevant and something she would need to sue for in the courts. He did however grant that she might be entitled to a pension, provided she was eligible under the terms of what he called 'the last

act for reliefe of souldiers widdowes' – not, note, soldiers' widows *and orphans*, an omission which, as the next section will show, was reflective of a more general ambivalence among some justices over the status of orphans as claimants, particularly when their requests were divorced from those of their widowed mothers. This proved to be something of a stumbling block, for though Samuel had fought for the Parliament, he had in fact died at home in Wrexham of an illness many months after his return.[37] By appealing to her children's entitlement, Buckley was attempting to shift the focus of her claim from her own – apparently contested – status as a war widow to the plight of her orphaned children. This strategy was not, ultimately, any more successful: her second request was dismissed, 'she being not w[i]thin the compasse of the act'.[38] Nevertheless, the change in emphasis between Buckley's two requests illustrates the tactical adjustments that some claimants made to their petitions in response to official feedback, as well as the assumption among petitioners that poor fatherless children might possess, first, their own entitlements distinct from those of their mother and, second, an emotive power that would strengthen their case. In his influential study of early modern poor relief, Steve Hindle has noted that orphans were generally regarded as 'legitimate objects of pity': by emphasising the condition of their children, then, widows attempted to combine this deep-rooted notion of desert with appeals to what they were owed as the families of men who had died for the Parliamentarian cause.[39]

Grandparents and guardians

Not all children who had lost a father in military service were lucky enough to have a surviving parent, however badly off, and in these cases their plight might be brought to the attention of the authorities either by more distant relatives or by members of the local community. Since the passage of the Elizabethan Poor Laws the care of orphaned children had been the responsibility of lineal kin, and, as a result, many petitions on the behalf of Civil War orphans were presented by grandparents who found themselves struggling to meet this additional burden. Poised between the long-standing provisions of the 1598 and 1601 acts and the new legislation of the 1640s and 1650s, these documents exhibit a curious intersection of established familial duties and petitioning conventions coupled with the emerging expectation that service for the state had engendered new entitlements. For example, in 1651 the elderly couple John and Ellin Hall petitioned the Cheshire quarter

sessions for an allowance for the 'motherles orphants' of their eldest son John, who had been killed fighting for the Parliament.[40] In many ways, their request was typical of petitions for poor relief throughout the seventeenth century. They emphasised their age, their inability to work and their extreme hardship. However, they also devoted considerable space to an account of their son's Civil War service, from his involvement at the siege of Nantwich under Major Malbon to his services in Ireland in Colonel Venables' regiment, emphasising that he had been 'ever firme to the Parliam[en]t'.[41] Though the Halls did not explicitly appeal to the Parliament's commitment to provide for war orphans, they clearly anticipated that their son's fidelity was an important part of their claim, a *de facto* condition of desert to be considered alongside the more traditional criteria of necessity and moral scruples.

While the duty to provide for a soldier's dependents was a latent theme of the Halls' request, other petitioners were rather more explicit. Take, for example, the petition of Raphe Ravenscroft from Middlewich in Cheshire, who in 1647 applied to his local quarter sessions for financial relief. Like the Halls, Ravenscroft and his wife were grandparents who had lost a son in the Parliament's service, leaving them with a small child to maintain: but, as Ravenscroft's request explained, their various disabilities, prolonged sickness and the loss of many of their goods during the wars had made this task increasingly difficult. Yet as well as emphasising their infirmity and need, Ravenscroft made a direct connection between the loss of the child's father in the service of the state and the duty to provide relief. He requested:

> that the fathers losse may be redeemed to the Child by a Compassionate regard of her maintaynance and education That the poore orphan younge and tender fatherlesse and friendlesse and helpless may not be cast uppon the world whereof could [i.e. cold] comfort can bee expected But that some allowance from the publique may bee allotted to sustayne his child who lost his life for the publique cause And this for the Lords sake.[42]

The statement at the end of the petition, supported by 19 of Ravenscroft's neighbours, expressed a similar sentiment. They called on the court to provide for the 'little orphane even for the dead Fathers sake who regarded nether father nor mother child nor life itself in comparison of the truth wh[i]ch he chearfully and resolutly sealed with his dearest blood'.[43] Ravenscroft's son had died for the 'publique cause', for 'truth' and for God, a sacrifice that placed a corresponding onus on the state's

local officials to provide for his dependents. Support was something that was owed, not just to the living child but to her deceased father – 'for the dead Fathers sake' – a duty not just to the living but also to the dead.

Petitioning on the cusp of the passage of the 1647 ordinance, legislative uncertainty perhaps made Ravenscroft and his neighbours unusually strident. Nevertheless, similar, if rather less evocative, appeals to the cause for which the child's deceased father had fought appeared in other petitions of this type. In 1651, a grandmother requested for assistance for her grandchild 'in the name of this poore friendlesse, fatherlesse and motherlesse orphant and for God's Cause', while another similar request closed with the words 'And this for Gods Love and zeale of Justice', a turn of phrase that evoked divine justice and the biblical duty to provide for orphans.[44] In sharp contrast to the petitions presented by war widows, none of the grandparents' petitions in this sample appealed directly to the acts and ordinances that sought to provide for soldiers' dependents, an absence which suggests a degree of uncertainty over their eligibility for money that was set aside for '*widows* and orphans', and which was perhaps compounded by the fact that prior to the Civil Wars – and if their parents had died any other way – the care of these orphaned children would have been principally their responsibility. As Brodie Waddell's contribution to this collection shows, popular legal knowledge shaped petitioning strategies. Widows displayed a nuanced grasp of the acts and ordinances which underpinned their entitlements, but legal knowledge also shaped the petitioning strategies deployed by other relatives, who were clearly aware of, and sought to navigate around, the expectations that were enshrined in earlier legislation.

Reluctance to appeal directly to their entitlement under the 1647 ordinance did not, however, deter petitioners from seeking to establish their own and their family's fidelity to the Parliament. Alongside his account of his deceased son's military service, Ravenscroft also included an account of his own experiences as a civilian who had been 'plund[e]red sundrie times … by the Cavaleers' and the services of his other son (who was not his grandchild's father) under Captain Cotton.[45] Similarly, Joane Burt from Somerset gave extensive details of the deaths of both her sons, the second of whom had been 'cruelly hanged … by the Enemy' at Bridgwater garrison, even though only one had left behind any offspring, while Matthew Bakewell explained to the sessions at Stafford that he had been 'spoiled of all that he had' when 'the towne was taken by the Queenes Armie'.[46] In part, these accounts of the petitioner's losses, both financial and familial, were efforts to buttress their claims for relief, emphasising their dearth of material resources, their lack of support and,

ultimately, their need. However, they also served to present these petitioners as loyal supporters who had suffered for the Parliamentarian cause and had sustained their losses and hardships at the hands of the Royalists (no petitioners referred to any losses inflicted by Parliamentarian forces). This reflects the contents of petitions presented by civilians for a wide range of other requests during the 1650s, which often attempted to construct political allegiance from actions which fell short of taking up arms. As I have argued elsewhere, this demonstrates the range of ways non-combatants might attempt to fashion fidelity and the perceived importance of doing so, even when one's allegiance had no bearing – in statute, at least – on one's entitlement.[47] Partisan divisions cast long shadows, and grandparents clearly believed that presenting themselves and their wider family as steadfast Parliamentarians was an important part of their claim, even though, in theory at least, it was only the actions of the child's *father* that were relevant.

Despite his best efforts, Raphe Ravenscroft and his granddaughter were denied money from the county stock. This was a common outcome for grandparents' petitions and those presented on behalf of orphans by kin and communities more generally. A note on the side of Ravenscroft's petition suggests that the court's decision was the result of an enduring attachment to earlier arrangements coupled with a degree of reluctance, among some justices at least, to acknowledge war orphans as a distinct category of claimant: it read 'if neither the grandfather or any freinds to p[ro]vide then the parish'.[48] I have already noted that the justice Humphrey Mackworth referred to the act 'for souldiers widdowes', omitting orphans, when he refused widow Buckley's request on behalf of her children.[49] Similarly, when in 1656 Thomas Burne, father-in-law of a recently deceased maimed soldier, applied to the Warwickshire sessions to have the pension transferred to the veteran's son the court refused, 'the money being p[ro]perly payable to souldiers and their widdowes'.[50] The 1647 acts referred to 'widows and orphans', and for the Warwickshire officials an orphan alone was insufficient to justify access to these funds.

The erasure of orphans as claimants was neither universal nor consistent across the country. In 1648, two orphans from the West Riding of Yorkshire were awarded a pension of 10s. per annum to be paid until they reached the age of seven.[51] Meanwhile, in Northamptonshire in 1659 the pension of deceased war widow Joane Willmot was successfully transferred to her children for three years.[52] Nevertheless, and in spite of some isolated examples of relative generosity – in 1655, for example, an orphan in Nottingham was in receipt of a pension of £2 per annum – the number and value of awards given to orphan children suggest that they were

generally near the bottom of the pile when it came to deciding how the finite amount of money for war victims should be allocated.[53] Payment orders for the West Riding of Yorkshire quarter sessions for 1648–9 and Cheshire quarter sessions for 1650, respectively (see Table 6.1), show that fewer payments and lower sums were granted to orphans than to widows or soldiers, and while inconsistent record-keeping and order book survival makes direct comparison difficult this picture appears to have been echoed across the country.[54] They certainly compared unfavourably with what a soldier might expect to pay for boarding offspring while away on military service, which could be as much as 48s. per year.[55]

Though many orphans clearly were taken on by lineal kin, however old and infirm, the petitions also illuminate occasions when the experience of Civil War disrupted family relationships and led to fractures that upended traditional expectations of kinship and obligation. The case of the Townend children was one such occasion. In 1658, William, Thomas and Jennett Townend, the three 'fatherless and motherless infants' of James Townend, from Preston, applied to the Lancashire quarter sessions for assistance.[56] The children's father, James Townend, had been a Parliamentarian soldier and since his death the children had found themselves in a 'poore destitute and miserable condicion'.[57] Luckily, the Townends had a grandfather who was an 'able rich man'.[58] Less fortunately, however, and as the children's petition explained, he had steadfastly refused to relieve them on account of his son's Parliamentarian allegiance. Even after death, political divisions within families could cause lasting rifts which might have significant implications for younger family members.

In the absence of lineal kin, children found themselves at the mercy of their neighbours, some of whom stepped forward to maintain them. The Staffordshire webster Thomas Wood, for example, apparently took in the 'helpless' and 'destitute' child of a Parliamentarian gunner simply out of 'tender comisseracon and pittie', though he was not 'anie Relation to it'.[59] Less laudable were the actions of the husbandman Thomas Yale, who was paid to look after the child of a soldier while he was away in Scotland. In 1652 the soldier was killed, at which point Yale applied to the courts asking for release from this burdensome, and increasingly unprofitable, obligation.[60]

More common than individuals who, like Wood, took children into their own homes at their own expense, were attempts to secure relief for orphaned children from local authorities. Typical in this respect was a petition brought before the Lancashire sessions by the inhabitants of Wigan on behalf of four parentless children. In their request, the

Table 6.1 Orders for new pension payments to war victims, West Riding of Yorkshire quarter sessions (1648–49) and Cheshire quarter sessions (1650)

	West Riding of Yorkshire *April 1648 sessions*			**West Riding of Yorkshire** *April 1649 sessions*			**Cheshire** *1650 sessions (all)*		
Type of claimant	**Maimed soldiers**	**War widows**	**War orphans**	**Maimed soldiers**	**War widows**	**War orphans**	**Maimed soldiers**	**War widows**	**War orphans**
Pensions awarded (sum per annum)	30s 20s 20s 40s 20s 30s 20s 20s 30s 30s £4 30s 30s 30s 30s 30s £4 10s 30s £2 £3 20s 10s 10s £2 10s £2 £2 10s	£2 30s 20s	10s 10s	£3 £2 10s £2 £3 £2 £2 £2 10s 30s 30s 30s £2 £2 30s 20s £2 £3 30s	£2 £2 £3 £2 20s 30s £2 £2 10s £2 £2 30s £2 £3	0	£2 13s 4d 40s 30s 50s	£3 40s 30s 50s 40s	0
Total	27	3	2	17	13	0	4	5	0
Average payment (nearest s.)	£1 13s	£1 10s	10s	£1 18s	£2 1s	0	£2 3s	£2 2s	0

Source: Based on data from the 'Civil War Petitions Project' online.

petitioners outlined the children's need and orphan status, as well as the absence of any kin that might provide for them and the fact they had been born in the town.[61] The reference to their birthplace reflected the requirements of the old Poor Laws, whereby each parish was responsible for its own settled poor. Often contested, the experience of war added yet another dimension to how debates over settlement – and thus who was

responsible for payments – might be determined. For example, in 1656 Edward Hunt applied to his local quarter sessions on behalf of James Roskell, a child of about seven, who had lost his father in the wars and his mother to illness. According to Hunt, Roskell's hometown of Hesketh Bank had failed to provide for him, leaving the child to 'wander uppe and downe begging for his liveing' and 'in danger of starveing'.[62] Both begging and starvation were common refrains in requests of this type and were used to emphasise the social problems poverty-stricken children created as well as their need.[63] Hunt's account, however, referred not just to the dire straits the children found themselves in, but also to the length of Roskell's habitation in Hesketh Bank – a long-standing marker of settled status – and the fact the child's father had been pressed into service for the town. Military recruitment was organised geographically, with soldiers pressed for their localities. Roskell senior's impressment, then, was supplied not just as evidence of his services for the Commonwealth, but also of his habitation in Hesketh Bank and their corresponding duty to maintain his orphan. Once again, long-standing petitioning strategies had acquired new dimensions in the context of war.

Children's petitions

Thus far, this chapter has been concerned with petitions by adults on behalf of orphaned children. Some requests, however, were presented and narrated by war orphans themselves. In 1655, the Cheshire quarter sessions considered the 'humble peticion of Henry Gravenor a poore distressed Infant', and in 1651 the same court received a request from 'Ellen Hancock of Middlewich … infant'.[64] In part, we might regard these attempts to present petitions as the children's own request as a tactical device. It was a way of emphasising the lack of support available from a child's family and friends by rendering them entirely absent from the visible material of the petitions – even if we might suspect that, like most petitioners, these children had probably received a significant amount of help and advice from other members of the community, not least the scribes who penned their requests.[65] They certainly knew a surprising amount about the actions and services of parents who had died while they were still in infancy. Henry Gravenor, for example, stated that his father had received 'many greivous wounds' in the Parliament's service and had been 'at the takeing of Beeston Castle by the Irish army slaine'.[66] Similarly, the petition of two 'Infants', John and Margerie Hall, stated that their father had been 'musketier under the Comand of Captaine

Elliott and Regiment of Colonell Hercules Hunkes; And for the space of two yeares afterwards faithfully and valiantly served in his Comand'.[67] In some cases, such specific knowledge may have been the result of the enduring bonds forged between a soldier's military comrades and his family. When in 1649 an orphan from Cheshire was awarded £3 to be bound out as an apprentice the money was paid by the county treasurer Humphry Bucklowe, not to the child, their neighbours or any parish officials, but to Colonel Croxton, who was not just an active member of the Cheshire bench but also the commander in whose service the child's father had died.[68] In other cases, however, a detailed account of a man's Civil War activities could be interpreted as further evidence that such requests, though they purported to be presented by children, were in fact the handiwork of adults who, as Lloyd Bowen demonstrates, generally understood the importance of supplying precise, verifiable details if a subject was to be successful in securing relief.[69]

Nevertheless, and in spite of the presence of what might appear to be suspiciously specific accounts of Civil War service, we should not be too quick to assume that these petitions were simply the strategic formulations of adults, entirely removed from the narratives and voices of the children themselves. In their influential studies of maimed soldiers' petitions, both Appleby and Stoyle have argued that since petitioners would have been expected to appear in court alongside their petitions, any documents that deviated too dramatically from the petitioner's own version of events would have proven problematic.[70] They have also drawn attention to what Lloyd Bowen terms 'unstable pronouns': the fact that some petitions moved from the third person to the first person, linguistic slips which suggest scribes were closely following the petitioner's oral testimony, in some cases word for word.[71] These slips from the more customary third-person into first-person narration are also present in some orphan petitions. For example, though the petition of the three Townend children began in the third person, halfway through this changed and the children started to refer to 'our father'.[72] At first glance, the presence of such slips in the petition of three 'infants' – traditionally understood as children under two – is perplexing.[73] Assuming these children were not prodigiously talented orators, does it suggest that moves from the third to first person are less reliable evidence of the relationship between a petitioner and their petition than historians have previously assumed? This is one troubling possibility.

However, closer inspection of the petitions also suggests another, rather more optimistic, interpretation. In the case of the Townend orphans, the content of their request shows that these children were

older than the term 'infant' might immediately imply: the eldest child was about ten, the youngest five.[74] Similarly, the father of the so-called 'Infant' Henry Gravenor was killed at the siege of Beeston Castle in 1644–5, meaning the very youngest he could possibly have been in 1655 was around nine or ten.[75] This was consistent with the use of the term 'infant' in some seventeenth-century legal discourse where it could be applied to any young person below the age of legal or financial consent.[76] If, as the cases above suggest, children who petitioned on their own behalf were often well beyond toddlerhood it is also possible that these narratives *were* based on, and guided by, the children's own accounts, just like those of adults. As such, they are a unique, and potentially very fruitful, source of the voices and experiences of children from lower orders that have to date been lacking from histories of childhood. While it would be naive to suggest that these petitions represent the unmediated words of young people, they are, at the least, 'hybrid' documents into which children might have had some considerable input, just as adults did.[77]

As Barclay et al. have noted, recent scholarship on the history of childhood has often sought to challenge the view of the child as a passive recipient of adult socialisation and to take seriously child agency, recognising children as actors in their own lives.[78] My contention that some children were perhaps more involved in the formulation of their petitions than we might initially expect supports this, and suggests that even poor, orphaned children had some grasp on the petitioning process, its conventions and narrative requirements. Recent work by Brodie Waddell has demonstrated that petitionary activity was central to the lives of early modern men and women from across the social spectrum.[79] To this, we might also add children, even poor orphaned children, whose requests are not necessarily best understood as simply the mouthpieces of strategically savvy adults.

Given that poor children aged seven and above could usually expect to be apprenticed, and thus supported by their employer rather than the state, it is perhaps unsurprising that the petitions of many child claimants referred to their inability to work. Frances Hughson, whose eyes had been damaged by an episode of smallpox, explained that her eyesight had become 'so tender and dimme' that she was 'altogether unable to do any thing towards her livelihood', Randle Kennerley that he was not 'of strength to gett his livinge'.[80] Meanwhile, Margaret Vawdrey claimed to be a 'weake impotent child altogather unable to gett her owne livinge and destitute of Frend or meanes to subsist'.[81] Yet though it was their inability to work as much as their absent parents that explained why these children now found themselves in need of financial

assistance, all three chose to open their petitions with detailed accounts of their deceased father's Civil War service.[82] Hughson, for example, described her father's death at 'York Battell' (i.e. Marston Moor) in Sir William Fairfax's regiment, while Vawdrey began with a narrative of her father's service for 'Kinge and Parliament' and his eventual demise at Hardin (otherwise known as Hawarden) Castle.[83] In so doing, they situated their personal misfortunes in the context of a broader national narrative, establishing their identity not just as poor, disabled children but also as Parliamentarian war orphans. Though none of these children appealed directly to the 1647 ordinance or 1651 act, their status as war victims was a crucial part of their narratives and suggests the extent to which the wartime activities of a child's parents were of ongoing import, imparting their children with an identity as war orphans and sufferers for the Parliamentarian cause. That none of the three petitioners above received a pension suggests that justices did not necessarily recognise, or reward, these children as victims of the Parliamentarian war effort.[84] For the children themselves, however, the services of their parents were a crucial part of their story.

Restoration requests

The enduring effect that the Civil Wars had on the lives and identities of soldiers' families is also evident in petitions presented by, or on the behalf of, orphaned children in the years following the Restoration. Under the terms of the 1647 and 1651 legislation, maimed Royalist soldiers, war widows and orphans had been denied relief. On the passage of the 1662 act this was reversed, and the king's former soldiers and widows applied to both local and national authorities in large numbers.[85] Like their Parliamentarian counterparts before them, Royalist widows often included the plight of their orphaned children as a central part of their petition, even though by the 1660s many of these children were likely to be relatively mature. Even the very youngest child of a father killed in the final engagement of the wars would, by the early 1660s, have been at least ten – but this did not discourage women from incorporating their sufferings into their own requests. The widow Joane Maykin, for example, told the Cheshire sessions that she had 'brought them [her four children] up' without any assistance, a use of the past tense which itself implied that the task of raising these children was largely complete.[86] Nevertheless, she asked the justices 'to take into y[ou]r pious consideratcons the deplorable condittion of a poore widd[ow] and fatherlesse

children', a request which turned as much on the children's need and entitlement as her own.[87]

Just as widows had no qualms about petitioning on the behalf of children who were relatively advanced in age, there are requests which suggest that the offspring of some Royalist soldiers made attempts to fashion themselves as poor, distressed war orphans, and to claim financial assistance as such, well into adulthood. Take, for example, the petition of Henry Wright, a shoemaker from Nantwich, who in 1661 applied to the Cheshire quarter sessions for a pension. According to his own request, Wright's father had served under Sir Charles Vavasour in Ireland 'in the begininge of the warres in that Kingdome against the Irish Rebbells for the Space of Fower yeares … to the loss of his life', and had left behind no 'meanes to bring him [Wright] up soe that yo[ur]poore peticon[er] hath undergone much penurie and hardshipp'.[88] Vavasour himself was killed in 1644, and assuming Wright's calculations are correct his father was killed in the same year. This would make Wright, at the very least, 17 or 18 at the time of his request, and his self-description as a 'shoemaker' implies he was old enough to be practicing a trade. Yet though he was now apparently an adult, and one engaged in a trade at that, Wright still chose to emphasise the hardships that he had endured as a child during the wars, with a clear expectation that the justices might consider him worthy of some recompense.

In this it appears he was mistaken – Wright does not appear in the order books as a recipient of any financial assistance – but he was not alone in attempting to use his petition to establish his identity, and potential entitlement, as a Royalist war orphan.[89] Similar, in many respects, was the petition of Sarah Parker, daughter of deceased Royalist soldier John Parker, presented to the Cheshire quarter sessions in 1663. Like Wright, Parker was old enough to work – she was employed as a servant – but her family's wartime experiences had had long-term implications for her financial situation. In her request, she outlined her father's service, his death and the losses that they had sustained in the immediate aftermath when soldiers of the 'Late usurped power' had come into their house and 'Rifled ye same and tooke away their Goods'.[90] For Sarah, her petition was an opportunity to narrate the many hardships and losses she and her family had endured for their loyalty to the king, and she closed with an explicit appeal to the provisions of the 1662 act:

> his Royall Ma[jes]tys pleasure is that there is a pention allotted for all those that could Lawfully p[ro]vide Any kind of mamednes sustayned in his ma[jes]tys Behalfe therefore in Regard your Hono[rable] said peticoners father was slaine in his said late

> ma[jes]tys Service and in ye Regement of Colonell Fitton and Souldier in Captaine Thomas Greenes Company of Congleton may it therefore please your honours wisdomes to take this yo[u]r poore peticoner Condicon into your serious Consideracons.[91]

Here, Parker deploys the language of maims and 'mamednes' beyond the usual description of a soldier's physical wounds to characterise the injury her father's loss had inflicted on the family unit, both physically and financially. Her request points to the sustained intergenerational effects that the wars could have on a soldier's family – but it also suggests the role that the very process of petitioning played in forging and reinforcing identities that were rooted in the experience of conflict. In articulating her request, Sarah attempted to establish herself as a victim of the kind of 'mamednes' that would ensure her eligibility under the terms of the 1662 act, reimagining her wartime experiences in the language of legislation and placing the loss of her father at the heart of her misfortunes. The terms of the act provided extra assistance to war orphans, and, as a result, Sarah, like so many orphans before her, attempted to weave what were often a raft of separate misfortunes – poverty, sickness, disability, age, loss of goods – into a narrative that centred on her orphanhood. As the orphan Mary Ratcliffe put it in 1663, the loss of her father had been the 'utter undoeing of all his Children for ever': all other considerations, including her blindness, were, by comparison, quite secondary.[92] The process of attempting to prove one's entitlement encouraged children to view their misfortunes through the lens of their wartime losses, producing narratives that focused on their status as war orphans. In this respect, petitions were a tool that simultaneously forged, and offered an opportunity for subjects to articulate, their identity as war victims, be it maimed soldier, war widow or, as this chapter attests, war orphan.

Conclusion

In 1679, the Parliament chose not to renew the 1662 act and the special entitlements granted to war orphans expired along with those of maimed soldiers and war widows. The attachment that some men and women had to their status as war victims, however, endured well into the 1670s and suggests that, by the mid-seventeenth century, people's sense of themselves as war victims – and their expectations of the entitlements that this might confer – were well established. Take the case of the widow Elizabeth Chamlett, who in 1671 applied for relief for herself and

her six-year-old child. Chamlett's husband had died in 1664, more than a decade after the end of the wars and several years after the Restoration. Nevertheless, in her petition, Chamlett appealed to her child's status as the orphan of a Royalist soldier: she asked for relief 'For yo[u]r peticoners poore infant and orphan to ye deceased Peter Chamlett a loyall subjecte to his Ma[jes]ties late Father.'[93]

The very process of petitioning for relief played an integral role in forging and reinforcing people's sense of themselves as war victims. As they responded to various acts, petitioners were encouraged to tell stories that placed their families' Civil War experiences at the heart of their narrative. For widows, this was generally the loss of their husbands, for grandparents the loss of their sons (and, more occasionally, daughters), for children the loss of their parent(s). In many ways, the contents of their petitions had much in common with requests for poor relief throughout the seventeenth century: petitioners referred to their age, their disabilities, their poverty. In other respects, however, they were radically different. The new legislation encouraged both children and their relatives to place their Civil War experiences centre stage, and in so doing they fashioned new identities for themselves as war victims and sufferers for the Parliamentarian (or after 1660, Royalist) cause. Claimants became participants in processes of state formation, as national politics permeated more than ever into the welfare arrangements of local communities.

However, despite the rhetorical power of orphaned children – tender, friendless, helpless – study of the quarter sessions records suggests a degree of ambivalence among some local officials, and in some cases even among petitioners themselves, over the status of these children as individual claimants. Long-standing expectations of lineal kin and parish continued to dominate relief, even as some claimants showed an awareness that the experience of war had generated new entitlements and responsibilities that overlaid, even if they did not entirely replace, these provisions. As a result, existing petitioning strategies and conventions intersected with and were reshaped by the experience of conflict, as long-standing criteria of desert were joined by new criteria that centred on Civil War activity. If few petitioners were as forthright as Raphe Ravenscroft in expressing the view that money for orphan children was owed 'for the dead Fathers sake', many more infused well-established petitioning strategies with new dimensions, from styling their own wartime losses as evidence of fidelity to deploying impressment as evidence of habitation and settlement.[94] Direct appeals to the acts and ordinances – in this sample, at least – generally remained the

preserve of war widows, but many petitioners sought to establish their eligibility in more subtle ways. In so doing, they fashioned their child subjects not just as poor, fatherless children, but as participants in a national struggle.

The requests presented by children themselves show that, for those who experienced the loss of a parent, orphanhood was not necessarily determined by age – rather, it was a marker of identity that an individual might carry through life. To fashion oneself as an orphan was not – or not only – a petitionary strategy: it was an assertion of one's place in a national conflict that had continued to inflect local, national and interpersonal politics long after arms has been laid aside. Children's petitions problematise our existing understanding of court processes and the relationship between petition and petitioner, raising new questions. But they also contain hints that children could be more involved in the formation of their petitions than we might initially expect. By taking children seriously as potential agents in the petitioning process, this chapter contends that the centrality of the Civil Wars in petitions presented by children indicates the enduring effects that the wars had on the lives and identities of children – but it also opens new avenues for research in the history of petitioning more broadly. By approaching children as potential *participants* in petitioning processes it suggests the potential of a history of petitioning that centres on the experiences of the children themselves. As this collection ably demonstrates, petitioning was integral to the lives of men and women across the country and social spectrum, but its place in the lives of children is a dimension that remains in its infancy.

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Notes

1. A contemporary dictionary defined orphanhood thus: '*Orphanisme*, (lat) the state of an *Orphane* i. a fatherlesse Child'. See Phillips, *The New World of English Words*, sig. E4v.
2. Laslett, *Family Life and Illicit Love*, pp. 160–73; Houlbrooke, *The English Family*, p. 217. For an overview of various attempts to estimate the number of orphans in England from the seventeenth to the nineteenth century see Humphries, *Childhood and Child Labour*, pp. 63–8.
3. For example, *Mercurius Britanicus*, p. 426; Boteler, *Gods goodnesse in crowning the King*, p. 38.

4. Dyer, *Study to be Quiet*, sig. A2v.
5. For examples of each, see: Hindle, *On the Parish?* and Healey, *The First Century of Welfare*; Stoyle, '"Memories of the Maimed"' and Peck, *Recollection in the Republics*, pp. 175–92; Hailwood, *Alehouses*, esp. pp. 30–9.
6. The most significant was the ordinance of May 1647. 'May 1647: An Ordinance for Relief of Maimed Soldiers and Mariners, and the Widows and Orphans …' in Firth and Rait, *Acts and Ordinances*, pp. 938–40.
7. Hudson, 'Negotiating for Blood Money'; Gruber von Arni, *Justice to the Maimed Soldier*; Appleby, 'Unnecessary Persons?'; Stoyle, '"Memories of the Maimed"'; Worthen, 'Supplicants and Guardians'; Worthen, 'The Administration of Military Welfare'; Hopper, '"To condole with me on the Commonwealth's loss"'; Beale, 'Military Welfare in the Midland Counties'.
8. Hopper, '"To condole with me on the Commonwealth's loss"'; Worthen, 'Supplicants and Guardians'.
9. In particular, it is based on comprehensive study of all surviving petitions presented to the Cheshire, Lancashire, Wiltshire, Staffordshire, Somerset and Denbighshire quarter sessions during this period, with more impressionistic research in the session rolls and order books from other authorities across England and Wales, including materials available on the Civil War Petitions Project (CWPP) database, www.civilwarpetitions.ac.uk (accessed 8 November 2022).
10. Barclay, Hall and MacKinnon, 'Children and War in Early Modern Europe', pp. 4–5.
11. MacKinnon, '"A child drew the lots"'.
12. Pells, 'The Politicised Child'.
13. Job 39:13–18. On the symbolism of the pelican in early modernity see Ornellas, '"Fowle Foules"'.
14. Fuller, *Good Thoughts*, p. 106.
15. Lancashire Record Office (LRO), QSP 66/16.
16. I have discussed the difficulties families could face when attempting to determine the fate of Civil War soldiers at length in Peck, 'The Great Unknown'.
17. Staunton, *Phinehas's Zeal*, p. 16.
18. Exodus 22:24 was especially popular: 'Ye shall not afflict any widow, or fatherless child. If thou afflict them at all, and they cry at all unto me, I will surely hear their cry; and my wrath shall wax hot'. See, for example, Palmer, *The duty & honour of church-restorers*, p. 39.
19. Carlton, *The Court of Orphans*.
20. 'October 1642: Ordinance for Maintenance to be given to the Wives and Children of those that are killed; and to maimed Soldiers', in Firth and Rait, *Acts and Ordinances*, pp. 36–7.
21. 'October 1643: An Ordinance for the Reliefe and maintenance of sicke and maimed Souldiers, and of poor Widowes and children, slaine in the Service of the Parliament', in Firth and Rait, *Acts and Ordinances*, pp. 328–30.
22. 'May 1647: An Ordinance for Relief of Maimed Soldiers and Mariners, and the Widows and Orphans', in Firth and Rait, *Acts and Ordinances*, pp. 938–40.
23. 'September 1651: An Act providing for Maimed Soldiers and Widows of Scotland and Ireland', in Firth and Rait, *Acts and Ordinances*, pp. 556–9. For discussion of these shifting legislative arrangements see Appleby, 'Unnecessary Persons', pp. 210–12 and Beale, 'The Experiences of War Widows during and after the British Civil Wars', pp. 22–54.
24. Though, as Stewart Beale notes, the speed and enthusiasm with which pensioners were ousted varied across the country. Beale, 'The Experiences of War Widows during and after the British Civil Wars', pp. 55–6.
25. Synge, *A panegyrick on the most auspicious and long-wish'd-for return*, p. 10.
26. Anon, *An humble representation of the sad condition of many of the Kings party*, p. 12.
27. 'Charles II, 1662: An Act for the releife of poore and maimed Officers and Souldiers who have faithfully served His Majesty and His Royal Father in the late Wars', in Raithby, *Statutes of the Realm: Volume 5*, pp. 389–90.
28. Beale, 'The Experiences of War Widows during and after the British Civil Wars', p. 177.
29. Anon, *An humble representation of the sad condition of many of the Kings party*, p. 12.
30. For more detailed discussion of presentation of children in widows' petitions, see Worthen, 'Supplicants and Guardians'.
31. Wiltshire and Swindon History Centre (WSHC), A1/110/Hilary 1651, fo. 187.
32. WSHC, A1/110/Hilary 1651, fo. 203; Staffordshire Record Office (SRO), Q/SR/274, fo. 15.
33. West Yorkshire Record Office (WYRO), QS/10/12, fos. 146, 262 (accessed via CWPP).

34. Cheshire Record Office (CRO), QJF 80/2, fo. 131.
35. National Library of Wales (NLW), Chirk Castle MS B/11, fo. 6. With thanks to Lloyd Bowen for the records of the Denbighshire sessions. Also available at CWPP.
36. NLW, Chirk Castle MS B/11, fo. 7.
37. In fact, it isn't clear from Buckley's request that she was ineligible. If her husband's illness had been contracted while on military service the fact he died at home didn't necessarily prevent Buckley from receiving a pension. It did, however, make her claim less clear-cut and this pair of petitions certainly suggest Buckley wasn't confident of her legitimacy as a war widow.
38. NLW, Chirk Castle MS B/11, fo. 6.
39. Hindle, *On the Parish?*, p. 55.
40. CRO, QJF 79/2, fo. 114.
41. CRO, QJF 79/2, fo. 114.
42. CRO, QJF 75/1, fo. 46.
43. CRO, QJF 75/1, fo. 46.
44. Petition of Margaret Ravenscroft (1651) in Bennett and Dewhurst, *Quarter Sessions Records*, p. 149; CRO, QJF 79/2, fo. 114. See also Hertfordshire Archives and Local Studies Services (HALS), QSR/12/936.
45. CRO, QJF 75/1, fo. 46.
46. Somerset Record Office, Q/SPET/1, fo. 42; SRO, Q/SR/295, fo. 23.
47. Peck, 'Civilian Memories of the British Civil Wars', p. 31.
48. CRO, QJF 75/1, fo. 46.
49. NLW, Chirk Castle, MS B/11, fo. 7.
50. Warwickshire Record Office, QS40/1/3 (accessed via CWPP).
51. See Table 6.1.
52. Northamptonshire Record Office, QSR 1/11 (accessed via CWPP).
53. Nottinghamshire Archives, C/QSM/1/13 (accessed via CWPP).
54. Appleby, 'Unnecessary Persons?', p. 214; Beale, 'The Experiences of War Widows during and after the British Civil Wars', p. 177.
55. LRO, QSP 67/21.
56. LRO, QSP 158/15.
57. LRO, QSP 158/15.
58. LRO, QSP 158/15.
59. SRO, Q/SR/289, fo. 3.
60. LRO, QSP 67/21.
61. LRO, QSP 87/10.
62. LRO, QSP 131/3.
63. See, for example, CRO, QJF 77/4 and LRO, QSP 171/3.
64. CRO, QJF 83/1, fo. 133; QJF 79/1, fo. 114.
65. For discussion of the collaborative authorship of petitions see Chapter 3 in this volume, 'Beyond the petition', pp. 74–7.
66. CRO, QJF 83/1, fo. 133.
67. CRO, QJF 82/1, fo. 174.
68. CRO, QJB 1/6, fo. 259; Morrill, *Cheshire 1630–1660*, pp. 184–7.
69. See Chapter 2, this volume.
70. Appleby, 'Unnecessary Persons?', pp. 211–15; Stoyle, '"Memories of the Maimed"', p. 210.
71. See Chapter 2, this volume; Stoyle, '"Memories of the Maimed"', p. 210.
72. LRO, QSP 158/15.
73. French, 'Locating the Early Modern Child', p. 7. For example, 'the infant / Mewling and puking' in Shakespeare's *As You Like It*, 2.7.143–5.
74. LRO, QSP 158/15.
75. CRO, QJF 83/1, fo. 133.
76. For example, Anon., *The Infants Lawyer*, esp. pp. 29–34. For further examples see Brewer, *By Birth or Consent*, pp. 209, 268.
77. Healey, *The First Century of Welfare*, p. xii.
78. Barclay, Hall and MacKinnon, 'Children and War in Early Modern Europe', p. 7.
79. See Chapter 8 in this volume.
80. CRO, QJF 83/1, fo. 148; QJF 77/2, fo. 37.
81. CRO, QJF 75/1, fo. 91.
82. CRO, QJF 83/1, fo. 148.

83. CRO, QJF 83/1, fo. 148; CRO, QJF 75/1, fo. 91.
84. Both Hughson and Vawdrey were referred back to the parish, just as they would have been in the earlier seventeenth century. CRO, QJF 83/1, fo. 148; QJB 1/6, fo. 132.
85. 'An Act for the releife of poore and maimed Officers and Souldiers', in Raithby, *Statutes of the Realm: Volume 5*, pp. 389–90.
86. CRO, QJF 89/1, fo. 252.
87. CRO, QJF 89/1, fo. 252. For another similar example see CRO, QJF 90/4, fo. 124.
88. CRO, QJF 89/2, fo. 226.
89. For other examples from the post-1660 period see Young, *The Cavalier Army*, p. 167; HALS, BG11/5/38, 1662–3, fo. 14.
90. CRO, QJF 91/1, fo. 143.
91. CRO, QJF 91/1, fo. 143.
92. LRO, QSP 235/22.
93. LRO, QSP 365/7.
94. CRO, QJF 75/1, fo. 46.

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7

The edges of governance: contesting practices and principles of justice in seventeenth-century fen petitions

Elly Robson

Recent scholarship has brought early modern petitions into focus as a subject, rather than a lens. Analysing patterns and processes of petitioning casts light on mechanisms of governance, moving beyond earlier debates about whether they should be treated as a window onto the social worlds of the otherwise historically 'voiceless' or as artful rhetorical acts in which petitioners fashioned convincing stories by drawing on dominant narratives of, for instance, gender or poverty.[1] Studies have asked who participated in petitioning, and why; how petitions were written and reached the right people; the ways in which governors and institutions structured, regulated and responded to petitioning; and whether petitions altered or reinforced structures of governance.[2] Rather than 'seeing like a state' – from the perspective of a particular archive or institution over time – this chapter approaches petitions from the vantage point of a specific dispute: the conflict that rippled out of an ambitious project to drain and 'improve' Hatfield Level, 60,000 acres of wetland at the head of the Humber estuary in north-east England. It examines contested practices and principles of governance by reading across petitions written by rival groups to a range of central authorities during the tumultuous mid-seventeenth century, and contextualises them as one instrument in a toolkit that included litigation, informal influence and even riot.

Petitions have been identified as a medium of communication through which subjects across the social spectrum participated in the operation of the early modern 'state'. Derek Hirst has suggested that they can be taken as 'a measure of the openness, of the responsiveness'

of regimes, while, according to Beat Kümin and Andreas Würgler, they 'allowed those without full political rights a degree of influence well before they were given more formal instruments to affect the decision-making process'.[3] The ubiquity of petitioning indicates that the dispersed and negotiated exercise of power extended beyond an 'unacknowledged republic' of local officeholders to women and the poor, as well as middling-sort men.[4] As such, petitioning has been located as a mechanism of 'state building from below', contributing to 'the discovery of problems, to their solution, to the establishment of new authorities and the reorganization of administrative proceedings'.[5] Governors acted as arbiters of disputes that 'could not be resolved locally' and went beyond private interests to pursue the public good.[6] Yet, petitioning also circumscribed petitioners' agency. Scholars have argued that petitions served as a 'safety valve' to 'defuse tensions and avert more direct confrontations', were defined by profound asymmetries of power and reinforced social and political hierarchies.[7]

In this chapter, I suggest that the multitude of petitions that emanated from drainage disputes expose the edges of governance in early modern England, fractures and limits of 'the state' rather than its responsive, problem-solving capacity. Environmental historians have traced how governance of the natural world became a matter of increasing concern for polities across early modern Europe. Political and ecological change were imbricated as centralising states mobilised national resources and asserted territorial control.[8] In England, wetland improvement sought to reform environments, economies and societies at an unprecedented scale and pace. Instigated in 1626, Hatfield Level was the first in a wave of highly capitalised projects aiming to create productive and profitable agricultural terrain. The Crown was an actor in, rather than arbiter of, this process. As a major fen landowner, Charles I hoped to reap a windfall at a time of heightened conflict with Parliament over subsidies.[9] His government leant public authority, legal infrastructure and coercive force to implement such schemes in partnership with private investors and experts. These top-down interventions contended not only with water, but also with the intractable problem of local rights and consent. Wetlands were managed as large tracts of common land by communities who exercised long-held customary rights to pasture, peat, reeds, fish and waterfowl and who managed winter flooding as a vital element of local ecology and economy. Disputes about English wetlands hinged on questions of who had the right to govern the environment, how and to what end; questions that were often posed in petitions.

Comparing early modern drainage projects in the Dutch Republic, France and England, Piet van Cruyningen has observed that these top-down schemes 'invariably caused conflict' by disrupting local systems of water management and property rights. Success depended on governors' ability to negotiate conflict by developing mechanisms to safeguard or compensate local rights. In the Dutch Republic, institutional structures and legal processes were well developed. But where governors and drainers enjoyed close financial and political connections – as in England – local rights were disregarded and projects faced greater opposition, expensive litigation and riots, and a higher chance of failure.[10] Wetland improvement marked a dramatic shift from more conservative modes of Tudor governance, which sought to moderate private profit in the public interest through legislation to limit enclosure or regulate grain markets.[11] Innovative hydraulic schemes also posed challenges to local methods of water management, which were overseen by regional institutions called 'sewer commissions'. Traversing the waterscape and talking to residents, sewer jurors mediated between sewer courts and a wider body of long-standing and unwritten customs allocating responsibility for maintaining riverbanks and channels.[12] Improvement projects therefore led to institutional, as well as environmental, dislocations.

Fen projects, Eric Ash has argued, saw central governors aim to create 'a more effectively drained, more prosperous, and more governable fenland', while dealing with environmental problems and social disorder expanded their administrative, legislative and coercive capacity.[13] Following the trail of petitioning in Hatfield Level, however, offers a more contested and contingent picture of environmental politics. Petitions filled many of the gaps that emerged as improvement forged new interactions between Westminster and wetlands, caused new problems and, in turn, made new demands on the infrastructure of governance. Navigating a fractured political landscape, petitioners appealed directly to the king, Privy Council, Parliament, the Lord Protector or Council of State, while leveraging other loci of authority and forms of influence and negotiation. These petitions differed from the well-worn paths and institutionalised formulae that characterised poor law petitions or even newer structures, such as sequestration petitions to Parliament in the 1640s. Instead, the scale of petitioning was a symptom of a lack of administrative infrastructure for mediating conflict triggered by improvement. Unlike riot, litigation or lobbying, petitioning was used by all stakeholders in Hatfield Level: manorial communities of commoners; flooded villages; new owners of drained land, known as 'Participants'; and their tenants,

a settlement of Calvinist refugees from France and the Low Countries. Appealing for redress, bringing corruption to light and flagging failures of implementation, these petitioners framed environmental change as a matter of justice and governance.

As such, fen disputes muddy boundaries that have been drawn between petitioning as a tool to negotiate local, communal or 'bread-and-butter' interests and as a means of public articulation at a national level.[14] During the Civil War and interregnum, a new type of politicised petitioning emerged, using mass subscription and print to reach and involve a wider, associational public; this is exemplified by the Leveller movement's campaign for extended suffrage and religious toleration.[15] By contrast, economic grievances – even when expressed in print – are often bracketed from the political, as private and particular in scope. Tracing the thread of fen petitions, however, highlights continuities between localised complaints about improvement and national objections to infringements on subjects' liberty and property.

These perspectives cast new light on long-standing debates about the relationship between wetland disputes and Civil War politics. Conclusions that fen commoners were stalwart Parliamentarians, Leveller acolytes or simply opportunists pursuing local agendas rest on the methodological question of whether petitions, depositions and reports of riot offer a lens onto events on the ground or insights into the political values of those writing. According to Clive Holmes, such documents evinced only their authors' 'exquisite editorial sense of the sensitivities of a government deeply concerned with its own legitimacy'.[16] Yet, reading with the grain of petitions provides insights into extended encounters between local and national politics, which reshaped both. As Jason Peacey has observed, petitions could reveal 'the kind of political thinking that involves … informal rhetoric and everyday practice, and it is perhaps evident most strikingly in cases which rumbled on unresolved for some time'.[17] In Hatfield Level, petitions about improvement suggest not a consensus about the rule of law, but instead a plurality of ideas about the locus and operation of legitimate authority.

Consent, coercion and the limits of redress

From the outset, wetland improvement raised questions about the nature of governance, relying on central intervention and generating friction with local customary rights. The Hatfield Level venture was the product of several decades of failed schemes to drain a larger, more southerly,

fen region in East Anglia. In the second half of the sixteenth century, a trickle of proposals for ambitious hydraulic ventures became a flood, most crossing the desk of Elizabeth I's chief minister, William Cecil, Lord Burghley. These pitches formed part of an emerging culture of 'projecting', a type of lobbying that overlapped with the porous medium of the petition. Enterprising 'projectors' – many of them European engineers – promised that their expertise and investment would unify national prosperity and private profit.[18] They relied far more on patronage than on public complaint or mobilising popular support, and sought not redress or regulation but licence to act under public authority, sometimes via newly minted patents which conferred monopolistic rights.[19] Drainage projects did not simply trigger petitions, therefore, they were often initiated by them too.

While many would-be drainers advertised new technologies and inventions, others recognised the jurisdictional difficulties at hand and insisted on political solutions. One of the earliest and most ambitious pitches to improve English wetlands was made by a Low Countries' engineer called Humphrey Bradley, who surveyed the southern fens for the Privy Council in 1589.[20] Writing to Burghley soon after, Bradley argued that it was not the scale of investment or hydrological complexity that posed the greatest obstacles. Those seeking to reform wetlands from the centre required a legal mechanism to cut through the dense tangle of local 'properte, tenn[u]res, use and profiit' that governed land and water, not least because drainage investors were to be rewarded with large grants of enclosed common land. Dubious about whether sewer commissions wielded sufficient power, Bradley insisted that the only 'meanes to make yt lawfull' was a parliamentary act, which 'may be drawen in few lynes betweene thys and to marrow'. To stabilise this top-down act, Bradley recommended mechanisms to resolve ensuing disputes, with arbiters to assess whether lands had been drained, set new rents and determine compensation.[21] A cartographer named Radulph Agas, employed in same fen survey, put the choice more bluntly to Burghley in 1586. While improvement required 'general concente' from local communities, this could be either 'voluntarie, or enforced'.[22]

Unsuccessful attempts to drain the Great Level under James I generated a confusion of competing jurisdictions. An increasingly coercive, rather than voluntary, approach – resting on a radical expansion of sewer commissions' powers – became embroiled in heated constitutional disputes between leading judicial figures in the 1610s. Drainers' lobbying was matched by fen communities' petitioning. Articulating objections to parliamentary bills, intervening in legal debates and remonstrating with

sewer commissioners, petitioners moved with agility across different fora of dispute. Petitions were accompanied by less formal tactics, such as crowds, ballads, rumours, riots and anonymous libels. The strength of local opposition often obstructed sewer commissions' proceedings, thwarting hydraulic ventures for several decades, including James I's own stint at the helm of the Great Level scheme in the early 1620s.[23] This tangle was sidestepped by Charles I soon after becoming king. Combining executive power with his seigneurial rights as lord of Hatfield Chase (a royal forest) and neighbouring manors in Yorkshire, Nottinghamshire and Lincolnshire, he contracted unilaterally with the Dutch engineer Cornelius Vermuyden to drain the northern fens in 1626.[24] The resulting enclosure of two-thirds of wetland common was facilitated by the Court of Exchequer, whose commissioners sought consent in individual manors and parishes under the Statute of Improvement in March 1628.[25] Freed from unpredictable negotiations via sewer commission and circumventing local opposition, the venture acted as a pilot project for schemes launched further south in the 1630s.

Petitions to central governors served as a last resort for communities in Hatfield Level rather than a method of participation in well-established processes or institutions. Two distinct strands of petitioning emerged: one pivoting on enclosure and land rights, the other on flood risk and water responsibilities. Disputes over land spanned almost a century, fuelled by the tenacious claims of commoners in Epworth Manor in the Isle of Axholme, Lincolnshire. Most communities in the Level lacked the legal footing to oppose enclosure, but Epworth commoners 'willfullie refused' to consent, insisting that their commons 'belonged wholly to them'.[26] While common rights were usually founded in collective memory and unbroken practice, their assertive stance was supported by the fourteenth-century 'Mowbray Deed', which translated extensive rights into written evidence that commanded authority within central legal fora. Epworth commoners escalated their objections in June 1628 by petitioning the House of Commons' committee for grievances, which ordered Vermuyden to appear and to defend his 'commission'.[27] The hearing was overtaken, however, by Parliament's Petition of Right, passed days later, which insisted that the king and Privy Council could not override subjects' legal rights. Charles I responded by proroguing Parliament, before dissolving it completely the following March, inaugurating his 11-year period of 'personal rule' and diminishing opportunities for subjects to seek redress from Crown policies.[28]

As improvement proceeded without consent, Epworth commoners' objections were muffled by repression. When Vermuyden commenced

work in the Isle of Axholme in August 1628, his labourers were confronted by large riots. Disorder was only quashed by heavy-handed tactics, including armed force, royal proclamations and large fines against rioters in the Star Chamber and King's Bench. In concert, the Crown launched Exchequer litigation to assert its right to enclose and block commoners' efforts to secure a trial of their title to the commons.[29] In July 1636, a second petition, addressed directly to the king, was submitted by Israel Medley on behalf of Epworth tenants. Only the first sentence of the petition was entered in a volume of state papers titled 'The Book of Petitions' and there was no record of royal response. Most appeals in the book were copied in full and referred for further investigation, suggesting that this oversight may have been more than incidental. Referring to litigation pursued against them by Vermuyden 'in yo[u]r Ma[jes]t[y']s name … concerning the comonable grounds', it appears to have been an appeal against a recent Exchequer decree codifying commoners' consent to enclosure.[30] Decades later, commoners insisted that consent been extracted only by 'duress of imprisonment, sore fines … threats and menace … and bribery'.[31] Epworth commoners' two elliptical, muted petitions highlight the importance of attending to absences resulting from the intentional obstruction of opportunities for participation, negotiation or redress.

Petitions were not always an instrument of objection and the Crown proved responsive to drainers' petitions about new land rights in the Level. Despite bitter internal disputes, Vermuyden and his consortium of Dutch Participants often petitioned the Crown as a collective in the 1630s: about quantities of land allotted, to confirm title and customs and to complain of difficulties taking possession from commoners.[32] In these businesslike petitions, the king was addressed as a manorial lord to whom Participants paid fee-farm rents on drained lands. In December 1637, for instance, Vermuyden asked for relief on these rents, since 'by reason of many oppositions' he had 'not only bene hindered in perfecting the same woorke, but have byn kept in suite in divers … courts, for the title'.[33] Yet, the Crown did not act in a private capacity, but extended political and legal support for the venture. This stance was elucidated in notes written by secretary of state Sir John Coke, on a petition from Vermuyden in 1632:

> His Ma[jes]t[i]e willing to shew favour & give incouragement to those that imploy their meanes and their indevors, for their own w[i]th the general good is gratiously pleased to recomend this petitioner to the Lord Keeper to take both his person and cause into

> a favourable consideration, for the setling of his right, & quieting his possession, so as p[re]sent benefit may bee reaped: the same appearing upon the hearing to bee equal & just.[34]

Moving fluidly between languages of justice and patronage, the Crown gave a strong steer that Vermuyden's land rights – while contested locally – were legitimised by royal authority and the public good.

A separate stream of complaints was triggered by the redistribution of flood risk and water responsibilities in Hatfield Level. Sustained petitioning campaigns to the king and Privy Council were pursued by residents of villages strung along the River Don (Yorkshire) and the River Idle (Nottinghamshire), who experienced severe, recurrent flooding after Vermuyden blocked meandering branches of both rivers. Rather than disputing the Crown's right to improve, these communities instead sought to mitigate its detrimental impact. Crossing administrative boundaries, flood grievances could link multiple communities along a waterway. One 1633 petition about flooding from the River Eau, upstream of the Idle, was signed by between six and 12 men from each of eight Nottinghamshire townships, suggesting that the petition travelled along the river as a vehicle to coalesce collective complaint.[35] Numbering 52 signatories in total, it represents an unusual example of mass petitioning in the locality prior to 1640. At other times, objections were organised on a smaller scale: Fishlake and Sykehouse parishes petitioned together about Don deluges, while Misterton residents filed a string of objections to Idle inundations.

Flood petitions offer important insights into collective action against anthropogenic environmental threats and fluvial communities' fluency in methods of water management. In spring 1630, for instance, six villages along the Don's west bank complained to the Privy Council about new 'overflowings'. They attributed the disaster directly to Vermuyden, who had diverted waters 'into a channell not capable to receive and carry them away' and constructed a high eastern bank to protect his own lands.[36] Detailing cattle drowned, crops ruined and houses and barns inundated, flood petitioners mobilised a powerful language of 'infinite losses' while calculating communal damages in monetary terms.[37] They provided a counter-narrative to claims of universal improvement, highlighting that drainage had not eliminated flooding, but instead redistributed risk.

While vividly depicting environmental disorder, most of these petitions concerned difficulties of enforcement, raising questions about the scale, process and purpose of water management. The Privy Council was

a forum for a wide range of 'private' grievances in the early seventeenth century, especially in conflicts where justice was difficult to access.[38] In this instance, the Crown itself shut down opportunities for opposition by keeping a tight grip on the politically significant endeavour. Lacking access to sewer commissions to mediate water conflict, fluvial communities appealed directly to the Privy Council. Councillors were not equipped, however, to arbitrate disputes that hinged on local details of flow and bank height. In June 1630, the Privy Council delegated investigation of complaints about the Don and the Idle to Sir Thomas Wentworth, a privy councillor and president of the Council of the North, and local gentry.[39] Perhaps anxious about local challenges to improvement, councillors insisted that 'this Boord shall alwayes be the judge between them and give recompence and releife'.[40]

Flooded communities struggled, however, to access recompense or relief. Having inspected the drainage works along the Don, Wentworth ordered residents to pay Vermuyden to maintain their 'ancient' western bank and instructed Participants to construct a new channel to alleviate pressure on the Don.[41] This major corrective eventually became the five-mile Dutch River, costing an estimated £20,000.[42] On paper, this was a prompt and even-handed remedy, but implementation proved difficult. A year later, in mid-1631, multiple Don villages appealed to the Privy Council again. Despite Wentworth's 'greate paines and honourable indeavors', Vermuyden refused to have the order decreed in the Exchequer and had instead raised his eastern bank even higher.[43] Three years later, Don floods continued unabated. Petitioning the Privy Council, Sykehouse and Fishlake residents explained that Participants had failed to answer their complaint at the Council of the North and that they were 'so impoverished as they are not able to presente and contend in lawe with the def[endan]ts beinge persons of great estate, and frends'.[44] The flood-beleaguered residents petitioned once more in 1635: since Wentworth's order in 1630, they had been drowned 30 times, with damages amounting to £10,000. They were 'subiecte to the same calamitie upon everie flood, because their bancks are not repayred as the Dutch are ordered to doe, nor that river yet made'.[45] These petitions reveal how flood risk was understood as a legal and political issue, directly shaped by access to justice and mechanisms of governance.

Underlying inaction were acrimonious disputes between Vermuyden and the Participants about liability for the mounting costs of maintaining hydraulic infrastructure. Although the Participants formed a 'company', mirroring arrangements for Dutch drainage ventures, it did not exercise legal powers to determine, collect or enforce drainage

taxes.[46] As Vermuyden intentionally prolonged litigation about the terms of their contract, rival parties petitioned the Privy Council and Crown for more immediate solutions.[47] In May 1633, the Privy Council ordered seizure of Vermuyden's rents and profits in Hatfield Level in lieu of unpaid taxes and committed him to the Fleet Prison, where he remained intermittently until at least September.[48] This apparent reversal of favour can be explained by governors' concern with 'perfecting' drainage, which 'cannot endure anie disputes, nor delayes'.[49] Water conflict could not be settled by one-off interventions, however, and petitions about drainage taxes continued to trouble king and council.[50]

Rather than simply arbitrating conflict, the Crown was financially and politically invested in the project's success. By spring 1634, however, its appetite for central oversight was waning. Following sustained petitioning by Nottinghamshire residents about Idle flooding, the Crown issued a sewer commission to oversee construction of a new channel, akin to the Dutch River in Yorkshire.[51] But sewer commissions were unreliable instruments of drainage. Interpreting their remit conservatively, commissioners cast doubt on whether they were legally empowered to make new rivers and instead made provisions to re-open the blocked Old Idle.[52] Central governors quickly intervened to prevent this reversal of improvement, which would cause the Level to 'againe lye under water'. Following further petitions from Vermuyden and the Participants disputing responsibility, councillors noted that 'while they contend yor Ma[jes]tie hath noe profit of the rest of the land but doth loose [£]615 a yeare'. They consequently recommended a new sewer commission with powers to compel Participants to finance the new channel.[53] While previous commissions were issued occasionally, reactively and usually for individual counties, the Hatfield Level sewer commission – established in 1635 – created a discrete and permanent unit of hydraulic governance, with a special remit to 'see that worke perfected'.[54]

This ad hoc process of institutional innovation could be understood as an example of subjects participating in the formulation of solutions to problems via petitioning and responsive governors seeking to arbitrate conflict. However, institutional innovation devolved, but did not resolve, questions of flood risk and water responsibility. Petitions from flooded communities ceased to pester the Privy Council after 1635. Although the sewer court received petitions from wetland communities, as well as watermen, Participants and individuals, participation was uneven. Local petitions were clustered in the Level's far north, where conflict with Participants was less polarised, and often concerned pre-drainage infrastructure. By contrast, communities resisting improvement in the Isle of

Axholme rarely petitioned and mostly appeared as the subject of court orders for neglect or damage of water infrastructure.[55] When Fishlake and Sykehouse residents complained about Participants' continued failure to repair their western bank in June 1646, moreover, they were met with little sympathy. Sewer commissioners ordered them to backpay £10 per annum to the Participants, 'w[hi]ch they p[re]tend they have tendred … and then the court will consider of the repaire'.[56]

Sewer commissioners' authority to levy taxes on Participants was also contested. Of over 100 commissioners nominated by the Council of the North in 1635, only 14 were Participants.[57] A new front of conflict consequently opened between those who governed and those who paid for improved hydraulic infrastructure, leading to fresh appeals for central oversight. In April 1636, Participants petitioned the king about commissioners' unlawful sale of their land. When he reprimanded commissioners and overturned their orders, they in turn petitioned, protesting that such funds were necessary to see 'the great worke perfected'.[58] These conflicts – and sporadic appeals for central intervention – rumbled on, unresolved, for decades, contributing to an instability of jurisdiction over water and a financial black hole at the heart of the venture. The new channel to alleviate Idle floods was never completed despite numerous sewer decrees, while Don floods persisted into the late seventeenth century.[59]

Very few petitions from communities subjected to drainage schemes further south troubled central governors in the 1630s.[60] Projectors may have observed the repressive strategies and institutional infrastructure first developed in Hatfield Level. In 1635, a projector and courtier named George Kirke recommended that the king drain Eight Hundred Fen via a 'particular' sewer commission 'for this fenne only', rather than an 'ordinary' one. Consent to enclosure, meanwhile, could be coerced by prosecuting the 'principall opposers' to suppress 'commoners authority to governe the fenne & levy monys to defend suits and oppose his Ma[jes]ty'.[61] Tactics developed to circumvent the local negotiation of improvement via petitions, riot and litigation were therefore adopted in other schemes. Rather than receiving fen communities' petitions, the Crown was informed about them. As a new phase of the Great Level project commenced under Charles I's direct command in 1638, for instance, a resident of Ely called Edward Powell broadcast 'that all that would, should meet the next morne at the market place to go to the king w[i]th a petition about their fenns; for the loosing of the fenns would be the loosing of their livelyhoods'. Powell was imprisoned for his petitionary organising, which the Bishop of Ely reported to the Privy Council as 'evill speeches in publike'.[62]

Instabilities of jurisdiction

With the recall of Parliament in 1640, the landscape of politics and petitioning shifted.[63] Parliament became both forum and voice-piece for local grievances about fen projects, with the Crown's coercive approach to drainage situated alongside other royal abuses of subjects' liberty and property. Taking his seat as an MP, Robert Long, a drainage undertaker in the Lindsey Level, received an alarmed missive from his fen agent: 'cuntrye people' were driving their cattle into enclosures, while local gentry were 'pregnant … with designes' for anti-drainage petitions, which decried drainage as 'an invention clearly without precident invading the ancient well setled lawes of this kingdome'.[64] As predicted, objections to drainage were expressed in several county petitions presented to Parliament.[65] One Lincolnshire petition, in May 1641, outlined the legal infrastructure that had facilitated injustice in the fens: 'consents are extorted', 'our comons are taken from us', Crown possession upheld by Exchequer injunctions and attempted trials obstructed. Projects had instead been arbitrated by the Privy Council or sewer commissions, 'parties deeply interess[t]ed'.[66] An escalating process of petitioning transformed fen grievances into national concerns.[67] When Parliament presented its Grand Remonstrance to the king in late 1641, drawing together far-reaching criticisms of his foreign, religious, economic and legal policies, it included '[l]arge quantities of common … taken from the subject by colour of the Statute of Improvement, and by abuse of the Commission of Sewers, without their consent, and against it'.[68] County and parliamentary petitions indicated that questions of consent and justice in the fens were questions about the nature of good governance.

Within this precarious political terrain, improvement projects hung in the balance. Even as Parliament invoked drainage to critique 'personal rule', fen disputes became embroiled in jurisdictional struggles between the two Houses. As a flurry of petitions reached the House of Commons, a 'Committee for the Fens' was established to examine rival claims, meeting between December 1640 and June 1642.[69] When commoner riots broke out in the Great Level, Lindsey Level and East and West Fen in spring 1641, however, projectors appealed to the House of Lords, which acted decisively to repress riots.[70] James Hart has suggested that the Lords became a locus of fen petitions because – as the king reminded them in May 1641 – the Statute of Sewers (1531) stipulated that the 'legallety and equitie' of sewer decrees was subject to oversight only by 'the supreame court' of Parliament. Yet, the Lords did not comment on the legality of drainage

and was careful to not to obstruct trials of commoners' title at law. In suppressing disorder, it instead exercised conciliar justice, assuming similar functions to the immobilised Privy Council and soon-to-be abolished Star Chamber.[71] The Commons, however, objected that the Lords had undermined their parallel investigation of fen disputes and breached their privileges. Blurring local common rights and national representation, they noted that '[t]he commoners thought fitting to make their redress to this House, being the representative body of the commons'.[72]

These jurisdictional disputes likely shaped the strategies of commoners and Participants in Hatfield Level. Like projectors in other schemes, Participants attempted to secure improvement via parliamentary act.[73] In August 1641, a Lords committee was appointed to consider a bill for Hatfield Level, meeting several times and progressing to approve amendments.[74] Only once the bill was referred to the House of Commons in July 1642 did commoners from the Isle of Axholme intercede via petition, resulting in orders that their objections should be heard by the bill committee.[75] As Civil War hostilities commenced, however, Parliament ceased to exercise oversight of fen disputes, which were instead fought out on local terrain. The Commons noted 'tumults' in Hatfield Level just days before it received commoners' petition.[76] Communities' impatience with slow and ineffective mechanisms of redress was evident as sluices were sabotaged across the Level, threatening the 'drowning of the whole'.[77] Re-asserting customary jurisdiction over the commons, Epworth commoners occupied 4,000 of 7,400 acres of enclosed land during the first Civil War.

As national conflict eased in late 1645, rival parties used petitioning as a strategic tool in struggles over land rights in Hatfield Level, drawing on malleable concepts of commonwealth. Arguing that the fen rioters had taken 'advantage of the distraction of these tymes', Participants sought to resurrect the coercive authority necessary to uphold their locally contested land rights.[78] They proactively petitioned the Lords to offer overt justifications of the improvement's legality and legitimacy, while emphasising the threat posed by fen riots, as detailed in witness statements. By this time, the Lords' legitimacy as a site of adjudication was challenged and its capacity limited, with a depleted membership and the collapse of many committees. Although large numbers of 'private' petitions went unanswered, provincial unrest commanded attention.[79] The Lords quickly placed significant force at Participants' disposal: ordering the appointment of a deputy sheriff with a specific remit to repress anti-improvement riots and powers to call on local militia and parliamentary forces. Aiming

to preserve 'soe good and beneficiall a worke to the comonwealth', it was unequivocal that fen riots threatened 'greate damage of the comonwealth … and scandal of the justice'.[80] Epworth inhabitants co-opted ideas of national interest in a counter-petition objecting to the order in February 1646, warning that lending the Participants armed force would allow them to 'become dangerous to the commonwealth, most of them being delinquents to the state'.[81] Replete with 'ambiguities [that] gave it a creative adaptability', the long-standing language of commonwealth accrued new resonance as Parliament claimed to safeguard the public good against Charles I's private ends and an amorphous group of the 'disaffected' and 'delinquent'.[82] Freighted political languages of allegiance took shape within parliamentary fora like the committee for 'Compounding with Delinquents'. But they also leaked out into long-standing disputes, allowing petitioners to define their adversaries as national enemies and advance rival claims about the nature of good governance.[83]

Rather than simply reinforcing parliamentary authority, petitions were used to mobilise different jurisdictions at work in the governance of property rights and subjects. In October 1645, Epworth commoners' long-sought trial of title had been permitted by the Lincolnshire committee; this was a body responsible for administering Parliamentarian rule in the county, on which several commoners and their allies sat. Seeking to settle 'the differences and distracc[i]ons att this present in the Isle of Axholme' over enclosed lands, the committee left the commoners in possession of the 4,000 acres reclaimed by riot and ordered Participants' tenants to pay their rents on the remaining 3,400 acres to the committee until rightful ownership was determined by a trial in the Court of Exchequer.[84] Commoners' petitions to the Lords were primarily defensive, seeking to limit its interference in the gains made through local influence, litigation and riot. Participants, meanwhile, appealed for central intervention, remonstrating that the committee had 'by this indirect manner outed the landeowners of their possession' and 'setled the pet[itione]rs inheritance purchased at a very deare rate w[i]th the comoners, who have comitted all those outrages'.[85] These were questions of wider significance in the unstable political landscape of the mid-1640s. In a heated dispute about county jurisdiction soon after, the Lincolnshire committee were accused of 'arbitrary, tyrannicall, and illegall actions' by intervening in civil matters, including property disputes.[86]

There were limits even to petitions that secured parliamentary action in determining the local operation of justice. Participants' subsequent petitions reveal that the Lords' order to quash riots commanded little force or legitimacy locally and instead became a flashpoint for further conflict.[87] According to witnesses, several tenants declared that

'they did not care a farte for the order which was made by the Lords in Parliament … they would pull downe all the rest of the houses in the Levell … and destroy all the inclosures'.[88] Perhaps most concerning, from the Lords' perspective, were allegations that local officials refused implement the order. In March 1646, Participants complained that the Lincolnshire sheriff had 'alleadg[ed] that hee knowe noe lawe w[hi]ch did authorize him to make a deputy to suppresse ryotts'.[89] This intransigence rested not in Royalist affiliations, but instead in the legitimacy and force that customary right commanded locally. When Participants attempted to restore possession in summer 1647, they were confronted as trespassers. The contested line between legal action and illegitimate force was intentionally blurred by the commoners' new solicitor, Daniel Noddel, a 35-year-old local lawyer who served as a Parliamentarian lieutenant in the first Civil War.[90] Accused of assembling hundreds of commoners to confront a leading Participant named John Gibbon, Noddel insisted that he was simply assisting constables executing a warrant against Gibbon for assaulting a commoner.[91] The instability of jurisdiction in the Level was illuminated when Gibbon accompanied the newly appointed deputy sheriff to 'keep the peace' under the authority of the Lords' order, which led to his indictment for trespass at a quarter sessions in 1647. When the deputy sheriff objected, he was sharply rebuked by two justices at the session, who 'comanded [him] to hold his tongue, and asked what he had to doe w[i]th ye businesse'.[92] On another occasion, the deputy sheriff attempted to disperse a rioting crowd by reading the Lords' order aloud, but was pursued by commoners 'crying out, kill him kill him, knock him downe let him never goe further'.[93] Petition was only one tactic, therefore, and the Lords only one locus of authority in the dispute over just rights in Epworth Manor. As justices confronted deputy sheriffs and quarter sessions crossed Lords' orders, definitions of trespass and right, violence and peacekeeping were contested.

Participants' petitions were not simply testimonies of riot, but part of a strategy to impede action in another sphere of negotiation: central courts.[94] In autumn 1647, the two justices, Noddel and several rioters were brought before the Lords to answer Participants' accusations.[95] When Epworth tenants sought to set a date for their trial of title in the Exchequer soon after, they found it blocked by a message from the Lords and promptly petitioned for permission to proceed without delay. The outcome relied as much on powerful allies and informal methods, specifically the support of the Parliamentarian commander Sir Thomas Fairfax.[96] Fairfax had led military action in the area around Hatfield Level and – according to one anonymous pamphleteer – had been 'rescued'

from Royalists by Axholme residents.[97] Having interceded to secure the release of 'some poore men of the Isle of Axholme', Fairfax now urged the Earl of Manchester (the Speaker of the Lords) to recommend 'a speedy tryall'.[98] The earl promptly informed the Exchequer '[t]hat it is not the intent of this House, to stay any legal proceedings in that court'.[99] In this instance, the commoners successfully mobilised influence in Westminster, as well as locally, and secured the right to legally contest improvement.[100] Rather than acting as a 'safety valve', rival petitions expose the fractures that improvement projects generated as property rights, justice and legitimate force were interpreted in very different ways. Participants' appeals to the Lords suggested that it had the power to overrule the Lincolnshire committee, interrupt Exchequer proceedings and restore order in the Level. In practice, however, its authority in the localities was shaky, while Participants were not the only ones able to exert influence in Parliament.

Sovereignty: petition, print and practice

After regicide and the abolition of the House of Lords in early 1649, adversarial petitions began to be published as pamphlets in hard-fought struggles over the future of drainage. As petitions by commoners and projectors in Lindsey Level were examined by a new Committee for the Fens in the Rump Parliament, a heated propaganda war about the project erupted in print.[101] Shifting parliamentary attitudes to fen improvement were signalled by the Act for the Drainage of the Great Level in May 1649, which revived the largest and most ambitious project of Charles I's reign.[102] A legislative triumph for the Earl of Bedford and his fellow undertakers after years of intensive lobbying, the act reflected the coalescing of governors' personal, political and financial interests in favour of the project.[103] No coherent policy was extended to fen projects as a whole, however: similar lobbying by drainers in Lindsey Level and Holland Fen failed to achieve statutory status.[104]

In Hatfield Level, the turn to print came only after a peak of litigation and riot. Fen communities regarded a trial at law as the strongest protection of their rights against projectors' efforts to enshrine improvement in legislation.[105] Between 1650 and 1651, Epworth commoners' trial of title was heard in the Exchequer. Across the same period, rioters destroyed the houses, church and windmill of the settler community, occupying the entire commons. In October 1651, the Exchequer reached a verdict, upholding tenants' title to the commons on the basis

of the Mowbray Deed.[106] This victory was brief and pyrrhic, however, as Participants' petitioning secured a parliamentary inquiry into riots across the preceding decade.[107] Having examined numerous witnesses at Westminster in February and May 1652, the inquiry's chairman, William Say, and his colleague, Henry Darley, drew up a report which omitted the Exchequer verdict and resulted in orders to restore Participants' possession in Epworth.[108] As these events unfolded in the courts, commons and Parliament, fen commoners resorted to print, broadcasting their case in five pamphlet-petitions between 1651 and 1654.

Hirst has observed a dwindling of politicised petitioning after 1649, in concert with a 'growing readiness to go public in private, local, or sectional causes' through printed petitions.[109] This period saw a wider closing down of political possibilities, as the Commonwealth moved to repress dissenting elements, including the Leveller movement. At first glance, fen commoners' turn to print confirms this pattern. This binary is complicated, however, by Epworth commoners' engagement of John Lilburne and John Wildman as legal advocates; both were former Leveller leaders and consummate political petitioners.[110] Yet, definitions of the 'political' as engagement with national constitutional concerns have tended to exclude the local politics of custom. Lilburne's brief involvement in Epworth has overshadowed a far longer lineage of interaction between this community, legal institutions and central governors, often involving petition. Epworth commoners' extended defence of custom – both as an unbroken practice founded in collective action and as a legally defensible 'title' to the land – furnished them with an assertive language of right that facilitated dialogue with unfolding discourses and events at Westminster.

This ability to stretch political language can be observed most acutely in a striking manuscript petition on behalf of 'many thowsand' Epworth commoners, which was signed by 270 individuals, with many names accompanied by marks or initials.[111] Submitted to the Council of State at the height of commoner riots in July 1651, it was a plea for clemency and the right to conclude their trial. Preceding and laying the conceptual groundwork for later printed petitions, this document has often been overlooked in histories of the Epworth dispute. By mobilising mass subscription strategies within a manorial community, this petition blended new ideas of popular sovereignty with the local authority of customary right and legal concepts of consent. In the mid-1640s, commoners' petitions were restrained, legalistic and defensive in tone. By contrast, this text offered a carefully crafted vindication of violence disguised as a deferential apology. Emphasising their 'undoubted right of common', the

petitioners recounted the 'tyrannicall power, threats and pollicie' that Charles I had used to dispossess them and coerce consent in the 1630s. The 'unjust delayes' they had suffered in securing a trial, together with 'ye remembrance of the cruelties excercised upon y[e]m by ye late kinge & his pretended drayners formerly by fines, imprison[en]t and bloodshed', had led them to 'vindicate their owne right'. Using emotive language, the petitioners both confessed and disavowed agency: accumulated injustices had exercised 'too great a power … to provoke yeir passions', which had 'carried' and 'lead' them into 'illegall actions'. Even while 'casting themselves at the feet of your Honours mercy', they insisted that it was 'lawfull for any comoners to remove any things that is prejudiciall to their comon, if it had been done without tumult'. They tacitly threatened further disorder by pledging that there was no danger of riot now that they had restored their rights.[112] This petition was the most explicit statement of commoners' right to use direct force to restore justice if the law or sovereign perpetuated injustice.

The contingent mechanisms by which petitioners exercised influence within Parliament were laid bare in an accompanying note scrawled by Noddel. Having been 'informed at the councell dore' that a committee had been appointed to report to the Council of State 'in the bus[i]nes of the Isle of Axholme', he urgently sought to deliver the commoners' petition to the Council through the 'noble favour' of the Lord President.[113] The doorways of both Houses of Parliament, committees and the Council in Westminster were sites of active lobbying, at which petitions were often presented.[114] They were also variably porous, with petitioners relying on active solicitors outside and well-placed contacts inside to exert influence.[115] In contrast to Noddel's hurried manoeuvres at the council door, the Axholme committee had been established in a seamless internal process instigated by a petition from the Participants.[116] Responding to the commoners' petition, the Council of State sought to transfer arbitration of the dispute from violent action in the commons to legal action in central courts. In a summer fraught with Royalist uprisings and plots, the Lincolnshire sheriff was instructed that 'in such times as these a more dilligent care ought to bee taken to prevent such meetings of the multitude that may make use of other pretences to begin insurrections'. But the Council clarified that the commoners were free 'to p[ro]secute theire pretences … in a due course of law, where they may have right without making themselves judges in their own cases, by such exhorbitant and irregular courses'.[117]

Lilburne was not the architect of commoners' political ideas, but he was responsible for their transition into print. As the Exchequer case

reached its conclusion in autumn 1651, he published a six-page pamphlet which advertised *The case of the tenants of the Mannor of Epworth … to inform every man in the justice and equity of their case*. It was 'signed' by three trustees on behalf of Epworth tenants, as well as Noddel and Lilburne, who styled himself 'a free-holder there'.[118] A month earlier, trustees representing commoners in the four parishes of Epworth Manor had formalised Lilburne and Wildman's position as advocates with a contract that granted each man 1,000 of the 7,400 acres to be recovered from the Participants. One of the trustees, John Thorpe, later suggested that Noddel had 'drawne in' Lilburne, as 'a powerful man' who would diminish rather escalate unrest: bringing 'a sooner end to the buisnes which could take off the clamour of the inhabitants'.[119] For his part, Lilburne reflected on this period as one in which he 'endeavoured to settle my self in some comfortable way of living' and, 'being dayly applyed unto by friends for counsel', had taken up 'honest causes' as a solicitor.[120] Despite his emphasis on legality, Lilburne identified as an Epworth freeholder and became involved in confrontations in the Level, in contrast to Wildman, who restricted himself to legal representation in London and warned that the rioters 'would undoe themselves'.[121]

Profound, but critical, engagement with the law and petitioning connected the customary rights of fen commoners to the political and legal rights of freeborn Englishmen. As Michael Braddick has argued, Lilburne's 'common law concerns' overlapped with 'the legal culture of provincial and popular politics'.[122] Liburne's interest in fen disputes may have stemmed from his unlikely friendship with Sir John Maynard, a conservative Presbyterian and vocal opponent of drainage, forged while both men were imprisoned in the Tower of London in late 1647.[123] After his release, Lilburne included fen grievances in a Leveller programme of constitutional and legal reforms published as the *The humble Petition of Thousands well-affected persons* (1648).[124] Albeit from very different political positions, Lilburne and Maynard were both outspoken critics of Parliament and the Commonwealth and both later became legal advocates and pamphleteers for fen commoners. Unlike Maynard's polemical offerings, however, Lilburne's fen pamphlet was stripped of the rhetorical extravagance and overt critique of authority that characterised his other writings. His rejection of the regime's sovereignty was implied only by his appeal to the 'conscience' of 'every indifferent man'. Taking a restrained tone, he outlined legal orders and miscarriages of justice since 1626. Citing the commoners' recent petition to the Council of State, he offered a more cautious explanation of how 'tyranny and injustice' had led them 'to defend force with force', while making a strategic (and false)

distinction between the riotous 'poorer sort' and 'chief' tenants who pursued legal avenues.[125]

Despite the shift in register, this type of pamphlet-petitioning – particularly by Lilburne – was regarded with suspicion by the Commonwealth authorities, and Lilburne's involvement ultimately aided the Participants more than his clients.[126] Petitioning the Council of State in early 1652, the Participants astutely capitalised on his trial for high treason in 1649. Lilburne and Noddel, they asserted, had used 'high reproachful and seditious language' to 'make the present government odious', while commoners had claimed 'that they could make as good a Parliament themselves'.[127] Beyond rhetorical alliance with governors' anxieties about public order, successful petitioning relied on other forms of influence. On 16 January, the inquiry into Epworth riots was delegated to a parliamentary committee which, on the same day, banished Lilburne from England on charges of sedition.[128] The committee's chairman, William Say, had not only acted as the Commonwealth's counsel during Lilburne's trial in 1649, but also owned various drained lands, including a share in Hatfield Level until 1650.[129] The Commonwealth had itself acquired a direct financial interest in the Level when it sequestered fee-farm rents worth £1,128 a year.[130] As the committee began to examine witnesses, Epworth rioters were explicitly excluded from the Act of Oblivion, which provided mass pardon for illegal acts committed during the Civil Wars.[131] The noisiness of commoners' printed petitions should not obscure the way in which Participants efficiently mobilised influence and aligned themselves with governors' agendas.

During the parliamentary inquiry, Noddel was accused of declaring that he would have his clients' case printed and 'nayld … uppon the Parliament doores & make an outcry and if they will not heare us wee will pull them out by the eares'.[132] Breaching the thin line between petition and challenges to sovereignty, this embodied act described how Epworth commoners, relegated to the fringes of the political process, were to amplify their grievances in print. After the inquiry's damning report was submitted to the Council of State in June 1653, commoner advocates did indeed produce a string of pamphlet-petitions intended to bring its corruption and omissions to light.[133] Published on 6 July, an anonymous broadsheet – *A brief remembrance when the report concerning the pretended ryot in the Isle of Axholm shall be read* – was intended to be handed directly to members of the newly established Barebones Parliament.[134] It was followed by a short tract, *The Case and Appeal* (1653), addressed to the Council of State and written by John Spittlehouse, a prolific Fifth Monarchist pamphleteer and assistant solicitor to the commoners.[135] Despite these interventions, the Council of State reinstated Participants'

possession and ordered a special commission to try rioters in August, emphasising the project's national benefits and the state's interest in the fee-farm rents. A parliamentary act was also recommended to confirm 'improvem[en]t of the whole Levell' and encourage 'others to endeavour the like publiq[ue] good'.[136] In response, Noddel published two pamphlets intended to oppose any such act. With limited access to information about parliamentary proceedings, he 'could not tell possibly how to do it at present better … then this way, and by lodging the freeholders petition in the hands of the Lincolnshire Members'. The pamphlets' titles were styled as assertive petitions: *The declaration of Daniel Noddel … on the behalf of himself and all the said commoners* in 1653 was escalated by *The great complaint and declaration* the following year. Stretching to nearly 30 pages, they included legal opinions on the case by leading jurists of the day, as well as polemic commentary on the inquiry's report.[137]

Bringing into focus principles of sovereignty, these pamphlets emphasised that such projects impinged on 'the privilege of every free-born English man'.[138] Commoners' lack of recourse to the law under Charles I had been instrumental to his illegal expropriation of their land and wider trajectories of royal tyranny. Deploying a rhetoric of classical republicanism, Noddel addressed Parliament as 'grave senators' and 'grand trustees' of liberty and property, declaring them to be 'the safest refuge every freeholder in England … hath to flye unto'.[139] Yet, his petitions aimed to limit Parliament's jurisdiction, urging MPs not to 'interpose with your extraordinary power' to overrule their 'ancient right'. Parliament risked being intentionally misled by the inquiry's report, which had 'lockt up and imprisoned the truth' by using 'the great noise of a riot' to cover Participants' 'naked title with excuses no better than fig-leaves'.[140] *The great complaint* concluded with several legal and parliamentary precedents proving that petitions to executive power should not be allowed to interfere with matters 'for which there is relief in the Courts of Justice'.[141] The Epworth dispute had wider implications for the regime's legitimacy, Noddel insisted, as 'there is much of the freedom of the laws and liberties of England, in my judgement, either to be preserved or lost in it'. Drawing overt parallels between royal and republican regimes, he speculated 'whether it is not much savouring like those in former times … of tyranny'.[142] These acclamations contained a demand and a threat, in which sovereignty became contingent upon upholding the law in general and commoners' customary rights in particular.

Shadowing commoner and Participant petitions in this period were ideas of a popular jurisdiction which extended beyond that of Parliament, and even the law, in the event of injustice. It was implicit in Noddel's

description of rioters 'who did but turn againe (as worms trod upon will do) in the just defence of their undoubted right of possession, when they could have no proceedings at law'.[143] It also surfaced in reports that rioters had declared 'if wee cannot get our comon by lawe we will get it by clubbe lawe'.[144] In her study of Leveller political thought, Rachel Foxley has challenged firm boundaries between the operation of popular and parliamentary sovereignty, identifying an 'almost organic flowing back and forth of sovereign power between … representative and people' whereby 'power is not dissolved but displaced'.[145] Similar movements can be identified in fen disputes as the location of struggle moved across common lands, central courts, local institutions and Parliament. Petitions to central governors facilitated flow between these different jurisdictions, allowing rival parties to appeal, evade or reinforce orders made elsewhere.

Petitioning did not resolve fen disputes, however. No act for Hatfield Level was passed and commoners continued to occupy Epworth commons. From the mid-1650s, Participants turned to the sewer commission as a vehicle to contest possession, by making the commoners liable for drainage taxes on occupied land and forcibly seizing their livestock. In April 1656, petitions from settlers and sewer commissioners about renewed violence in Epworth prompted a second parliamentary investigation by Major-General Edward Whalley, the military governor of Lincolnshire.[146] Highlighting failures of enforcement, the beleaguered settlers explained that rioters had 'been anymated to theise latter villanyes' by 'theyr impunity for theyr form[e]r wicked' deeds.[147] Although Whalley ordered restoration of 'improvers just rights, according to law' in August, another volley of petitions by commoners, settlers and Participants reached the Second Protectorate Parliament in December.[148] Participants even printed a pamphlet, compiling parliamentary support for their rights from the Lords' order of 1645 up to Whalley's recent investigation.[149] In the ensuing parliamentary debate, Whalley's impatience was palpable, explaining that 'they have spent their monies, and now come to knocks' and therefore 'troubled' military forces and the Council to intervene.[150] Referred to a committee, the dispute was kicked into the long grass. The Restoration triggered another round of riot, petition and (unsuccessful) lobbying to legislatively 'settle' the improvement.[151] But petitions to central governors became less frequent after the early 1660s, with interlocking disputes over land and water instead fought out in violent conflict over drainage taxes and episodic litigation. When a final Exchequer verdict was reached in 1719, Epworth tenants retained 80 per cent of the commons and the Participants were made liable for all drainage taxes.[152]

Petitioning: a contingent and contested process

Did the profusion of petitions that accompanied the Hatfield Level project – the first of its kind in England – develop the state's capacity to implement other wetland schemes? Ash has suggested that the landmark Great Level Act of 1649 furnished drainers with mechanisms to manage communities' complaints by instituting a new commission of adjudication, comprised of chief justices, MPs and leading statesmen. This 'truly independent, state-sponsored body' represented the state's 'benevolence and impartiality … in balancing private interests against one another' and leant 'a sense of fairness and legitimacy to the entire project'.[153] Although the commission received over 200 petitions, fen petitioners found justice no easier to access than their Hatfield Level counterparts.[154] Like other executive and legislative bodies, the commission met in London, disputes progressed slowly and, in many cases, no resolution was reached. One anonymous pamphleteer complained that commoners were forced to 'dance attendance a hundred miles from their homes every seaventh day after the term, to attend them for four or five hours, to spend their monies, and have no agrievance redressed, sometimes no committee appearing'.[155] As in Hatfield Level, grievances about the impact of improvement were more likely to gain a hearing than challenges to its legitimacy. Crucially, the decisions of the commission, and its successor after the Restoration, could not be appealed in other fora. As Peterborough residents remonstrated to Parliament in 1650, 'these commissioners have absolute and unlimited power … [to] put us out of possession; and in case wee bee grieved by their judgement, yet wee have no remedy but by appealing to themselves'.[156] It was repression, rather than arbitration, that drove the Great Level project forward after 1649. Petitioners resorted to riot when their concerns were ignored and drainage deemed complete in 1653. In response, the company drew on the full military force of the Commonwealth regime and levied harsh penalties against rioters.[157]

The Crown kept fen schemes at arm's length after 1660, perhaps recognising that centrally driven projects had become entangled with challenges to royal authority. Responding to a petition asking the king to 'give orders for the throweinge downe' of enclosures in an unnamed fen in 1666, Lord Chancellor Clarendon advised that 'this peticon is purely matter of right, and determinable only by the rules of law or equity, wher all matters of this nature are hearde, so that I cannot imagyne what the king can do in it'.[158] Fen improvement instead relied on the initiative of private investors and landowners, who turned to Parliament. Holmes has

suggested that projects supported by a parliamentary act experienced less resistance, demonstrating middling-sort commoners' 'apparent regard for the principle of legislative sovereignty'.[159] The degree to which statutory authority won hearts and minds in the fens is uncertain, but it did allow improvers to shut down long-running legal challenges. As one defender of the Great Level Act insisted in 1653, it was an 'unsound, destructive principle … that a commoners right cannot be bound by an Act of Parliament', which included 'all mens consents'.[160]

Legislative methods offered projectors no more certainty than sewer commissions or royal authority, however. Between 1660 and 1714, Julian Hoppit has shown, 64 specific (rather than general) bills related to the fens were introduced to Parliament, of which only a quarter passed, a rate well below the average for specific legislation.[161] Wetland improvement continued to draw together a multitude of different interests capable of obstructing legislation, including upstream communities, the Church, merchants and traders, port towns and commoners. Lobbyists on all sides promoted their case publicly through petitions and pamphlets, as well as leveraging influence in Parliament. Where passed, legislation did not establish consistent or effective mechanisms to stabilise improvement. It generated a patchwork of institutions of water management, operating at different scales and with distinctive processes and powers: in some areas, sewer commissions persisted, while in others bodies established by parliamentary act presided. Drainage was never done, requiring constant investment, administration and mediation of conflicting interests. By 1700, many projects had been abandoned (Lindsey Level, Wildmore Fen, East and West Fen, Holland Fen; all in south Lincolnshire). Others – including those with legislative sanction – were incomplete or precarious, grappling with declining profits, shrinking peat and difficulties in financing hydraulic infrastructure, as well as the sustained risks of flood and riot (Hatfield Level, Great Level, Deeping Fen).[162] Drained wetlands were fragile and unpredictable, socially and ecologically, and the scale of ambition that marked Caroline projects was only revived in the late eighteenth century.

Petitioning was a thread of continuity in the negotiation of wetland improvement, allowing stakeholders to traverse shifting loci of authority and weave together different arenas of dispute. Petitioners not only appealed about material conditions in wetlands – distributions of land and water – but also navigated the redistribution of power that underwrote social and ecological changes. In doing so, they raised questions about the practical infrastructure of governance and principles of justice, coercion and sovereignty. What status did customary rights command

and through what means could consent be expressed? Was executive power, common law or statutory authority the ultimate site of legitimate authority? Where did redress lie when institutions acted unjustly, those arbitrating were interested parties or enforcement was ineffective? Petitions were neither a clean lens into localities nor a mirror held up to governors' priorities. Instead, they bring into focus the multitudinous ways in which governance operated, justice was defined and power negotiated in early modern England. They also challenge persistent historiographical divisions between the economic and local, on the one hand, and the political and national, on the other. Politics – both customary and constitutional – reshaped floodwaters and land rights, while wetland disputes inflected national questions of justice and sovereignty.

In Hatfield Level, the Participants were often more proactive and effective petitioners than their adversaries, in part because their appeals were expedited by contacts and common interests with governors. Whether soliciting intervention or seeking to limit interference, fen communities' petitions illuminate how they acted as dynamic participants in the trajectory of improvement, reshaping waterways and redrawing boundaries in their own interests. Not all forms of popular engagement with the state bolstered its authority, however, or led to the development of more effective mechanisms of governance. In this instance, petitioning did not necessarily attest to 'a widespread assumption, spanning the political spectrum, that the obligations of government included benevolence and mercy'.[163] Ideas and projects of improvement gained momentum across the seventeenth century, but successive regimes' ability to implement or stabilise ambitious fen projects was stunted by the scale and persistence of local dissent, even as they experimented with different institutional arrangements. The seventeenth-century 'state' was fragmented in many respects: by private interests within government, by the disruptions of 'personal rule' and Civil War, by fraught interactions between judicial, executive and legislative branches, and the jurisdiction exercised by local officials and institutions. As a result, solutions to problems were often reactive, piecemeal and iterative. Having disregarded local rights and bypassed water institutions in Hatfield Level, central governors had no roadmap when faced with conflict. The scheme was propelled by a strengthening of executive authority during Charles I's 'personal rule' and the Commonwealth regime, but the mechanisms on which local implementation relied were fragile. Fen communities mobilised counterforce and sabotage, local officials refused to enforce central orders, Participants evaded accountability, sewer commissioners' remit was contested, and

orders made in one forum were appealed in another. Petitions did not always reconcile different priorities or restore a unitary sense of justice. Improvement instead generated landscapes of flux in the northern fens, as new property rights and water responsibilities proved difficult to sustain without local legitimacy.

Notes

1. On petitions and rhetoric: Davis, *Fiction*; Hindle, *Parish*, ch. 2. On petitions as source for investigating social conflict see, for instance: Lindley, *Fenland Riots*.
2. Flannigan, 'Litigants'; Hoppit, 'Petitions'; Würgler, 'Voices'.
3. Hirst, 'Making Contact', p. 28; Kümin and Würgler, 'Petitions', p. 59.
4. Goldie, 'Unacknowledged'; Chapter 8 in this volume.
5. Kümin and Würgler, 'Petitions', p. 59.
6. Bowie and Munck, 'Political Petitioning', p. 274; Hoppit, 'Petitions', pp. 70–1.
7. Bowie and Munck, 'Political Petitioning', p. 274. For criticism of these arguments: Almbjär, 'Problem'.
8. Warde, *Invention*, p. 7; Richards, *Unending Frontier*.
9. Thirsk, 'Crown as Projector'; Hoyle, 'Disafforestation'.
10. van Cruyningen, 'Drainage', pp. 420–2.
11. Walter and Wrightson, 'Dearth'; Slack, *Invention*, pp. 54–9; McRae, *God Speed*, pp. 8–12.
12. Morgan, 'Micro-Politics', pp. 421–4.
13. Ash, *Draining*, pp. 80, 5–13.
14. Hirst, 'Making Contact', pp. 27–8; Hoppit, 'Petitions', p. 70; Bowie and Munck, 'Political Petitioning', p. 275.
15. Zaret, *Origins*, ch. 8.
16. Holmes, 'Drainers and Fenmen', p. 69.
17. Peacey, 'Parliament', p. 363.
18. Holmes, 'Drainage Projects'; Slack, *From Reformation*, ch. 4; Yamamoto, *Taming Capitalism*, ch. 1.
19. On early modern petitions and lobbying: van den Tol, *Lobbying*, pp. 2–6. For patents: Thirsk, *Economic Policy*, pp. 52–4.
20. The National Archives (hereafter TNA), PC 2/15, fo. 423.
21. Darby, *Draining*, pp. 263–73; British Library (hereafter BL) Lansdowne MS 74, fos. 178r–183r.
22. BL Lansdowne MS 84, fo. 69.
23. For detailed analysis of these controversies: Holmes, 'Statutory Interpretation'; Chan Smith, *Sir Edward Coke*, pp. 91–114; Kennedy, 'So Glorious'; Ash, *Draining*, ch. 3.
24. Nottingham University Library (hereafter NUL), HCC 6001, fos. 1–5.
25. TNA, E178/5960.
26. TNA, E178/5960, fo. 3.
27. *Commons Journal*, i. 908.
28. Sharpe, *Personal Rule*, ch. 3.
29. For a detailed account: Lindley, *Fenland Riots*, pp. 71–8.
30. TNA, SP 16/323, fo. 25.
31. Noddel, *Great complaint*, p. 3.
32. TNA, SP 16/205, fo. 22a; SP 16/323, fos. 22, 79, 132; SP 16/444, fo. 69.
33. TNA, SP 16/323, fo. 110.
34. TNA, SP 16/222, fo. 31.
35. TNA, SP 16/250, fo. 187–8; SP 16/257, fo. 45.
36. TNA, PC 2/39, fos. 792–3.
37. TNA, SP 16/307, fo. 68.
38. Hart, *Justice*, pp. 15–16.
39. TNA, PC 2/40, fo. 35.
40. TNA, PC 2/39, fos. 792–3.
41. West Yorkshire Archive Service, WYL100/HC/B4/1; WYL100/HC/B4/2; WYL100/HC/B4/4.

42. Currer-Briggs, *English Adventurers*, iii. 521.
43. TNA, SP 16/196, fo. 66.
44. TNA, SP 16/270, fo. 149–51; SP 16/272, fo. 162.
45. TNA, SP 16/307, fo. 68.
46. van Cruyningen, 'Dutch Investors', pp. 23, 29.
47. TNA, SP 16/243, fo. 103.
48. TNA, PC 2/43, fos. 24v–25v, 49, 81, 127; SP 16/260, fo. 210.
49. TNA, PC 2/43, fos. 29v–30.
50. TNA, SP 16/243, fo. 42; SP 16/151, fo. 102; SP 16/279, fo. 183.
51. TNA, SP 16/169, fo. 61; SP 16/250, fo. 187; SP 16/257, fo. 45; SP 16/307, fo. 70.
52. TNA, SP 16/265, fo. 1.
53. TNA, SP 16/268, fo. 181.
54. TNA, SP 16/296, fo. 62.
55. NUL, HCC 6001-2.
56. NUL, HCC 6001, fos. 5–6.
57. TNA, SP 16/296, fo. 62.
58. NUL, HCC 9111/1, fos. 77–81.
59. NUL, HCC 9111/1, fos. 147, 177–9; Darby, *Draining*, p. 283; Peck, *Topographical Account*, Appendix V, iv.
60. The only examples this author has identified in state papers are: TNA, SP 16/375, fo. 71; SP 16/279, fo. 185.
61. TNA, SP 16/307, fo. 60.
62. TNA, SP 16/409, fo. 129.
63. Fletcher, *Outbreak*, ch. 6.
64. TNA, SP 16/450, fo. 188. See also: SP 16/451, fo. 151.
65. For discussion of how county petitions were organised: Fletcher, *Outbreak*, pp. 192–5.
66. TNA, SP 16/480, fos. 214–5.
67. This process was described in: Anon, *A reply*, p. 20.
68. Rawson Gardiner, *Constitutional Documents*, pp. 202–23.
69. *Commons Journal*, ii. 74, 89, 99, 105, 108, 112, 128, 139, 145, 147, 162, 421, 434, 441, 596, 603.
70. *Lords Journal*, vi. 208, 220, 224–5, 269, 312, 336.
71. Hart, *Justice*, pp. 129–32.
72. *Commons Journal*, ii. 147, 191–2, 205.
73. For other schemes: *Lords Journal*, vi. 337, 343, 371.
74. *Lords Journal*, vi. 377, 664–6, 707, 716–8; v. 5.
75. *Commons Journal*, ii. 668.
76. *Commons Journal*, ii. 661.
77. Parliamentary Archive (hereafter PA), HL/PO/JO/10/1/197; NUL, HCC 6001, fos. 407, 287, 385.
78. PA, HL/PO/JO/10/1/197; HL/PO/JO/10/1/196.
79. Hart, *Justice*, pp. 139–40, 155–8.
80. PA, HL/PO/JO/10/1/197.
81. PA, HL/PO/JO/10/1/200.
82. Early Modern Research Group, 'Commonwealth', pp. 671, 679.
83. Weil, 'Thinking about Allegiance', pp. 183–91.
84. PA, HL/PO/JO/10/1/200; *Lords Journal*, vi. 225; vii. 207, 219–30.
85. PA, HL/PO/JO/10/1/202.
86. King, *A discovery*, p. 2. On criticism of county committees: Morrill, *Revolt*, pp. 93–101, 160–9, 194–7; Holmes, 'Colonel King'.
87. For local disregard elsewhere: Hart, *Justice*, p. 162.
88. PA, HL/PO/JO/10/1/202.
89. PA, HL/PO/JO/10/1/202; *Lords Journal*, viii. 458.
90. TNA, SP 18/37, fo. 67, fos. 20–40; Noddel, *Declaration*, p. 22.
91. PA, HL/PO/JO/10/1/239; TNA, SP 18/37, fos. 30–2.
92. PA, HL/PO/JO/10/1/239.
93. PA, HL/PO/JO/10/1/239.
94. On the relationship between petitioning and litigation see Chapters 8 and 9 in this volume.

95. PA, HL/PO/JO/10/1/239; *Lords Journal*, ix. 451, 494.
96. PA, HL/PO/JO/10/1/244.
97. Anon, *Anti-Projector*, p. 6.
98. PA, HL/PO/JO/10/1/244. For the release of six Epworth men from custody in December 1646, see: HL/PO/JO/10/1/218.
99. *Lords Journal*, ix. 518.
100. On the importance of endorsements see Chapters 2 and 3 of this volume; Dabhoiwala, 'Writing Petitions', pp. 138–42.
101. Lindley, *Fenland Riots*, pp. 161–2.
102. Firth and Rait, *Acts*, pp. 130–9.
103. Lindley, *Fenland Riots*, pp. 165–70. On Cromwell's shifting attitude to drainage: Barclay, *Electing Cromwell*, pp. 75–96.
104. Lindley, *Fenland Riots*, pp. 163–4.
105. Lindley, *Fenland Riots*, pp. 121–2; Anon, *Two Petitions*, pp. 8, 10.
106. TNA, E126/5, fo. 228; NUL, HCC 8939/20, fo. 4; Lilburne, *The case*, p. 4; Noddel, *Declaration*, p. 10; Noddel, *Great complaint*, p. 10; SP 18/37, fo. 82.
107. Noddel, *Declaration*, pp. 16–19.
108. TNA, SP 18/37, fos. 13–86.
109. Hirst, 'Making Contact', p. 39.
110. On Lilburne and Wildman's involvement in Epworth: Holmes, 'Drainers and Fenmen'; Hughes, 'Drainage Disputes'; Lindley, *Fenland Riots*, ch. 6; Ash, *Draining*, ch. 7.
111. On the composition and organisation of Epworth riots: Robson, 'Improvement', pp. 226–31.
112. TNA, SP 46/96, fo. 52.
113. TNA, SP 46/96, fos. 49–50.
114. Kyle and Peacey, '"Under Cover"', pp. 5–11.
115. Hirst, 'Making Contact', pp. 32–4.
116. TNA, SP 25/19, fo. 162.
117. TNA, SP 25/96, fo. 287.
118. Lilburne, *The case*, p. 6.
119. TNA, SP 18/37, fos. 48–50.
120. Anon, *Just defence*, p. 9.
121. TNA, SP 18/37, fos. 18, 48–9.
122. Braddick, 'John Lilburne', p. 239.
123. Gurney, 'Maynard'.
124. Anon, *Humble petition*, p. 5.
125. Lilburne, *The case*, pp. 2–4.
126. Zaret, *Origins*, pp. 238–41.
127. Reproduced in Noddel, *Declaration*, pp. 16–19.
128. *Commons Journal*, vii. 73; TNA, SP 18/23, fo. 10.
129. Noddel, *Great complaint*, p. 19; Spittlehouse, *The case*; TNA, SP 19/99, fo. 59; SP 29/24, fo. 234.
130. TNA, SP 19/99.
131. *Commons Journal*, vi. 86–7.
132. TNA, SP 18/37, fo. 66. For similar accusations against commoners in the Lindsey Level: Hirst, 'Making Contact', p. 40, note 66.
133. TNA, SP 18/37, fo. 13.
134. Anon, *Brief remembrance*.
135. Spittlehouse, *The case*. In 1653, Spittlehouse published seven pamphlets and his publisher also published Noddel's *Declaration*.
136. TNA, SP 18/38, fo. 212; Anon, *The Case*, pp. 9–11.
137. Noddel, *Declaration*, p. 3; Noddel, *Great complaint*, p. 2.
138. Spittlehouse, *The case*, p. 3.
139. Noddel, *Declaration*, pp. 1, 16, 27.
140. Noddel, *Great complaint*, pp. 4, 24–5, 26; 1653, 2, 20.
141. Noddel, *Great complaint*, pp. 27–8.
142. Noddel, *Declaration*, p. 27; Noddel, *Great complaint*, p. 14.
143. Noddel, *Great complaint*, p. 23.
144. PA, HL/PO/JO/10/1/239.
145. Foxley, 'Problems', p. 654.
146. TNA, SP 18/129, fos. 247–58; SP 25/77, fo. 343.

147. TNA, SP 18/126, fo. 159. The settler community were active petitioners about riots and religious freedoms in the 1640s and 1650s: Robson, 'Fen Plantation'.
148. TNA, SP 18/129, fo. 248v; *Commons Journal*, vii. 472.
149. Anon, *The Case*.
150. Rutt, *Diary*, pp. 199–200.
151. *Lords Journal*, xi. 258, 281, 316, 334, 343; *Commons Journal*, viii. 327, 333, 342–3, 346–7, 349, 362, 427, 441, 446, 470, 476, 573, 575, 580–1, 587, 605; PA, HL/PO/JO/10/1/293; HL/PO/JO/10/1/298; HL/PO/JO/10/1/298A.
152. On disputes in Hatfield Level after 1660: Lindley, *Fenland Riots*, pp. 233–52.
153. Ash, *Draining*, pp. 266–7.
154. Cambridgeshire Archives, BLC Papers R/59/31/9/9, vols. 1–2.
155. Anon, *Anti-Projector*, p. 5.
156. Anon, *A reply*, pp. 4, 22.
157. Ash, *Draining*, pp. 270–5; Lindley, *Fenland Riots*, pp. 171–86.
158. TNA, SP 29/187/1, fo. 6.
159. Holmes, 'Drainers and Fenmen', p. 186.
160. Anon, *An Answer*, p. 2.
161. Hoppit, *Britain's Political Economies*, pp. 185–7.
162. Lindley, *Fenland Riots*, ch. 7; Ash, *Draining*, Epilogue.
163. Hirst, 'Making Contact', p. 48.

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8

Shaping the state from below: the rise of local petitioning in early modern England

Brodie Waddell

In the 1640s, tens of thousands of people attempted to influence the king and Parliament in matters of Church and state by subscribing their names to grand petitions, with very mixed success. However, most early modern petitioners had much more limited aims, merely seeking judicial favour in disputes with their neighbours, parish relief in times of hardship, licence to pursue their trades or similar 'bread-and-butter' benefits. They usually directed their requests to local magistrates rather than national authorities and, unlike explicitly 'political' petitioners, they very often achieved their objectives.

These practical appeals from individuals and small groups not only had an immediate impact on the lives of the petitioners, they also shaped the state itself. This chapter shows how the rapid growth in local petitioning from the late sixteenth century onward contributed directly to the process of 'state formation' at this time.[1] Specifically, it demonstrates that the reams of new statutes created by Tudor and Stuart governments provided a framework for ordinary people to engage with authority in productive ways, which resulted in the expansion of state involvement in many aspects of daily life that were previously outside its remit. While most of these petitioners were male householders who might hold parish offices and perhaps even vote in parliamentary elections, there were also large numbers of women and poor men, who otherwise would have lacked any official voice in governance.

The rise of petitioning took place during a period considered to be crucial to the long-term development of the state in England. The early

modern era has long been known to historians as one characterised by a peak in interpersonal litigation, a broader intensification of governance and transformative innovations in public welfare. As will be seen, this was hardly coincidental, for both the causes and the consequences of many of these requests related directly to these parallel developments. As such, it gave ordinary people a vital role in what we might call 'state building from below'.[2]

There is no shortage of scholarship on the growth of the state in early modern England, yet the impact of petitioning, especially local petitioning, barely features in current narratives. The historiography of state formation is so vast that any attempt to summarise it necessarily involves some degree of crude simplification. Nonetheless, the most common approaches tend to use one of two models. The first presents an essentially top-down process in which the central authorities played the leading role via a 'Tudor revolution in government', an 'absolutist', 'patriarchal' or 'confessional' Stuart state, or a 'fiscal-military' state emerging during the Wars of the Three Kingdoms and accelerating after the Glorious Revolution.[3] In contrast, a second model emphasises the contribution of the provincial 'middling sort', suggesting that they were 'incorporated' into the state through local officeholding and interpersonal litigation, which they often used as a way of distinguishing themselves from – and asserting control over – their increasingly proletarianised poorer neighbours.[4] From the late sixteenth century, according to Cynthia Herrup and many other historians who have discussed this process, 'the participatory nature of English government' was embodied in the judicial and administrative activities of an 'amorphous collection of modest property holders'.[5]

This chapter builds on these invaluable insights, but also suggests that we can go further and expand our understanding of 'participatory' governance through an examination of local petitioning. As will be seen, the growth of the state was not only driven by directives from above or the incorporation of the middling sort, nor was it simply an enforcement mechanism for dealing with interpersonal conflict between private individuals. Instead, the judicial, fiscal and regulatory functions of the state were shaped 'from below' by ordinary people, including not only the middling but also the poor, using petitioning as a tool to advance practical goals.

The importance of petitioning in everyday struggles over resources and behaviour at the local level has increasingly been recognised by scholars of early modern England. It is unnecessary to rehearse the broader historiography here, but the work of Steve Hindle and Jonathan

Healey on poor relief, Danae Tankard and Garthine Walker on cottage building, Mark Hailwood and Heather Falvey on alehouse licencing, and David Appleby, Mark Stoyle, Imogen Peck, Lloyd Bowen, Hannah Worthen and others on military welfare have together shown that these sorts of petitions can be extraordinarily revealing.[6] There has, however, been no attempt to draw these different types of petitions together in order to analyse their implications for our understanding of state formation during this critical period. Tim Hitchcock and Robert Shoemaker's work on London, which makes much use of petitions about poor relief as well as a range of other judicial records, shows that such documents can help to reveal 'a more substantial role for pauper and criminal agency in determining the evolving structures of eighteenth-century society'.[7] This chapter demonstrates that this was part of a process that developed dramatically from the late sixteenth century onwards.

To understand this phenomenon, this chapter focuses on a corpus of 3,809 petitions to 'sessions of the peace' for 15 jurisdictions from the 1560s to the 1790s.[8] The sessions courts became a cornerstone of local government in this period, where gentry magistrates and middling juries dealt with a vast range of judicial, regulatory and administrative matters, so petitions submitted to them are worth careful analysis.[9] Archival gaps as well as chronological and geographical unevenness means that it would be impossible to claim that this is a scientifically representative sample, but it is sufficiently broad and deep to provide a good indication of quantitative trends when used carefully. Moreover, closer analysis of individual texts can offer further insights into the details of petitioners' particular circumstances and their justifications for their requests. This core corpus has been contextualised through investigation of references to petitioning in other sources as well as smaller samples of requests submitted to the Crown and to the House of Lords.[10] Together the sources illuminate striking patterns in the prevalence and social profile of this practice, the aims of petitioners and the ways they justified their appeals.

Prevalence and social profile

By the 1630s, if not before, thousands of people submitted petitions to their local magistrates every year in England. Irregular record-keeping and archival attrition mean that it will never be possible to be certain about the number, but the rich collections held at some county archives reveal that local petitioning became increasingly common in this period, involving a very broad range of individuals from across the social spectrum.

While quarterly 'sessions of the peace' were established in the late fourteenth century, they appear to have only begun to receive written petitions in substantive numbers during the intensification of local governance late in the reign of Elizabeth I.[11] Among the earliest surviving petitions to a county quarter session is one that dates to Easter 1569 when the parishioners of Stambourne in Essex complained that Henry Bygge was burdening the town with poor people by letting out his houses to impoverished families from other parishes.[12] Although sessions rolls survive from 1556 onwards for this county, evidence of petitioning is negligible before the 1570s.[13] Norfolk and Staffordshire have extant sessions rolls from the 1530s and 1540s, but their earliest petition dates from 1589.[14] Even after allowing for the loss of much earlier material, petitioning the county quarter sessions appears to have happened very rarely before the final decades of the sixteenth century, but it then rapidly became an expected part of the business of the court.

Petitions submitted to the county magistrates survive in rising numbers across the late Elizabethan and early Stuart period. Although they first began appearing in the records in the 1570s and 80s, the numbers surviving are initially very small, with rarely more than two or three per year – and often none – for counties with substantial records for these decades. In the 1590s, the number rose significantly in jurisdictions such as Essex, Hertfordshire and Sussex, so that evidence of petitioning became the rule rather than the exception by the end of the sixteenth century. The volume of local petitioning continued to increase in most counties, sometimes rapidly, in the first four decades of the seventeenth century. The quarter sessions in the well-documented counties of Cheshire, Somerset, Staffordshire and Lancashire each received at least 30 to 50 per year under the early Stuarts.[15] During the Civil Wars and interregnum, patchy record-keeping makes patterns difficult to discern. However, petitioning continued to increase in most counties with solid evidence.[16] In Cheshire and Lancashire, the two counties with the most voluminous quarter sessions records at this time, the practice seems to have become even more common in the mid-seventeenth century, each with an average of well over 100 per year in sampled sessions.[17]

In the later Stuart period, evidence of the prevalence of local petitioning is mixed, becoming much rarer in some quarter sessions records while surviving in very large numbers in others. For example, there are fewer extant in counties such as Sussex, Somerset, Staffordshire and Cheshire, whereas there are hundreds more in Devon and thousands more in Lancashire. Thousands survive from the late seventeenth and early eighteenth century for places such as Yorkshire and Cumberland,

which lack sessions files for earlier periods.[18] In the metropolis, the 'sessions of the peace' for the City of London, Westminster and Middlesex filed more than 100 petitions per year between 1690 and 1740, before declining markedly thereafter.[19] While the trajectory can only be confidently charted in a few jurisdictions, it is clear that submitting petitions to the quarter sessions was already becoming less common in some areas under Charles II and probably in most areas by the end of the century. It continued at lower levels in many parts of the country under the Hanoverians and beyond, but the overall peak in this practice in England came in the middle decades of the seventeenth century.

For the vast majority of the population, appealing to local magistrates was a much more common route for seeking redress than petitioning the national authorities.[20] In the 1610s, for example, when James I was probably receiving around 800 petitions per year, the quarter sessions of just four of England's 39 counties received upward of 150 annually, which had increased to at least 200 by the 1630s and to more than 400 from the 1640s to 1670s.[21] While about 1,000 were submitted to the Crown each year during Charles II's reign, during the same period approximately 200 or more were submitted annually to the Lancashire sessions alone. When one multiplies these figures to account for the numerous but irregularly preserved petitions addressed to the kingdom's scores of other county and city sessions, the total number of petitions submitted to local authorities every year must have numbered in the thousands through much of the seventeenth century.[22]

The impressive social depth of this practice is even more evident when one considers the petitioners themselves. The majority of local petitions were submitted by single individuals but a sizeable minority came from small groups or collective entities such as parishes, often subscribed by ten or more individuals. Moreover, many of the seemingly 'individual' petitions included subscriptions from neighbours and other supporters as well. In 1628, for instance, Hugh Latham of Nether Knutsford in Cheshire sought a county pension because he had fallen 'into extreame wants and misserye' after being wounded while serving as a soldier 'in the Irish Warrs for his Countrye', and his request was supported with signatures from 15 of his neighbours.[23] On average, each surviving petition had three petitioners or subscribers, in addition to the unacknowledged involvement of the scribe and possibly informal advisors.[24] A substantial proportion of the population might, therefore, participate in this process at least once in their lifetime.

Many local petitioners belonged to the so-called 'parish elite' – middling male householders – which reinforces the arguments made by

previous historians that this was a key group in the development of the English state at this time. Only a fraction of petitioners explicitly stated their status or occupations, but those who did were often parish officers or others of similar social rank.[25] For example, among the 196 petitioners to the Hertfordshire quarter sessions who explicitly identified their roles, there were 34 constables, four gaol-keepers, two overseers of the poor, two surveyors of the highways, two clergymen and a schoolmaster, together amounting to about a quarter of the total. There were also five yeomen farmers, three innholders, three millers and a few other tradesmen who were likely to have considerably more wealth and power than most of their fellow parishioners. Indeed, a few groups of petitioners explicitly described themselves as the 'chiefest', 'principal' or 'best' inhabitants of a particular locality.[26]

Nonetheless, this type of petitioner was counterbalanced by vast numbers of individuals who lacked such secure public status. Approximately one-fifth of all local petitions were submitted by women, giving them a much more prominent role in petitioning than in local officeholding, or indeed in national petitioning.[27] Even among the men, there were many petitioners who were very unlike the 'chiefest' parishioners. In the Hertfordshire set, for instance, there were 25 labourers, seven husbandmen, a basketmaker and a servant, alongside ten prisoners, five maimed soldiers, 'a poor inhabitant' and 'a very poor man'. In total, these men comprised over a quarter of the 196 Hertfordshire petitioners with an explicit status designation.[28] In addition to lower-status men, there were also 42 women in this set, mostly poor widows, suggesting that nearly half of readily identifiable petitioners in this county were people otherwise largely excluded from local governance. Moreover, just as some groups claimed to be the 'better sort' of inhabitants, so others identified themselves as 'the almspeople', 'divers poor pensioners', 'the poor inhabitants' or 'poor prisoners for debt'.[29] These sorts of people have rarely featured as important actors in previous histories of early modern state building but they were crucial to the rise of local petitioning in England.

The breadth and depth of this culture of local petitioning ensured that it was a vital means for people to engage with state authority. To understand why it became so common, and why so many individuals without an official position or public status became involved in the process, it is necessary to examine the aims of the petitioners, which follows in the next section. However, irrespective of the content of these documents, the very fact that they were produced and submitted to the authorities in such large and growing numbers is revealing. Tens of

thousands of people from England's cities, towns and villages who might otherwise have appeared passive or indifferent in the historical record used petitioning as a means to push for state action in their lives.

Aims and impact

The act of petitioning was, in itself, a sign of increasing popular engagement with state authority in the early modern period. The aims of these petitioners show that most sought active magisterial intervention and a growing number specifically focused on new fiscal obligations. Many succeeded in their modest individual goals, cumulatively making a potentially major impact on England's formal structures of authority and responsibility.

Every petition was the product of both the needs of the petitioner and the perceived remit of state power. The details of their aims were thus extremely diverse and personalised, but the majority related to a rather narrower set of issues (Figure 8.1). In the early part of the period, petitioners were especially concerned with interpersonal disputes, public misbehaviour and oversight of potential sources of disorder, namely cottages and alehouses. Petitioning was thus a key part of the well-known

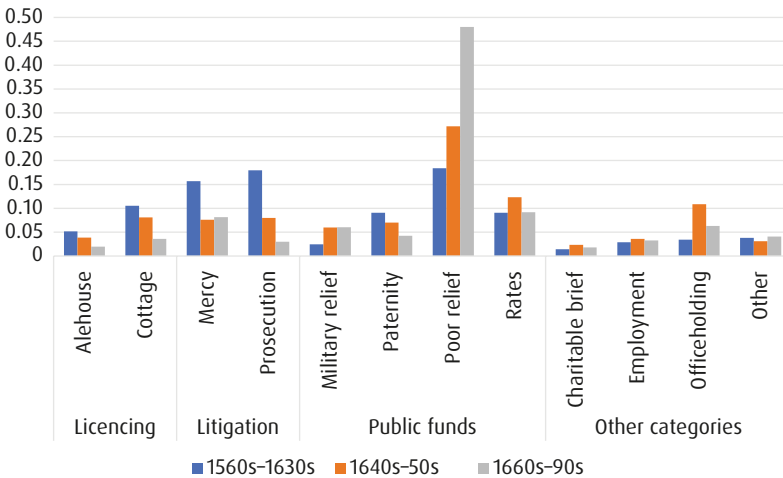

Figure 8.1 Categories of petition in sample, 1569–1699 (n=3,341)
Note: I have not included the eighteenth-century petitions in the sample on this chart, because they are so dominated by Westminster sessions and thus very atypical, but for a visualisation of post-1700 trends, see Chapter 9.
Source: Author's compilation.

rise and fall of litigation and moral policing in the sixteenth and seventeenth centuries. However, as will be seen, many requests focused on welfare provision and fiscal liability – and this became increasingly central to the practice over the course of the seventeenth century. As a result, individual petitions directly, if minutely, shaped the growing economic and social role of the state at a time when this aspect of its responsibilities was changing dramatically.

Petitioning had long been integral to wider processes of litigation. Since the medieval period, petitions were used to appeal for redress through 'equity', that is to say adjudication or mercy outside the strict application of the common law. Submitting a 'humble petition' was, in fact, a key step in the legal process in many of England's multiplicity of overlapping jurisdictions. The royal courts of equity – namely those of Requests, Exchequer, Chancery and Star Chamber – often began their proceedings in response to supplicatory 'bills'. The lawyers and clerks who produced these documents ensured that they soon became mostly standardised and conventional, but they nonetheless encouraged litigants to present their narratives in a petitionary mode.[30] As the business of these courts expanded dramatically in the century or so before 1640, they spread familiarity with the written petition as a genre among both the learned professionals who wrote them and the innumerable individuals who commissioned them.[31] Many petitioners also sought to address the monarch more directly about litigation. The registers of Jacobean Masters of Requests indicate that hundreds of petitions about 'justice' were received every year at that time.[32] Even Parliament involved itself in 'private' litigation, especially from 1621 when the House of Lords began to act as a high court.[33] However, although the number of people who submitted such petitions to king or Parliament seems to have grown in the early seventeenth century, most of these litigants were part of the aristocratic and mercantile elite or had existing connections to these institutions through kinship or service.[34]

Much local petitioning was equally concerned with litigation, but it reached much further down the social ladder. In most counties, around 15 to 30 per cent of surviving petitions to the quarter sessions fell into this category, with the highest levels under the early Stuarts, falling substantially in the mid-seventeenth century and remaining at this lower level thereafter. In theory, the 'sessions of the peace' were royal common law courts based entirely on statute or precedent, but in practice the magistrates had extensive discretion which meant that there was frequently scope for acts of 'equity' in response to petitions.[35]

Many were attempts to spur the court to intervene against a named adversary. These petitioners usually asked the magistrates to 'bind over' their neighbours through a recognizance to 'keep the peace' or maintain 'good behaviour', which would incur a financial forfeit if violated. This procedure became more popular in the late Elizabethan and early Stuart period.[36] The petitioners in such cases were usually yeomen or husbandmen rather than poor labourers or wealthy gentlemen. Although the two-shilling fee for a warrant issued upon petition meant that this was not an option open to everyone, it was a route for redress much cheaper and faster than initiating a suit in one of the higher courts, and in some cases the only cost was two pence for a justice's order.[37] Local petitioning was, therefore, a key means through which ordinary people sought to push the state into fulfilling its mandate of enforcing peace between neighbours. Moreover, it was not simply used by disgruntled individuals. Large groups of parishioners might join together to seek action against disorderly or disruptive people in their midst. In the Kentish village of Ash, 14 inhabitants complained bitterly to the county bench in 1604 that Alice Due was 'veary troublesome & contumelious persone', who spent her time 'Raylinge, scowldinge and fightinge with her neighbours', so they asked the magistrates to impose 'goode order' on her.[38] In this way, petitioning might form part of a local campaign to reform misbehaviour, possibly inspired by an inclination towards 'the hotter sort of Protestantism'.[39]

Petitioners also appealed to the magistrates during or after ongoing litigation in an attempt to reverse a judgement that had gone against them. Pleas for mercy or pardon, asking for discharge from imprisonment or recognizance, were in fact even more common than requests for prosecution or 'binding over'.[40] Despite their prominence in the archives, this type of local petition has received almost no attention from historians. Yet, as scholars such as Krista Kesselring have shown in the case of higher courts, selective grants of clemency were an essential part of the early modern judicial system, and these usually came as a response to a petition.[41] The appeals received by justices of the peace only rarely concerned felonies, though they are not entirely absent. The silkweaver Francis Warner, for example, sought release from gaol at Worcester after being imprisoned for drunkenly 'relateing some unhappy wordes' about political affairs in 1685.[42] In contrast, most petitioners who requested pardon from the bench had been accused of misdemeanours such as trespass, assault or minor nuisances.

The ease with which such accusations could be made meant that petitions were a crucial way for communities to avoid overly rigorous

application of the law. Imprisonment could be disruptive and costly not only to the prisoners but also to those left behind in their neighbourhood, so their allies often banded together to seek leniency. Twenty-nine men thus wrote to the Staffordshire magistrates in 1609 on behalf of Walter Steward and George Smith, who had suffered a month of imprisonment with 'hard diette' and 'extreame colde' but who were now allegedly ready to 'undertake a newe life and honest conversacion' as good neighbours.[43] Petitioning therefore served as a tool to mitigate some of the procedural iniquities and socially undesirable consequences produced by the mountain of litigation that piled up in the late sixteenth and early seventeenth century.

Its place in this broader trend can be seen in the chronology of such petitions. The proportion of requests focused on litigation and pardons was already high in the surviving Elizabethan petitions and rose even higher in the early seventeenth century, averaging about one-third of all petitions before 1640. In this period, dealing with such requests must have been one of the largest parts of the business of county courts. This was the very same era when the volume of various types of litigation was generally peaking.[44] In contrast, the proportion of petitions on this topic declined steeply throughout the rest of the century, falling to only about one-eighth of the total by the end.[45] As many historians have shown, the prevalence of both criminal and civil litigation was also receding in this period.[46] While in the national equity courts formal petitioning was often a necessary stage in a long and expensive process, a wider range of petitioners were able to address the local magistrates on such matters. Petitioning was, therefore, a vital component in the wider culture of early modern litigation, serving as a route for appeals to principles of justice and fairness beyond the letter of the law.

The massive expansion in the English state's fiscal and administrative functions was even more important than litigation to its long-term development. At the local level, this was mostly about providing for the poor and managing systems of licencing. While petitions about social and economic policy at the national level have received considerable attention from scholars, the role of local petitioning in the vastly expanded statutory framework that governed daily life was no less significant.[47] At the county and parish level, many petitioners were just as concerned with public policy as the groups and institutions who appealed to Parliament or the monarch. However, while national petitions sought to shape policy through legislation, letters patent or royal proclamations, those who addressed the county magistrates had more modest aims. Put simply, they

tried to push the justices of the peace into implementing new or existing legislation according to the needs and priorities of the petitioners.

Tudor parliaments created a new licencing regime through a series of statutes which were designed to regulate drinking establishments and also to limit the building of rural dwellings without attached farmland. Specifically, a new act passed in 1551 imposed a legal obligation on alehousekeepers and anyone else who sold beer to petition the bench for a recognizance guaranteeing their suitability for that role.[48] Likewise, in 1589 another new act required that anyone building a cottage with less than four acres of land attached seek permission from the county magistrates.[49] These set up a new legal framework that made petitioning a mandatory step for many ordinary people seeking a new source of income or an affordable dwelling.

About one in ten petitions to the county magistrates fell within the rubric of these statutes, with the highest proportion coming in the Elizabethan and early Stuart period. The largest group were requests for licences to build landless cottages, with only a few submitted in opposition. There was a wave of such applications in the immediate wake of the new act in 1589, but this also remained an occasional part of quarter sessions business throughout the seventeenth century. Meanwhile, a smaller proportion of petitions focused on alehouses, a majority of which were applications for licences and a substantial minority were objections to the same. In some places, disputes about the acceptability of particular drinking establishments prompted repeated petitions and counter-petitions, as at Bayton in Worcestershire where different groups of parishioners sought the support of the magistrates on at least six occasions between 1610 and 1621, showing that this was not a purely bureaucratic matter.[50]

The emergence of a national statutory framework for county licencing of individual economic activity imposed new requirements on many people who otherwise would have little if any contact with the magistracy.[51] It also empowered their neighbours by giving them opportunities to block such applications or retroactively cancel them. It was not, one suspects, a welcome development from the perspective of cottagers and alehousekeepers. Still, the new licencing laws prompted a wide range of people – applicants, their allies and their opponents – to create petitions that engaged with the authorities in novel ways. They should, therefore, undoubtedly be a part of the story of early modern state formation. Yet they were a relatively minor element when compared to the contests over taxes and welfare.

The most common goal of seventeenth-century petitioners was to influence how money was raised and, more importantly, how it was spent, especially funds for the relief of the poor at parish and county level. Many of these petitions were a direct result of the Poor Laws passed in the second half of the sixteenth century, culminating in the oft-cited 1601 statute and refined by further Acts in 1662 and beyond. Although the details of these statutes are complex, their core contribution was to establish the principle that local paupers should be supported through parish-level taxation and ineligible poor people should be 'removed' to their 'home' parishes.[52] These laws were augmented by others such as the legislation of 1575–6 which made the fathers of poor illegitimate children financially liable for their upkeep to help to minimise the 'great burden' of welfare costs that would otherwise fall on the parish.[53] Meanwhile, financial support for veterans – and later war widows – was formalised through a statute of 1593, creating a county-level system of military relief that was hugely expanded during the Civil Wars of the 1640s and continued after the Restoration.[54] Another sixteenth-century statute set out new requirements for communities to maintain bridges through county rates.[55] What all these acts had in common was their creation of new local fiscal responsibilities that could be claimed or disputed through petitions to the justices of the peace.

Much of the growth in local petitioning in this period can be attributed directly to these new statutes. The range of surviving petitions received by the magistrates of Staffordshire in 1609 demonstrate the centrality of fiscal issues from an early date: a group of townships asked for 'a generall taxacion' to repair a major roadway; the inhabitants of the district of Seisdon for confirmation that they were not financially liable for bridge repairs; the overseers of Gnosall for an order transferring the costs of supporting an illegitimate child from the parish to the reputed father; Margaret Dycher for some 'mainteynaunce' or 'reliefe'; the parishioners of Sandon for the expulsion of eight newly arrived 'poore people'; Anne Preasley for financial support from the father of her illegitimate child; Elizabeth Davies, widow, for an order providing her with a house and regular relief; two husbandmen for imposition of parish rates on neighbouring landholders; and two prisoners for relief to prevent starvation. These nine requests about rates and relief, which outnumbered the seven requests this year about other matters, all represented attempts to shape how public funds were raised or – more often – distributed.[56]

Across all quarter sessions petitions, the proportion directly spurred by the new statutes about public funds was already larger than those relating to litigation or licencing in the period before 1640, amounting

to about two-fifths of the total. They became even more prominent over the rest of the century, comprising about half in the 1640s–50s, and two-thirds under the later Stuarts. Most of this group concerned claims about poor relief, with the majority of these from paupers asking for allowances or 'settlement', and the remainder from parishes seeking to 'remove' potential claimants.[57] Also based on the Poor Laws were appeals focusing on support for illegitimate children, with a substantial majority of these coming from individual mothers or from whole parishes demanding financial support from reputed fathers and a much smaller share from men seeking to avoid these responsibilities and pass financial liability back to the parish.[58] The new statutes for relieving maimed veterans provoked only a small number of petitions under Elizabeth and the early Stuarts, but the proportion rose significantly during the Civil Wars of the 1640s and their long aftermath. They were very similar in aim to the requests for parish poor relief and, while the funds for these payments came from the county treasury rather than from parish rates, the implications for public spending were little different. Finally, about one in ten local petitions concerned taxation in various forms, including national assessments such as the poll tax, county levies for bridges or causeways and parish rates for the church, the poor, the constables or the highways. The objective of most of these requests was to impose taxation on recalcitrate neighbours who neglected or refused to contribute, though some petitioners sought to avoid liabilities and others simply asked for arbitration. Notably, nearly all of the disputes about taxation related to the fiscal responsibilities created by the new statutes outlined above and others like them.

Considering petitions about public funds as a whole, it is striking that a substantial majority aimed to expand – rather than roll back – the local fiscal commitments of the English state through requests for new spending on welfare, infrastructure or whatever else might fall within the growing remit of magisterial action. The prevalence of these appeals shows how petitioning could shape the increasingly prominent role of the state in local communities. The trend suggests that each new piece of relevant legislation created further opportunities and incentives for people to attempt to influence the way public funds were raised and spent. While new financial liabilities were legally defined through legislation that came 'from above', the implementation of these responsibilities was often initiated and adapted by petitions 'from below'.

All this would be moot if magistrates generally ignored or rejected these countless requests. Yet scattered evidence suggests that justices took petitions seriously and responded positively often enough to make

the practice very worthwhile. In Cheshire, where magistrates most frequently recorded their ruling directly on the petition itself, Sharon Howard found that more than half received a positive response. In three other counties, where fewer petitions had any annotations at all, at least a third of petitioners had their requests partly or fully approved.[59] Moreover, a surviving order book for Worcestershire from 1693 to 1709 records responses to almost all the unannotated petitions for that county and confirms their high success rate. Of the 35 extant requests, 29 were fully or partly granted, five received no recorded response and only one was explicitly rejected, with the petitioner ordered to be whipped for presenting 'a false Lie' about losing his house and shop to a fire.[60] In Cheshire, and probably in other counties, petitions about poor relief and public funds were particularly likely to receive a positive response, despite the fact that they created new financial responsibilities for the authorities.[61] It seems that magistrates were usually willing to support ordinary people who took the initiative in these key areas.

Explaining the rise of local petitioning is therefore relatively easy. It was spurred by new statutes and rising levels of litigation, which together created strong incentives for people to seek magisterial endorsement or intervention. The practice was further encouraged by frequent practical successes because a positive response to one petitioner would have motivated others to try the same tactic when faced with similar circumstances. More elusive factors also probably contributed, despite the difficulty in tracing direct connections. For example, some local inspiration and expertise must have come from the expansion of petitioning at the national level, including the thousands of petitionary bills submitted to the central equity courts, the opening of the House of Lords to petitions about litigation from the 1620s and high-profile individual events such as the Millenary Petition in 1603 or the Petition of Right in 1628.[62] All of these developments meant that more and more people had knowledge of petitioning and more reasons to pursue it in the late sixteenth and early seventeenth century.

Less obvious are explanations for the apparent diminution of quarter sessions petitioning in many places in the later Stuart period.[63] Some of this overall trend was due simply to the slowing growth and then outright decline in civil and criminal lawsuits in this period, as indicated by the fact that petitions about litigation were among the first to start to fade away. This period also witnessed the shifting of some responsibilities from the whole 'county bench' at quarter sessions to smaller groups of justices at petty sessions and even to individual magistrates acting singly 'out of sessions'.[64] Relatedly, some requests may have been channelled

into more bureaucratic and standardised applications, which lost their most visible petitionary elements, though finding concrete examples of this is challenging.[65] In either case, the problems that led to quarter sessions petitions did not disappear, but they could now sometimes be resolved without a formal petition to the whole county court.

Such trends demonstrate that the aims of petitioners were fundamental to the nature of the process: popular involvement in litigation and novel statutory obligations in key aspects of neighbourhood life such as poverty meant that many more people embraced local petitioning as a route for redress. While initially focused mostly on mercy, disorder and licencing, petitioners also pursued – or disputed – claims to public funds. Such requests tended to seek to expand the state's fiscal responsibilities and they became increasingly common across the period. Although it was only loosely connected to the well-known rise of the 'fiscal-military state', local petitioning had a similarly important role in the raising and redistribution of vast sums of money through the machinery of local governance.

Justifying appeals

To achieve their aims, petitioners framed their requests carefully and some rhetorical strategies were particularly popular, which can help to reveal more about the type of state being shaped 'from below'. As will be seen, petitioners often justified their requests by appealing to public concerns and statutory rights. Although many continued to deploy the rhetorical tools of Christian charity and paternalist mercy, they also seem to have increasingly sought 'justice' in ways that were more akin to claiming legal rights from a bureaucratic state than seeking discretionary 'grace' from a personal ruler.

The process through which these texts were composed must be born in mind when attempting to interpret them. They were never the unmediated 'voice' of the named petitioner. They were almost always the product of a collaborative process involving petitioners and professional or informal scribes as well as potentially advisors, neighbours and acknowledged supporters. As Bowen and Worthen have shown in this volume, the particulars of how each petition was created are nearly always opaque, but fragmentary surviving evidence demonstrates that the precise words likely included a combination of the petitioner's own expressions, formulaic phrases common to many other texts, and consciously crafted prose based on the guidance of those with more knowledge of

the judicial and administrative system.[66] They were after all designed to appeal to the recipients rather than to express 'authentic' opinions. But for all of these reasons, the specific words and phrases they use provide a very illuminating source for understanding the relationship between 'the people' and 'the state' because they were a composite text reflecting the needs of the petitioner, the advice and expertise of those around them and the expectations of the authorities.

Before examining the more novel aspects of petition texts, the continued vitality of 'traditional' rhetoric should be acknowledged. Unsurprisingly, a substantial number of appeals seeking some sort of judicial forgiveness were regularly couched in the language of mercy, equity and discretion. In requests about interpersonal litigation, petitioners sometimes explicitly claimed that their adversaries were too rich or too powerful to face in an ordinary lawsuit and therefore sought the direct intervention of the 'merciful' magistrate to overcome this injustice. Hence in 1617 Robert and Margaret Garret asked the Worcestershire bench to call Edmund Wynsmoore to account for nefariously seizing their house, claiming that 'in regard of our grete povertie [we] cannot take course of lawe against him he beinge welthye and of great habillitie'.[67] Similarly, two decades later an Essex petitioner stated that he needed personal assistance from the magistrates because 'beinge a poore man', he was 'not able to gett his money by lawe'.[68]

Many petitions for clemency also focused on the limits of strict legal procedure by alleging malicious prosecutions, noting procedural injustices or praying for gratuitous pardons. These petitioners were thus asking the county magistrates for paternalist 'equity' rather than legalist regulation. More than one suggested that they had been arrested 'upon mere mallice', impoverished by 'vexatious suites' or 'most maliciously chardged' with invented crimes.[69] Alternatively, others simply admitted fault and asked plaintively for a pardon, such as Samuel and John Wood of Wick in Worcestershire who said they were 'heartily sorry, and were and are ready and willing to make such submission and satisfaccion both to the court and the gentlemen for theire offence' in 1677.[70] Prosecuted or imprisoned men and women almost invariably emphasised their pitiable material circumstances, and sometimes turned appeals for mercy into prayers for charity. For example, Francis Gibson, 'a poore prisoner in Derby Gaole', wrote to the justices in 1680 to claim that he had already received a pardon but that he had not been released because he still owed fees to the clerk of the assizes. He said that his 'powverty' was well known to the gaoler and he lacked 'any freinds or relations to help' with even 'a grote', so 'I humbly beg of youre Worships, that you will comiserate my

condition and by somm meanes procure my liberty'.[71] In all these cases, the personal discretion and paternalist responsibility of the magistrates was foregrounded. They thus followed a rhetorical path set out much earlier, embodied most prominently in the petitionary 'bills' submitted to the Court of Requests and other central equity courts from the late medieval period if not before.[72]

Yet this mode of engagement with local magistrates seems to have been increasingly outweighed by appeals framed in a very different mode. Many petitioners instead appealed to the public interest or to statutory rights or a combination of the two to justify their requests, suggesting a shift in how they thought about their relationship to the state.

In local petitioning, unlike in national petitioning, the terminology of 'the common good' or 'the public interest' was exceedingly rare. It was not entirely absent, as can be seen in a petition of 1599 in which a group of parishioners alleged that one of their neighbours was 'a disordered person' whose habitual misdemeanours were 'not fytt to be tollerated in soe well governed a common wealth as this is'.[73] However, many more petitioners expressed a similar sentiment through less direct language. In particular, many argued that the magistrates needed to take action to avoid or reverse harm to the wider community. Some parishes, for example, suggested that they required financial assistance for road or bridge repairs to maintain or strengthen regional trade circuits. Thus, in 1615, the inhabitants of Teambury petitioned the magistrates about two bridges in their parish that had been damaged or destroyed in a recent flood. They claimed that Teambury was a 'great throughfare leading from the most places of Wales to the city of London'. If the bridges were not fixed, they said, there would be 'much damage to the country', through loss of traffic and trade, so they asked for a special tax to be laid on neighbouring parishes to help with the repairs.[74]

Individual petitioners also presented their requests as relevant to the common good. Prisoners frequently suggested that releasing them from gaol would be much more than a personal mercy; it would in fact allow them to support their households and contribute to the community, whereas if their imprisonment continued their poor families would fall upon the parish charge and become a collective burden.[75] Although their motives may have been wholly self-interested, they also knew that the authorities saw themselves as part of a broader effort to ensure that the labour of the poor contributed to the health of the commonweal.

Alongside these gestures towards the common good, there was also an apparently growing tendency to focus on statutory rights and duties. This sometimes came up in petitioning about interpersonal conflicts, such

as in 1639 when a Staffordshire shoemaker protested that his daughter had been mistreated when employed as a servant by a local alehouse-keeper, who 'detaine[d] her wages contrary to law'.[76] However, it was much more common to find the law cited by petitioners seeking to shape the implementation of legislation about public or communal concerns. As early as the 1580s, for example, requests for cottage and alehouse licences in Essex recited that they were justified 'accordinge to the forme of the statute' and 'as the lawes of the Realme doth permyt'.[77]

Legalistic conceptions of new fiscal obligations spread fast and far, appearing explicitly in many petitions by the first decades of the seventeenth century. In 1609 in Staffordshire, for example, the overseers of Gnosall complained that they were forced to support 'a basterd chyld' because the reputed father refused to contribute to maintaining it, 'contrarie to law and good conscience', so they asked the justices for an order against the man 'according to the lawes and statutes in that case made and provyded'.[78] Meanwhile, the same magistrates received another petition in the same year from a widow seeking to force her township to provide her with publicly funded housing. Elizabeth Davies of Forebridge claimed that she was already given a 'mayntenance' from her parish, as required by 'the lawes and statutes of this realme', because she was 'lame and impotent', but that she would soon be homeless 'in regard there is no overseers to releeve her'. She asked for the magistrates to issue an order on her behalf, 'out of your pittie and commiseracion, (And according to lawe and justice)'. Her parenthetical call for enforcing the 'lawe' was, it seems, aligned with the attitudes of the Staffordshire magistrates because they responded by commanding the overseers 'to build her a howse in som place fitt, and releive her according to the Statute'.[79] This vocabulary of statutory obligation turned the 'humble petition' into a tool for implementing new legal duties.

This justification was, in some ways, almost directly contrary to the traditional petitionary mode which emphasised the helplessness of the petitioner and the personal discretion of the magistrates, yet both tropes can be found in collections of petitions from the same period and same jurisdiction. Indeed, sometimes they can be found alongside each other in a single text. Particularly illuminating is the case of Margery Glover, a widow from the village of Ripple in Worcestershire, who submitted a petition for poor relief in 1605. In some ways, the text was highly personalised and traditional, full of the rhetoric of helplessness and desperation. In the petition, she described herself as 'a very poore aged woman' who was at least 80 years old, living with her 'poore lame distressed' widowed or abandoned daughter Margaret, trying to support

her 'fatherles' grandchildren, falling into 'moste myserable poverty', and now left 'ready to pyne' from hunger. She thus asked for 'mercy and pitie' from the magistrates, seeking whatever relief 'yor godly wisdomes shall seeme expedient', and concluded the plea by promising that her despairing family would embrace 'their most bounden dutyes … to pray for your most happy preservacion in all worshipp longe to continue'. These words were an abject appeal to the age-old paternalistic honour of the gentry on the county bench, humbly praying for them to protect widows and orphans from outright starvation. Yet this same text drew on new ideas about justice, law and the obligations of the early modern state. In it, she claimed that she 'by noe meanes can gett noe asistance of the parrish at all' and worse still 'ther is noe collection made in the said parishe for the poore accordinge to his majesties lawes'. In other words, the parish officers of Ripple were refusing to fulfil their statutory responsibilities and breaking the law of the land. Her complaint, therefore, was not merely a request for charity, it was an essentially legal appeal 'for their releefe and for the advauncment of justice'. This petition served as a call for a *general* implementation of a rating and relief system in her community, arguing that expanding the fiscal role of the parish was a legal necessity and a judicial priority. It seems the magistrates agreed, because they ordered the overseers 'to allow her iiii pence weekly'.[80]

Such examples show that shifts in the aims of petitioners towards statutory duties were paralleled in how they framed their requests. While traditional appeals to piety and mercy remained popular, there seems to have been a growing tendency to highlight impersonal state obligations through the language of 'law' and 'statute' rather than foregrounding individual paternalist duties. Although explicit claims of legal rights or entitlements were rare, many petitioners became more assertive in appealing for an expansion of the fiscal and administrative responsibilities of parochial and county government.

Conclusion

As we have seen, the growing power and remit of the state in early modern England was shaped directly and indirectly by new developments in local petitioning. Over the course of the late sixteenth and early seventeenth centuries, county and city magistrates received rapidly growing numbers of petitions about practical matters both from individuals and from communities. The range of people involved as initiators, organisers and subscribers of petitions grew alongside this, including substantial

numbers of women and poor men as well as many middling male householders. More people than ever before were involved in pushing for government action.

This chapter has shown that the expansionary trend was driven primarily by two distinct developments. First, local petitioning provided a useful way to influence or mitigate the concurrent growth in interpersonal litigation. In particular, it often offered the possibility of 'equity', rather than standardised legal proceedings, for those seeking redress or mercy from the magistracy. Second, however, local petitioning was increasingly provoked by the growing piles of new statutory obligations and entitlements created from the mid-sixteenth century onwards. Especially important was the new fiscal role of parish and county governments in dealing with various forms of poverty, but the novel licencing regime for cottages and alehouses was also significant in spurring engagement. Moreover, these developments were mirrored in how petitioners expressed their requests. Venerable tropes of pity and commiseration continued to be used, but legalistic and even bureaucratic justifications became more central in many types of appeals.

Overall, this chapter has revealed a growing proportion of ordinary people using petitions to shape the practice of local governance, especially the redistribution of funds via the rating and relief systems. They were asking for the state to fulfil its statutory duties and protect their legal rights, often with great success. The symbiotic relationship between statute law, county government and local petitioning thus helped to deepen and strengthen the structure of the English polity. It enabled and encouraged popular participation in the implementation of new policies, especially the enforcing of new fiscal rights and obligations. Margery Glover, the widow in Ripple, and thousands of others like her, thus helped to build the English state, from below.

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Magistrates in Eighteenth-Century England' in 2019–20. Thanks also to Sharon Howard, Gavin Robinson, Tim Wales, Sarah Birt and Anna Cusack, who photographed and transcribed many of the petitions.

Notes

1. For a concise explanation of the term and its use by early modernists, see Braddick, 'State Formation'. For a persuasively expansive conception of 'the state' at this time, see Miller, 'Touch'.
2. This phrase, and some of the ideas it entails, has been borrowed from Holenstein, 'Statebuilding from Below', and Dørum et al., 'Repertoires of State Building from Below', though the former does not discuss petitioning at all and the latter mentions it only briefly in relation to requests to central authorities. Following Braddick, the remainder of this chapter uses the terminology of 'state formation' rather than 'state building' because 'formation' better characterises the diffuse and often undirected process described here: Braddick, *State Formation*, ch. 1–2.
3. Elton, *Tudor Revolution*; Kesselring, *Mercy*; Ash, *Draining*; Slack, 'Books of Orders'; Outhwaite, *Dearth*; Pincus, *1688*; Scott, *England's Troubles*; Coffman, *Excise*; Brewer, *Sinews*. Kesselring and Ash both discuss petitioning, though only appeals to central authorities.
4. Wrightson, 'Two Concepts'; Fletcher, *Reform*; Brooks, *Pettyfoggers*, ch. 5–6; Herrup, *Common Peace*; Kent, 'Centre and Localities'; Muldrew, *Economy of Obligation*; Braddick, *State Formation*; Hindle, *State*; Goldie, 'Unacknowledged Republic'; Withington, *Politics of Commonwealth*; French, *Middle Sort*; Healey, 'Fray'; Miller, 'Touch'.
5. Herrup, *Common Peace*, p. 205.
6. For the broader historiography of early modern petitioning, see Chapter 1, this volume. For a selection of key studies, see Hindle, *On the Parish*, ch. 6; Healey, *First Century*; Tankard, 'Regulation'; Walker, *Crime*, ch. 6; Hailwood, *Alehouses*, esp. ch. 1; Falvey, '"Scandalus"'; Appleby, 'Unnecessary'; Stoyle, 'Memories'; Peck, 'Great Unknown'; Worthen, 'Administration'; Worthen, 'Supplicants'; Chapters 2, 3, 6, this volume. See also the research on petitions from tenants to landlords in this period which shows that this way of engaging with authority about practical concerns was also important outside the context of the state: Houston, *Peasant Petitions*.
7. Hitchcock and Shoemaker, *London Lives*, ch. 1.4.
8. The petitions were gathered and key metadata extracted by me (as Principal Investigator), Sharon Howard (as Postdoctoral Research Associate), Sarah Birt and Anna Cusack (as freelance researchers), with some photographed by archive staff and others by us. A selection of 1,473 were fully transcribed by Gavin Robinson and Tim Wales, and have been published in five volumes on *British History Online*, www.british-history.ac.uk/search/series/petitions. When referencing specific petitions, I have always included a full archival reference, both because manuscript particularities are often important to the analysis and because the archival context should be acknowledged. However, in cases where they have been transcribed, I have also included a reference to the published volume on *British History Online* for ease of access.
9. Sharpe, *Crime*, pp. 33–6; Braddick, *State Formation*, pp. 30–2, 137–43.
10. The 732 petitions to the House of Lords and 387 from the state papers have also been published on *British History Online*: Peacey, *House of Lords*; Waddell, *State Papers*.
11. For early sessions of the peace, see Musson and Ormrod, *English Justice*, ch. 3. For some stray examples of late medieval petitions to local authorities, see Johnson, *Law in Common*, pp. 202, 213–14, 257–8.
12. Essex Record Office (ERO), S/QR 28/1. This is the earliest petition that I have identified in any English county quarter sessions records. A slightly earlier petition from 1565 to the Surrey magistrates about a tenancy survives in the Loseley Manuscripts: Surrey History Centre, LM/1042/1. A partial text of an apparent petition from 1563 survives in the Caernarfonshire quarter sessions records: Gwynedd Archives, XQS/1563/8.
13. The earliest *reference* to a quarter sessions petition I have found is in a Latin writ issued in 1556, though this may have been presented orally rather than written: ERO, Q/SR 2/23.

14. Staffordshire and Stoke on Trent Archive Service (SSTAS), Q/SR/16/1 (first petition in Staffordshire sessions rolls: Waddell, *Staffordshire*, '1589'); Norfolk Record Office (NRO), C/S 3/box 12A (first petition in the Norfolk sessions rolls, 1596).
15. An average of more than 20 per year survive from Worcestershire in the 1610s, when the county clerk seems to have been unusually assiduous in keeping material: Waddell, *Worcestershire*.
16. There were clear rises in Essex, Hertfordshire and Kent. Fewer survive in Somerset, Worcestershire and Staffordshire, though this is likely due to archival gaps.
17. The number of surviving petitions also peaked in the 1640–50s in Essex, Kent and Hertfordshire, though at significantly lower levels than Cheshire and Lancashire.
18. Note that although the petitions themselves only survive from the 1680s, the North Riding order books show that it was common much earlier, with 'a Petition preferred to this Court' in 1605 and many other orders upon petition thereafter: Atkinson, *Quarter Sessions Records*, i. 13, 89, 102, 115, 124, 177, 216, 217.
19. Howard, 'London Lives Petition Project'. Unfortunately, almost no petitions survive for the City or Middlesex before the late 1680s, making long-term comparisons difficult. However, 36 survive for Westminster from 1645–6 (18 per year), compared to 6 per year in 1690–3 and 4 per year in 1710–60. At least 23 cities held their own 'sessions of the peace' and, while their records are more patchy, petitioners also appealed to them throughout the early modern period: Cheshire Archives and Local Studies (CALS), ZA/F (Chester); NRO, NCR Case 12d–13e (Norwich); Shropshire Archives, 3365 (Shrewsbury).
20. With the possible exception of the 1640s thanks to the proliferation of special parliamentary committees and mass subscription in this decade.
21. Worcestershire, Staffordshire, Cheshire and Somerset in the 1610s. Staffordshire, Cheshire, Lancashire and Somerset in the 1630s–40s. Cheshire, Lancashire and West Riding of Yorkshire in the 1660s–70s.
22. England had 39 counties, each with one or more quarterly 'sessions of the peace', alongside at least 23 urban 'counties corporate' with their own equivalent courts: Youngs, *Guide*. Thus, the 150 to 400 extant petitions per year from three to four well-documented courts should be multiplied several times to account for non-extant petitions.
23. CALS, QJF 57/1/26.
24. The exact figure is 3.3 petitioners or subscribers per petition. This is likely a significant underestimate because it assumes that collective petitions from 'the parish' or a similar entity without any named petitioners or subscribers represent only two individuals, whereas subscribed collective petitions had on average 13 subscribers. For the role of the scribe and advisors, see Chapter 2, this volume.
25. For a case study of one group petition of this sort, see Falvey, '"Scandalus"', where she found that most 'were among the wealthier members of the parish' and several officeholders were involved, but some 'appear in scarcely any documents'.
26. Hertfordshire Archives and Local Studies (HALS), QSR 12/1663/795; QSR 7/1646/97; QSR 11/1659/682; QSR 9/1653/396; QSR 17/1677/153; HAT/SR/9/79. For further examples, as well as evidence confirming that this practice was rare, see French, 'Social Status', pp. 75–7.
27. For women and officeholding, see Tadmor, 'Mrs Turner'. For women in national petitioning, see Table 1.1, this volume.
28. This is an undercount, as it does not include some men with ambiguous occupational labels making requests due to poverty, such as the carpenter asking for a cottage licence or the currier asking for poor law settlement: HALS, HAT/SR/5/54; QSR 10/1656/1035.
29. HALS, QSR 16/1674/311; QSR 10/1656/1046; HAT/SR/14/38; HAT/SR/7/146; QSR 15/1671/420.
30. Flannigan, 'Litigants'; Bryson, *Equity Side*, pp. 93–105; Stretton, *Women Waging Law*, pp. 79–80; Capern, 'Maternity and Justice'. For fully transcribed examples that show the petitionary format of 'bills of complaint', see Stretton, *Marital Litigation*. For petitions to the central Court of Session in Scotland, which often focused on similar issues, see Finlay, 'Court of Session'.
31. Brooks, *Pettyfoggers*, pp. 54–6.
32. Hoyle, 'Masters of Requests'.
33. Hart, *Justice*.
34. Flannigan, 'Litigants', p. 328; Brooks, *Pettyfoggers*, pp. 71–2; Horwitz, 'Exchequer', p. 173; Hart, *Justice*, p. 5. For a summary of the social status of petitioners in these forums, see Chapter 1 in this volume.
35. Walker, *Crime*, pp. 215–16.

36. Hindle, *State*, pp. 103–4; Walker, *Crime*, pp. 222–3. For its continuing importance later in the period, see Shoemaker, *Prosecution*, pp. 25–7.
37. Hindle, *State*, p. 104; Walker, *Crime*, p. 222.
38. Kent History and Library Centre (KHLC), QM/SB/520.
39. Wrightson and Levine, *Poverty and Piety*; McIntosh, *Controlling Misbehavior*, though note that neither of these key works analyse local petitions. For the examples of petitioning in the late seventeenth- and early eighteenth-century Reformation of Manners in London, see Shoemaker, *Prosecution*, pp. 238, 295, 299, 314. For earlier evidence, see King, 'Regulation of Alehouses', pp. 34–5; Hailwood, *Alehouses*, pp. 31–2. For the use of petitions in the church courts to pursue similar aims, see O'Brien, 'Sexual Impropriety'.
40. As Howard notes, they were a minority of litigation petitions in Cheshire, but were a majority elsewhere.
41. Kesselring, *Mercy and Authority*, ch. 4; Beattie, 'Royal Pardon'; Hay, 'Property', pp. 40–9.
42. WAAS, Ref.110 BA1/1/148/56 (Waddell, *Worcestershire*, 1680s). See also the petition from an accused rapist in HALS, QSR 6/1644/264.
43. SSTAS, Q/SR/108/69 (Waddell, *Staffordshire*, 1609).
44. Brooks, *Lawyers*, ch. 4.
45. There was a resurgence of petitioning for leniency in the eighteenth century due to their use in the process of releasing insolvent imprisoned debtors under the terms of statutes passed in this period. See, for example, the 18 petitions on this topic to the Staffordshire bench in a single year: Waddell, *Staffordshire*, 1769.
46. Brooks, *Lawyers*, ch. 4; Sharpe, *Crime*, ch. 3.
47. For national petitioning on these topics, see Archer, 'London Lobbies'; Paterson, 'Starch'; Yamamoto, *Taming Capitalism*, esp. pp. 46–55; Hoppit, 'Petitions'; Loft, 'Involving'.
48. Raithby, *Statutes of the Realm*, iv, pt. 1. 157–8 (5&6 Edw. VI, c. 25); Hailwood, *Alehouses*.
49. Raithby, *Statutes of the Realm*, iv, pt. 1. 804–5 (31 Eliz. c. 7); Tankard, 'Regulation'; Walker, *Crime*, pp. 237–49.
50. WAAS, 1/1/7/84; 1/1/19/85; 1/1/19/86; 1/1/20/58; 1/1/44/33 (Waddell, *Worcestershire*, 1610, 1612, 1612, 1613, 1620).
51. New laws also prompted petitions for licences to be a corn badger (1552/1562), to establish non-conformist meeting houses (1689) or to perform plays (1788), though fewer of these petitions appear in the quarter sessions records. For badgers, see CALS, QJF 47/2/101 (Howard, *Cheshire*, 1618); East Sussex Record Office, QR/35/7 (1636); KHLC, Q/SB/25/135 (1699); Lancashire Archives (LA), QSP/827/11 (1699). For dissenting meeting houses: Cumbria Archive Centre at Carlisle, Q/11/1/20/15 (1692); Lancashire Archives, QSP/783/17 (1696); North Yorkshire County Record Office, QSB 1697/121 (1697); Waddell, *Worcestershire*, 1700s, 1730s, 1750s, 1780s; Waddell, *Staffordshire*, 1769, 1779, 1789, 1799; Howard, *Cheshire*, 1748, 1758, 1798. For plays, see Waddell, *Worcestershire*, 1780s, 1790s; Waddell, *Staffordshire*, 1789, 1799.
52. Summarised in Slack, *English Poor Law*. For the impact of these acts, see McIntosh, *Poor Relief*; Hindle, *On the Parish*; Waddell, 'Rise'.
53. Raithby, *Statutes of the Realm*, iv, pt. 1. 610 (18 Eliz. c.3)
54. *Statutes of the Realm*, iv, pt. 2. 847 (35 Eliz c.4). The subsequent orders and acts are summarised in Chapter 2, this volume.
55. *Statutes of the Realm*, iii. 321–3 (22 Hen. 8 c.5).
56. Waddell, *Staffordshire*, 1609.
57. While petitions to the local church courts were relatively common in Scotland at this time, they seem to have been requests for munificence rather than publicly funded relief: Raffe, 'Petitioning', p. 326; Stewart, 'Poor Relief', pp. 10, 18, 20; McCallum, *Poor Relief*, pp. 190–1.
58. Relatedly, some women used petitions to seek both financial support and semi-formal separation from their husbands: Rhodes, 'Reconsidering'.
59. See Chapter 9 in this volume. Confirmed positive responses were much rarer in the Westminster sample, likely due at least in part to different recordkeeping practices. In Staffordshire, the order books indicate a success rate similar to Cheshire at just over 50 per cent: SSTAS, QS/OB/3-11.
60. For the rejection and punishment, see WAAS, BA1/2/12/1, fo. 35. I am grateful to Sarah Birt for checking and photographing the Worcestershire and Staffordshire order books.
61. See Chapter 9 in this volume.
62. See Chapter 1 in this volume.
63. For more detailed discussion of this issue, see Chapter 9 in this volume.

64. Fletcher, *Reform*, pp. 123–35; Landau, *Justices*, ch. 6–7. For example, see the petition about a parish pension from a self-declared 'pauper' to Edward Harley as an individual justice in late seventeenth-century Herefordshire: BL, Add MS 70123, fo. 1. I am grateful to Anna Cusack for alerting me to this item.
65. For printed petitions to local authorities, see for example WAAS, Ref.110 BA1/1/274/41 (Waddell, *Worcestershire*, 1720s). For a more general account of the increasing importance of standardised forms, see Tadmor, 'Settlement'.
66. Chapters 2 and 3, this volume.
67. WAAS, Ref.110 BA1/1/29/61 (Waddell, *Worcestershire*, 1617).
68. ERO, Q/SBa 2/34/1.
69. These three quotations come from petitions to the Westminster justices in the 1640s but similar claims can be found in every other quarter sessions series: Waddell, *Westminster*, 1640s.
70. WAAS, Ref.110 BA1/1/128/76 (Waddell, *Worcestershire*, 1670s).
71. Derbyshire Record Office, Q/SB/2/314 (Waddell, *Derbyshire*, 1680).
72. Beattie, 'Your Oratrice'; Flannigan, 'Litigants'. Their rhetoric also mirrors the petitions for pardon for capital crimes submitted to the Tudor Crown: Kesselring, *Mercy*, pp. 111–19.
73. WAAS, Ref.110 BA1/1/71/37 (Waddell, *Worcestershire*, 1590s). See also a case where 'theise misdemeanors are soe great and odious as are not to [car…e?] in a Christyan comon wealth': CALS, QJF 47/3/72 (Howard, *Cheshire*, 1618).
74. WAAS, Ref.110 BA1/1/22/83 (Waddell, *Worcestershire*, 1615). See also the petitions about a workhouse and about another bridge: LA, QSB/1/1/46 (1606); LA, QSB/1/43/55 (1628).
75. London Metropolitan Archives (LMA), WJ/SR/NS/002B/027 (Waddell, *Westminster*, [1620–1640]).
76. SSTAS, Q/SR/236/22 (Waddell, *Staffordshire*, 1629). For one complaining of 'great wrong in not performing covenantes', see LMA, WJ/SR/NS/048/33 (Waddell, *Westminster*, 1630s).
77. ERO, Q/SR 111/53; ERO, Q/SR 111/50.
78. SSTAS, Q/SR/108/72 (Waddell, *Staffordshire*, 1609).
79. SSTAS, Q/SR/109/66 (Waddell, *Staffordshire*, 1609). For additional examples, see Chapter 6 in this volume.
80. WAAS, Ref.110 BA1/1/41/28 (Waddell, *Worcestershire*, 1600s). It is notable that this came from a rural, provincial community only a few years after the passage of the famed Elizabethan Poor Laws. For a much later example of an appeal for relief that calls attention to the failure of local implementation of the rating and relief system, see the petition of Ann Atchen in Cumberland in 1688: Cumbria Archive Centre at Carlisle, Q/11/1/8/11.

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9

The local power of petitioning: petitions to Cheshire quarter sessions in context, c.1570–1800

Sharon Howard

Petitions addressed to early modern quarter sessions courts have been copiously used by social historians, and with good reason. They are prized, and sometimes critiqued, as rare 'voices of the people'.[1] Notably, detailed microhistorical studies based on a single case have provided valuable insights into early modern social relationships and attitudes.[2] Quarter sessions petitions are also extremely numerous and diverse; probably hundreds of thousands of petitions were directed to magistrates in this period, of which tens of thousands have survived. This has made possible a growing body of systematic research on significant topics. But coverage has been uneven and surprisingly little is known about the full range of complaints and requests handled at quarter sessions, how justices of the peace responded or how much such petitioning might vary locally and over time.

The Power of Petitioning project (TPOP) has assembled data about several thousand petitions addressed to magistrates at quarter sessions across early modern England and Wales, which for the first time enables in-depth quantitative and qualitative examination of these questions. Cheshire is the main focus of discussion in this chapter because of its exceptional records.[3] Indeed, the quality of record-keeping – even though both justices of the peace and quarter sessions were relatively new institutions in the county[4] – helps to reinforce recent arguments that Cheshire was, far from older images of a lawless 'dark corner' of the land, thoroughly governed and well integrated into the state by the late sixteenth century.[5]

Cheshire's quarter sessions files begin in 1571, and after the 1580s the only significant interruptions to the records were caused by Civil War between 1643 and 1647, a nationally shared lacuna.[6] Though a lack of detailed cataloguing precludes exact calculation, I estimate that about 5,000 petitions survive for the seventeenth century.[7] The volume made sampling necessary: all petitions from one year in 20 between 1608 and 1798, and all sixteenth-century petitions, were transcribed by TPOP.[8] All the transcriptions were enhanced with extensive metadata about the topics of petitions, characteristics of petitioners and magistrates' responses. Further, for Cheshire I extended TPOP's transcribed collection with similar metadata for all petitions from one year in each of the decades between the transcribed sample (1618–1788).[9] The resulting sample of 613 petitions underpins this chapter's analysis.[10] For comparison with Cheshire, I have selected eight counties from TPOP data that have surviving petitions dating from the 1630s or earlier. TPOP's core corpus of 1,407 transcribed quarter sessions petitions includes four counties in addition to Cheshire: Derbyshire (1632–1770),[11] Staffordshire (1589–1789),[12] Westminster (1620–1799)[13] and Worcestershire (1592–1797).[14] These are supplemented with data compiled by TPOP for four other counties with early coverage: Caernarfonshire (1563–1798), Hertfordshire (1588–1698), Kent (1594–1714) and Somerset (1607–1799).[15]

This data collection has made it possible to systematically examine quarter sessions petitions over more than two centuries. The chapter begins with a quantitative overview of the frequency of petitioning at quarter sessions between the late sixteenth and late eighteenth centuries. I argue that there was far more change than continuity, and that the changes should be understood in the larger context of the institutional development of the court. I develop this argument in the course of examination of the subjects of petitions and magistrates' responses to them. In the final sections the focus shifts to petitioners themselves, and to the making of petitions. A quantitative analysis of Cheshire petitioners highlights how petitioning was a collaborative and gendered activity. This is followed by an exploration of the ways in which they crafted emotional narratives in order to persuade justices to wield the power of the state on their behalf.

The rise and fall of petitioning at quarter sessions

Figure 9.1 indicates the overall trends in Cheshire quarter sessions petitions over two centuries. The earliest surviving petition was received in 1573, but during the 1570s and 1580s petitions were very sporadic. In

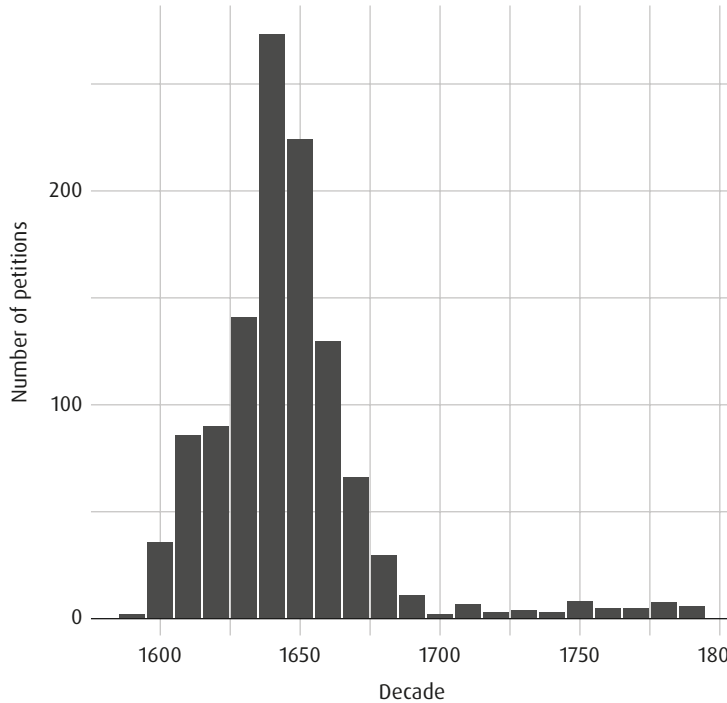

Figure 9.1 Frequency of petitions to Cheshire quarter sessions by decade, 1590s–1790s
Source: TPOP sample of one year in five counts of petitions in Cheshire quarter sessions files.

the 1590s more sustained growth can be seen; even though annual numbers were still in single figures, there were petitions in most years after 1590. This was followed by dramatic expansion over the first half of the seventeenth century. Numbers peaked in the late 1640s and then fell rapidly to very low levels – rarely more than two or three extant petitions a year – throughout the eighteenth century. This is broadly consistent with the national picture outlined by Brodie Waddell, although the decline seems earlier and more precipitous than in some counties.[16]

However, comparison with the eight counties that have early coverage (Figure 9.2) highlights that the survival of source material is typically far more uneven than in Cheshire. Gaps of years or even decades are very common, and not simply in the war-disrupted 1640s. Caution in making comparisons or generalisations is therefore essential.

To make things worse, there is more than one possible cause of missing data, and some are easier to discern than others. Some interruptions

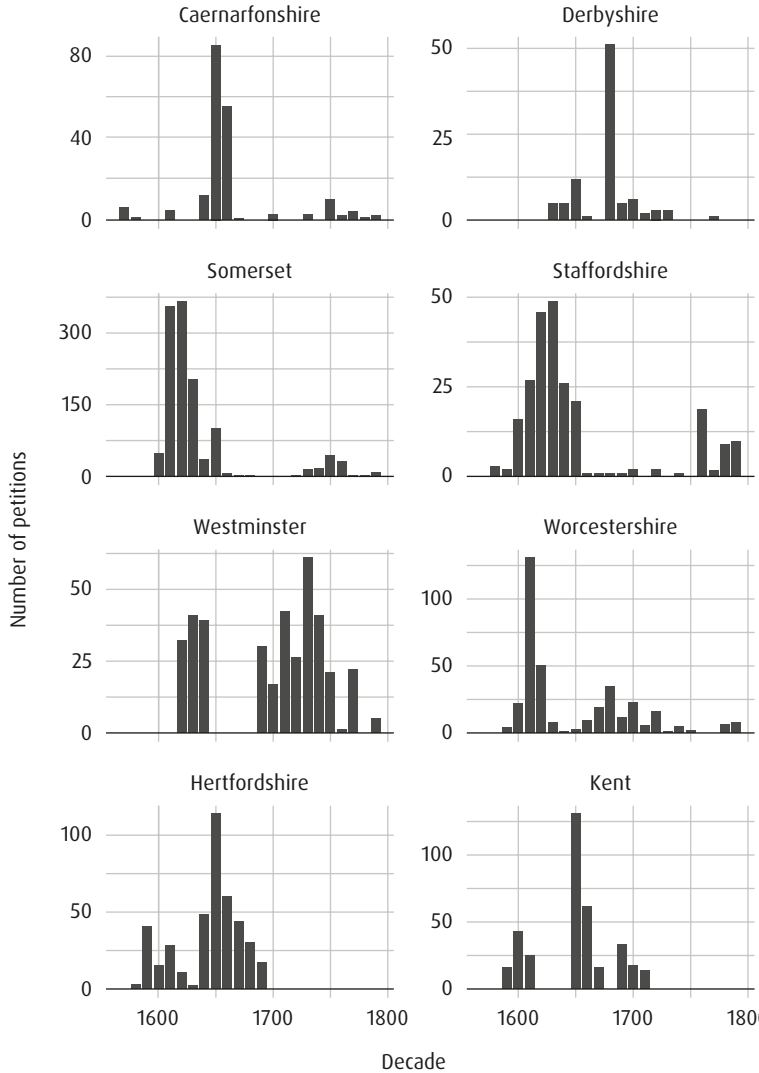

Figure 9.2 Frequency of petitions to quarter sessions courts in eight counties by decade, 1560s–1790s
Source: TPOP. One year in ten sample for Staffordshire. Excludes petitions that could not be dated to within a decade.

occur because of gaps in the sessions files, as in Hertfordshire in the 1620s and 1630s. Fortunately, Hertfordshire is otherwise consistent, and this kind of gap is obvious. A second problem, which is often more difficult to detect but may be suspected in several cases (especially perhaps Worcestershire and Caernarfonshire), is that petitions were not always

retained consistently within the files. There was no legal obligation to keep them. Even in Cheshire the quarter sessions books have occasional references to petitions that are not in the files, so it could be a significant problem in less well preserved records.[17] In Somerset, sessions files have survived well from 1607 onwards (apart from typical gaps in the 1640s), but most documents including petitions virtually disappear from the session rolls between 1649 and 1725.[18]

A third recurring issue is loss of archival context, which is especially problematic for petitions because they are rarely dated. It is particularly acute for Derbyshire, where a large number of undatable petitions had to be excluded from TPOP's corpus, and the numbers shown for that county are unlikely to be trustworthy.[19] In both Westminster and Somerset, significant clusters of petitions can only be dated very approximately, so they are also omitted from the charts above. In the Westminster case, the excluded petitions represent more than 10 per cent of the total and are all pre-1640, so early Westminster petitioning is clearly understated here.[20]

And yet, despite the gaps and uncertainties, many of the counties share a similar overall *shape* to petitioning, so that it seems very likely that this does reflect a general pattern and not simply an artefact of archival accidents. Several counties, particularly those in which survival is consistent enough to draw some firm conclusions, mirror the Cheshire trends with strong growth in the early seventeenth century followed by sharp decline. The peak is slightly later in Hertfordshire (1650s) than in Cheshire, and slightly earlier in Staffordshire (1630s). Only Westminster, even allowing for the problems with pre-1640 survival, looks very different (peaking in the 1730s), and that jurisdiction will be seen to differ from the rest in a number of ways. The exact chronology and pacing varies, but the experience of rise and fall was shared almost everywhere. Petitioning certainly continued after 1700, but in a more limited and inconsistent way.[21]

Waddell notes in this volume that it is easier to explain the rise of quarter sessions petitioning than its fall. Growth was primarily 'spurred by new statutes and rising levels of litigation, which together created strong incentives for people to seek magisterial endorsement or intervention'.[22] Litigation was a major theme in seventeenth-century quarter sessions petitions, and patterns of petitioning can in part be linked to litigiousness and social conflict that have been traced by many historians.[23] But it was undoubtedly the stacks of sixteenth- and seventeenth-century statutes concerning taxes and welfare that were the primary stimulus for petitions ranging across subjects from poor relief and military pensions

to the raising of taxes. In the process, local petitioners played a key part in expanding the fiscal role of the English state.[24]

I argue here that in the longer term essentially the *same* factors that initially encouraged this use of quarter sessions courts as a venue for petitioning later acted in the opposite direction: petitioning became a victim of its own success. To understand this, however, it is necessary to pay closer attention to petitions' place within the broader work of the court (see Figure 9.3).

Although quarter sessions' surviving documentary record can only ever be a partial reflection of the court's business, it clearly demonstrates the growing volume and variety of its activity over the course of the early modern period. The annual number of documents filed more than trebled between the 1590s and 1790s, though growth was far from continuous or consistent. Moreover, Figure 9.3 shows that there was no long-term connection between petitions and overall court activity. In the first half of

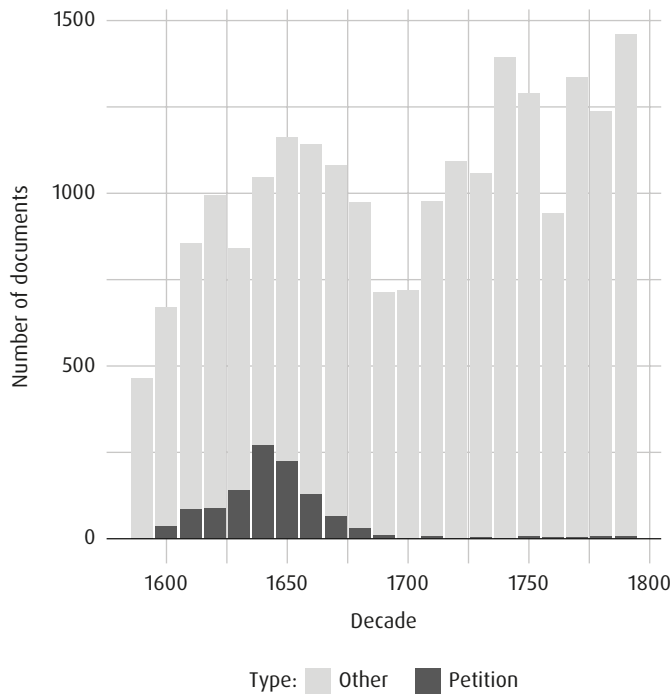

Figure 9.3 Petitions relative to overall document counts in Cheshire quarter sessions files, 1590s–1790s
Source: TPOP sample of one year in five counts of Cheshire quarter sessions petitions and total documents.

the seventeenth century, petitions represented a significant and expanding element of the general growth of business. The increase in petition numbers between 1598 and 1648 is impressive enough, but as a proportion of the whole, the growth was phenomenal, reaching nearly 17 per cent of all documents in the 1630s, and 31 per cent in 1648. After this, however, petitions contracted even faster than they had grown, dropping below 10 per cent of the total by 1668. There was a minor, short-lived revival around 1688, but by the eighteenth century they represented less than one per cent of all documents each year. Their insignificance is magnified by the growing volume of other material.[25]

A closer examination of the nature of the documents in the files helps to flesh out key details of this bare outline.[26] In 1588, a year without any petitions, almost all documents related to the court's core business of enforcing law and order, especially indictments and presentments, recognizances (binding people over to the peace, good behaviour or to appear in court), warrants and writs. This kind of material continued to form the bulk of the court's documentary record throughout the early modern period, but alongside new types of document – and new uses of old ones[27] – that reflect the transformation of quarter sessions as an institution of government.

Petitions represent a first wave of expansion in the reach and complexity of justices' powers and responsibilities. Petitioning government and law courts was an ancient practice but, as Waddell shows, its adoption at quarter sessions was almost certainly an innovation of the second half of the sixteenth century.[28] Beyond numbers, the *material* forms of the documents offer further evidence that this use of petitions was not simply a continuation of an old practice. The format of petitions in many early modern English archives is instantly recognisable. The opening line states to whom the petition is addressed; a second line informs us that this is 'The humble petition of [X]'; in the next paragraph the petitioner explains their predicament; in a final paragraph, they set out the actual request and sign off with a brief prayer for the recipient.

The rhetorical structure of petitions was long established and based on ancient epistolary traditions.[29] But the formula 'the humble petition of [X]' and the use of visual space appear to be new departures. In older petitions, including sixteenth-century quarter sessions petitions in TPOP's corpus,[30] only the opening line naming the recipient was consistently separated from the rest of the text. Petitioners introduced themselves in varying ways, but most often as 'your orator'.[31]

The change may have been influenced by sixteenth-century letter-writing manuals; Jonathan Gibson and others have demonstrated the

symbolic importance of the use of space in early modern letters.[32] But it would also have had practical benefits, enabling clerks and justices to quickly scan petitions and pick out key information – who, why and what – about a petitioner in front of them. The new layout may have originated in petitions to the Crown in the early 1590s;[33] in Cheshire its adoption exactly coincided with the expansion in petition numbers.[34]

If petitions formed the main growth area of the seventeenth century, their eighteenth-century counterparts were financial records concerning work, goods and services paid for by the county, including bills and accounts for the maintenance of highways and public buildings, the care of growing numbers of prisoners and the removal of vagrants.[35] Such records rarely appeared in the first half of the seventeenth century, and comprised just 4 per cent of filed documents in 1688 and 8 per cent in 1738 before jumping to 28 per cent of all documents in 1788. Again, developments also manifested in evolving material forms; in the eighteenth-century Cheshire files, as elsewhere in many county and parochial archives, there are growing numbers of standard printed forms.[36] The expanding scale and importance of county government necessitated increasing levels of bureaucracy, professionalisation and specialisation, which rapidly outgrew the personalised and discretionary interactions that petitioning embodied.[37]

In 1648, Cheshire quarter sessions received 175 petitions. That was an exceptional year, in the wake of multiple recent traumas – key themes which were far from normal business were the impacts of soldiers, plague, harvest crisis and extreme weather events[38] – but at the time its singularity might not have been evident to magistrates wading through the complaints and grievances. Nor was it simply a matter of numbers. Morrill argues that a growing self-confidence and assertiveness in the language of petitions to the bench was even more significant. The radicalisation of the decade undoubtedly exacerbated the petition's 'paradox' of assertiveness and deference and the ambivalence of its recipients.[39] Parliament responded to a wave of petitioning in the same year by attempting to suppress it, setting a precedent for similar restrictions after the Restoration.[40]

As Waddell emphasises, '[t]he power to grant aid, change policy or punish abuses belonged to those who received the petition, not to those who sent it'.[41] It seems likely that Cheshire petitioners were increasingly discouraged from taking their complaints directly to quarter sessions. This certainly happened in neighbouring Yorkshire, where magistrates ordered in 1719 that future petitions for poor relief must be taken to local justices and not to quarter sessions.[42] Jonathan Healey has also suggested

that at least part of the contraction in pauper petitions at Lancashire quarter sessions was due to shifts in venues that left far fewer records for historians rather than a decline in petitioning.[43] It was common in Cheshire from at least the early seventeenth century for petitions to be referred to local justices for further examination, so it would not have been a major shift in practice to insist that most should be submitted locally from the start. But that leaves far fewer traces for historians.

Justices' monthly meetings might well have been more accessible for many petitioners than quarter sessions, and justices were not the only local options available. The developing systems of parochial government and 'increasing maturity of parish officers' which 'effectively transformed rural communities into "parish states"' after the Restoration had double-edged implications for petitioning.[44] On the one hand, it can be seen as adding layers of delegated authority between a petitioner and quarter sessions. On the other hand, these local officials were *also* resources to whom ordinary people could now take their requests, complaints and appeals. Historians studying the growing numbers of pauper letters in parish archives in the eighteenth and nineteenth centuries have amply demonstrated the deft strategies and emotional appeals used by paupers writing to poor law officers.[45] Other people turned to the strategy of petitioning a powerful landlord.[46] The decline of petitioning at quarter sessions should not be seen as a straightforward narrative of loss for petitioners. Many people seem to have responded pragmatically and effectively to new local opportunities to have their complaints heard.

What were petitions about?

The subject matter of quarter sessions petitions could be diverse, but much of it fell into a small number of distinct categories. In this section, I analyse some aspects of how Cheshire compared to other counties and consider how shifts in petitioning content are related to the broader changes discussed above. TPOP assigned a topic to each petition, but the topics vary considerably in scope and significance and I have grouped a number of related topics into two broader categories, fiscal and general regulation (see Figures 9.4 and 9.5). The overall picture is similar for most counties, but there are some noteworthy exceptions, as well as more minor variations.

Fiscal petitions are primarily concerned with matters to do with the raising and spending of public funds. **Litigation** petitions cover a wide range of uses and abuses of the law. **General regulation** includes

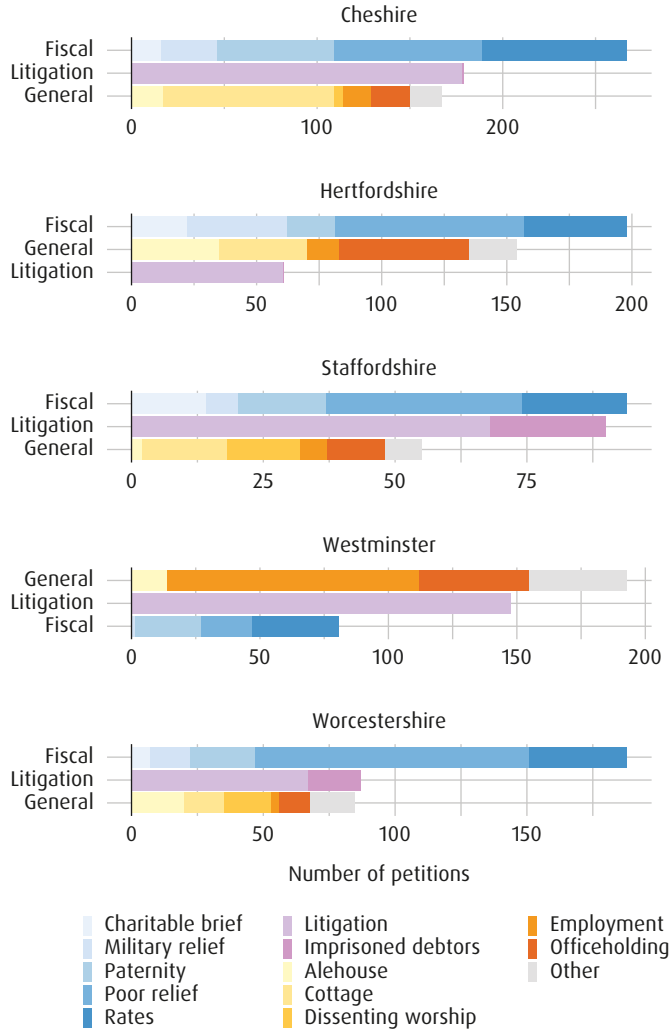

Figure 9.4 Comparison of the subjects of quarter sessions petitions for Cheshire, Hertfordshire, Staffordshire, Westminster and Worcestershire
Source: TPOP, one year in ten samples for Cheshire and Staffordshire.

petitions concerning licences for alehouses, inns and taverns,[47] for poor people to build cottages on 'waste' lands[48] and for dissenters to establish places of worship following the Toleration Act of 1689. It also includes a wider group of subjects that were subject to quarter sessions' supervision: petitions from or about local officeholders, mostly constables,[49] and employment petitions concerning masters and servants or apprentices.[50]

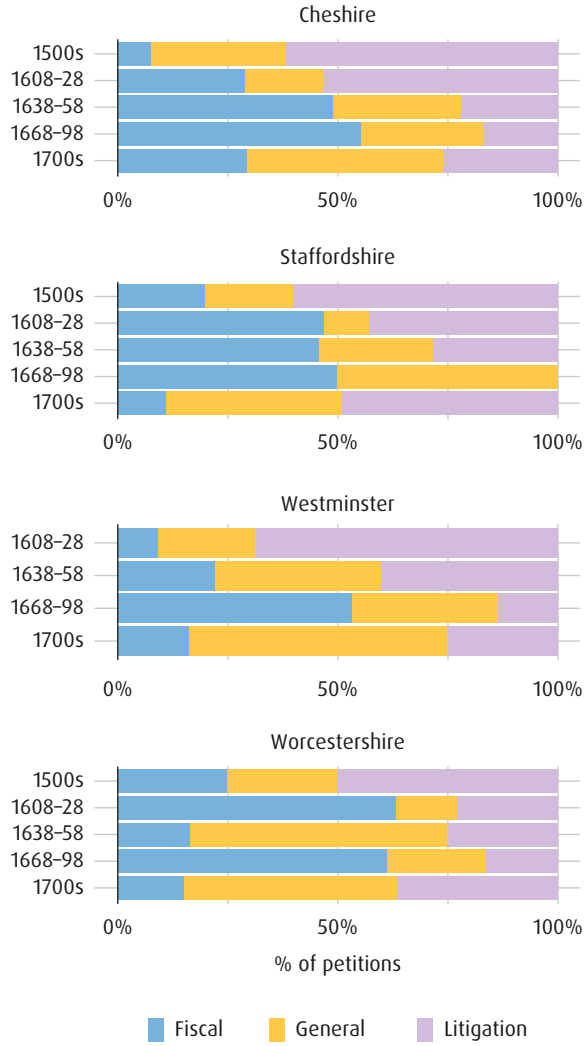

Figure 9.5 Comparison of the changing proportions of subjects of quarter sessions petitions in Cheshire, Staffordshire, Westminster and Worcestershire
Source: TPOP, one year in ten samples for Cheshire and Staffordshire.

In Cheshire, as in most counties, fiscal petitions constituted the largest category. Nonetheless, the county appears to have had some distinct priorities; petitions relating to poor relief and the Poor Laws, which have been most extensively researched[51] appear slightly less significant than elsewhere (13 per cent of all petitions). They were outnumbered not only

by the sweeping category of litigation petitions, but also by petitions for licences to build cottages (15 per cent). Across the other counties, petitions relating to the poor law *were* the largest single topic in the fiscal category (on average 17 per cent of all petitions), yet when viewed as part of the whole they were not quite as dominant as they might seem from the historiography. There were, moreover, major variations between counties, from a mere 5 per cent of all petitions in Westminster to 29 per cent in Worcestershire.

Military relief, another topic with a growing body of secondary literature, constituted more specific requests for pensions from veterans (or sometimes their spouses).[52] Again, these were negligible in Westminster. The highest percentage is recorded for Hertfordshire (10 per cent) but that may be inflated by the absence of eighteenth-century data, given that there were very few military relief petitions after c.1685.[53] Paternity petitions concerned financial support for children, mostly parental support for bastards, and this was another area which appears more significant in Cheshire (10 per cent of petitions) than the other counties (average 6 per cent).[54] Petitions about rates were mainly attempting to impose or avoid payment of various communal rates, levies or taxes; Cheshire again headed the table for these, though by a smaller margin (13 per cent compared to an average of 9 per cent).

There was a good deal of variation between counties in the importance of litigation petitions, ranging from only 15 per cent of petitions in Hertfordshire to 37 per cent in Staffordshire. A specific topic added to justices' jurisdiction in the eighteenth century was that of imprisoned debtors' applications for release under debtor relief acts, but the importance of these also varied considerably.[55] There were very few in the Cheshire sample, but in both Staffordshire and Worcestershire the two new categories of debtors' and dissenters' petitions accounted for most eighteenth-century petitions. The absence of Cheshire debtors' petitions may be slightly exaggerated by sampling and record-keeping accidents. If 1737 (instead of 1738) had been a sample year, it would include a number of debtors' cases following an Insolvent Debtors' Relief Act of January 1737.[56] Moreover, debtors' petitions do not seem to have been consistently retained: in October 1737 there is mention of one that is not present in the file.[57]

Otherwise, the diversity of litigation petitions is challenging to quantify, though the majority in Cheshire that specified what they were about concerned interpersonal violence or disputes over property. About two-thirds came from people requesting judicial action against wrongdoers, and one-third from petitioners who were seeking exoneration, mercy or

release from charges against them. However, this too is frequently complicated by the ways in which petitioners simultaneously accused others and defended themselves; many of the petitions hint at, or even make explicit, a background of dispute and contention. Very often, the action that petitioners sought concerned another widely used weapon of popular legalism, a recognizance to keep the peace or good behaviour, whether asking for an abuser to be bound over or to be released from one against themselves or, sometimes, both.[58] In this volume, Hannah Worthen highlights the importance of understanding how petitioning could be used alongside other modes of legal redress,[59] and petitions were frequently tied up with ongoing legal battles, sometimes across several courts.[60]

The subject matter of petitions was not static. Figure 9.5 shows the changing composition of the fiscal, litigation and general categories for each county. In Cheshire between the 1570s and 1620s, litigation petitions were the most common category, but this gave way to an emphasis on fiscal petitions over the rest of the seventeenth century. In the eighteenth century, the fiscal category shrank again, and its rise and decline mirrors the broader developments already discussed. There were similar shifts in the other counties, even where petition numbers did not fall as dramatically as in Cheshire. Litigation petitions saw more of a revival in eighteenth-century Staffordshire and Worcestershire thanks to debtors' petitions.

It can be seen that many variations, chronological and thematic, among the counties are relatively minor, suggesting some broader national patterns, especially the importance of fiscal petitions in the seventeenth century. But some key differences emerge. Westminster quite clearly diverges from the other counties in substantial ways. A number of possible factors may be at work. First, Westminster inhabitants could take petitions to Westminster or Middlesex Sessions. Although no petitions survive for Middlesex Sessions before the 1680s, between 1690 and 1800 it received at least 7,500 petitions.[61] Londoners might also take advantage of the convenient proximity of central courts. A second factor is chronological, given the greater prominence of eighteenth-century petitions in the Westminster collection. Third, differences might be specific to London or more general to city life and governance. Westminster has a noticeably higher proportion of 'other' petitions than the rest of the counties, which hints at a diversity that escaped TPOP's schema. The most notable difference, though, is the much higher frequency of employment petitions. These accounted for 23 per cent of Westminster petitions and just 2–3 per cent in any other county, undoubtedly reflecting the importance of the city as a centre of retailing and manufacturing.

The most striking feature of Cheshire petitioning, as noted, is the prominence of cottage licence petitions. In Hertfordshire, Staffordshire and Worcestershire, they averaged 8 per cent compared to 15 per cent in Cheshire. Further comparative investigation would be needed to explain such variations, but the Cheshire petitions illustrate the importance of careful contextualisation to fully understand their uses. The petitions were generated by a late Elizabethan statute that banned the building of cottages with less than four acres of land (other than in cities) but granted a specific exemption to 'poore lame sicke aged or ympotent' people, who could petition assizes or quarter sessions for a licence.[62] Research on squatters and encroachment on wastes in Shropshire and southern England shows that pressures on local commons and responses to the legislation could vary. Manorial courts might hand out fines but did not necessarily force cottages to be pulled down.[63] Large numbers of petitions for licences to quarter sessions could be a symptom of local crackdowns on cottagers and squatters or – particularly given the lower than average level of poor relief petitions in Cheshire – it could suggest that allowing the poor to build and occupy cottages cheaply was used pragmatically as an alternative to cash relief. As J. P. Bowen notes, 'Cottage building was benevolently accepted in a paternalistic sense as a form of notional relief.'[64]

The petitions themselves often suggest neighbourhood tensions. Some are the result of local resistance to an order that had already been made rather than an initial application for a licence. In 1618 Edward Woodd and Alice his wife complained that they had received an order from quarter sessions for a cottage in Owllerton, but 'the enhabitantes of the said townshippe doe refuse to permitt them to have harbor and succor for howsynge'. Nor were all cottage petitions in the cottager's favour. Elizabeth Morris petitioned in 1638 for the cottage occupied by Jeffrey Pillinge's family to be pulled down. The Pillinges' licence several years earlier had been granted only until their children were old enough to get their own living, but some now refused to leave and lived there 'in idlenes'. Two had borne bastards and one had been convicted of theft; Elizabeth suspected them of several more thefts.[65] Even if cottage building was generally tolerated, local attitudes might vary, and petitions highlight that occupants were highly dependent on maintaining the favour of their neighbours.

Magistrates' responses to petitioners' requests

How often did petitioners get what they asked for? The Cheshire petitions give enough evidence of this to allow a systematic analysis, based

on responses that were annotated directly on petitions. They have a much higher recorded response rate than other counties in TPOP's data: 69 per cent of Cheshire petitions had some kind of recorded response, compared to 30 per cent in Hertfordshire, between 41 per cent and 47 per cent in Derbyshire, Staffordshire and Worcestershire, and a mere 9 per cent in Westminster. Even so, some responses were not recorded on Cheshire petitions. Cheshire's quarter sessions books only occasionally contain orders that were not annotated on petitions, but closer examination of the extensive lists of recognizances in the books suggests that some may also be outcomes of earlier petitions.[66] I have not tried to trace or analyse these fully and therefore the success and response rates presented here should be treated as underestimates.

Responses have been broadly categorised as positive or negative. Positive responses include requests that were granted in full or in part (such as a smaller relief payment than requested or subject to a specified condition) or referred for further examination by justices. Negative responses cover rejections that merely stated 'nil' (or 'nothing') as well as rejections that gave a reason. Those with no written response, for the reasons noted above, are counted separately rather than ignored. Overall, 334 (57 per cent) of the Cheshire petitions recorded a positive response of some kind, of which 223 requests were granted in full, 50 in part or conditionally and 55 were referred.[67] The general picture, however, obscures variations in both response and success rates.

Figure 9.6 indicates that petitioners enjoyed most success in the middle decades of the seventeenth century when petitioning was at its height, with a positive response rate of 65 per cent in the 1638–58 period (73 per cent in 1648). Not only did rejections increase from 1668, cursory 'nil' annotations also became much more common. In the eighteenth century magistrates only noted full grants, and success rates were considerably lower than they had been during the seventeenth century.

Figure 9.7 shows responses for the six most popular topics. Litigation petitions have a strikingly different profile from the others. The low positive response rates and high proportion of petitions with no response may reflect the difficulties justices faced in adjudicating complex, personalised disputes and conflicting evidence; but they are also the cases most likely to have been handled by the use of recognizances and it seems likely that responses are at least partly underestimated in this instance.[68] In contrast, though, many other petitions' subjects and responses were framed by specific legislation that would have made decisions relatively straightforward. Petitions for poor relief were probably the most successful and least likely to be ignored because, notwithstanding the local

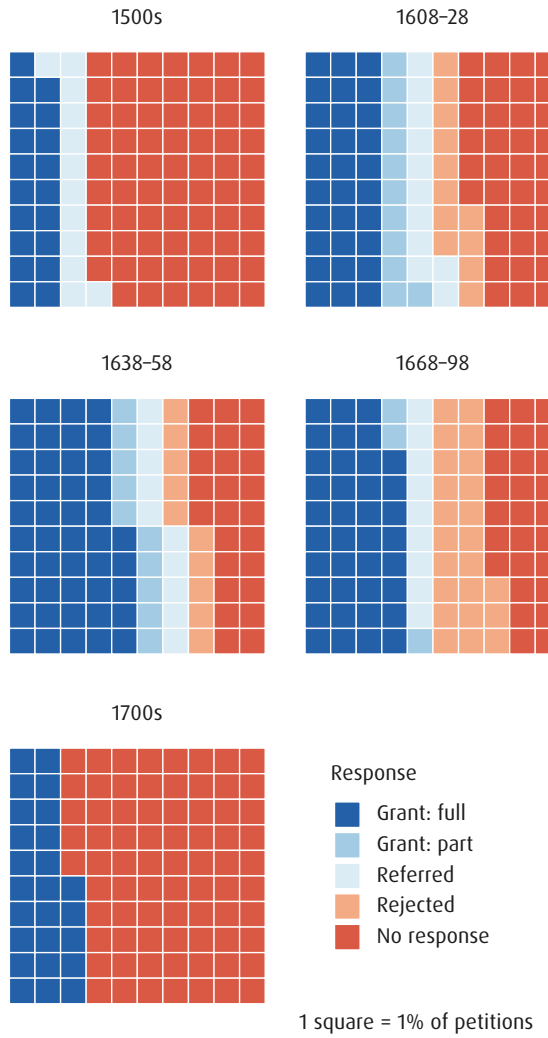

Figure 9.6 The changing responses of justices to Cheshire quarter sessions petitions
Source: TPOP sample of petitions in Cheshire quarter sessions files.

conflicts that almost always brought the petitioners to appeal to quarter sessions, the terms of their negotiations with authority were much more narrowly defined by legal questions of settlement and entitlement.[69]

Some petitions were more likely than others to enjoy partial success. The number of military pensions available was restricted, and it was not uncommon for petitioners to be given a one-off cash sum rather

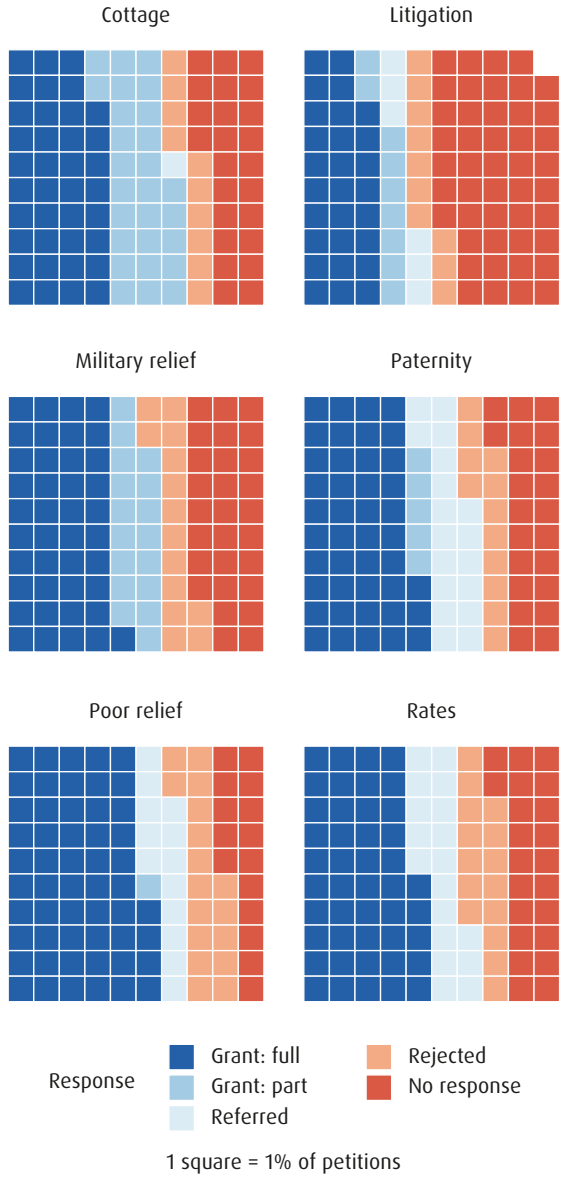

Figure 9.7 Justices' responses to Cheshire quarter sessions petitions by topic
Source: TPOP sample of petitions in Cheshire quarter sessions files.

than the desired pension.[70] The majority of conditional grants related to cottage petitions. Some were allowed subject to obtaining proof of the landowner's consent.[71] Garthine Walker has noted a tendency after

the mid-seventeenth century to impose more restrictions on length of tenure.[72] That is not confirmed by this particular sample, though in 1658 Ellen Urmeston, a widow, was granted 'a cottage for 10 yeares if shee live unmarried'. Much earlier than this, cottage petitioners could be subjected to demanding conditions; in 1594 Johanna, Ellen and Alice Hall were allowed a cottage as long as 'there be not any informacione aganst them, of any disorder or misdemenours which shalbe soe adjuged aganst them by this cort upon such informacione contrary to the lawes and statutes of this realme'.[73]

Referral for further examination or mediation was notably frequent for paternity petitions and in some of the referred cases the petitions themselves hint at particularly ambiguous or contested circumstances. In 1608, Anne Wright alleged that John Clough had used 'his great favor and friendship in the spiritual court' to avoid responsibility for their bastard child; in 1648, Elizabeth Strettall claimed that the father of her child had tried to intimidate her into not naming him as the father.[74] The referral rate for paternity cases was probably the main reason that women were slightly more likely than men or petitioning collectives to have their cases referred for further examination, but response and success rates overall were virtually the same for petitions by men and women.

After the Restoration, however, justices largely stopped responding to the few paternity petitions they received.[75] The overall decline in positive response rates after 1658 varied to some extent between petition topics. Cottage and litigation petitioners became less likely to obtain a positive response. In contrast, petitions for military relief continued to be relatively successful until they disappeared in the early 1680s.[76] Petitions about poor relief and rates also continued to maintain above-average positive response rates throughout the seventeenth century.

Petitioners as individuals and collaborators

For much of the seventeenth century, it is clear, petitioners and their associates represented a large and significant presence at Cheshire quarter sessions, but a shadowy one for historians. Even petitions from single individuals need to be understood as collaborative works, even though important elements of the collaborations – notably, that between petitioners and the scribes who wrote most petitions[77] – are rarely recoverable.[78] Tracing the background to the formation of petitioner groups or the recruitment of subscribers can be revealing, though it is beyond the scope of this study.[79] Instead, I will focus on evidence about petitioners

that can be found in the petitions themselves, with a quantitative analysis of some of petitioners' key characteristics as individuals, groups and collectives.

Two kinds of petition participant are distinguished here. First, **petitioners** are the primary participants, whose names headed a petition. Second, **subscribers** are those who added their signatures in support of a petition. The petitions are grouped into three types: **solo** petitions which were initiated by a single named person, **group** petitions with multiple *named* petitioners and **collective** petitions from interest groups such as 'the inhabitants of X'. Most Cheshire petitions (428) were headed by a single person, followed by collective petitions (112) and group petitions (73). Only 16 petitions were submitted on behalf of another named person (12 by a collective, four by named individuals). The proportions of collective and single petition types could vary significantly between counties (see Figure 9.8) and Cheshire leant well towards the individual.

The majority of group petitions came from very small groups: 53 named two petitioners, only five had more than five and just one had more than ten. It is, moreover, clear that many were the work of close relatives or colleagues. Nine group petitions were from local officials,

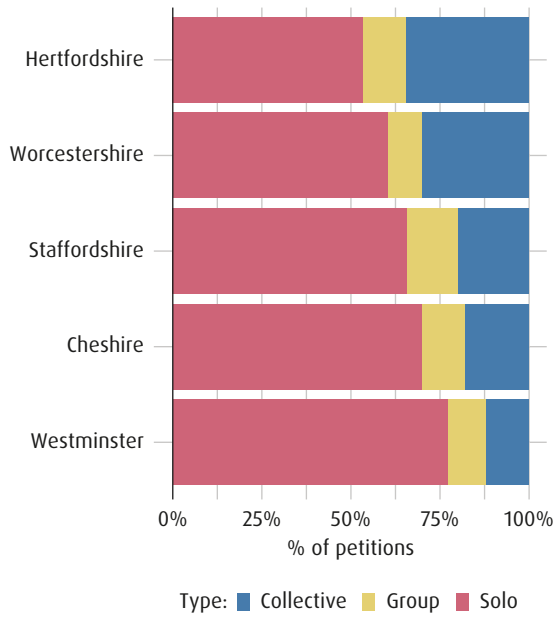

Figure 9.8 Comparison of quarter sessions petition types for Cheshire, Hertfordshire, Staffordshire, Westminster and Worcestershire
Source: TPOP, one year in ten samples for Cheshire and Staffordshire.

mostly constables. At least 20 came from a husband and wife (on their own or part of a larger group), and 11 more included shared surnames other than spouses. In 1638, John Bebington, his wife Alice, Margaret Cappur, Joan Dod, Thomas Stockton and Randle Piggott, constable of Harthill, came together to petition the court. In the petition itself, they added the information that Cappur and Stockton were Alice's sister and brother. The subject of their complaint was another Dod.[80] Similar familial relationships probably connected many other petitioners without being explained.

Finally, although petitioner residences were inconsistently recorded (295 petitions contain at least one) it is evident that many group petitioners were near neighbours. John Ridgewaie and William Pearpointe petitioned in 1618 concerning their presentment for not repairing the highway 'at thend of Senlowe Green in Brereton leadinge from Midlewich towardes Congleton', which suggests that they lived by the same stretch of highway.[81] Petitioners (apart from spouses) shared a residence in at least 21 petitions.

Research on collective petitioning tends to focus on petitions to central government, but even the most 'conservative' collective petitions required the mobilisation of shared interests, organisation and recruitment of support.[82] As Brodie Waddell argues, collective local petitioning 'helped to clear a path for the immense wave of political mobilisation that swept through England in the 1640s'. The decision to petition in the name of a collective entity rather than as 'an assortment of individuals' was not a given.[83] The reasoning behind the choice is likely to remain obscure in most cases, but nonetheless there is some substance to the rhetoric. Group and solo petitions often had more in common with each other than with collective petitions. Collective petitions were much more likely to have subscribers (45 per cent) than were petitions from named individuals (11 per cent of group petitions and 14 per cent of solo petitions), and moreover had considerably larger numbers of subscribers: the median was 11.5 for collective petitions, 5.5 for group petitions and 5.0 for solo petitions (counting only petitions with subscribers).

Many collective petitions were presented as community based and very local. At least 56 were described as being from 'the inhabitants' of a single township or small group of neighbouring townships, reflecting the importance of the township in many of the county's very large parishes.[84] The next most frequent identities at the head of petitions were those representing the parish, mainly churchwardens and sometimes ministers. But there are also some striking *absences* from collective petitions. The gentry are rarely presented as participants: there were only

two collective petitions headed by 'the gentlemen'.[85] Additionally, gentlemen seem likely to have been among the hundreds of subscribers to collective (and other) petitions; yet, if so, they never added status markers ('gent' or 'esq') to their names. On the other hand, nor did most other subscribers, in contrast to most documents in quarter sessions archives, in which very few named individuals did *not* have a status or occupation label added to their names.[86] It seems that in this particular context numbers counted for more than status labels; the petitions' emphasis was on a unified local community represented by 'the inhabitants'.

There is one significant exception to the silence about subscribers' status: churchwardens and ministers, and occasionally constables, *did* sometimes label themselves. It did not happen very often (16 petitions, seven of which were collective), but it shows that, after the township, the parish could also be an important source of status and authority for collective petitions. Parish officers and ministers were identified participants in almost one-third of collective petitions, symbolically at the head of a petition or individually below the text.

In contrast to its absence for subscribers, information about social status or occupation was given quite frequently for named petitioners (at least 280 of 644 petitioners), though too inconsistently to permit generalisation. However, as Waddell shows for Hertfordshire, status labels do demonstrate the social depth of petitioning.[87] In Cheshire, this included 17 gentlemen (and three clergymen), 27 labourers, 17 yeomen, 16 husbandmen, 38 men in various trades or retailing, 10 prisoners and seven soldiers. One key group, again, consisted of local officials, though with a different emphasis than those named in collectives: here, constables (18) outnumbered churchwardens and overseers of the poor (10 combined); 10 other officials included overseers of the highways.

As so often in early modern records, women were described in terms of their marital status. The largest status group was 49 widows, followed by 36 wives and 17 spinsters. Overall, only 26 per cent of named petitioners at Cheshire quarter sessions were women. Nonetheless, this was a higher rate of female participation than in some venues; in TPOP's collections only 18 per cent of petitioners to the House of Lords and 10 per cent of those petitioning the Crown were female. Comparing the quarter sessions counties, there are two distinct clusters: between 25 per cent and 28 per cent female in Cheshire, Worcestershire and Westminster, compared to only 14 per cent in Staffordshire and Hertfordshire. But again, there were significant variations over time as well as among petitioning topics. Only 16 per cent of sixteenth-century Cheshire petitioners were women, and their participation rate almost doubled over the seventeenth

century to peak at just under 30 per cent in 1668–98, before collapsing to 11 per cent (just four petitioners) in the eighteenth century.[88]

Women in Cheshire were more likely than men to be solo petitioners (75 per cent of female and 64 per cent of male petitioners). Moreover, male petitioners were more involved with petition topics that were also associated with collective petitioning. In particular, petitions about rates accounted for much of the predominance of the fiscal category in collective petitions (Figure 9.9). It is unsurprising to find that women were heavily over-represented in paternity petitions (59 per cent of petitioners) and that men monopolised officeholding petitions. But apart from rates petitions, women were generally better represented in fiscal petitions; for example, 37 per cent of poor relief petitioners were female.

Although the proportion of male and female petitioners who recruited any subscribers was similar, men tended to find larger numbers: of those with any subscribers, 35 per cent of male petitioners and only 19 per cent of female petitioners found ten or more. Additionally, a mere 2 per cent of subscribers were women. Men were clearly more publicly involved than women with petitioning as an organised, collective activity.

Petitioners and narratives of violence and emotion

In the final section of the chapter, I shift focus to a qualitative analysis of emotional and gendered narratives used in petitions about violence.[89] While research on the ways in which quarter sessions petitioners negotiated with authorities has tended to focus on fiscal petitions,[90] analysis of the use of petitions in litigation has more often been located in central courts,[91] and work on violence tends to be concerned with petitions seeking pardon for homicide.[92] But, as this chapter has shown, almost one-third of Cheshire quarter sessions petitions were concerned with law and order, the majority of which came from people who presented themselves as victims seeking justice or protection from abusers.

Some key themes shaped these petitions. The overall effect was to emphasise the urgent need for justices to act to bring an abuser under control. Overall, too, these themes are not peculiar to petitions or to a particular institutional context. But petitions gave greater space than, for example, witness examinations to go beyond a particular event or a legally defined offence and ask magistrates to assess a situation and relationships as a whole. Both the background to an act of violence and

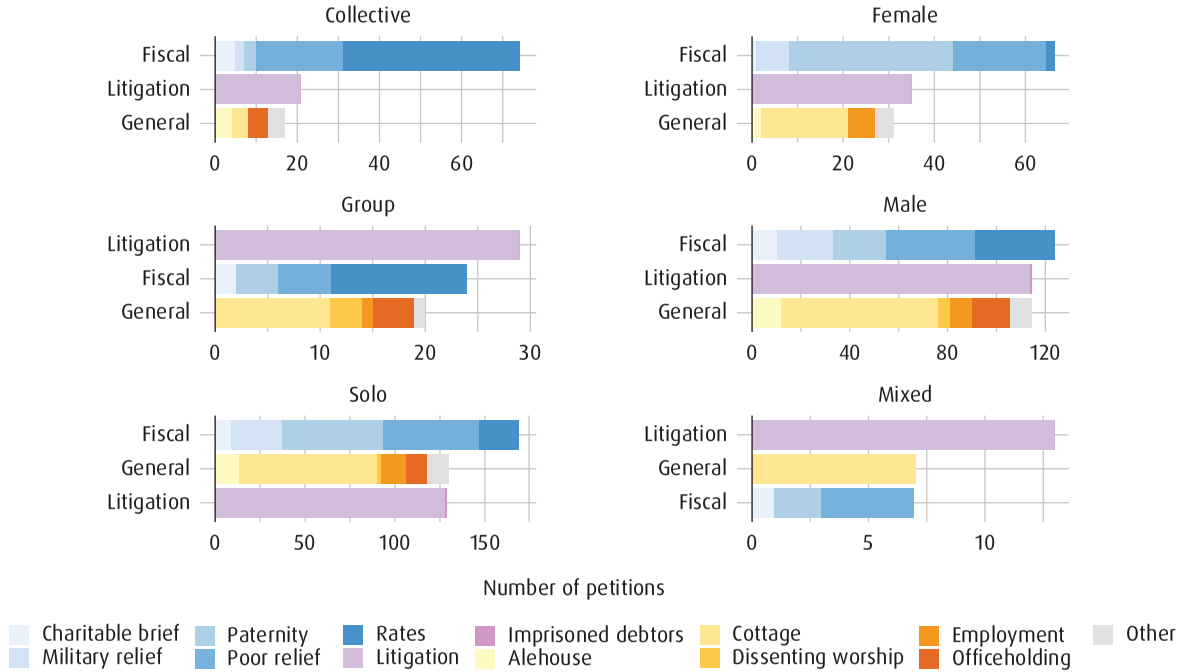

Figure 9.9 Comparison of the subjects of Cheshire quarter sessions petitions by petition type and gender
Source: TPOP sample of petitions in Cheshire quarter sessions files.

its consequences for the victims were likely to be emphasised much more than the violence itself.[93] Petitioners highlighted the perpetrator's malicious character and disordered behaviour (often contrasted to the orderly, law-abiding victims), and frequently expressed their fear of further attacks. They often foregrounded families and their most vulnerable members, as well as the impact of violence and intimidation on households and livelihoods.

The 1594 petition of Allys Whittingham, William Bealey and his wife Margery, complaining of the abuses perpetrated against them by Anne Lingard, vividly illustrates many of these themes.[94] They told the court how Anne tricked her way into Allys' house in Middlewich early one morning to attack her, and 'did assault and treade [Allys] … under feete and would her have murdred or otherwayes fouly intreated yf she hadd not bine prevented' by Margery. They emphasised Anne's deceit and wicked intent, and the vulnerability of her weak, defenceless victim, who was 'an aged woman'. This was far from being an isolated attack. Anne had falsely sworn before a magistrate that she feared bodily harm from the petitioners, which had 'amazed' the petitioners. Moreover, they claimed, she was a frequent disturber of the peace, causing many 'unseemly' brawls and affrays and upsetting the 'best sort' of the town's inhabitants. As a result, Allys could 'not be at peace within her owne house'. The petition even slipped into the first person – an uncommon occurrence in professionally scribed petitions[95] – briefly allowing the emotions of the supplicant to break through the usual third-person formalities: 'I the sayd Allys much affrayd lest the sayd Anne will take her opportunity [to] mischeefe me, yf some good course for my releef and securytie bee not taken by your worshipps.'[96] Therefore, the petitioners prayed both to be released from Anne's warrants against them and for further action to be taken against her 'outragousnesse'.

The attacker's malicious character was a key theme in petitions about violence. Merridee Bailey has highlighted the 'mutually reinforcing' uses of 'malice' in Chancery petitions to encompass 'action, character, emotion, and true disposition' and a similar theme runs through quarter sessions petitions.[97] Malice often manifested as specific animosity towards a petitioner, motivated by previous property disputes, prosecution or debts, and was also often linked to unjust and vexatious uses of the law. Some female petitioners complaining of abusive men alleged that the underlying motive was sexual. Jone Downes was 'grete with child' when Edward Acton, a constable, and Thomas Burges 'uppon some secret malice' wrongfully impounded her cattle and assaulted Jone and her 10-year-old son. This 'secret malice', it was implied, was

due to her refusal 'to consente to [Acton's] filthie lusts'. Similarly, Raphe Lea, also a constable, threatened to take revenge on Elizabeth Greaves for refusing 'to be naught with him'. He subsequently brought a group of men to the Greaves' home, forced their way in without a warrant and broke into 'the inner roomes', took away some of their goods and damaged others.[98]

There are three notable and often interrelated strands to narratives of the consequences of violence: emotional trauma, physical harm and material loss. Financial losses were often a direct result of physical injury or fear. John Heyre attacked Llewellen ap Edward with a knife, drawing blood, as a result of which Llewellen 'cold not woorke at his occupacion being a black smyth by art by the space of a month to his great losse and hinderans'. Roger Moores claimed that William Tomlynson, Ellyn Tomlinson, John Shelmerene and Roger's own wife Jane daily threatened to kill him 'soe that hee is in great povertye by reason hee dare not followe his vocation wherby by his labour hee mayntayned himselfe'.[99]

If men tended to foreground the effects of violence on their work, women often used the 'language of maternity' that has been highlighted in Chancery petitions by Amanda Capern to tell resonant, emotional narratives about the effects of violence on themselves and their families. Like Jone Downes, they might emphasise the vulnerability of pregnancy or attacks on their young children.[100] Ellen Robinson detailed a terrifying campaign by Raphe Nixon, Margarett his wife and their confederates. The Nixons had driven Ellen's husband to his death and the family to financial ruin with a series of malicious lawsuits. Not content with that, they had endeavoured to make the widow and her family homeless, assaulted her daughter and had them put in the stocks. Finally, armed with an unjustly obtained arrest warrant, they had entered Ellen's house in the early hours of the morning 'in most vyolent and ryotious manner' and beaten Ellen so severely that her life was endangered, 'which cruell dealeing of theires did so much affright [Ellen's] doughter, that shee then fled away for saffegard of her lyffe, and was never heard of what was become of her to this day'.[101]

Ellen concluded not simply by asking for Nixon and his associates to be bound for good behaviour, but also stressing her poverty as a poor widow with orphaned children, and begging the magistrates 'for Godes cause to redresse her great wronges according to justice and equetye'. Garthine Walker has previously drawn attention to this kind of 'plebeian legalism' in Cheshire petitions, and it could be expressed in many petitions beyond those directly concerned with litigation.[102]

Conclusion

Petitioning is often described as 'ubiquitous' in early modern societies, not least by *The Power of Petitioning* project.[103] But that runs the risk of obscuring important chronological and geographical variations in the practice and experiences of petitioning. This chapter has begun to chart those variations for a vital institution of local government in early modern England and Wales. I have argued that the changing relationship between county governance and the state was a major influence on the chronology of petitioning at quarter sessions. There was a general national pattern of growth and decline across the course of the seventeenth century, but there were also distinctive county-level particularities that need further investigation to be more fully understood.

Second, I have emphasised the importance of quarter sessions petitioning as a legal tool for dealing with interpersonal violence and disorder. This chapter therefore has attempted to begin to rebalance the historiography of local petitioning to better reflect the importance of litigation as a major priority for early modern petitioners, evidenced in the large volume of material on this topic surviving in the archives. The interactions between petitioning and other popular legal weapons such as binding over by recognizance deserve further attention, as do links to cases pursued in other courts, which have been beyond the scope of this chapter.

Finally, I have drawn attention to the *linguistic* making of petitions about violence. Discussion of the ways in which petitions depicted personal character, contexts and consequences in order to build a case for magistrates' intervention is not intended to imply that petitions are 'mere' narratives, but rather to highlight both the strategic and emotional power of petitioning. Petitions are ideal material for both counting and close reading, but they are neither simply numbers nor stories. Every one of the thousands of petitions brought to magistrates during the seventeenth and eighteenth centuries was a collaboration with the aim of gaining access to the power of the institution. Many of them were successful.

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Notes

1. See, for example, Würgler, 'Voices'.
2. In Cheshire, for example, see Hindle, 'Shaming'; Cockayne, 'Street'.
3. Walker, *Crime, Gender and Social Order* describes Cheshire's early modern court records in general as 'unrivalled' (p. 16).
4. They were not established in Cheshire (or Wales) until 1536. See Thornton, ' Integration of Cheshire', p. 40.
5. Thornton, 'Integration of Cheshire'; Hindle, *State and Social Change*, especially pp. 102–3; Walker, *Crime, Gender and Social Order*.
6. Cheshire Record Office (CRO), Cheshire Quarter Sessions Files (QJF). The Cheshire series excludes petitions from the city of Chester, which held its own quarter sessions. The survival of Chester City Quarter Sessions Files (CRO QSF) is, unfortunately, extremely patchy and they are not included in this study.
7. Only a few files in CRO QJF are catalogued to item level. The years 1583–94, 1687–90 and part of 1788 were calendared by CRO archivists and volunteers. A selection of documents was published in Bennett and Dewhurst, *Quarter Sessions Records for Cheshire*.
8. Howard, *Petitions to the Cheshire Quarter Sessions, 1573–1798*.
9. The data for Cheshire and the four other counties transcribed for TPOP has been published as an open dataset: Howard and Waddell, 'The Power of Petitioning Data'. The dataset contains full documentation of data collection and processing.
10. I also collected petition counts for 21 further complete years between 1593 and 1793 for the overall trends and total document counts for every sampled year between 1593 and 1798.
11. Waddell, *Petitions to the Derbyshire Quarter Sessions, 1632–1770*.
12. Waddell, *Petitions to the Staffordshire Quarter Sessions, 1589–1799*.
13. Waddell, *Petitions to the Westminster Quarter Sessions, 1620–1799*.
14. Waddell, *Petitions to the Worcestershire Quarter Sessions, 1592–1797*.
15. The end dates for Hertfordshire and Kent reflect the current limits of cataloguing rather than lack of petitions.
16. See Chapter 8 in this volume, 'Prevalence and social profile'.
17. These do however seem to be rare, perhaps one or two a year. See, for example, CRO, QJB 1/5, fo. 477, petition of Thomas Baugh (April 1638); QJB 3/3, fo. 66, petition of Andrew Winterbotham (January 1677/8).
18. Somerset Heritage Centre (SHC), Sessions rolls (Q/SR). The catalogue notes that the 1649–1725 sessions rolls 'are largely composed of examinations'. Petitions were also filed in another SHC series, Q/SPet (1640s–60s).
19. Waddell, *Petitions to the Derbyshire Quarter Sessions, 1632–1770*. 121 Derbyshire petitions were excluded – more than were included – and the remainder appear very unevenly spread; because of this, the county is excluded from detailed quantitative analysis.
20. 71 Somerset petitions (SHC Q/SPet) can only be dated to c.1640–60, but this is a much smaller proportion of the total.
21. See Chapter 8 in this volume, 'Aims and impact'.
22. See Chapter 8 in this volume, 'Aims and impact'.

23. See Hindle, *The State and Social Change*, ch. 4, for a useful summary.
24. See Chapter 8 in this volume, 'Aims and impact'.
25. This is corroborated by the growing frequency of adjournments to handle the volume of business from the 1730s onwards. Harris, *A History of the County of Chester*, p. 63.
26. The following quantitative analysis of document categories is based on a sample of five years: 1588, 1638, 1688, 1738 and 1788. This uses the CRO calendaring for 1588, 1688 and part of 1788, supplemented with brief document types for the rest.
27. Recognizances were adapted to many new uses in the service of the expanding state, some of which are noted in Hindle, *The State and Social Change*, p. 101.
28. See Chapter 8 in this volume, 'Prevalence and social profile'.
29. Dodd, 'Writing Wrongs'; see Chapter 2, this volume, on petitionary scripts by military veterans.
30. See Waddell, *Petitions to the Staffordshire Quarter Sessions, 1589–1799*; Waddell, *Petitions to the Worcestershire Quarter Sessions, 1592–1797*; Howard, *Petitions to the Cheshire Quarter Sessions, 1573–1798*.
31. For a large online collection of medieval examples, see The National Archives (TNA), SC 8 https://discovery.nationalarchives.gov.uk/details/r/C13526.
32. Gibson, 'Significant Space in Manuscript Letters'; Daybell, 'Material Meanings'; Houston, *Peasant Petitions*, ch. 9–11, discusses the use of space and evolving formats of petitions to landlords.
33. The earliest fully developed example of the new form that I have seen is 'The humble peticon of Henry Stevens' to Queen Elizabeth in 1594: TNA, State Papers SP 12/250, fo. 82 (*State Papers Online*, accessed 17 March 2023). The earliest petition in TPOP's quarter sessions corpus using 'The humble petition of' formula is the petition of Thomas Moore from Worcestershire in 1601. Worcestershire Archives and Archaeology Service (WAAS), Ref.110 BA1/1/3/59, www.british-history.ac.uk/petitions/worcs-quarter-sessions/1600s.
34. The earliest Cheshire examples probably fall in the gap in TPOP samples between 1600 and 1608. They accounted for 25 per cent of petitions in 1608, 68 per cent in 1618 and at least 90 per cent for the rest of the seventeenth century. There was more divergence in the eighteenth century.
35. For examples, see Bennett and Dewhurst, *Quarter Sessions Records for Cheshire*, pp. 212–13, pp. 224–5.
36. See Tadmor, 'Settlement of the Poor'.
37. Harris, *A History of the County of Chester*, pp. 61–74, sketches parts of this story. For a detailed study of a neighbouring county, see Maddison, 'Justices of the Peace'.
38. Bennett and Dewhurst, *Quarter Sessions Records for Cheshire 1559–1760*, pp. 125–33, include several 1648 petitions. See Hindle, 'Dearth and the English Revolution' on the harvest crisis in Cheshire and elsewhere.
39. Morrill, *Cheshire 1630–1660*, p. 229; Waddell, *God, Duty and Community*, p. 137.
40. Knights, '"The Lowest Degree of Freedom"'.
41. Waddell, *God, Duty and Community*, p. 137.
42. Maddison, 'Justices of the Peace', p. 205 Another order in 1703 allowed only bastardy petitions that were appeals against justices' orders (p. 230).
43. Healey, *The First Century of Welfare*, pp. 191–2.
44. Hindle, 'The Growth of Social Stability', p. 573; see also Waddell, 'The Rise of the Parish Welfare State'.
45. Hitchcock, King and Sharpe, *Chronicling Poverty*; Sokoll, *Essex Pauper Letters, 1731–1837*; Bailey, '"Think Wot a Mother Must Feel"'; Hitchcock and Shoemaker, *London Lives*, ch. 6, section 6: 'Parish and pauper strategies'.
46. Houston, *Peasant Petitions*.
47. Hailwood, *Alehouses and Good Fellowship*; Falvey, '"Scandalus to All Us"'.
48. Bettey, 'Seventeenth Century Squatters' Dwellings'; Broad, 'Housing the Rural Poor in Southern England, 1650–1850'; Tankard, 'The Regulation of Cottage Building'.
49. Wrightson, 'Two Concepts of Order'; Kent, 'The English Village Constable'.
50. Ben-Amos, 'Service and the Coming of Age of Young Men'; Ben-Amos, 'Women Apprentices'.
51. Hindle, *On the Parish?*; Waddell, *God, Duty and Community*; Healey, *The First Century of Welfare*; Boulton, 'Going on the Parish'.
52. For example: Stoyle, '"Memories of the Maimed"'; Beale, 'Military Welfare in the Midland Counties'; Appleby, 'Unnecessary Persons?'.

53. In the *Civil War Petitions* database, just 38 of 1,618 petitions are later than 1685. *Civil War Petitions: Conflict, Welfare and Memory during and after the English Civil Wars, 1642–1710*, www.civilwarpetitions.ac.uk.
54. Walker, *Crime, Gender and Social Order*, pp. 227–37; see also Amussen, 'Gender, Family and the Social Order'.
55. Research on debtors' petitions has focused more on the experience of, or complaints about, prison conditions. Innes, 'The King's Bench Prison in the Later Eighteenth Century'; Woodfine, 'Debtors, Prisons, and Petitions'.
56. CRO, QJF 165/3/64–69, 71–79, 81–98, 136 (petitions at 76 and 84); 10 George 2 c.26: An Act for the Relief of Insolvent Debtors, 1736[/1737].
57. CRO, QJF 165/3/93-94.
58. Hindle, *The State and Social Change*, ch. 4; Shoemaker, *Prosecution and Punishment*; Hurl-Eamon, *Gender and Petty Violence*.
59. See Chapter 3 in this volume.
60. See Walker, *Crime, Gender and Social Order*, pp. 221–7; Hindle, *The State and Social Change*, ch. 4, especially pp. 101–3; Howard, *Law and Disorder*, pp. 187–220; Beattie, 'A Piece of the Puzzle'.
61. Howard, 'The London Lives Petitions Project, v2.0'.
62. *An Act against Erecting and Maintaining of Cottages* (1589), 31 Eliz. c. 7, *Statutes of the Realm*, vol. 4 pt. 2, pp. 804–5.
63. Bowen, 'Cottage and Squatter Settlement and Encroachment'; Broad, 'Housing the Rural Poor'; Tankard, 'The Regulation of Cottage Building'.
64. Bowen, 'Cottage and Squatter Settlement and Encroachment', p. 26.
65. CRO, QJF 47/1/122 (1618); QJF 67/1/33 (1638).
66. I consulted surviving sessions books only for the seventeenth-century years transcribed by TPOP (CRO, QJB 1/4, QJB 1/5 and QJB 3/3). For an example of an order not annotated on the petition see QJB 1/5, fo. 493 and QJF 67/3/20 (Anne Birkett).
67. See Morrill, *Cheshire 1630–1660*, p. 8, pp. 236–7, who finds a considerably higher rate of referral to monthly meetings before 1642 than in this sample.
68. Hindle, *The State and Social Change*, pp. 107–8, discusses the importance and difficulty of arbitration.
69. Hindle, *On the Parish?* ch. 6; Healey, *The First Century of Welfare*, ch. 3.
70. For example, CRO, QJF 85/4/124.
71. For examples see CRO, QJF 47/3/70, QJF 67/2/78, QJF 86/2/129.
72. Walker, *Crime, Gender and Social Order*, p. 239.
73. CRO, QJF 86/3/142, QJF 24/3/22.
74. CRO, QJF 37/2/29; QJF 76/1/40.
75. There were no paternity petitions in the sample after 1688, though paternity cases continued to form a significant element of court business.
76. The last military relief petition in the sample was in 1678 (CRO, QJF 106/1/121). There are a few later Cheshire petitions in the *Civil War Petitions* database, but none after 1681: www.civilwarpetitions.ac.uk/petition/the-petition-of-thomas-yeates-of-nantwich-cheshire-easter-1681-1/ and www.civilwarpetitions.ac.uk/petition/the-petition-of-thomas-yeates-of-nantwich-cheshire-easter-1681-2/ (CRO, QJF 109/1/88-89).
77. For examples, see Chapters 2 and 3, this volume.
78. But see Dabhoiwala, 'Writing Petitions'.
79. For example, Falvey, '"Scandalus to All Us"'; Cockayne, 'A Street of Many Parishes'.
80. CRO, QJF 67/2/67.
81. CRO, QJF 47/2/99.
82. Hoyle, 'Petitioning as Popular Politics'; Walter, 'Grain Riots and Popular Attitudes to the Law'.
83. Waddell, 'Arguing about Alehouses'.
84. Harris, *A History of the County of Chester*, p. 53; Morrill, *Cheshire 1630–1660*, p. 6.
85. CRO, QJF 76/2/62 (1648), QJF 86/3/144 (1658).
86. See Shepard, *Accounting for Oneself*, ch. 7.
87. See Chapter 8 in this volume, 'Prevalence and social profile'.
88. There were similar declines in the other counties, though timing varied considerably: Westminster peaked much earlier (1608–28) at 42 per cent, falling to 20 per cent in the 1700s. Staffordshire never had more than 18 per cent (1638–58) and a mere 4 per cent in the 1700s.

89. The classic example of such an approach is Davis, *Fiction in the Archives*; for recent work on emotions in petitions see Bailey, '"Most Hevynesse and Sorowe"'; Bailey, '"Think Wot a Mother Must Feel"'.
90. For example, Hindle, *On the Parish?* ch. 6; Healey, *The First Century of Welfare*, especially ch. 3.
91. For examples, see Beattie, 'Your Oratrice'; Capern, 'Maternity and Justice'; Flannigan, 'Litigants'.
92. See Davis, *Fiction in the Archives*; more recently, Verreycken, '"En Nous Humblement Requerant"'.
93. See also Verreycken, '"En Nous Humblement Requerant"'.
94. CRO, QJF 24/1/25 (1594).
95. In quarter sessions petitions the first-person singular is less rare than in some petitioning venues; it occurs in 25 of 286 Cheshire petitions compared to just 3 of 732 petitions in TPOP's House of Lords corpus.
96. On other departures from third-person conventions, see Beattie, 'Your Oratrice', p. 22, notes how a similar medieval example suggests the direct input of the petitioner; Chapters 2 and 3, this volume.
97. Bailey, '"Most Hevynesse and Sorowe"', p. 18; malice – or its absence – was also a crucial element in early modern homicide law and witness narratives of lethal violence: Howard, *Law and Disorder*, pp. 56–69.
98. CRO, QJF 47/1/132 (1618); QJF 67/2/86 (1638). Warrant for recognizance to keep the peace against Edward Acton: QJB 1/5, fo. 5.
99. CRO, QJF 19/4/22 (1590); QJF 67/2/61 (1638). Recognizance for William Tomlinson to keep the peace towards Roger Moores: QJB 1/5, fos. 474, 483.
100. Capern, 'Maternity and Justice in the Early Modern English Court of Chancery'; see also Worthen, 'Supplicants and Guardians'; Hurl, '"She Being Bigg with Child Is Likely to Miscarry"'.
101. CRO, QJF 47/3/76 (1618). Warrant for recognizance of the good behaviour against Ralph Nickson als Bulkley: QJB 1/5, fo. 5.
102. Walker, *Crime, Gender and Social Order*, ch. 6.
103. 'The Power of Petitioning in Seventeenth-Century England'; Zaret, 'Petition-and-Response and Liminal Petitioning', claims that premodern petitioning was 'ubiquitous', 'uniform' and 'generic' across the premodern world.

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10
Afterword

Ann Hughes

In 1649 when the 'Levellers' condemned the new English republic for its failure to defend the liberties fought for in the Civil War, they rejected the label given them by their opponents; indeed, they had previously declared against moves for the 'levelling men's estates or making all things common'. Instead their pamphlet *England's New Chains Discovered* was issued as 'the serious apprehensions of a part of the people in behalf of the commonwealth (being presenters, promoters and approvers of the Large Petition of 11 September 1648)'.[1] 'Large petitions' in support of partisan stances on fundamental issues of political legitimacy and Church government were an important phenomenon during the mid-seventeenth-century revolutionary decades. They were manifestos around which people mobilised, as 'presenters, promoters and approvers', through the circulation of the manuscript or printed text, through the gathering of 'hands' and through carefully orchestrated presentation to authority, particularly the Parliament. For the Levellers, petitioning defined their political identity.[2]

Such petitions – what Brodie Waddell terms the 'grand petitions' – have been well studied by political historians of seventeenth-century England. This volume, in contrast, demonstrates the value of a broader, more 'holistic' approach to early modern petitioning. Petitioning was ubiquitous in early modern British governance, where a supplicatory culture structured relationships between rulers and ruled in a hierarchical society. Alongside the dramatic petitions of the Levellers or the petitions for and against episcopacy in the early 1640s, we need then to take more seriously the thousands of petitions calling for redress of individual or local grievances, studied more commonly by economic, social and cultural historians. In developing a more capacious view of petitioning,

the editors and contributors to this volume also suggest a more generous understanding of politics itself. Rejecting a sharp binary between 'political' and 'bread-and-butter' petitioning, they seek to connect two historiographies: 'to situate early modern cultures of supplication within a broader history of political participation'. Apparently mundane 'little businesses' had political resonance, and petitioning, in particular, demonstrated that people who lacked formal power were by no means helpless or lacking in influence. This volume draws on the work of scholars like John Walter, who have stressed the 'social depth of politics', analysing popular protest and the micro-politics of the parish and other local communities, as well as the involvement of broad sections of the population in conventionally defined political conflicts.[3]

This is a timely volume able to draw on the resources of two impressive digital humanities projects that have made publicly available thousands of petitions from England and Wales, facilitating close attention to specific texts, as well as reflections on the changing nature of petitioning over time. The project, 'Conflict, Welfare and Memory during and after the English Civil Wars' has identified all surviving petitions delivered to civilian or military authorities by disabled veterans and the widows and children of soldiers killed in the Civil Wars of the 1640s and 1650s, while 'The Power of Petitioning in Seventeenth-Century England' has sampled petitions across local and national institutions and published transcriptions of over 2,500 of them. Here is rich material for the study of petitions and petitioning as topics in themselves rather than, in Elly Robson's terms, as merely a 'lens' through which to illuminate other themes, whether poverty and war or claims for political rights and religious toleration.

Interpreting petitions

The introduction offers a very convincing agenda or prospectus for the comprehensive study of petitioning, while the ensuing chapters demonstrate the rich potential of a variety of approaches, from careful analysis of texts to impressive quantitative analyses. Focused studies by Lloyd Bowen, Hannah Worthen and Imogen Peck confirm that it is impossible to claim that petitions offer unmediated access to individual experience or beliefs. They are almost always collaborative texts, drafted by experienced scribes and using conventional tropes and formulaic language. But Bowen's careful engagement with the work of Frances Dolan demonstrates that the validity of petitions troubled contemporaries as well

as modern scholars. The veterans and widows who petitioned for relief had to make a case that was not just plausible or believable, but verifiable. Complete scepticism about access to individual or collective agency is unnecessary: shifts from third to first-person narratives, and lively and specific details all suggest the active engagement of petitioners themselves, while Worthen makes the important point that agency may be exercised through a decision to present a wholly conventional and deferential case.

Petitioning in 'popular' and 'high' political contexts is discussed in the chapters by Karin Bowie, Jason Peacey and Elly Robson. Robson unravels the complexities of petitioning within the long struggles over fen drainage in Eastern England as a tactic, among many, adopted by both protestors and promoters of the large-scale projects. Peacey offers an original perspective on petitions and Parliament, concerned not with dramatic confrontations between Crown and Parliament but with petitioning as a more routine means through which to regulate the controversial parliamentary process of granting freedom of arrest to MPs, peers and their servants during Parliament's sitting. Petitions came from those who argued they were wrongly arrested, but also from the people who had been imprisoned for doing the arresting, and achieved an equilibrium between parliamentary privilege and public justice. Bowie discusses the culture of 'participative subscription' exhibited most dramatically and to startling effect by the Scottish Covenanters, when relatively broad sections of the population signed oaths and petitions that destroyed Charles I's personal rule in the kingdom.

Sharon Howard and Brodie Waddell trace the rise and equally dramatic fall of petitioning in English local government, using material from *The Power of Petitioning* project covering the mid-sixteenth to the late eighteenth century. Howard's analysis of quarter sessions records finds petitioning emerging as a significant element from the 1590s, rising to a peak in Cheshire and elsewhere in 1648, before declining from the Restoration onwards, both in absolute numbers and as a proportion of business. It may be that the late 1640s peak is distorted by the need to catch up with a backlog of rating disputes and demands for relief, caused by the Civil War, but the broad chronology is confirmed by Waddell's analysis of almost 4,000 petitions from 15 jurisdictions. He shows the social depth and collaborative nature of petitioning, suggesting that about a fifth were by or on behalf of women. Administrative and fiscal issues were soon more important than litigation in prompting petitioning; here, poor relief was overwhelmingly the most significant category, with taxation and licencing (of alehouses or cottages on the waste) also prominent.

The volume draws on a critical reading of some political science literature on petitioning, as a means of 'articulating self-representations', seen here in Peck's suggestion of the emergence of an identity as 'war orphan'. The most developed 'grand narrative' of petitioning is David Zaret's, based appropriately on the 'grand' petitions of the mid-seventeenth century. For Zaret 'printed petitions from private associations simultaneously constituted and invoked public opinion' and were crucial to the development of a Habermasian public sphere, decades before Habermas himself located its rise. Here publicity through print is crucial. The availability of opposing or rival petitions imposed a 'dialogic order on conflict', as people in many places could reflect on, debate and organise around rival stances.[4] Zaret's focus on print has been challenged most effectively by Peacey, and the editors of this volume insist that any distinction between print and manuscript circulation of petitions is 'fuzzy', not just because manuscripts might circulate widely but also because print might be used for selective lobbying and 'private' purposes. The overall Habermas framework has been much revised, while a main concern of this volume is of course to broaden the understanding of petitioning beyond the printed large-scale petitions used by Zaret.[5] But the editors of this volume do not shy away from their own grand narratives. Peacey claims that 'petitions provide a means of rethinking parliamentary history', using the example of reactions to letters of protection from arrest. More generally he suggests that 'constitutional history is inseparable from the culture of supplication', and that petitioning Parliament embedded the institution in the 'contemporary political imagination'. For Waddell, petitioning amounted to 'shaping the state from below'. Enlarging on the work of Hindle and Braddick on state formation, he argues that participation in governance extended far beyond the incorporation of the middling sort.[6] Men and women without any formal political or administrative authority petitioned to encourage magistrates to implement the new statutes on welfare, licencing and road repair or to affect how new financial levies were imposed.

Subscribing and supplicating

A successful edited volume prompts reflection and suggestions for further work, and this one is no exception. The introduction and references given here, along with the websites of the two major projects indeed provide many resources for new developments in the study of petitioning. There is clearly work to be done before we have a full history of petitioning

culture throughout Britain, encompassing colonial and imperial perspectives. Welsh examples are deployed in Bowen's discussion of agency, rhetoric and formulae, while Bowie offers an important account of Scottish subscriptional culture. However, there is more scope for exploring local petitioning across the British Isles and Ireland, as well as for following up the introductory remarks on the various arenas in which imperial petitioning took place. I wondered also about how much petitioning had a role within ecclesiastical as well as secular jurisdictions, particularly in Scotland. The collection draws on the work of a wide range of historians and also on political science literature, but aside from Bowen's engagement with Dolan, there is little attention to the work of literary scholars, either for insights into how to approach the tropes and rhetoric deployed in 'real' petitions or to assess the significance of mock and avowedly literary petitions. These are themes that this volume will inspire.

The value of commitment to a holistic view of petitioning and the editors' stress on 'a variegated but interconnected landscape of supplicatory culture' is amply demonstrated here but I would, nonetheless, like to suggest that contrasts and distinctions (but not fixed boundaries) between different modes of petitioning remain valid. The editors and most of the contributors characterise petitions as part of this supplicatory culture. Yet Bowie situates her account of Scottish petitioning on religious change and monarchical authority within a *subscriptional* culture, tracing a process from a very restrictive activity where signatures were unnecessary because assent to a petition was validated by the presence in person of aristocratic protestors. Many of the early petitions against the new prayer book in 1637 were not signed but endorsed by local authorities; later ones included 'many hands' and were forerunners to the mass subscription of the National Covenant of 1638, facilitated by printed blank forms on which supporters indicated their assent to the text.

The Covenant was of course an oath rather than a petition but in Bowie's account, petitions are closely associated with oaths as 'subscriptional' rather than supplicatory texts.[7] There are suggestive contrasts in how different authors situate the petitioning activities they write about. Where Bowie aligns petitions with broadly subscribed oaths, Howard notes how petitions to quarter sessions might ask for a recognizance binding over a neighbour to cease harassment, and Worthen also connects petitioning to other legal and administrative modes of redress. In Robson's account of struggles over large-scale drainage in the fens, petitioning was carried out together with many forms of legal and direct action. Connecting petitions to other subscriptional or other supplicatory forms may help explain what still seemed to me a somewhat mysterious

decline in petitions to quarter sessions by the eighteenth century, when financial records were predominant in the archives of local government. Institutional change is of course relevant, with more work done by individual justices out of sessions, as is bureaucratic innovation such as the use of printed forms. But is it possible also that supplicatory modes for paupers had migrated to individual letters rather than petitions, again often facilitated by scribes and comprising a mixture of the personal and the formulaic? Paradoxically, relationships between the 'state' and the 'people' had become both more bureaucratic and more intimate.[8] The changing status of petitions in the archives of local administration might be connected to Foucault's notion of 'governmentality', where the demands of the state for certain types of written evidence both enabled and constrained responses from the people.[9] Foucault's account is certainly at odds with the participatory nature of English state formation as stressed here, but it is worth considering as a counter to the most optimistic understanding of influencing the state from below. The case for influence is very well made, and the importance of petitioning as a means of achieving it is fully demonstrated, but the profound inequalities of wealth and power in early modern society endured.

The editors' variegated and interconnected conception of the petitioning 'landscape' is at the heart of this volume. I hope that it inspires more detailed local research into how connections emerged and operated in particular contexts. Waddell suggests that petitioning fostered a more inclusive understanding of statute law, as well as broader concerns for the public interest and the common good, alongside a stress on popular entitlement rather than the charity or discretion of the government. In terms of 'bread-and-butter' and 'grand petitioning' the chapters here suggest influence flowed in both directions, most obviously in the fens where opposition to drainage interacted in complex ways with national politics. Everyday habits of petitioning might facilitate more directly 'political mobilisations', as when Howard and Waddell suggest that collective petitioning to quarter sessions, in rating disputes or consensual moves to allow a poor inhabitant a cottage on the waste, paved the way for the mobilisations of the 1640s. On the other hand, it might be that the rival mobilisations of the revolutionary decades produced a 'politicisation' of everyday life as indicated in Peck's account of how state service – for Parliament or for the king – was used to claim 'new entitlements'. Hannah Worthen suggests that while the easy availability of petition texts online is immensely valuable there may be 'significant risks' in seeing texts in isolation and neglecting the whole process of

producing, presenting and gaining support for petitions, summed up in the introduction as 'logistics'. This volume does not neglect the logistics, but it may be that further research on what happened after the initial presentation of a petition, as well as the methods leading to and facilitating delivery, could provide fruitful insights into the connections and the contrasts between different forms of petitioning. Worthen highlights the costs, risks and organisation involved in a journey to deliver a petition to a quarter sessions; it would be interesting to explore the practicalities of delivering the county petitions of the early 1640s to Parliament (for example). Bowie's stress on subscription rather than supplication may also be a means of exploring distinctions between the 'grand' political petitions and the more specific ones, bringing us back to the Leveller stress on 'presenters, promoters and approvers' as a rather different form of collaboration than that found in community petitions over taxation or neighbours' endorsement of a Civil War widow's request for relief.

This volume rightly insists that the dramatic, adversarial petitioning campaigns of the 1640s and the later seventeenth-century 'age of party' must be understood within a wider 'landscape' or 'culture' of petitioning. Nonetheless, the variations within that culture remain striking. The Levellers no doubt drew on broad experience of individual and community petitions that urged local governors to allow a poor neighbour to erect a cottage on the waste or contested a village's assessment for bridge repair. In that 'everyday' context, petitions were 'humble', notionally at least; they were urging powerful social superiors to implement legislation their fellows had passed or to live up to their paternalistic self-representations. Although James C. Scott's work has not featured largely in this volume, such petitioning might be seen as a characteristic 'weapon of the weak', a means by which subordinate groups drew on dominant 'public transcripts' to negotiate with the powerful.[10] The chapters here suggest a more subtle account of more assertive and more successful petitioning in a local and personal context, but we need to know more about the contexts and mechanisms through which the personal and supplicatory was transformed into a collective and subscriptional mode. Additionally, we need to explore the ways in which petitions, framed in terms of existing law, encouraged a broader sense of justice and entitlement, prompting campaigns for political transformation. In other words, we need to heed the call in this volume for holistic, contextualised studies that resist divisions between political, social and cultural approaches to early modern history.

Notes

1. Sharp, *English Levellers*, p. 140. 'Levelling' was condemned in the September 1648 petition (ibid., p. 137).
2. Among many examples, Fletcher, *Outbreak*; Maltby, *Prayer Book*; Cust and Lake, *Gentry Culture*.
3. See, in particular, Walter, *Covenanting Citizens*; Walter, 'Confessional Politics'.
4. Zaret, 'Petitions', pp. 1517, 1530.
5. For useful discussions, see Vallance, *Loyalty*, pp. 2–11, 21–28; Lake and Pincus, *Politics of the Public Sphere*, especially the introduction.
6. Braddick, *State Formation*; Hindle, *State and Social Change*.
7. Cf. Vallance, *Loyalty*, p. 21 on 'English subscriptional culture'.
8. For examples, see Sokoll, *Essex Pauper Letters*; Jones and King, *Navigating*.
9. Foucault, 'On Governmentality'; Joyce, 'Governmentality and History'.
10. Walter, 'Public Transcripts'.

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'These essays each deepen our understanding of the social and cultural contexts of petitions, but also demonstrate a breadth and richness of approaches for scholars studying these sources. This volume is essential for our understanding of petitioning in transhistorical and comparative perspective.'
Richard Huzzey, University of Durham

'A stimulating and wide-ranging collection which reflects a new understanding of participatory governance in early modern Britain. From political opinions to poverty and trauma, the authors unfold how women and men used petitions to make their voices heard, and how their concerns politicised daily life.'
Laura Gowing, Kings College London

The 'humble petition' was ubiquitous in early modern society and featured prominently in crucial moments such as the outbreak of the civil wars and in everyday local negotiations about taxation, welfare and litigation. People at all levels of society – from noblemen to paupers – used petitions to make their voices heard and these are valuable sources for mapping the structures of authority and agency that framed early modern society.

The Power of Petitioning in Early Modern Britain offers a holistic study of this crucial topic in early modern British history. The contributors survey a vast range of sources, showing the myriad ways people petitioned the authorities from the sixteenth to the eighteenth centuries. They cross the jurisdictional, sub-disciplinary and chronological boundaries that have otherwise constrained the current scholarly literature on petitioning and popular political engagement. Teasing out broad conclusions from innumerable smaller interventions in public life, they not only address the aims, attitudes and strategies of those involved, but also assesses the significance of the processes they used. This volume makes it possible to rethink the power of petitioning and to re-evaluate broad trends regarding political culture, institutional change and state formation.

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