

THE IMPACT ON ENGLAND OF JAMES VI AND I  
WITH PARTICULAR REFERENCE TO THE RELIGIOUS CONTEXT

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by  
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## Contents

	<u>page</u>
Acknowledgements	iii
Abbreviations	iv
Introduction	1
Chapter 1: The Succession to the Throne of England	12
Chapter 2: The Accession of James Stewart	51
Chapter 3: Expectations from Across the Religious Spectrum	89
Chapter 4: Fuelling Godly Fears	132
Chapter 5: The Northamptonshire Petition and its Ramifications in the Localities	169
Chapter 6: The genesis of the Privy Council Orders 'for the better preservacion of his Majesties subjectes in peace order and obedience', 23 June 1605.	204
Chapter 7: An Enduring Impact	242
Conclusion	278
Bibliography	287

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## Abbreviations

APC	<i>Acts of the Privy Council of England, London, 1890-1964</i>
APSc	<i>Acts of the Parliament of Scotland, Edinburgh, 1814-1875</i>
BL	<i>British Library</i>
BL Add MSS	<i>British Library, Additional Manuscripts</i>
CJ	<i>Journals of the House of Commons, London, 1803-1863</i>
CLSPE	<i>Calendar of Letters and State Papers relating to English Affairs, preserved principally in the archives of Simancas, Elizabeth I, 1558-1603 London, 1892-1899</i>
CRS	<i>Catholic Record Society</i>
CSPD	<i>Calendar of State Papers, Domestic Series, of the reign of Elizabeth, and Calendar of State Papers, Domestic Series, of the reign of James I, London, 1856-1872</i>
CSPire	<i>Calendar of State Papers relating to Ireland, London, 1860 - 1912</i>
CSPSc (Mackie)	<i>Calendar of State Papers relating to Scotland and Mary, Queen of Scots, 1547-1603, preserved in the Public Record Office, the British Museum, and elsewhere in England Edinburgh, 1898-1969</i>
CSPSc	<i>Calendar of the State Papers relating to Scotland, preserved in the State Papers Department of Her Majesty's Public Record Office London, 1858</i>
CSPVen	<i>Calendar of State Papers relating to English affairs in the archives of Venice, London, 1864-1940</i>
DNB	<i>The Dictionary of National Biography 22 vols, Oxford University Press, 1917</i>
EHR	<i>The English Historical Review</i>
HJ	<i>The Historical Journal</i>
HMC	<i>Historical Manuscripts Commission (reports) London, 1871-1965</i>
HR	<i>Historical Research</i>



<i>JBS</i>	<i>Journal of British Studies</i>
<i>JEH</i>	<i>Journal of Ecclesiastical History</i>
<i>JMH</i>	<i>Journal of Modern History</i>
<i>LJ</i>	<i>Journals of the House of Lords, London, 1846</i>
<i>RH</i>	<i>Recusant History</i>
<i>PRO SP</i>	<i>Public Record Office, State Papers</i>
<i>RPCSc</i>	<i>Register of the Privy Council of Scotland, Edinburgh, 1877-1898</i>
<i>RSCHS</i>	<i>Records of the Scottish Church History Society</i>
<i>SHR</i>	<i>The Scottish Historical Review</i>
<i>TAPS</i>	<i>Transactions of the American Philosophical Society</i>

### Dates

Dates are given in the Old Style but the year has been taken to begin on January 1 in England as it was already in Scotland.

## Introduction.

### I.

For a king so sure of himself in life, James VI and I has, in death, suffered cruelly from the inability of historians, particularly English historians, to produce a rounded assessment of his achievement. As late as 1956 the standard biography, published that year, had the handicap of being written by a distinguished American historian who patently disliked his subject.<sup>1</sup> James's reputation has customarily stood much higher among his fellow Scots.<sup>2</sup> Yet only during the last thirty years

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<sup>1</sup> D.H.Willson *King James VI and I* London, 1956. This consolidated the traditionally hostile verdicts on James from the nineteenth century. For example, Thomas Macaulay, *Critical and Historical Essays: contributed to the Edinburgh Review* 3rd. edn., 3 vols, London, 1844, vol.1, pp. 425-90, especially pp.435-7. He dubbed James 'the wretched Solomon of Whitehall'; S.R.Gardiner, *The History of England, 1603-1642* 10 vols. London, 1883-4, especially vol.5, pp.315-6. Despite taking his customary pains to reach a balanced verdict which acknowledged James's abilities, ultimately he concluded that they were outweighed by his deficiencies which prevented him from being a successful ruler.

<sup>2</sup> In the eighteenth century it was observed that James, 'displays more talent and good sense than is usually ascribed to him'. Lord Hailes, ed., *Memorials and Letters relating to the History of Britain in the Reign of James the First* Glasgow, Foulis, 1766. Later James Maidmont, wrote that James, 'deserves something better from posterity than the appellations of a roi-faineant, an empty pedant, or arbitrary tyrant. James had acquired wisdom in the school of adversity'. James Maidmont, ed. *Letters and State Papers During the Reign of James VI* Abbotsford Club, 1838, pp.xiii-xiv and p.xi. This was in response to Sir Walter Scott's assault on James in his *Secret history of the court of James the First* Edinburgh, 1811. It is paradoxical that it was a Scot who first gave Anthony Weldon's brilliant but deeply biased character sketch, written in 1617, renewed and widespread currency. For Weldon's account of James see Robert Ashton, ed. *James I by his contemporaries: an account of his career and character as seen by some of his contemporaries* London, 1969, pp.12-16. From *The Secret History of the Court of James the First* Edinburgh, 1811, part 2, pp.1-12. It is worth

have historians in general been much exercised by this obvious discrepancy, and it is only recently since the posing of Jenny Wormald's famous question, 'two kings or one?' - which articulated what had been hinted at by North American historians - that reconciliation of the contrasting views has been more or less assured.<sup>3</sup> The shadow of Whiggish history has hung heavily over English historiography; and although James's reputation was never wholly bad,<sup>4</sup> it has only recently shown clear signs of escaping from the depressing effects of harsh assessments made by historians in the nineteenth century. The process of rehabilitation has carried with it important gains, bringing new understanding of James's role in the proceedings over union between England and Scotland, and deeper appreciation of his relationship with his English parliaments.<sup>5</sup> It has also affirmed

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noting that even this was not consistently hostile, however.

<sup>3</sup> C.H. Carter, *The Secret Diplomacy of the Habsburgs, 1598-1625* Columbia University Press, 1964, especially, chapter 9, 'The Court and Character of James I' pp.109-119; Mark Schwarz, 'James I and the Historians: Towards a Reconsideration' *JBS* vol.13, no.2, May 1974. Schwarz fully endorsed Carter's efforts to rescue James from the excesses of his most hostile critics. He also, though disappointingly briefly, acknowledged the duality of James VI and I; Gordon Donaldson, *Scotland: James V - James VII* Edinburgh, 1965, p.237; Jenny Wormald, 'James VI and I: Two Kings or One' *History* vol.68, 1983

<sup>4</sup> See, for example, William Sanderson, *A compleat history of the lives and reigns of Mary queen of Scotland and ... James the Sixth ... and ... First London, 1656*, cited by Carter, in *Diplomacy* p.110-11, as a 'contemptuous and express refutation of Weldon'; John Hackett, *Scrinia Reserata* London, 1693. Though a life of John Williams, bishop of Lincoln, he 'borrowed this much Room to set up a little Obelisk for king James..', I, 227; Bishop Godfrey Goodman *The Court of King James I;... 2 vols*, London, 1839

<sup>5</sup> For the way in which James's efforts to extend the union beyond the merely dynastic have contributed to the rehabilitation of James himself see Bruce Galloway, *The Union of England and Scotland, 1603-1608* Edinburgh, 1986. As long ago as the 1940s,

the long-term success of his handling of the Church of England, based on his capacity to accommodate within it a rich variety of strands of protestant thought and practice.<sup>6</sup>

## II.

Reappraisal of James is not yet complete, however. One aspect of his reign in England which has received less attention than it deserves is the manner in which he settled himself on the English throne in 1603 and the nature of his reception then and in immediately succeeding years. Yet, in retrospect, the events of this sensitive early period were always likely to have exercised a powerful influence on the character and outcome of James's early English kingship, and in so doing taught him much in a short time. This thesis will argue that insofar as these early years have been noticed, undue attention has been paid to those

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thus predating Willson's work, James's relations with parliament were found to be less contentious than traditionally perceived. Margaret Judson, *The Crisis of the Constitution* New Brunswick, 1949 especially p.44. For a reassessment of that relationship from the beginning of James's English reign see, R.C.Munden, 'James I and the "growth of mutual distrust": King, Commons, and reform, 1603-1604', in Kevin Sharpe, ed. *Faction and Parliament: Essays on Early Stuart History* Oxford, 1978

<sup>6</sup> Thus Mark Curtis's revision of James's much criticized handling of the church, given expression, for example, by Trevor-Roper, was developed by Collinson. Recently, a comprehensive study of the Jacobean episcopate throws new light on their Supreme Governor with James emerging as 'a shrewd and calculating monarch who turned his theological expertise to good account in governing the English church'. See, Mark H. Curtis, 'Hampton Court Conference and its Aftermath,' *History* vol.46, February 1961; Hugh Trevor-Roper, 'James I and his bishops' in his *Historical essays* London, 1957. Patrick Collinson, 'The Jacobean Religious Settlement: the Hampton Court Conference' in Howard Tomlinson, ed. *Before the English Civil War: Essays on Early Stuart Politics and Government* London, 1983; Kenneth Fincham, *Prelate as Pastor: The Episcopate of James I* Oxford, 1990, p.300

obvious landmarks, the Millenary Petition and the Hampton Court Conference, although neither, in the event, had much to contribute to the settling of the English Church. James's education on the complexities of religion in England occurred elsewhere in circumstances which have never been entirely unravelled.

Such education was badly needed, for Elizabeth had done almost nothing to prepare James for his inheritance, and in the spring of 1603 he had little idea of the nature and extent of the adjustments he might be obliged to make. He was very conscious of this and, despite his obvious confidence in his abilities as a ruler, he did not fail to take endless pains to remind his English subjects that his long experience in Scotland did not mean he had nothing to learn.<sup>7</sup> Accordingly, in 1616, he explained that, 'when I came into England, ... being heere a stranger in government ... I resolved therefore with Pythagoras to keepe silence seven yeeres, and learne myself the lawes of this Kingdome.'<sup>8</sup> Yet, he could not leave the kingdom on hold while he worked his apprenticeship: he had to get on with governing, notwithstanding his ill-preparedness, from the moment of his accession. With his most immediate problem concerning the rival claims for favour of expectant Catholics and puritans his

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<sup>7</sup> Jenny Wormald, 'The Union of 1603' in Roger A. Mason, *Scots and Britons: Scottish political thought and the union of 1603* Cambridge University Press, 1994, p.38

<sup>8</sup> C.H.McIlwain, *The Political Works of James I* New York, 1965, p.328

overweening confidence was to be put to the test very early on.<sup>9</sup> It was here he would probably set the tone for his English reign.

No doubt James felt he was particularly well equipped to deal with any religious problem he might encounter in England. From his birth his person was at the centre of conflicting religious ambitions. When he was baptized Charles James Stewart, it was according to Catholic rites, in the chapel at Stirling in December 1566. His mother had created a magnificent Renaissance festival - both to dazzle her neighbour and as a visible demonstration of the peace to end all religious and civic disturbance in Scotland.<sup>10</sup> Within a year, on 29 July 1567, at the start of one of the most venomous and vindictive civil wars in Scottish history, he was crowned James VI of Scotland in the parish kirk at Stirling. James, in preference to Charles with its Catholic connotations, was deemed more appropriate for one who was to defend the protestant faith in Scotland.

For James religion came to be a matter of theological debate to be pursued with an open mind, albeit from a moderate Calvinist position. He was receptive to any well-argued postulation and delighted in reasoned analysis. His balanced approach is eloquently illustrated by two Meditations that James wrote when

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<sup>9</sup> See below, pp.89-90, for how representatives of both religious wings began lobbying the new king of England before he left Edinburgh, even.

<sup>10</sup> Michael Lynch, 'Queen Mary's Triumph: the Baptismal Celebrations at Stirling in December 1566' *SHR* vol.69, 1, 1990, for the significance of the ceremony and the choice of name for the prince.

he was in his very early twenties. In the first he vehemently attacked extreme Catholicism as preached by the newly-escaped devil, 'loosed out of hell by the raising up of so many new errors and notable euill instruments, especially the Antichrist and his Clergie.' Thus, roundly condemning the pope and 'his locusts or Ecclesiastical orders,' he declared that 'now rooted out must they be by the ciuill sword.' While the language he employed was probably excessively colourful it was no coincidence that it was first published in the same year as the Spanish Armada and was no doubt written to allay fears that he might be sympathetic to the Spanish cause.<sup>11</sup> Within a year he had written another Meditation, which effectively neutralized the impact of the first by denouncing militant opposition to church ceremonial. He claimed, instead, that 'We are then of duty bound in the highest degree to praise God, ... to make the glory of his Name, as farre as in vs lieth' and condemned as hypocrites those who despised the proper celebration of the Lord.<sup>12</sup> James's conscious

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<sup>11</sup> According to Jenny Wormald, it was written in response to demands from the General Assembly for anti-Catholic action from James who found that such an outburst was the best way of doing nothing. '"Tis true I was a cradle king": The aged monarch reflects.' A paper given at the conference on the reign of James VI at the University of Edinburgh, February 1994.

<sup>12</sup> The two Meditations were printed in, James Montagu, ed. *The Workes of the Most High and Mightie Prince, James, By the Grace of God, King of Great Britaine, France and Ireland, Defender of the Faith, &c.* London, 1616, pp.73 - 80, 81 - 88. They appear in A.W.Pollard & G.R.Redgrave ed. *A Short Title Catalogue of Books Printed In England, Scotland and Ireland*, 2nd. edn., as 'Ane fruitfull meditatioun' (etc.) [On Revelations, xx, 7 - 10], *Edinburgh, H, Charteris*, 1588, *STC* no.14,376, and in English, *STC* no.14 377, and 'Ane meditatioun upon the ... first buke of the chronicles of the kingis, [xv, 25-9], *Edinburgh, H, Charteris*, 1589', *STC* no.14 380. Years later, when James wrote to the English parliament while they were drawing up the bill against the recusants, he referred them to these Meditations, which may well have been an attempt to introduce a moderating

efforts to distance himself from association with extreme views (of any sort) through impassioned condemnation were to be repeated throughout his Scottish and English reigns. And although such outbursts may have appeared excessive, and even slightly ridiculous, they were nonetheless extremely effective.

James's view of the church was that, rather than it being composed of two diametrically opposed and eternally irreconcilable wings, he believed it was capable of embracing a variety of viewpoints with only the most extreme positions presenting a problem to crown and state. This meant that he was often less strict in his approach towards Catholicism than his more militant subjects might have wished. Although it is difficult to gauge accurately anti-Catholic feeling in Scotland - mainly because most records are those of the kirk which tended to be rabidly hostile to the Catholics - it is fairly certain that recusancy laws were rarely enforced and James himself was prepared to ignore Catholicism in loyal subjects. He responded to demands by the kirk that he act against Catholics by arguing that it was up to the kirk to act by catechizing them.<sup>13</sup> Moreover, as long as they behaved with circumspection and

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note and encourage a balanced approach to the debate. BL Add MSS 4,175, ff.40r.- 44r. Sir Edward Hoby to Sir Thomas Edmondes, 10 February 1606.' An account of the proceedings of Parliament'. In 1603, as part of his quest for eventual reconciliation with Rome, James called for a general council of all Christendom to consider the question. The pope declined James's 'daring and visionary suggestion'. See, W.B. Patterson, 'King James's call for an ecumenical council' in G.J. Cuming and D. Baker, eds., *Councils and Assemblies Studies in Church History*, vol.7, 1971

<sup>13</sup> I am grateful to Alan MacDonald and Ruth Grant, research students of Professor Michael Lynch, in the School of Scottish History, University of Edinburgh, for discussing this with me.



discretion, James was perfectly prepared to leave his Catholic subjects in peace; a latitude he no doubt intended to extend to the English Catholics when he became king of England. On the day that Elizabeth died, albeit before he was aware of the fact, he wrote to assure the earl of Northumberland that, 'As for the catholiques I will nather persecutt any that wilbe quyet, and give but ane wtward obedience to the law.'<sup>14</sup> Later, he was able to declare that he had never found that severity and the shedding of blood aided in the cause of religion. Nor did he believe that gallant men should be forced to die as martyrs.<sup>15</sup> This approach was wholly commensurate with his view of the Roman Catholic church, that it was erroneous and mistaken rather than fundamentally fallacious, and was illustrated by his assertion to Cecil that 'I reuerence thaire church as oure mother church, althoch clogged uith many infirmities and corruptions'.<sup>16</sup> James did not object to Roman Catholics for reasons of their beliefs: it was the pope's claim to depose a monarch and release his subjects from their allegiance to their king which underlay James's opposition to Catholicism and the papacy.<sup>17</sup> In other

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<sup>14</sup> John Bruce, ed. *Correspondence of James VI of Scotland with Sir Robert Cecil and others in England* Camden Society, vol.78, 1861. King James to the earl of Northumberland, 24 March 1603. For the way in which the English Catholics rejected his suggestion, within a month of his accession to the English throne, see below, pp.97-8

<sup>15</sup> Wallace Notestein, *The House of Commons 1604-1610*. Yale, 1971, p.281. An account of the James's speech to parliament on 21 March 1610.

<sup>16</sup> Bruce, ed. *Correspondence* p.31. King James to Cecil, n.d.

<sup>17</sup> John J. La Rocca, "'Who Can't Pray With Me, Can't Love Me': Toleration and the Early Jacobean Recusancy Policy" *JBS* vol.23, no.2, 1984.

words, it was the question of jurisdiction, rather than theology, which was at the centre of his objection to the Catholics.

This was also the point at the heart of James's difficulties with the Scottish kirk. Nevertheless, by dint of shrewd and cautious manoeuvring, he had reached an understanding with the Scottish Presbyterians which must have seemed, at one time, absurdly ambitious. For, although it is becoming clear that relations between James and the kirk were not as consummately harmonious as was once thought, he had secured a degree of control over the jurisdiction of the kirk, in part through his management of the General Assembly.<sup>18</sup> Above all, though, James's achievements demonstrated his subscription to the concept of 'ruling through the art of the possible' - in other words, that pragmatism can often achieve what intractability cannot. When contrasting James with other English monarchs it has been observed that 'there is a certain irony in the fact that by far the most accomplished royal theologian of his age did not claim greater supremacy over the doctrine of the church.'<sup>19</sup> Added to these theological considerations was the more practical element of James's perception of the Catholics as just another interest group that he could manipulate to his own ends. As usual James learned lessons, this time from the years he endured as the victim of faction. His growing adeptness at managing them meant that the elimination of any one group would seriously limit his

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<sup>18</sup> See below, p.238, n.441

<sup>19</sup> Jenny Wormald, "Ecclesiastical vitriol: the kirk, the puritans and the future king of England." I am very grateful to Dr. Wormald for her kindness in sending me a copy of her paper.

opportunity to manoeuvre; and he steadfastly resisted all attempts to force him to act comprehensively against the Catholics.

Thus, James brought with him from Scotland mental baggage which might or might not prove appropriate in his new kingdom. Did the majority of the protestant English regard Rome with the same relatively liberal eye as he did? Did they see some sort of reconciliation between the Churches of Rome and England as a possibility?<sup>20</sup> How, politically, did they regard popery in general and a Catholic power like Spain in particular? He also had yet to measure the fervour of English puritans against that with which he was familiar in Scottish Presbyterians. Whether it was going to be possible for James to transfer his approach to religion - which had served him reasonably well in Scotland - to his new responsibilities in England and Ireland was put to the test as he faced the rival claims of the Catholics and puritans. The Catholics were still smarting from their rough handling by an authority which had doubted their loyalty during the recent war against Spain. And the puritans were determined that the pending peace with Spain and the revision of the canons of the Church should in no way prejudice men of tender conscience or in any sense give the Catholics anything to crow about. Yet, though the convergence of trouble from both religious flanks was to be a major test for James, it has never entirely been set in context

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<sup>20</sup> See above, pp.6-7, n.12, for James's attempts to effect just such a reconciliation before he was familiar with the sentiments of his zealous Calvinist subjects.

as the two thrusts have been dealt with separately and apart.<sup>21</sup>

In the spring of 1603 James, too, had to learn the ways in which, in England, the popish and puritan minorities might interact, and the effects this could have on the stability of his government. One thing is certain: the common assumption that James ascended the throne of England uneventfully is a mistaken one. His early years in England stretched him, and in so doing revealed his weaknesses - an initial tendency to over confidence, for example<sup>22</sup> - and, more importantly, his undoubted strengths. A study of this rather neglected period should allow a more securely based assessment of James's methods and merits because it was arguably then that James most clearly showed the English what he was capable of as their king.

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<sup>21</sup> The expectations from James by those of all religious persuasions has been acknowledged. See, for example, Sir Robert Gordon, ed. *A Genealogical History of The Earldom of Sutherland, from its origin to the year 1630* Edinburgh, 1813, p.252, for the ambitions of the papists and those of the presbytery. 'Thus had every description of persons some contemplation of benefite which they promised themselves; overreaching, perhaps, according to the nature of hope, bot yit not without some probable kynd of conjecturs.' However, the significance of their coincidence has received less attention.

<sup>22</sup> Moreover, his initial tendency to over confidence is understandable when placed in context. English relief at the smooth accession of James - given expression in a rapturous welcome - no doubt contributed to disguising the underlying tensions in England. While the back-burner was crammed with pots about to boil over, the efforts of Cecil and the rest of the Privy Council to effect a peaceful transition and maintain a picture of calm normality arguably were so successful it was hardly surprising that James was lulled into believing everything was running smoothly. Also, such confidence was in many respects an asset. For example, recently it has been observed that 'it required plenty of self-confidence to govern the English constitution with its delicate balances'. David L. Smith, *Constitutional Royalism and the Search for Settlement, c.1640-1649* Cambridge University Press, 1994, p.25

## Chapter 1.

### The Succession to the Throne of England.

James Stewart ascended the throne of England in March 1603 with no formal preparation for the task ahead. Queen Elizabeth had kept him in near ignorance and he had been forced to direct his enquiries to those few people who were prepared to risk communicating with him. Thus his innate curiosity was only partially satisfied. Although he was an experienced and successful king of Scotland, he arrived in England with an imperfect understanding of its ways, which left him more dependant than he liked on his ministers and especially vulnerable to misunderstandings - whether engineered deliberately or otherwise. There was a more serious problem too. In his efforts to establish his claim to the English throne James had felt obliged to enter into a series of tortuous negotiations with foreign rulers, including assurances about the welfare of English Catholics, and had left some awkward hostages to fortune. This was largely because he did not appreciate Tudor political values and priorities, and seemed oblivious of England's deep-rooted aversion to Continental Catholicism, especially when associated with Spain. The apparently trouble free accession was thus potentially misleading as a guide to his more lasting reception in England. James had much to learn.

When Queen Elizabeth confided to Maitland of Lethington her misgivings about nominating her successor in 1561, her own machinations during her sister's reign clearly were very fresh in her mind. For, she declared, she was very well aware that the people of England, 'have their eyes fixed upon that person that is next to succeed,' and preferred the rising to the setting sun. She went on, 'I have good experience of it myself in my sister's time how desirous men were that I should be in place and earnest to set me up.'<sup>23</sup> Indeed, as part of that anticipation of a new reign, even before her sister Mary's death, a new, Elizabethan, Privy Council was beginning to coalesce. Meanwhile, it was not only Mary's Council who were apprehensive about their future in those final days, in November 1558. The Spanish Ambassador also recognized his changed position at the English court when he observed that, though his welcome had been polite, he had been received in the same way as 'a man with bulls from a dead pope.'<sup>24</sup> Before Mary was dead even, her sun was already slipping below the horizon: Elizabeth, therefore, had no intention of

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<sup>23</sup> See, 'Lethington's Account of Negotiations with Elizabeth in September and October 1561' in, J.H.Pollen s.j. ed., 'A letter from Mary Queen of Scots to the Duke of Guise.' *Scottish History Society* vol.43, Edinburgh, 1903, pp.37-44. Lethington was the envoy sent by Mary, Queen of Scots to discuss the ratification of the Treaty of Edinburgh and to have her right to the succession safeguarded.

<sup>24</sup> M.J.Rodriguez-Salgado and S. Adams ed. 'The Count of Feria's dispatch to Philip II on 14 November 1558.' *Camden Miscellany* vol.29, 1984, pp.302-344, written by the Spanish Ambassador three days before Queen Mary died. His observations about his own and the Marian Council's precarious future were both written in cypher, p.329.

allowing another sun into the skies as long as hers still shone, however feebly.

Elizabeth's attitude did not alter. In 1580 a statute declared that discussion of the succession was tantamount to treason and punishable by death, and so it remained.<sup>25</sup> She was not going to grant to her successor the opportunity to begin preparing for their rule during her lifetime as she had during her sister's reign. Although it was tacitly understood that James Stewart, king of Scotland, would succeed her, she managed to create sufficient doubt to prevent a reversionary interest building up around him. However, she was failing to recognize that, in one very important sense, the transition from Queen Elizabeth to King James was very different from that of Queen Mary to Queen Elizabeth. Whereas there was little doubt that her accession would reverse the religious trends of her predecessor's reign, necessitating sweeping changes in the government of the realm, there was no expectation that the accession of James would mean a similar change. Rather, the indications, from James's Scottish rule, were that he was inclined to pursue the *via media*, as far as possible, especially in matters of religion.<sup>26</sup>

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<sup>25</sup> 23 Eliz. c.2. The so-called 'Statute of Silence'. This policy of Elizabeth's did have its supporters - sometimes from quite a surprising quarter. For instance, Sir Thomas Throgmorton, whose brother, Francis, was executed for supporting Mary Queen of Scots' intrigues against Elizabeth, wrote a lengthy treatise entitled 'Reasons why it was better to leave the succession uncertain than to establish it by parliament'. National Library of Scotland, Denmilne MSS 33.1.7

<sup>26</sup> For a discussion of James's religious position see above, Introduction, pp.5-9

But Elizabeth's virtual interdict on communication with Scotland by her ministers, beyond the more formal channels between official ambassadors, meant that her anxious English subjects were left largely in the dark about James Stewart, including the precise nature of his religious views. Consequently, as fragmentary and unsubstantiated information found its way across the border from Scotland into England, there was ample opportunity for the development of wholly mistaken assumptions about him. Nor was this entirely one-sided. When attempts were made by the English to establish James's religious position there were powerful interests in Scotland who were equally determined to check the transmission of such sensitive details to England. Thus, when Richard Bancroft, in the 1590s, made detailed enquiries about the state of the kirk and the extent of James's authority within it, the channels were blocked very swiftly.<sup>27</sup> Throughout the 1590s, therefore, Bancroft (and almost everyone else in England) was likely to receive inaccurate and biased information about the state of religion in Scotland, the role

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<sup>27</sup> David Calderwood, *The History of the Kirk of Scotland* ed. Rev. Thomas Thomson, Wodrow Society, Edinburgh, 1845, vol.5, pp.77-81. A secret correspondence between Richard Bancroft and John Naunton, an English stationer, resident in Edinburgh, came to the attention of the authorities when a letter from Naunton to Bancroft was intercepted. Naunton's letter was in response to detailed inquiries from Bancroft consisting of twenty three questions about the state of the Scottish kirk and the king's role within in. At Naunton's examination, on 12 February 1590, the 'secret intelligence' with Bancroft was condemned as being to the prejudice of the kirk. See also, Bruce, ed. *Correspondence* pp.xxv, xxvi, 92, for John Norton, apparently the same man, who was described as a printer with a shop in St. Paul's Churchyard. He was instrumental in conveying letters from Essex and his associates to king James, around Christmas 1600, and he was left a legacy in the will of Henry Cuff, Essex's secretary. Clearly, John Naunton or Norton was a man with wide experience as a carrier of sensitive material.



played by its king in the affairs of the kirk, and, perhaps most importantly, the personal proclivities of James Stewart. Moreover, Bancroft's view of the relationship between James and the kirk, based on inadequate data, and interpreted on English terms, tended to be fatally flawed. Consequently he drew conclusions about James's commitment to the presbyterian style of religion, as espoused by the Scottish kirk, which, on occasion, led him to make announcements or take actions which had the potential for very damaging repercussions.<sup>28</sup> More significantly, though, Bancroft was left with the impression that the most likely candidate for the English throne was worryingly predisposed towards extreme Calvinism in Scotland, whether by inclination or necessity, which boded ill for the survival of English protestantism as it had been 'established' in 1559.

There was also an alternative body of opinion in England which was concerned about James's apparent leniency towards his Catholic Scottish subjects. This had been demonstrated, for example, by his reluctance to act against those Catholic earls who were suspected of intriguing with Spain. Given that these suspicions arose at the height of Anglo-Spanish hostilities and closely followed the recent invasion scare, the king of Scotland's behaviour was misinterpreted by loyal Englishman as

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<sup>28</sup> See Wormald 'Ecclesiastical vitriol', for how Bancroft's partial information about the Scottish kirk led to his ill-judged intervention into its affairs, to the possible detriment of James's reputation in both Scotland and England.

virtually indistinguishable from collaboration with the enemy.<sup>29</sup> When James was also observed to be communicating with a number of Catholic powers on the Continent, albeit in his pursuit of the English throne, he aroused deep misgivings about prospects for the possible revival of Catholic ambitions in England.

That such conflicting conclusions could be drawn by the English about the religious sentiments of James Stewart was testimony to the successful blockage of information by Elizabeth. However, she was less successful in maintaining the interdict on discussion of the succession. Though she might legislate about and forbid mention of it in England, she was powerless to prevent debate about it elsewhere. Consequently, the succession to the throne of England was deliberated upon and opinions about it offered throughout western Europe.<sup>30</sup> The future of England was made unnecessarily vulnerable to outside influences and, at times, the English succession was even being used as a bargaining counter

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<sup>29</sup> See, Helen G. Stafford, *James VI of Scotland and the Throne of England* New York, 1940, pp.41-50, for an account of the events which culminated in the confrontation at the Brig O' Dee, in 1589, and, subsequently, the extent of English concern about James's lack of commitment to suppressing Catholicism in Scotland. Recently, however, it has been suggested that the incident was subject to profound misinterpretation by English protestants who failed to recognize that the Brig O' Dee incident was a result of Scottish domestic politics, in particular the personal rivalry between Maitland and the earl of Huntly, rather than part of a Counter-reformation threat and an overture to a Spanish invasion. Moreover, it was an episode which James managed to exploit to reinforce and strengthen his own position. This is the thesis of Ruth Grant, a Ph.D. student of Michael Lynch, at the University of Edinburgh.

<sup>30</sup> The jesuit, Father Persons, in Rome, wrote a book about the succession, which was printed in 1594, for example. For an exposition of the book, its authorship and its purpose, see L. Hicks SJ, 'Father Robert Persons SJ. and *The Book of Succession.*' *RH*, vol.4, 1957-1958, pp.104-137.

by other monarchs.<sup>31</sup> Prompted by the uncertainties surrounding his succession to the English throne, and increasingly uneasy about the degree of interest displayed both by possible candidates and their potential supporters, James was drawn into the growing intrigue.

Beginning in earnest, in the summer of 1598, James sent an embassy to his brother-in-law, king Christian IV of Denmark, in search of help should he have to vindicate his claim to the throne of England by force of arms on the death of Elizabeth. The same ambassadors were also instructed to canvass support for James among a number of other protestant German princes.<sup>32</sup> But as their replies arrived in Scotland, it became clear that, while not denying their approval of his candidacy, Christian and the rest of the German princes were prepared to offer only guarded and limited support. Pleading the turbulent state of the times, particularly in the Baltic, and the fact that the throne of England was not yet vacant, Christian regretted that he was unable to make any specific promises of help. One by one, the German princes informed James that, while they supported his

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<sup>31</sup> For example, right until the last few weeks of Elizabeth's life the English succession was used as a negotiating factor by the kings of France and Spain. See, *CLSPE*, vol.4, 1587-1603, p.720. Report of the Council of State to Philip III on the English succession, 1 February 1603. The Council referred to despatches in which the king of France asserted that unless a candidate acceptable to France as well as Spain were chosen he would be forced to assist the king of Scotland in his claim.

<sup>32</sup> Annie I. Cameron ed., *The Warrender Papers* Scottish History Society, vol.2, 1932, pp 358-361. Mandate of James VI for his ambassadors, and its delivery to the king of Denmark at Copenhagen in August 1598. See also, *CSPSc* (Mackie) vol.13, part 1, pp.214, 226 and 238 for the progress of the embassy.

candidacy in principle, they were hesitant to act unilaterally on his behalf. They insisted that the matter was of 'such moment, that it ought to be discussed by a convention of the princes before they could commit themselves to definite offers of assistance.<sup>33</sup> Christian then made it quite clear that, while his support was assured, and by extension that of the other German princes, too, he was not prepared to commit himself to anything further at this stage without detailed negotiations with James.<sup>34</sup> Thereby, he effectively brought to a halt any expectations the Scottish king might have of immediate action from his protestant sponsors.

It was no doubt these unsatisfactory responses which prompted James to pursue his negotiations with the Catholic duke of Tuscany, which had been cautiously opened earlier that summer.<sup>35</sup> He was to extend his appeals to other Catholic agencies - for

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<sup>33</sup> Warrender Papers pp. 368-379. Replies from: the elector of Brandenburg, 1 September 1598; the duke of Saxony, 9 September 1598; the Landgrave of Hesse, 25 September 1598; the duke of Brunswick, 1 October 1598; the duke of Schleswig 7 October 1598; and the duke of Mecklenburg, 8 October 1598. See also, John Spottiswoode, *The History of the Church of Scotland, 1655* Scolar Press, Menston, Yorks., 1972, p.453

<sup>34</sup> Warrender Papers pp.379-80. Christian IV to James VI, 27 October 1598.

<sup>35</sup> HMC, *Salisbury MSS* vol.9, p.219. Jeremy Garrat, mayor, and William Leonard to Lord Cobham, Lord Warden of the Cinque Ports, 30 June 1599. Information about the return of Sir Michael Balfour of Burley who claimed to have spent fourteen months travelling from Denmark, through Germany, to Italy. For an account of Sir Michael's role in the negotiations between James and the duke of Tuscany, see, J.D.Mackie, ed. *Negotiations between King James VI and I and Ferdinand Grand Duke of Tuscany* Oxford University Press, 1927, especially pp.2-3, for the letter of credit for Burley from James to Ferdinand, opening negotiations, dated 30 May 1598. NLS Denmilne MSS 33.1.13, no.50

instance, to Venice - and it is also possible that he also approached the pope to enlist his support. He certainly was advised to do so by the duke of Tuscany, who suggested that papal endorsement of his claim would strengthen his appeal to other Catholic princes.<sup>36</sup> James, though, was in a dilemma. He had to weigh the potential advantages of securing Catholic support for his claim, as opposed to those of other candidates, against the possibility of jeopardizing his credit with the protestants in England who might greet his overtures to foreign Catholics with suspicion and even outright dismay. He was clearly anxious to reassure Elizabeth about his exchanges with the Catholic powers when he maintained that, 'althoch I thanke God I be in friendship with all the christiane princes in Europe, yett my dealing uith any of thaim shall, with Goddis grace, be so honorable, as I shall never neid to be ashamed thairof.'<sup>37</sup>

It was James's increasing desperation in the face of Elizabeth's failure to acknowledge him unequivocally as her successor that drove him to solicit the support of Catholic powers and the pope. Paradoxically, in her determination to discourage a reversionary interest in James Stewart, Elizabeth generated the conditions for the development of a series of multiple interests in him. And these were quite apart from those of the other candidates who

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<sup>36</sup> J.D.Mackie, 'The Secret Diplomacy of King James VI in Italy prior to his Accession to the English Throne.' *SHR* vol.21, 1924, pp.267-282; J.D.Mackie, ed. *Negotiations* pp.7-11. Reply from Ferdinand I, grand-duke of Tuscany, to James VI, 1599. Denilne MSS 33.1.13 no.38.

<sup>37</sup> John Bruce, ed. *Letters of Queen Elizabeth and King James VI of Scotland* Camden Society, vol.46, 1849, p.133. James to Elizabeth, early September 1600.

believed, to a greater or lesser degree, in the legitimacy of their own claims. Meanwhile, as James simultaneously solicited the sponsorship of both Protestant and Catholic princes, he was in danger of leaving some very awkward, and possibly contradictory, hostages to fortune together with obligations which he might well be called upon to fulfil once he was safely on the throne of England.

Nor was James alone in recognizing that the succession to the throne of England was subject to the scrutiny of interested parties, throughout western Europe, from across the religious spectrum. As each candidate emerged, attracting his own coterie of supporters, some very curious alliances were forged, often from motives quite unconnected with the best interests of England. For example, when the seemingly staunch Calvinist, Sir Robert Cecil, appeared to favour the claim of the Spanish Infanta it was a part of the growing tension generated by his personal rivalry with the earl of Essex.<sup>38</sup> Elizabeth's refusal to consider the future well-being of the country she purported to venerate, had thus invited a chain of machinations and manoeuvres no less damaging than her own during 1558.

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<sup>38</sup> Leo Hicks SJ., 'Sir Robert Cecil, Father Persons and the succession, 1600-1601.' *Archivum Historicum Societas Iesu* (Rome) vol.24, 1955, pp.95-139. He suggests that Cecil's endeavour to find an alternative claimant for the English throne was, in part, inspired by his hostility to Essex, and therefore to Essex's candidate, James Stewart, who naturally would favour Essex on his accession. For an alternative view see J. Hurstfield, 'The Succession Struggle in late Elizabethan England.' in S.T.Bindoff et al, eds. *Elizabethan Government and Society: Essays presented to Sir John Neale* London, 1961. Sir Robert Cecil was created baron Cecil of Essington on 13 May 1603, viscount Cranborne on 20 August 1604 and earl of Salisbury on 4 May 1605. He will be referred to as Cecil throughout.

Although Essex was regarded by James, at least, as a supporter of his candidacy for the crown of England - no doubt for reasons similar to those of Cecil - his continued favour was by no means guaranteed. Elizabeth's interdict on the open expression of opinions about the succession left James as vulnerable as anyone else to being misled. While his being in receipt of only very fragmented information meant he was open to misinterpreting not only the motives but also the sincerity of those who professed to back his claim. It was, therefore, left to a foreign prince to caution James to question just how far Essex was committed to him.<sup>39</sup> Also his lack of reliable and accurate information prejudiced his ability to make wise decisions regarding his involvement in English affairs. Consequently, he was always susceptible to finding himself implicated in the sort of intrigues he might well have avoided had he been better informed. Thus, for example, because he was in communication with Essex, James risked association with his treasonable schemes.<sup>40</sup> He was fortunate not to be damaged by Essex's disgrace, in 1601.

Nevertheless, he again revealed his tendency to adopt ill-judged schemes, founded on ambivalent intelligence. For example, Lord Cobham's assurances that, 'I breathe me no other contentment,

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<sup>39</sup> J.D.Mackie, ed. *Negotiations* pp.10-11, Ferdinand I to James VI, 1599.

<sup>40</sup> This episode is discussed in Stafford, *James VI*, pp.198-224. She introduces a letter written by Essex to James on Christmas Day 1600 through which James was almost precipitated into the crisis. For Essex had proposed that he send an ambassador to England to thwart those who were acting against his interests as regarded the succession. The letter is in BL Add MSS 31,022, ff.107-8. Fortunately, the projected embassy arrived in London after Essex's execution.

then that, which may turne to the advancement of so gratiouse a Prince, and the ease of this distressed Cuntry', looked beguilingly like an invitation for James immediately to come and restore harmony to a troubled England.<sup>41</sup> While it might be going too far to suggest that James was seriously contemplating taking advantage of the repercussions of recent events to seize England by force, he certainly made comprehensive enquiries about conditions in the country, very shortly afterwards. To that end, he instructed his ambassadors, the earl of Mar and Edward Bruce, titular abbot of Kinloss, at length, how to 'walke fairlie betwixt thaise tua precipices of the quene and the people quho nou appearis to be in sa contrarie termis'. He ordered them to gauge precisely the extent of discontent throughout the country and urged them to leave no consideration uncovered in establishing links at every level.<sup>42</sup> His detailed inquiries about the capabilities of each county were a demonstration of James's methods - which depended upon his determination to have access to up-to-date and accurate information - and were a clear indication of the style of government which he would impose upon

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<sup>41</sup> NLS, Denmilne MSS 33.1.7 no.37. 7[Cobham] to 8[Edward Bruce] n.d. but he refers to Elizabeth's sleeplessness as a result of Essex's recent death.

<sup>42</sup> NLS Denmilne MSS 33.1.7, no.42. King James to Mar and Bruce, 8 April [1601]. He instructed them to discover the sentiments of the 'toun of london', to make links with the Lieutenant of the Tower, to make certain of the fleet and some sea ports through the agency of Henry Howard's nephew, to secure the support of as many of the nobility and gentlemen as possible, to ascertain the arms of each county and to 'distribute good seminaries throuch everie schyre that may never leave working in the harvest quhill the daye of reaping cum'. Meanwhile, Lord Cobham, 'sent his Maty an abstract of such Gent[ ] names, as are in greatest accompte in England.' See, Denmilne MSS 33.1.7, no.37. 7[Cobham] to 8[Edward Bruce]. He indicated his usefulness by mentioning that most of them were known to himself.



England after his accession.<sup>43</sup> On this occasion, it seemed that James was doing no more than simply gathering intelligence, for he reverted to his more cautious position of patiently awaiting the death of Elizabeth before making a move.

Meanwhile the dramatic episode at Essex's trial, when he alleged that Cecil was sympathetic to the Infanta's claim to the English throne, served to concentrate Cecil's mind. The secret correspondence between Cecil and king James began very shortly afterwards.<sup>44</sup> It has been suggested that it was the clandestine nature of the contact between himself and James which particularly appealed to Cecil's character.<sup>45</sup> However, clearly, the motives of both were far more significant than that would imply, reflecting their common objectives. The correspondence began with a double line drawn under the Essex affair as both James and Cecil sought to reassure the other about the nature of their previous dealings with Essex: James to emphasize the inherent integrity of their relationship and Cecil to minimize

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<sup>43</sup> For example, James's concentration on the military potential of each county, no doubt, explains the close attention he was to pay to the same issue when he was king of England.

<sup>44</sup> See below, p.24, and especially pp.34-9, for a more detailed examination of the secret correspondences established between Scotland and England

<sup>45</sup> Linda Levy Peck *Northampton: Patronage and Policy at the Court of James I* London, 1982, p.19. Professor Peck cites an observation of Henry Howard who remarked about Cecil that, 'nothing makes him more confident, but experience of secret trust, and security of intelligence., Interestingly, given that James's nickname for Cecil was his 'Beagle', its alternative definition is as 'a spy or intriguer'. See the Oxford English Dictionary, p.726, which gives examples of its use as such from 1559.

the degree of hostility between them.<sup>46</sup> Thus confirming the oneness of their purpose and with the sheet clean, in respect of Essex at least, James and Cecil looked forward to working towards their common goal. But the event which they awaited, with varying degrees of anticipation, was still two years off. Of course, as far as James and Cecil were concerned, it might be two weeks away or even ten years. Therefore, as circumstances changed, both on the continent as well as in England and Scotland, James was unable to relax. He might have secured the support of the now undisputed leading minister in England but his rival claimants to the throne, and their sponsors, continued to nurse their own ambitions.

The English succession had prompted some creative suggestions to ensure the accession of a monarch well-disposed towards those who had supported them. For example, it had come to James's notice that, as part of the Anglo-Spanish peace negotiations, it had been proposed that Lady Arbella Stuart - James's first cousin, and (crucially) English born - should marry the brother of the Holy Roman Emperor. Then, several months later, Father Persons advised the king of Spain to consider supporting either the claim

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<sup>46</sup> Bruce, *Correspondence* In the first letter from James to Cecil, James testified that, 'essex had neuer any dealing with him quhiche was not most honorable and auowable' (p.2). While Cecil's first letter to James, attested that any conflict between himself and Essex was not of his making, and that he, 'should condemne my iudgement to haue willingly intruded my selfe into such an oposition.' Henry Howard confirmed that the degree of hostility between Essex and Cecil might have been exaggerated when he confided to Bruce that Essex would have done better to seek Cecil's support than put his trust in his own followers who were willing to see him break his neck before they risked helping him. See, NLS Denmilne MSS 33.1.7 no.5. 3[Henry Howard] to 8[Edward Bruce].

Of Arbella, to be married this time to the duke of Savoy, or that  
Of Henry Somerset, son of Edward, the fourth earl of Worcester,  
Whose claim would be strengthened by his marriage to the daughter  
Of William, the sixth earl of Derby.<sup>47</sup> Although these  
Suggestions were unlikely to be considered seriously they were  
a measure of the degree of interest generated by the English  
Succession and the level of alarm such attention bred in James.  
The Catholic powers, especially Spain, continued to address the  
Vexed problem of finding an alternative to James to ascend the  
throne of England.

Of all the Catholic powers, Spain held out the least promise of  
supporting James's candidacy. By the beginning of 1601 the  
Spanish had recognized that there were only two serious claimants  
for the English throne - the Infanta and the king of Scotland -  
and that, of the two of them, James was in the stronger position  
because of his proximity to the prize. However, James could not  
be considered to warrant Spanish support, unless he was prepared  
to embrace the Roman Catholic faith. Such a proposal was not  
unrealistic. Only recently, Henri IV of France had discovered  
that Paris was worth a mass and converted from the champion of  
French protestantism to become a Roman Catholic. But the Spanish

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<sup>47</sup> *CSPSc* (Mackie) vol.13, part 1, p.597. George Nicholson to Cecil, from Edinburgh, 24 December 1599. James continued to fret about possible clauses in the proposed Anglo-Spanish treaty which might jeopardize his title to the throne of England. See, *CSPSc* (Mackie) vol.13, part 2, pp.612-1. Nicholson to Cecil, from Edinburgh, 12 January 1600. p.631. Same to same, 20 April 1600; *CLSP* vol.4, pp.663-5. Report of the Council of State to Philip III on letters from the duke of Sessa, in Rome ... containing information and advice from Father Persons, from Madrid, 11 July 1600.

- contrary to the assumptions held by some of the English who believed that either the king of Scotland was already a Catholic or else his conversion was imminent - were more sceptical about the prospects of successfully converting James to Rome. These doubts made it imperative that the Spanish find an alternative to James. Promoting the candidacy of the Infanta was not a viable proposition, either. The French were so hostile to the Infanta that it was quite feasible that they might be provoked into advancing a candidate of their own - thereby giving James the opportunity to slip between the two of them. Spain, therefore, resolved to promote the cause of one of the native claimants and they reverted to looking for an English Catholic, who could be pitted against the Scottish king, and who would be more acceptable to the French than the Infanta.<sup>48</sup>

Spanish interest in the English succession was closely bound up with their ambitions in Ireland. Since England's break with Rome, Spain had regularly received appeals for help from the Irish Catholics in their efforts to resist further domination by the English. They emphasized the advantages to an enemy of England in coming to an understanding with her close neighbour. Thus, in 1593, when a confederacy of bishops and lay lords from the north of Ireland, led by Hugh O'Donnell, earl of Tyrconnel and the archbishop of Armagh, solicited Spanish aid in their proposed

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<sup>48</sup> *CLSPE* vol.4, p.632. Report of the Council of State to Philip III, 1 February 1601; *CLSPE* vol.4, pp.674-5. Father Cresswell to Philip III, 2 December 1600; *CLSPE* vol.4, p.683. Report of the Council of State to Philip III, 1 February 1601; *CLSPE* vol.4, pp.724-5. Same to same, opinion of Olivares, 1 February 1603; *CLSPE* vol.4, p.782. Same to same, 2 March 1603; *CLSPE* vol.4, Same to same, 1 February 1603.

rebellion against England, they argued that such help would combine the service of religion with the interests of Spain.<sup>49</sup> However, Spain was already fully stretched with its wars against both France and the Dutch rebels, so, despite repeated pleas for assistance it was not until the summer of 1599 that Philip III sent arms to Ireland. Even then, such aid was deemed inadequate. The Spanish Council of State also urged on Philip the value of engaging England in an Irish war, by pointing out that it would both counter Elizabeth's assistance to Spain's rebellious subjects in the Netherlands and strengthen Spain's leverage in securing the return of the Flemish fortresses. Moreover, they argued that mastership of Ireland would put Spain in a greatly improved position to nominate a successor to the English crown.<sup>50</sup>

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<sup>49</sup> *CLSPE* vol.4, pp.608-9. Maurice Geraldine (heir to the earl of Desford) to Philip II, 4 September 1593; *ibid* p.609. Archbishop of Tuam to Philip II, s.d.; Meanwhile, archbishop O'Hely travelled to Spain for help. See, Rev.J.J.Silke, *Ireland and Europe, 1559-1607* Dublin Historical Association, 1966, pp.17-18, for Ireland's traditional conviction that the Spanish were their protectors against the English; James Spedding, ed. *The Letters and Life of Francis Bacon* 7 vols., London, 1862-74, vol.3, pp.45-51. 'A letter to Mr. Secretary Cecil, after the defeating of the Spanish forces in Ireland; inciting him to embrace the care of reducing that kingdom to civility, with some reasons sent enclosed.' c.August 1602. Sir Francis also recognized the strength of the religious card as played by both the Irish rebels and the Spanish when he observed that, 'one of the principal pretences whereby the heads of the rebellion have prevailed both with the people and with the foreigner, hath been the defence of the Catholic religion:' In advising a limited religious toleration he was displaying a remarkably similar outlook to that of James.

<sup>50</sup> *CLSPE* vol.4, p.655. Archbishop elect of Dublin to Philip III, 24 April 1600; *CLSPE* vol.4, p.656. O'Donnell and O'Neil to Philip III, 26 April 1600; *CLSPE* vol.4, pp.662-3. Report of the Council of State to Philip III, 1 July 1600; *CLSPE* vol.4, pp.665-6. same to same, 13 July 1600.

Despite his predisposition to avoid becoming involved in foreign wars - not least because he recognized Scotland's inability to bear the costs of an active foreign policy - James was forced to abandon his preferred position of impartiality. He sought to balance the actions of his subjects in the western highlands and islands of Scotland, who were anxious to go to the assistance of the rebels in Ireland, by licensing the English to purchase arms for use against the Irish rebels. But his efforts to maintain a neutral stance were frustrated by the endeavours of the leading Irish rebels who were striving to enlist his overt support against the English.<sup>51</sup> When he found himself being called upon to explain to Elizabeth his failure to prevent 400 Scots going to the assistance of the rebels in Ireland it became clear that he could no longer put off declaring for one side or the other.<sup>52</sup>

In reaching his decision James was especially influenced by his hatred of rebellion against any lawfully constituted monarch. The current choice he faced was between two sides, each of which was both rebelled against and, at the same time, supporting their opposites' rebellious subjects. He could either back the Irish rebels, and their Spanish supporters, against whom a number of

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<sup>51</sup> CSPSc vol. 2, the Scottish series, Elizabeth I, 1589-1603, p.767. John Archibald to George Nicholson, 13 March 1599; CSPSc vol.2, p.773. George Nicholson to Cecil, 28 July 1600; CSPSc vol.2, p.782. Same to same, enclosing a letter from the earl of Tyrone to James, thanking him for his good will; CSPSc, vol.2, p.788. Same to same, 28 October 1600.

<sup>52</sup> CSPSc vol.2, p.796. George Nicholson to Cecil, enclosing James's answer to the charge that he let Sir James MacConnel take 400 men to assist the Irish rebels, 22 April 1601.

states in the Netherlands were revolting, or else he could assist the English, who were supporting the rebellious Dutch provinces against Spain, in subduing their rebellious Irish subjects.<sup>53</sup> No doubt in order to secure James's support, Elizabeth attempted to justify to him her defence of the Dutch rebels, the following year. She maintained that the king of Spain's failure to observe the oath originally sworn by the emperor Charles, upon which the loyalty of the seventeen provinces in the Low Countries rested, was sufficient ground to release the rebellious provinces from their obligations to their Spanish overlords.<sup>54</sup> However, Elizabeth's explanations probably carried less weight in influencing James's decision than did his ambition to succeed to the throne of England, for once he became the king of England, he would become the target of the Irish rebellion. It was also an example of James's pragmatic approach to affairs of state which clearly demonstrated his resolution to rule through the art of the possible. James the theorist was perfectly willing to give up his principles in his pursuit of the political advantage.

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<sup>53</sup> The similarities between the situations in Ireland and in the Netherlands has been recognized in the most recent study of the Irish Rebellion. Hiram Morgan in *Tyrone's Rebellion: The outbreak of the Nine-Years War in Tudor Ireland* Royal Historical Society, 1993, observes how 'both crises began with attacks on entrenched liberties by centralizing regimes ... both sets of dissidents demanded liberty of conscience. The monarchs involved found it difficult to compromise; their standing in the world was at stake.' He went on to explain that 'both Powers were constrained by foreign commitments ... from deploying the resources needed to crush their own revolts.' pp.219-20.

<sup>54</sup> Bruce, *Letters* pp.154-5. Elizabeth to James, 6 January 1603. 'Yf eyther his father or himself wold observe such oth as the emperor Charles obliged himself, and so in sequele his sonne, I wold not [have] delt with other territoryes. But they holde those by such covenants, as not observing, by their owne grauntes they are no longer bound unto them.'

Moreover, as Spanish support for his interest in the English succession was unlikely, James reckoned that there was less to be lost by offending the king of Spain than the queen of England.

Given his recent association with Essex, James no doubt felt it prudent to distance himself from any further possible charges of hostility to Elizabeth. He needed instead to identify himself with her predicament and declare his solidarity with his 'dearest sister', and in so doing to neatly demonstrate his commitment to the well-being of England. Therefore, on 11 June 1601 James issued a proclamation forbidding the Scots to aid the Irish rebels. He followed this up when the Spanish landed in Ireland by, rather theatrically, offering personally to go and fight in the Irish war.<sup>55</sup> Meanwhile, Cecil took the opportunity unequivocally to demonstrate his anti-Spanish sentiments by disclaiming any intention of pandering to the Spanish in the pursuit of peace. He also denied ever supporting the Infanta's claim to the English throne and affirmed English resolve to overthrow the Spanish in both the Low Countries and in Ireland.<sup>56</sup> Thus he effectively demonstrated his solidarity with James while, at the same time, reassuring James that negotiations

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<sup>55</sup> *CSPSc* (Mackie) vol.13, part 2, pp.868-9. James had asserted that, if Elizabeth gave him half the resources she had given Essex, he would drive the rebels out of Ireland in six months. George Nicholson to Cecil, 24 August 1601

<sup>56</sup> *CSPSc* (Mackie) vol.13, part 2, pp.880-2. In an account of the Spanish in Ireland and English plans Cecil reveals that, 'you see we are not asleep nor all the conditions agreed on for the peace between the king of Spain and the queen, nor that we are the pensioners to the Infanta according to the excellent Scottish intelligence faithful to him yet. But that we keep him from Ostend and mean to pull him out by the ears in Ireland.' Cecil to the Master of Gray, 10 October 1601.



for peace with Spain would not include clauses detrimental to him.

But, even as Cecil and James were joined in deploring Spanish interests in Ireland and expressing their determination to overthrow the Irish rebels, similar support was lacking among the Scots, especially from those in the western highlands and islands, who seemed more disposed to help the Irish rebels against the English. As Cecil observed to the Lord Deputy of Ireland, when he communicated James's offer to send Scottish islanders to combat the newly arrived army of Don Juan de Aguila in Kinsale: 'there had need be great consideration used in their choice ... the best of them are a kind of savage, and most of them are interlaced with those Irish into whose countries they should be transported.' This uncertainty about the allegiance of the Scots was echoed by the Irish War Treasurer who, while welcoming the arrival of the Scottish reinforcements, pointed out that there was some confusion among the Irish about the side on which the Scots were coming to fight. A further problem with the Scottish forces was anticipated by the Secretary to the Irish Privy Council who expressed doubts about how the Scottish forces would be got rid of, after the fighting. In the end, though, the money-motive prevailed when it was remarked that a Scottish army would be self-financing; an important consideration in a war which was proving to be an unprecedented drain on the English exchequer.<sup>57</sup>

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<sup>57</sup> J.S.Brewer and William Bullen, ed. *Calendar of the Carew MSS preserved at the Archiepiscopal Library at Lambeth, 1601-1603*, London, 1870, p.154. Cecil to Lord Deputy Mountjoy, October

There was a further complication. Despite James's commitment to the English cause in Ireland, he found that some of his Privy Council questioned his judgement. Their hostility found expression in an 'opposition made in Council against his employing his people against the Spaniards in Ireland.'<sup>58</sup> Although James raged and resolved to defend his decision, it was an early lesson for him, signifying Scottish determination to follow a line independent from that of England. It was also a timely reminder to James that his Scottish subjects would not passively be sacrificed to his ambition to ascend to the English throne. In the end, the problem was resolved when a Council was nominated to advise James about sending armed help to Elizabeth against the Irish rebels.<sup>59</sup> It nevertheless served to remind James that the Scots would not acquiesce in his schemes without ensuring that they had, at least, the opportunity to articulate their opinions.

Aguila's surrender to Mountjoy meant that the Scottish reinforcements were no longer needed. But, even after the Spanish left Ireland, the Highlanders continued to assist the earl of Tyrone and the rest of the Irish rebels, despite requests from Elizabeth that James prevent them, and his regular endeavours to

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1601; *CSPIre*, vol.11, 1601-1603, p.183, p.184. Sir George Carey to Cecil, 23 November 1601; *CSPIre*, vol.11, pp.122-3. Sir Geoffrey Fenton to Sir Robert Cecil, 12 October 1601; *CSPIre*, vol.11, pp.244-5. Sir Arthur Chichester to Cecil, 29 December 1601.

<sup>58</sup> *CSPSc* (Mackie) vol.13, part 2, p.917. George Nicholson to Cecil 26 December 1601; *CSPSc* vol.2, p.806. Same to same, 2 January 1602.

<sup>59</sup> *RPCSc* vol.6, 1599-1604, pp.330-1. 7 January 1602.

comply with her demands.<sup>60</sup> In the last few months of Elizabeth's reign, though, James found himself in a fortuitous position whereby he was required only to condemn the Irish rebels without having to supply material assistance. Thus he identified himself with English interests and confirmed his fraternity with Elizabeth, thereby earning the queen's appreciation and the approval of the people.<sup>61</sup> James had made encouraging progress in his ambitions to succeed to the throne of England without being obliged to offer very much in return.

James did not neglect more covert methods to realize his ambitions of succeeding to the English throne. The most significant of these was the secret correspondence which he conducted with Cecil, after the fall of Essex. It was clear to

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<sup>60</sup> *CSPSc* (Mackie) vol.13, part 2, p.966. Cecil to George Nicholson, 6 April 1602. He reports Sir Arthur Chichester's contention that, 'the traitor Tyrone could not subsist if none of the Highlanders assist him.' And that, 'her Majesty has commanded me to send unto you to move the King to use his authority to stay them'; *CSPSc* vol.2, p.811. George Nicholson to Cecil, 25 April 1602, and 5 May 1602. The arrangements made to prevent the Highlanders from joining Tyrone; *CSPSc* vol.2, p.815. Thomas Douglas to Cecil, 21 July 1602, and George Nicholson to the same, same date. The chief point of James's speech at Convention was the Irish rebels against whom he harangued.

<sup>61</sup> *HMC, Salisbury MSS* vol.14, pp.247-9. Cecil to [the Master of Gray], 3 January 1603. He confirmed Elizabeth's favour to James when he advised that 'by God I find it, that if the King practise not to disturb her present, she [the queen] is like to continue to him the safest neighbour that ever Scotland had; for as I have often told you, though she take no pleasure in his rising, yet she would be sorry of his perishing, or that he should have cause to suspect that she would favour any stirs in his Estate.'; *CSPSc* (Mackie) vol.13, part 2, pp.1104-6. Sir John Crichton to James VI (enclosed in his letter to the earl of Angus, from Paris, 30 January 1603). Describing his journey through England he declared that, 'one thing I find that I marvelled at, that wherever I passed and lodged they think your Majesty their young lord; which within few years no man durst speak.'

James that he must develop an understanding with Cecil, now the most prominent of Elizabeth's ministers. Of course, James already had agents in England, and he recommended his ambassadors, Mar and Kinloss, to 'temper and frame all youre dealing with the quene or counsall by the advyse of my freindis theire'.<sup>62</sup> It was not long after their arrival in London, in March 1601, that the correspondence between James and Cecil began.<sup>63</sup> However, the letters between the two represented only a small part of a quite extensive network of correspondents which already was becoming established between England and Scotland.

James's dealings with Lord Henry Howard long predated those with Cecil, for Howard was already corresponding regularly with both Mar and Kinloss when it was proposed that Cecil should join them.<sup>64</sup> In his first letter to Cecil, James urged him, 'to accepte of his long aproued and trustie 3 [Howard] ... to be a sure and secreate interpretoure betwixt 30 [James] and 10 [Cecil], in the opening up of euerie one of thaire myndis to

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<sup>62</sup> NLS Denmilne MSS 33.1.7 no. 10. 'A Private instruction to the erle of Marre + the Abbot of Kinlosse my ambassadouris towardis the quene of England'. However, he qualified this counsel by advising that in particular cases he would inform them personally of his wishes.

<sup>63</sup> Bruce, *Correspondence*, pp.xxxv-xxxvii

<sup>64</sup> See, NLS Denmilne MSS, 33.1.7, nos. 5, 6, 8, 9, 13, 14, 15, 16, 25, 34, 35, for a number of letters from Henry Howard to the earl of Mar, Edward Bruce and the king, dating from this period. For an example of the way in which the role of Henry Howard in the correspondence was misconstrued see Leo Hicks, s.j. 'Sir Robert Cecil, Father Persons and the Succession.' *Archivum Historicum Societatis Iesu* vol.24, 1955, pp.134-5, n.103. He comments on the remarkable speed with which Henry Howard, who was suspected of being a follower of Essex, was adopted by Cecil after Essex's fall as an instrument in the negotiations with James VI.

another'.<sup>65</sup> James's recommendation was probably quite unnecessary for Cecil and Howard quickly recognized that their shared hopes for the future depended upon James succeeding to the English throne. They developed such a rapport that they were soon engaged in a series of machinations to ensure that James was allied exclusively with them, with Cecil encouraging Howard in his attempts to destroy their political rivals by emphasizing their deficiencies to James.

Howard's chief targets were Henry Brooke (Lord Cobham and Cecil's brother-in-law) and Sir Walter Raleigh. Although there is no evidence that Cecil was involved directly in denigrating his brother-in-law, his influence was revealed when Howard explained to Kinloss that, 'The thinge which 10 [Cecil] wolde have me printe in the minde is the miserable state of Cob and Rawley'. Howard's report to Mar, late in 1602, that, 'In this place all is quiet and hath ever bene without disturbance since that Cobham by sicknesse and Rawley by direction wear absent from courte'; implied that their presence threatened the peace of the state.<sup>66</sup> On the other hand, rather than being dismissed as a disruptive influence by Howard and Cecil, it is more likely that they feared Cobham as a force to be reckoned with. Mark Nicholls has

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<sup>65</sup> Bruce, *Correspondence* pp.1-2. King James to Secretary Cecil, n.d.

<sup>66</sup> NLS Denmilne MSS 33.1.7 no.9. 3[Henry Howard] to 8 [Edward Bruce], 4 December [no year]; Denmilne MSS 33.1.7 no.34. 3[Henry Howard] to 20[earl of Mar], c.December 1602; Edward Edwards, *The Life of Sir Walter Raleigh* 2 vols., London, 1868, vol.1, p.304. It was claimed that the secret correspondence entirely poisoned James's mind against Raleigh and that the main channel of that poison was Raleigh's bitterest enemy, Henry Howard.

suggested that Howard and Cecil's hostility to Cobham was prompted by their concerns about his growing importance at Elizabeth's court, based on the conjecture that no single figure came closer than he to filling the role of queen's favourite, after Essex.<sup>67</sup> James, though, was not to be dictated to by Cecil and Howard. He was in receipt of letters from Cobham, who had offered his service to James early in 1601, after Essex's rebellion,<sup>68</sup> and he also corresponded with the earl of Northumberland.

Cecil and Howard were aware of the relationship between Northumberland and James. Howard advised James to exercise discretion with Northumberland and to avoid revealing too much about his arrangements with himself and Cecil.<sup>69</sup> The discovery that, 'Northumb[erland] meanes to take the cause of Cobha[m] and Rawley in hand to the kinge,' however, aroused fears in Howard

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<sup>67</sup> M.Nicholls, 'Two Winchester trials: the prosecution of Henry, Lord Cobham, and Thomas, Lord Grey of Wilton, 1603.' *HR* vol.68, no.165, February 1995. p.36. Nicholls' contention that the effect of Cobham's excessive dependence on queen Elizabeth was to lead to his declared opposition to the Stewart succession clearly is belied by his overtures to James and his Scottish ministers. At the same time, his wife, Lady Cobham, widow of the earl of Kildare, who had been one of Elizabeth's bedchamber ladies, divulged that the queen wore a ring given to her by Essex until the day she died. This was according to Manningham who got it from Henry Parry, one of the queen's chaplains. See Robert Parker Sorlien, ed. *The Diary of John Manningham of the Middle Temple, 1602-1603* Hanover, New Hampshire, 1976, p.222. f.119b. April 1603. That she hoped to hold a similar position with the new queen was signified by her dash to Edinburgh, leaving behind the rest of the ladies who were to accompany queen Anne on her journey south, in Berwick. See, *HMC Salisbury MSS* vol.15, pp.112-3. William, Lord Compton to Lord Cecil, 30 May 1603.

<sup>68</sup> See above, p.23, n.43

<sup>69</sup> Stafford, *James VI* p.275.

and Cecil about the extent of his influence and Northumberland became another victim of Howard's vitriolic pen. He remarked upon, 'the weaknesse of his mind in contayning anie trust,' and commented that he was, 'as close as ever in the combination of credulity with Ralieghe.'<sup>70</sup> He ensured that Northumberland's folly in trying to force a duel upon the celebrated Sir Francis Vere became known in Scotland,<sup>71</sup> and he thoroughly ridiculed his aspirations to succeed Vere when he was seriously wounded in the Low Countries, later that year. Thus Howard conferred upon Northumberland an international reputation for absurdity. The Dutch ambassador, Caron, was reluctant to encourage Northumberland's suit - ostensibly on the grounds that de Vere was out of danger - because he was, 'thoroughly acquainted with his [Northumberland's] debility in many kindes and his giddinesse in generality'.<sup>72</sup>

Given the earl of Northumberland's paucity of political acumen, James's decision to correspond with him was probably prompted by little more than the desire to secure support for his claim to

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<sup>70</sup> NLS Denmilne MSS 33.1.7 no.5, 3[Henry Howard] to 8[Edward Bruce].

<sup>71</sup> *CSPD, 1601-1603*, pp.202-5, for letters throughout April 1602 about the altercation between Vere and Northumberland, especially, p.205, for Caron informing the queen and Council about the affair; McClure, *Chamberlain Letters*, vol.1, p.139. John Chamberlain to Dudley Carleton, 26 April 1602; McClure, *Chamberlain Letters*, vol.1, p.142. Same to same, 8 May 1602.

<sup>72</sup> NLS Denmilne MSS 33.1.7 no.34, 3[Henry Howard] to 20[earl of Mar]; HMC *Salisbury MSS* vol.12, p.372, Lady Mary Winfield to Cecil, 14 September 1602, for other petitioners for de Vere's post, and *ibid.* p.506, Captain John Ogle to Cecil, 4 December 1602, for a report that he was on the road to recovery.

the succession by the representative of an ancient border house.<sup>73</sup> Meanwhile, it has been argued that Howard's alliance with Cecil helped lay the foundations for James's peaceful accession to the throne. James certainly recognized their value and was content to come to an understanding with them. However, he was never in danger of limiting his room for manoeuvre by identifying himself too closely with them, at this stage, to the exclusion of others. Instead, he was demonstrating his approach to government which depended upon the shrewd management of different interests. This style of government, developed in the ever contentious Scottish court, was to stand him in very good stead, both in his pursuit of the throne, and afterwards. Cecil and Howard's value to James lay for the moment in their ability to assist him in succeeding to the throne - and no further. Accordingly, he was content, for the present, to collaborate with them.

Of course, the English, particularly Cecil, were anxious to discover more about James Stewart. Therefore, as well as the three Scots who participated in the secret correspondence - Mar, Kinloss and David Foulis - there were other Scotsmen with whom Cecil was in contact. The chief of his correspondents was George Nicholson, a servant of Robert Bowes, the English ambassador, left in Edinburgh to perform the duties of resident agent. Cecil was also engaged in a number of clandestine correspondences with

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<sup>73</sup> See, Mark Nicholls, *Investigating Gunpowder Plot* Manchester University Press, 1991, p.101, for his opinion about the political abilities of the earl of Northumberland and his part in the secret correspondence.



other Scotsmen, including the Master of Gray.<sup>74</sup> In doing so Cecil was also keeping open all his options, for Gray, along with Lennox and even queen Anne, were suspected to be a part of the Cobham and Raleigh configuration, rivals of Mar and Kinloss, and their English confederates, himself and Henry Howard.<sup>75</sup>

In this atmosphere - of frantic jockeying for preeminence with the most likely successor to the ageing queen Elizabeth - it was scarcely surprising that James was liable to receive subjective opinions and biased information. Yet he shrewdly refrained from making any far reaching decisions on the basis of information derived from his secret correspondents. For example, at no time did speculation about the nature and personnel of the government of England upon his accession seem to form part of the correspondence between James and the English ministers. There was no evidence of a situation developing similar to that at the end of queen Mary's reign, when a new Privy Council clearly was beginning to consolidate even before Mary had died. At this stage, James's chief concern was not so much identifying useful servants for the future as simply securing the throne for himself. There would be time enough to select his ministers when he was more familiar with his new country. Unlike Elizabeth, who

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<sup>74</sup> Although the Master of Gray exerted little political influence, at this time, Cecil continued to correspond with him right up until James's accession to the English throne, thereby keeping all his options open for as long as possible. See, for example, HMC, *Salisbury MSS* vol.14, pp.247-9, Cecil to the Master of Gray, 3 January 1603.

<sup>75</sup> NLS Denmilne MSS 33.1.7 no.8. 3[Henry Howard] to 8[Edward Bruce]. Howard refers to, 'the sleight of his [Gray's] guilty finge'.

dismissed two-thirds of her sister's Privy Council, James retained all of Elizabeth's Councillors, only gradually adding to their number in the months following his accession.

At last, early on the morning of 24 March 1603, queen Elizabeth died and the moment for which James had been waiting was upon him, albeit almost three days before he was aware of the fact. Although 'Elizabeth's last great effort at self-glorification [had been] to hang on to life relentlessly and infuriatingly',<sup>76</sup> not even the most skilled of image-makers could contrive her immortality. By the end of March 1603 her death was not even unexpected, for she had been ill for some weeks. However, because of the delicate nature of the succession, which was still ostensibly unresolved, Elizabeth's ministers had been striving to stifle news of her declining health. So that, on the same day that Cecil was assuring his contact in Edinburgh that the queen had recovered from her recent illness (which he acknowledged had been serious), he was also writing to his fellow secretary to suppress rumours about her persistent ill health.<sup>77</sup> His prudence was justified for letters certainly were going abroad about Elizabeth's continued sickness, together with foreboding at the prospect of her death and the consequent anxiety of the people

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<sup>76</sup> Jenny Wormald, 'Ecclesiastical Vitriol'

<sup>77</sup> HMC Salisbury MSS vol.12, p. 667. Cecil to George Nicholson, 9 March 1603; *ibid.* Same to Mr Secretary Herbert, same date.

of England.<sup>78</sup> The Council also urged the localities to attend to their security.

Vigilance had to be tempered with discretion. So when Cecil was informed by the Lord President of the Council of Wales, early in March, that he had instructed his deputy-lieutenants to prepare for musters - as part of his drive against dissident Catholics on the Welsh borders - he promptly ordered him to shelve his plans.<sup>79</sup> On the face of it, the holding of musters was not an unusual event, early in 1603, with England still at war with Spain, in the Low Countries, and, simultaneously, struggling to subdue the Irish rebels. For example, in January, there had been an order for a general muster from the Cinque Ports.<sup>80</sup> However, with the failing health of the queen, priorities were changing

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<sup>78</sup> For example, a Venetian, Giacomo Creleto, received two letters from England, each describing the state of the queen's health and the misgivings of her subjects. *CSPD, 1603-1610*, pp.298-300, [Father] Anthony Rivers to Giocomo Creleto, 9 March 1603 and p. 302, AA to the same, same date.

<sup>79</sup> *HMC Salisbury MSS vol.12*, p.666. Lord Zouche, President of the Council for Wales to Cecil, 9 March 1603. By 13 March he was writing again to confirm that he had stayed his proposed musters as commanded. Nevertheless, he continued to express his dismay about the extent of Catholicism in the area, and especially the number of them who were serving on the Council of Wales. *Salisbury* pp. 673-4. His fears were confirmed by Sir Richard Lewkenor's report to Cecil, 19 March. *Salisbury* pp.680-1. Moreover, just as Sir Richard attributed the expansion of Catholicism to a lack of sufficient preachers, so too did the Lancashire ministers, when they had voiced similar concerns about the paucity of preachers in Manchester. *Salisbury* p.643. Nicholas Mosley and others to Cecil, 16 February 1603. The quickening of Catholic activity had allegedly caused Sir John Popham to seek examples for execution in Bury. *Salisbury* pp.301-2. Anthony Rivers to Gio Battista Galfredi, in Venice, 9 March 1603.

<sup>80</sup> *HMC Thirteenth Report, Appx.4, Rye MSS* pp.125-6. Sir Thomas Fane to the mayor and bailiffs of the Cinque Ports for a general muster, 23 January 1603.

and English attention began to be directed inwards. As part of that adjustment, the Council sent out warrants for rounding up able-bodied vagabonds for service in the Low Countries.<sup>81</sup> By adopting this method of mobilizing men two objectives would be served. Firstly, some of those who might pose a threat to the peace and quiet of the realm would be removed, particularly at this time of potential disorder. And, secondly, those men thus mobilized would be dependent upon the state to provide them with arms, to be issued once they were safely out of the country. With internal security, rather than the conduct of foreign affairs, becoming the principal issue, there was an important distinction between the recruitment of manpower for foreign service and the mustering of independently armed men, who might fall under unreliable local influences.

It would be difficult to overstate the degree of trepidation to which the people of England were prone in this unpredictable period. Because of Elizabeth's whimsical attitude towards the future, her ministers were required to adopt a series of sometimes contradictory policies. So that, even more onerous than having to weigh the benefits against the risks of continuing to levy men for service abroad, they had also to supervise the transfer of the crown from one monarch to another they hardly knew. With even mention of such an event still open to interpretation as treason, they were constrained to prepare for

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<sup>81</sup> *APC, 1601-1604*, p.492: Four warrants to the justices of the peace of Surrey, Middlesex, Essex and Kent, to take up Vagabonds for service in the Low Countries, 14 March 1603; The Privy Council to the Lord Lieutenants and sheriffs of a further eighteen counties to the same purpose, 17 March 1603.

the transition without drawing attention to their activities. Furthermore, Cecil and his colleagues were faced with a prospect for which there were no precedents, at a time when the preferred manner of dealing with matters was to look to previous procedures and practises. Without an undisputed heir to the throne, the principal secretary, to all intents and purposes, was making up his game-plan as he went along.

The final days of Elizabeth's life were overshadowed by doubts which were generating suspicion and apprehension, among an uninformed population, especially those who were required to carry on the government of the country. It was not altogether surprising, therefore, that there were occasions on which there was a tendency to panic. For example, Sir John Carey, the deputy governor of the garrison town of Berwick appealed urgently to Cecil for directions. 'What should I do here,' he demanded, 'not knowing how or for whom to keep this place, being only in the devil's mouth, a place that will be first assailed, and I not being instructed what course to hold'. He went on, somewhat desperately, to express his intention of coming to London to see for himself what was going on.<sup>82</sup> Given his proximity to the Scottish border he was terrified that he might be an early victim if the king of Scotland should attempt to seize England by force. Rumours abounded, including reports about the number and condition of the forces which the king of Scotland could

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<sup>82</sup> HMC *Salisbury MSS* vol.12, p.677. Sir John Carey, deputy governor of Berwick, to Cecil, 16 March 1603

mobilize.<sup>83</sup> James certainly was conscious that his forces should be in readiness, should he need to defend his interest.<sup>84</sup> The result of Elizabeth's failure to nominate her successor was threatening frightful consequences.

Naturally, the borders were particularly vulnerable to the most immediate attack, and Carey could be justified in his concerns. However, within the week, no doubt in response to reassurances from central government, he had thought better of his over-hasty determination to bolt to London and had resolved to remain at his post.<sup>85</sup> Cecil was also subjected to supplications from the Welsh Marches where Lord Zouche wanted permission to leave his headquarters to come up to London.<sup>86</sup> It is to the Council's

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<sup>83</sup> *CSPD, 1601-1603*, pp.298-300. Anthony Rivers to Giacomo Creleto, in Venice, 9 March 1603. He described the king of Scotland as, 'diligent to have all in readiness', and accounted the forces at his disposal. In the meantime, Thomas, Lord Burghley, Lord President of the North, had appointed new captains over the trained bands to withstand the Scots.

<sup>84</sup> Bruce, *Correspondence* p.49. Mr. Edward Bruce to Lord Henry Howard, 25 March 1603. He relayed the king of Scotland's demand, 'that yow acquent ws by the next, giwe 30 [King James] sall mak any forces and puar to be in reidinese at all hasards, to oppose and resist against hes ennemies, if any sall happen to take armes to inwad and oppose against hes interest.'

<sup>85</sup> *HMC Salisbury MSS* vol.12, p.699. Sir John Carey to Cecil, 21 March 1603. Nevertheless, he did take the opportunity to bewail the deficiency of victuals and ammunition in Berwick, suggesting that he was fully conscious that the town was in a very vulnerable condition.

<sup>86</sup> *HMC Salisbury MSS* vol.12, p.697. Lord Zouche to Cecil, from Ludlow, 20 March 1603. He assured the Council, however, that he would return as soon as they required to him to do so. On the other hand, a different motive for his desire to come to London, might have been his dispute with the recently appointed Searjeant-at-law in Wales, Sir Richard Lewkenor. See, *Salisbury* pp.680-1. Sir Richard Lewkenor to Cecil, 19 March 1603. For Lewkenor's appointment see, *CSPD, 1601-1603* p.285. Cecil to Thomas Windebank, 27 January 1603.

credit that they managed to avert a mass dash to the capital. Nevertheless, it seemed that, apart from a very few Privy Councillors, particularly those most closely associated with Cecil, most of the local officers in England were ignorant of the circumstances and implications of the queen's illness. Consequently, they were anxious to establish for themselves the extent to which the alarming rumours which were reaching the localities were true.

Those who were better informed clearly felt able to continue at their posts, notwithstanding their distance from central government and the capital. Thus, Cecil's half-brother, Lord Burghley, the Lord President of the North, elected to remain in the north. His declaration that he was ideally placed, 'mid-way ready to go in either direction,' emphasized that he was well aware of the unpredictability of the future. However, his recognition that he could rely on his brother to give him, 'plain and true advice in matters of this consequence,'<sup>87</sup> enabled him to take a more sanguine view than could Carey or Zouche. In similar fashion, Sir John Popham, the Lord Chief Justice, and a Privy Councillor, also was able fully to appreciate the need for circumspection. So it was with the utmost discretion that he wrote (twice) to Cecil from his home in Wiltshire to explain that his sudden departure for London would arouse suspicion but that

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<sup>87</sup> HMS *Salisbury MSS* vol.12, p.680. Thomas, Lord Burghley to Cecil, 19 March 1603.

he expected to be in London within a fortnight.<sup>88</sup> There was a clear contrast between the behaviour of those who were confident that they had access to reliable information and those who felt that they were operating in the dark.

Although careful not to arouse undue alarm, the Council were endeavouring to effect discrete curbs on potential disorder in the localities, through the agency of those best placed to effect them. Therefore, on 16 March, they sent instructions to the local officers throughout England.<sup>89</sup> But whereas the Council continued to stress the necessity of exercising 'some ordinarie care at such tyme', they, nevertheless, charged the county governors to look to 'the suppression of all uncertaine and evell rumors

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<sup>88</sup> HMC *Salisbury MSS* vol.12, p.671, p.673: Chief Justice Popham to Cecil, from Littlecote, 12 March 1603; Same to same, 13 March 1603. Meanwhile, the earl of Cumberland wrote from Skipton to excuse himself from becoming too closely involved in county government on the grounds that it would cause idle conjecture. See, *Salisbury* p.675. Earl of Cumberland to the Privy Council, 15 March 1603.

<sup>89</sup> Lancashire Record Office, LV/80, p.55. Privy Council to John Ireland, high sheriff of Lancashire, and the commissioners for musters and JPs for the county, 16 March 1602-3. [Top RH corner of letter now missing] (received 22 March 1603); Lancs RO, LV/80, p.56. John Ireland, high sheriff, to his cousin Thomas Ireland and the rest of the JPs in Salford hundred, 23 March 1602-3. [Top left hand corner now missing]. Informing them that he had received the Council letter the previous night, he appointed an assembly at Wigan on 26 March, and enjoined them to inform the JPs in Leyland and Blackburn hundreds. He also wrote to the deputy lieutenants. I am grateful to Dr. B.W. Quintrell for supplying me with copies of these documents. See also, HMC *Twelfth Report*, appx.4, *Rutland MSS* p.388. Privy Council to the earl of Shrewsbury, high sheriff, deputy lieutenants and justices of Derbyshire, 16 March 1603; HMC *Twelfth Report* 12, appx.5, *Coke MSS*, p.37. Privy Council to the sheriff and justices of Northamptonshire, endorsed, 21 March 1603; HMC *Salisbury MSS* vol.12, p.699. H.Maynard (Commissioner for Essex) to Cecil, 21 March 1603, acknowledging receipt of the Council letter to suppress rumours about the queen's health.



concerning the state of hir Majesties health or of [?anything] els appertaininge; and for the prevencion and redresse of all unlawfull assemblies, actions, and disorderlie attempts that such rumors maie breede'. Moreover, although they expressed their hopes for an improvement in the queen's health, they acknowledged the possibility that she might not recover. Accordingly they undertook to ensure that, if it 'please god to afflict this state with such an inestimable losse and cause of grieffe', they would be 'trulie and tymelie advertized therof', in order that they could adopt whatever measures were necessary to 'preserve both in publique and privat the peace [and] tranquillitie of the same.'

On 19 March those noblemen who were in the vicinity of the capital were ordered to come to the Court, and on the following day a letter was directed by the Council to the rest of the principal subjects who were unable to attend by virtue of their distance from London. The Council maintained that they were committed to, 'take all possible care wee can for the preventing of disorders and for the continuance and preservation of tranquillitie and peace in all parts of the realm.' In addition, they guaranteed that they would be informed of all developments, because the Councillors, 'desire nothing more than the concurrence and consent of all persons of your Lordship's qualitie in a most firme and united proceeding for the preservation of the peace and welfare of the State'.<sup>90</sup> At the

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<sup>90</sup> APC, 1601-1604 p.492. Privy Council to the nobility in the City, ordering their attendance at Court, 19 March 1603. pp.493-4. 'Letters of one tenor to sondrie Earles and Barons,'

same time, the Council also urged the counties to strengthen their watches, at present, 'so weaklie and insufficiently furnished as doth seeme to small purpose for the answering of so necessarie causion'. For, 'in this doubtfull tyme', there could, 'fall out any cause of necessity to trust to the order and strength of the same.'<sup>91</sup>

All in all, the overwhelming impression of the last days of Elizabeth's reign was their 'business as usual' normality. The Council's calm efficiency was remarkable, for it was an extraordinary period which was handled in an extremely low-key fashion. Indeed, it could be suggested that the way in which historians continue to gloss over the transfer of the throne from Elizabeth to James, affording it such little comment, is itself testament to the Council's achievement.

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20 March 1603.

<sup>91</sup> BL Add MSS 12,507, f.35. Letter from the Privy Council, 23 March 1602-3.



## Chapter 2.

### The Accession of James Stewart.

The interval between the death of queen Elizabeth and the arrival of her successor in London was a period which has had less attention than it deserves.<sup>92</sup> Given the potential for wholesale political breakdown, not least in the absence of a properly nominated heir, those weeks in the spring of 1603 merit a more careful examination. Moreover, that reappraisal needs to be made from the perspective of both England and Scotland. There were adjustments to be made, often of a quite fundamental kind, for both James and his new subjects.

Throughout the last weeks of Elizabeth's life James received encouraging reports from his correspondents about the level of support he had among the English - support which they were no longer reluctant to acknowledge. Since the end of January, when their willingness to recognize him as the heir to the throne had attracted the attention of Sir John Crichton, people were increasingly open in allowing his right.<sup>93</sup> The earl of Northumberland assured him that, 'every one almost imbraces yow'. He went on that this support came not only among the people in general but also from the council of the state who, 'meane

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<sup>92</sup> See above, p.49

<sup>93</sup> See above, p.34, for example. For Sir John Crichton's observations on his journey through England; Bruce, *Correspondence* p.72-3. Henry, earl of Northumberland to king James, 17 March 1603. 'Men talk freely of your Majesties right, and all in generall gevis you a great allowance.'

honestly to your Maiesty,' and, despite the recent rising, the majority of Catholics supported his candidacy, too.<sup>94</sup>

James's approval of the way in which the potential threat from the Catholics had been handled was relayed to Henry Howard by Kinloss. However, James did not seem to take the threat very seriously, for while he commended the 'most politique and wise [means] by which yow hawe dispersed the clowd of ane apparent popishe uprore,' he went on, rather complacently, to declare that 'yet did we trust so muche in your industrie that, giwe thay had gon on to do there worst, yow could hawe pulled suche feathers from there wings as myght hawe mad them come schorte of the great pray they hunted for.'<sup>95</sup> This early example of how James's dependence on uncorroborated information left him vulnerable in coming to mistaken conclusions would continue to be a serious handicap in the early years of his English rule, before he was fully conversant with his new country.

In this instance, his interpretation of the Catholic question in England was based upon the opinions of his English

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<sup>94</sup> Bruce, *Correspondence* pp.72-4. Northumberland rather neatly justified popish members in his own family as being a useful source of information about Catholic sentiments in general. He was able to assure James that, 'I did never heer any of them but say they all of them wished your Maiesty the fruit[i]on of your right'. In his very first letter to the king he had sought to reassure him that it was only the most radical of Catholics who preferred the Infanta's claim to his. Bruce, *Correspondence* p.56

<sup>95</sup> APC, 1601-1604, p.491. The Council had responded to the Catholic uprising by issuing letters to restrain recusants on 12 March 1603; Bruce, *Correspondence* pp.45-51. 8 [Mr Edward Bruce] to 3 [Lord Henry Howard], 25 March 1603

Correspondents, who had tended to concentrate on advising him about Catholic attitudes towards his succession rather than on doctrinal matters; and it was true that their willingness to acknowledge that it was possible for Catholics to be loyal subjects appeared to coincide with his own attitude to Catholicism.<sup>96</sup> He may also have been made falsely confident by the readiness of those same English ministers to overstate their abilities to handle matters, thus underplaying the gravity of the problems with which they were dealing. On the other hand, James might have been acting very shrewdly. For, by professing to take them at their own worth, James was ensuring that his English ministers would in time to come be required to live up to their claims.

Kinloss's letter to Howard also made it plain that James was very conscious that Elizabeth's death was imminent. However, as well as conveying the king's opinion that he thought 'it shall be dangerous to leave the chaire long emptye, for the head being so far distant from the bodie may yeald caus of distemper to the holl gouernemente', he also appealed for Howard's immediate attendance upon the king. Kinloss urged that, 'yow sould come to hem, fraught wyth 10 [Cecil's] aduise in euerie thing that may

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<sup>96</sup> Bruce, *Correspondence* p.35. Cecil to the king, entitled, 'My letter in answer to his majestys letter concerning papists.' n.d. He confided to James that, 'some haue don good services to the estate,' while Northumberland advised that, 'it weare pittie to losse so good a kingdome for the not tollerating a messe in a cornere ... as long as they shall not be too busy disturbers of the state,' Bruce, *Correspondence* p.56. The earl of Northumberland's first letter to the king. n.d.

concerne hes enterie and resort to that crowne.' This was a very clear indication that, for the present, Howard and Cecil were the English ministers in whom James placed the most trust, both to ensure and direct his accession. Kinloss confirmed the king's resolution in a second letter directed to Howard, immediately after the first, which began: 'After the closing of my packet, deer 3 [Howard], 30 [King James] sends on to me wyth diligens to come to him.' In addition, he directed him, "to speak wyth 10 [Cecil]".<sup>97</sup> They had been James's most frequent correspondents while in Scotland, and were to become two of his most active Privy Councillors on his arrival in England. It looked as if the risks they had been prepared to take were to pay handsome dividends. Yet James had never met either of them.

In a sense Howard was the more straightforward of the two. Notestein dismissed him as having 'an unnatural and warped personality', but after careful study, Peck subsequently concluded that he was a man 'not without principles' which, 'remained steady ... throughout his life'.<sup>98</sup> Most recently, John Bossy has presented a picture of an intellectual Catholic whose original intention was to enter the church. To him, Howard was a moderate and scholarly Catholic whose position at court was blighted by the arrival of the Seminary Priests in the 1570s,

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<sup>97</sup> Bruce, *Correspondence* 8 [Mr Edward Bruce] to 3 [Lord Henry Howard].

<sup>98</sup> W. Notestein, *The House of Commons, 1604 - 1610* Yale, 1971, p.547-8, n.8. He based this assumption on the fact that Northampton's handwriting was so appalling he clearly was worthy of study by a reputable psychiatrist; Peck, *Northampton* p.213.

leaving him uncomfortably placed until the accession of James I.<sup>99</sup> He did what he could to restore himself to Elizabeth's favour, and he did make advances in the 1590s, but he was by then aware that his best hopes lay in the future. It was for this reason, therefore, that he began corresponding secretly with James Stewart, Elizabeth's most likely successor. It is certainly significant that it was under James, with his different approach to Catholicism in demonstrably loyal subjects, that Howard's fortunes markedly improved. His experiences, however, left him with no illusions about the deceptive practices of court politics, and his favourite metaphor, much used in Star Chamber, that, 'there are still watermen in the Thames that looke one way and Rowe another,' continued to be cited in the 1630s.<sup>100</sup>

In the same way, Cecil favoured moderate policies, including those which did not incline towards either religious extreme. As a consummate courtier he was bound to distance himself from radical views and at least appear to follow the line adopted by his monarch. To that end, he strove to evade explicitly stating his religious position, and was so successful in this respect that even the most recent discussion of his religious stance places him broadly in line with James's more liberal

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<sup>99</sup> John Bossey, 'Continuity of Catholicism in Sixteenth Century England.' A paper read at a meeting of the Historical Association at Chester, January 1992.

<sup>100</sup> Sheffield City Library, Wentworth Woodhouse MSS, Strafford Papers 6, p.177. Wentworth to Laud, 18 May 1635. I am grateful to Dr. B.W. Quintrell for this reference.



Policies.<sup>101</sup> Both Howard and Cecil reflected much of James's approach, in the sense that they were neither of them particularly militant. That James had found himself with two ministers whose perspectives were so similar to his own must, to a considerable extent, be accredited to the judgement of Mar and Kinloss who had been responsible for establishing the correspondence between them and the king and who then liaised between them.

King James the first of England was proclaimed at Richmond, within an hour of Elizabeth's death, and subsequently in other places throughout London. A draft of the proclamation had already been sent to James, which was enthusiastically received as a 'set of musicke that sondeth so sueitly in the ears of 30 [King James], that he can alter no notes in so agreeable and harmonie,' and earned for its author, Cecil, James's further gratitude.<sup>102</sup> Upon the queen's death, a copy was dispatched immediately to Scotland, which was read in the Scottish Privy Council, while another was sent to the Lieutenant of the Tower of London, which had been read at Whitehall and in Cheapside.<sup>103</sup> These two versions were signed by thirty Privy Councillors, bishops and

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<sup>101</sup> Pauline Croft, 'The Religion of Robert Cecil,' *HJ* vol.34, 1991, p.783. However, her claims that Cecil was unusual in the breadth of his religious connections ignores the fact that most families in England, and certainly the most important families, had both kindred and personal relationships right across the religious spectrum. See below, chapter 3, pp.2 ff.

<sup>102</sup> Bruce, *Correspondence* p.47. 8 [Mr Edward Bruce] to 3 [Lord Henry Howard], 25 March 1603.

<sup>103</sup> *RPCSc* vol.6, 1599-1604, pp.549-50; *HMC Salisbury MSS* Vol.15, p.1. Cecil and others of the Council to Sir John Peyton, Lieutenant of the Tower, 24 March 1603.

others, who constituted the 'Great Council' of the realm. On subsequent versions of the same date, the number of signatories had risen to thirty- seven.<sup>104</sup> But, as the only material difference between the two versions was the addition of the clause, that their faith and obedience to king James was to be, 'both during our naturall lives for our selves, and in the benefit of our posteritie', it may be that the additional signatories were simply late-comers. It is also possible that the omission of the clause on the first version was a clerical error. On the other hand, the Scottish Council referred to the proclamation which they received as, 'The first proclamation maid in England in his Majesties favour,' and Edward Mountford had observed that certain peers had signed a new proclamation who had not signed the first,<sup>105</sup> which does suggest that there were two distinctly separate versions.<sup>106</sup> Therefore, the further clause

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<sup>104</sup> The version printed in James F. Larkin and Paul L. Hughes, ed. *Stuart Royal Proclamations, vol.1, 1603-1625* Oxford, 1973, is that of PRO SP 14/1/1 with all thirty- seven signatures. The additions were: the earls of Oxford, Cumberland, Sussex and Pembroke; the bishop of Lincoln; and the Lords Scrope and Norreys. A Norfolk gentleman, writing from London to his county, noticed Oxford, Scrope and Norris, as signing the new proclamation besides those signing the first one. HMC *Tenth Report, Appx. 2, Gawdy MSS*, Edward Mountford (a Norfolk JP) to Sir Bassingbourne Gawdy, 2 April 1603. The three appear to be connected by association with the late duke of Norfolk. The earl of Oxford had been a supporter of Norfolk (though he also was one of the commissioners at the trial of Mary, Queen of Scots). His daughter, Bridget, was married to Francis, Lord Norris. Thomas, tenth baron Scrope was Norfolk's grandson, by the marriage of his father to Margaret, daughter of Norfolk's son, Henry Howard, earl of Surrey. This made Lord Scrope a nephew of Lord Henry Howard, later earl of Northampton.

<sup>105</sup> My italics

<sup>106</sup> Moreover, there were also other drafts of proclamations. For example, Francis Bacon had sent a draft of a proclamation to the earl of Northumberland, requesting him to show it to James for his approval. Spedding, ed., *Letters and Life*, vol.3, pp.67-

just might have been deliberately added to satisfy the more cautious among the 'Great Council'. That the king was actually proclaimed twice is confirmed in a letter to Cecil which assured him that the knights, justices of the peace, mayor and university men of Cambridge had repeated the proclamation, which had been read on 25 March, with increased ceremony, according to his instructions.<sup>107</sup> This declaration in duplicate suggests a determination unequivocally to establish James's title to the English throne. However, notwithstanding the difficulties encountered by Sir Thomas Tresham when he attempted to proclaim king James in Northampton,<sup>108</sup> official confirmation of James's accession appears to have been accomplished with widespread approval.

James's seemingly uncomplicated assumption of the English throne, without any of the widely anticipated attendant conflict, was

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71. There was also an 'Edict by the Nobilitie of England at Queen Elizabeth's death concerning the succession.' NLS Denmilne MSS 33.1.7 no.52

<sup>107</sup> HMC Salisbury MSS vol.15, pp.4-5. The Vice-Chancellor of Cambridge to Cecil, 26 March 1603.

<sup>108</sup> Sir Thomas Tresham's account of his attempts to proclaim the king, en route to Northampton, on 24 March 1603, is printed from BL Add MSS 39,828 in HMC *Various Collections*, vol.3, T.B.Clarke-Thornhill MSS pp.117-123. It seems that the reluctance of those he encountered, including the mayor of Northampton, to sanction the public proclamation of king James sprang from the fears and suspicions generated by the uncertainties surrounding the succession. The response of one leading Northampton gentleman to Sir Thomas's proclamation, who privately remarked: 'let us pray that the King prove sound in religion' was particularly significant, given that Sir Thomas was a Catholic. It was decided that Sir Robert Spencer was the more appropriate to proclaim the king.

remarked upon by various contemporary observers.<sup>109</sup> And the sense of relief at the unexpectedly smooth accession continued to attract comment. Over two hundred years later the general feeling was described as akin to being, 'thoroughlie secured of former apprehensions, as a man that awaketh out of a fearfull dream.'<sup>110</sup> More recently, though, historians have tended to neglect the surprising smoothness of the transfer of power and instead have concentrated on the way James lavished rewards and promises to preempt any opposition he might encounter to his accession. Willson has even suggested that James's chief preoccupations were the arrangements for his entry into his personal inheritance and his eagerness to inspect his treasures on his arrival.<sup>111</sup> In consequence, what was arguably one of the pivotal moments in British history, and James's part in it, has

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<sup>109</sup> Spottiswoode, *History* p.471, recorded that James had been proclaimed throughout London, 'with an infinite applause of all sorts of people.'; Calderwoode, *History* p.206, confirmed that the proclamation had been, 'with great applause of the people.'; James Melville, *The Autobiography and Diary of James Melville*, ed. Robert Pitcairn, Wodrow Societie, 1842, p.554, commented that James's accession was achieved, 'more peaceably nor him selff or any uther could haiff expectit.'; *CSPVen, 1603-1607*, p.4. Marin Cavalli, Venetian Ambassador in France, to the Doge and Senate, 14 April 1603. He reported the delight of the Scots, resident in France, and their thankfulness that, 'so an important event should have passed of quietly'. He observed in his letter of 20 April that the succession had been achieved, 'without any of those difficulties and obstacles which many had foreseen.' However, he attributed its ease to, 'The Queen's great prudence'. *ibid.* p.7

<sup>110</sup> Gordon, ed. *History of the Earldom of Sutherland* p.251. However, he attributed the credit to a different agency, claiming that 'His Majestie obteyned the peaceable possession of that kingdome by the speciall providence of Almightye God, beyond the expectation of many, when nothing was looked for but warr on all syds'. p.249.

<sup>111</sup> David Harris Willson, *King James VI and I* London, 1956, pp.158-164

tended to become trivialized, and its significance obscured.

Perhaps it was the way in which James became acquainted with the news of Elizabeth's death and his accession which first introduced an unseemly note of materialism. Sir Robert Carey's impetuous mission had not been approved by the Council, as he hoped to steal a march on Sir Charles Percy and Mr Thomas Somerset, who followed with a letter for the king, from members of the temporary 'Great Council', officially announcing his accession to the English throne. Sir Robert Carey was the brother of the ailing George Carey, Lord Hunsdon, a member of Elizabeth's Privy Council. Another of his brothers was Sir John Carey, who had succeeded his father as governor of Berwick, but who had lamented his uninformed state in the last days of Elizabeth's reign, and had also been subject to serious doubts about his continuance in office.<sup>112</sup> The family's influence in English politics was thus uncertain. Sir Robert Carey's status, on the fringes of the English government, was confirmed in the English Council's letter to James, which made clear the unsanctioned nature of his embassy. Nevertheless, Carey ensured that James was proclaimed at Berwick, on his way north, thereby removing an important obstacle from James's peaceful accession.

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<sup>112</sup> See above, pp.44-5. Their sister was married to Thomas, Lord Scrope, whose interests were in the north of England, and one of those Lords who had not signed the original proclamation of James I. Another sister was to marry the very much older earl of Nottingham, adding another strand to the ties with the Howard family. For Sir John Carey's suspicions that his position was in jeopardy see, Joseph Bain, ed. *Calendar of Border Papers*, vol.2, 1595-1603 p.818. Sir John Carey to Cecil, 13 January 1603. He says 'I hope her Majesty will not take from me that wiche good fortun and her grasses pattent doth laye uppon me'.

Sir Robert Carey's arrival in Edinburgh triggered a torrent of letters from James. One of the first orders was to the mayor and aldermen of the border town of Berwick to maintain the security of this important garrison town. It was a clear indication of the way in which James intended to conduct the government of England, for he declared that the town was, 'to be governit in the same forme and manner as heretofayre, whill we advyse otherwise to dispose upon the same'.<sup>113</sup> A similar message was sent to John Dalston, at Carlisle.<sup>114</sup> James was to write repeatedly to his new ministers, declaring his intention to change nothing until he was in a position to make alterations based on up to date and reliable information - an approach which was to become increasingly familiar to his new subjects.

The calm resolution with which James Stewart assumed control over his vastly enlarged responsibilities was certainly impressive. With a fine show of confidence he took charge of a quite unfamiliar government apparatus, secure in the knowledge that, having been a king for as long as he could remember, he was more than equal to the task. He wrote immediately to his new Council

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<sup>113</sup> John Nichols, *The progresses, processions and magnificent festivities of King James the First* 4 vols, London, 1828, vol.1, p.33. James to the mayor and aldermen of Berwick, 26 March 1603. From the *Oath Book of Berwick* by the Reverend James Raine.

<sup>114</sup> HMC *Salisbury MSS* vol.15, p.20. The king to John Dalston, 31 March 1603. Mr. Dalston had already come to James's attention as, 'a gentlemen of great antiquity and credit and worth' in the area, who was especially diligent in his attempts to impose peace upon the region. See, *CSPSc* (Mackie) vol.13, part 2, p.1062. George Nicholson to Cecil, 25 October 1602. Therefore, it was hardly surprising that he would contact him to continue his good services. See below, pp.65-6, pp.78-9, and especially pp.206-12, for James's early endeavours in the borders.

and to Cecil, once again, engaging to continue the government as it stood, without altering either laws or customs. He also sent another of his servants, in whom he had the utmost faith, to confirm them in their positions. But, while continuity in government was of the essence, his letter to Cecil also contained a clear inference that he was beginning to assume his accustomed position of self-assured resolution. He informed him that he meant to send his, 'trusty councillor my Lord Kinloss by whom you shall understand more amply of our mind and intention in all we have.'<sup>115</sup> James was the new king of England and he intended to rule. The next day, he sent a longer letter to the 'Great Council', which already modified his authorization for them to, 'use your own discretion and judgement'. Instead, he cautioned them that their instructions to their subordinate ministers must, 'be done upon mature consideration, and in cases only great of necessitie', and he reminded them that they, 'all or in part shall have no longer continuance nor being then during our will and pleasure.' He also drew to their attention to his own considerable credentials in managing affairs of state by his reference to, 'daylie experience teaching us' how to conduct his government.<sup>116</sup> Then he commanded the duke of Lennox, one of his

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<sup>115</sup> Bodleian Library, Oxford. MS Ashmole, no.1729, f.39a. 'His Majesties letter to the Privy Counsaile', from Holyroodhouse, 27 March 1603. See also, printed, in HMC Salisbury MSS vol.15, pp.345-6; *ibid.* pp.10-11. James to Cecil, 27 March 1603.

<sup>116</sup> Bodl. MS Ashmole, no.1729. ff.41-2. A letter to, 'the Peeres and Nobilitie of our kingdomes of England and Ireland.' 28 March 1603. According to the Venetian Secretary, the terms upon which James issued authority to the government, 'have aroused comment,' with its emphasis on its temporary nature, 'during the royal pleasure' and, 'till the King's coming to London'. CSPVen, 1603-1607 p.5. Giovanni Carlo Scaramelli,

most trusted servants, to come and accompany him to England.<sup>117</sup>

Despite his anxiety not to leave the throne vacant for too long, and contrary to the claims of some historians that he 'departed upon the spur,'<sup>118</sup> James did not leave for England for another ten days. His immediate concern was to settle the government of Scotland.<sup>119</sup> Accordingly, 'to the Lords of the Councill an ample Commission was given for the administration of all affairs, receiving resignations, hearing the accounts of the Exchequer, continuing daies of law, adjoining assessors to the justice, granting of licences to depart forth of the Realm, altering the place of their residence as they should find it convenient, repressing the troubles of the Borders, and for creating Lieutenants, one, or more upon occasions.'<sup>120</sup> James and his Council passed an act in favour of the Lord Advocate, Thomas Hamilton, permitting him to appoint deputies during the king's

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Venetian Secretary in England to the Doge and Senate, 17 April 1603.

<sup>117</sup> HMC *Third Report, Montrose MSS* p.396. James to the duke of Lennox, from Holyroodhouse, 27 March 1603.

<sup>118</sup> Willson, *King James* p.162. More contemporaneously, James Melville had commented that, 'The King maid gryt haiste to goe to tak possessioun of England,'. Melville, *Diary*, p.554.

<sup>119</sup> 'The True Narration of the Entertainment of his Royall Majestie, from the time of his departure from Edenbrough, till his receiving at London...', London, 1603, Cited in Nichols, *Progresses*, vol.1, p.53. According to this account, before he left Scotland, the king's, 'whole care was for the peaceable government of that realme' ... and ... 'To that end he had sundrey conferences with his Nobilitie, laying the safest projects that in his wisdome and their experiences semmed most likely for effecting his Royall desire.'

<sup>120</sup> Spottiswoode, *History* p.476.



absence.<sup>121</sup> The king also turned his attention to a number of other matters.

James was determined to deal with as much business as he could before he left Scotland. He was particularly anxious to secure peaceful relations among his quarrelsome subjects, especially the persistently lawless and belligerent MacGregor family. They were described as, 'the wicked and unhappie race of the clan Gregour continewing sa lang in blude, thift, reif [plundering], sorning [demanding hospitality with menaces] and oppressioun,' against their peaceable neighbours, to their, 'utter wrack, miserie, and undoing'. By 1600 their chief was warded in Edinburgh castle.<sup>122</sup> Matters had reached a climax in the weeks before Elizabeth's death when they were involved in a particularly violent confrontation with the Colquhouns of Loch Lomond.<sup>123</sup> Consequently, a number of acts were passed by the king and his Council against the MacGregors, including one on 3 April.<sup>124</sup>

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<sup>121</sup> RPCSC vol.6, 1599-1604, p.555. 2 April 1603.

<sup>122</sup> RPCSC vol.6, 1599-1604, pp.72-3, 89-90

<sup>123</sup> RPCSC vol.6, 1599-1604, p.534-5. Professor Masson suggests, however, that the MacGregors were merely the tools of the earl of Argyll and the duke of Lennox who were engaged in a fierce dispute about jurisdiction in the area. See, Calderwood, *History* vol.6, p.204 for an account of the, 'Great Slaughter in Lennox' on 8 February 1603.

<sup>124</sup> Although the original copies of these acts are now lost they were referred to in the preamble to a subsequent act against the MacGregor clan in 1617. See, Thomas Thomson and Cosmo Nelson Innes, ed. *Acts of the Parliament of Scotland*, vol.4, 1593-1625, Edinburgh, 1875, p.550. No.26. An act anent the Clangregor. Recalling the atrocities committed by the MacGregors in February 1603 it referred to the divers and acts and ordinances made by the king with the advice of his Privy Council. In particular, it mentioned one made on the 3 April 1603, 'whereby It wes ordanit that the name of mcgregoure sulde be altogidder abolisched And

Even at the height of his preparations to leave Scotland James had made time to try to settle affairs already in progress. Nor did he not forget them when he reached England, continuing to express his anger at the lack of action against the MacGregors.<sup>125</sup>

James also found time to attend to the borders between Scotland and England. He was already engaged in addressing the notoriously difficult region, from the Scottish side of the border. Presumably just hours before he discovered he was the king of England, a proclamation had been issued by his Privy Council to the wardens of the Marches and the Keeper of Liddesdale ordering their increased vigilance against the endemic disorder in the area.<sup>126</sup> On learning of the death of the queen, however, the

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that the hail persounes of thatt clan sulde renunce thaire name and tak thame sum uther name.'

<sup>125</sup> Scottish Record Office GD112/39/18/12. John Graham to the laird of Glenurquay (or Glenorchy) 13 July 1603; GD112/39/18/13. The earl of Montrose (Chancellor) to the same, same date. Even after the MacGregors were ordered to renounce their former 'unhappie name' and henceforth to 'call thameselffis the name of Johnnestoun' the earl of Montrose and Balmerino were obliged to convey the king's continued displeasure at the failure to prosecute the Clangregour. See, *RPCSc* vol.6, 1599-1604, p.797, for the order on 22 July 1603, and SRO GD112/39/18/16 for Montrose and Balmerino to Sir Duncan Campbell, the laird of Glenorchy on 31 August 1603. The problem persisted, however. For, in the following April, the Scottish Council were writing for the king's support against members of the Bruce family who had assisted the erent clan contrary to the recent proclamation. See, *Melros Papers* Abbotsford Club, Edinburgh, 1837, vol.1, p.6. Scottish Privy Council to James, 24 April 1604. In March 1605, Lord Maxwell was before the Scottish Council about his submission [contract by which parties in a dispute agree to submit the matter to arbitration] with the Jhonstons. See, *NLS Demnilne MSS* 33.1.1. no.28. Scottish Privy Council to Sir George Home, 9 March 1605.

<sup>126</sup> *RPCSc* vol.6, 1599-1604, p.548. 26 March 1603.

lawlessness in the region had escalated and James wrote to both the captain of Berwick and the sheriff of Cumberland, on 1 April, instructing them to assist the Commissioners and Wardens of the Marches in their pursuit and punishment of outlaws.<sup>127</sup> Quite undaunted by the scale of his increased obligations, James seemed to relish the opportunity to deal with the problems on the borders with the added advantage of being able to mount a more comprehensive attack on the lawbreakers in the region. For, while the borders were a continual challenge to the authority of the kings of Scotland, it was the speed with which James capitalized on his improved position and seized the chance to tackle the problem from England which was so impressive. He appears to have been reasonably successful, for his drive did lead to the trial and execution of the ringleaders, the following year. What was most striking was James's readiness at this time to tackle the myriad of responsibilities with which he was faced, which quite clearly belies the traditional depiction of his approach to government as one of indolence and inertia. Furthermore, he accomplished all this while at the same time coping with the press of courtiers who had thronged to Edinburgh upon his accession.

Finally, during his last days in Edinburgh James endeavoured to settle his differences with a number of the more radical presbyterian ministers. One such was Robert Bruce who had come

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<sup>127</sup> *Spottiswoode, History*, p.476. For the eruption of lawlessness following the queen's death; *CSPD, 1603-1610* p.2. The King to William Bowyer, Captain of Berwick, 1 April 1603; *HMC Twelfth 12, Appx. 7, MSS of S.H.Le Fleming of Rydal* p.12. James I to Edmund Dudley, sheriff of Cumberland, 1 April 1603.

to James's attention when he criticized the Act of Abolition, in 1593.<sup>128</sup> He was later one of the ministers who were banished, or fled to England, after the riot in Edinburgh in December 1596. Most seriously, however, he was one of the five ministers who declined to publish the official version of the events of the Gowrie Conspiracy, thereby implying scepticism about their veracity. He alone stood firm when called before the king and his Council and he was banished to France. The king, nevertheless, accorded him two opportunities to deal with him personally during his painstaking negotiations for a pardon. Even so, Robert Bruce seems to have made only a partial submission. On the morning of his departure from Edinburgh, James had a final conference with Robert Bruce when, despite the king's alleged demand for an apology from him upon his knees, they parted with Bruce receiving, 'als good a countenance of the king as ever he had in his life.'<sup>129</sup> Clearly, James recognized the importance of leaving Scotland with relations between himself and the kirk as amicable as could be contrived.

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<sup>128</sup> Stafford, *James VI* pp.98-9. The Act of Abolition was seen variously as either a sell-out to the Catholic earls or else another example of James's pragmatic approach, in that it would simultaneously free him from the influence of the English and the kirk.

<sup>129</sup> *RPCSc* vol.6, 1599-1604, pp.148-9, 155, 161, 194<sub>n</sub>, 250<sub>n</sub>; Calderwood, *History*, vol.6, pp.136 ff., 146-8, 153-7, 219. The king met Bruce firstly, at the beginning of April 1602, at Brechin, and then again at the General Assembly at Perth on 24 June, the same year. According to Calderwood, Bruce agreed to subscribe, in June, only because it was his duty as a subject to obey the laws of his country. However, he expressed reservations about God's approval and declared his intention to sign the submission while awaiting further guidance from the Almighty; *CSPSc* (Mackie) vol.13, part 2, p.1071. Included in the extracts from the register of the Acts of the General Assembly by Thomas Nicholson, of 10 November 1602, is a reference to Robert Bruce's submission on 25 June 1602.

Another minister with whom James endeavoured to become reconciled was John Davidson, a minister with a long history of outspokenness on behalf of presbyterianism. He had become the subject of James's anger at about the same time as the five Edinburgh ministers were defying his orders concerning the Gowrie Conspiracy. His offence had been to deliver a fiercely anti-Catholic and anti-episcopal letter to the General Assembly at Burntisland.<sup>130</sup> His initial penalty of imprisonment in Edinburgh castle had been commuted to seclusion at his own house at Prestonpans and he was offered the prospect of improving his fortunes still further. On 30 March, as part of the regularization of relations with the kirk on the occasion of James's departure for England, Davidson was informed by the Presbytery of Edinburgh that the king was willing to receive him, together with a declaration of repentance. Davidson, however, while duly writing to congratulate the king on his good fortune, clearly felt unable to confront the king and apologize. James later expressed his regret to the commissioners of the Synod of Lothian, who petitioned him about a number of matters, including the fate of John Davidson, as he passed through Preston, on his way to England.<sup>131</sup> Despite his efforts to settle his differences

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<sup>130</sup> RPCSc vol.6, 1599-1604, p.243, p.244<sub>n</sub>; For Davidson's letter see, Calderwood, *History* vol.6, pp.106-12, especially pp.110-12, which reported that it captured the approval of the assembly. On the other hand, according to Spottiswoode, *History*, pp.464-5, it was laughed at by some while greatly offending the wiser sort.

<sup>131</sup> Calderwood, *History* vol.6, p.210. The Presbytery of Edinburgh to John Davidson, 30 March 1603; *ibid.* pp.212-4. John Davidson to the king, 1 April 1603; *ibid.* p.214. Alexander Dickson to John Davidson, informing him that the king was ready to receive his apology; *ibid.* pp.221-2. For James's encounter with the commissioners of the Synod of Lothian. Calderwood

with the kirk, right until his last hours in Scotland, James was obliged to leave some of them unresolved.

Nevertheless, with his confidence unshaken, the new king of England continued on his journey south, together with a number of his more dependable ministers of the kirk who were to accompany him to London - so that they were available to convey his directions back to the General Assembly.<sup>132</sup> James did not intend to relinquish those advantages he had secured in his personal government of the Scottish kirk, even though he would be required to conduct it at a distance. However, he had failed to anticipate that the removal of a number of ministers was likely to create problems in the presbyteries, while the occasion of his departure would disrupt the normal regulation of the kirk.<sup>133</sup> Neither did he appear to suffer from any doubts about

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commented bitterly on the fact that, while James's journey through England was accompanied by the widespread release of English prisoners, in Scotland Andrew Melville and John Davidson were not at liberty. *ibid.* p.223.

<sup>132</sup> Beriah Botfield, ed. *Original Letters Relating to the Ecclesiastical Affairs of Scotland, from 1603 to 1625* 2 vols., Bannatyne Club, Edinburgh, 1851, vol.1 p.1. Extracts from the Records of the Presbytery of Edinburgh. On 30 March 1603, it was recorded that Mr David Lindsay and Mr Andrew Lamb were commanded to go with the king to England; *HMC Fifth Report, Erskine MSS* p.637a. James to the ministers of the Presbytery of Mearns, from Holyrood, 4 April 1603

<sup>133</sup> Botfield, *Original Letters* vol.1 pp.1-2. The Presbytery of Edinburgh asked the congregation to provide a lyt [list of candidates] for the provision of Leyth, on 30 March 1603. On 13 April 1603 the Session of Leyth, 'shawing that thair Towne was left destitut of Pastouris,' called again for provision and a Visitatioun to that effect. On 11 May 1603 the Presbytery of Hadingtoun requested a Synodall Assemblie for the last Tuesday of May [31 May], 'because the former Assemblie halden at Hadingtoun the first Tysday of April 1603 [5 April] was continuwit be reasoun of the Kingis Majesties present bygoing.'

his ability to manage the affairs of both Scotland and England simultaneously. His speech in the kirk of Edinburgh, on his last Sunday in Scotland, suggested that he might have been inclined to underestimate the task ahead of him, for he declared that there was no difference between Scotland and England, and that it was his destiny to ensure that they, 'be joynted in wealth, in religioun, in hearts, and affectiouns.'<sup>134</sup> This inclination to overlook the subtle, but no less very real differences between England and Scotland - if, indeed, they had been brought to his attention - guaranteed that his self-assurance was almost certainly going to be shaken at some point.

Nothing daunted, James settled down to deal with a series of routine tasks as he slowly made his way to his new capital. Having received both the proclamation confirming his title and the emissaries from the 'Great Council', he sent Kinloss, recommending him 'as he doest best know [what] will stand agreeable to owre mind', to join them in their government of England, pending his arrival.<sup>135</sup> The most immediate concerns were the question of continued naval assistance to the Dutch and the future of the fleet - at present in the Channel, against the possibility of an offensive from the Low Countries. They were deemed too pressing to await James's arrival in his English

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<sup>134</sup> See, for example, Calderwood, *History* pp.215-6 for, 'The king's harangue in the kirk of Edinburgh, the Lord's day, the 3rd of April 1603.'

<sup>135</sup> Bodl. MS Ashmole 1729. ff.45r.- v. The king's answer to the Peers and Council of 24 March, from Holyrood, 31 March 1603; MS Ashmole 1729. f.47. 'Letter to the Peers and Privy Council recommending the Abatt of Kinlose, 31 March 1603.'

capital, and were the only matters referred to specifically in the Great Council's letter of welcome, which otherwise was devoted to confirming his indisputable title to the crown of England and offering him their loyal affection. Even before the death of queen Elizabeth had been confirmed, Sir William Browne, Deputy Governor of Flushing, was reporting Dutch fears that 'the person succeeding [to the English throne] myght be enclyned to make peace with Spayne.' The implication was that such a peace might be bought with assurances that England would no longer support Spain's rebellious Dutch subjects. Sir William continued that, 'att Dunkirck I hear is much rejoycing, assuring themselves of the King of Sk[ots] disposition to come to a good end in all there affayres.'<sup>136</sup>

James responded in a manner which was becoming familiar. He assured the Council that aid to the Dutch would continue, on the same conditions as before, and at their discretion, until he was in a position to review its continuance.<sup>137</sup> Unfortunately, this further example of James's determination to rule England on his own terms, provoked not a little dismay among those of his new subjects who felt honour bound to support the Dutch. Moreover, his attitude, as implied on this occasion, was to cause particular concern as negotiations with Spain and the Archdukes

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<sup>136</sup> HMC MSS of Lord De L'Isle and Dudley vol.III p.16. Sir William Browne to Sir Robert Sidney, 28 March 1603. See below, pp.106-10, pp.129-31, p.140, and p.231, for how the concern continued throughout the summer and autumn of 1603, especially the implications of a peace with Spain presided over by one who was not traditionally an ally of the Dutch nor an enemy of Spain.

<sup>137</sup> Bodl. MS Ashmole 1729 f.37. The King to the Council, from Newcastle, 10 April 1603. See also, pp.106-7.



got underway the following summer.<sup>138</sup> At this stage, though, James's buoyant approach towards the management of England's relations with her Continental neighbours was further evidence of his confidence in his abilities to take complete control as soon as he was supplied with the necessary information to do so.

Before James left Scotland his letters to his English Council instructed them to ensure that there were sufficient of them remaining in London to maintain the suitable government of the realm. He further advised them that, 'at our approaching nearer unto you you shalbe further advertised of our pleasure'.<sup>139</sup> Then, on the day that he left Edinburgh, and on the strength of 'having since heard the evedence' of the Council's representatives, James confirmed the authority of the Elizabethan Privy Council, 'untill by our presence ... we may be able to discern which of them shall for their yeares experience and other qualityes be meetest to be added to yor number.'<sup>140</sup> This was in clear contrast to Elizabeth who was fully prepared for her accession and entirely familiar with the prime movers in English politics. On his arrival in Berwick, however, James immediately increased the size of the Council by the addition of the northern earls of Northumberland and Cumberland, Lord Deputy Mountjoy and

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<sup>138</sup> See below, pp.103-11

<sup>139</sup> Bodl. MS Ashmole 1729 f.49. Letter to the Council, from Holyrood, 2 April 1603

<sup>140</sup> Bodl. MS Ashmole 1729 f.56. To the Council, from Holyrood, 5 April 1603; MS Ashmole 1729. f.60. A letter of the same date in a similar vein, to the nobility and bishops at Whitehall, stressing that once he knows them personally he can select which of them will be added to the existing Council.

Lord Thomas Howard of Walden, ostensibly to supplement the Council which would necessarily be reduced when some of them came to meet the king at York or Burghley.<sup>141</sup>

A probable reason why James felt able to begin making more weighty decisions after he reached Berwick was that Henry Howard had joined him there. The fortunes of the Howards improved markedly on the accession of James Stewart, at the expense of their rivals. For example, Thomas Howard was chosen to replace the ailing Lord Hunsdon as acting Lord Chamberlain, while the arrival of Henry Howard was widely regarded as a stratagem designed to counter Lord Cobham's influence, who had reached Berwick at the same time.<sup>142</sup> However, while this was the construction put upon Howard's appearance by the commentators of the day, his attendance had, of course, been expressly commanded by the king, and was not a consequence of anyone else's initiative. This was another very early example of the misconceptions which his new subjects were to develop about their new king. For Howard had come as a servant on whom the king, given his previous relationship with him, was ready to rely, rather than as just one more adventurer, who had managed to dupe a gullible foreigner. The king's early dependence on Howard was

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<sup>141</sup> Bodl. MS Ashmole 1729 f.64. To the Council, from Berwick, 7 April 1603

<sup>142</sup> Bodl. MS Ashmole 1729 ff.62-3. To the Council. from Berwick, 6 April 1604. For the arrival of Lord Henry Howard see, McClure, *Chamberlain Letters* vol.1, pp.191-4. John Chamberlain to Dudley Carleton, 12 April. 'The Lord Henry Howard was sent to possess the king's ear and countermine the Lord Cobham'; See also, 'The True Narration of the Entertainement of his Royall Majestie,' London, 1603, cited in Nichols, *Progresses*, vol.1, pp.66-7.

a deliberate decision made by a shrewd and experienced ruler who was accustomed to employing appropriate aides. Also, the king was anxious to repay his debts to those who had supported him in his pursuit of the throne. Accordingly, James conspicuously favoured Sir Robert Carey by electing to spend his first night in England at the Carey home, Witherington Castle.<sup>143</sup> However, while Sir Robert's influence very soon diminished, Howard continued to enjoy the king's confidence.

Howard had already begun to recover favour under Elizabeth, which he had lost in the 1570s. Thus he had felt able to rejoice at the end of 1602 that he had, 'brought his bark safe out of the broken seas.' At about the same time, he remarked to the earl of Mar that, '24 [Elizabeth] never used 3 [Howard] so well as she doth now.'<sup>144</sup> When Howard eventually came face to face with the new monarch he clearly confirmed the good impression which he had made upon James during their secret correspondence. In Howard James found a respectable scholar, whose attitudes appeared closely to match his own - not least being his apparent commitment to tolerance in matters of faith. Even so, Howard had to convince the king that he warranted his confidence and, thus, James ensured for himself a servant anxious to demonstrate his worth. By the time the royal party reached Burghley, ten days

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<sup>143</sup> Nichols, *Progresses*, vol.1, p.68.

<sup>144</sup> BL Cotton MSS Titus C VI f.480; NLS Denmilne MSS 33.1.7 f.34. 3[Lord Henry Howard] to 24[earl of Mar].

later, he and the king were on terms of easy familiarity.<sup>145</sup> Significantly, it was after Howard had joined the king that he felt able to move beyond his initial preoccupation with settling the form of the government of England. Given that right up until Elizabeth's death James had been preparing for the possibility that he might have to claim the English throne by force, the excessive attention he devoted to establishing his unequivocal and undisputed authority over its government was understandable. This was particularly so in the period before he crossed the border into England when he had been in no position to take completely for granted that his claim was going to be unopposed.

The lack of detailed attention to the government of his new country was also attributable to the fact that James had not yet been able to consult anyone whom he felt sufficiently confident to advise him. After several days, during which James, no doubt, subjected Howard to a comprehensive and exhaustive examination, he issued a stream of instructions from Newcastle.

These covered the treatment of recusants together with a proposed inquiry into the handling of penal statutes; an investigation into complaints about abuses by government officials; his ambition to hold a parliament at the earliest opportunity and a request for the requisite bills to summon it for his signature;

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<sup>145</sup> HMC Tenth Report, Appx. 2, Gawdy MSS John Holland to Sir Bassingborne Gawdy. He recounted the contents of a letter from Lord William Howard which described his and Holland's reception by the king, at Burghley, They were presented by Lord Henry Howard as, 'two of your nephews, both Howards,' to which the king responded that he loved the whole family of Howard. After their audience with him the king, 'drew my lord Henry along the gallery with him'.

his intention to continue supplying support to the United Provinces; and, finally, instructions to hold Elizabeth's funeral before his arrival in London. The following day he wrote again, about the purchase of bullion to facilitate the continuance of trade.<sup>146</sup> It was a very impressive catalogue, signifying his readiness to apply himself to the affairs of his new country, and belying the traditional picture of James blithely rushing to take possession of his new inheritance and who was delayed only by the lavish entertainments offered to him.

Moreover, this detailed attention to the government of England was over and above his considerations for the continued well being of Scotland. For example, on the same day that he wrote at such length to his English Council, he issued a proclamation concerning the continued execution of the process of law, during his absence, in Scotland.<sup>147</sup> Within a month he had tackled the problem of making adequate provision for communication between

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<sup>146</sup> Bodl. MS Ashmole 1729, ff.68-9. To the Council, from Newcastle, 10 April 1603; [ditto] f.76. To the Council, 11 April 1603.

<sup>147</sup> *RPCS* vol.6, 1599-1604, pp.561-2. A proclamation ordering that his ordinary judges were to be obeyed as before, and directing his college of judges to meet as usual for the dispensation of justice, on 15 May. From Newcastle, 10 April 1603. However, in case the king should neglect to ensure the continued authority of his Session and College of justice, which he described as, 'The speciall spark off light, and fondement off your Majesties stait, and now the only ornament off this land,' Lord Fyvie wrote to urge the king to retain its full number and not to let it decline as its membership decreased. See, *NLS Denmilne MSS* 33.1.1 no.10. Lord Fyvie to the king, 30 May 1603. His Scottish government, then, already were subject to fears about the continuance of their institutions and lamenting the loss of the presence of their king.

London and Edinburgh.<sup>148</sup> At no point did James seem to be overwhelmed by his increased responsibilities. Indeed, he appeared to have complete confidence in his abilities to handle the administration of both Scotland and England and he undertook the task with aplomb.

Unfortunately, in making the welfare of Catholic recusants the first issue he tackled in the government of England, James immediately exposed his vulnerability as both creator and victim of misunderstandings.<sup>149</sup> His encountering Howard, whose attitudes appeared closely to match his own in favouring a moderate approach to all but the most extreme religious positions, had confirmed him in his misconceptions about his new country, especially English attitudes towards religion. But Howard, with his long experience of English sentiments, was rather more cautious than James appreciated. While he was still in Scotland, Howard had found it necessary to caution the king that his approach to religion was open to misinterpretation in England.<sup>150</sup> James's very first pronouncement about his

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<sup>148</sup> William Taylor, 'The King's Mails' *SHR*, vol.42, 1963. pp. 143-7. On 5 May 1603 the Scottish Privy Council issued a 'Proclamation anent the ryding poist'. *RPCSc* vol.6, 1599-1604, p.567. Bonds for postmasters in the Canongate and at Cockburnspath, dated 28 April and 17 May, set forth their duties in meticulous detail. *RPCSc* vol.6, 1599-1604, p.566 and p.570. According to Taylor, apart from a few reported instances the postal system worked efficiently and quietly. He also noted that it was significant that the king never had a word of serious complaint.

<sup>149</sup> Bodl. MS Ashmole 1729 ff.68-9. The king to the Council, from Newcastle, 10 April 1603

<sup>150</sup> NLS Denmilne MSS 33.1.7 no.25. 3[Henry Howard] to 8[Edward Bruce]. He advised him that there were rumours that the pope was endeavouring to persuade James to have prince Henry

intentions concerning opponents of the established religion of the realm, therefore seemed calculated to generate alarm in his new subjects, especially among those who harboured suspicions that James was a closet Roman Catholic. It began to look as if the nasty rumours which had seeped across the border about James's reluctance to act against the Catholics in Scotland (especially those suspected of colluding with England's long-standing enemy), and his overtures to papist princes (and possibly the pope himself) in his endeavours to secure the succession, might turn out to be true. His insistence that the execution of all penal statutes should be suspended provoked further dismay, particularly among their erstwhile beneficiaries, who were predominantly, and of necessity, hostile to the Catholics. It was an unfortunate start.

James continued to deal with an impressive amount of administrative business as he slowly wound his way to his new capital. Not surprisingly, given that he was experiencing at first hand the unsettled conditions on the borders, he continued to afford them close attention. Therefore, he announced that, with the marches now constituting the heart of the country, he intended issuing a proclamation against all rebels and disorderly persons.<sup>151</sup> In attempting to impose peace upon the notoriously

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educated as a Catholic to ensure the support of the Catholic princes for James's claim to the English throne. Moreover, these rumours were gaining currency among an increasingly anxious population.

<sup>151</sup> HMC *Twelfth Report*, Appx. 7, MSS of S.H. Le Fleming of Rydal p.12. James to his messengers, sheriffs and others, from Newcastle, 13 April 1603

lawless border regions, James demonstrated his confidence in his ability to competently handle the routine problems he encountered by recourse to the increased means available to him.

He was slightly less assured when it came to dealing with his new Privy Council. This was uncharacteristic in a king who generally displayed considerable skill in his handling of the political nation and the management of faction. However, it was probably inevitable given that he was having to adjust the distorted impression he had necessarily developed, while still in Scotland, of the English government. From Newcastle, he cautioned a sufficient number of the English Council to remain in London, 'upon any suddain occasion (whereof no man knowes what cause may happen)',<sup>152</sup> which was contrary to his directions from Berwick, when his prediction that most of them would meet him, either at Burghley or at York, had caused him to add to their number. But, when he wrote to the five principal members of the Council on the subject a few days later, he complained that, not only had they delayed in adding the new members to the Council, but also that, despite his anticipating the attendance of some of the younger Councillors, they had failed to appear.<sup>153</sup> However, as James had also informed Howard that he felt it was more appropriate for the principal ministers to remain in London for the late queen's

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<sup>152</sup> Bodl. MS Ashmole 1729, f.65r. To the Council from Berwick, 7 April 1603; ff.70-1. To the Peers and Council from Newcastle, 10 April 1603.

<sup>153</sup> Bodl. MS Ashmole 1729 f.80v. To Sir Thomas Egerton, Lord Buckhurst, the earls of Nottingham and Worcester and Cecil, from Topcliffe, 15 April 1603. The letter was directed to them by their offices, which concluded, rather ominously, 'for the tyme being'.



funeral, he had contributed to the confusion - not least in suggesting that his lesser ministers identify themselves as such by coming to meet him.<sup>154</sup> His determination not to brook any neglect of his wishes was, nevertheless, indicative of the way in which James's confidence of his ability to handle his English ministers was growing. His air of businesslike confidence gave few intimations that he was subject to any misgivings about his position as he applied himself to the responsibilities of administering his new kingdom.

Finally, before he left Newcastle, James gave permission for Cecil to come to York, 'to compare your knowledge with such information, as is given us'. James was eager to take full advantage of the opportunity to balance and weigh the opinions of, and information from, a range of counsellors, especially from the acknowledged principal minister in England. But, even as he requested the attendance of Cecil, to discuss those matters deemed too sensitive to be committed to paper, James was anxious to ensure that the government of England was provided for in his absence and that Cecil did not abandon the Council for longer than was strictly necessary. This rather peremptory treatment of his chief minister - allowing him only the briefest audience after a taxing journey - may have been the result of James's tendency to misconstrue Cecil's position in the Council. For his letter originally suggested that he thought the Council were quite sufficient to operate without Cecil and had had to be

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<sup>154</sup> HMC *Salisbury MSS* vol.15, p.44. The king to Lord Henry Howard, c.12 April 1603.

amended to acknowledge the crucial role of the principal secretary.<sup>155</sup>

This episode was indicative of James's fundamental misunderstanding of the nature of the English Privy Council and exemplifies the adjustments which would have to be made by both counsellors and king. Just as James was not yet familiar with the constitution and authority of the English Privy Council, his Councillors had to come to terms with the very different prospect of counselling a male monarch. The effects of this change were wide ranging. In an abstract sense, Elizabeth's counsellors had been a crucial component in reconciling the paradox of a queen regnant, taking upon themselves the role of watchmen and guardians of the country, or godly counsellors to a female monarch, ostensibly unsuited to rule by virtue of her gender.<sup>156</sup> There was also the more practical consideration that the new king would be more readily accessible to his ministers - providing, of course, that incoming Scots did not get in the way - and that counsel might become less formal with, for example, the revival

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<sup>155</sup> HMC Salisbury MSS vol.15. p.43. James to Cecil, from Newcastle, 11 April 1603. A draft in Bodl. MS Ashmole no.1729 ff.72-3. Especially, 'our purpose is not to resolve allone in matters of this weight, but [only] to know what you know uppon severall matters which we will propose, and to send you back with divers thinges unknown to you which are not fitt for paper, neither fitt for us to resolve of, until we heare from [you of] our [privy] cuncell', for the way in which the corrections alter the recognition Cecil's position in the Council. The letter shows that James was aware of Cecil's physical disability for his command for Cecil to come to him adds: 'if your health serve you'.

<sup>156</sup> For a discussion of the role of counsel in Elizabeth's reign see Anne McLaren's forthcoming Johns Hopkins University Ph.D. 'Queen and counsel: English political culture in the reign of Elizabeth.'

of the political role of the Bedchamber.<sup>157</sup> It would be Cecil, who had been dominant in the last years of the late queen's life, who would be most obviously affected by these changes.

Cecil recognized his altered position when he reported to the Council that James's ceremonial obligations were interfering with their consultations but that, even so, he expected another interview before he returned to London the following day.<sup>158</sup> But James's participation in the formal celebrations which accompanied his progress through his new kingdom were not sheer self-indulgence on the part of a king dazzled by unaccustomed lavishness and display. The journey south served a very important purpose for the king was effectively reinforcing his authority over his new realm in the same way as a medieval monarch asserted his supremacy by constantly riding around his territories. His route was carefully chosen to include the residences of as many of the most influential of his subjects as possible. For example, he responded to the earl of Shrewsbury's assurances of loyalty

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<sup>157</sup> For a discussion of this see Neil Cuddy, 'The Revival of the Entourage: the Bedchamber of James I, 1603-1625' in David Starkey, ed. *The English Court: from the Wars of Roses to the Civil War* London, 1987. His thesis is that, as the Bedchamber displaced the Privy Chamber as the focus of the monarch's private life and the balance of power swung away from the Privy Council to the Bedchamber, Cecil lost the monopoly of political influence which he had enjoyed under Elizabeth. Pauline Croft in 'Robert Cecil and the Early Jacobean Court' in Linda Levy Peck, ed., *The Mental World of the Jacobean Court* Cambridge University Press, 1991, acknowledges that the change in court routine meant Cecil would have to prove himself afresh to the new monarch. However, she challenges Cuddy's argument that the revival of the Bedchamber as the focus of influence and patronage eventually broke Cecil.

<sup>158</sup> HMC Salisbury MSS vol.15, pp.52-3. Cecil to the Council, from York, 18 April 1603.

by promising to stay at his house on his way south, thereby looking to ensure the allegiance of the guardian of one of his most dangerous rivals.<sup>159</sup> He also took the opportunity to engage in lively exchanges with those ecclesiastics with whom he came in contact on his journey, acquiring for himself a reputation as a venerable yet approachable monarch.<sup>160</sup> Moreover, James's liberality in creating knights was clearly intended to secure the loyalty of the senior gentry in the counties.

But even as James was building up support for himself among his English subjects, his own family were threatening to frustrate his endeavours from Scotland. Although he had left his pregnant queen in Scotland and his children in the care of their various guardians there, he clearly envisaged their joining him very shortly. However, his plans were temporarily shelved when Cecil pointed out that the ladies of the court would be unable to go to Berwick to wait upon queen Anne until after the funeral of the late queen Elizabeth.<sup>161</sup> The plans for the royal family's

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<sup>159</sup> HMC *Sixth Report*, MSS of F.R.Frank p. 456b. James to the earl of Shrewsbury, 31 March 1603. James's cousin, Arbella Stuart, was in the custody of Shrewsbury's mother-in-law, albeit not very happily.

<sup>160</sup> For example, according to Sir John Harington and Dr Fuller the king laughed and joked with the bishop of Durham, Toby Mathew, reputedly a man of wit and humour, on his visit to Durham House. 'The True Narration...' in Nichols, *Progresses* vol.1, p.74.

<sup>161</sup> HMC *Seventh Report*, MSS of the earl of Southesk p.722a. James to Sir David Carnegie, from Newcastle, 10 April 1603. Requesting him to accompany queen and her children on their journey to England; Bodl. MS Ashmole 1729, ff.72-3. James to Cecil, 11 April 1603; CSPD, 1603-1610 p.3. Nottingham and Cecil to Lord Henry Howard, 14 April 1603.

journey were thus revised, to give the English ladies time to attend the funeral before travelling north, and the Scottish Council continued with their preparations for the queen's departure.<sup>162</sup> In the meantime, queen Anne had attempted to recover the custody of her eldest son and had made a dash to the home of his guardian, the earl of Mar, at Stirling Castle. The earl and his son refused to relinquish their charge, and, apparently as a result, the queen miscarried her baby. She immediately wrote to the king, as did Mar. His chief ministers, while denying all knowledge of the queen's plans, demanded instructions in the light of the quarrel which had erupted between her and Mar.<sup>163</sup> The queen's precipitous action threatened to cause a dangerous rift in the government of Scotland, and it began to look as if James's efforts to achieve

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<sup>162</sup> HMC *Salisbury MSS* vol.15 pp.52-3. Cecil to the English Privy Council, from York, 18 April 1603. The queen would leave Edinburgh on 14 May and should arrive in London some time before 1 July; NLS Denmilne MSS 33.1.1 no.9. Lord Fyvie to James. He assured him that, despite the attenuated Privy Council they were continuing in their diligence, especially regarding the preparations for the queen's journey

<sup>163</sup> An account of the quarrel between the family of Mar and the queen can be found in Calderwood, *History* pp.230-1; NLS Denmilne MSS 33.1.1. no.6. Montrose to the king, 10 May 1603, expressed astonishment at the queen's bolt to Stirling and suggested that, 'if hir hienes jorney wer anes undertaken Your g[race] suld sie ane ammendment in bygane oversichtis'; Denmilne MSS 33.1.1 no.3. Scottish Privy Council to the king, 12 May, to ask for further instructions in the light of Mar's report of the threatened abduction of prince Henry, in his absence; Denmilne MSS 33.1.1 no.8. Montrose to the king, 13 May, reported that the queen refused to go to England without her son but that she would not travel with Mar. He went on, 'maist humblie beseiching youre hienes to provyde remeids, how the queins grace may rest satisfied and contentit, the erle of Mar exonerit of that greit chairge and bond that lyis on him for keeping of the said prince, and sum ordour to be takin how this eilest and contraversie, licklye to aryse and incress amangis these of the nobilitie, may be settit and pacifiet.'

a consensus amongst the nobility of Scotland were under threat almost as soon as he left the country. Even as he was endeavouring to establish himself in his new kingdom, he was having to arbitrate in a dispute in his old one.

The quarrel was also diverting attention from other problems which required the king's consideration, in both England and Scotland.<sup>164</sup> It should have demonstrated to James the problems he was likely to encounter in ruling his multiple kingdoms. In this instance, the matter was resolved, relatively painlessly,<sup>165</sup> but it was a warning that his task might be less easy than he had anticipated. The conflict also had an impact on one of James's chief English ministers, for Cecil was unused to negotiating the domestic troubles of his sovereign.<sup>166</sup> He too,

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<sup>164</sup> For instance, the matter of the queen's dispute with Mar dominated Fyvie's letter to the king, relegating his concerns about the continued maintenance of justice to second place. See, NLS Denmilne MSS 33.1.1. no.10. Lord Fyvie to the king, 30 May 1603.

<sup>165</sup> On 24 May the Scottish Privy Council enacted that prince Henry should be taken from Mar's charge and put in Lennox's custody. See, HMC *Salisbury MSS* vol.15 p.102. Nevertheless, the king assured Mar that he did not condemn either him or his family, which was acknowledged in a letter from Lord Fyvie to the king, on 30 May. See, NLS Denmilne MSS 33.1.1. no.10. On 31 May, the queen and prince Henry went from Holyrood to the Great Kirk of Edinburgh, preparatory to their journey south. See, Calderwood, *History* vi 230-1 and on 1 June they left for England. See, George Seton, *Memoirs of Alexander Seton, Earl of Dunfermline*, &c Advocate, 1882, p.56. Finally, in Windsor, on 5 July 1603, Mar was exonerated, as the king and his Scottish Privy Councillors, 'finds and declaires hir Majestie na wayes to be tuichit in honour in the said matter'. See, *RPCSc* vol.6, 1599-1604, pp.577-8

<sup>166</sup> Having received the new queen's acknowledgement of his offers of support, Cecil found himself rather frantically explaining to her that he had not been consulted about her dispute with Mar. See, *CSPD, 1603-1610*, p.5. Queen Anne to Cecil,

would have to adapt and adjust, sometimes in ways which he may not have envisaged.

Finally, before James had left Scotland, the Great Council of England wrote to him about the petitions with which it was anticipated he would be inundated. The final lean years of Elizabeth's reign had left many dissatisfied subjects anxious to take the opportunity of appealing to the new king for what they regarded as overdue rewards. The Council wrote to James recommending the serving Masters of Requests, Julius Caesar and Roger Wilbraham, to advise him, whom they intended to send to confer with him. After he had seen them, James sent a warrant to confirm them in their places on the strength of the Council's endorsement.<sup>167</sup> Once again, this seems to have been a temporary measure, taken in the bustle of the journey south for, almost as soon as he was settled in his capital he sent a comprehensive set of 'Rules and instructions to be observed in the examinacion & dispatch of all suites for matters of our own bounty', to his Lord Keeper. His declaration that, 'we like best to use the advice of more than one or two:' in making decisions, and that they must include those most expert, was indicative of James's

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23 April 1603 and p.12. Cecil to Queen Anne, c.May 1603.

<sup>167</sup> BL Add MSS 11,406, f.86. The [temporary] Council to the king, the date later ascribed to the letter was 14 April 1603, however, the authority of the temporary council was terminated by James on 5 April; BL Add MSS 4,176. Julius Caesar and Roger Wilbraham were sent by the Lords to the king, 16 April. (Interestingly, the same account comments that Cecil went to the king); Bodl. Ashmole no.1729, f.84. Warrant to the Council re-admitting Ceasar and Wilbraham to the Council as Masters of Requests, 23 April 1603; BL Add MSS 11,406, f.96. Julius Ceasar took the Oath of Requests (and the Oath of Supremacy) on 29 April 1603.

methods of government. Furthermore, not only did he insist on a report of every suit, but he also proposed that all grants must be properly drawn by qualified practitioners of the law and then approved by six Privy Councillors, and not only the principal secretaries.<sup>168</sup> At last, with access to the kind of information to which he had hitherto been denied, James was in a position to tackle the government of his new kingdom. Moreover, this very early attention to detailed administrative business undermines the enduring verdict on James as lazy and inept, and unable to cope with the demands of domestic government. Rather, he emerges as being constantly anxious to get to grips with the governmental processes which he had inherited.

Amongst the petitions which James received was one presented to him at Theobalds. Purporting to be from a number of poor men, it listed fourteen grievances. The first of these revealingly concerned the church: 'Good kynge, let there be a uniformity in true Religion without disturbance of Papistes or Puritanes.'<sup>169</sup> As far as these subjects were concerned, the most pressing task their new king faced was effectively to establish a moderate church, notwithstanding the importunities to which he was already

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<sup>168</sup> BL Add MSS 11,406, ff.241-2. James to Sir Thomas Egerton, from Westminster, 21 May 1603. His disapproval of the casual approach which had been adopted was revealed when he suggested that, 'the bills and books have bin drawn for the most parte by the discrecon of our principall secretaries as the persons nearest at hand,'.

<sup>169</sup> Nichols, *Progresses* vol.1, p.127. 'Poor Man's Petition to His Majestie at Theobalds, 17 April 1603'. Clearly the date was of its composition rather than its presentation. See also, *HMC Various Collections, vol.4, F.H.T.Jervoise MSS* (in Hampshire Record Office). p.166. Dated 1603.



subject from those on the religious extremes. The condition of the Church worried others, too. A consistent theme of many of the poems written to welcome James Stewart to the English throne, was their concern about the English Church.<sup>170</sup> Even as he was revelling in the extravagant and enthusiastic displays of welcome on his journey south, there were suggestions that the 'towardlie rydding horse',<sup>171</sup> which James had inherited, was going to prove rather more difficult to handle than he anticipated - or had been led to believe.

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<sup>170</sup> For example, BL Add MSS 39,829 f.116 'Howe England maye be reformed,' a satyrical verse written on James's accession, which concluded with a comment on the disarray of the church:

'Might some newe officer amend all disorder?  
Yes. One good Stewarte will sett all in order.'

See also, Nichols, *Progresses*, vol.1, p.49. For Sir John Harington's 'Welcome to the King', which includes the lines:

'--- Succession stablisht in the Crowne,  
Joy, Protestant; Papist, be now reclaymed;  
Leave, Puritan, your supercillious frowne,  
Joyne voice, hart, hand, all discord be disclaymed.  
Be all one flocke, by one great sheppard guided:  
No forren wolf can force a fould so fenced,  
God for his house a STEWARD has provided,  
Right to dispose what erst was wrong dispenced.'

<sup>171</sup> Bruce, *Correspondence* p.31. 30[King James] to 10[Sir Robert Cecil].

### Chapter 3.

#### Expectations from Across the Religious Spectrum

'.. forasmuch as I have observed in the place I have held (within the compass whereof some more then vulgar bruits do falle) but that whosoever shall behold the Papists with Puritane spectacles or the Puritane with Papisticall, shall see no other certaintie then the multiplication of false images.'<sup>172</sup>

During the first two years of his English reign James was subject to appeals from representatives of both the Catholics and the more zealous Calvinists who each saw in his accession to the throne of England the possibility of an improvement in their own fortunes. Before Elizabeth's death, even, emissaries from both religious wings had arrived in Edinburgh and were assiduously importuning the king to demonstrate his support for their own cause.<sup>173</sup> Their efforts continued, throughout James's journey

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<sup>172</sup> PRO SP14/10/66, Cecil to Matthew Hutton, archbishop of York, February 1605. See also Edmund Lodge, *Illustrations of British history, biography and manners in the reign of Henry VIII, Edward VI, Mary, Elizabeth and James I* 3 Vols., London, 1791, vol.3, p.261.

<sup>173</sup> Thomas Fuller, *Church history of Britain from the birth of Jesus Christ to the year MDCXLVIII* 3 vols., London, 1837 'It is strange with what assiduity and diligence the two potent parties, the defenders of Episcopacy and Presbytery, with equal hopes of successe, made (besides private and particular addresses) publique and visible applications to king James'. He goes on to comment that neither side went to bed for fear of their opposite stealing a march on them. It is interesting that it was Mr Lewis Pickering who was so 'zealous for the Prebyterian party', for he was later associated with the puritan Thomas Bywater, and his petition to the king in February 1605. By then,

south, and after. It is clear that these appeals were both coincidental and interlinked, and tended to be reactive to real or perceived realizations of their opposite's ambitions. Their activities did not fall neatly into place, sequentially, with the Hampton Court Conference settling the puritan problem, early in 1604, and the consequences of the Gunpowder Plot doing the same for the Catholics at the end of the following year. Instead, the two issues were closely related throughout these early years. Although either one of them might attract more attention at particular moments, neither of them subsided for very long. Unfortunately for James, they came before he was fully conversant with the complexities of the religious sentiments of his new subjects: a predicament forced upon him by his predecessor's attitude towards the succession.

In addition, the summer of 1604 also saw the negotiations for peace with Spain and the Archdukes. This had had a direct application to the English context since each religious wing held out both expectations of, and misgivings about, the proceedings. Certainly, the eyes of the political nations were riveted on the commissioners' activities and the results were eagerly disseminated and appraised as they gradually leaked out. The combination of the aftermath of the treaty, together with the repercussions arising from mutual misconceptions from each religious extreme, which provoked a furious petitioning campaign,

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though, in the changed climate, Pickering was endeavouring to distance himself from Bywater's position. See, for example, PRO SP14/13/37 and HMC Salisbury MSS vol.17, pp.114-5, for Pickering's trial on 29 March 1605.

climaxing in the winter of 1604-5, left James on a steep learning curve. It was here, very early in his new reign, and before he was fully prepared to handle them, that he had to show how justified he was of his overweening confidence in his own abilities to deal with the consequences arising from religious passions with which he was not entirely familiar. Meanwhile, James I of England was still James VI of Scotland, so that his handling of English affairs was bound to be influenced by his Scottish experiences, prejudices and obligations.

According to Cuddy, England's preferred outcome of the succession of James Stewart was that the existing regime should, as far as possible, continue with the substitution of one monarch for another.<sup>174</sup> But, although James had retained the whole of the English Privy Council, he had added to it considerably before he reached London, even. To the first appointments made at Newcastle he added five Scots and Lord Henry Howard, at Theobalds.<sup>175</sup> Thus he had almost doubled the size of the Council he had inherited and stamped it with its 'Jacobethan' character. With the exception of Cumberland, the English additions were among its most diligent members while both the Howards joined Cecil and Worcester to form an inner ring of James's leading Privy Councillors. Northumberland's promised improvement in his

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<sup>174</sup> Neil Cuddy, 'The revival of the entourage,' p.175; The earl of Northumberland had gone so far as to suggest to James that 'your maiestie being half englishe your self will think that your honour in being reputed king of england will be greater then to be a king of scottes.' See, Bruce, ed. *Correspondence* p. 56. This was in Northumberland's opening letter to James, pp.53-61.

<sup>175</sup> Bodl. MS Ashmole 1729 f.64. James to the Council, from Berwick, 7 April 1603; Nicholls, *Progresses* vol.1, p.111.

fortunes, following his elevation to the Privy Council, never lived up to his expectations, however, and there were soon signs of strain in his relations with James.<sup>176</sup> Meanwhile, the Scottish appointments provided James with a coterie of trusted advisors on Scottish affairs.<sup>177</sup>

At the outset of James's English reign, when he still confidently expected that there would be a full union of the two nations, he even appointed two of the Scottish members to strategic offices. Kinloss was moved from a judge on the court of session to become master of the rolls and Sir George Home, already Treasurer of Scotland, replaced Sir John Fortescue as Chancellor of the Exchequer.<sup>178</sup> However, they were the only such appointments and, as the prospects for a full union faded, their deaths in 1611 and 1612 respectively, effectively ended the experiment.<sup>179</sup> There

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<sup>176</sup> Nicholls, *Investigating Gunpowder Plot* p.127 cites PRO SP14/1/20 Thomas Edmondes to Dudley Carleton, advising him to capitalize on his good relations with the earl. Also, PRO SP96/1 ff.104, 106, 110, for how the Genevan magistrates felt it worthwhile to approach him, as well as Cecil, for material assistance while writing to congratulate the new king. For the sudden deterioration in his relations with the king see, Nicholls, pp.139-40.

<sup>177</sup> For a different interpretation of the function of the Scottish members of the English Privy Council see Keith M. Brown, 'The Scottish aristocracy, Anglicization and the court' in *HJ* vol.36, part 3, p.556. He claims that there is little evidence that they constituted any kind of interest group.

<sup>178</sup> How far Fortescue's displacement was the result of his alleged association with Lord Cobham, Sir Walter Raleigh and others' efforts to impose conditions upon the new king with a view to preventing him from appointing unlimited Scots to the English Privy Council can only be a matter for speculation. It would have been a neat revenge if it were true. The *DNB* cites Osborne, *Works*, ed. 1701. p.379, as the origin of the story.

<sup>179</sup> Brown, 'The Scottish aristocracy' pp.555-6.

were no further Scottish additions to the English Privy Council, either, until Robert Carr in 1614.

There was an overwhelming presence of Scots in James's bedchamber and other household departments, however. Sir Robert Carey's initial appointment as a gentleman of the bedchamber was short lived and he was replaced in the 'change and fall' following the king's arrival at the Tower in May 1603.<sup>180</sup> The personnel of the bedchamber was thereafter wholly Scottish, with all four being Scots. Even the English-born Sir Roger Aston had made his career in Scotland since at least 1590. That this should have been so was hardly surprising. It was understandable that James would wish to have trusted and familiar companions about him at his most private moments. However, it meant that the royal presence was in the custody of Scotsmen. For the English this rankled, but for the Scots, geographically separated from their monarch, and, arguably, the lesser power, their influence through the bedchamber was essential.

When James increased the number of gentlemen of the bedchamber to six, in July 1603, he admitted an Englishman as well as a

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<sup>180</sup> The most comprehensive discussion of the composition of James's household is Neil Cuddy, 'Revival of the entourage,' especially pages 185-9; Carey's *Memoirs*, in Nichols, *Progresses*, vol.1, p.151, recounted that 'at the King's coming to the Tower there were at the least twenth Scotch Gentlemen discharged of the Bed-chamber; and sworn Gentlemen of the Privy-chamber, amongst which some that wished me little good..' He was assured by James that he would be sworn again, however.

Scot.<sup>181</sup> It was important for Privy Councillors to have contacts in the bedchamber and with the newcomers Cecil now had two. The Lord Treasurer, without any such contacts, was obliged to work through Cecil.<sup>182</sup> Croft, however, has challenged the view that a predominantly Scottish bedchamber deprived Cecil of his accustomed informal access to the monarch.<sup>183</sup> She concludes that 'there is no evidence that when James and Cecil were in the same place at the same time the latter was ever denied full access with all the old familiarity.' Accessibility to the king, nevertheless, was fraught with opportunities for Anglo-Scottish friction which James would have to guard against - particularly if he wished to surround himself with familiar Scottish faces (and accents).

There was no flood of Scots following James to England, especially after a proclamation forbidding unlicensed passage from Scotland was issued in February 1604.<sup>184</sup> However, the proclamation was directed to 'all and sindrie counsellouris,

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<sup>181</sup> This first English appointment to the bedchamber may well have been a concession to English sensibilities. It is worth noting that Cobham and Raleigh, who had allegedly endeavoured to limit Scottish appointments (see n.178), were supposedly involved in the Main Plot to depose James and establish Arbella Stuart on the throne, earlier that summer. For an account of the plots of the summer of 1603 see, Nicholls, 'Two Winchester Trials' *HR* vol.68, no.165, Feb. 1995.

<sup>182</sup> Cuddy, 'Revival of the entourage' p.198. n.62.

<sup>183</sup> Pauline Croft, 'Robert Cecil and the early Jacobean court' in Peck ed., *The Mental World of the Jacobean Court* p.145.

<sup>184</sup> *RPCSc* vol.6, 1599-1604, p.lxiv and p.602-3. 'A Proclamation that nane repaire to England without licence', 4 February 1604.

liuetennentis, justiceis, shereffis, stewartis, bailyeis and utheris beiring publice chairge and office within this realme'. Rather than a move to stem the tide of Scots flowing into England, its charge that 'the saidis noblemen, barronis, and landit gentilmen be reddie at all ocasioness to concurr and assist the saidis majestratis' suggests that the welfare of the Scottish localities was more likely to have been James's chief concern. An earlier proclamation, commanding the deputy Lieutenents and JPs in England to go home and 'attend to their severall charges', included an 'order for the returning home into their Cuntreys of divers of the Nobilitie of our Nation of Scotland, and others, also'.<sup>185</sup> While Egerton's Star Chamber address to the judges, later in February, dwelt at length on the obligations of the JPs to remain at home and attend to their duties, recommending that those who 'neglect hospitalitie in the Cuntrey might be punished by ffines'. Since the first recorded Star Chamber address in 1595, efforts to persuade the gentry to quit London had been a recurring concern of England's government.<sup>186</sup> It looked as if it might become a similar consideration in Scotland.

No doubt the plots in the summer of 1603 had prompted the

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<sup>185</sup> Larkin and Hughes, *Proclamations* vol.1, pp.44-5, no.23. A Proclamation enjoyning all Lieutenents, and Justices of Peace, to repaire into their Countreys, 29 July 1603.

<sup>186</sup> MSS of the Inner Temple, Petyt MSS, 538, vol.51, f.51. Egerton's Star Chamber address to the judges at the end of Hilary Term 1604; W.P.Baildon, ed. Thomas Hawarde, *Les Reportes del Cases in Camera Stellata, 1593-1609* London, 1894, p.20. Star Chamber address by the Lord Keeper, Sir John Puckring, 3 June 1595.



proclamation of July ordering the governors of the localities to attend to their duties. They also gave James and his new administration an opportunity to demonstrate their clemency to the main protagonists while leaving them with a 'clean sheet'.<sup>187</sup> Meanwhile, the Catholics remained as divided as ever. It looked as if it might be possible for James to adopt the approach towards Catholicism which he had been accustomed to take in Scotland. He seemed to have forgotten about his appeals to those rulers, of various religious persuasions, for support of his claim to the English throne, which had almost inevitably raised expectations across the religious spectrum, and reverted to his customary occupation of the centre ground.<sup>188</sup> Unfortunately, his dependence on impressions fed to him by those very few English ministers who were prepared to risk corresponding with him during Elizabeth's last years had meant that he could not always detect that he was receiving biased information, including accounts of the religious attitudes of the English. His understanding had not been helped by the activities of English clerics, uneasy about the possibility of a Scottish king, in thrall to his own church, ascending the throne of

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<sup>187</sup> Nicholls, *Gunpowder Plot* pp.130-1

<sup>188</sup> Just one example of his endeavours to operate an evenhanded policy can be demonstrated by the immediate aftermath of the Hampton Court Conference. At the same time as one of his senior ministers was claiming that James was hostile to the puritans his private instructions were being relayed to the archbishop of Canterbury that a mild course should be taken against the non-conforming puritan ministers. HMC, *Salisbury MSS.* vol.16, pp.29-30. Mar to Cecil, 24 February 1604; PRO SP14/6/89. An unnamed bishop to the archbishop of Canterbury, before 29 February 1604.

James's failure to grasp the complexities of English religion was matched by his subjects' inability to understand his genuine objectivity. To a very large extent, James's view of the English church accorded with Elizabeth's in that they both believed it was capable of embracing a variety of viewpoints with only the most extreme positions presenting a problem to the state. But where Elizabeth had political reasons for distrusting Catholics James's impressions had been developed in Scotland, where conditions had been quite different.<sup>190</sup> Thus his attitude towards Catholicism was based upon his Scottish experience. Consequently, his resistance to appeals to act comprehensively against the Catholics was misconstrued by many as being an overture to a full-blown toleration, provoking apprehension among his new subjects in England, who were often governed by godly puritan magistrates. This significant element, to whom the papists, and in particular the papist Spanish, had been for so long presented as the enemy, were unequivocally opposed to Catholicism and deeply fearful of any possible relaxation of the recusancy laws. In the face of these misconceptions it seemed that the misgivings experienced by those of a wide range of different religious tendencies about James's intentions regarding the English church might, indeed, be realized now he was king of

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<sup>189</sup> Although the rather hysterical and ill-judged outburst from Bancroft in 1589, against James's relationship with the Scottish kirk, see above, p.16, had been dismissed as an unusually extreme reaction, it exemplified the mutual misconceptions which were growing up around James.

<sup>190</sup> See, for example, pp.121-2, below

England.

Besides, the English Catholics were themselves guilty of misunderstanding James's impartial approach to religion. This was made immediately and patently obvious when, to his chagrin, his Catholic courtiers refused to attend the service to celebrate Easter, while he was on the journey south. Just one month after his accession, and before he had reached his capital even, he was faced with evidence of religious friction. Their truancy provoked him to declare that those 'who can't pray with me, can't love me.'<sup>191</sup> While his reaction suggests a mutual lack of understanding, and a certain naivety on the part of James, the intransigence of the Catholic gentleman was a clear declaration of their intent. Moreover, by failing to make a gesture of goodwill to their new king, they risked offending him, which might jeopardize Catholic hopes for any kind of toleration in the future.

Thus, when James began to deal with the clamour from the various religious quarters, all with high expectations of securing improved conditions from the new monarch, it became clear that the state of religion in England was far from as straightforward as James believed it to be (or was led to believe). His

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<sup>191</sup> *CSPVen, 1603-1607* pp.24-8 Giovanni Carlo Scaramelli, Venetian Secretary in England, to the Doge and Senate, 5 May 1603. According to the secretary, the incident took place on Easter day in York. However, he was at Burghley on Easter day, though he had been in York the previous Sunday when he attended a sermon in the minster. For a discussion of the way in which the Catholics continued to misconstrue James's policy towards recusants throughout his reign see John J. LaRocca, "Who Can't Pray With Me, Can't Love Me"

difficulties were compounded by the fact that the corollary of his policy of studied impartiality was that his determination not to be seen to sympathize with one group tended to associate him with its opposite, thus laying up difficulties for the future.

James's senior English ministers, particularly Cecil and Henry Howard, earl of Northampton, upon whom he had been most dependant for information during his last frustrating years in Scotland, had tended to adopt a more pragmatic approach to religion.<sup>192</sup> Certainly, Cecil's declared position was one of impartiality and impatience with bigotry or threats to internal order. To that end, he endeavoured to foster moderate policies which did not incline towards either religious extreme, despite the fact that his family background contained clear evidence of sympathy for the Godly. His lamentation to Matthew Hutton, the archbishop of York, very early in 1605, about the tendency of those at either end of the religious spectrum to deliberately misinterpret their opposite's views, eloquently demonstrated his own position. Whatever his motives, he was striving to effect a degree of conformity and acceptance between the holders of less extreme religious views. Earlier, at a Privy Council meeting to discuss the Catholics, he had responded to fears that they represented a threat to the security of the realm by stating that 'I have never understood that any people has rebelled for sake of religion but more for politics and matters of state under pretext

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<sup>192</sup> Henry Howard was created earl of Northampton on 13 March 1604. Hereafter he will be referred to as Northampton.

of religion.'<sup>193</sup> This sentiment clearly articulated Cecil's cynical view of the place of belief in religion and provides an insight into his own position as a religious realist.

At the same time, Northampton's chosen posture at court, reassuringly demonstrating that it was quite possible for a Catholic to remain a loyal subject, and thereby avoiding the Catholic gentry being treated as political outcasts, was thoroughly in keeping with James's own approach, as he had shown in Scotland.<sup>194</sup> By refraining from putting forward Catholic theology and concentrating instead on securing better conditions for English Catholics, Northampton strove to avoid confrontations which might undermine his hopes for a *modus vivendi* that did not include persecution of moderate, loyal Catholics. Hence his dismay and irritation when his ambitions were threatened by over-zealous activity from other quarters, in the winter of 1604-5. Both Cecil and Northampton were demonstrating an attitude which

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<sup>193</sup> PRO SP14/10/66. Cecil's reply to Hutton's letter, February 1605; *Archivo General de Simancas, Seccion de Estado* Legajo 841, f.184. Cited in Albert J. Loomie, s.j., 'Toleration and Diplomacy: The Religious Issue in Anglo-Spanish Relations, 1603 - 1605.' *TAPS* n.s. vol.53, pt.6, 1963, Appx. III. The opinion of the English Privy Council on the Mitigation of the Recusancy Laws. 14 September 1604. A letter to 'Benson', an agent of the Archdukes in Flanders, closes with the observation that, 'the Lo. Viscount growes every day more and more eagerly affected agaynst the Catholikes and disposed to discontent them.' But, showing how difficult it was to accurately gauge Cecil's true position, it continues, 'But no man is able to buyld any thing upon his irregular proceding right like his father and according to the time wherein he was bredd taking counsell de die in diem without any mayne or constant ende in poynt of state which any can discover.' PRO SP14/10/83. decipher of [\_\_\_\_ Vincent to \_\_\_\_ Benson, December 1604, in cipher] by Thomas Phelippes.

<sup>194</sup> Richard Cust, review of Linda Levy Peck, *Northampton: Patronage and Policy at the Court of James I* in *History* vol.69, June, 1984, p.318.

probably more closely reflected James's own than any of them realized. Moreover, while it could be argued that the two of them represented the opposing wings of religious opinion, it is more likely that, in taking a circumspect stance, they helped James towards the kind of balanced policy, in his handling of the English church, to which he more naturally inclined.

Although James was bound to rely on Cecil and Northampton for the present, it is unlikely that an experienced ruler, with a restless mind 'ever in chase after some disputable Doubts', was going to be satisfied with the selected fragments of information he had been fed while he was still in Scotland. One of the keynotes of James's method of government was the way in which he relentlessly pursued matters. He 'collected Knowledge by a variety of Questions,' from the more learned of his courtiers, even while he was dining. And when he was on his much criticized hunting trips he sent to the university libraries at Cambridge to examine quotations about which he felt reservations.<sup>195</sup> This was hardly a man who would accept, without question, uncorroborated information he had received from a very few men who were prepared to risk corresponding with him in defiance of their queen. A very early example of James's determination to get the facts of the matter, at a more practical level, was demonstrated in a letter to John Whitgift, his archbishop of Canterbury. Aware that he was receiving several highly biased versions of the state of religion in England he demanded in

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<sup>195</sup> John Hacket, *Scrinia Reserata*, London, 1693, part 1, pp.39-40; Hacket, *Scrinia*, part 1, section 46, p.227.

October 1603 a comprehensive review of the condition of every parish.<sup>196</sup> This move long predated a similar inquiry in April 1605 cited by Kenneth Fincham as 'evidence for James I's abiding and controlling interest in the health of the church.'<sup>197</sup> And it demonstrated his commitment to making his own decisions based on first-hand, up-to-date, information.

Nevertheless, when he did eventually find himself in a position to indulge in the kind of debate with which he felt most at ease, his misreading of the religious sentiments of his new subjects was compounded. The petitions from the Catholics, which he had received since his accession, had presented to him a picture of devout but rational Catholics subject to unreasonable persecution by a militant godly magistracy in the localities. For James, who had abundant experience of dealing with the radical presbyterian element in Scotland, it seemed that it was the extreme Calvinists who were challenging the peace and quiet of the English Church, and who posed the greater problem. However, when he came to address the question in January 1604, he found the radical Calvinists were far more moderate than he had been led to

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<sup>196</sup> BL Add MSS 38,139 f.183. The king to Whitgift, 29 October 1603. James's interest long predated his accession to the English throne. Whilst still in Scotland he was receiving detailed information about the livings of every parish in England, albeit as part of his investigations connected with his ambition to secure the succession. BL Cotton MSS Julius F VI ff.139-141. Sir Edmund Ashfield to king James VI, ?1599. Printed in, *CSPSc* (Mackie) vol.13, part 2, pp.1128-30.

<sup>197</sup> K.C.Fincham, 'Ramification of the Hampton Court Conference in the Dioceses, 1603-1609.' *JES*, vol.36, No.2, April 1985. The April 1605 circular sent by Bancroft to his bishops relayed the king's demand for information regarding the number and condition of double beneficed ministers.

believe. Rather than being a forum for acrimonious but nonetheless challenging disputation, the Hampton Court Conference appeared to have been concluded with remarkable ease.<sup>198</sup> Mistaking English politeness and reserve - in contrast to the outspoken belligerence of his Scottish adversaries - for compliance, he believed that the religious question was settled, the result, largely, of his adroit handling, and he could turn his attention to other matters such as the union of England and Scotland and the conclusion of peace with Spain and the Archdukes. However, because the conference had failed to include the very participants who might realistically oppose its proposals and conclusions, it had, in reality, created as many problems as it had solved, not least that the grievances of the most dogmatic and zealous Calvinists were still largely unresolved. The coming months were to be dogged by its repercussions. For, it was the novelty of the conference at Hampton Court, in that it was a theological debate in which the sovereign personally participated, which gave it more significance than it deserved, rather than its lasting achievements.

That James patently believed he had satisfactorily addressed the religious problems he had inherited was apparent when he came to consider opening negotiations for peace with Spain and the

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<sup>198</sup> The Hampton Court Conference has been discussed in Mark H. Curtis, 'Hampton Court Conference and its Aftermath', *History* vol.46 no.156, February 1961; F. Shriver, 'Hampton Court Revisited: James I and the Puritans', *JEH*, vol.33 no.1, January 1982; Fincham, 'Ramifications', *JEH*; K.Fincham and P.Lake, 'The Ecclesiastical Policy of King James I', *JBS*, vol.24 no.2, April 1985.



Archdukes. Unfortunately, once again James was exposed to the damaging consequences of his inadequate preparation for becoming king of England when he found himself in the position of presiding over the formal conclusion of a war not of his making and the precise nature of which he did not fully understand. His gravest handicap was that he completely failed to appreciate the long-standing apprehension felt by his new subjects about the intentions of Roman Catholic Spain: sentiments which had been deliberately whipped up by Elizabethan government propaganda once war seemed unavoidable in 1585. Moreover, he could not begin to appreciate the ambiguity in England's attitude towards Spain as both a trading partner and a commercial rival.<sup>199</sup> His pacific Scottish experience did not encompass such contradictory impulses. And his demeanour towards Spain while he was in Scotland left him further open to suspicion from his English subjects for, while Elizabeth had been posing as the Protestant Princess and valiant bulwark against Catholic Spain, James VI of Scotland was courting Spanish support for his claim to the English crown.

At the preliminary stage of the negotiations, then, James's immediate concern was much less with their religious dimension

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<sup>199</sup> For example, K.R.Andrews observed that the 'aggressive drive by armed traders bent on breaking into the Portugese and Spanish Atlantic trade' while 'not the main cause of the Anglo-Spanish war' was clearly a contributory factor. Kenneth R. Andrews, *Trade, plunder and settlement: Maritime enterprise and the genesis of the British Empire 1480-1630*, Cambridge, 1984, p.9; P.Croft, however, shows how the war against Spain was a circumstance to be circumvented as far as possible by Anglo-Spanish traders, anxious that the disruption to their more localized commercial activities should be minimal. Pauline Croft, 'Trading with the enemy 1585-1604.' *HJ*, vol. 32, no.2, 1989.

than with establishing a location for the conferences which would be acceptable to the English interest. As early as March 1604 it was clear that James was determined not to send his commissioners abroad to negotiate the terms of the treaty. His resolution that the discussions should be conducted in England is explained in a letter he wrote to his Council at the same time as negotiations for peace got underway.<sup>200</sup> After acknowledging that, while he understood the need to consult them about matters of foreign policy, for convenience and form he had appointed a few commissioners to deal directly with the Spanish and Flemish emissaries. 'Yet', he added, 'being resolved in this occasion to be the dyrecter and decyder of all essentiall circumstances which may occur in the Treat And therein to use the advice of the rest of our privy Councell, We have thought good to adde to our said Comyssion this pryvate explanation of our meaning in the use thereof, which is that you shall forbear (notwithstanding the Comyssion visible to those which are deputed on the behalf of the other prynces) to give any such assent affirmatively or negatively in bynding maner to any mayne point, until you have first related the same unto us, and received our approbation or direction in the same.' This was a clear declaration that James intended personally to oversee the conclusion of peace and was not prepared to delegate it to his ministers. Although he assured his Council that he appreciated their role, it was also an

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<sup>200</sup> A suggestion that the deliberations were conducted using a round table in a custom built venue on the Franco- Flemish border was firmly dismissed by James. Nicolo Molin, Venetian Ambassador in England, to Doge and Senate, 16 March 1604, *CSPVen*, 1603-1607, p.104; BL Cotton MSS Vesparian C XIII f.81, James to the Privy Council, 22 May 1604. The first meeting of the commissioners for peace was on 20 May.

indication that James was not going to allow one faction within the Council to dominate any particular aspect of the government of England. It was, even more probably, an example of him behaving in the manner of a Scottish king. Indeed, Cecil was later keen to make it clear that James had not been acting in concert with the will of the majority of the political nation.<sup>201</sup>

James's resolution to be closely concerned with bringing the treaty about pointed up the extent to which his Scottish background and his misunderstanding of English religious sentiment, especially in the wider, European context, were likely to be grave handicaps. For example, it was impossible to deal with Spain without reference to the United Provinces. But, although this axiom was patently clear to the English, it might appear less obvious to James.<sup>202</sup> Pauline Croft has pointed out that because James VI of Scotland had, unlike Elizabeth, never been an ally of the United Provinces, the Dutch were bound to feel anxious as the negotiations for peace got underway.<sup>203</sup> The

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<sup>201</sup> Cecil observed to Sir Thomas Edmondes, the Ambassador to the Archdukes in Brussels, on 2 December 1605, that James had '... contracted his peace, rather by authority of his own judgment than by any general applause of the nobility or gentry of this realm.' HMC, *Salisbury MSS* vol.17 p.533. His specific reason for writing, though, had been to disassociate himself from certain aspects of the treaty.

<sup>202</sup> See, above, p.70, for the initial anxiety about James countenancing continued support for the Dutch. The concern persisted throughout the summer and autumn of 1603. HMC, *MSS of Lord De L'Isle and Dudley* vol.3, pp. 36, 37, 38, 39, 40, 41, 45-7, 50-1, 71.

<sup>203</sup> Pauline Croft, 'Serving the Archduke: Robert Cecil's management of the parliamentary session of 1606.' *HR*, vol.66, no.155, October 1991, p.292

question of continued assistance to the Dutch by the English had been one of the first matters raised with James after his accession. His assurances, in a letter written to his Council as he travelled south from Scotland in April 1603, that aid to the Dutch would continue, were very much in the light of a temporary confirmation of existing arrangements for they concluded with the worrying, and even slightly ominous, rider that 'we see no reason but that we may continue the defence of it [the United Provinces] untill there shall appear unto us iust cause to take an other coorse.'<sup>204</sup> The pro-Dutch lobby in England could be justified in not feeling entirely confident that assistance to the United Provinces would automatically continue with the accession of James. Their fears were compounded by his failure to spell out the precise nature of his religious position, particularly his intentions regarding the Catholics, which did not inspire confidence amongst the more godly of his subjects that he would take over championship of the anti-Catholic cause. Furthermore, there was the danger that James, who was not directly identified with a pro-Dutch position, was also known to have strong views about rebellion against properly constituted authority.

Notwithstanding Dutch misgivings, James never lost sight of their interest in the negotiations. Despite accusations to the contrary he endeavoured to persuade the Dutch to join in the treaty.<sup>205</sup>

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<sup>204</sup> Bodl. MS Ashmole no.1729 f.37. The King to the Council, from Newcastle, 10 April 1603. My italics. And, see above, pp.70-71

<sup>205</sup> As early as August 1603 James had invited the Dutch to join with him when he treated with Spain and the Archdukes. Bodl. MS. Add. C. 28. f.581. 12 August 1603. According to Howard

And, although they declined to do so, he asserted that 'we must (above all things) be resolute to yeilde to nothing which maye overthrowe the state of the Lowe Countries, though those with whom wee shall nowe be confirmed in peace, Do declare those United Provinces to be theire greatest Enemies.' He firmly denied any suggestion that his commissioners were dealing covertly on behalf of the Dutch and, he claimed, that on the contrary, their dealings were entirely open. Furthermore, he resolutely refused to abandon them and pointed out that England had treaties with the Dutch which long predated any forthcoming agreement with Spain. From the beginning the English resisted attempts to detach themselves from the Dutch by rejecting the offer of a league offensive and defensive with Spain and the Archdukes. James, however, did admit to reservations about unqualified support for the Dutch when he predicted that 'out of that Roote will rise many weighty considerations.' But, English commitment to the Dutch was not just for reasons of common religious sentiments nor even concern at possibly jeopardizing the repayment of the loans made by Elizabeth, there was also the more pragmatic question of security. The English feared that if they withdrew their protection the Dutch would look elsewhere for support - particularly from the French. Not only would this limit the extent of England's influence but it might also introduce another

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Vallance Jones this forms part of the journal of Cecil's secretary, Levinus Munck. See 'The Journal of Levinus Munck' *EHR*, vol.68, 1953; *CSPVen*, 1603-1607, p.140. Nicolo Molin, Venetian Ambassador in England, to Doge and Senate, 12 May 1604. He reported that although Spain wanted a Dutch envoy at the negotiations for peace the Dutch would only send one if he was recognized as representing an independent state. James therefore thought it was useless to pursue it.

potentially hostile state across the Channel. <sup>206</sup>

Furthermore, the treaty ultimately was with Spain and Flanders and therefore concessions were always likely to be made which either were, or would appear to be, prejudicial to the Dutch. The treaty was first and foremost a trade agreement. In the absence of a Dutch envoy, discussions would inevitably concentrate on Anglo-Spanish and Anglo-Flemish interests, so that, although the English commissioners maintained that trade with the Dutch was vital to England and they could not be abandoned, their position would begin to shift in order to secure other concessions.<sup>207</sup> The Commons accordingly tabled a motion for the Speaker to inform the King of their interest in preserving the rights and privileges of the Dutch.<sup>208</sup> No doubt this was as much for commercial reasons as allegiance to their co-religionists for it

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<sup>206</sup> BL Cotton MSS. Vespasian C. XIII ff.53 - 61v. Instructions from the King for the Commissioners of the treaty of peace, 1604; 'A Diary of the Proceedings of the Treaty ... of Mr. Wm. Pierpont' HMC *Eighth Report, Earl of Jersey MSS* p.95; *CSPVen, 1603-1607*, pp. 155-9. Nicolo Molin to Doge and Senate, 30 May. For Dutch leanings towards the French for assistance see HMC, *MSS of Lord De L'Isle and Dudley* vol. III, p.36, Sir William Browne to Lord Sidney, from Flushing, 18 June 1603. He concluded that 'if our King please to entertain them with hopes and give them some assurance that he will not forsake them, they will forsake France and all the world and join entirely to the King.' See also, *CRS, Miscellanea II*, London, 1906, pp. 212-8. Father Persons to Father Anthony Rivers (secretary to Father Garnet), 6 July 1603, esp. p.217 for how it was believed the French already were helping the Dutch.

<sup>207</sup> For the course of the peace negotiations see 'A Diary of the Proceedings of the Treaty ... of Mr. Wm. Pierpont' HMC *Eighth Report, Earl of Jersey MSS* pp. 95-8. The Venetian Ambassador in England commented extensively on the peace treaty, though his conclusions would, necessarily, have been less sound.

<sup>208</sup> *CSPVen, 1603-1607* pp.157-9. Nicolo Molin to the Doge and Senate, 9 June 1604.

has been pointed out that the war was both popular and profitable to some in the City and at Court.<sup>209</sup> But the intervention of the lower house also reflects the close attention being paid to the progress of the treaty negotiations by the political nation, even though parliament had no role in treaty-making.

Eventually the question arose concerning English aid to the Dutch. The English saw themselves as necessarily bound to continue to help their co-religionists in their struggle for independence from Catholic Spain. The Spanish were equally determined to use the negotiations for peace as a means both to restrict Anglo-Dutch trade and to detach the English from the Dutch by prohibiting English soldiers from serving the Dutch 'rebels' against the Habsburgs: a shrewd appeal to James's sentiments regarding rebellion against properly constituted authority. Furthermore, they sought protection of their own fleets and armies from the Dutch by the English. So that, at the same time as attempting to secure more favourable trading rights worldwide, the English commissioners were also endeavouring to deflect Spanish demands regarding the Dutch. They were involved in a remarkable balancing act wherein they adeptly kept their heads. Thus, at one point they expressed astonishment that while suing for peace with one country they found themselves being manoeuvred into declaring war against another.

Attempts to neutralize the effect of English soldiers serving the United Provinces were made by a suggestion that the Archdukes be

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<sup>209</sup> Peck, *Northampton* p.105.

allowed to recruit as well.<sup>210</sup> The question of English aid for the Dutch dragged on to the very end of the peace negotiations and when the Constable of Castile had an audience with James he declared his disappointment at the vague agreements made for recruiting. However, this element was one of its strengths for the English. The equivocal and unspecific nature of the recruiting arrangements was laboured by Cecil in his efforts to allay Dutch anxieties at the outcome of the treaty and James was able to claim that he had never made any promises to forbid English soldiers serving the United Provinces when the Spanish Ambassador complained to him about the continued flow of English volunteers to assist the Dutch in the following January.<sup>211</sup> But the Archdukes were much more successful than had been anticipated at recruiting, not only English, but Scottish and Irish soldiers as well.<sup>212</sup>

England was in an ambivalent position concerning the recruitment of soldiers for service abroad. James, in his instructions to the commissioners for the peace, pointed out that, regarding pressure for the abatement of English soldiers going to serve in the armies of the United Provinces, 'you must ffirst lett them knowe

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<sup>210</sup> Although this point formed part of the discussions it was never a part of the published treaty.

<sup>211</sup> Sir Ralph Winwood, *Memorials of Affairs of State in the Reigns of Queen Elizabeth and King James I*, ed. E. Sawyer, 3 vols, London, 1725, vol.2, pp.27-8. Cecil to Sir Ralph Winwood at the Hague, from Whitehall, 25 August 1604; *CSPVen, 1603-1607*, p.214; Nicolo Molin to the Doge and Senate, 17 January 1605.

<sup>212</sup> This unexpected development has been dealt with by Pauline Croft in 'Serving the Archduke,' *HR* in which she traces the course of the parliamentary article designed to curb the stream of volunteers to serve in the Archdukes' army.



howe uniust a demand it is all circumstances considered, That any prince who hath a populous kingdome, men of able & warlike bodies, used to the exercise of warre so longe as they have byn in late yeares, ... shoulde nowe be recalled into our kingdomes when nether France, Denmarke, Germanie or any other state is debarred or wilbe [f.60] from geving liberties to voluntaries to seeke their fortunes where they shall thinke best ...'<sup>213</sup>

Observers at home and abroad appreciated that England could not, and therefore would not, restrict her soldiers from serving wherever they wished; albeit with the proviso that their service was voluntary. Surplus soldiers represented a formidable threat to the internal security of England and this consideration was not lost on James and his Council.<sup>214</sup>

In response to this possible influx of returning soldiers at the conclusion of peace, central government began to tighten its grip on the exercise of law and regulation of order. One of the most

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<sup>213</sup> BL Cotton MSS. Vep. C. XIII ff.59v.- 60r. Instructions for the Commissioners of the treaty of peace, 1604.

<sup>214</sup> HMC, *Eighth Report, Earl of Jersey MSS 'Diary of Wm Pierpont'* His majesty 'must plainly lett them know that hee will not denye his subjectes the liberty to imploy themselves abroad ... to the end to preserve the peace and quietnes of his states.' Though he did acknowledge that the king would allow the Archdukes the like liberty. 21 June 1604; *CSPVen, 1603-1607*, pp.161-3. Nicolo Molin to the Doge and Senate, wherein he observed that 'England is so populous that, unless the people are allowed to take service abroad, a serious crisis might arise at home; but a similar permission would be granted to Spain and all other powers.' 13 June 1604. [My italics.] *CSPVen* pp.179-80. Nicolo Molin to the Doge and Senate, 28 August 1604; BL Cotton MSS. Vesp. C. XIII. f.60; For an example of the threat posed by redundant soldiers see, HMC, *Salisbury MSS. vol.17*, p.68, Thomas Dolman (a Berkshire JP) to Cecil), concerning a wing of cashiered soldiers ready to join any faction in hope of spoil and rapine, 24 February 1605.

obvious menaces of large numbers of relatively fit, but unemployed, men suddenly arriving in England was the possibility of their resorting to alehouses, in the absence of alternative occupation. It may be no coincidence that, on the same day as the treaty was completed, the Lord Chief Justice, Sir John Popham, sent a letter to the assize judges at Thetford, in Norfolk, concerning regulations about alehouses and the sale of beer. In similar fashion, at the Michaelmas Sessions in Staffordshire of 1604, an order from the assize judges at the recent circuit demanding a greater accountability regarding alehouse licensing was being put into operation. That this was part of a comprehensive initiative is demonstrated in a directive from the Clerk of the Peace on the matter, who observed that 'The same Course (as I am Informed) hath bin held by all the Justices of assize in there severall circuites.'<sup>215</sup>

The Privy Council also wrote to the justices of the peace in Middlesex about the punishment of rogues and to the mayors of Chester and Bristol about the repatriation of certain Irishmen. At the same time, on the initiative of an undertaker, there were renewed efforts to establish Houses of Correction in Middlesex and Surrey. It was in July 1604 that a committee of Councillors addressed the problem of their funding to speed up their progress. Also, in July, the Council intervened in an inquiry in Leicester, concerning an innkeeper and his alleged implication

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<sup>215</sup> BL Add MSS. 23,007 f.37. 'At the Assizes at Thetford holden the xvith of July 1604.' Staffordshire Record Office, Quarter Sessions Rolls, Q/SR/93 f.91. Order by the Court at the Autumn Assizes 2 Jas.I, and Q/SR/93 f.93. Letter from the clerk of the peace, 10 September 1604.

in a robbery, which is one of the very few letters which the City of Leicester copied into its records from Council.<sup>216</sup> The drive continued throughout the autumn and into the winter. In September Lord Gray declared the intention of the Leicestershire justices of the peace to erect a House of Correction 'according to the law,' albeit of several years ago. Meanwhile central government became involved in local affairs to an unprecedented degree. For example, in London it was observed that '... the sheriffes were pricked by the King yesterday afternoon, which was never seen before ...' in November 1604, while in Southampton, also in November, the Deputy Steward was chosen according to his majesty's letters to the mayor and other officers of Winchester.<sup>217</sup> Finally, it was in early November that the judges had replied to a request for information from the Council for a full report on the penal laws.<sup>218</sup> Such a concerted effort suggests a resolute bid to foster effective government very early in James's reign, at all levels, and demonstrates an ability not only to react to, but also to anticipate and preempt, possible threats to law and order throughout the whole country. Although

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<sup>216</sup> BL Add MSS. 11,402 f.94v. The Privy Council to the JPs of Middlesex, 24 July 1604, the Privy Council to the mayor of Chester and the mayor of Bristol, 24 July 1604. See below, pp.212-3, where I have looked at this in more detail; Leicestershire Record Office, Hall Papers Bound, BR II/18/8 f. 514. Privy Council letter, 22 July 1604.

<sup>217</sup> Leicestershire Record Office, Hall Papers Bound, BR II/18/8 f.532. Henry Gray to the City of Leicester, 27 September 1604; W.J.Smith, ed. *Calendar of Salusbury Correspondence, 1553-c.1700*, Cardiff, 1954, p.47, no.75. Griffith Price to Sir John Salusburye, at Llewenny, Co. Denbigh, from London, 5 November 1604; *The Assembly Books of Southampton* vol.1, p.36. 5 November 1604.

<sup>218</sup> PRO SP14/10A/6. The judges to the Council, from Sergeants' Inn, 8 November 1604.

many of the measures employed were probably little more than usual diligence, it does represent a heightened attention to the supervisory and regulatory elements of the administrative process.

In his effort to regulate alehouses through the agency of the assize judges James was demonstrating, very early, the way in which he intended to utilize his judges to the full, especially in their administrative capacity. He placed particular value on their potential for reaching deep into the country when they rode their circuits. But whereas dependence on the assize judges was not in itself new, it was James's insistence on precise reports and explanations from them - and, in time, written accounts - on their return that marked a development in their function. James, the inveterate pursuer of significant details in matters of theology, was equally determined to arrive at a full and accurate picture of local government from close interrogation of his itinerant agents.<sup>219</sup> An example of this is in the orders from central government to the Staffordshire Quarter Sessions

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<sup>219</sup> He could be towering in his rage when the required information was not forthcoming. As long ago as 1591 he wrote furiously, in the form of a round robin, to all his crown servants, complaining in no uncertain terms that he was losing patience with their persistent neglect of his wishes and failure to supply him with answers. See Agrigg, *Letters* p.116. James to the Clerk of the Register (with competence in parliament, court of session, council and exchequer). It was to be in similar fashion that Egerton would emotionally relay James's dissatisfaction with the performance of his local administrators in 1605. See below, p.282, for how James did not cease to condemn his servants for their poor performance. In 1617 he wrote stinging to his English councillors condemning their failure to provide solutions to his problems regarding household expenditure. He witheringly demanded, 'Why are ye councillors, if ye offer no counsel?' Agrigg, *Letters* p.362. James to the Council, dated by Agrigg December 1617? but more probably 18 November 1617, in response to a Council letter of 17 November 1617, in *APC, 1616-1617*, pp.371-2.

regarding alehouse licensing. These insisted upon presentments upon oath from the Constables to the justices of the peace who were in turn obliged to licence alehouse keepers, in person, at the open sessions.<sup>220</sup> Already, then, the characteristically Jacobean chain of command, reaching from the king to the parish constable, was being put into place.

The justices of the peace were the permanent instrument, in the country, by which central aims and objectives were implemented. As well as dealing with rogues, vagrants and the proper regulation of alehouses, a further duty of the justices of the peace was the execution of laws concerning religion. The religious laws were almost always against recusants, and, in particular, Catholic recusants. The importance of the justices of the peace in implementing religious legislation was widely recognized; as one of a number of letters intercepted on their way to Brussels demonstrates. This account of the agreement reached by James and his Councillors on 10 January 1604 for the government of the church included an observation that the maintenance of true doctrine would be through the agency of good

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<sup>220</sup> See above, n.215, Staffordshire Record Office, Quarter Sessions Rolls, Q/SR/93 f.91. An order from the assize judges, Christopher Yelverton and David Williams, at the autumn assizes, 1604; Q/SR/93 f.93. A letter from the clerk of the peace, 10 September, enclosing a copy of the assize judges' orders to be relayed to the constables and petty constables, recommends that they are duly executed and calls for their appearance at the quarter sessions with their presentments. However, the clerk stressed that this was by the authority of the JPs. The fact that this courtesy was due to the JPs was a subtlety the significance of which James had not yet grasped. See below, pp.247-8, for the damaging results of James's failure to appreciate this during his intervention in central government efforts to enforce a comprehensive system of alehouse licensing from 1607.

magistrates rather than further strict laws.<sup>221</sup>

The Catholics were a forceful interest with powerful friends abroad who were impatient of James's reluctance to implement the measures they believed he had made in favour of the Catholics in England as he sought to secure the English succession. The arrival of the commissioners to begin the peace negotiations in the summer of 1604 not only raised Catholic hopes for an improvement in their fortunes, but seemed a suitable opportunity to remind James of his obligations. This was also precisely the time that James had commanded the bishop of London and Convocation to approve, allow and execute the Articles agreed in 1562, and again in 1571, 'for the establishing of consent towching true religion.'<sup>222</sup> This directive, which appeared to target the recalcitrant puritan ministers, cannot fail to have fuelled Catholic expectations for their own cause.

An account of a conversation between a priest and two others, reflecting a growing optimism by the Catholics, condemned Parliament as a '*gens malitiosa [of] ranke Puritanes*' from whom they could expect little. On the other hand, they claimed, not only would the king refuse to enact new laws against the Catholics but neither would he confirm the Elizabethan statutes. They urged that 'if he would but imbrace us freely I thinke he

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<sup>221</sup> HMC, *Salisbury MSS.* vol.16, p.37. 'H' to Guilelmo Flacquo, 31 January 1604. Ten years later James was to make the same point to parliament. See below, p.273, n.521

<sup>222</sup> PRO SP14/8/28. James to Richard Vaughan, bishop of London and president of the Convocation, 16 May 1604. The Archdukes' Commissioners arrived on 17 May 1604.

would prove the greatest and the best loved Prince in Christendom.' Yet, not entirely confident that James was prepared to stand out against the majority view, they warned him that Catholics had increased ten-fold since his accession and if he did not accommodate them 'his head must ake for yt.' The veracity of the Catholics' claims was questionable but it did demonstrate the threatening tone they were prepared to adopt to convince James of the strength of Catholic support and their growing malaise. The conversation went on that while James wielded power over them all as their king he was but one of God's flock, subject to the pope whose authority came directly from Christ. Finally, they alluded to a number of prominent Jesuits preparing to come to England from abroad.<sup>223</sup> This contingency was confirmed in a report received by Cecil of Jesuit activity, although it was decided that it should be postponed while the Constable of Castile was in England lest it should compromise his position.<sup>224</sup> They continued to derive encouragement from James's assurance that he was not intent on seeking the blood of Catholics and, somewhat unrealistically, construed his 'manifesto' as including an intention to tolerate the practice of their religion. Meanwhile, the Council was receiving reports of heightened Jesuit activity in Lancashire and Cheshire. And in Ireland there were rumours that it was widely believed that James

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<sup>223</sup> PRO SP14/8/30. An account of a conversation between Jones, a priest, and Tompkins and Winter, c.18 May 1604.

<sup>224</sup> PRO SP14/7/86. A letter received by Cecil on 29 April 1604.

either had, or was about to, grant a toleration to Catholics.<sup>225</sup>

Although the occasion of the treaty with Spain represented an opportunity to consolidate and expand Jesuit ambitions in England, their inflated aspirations were to be short-lived. Preliminary plans, floated early in June by the Jesuit, Robert Persons, to establish a school for the training of priests for the eventual conversion of England, reflected a mood of growing optimism. But the reaffirmation of the Elizabethan legislation against Catholics in the recent parliament, even though 'for reasons of state' rather than 'ill will' on James's part, for the present scotched hopes of the feasibility of achieving a toleration of any degree for the Catholics. By the time the Constable of Castile arrived in Dover he recognized the increasing futility of the Catholic cause in the face of the 'firm power and strength of the Puritans'. Added to this was the papal direction that the speedy conclusion of peace was more important than securing concessions for the Catholics. Amicable relations with England, he argued, would be more productive in fostering a more favourable climate for negotiating a subsequent improvement in their position.<sup>226</sup> Meanwhile, there was a fervent

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<sup>225</sup> PRO SP14/8/31, SP14/8/33, SP14/8/34. Examinations by the JPs of Cheshire and Lancashire, 19 and 20 May 1604. HMC, *Salisbury MSS* vol.16, p.121. Sir Geoffrey Fenton to Cecil, 1 June 1604.

<sup>226</sup> Archivo General de Simancas: Seccion de Estado, Legajos 1745 n.fol. copy of a letter from Robert Persons to Philip III, enclosed in a letter from Joseph Cresswell, received 10 June 1604; Legajos 842/162. The Constable of Castile to Philip III, from Dover, 16 August 1604. Both cited in Albert J. Loomie, s.j. ed. *Spain and the Jacobean Catholics, volume I: 1603-1612*, Catholic Record Society, 1973, pp.19-20; 21-22.



campaign, promoted by the Jesuits and Father Persons, to persuade the King of France to take over the King of Spain's role as the champion of the Catholic cause in England. This followed supposed successes which were reported by the Venetian Ambassador in France who claimed that James was discovering that more and more of his ministers had been won over by Spanish gold.<sup>227</sup>

Not all English Catholics followed a wholly aggressive line and threatened subversive action. There was a moderate element intent on pursuing a rational and temperate course. Traditionally, when his mother was on the scaffold, she had exhorted James to convert to Rome and this had sustained the Catholics throughout Elizabeth's reign. After his accession they continually begged him to realize their expectations by acknowledging his spiritual error and declaring his true faith, guaranteeing that his reign in England would benefit thereafter.<sup>228</sup> They also petitioned him endlessly to grant them toleration, pointing out that their absence from his church was not wilful disobedience but a matter of conscience; they assured him of their unequivocal fidelity to him as his mother's heir, in contrast to their sentiments towards

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<sup>227</sup> HMC, *Salisbury MSS.* vol.16, pp.71, 109-10, Sir Anthony Sherley to Cecil, from Venice, 25 April and 22 May 1604; *CSPVen, 1603-1607*, p.132. Anzolo Badoer, Venetian Ambassador in France, to the Doge and Seate, 7 February 1604.

<sup>228</sup> For example Adam Blackwood, who had been closely associated with James's mother and was one of her most vociferous apologists after her execution, sent a poem to James which he had written in 1604 containing a veiled warning about the brief time he could expect to be on the throne of England if he failed to restore Catholicism. See Blackwood, *Opera Omnia*, 1644, pp.489-504, as cited in J.E.Phillips, *Images of a Queen: Mary Stuart in Sixteenth-Century Literature*, Berkeley and Los Angeles, 1964, p.225, n.4.

the more questionable Elizabeth; and they lobbied him constantly for a conference at which they could explain their position to him and his bishops and allay any doubts they might have of Catholic loyalty.<sup>229</sup>

James had raised expectations in Catholic hearts. His speech at the opening of his first parliament made it clear that he had no desire to persecute them and that he wished to find a course of action more in line with his own moderate views. Even before James reached London he had written to his Council that since crossing the border into England he had 'received complaints of sundrey persons ... terming themselves Catholikes in which they alledge that greate wronges and oppressions are don to them..' He made it clear that, while not intending to encourage the Catholics, he must give all his subjects a fair hearing and, to that end, he meant to hold a Parliament as soon as possible after his coronation.<sup>230</sup> James's attitude to Roman Catholicism, formed in his Scottish court, was very different from that of his English predecessor.<sup>231</sup> For, whereas in strictly religious terms

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<sup>229</sup> For example John Colleton, *Supplication to the Kinges most Excellent Maiestie Wherein several reasons of State and Religion are Briefly Touched*. STC no. 14,432. He particularly deplored the fact that they were trodden underfoot and threatened with violent opposition, despite their antiquity, which thereby conferred legitimacy. John Colleton was the leader of the southern Catholics who was active in 1600, see R.G.Usher, *The Reconstruction of the English Church*, London, 1910, vol.1, pp.144, 151, 156. As well as Colleton's *Supplication*, see also, PRO SP14/6/94. 'A Supplication from the Seminaries in Wigan.' 13 March 1603. In which they expressed their great expectation of James and hopes for a conference to state their position.

<sup>230</sup> Bodl. MS. Ashmole no.1729, no.37, ff.68-9. The King to the Council, 10 April 1603. And see above, p.75

<sup>231</sup> See above, p.97

Elizabeth held views similar to James, she had, for political reasons, necessarily been forced to associate Catholicism with Anti-Christ and the Devil and the threat of invasion. James, on the other hand, with his more pacific Scottish background, had always maintained that loyal Catholics could expect leniency at his hands. In response to an appeal for a toleration by the papists, just days after he had crossed the border into England, the king had answered 'yf there were 40,000 of them in armes should present such a petition, himselfe would rather dye in the field than condescend to God. Yet seemed he would not use extremity, yf they continued in duty like subjects.'<sup>232</sup>

When eventually he came to address parliament in March 1604, James asked for its opinion regarding the revision of the recusancy laws, asserting that 'I have been careful to revise and consider deeply upon the Laws made against them, that some Overture may be proposed to the Present Parliament for clearing these laws by Reason ... in case they have been in times past further or more rigorously extended by the Judges then the meaning of the Law was, or might tend to the hurt as well of the innocent as of guilty persons'.<sup>233</sup> James could not be accused of entirely misjudging the mood of the nation for the President of the Council of the North, at least, concurred with his approach, saying that 'if the king incline to mercy I shall not mislike it,

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<sup>232</sup> Robert Parker Sorlien, ed. *The Diary of John Manningham of the Middle Temple, 1602-1603* Hanover, New Hampshire, 1976, p.250, f.133. April 1603. See above, pp.77-8, for the alarm this attitude generated in the more godly of James's new subjects.

<sup>233</sup> *CJ*, vol.1, p.144.

knowing that mercy joined with justice works the best effects.'<sup>234</sup> Coming hard upon the heels of the recent proclamation expelling Jesuits, Seminary and other priests, and reports which were leaving England that the Lord Chief Justice had ordered that the Inns of Court be purged of all Catholics, such sentiments expressed by James reassured them. They even came to entertain lively hopes for liberty of conscience.<sup>235</sup> The Catholic position certainly appeared to be improving. In July, for example, Sir William de Grey, in Norfolk, was discharged from paying a substantial debt to Queen Elizabeth incurred for his recusancy.<sup>236</sup> This improvement was viewed with increasing dismay by James's more zealous Calvinist subjects.

On 16 July, James had issued a proclamation demanding conformity

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<sup>234</sup> HMC, *Salisbury MSS*, vol.16 pp.44-5. Earl of Sheffield to Cecil, 27 March 1604. This is particularly noteworthy given his pedigree as (possibly) a step-son of the earl of Leicester and his service in the Netherlands together with a reputation for zealous activity against papists. On the other hand, there is a hint that he was of a more moderate disposition; for it has been suggested that his failure to secure the post as President of the North in the reign of Elizabeth was a result of his marriage to a Catholic. See, *DNB*. This is another example of the taint of Romishness being a bar to advancement until the accession of the less conservative James.

<sup>235</sup> Larkin and Hughes, *Proclamations* vol. 1, pp.70-73, no.34. 22 February 1604; HMC, *Salisbury MSS*, vol.16 p.35. Ortelio Renso to Sigr. Giovanni Antonio Frederico, 3 February 1604; *CSPVen*, 1603-1607 pp.140-1. Nicolo Molin to Doge and Senate 28 March 1604. '...the tone of his [the king's] speech at the opening of Parliament showed a disposition very favourable to the Catholics ... and the Catholics begin to entertain lively hopes.' Although the observations of a foreigner they are confirmed by the reactions of the English puritans.

<sup>236</sup> Norfolk Record Office, Walsingham (Merton) Papers, 1X/2. 21 July 2° Letters Patent. Robert de Grey, for his recusancy, was made a debtor to Queen Elizabeth for about £1780. Sir Wm de Grey, his son, in this deed receives his discharge from paying it.

to the new and extended Canons, produced by Convocation during parliament's first session, which were to be put into effect from the last day of November or else those ministers failing to do so may be deprived of their livings.<sup>237</sup> Aimed at the more extreme Calvinist element among the clergy, this development was delightedly reported to the Doge and Senate of Venice by their ambassador in England, thus demonstrating how the fortunes of the Catholics in England, in relation to those of the puritans, was closely monitored on the Continent.<sup>238</sup> The coincidence of the tightening of the degree of conformity with the conclusion of the treaty negotiations with Spain and the Archdukes fuelled the anxieties of godly members of parliament and senior gentry who were already uneasy about the outcome of the treaty, which they feared might contain clauses which were favourable to the Catholics. They were further concerned that, as well as improving conditions for the Catholics, the king might have promised stricter action against the more extreme Calvinists in order to facilitate the smooth completion of peace. Their suspicions that they were losing their grip were clearly demonstrated by the experience of Sir Francis Hastings, long time representative of the old guard Elizabethan Calvinists. His attempts to see Cecil, both during and after the 1604 session of parliament, presumably to air his concerns, were abortive, and no doubt added to his fears that not only was he losing his influence as a spokesman

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<sup>237</sup> Larkin and Hughes, *Proclamations*, vol.1, pp.87-90, no.41. 16 July 1604. 'A Proclamation enjoining conformitie to the form of service of God now established'.

<sup>238</sup> *CSPVen, 1603 - 1607*, p. 172, Nicolo Molin to the Doge and Senate, 25 July 1604.

on religious affairs but also that the situation was being developed without him and he was in danger of being marginalised, altogether.<sup>239</sup> Nevertheless, parliament was anxious to nip Catholic pretensions firmly in the bud. Sir Francis, therefore, despite his fears that his role as a trusted servant of the crown with particular authority in religious matters might be in jeopardy, had been successful in urging the Commons to establish a select committee to consider 'the confirmation and reestablishment of religion, maintenance of a learned ministry and whatever else may bring furtherance thereunto'.<sup>240</sup> Although the committee was specifically designed for the protection of the more extreme Calvinists, Francis Hastings, together with the other MPs, who were looking for more latitude in the drive for conformity, were equally concerned about the Catholics gaining ground. Every example of James appearing to accommodate the Catholics was interpreted by extreme Calvinists as an overture to a full-blown toleration. So that, when at last 'An Acte for the due Execution of the Statutes againste Jesuites Seminarie Priestes Recusants &c.' was passed<sup>241</sup>, in July, the godly magistrates swung into action with unwonted fervour. Almost immediately, there was a spate of hangings of priests across the country from York, through the Midlands, to Essex.<sup>242</sup>

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<sup>239</sup> This is dealt with more fully, see below, pp.137-40

<sup>240</sup> *CJ*, vol.1, 172. Sir Francis Hastings to Parliament, 16 April 1604. And see below, p.133

<sup>241</sup> 1° Jac.I.c.4

<sup>242</sup> *CSPVen*, 1603 - 1607, p.172. An account of a priest and another Catholic hanged at York on receipt of the confirmation of the old recusancy laws, 25 July 1604; *HMC Salisbury MSS*, vol.16 pp.189-90, Judge Kingsmill [riding the Midland Circuit]

Such harsh treatment prompted a petition from the increasingly desperate Catholics. Its progress was to closely reflect their deteriorating position. In October 1604 the *Petition Apologeticall, presented to the Kinges most Excellent Majesty, by the Lay Catholics of England, in July last* was published.<sup>243</sup> It is not clear precisely when, in July, the petition had been presented to the king, but it was no doubt provoked by the confirmation of the anti-recusancy laws in parliament and their stringent enforcement. Assuring James of their reasonableness they appealed for a conference with the protestant prelates wherein the puritans would find their prejudices overthrown. They further pleaded for moderation in their persecution, which had followed the new legislation against them.

Although its date of publication was 16 October 1604 it had been received from Brussels on 29 August 1604, around the time that the Privy Council had instructed the Attorney-General to draw up a commission to banish priests and Jesuits. James himself wrote to his Council on 1 September lamenting that, despite his hopes that leniency and clemency might induce the reformation of the Catholics, still Jesuits and Seminary Priests were continuing to come into England from abroad. This move by James should have confounded the widespread belief by the godly that he was about to grant a toleration to the Catholics and ought to have relieved

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to Cecil about executing a Catholic priest, 29 July 1604; PRO SP14/9/12, the JPs in Essex to the Privy Council reporting the execution of a Seminary priest, 16 August 1604.

<sup>243</sup> *STC* no.4,835

their fears that his leniency towards the Catholics was a precursor of anything more. Instead, James had given his Council the authority to exile the Seminary Priests and Jesuits, according to their written conditions, and he ordered that directions to that end be circulated to all justices, justices of the peace and other officers. The resulting commission was issued to Egerton, Dorset, Lennox and 21 others on 5 September.<sup>244</sup>

Annexed to the July petition was a 'Copie of the Banished Priests Letter to the Lordes of His Maiesties most honourable Privy Councell' presented on 24 September. If that date was consistent with the new style continental dating practice and it was 14 September it would be exactly coincidental with a Privy Council meeting convened by James in response to a Catholic petition complaining about the harsh treatment of recusants by some justices of the peace, and in particular the imprisonment of many Catholics for refusing to go to church even though they had paid the requisite 200 florins a month penalty.<sup>245</sup> This meeting clearly demonstrated the divisions in the Council concerning

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<sup>244</sup> BL Add MSS. 11,402 f.95r. Privy Council to Sir Edward Coke, Attorney-General, 16 August 1604; BL Add MSS. 38,139 ff. 72-3, The King to the Privy Council, 1 September 1604; Thomas Rymer, ed. *Syllabus, in English, of the documents ... in ... 'Rymer's Foedera'* 3 vols, London, 1869-1885, vol.2, p.834.

<sup>245</sup> A summary of this meeting was sent by the Spanish Ambassador to Philip III. See decipher in Simancas, Estado, legajo 841 f.184, cited in A.J.Loomie, 'Toleration and Diplomacy: the Religious issue in Anglo-Spanish Relations 1603-1605' *TAPS*, vol.53, pt.6, 1963, Appendix III, 55-6.



Catholic recusants. Opinions ranged from those of Thomas Cecil, Kinloss and Egerton, who warned against failing to act against the Catholics, which would encourage them to grow powerful and rise up against the king, to those of the earls of Northampton, Northumberland and Nottingham who advised moderation. When Northampton urged the king to clarify his meaning when he made his pre-circuit speech to the Judges, demanding that they enforce the laws against Catholic recusants, Popham pointed out that they must differentiate between good and harmful Catholics. Cecil also urged moderate treatment for responsible Catholics. Lord Treasurer Dorset, with an eye to the financial advantage, observed that an increase in Catholicism would generate much needed revenue whereas the puritans only brought discord. The warning against the puritans was endorsed by Thomas Howard, earl of Suffolk. James, himself, stated that he did not wish priesthood to be a crime of treason but only a civil crime. However, it could be argued that it was the over-zealous anti-Catholic activity of the godly magistrates which had created the conditions in which the Catholics could reasonably appeal for a moderation in their persecution and ultimately led to their improved situation.

The improving fortunes of the Catholics, in the autumn of 1604 - despite the recent statute which consolidated all previous legislation against the papists - was greeted with dismay by the godly who felt that their own position was steadily worsening. Moreover, while the godly magistrates continued to pursue their campaign against the Catholics with sustained diligence, they

felt they were operating in circumstances which were unfairly biased in favour of the papists, and they were being increasingly abandoned by their superiors. Contrary to their misgivings, however, the Council never wavered in its support for activity against Catholic recusants. On 29 October 1604 the Privy Council wrote to the High Sheriff of Devon, exhorting him to banish seminary priests according to the commission. Then, in late November, the mayor of Leicester appealed to the Lord Lieutenant of Leicestershire and Rutland, George, fourth earl of Huntingdon, for directions regarding a suspected recusant, caught travelling with books and pictures to dispense to recusants. The mayor also sent the examinations of the suspected recusant to the Privy Council for its recommendations. On 2 December, the Recorder of Leicester, Augustine Nicholls, advised them to take bails of him to appear at the next assizes, thereby reassuring them that justice would continue to take its accustomed course against the Catholics. The godly magistrates, despite their misgivings, could still rely on the support of their superiors.<sup>246</sup>

The zealous Calvinists obstinately persisted in their feelings of uneasiness and suspicion. Their sense of insecurity was not helped by the fact that they were still officially ignorant of the terms of the treaty with Spain, with its possible clauses

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<sup>246</sup> BL Add MSS 11,402, The Privy Council to the High Sheriff of Devon, 29 October 1604; Leicester Record Office, BR II/18/8 f.581, Thomas Chettall, mayor of Leicester, to the earl of Huntingdon, 26 November 1604, f.588, Thomas Chettall to the Privy council, 25 November 1604, f.596, Robert Pilkington (Alderman of Leicester) to Mr Mayor, 2 December 1604

favourable to the Catholics. As early as 31 July details had begun to leak out.<sup>247</sup> Before the commissioners for the peace had left London, even, the Deputy Governor of Flushing, Sir William Browne, wrote to Cecil that 'the peace already as some matters are handled begins to breed grudgings.' Probably to assuage possible misconceptions which could arise from rumoured reports of the terms of the treaty, Cecil sent the substance of the treaty to Ralph Winwood, the English agent to the States General, on 25 August, which he instructed Winwood to 'use at your discretion.' He was also anxious to be informed of its reception for he went on to ask that 'as you hear it spoken of, advertise me.' Cecil clearly was sensitive to opinion abroad, recognising its importance and careful not to neglect it.<sup>248</sup> But Dutch misgivings were not allayed and very soon they were expressing their dissatisfaction with the clause which appeared to allow the Spanish to lodge ships of war in English ports.<sup>249</sup> Sir Roger Wilbraham wrote that 'it seems by often debates of Councillours, that it is unmeete by concluding peace with Spain we should geve

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<sup>247</sup> The leakage of parts of the treaty had been traced to the Scottish Sir George Keere, a client of the duke of Lennox, then in France. See *HMC Salisbury MSS*, vol.16, p.194. The mayor of London to Cecil, 31 July 1604.

<sup>248</sup> *HMC, Salisbury MSS*. 16, 269-74. Sir William Browne to Cecil, from Flushing, 23 August 1604; Winwood, *Memorials* vol. 2, p.26. Cecil to Ralph Winwood, 25 August 1604; Bodl. MS. Add. C. 28 f.592. 24 August 1604. The Articles of Peace were sent to Lord Berwick. f.593. 25 August 1604. Copies of the Articles of Peace were sent to Sir Thomas Parry (the English Ambassador in France), Mr Winwood (in the States General) and the Secretary of Scotland (James Elphinstone, Lord Balmerino). Cited in Jones, 'Journal of Levinus Munck'.

<sup>249</sup> PRO SP14/9/42. Dudley Carleton to John Chamberlain, 21 September 1604; Winwood, *Memorials* vol.2, pp. 27-8. Cecil to Winwood, 4 September 1604

him the redier passage to command Holland and the Low Cuntreys:'<sup>250</sup> The Dutch felt a growing sense of having been abandoned by the English and Cecil was impelled to write again to Ralph Winwood explaining that the terms of the treaty were not as hostile to Dutch interests as they appeared. But they were not reassured and their apprehension did not inspire confidence in their co- religionists in England. The zealous Calvinists began to feel increasingly vulnerable, especially as the date for the non-conforming ministers to subscribe to the 1604 Canons, or else face deprivation, was drawing inexorably closer.

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<sup>250</sup> Harold Spencer Scott, ed. *The Journal of Roger Wilbraham, 1593-1616*, Royal Historical Society, London, 1902, pp.68-6. Undated, but before 12 January 1605

## Chapter 4.

### Fuelling Godly Fears

The concerns of the godly, especially in the aftermath of James's first parliamentary session, were not entirely unjustified. Despite an Act against Jesuits, Seminary Priests and Recusants ultimately issuing from it, the 1604 session of parliament had not been altogether satisfactory for those of tender conscience and their cause. The more zealous Calvinist ministers who were refusing to subscribe to the 1604 Canons were facing the increasing wrath of the king and suspension from their livings. There were growing demands for a High Commission, ostensibly to deal with audacity of the Catholics, but which was viewed by the puritans as being equally hostile to them. Meanwhile, it was becoming clear that James's attitude towards Catholicism was continuing to be cause for concern among the Scottish presbyterians, which anxiety was reflected in their godly brethren in England.

Immediately before parliament had assembled, in March 1604, the Seminaries of Wigan expressed their expectations that 'after so many fair promises by our soveran the king ... some littel gale of kingly favor, woulde have blowne upon our distressed and weather beaten sales.' James's speech, at the opening of parliament, containing assurances to rationalize the laws against recusants, while reassuring the Catholics, dismayed the puritan members and confirmed their growing suspicions about the king's

religious intentions.<sup>251</sup> They countered by delivering their grievances, at the first opportunity. In addition to those included in the motion brought by Sir Robert Wroth, at the beginning of the session, Sir Edward Montagu introduced three religious grievances from his county of Northamptonshire. The second of these concerned their misgivings about 'the suspension of grave, learned and sober minded Ministers for not observing certain ceremonies long time by many disused.'<sup>252</sup> That afternoon a committee was set up to consider 'the confirmation and reestablishment of religion, maintenance of a learned ministry and whatever else may bring furtherance therunto', which included Sir Francis Hastings.<sup>253</sup>

Yet throughout the life of the parliamentary session, and reaching a climax as negotiations for peace with Spain and the Archdukes got underway, Catholic activity continued both at home and abroad.<sup>254</sup> James's own behaviour did not seem designed to

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<sup>251</sup> PRO SP14/6/94, Seminaries supplication, pinned to the market cross in Wigan, 12 March 1604; *CJ* vol.1, p.144, James's speech at the opening of parliament, 19 March 1604.

<sup>252</sup> HMC *MSS of the duke of Buccleuch and Queensbury* vol.3, pp.80-1. This was an account of the events of Friday 23 March 1604, in Sir Edward Monagu's journal of the proceedings in the House of Commons, from 19 March to 7 July 1604.

<sup>253</sup> *CJ* vol.1, p.172. Francis Hastings to Parliament for the establishment of a select committee... 16 April 1604.

<sup>254</sup> HMC, *Salisbury MSS* vol.16, p.71. Anthony Sherley wrote to Cecil about rumours in Venice that the Jesuits and Parsons were appealing to the pope to commission the French king to take over the king of Spain's role on behalf of the English Catholics. 25 April 1604; PRO SP14/7/86. Information about Catholic activity, hopes and plans. 29 April 1604; PRO SP14/8/31, SP14/8/33, SP14/8/34. Catholic activity in Lancashire and Cheshire. 19 and 20 May 1604; HMC, *Salisbury MSS* vol.16, p.108. Gentlemen of Lancashire, confirming reports of seminary activity

reassure the godly element. There were reports that James had pardoned a condemned priest and rumours that he would not continue the Elizabethan recusancy laws.<sup>255</sup> It looked as if he was ready to relax conditions for English Catholics to secure favourable terms from the treaty with Spain and it was observed that the Catholics were receiving too much encouragement from Convocation.<sup>256</sup> The parliamentary session also appeared to be more concerned with imposing the acceptance of the new canons on the clergy than dealing with Catholic recusants.

Yet, despite the fears of the more zealous Calvinist members of parliament, Catholic legislation was not neglected. The subject was under discussion as early as 2 May, when the king relayed a message to Cecil reminding him to include a law about Catholics sending their children abroad when he met the committee for ecclesiastical matters that afternoon.<sup>257</sup> Thereafter, however, apart from a couple of recommendations concerning the Catholics in May, there were no further references to Catholic affairs

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against the peace of the realm. 22 May 1604. The first meeting of the commissioners for the peace with Spain and the Archdukes was on 20 May 1604.

<sup>255</sup> *CSPVen*, 1603-1607 p.149, Nicolo Molin to the Doge and Senate, 1 May 1604; PRO SP14/8/30. Roman Catholic rumours, including, 'Some say the kinge will suffer no new Lawes against priests and us nor that he will or abrogate the old Quenes lawes but that yt shall hange still with a kinde of connyvencie, indede that wilbe some good signe.' c.18 May 1604.

<sup>256</sup> *CJ* vol.1, p.235, Sir Francis Hastings's Report of the Meeting and Conference of the Subcommittees for both Houses [for religious affairs], 8 June 1604.

<sup>257</sup> *HMC*, *Salisbury MSS* vol.16, p.84. Sir George Hume to Cecil, 2 May 1604.

until 25 June when a Bill for the due Execution of the Statutes against Jesuits, Seminary Priests and Recusants was ordered to be engrossed. It was committed to the Committee for Matters of Religion a couple of days later and the Commons then requested a conference with the Lords about it, the following day.<sup>258</sup>

In a parliamentary session which was so concerned with religious affairs, it seems curious that there should have been so little discussion about this particular Bill, especially given that it was of considerable interest to the godly members of the Commons.<sup>259</sup> It could not even be argued that the remarkable paucity of debate about the Bill was because it had provoked no opposition. The fact of the Bill was generally known about and it attracted widespread interest. The Venetian ambassador referred to it when he reported on the expulsion of Calvinist ministers by Catholics in the north of England, and there were reports that the pope intended to excommunicate the king if he did not improve conditions for the Catholics.<sup>260</sup> There were

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<sup>258</sup> *CJ* vol.1, p.245. 25 June 1604; *ibid.* 247. 27 June 1604; *HMC, Buccleuch and Queensberry MSS* vol.3, p.90. 28 June 1604.

<sup>259</sup> In the 1604 session of parliament there were Bills passing through the House of Commons against scandalous and unworthy ministers; for repressing innovations in the Church of England; for the relief of vicars and parsons; for the better discovery of simony; for the relief of the ministry by the temporary release of mortmain; and for disbursing clergymen from affairs which hinder their calling. Although they did not all survive the session to be engrossed on the statute book the volume of business devoted to religious affairs reflects one of the chief concerns of the session.

<sup>260</sup> *CSPVen, 1603-1607* pp.166-7. Nicolo Molin to the Doge and Senate, in which he reported that, 'The Lower House has passed severe measures against the Catholics, but they have not been carried yet in the Upper House.' 27 June 1604; PRO SP14/8/81. Intelligence to Sir Thomas Challoner, citing as its main point



appeals for the Bill not to proceed, together with a reminder to King James that the English Catholics had been loyal to King James ever since his accession, which they had not opposed.<sup>261</sup>

The chief reason for the sluggish passage of the Bill against the Catholics was that the negotiations for peace with Spain had reached a particularly delicate moment. The Commissioners for Peace were considering measures to secure the safety of British merchants against the dangers of the Inquisition in Spain, making this an inopportune moment to press ahead with stringent legislation against the Catholics in England.<sup>262</sup> It was not surprising that the Bill seemed to have disappeared off the agenda. However, when 'further precautions taken for protecting British merchants against the Inquisition,' were 'arranged in all particulars,' on 4 July, the Bill was sent to the Lords, with all provisos and amendments, the very next day, and placed on the statute book.<sup>263</sup> The statute encompassed all the concerns

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that a papal legate was on his way to England to ascertain that James had improved the lot of the English Catholics, and that if he was not satisfied, 'that instantly he shall be excommunicated,' while pointing out the vulnerability of the king without the pope's protection. 28 June 1604;

<sup>261</sup> PRO SP14/8/80. 'Reasons why the Bill against recusants should not be proceeded in,' comprising some 30 points. c.28 June 1604; .

<sup>262</sup> 'A Diary of the Proceedings of the Treaty ... of Mr. Wm Pierpont' HMC, *Eighth Report, Earl of Jersey MSS* p.97. Fourteenth meeting of the Commissioners for Peace, 29 June 1604.

<sup>263</sup> 'A Diary of the Proceedings of the Treaty ... of Mr. Wm Pierpont' HMC *Eighth Report, Earl of Jersey MSS* p.97. Sixteenth meeting of the Commissioners for Peace, 4 July 1604; *Statutes of the Realme*, vol.4, part 2, pp.1020-22.

expressed throughout May: that there should be a penalty on sending children to foreign colleges and that such persons should be incapacitated from inheriting lands; that there should be a penalty on unlicensed schools; and confirming and clarifying the point that Recusants who submitted could be excused fines already incurred.<sup>264</sup>

To the puritans, however, who were not privy to the details of the peace negotiations, legislation against the Catholics seemed to be regarded by James's government as less urgent than that designed to harry the Puritan ministry. Given the amount of attention devoted to it, the business of enforcing the Canons seemed to be of far greater concern to the government than the proper subjugation of the arrogant and brazen Catholics. The proceedings began on 12 April 12 when James issued a licence to Convocation to meet 'during this present parliament' to confer about such canons and such like as they saw fit for the 'good and quiet of the church, and the better government thereof ... to be fulfilled and kept' by them in their respective courts. It went on to give them authority to confer about such matters as the king 'from tyme to tyme shall deliver or cause to be delivered' to Convocation, and to cause all canons and so forth to be

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<sup>264</sup> For the provisos and amendments proposed for the bill, see: HMC, *Salisbury MSS* vol.16, p.84. Sir George Hume to Cecil, reminding him that the king wished for a law for those Catholics who send their children abroad. 2 May 1604; *CJ* vol.1, p.224. Sir Francis Hastings reported on the proceedings regarding religious matters that the Lords had called for a law to be made against schoolmasters. 24 May 1604; *CJ* vol.1, p.214. The king had decreed that, regarding Forfeitures, 'if they bring their Payment in one Hand, and offer Obedience in the other, they shall have their Payment back.' 18 May 1604.

delivered to the king 'to the end that wee upon mature consideracon by us to bee taken thereupon maye allowe ... or disallow ... such and so manye of the said canons [etc.] ... as wee shall thinke fitt.'<sup>265</sup> Given that the question of Commissary Courts was one of the grievances introduced by the Committee for Religious Matters in the Commons it was no surprise that Convocation met with resistance from the House. Moreover, it appeared to the Commons that they were regarded as of little account as far as ecclesiastical matters were concerned or not deemed competent to handle religious affairs without guidance (or interference, as they construed it) from other quarters. It was little wonder that the principal spokesmen on religious matters in parliament felt driven to approach the king by means of a petition, early the following year, when it seemed that the parliamentary process was failing them.

When the Speaker delivered the king's message to the Commons it led to a fierce dispute, with the Commons referring him to the lack of precedents for conferring with Convocation. As a compromise, however, they agreed that they would meet with the bishops as Lords of Parliament.<sup>266</sup> The king sent another message with the Speaker claiming that his order for them to confer with Convocation was not intended to bring in new precedents or to abridge former liberties of the House of Commons, and he

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<sup>265</sup> Patent Rolls, 2 James I, part 25. Printed in Prothero, ed. *Select Statutes* pp.417-9

<sup>266</sup> *CJ* vol.1, p.172. 16 April 1604; In Sir Edward Montagu's journal he recorded that the House of Commons utterly refused to meet with Convocation. HMC, *Buccleuch and Queensberry MSS* vol.3, p.87. 17 April 1604.

signified his pleasure that they should meet with the bishops.<sup>267</sup> A committee of Commoners was chosen to meet the Lords, including Sir Francis Hastings, which settled the points to be discussed, at a place and time appointed by the Lords.<sup>268</sup> The affair appeared to have been settled to the satisfaction of both the king and the Commons. But, within a month, the matter was reopened when Bancroft read a message from Convocation inhibiting the bishops from conferring with the Commons because the laity were not to meddle in such matters now that the king had granted them Letters Patent. He went on to threaten that, if their injunction was ignored, they would appeal directly to the king.<sup>269</sup>

The Commons took this new development badly - no doubt feeling that, after all, they were being side-lined. They appointed a committee and resolved to draw a petition 'for [that is:

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<sup>267</sup> HMC, *Buccleuch and Queensberry MSS* vol.3, p.87. 18 April 1604.

<sup>268</sup> *CJ* vol.1, p.203. 8 May 1604; HMC, *Buccleuch and Queensberry MSS* vol. 3 p.88. 5 May 1604 and 8 May 1604.

<sup>269</sup> The role of the sovereign and the status of parliament in the government of the church was given legal definition by the judges in a ruling given in February 1605. In their answer to an application by the king to pronounce on the legality of the deprivation of non-conforming ministers, they declared that, 'they held it clear that the king without parliament might make orders and constitutions on the Government of the Clergie.' See, PRO SP14/12/73. Calendared in *CSPD, 1603-10* as c.13 February 1605; In early May 1605 Edward Coke wrote to Cecil to inform him that he had almost finished compiling a publication concerning the king's right to obedience in ecclesiastical affairs, in the face of Catholic and Puritan encroachments, wherein he was confirming the validity of the ancient laws which should convince all Englishmen to, 'yeilde their Obedience to the Auncient English Laws,' [for] 'the King's proceedings appeare to be honorable and Just.' See, PRO SP14/13/62. Edward Coke to Cecil, 8 May 1605

concerning] toleration of ceremonies'. The resolution to petition the king was on the agenda since 5 May, when it appeared in one of the points concluded by the Commons to be discussed with the Lords.<sup>270</sup> The souring of relations between the Lords and Commons early in June, when the Lords declined to join them, following the bishops' refusal to cooperate with them,<sup>271</sup> meant that the Commons were obliged to proceed unilaterally in drawing up the petition. It was agreed upon on 8 June. Its chief consideration was opposition to all those matters introduced into the Church which appeared to be 'favouring of Popery' while pledging support for those ministers forbidden to preach for failing to use the required ceremonies.<sup>272</sup>

Anti-Catholic feelings were running high in the Commons when the proceedings for peace with Spain and the Archdukes reached the point when the fortunes of the United Provinces, and particularly the question of England's continued support for the Dutch, were under discussion. This coincidence of events threw the concerns

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<sup>270</sup> *CJ* vol.1, pp.199-200. 5 May 1604. It was proposed that the Lords would confer with them about 'a Petition to be preferred to the King's Majesty, that, by his gracious favour, such Order be taken, that no Minister be forced to subscribe, otherwise than to the Articles concerning only the Doctrine of Faith and Sacraments, whereunto by the said Statute, made in the 13th Year of the Reign of the late Queen Elizabeth, they are appointed to subscribe.' They also determined to confer with the Lords 'that such faithful Ministers, as dutifully carry themselves in their Functions and Callings, teaching the People diligently, may not be deprived, suspended, silenced, or imprisoned, for not using the Cross in Baptism, or the Surplice, which turneth to the Punishment of the People.'

<sup>271</sup> *CJ* vol.1, p.235, 8 June 1604; HMC, *Bucclench and Queensberry MSS* vol. 1, p.44 and vol. 3 p.90. 8 June 1604.

<sup>272</sup> *CJ* vol.1, p.235. 8 June 1604.

of those members of tender conscience into sharp relief. The struggle of the godly ministers at home appeared to be inextricably linked with the potential vulnerability of their co-religionists in the Low Countries, should the English Peace Commissioners be persuaded to abandon them in their pursuit of favourable terms. It was at precisely this time that the Commons had introduced a motion for the Speaker to inform the king of their commitment to preserve the rights and privileges of the Dutch.<sup>273</sup> Within five days Sir Francis Hastings was able to report that a petition, iterating their desire for the king to 'abrogate or moderate' action against the non-conforming ministers, had been devised. It was read twice, and after much dispute wherein several points were resolved, it was agreed that Sir Francis should deliver it to the king, accompanied by the Sub Committee who had been responsible for its making.<sup>274</sup>

It is not certain whether the petition was ever presented to the king, but its tone was not likely to have inclined James favourably towards the petitioners, particularly Sir Francis, as their 'foreman', for it contained a rather threatening exhortation to the king that if he would give a fair consideration to their grievances he would more easily accomplish

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<sup>273</sup> *CSPVen*, 1603-1607. pp. 157-9. Nicolo Molin to Doge and Senate, c.9 June 1604. And see above, p.109

<sup>274</sup> *CJ* vol.1, p.238. 13 June 1604. The grievances included pressing the use of ceremonies and demands for the subscription of ministers which was denying the church of a conscientious and worthy ministry. According to Sir Edward Montagu's journal it was read twice and ordered to be sent to the king on 13 June. See *HMC Buccleuch and Queensberry MSS* vol.3, p.93. The Commons Journal, however, records that it was not resolved to send it until 16 June, and then only after, 'much dispute'. See *CJ* vol.1, p.241.

the peaceful settlement of the church. As Sir Francis had replied to Sir George Home's enquiry about whether the parliament could be persuaded to vote a fresh subsidy to the king, the same day, advising him not to demand one in this session because the last one was not yet collected, and refusal on the part of the House might cause offence, James could be forgiven for viewing him with vexation.<sup>275</sup>

Sir Francis Hastings was heavily involved throughout the House of Commons' struggle on behalf of the non-conforming ministers. He had been on the committee to discuss their misgivings at their deprivation and then on the committee chosen to meet the Lords, after the Commons had refused to confer with Convocation as required by the king. Finally, he was chosen to articulate the Commons' grievances to the king concerning the demands for subscription being made on the reluctant ministry. He was in grave danger of gaining for himself an unfavourable reputation with James and it was not altogether surprising that Cecil should be anxious to distance himself from him in the coming weeks, despite Sir Francis's frequent attempts to gain an interview with him. His appeal to Cecil to 'let no sinister report against me possess credit with you,' suggest a dawning realization that he

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<sup>275</sup> Claire Cross, ed. *The Letters of Sir Francis Hastings*, Somerset Record Society, vol.69, 1969, p.xxx. Sir George Home directed his enquiries to Hastings as an expert in the ways of parliament, reinforcing the impression of him as a very senior and respected figure. HMC, *Salisbury MSS* vol. 16, pp.132-3. Sir Francis Hastings to Sir George Home, Lord Treasurer of Scotland. 12 June 1604. It is just as likely that Sir Francis was genuinely seeking to save the king from embarrassment by writing to his trusted Scottish minister but, in the circumstances, such a letter was ill-timed given Sir Francis's religious preoccupations.

might have over-stepped the mark.<sup>276</sup> The king's reception of his performance in the 1604 session of parliament did not augur well for Sir Francis, especially after his ill-judged association with the Northamptonshire petition on behalf of the ministers deprived for failing to subscribe to the 1604 Canons by the 30 November deadline.

By insisting on a date for subscription James was resorting to a tactic which had yielded very satisfactory results in his earlier confrontation with a recalcitrant ministry, twenty years before, in Scotland. He had faced a similar show-down, in the face of clerical opposition to subscribing to a test oath, introduced in August 1584, promising obedience to the acts passed in the parliament of the previous May - acts which became known as the 'Black Acts'. On that occasion, his imposition of a deadline had precipitated a flurry of subscriptions. Even then, James had been prepared to accept conditional subscriptions, up to ten weeks after the expiry of the deadline.<sup>277</sup> It appeared to

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<sup>276</sup> HMC, *Salisbury MSS* vol.16, p.172. Sir Francis Hastings to Cecil, 14 July 1604. Also, printed, without comment, in Cross, ed. *Hastings Letters*, p.87.

<sup>277</sup> Alan R. MacDonald, 'The Subscription Crisis and church-state relations 1584-86.' *RSCHS* vol.25, 1994. pp.222-255. Notwithstanding the difficulties in quantifying or evaluating clerical opposition to the Black Acts he claims that it is reasonable to suppose that the majority subscribed with few objections to the test act introduced in August 1584. He also suggests that it was when real pressure was brought to bear, by imposing a deadline for subscription, that much of the opposition that there was, caved in. See, pp.235-6. On the question of conditional subscription, he demonstrates that it was only acceptable to a degree. For example, whereas the addition of a rider, 'agreeable to God's word', according to Calderwood, *History*, vol.4, p.211, was tolerable, that of the Presbytery of Ayr was refused because it was too critical of the Black Acts. See, pp.239-40.



James that, before he was twenty years old, he had managed a similar situation with considerable skill and there was little reason for him to doubt his ability to handle the puritan disobedience in England with equal success. Unfortunately, his mastery in imposing a compromise upon the Melvillians in the aftermath of the Subscription Crisis no doubt contributed to his underestimating the potency of the zealous godly element in England. James had yet to fully appreciate the differences between English puritan and Scottish presbyterian sentiments. Also, of course, the contexts in which the two crises occurred were entirely different.

The proclamation demanding conformity from his English ministers coincided with the conclusion of peace with Spain and the Archdukes, a period of potential trouble which had prompted a series of measures aimed at tightening up local government. A widespread outbreak of the plague was serving further to threaten instability.<sup>278</sup> It seems likely, therefore, that the proclamation was directed more against the fractious element among the non-conforming ministers who might introduce another troublesome ingredient into an already uneasy situation. The proclamation claimed its purpose was 'to admonish them all in

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<sup>278</sup> Wiltshire Record Office, Great Rolls, Michaelmas 1604, articles were agreed for the collection of relief for those infected with the sickness in New Sarum. In Cheshire, throughout 1604, there were orders to collect for the relief of the City of Chester, as well as extending the area liable to contribute towards relief beyond the five mile radius of Nantwich, Altrincham and Northwich. Cheshire County Record Office, CRO QJB 1/3 f.182v, 184r. and 184v.

generall to conform themselves thereunto, without listning to the troublesome spirits of some Persons, who never receive contentment, either in Civill, or Ecclesiasticall matters, but in their owne fantasies, especially of certaine Ministers, who under pretended Zeale of Reformation, are the Chief Authors of Divisions and Sects among our people.' The link between religious dissent and popular unrest was appreciated by James and his government. Thus the appeal at the end of the proclamation 'to all Civill Magistrates, Gentlemen, and others of understanding, as well abroad in the Counties, as in Cities and Townes, Requiring them also, not in any sort to support, favour, or countenance any such factious Ministers in their obstinacy' made clear their determination not to allow religious passions to boil over into civil strife. Similarly, a Council letter written after the date for conformity had expired, recommended that 'men of unquiet and factious spirite shoulde not have place.'<sup>279</sup> It was the disobedience of the ministers who were refusing to conform to the consensus which was vexing the king and his Council. Both the proclamation and the Council letter laboured the point that there had been ample opportunity to express theological doubts and concerns and that an agreement had been reached by all parties at Hampton Court. The continued defiance of a few ministers, therefore, represented sheer bullish recalcitrance.

As the time for subscription approached those of tender conscience became increasingly disconsolate at the dismal

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<sup>279</sup> BL Add MSS 38,139 f. 103. The Privy Council to Bancroft, to be relayed to Hutton and then to their bishops. 10 December 1604.

prospects facing their ministers. They adopted a campaign of petitioning the king, which began at Royston, where the king was hunting, on 20 November 1604, and continued throughout the winter.<sup>280</sup> But, while ostensibly pleading the case of the ministers facing deprivation, there was also a growing element of resentment that they, and not the Catholics, appeared to be the principal targets of the king's attention. It was this aspect which drew more moderate voices to express consternation - including the archbishop of York, Mathew Hutton. In response to the letter from the Privy Council, after the date for conformity had expired, relayed to him by Bancroft,<sup>281</sup> he wrote immediately to Cecil. Boldly he declared that 'I wish with my hart that the like order were given ... to procede against Papistes and recusants; who of late, and partly by some extrordinari favor, they have grown mightely in nomber, courage, and insolence,'<sup>282</sup> thereby expressing the deep-seated fears of many Englishmen. Hutton was not a hard line supporter of Puritanism, driven to declare alarm at the apparently unilateral direction of royal censure. He was a rationalist - in an unsettled province, in which most of the English Catholics lived - and more in tune with James than either of them seemed to recognize.<sup>283</sup> But, in the

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<sup>280</sup> For an account of the petitioning campaign of the winter of 1604-5 see B.W.Quintrell, 'The Royal Hunt and the Puritans, 1604-1605.' *JEH* vol.31, No.1, January 1980.

<sup>281</sup> BL Add MSS 38,139 ff.103-4. Bancroft to Hutton, 18 December 1604, relaying a Privy Council letter of 10 December.

<sup>282</sup> PRO SP14/10/64, Hutton to Cecil, 18 December 1604.

<sup>283</sup> Peter Lake, 'Matthew Hutton - a Puritan Bishop?' *History* 1979, p.200. The dominant concerns of Hutton's career were the fragility of the Protestant hold on the mass of English people and the ever present threat of Rome. Lake describes Hutton as an

face of James's insistence on unequivocal subscription to the Canons by every minister, while, at the same time, seemingly turning a blind eye to the Catholics, he was provoked into protest. Hutton further demonstrated his alarm at the current threat from the Catholics, who seemed to be enjoying increasingly good fortunes, when he went on to protest that 'it is highe tyme to looke unto them'. He also warned that 'his Maiestie, as he hath been brought up in the Gospell, and understandeth religion excellently well, so no doubt, he will protect, maintain, and advance it, even unto the end: So that, if the Gospell shall quaile, and Poperie prevaile, it wilbe imputed to you greate Councillors, who either procure, or yeld to graunt, tolleracion to some.' These sentiments suggest that, not only was he discreet enough to avoid directly criticizing the king, but also that he was fully aware of those on the Privy Council who were ready to condone moderate Catholicism and was growing increasingly fearful that they would prevail in securing further concessions for the Catholics.

The tone of the Council's letter, forwarded to Hutton by Bancroft, had been admonitory. It censured the 'ill grounded opinion and conceipt wherwith (as yt seemeth) divers have nourished and flattered their own disobedience, presuming on a farther enlargement of tyme and tolleracion then hath been graunted or intended by his Maiestie.' Bancroft could not resist adding, somewhat maliciously, that 'your Lordship havinge perused

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uncompromising Calvinist in theology but opposed to both the vestarian and presbyterian forms of puritanism, and committed, rather, to the power of the prince in matters ecclesiastical.

this lettre canot but greatly reioce at his Maiesties constant resolucion and most honourable inclinacion of their lordships and I doubt not but that you will with all faith care and dilligence accomlishe theeffect thereof.' With the assertion that the Lord Chief Justice and the Attorney-General were satisfied as to the legality of the deprivations, it seemed to Hutton that, in the face of the approval of the highest legal authorities, the position was becoming increasingly desperate.

Hutton was not prepared to acquiesce without a struggle and he determined to make his feelings clear. Given his commitment to the supremacy of princely authority in religious matters, and the fact that only recently he had declared to Whitgift his hostility towards the extremer elements among the more zealous Calvinists, and had reiterated his disaffection towards radical puritans even in his letter to Cecil,<sup>284</sup> it was hardly surprising that he was stung into giving vent to his feelings. Hutton's motives for his heated protestation are revealed when he refers to the 'Puritans (whose fantastical zeal I mislike)' but who, nevertheless, 'agree with us in substance of religion ... [and] ... all or most of them love his majesty' in contrast to the Catholics who 'are opposite and contrary in very many substantial points of religion and cannot but wish the pope's authority ... to be

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<sup>284</sup> Raine, ed. *Hutton Correspondence* p.24. Hutton's opinion that James 'doth shew his dislike both of superstitious and giddy-headed Puritans ... that neither the Papists may obtain their hoped for toleration, not the Puritans their phantastical platform of their Reformation.' Hutton to Whitgift, 3 October 1603; PRO SP14/10/64, Hutton to Cecil, 18 December 1604.

established.<sup>285</sup> The overriding factor for Hutton was his distaste for Catholicism which far outstripped any other considerations. It was the Catholics who were perceived as the menace to the security of England. Yet this fact seemed to be lost on James. His very different perception of Catholicism, nurtured in Scotland, where it appeared to him that it was the Scottish Puritans who represented the greater threat to royal authority, most clearly demonstrates the gulf between James VI of Scotland and James I of England. The concerns expressed by Hutton are an indication of the level and extent of disquiet about the Catholics, not only in those areas where they were particularly strong, but also throughout England. When appeals were made on behalf of those ministers in jeopardy of losing their livings they came from as far afield as Lancashire and through the Midlands to Essex,<sup>286</sup> indicating how widespread was puritan organization.

To James, however, the disobedience of the nonconforming ministers looked less like an expression of consternation felt

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<sup>285</sup> PRO SP14/10/64, Hutton to Cecil, 18 December 1604.

<sup>286</sup> PRO SP14/10A/62, The humble Petition of sundrie Gentlemen Justices of Peace in Lancashire for his Maties favour to continue to them sundrie of their godly Ministers who have longe lived amongst them painfully profitably and peacably to the furtherance in godly knowledge of themselves and manie thousandes of his Highnes loyall and true harted Subiectes, undated; BL Add MSS 38,492 f.61, cited in Quintrell, 'Royal hunt and the Puritans,' p.45, for the Royston petition; HMC, *Salisbury MSS*, vol.17, pp.7-8. Leicestershire JPs to Cecil, on behalf of the ministers to be deprived, 7 January 1605; HMC, *Salisbury MSS*, vol.17, p.26. Corporation of Northampton to Cecil on behalf of the deprived minister, 21 January 1605; HMC, *Salisbury MSS*, vol.17, pp.34-5, bishop of Lincoln to Cecil reporting on a petition from the knights of Lincoln on behalf of their nonconforming ministers, 24 January.

by men of tender conscience than one of disloyalty to the crown. Supplications for leniency appeared to be a direct challenge to his authority. As the petitioning campaign got underway James displayed increasing irritation.<sup>287</sup> Demonstrating how he was misreading the situation he condemned the Royston petition as 'almost an act of rebellion' and further examination of the petitioners revealed that 'this is a sedition with roots spreading far wider than was supposed.' He discovered that 'the number of Puritans is great, and the sect included some distinguished persons.' Furthermore, he recognized that they were not only willing, but also able, to take the matter to parliament where, supposedly, they could force the issue to their own satisfaction. Accordingly he resolved to further prorogue parliament, in order to give the bishops time to deal with nonconformist members.<sup>288</sup> Meanwhile the drive - if such there was - to bring ministers to conformity, was moving sluggishly, if at all, except where James personally intervened to speed up the operation.<sup>289</sup>

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<sup>287</sup> *HMC Tenth Report, Gawdy MSS*, p.97. Francis Morice, from Westminster, to Sir Basingborne Gawdy, at Harling, 10 December 1604. 'A petition sent in on Friday [7 December] from Lancashire gentlemen and Justices on behalf of their ministers who are not conformable is said to have been taken very ill by the king.'

<sup>288</sup> *CSPVen, 1603-1607* pp. 202-3. Nicolo Molin to the Doge and senate, 20 December 1604. In cipher. Although this source must always be treated with a degree of caution this account appears to be a fair reflection of events in this instance. Indeed, his observations are confirmed by John Chamberlain who wrote to Sir Ralph Winwood that, regarding the prorogation of parliament until October, 'the reason wherof I cannot understand nor reach unto, unles yt be that they wold have all the privie seales paide in: and that they wold have these matters of the church thoroughly settled..' See McClure, *Chamberlain Letters* vol.1, p.201.

<sup>289</sup> See Quintrell, 'Royal hunt', especially pp.49-58. Even in the diocese of London matters were barely moving.

James could be forgiven for handling the situation clumsily. He was still not yet fully cognizant of the complexities of religious sentiments in England, and did not yet appreciate the nature and influence of godly zealots, the degree of support which they might command, or the way in which their organization differed from the Scottish model.<sup>290</sup> Moreover, he had still to grasp the aversion felt by many Englishmen towards Roman Catholicism - an antipathy which had been deliberately fostered in an atmosphere of hostility to the Spanish in the preceding decade or so. Understandably, he was as yet unaware of the way in which relationships and kinships did not automatically run along religious lines in England, so that an extreme religious position adopted by one member of a family did not represent a uniform threat to stability. It was in this inadequately prepared condition that he found himself required to clear up a mess not wholly of his making. He was forced to rely on his Scottish experience, which had worked well enough in Scotland, but had now to be applied to a distinctly English situation. Nor could he feel entirely confident in his most senior churchman, Bancroft, who was sending him confusing signals. The man who, fourteen years before, had criticized James VI for shamefully allowing himself to be dictated to by the Scottish presbyterians,<sup>291</sup> was

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<sup>290</sup> The Venetian ambassador, also a stranger, was even more pardonably guilty of confusing English and Scottish Puritanism when he observed that they were in close relation. Though he did recognize that English Puritans posed less of a threat than those in Scotland who openly threatened James with removal. *CSPVen, 1603-1607* pp.219-20, Nicolo Molin to Doge and Senate, 31 January 1605.

<sup>291</sup> R. Bancroft, *A Sermon Preached at Paule's Cross the 9 of Februarie ... Anno 1588 [recte 1589]*, London, 1589. The Scottish section is printed in *Miscellany of the Wodrow Society I*, Wodrow



now presenting himself as a moderating influence on James I and advising caution in his dealings with the English puritans. It was hardly surprising that James needed time to adjust. To his credit, he was to do so impressively quickly.

In accordance with James's quest for the truth of the matter he had interrupted his hunting programme and met thirty-two prominent puritan divines on 1 December at Hinchinbrooke.<sup>292</sup> He relished the opportunity to engage in serious theological debate but clearly he approached the disputation in the light of an unlooked for interlude in the broader agenda he had set for his bishops for he maintained that nevertheless the disobedient ministers were to be deprived. The immediate and most pressing consideration for James was to thwart any challenge to his authority and he made it plain that he was not prepared to brook defiance from any part of the ministry of the church to his repeated demands for conformity. He was far too objective, however, to ignore the possibility of there being a more satisfactory resolution of the religious question and he indicated his willingness to have those issues outstanding after, or arising from, the Hampton Court Conference fully thrashed out.

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Society, Edinburgh, 1844, pp. 483-9. Cited in Jenny Wormald, 'Ecclesiastical vitriol.'

<sup>292</sup> For an account of this meeting see, Quintrell, 'Royal hunt', pp.47-8. Amongst those that James met was Arthur Hildersham, one of the more zealous Calvinists who had been behind the Millenary Petition, but who had been excluded from the Hampton Court Conference. This was probably the first time that James had come face to face with those holding more extreme Calvinist convictions. Though he had met Arthur's kinsman, Richard Hildersham, already, at the head of the Royston petitioners. See also p.242, n.450

But the proposed conference never materialized and James was left incensed at their seeming capriciousness.<sup>293</sup> No doubt feeling that he had responded to the godly zealots' grievances with excessive indulgence James, with stiffened resolve, initiated a concerted drive against the nonconforming clergy to which those bishops in the proximity of the king responded most enthusiastically.

Then, believing that he had settled matters, James withdrew to Royston 'for the good of his health' and made arrangements for government in his absence.<sup>294</sup> Given the extent of these arrangements, this particular absence was deemed to have been for quite legitimate purposes. The king was absent from his capital in November 1604 and again in January 1605. Initially, this would have made little difference for communications were sufficiently well established and he was never more than a day's ride away. Also, his presence in and around the eastern counties galvanized those bishops in the immediate vicinity to greater action against their non-conforming ministers.<sup>295</sup> James left it to his Privy Council, at Westminster, to handle matters but, despite reassurances to James that a large majority of the Council had met and they were confident that they could manage in his

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<sup>293</sup> See Quintrell, 'Royal Hunt', pp.47-8 and n.16.

<sup>294</sup> PRO SP14/12/71. The king to viscount Cranborne and the rest of the queen's council, 11 February 1605. Part of these arrangements involved giving a more precise definition of the authority of the Queen's court which could be construed almost as conferring powers akin to a regency upon it.

<sup>295</sup> See, Quintrell, 'Royal Hunt', for the way in which the incidence of deprivations of clergy followed the person of James throughout the winter of 1604-5.

absence, the conflict arising from the rival ambitions of the extreme Calvinists and the Catholics continued to grow.<sup>296</sup> In particular, there were widespread concerns at the growing audacity and presumption of the Catholics. Tobias Matthew, bishop of Durham, informed Cecil that he had asked Hutton to solicit the king and his Privy Council for the immediate renewal of the Commission for causes ecclesiastical in the province of York, 'the rather for that the recusants daily increase and embolden themselves for want of such authority as that commission doth warrant and where the ordinary jurisdiction doth not so sufficiently afford.'<sup>297</sup> There were also wild prophesies circulating regarding impending calamities originating with the Catholics. Sir Thomas Lake dismissed them as 'prophets and witches', too paltry to warrant undue concern, though the examination of William Moreton, one of their number, does reflect the growing sense of crisis. On being '..charged directly with having spoken ... that there would be fire and sword throughout all this land (one only place excepted) for religion amongst ourselves,' he claimed he meant nothing specific but 'between Midsummers and Lammas, there would be fire and sword in divers parts. He thought these troubles would be westward in the beginning and stirred up by the Papists.' When pressed for further details he said 'he doubted the troubles would come by

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<sup>296</sup> HMC, *Salisbury MSS* vol.17, pp.42-3, draft letter from Privy Council to the king, 15 January 1605; PRO SP14/12/20, Dorset, Cecil and Lord Berwick to the king, 15 January 1605.

<sup>297</sup> HMC, *Salisbury MSS* vol.17, pp.12-13, bishop of Durham to Cecil, 14 January 1605.

controversies between the Protestants and Papists.<sup>298</sup> Notwithstanding the rather reckless nature of such rumours, fears of Catholic ascendancy were not without foundation. It was said, for example, that the pope was holding meetings of a Congregation on England.<sup>299</sup> Even if the existence of such an assembly was not widely known, Rome was aware that its aims and intentions must be unequivocal to avoid giving the king an opportunity to act against the Catholics. That instructions were to be relayed verbally to avoid discovery was a tacit acknowledgement that the mission could not be conducted in complete secrecy.

Yet while the Privy Council appeared to view the situation seriously and met almost daily,<sup>300</sup> the king seemed perversely disinclined to address the threatened crisis. His chaplain and secretary had advised Cecil to spare Moreton and Butler as men of little account,<sup>301</sup> suggesting that James, personally,

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<sup>298</sup> HMC, *Salisbury MSS* vol.17, pp.22-5, Sir Thomas Lake to Cecil, enclosing the examination of William Moreton on 15 January, 20 January 1605. In fact, his claims were remarkably prophetic for there was a Catholic rising in the west of England in May, which threatened to spread further afield. See also, PRO SP14/12/43, The examination of Butler, 'a priest' on 30 January included that, 'he confesseth he s[ai]d to Mourton if troubles come it would bee for Religion, but whether he named Papists to bee the Authors of troubles he remembreth not.'

<sup>299</sup> *CSPVen, 1603-1607* p. 215, Agostino Nani, Venetian Ambassador in Rome, to the Doge and Senate in Venice, 19 January 1605, p.208; the same to the same, 2 February 1605.

<sup>300</sup> *CSPVen, 1603-1607*. pp.219-20. Nicolo Molin to the Doge and Senate in Venice, 31 January 1605. The Council frequently sat until midnight and conducted many examinations. However, he was inclined to place the blame for the growing crisis on the Puritans' dissatisfaction with the deprivations.

<sup>301</sup> HMC, *Salisbury MSS* vol.17, p.38. James Montague and Sir Thomas Lake to Cecil, 26 January 1605.

dismissed their warnings as insignificant. While this could have been one explanation for James's reticence another, more likely, reason might have been that he was deliberately keeping a low profile, and leaving matters in the hands of his bishops. Paradoxically, though, James had found himself pitched squarely into one of the most militant areas where he was obliged to take a hand. That his personal intervention had been more by accident than design is confirmed by a letter Cecil had written to Sir Thomas Lake, towards the end of January, advising that the management of the current matters properly belonged to the archbishop of Canterbury and the bishop of London. He continued that 'the lesse his Majestie or the Councell interpose themselves, the lesse trouble shall the State receive in the settling of the same.' He was also of the opinion that the threat was exaggerated and, if the JPs properly executed their duty, the situation could be kept under control. For he remarked 'I would plainly prove this, that neither Papists number equall to their report, nor the Puritans would ever fill up a long register, if the Ministers & Recusants were not backed, flattered, and encouraged by Gentlem[en] in Countries, that make a good reason for it, if private ends may justifie such formes,' once again demonstrating his cynicism regarding matters of religion.<sup>302</sup> Thus he demonstrated where he felt the blame lay for the king's present religious difficulties which were manifesting themselves in the growing tensions between the more extreme Protestants and the Catholics.

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<sup>302</sup> PRO SP14/12/28, Cecil to Sir Thomas Lake, 24 January 1604

By suggesting that JPs encouraged the growth of puritanism or Catholicism simply for reason of their own 'private ends' Cecil was doing them a grave injustice. He was failing to acknowledge that, for most of the time, men of all religious persuasions coexisted peacefully. Religious divisions were never drawn neatly down family lines and the examples of families at the highest level of society, including in Cecil's own, whose members embraced a variety of religious positions were legion. The most immediate example was that of the family connections of that zealous Calvinist, Sir Francis Hastings, which make a very interesting study. His brother, Henry, the late third earl of Huntingdon, and Lord President of the North until 1595, was credited by William Camden as 'a man of a mild disposition, but much inflamed with a zeal to the purer religion, wasted his patrimony much by relieving (at his great cost) the hotter spirited ministers'.<sup>303</sup> Ashby-de-la-Zouche, the family home, was a puritan seed bed. Yet, Sir Francis's mother was the niece of Cardinal Pole, the leading advisor of Mary Tudor. His brothers, George, fourth earl of Huntingdon, and Walter remained Catholic while his sister, Elizabeth, married the moderate and courtly Catholic earl of Worcester (who nevertheless was active against Jesuits and then later the perpetrators of the Gunpowder Plot). Their daughter, Catherine, married another peer with Catholic sympathies, Lord Petre.<sup>304</sup> For all its reputation for puritan

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<sup>303</sup> See Camden's *Annals*, 1688, p.529. Cited in Claire Cross, *The Puritan Earl: The life of Henry Hastings third earl of Huntindon 1536-1595*, London, 1966, p.98.

<sup>304</sup> He was one of the Lords, with Catholic leanings, present at the prorogation of parliament in February 1605 which had so unsettled the puritans. See below, pp.181-2

zeal the Hastings family thus displayed clear signs of its Catholic roots especially in Sir Francis's own generation.

Such diversity was not untypical. As the sprawling relationships throughout the highest echelons of Jacobean society are examined it becomes increasingly apparent that it is virtually impossible to refer, with any certainty, to a 'Protestant' or a 'Catholic' family. Cecil himself was the brother-in-law of Henry and George Brooke, who were implicated in the plots early in James's reign, designed to wring from him a promise of full toleration for Roman Catholicism, while his son married the daughter of the earl of Suffolk, of the predominantly Catholic Howard family. The pattern of marriages across religious boundaries and adherence to different religions within the same family is repeated again and again throughout most of the leading families as well as being replicated further down the social scale. This was hardly surprising, given that the religious reformation had really only seriously begun in the past half century.

In Leicestershire, Meriel Throckmorton, the future wife of Sir Thomas Tresham, one of the principal Catholics in Northamptonshire, was brought up in the household of Catherine Pole, Sir Francis Hastings's mother.<sup>305</sup> However, there had never

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<sup>305</sup> Mary E. Finch, *Five Northamptonshire Families, 1540-1640*, Oxford, 1956, p.78, n.2. See also, *DNB* for how Meriel's uncle was the diplomat, Sir Nicholas Throckmorton, who, unlike most of his family, was a staunch protestant. Consequently, his fortunes prospered in the reign of Elizabeth, although his loyalty was temporarily in doubt as a result of his sympathy for the cause of Mary, Queen of Scots. His daughter, Elizabeth, married Sir Walter Raleigh. The Throckmorton family well demonstrates the intricate cross-religious marriages and relationships which were

been any question about Sir Thomas's loyalty. He was dismissed by more radical Catholics 'as a friend of the State, [who] is held by us as an atheist.'<sup>306</sup> Because of their religious beliefs, the Tresham family fortunes were gradually eroded, through their obligation to pay recusancy fines and their exclusion from lucrative public office,<sup>307</sup> but relations with other families in the county, on the whole, were cordial; with the exception of Sir Edward Montagu. It was not until other considerations obtruded that religious differences between families were invoked. For example Sir Thomas Tresham reminded the Lord Spencer of 'The great good neighbourhood continued many ages between the Tresames and the Spencers,' after he had discovered that some of his countrymen had attempted to have him outlawed at the previous Quarter Sessions.<sup>308</sup> As this incident coincided with the session of parliament where Sir Edward Montagu was particularly involved with the parliamentary efforts on behalf of those of tender conscience and opposition to the Catholics, it illustrates how the struggle in parliament found

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typical in so many families. Sir Arthur Throckmorton, incidentally, was one of the leading signatories of the Northamptonshire petition.

<sup>306</sup> *CSPD, 1595-1597* pp.356-8, Henry Twetchborne SJ. to Thomas Derbyshire SJ., 2 February 1597.

<sup>307</sup> Finch, *Five Northamptonshire Families*. Chapter 4 is devoted to tracing the impoverishment of the Tresham family, largely as a result of their Catholicism, and recounting its decline in relation to newer families who were not handicapped by being subject to penalties arising from their religious adherence.

<sup>308</sup> BL Add MSS 39,829 f.143. Sir Thomas Tresham to Lord Spencer, 7 October 1605.



further expression in the counties.<sup>309</sup>

It is also an example of the way in which relations between families, whose leading members were of different religious outlooks, deteriorated when unclear signals from the centre exacerbated religious tensions. But though the Montagues and Spencers may well have sought to take material advantage of Sir Thomas Tresham's plight, the experience of the Tresham family tended to be the exception rather than the rule. For example, their kinsmen, the Brudenells, who also inclined towards Catholicism, prospered considerably. The key factor to their success was shrewd estate management, which the Treshams had failed to achieve, suggesting that the penalties for recusancy were not in the end responsible for determining long-term family fortunes.<sup>310</sup>

Although Cecil's accusations of complicity by the JPs in increasing religious difficulties for interests of their own were largely unfounded, they did bear the chief responsibility for maintaining harmony in their areas of authority by checking those

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<sup>309</sup> Although his parliamentary obligations prevented Sir Edward from being present at the quarter session in question, he was very influential in local affairs and reflected the general opinion of the more zealous Northamptonshire gentry. Years later, Sir Edward was to exploit the Catholicism of another of his neighbours, in his dispute with Sir Thomas Brudenell over a keepership in the royal forest at Farming Woods. See, HMC *Bucclough and Queensberry MSS* vols. 1 and 3 and HMC *Montagu of Beaulieu MSS*, throughout early 1612

<sup>310</sup> Finch, *Five Northamptonshire Families*, traces the flourishing fortunes of the Brudenell family and does not mention difficulties arising from the payment of recusancy fines until 1626, when, even then, the effects were minimal.

aspects likely to threaten disquiet. Lord Keeper Egerton, in his Star Chamber speech, almost a year before, had also blamed the JPs for the unrest over conformity. He severely berated them for forgetting their oath to God, and their duty to both their king and their country, by failing to execute justice and maintain peace in their counties. He adjured them to look to the proper observance of fast days, to control the numbers of alehouses, which were the causes of all disorder, and to ensure that the highways were maintained in good repair. Then he exhorted the judges to inspect the performance and attendance of the JPs and to report back with their findings. This may have been a noticeable advance in the conduct of local government, for whereas late Elizabethan pre-circuit addresses had also stressed the expediency of the assize judges commenting on the efficiency of the JPs, such requirements seem always to have been made in very general terms. On this occasion the demand was for far greater detail of individual performances, which may have been a distinctly Jacobean development. In the first Star Chamber address to the judges after James's accession Egerton informed them that the king regarded them as his eyes when they were on their circuits, and that he expected on their return 'an exact Accompte and precaise Certificate of you what gents you found diligent in their [duties] within the circuits whoe were apprehenders of ffellons & Roagues, who have putt downe Alehouses'.<sup>311</sup> The speech seems more comprehensive than any

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<sup>311</sup> MSS of the Inner Temple, Petyt MSS 538, vol.51, f262. 'The effect of the Lord Chancellor Egerton his speech to the judges in the Starchamber, the last sitting day ther in termino Sti. Hil. anno Regni 1° Jacobi.' c. February 1604. That of June 1603 is not extant, but, given that the assize judges rode their

before and certainly was an indication of the level of accountability James expected from his judges. Therefore, when Egerton, the following year, asked the judges, on behalf of the king, for detailed reports on every JP from the judges, it should have been evident exactly what it was that was required.<sup>312</sup> James, that dogged seeker after the facts of the matter in both the civil and ecclesiastical spheres, was determined to receive adequate and precise information when it was needed.

Cecil's criticism of the JPs, which recognized the tendency of some to exploit religious differences to further their personal ambitions, was more a measure of his own religious cynicism. Following his master's lead he continued to be guarded concerning his religious stance, shrewdly endeavouring to avoid association with any religious position. Therefore, just as he had avoided meeting Sir Francis Hastings, the previous July, in case he found himself identified with the puritan camp, he sought not to be being included on the new High Commission for Causes Ecclesiastical.<sup>313</sup>

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circuits just two months after James's arrival in London the Star Chamber charge was unlikely to contain anything beyond the usual instructions. It was certainly too early for James to have influenced it.

<sup>312</sup> Baildon, ed. *Camera Stellata*, pp.186-9. Lord Keeper Ellesmere's pre-circuit speech to the judges, 13 February 1605.

<sup>313</sup> Like Cecil, Northampton hoped to be omitted from the High Commission. See HMC, *Salisbury MSS*, vol.17 pp.29-30. Bancroft to Cecil, 22 January 1605. He reported that the Lord Chancellor would not allow him or Northampton to be omitted from the commission ecclesiastical. When the Commission was issued, it included Northampton but not Cecil. See PRO SP14/12/66.

Both the provinces of York and Canterbury were pressing Cecil to urge the king to renew their High Commission, which had lapsed on Whitgift's death.<sup>314</sup> That both provinces sought new Commissions suggests they felt a growing need for a supplement to normal episcopal disciplinary powers.<sup>315</sup> Despite misconceptions about the function of the High Commission it was designed to deal with both nonconformists and Catholic recusants. Certainly, the Commission had a long tradition of puritan opposition to it, while Hutton's reports of the Catholics' jubilation that it was not to be renewed, signified their conviction that it was particularly hostile to them.<sup>316</sup> When the Commission was issued, on 9 February, it incorporated legislation concerning both Catholics and nonconformists.<sup>317</sup>

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<sup>314</sup> HMC, *Salisbury MSS*, vol. 17, pp.12-3, bishop of Durham to Cecil, 14 January 1605, and p.13, archbishop of Canterbury, same date.

<sup>315</sup> For a discussion of the function of the Court of High Commission see Philip Tyler's introduction to R.G.Usher, *The Rise and Fall of the High Commission*, Oxford, 1913 (reprinted 1968), pp.i - xxxiv. This modifies some of Usher's conclusions in the light of the availability of new sources.

<sup>316</sup> Usher, *High Commission* pp.124-42, 167-8, 170-9, 319-23, 325-34; PRO SP14/10/64, archbishop Hutton to viscount Cranborne, 18 December 1604; It has been observed that, 'The Tudors had an Inquisition but preferred to call it by a different name, the Ecclesiastical Court of High Commission,' indicating that it was believed to be as unilateral in its remit as its southern European counterpart. See, T.H.Clancy, sj. 'Notes on Person's "Memorial for the Reformation of England."' *RH* vol.5, 1959-60, p.26

<sup>317</sup> The 1605 High Commission largely followed the 1559 form, together with the amendments in the 1562, 1572, 1576 and 1601 versions, though it was not a verbatim reissue of the 1601 Commission as claimed by Usher. The statutes referred to in it were: 1° Eliz. c.2, for the uniformitye of common prayer and services of the Church and administration of the sacraments, and, for the assurance of the Queenes Mats Royall power over all States and subiectes within her dominions, 1559; 13° Eliz. c.12,

Ultimately, though its purpose was to improve standards of church government which won the approval of the puritans.

Finally, in what was to become a familiar theme in the Jacobean development of existing institutions, the Commission prescribed more detailed instructions for its operation. It added a second Registrar to record the acts of the Commission. Then it was ordered that the 'receiver of fines ... shalbe accomptable for the same And for the iuste receipte and true accompte thereof' by means of 'two paper books indented and made, the one to remayne with the said receaver and the other with the said Registers'. In addition, the vague charge that the receiver and the fines should be certified into the Court of Exchequer 'after the time this our Commission has expired', was replaced by a more specific demand for it to be done 'once in every Easter terme and Michelmas terme during this our commission', and the fines received as well as set were to be certified. Thus the 1605 High Commission was primed to settle both the Catholic and the puritan threat.

Meanwhile, James was still king of Scotland, where the conflict between the Catholics and the presbyterians continued. Contrary to traditional assumptions that there a harmonious relationship was developing between James and the Scottish kirk after the open conflict of 1596, the most recent study of the subject has

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*to reform certayne disorders touching ministers of the Church, 1570; 27° Eliz. c.2, to retayne her Mats Subiectes in their due obedienc and to restrayne Popish recusants, 1583; and 1° Jac I, c.4, for the due execucon of the Statutes against Jesuits, 1604*

suggested that there were clear and recurrent tensions between the two.<sup>318</sup> This strained relationship has largely been attributed to James's persistent reluctance to enforce anti-Catholic legislation in the face of demands for him to do so by the kirk. His English Calvinist subjects, therefore, might be forgiven for their lack of confidence in their new king's intentions regarding the Catholics. Repressing the 'insolencies' of the papists continued to be one of the dominant issues for the Scottish clergy after their king had left for England. The other was for James to sanction the holding of a General Assembly - the annual assembly of the Ecclesiastical representatives of the kirk. The two matters were very closely interrelated.

At the General Assembly held at Holyroodhouse in November 1602 James had ordained that its next meeting would not be held until July 1604. Although this attracted some adverse comment, it was generally accepted as part of the king's drive to impose his will upon the kirk by determining the dates of all ecclesiastical assemblies (as was his privilege). James was not to know that he would be in London by the time the next General Assembly was due to meet. When the king postponed the assembly planned for 1604 - on the grounds that he wished to settle the union of the realms first - doubts began to be raised. The Synod of Fife met in September, together with commissioners from elsewhere in Scotland, and they debated whether a General Assembly could legitimately be held in October. An Assembly was deemed

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<sup>318</sup> Alan MacDonald, 'Ecclesiastical politics in Scotland, c.1586-1610' University of Edinburgh Ph.D., 1995.

particularly necessary to subdue the increasingly presumptuous papists. The meeting was closely followed, on 27 September 1604, by the issue of a Proclamation against all extraordinary meetings of ministers. The king's commissioner, the Laird of Laureston, however, informed the commissioners from each province that they could meet separately to discuss possible grievances which they might like to send to the king. The continued meetings of regional synods were not under threat and they met in October, when they 'regraited heavilie the decay of the libertie of the kirk'. They raised several other grievances, not least that there was a decline in standards for want of a General Assembly. Once again, the chief concerns of the kirk were the desire for a General Assembly, coupled with a determination that order be taken with the Catholics.<sup>319</sup>

The two issues came together most closely in the north east of Scotland, where the earl of Huntly, one of the principal Catholic landowners, was in constant conflict with the ministers of Aberdeen. Adopting his customary approach, James had consistently refused to prosecute Huntly for his Catholicism, maintaining that he was not prepared to pursue a loyal subject for matters of conscience. By the winter of 1604-5 the Aberdeen ministers were

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<sup>319</sup> For the Synod of Fife in September 1604 see D. Calderwood, *The True History of the Church of Scotland*, Edinburgh, Wodrow Society, 1845, pp.270-1 and J. Row, *History of the Kirk of Scotland*, Edinburgh, Wodrow Society, 1842, pp.58-9; for the proclamation of 27 September 1604 see *RPCSc*, vol.7, 1603-1607, pp.13-14; for the meetings of October 1604 see Calderwood, p.271, Row, p.59 and J. Forbes, *Certaine Records Touching the Estate of the Kirk in the Years 1605 and 1606*, Edinburgh, Wodrow Society, 1846, who observed that there were no less than seven attempts to persuade the king to allow a General Assembly.

once more attempting to excommunicate the earl. When they heard that Huntly had gone to the king they sent a delegation of their own, which arrived in February 1605.<sup>320</sup> Their coming just as the puritan petitioning campaign reached its peak in England, may well have caused James to exaggerate the extent of the similarities between the Scottish presbyterians and their godly brethren in England, and consequently to overestimate their threat to his authority and to the peace of the realm. His association of the English church and the Scottish kirk was understandable, given that the the Provincial Synods had made clear their support for their English brethren against removal from their livings.<sup>321</sup> This convergence was enough to give James very serious pause for thought.

This was the position in early February 1605. England was at peace with Spain and Flanders, albeit with misgivings in the Low Countries and at home. The Catholics appeared to be content at the cessation of the more stringent activity against them, to the consternation of the more zealous Calvinists. James still hoped

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<sup>320</sup> NLS, Denmilne MSS 33.1.1. no. 16. Earl of Huntly to the king, 10 December 1604, expressing his gratitude for his support against the Aberdeen ministry; *ibid.* no.27. Scottish Privy Council to the king, 1 February 1605, informing him about their handling of the dispute between Huntley and the Aberdeen ministers, and requesting him to see the delegation from the Aberdeen Presbytery, who, as well as Huntley, were on their way to see him.

<sup>321</sup> Calderwood, *History* p.273. Of the four grievances resolved upon at the Provincial Synods, in October 1604, the first two ~~concerned~~ concerned craving a General Assembly and determining to take ~~order~~ order with the Catholics. The third appealed that, 'the godlie and faithfull brethrein in England persecuted by the bishops might find favour with his Majestie, and be tolerated in their offices and livings.'



that, having shown his determination not to recall parliament until the religious question was settled, fractious ministers might be prepared to acquiesce to his demands for conformity. And, on 9 February 1605, the new, improved High Commission for Causes Ecclesiastical was issued. Yet it was on precisely this same day that James was to be hit by the most momentous of the puritan petitions.

## Chapter 5.

### The Northamptonshire Petition and its Ramifications in the Localities

The Northamptonshire petition of 9 February 1605 turned out to be the culmination of the activity by the more zealous Calvinists on behalf of their godly ministers who were facing the deprivation of the livings for their failure to submit *ex animo* to the Canons of 1604. The presentation of the petition also provided an opportunity to bring to James's attention the grave misgivings his apparent toleration of Catholics was arousing among some of his subjects. The rather unsatisfactory outcome of the recent parliamentary session had provoked some of its most prominent members, who had been actively striving to draw attention to their religious grievances through the the parliamentary process, to adopt extra-parliamentary efforts. Hence the Northamptonshire MPs, together with their fellow gentry, resorted to petitioning the king, directly. That one of the most senior members of parliament became involved with presenting that petition, concerning a county with which he was not strictly involved, also deserves attention. So too, does the coincidence of events in Scotland, where the fears of men of zeal in the English church were often closely matched by those of the Scottish kirk. Finally, James's reaction to the petition, and his practical response to its implications illustrates his ability to act calmly and effectively under pressure - to think clearly and act fast. For the first time in England he needed to show

what he was made of.

The campaign on behalf of the deprived ministers continued into 1605 with petitions from the gentlemen of Leicestershire and of Lincolnshire and from the corporation of Northampton.<sup>322</sup> This was despite James's insistence that the matter of comprehensive and unanimous conformity to the established forms of worship was settled. In his proclamation of the previous July he stated that he had, at the earliest opportunity, addressed the question of settling the affairs of the church and that there had been every chance at the conference held at Hampton Court for the expression of contrary opinions and reservations. When the matter had been re-opened in parliament, he maintained that he had further explained the position to everyone's satisfaction. Even when he had agreed to discuss outstanding misgivings with the puritan divines at Hinchbrook at the beginning of December he insisted that, come what may, the deprivation of non-conforming ministers would follow.

The petition submitted by the gentlemen of Northamptonshire was different from the previous appeals to the king, throughout the winter of 1604-5, on behalf of deprived ministers, in several respects. While most of the other petitions had been directed to

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<sup>322</sup> HMC, *Salisbury MSS* vol.17, pp.7-8, Leicestershire JPs to Cecil, 7 January 1605; HMC, *Salisbury MSS* vol.17, pp.34-5, the bishop of Lincoln to Cecil, reporting on a petition from the knights of Lincolnshire, 24 January 1605; Hatfield House, Cecil MSS 103/124, mayor and corporation of Northampton to Cecil, 21 January 1605, cited in W.J.Sheils, *The Puritans in the Diocese of Peterborough, 1558 - 1610*, Northampton Record Society, vol.30, 1979, p.83.

Cecil, this one was presently directly to the king, thereby introducing the business to his attention after he had declared he wanted no further involvement in the matter. James had said he would not call another parliament until the religious question was concluded, once and for all, with full subscription, by all ministers, to the Canons of 1604 confirmed in the previous session of parliament. The timing of the Northamptonshire petition, to coincide with the ceremony to further prorogue parliament looked to be wilful disobedience to the king's will.<sup>323</sup> Even worse, it could be construed as a challenge to the role of the sovereign in regulating the parliamentary process. By taking advantage of an ostensibly parliamentary occasion to advance their campaign, when parliament was not even sitting, the Northamptonshire petitioners appeared in danger of manipulating the process to their own advantage in a way which could be interpreted as a direct infringement of the royal prerogative.

Emphasizing the quasi-parliamentary nature of the petition, its leading signatories included several members of parliament, two of whom were chairmen of important religious committees with substantial membership in common. One of them was Sir Edward Montagu, who had been responsible for the introduction of the religious grievances into the last session of parliament. In addition, the membership of a select committee to discuss the issue included not only Sir Edward Montague but also Sir Richard and Sir Valentine Knightley, who were also signatories of the

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<sup>323</sup> Larkin and Hughes, *Proclamations* vol.1, pp.103-4, no.48. 24 December 1604. A proclamation for the proroguing of parliament to February 1605; *CJ* vol.1, p.256.

petition.<sup>324</sup> The setting up of the committee was the work of Sir Francis Hastings who, though not a Northamptonshire gentleman, was rather surprisingly associated with their petition. Sir Francis was neither one of those requested by the Northamptonshire gentry to present the petition to the king nor was his among the signatures on the petition. Yet he had apparently been responsible for drawing it up, and he was also present at its presentation. It was this association of prominent members of parliament with the petition which served initially to vex James. That there was genuine disquiet at the treatment of the godly clergy there can be no doubt; but Hastings seemingly saw an opportunity to draw to James's attention the widespread alarm at the presumption of the Catholics, now further sharpened by anxieties about the details of the treaty with Spain and the Archdukes, shortly to be published.

James's immediate dismay that members of parliament had approached him as if parliament were in session was increased as he realized the calibre - and connections - of the chief signatories of the petition. It is possible to identify the leading petitioners, for, in addition to the petition, there also survives a letter from the gentlemen of Northampton to Sir Edward Montagu, Sir Richard Knightley and Sir Valentine Knightley, recommending them 'for the oportunitie you have beinge nowe in London ... to present to his most gracious highnes ... our most humble supplication in the behalf of us and our distressed ministers'. The signatures on the letter correspond exactly to

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<sup>324</sup> See above, p.133

those on the petition save for the addition of the recipients of the letter together with Sir William Lane, Sir Euseby Andrews and Sir William Stafford, indicating that they were deemed the foremost county representatives.<sup>325</sup> They were a closely related group of gentlemen. Sir Euseby Andrews was Sir Richard Knightley's son-in-law while Sir Euseby's brother-in-law was Sir William Lane. They were also an important group who wielded considerable local influence, both in representing or returning sympathetic members to parliament and in dominating the commission of the peace. In addition, Sir Richard Knightley and Sir Edward Montagu were particularly active deputy lieutenants during the lieutenancy of Sir Christopher Hatton, at the end of the previous century, who had become accustomed to acting with an unusual degree of latitude during the long periods of absence necessitated by Hatton's court obligations.

Sir Richard Knightley was a long-time pillar of the puritan movement in his county. In the 1570s, as part of the earl of Leicester's circle, he had been responsible for pioneering the employment of lay-patronage to create a puritan group in Northamptonshire. The Daventry branch of the *Classis* movement was composed largely of his proteges and he had given a temporary home to the presses on which the Marprelate tracts had been printed. More recently his sphere of influence had extended into

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<sup>325</sup> PRO SP14/12/69, endorsed 'To oure verie lovinge freindes Sir Edwarde Mountague knighte Sir Richard knightley knight & Sir Valentine knightley knightes at London theise'. As they were already in London, presumably for the start of the law term, it was not necessary, as Cross believed, for James to order the Privy Council to summon them to London. See Cross, *Hastings Letters*, p.xix. For the petition see PRO SP14/12/69i.

concerns of a more central nature, when one of his proteges was one of the local representatives at an 'alternative conference', comprising those puritans deemed too radical to meet the king at Hampton Court.<sup>326</sup>

James was more alarmed by the presence among the petitioners of Sir Edward Montagu. His personal chaplain and Dean of the Chapel Royal was Sir Edward's brother, James, while another of his brothers, Henry, was the Recorder of London. More tenuously, the association of Sir Edward Montagu and Sir Robert Wroth - who had been responsible for jointly introducing a number of religious grievances at the beginning of the recent parliamentary session - further emphasized the calibre of those at the centre of the current dissonance for Sir Robert's eldest son had only recently married into the Sidney family, and both were friendly with Cecil.<sup>327</sup> Thus the petitioners and their associates had connections who were at the very heart of James's court and capital and it was this factor which underlined a crucial

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<sup>326</sup> Sheils, ed. *Peterborough Puritans* pp. 26, 37-8, 52, 59, 78-9; for the private, and larger, assembly of puritan ministers see P. Collinson, *The Elizabethan Puritan Movement*, London, 1967, p.456

<sup>327</sup> Sir Robert Wroth's own fortunes were at a low ebb. However, his son had married Lady Mary, the daughter of Sir Robert Sidney on 27 September 1604, at Penshurst, the home of the Sidney family and centre of literary excellence. A visit by James to Penshurst was described in a poem written by Ben Jonson, and queen Anne became intimately involved in the circle consisting of Lady Mary Wroth and members of the Herbert family. Lady Mary was also a particular friend of Lady Susan Vere, Cecil's niece, while Lady Susan's niece married the fifth earl of Huntingdon. There was a further connection between the Herbert, Sidney and Hastings family in the older generation. For Lady Mary Sidney, the niece of the third earl of Huntingdon and Sir Francis Hastings, married Henry Herbert, the second earl of Pembroke.

distinction between the Northamptonshire petition and its predecessors.

It also emphasized a vital difference between the ministers facing deprivation in England for their failure to submit to the Canons of 1604 and those ministers in Scotland who had faced the loss of their stipends for resisting subscription to the test oath which pledged obedience to the 'Black Acts', in 1584.<sup>328</sup> In Scotland, the recalcitrant Melvillian ministers had had the support of the exiled Scottish nobles only for as long as it suited their purposes, suggesting that the alliance between the two exiled groups was one of convenience - on the nobles' part, at least - to be abandoned when the ministers were of no further use to them.<sup>329</sup> By contrast, the English ministers appeared to have the unequivocal support of influential elements at the top of English society, both at court and in the country. Given that James had experience of a kirk which had recognized the potential value of noble influence but had failed to secure the nobility's support, he could be forgiven for taking a dim view of the apparent success of the godly in England in finding powerful

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<sup>328</sup> See above, pp.143-4

<sup>329</sup> For the level of noble support for the ministers resisting subscription in 1584-5 see, MacDonald, 'The Subscription Crisis' in *RSCHS*, 1994, pp.250-1. He points out that, while the Scottish nobles were exiled in England, they were geographically divided from the ministers in Scotland. Then, on their return to Scotland, in October 1585, the nobles did not press the religious issue. See also, Melville, *Diary*, p.225 and p.228. According to James Melville, the king 'perceavit that the Noble-men war nocht verie earnest in the maters [of the kirk], getting their awin turnes done'. And that 'in effect, the guid breithring war left and deserted be tham'.



sponsors.<sup>330</sup>

It was the presence of Sir Francis Hastings which most disturbed the king. He was the brother of two earls of Huntingdon and great-uncle of the current earl, a minor, who had succeeded to the earldom a little over a month before. In particular he admired and emulated his much older brother, Henry, the third earl whose importance, according to his biographer 'lies first and foremost in that he furnished a pattern to the Protestant peers.' Sir Francis assiduously modelled himself upon him to such effect that he was described as something of an *alter ego* of his brother.<sup>331</sup> In addition, he was well known for his diligent work on behalf of his family's interests throughout his life. His devotion to his family was matched only by his hostility to popery. He had served as a member of parliament in every session but one from 1571 and had gained considerable parliamentary expertise which he used tirelessly both to defend protestantism

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<sup>330</sup> For a discussion about the extent to which aristocratic power might influence the course of the Scottish Reformation, through the exercise of their patronage, see Jenny Wormald, 'Princes' and the regions in the Scottish Reformation' in Norman MacDougall, ed. *Church, Politics and Society: Scotland 1408-1929*, Edinburgh, 1983, pp.65-84, especially, pp.67-70. She concludes that 'the Kirk failed to persuade the secular powers ... until the mid-seventeenth century.'

<sup>331</sup> Cross, *The Puritan earl* pp.xiii, xvi. It might also be significant that, by virtue of his claim to the English succession, Elizabeth had refused to consider Huntingdon for any office in national life. However, when the 'northern emergency', in 1569, had made it necessary to confine Mary, Queen of Scots more closely, Huntingdon's claim was no longer a liability - instead it was a positive asset, for he made an ideal custodian for his 'rival'. Cross, *The Puritan Earl* pp.147-154. Thus Huntingdon's first public office was as jailor to king James's mother.

and to attack Roman Catholicism.<sup>332</sup> This mixture of religious zeal and indefatigable family loyalty was a volatile combination. Sir Francis was poised to play a significant role in the impending showdown between those of tender conscience and the king, which was looming early in 1605.

The growing power struggle in the Hastings' heartland was threatening to further complicate matters as the family's hegemony had begun to wither after the death of the third earl, in 1595.<sup>333</sup> The succession of a young boy as the fifth earl, late in 1604, introduced another element for his great-uncle, Sir Francis, might emerge as the controlling influence over him. Yet, in reality, Sir Francis seemed to be feeling that his influence was being eroded at several levels, with the fourth earl and then with both the county and the city of Leicester.<sup>334</sup> This might

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<sup>332</sup> See, Cross, ed. *Hastings Letters* pp. xxv - xxviii.

<sup>333</sup> Richard Cust, 'Purveyance and Politics in Jacobean Leicestershire' pp. 7-8, for the re-emergence into county politics of their longtime county rivals, the Gray family. I am grateful to Dr. Cust for sending me a copy of his unpublished paper.

<sup>334</sup> After the death of the third earl of Huntingdon, with whom he had been on excellent terms, relations between Sir Francis and the fourth earl, George, deteriorated as his position as trusted family agent came into question. For an example of this see, Sir Francis Hastings to Dorothy, fourth countess of Huntingdon, in December 1598, in which he explained that 'if I come into Lecestershiere it is not to hurte or hinder my lorde or his house any way, but to doe it all honour and to adde all helpe and furtherance that I can thereunto.' Henry E. Huntington Library, San Marino, California. Hastings Correspondence, HA 5100; In the 1601 county election to parliament earl George supported his nephew, Sir Henry Hastings, against the Grays' candidate. Sir Henry's 'rise' coincided with Sir Francis's 'fall' and, although Sir Henry was amongst the signatories on a Leicestershire petition on behalf of their non-conforming clergy Sir Francis's was not. In an attempt to bolster his diminishing influence in local affairs Sir Francis appears to have made

help to explain his connection with the Northamptonshire petition for his interference in that county's business was something of an puzzle. With no clear justification he had attached himself to their cause by drawing up the petition and then using it as an opportunity to appeal directly and personally to the king on behalf of the disaffected element among the staunch Calvinists and, more significantly, as a means to express his concerns about the Catholics. It is even possible that Sir Francis initiated the Northamptonshire petition for that very purpose. That he was prepared to become conspicuously involved in a business which did not legitimately concern him was no doubt prompted by the increasing urgency of bringing to the king's attention the concerns of the more zealous Calvinists whose patience was being sorely tried by the swaggering Catholics. With his influence in his own county in a state of flux, he was forced into casting around for another cause to adopt. Given that Sir Francis was a parliamentary ally of Sir Edward Montague, as well as the Knightleys, having worked closely with them in the recent session of parliament to air their religious grievances, it was perhaps less surprising that he was prepared to identify himself with

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overtures to the town of Leicester. However, initial successes were, by June 1604, collapsing. On 11 June it was noted that Sir Francis 'had muche to say againste the Corporacion for abuses of the fee farm gift in not imploying the same to the uses intended or mencioned in our petition for the same.' And on 16 June the mayor of Leicester lamented Sir Francis's 'unkynd speaches towardes our Corporacon who thinke very hardlye that he shoulde oppose himselfe ageinst us in any thinge consideringe how well he was satisfied.' See, Leicestershire County Record Office, BR II/18/8 f. 506. Letter from Thomas Chettal and William Warde, two of 'the Twenty Four', to Sir Francis, 11 June 1604; BR II/5/97 (loose letters), Hugo Hunter (mayor), Thomas Chettal and Thomas Warde, to Sir Francis, 16 June 1604. Moreover, this was precisely the time that Cecil was repudiating Sir Francis and ignoring his pleas for support.

their county's particular complaints. Certainly, his willingness to risk inviting the king's censure for interfering in the affairs of another county clearly was a measure of his growing concern about the future of devout Calvinism in the face of James's seeming approbation of the Catholics.

Sir Francis's fears may also have been confirmed by those Scots with whom he had been associating during the recent negotiations for the proposed union of England and Scotland. He was one of the leading Commons representatives on the English Commission for the Union which had been meeting the Scottish Commissioners regularly throughout the late autumn and early winter of 1604.<sup>335</sup> The two commissions were each appointed to conduct preliminary discussions within their own parliaments earlier in the year before coming together to finalize the arrangements for the union of England and Scotland. There was a vociferous element among the Scots who were adamant that any proposed union would not include a union of the kirk and the church. In spite of the indifference from the ecclesiastical representatives in the Scottish parliament, the earl of Morton desired that a clause be included in the commission for the union 'for preserving the estate of religion, both of doctrine and discipline, in the onwe freedome and sincerity,' which was a part of the legislation enacted on 11 July 1604.<sup>336</sup> The Scottish kirk had watched the progress of

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<sup>335</sup> For the membership of the Scottish and the English Commissions for the Union see, *RPCSc* vol. 7, 1604-1607, p.xxxiv,n.; Spottiswoode, *History*, pp.480-1

<sup>336</sup> Calderwood, *History* p.263; see also: Melville, *Diary* p.560; Forbes, *Certaine Records* p.376; William Scot, *An Apologetical Naration of the State and Government of the Kirk of*

the English church very closely, since their king had assumed responsibility for it, for, however much the kirk professed its separateness from the English church, developments, especially those concerning their 'puritan brethren', were likely to affect them. Thus the Hampton Court Conference was afforded particular attention and its results interpreted as a grave disappointment for the English puritans.<sup>337</sup>

Sir Francis does not seem to have been particularly active in the deliberations about the union in the 1604 parliament: his principal concerns during that session were his religious grievances.<sup>338</sup> However, he was bound to meet the Scottish union commissioners when they were in London, if not from 20 October when the commissioners from both countries met regularly, then certainly when the 'Articles of a Proposed Union Between England and Scotland, A.D.1604', were signed at the beginning of

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*Scotland since the Reformation* (Wodrow Society, 1846) pp.125-6. See, *APSC* vol.4, p.264, for the 1604 'Act in favouris of the kirk' stating that the union commissioners 'Sall have na power be vertue of thair said Commissioun .. To treat Confer deliberat nor do ony thing in ony maner of way may be hurtfull or prejudiciall to the Religioun presentlie porfessit in Scotland.'

<sup>337</sup> The Edinburgh Presbytery had received an account of the conference from Patrick Galloway, revised by the king, and different from that of William Barlow. James Melville expressed his commiserations with the 'manie godlie and learned brethren ... who having expected a reformatioun, are disappointed and heavile greeved.' He further hoped that 'no perrell or contagioun come from our nighbour kirk', especially as a result of the union of the two realms. Calderwood, *History*, pp. 241-7; Row, *Historie* p. 55, reports that some of the English ministers 'bracke their hearts,' at their disappointed hopes from the conference.

<sup>338</sup> See p.132

December.<sup>339</sup> He cannot have failed to discover that his own fears and misgivings about the future of strict Calvinism and the presumption of the Catholics, at home, were replicated in Scotland.<sup>340</sup> It seemed that James was as culpable of misconstruing the religious sentiments of his Scottish as well as his English subjects and he must be apprised of the fact. No doubt the imminent arrival of the Catholic earl of Huntly added to Sir Francis Hastings's resolution to confront the king with his concerns.

A further incentive for Sir Francis's rather daring and ill-advised involvement with the Northamptonshire petitioners, was the presence of a number of Catholic peers, without apparent cause, at the ceremony for the prorogation of parliament, on 7 February 1605. Apart from the presentation of a new peer and the

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<sup>339</sup> The document, together with the signitures, is reproduced in Sir William Gibson Craig, ed. *Facsimiles of National Manuscripts of Scotland*, Edinburgh, 1871, vol, 3, no.85.

<sup>340</sup> The synod of Aberdeen were particularly anxious to demonstrate their grievances; especially concerning the necessity of calling a General Assembly at 'sua necessare and sua neidfull a tyme, quhen messes are breking forth in diverse pairtis, and sume of the burghis of the realme, Kirks and Congregatiounes lyis pitifully unplanted, a cairles cauldnes in all estaitis, namelie the Ministrie it selffe; and Atheisme, with all kynd of vyce overflowing the face of the Land.' Melville, *Diary*, pp.561-4, 31 July 1604. See also, Scot, *Apologetical Naratioune*, p.128. They specifically targetted the Catholic earl of Huntly, 'quo vexed thame with his proud Poperie,' Melville, *Diary*, p.565; Calderwood, *History*, pp.268-9. Huntly had been provoking the Scottish kirk by reporting to James that, 'they are plainlie both fasting and preching maliciouslie againis the union of the kingdomes,' see, NLS Denmilne MSS 33.1.1.no.16, Huntly to the king, 10 December 1604. While attempts by the Aberdeen Presbytery to excommunicate Huntly were frustrated by James's continued protection of him. For example, the Scottish council were obliged to relay the king's special written instructions not to proceed against Huntly, see, *RPCSc* vol.7, p.19, 17 January 1605.

Reading of the Commission of the Prorogation of Parliament the only other information recorded by the *Journal of the House of Lords* was that 'the Lord Viscount Mountagu, the Lord Petre, and the Lord Gerard, were present at this Prorogation; though they were none of the Commissioners.'<sup>341</sup> It is more than possible that the inexplicable presence of these three peers, two of whom were acknowledged Catholics and the third, Petre, suspected of Catholicism (despite his denials), sufficiently alarmed those of tender conscience, particularly if they knew in advance of their intention to attend, and prompted them to make an appeal of their own to the king. If the Catholics were ready to exploit the parliamentary process and use the prorogation of parliament as an occasion to further their interests, the zealous Calvinists, led by the principal members of the parliamentary religious committees, were not going to risk losing the initiative at this critical stage.

The issue of the High Commission, given its concern with the order and discipline of the church, may also have stirred godly fears that the state was determined to employ every device and agency at its disposal to enforce obedience to the form of the Church of England as established at Hampton Court. Sir Francis Hastings and Sir Edward Monatagu no doubt shared this puritan unease. Certainly, when the Lord Keeper gave his Star Chamber speech to the assize judges, on the Wednesday following the

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<sup>341</sup> *The Journals of the House of Lords* p.350. The Lord Chancellor delivered Lord Denny's Writ of Summons to the Parliament.

presentation of the petition, he referred to claims by the petitioners that the High Commission had no warrant by law for its operation.<sup>342</sup> The gentlemen of Northamptonshire, together with Sir Francis Hastings, clearly felt the time was ripe to bring the king's attention the deplorable way in which the godly clergy were being treated while the Catholics appeared to be moving towards achieving a full toleration.

The content of the petition does not give any indication of why so much significance was attached to it and the reasons for it prompting such a vehement response from James and his Council.<sup>343</sup> It followed the line taken by previous petitioners of emphasizing their loyalty and humility, and then drawing to James's attention the sorrow and anguish of his subjects who were faced with losing their ministers, in whose charge they had often been for very many years. Even in suggesting that large numbers were apprehensive at the outcome of the deprivations the Northamptonshire gentlemen were not making claims which had not been made before. After all, it was an accepted tactic that in order to add weight to a cause and to make a point more compelling it was feasible that support for it would be exaggerated, especially given that the Council had stressed that the puritans were few in number. On the other hand, there was a

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<sup>342</sup> Baildon, ed. *Camera Stellata* pp.186-92, Egerton's address to the assize judges, 14 February 1605. Although Egerton was created baron Ellesmere on 19 February 1605 he will continue to be referred to as Egerton throughout this thesis.

<sup>343</sup> PRO SP14/12/691, for the text of 'The humble petition of your Maiestie's loyall and trewe hearted subiects, Justices of Peace and gentlemen within your highnes countie of Northampton.' Also printed in Cross, *Hastings Letters* pp.88-9.



danger that, in emphasizing the extent of their support, they might lay themselves open to accusations of sedition. That this particular petition laboured the point that the numbers of dissatisfied subjects ran into the thousands could be perceived as imprudent, but it was not in itself sufficient cause to provoke the response from James which it did.

For, the next day, Sunday 10 February, James spent eight hours with his Council, during which time he declared that 'he would hazarde his crowne but he would supresse those maliciouse spirittes.' The Privy Council met again on the Monday and Tuesday, when they examined Sir Francis Hastings at length, with the king present at some point, at least, on both days.<sup>344</sup> However, the fact that the proceedings of the first day do not appear to have been recorded suggests that the matters under discussion were of such a sensitive nature that even the clerks of the Council were excluded. It was possibly then that Sir Francis confronted James with his fears about the way in which he was handling the Catholics and that was what finally galvanized James for he initiated immediate and sweeping action over the following few days.

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<sup>344</sup> T.F.Barton, ed. *The Registrum Vagum of Anthony Harrison*, 2 vols. Norfolk Record Society, vol.32, 1963, vol.1, pp.155-6. A letter from an unnamed friend to John Jegon, bishop of Norwich, from London, 14 February 1605.; HMC, *Salisbury MSS* vol.17, p.52. Jo Co [John Colville] to Thomas Wilson [servant of Cecil], in which he writes that the king assisted Privy Council after dinner, 11 February 1605.; PRO SP14/12/74. The examination of Sir Francis Hastings before the Council, 12 February 1605.; HMC, *Salisbury MSS* vol.17, p.52. Jo Co to Thomas Wilson. He reports that 'It is thought there is some matter of importance in hand; I am promised notice of it.' 12 February 1605.

Beginning the following day, February 13, Egerton delivered his pre-circuit speech, to the assize judges, in Star Chamber, wherein he confirmed that activity against 'schismatics' would continue. He then relayed James's vehement denials that he was preparing to tolerate Catholicism and exhorted them rather to increase their diligence regarding all recusants. The day after that, Council sent further instructions to the commissioners who had been appointed to govern the Borders. The following Monday, just over a week after the Northamptonshire petition had been presented, James wrote to Hutton and the President of the Council in the North assuring them that he meant to maintain the church as he found it, despite the hopes of the Catholics. Meanwhile, on 11 February, he wrote to his council in Scotland.<sup>345</sup>

The response, to what was no more than a fairly routine petition on behalf of a number of ministers threatened with deprivation,

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<sup>345</sup> Baildon, ed. *Camera Stellata*, pp.186-92, Egerton's address to the assize judges, 14 February 1605.; BL Add MSS 11,402 f.97v. and HMC *Tenth Report*, Appx.4, Lord Muncaster's MSS p.229. Privy Council instructions to the Commissioners appointed to govern the Borders, 14 February 1605; PRO SP14/12/87, SP14/12/88. Draft and copy of the king to the archbishop of York and to Lord Sheffield, 18 February. The full text is printed in, *Hutton Correspondence* pp.171-5. Dated 19 February 1605. See also, *RPCSc*, vol.7, pp.465-6. The king to the earls, lords, barons and other commissioners of the three estates of North Britain, from Whitehall, 11 February 1605. He urged them to ensure that 'justice in all degreis may be minstred with greatair honnour and integritie, the execitioun thairof go fordwart with greater severitie, and generallie that oure autoritie may be now so muche the moir revered amang you as oure pouer is greatair to repres the insolence of the most laules misdoar and headstrong oppressour.' And he took the opportunity to assure them of his continued princely love, even in his absence.

was remarkable, and would suggest that it was not merely the petition which provoked the repercussions that it did. But if it was not the content of the petition which was the catalyst to the seemingly excessive response by James and his Council, then the explanation may be found in the manner of its presentation. Unfortunately, in the absence of any evidence of what took place when Sir Francis Hastings presented the petition to James, the intercourse between them can only be a matter of speculation. However, James's extraordinary reaction makes it reasonable to assume that he was shaken by what Sir Francis had to say to him, for plainly he was most perplexed and hastened to explain himself to his English subjects.

From the tenor of the speeches and letters which issued in the immediate aftermath of the presentation of the petition, it is clear that Sir Francis had informed James that the Catholics were expecting a toleration, which impression was receiving widespread credibility. He had further expressed the dismay of those of tender conscience at the prospect of this imminent event. An account of the eight hour meeting between James and his Council the following day described James's fervent tirades against both the puritans and the Catholics.<sup>346</sup> He 'most bitterly inveighed against the puritans,' and remarked upon the way in which the revolutions in both Scotland and the Low Counties had begun with petitions of a religious nature. He went on to declare that 'his mother and he from their cradles had bene haunted with a puritan divell, which he feared would not leave him to his grave.'

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<sup>346</sup> Barton, ed. *Registrum Vagum*, vol.1, pp.155-6.

However, he reserved his most effusive outburst for the Catholics 'protesting his utter detestation of their superstitious religion and that he was so far from favoring it as if he thought his sonne and heyre after him would give any tolleration therunto, he would wish him fairely buried before his eyes.' <sup>347</sup>

It was an uncompromising expression of James's sentiments towards both religious wings, condemning the extremes of each, and especially castigating the Catholics for their presumption. Yet his claims were so excessive that they arouse suspicions that James might have been harbouring a secret agenda. He lost very little time in charging his Council to effect the means for a thorough execution of the laws against all religious extremists. It matters little whether the interview with Sir Francis Hastings precipitated a wholesale tightening up of local administrative practice, the fact was that one followed. What was most significant was the way in which James turned what appeared to be a threatening situation to his own advantage, using it to justify reinforcing his authority in the localities. Within less than a week of Sir Francis's startling intervention James, with remarkable speed, had translated his initial dismay into positive action, as the results of an unusually long Council meeting were dispatched to all parts of the country.

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<sup>347</sup> MacClure, *Chamberlain Letters* vol.1, p.203. John Chamberlain to Ralph Winwood, from London, 16 February 1605. See below, p.189, for another account, which reported that James claimed 'that yf he thought his sonnes wold condescend to any such course, he could wish the kingdom translated to his daughter.'

In the short term James's reaction was predictable. His emotional outburst was typical of his responses to similar situations he had faced in Scotland. For example, when the General Assembly had demanded action against the Catholics, James took refuge in producing *A Meditation* which took the form of a fierce denunciation of Roman Catholicism.<sup>348</sup> He did not follow it up with action, however. This was a familiar ploy of James's for, by resorting to extravagant rhetoric, he avoided committing himself to a course of action which later might limit his room for manoeuvre. Although his initial astonishment was no doubt quite genuine at having his intentions towards the Catholics misconstrued by the English, he employed its consequences to the full. For, even as he was indulging in condemning the puritans and indignantly denying that he endorsed popery, his mind was bent on the ways and means to tighten up security by invigorating local government.

The outcome of James's lengthy meetings with his Council was given public expression by Egerton in Star Chamber, on 13 February.<sup>349</sup> He began by roundly criticizing the JPs who

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<sup>348</sup> STC 14,376, *A Fruitfull Meditation, containing a Plaine and Easie Exposition, or laying upon of the VII. VIII. IX. and X. Verses of the 20. Chapter of the Revelation, in forme and manner of a sermon.* In Scottish, 1588. This point was made by Jenny Wormald, "'Tis true I was a cradle king". The aged monarch reflects.' A paper read at a conference on the reign of James VI at the University of Edinburgh on 5 February 1994.

<sup>349</sup> See, above, pp.183-4, for the prodigious time James spent with his Council following the confrontation with Sir Francis Hastings.; For Egerton's address to the assize judges, 14 February 1605, see Baildon, ed. *Camera Stellata*, pp.186-92; See also, Barton, ed. *Registrum Vagum* vol.1, pp.155-6, for the way in which 'My Lord Chancellor delivered his speach with teares,' adding that he wished his audience could have heard James for

'forgette there oathe to god, there dutye to there kinge & Countrye,' by their neglect of such matters as the proper regulation of alehouses and the maintenance of the highways. These were customary areas which attracted reproach but they were crucial aspects in the preservation of order and peace, and, by extension, security. But in order to guarantee the necessary levels of vigilance from them, Egerton urged the judges to demand improved standards from the JPs with regard to the 'Care of the peace of the lande & of the peace of the Churche.'

The Lord Keeper went on to identify the chief threats to the internal security of the realm. These were anyone who declared that the deprivation of the non-conforming ministers was illegal together with those who petitioned the king on their behalf and who questioned the legality of the High Commission. He stoutly defended the crown's prerogative to issue High Commissions, justifying its authority by reference to the king's ancient powers which predated either Common or Statute Law. He reserved his severest admonishment for the petitioners who were spreading rumours that the king intended a toleration of the Catholics and the abatement of the laws against them. Vehemently denying that the king intended any such thing he fervently defended his record in 'plantinge & settlinge true relligion.' He asserted that the king had declared that he was prepared to lay down his life for the religion in which he was born and, refuting any suspicions that he meant the Roman Catholic church of his mother, he swore that he would disinherit his son if he should embrace  

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themselves.

Catholicism. It was a speech which Egerton delivered emotionally, wringing from it as much dramatic impact as he could, endeavouring to use any expedient necessary to get across the seriousness of the situation and the necessity for extra diligence from the judges and the JPs.

As well as adopting theatrical attitudes, Egerton also sought to establish a substantial legal footing for his proposals to the judges. Following his speech in the Star Chamber - which, at the command of the king, was attended by a large proportion of the Council, as well as the judges - he applied to the judges for their opinion on three issues.<sup>350</sup> That the king felt it necessary to demand the presence of his chief Privy Councillors at this assembly suggested that matters of extreme importance were to be addressed, which he wished them to witness. The first question, about the legality of deprivations, was deemed by all the judges to be lawful 'because the kinge hath the supream Ecclesiasticall power, which he hath delegated to the Commissioners whereby they had the power of deprivation by the Canon law of the realme.' They went on to affirm that this power of appointment was confirmed in a statute of 1559, which did not confer any new power but rather explained and declared the ancient power. Furthermore, 'they held it clear that the king without Parliament might make orders and constitutions for the

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<sup>350</sup> PRO SP14/12/73. Calendared in *CSPD, 1603-10* p.194, as the opinion of the Judges regarding the ecclesiastical commission, ?13 February 1605. However, it addressed only the question of the legality of High Commissioners depriving ministers, before looking at the statutes of prohibitions and then the culpability of petitioners who cited large numbers of discontented subjects.

Government of the Clergie, and might deprive them if they obeyed not.' By this, several points were established. Not only was the king unambiguously supported in his powers to deprive disobedient ministers, or else to nominate others to do so in his name, the status of parliament in the management of the church was also clearly defined.

After they gave their ruling about Prohibitions, the judges addressed the steps that could be taken against petitioners who threatened the king with thousands of discontented subjects if he denied their suit. They were unanimous in their assertion that such an offence was 'fineable at discretion, and very near to treason and felony in the punishment. For they tended to the raising of sedition, Rebellion and discontent among the people.' Moreover, spreading rumours that the king intended to grant a toleration to the Catholics was 'heinously fineable by the Rule of the Comon law either in the Kings Bench or by the King and his Councell; or now since the statute of 3.H.7. in the Starchamber.'

This episode demonstrates the way James employed his judges to the full in both their legal and administrative capacities - thereby confirming his perception of them as both directors and executors of the law. He had already indicated the significance he attached to his judges when he asked them to identify those penal laws which 'are fitt to be carefully executed for the good of the state,' as part of a drive for more efficient



administrative practices, at the end of the previous November.<sup>351</sup> Their response then had cleared the way for a concerted effort in the pursuit of increased effectiveness in local administration. In the aftermath of the 'crisis' generated by his encounters with Sir Francis Hastings, James had an opportunity to demand the enforcement of their findings. By this very rapid response to potential danger the king eloquently demonstrated the way in which he could react coolly and effectively under extreme pressure. He quickly formulated a clear plan of action whereby he initially sought the facts of the matter in an exceptionally long conference with his Council. He followed through by establishing the legal basis of his position and then had his findings transmitted to those agents who could translate the outcome right into the heart of the country. All of which was accomplished in a remarkably short space of time.

To Sir Francis's surprise the outcome of his confrontation with the king was not the wholesale persecution of the Catholics for which he had hoped. Moreover, he found *himself* the subject of James's rancour. Initially, James had been very shocked by his meeting with Sir Francis and dismayed that matters had reached such a pitch. The interview with Sir Francis had seemed to

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<sup>351</sup> PRO SP14/10A/6. The judges to the Privy Council, remarking on several irregularities in the law but pointing out that they had not yet the time to address them. From Serjeant's Inn, 8 November 1604; PRO SP14/10A/42. The judges to the Privy Council, enclosing those laws which are most necessary for execution, 27 November 1604. See also, BL Lansdowne MSS 168, ff.344r.- 345v., same date; PRO SP14/12/24 The Privy Council to the judges, relaying the king's approval of their performance in the matter. 21 January 1605.

confirm his worst fears; that the puritans represented an alarming threat to his and the realm's safety and, more worrying yet, that they had very powerful friends and relations at both the court and in the capital. But, although he soon recognized that this had been exaggerated and treated Sir Edward Montagu and Sir Valentine Knightley relatively leniently, James continued to nurse a resentment against Sir Francis.

The most obvious reason for James's rancour was that Sir Francis, a very senior member of parliament, had deliberately challenged his intention not to meet with parliament until the new canons had been peaceably received in the countryside. He had made it clear that he did not expect to be further importuned on behalf of any party who would not accept their introduction. Sir Francis had further compounded his contempt by choosing to become involved in the affairs of a county which did not strictly concern him, thereby negating any claims to spontaneity (although it did give the Council grounds for nailing him). While James was perfectly prepared to engage with those who felt they had a genuine grievance, such as the divines led by Arthur Hildesham with whom he had debated at Hinchingbrooke the previous December,<sup>352</sup> Sir Francis was clearly adopting the cause of the

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<sup>352</sup> Lodge, ed. *Illustrations* vol.3, p.266. Earl of Worcester to Cecil, ?February 1605. This is an example of the skill and patience with which James debated with a group of puritans who continued to importune him about the use of ceremonies. Worcester writes, 'Yet I cannot let pass that when these puritan petitioners were with the King, the Dean of the Chapel publicly avouched, that whatsoever he were that stood upon these nice terms of conformity, he would undertake to confute with them with learning and satisfy with reason; ... I assure you the King argued the matter very fully and out them to *non plus*.' Although the date of this letter has been suggested as February

Northamptonshire gentlemen for his own purposes. James was no fool and he recognized opportunism when he saw it. But, though he might resent it, it was not sufficient cause for James's continued animosity towards Sir Francis. The king might initially have felt piqued if Sir Francis had been tempted to add weight to his exposition of the extent English disquiet, by referring to the dissatisfaction of the Scots, thereby presuming to instruct James Stewart in his handling of the Scottish kirk. But James was not given to holding grudges. There had to be another motive for James's continued resentment.

What had specifically antagonized James was the frustration of his attempts, made on the advice of Cecil<sup>353</sup>, to distance himself from the clamour of those who were struggling to persuade him to revise his declared intention to achieve a broad-based church, free from the most extreme influences. In his eyes, Sir

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1605, it was certainly written on 1 December, 1604. A letter from James to Cecil, which refers to Worcester's letter to Cecil 'anent the Puritans,' mentions the reference to 'ambulatory proceedings,' which also appeared in the same letter from Worcester. As this letter, from James to Cecil, also contains instructions about the Union, which was under discussion by English and Scottish commissioners from 27 October, Akrigg has dated James's letter at around the end of November. See, Akrigg, ed. *Letters*, pp.238-9. James to Cecil, [30 November? 1604] This, then, would coincide with the debate in which James was engaged with the puritans at Hinchinbrooke, on 1 December 1604.

<sup>353</sup> PRO SP14/12/28 Cecil to Sir Thomas Lake, 24 January 1605. He counselled that the king and his Council would be better advised to distance themselves from the controversial religious situation, asserting that 'the lesse his Matie or the Councill interpose themselves, the lesse trouble shall the State receive in the settling of the same.' Instead, he declared, it was the responsibility of the bishops to resolve the matter, 'For the Bps that know in the generall his Mats minde, & in the particular have had direction, are able to end it, or manage it to the best purpose.'

Francis's ill-judged interruption of his brief return to the capital for the prorogation of parliament demonstrated a lamentable lack of discretion.<sup>354</sup> Not only did it threaten to prejudice James's chances of moderate dealing with the English Catholics, it also jeopardized his relations with Catholic powers on the Continent. In particular, James was endeavouring to exploit the machinations of the Spanish king on behalf of the Catholics in England in his best interests. The Spanish still maintained their hopes of persuading James to accept seven years recusancy fines, from his Catholic subjects, in one payment, to secure a twenty-one year amnesty while they expected that he was ready to issue a proclamation agreeing to the four points proposed in favour of the English Catholics.<sup>355</sup> It was extremely unlikely that James would agree to anything so injudicious but the offer of the lump sum in mitigation of future recusancy fines was very attractive and he wanted to keep his options open for as long as possible.

Though he was not about to commit himself to anything which would

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<sup>354</sup> From Sir Francis's angle it was bold, even courageous, and seemingly in the nick of time. Above all it was what the third earl would have expected him to do.

<sup>355</sup> Archivo General de Simancas: Seccion de Estado, Legajo 2863/9. King Philip III of Spain to Pedro de Zuniga, first official Resident envoy to King James, from Valladolid, 20 April 1605. This letter reiterates the four points, which were, that there be no proceedings against clergy or laity, that the properties of Catholic recusants who had been caught are not to be turned over as they were before, that the oath of supremacy is not to be required of all who arrive in ports but only of those who are suspect, and that Catholic recusants remain as proprietors of their own lands. [cited in A.J.Loomie, ed. *Spain and the Jacobean Catholics*, vol.I: 1603-1612 pp. 48-63].

compromise his position, James may not have been aware of the credibility which was being given to the likelihood of his succumbing to Spanish blandishments. Meanwhile, the Catholics were not behaving as circumspectly as they might. Hutton's concerns about their audacity were shared by the Spanish Ambassador, though from very different motives, when he observed in a letter to the King of Spain, in December 1604, that the English Catholics were failing to appreciate the need for continued discretion, and that 'even the Catholics and the Jesuits are a little imprudent in not knowing how to keep silent.'<sup>356</sup> James was convinced of his ability to manipulate the lucrative potential to his own advantage, as long as his room for manoeuvre was not jeopardized by the exposure of the covert activities of the Spanish, and his inclination to collude with them. Sir Francis had forced the issue into the open, leaving the king obliged to declare his position rather more explicitly than he would have preferred. Not the least of James's grievances at Sir Francis's indiscretion was the loss of the healthy financial injection into the Exchequer promised by the Spanish.

James was not alone in having a carefully constructed stratagem disrupted by Sir Francis's apparent recklessness. The earl of Northampton had been quietly working, at intervals from the 1570s, to obtain for all but the most radical Catholics an opportunity to practice their religion with discretion and

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<sup>356</sup> Archivo General de Simancas: Seccion de Estado, Legajo 841/197. Juan de Tassis, Count of Villa Mediana, to King Philip III, 23 December 1604. [cited in A.J.Loomie, 'Toleration and diplomacy: the religious issue in Anglo-Spanish relations, 1603-1605', *TAPS* n.s. vol.53, pt.6, 1963]

without attracting the wrath of the state.<sup>357</sup> With the accession of a monarch who appeared to share his belief that the English church could embrace the more moderate elements of every religious persuasion, his hopes were high, and he looked forward, optimistically to an improvement in the fortunes of English Catholics. In an atmosphere which appeared to be changing, Northampton seemed to be making progress on behalf of the less radical Catholics.<sup>358</sup> Sir Francis's highly-charged meeting with James had very probably demolished all of Northampton's most immediate expectations of seeing his ambitions achieved. His inflexible position at Sir Francis's examination before the Council certainly suggests as much. He, more than anyone, laboured the point that the petitioners were acting in a particularly provocative way by stirring up, and invoking as potential signatories, such large numbers of those allegedly

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<sup>357</sup> Northampton's continued to appreciate the merits of adopting a cautious approach. In 1608, he referred to his handling of Mary, Queen of Scots' cause, in a letter he wrote to another of her agents, Thomas Morgan, wherein he reminds him that 'I did ever advise her to win time, to abate the sails of her royal spirits in so great a gust, to discourage practice with patience.' BL Cotton MSS Titus C VI ff.166-7r.

<sup>358</sup> Archivo General de Simancas: Seccion de Estado, Legajo 841, f.184. Decipher of a report of a Privy Council meeting, 14 September 1604. [cited by A.J.Loomie in 'Toleration and Diplomacy', pp.55-6]. At this Council meeting to discuss the mitigation of the recusancy laws Northampton made it clear that his sympathies lay with moderate Catholics. For he insisted that those Catholics who were 'dangerous' should first be identified in order to isolate them from the more reasonable majority who posed no threat to the security of the realm and therefore did not warrant the level of repression they were attracting. He then made the point that the situation had changed since Queen Elizabeth's reign in that she was illegitimate, excommunicated by the pope and had acted viciously against the Catholics. None of these were applicable to James who could confidently expect obedience and loyalty from his Catholic subjects. See also, above, p.100

discontented at the king's policies. Sir Francis and the Northamptonshire petitioners had, at a stroke, frustrated all of the earl of Northampton's hopes by their forthright action on behalf of the non-conforming ministry of Northamptonshire.

With no material evidence, the first day's proceedings against Sir Francis can only be a matter for speculation. However, given the nature of the second day's business - its concern with pinning enough on Sir Francis to condemn him and the way in which any firm support he might have expected did not materialize - it is reasonable to assume that the Council had dealt with matters so sensitive on the previous day that there were no clerks present and their deliberations were never written down. This would imply that the Council were acting upon the king's express orders to discipline Sir Francis for some less highly-charged offence which was safe to become public knowledge. In other words, Sir Francis's examination was in the light of his disclosures to James when he presented him with the petition and made revelations which initially greatly dismayed him.

Sir Francis's continued defiance, on the second day, would suggest that he felt that he had done his duty in advising his sovereign in the same way as the third earl would have with Elizabeth. Moreover, he had confounded his accusers and was priding himself on his steadfast and unwavering stance.<sup>359</sup>

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<sup>359</sup> PRO SP14/12/74 'The some of Sir Francis Hastings examination before the Councill the second day about drawing a petition for Northamptonshire gentlemen.' Also printed in Cross, *Hastings Letters* pp.90-92. She makes no comment about the lack of evidence for the first day's proceedings, however.

Although the majority of his examiners appeared to be well disposed towards him, Sir Francis continued to hold rigidly to his conviction that the Catholics posed the greater threat to the security of the realm and that it was they, and not the deprived ministers, who should be the targets of distrust and the royal displeasure. Nor did he hesitate to repeat his view, even though his determination to malign the Catholics provoked Northampton's hostility. He maintained that the liberty to petition the king was an incontrovertible right which he insisted must not be relinquished. Though such petitioning might appear to go against the king's wishes and his intransigence was alienating the Council, even to the extent of their banishing him to his country house and stripping him of his public offices, as the 'moral' heir of the third earl of Huntingdon, Sir Francis felt he was duty-bound to reveal to the king the extent to which he was being deluded by the Catholics.

Sir Francis campaigned tirelessly to recover his lost offices, but, unlike the other petitioners, who soon regained royal favour, he was never to retrieve his position. Sir Edward Montagu, who was every bit as stiff-necked as Sir Francis, was rebuked by his mother and persuaded by his brother to apologise (after his own fashion) to the king, despite his declared reluctance to do so. There was no one to convince Sir Francis of the wisdom of acknowledging his imprudence, however.<sup>360</sup> But the

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<sup>360</sup> On 18 February, Sir Edward Montagu, Sir Richard and Sir Valentine Knightley and Sir William Lane were before the Council trying to thrash out an apology which was acceptable to the Lords. While Sir Richard and Sir William capitulated to the form of apology required by the Council, Sir Edward and Sir Valentine



reason for James's continued displeasure with Sir Francis was because he had challenged his competence to handle the Catholic issue; an offence made worse by his connections and, more importantly, because of his own influence - as a senior member of parliament, and prominent spokesman on religious affairs, as well as being a leading member of the various religious committees. Thus Sir Francis Hastings, with no real support and yet still a very significant figure, became a very effective and useful scapegoat for the whole affair.

Merely bringing the degree of concern felt by his more extreme subjects to the attention of James did not signify an end to the round of claims and counter-claims of impending disaster and incidents of seditious activity. They continued to be forthcoming

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refused to subscribe to it, thereby extending the royal displeasure and continuing in the forfeiture of their offices. By 14 June, though, Sir Edward's brother James, the king's chaplain, had persuaded him to write a letter of apology to the king which, through the good offices of James Montagu, the king, with much forbearance, was to accept. For Sir Edward's account of this, see, *HMC, Montagu of Beaulieu MSS* pp. 45-7. 18 February 1605 and 15 July 1605. For Sir Edward's letter to the king see, *HMC, Salisbury MSS* vol.17, p.218. Sir Edward Montagu to His Majesty, 13 June 1605, in which he claimed that when he was face to face with the king he was struck dumb with nerves. However, he explained his position regarding ceremonies in the church and professed his obedience. For James Montagu to his brother reporting the king's acceptance of his letter, see, *HMC, Buccleuch and Queensberry* vol.1 p.237. [Dean] James Montagu to Sir Edward Montagu, 15 June 1605. For Elizabeth Montagu's admonishment of Sir Edward, including her expressed hope that 'neither the king nor the Council shall have any further cause of exception against you.' see, *HMC, Montagu of Beaulieu MSS* p.46. Elizabeth, Lady Montagu to Sir Edward Montagu, 13 July 1605. Meanwhile, on 26 February, the earl of Worcester wrote to Cecil relaying the king's approval of their dealings with 'young Knightely' and recommending that he 'should not be allowed to depart without some note of his obstinate and peevish humour.' See, *HMC, Salisbury MSS* vol.17 p.72. The earl of Worcester to Cecil, 26 February 1605.

from representatives of all religious persuasions. Even in Northampton, rumours continued to abound. For example, John Lambe reported on a rumour of an intended massacre of puritans by the perfidious Catholics to Richard Neile, later bishop of Rochester, for transmission to Cecil. Lambe refused to be alarmed, however, regarding it as nothing more than a device by the puritans to recover their position in the face of the censure they had attracted for their own disobedience.<sup>361</sup> Meanwhile, despite the king's vehement denials, it was still rumoured in the localities that he intended a toleration of the Catholics. There were concerns about the Catholics at every level, with the bishop of Hereford pleading with Cecil for an ecclesiastical commission to deal with 'this froward generation of popish recusants and priests, wherewith this country is too much pestered.'<sup>362</sup> Meanwhile, James was subject to appeals from Scotland. For example, the Synod of Aberdeen continued to importune the king for his support against the Catholic earl of Huntly while endeavouring to preserve the state of religion as James had left it.<sup>363</sup>

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<sup>361</sup> PRO SP14/12/96. John Lambe to Richard Neile, 26 February 1605. He observed about the puritan's motives in launching the rumour that 'yt is an excuse to there disobedience to beat into the peoples heads the obstinacie of others.' However, according to Keith Fincham, in *Prelate as Pastor: The Episcopate of James I* Oxford, 1990, p.6 and p.291, John Lambe was an 'arch-enemy of Puritanism', while Richard Neile was a 'proto-Arminian'.

<sup>362</sup> HMC, *Salisbury MSS* vol.17 pp.113-4. Arthur Gregory, of Poole, to Cecil, 29 March. Reports of twenty seminaries about to come and seek converts and that the king intends a toleration.; HMC, *Salisbury MSS* vol.17, p.93. The bishop of Hereford to Cecil, 11 March 1605;

<sup>363</sup> John Forbes, *Certaine Records*, Synod of Aberdeen to the king, 21 February 1605. They commended one of their number, John Forbes, himself, for his service to the king and maintenance of

Efforts on behalf of the nonconforming ministers continued, alongside resistance to the canons of 1604. Within a short time, in Berkshire, there were reports that a church had been broken into and the communion book and the newly published ecclesiastical canons mutilated.<sup>364</sup> Meanwhile, the radical puritan vicar of All Saints, in Northampton, Robert Catelin, persisted in his defiant resistance to the imposition of conformity.<sup>365</sup> The petitioning did not stop, altogether, either. Although, with the recent pronouncement by the judges that petitioners who combined to importune the king were guilty of near-treason, petitions were now more likely to come from individuals.

But, while resistance and rumours continued, James no longer regarded them as symptomatic of threatened insurrection as he had when Sir Francis Hastings had bearded him on 9 February. He had

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the peace of the land. They went on to appeal to the king to maintain 'the lichte and libertie of the Gospell of Jesus Christ, not onlie in the mater of doctrine but also in the odour of government and discipline therin manifestit.'

<sup>364</sup> HMC, *Salisbury MSS* vol.17, pp.76-7. Robert Brooke (Parson of Endborne, Berkshire) to Cecil, reporting that, on 20 February, the communion book, new canons and register had been defaced. *ibid.* p.73. The Privy Council to certain Berkshire JPs, ordering that they look into the matter of the mutilations and report to them, 28 February 1605.

<sup>365</sup> Although he was deprived by 21 January, for his continued disobedience, Catelin was not prepared to retire from the conflict without a struggle and he locked his church doors against his successor. For Robert Catelin's career see, Sheils, *Peterborough Puritans*, pp.100, 75-6, 73, 81. For the letter sent by the Corporation of Northampton to Robert Cecil on Catelin's behalf, on 21 January 1605, see Sheils *Peterborough Puritans* p.83. PRO SP14/12/96, John Lambe to Richard Neile, 26 February 1605, refers to the disturbances in Northampton after the pulpit door was barred against the bishop of Peterborough's replacement for Catelin.

been on a steep learning curve during which he had demonstrated his ability to quickly grasp the implications of the events which had culminated in the presentation of the Northamptonshire petition. Once he was convinced that it was less threatening to his authority than he had at first thought, he had taken the opportunity to take firm and decisive action. For the moment king and Council were committed to dealing with the whole range of outstanding grievances by means of a thorough tightening up of local government. Increased security of the realm was recognized to be best achieved by tackling problems at their roots - in the localities where dissension originated. James had begun the process by reiterating his demands made in the first year of his English reign for improved standards of performance at every level of government from the centre, through the agency of his assize judges, to the JPs, and down to the parish constables in the localities.<sup>366</sup>

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<sup>366</sup> MSS of the Inner Temple, Petyt MSS, 538, vol.51, f.262. The effect of the Lord Chancellor Egerton his speech to the judges in the Starchamber, the last sitting day ther in termino Sti. Hil. anno. Regni 1° Jacobi. Which charge articulated James's expectations from his judges and the justices of the peace.

## Chapter 6.

### The genesis of the Privy Council Orders 'for the better preservation of his Majesties subjectes in peace order and obedience', 23 June 1605.

Following Hastings' appearance before king and Council in February 1605, James had responded quickly and firmly with clear directions to his officials in the state and the church. He particularly addressed his assize judges giving them detailed instructions for transmission down the chain of command to the localities, in order to invigorate the government of the realm. The impact of this drive has nevertheless tended to be obscured, largely because early Jacobean historiography has concentrated on the Gunpowder Plot as the most significant event of 1605. Consequently, the months between the Hilary and Trinity assizes have been neglected. However, a study of the events of the spring and summer of that year reveal that they were of more significance in influencing James's approach to his government of England than has hitherto been recognized.

The Lord Keeper's formal Star Chamber address in February 1605 laid particular stress on those 'meintainers & moouers of sedition,' whose support for recently deprived ministers and petitioners from both religious wings was threatening the peace and quiet of the realm. At some length, Egerton condemned those who peddled rumours that the king and his Council were soft on Catholics, and unequivocally guaranteed that, since the beginning

of Christianity, there was 'never kinge that tooke more Care or shewed lyke zealle in plantinge & settlinge true relligion.' His insistence on improved standards in local government was no more than a reiteration of demands which had been made twice yearly for as long as the assize judges had been addressed before their circuits. However the stiffening of accountability indicated a new determination to improve performance in the localities. It remained to be seen what could be achieved.

The Council's preoccupation with alehouses as 'the nurseries and harbors of theeves of the cuntrie and Seminaries of all enormities,' which Egerton dwelt upon in his Hilary 1604 charge, also soon received further expression.<sup>367</sup> On 5 April 1605, the President of the Council of the North, Lord Sheffield, relayed a commission from the king, to the JPs in the West Riding of Yorkshire, about the number of highway robberies that had been reported recently.<sup>368</sup> It criticized their failure to catch the supposed perpetrators, which was put down to neglect in setting and keeping watch and ward. For 'the said thieves and robbers ... are (as we are informed) harboured & lodged at Inns alehouses & other howses, which are not carefully looked into,' and the keepers of such must 'be punished severely according to the qualitie of their falts, and ... a great care be had to supresse all unnecessarie alehouses especially those scituate out of townes'. Egerton ordered 'that speciall chardge be given' of

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<sup>367</sup> See above, pp.184-5, n.345

<sup>368</sup> West Yorkshire Archive Service, Bradford. Hopkinson MSS vol.31 ff.82v.- 83v. Lord President of the Council of the North to the JPs of West Yorks, 5 April 1605.

these things at their next quarter sessions. This attention to the monitoring of alehouses at a time of potential threat to security, together with renewed emphasis on watches and wards, reflected the endeavours of the previous July. James still had much to be concerned about. The coast of course had also to be watched. A jury impanelled to report on the state of the ports and coastline of England was able to make its return by 4 March 1605,<sup>369</sup> demonstrating how seriously the country was taking the 'state of emergency' in the days immediately following the events of early February 1605. It provided a timely illustration of James's insistence on getting precise information to assist him in his government of the realm.

It can have been no coincidence that this was also the time that the Borders received increased attention. Until late February 1605 there was no 'rousing novelty' in the way they were governed.<sup>370</sup> However, on 14 February the Council sent instructions for the execution of a royal Commission for the speedy suppressing of offenders there: just one day after the Lord Keeper had delivered his pre-circuit speech to the assize judges in the Star Chamber. Shortly afterwards, on 25 February, a Commission of *oyer and terminer* was issued to the Lord President of the North, the two assize judges for the northern

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<sup>369</sup> PRO SP14/13/11. Return of the jury impanelled to report on the state of the ports and havens, 4 March 1605. See also, reference to a printed map of the headlands of England, same date, in HMC, *Salisbury MSS* vol.17 p.83

<sup>370</sup> This particular was observed by Professor David Masson in his introduction to *RPCSc* vol.7, 1604-1607, p.lxxx. However, his detailed analysis does not offer an explanation for the timing of the development.

counties and the principal members of the Commission for the Borders, followed by further instructions for its execution.<sup>371</sup> The Commissioners were to choose one of their number to be convenor for three months at a time, alternating between an English and a Scottish representative, and particular attention was paid to problems of feuding, fugitives and outlaws, emphasizing the security-led motives for the initiative. They were also ordered to take account of all matters currently being dealt with at law under the jurisdiction of the Lords Lieutenants, in order fully to familiarize themselves with the execution of justice in those areas where they were to hold authority. Demonstrating James's commitment to the continued monitoring of his agents, the instructions required that 'A certificate of proceedings ... be sent to the Councils of both kingdoms every two months, or oftener.' In addition, the Commissioners were ordered to select a capable clerk to record all their proceedings.<sup>372</sup>

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<sup>371</sup> HMC, *Second Report, Papers and MSS of the earl of Crawford and Balcarres at Dunecht* pp. 181-2; HMC, *Tenth Report, Appx. 4, Lord Muncaster's MSS* pp.229-30. The Council to the Commissioners appointed for the government of the late borders. Instructions as to the execution of the commission. 14 February 1605; See also, the king to Sir William Selby, Sir Robert Delaval, Sir Wilfred Lawson [and 7 other named commissioners]. Commission for the speedy suppressing of offenders in the counties of [northern England and southern Scotland] [25 February 1605]. Printed in Rymer's *Foedera*, vol.2, p.830;

<sup>372</sup> HMC *Muncaster's MSS* p.229, King to the Commissioners, n.d. See also, *RPCSc* vol.7, 1604-1607, pp. 702-4, for a more detailed account of the Instructions to the Commissioners. However, the choice of a suitable clerk was to prove rather more problematic than might have been anticipated for it was the first matter which arose in a series of questions and answers from the Commissioners to the Scottish Privy Council, regarding the execution of their office, early in March. And again, on 21 May, the continued difficulty in finding a suitable clerk was the initial concern in a further series of questions put to the



At its first meeting the Commission began by electing Sir Wilfred Lawson to be its convenor. It then drew up a number of 'Articles agreed upon by the Commissioners'.<sup>373</sup> These seemed to be largely concerned with the execution of justice according to the respective laws of England and Scotland, depending upon where a particular breach of the peace was committed. Given James's desire to minimalize the significance of the separateness of England and Scotland this was a tacit acknowledgement that the reality did not necessarily coincide with his hopes. Certainly, for the present, the two countries would continue to act independently of each other in their treatment of their offenders. However, with the suppression and containment of armed outlaws as their chief concern concerted action was, on occasion, requisite.

Other suggestions for the better government of the Borders, including the holding of courts four times yearly (in a sense, quarter sessions on the English model), did not become a part of the Commissioners' remit, however. Perhaps it was felt that such an overt attempt to foist English judicial methods on the Scots would not be welcomed, especially given the Scots' insistence that a merger of the laws of England and Scotland was not to be part of the Union of the realms. Thus, when appealed to by the

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Scottish Privy Council. See, *RPCSc* vol.7, p.704. This was just the first of the problems which were to be encountered in implementing the new system of government of the Borders.

<sup>373</sup> For the Articles agreed on at the first meeting on 9 April at Carlisle see, printed in Nicolson and Burn, *History of Westmorland and Cumberland* vol.1, p.cxxvii. See also, in *RPCSc* vol.7, 1604-1607, pp.707-9.

Commissioners about a point where Scottish law was at odds with English law, the Scottish Privy Council had assured them that 'The Lordis will not alter the Scottis law in the matter.'<sup>374</sup> Local conditions may explain why another of the suggestions put forward, for a reduction in, and better regulation of, alehouses was not adopted, either. With a sparse population and remote settlements such places were no doubt particularly necessary.<sup>375</sup> It would seem that the principal concern of the Commissioners was to restrain those who represented a threat to the security of the region rather than to tackle the underlying causes of that threat. Understandably, their immediate preoccupation was less with cure than with prevention.

When Sir Wilfred sent an account of their proceedings to Cecil, on 21 April, he was able to report that they were preparing to hold gaol deliveries in Carlisle and in Newcastle, on 2 and 10 of May, respectively. When they later reported on the gaol delivery held at Carlisle they declared that 'The county is at

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<sup>374</sup> *RPCSc* vol.7, 1604-1607, pp.709-12. Questions from the Commissioners to the Scottish Privy Council and their answers, 21 May 1605.

<sup>375</sup> For the suggestions put forward for the better government of the Borders see, *RPCSc* vol7, 1604-1607, pp.743-5. 'Articles concerning the Middle Shyres'. This undated document of unknown authorship plainly relates to the deliberations surrounding the setting up of the Commission for the Borders early in 1605. It also provided for restrictions on recalcitrant Borderers going to Ireland, as well as controlling the movements of known trouble-makers. It concludes with a direction clearly designed to appeal to the king that, 'because all things cannot occur to memory for the present, and many things will result that is not remembered, it may please his Majestie to write to the Lord Chancellour and Counsell to advyse with the Bordour Commissioners that such formes may be sett downe as are agreable to the fundamentall laws of the countrey for preservation of peace therein'.

this present peacable.'<sup>376</sup> Unfortunately, the commissioners were either overly optimistic or deliberately misrepresenting the situation, for on 17 May the Privy Council were demanding to know why they were not informed that twenty eight or so prisoners had escaped from Carlisle gaol. To which the commissioners replied that they believed that both the Sheriff of Northumberland and the Provost Marshal had informed the Council of the matter.<sup>377</sup> The Commissioners did draw the Scottish Privy Council's attention to the insufficient number of prisons in the region, and that many prisoners were unable to support themselves,<sup>378</sup> suggesting that the resources available to the Commissioners were inadequate for their purposes. The resolution to expel some one hundred and fifty members of the notorious Graham clan, to serve in the garrison towns of Flushing and Brill, in preference to executing

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<sup>376</sup> HMC, *Salisbury MSS* vol.17, p.151. Sir Wilfred Lawson to Cecil, 21 April 1605; *ibid.* p.191, Sir William Selby and the rest of the Border Commissioners, 6 May 1605. Similar assurances were given by the Scots. On 20 April 1605 Dunfermline wrote to the king, from Edinburgh, that 'the devyse whilk procedit from your Maties only wisdomes of the Mutuall Commissiones and commissioners upon the Borders proceede (thanks to God) verye weell, and takis ane verye good success, to the great quyetnes and contentment of the hail Countrie.' See, NLS Denmilne MSS 33.1.1. no.37

<sup>377</sup> HMC *Lord Muncaster's MSS*, p.231. Privy Council to the English Commissioners for the Borders, 17 May 1605; HMC, *Salisbury MSS* vol.17, pp.238-9. Commissioners for the Borders to Privy Council, 2 June 1605.

<sup>378</sup> *RPCSc* vol.7, 1604-1607, p.709. Questions from the Commissioners to the Council, 21 May 1605. Question: Through the whole of the Marches, except in Dumfreis, there is neither jail nor prison house sufficient to keep persons 'to be detenit for thair punishment'. Also, in most cases 'the lymmaris [scoundrels] hes no moyane of thair awne ... to sustene themselffis in prisone.' While every burgh refuses to bear the cost of their imprisonment.

them, was not going as well as was hoped, either.<sup>379</sup> The early satisfaction James had expressed in February, at the administration of the middle shires, was thus short lived.<sup>380</sup> The Commission, clearly, was not operating as efficiently as it might.

The Commissioners' failure was only a matter of degree, however, for they were making valiant attempts to discharge their task, and at times did make limited headway. Thus they were able to report that they had had a 'limmer' executed at Dumfreis for his persistent thieving, for example. At the same time, the Scottish Commissioners were making diligent inquiries into those areas where the 'worst sort' lived and tackling the problem of vagabonds and 'Egyptianes'. On 22 April they 'fenced' [opened legal proceedings at] a justice court at Jedburgh for the keeping of the king's peace. Meanwhile, two English Commissioners informed Cecil that, at the Carlisle gaol delivery, four people had been executed for murder and another for horse-theft.<sup>381</sup> While not an unmitigated success, the Commission for the Borders was at least consistently addressing the problems of the region,

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<sup>379</sup> The problem of the Grahams was to deteriorate still further. See below, pp.244-5, n.456

<sup>380</sup> BL Add MSS 11,402 f.98. The Privy Council to the earl of Worcester to inform the king what they had done since his departure, 23 February 1605; Lodge, ed. *Illustrations* vol.3, pp.264-6. Worcester to the Privy Council, reporting the king's satisfaction with the handling of the middle shires, 25 February 1605.

<sup>381</sup> *RPCSc* vol.7, 1604-1607, p.713. 21 May 1605, Report by the Commissioners on their proceedings for the suppression of crime on the Borders; HMC Muncaster MSS, f.11, 6 May 1605, Two English Commissioners to Cecil, from Carlisle.

very early in its existence.

It was not just the more remote areas of the king's territories which received increased attention in the aftermath of the Northamptonshire petition. In the Spring of 1605 there were renewed efforts to set up Houses of Correction in Middlesex and Surrey in accordance with the Elizabethan initiative for their nationwide establishment. They were never compulsory, and their foundation had progressed fitfully, largely as a result of the reluctance of the City of London to honour their pledges of monetary support. On the king's orders, in the previous July, a number of Privy Councillors, including Popham, had met representatives of the City in the Exchequer chamber. They concluded that they found 'the cittie though it doe most concerne them exceedingly backward,' and they determined that the City should make an appropriate contribution towards financing the Houses of Correction.<sup>382</sup> Nothing further was heard about the Middlesex and Surrey Houses of Correction until April 1605, when they were back on the agenda as a result of a petition to the king for the reimbursement of money laid out in their behalf.<sup>383</sup>

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<sup>382</sup> BL Add MSS 12,503 f.278. The earl of Shrewsbury, Sir John Fortescue, Sir John Stanhope and Lord Chief Justice John Popham to the king, undated. For an account of the early history of the Middlesex and Surrey Houses of Correction, see Alison Hems, *Aspects of Poverty and the Poor Laws in Early Modern England* (University of Liverpool, Ph.D. thesis, unpublished, 1985). Especially pp.221-9;

<sup>383</sup> BL Add MSS 12,503 f.281r. Shrewsbury, Stanhope, Fortescue and Popham to the king, April 1605. They urged the king to write to the City of London, which they felt would 'bee a meanes to cause them to conforme them selves'; PRO SP14/13/74. Stanhope, Fortescue and Popham to Julius Caesar, 19 April 1605. Enclosing a draft letter for the king to send to the mayor and Aldermen of London; BL Add MSS 12,503 f. 283r. The king to the mayor and

Notwithstanding the complexities of establishing who was responsible for financing the Houses, it was when they received most attention which is interesting. The first period of renewed interest coincided almost exactly with Popham's alehouse initiative, when there was an expected influx of unemployed ex-soldiers,<sup>384</sup> while the second corresponded with James and his Council's endeavours to effect an efficiency drive in the localities, early in 1605.

A further consequence of the end of hostilities with Spain and the Archdukes was that the question of supporting wounded soldiers would have to be properly addressed. A maimed soldiers' rate had been introduced in 1593, amended in 1598, and then linked with the rate for supporting prisoners in the King's Bench and Marshalsea prisons in 1601.<sup>385</sup> However, these measures had been taken in years of war. The more difficult problem of eliciting continued support for them during peace-time had to be

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Aldermen of London, ?June 1605; *ibid.* f.279r. Mayor and Aldermen of London to the king, 11 June 1605. They petitioned the king to acquit them of their charge as they had already contributed heavily to ship building and the dispatch of soldiers to Ireland.

<sup>384</sup> The prediction proved to be warranted. For example, Thomas Dolman, a Berkshire justice of the peace, lamented that, as well as the religious factions which were contributing to the current instability, there was 'a wing of cashiered soldiers ready to join with any faction in hope of spoil and rapine.' See, HMC, *Salisbury MSS* vol.17, p.68. Thomas Dolman to Viscount Cranborne, 24 February 1605.

<sup>385</sup> 35° Eliz I, c.4; 39° Eliz I, c.21; 43° Eliz I c.3; See also, B.W.Quintrell, ed. *Proceedings of the Lancashire Justices of the Peace at the Sheriff's Table, 1578-1694*, The Record Society of Lancashire and Cheshire, vol.121, 1981, p.24, and pp.70-1, for a record of the weekly taxation at the JPs' meeting at the assizes in April 1601, Lancashire Record Office, DDB 1/64, pp.49-50.

tackled. It threatened to put still more pressure on local resources, already subject to increasing demands made upon them by the state in its drive to put more responsibility on the localities for financing affairs. In this case those responsibilities arguably were not even their own. Nevertheless, Quarter Sessions in counties as far afield as Cheshire and Wiltshire, at Easter 1605, were paying particular attention to the better supervision of soldiers who were claiming support while new Treasurers were appointed for the collection of the rate for maimed soldiers at the same sessions.<sup>386</sup> The combination of the Treaty of London and James's consternation at the repercussions of the campaigning by both religious wings in the winter of 1604-5 may well have sharpened attention to another Elizabethan initiative, at least for the moment.<sup>387</sup>

Central government also continued its move to influence the appointment of local officers, begun in November 1604 in Denby and Southampton. Thus, in April 1605 the Council wrote to the Borough of Leicester to recommend a candidate for the void Stewardship there. Later, to facilitate the execution of the Council's orders to the assize judges in June, Egerton placed restrictions on the appointment of justices of the peace for the

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<sup>386</sup> Cheshire Record Office, QJB 1/3, f.196v. and f.197r; Wiltshire Record Office, Great Rolls, Easter 1605.

<sup>387</sup> Maimed soldiers were a long-term scandal, of course. Lists of pensioners were usually very short while waiting lists were extremely long.

Trinity assizes.<sup>388</sup> In what was becoming a familiar Jacobean strategy, the king endeavoured to root out sedition through the agency of his assize judges. Egerton had relayed the king's resolution to them, before they rode their circuits, in February 1605, demanding increased diligence in superintending the operation of those laws designed to promote greater security, by the JPs. A central part of this drive was a heightened attention to executing the recusancy laws. However, he also insisted that those other schismatics, the puritans, who resorted to spreading rumours of an imminent toleration of Catholics, were to be dealt with with equal vigour. Such unfounded rumours not only threatened security, they also diverted attention from their own seditious activities.<sup>389</sup>

James also wrote to archbishop Hutton and Lord Sheffield, in the north.<sup>390</sup> This was partly to reassure Hutton, who had expressed

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<sup>388</sup> See above, p.114, for Denby and Southampton; Leicestershire Record Office, BR II/18/8 f.682. The king to the borough of Leicester, 14 April 1605. There was a certain reluctance by the aldermen of Leicester to have the king's candidate foisted upon them. The matter was referred to them by the mayor on 17 April and discussed, at least twice, by 'the 24' aldermen on 5 May and 24 May. See, BR II/18/8 f.653, f.659, f.670; HMC *Seventh Report, Frere MSS* p.526b. Philip Gawdy to Sir Bassingborne Gawdy, 29 June 1605.

<sup>389</sup> Baildon, ed. *Camera Stellata* pp.188-9.

<sup>390</sup> PRO SP14/12/87, draft letter from the king to the archbishop of York and Lord Sheffield, corrected by ?Cecil, 18 February. PRO SP14/12/88, copy to the archbishop and bishops, same date. See also, printed, in *Hutton Correspondence* pp.171-5. Bodl. MS. Add. C. 28. f.595. 21 February 1604/5. Letter from the king sent to the archbishop of York and Lord Sheffield. Cited in Jones, 'Journal of Levinus Munck'.



misgivings about James's intentions regarding the Catholics,<sup>391</sup> but also to reinforce his demands for revitalized local government. He began by drawing their attention to his performance in maintaining the established religion as he had found it on his arrival in England. Then, adopting the stratagem used by Cecil when he responded to Hutton's complaints in December 1604, James pointed to the poor performance of his agents, at all levels, in fulfilling their obligations in the same behalf. He demanded increased vigilance, which he had already asked of his assize judges, in a number of respects. They were to pay particular attention to the suppression of false rumours regarding any toleration of Catholics; reduce their defiant ministers to conformity; and ensure the recusancy laws, which had been tightened up in his first parliament, were properly executed. James put the responsibility for the resolution of the current religious difficulties squarely onto the shoulders of Hutton and Sheffield. He assured them that 'if you shall use such diligence and constancie as we desire in your proceadinges against the disobedient of the one sorte and of the other, we hope that in short time all our subjects shall be reduced to one uniformity in matter of religion, which shalbe to the universall quiet of our people.'

Every demand from James and his Council for more efficient government insisted upon increased vigilance against both puritans and Catholic recusants. The evidence, however, shows that a disproportionate amount of attention in the localities was

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<sup>391</sup> See above, p.146

devoted to the Catholics. An account of proceedings at the assizes at York and at Lancaster, was dominated by actions against priests and recusants, while the king's resolution in religious matters was received in both places with great joy and applause.<sup>392</sup> The county returns of recusants and sectaries were almost exclusively of Catholic recusants, with only one circuit (that which Popham rode) deeming it necessary to give a total for sectaries, at all.<sup>393</sup> It seemed that, once again, when instructions were issued to step up action against recusants they were directed primarily against Catholics. It also demonstrates how slowly central concerns seem to have been appreciated and acted upon. Only Popham - the most senior of the judges, who as a Privy Councillor was well placed to recognize James's anxieties about unrest from both religious wings - is known to have acknowledged the possibility that protestant extremists contributed any threat to internal security.<sup>394</sup>

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<sup>392</sup> PRO SP14/13/-- (Formerly 5/73 but moved before filming.) A true declaration of the proceedings at the late Assizes in the counties of York and Lancaster. Undated, but the reference to Mr Pound's recent appearance in the Star Chamber, which was on 29 October 1604, see. Baildon, ed. *Camera Stellata* p.182, and James's recent declaration of his religious intent, suggests that these were the February 1605 assizes.

<sup>393</sup> PRO SP14/13/53. County returns of recusants and sectaries. Although not dated, the pairings of the circuit judges indicate that this, too, referred to the February 1605 assizes.

<sup>394</sup> See above, pp.144-145, for the way the link between religious dissent and popular unrest was appreciated by James and his government, and expressed in the July 1604 proclamation. The Council later recommended that 'men of unquiet and factious spirite shoulde not have place' when they wrote on the subject early in December. BL Add MSS 38,139 f. 103. The Privy Council to Bancroft, to be relayed to Hutton and then to their bishops. 10 December 1604; For the State's employment of Popham in matters concerning Seminary Priests and recusants, see H.Hall, *Society*

When Bancroft wrote to his bishops, on 12 March, his directions about the nonconforming ministers warranted no more than a couple of lines while his orders for dealing with popish recusants were far more extensive. This no doubt reflected his recognition that any puritan threat was only temporary, and directly linked with the single issue of a few disobedient ministers. The Catholics, of course, owed ultimate allegiance to the pope whose self-appointed protector was England's long standing enemy, Spain. Thus, Bancroft issued detailed instructions for seeking out Catholics, and for distinguishing between the different sorts of recusants, so that the more radical and dangerous could be more severely dealt with, and the ringleaders subdued. He rebuked his bishops, in their capacity as JPs, for failing to take action earlier, compounding the problem of unchecked Catholicism, pointing out that 'It is sayd that our remissnes herein doth discourage the rest of the Justices of the peace from takinge suche paynes in that behalfe.'<sup>395</sup> Action against the Catholics was undertaken with such vigour that, within a couple of days, the Venetian ambassador was grieving that 'on all sides one hears nothing but complaints and laments.'<sup>396</sup> The bishop of London,

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*in the Elizabethan Age*, London, 1888, pp.145-6, 180-1. Hall also points out that Popham, though a 'sturdy Protestant', was also deeply committed to uniformity in the Church. Indeed, he states that, from his earliest youth Popham was 'a very Saul among the Pharises in his zeal for uniformity.'

<sup>395</sup> PRO SP14/13/25. Archbishop of Canterbury to his bishops, 12 March 1605.

<sup>396</sup> CSPVen, 1603-1607 pp.231-2. Nicolo Molin to Doge and Senate, 15 March 1605. A couple of weeks later he reported that the prisons were full of Catholics. CSPVen. pp.235-5. Nicolo Molin to Doge and Senate, 4 April 1605. Of course, account must be taken of the religious affiliations of the Venetians.

for example, had reacted promptly to the archbishop's instructions and his diligence was recognized and commended by the king.<sup>397</sup>

Lord Sheffield wrote to Cecil expressing his joy at the king's announcement about religion and relief that he meant to appoint the laws against papists. He had already indicated his misgivings about the religious situation in the north (before he had seen the king's letter of 18 February) which he declared was 'mighty fallen away.' He hoped that the seditious would reform by the next assizes, as required by law, because 'in my nature I had rather forgive than punish.'<sup>398</sup> This confirmed the position he had adopted before the last parliament and augured well for a peaceful resolution of the current difficulties generated by Catholic activity in the north. Nevertheless, prospects for improved conditions were frustrated because important posts were held by known recusants. One of them, the notorious Roger Witherington, apparently used his position as a bailif to encourage practising Catholics. Two ministers from Hexham reported him to an agent of the Council of the North, about the

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<sup>397</sup> Essex Record Office, Q/SR 171/59-64. Bishop of London to the Easter Quarter Sessions, 11 April 1605. He returned details of 170 recusant families. I am grateful to Dr. B.W. Quintrell for supplying me with a copy of this document; HMC, *Salisbury MSS*, vol.17, p.79. Earl of Worcester to Cecil, from Thetford, 3 March 1605, relaying the king's satisfaction with the bishop of London's diligence regarding his commands. See also, Lodge, *Illustrations*, vol.3, pp.269-70.

<sup>398</sup> HMC, *Salisbury MSS*. vol.17, pp.78-9. Lord Sheffield to Cecil, [1 March 1605]. He remarked that, although he understood that the king had written to both the archbishop of York and himself, he had not yet received a letter. A further letter was sent to Lord Sheffield on 12 March 1604/5. Bodl. MS. Add. C. 28. f.596. Cited in Jones, 'Journal of Levinius Munck'.

way in which Catholicism went unchecked within his jurisdiction, while the agent himself felt at risk from 'obstinate and dangerous' recusants as he went about his business.<sup>399</sup>

When faced with the realities of dealing with the Catholics, there was a very wide gulf between central assurances and expectations and their translation into firm action. Speeches by the king and his Council were valuable in encouraging the well affected, as pointed out by Lord Sheffield in his letters to Cecil in March and April, while action against Catholics at assizes helped to curb their bragging, and letters from the king to Hutton and to Sheffield cleared many groundless doubts of greater favour intended to the priests.<sup>400</sup> But such benefits were tempered by the practicalities. By allowing recusants to hold local offices, efforts against them were destined to be frustrated, not least because they were handicapped by the support office-holders invariably attracted in the areas for which they were responsible.

Even worse was the apparent inability of the king's chief agents, the assize judges, to prevent recusants from holding local

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<sup>399</sup> HMC, *Salisbury MSS* vol.17, p.125. Lord Sheffield to Cecil, 26 March 1605; HMC, *Salisbury MSS* pp.112-3, Hexham ministers to Henry Sanderson, 28 March 1605; HMC, *Salisbury MSS* p.139. Henry Sanderson to Viscount Cranborne, 15 April 1605.

<sup>400</sup> HMC, *Salisbury MSS*, vol.17, pp.78-9. Lord Sheffield to Cecil, 1 March 1605; HMC, *Salisbury MSS*, p.157, same to same, 24 April 1605.

office.<sup>401</sup> The recent assurances from the king and his Council about their intentions to suppress popery were virtually worthless in the face of Roger Witherington and his cronies who confidently predicted that the next assize judge appointed for their circuit would present no problem to them. The archdeacon of Durham reported that Witherington would continue to foster the spread of Roman Catholicism without fear of restraint because 'being now of that strength he may raise a great power of men on a sudden; which causeth the simple [to] think all these speeched bruited from the king and his Council [were] but tattles of us of the ministry.'<sup>402</sup> As the summer wore on the assurances of James and his Council, that Roman Catholicism would be severely dealt with, were making little impression in the north of England.

On England's other border, especially in Monmouthshire, Herefordshire and Worcestershire, the number of Catholics and the lack of support from central government in repressing them was driving Robert Bennett, the bishop of Hereford, to despair. He badgered the king, Cecil and Bancroft for at least six years for a diocesan commission against the recusants of Hereford to no

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<sup>401</sup> The way in which the ringleaders and most dangerous recusants could, by virtue of their offices, 'draw great number of silly ignorant souls after them,' was bitterly pointed out by Henry Sanderson in his report to Lord Sheffield. So too was the fact that even when the assize judge denounced a known recusant as unfit to hold office he was able to get another office nearby 'where he does still more damage.' HMC, *Salisbury MSS*, vol.17, pp.192-4. Henry Sanderson to Lord Sheffield, 6 May 1605.

<sup>402</sup> HMC, *Salisbury MSS* vol.17, pp.189-90. William Morton, archdeacon of Durham, to Henry Sanderson, 5 May 1605.

avail.<sup>403</sup> Since James's accession there had been a series of attempts by some Jesuits to whip up insurrection in Monmouthshire, Herefordshire and Worcestershire, to the consternation of the more moderate Catholics in the region, who were alarmed at the way in which they were being exposed to the attention of the authorities.<sup>404</sup> Nevertheless, the Catholics continued to practice their faith, confident that the authorities were largely powerless to restrain them.<sup>405</sup> On 30 May 1605 matters reached a dramatic climax when an attempt to arrest

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<sup>403</sup> Fincham, *Prelate as Pastor* p.155. Fincham suggests that Robert Bennett, bishop of Hereford's lack of success in securing a commission may have been because of the increasing criticism of the number of commissions at this time. Demonstrating the shared concerns of those in authority in the north and the west at this time, the bishops of both Durham and of Hereford had appealed to Cecil for an ecclesiastical commission on 14 January 1605. See, HMC *Salisbury MSS* vol.17, p.12.

<sup>404</sup> PRO SP/14/14/40. An account of Jesuits in Herefordshire and Worcestershire, c.June 1605. Boasts made by certain Jesuits that the Kings of France and of Spain were to assist them merely provoked fear among the Welsh Catholics who, earnestly desiring to be left to the practice of their religion, 'doe wishe the Jesuites with all their Adherents out of the land.' Meanwhile, the account went on, a Mr Morgan, was 'busye aboute Armor'. William Morgan was one of the principal Catholics in the region, and, although it is not clear whether he was related to Sir Charles Morgan (a prominent JP), his designation as a gentleman at his examination on 18 June 1605 makes such a possibility not unlikely; reinforcing the bishop's claim that many of the leading families in his diocese were related to Catholics. For William Morgan's examination see, PRO SP14/14/44.

<sup>405</sup> For example, J.W.Willis Bund, ed. *Worcester County Records, Calendar of the Quarter Sessions Papers, vol.1, 1591-1643*, Worcester, 1900. An undated petition to the JPs to deal with the large number of recusants and especially the great riot and unlawful assembly on Whit Sunday [19 May in 1605]. Although the editor dates it as 1608, on his own admission the bundles of sessions rolls contained documents for different sessions and of different years. It is, therefore, more likely that this petition formed part of the Catholic activity and local concern prevalent in the spring and summer of 1605; HMC, *Salisbury MSS* vol.17 pp.258-9. Bennett to Cecil, 13 June 1605. On 9 June there were 300 strongly armed men at the Darrien.

William Morgan, one of a number of Catholics assembled to hear mass near his house, culminated in an armed confrontation. According to the examinations of two participants in the events of that night they were prepared, with bows and arrows, to defend themselves against an expected raid by a number of JPs. In addition, there were a reported three hundred reinforcements coming from Monmouthshire ready to support them. When Bennett wrote to Cecil the following day he was in no doubt about where the blame lay for 'the dangerous riot lately committed in these parts.'<sup>406</sup> Its principal cause, according to the bishop, was the belief, strenuously promoted by the Catholics, that the king was favourably inclined towards them. He was equally scathing about the JPs. Many of them, he claimed, were closely related to recusants, while the pervasiveness of priests and recusants was such that they were allied to every one of good estate in the region. He reiterated his helplessness in the face of the presumption of the Catholics, who were claiming that the Council were critical of his performance, and a judicial system which failed to pursue cases brought by the bishop against recusants in the King's Bench court. His frustration closely matched that of his colleague in the north of England, neither of whom were in any sense hard line or fanatical puritans but whose shared

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<sup>406</sup> PRO SP14/14/52i and 52ii, examinations of John Guillam and Watkin Philpot, at Hereford, 22 June 1605. *CSPD, 1603-1610*, p.225, for the same date, refers to lists of recusants present on various occasions, including on the 30 May 1605 to encounter the sheriff and JPs [of Herefordshire], as well as an assemblage at the Darren to resist the bishop and sheriff. See also, *CSPVen, 1603-1607*, pp.247-8, Nicolo Molin to the Doge and Senate, 5 June 1605, for an account of the arrest on 30 May; *HMC Salisbury MSS vol.17*, pp.235-6. Bennett to Cecil, 1 June 1605.



concern was rather the spread of popery.<sup>407</sup> Similarly, the Worcestershire Catholics, as well as those in the north, had not been averse to adopting legitimate means to promote their cause. Thus they fought the 1603-04 parliamentary elections with the purpose of advancing their religion, contrary to the express directions of the king.<sup>408</sup>

James's endeavours to deal moderately with the Catholics were sending confusing messages to the localities which, despite his protestations following his meeting with Sir Francis Hastings in February, continued to be misinterpreted by both Catholics and protestants, alike. According to the Venetian ambassador, whose sympathies naturally inclined towards the Catholics, the king was anxious not to default on his public declarations guaranteeing the life and property of his subjects, even when matters of conscience were in question, and it was pressure from some of his Council which had 'forced him against his will and his word' to allow the enforcement of the recusancy laws. Those who were required to maintain the peace in the localities, however, were

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<sup>407</sup> This point has been made by Fincham in *Prelate as Pastor* p.260. At the same time, the President of the North had made clear his moderate stance in his observations to Cecil in March 1604, declaring that 'mercy joined with justice works the best effects.' HMC, *Salisbury MSS* vol.16, pp.44-5.

<sup>408</sup> Ian D. Grosvenor, 'Catholics and politics: the Worcestershire election of 1604' *Recusant History* vol.14, 1977-78. p.158. As well as observing that the Worcestershire election was fought to elect members who 'would stand fast in the next parliament' for the advancement of religion he commented on the fact that it was believed that a toleration was a part of the conditions of the peace concluded with Spain which would be thrashed out in parliament. Thus, in Durham, the papists were 'already labouring tooth and nail for places in the Parliament', in November 1603.

more disposed to believe that the king's inclination towards Catholicism was no more than 'a false suggestion of wicked priests.' Hutton had made clear his misgivings about the king's apparent approval of the Catholics, while Sheffield wrote unambiguously from the north of England that unless 'the Papists [be] curbed, it will come to mischief.'<sup>409</sup>

Matters had reached a pitch where it was looking increasingly likely that the king might be called upon to intervene by force in the north and west of England. Sheffield's pleas for firm action were matched by those of Bennet who was calling for 'some other way of force and greater terror ... to make them lay down their weapons.'<sup>410</sup> But there were practical difficulties attached to launching an armed conflict, which could escalate beyond control with no certainty that the king and his Council would win. More importantly, resorting to force was not a part of James's methods. In the past he had shown a marked reluctance to tackle the Catholic earls in the north of Scotland until his authority was openly challenged at the Brig o' Dee, in 1589. Even then, his response has been seen as a demonstration of his astuteness, for it gave him the opportunity to evade the necessity of identifying himself with either the protestant or the Catholic cause.<sup>411</sup> In the summer of 1605 James's dependence

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<sup>409</sup> *CSPVen, 1603-1607*, pp.243-4. Nicolo Molin to Doge and Senate of Venice, 22 May 1605; *HMC, Salisbury MSS vol.17*, p.235. Bennett to Cecil, 1 June 1605; *HMC, Salisbury MSS p.219*. Lord Sheffield to the same, 25 May 1605.

<sup>410</sup> *HMC, Salisbury MSS vol.17*, pp.258-9. Bennett to Cecil, 13 June 1605.

<sup>411</sup> *Stafford, James VI* pp.41-50, especially p.47.

upon circumspection, consideration and pragmatism, and his commitment to rule by the art of the possible, were subject to their most significant challenge yet. His ability to keep his nerve was tested to the limit.

The Catholic leaders were just as anxious to avoid an unnecessary showdown and to limit the damage caused by the more radical Catholics. The Father General of the Jesuits wrote to Father Garnet strongly dissuading, on prudential grounds, any present movements of the Catholics. He reminded him that they were prohibited by the pope who warned them that they would jeopardize their future relief, which, he assured him, was intended.<sup>412</sup> Meanwhile, the Jesuit, Joseph Cresswell urged Cecil to discourage the persecution of peaceable Catholics, arguing that forcing them outwardly to conform would bring more hurt than gain for they would be inwardly resentful. But, although he assured him of the unequivocal loyalty of the king's Catholic subjects, implicit in his advice was the possibility that, if pushed too far, their loyalty was not inexhaustible.<sup>413</sup>

James's preferred method of containing trouble and imposing his will was through the much more practical agency of his assize

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<sup>412</sup> Possibly, too, the memory of the French wars of religion were still sufficiently fresh to discourage recourse to an armed confrontation.

<sup>413</sup> *CSPD, 1603-1610* p.223. Father general of the Jesuits to Father Garnet, 15 June 1605; PRO SP 14/14/48. [Joseph Cresswell to Cecil], 20 June 1605.

judges.<sup>414</sup> It was fortunate, therefore, that the judges were shortly due to ride their circuits. James took full advantage of this to spend three hours with them at Greenwich, talking mostly about the Catholic problem and ordering a full inquiry into all the recusants in their circuits. He resolved no longer to spare the blood of the Herefordshire rebels, who had proved themselves unworthy of his clemency, and determined to deal most severely with those officers who failed in their duty regarding recusants.<sup>415</sup> That the matter was of paramount importance was reiterated a couple of days later by Egerton in his customary Star Chamber address. Making it clear that 'the retourning of Recusants and apprehending Jesuits' was to be their chief concern, he went on to condemn 'Those slanderous malicious trayters [who] make the people to beleve that the king is inclined to popery & tolleration.'<sup>416</sup> In many ways this was a restatement and confirmation of his speech before the previous circuit. He even repeated that he lacked sufficient skill to

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<sup>414</sup> James demonstrated the importance he attached to his assize judges in dealing with the problem of recusants in the summer of 1605 by proposing that their allowances in their circuits should be increased, thus acknowledging that their work load would expand. It was also an indication of the improved standards he expected from them. See, *CSPD, 1603-1610* p.223. 18 June 1605. Warrant to pay increased allowances to the judges of assize in their respective circuits. [Warrt. Bk. p.49]

<sup>415</sup> HMC, *Salisbury MSS* vol.17 p.254. G.(?)D. to his kinsman, Sir Everard Digby at Cotehurst, 11 June 1605. After details about matters in the Low Countries he reported that 'uppon Sunday last [9 June] all the Judges were in their robes at the Court of Grenewich before the King's Majesty, who made a speech unto them of three hours long'. Sir Everard was later tried and executed for his part in the Gunpowder Plot.

<sup>416</sup> BL Egerton MSS 2,877, f.167r. A breife delivered the last starr chamber day in Trinity Terme. 1605. of the kings former speech in the councell chamber, diz then to all the lls spirituall & temporall, the judges and others there present.

relay the king's words to them.

Mar wrote to Cecil, from Edinburgh, advising him that there were rumours of imminent changes among the ministers in England. The Scottish government plainly were anxious to discover what had prompted the possibility of such an extraordinary measure.<sup>417</sup> Meanwhile the king attended daily meetings of the Council. The unrest on the Welsh border did not appear to be subsiding, and Bennet reported that, despite the diligence of the JPs and their officers, many of the culprits had fled into Wales, where they intended to remain during the assizes, thereby rendering the impact of the king's charge to his assize judges ineffective. He continued to call for an ecclesiastical commission, with no success.<sup>418</sup> According to the Venetian ambassador, on the other hand, the trouble persisted because of the JPs over zealous application of the recusancy laws and he reported that the earl of Worcester, 'a great Lord and member of the Council, favourably inclined to the Catholics,' was to be sent to pacify the revolt.<sup>419</sup>

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<sup>417</sup> HMC, *Salisbury MSS* vol.17, p.245. 'We hear many speeches in this country of a remove or change of offices to be amongst you there.' The earl of Mar to Cecil, 9 June 1605. This illustrated the extent to which the difficulties in England were being noticed. The truth of the rumour is confirmed in a letter to the earl of Shrewsbury explaining that the proposed change of ministers and Privy Councillors was delayed. P. Sanford to Shrewsbury, 7 June 1605. Lodge, *Illustrations* vol.3, pp.291-3

<sup>418</sup> PRO SP14/14, Bennett to Cecil, 22 June 1605.

<sup>419</sup> *CSPVen, 1603-1607* p.252. 19 June 1605. Nicolo Molin to the Doge and Senate. He describes how the constables sent by the justices to harass the Catholics were repulsed and the Catholics continued to resort to arms to defend themselves. He went on that 'the Council meets every day, and contrary to his practice the King is present.' [in cypher]

In electing to send Worcester James was maintaining his commitment to a balanced approach as far as possible while also demonstrating the importance he attached to the task by employing one of the most senior and active of his Councillors. Edward Somerset, fourth earl of Worcester, seems effortlessly to have transferred from trusted and favoured servant of queen Elizabeth to a similar position with James.<sup>420</sup> His office as Master of the Horse made it inevitable that he would be close to a monarch who was so addicted to hunting, and, in that respect he had the advantage over other more elderly, and infirm, members of James's Council, who no doubt viewed his frequent days in the saddle with dismay. Worcester continued to be close to James throughout his reign and he was often responsible for conveying the king's orders and comments to the Council. He clearly merited his master's trust for he was frequently employed to deal with sensitive issues, particularly matters concerning religion. By virtue of his office, Worcester was with the king during his hunting trip the previous winter when he was petitioned by those of tender conscience, apprehensive at his treatment of their ministers. He was also involved in the drive to remove non-conforming clergy that same winter, being one of the Councillors who wrote to the archbishops, in December, about the manner of

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<sup>420</sup> For example, on 5 August 1599 the queen visited Worcester after her horse trod on his foot when he was helping her to dismount from her horse. See HMC, *De L'Isle MSS* p.397. Soon after the accession of James he was one of those chosen to accompany the king into the Tower on his arrival from Scotland. Harrison, *Jacobean Journal, 1603-1606*. p.26. 11 May 1603. See also p.157 for his relationship to Sir Francis Hastings.

their removal.<sup>421</sup> Although he was regarded as being personally inclined towards Catholicism, he dealt with problems right across the religious spectrum,<sup>422</sup> as befitted his Hastings links.<sup>423</sup> Thus, with his broad-based background and disposition he was well placed to represent his king and implement the kind of balanced solution which James was anxious to impose on the disorderly Catholics on the Welsh borders.

That James felt the need to send Worcester to deal with a problem which might more properly be regarded as part of the mandate of Edward, Lord Zouche, the President of Wales, would suggest that the king questioned Zouche's ability to handle a delicate situation such as that which was emerging on the Welsh

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<sup>421</sup> BL Add MSS 38,138 ff.103-4. The Privy Council to Bancroft, 10 December 1604

<sup>422</sup> He was involved in the trial of Henry Garnet, the superior of the Jesuits in England, in March 1606. For the arraignment of Garnett, 28 March 1606 see, BL Add MSS 34,218 ff.67-81. He was also one of the Councillors at the hearing of Andrew Melville and his fellow Scottish presbyterian ministers at Hampton Court in September the same year. See, Melville, *Diary*, p.658, for proceedings against Melville and his colleagues for holding a General Assembly contrary to the king's orders. Worcester continued to struggle against the papist threat. At the end of 1612 he was making inquiries about Jesuit activity in Brussels, see HMC *Downshire MSS* vol.3, p.434, and he pursued the Council's drive to disarm recusants according to their orders well into 1614, see HMC, *Bucclench MSS* vol.3, p.174.

<sup>423</sup> His family connection extended still further, for the widow of Francis, Lord Hastings, father of the current earl and nephew of Sir Francis, married Edward Lord Zouche, who was the President of the Council of Wales and Lord Lieutenant of Herefordshire and Brecknockshire, with whom Worcester would be required to liaise in his handling of the 'rebellion' on the Welsh borders.

borders.<sup>424</sup> Also, Zouche was involved in a dispute about the Council of Wales's jurisdiction over the four English counties by the Welsh border, including Herefordshire and Worcestershire, and it was this matter, rather than the seditious Catholics, which was dominating his thoughts throughout June 1605.<sup>425</sup> Rather petulantly he offered his resignation when he heard that Worcester had been sent to deal with the problems in his jurisdiction, leaving Worcester to smooth the ruffled feathers of the Lord President of Wales, whilst also endeavouring to deal with the outrages on the Welsh border.<sup>426</sup> Recognizing this, in his orders to Worcester, the king, with commendable tact, pleaded the indifferent health of Lord Zouche, which might prevent him 'personally to repaire or reside in those parts, whilst this shorte imploiment of yours continewes.' He was careful to allude to Worcester's position as Lord Lieutenant of Monmouthshire, which qualified him to become involved in the affairs of the region, and maintained that he and Zouche were to

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<sup>424</sup> Zouche had been Elizabeth's ambassador to Scotland, sent to convey her demands that James take action against the Catholic earls in 1593-4, while engaging in a series of rather devious intrigues with those towards whom James was not best disposed. See Stafford, *James VI* pp.99-110, for this episode, and especially Zouche's questionable conduct in it.

<sup>425</sup> HMC, *Salisbury MSS* vol.17, pp.239-40. Lord Zouche to Cecil, 3 June 1605. By 20 June his principal concern was his relative authority with the judges whose interference, he claimed, had impeded him in his handling of the current unrest, not least because he had not been informed of it.

<sup>426</sup> HMC, *Salisbury MSS* vol.17, pp.269-70. Lord Zouche to Cecil, 20 June 1605. He offered his resignation if his services were no longer required and if Worcester did not propose to work with him.



collaborate throughout the operation.<sup>427</sup>

Despite his hopes for an equitable solution the king was very conscious of the threat posed by the Welsh and English Marcher papists which was reflected in his orders to Worcester. He declared that their 'insolent and seditious Actions' were 'nothing lesse than the first steppes to Rebellion' and he made it clear that, not only was their activity an imputation to the religion of the realm, but it constituted a 'disturbance of the peace and tranquillitie of our estate'. It was this aspect which prompted the king to take action and, having committed himself, he ensured that the necessary measures would be firm and effective. Accordingly, he bestowed extraordinary powers upon Worcester and called upon every local officer to afford him all possible assistance. Then he exhorted them to look to the prompt suppression of all riots, assemblies and rebellions in the region.<sup>428</sup> The king's dissatisfaction with controls over recalcitrant Catholics in the localities persisted, however, for, the papists, and in particular those in Worcestershire, were the chief matters which he wished to discuss with Bancroft at their

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<sup>427</sup> BL Add MSS 38,139 ff.223 - 233v. The king to Worcester, 21 June 1605. Worcester also had estates in the region, further qualifying him to become involved in its affairs.

<sup>428</sup> BL Add MSS 38,139 ff.223-223v. 'Wee doe by theis presents give full power and authoritie unto you the said Earle of Worcester to doe and execute all of the lawful or Necessarie Acte and Acts things and *things whatsoever which you shall thinke fitt and necessarie for the doing and speedie execucon of this our comission.*' [my italics]

next meeting.<sup>429</sup>

Meanwhile, the vexed question of supplying troops for the Archdukes, together with other problems arising out of the terms of the Treaty of London, fuelled anxiety about the king's attitude towards Catholicism.<sup>430</sup> A considerable number of Englishmen were prepared to serve the Archdukes but the Dutch were systematically attacking and sinking the ships in which they were crossing the Channel. Given that they had already enlisted, and were travelling with the approval of the Privy Council, the Archdukes felt justified in demanding that James should offer them protection, even to the extent of providing warships to transport them.<sup>431</sup> The Spanish, too, complained about the Dutch menace to their ships, invoking the clauses in the Treaty of London which provided for the safe passage of Spanish shipping through the English Channel. When a stray cannon-shot from a battle between the Dutch and the Spanish, close to the port of Dover, killed a woman in the town it seemed that the Spanish demands for English protection might be justified. However, overt

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<sup>429</sup> PRO SP14/14/51. 'Memorial for sondaye' [?June 23], written in the king's hand. These were brief notes of topics which he wanted to raise with his Council, 'the beagle' and the archbishop of Canterbury.

<sup>430</sup> HMC, *Salisbury MSS* vol.17, pp.243. 7 June 1605, Privy Council to Officers of Ports, limiting the time allowed to Dutch shipping for victualling in English ports which measure should apply to merchant shipping only. See also, BL Add MSS 11,402 f.100v; HMC, *Salisbury MSS* vol.17, pp.246-9, pp.252-3, pp.254-6; *CSPVen, 1603-1607* pp.244-5, pp.248-9, pp.254-7.

<sup>431</sup> See, BL Add MSS 11,402 f99v. 23 May 1605, Council to the Lord Deputy of Ireland, for raising volunteer soldiers for service abroad; BL Add MSS 11,402 f99v. 24 May 1605, warrants for the provision of shipping to transport soldiers 'to any place beyond the seas.'

support for the Spanish at this juncture clearly would be ill-advised, and this dilemma added to James's predicament in the summer of 1605. With the signing of the treaty in Spain, on 30 May, there was a renewed interest in its terms while the obligations of both sides were emphasized. James found himself trying to balance these against his endeavours to placate his English subjects who were calling for stricter control over English Catholics.

A casualty of the atmosphere of insecurity in the summer of 1605 was the Scottish forger, Thomas Douglas. He had allegedly forged a letter from James in which he expressed his hopes to reconcile the United Provinces to Spain while introducing the bearer, Robert Gray (alias Thomas Douglas), with a verbal message.<sup>432</sup> The king wrote (genuinely) to the Count Palatine and the electors of Mentz, Colen and Trier, in March, for Douglas to be repatriated to England, and he was returned in June. James made clear his wish that Douglas be dealt with as quickly as possible for 'the eyes of the princes of the world be upon him in this point'. He proposed that a private session to indict, condemn and execute him might be held and demanded that Popham and Sir Edward Coke, the Attorney, look to see what could be done to

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<sup>432</sup> Douglas had a long career as a counterfeiter. For example, on 27 July 1602 an action against William Dumber, portioner of Hemprigis, concerned his servant, Thomas Douglas, who had confessed to forging heritable writs. See, *RPCSc* vol.6, 1599-1604, p.428. He had quickly progressed to becoming involved in affairs of state when he began forging letters from the king. See, *HMC Salisbury MSS* vol.17, p.291. Though ascribed to '1602' the reference to the recent peace with the king of Spain makes it after August 1604.

speed up matters which he wanted settling before he went on Progress.<sup>433</sup> He took a close interest in the trial and he greeted Douglas' confession 'with great contentment'.<sup>434</sup> No doubt James's interest was stirred by the fact that Douglas was accused of sending a number of letters in his name to foreign princes and bishops peddling rumours that he was considering a toleration of Catholics. The way in which Douglas was tried, condemned and sentenced with unusual haste - attracting considerable comment<sup>435</sup> - was not only evidence of James's ability to react firmly and quickly to a challenge to his

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<sup>433</sup> HMC *Salisbury MSS* vol.17, pp.99-100. Sir Thomas Lake to Cecil, 16 March 1605, for Thomas Douglas to be brought back to England for trial. See, Bodl. MS. Add. C. 28 f.596. (cited in Jones, 'Journal of Levinus Munck') for the king to Count Palatine, and the electors of Mentz, Colen and Trier, 27 March 1605. On 14 June 1605 Joannes Lodinguist, Councillor of the Elector Palatine, wrote to Cecil from Gravesend that, according to the king's request, the Count Palatine had sent Douglas and he awaited further directions. HMC *Salisbury* pp.259-60. For the king's anxiety that the matter be dealt with speedily see, p.292. Stanhope to Cecil, [June 1605].

<sup>434</sup> HMC *Salisbury MSS* vol.17, p.272. Stanhope to Cecil, 22 June 1605. Apparently the king was pleased that Douglas had confessed. He also intended to go over the confession and speak to Cecil about it. For the examination of Thos Douglas, by Popham, Flemming and Edward Coke, see PRO SP14/14/50, 21 June 1605.

<sup>435</sup> HMC *Tenth Report, Gawdy MSS*, p.101. Francis Morice wrote from Westminster to Mr Boulton in Thetford, on 26 June 1605, that 'yesterday was condemned and this day executed one Douglas, a Scot, for counterfeiting the king's hand and seal to letters of his own devising which he delivered to the BB Electors viz. Treves, Ments & Cologne & to other princes of the Emp. wherein he made the king to write as if he had been of their pretended RC religion'; The Venetian Ambassador described Scots' outrage that Douglas was sentenced on 25 June and executed on 26, without the customary 8 days grace for appeal and how 'considerable noise has been caused at Court by this affair' *CSPVen, 1603-1607*, p.258. Nicolo Molin to the Doge and Senate 3 July 1605. Thus, the affair showed how Anglo-Scottish tensions and rumours about James's religious intensions could be confused.

authority, it also demonstrated his resolution to depress any expectations from the Catholic powers.

James's attention was also diverted by the growing defiance of the Scottish presbyterians, which centred upon their determination to hold the General Assembly, postponed from July 1604. John Forbes, representing the Aberdeen Synod, claimed that when he had seen the king, in March, he had confirmed that the holding of General Assemblies would continue.<sup>436</sup> Meanwhile, the repercussions of James's support for Huntly, against the Aberdeen ministers, were making themselves felt. The king's customary forbearance had earned the approval of his Scottish Privy Council, who appreciated the merits of their king's non-confrontational approach.<sup>437</sup> The presbyterian ministry, however, were less impressed with their king. At the Synod of Fife, held on 30 April 1605, John Forbes reported that James had directed the Scottish Privy Council not to resist the authority and jurisdiction of the kirk; that his commissioner, the Laird of

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<sup>436</sup> Calderwood, *History* pp.275-6; Row, *History* p. 60; Melville, *Diary*, p.570. He reported that John Forbes returned to Scotland after seeing the king with 'certificatioune of the king's constancie in that Religioune he wes brought upe into , and concerneing the order of the Kirk.' He also related that 'his Majestie's will and pleasure wes, that the acts of Parliament and constitiounes of the Generall Assemblie, namelie, quhairat he wes present, sould be keipit.'

<sup>437</sup> NLS Denmilne MSS 33.1.1. no.37. Lord Chancellor Dunfermline to the king, 20 April. He reported that Huntly had presented himself to the Scottish Privy Council, the day after his return, to assure them of his future obedience. Dunfermline commended James's 'graive wyse and circumspect behaviour and usage' of Huntly, adding that 'with the gentle correcting of one, your heines hes teatched to all the rest thaire dewtie ... and he and all the rest shall heve the greater reverence and respect unto your Mats autoritie.'

Laureston, had acted without his warrant; and that 'upon this knowledge of his majestie's good mind and intention the kirk assuredly hopped to have found no impediment to their nixt Assemblie, the 2d of Julij, at Aberdein.'<sup>438</sup> This was a clear statement of intent by the Scottish kirk that they meant to continue wielding their influence over ecclesiastical matters, notwithstanding the absence of their king. As the date for the proposed General Assembly in Aberdeen approached, however, the king ordered the Scottish Privy Council to issue a Proclamation cancelling it.<sup>439</sup> The traditional explanation for this further postponement of the General Assembly was that it was a part of James's renewed battle with the presbyterian clergy; a resolution to strike at their annual representative meetings and thereby

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<sup>438</sup> Calderwood, *History* p.176-7; Forbes, *Certaine Records* pp.382-3; see also, *HMC Salisbury MSS* vol.17, p.98. Sir Thomas Lake to Cecil, 14 March 1605. That the king was succumbing to pressure and considering setting a date for the next General Assembly is confirmed by Lake's report that 'his Majestie thinks he shall be driven to appeal to your lordships of the Council to know your opinion when he shall grant a licence for another General Assembly to be held.'

<sup>439</sup> *RPCSc* vol.7, 1604-1607, p.62. Proclamation from the Scottish Privy Council for deserting the proposed assembly at Aberdeen, 20 June 1605. It claimed that, regarding the assembly appointed to be held in July, 'his Majestie being noewyse acquentit not made foirsein thairof, nor yit his Heines consent and allowance being had and obtenit to that effect,' and that, contrary to what John Forbes and his colleagues believed they had secured in March, the king had ordered that all those who were planning to attend were to go home. Moreover, he forbade them to hold an assembly elsewhere either 'under pain of rebellion and putting of them to the horn.'; *RPCSc* vol.7, Letter from the Scottish Privy Council to the ministers assembled at Aberdeen, 20 June 1605. This letter conveyed the king's orders in similar vein, but finished, by telling them that the king has 'at greatiar lenth communicat our mynd in this mater to the Laird of Lourieston ... who at lenth will imparte the same unto you;' which again contradicted the claims made by Forbes, that the Laird of Laureston was acting without the king's authority.

destroy the whole presbyterian system.<sup>440</sup> But its coincidence with the instability in England makes it more likely that it was an indication that James was less confident of his abilities to govern his two kingdoms simultaneously than he claimed.

It also suggests that James was beginning to recognize that being an absentee king was going to have its drawbacks, especially in those matters over which he was accustomed to exercise his personal control. For James had attended every General Assembly from 1597 - following the serious challenge to his authority in Edinburgh at the end of 1596, which had manifested itself in outright riot - until he left for England and there had appeared to be little opposition to his interventions in its operations.<sup>441</sup> James was very conscious of the value of personal supervision of government and, as far as church government was concerned, he passed on this wisdom to Prince Henry.<sup>442</sup> James was careful to follow his own advice. Moreover, as it was as yet unclear that his optimistic assurances to his Scottish subjects, that he would return to Scotland every three years, would not be

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<sup>440</sup> See, for example, Professor David Masson, in his introduction to *RPCSc* vol. 7, pp.xlvi-xlviii

<sup>441</sup> See, Jenny Wormald, *Court, Kirk, and Community*, London, 1981, p.129, for how James retained the right to summon and determine the time and place of the General Assembly, which he employed with great skill, not least in turning up himself to lobby and negotiate while manipulating the agenda in his best interests. See also, Michael Lynch, *Scotland: A New History*, London, 1991, pp.227-32, for a brief rehearsal of James's relations with the General Assembly. I am grateful to Alan MacDonald for discussing the matter further with me.

<sup>442</sup> J. Craigie, ed. *The Basilikon Doron of James VI*, Scottish Text Society, 1944, vol.1, pp.145-6. James advised him to 'suffer na conventions nor meetings amongst kirke men but be youre knaulege & permission.'

realized, it is quite possible that James envisaged being able to attend every third General Assembly (at least, assuming they continued to meet annually). For the present he was reluctant to allow it to meet until he could oversee its development for operating in his absence.

Despite the distraction from the assembly of ministers at Aberdeen and their challenge to his authority, James determined to confront the difficulties with which he was faced in England, especially the problems of Catholic unrest in the regions. The coming assize circuits were unlikely to be plain sailing, however. In the north the Catholics boasted of their influence over Justice Walmesley, the assize judge who they expected to ride their circuit, and in the west the offenders had already taken to the woods for the duration of the assizes, nullifying the effectiveness of the judges's prospective visit.<sup>43</sup> There was clearly a need for the permanently resident JPs to tighten their grip on their localities for the bi-annual visit by the assize judges was insufficient to counter the religious

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<sup>43</sup> HMC *Salisbury MSS* vol.17, pp.189-90. William Morton, archdeacon of Durham to Henry Sanserson, 5 May 1603. Morton reported the great rejoicing among the Catholics that Justice Walmesley was to replace Justice Phillips, who had denounced Witherington at the last assizes as unfit for office. Sanderson expressed his dismay that Phillips had been taken off their circuit to Sheffield. See, *Salisbury MSS* pp.192-4, 6 May 1605. In the event neither Phillips nor Walmesley rode the Northern circuit in July 1605; PRO SP14/14/52. Bennett to Cecil, 22 June 1605. An account of an abortive raid upon a Catholic mass, on the night of 20 June 1605. In a search lasting all night and covering an area of 30 miles, although they found abundant Catholic paraphernalia, everywhere was deserted. He explained the predicament facing those trying apprehend the Catholics: employing too few meant they were easily overpowered; too many and the offenders were forewarned and 'fledd into woods, and there they will lurke untill the Assizes bee past'.



difficulties in the counties.

Accordingly, on Sunday 23 June the Privy Council drew up an unusually comprehensive set of instructions for the assize judges to relay to the JPs when they next rode their circuits.<sup>444</sup> This was not entirely without precedent. Sir Thomas Smith had observed in the 1560s that it was common practice at the beginning of the summer - 'for in the warme time the people for the most part be more unrulie' - for the Prince and his Council to select suitable penal laws for transmission to the justices 'to repress the pride and evill rule of the popular'. But this was often no more than a precaution, adopted even in periods of calm.<sup>445</sup> The instructions of June 1605 were more far-reaching, and their motive was quite specific. The covering letter which accompanied the Council orders, made plain that the king, 'having had due consideracion how the true religion of god which his highnes earnestlie & Zealouslie professeth maie in all partes of his kingdomes & Dominions be to gods glorie advaunced & the contrarie suppressed', had commanded them to send the enclosed orders and

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<sup>444</sup> 'Orders conceived fitt to be putt in execucion in the severall Counties of this realme for the better preservacion of his Majesties subiectes in peace order & obedience within the same'. They can be found in, BL Add MSS 41,613 ff.47v.- 49r; W.Y.A.S. Hopkinson MSS. vol. 38, 32D86/38, f. 103. For the printed text see, Mary Sturge Gretton, ed. *Oxfordshire Justices in the Seventeenth Century*, Oxford, 1934, pp. xxv-xxvi; *Sir Henry Whithed's Letter Book, 1601 - 1614*, Hampshire, 1976, pp.34-37. See also, n.446; A.H.A.Hamilton, ed. *Quarter Sessions from Queen Elizabeth to Queen Anne*, London, 1878; also, referred to in *Calendar of Wynn (of Gwdir) papers in the National Library of Wales and elsewhere*, Aberystwyth, 1926, no. 351, p.60.

<sup>445</sup> L.Alston ed. *De Republica Anglorum ... by Sir Thomas Smith*, Cambridge, 1906, pp.88-9. It could be argued that king James VI of Scotland was less likely to find himself preparing for riots resulting from hot summer weather.

observations the better to preserve the peace.<sup>446</sup>

Once again, James had taken advantage of a potential menace to security (generated this time by the Catholics rather than from the nonconformist ministers) to turn his attention to making his will felt in the localities through quickening the pace of the administrative processes. He endorsed the intent of the Henrician act for 'six week sessions', to be held mid-way between quarter sessions, in individual hundreds or divisions, so that closer attention might regularly be paid to such matters as the enforcement of statutes for labourers, alehouses, rogues and vagabonds, and setting the poor on work, as well as keeping account of recusants.<sup>447</sup> The framework was thus in place for what might prove to be more efficient and effective local government, designed to counter the unruly elements who were currently threatening the peace and quiet of the realm. Of course, much of this had been tried and failed before. How far the proposed measures were to be implemented, and how successful this initiative was to be, remained to be seen.

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<sup>446</sup> Cottrill, ed. *Whithed's Letter Book*, p.34. From the Council, 23 June 1605, at Greenwich. See also, n.444

<sup>447</sup> This act, of 1541, was repealed in 1545.

## Chapter 7.

### An Enduring Impact

The upheavals of the early years of James's English rule subsided remarkably quickly. Fincham's exhaustive survey of the diocesan archives concludes that between seventy-three and eighty-three beneficed nonconformists were ejected between 1604 and 1609.<sup>448</sup> Of those the vast majority were deprived in 1605, with the number of sentences to deprivation in the first six months of that year more than doubling that of 1606 onwards. Most occurred in the April of 1605. Thereafter, only two ministers are known to have lost their livings between 1611 and 1625.<sup>449</sup> However, while at least seven ministers later conformed and were reinstated or beneficed elsewhere, those who refused to demonstrate their commitment to the peace of the church by subscribing to the 1604 canons could not expect to be absolved.<sup>450</sup> The consternation expressed in the petitioning campaign in the winter of 1604-5 thus was very short-lived. But, while it lasted, it prompted a determined drive for increased efficiency in local government -

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<sup>448</sup> Fincham, *Prelate as Pastor* pp. 323-6

<sup>449</sup> Fincham and Lake, 'Ecclesiastical policy' *JEH* p.179

<sup>450</sup> See, for example, *HMC Hastings MSS* vol.2, p.55. 2 February 1614. George Abbot to the earl of Huntingdon, warning him against continuing to support Mr Hildesham, sentenced to deprivation of his living in 1605, as long as he refused to subscribe to the canons. Arthur Hildesham was one of the leading zealots whom James encountered in the winter of 1604-5, see above, p.152, n.292; as prominent amongst the puritan clergy as Sir Francis Hastings was amongst the gentry. It was as a puritan patron that Huntingdon defended Hildesham and therefore it was imperative that Abbot discouraged him.

in a period during which James has traditionally been accused of taking only a spasmodic interest in administrative matters followed by long periods of inactivity.<sup>451</sup>

The Privy Council Orders of 23 June 1605 were received with mixed emotions. On the Borders they were greeted enthusiastically. Sir William Selby, JP as well as one of the leading border commissioners, wrote to Cecil that he expected recent improvements in tackling serious crime to be 'greatly furthered by the directions sent down with the justices of assize for parting our counties into divisions, keeping 6 weeks' meeting, and for looking to the laws made against rogues, alehouses etc.'<sup>452</sup> He went on optimistically to predict 'if the justices of peace and commissioners do their best endeavours, I doubt not that before one year be expired these shires may be as well governed by the ordinary service of justices of peace as the rest of England.' Meanwhile the sheriff of Northumberland, notwithstanding letters warning him to temper his diligence, was very busy about the king's affairs, especially regarding recusants.<sup>453</sup> Soon after, Selby was delightedly reporting that

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<sup>451</sup> See, especially, A. Fletcher, *Reform in the Provinces: The Government of Stuart England*, Yale, 1986, p.53.

<sup>452</sup> HMC Salisbury MSS vol.17, pp.382-3. Sir William Selby to Cecil, 21 August 1605. According to S.J.Watts, *From border to middle shire: Northumberland, 1586-1625*, Leicester, 1975, pp.140-1, Selby was a client of Cecil. It has also been argued that behind Selby's determination to settle the region was his wish to retire to his estates in Kent. Whatever his motives, his ambitions should have benefitted the region.

<sup>453</sup> HMC Salisbury MSS vol.17, pp.189-90. William Morton, archdeacon of Durham, to Henry Sanderson, 5 May 1605. He anticipated that a letter sent to the sheriff, willing him not to be so forward against recusants was just the beginning of

he and other JPs had held their first ever six weeks' meeting where they had appointed high and petty constables and other inferior officers and reduced the number of alehouses in their division from 105 to 15.<sup>454</sup> Of course, it was easy for those who were several days ride away from the capital to exaggerate their successful execution of central government directions, but there was sufficient evidence from elsewhere in the north to suggest that Selby's claims had some substance. In another northern county 'convenient & apt divisions [were] agreed upon at Wakefield ... according to the orders lately received from the Lords and others of his majesties most honorable privye Councell', while six weeks sessions were appointed elsewhere in Yorkshire.<sup>455</sup> Despite inevitable failures - for example, Selby's glowing reports do not take into account the rather more dismal story of efforts against the Graham family<sup>456</sup> - it was an

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further trouble; HMC *Tenth Report*, Appx. 4, Lord Muncaster's MSS p.236. A number of Northumberland commissioners to their Cumberland counterparts, 31 August 1605.

<sup>454</sup> HMC *Salisbury MSS* vol.17, pp.427-8. Selby to Cecil, 21 September 1605.

<sup>455</sup> West Yorkshire Archive Service: Bradford. Hopkinson MSS vol.38. 32D86/38 ff.105v.- 106v. 3 September 1605. See also, ff.106v.- 107v. Articles for petty constables to inquire into and present at Quarter Sessions. f.107v. 5 October 1605. Order for 6 week sessions to be held in Rotherham on 18 November and at Doncaster on 19 November. f.125v. 13 January 1606. Order for 6 weeks sessions at Wakefield on 28 January.

<sup>456</sup> The English Privy Council had decided that one hundred and fifty Grahams should be sent to serve in the Low Countries but, before their letter had arrived even, those Grahams in custody already were escaping. See, HMC *Muncaster MSS* p.230, f.8. The Commissioners to the Scottish Council, 17 April 1605 and *RPCSc 1604-7*, same to the same, 21 May 1605; *Muncaster MSS* p.231, f.12. The English Council to the Commissioners, 17 May 1605. Ordering that the 150 Grahams be in Newcastle by 30 June 1605; *Muncaster MSS* p.233, f.17. The English Commissioners to the Governor of Brill, 28 June 1605. The fifty appointed to be sent

encouraging start.

In contrast the Council orders provoked outrage from those (arguably more sophisticated) magistrates nearer to the capital. An affronted Sir Edward Montagu described them as 'not fit to be put in execution, tending rather to the disgrace of the principal officers of justice than to the better preservation of peace, &c.'<sup>457</sup> The reason for his indignation was that, however commendable were the Council's directions, which on the face of it should have been welcomed by the local governors, they contained clauses which suggested they could not be trusted to do their duty as JPs. The king's demand for reports from the clerks of justice and assize on their superiors' performance not only struck at their dignity, it also would, if observed, erode their authority, thereby reducing their value as agents of the crown. This reflected James's inexperience in handling his unpaid executors in the localities and his misunderstanding of the relationship between local and central government. He did not repeat the mistake. When the Council wrote to the assize judges

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to Brill were ready for embarkation; p.234. f.23. The same to the Governor of Flushing, 6 July. The rest, destined for Flushing, were subject to a four day delay. Though seventy-two were eventually dispatched, within weeks four of them were back, heralding a steady trickle of returning Grahams, which marked a minor crime wave; p.239, f.43. The English Council to the English Commissioners, 19 October 1605. They ordered their repatriation to the Low Countries; The commissioners responded immediately in defence of their performance. PRO SP14/15/64. Wilfred Lawson to the Privy Council, 23 October 1605; SP14/15/106. Henry Leigh to the Privy Council, 24 October 1605

<sup>457</sup> HMC MSS of the Duke of Buccleuch at Montagu House vol.3, p.247. Sir Edward Montagu's copy, in his own hand, of the orders on alternate pages. One blank page has the heading: 'Reasons why these orders are not fit ...' Though vaguely attributed to temp. James or Charles the orders are those of 23 June 1605.

in July 1607 to complain about the patchy execution of the 1605 orders they were anxious to point out, in more conventional fashion, that the king had observed that whereas the orders 'have been greatly neglected in diverse partes of his kingdom, whereby little or noe fruct thereof at all hath hitherto appeared ... where the same hath been more diligently observed much good hath ensued'.<sup>458</sup> Further instructions to the JPs, later that year, included several paragraphs devoted to monitoring the performance of constables, churchwardens and overseers of the poor and preventing abuses by the clerks of the peace, sheriff's deputies and bailiffs.<sup>459</sup> It was now the lesser officers rather than the gentry who were the targets for reproach. The drive continued into 1609 when a note to the JPs, accompanying four printed statutes, emphasized the efficacy of a thorough knowledge and application of a few laws in preference to a vague awareness of many.<sup>460</sup> Then, at the end of the year, the Council wrote to the counties instructing them to set up steering groups to receive and disseminate their directions.<sup>461</sup> This coincided with the

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<sup>458</sup> BL Add MSS 38,170 f.86. Privy Council to the judges of assize, July 1607.

<sup>459</sup> BL Lansdowne MSS 166 ff.100r.- 101v. The private instructions to the justices of peace or commissioners for the better preservation of his Majesties subiects in peace order and obedience, 21 December 1607.

<sup>460</sup> *STC* no.9,341B. *Four statutes selected for execution by the justices of the peace concerning the relief of the poor; of soldiers; of plague victims; and provision for the punishment of rogues.*

<sup>461</sup> Northamptonshire Record Office, Montagu papers, vol.13, f.24 ff. Privy Council to the Jps of Northants; Bodl. MS Tanner 75, art.68. Same to the Jps of Suffolk; Hamilton, *Quarter Sessions* pp.78-90. Same to the sheriff and Jps of Devon. There is evidence of their being set up in Somerset in January of 1618-21. See, Bates, *Somerset Quarter Sessions Orders, James I* p.220,

revival of alarms about the Catholics on the Welsh borders and in the north of England.

In 1605 James had also failed to acknowledge that in some counties JPs in local sessions were already practising much of the content of the 23 June orders anyway.<sup>462</sup> They also resented interference in matters which they felt were best left to them with their local knowledge and experience. In practical terms, the Privy Council orders were spasmodic in their effect. The set of fifteen articles for the regulation and licensing of alehouses which were attached to the orders covered every aspect of keeping ale and tippling houses, from those permitted to frequent them, the times at which they could open, approved ale measures, who was allowed to keep an alehouse, and where. Their breadth was a testament to the ambition of James's government. However, whereas in Wiltshire the incidence of taking alehouse recognizances increased ten-fold at the Michaelmas 1605 and Hilary 1606 quarter sessions, and Essex held 'special' sessions of local JPs for licensing alehouses by 29 August 1605, the articles seem to have had little effect in other counties beyond maybe a selection from

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p.245, p.265, p.281, p.306.

<sup>462</sup> For example, in Northamptonshire, when the earl of Manchester was looking for Orders and Directions for Charles I's Book of Orders in the winter of 1630-1 he appealed to his brother, Sir Edward Montagu, drawing heavily on his long experience in local government. See, HMC *Bucclough MSS* vol.1, p.270 ff. esp. p.273. Henry, earl of Manchester to Lord Montagu, 27 January 1631. He reports that the orders are ready for sending to the sheriffs and adds that 'you may have in practice many of them, for I took the conceit of it from the first what you did.' Of course, in turn, Sir Edward had benefitted from many of the Jacobean initiatives.



them appearing in recognizances for alehousekeepers.<sup>463</sup>

The revenue-raising aspect of licensing alehouses in 1605 was not as prominent as it was to be in the initiative of 1608. Yet, there was growing alarm at the state of the king's finances throughout that summer. It was clearly an important consideration in the lengthy sittings of the Council, together with their other concerns, at the end of June. The king was anxious to know the outcome of their meetings and apparently was pleased at their conclusion that 'both by leases and upon the arrearages of recusants' debts there was and would be good sums come in.'<sup>464</sup> But, when the Privy Council steeled themselves to write to the king, a couple of weeks later, they concentrated on those areas where revenue which should accrue to the crown was being syphoned off by those commissioned to collect it; particularly the letting of leases of exchequer and duchy lands, compounding for defective titles and for assart lands.<sup>465</sup> They did not, in that instance,

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<sup>463</sup> Wiltshire Record Office, Great Rolls; Essex Record Office, Q/SR 173/67.

<sup>464</sup> HMC Salisbury MSS vol.17, pp.286-7. Lord Stanhope to Cecil, 29 June 1605. To the king's enquiries whether Cecil had sat hard this week he replied that 'no day 'scaped.' Then he asked what money had been made. See also, PRO SP14/14/64, A memorandum from the Privy Council 'conteyning the cost to be obtained for the kings granting of Recusantes.'

<sup>465</sup> MSS of the Inner Temple, Petyt MSS 538, vol.51. f.220. 'A letter written by the lordes of the councell to the king dated the        day of        in king James Anno Di 1608 touching means to advance the kinges revenewes by unusual means, soe as the king will take the Act uppon himself and be their protection'. This is dated 16 July 1605 in BL Add MSS 11,402 ff.103-104v, while the earl of Northumberland's name among the signatories, given that he was in the Tower after the gunpowder plot in November 1605, confirms the earlier date. See also, Pauline Croft, ed., 'A collection of several speeches and treatises of the late lord treasurer Cecil and several observations of the lords of the

propose that he turn his attention to recusants' debts, suggesting that they were aware of James's reluctance to make money out of his Catholic subjects.

As the summer wore on it became clear that every expedient would have to be employed to alleviate the desperate state of the king's finances. Accordingly, the conventional methods of raising revenue by parliamentary means through Privy Seal loans were eventually supplemented by recusants' grants.<sup>466</sup> As early as June the details were being thrashed out, when a letter about the granting of the benefits from lawfully convicted recusants was framed. Provision was made for the Attorney-General to make sufficient bills for all such grants, at the behest of the Lord Treasurer, and for their proper recording in the Exchequer. Finally, given the underlying reason for exploiting recusants, the Privy Council addressed several questions concerning 'the cost to be obtained for the kings granting of Recusantes'.<sup>467</sup>

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Council given to king James concerning his estate and revenue in the years 1608, 1609, and 1610' in *Camden Miscellany* vol.30, 1987. pp.245-317, especially pp.247-8 for dating this letter. Also, p.256, for her observation that its tone conveyed deference tinged with fear, rather than conventional flattery.

<sup>466</sup> For example, as far as Egerton was concerned, despite his aversion to calling a parliament, it could not be further prorogued for the simple reason that the Exchequer coffers were empty. HMC Salisbury MSS 17 p.340 Egerton to Cecil, 30 July 1605

<sup>467</sup> PRO SP14/14/13. June 1605. Endorsed by Cecil as 'The project of a lre wherby his Maties pleasure is to be certefied whensoever any suite is made for recusantes'. Such a letter was sent on behalf of the king's physician, Dr. Martyn, on 10 September 1605. See, PRO SP14/15/86; PROSP14/14/142. n.d. Details to be sent to Dorset about the granting of recusants benefits; PRO SP14/14/64. June 1605. Privy Council deliberations about the same.

Then, some time before September, a commission was issued from the Exchequer 'to seize the lands and goods of recusants according to the statute'.<sup>468</sup> That the imposition of financial penalties on recusants was as much to do with the crown's chronic monetary problems as any other consideration is confirmed by Cecil's pronouncement that the king could not afford to lose control of recusants' grants because his servants' expectations of rewards out of them ensured their reliability.<sup>469</sup> Meanwhile, the Council continued to grapple with the problem of the king's accelerating expenses. It seems they were exploring possibilities of a particularly sensitive nature which no doubt further fuelled fears among the Catholic population already subject to a dramatic increase in recusancy-penalties.<sup>470</sup>

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<sup>468</sup> HMC *Salisbury MSS* vol.17 pp.427-8. William Selby to Cecil, 21 September 1605. As part of his report on the state of the Borders he details his proceedings regarding the Exchequer's commission. *CSPD, 1603-1610* p. 331, calendars a 'Commission to Lords Ellesmere and Dorset, and others, to lease recusants lands' for which it suggests a date of 14 September 1606. It possible that this is the same commission to which Selby referred the previous year.

<sup>469</sup> PRO SP14/15/169. Cecil to Sir Thomas Lake, 24 October 1605. He was responding to the bishop of Bristol's proposal 'to have the dealing with all Recusants, under color to make more benefit to the king.' He also observed that the king 'meaneth not to allowe of any Extreames' when it came to rewarding his servants, which belies the traditional picture of James's prodigal lavishing of largesse.

<sup>470</sup> PRO SP14/15/146, 154, 162. Northampton to Sir Thomas Lake on 13, 18 and 22 October 1605. Plainly he was writing about matters of great urgency and secrecy for he stated that he had missed his dinner to write one letter while another urged Sir Thomas to ensure his letters were burned. He also reported that a whole day had been spent 'about the reformation of his [the king's] howse, the flaws and excesses of which are infinit.' The Venetian ambassador noted that goods have for some time been seized as rapaciously as under queen Elizabeth. *CSPVen, 1603-1607* pp.280-1. Nicolo Molin to the Doge and Senate, 2 November 1605.

The incidence of penalizing recusants, either by fining them or seizing their property, certainly rose significantly after the summer of 1605 and was to rise still further after the legislation of 1606. The most cursory examination of the State Papers confirms this. Yet there was 'an immense disparity between statutory liabilities and Exchequer receipts',<sup>471</sup> while there was an equally vast gulf between the theory and practice of grantees reaping the benefits of their awards from the crown. For example, in June 1605 Lord Say and Sele had been given the benefits of six recusants, according to the terms recently agreed. Unfortunately, satisfying the necessary conditions proved to be rather more exacting than he had envisaged and by November he was asking for a loan of one thousand pounds from the crown which he expected to repay from his recusants. His chief difficulties were that he had been put to the expense of ensuring his recusants were properly convicted at the assizes only to find that some of them had conformed, while others simply sold all their lands. The kickbacks he was obliged to pay to his intermediaries were leaving him further out of pocket. In December a disillusioned Say and Sele announced that he had not had a penny profit out of his suit of recusants.<sup>472</sup> Clearly the

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<sup>471</sup> John J. La Rocca, 'James I and his Catholic subjects, 1606-1612: some financial implications' *Recusant History* vol.18, no.3, 1987.

<sup>472</sup> HMC Salisbury MSS vol.17, pp.290-1. Lord Say and Sele to Cecil, June 1605; pp.331-2. Same to same, 20 July 1605; pp.451-2. Same to same, 10 October 1605; p.481. Same to same, 9 November 1605; p.532. Same to same, 2 December 1605. He claimed the king's intervention had cost him one of the most valuable of the recusants granted to him. The cost of indicting, convicting and discovering the lands of recusants who then conformed leaving the suitor with nothing had been one of the subjects of the Council deliberations about granting recusant-penalties. See PRO

pursuit of recusants was not the kind of easy money expected by the potential beneficiaries. Moreover, James's clemency in the matter meant that he was ever ready to intervene to ensure that the pursuit of recusancy-penalties did not become a means of persecuting them. La Rocca has concluded that James's apparent lack of success in enforcing the penal statutes against recusants was characteristic of his pursuit of a *modus vivendi* whereby propertied papists became a part of the patronage system rather than a disaffected and potentially dangerous minority.

From the beginning, James and his government were conscious of the advantages in maintaining the value of recusants' forfeited property. When Lady Digby, wife of the one of the Gunpowder Plotters, complained that the High Sheriff was vandalizing her property and selling it off cheaply to his own profit the Chief Baron of the Exchequer declared that he was acting contrary to the law and 'contemptuously digressing' Exchequer directions.<sup>473</sup> A statute in the following year included provision for recusants to retain possession of their principal residence while obliging whosoever leased the lands to guarantee not to waste them. This, in turn, led to an Exchequer ruling at the end of the year, on

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SP14/14/64. On the advice of Sir George Home he had enlisted the help of Robert Carr and Sir Roger Aston. His payments to Carr left him considerably out of pocket and he requested a further 2 recusants. The strikingly high incidence of recusants granted to John Carse, a page of the Bedchamber (see throughout *CSPD, 1603-1610*), therefore, does not indicate that he necessarily made a vast profit from them, either.

<sup>473</sup> HMC *Salisbury MSS* vol.17 pp.538-9. Lady Digby to Cecil, 3 December 1605 and Lord Chief Baron of the Exchequer, Sir Thomas Fleming to Cecil, same date.

the king's orders, against wasting recusants' estates.<sup>474</sup> As well as being prompted by fears that rents would then 'become unpaid and his highnes Revenew of that nature to decrease & be of no value', it was recognized that maintaining the value of recusants' property gave them an incentive to recover it intact if they conformed to the Established Church. It was also a further example of James's preference for moderation rather than persecution. Years before, in Scotland, he had granted the benefit of another Catholic's confiscated lands to his wife, thereby cleverly neutralizing rather than alienating the earl of Huntly.<sup>475</sup> Clearly he intended to take the same approach even though he had been forced to moderate his declared resolution regarding penalizing recusants.

James had never regarded the church as either an instrument to bolster his authority, ideologically, (unlike Charles I later) or as a means to replenish the Exchequer. From the beginning he had made it clear that he did not intend having 'soul money for conscience'.<sup>476</sup> He also resisted the temptation to ease his financial difficulties by keeping sees vacant and collecting the profits (unlike either Charles I or Elizabeth). One of his earliest actions had been to appoint bishops to Oxford and

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<sup>474</sup> 3<sup>o</sup> Jac I c.4, section VII; BL Add MSS 61,481 f.3. Ruling by Dorset and Fleming, 27 December 1606

<sup>475</sup> Stafford, *James VI* pp.114-115; Ruth Grant, 'James VI, the sixth earl of Huntly and the politics of the Counter Reformation' paper read at a conference on the reign of James VI in Edinburgh, February 1994.

<sup>476</sup> The note-book of John Southcote, D.D. from 1623 to 1637. *Catholic Record Society, Miscellanea, vol.1* London, 1905, p.110;

Bristol, vacant respectively since 1592 and 1593. More remarkably still, he appears to have been responsible for the act of 1604 to prevent the monarchy alienating episcopal property, despite the reservations of at least half the Commons' bill committee, who preferred not to oppose their new king's will. For an allegedly extravagant and profligate monarch to renounce a potential source of revenue and patronage has attracted considerable comment.<sup>477</sup> Yet he also funded the recently restored Scottish episcopacy out of his own resources, though he determined that they provide the Scottish Privy Council with precise accounts of their benefices with a view to becoming financially independent of the crown.<sup>478</sup> Recently it has been argued that James's two achievements with regard to the Scottish church were his staunch support of bishops and his endeavours to tackle the problem of ministers' stipends. The one provided the

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<sup>477</sup> Fincham, *Prelate as Pastor* p.40; *Statutes of the Realm* vol.4, part 2, pp.1019-20. 1<sup>o</sup> Jac I c.3. An Acte againste the Diminution of the Possessions of Archbishoprickes and Bishoprickes, and for the avoydinge of Dilapidations of the same. It stresses the king's interest. The act is 'oute of his owne meere and godlie motion, and of his blessed disposition for the publicke good, without all regarde of any private respecte vouchsafed, and [he] is pleased that it maye be enacted ...'; *CJ* vol.1, pp.222-3. The Commons resisted the temptation to contrive losing the bill for loss of time 'because they were not willing, that a Bill proceeding merely from the King's Grace, should receive any Rub in the Passage'.

<sup>478</sup> *RPCSc* vol.8, 1607-1610, p.600. The king to the Scottish Privy Council, from Royston, 8 October 1609. He trusted that his 'grite desyre to restoir the utterlie suppress estate of bischoppis ... being now broght by us to suche a resounable perfection, may not be crossit by the delapidationis of these who ar in present title of these prelacys'. He therefore appointed a commission to look into the matter. *RPCSc* vol.8, p.601. The Scottish Privy Council to the bishops, 20 October 1609. They acknowledged that the bishops restoration had been at the king's expense by his 'paying of verie grite sommes oute of his awne coffers for acquiring some remaynis bothe of jurisdiction and rent dew unto thame'.

means to confront papistry while his commitment to the other earned him a standing ovation in the General Assembly. It has led to him being described as 'the nursing father of the kirk', making his attitude towards the English church less surprising that might at first appear.<sup>479</sup> It also goes some way to challenging another of the traditional accusations levelled at James - that of excessive extravagance.<sup>480</sup>

James appears to have recognized the value of his bishops as agents of the crown very early in his English reign. Fincham's comprehensive study of the episcopate of James I observes that hitherto their contribution to county administration has largely gone unrecognized. As well as their visitations providing an opportunity to enforce royal instructions, they almost all had a seat on their local magisterial bench, where their attendance records compared well with the rest of the JPs, and many were fairly active magistrates.<sup>481</sup> Whereas their role under James was very similar to that they played in his predecessor's reign, and it was not until after his death that it was to change

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<sup>479</sup> Prof. Michael Lynch. 'A new agenda from the reign of James VI?' A paper read at a conference on the reign of James VI at the University of Edinburgh on 5 February 1994. He claimed that the kirk was never so strong as when it was acting in concert with James.

<sup>480</sup> John P. Kenyon's review of M. Lee jr. *Great Britain's Solomom: James VI and I in His Three Kingdoms*, London, 1990, in *The Journal of Modern History*, 1992, questions whether James's financial embarrassments were any more serious than those of other European monarchs.

<sup>481</sup> Fincham, *Prelate as Pastor* p.97. He cites, for example, Fletcher, *Reform in the Provinces* which is silent on the subject. I owe many of my comments to Fincham's section 7, on Local Government, pp.96-111.



significantly, his willingness to engage with them personally ensured their greater effectiveness.

Few Jacobean bishops can have matched the performances of the bishops of Durham, though others were conscientious administrators. William Overton, bishop of Coventry and Lichfield was the principal justice in Eccleshall where he dealt with a wide range of business, while Henry Rowlands, bishop of Bangor, was not always as idle as Sir John Wynn alleged him to be.<sup>482</sup> The bishop of Bristol was active on both the Worcestershire bench and in the affairs of the north - which was often at the expense of his role as preacher.<sup>483</sup> Sometimes their administrative achievements were at the expense of their careers. For example, the remarkably successful record of Henry Robinson, bishop of

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<sup>482</sup> C.M.Fraser, ed., *Durham Quarter Sessions Rolls, 1471-1625* Surtees Society, vol.199, 1991, for Tobias Matthew and William James, consecutively bishops of Durham; Fincham, *Prelate as Pastor* p.99, and S.A.H. Burne, ed., *Staffordshire Quarter Sessions Rolls*, Staffordshire County Council, 1950, for William Overton, bishop of Coventry and Lichfield; John Wynn, *The History of the Gwydir Family*, Cardiff, 1927, p. 61. According to Sir John Wynn, Henry Rowlands, bishop of Bangor, 'would put them [commissions] off as much as in him lay'. Yet, he took the trouble to write to the JPs in the summer of 1610 recommending them to punish those threatening the king's peace at the biannual fair at Bangor. See, Carnarfon Record Office, QS files, 1608-1610, no.49. 6 July 1610. See also, QS files, 1610-12, no.25 and QS files 1613-16, no.5 for his continued interest in county business.

<sup>483</sup> Fincham, *Prelate as Pastor* p.100. Describing John Thornborough, bishop of Bristol, as one of the most energetic magistrates on the Worcestershire bench he cites Willis Bund, ed., *Worces. QS Rolls; HMC Salisbury MSS* vol.19, pp.14-15. Bishop of Bristol to Cecil, 1 June 1607. In the absence of the archbishop of York he was responding to the orders of the High Commission against recusants; p.274. Lord Sheffield to Cecil, 9 October 1607. A swingeing attack on the character of Thornborough who had preached only once or twice all year because of his activities against recusants. He particularly condemned him for abandoning his bishopric to pursue matters for his personal gain;

Carlisle, on the Border Commission meant that he was too valuable where he was, especially given his familiarity with local matters. Thus his hopes of preferment to the see of London, vacant on the death of Richard Vaughn, were fruitless.<sup>484</sup> The king's commendation of his zeal can have been little consolation for he remained where he was until 1616.

It was hardly surprising that James would continue to exploit the administrative functions of his bishops in sensitive regions like the borders in the same way that he did his judges and increasingly the JPs. They were yet another strand in the strikingly Jacobean approach to local government based on personal contact, penetrating questions and high expectations. That he envisaged close cooperation between all three elements is demonstrated in his instructions to the bishops in the southern province which directed them to 'use all their best means for presenting and discoveringe popishe recusants, as alsoe for puttinge them to the Oathe of Allegiance. And if theie refuse to come unto them to use therein the assistance of the justices of Assize aswell as of those that be of the peace.'<sup>485</sup>

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<sup>484</sup> For Henry Robinson's outstanding contribution on the Border Commission see HMC *Salisbury MSS*, *passim*. He wrote to Cecil for his support for preferment to the vacant see of London, having served for nine years at Carlisle and feeling the need for a see of better maintenance, HMC *Salisbury MSS* vol.19, p.87. 5 April 1607. For the king's approval of his zeal see pp.128-9. Cecil to Henry Robinson, 13 May 1607.

<sup>485</sup> Lincolnshire Archives Office, Additional Register I, ff.225r.-6r. Royal Instructions to the Bishops of the Southern Province, May 1611. Relayed by George Abbot to the bishops on 24 May 1611. Cited in Fincham, *Prelate as Pastor* pp.307-8.

Not that cooperation between the bishops and other officials who were required to implement central directives was invariable. Hence, while Henry Cotton, bishop of Salisbury, and Tobias Mathew, archbishop of York, were pleased to accommodate their Lords Lieutenants' requests for details of clergy arms for the musters of 1608 James Montagu, then the bishop of Bath and Wells, challenged his Lord Lieutenant's interpretation of the Council's orders and, capitalizing on his place at court, took up the matter with the Lord Treasurer. The archbishop of Canterbury was obliged to intervene to explain the Council's meaning to him.<sup>486</sup> It is significant that the Lord Lieutenant in question was the earl of Hertford who had experienced no difficulty in securing the cooperation of the bishop of Salisbury, pointing up the importance of personality and personal relationships in getting government orders translated into action and the inevitable problems which might ensue. By then, the bishops' legal authority had been confirmed in the 1606 parliamentary session on the grounds that their courts were the king's courts, processes were in the king's name and their status as *testis* or witnesses designated them as instruments of the crown.<sup>487</sup> Their

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<sup>486</sup> PRO SP14/36/127. Tobias Matthew to Cecil, 27 September 1608. He reported that he had relayed the Council's letter to the bishops of Durham, Chester and Carlisle and that 'there is no doubt but they will all as one man be willinglie readie to undergoe the rates to be apportioned...'; W.P.D.Murphy, ed., *The Earl of Hertford's Lieutenancy Papers* (Wiltshire Record Society, vol.23, 1967)p.114, p.118, p.120, p.121 and p.124, for the amicable dealings between Henry Cotton and the earl of Hertford, and p.116, p.117, p.128, p.130 and p.132 for the less cordial exchanges between James Montagu and the earl.

<sup>487</sup> Willson, *Bowyer's Diary* pp.145 ff. Mr Yelverton's report on 3 May 1606 on the conference of the House of Lords and House of Commons on 28 April.

relationship with the crown was thus less ambiguous than that with their secular counterparts in the localities.

James had established an episcopal bench which reflected his own broad-based approach to religion. Composed of bishops with differing outlooks and styles he not only provided himself with access to a spectrum of advice he also guaranteed the implementation of his evenhanded ecclesiastical policy founded on avoiding confrontation and oppression. In Scotland, too, his bishops seemed to have a similar outlook. For example, in 1610, bishop Moray suggested to the king that the Catholic laird of Gight be left in peace for he was ill and a trouble to noone while the papists 'I perceive are not universally of ane corrupt disposition'<sup>488</sup> Flexibility was an important quality in James's bishops. William Chaderton's expression of sorrow at the schism in the church caused by some ministers' refusal to conform in April 1605 was thus quickly followed by his avowed commitment to the appointment of properly licensed ministers.<sup>489</sup> This also coincided with the change in emphasis in the latter part of 1605 when diocesan reform rather than the enforcement of the 1604 canons became the order of the day. Bancroft's metropolitan visitation in the summer of 1605 was the most thorough for a generation and set the tone while the visitation by the recently

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<sup>488</sup> *Miscellany of the Spalding Club*, Spalding Club, 1841-52, vol.2, pp.155-6, cited by Jenny Wormald, '"Princes" and the regions in the Scottish Reformation' in MacDougall ed. *Church, Politics and Society*

<sup>489</sup> HMC *Salisbury MSS* vol.17, p.133. Chaderton to Cecil, 12 April 1605; Huntington Library, San Marino. Hastings Correspondence, HA 1307, the same to the earl of Huntingdon, 11 October 1605

consecrated bishop of Chichester in October 1606 was also unusually ambitious in its aims. A number of 'Orders to be reformed' provided for improved standards of clerical education, regular sermons, a scheme for regular catechising classes and a reduction in the prevalence of recusancy.<sup>490</sup> This drive for reform was motivated by direct and persistent criticism from the centre, rather than by its own volition, and it continued throughout James's reign.

Probably the most accurate indicator of James's religious disposition was his choice of archbishop of Canterbury - a choice which was always very much his own. It has been suggested that he was influenced in his choice of Bancroft, in preference to the widely tipped Tobias Matthew, by parliamentary demands for reform. However, it is just as likely that James's personal inclination played a part for Tobias Matthew had been an enthusiastic admirer of the earl of Bothwell, James's *bete noir* in the 1590s.<sup>491</sup> The notion that Abbot's appointment was either unexpected or unpopular has also been challenged.<sup>492</sup> The conventional distinction between James's two archbishops has

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<sup>490</sup> Kenneth Fincham, 'Ramifications' *JEH* pp.222-3.

<sup>491</sup> Fincham, *Prelate as Pastor* p.91 for the choice of John Whitgift's successor; Stafford, *James VI* p.58 and pp.91-2. Matthew's admiration for Bothwell was given effusive expression as a 'noble man [with] a wonderfull witt, and as wonderfull a volubilitie of tongue, as habilitie and agilitie of bodie on horse and foote: competently learned in the Latine, [and French and Italian]; much delighted in poetrie,..' Bain, ed. *Border Papers* vol.1, pp.481-4

<sup>492</sup> Fincham and Lake, 'Ecclesiastical Policy' pp.188-9 demonstrate that the choice of Abbot was not the wayward decision claimed by some.

recently been questioned as being too stark. Both, for example, were 'doughty' defenders of episcopacy, and they shared a determination to keep up the pressure against popish recusants as well as those protestant separatists who threatened the peace of the church. On the one hand, the traditional view of Bancroft as the 'hammer of the Puritans' has been convincingly denounced; on the other, it is now clear that Abbot's predilection for order and respect for authority ensured that he was as anxious as his predecessor to counter any threat posed by nonconformists.<sup>493</sup> He maintained a tough line against those silenced ministers who would not conform to the 1604 Canons - even when they commanded support at the highest levels.<sup>494</sup> More importantly, these characteristics closely reflected those of the king. Abbot confirmed himself in James's good opinion when he accompanied his new patron, the earl of Dunbar, to Scotland in 1608 for the purpose of reestablishing the episcopacy there.<sup>495</sup> His behaviour

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<sup>493</sup> Quintrell, 'Royal Hunt' p.44 shows how James left Bancroft 'trailing in his wake' during the deprivations of the winter of 1604-5, contrary to the traditional view that Bancroft was the driving force behind the removal of nonconforming clergy. See for example, S.B.Babbage, *Puritanism and Richard Bancroft* London, 1962, pp.376-8; S.M.Holland, 'George Abbot: "The Wanted Archbishop"', *Church History*, American Society of Church History, vol.56, 1987, pp.180-1.

<sup>494</sup> See above, p.242, „.450; Holland, 'George Abbot', p.173, p.187.

<sup>495</sup> While the importance of Dunbar's presence cannot be discounted - see *RPCSc* vol.8, 1607-1610, p.122, which comments on the value of Dunbar's presence in Scotland during July 1608, together with Abbot, for the recommendation of episcopacy to the Scots - the earl of Dunfermline had also done sterling work on the king's behalf in matters ecclesiastical. See, PRO SP14/23/15. Dudley Carleton to John Chamberlain, 20 August 1606. Reporting on the recent successes in the Scottish parliament in revoking presbyterian legislation he observed that this 'service is said to be done by my L of Dunbars golden eloquence but thought rather by those who understand more to be effected by the L of Fyvy'.

was both conciliatory and statesmanlike and earned for him the bishopric of Lichfield and Coventry shortly after his return, followed thereafter by rapid promotion to the see of Canterbury. Although Abbot's defence of protestant orthodoxy led him to view those at the other end of the protestant spectrum - the anti-Calvinists or Arminians - with a degree of suspicion not likely to be shared by his royal master,<sup>496</sup> by and large, James's choice of primate ensured the continuity of his ecclesiastical policies.

Despite James's natural inclination towards an informal toleration of those Catholics who practised their religion with discretion, he and his government had good reason to wish to avoid alienating the Catholics. There had been a shocking example of the willingness of some of them to go to sensational lengths at the end of 1605 when, on top of the increased recusancy-penalties, Bancroft joined the Privy Council, arousing further fears of a regime increasingly hostile to Catholic interests.<sup>497</sup> The verdicts on the Gunpowder Plot are wide-ranging. John Bossy has tended to downplay Roman Catholic activism in general after 1600 and sees the Plot in terms of an act of 'melodramatic

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<sup>496</sup> See K. Fincham, 'Prelacy and Politics: Archbishop Abbot's defence of Protestant orthodoxy' *HR* vol.61, no.144, February 1988; Nicholas Cranfield and Kenneth Fincham, 'John Howson's answers to Archbishop Abbot's accusations at his "trial" before James I at Greenwich 10 June 1615' *Camden Miscellany* vol.29, 1987. Especially p.326 where they make the point that 'by his refusal to become partisan in this dispute, James was sticking fast to his belief in a unified English Church which could contain different styles of protestant divinity.'

<sup>497</sup> BL Add MSS 11,402 f.106v. 29 Oct 1605. The archbishop of Canterbury was sworn of the Privy Council.

violence' prompted by the realization that the Spanish could no longer be counted on to support English Catholics - after all, they had not even made toleration a condition of the recent peace treaty. On the other hand, Michael Carrafiello continues to argue that to dismiss the Plot as a last gasp effort by a discontented and perhaps lunatic fringe is an oversimplification.<sup>498</sup> The debate has raged for at least the last century and no doubt will continue. The aftermath of the Plot was an opportunity for James's Scottish Councillors to express outrage that the English were so careless of the safety of their king, entrusted to them by the 'good subjects of [his] native and ancient kingdom.'<sup>499</sup> As he had only recently been dissuaded from returning to Scotland, in accordance with his resolution made in St. Giles before he left for England, because he would be exposed to 'that fierce and fiery people who are ever ready to rebel' they could feel justified in their righteous wrath.

While it is clear that the Plot's role in quickening the

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<sup>498</sup> John Bossy, 'The English Catholic Community, 1603-1625' in Alan G.R. Smith, ed., *The Reign of James VI and I* London, 1979; Michael L. Carrafiello, 'Robert Parsons Climate of Resistance and the Gunpowder Plot' *The Seventeenth Century* vol.3, no.2, 1988 pp.115-134; For a comprehensive, and recent, survey of the vast corpus of writing on the Plot from the early debate between John Gerard, *What was the Gunpowder Plot? The Traditional Story tested by Original Evidence* London, 1897, and S.R. Gardiner, *What Gunpowder Plot Was* London, 1897, see Nicholls, *Investigating Gunpowder Plot*

<sup>499</sup> HMC Salisbury MSS vol.17. pp.486-7. The Council of Scotland to the king, 14 November 1605. For expressions in a similar vein see, NLS Scotland, Denmilne MSS 33.1.1 no.42. Errol to the king, 24 November 1605. He thanks God for his escape from the 'wild and inhuman treason' and cautions him to be more careful in future. Also, no.39. Montrose to the king, 29 November 1605.



processes of local administration was negligible in comparison to the events of earlier in the year, its potential to jeopardise James's moderate religious policy by provoking a harsh backlash was more worrying.<sup>500</sup> Even at the height of the government crack-down on Catholics in the summer it had been possible to leave certain sensitive judgments to the discretion of prominent Catholics in the localities.<sup>501</sup> James and his ministers were determined that the customary harmonious relations must be maintained. In fact, tensions relaxed remarkably quickly after the Gunpowder Plot. Just one week after its discovery the king wrote to the aldermen of sensitively placed Chester, recommending his nominee for the vacant post of Recorder. Despite the prevailing tension, the Assembly of Chester replied firmly, yet respectfully, that the king's choice was ineligible as he was a stranger to Chester, and therefore they could not elect him without breaking their oaths. Cecil very quickly relayed the king's permission for them to make their own choice, acknowledging the prudence of having a permanently resident officer given Chester's proximity to Ireland.<sup>502</sup> This was not

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<sup>500</sup> According to the Venetian Ambassador James was quick to play down the religious motives of the Plotters. *CSPVen, 1603-1607* pp.294. Nicolo Molin to the Doge and Senate, 13/23 November 1605.

<sup>501</sup> An example of this is the carefully considered reply from Cecil's chief secretary to Sir Thomas Tresham, about the propriety of his serving in his local Commission. In the end he felt it might be better not to attend to avoid offending others in the county. However, he made it clear that this was merely the advice of himself and Cecil and the final decision was up to him. BL Add MSS 39,829 f.186. Levinus Munck to Sir Thomas Tresham, 2 July 1605.

<sup>502</sup> Chester City Record Office, Assembly Book, vol.1. AB/1 f.291v. The king to the Aldermen and Burgesses of Chester, 12 November 1605; AB/1 f.291. Assembly held on 17 January 1606; AB/1

only an example of the speed with which the fears generated by the events of early November evaporated - it was also evidence of James's readiness to back down in the face of a sound legal argument while making clear his determination to have competent and trustworthy local officials.

When the much prorogued session of parliament intended for November 1605 met on 21 January 1606, one of the first acts of the Commons was to set up a special committee on religion. On it were two very experienced MPs: Sir Francis Hastings (who had not lost his standing with the House despite his recent loss of local office) and Sir Edward Montagu. Its remit was to draw up a bill to deal with Catholic recusants and by the end of the month a series of articles, together with an oath to be taken by convicted recusants or noncommunicants, was ready for Sir John Dodderidge, the Solicitor-general, to put to the Commons.<sup>503</sup>

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f.292. Petition of the Mayor and citizens of Chester, January 1606; AB/1 f.292v. Cecil to the mayor, Sheriff and Common Council of Chester, 2 February 1606. It was sensible that as well as appealing to Cecil they also wrote to the bishop of London and the bishop of Lincoln. The bishop of London was Richard Vaughan, who had recently been translated from Chester and the bishop of Lincoln, William Chaderton, was their bishop before that. This, then, suggests their faith in their bishops to use their influence in their interests, even those who had left more than ten years before. See Chester City Record Office, Assembly Files, AF/7 ff.7ff. Badly damaged copies of letters to the earl of Salisbury, the bishop of London and the bishop of Lincoln. Their stress on their commitment to honouring their oaths was shrewd, given that central government currently were engaged in drawing up the oath of allegiance.

<sup>503</sup> Willson, ed. *Bowyer's Diary* p.19. For the articles the course of the early debates upon them, see, pp.19 ff. See also, BL Add MSS 38,139 ff.256v.- 259. Historical Collections of Sir Peter Manwood, of Kent, MP for Saltash, Cornwall, March 1604. These 'Articles agreed upon for the framing of an Acte of Parliament for the better preventing of all Popish practices against the kinges Matie and the state and for the better

Despite receiving a petition from the 'Catholic Recusants' explaining that the recent Plot was not representative of Catholic opinion and imploring him to use his influence not to 'increase the burdens allready heavilie layed upon us', Sir Francis contributed to drawing up a series of articles whose scope was comprehensive and their tenor harsh.<sup>504</sup> On the 7 and 8 April two Bills of Recusants, with additions and amendments, were read but their passage was interrupted by a message from the Lords that they were prepared to assent to a Conference about four matters of 'Ecclesiasticall Causes'.<sup>505</sup> The first of these, introduced by Nicholas Fuller, concerned the restoration of deprived ministers. Once again the issues of combatting popish recusancy and the fortunes of the zealous Calvinist ministers were running along parallel tracks.

The king took a close interest in the course of the conference between the two Houses, sharply rebuking Cecil when he failed to keep him advised about the details of the debate. Once appraised he anticipated that 'by the success of that day's work all the controversies about these Church causes will either die, or be

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preservacion of the kinges Mats subiects in their due obedience' contain a couple more clauses than those noted by Bowyer. See also, BL Add MSS 4,176 ff.40 - 44v. Sir Edward Hoby [MP for Rochester] to Sir Thomas Edmondes [ambassador at the court of Brussels], 10 February 1606 for another version of the articles.

<sup>504</sup> BL Add MSS 34,218 ff.85 - 86. A petition from 'Your wellbeloved Countrymen, Kinsmen, Alients and friends, the Catholique Recusants of this Realme of England' to Sir Francis Hastings, undated, but its supplication that 'this may be delivered and published to the highe Courte of Parliament' clearly suggests it was around January 1606.

<sup>505</sup> Willson, *Bowyer's Diary* pp.106-7.

weakly pursued.<sup>506</sup> This was very different from his reaction to the events of the previous year. Sir Edward Phelps, the speaker, simply conveyed the king's resolution to the Commons that the deprived ministers would be restored to their livings as soon as they reform.<sup>507</sup> Sir Francis continued lobbying on behalf of the deprived ministers. He had tried to introduce a bill to restore the ministers on 26 February which had disappeared, and then, in the following session, he was closely associated with a petition for the better execution of the laws against the Catholics and on behalf of the silenced ministers.<sup>508</sup> James coolly responded through a message delivered to every member of parliament, who had been deliberately assembled to hear it. Regarding the first matter, he informed them that 'you shall not need to spurre a runninge horse' for he had already ordered his Judges in their pre-circuit address, to ensure 'order in ecclesiastic governors, and that there be not a pope in every parishe.' They were also to 'have special care of the peace of the Cuntrye at this time:

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<sup>506</sup> HMC *Salisbury MSS* vol.18, pp.128-9. Sir Thomas Lake to Cecil, 4 May 1606. He reported that 'his Majesty marvelled that there was no particularity in your letter' about the debate about the causes ecclesiastical. HMC *Salisbury MSS* vol.18, p.129. A further letter of 6 May which conveyed the king's satisfaction with Cecil's account of the conference.

<sup>507</sup> Willson, *Bowyer's Diary* pp.167-70.

<sup>508</sup> Willson, *Bowyer's Diary* p.55. On 26 February 1606 Sir Francis Hastings introduced a bill to restore the silenced ministers; p.341. For Sir Francis and the petition of 18 June 1607; See also, George Roberts, ed. *The Diary of Walter Yonge, esq.* Camden Society, 1848, p.3. On February 26 1606, 'The silenced minsters of Lincolnshire exhibited a petition to the Parliament..' With parliament in session petitions were now directed to MPs and parliament rather than directly to the king.

for the same is disturbed either by popishe or sectaries'.<sup>509</sup> Accordingly, in his message to the Commons he referred them to his answer of the previous May regarding the deprived ministers, given after consultation with the Privy Council, bishops and Judges in Star Chamber. Wryly he informed them that he was 'no way Entending to surprise you by the direction given' and, taking the hint, the petition was allowed quietly to sleep by the Commons.

The two recusancy bills were debated throughout the session.<sup>510</sup> One of the most difficult points to resolve was a particularly harsh recommendation that the children of convicted recusants should be brought up in protestant households, at their parents' expense. But, although the Commons pressed the proposal enthusiastically, the Lords condemned it as 'unnatural, dangerous, exceeding difficult, and scandalous.'<sup>511</sup> When the

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<sup>509</sup> Willson, *Bowyer's Diary* pp.341-3. 18 June 1607. The speaker had stopped Sir Francis with a quiet word - clearly he was still not inclined towards discretion even after his trouncing over two years before. For the pre-circuit speech of 10 June 1607 see Baildon, ed. *Camera Stellata* pp.326-7.

<sup>510</sup> BL Add MSS 4,176 f.53. Sir Clement Edmondes to Sir Thomas Edmondes, 6 March 1606. He commented on the length of time spent 'in devising Laws for suppressing Recusants..' He went on rather sceptically to observe that 'if the execution be answeareable to the intent of the Lawmakers, there will no doubt be found provision enough against those sort of people, how effectuall otherwise soever it may prove.' The process of the law against the Catholics was of particular interest in the Spanish Netherlands. For how the resultant act contained a clause of direct relevance to them see, Pauline Croft, 'Serving the Archduke' *HR*

<sup>511</sup> The proposal was widely known about. See, Roberts, ed. *Diary of Walter Yonge* pp.4-5; Willson, *Bowyer's Diary* p.172. For the Lords' pronouncement, 17 May 1606. The matter was still being debated on 26 May, the penultimate day of the session. see, pp.183-4. The scheme was still being promoted as late as 1612 in

bills were engrossed the first went through with its original title, 'An Act to prevent and avoide dangers which may growe by Popish Recusants', while the second, 'An Act for the better discovery and disclosing of Popish Recusants, and Education of their Children in the true Religion', had the latter part removed by the Lords. Not only did the Lords more obviously include Catholics than did the Commons, no doubt they were more closely in tune with the sentiments of the king, who had persistently made clear his determination not to engage in excessive persecution for religious motives. Some years later, when the king ordered the judges' conclusions about administering the oath of allegiance to be relayed to the Privy Council, they had determined that it would be unlawful forcibly to remove anyone from their houses to take the oath, thus modifying the Elizabethan act which provided for breaking into popish recusants' homes to arrest them.<sup>512</sup> The parliamentary session of 1606 ended with the rest of the original articles incorporated in one form or another into the final acts.

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the Privy Council's advice to the king about the suppression of recusancy, in which their indignation at its loss was reiterated. Their fourth and final point was the that 'it may please your matie to give passage unto soe much of the lawe made in the third yeare of your Raigne concerning the education of Papists children as passed in the house of Commons and was afterwards stricken out in the Lords house, though it were first debated and agreed upon in Articles betweene both houses.' BL Add MSS 32,092 ff.218-219. 'The Lords advice to the king how to supresse the growth of recusants'. Although undated the references to princess Elizabeth's marriage and prince Henry put it around the middle of 1612.

<sup>512</sup> Anthony G. Petti, ed., 'Recusant Documents from the Ellesmere Manuscripts' *Catholic Record Society* 1968. pp.207-8. No.31. EL 2188. The Resolution of all the judges concerninge such meanes as are to be used to put men to the Oath of Allegiance, delyvered to the Lordes of the Pryvye Counsell by his Majestie's comandment, the 7th of February 1612.; 35° Eliz c.2

The localities responded encouragingly to the 1606 legislation and almost immediately the oath of allegiance was administered throughout the counties of England.<sup>513</sup> However, the local governors had to be reminded regularly of their responsibilities to ensure internal security through administration of the oath. Thus the proclamation issued in 1610 after the assassination of Henri IV, the French king - in response to rumours that four seminaries or jesuits had recently arrived to eliminate the king and prince Henry - stressed its importance in identifying those subjects 'who though blinded with the superstition of Poperie, yet carried a dutifull heart towards our Obedience' as opposed to 'the other pernicious sort, that couple together that damnable doctrine & detestable practice'.<sup>514</sup> It seemed that the oath was regarded essentially as a means of ensuring loyalty rather than an instrument of punishment. Attention to recusants tended to intensify in periods of crisis so that the account of 'all such as are presented in Wiltes at Michaelmas 1610 for popish

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<sup>513</sup> The oath of allegiance was being taken from September 1606 in Staffordshire. Staffordshire Record Office. Quarter Sessions Rolls, Epiphany 1607. Q/SR/100, f.41 and 42. Michaelmas 1606, Q/SR/103, f.25 and f.26, when a dozen oaths were administered. In Yorkshire the oath was being administered by the bishop of Chester. WYAS: Bradford. Hopkinson MSS vol.32. 32D86/32 f.150v and f.151r., 12 May 1607. Meanwhile churchwardens in Norfolk were being required to report on popish recusants to the JPs in July 1606. Norfolk Record Office, MC 148/17, Papers of George Sawyer, churchwarden of Cawston. 11 July 1606.

<sup>514</sup> Larkin and Hughes, p. 249. No.111. 'A Proclamation for the due execution of all former Lawes against Recusants, ... And for the ministering of the Oath of Allegiance, according to the Law.' 2 June 1610; The Scottish Privy Council conveyed their (arguably justified?) concerns about the safety of 'that grite jowell', their king, in a letter to their English counterparts on 29 June 1610. RPCSc vol.8, 1607-1610, pp.626-7; For rumours of a plot to assassinate the king see, for example, Roberts, ed., *Diary of Walter Yonge* p.22

recusants' was very much more formal and listed one and a half pages of recusants, while that of the following Trinity covered a whole page. Meanwhile, in Staffordshire the incidence of oath-taking rose considerably in the summer of 1610. Before that, Michaelmas 1608 had seen the greatest increase in recusants taking the oath which had coincided with a period of serious dearth coupled with external threats and had prompted the most determined resolution yet to hold peace-time musters.<sup>515</sup>

Originally it had been proposed that the oath of allegiance was to be administered by either the assize judges or else JPs, but when the legislation reached the statute book they had been joined by the bishops.<sup>516</sup> This may well have been the result of the bishops' consternation that the terms of the recusancy bills made it no longer possible for them to send for recusants to confer with them, with a view to reforming them.<sup>517</sup> It certainly

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<sup>515</sup> Wiltshire Record Office, Great Rolls, Hilary 1611 and Trinity 1611; Staffs. RO, Q/SR/116. 30 August 1610; S.A.H. Burne, ed., *Staffordshire Quarter Sessions Rolls, Easter 1608 to Trinity 1609* (Staffs. County Council, 1950)

<sup>516</sup> For examples of bishops administering the oath see WYAS: Bradford, Hopkinson MSS vol.32, 32D86/32. ff.150v.- 151r. Bishop of Chester in May 1607 and Burne, ed., *Staffordshire QS Rolls* pp.237-8. Certificates of fifteen recusants taking the oath by the bishop of Coventry and Lichfield, Michaelmas 1608.

<sup>517</sup> Willson, *Bowyer's Diary* pp.161-2, 14 May 1606 and p.173, 17 May 1606; For an example of this see Rev. J.C. Atkinson, ed., *Quarter Sessions Records North Riding Record Society*, vol.1, 1884 p.6. 11 April 1605, Thirsk QS Order for George Metcalf to have a conference with the archbishop of York before 20 April on points of religion; On a grander scale, Thomas Dove, bishop of Peterborough, had a two day conference with over two hundred people in the Cathedral to try and prevail with the factious ministers. HMC *Salisbury MSS* vol.17. pp.58-9. Dove to Cecil, 4 February 1605. Nor was this approach confined to dealing with popish recusants. Fincham has observed that by frequent conferences with uncompliant ministers throughout 1605 and 1606



reflected James's expectations of them. Even so, they too needed constant reminders to fulfil their obligations. Bancroft's endeavours to persuade the bishops to pursue Catholic recusants and administer the oath to them had to be reiterated the following year by his successor, George Abbot.<sup>518</sup>

It has been convincingly argued that, with the removal of radical puritanism from the Jacobean church in the early years, it remained settled thereafter.<sup>519</sup> The problem of popish recusants, however, did not vanish and in periods of political tension they continued to be a particular target. Whereas the king continued to favour clemency where it was appropriate, he was closely involved in rigorous proceedings against the uncooperative. Thus, in the address to the assize judges in February 1608 he drew a distinction between those Catholics and priests who were prepared to take the oath of allegiance and those who were not. Even worse, he maintained, were those who came to church but refused the oath, for rather than being the kind of sincere but mistaken Catholic with whom he could sympathize, they represented a serious threat to the security of the realm.<sup>520</sup> He maintained

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neither bishop Heton nor bishop Still was obliged to remove any for nonconformity. Fincham, 'Ramifications' *JEH* p.210 and p.211.

<sup>518</sup> LAO, Add. Reg. I, ff.225r.- 6r. See above, p.258 n.485 This is just one example of how Abbot's term at Canterbury was a continuation of, rather than complete change from, Bancroft's methods

<sup>519</sup> Fincham and Lake, 'Ecclesiastical policy' pp.181-2.

<sup>520</sup> Spedding, *Letters and Life*, vol.4, pp.90-1. Bacon's account of the charge to the judges on 15 February 1608 and the Council's further explanation of the king's directions regarding religion. They identified 'a strange Monster, A non Communicant that will come to Church and not take the oth of Allegeance, For

his faith in the penal laws which he claimed were more than sufficient to deal with the Catholics, and he continued to insist on the administration of the oath of allegiance. He was less impressed with those who were required to execute the laws and he ordered the judges to ensure they were properly enforced while his speech in the parliament of 1614 sharply criticized the JPs' performance.<sup>521</sup>

More tricky was the problem of satisfactorily identifying unconvicted recusants. It was James who was to provide the enduring definition of such early in 1613 when momentary fears about Spanish intentions prompted another drive to disarm English Catholics. The original Privy Council instructions to disarm not only convicted recusants but also 'others known to be recusants and ill-affected in religion' was given greater clarity by the king's direct intervention in what had hitherto been a matter of contention, unduly dependent on local influences. James, at the Council table, in consultation with Councillors and judges, gave a lasting definition. The vague and ambiguous phrase, 'ill affected in religion', was explained as including 'those that doe not ordinarilie or fre quentlie repaire to the Church to heare devine service ... as also such as have not for theise last three or fowre yeares receaved the Comunion once a yeare at the least and such as have their wives and children and servantes

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it sheweth him more poysoned in his loyalty then in his religion.'

<sup>521</sup> HMC *Hastings MSS* vol.4, pp.230 ff. The king's speech to parliament, 5 April 1614. He observed that popery had increased so much that when a peer was required to take the oath of allegiance there was not a JP to administer it.

recusantes or *non communicantes* as aforesaid or are otherwise knowne to be popishly affected, or such as have anie noted or extraordinarie numbers of retayners or tennantes recusantes or *non communicates*.<sup>522</sup> Three years later this definition found a place in the king's address to the assize judges before they rode their circuits in the summer of 1616,<sup>523</sup> and then became a part of the king's *Works*.

The Council were anxious from the start to make it clear that, while they and the judges had been consulted, the final definition of a 'real' recusant relayed to the counties in February 1613 came from the king himself. This was unlikely to have caused undue surprise for James was always willing to provide a definition when it was required. That his definition stood the test of time and continued to be applied well into his grandson's reign was testimony to its quality as well as to the status of its source.<sup>524</sup> Years before, in Scotland, James

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<sup>522</sup> For the original letter of early January 1613 see, BL Add MSS 34,218 f.124r. The Council to the High Sheriff, DLs and JPs of Kent; Cottrill, *Whithed's Letter Book* p.97. Same to the same of Hants.; HMC *Hasting MSS* vol.4, section 16. Same to earl of Huntingdon, Sheriff, DLs and JPs of Leices.; HMC *Montagu MSS* vol.3, pp.148-9. Same to same of Northants. For the letter of 28 February including the king's definition of a recusant see, Cottrill, *Whithed's Letter Book* pp.101-2.

<sup>523</sup> For James's Star Chamber charge to the judges in June 1616 see McIlwain, *The political works of James I* pp.341-2. It follows his address to them on the relationship between common law and equity.

<sup>524</sup> HMC *Ormonde MSS* n.s. vol.4, pp.347-8. James's definition of a recusant was referred to in, and a copy enclosed with, a letter from Colonel Edward Cooke to Ormonde, 8 March 1679. 'As for that which contains King James his charge to his judges, I the rather lay it before your Grace, because it was shewed to the King [Charles II] by a great Lord, to whom his Majesty gave this gracious answer: "As his grandfather had said, so he would do"'.

Stewart had undertaken the final arbitration in a legal case in which the four top Scottish lawyers were at deadlock, resulting in 'an argument which, for soundness, learning and eloquence, will not easily be matched.'<sup>525</sup> He had not lost the ability to solve problems quickly when he was faced with them.

Both Elizabeth and James displayed considerable skill in operating the kind of 'mixed monarchy', or royal government by both divine right and popular consent, which had resulted from the Henrician reforms of the 1530s. Yet, James's personality, even more than Elizabeth's, had equipped him to live with the grey areas, fudges and blurred distinctions upon which such a regime depended.<sup>526</sup> Thus, for example, he was careful to avoid straying too far into the grey area at the limits of the royal prerogative.<sup>527</sup> James put it rather inelegantly in his speech to parliament in 1614 when he denied accusations that he meant to stretch his prerogative: 'for', he said, 'he that over streanes and blows his nose will cause bloud, soe if a prince should stretch his prerogative it woulde cause his people to bleede.'<sup>528</sup> The reluctance of the House of Lords to join the

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<sup>525</sup> *Letters and State Papers During the Reign of James VI* Abbotsford Club, 1838, p.xv

<sup>526</sup> Smith, *Constitutional Royalism* pp.18-21.

<sup>527</sup> Derek Hirst, 'Revisionism Revised: The Place of Principle' *Past and Present* 1992. Though the main thrust of this article is to point up the importance of ideology, as well as war, in stimulating administrative reform, it touches upon the question of how pushing royal powers to the limit of the prerogative would result in explicitly defining them with a subsequent loss of flexibility of action to the crown.

<sup>528</sup> HMC *Hastings MSS* vol.4, p.232.

Commons, in the summer of 1604, to petition the king about a number of matters including thrashing out the parameters of crown *versus* parliamentary influence over religious affairs suggests they recognized the value of not backing James into corners.<sup>529</sup> And, when James had appealed to the judges, early in 1605, to provide a legal definition of his position regarding matters ecclesiastical, it was in response to claims by a number of petitioners, that the High Commission had no warrant by law for its operation, rather than a determination to establish his own powers.<sup>530</sup>

On the other hand, it was James who had given the lead in the drive for efficient local government, sparked by the misunderstandings at the beginning of his reign (long before the Gunpowder Plot). Thereafter his interest continued to be engaged. This was undertaken simultaneously with his abiding care for the government of Scotland. For example, he demanded a complete breakdown of every vote in the Scottish Privy Council so that he might 'dicern the goattis from the trew sheip, and may tak such ordoure as none injoy that place bot such as ar worthy thereof.'<sup>531</sup> Hardly the conduct of a king rushing to the 'promised land', blithely disregarding the welfare of his native

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<sup>529</sup> See above, pp.139-40

<sup>530</sup> Baildon, ed., *Camera Stellata* pp.186-92, Egerton's address to the assize judges, 14 February 1605. See also above, p.182

<sup>531</sup> *RPCSc* vol.8, 1607-1610, p.97. The king to the earl of Dunfermline and the Privy Council, 9 May 1608. See also, pp.616-7, 29 January 1610, when they were informed that the king was 'resolved to reduce [their] extraordinar and confusit number to a certane few of thouse personis selectit be his Majestie'.

land. Years later, in speech to the Scottish parliament, Lord Binning applauded the 'general benefites done to oure people in England and Ireland, ... the blessingis of justice and peace, and fruittis arysing thairof, did so oblies everie one of ws, as no thing in oure power could equall it'.<sup>532</sup> James might irritate with his overweening confidence in his abilities to rule his multiple kingdoms, which he did not hesitate to trumpet forth, but it cannot be denied that, believing himself to be equal to the task, he set about discharging it vigorously. By and large this self-confidence turned out to be justified.

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<sup>532</sup> *State papers and miscellaneous correspondence of Thomas, earl of Melros* 2 Vols., Abbotsford Club, Edinburgh, 1837, vol.1, p.273. This was Thomas Hamilton, James's 'Tam, o' the Cowgate' and Advocate. He was made Lord Binning in 1613 and created earl of Melrose in 1619.

## Conclusion

The tendency to see the late sixteenth and early seventeenth centuries as 'Jacobethan', while valid up to a point, requires some modification for the period immediately after the change of ruling house in 1603. It is true that, on the whole, governmental processes were maintained rather than replaced and that the religious complexion of Britain was unchanged, but the smooth continuity which marked this period was by no means inevitable. It was threatened, largely as a result of the incoming monarch's ill-preparedness for the task ahead of him, but also because of the exceptional nature of the accession of James VI and I. When James Stewart rode south to take up the throne of England in April 1603, not entirely confident that his claim would be unchallenged, he was attempting something unique in the history of Britain. For England (together with Wales and Ireland) were voluntarily to be ruled by a foreign king while Scotland would have to come to terms with an absentee monarch. The concept of a united Britain was not new in 1603. Maps in Antwerp were using the term 'British Isles' in the 1570s and it was conceivable that England and Scotland might have been united by the marriage of Edward II and the Maid of Norway in the 1290s. The fact of one sovereign reigning over the two kingdoms was, however, unprecedented in 1603. That such a decisive moment is glossed over routinely by historians is curious, but understandable. It may have been the relative ease with which James appeared to have assumed his increased responsibilities, or because it was Britain and Ireland's good fortune to be ruled over by a 'very brilliant

slob', which has obscured the impact of the accession of James VI and I.<sup>533</sup> James certainly demonstrated his competence to tackle the government of his multiple kingdoms, even on the journey south.<sup>534</sup> His self-confidence was the more astonishing given how little he knew about his new kingdoms.

This ignorance was shared by his new subjects. Though James appears to have authorized the publication of *Basilikon Doron* south of the border, in March 1603, and it was bought in large numbers, it is debatable whether it was widely read.<sup>535</sup> The notion of a monarch writing about political theory was novel but it did not provoke undue alarm among his English subjects and they did not feel inclined to delve too deeply into his philosophy. Those who did familiarize themselves with his ideas seemed more inclined to concur with his views rather than question them. For example, as part of the court entertainments for Christmas 1604, a new Shakespeare play, *Measure for Measure*, was performed which featured Duke Vincentio as a model ruler

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<sup>533</sup> This was a phrase used by Jenny Wormald at the Anglo-American Conference of Historians in 1994 on 'The Formation of the United Kingdom'.

<sup>534</sup> See above, pp.69 ff.

<sup>535</sup> Jenny Wormald, 'James VI and I, *Basilikon Doron* and *The Trew Law of Free Monarchies*: the Scottish context and the English translation' in Peck, ed., *The Mental World of the Jacobean Court*. She suggests that both *Basilikon Doron* and *The Trew Law of Free Monarchies* were originally written for pleasure and to allow James to clarify his thoughts, rather than for a wider audience. But, by declining to read the works of James, his English subjects were missing an opportunity to find about their new king. James Doelman, on the other hand, believes they were widely read and, instead, criticizes James for his imprudence in committing himself to paper. James Doelman, "'A King of Thine Own Heart": the English Reception of King James VI and I's *Basilikon Doron*' *The Seventeenth Century* vol.9, no.1, Spring 1994



whose acts and theories of government coincided very largely with those expounded in *Basilikon Doron*.<sup>536</sup> Of course, Shakespeare was anxious to secure royal sponsorship, making it judicious for him to cultivate the new king by casting his Duke in the mould of James's ideal prince, but given that the play was destined for wider audiences, its message did not help James to see that in some respects he was unsettling some of his new subjects; not least in his handling of religion.

It was not simply over confidence in his abilities as a ruler, nor mere complacency,<sup>537</sup> which left James open to the profound shock he was to experience in February 1605 when this was brought to his attention. It was the fact that he was singularly ignorant of the task ahead of him when he ascended to the throne of England. Thereafter, he had failed to appreciate that the messages he had sent to both his Catholic and his more zealous protestant subjects were being misconstrued. In attempting to transfer his style of government which was more appropriate in Scotland to England he had aroused grave misgivings. His close involvement in making peace with Spain and the Archdukes, given his lack of understanding of England's deep-seated hostility

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<sup>536</sup> PRO AO3/908/13. Revels accounts for Christmas entertainments at court, 1604. Cited in N.W.Barrat, ed. *Measure for Measure* Oxford, 1991, p.1; For the parallels between the behaviour of the duke and James's prescriptions see David L. Stephenson, 'The Role of James I in Shakespeare's *Measure for Measure*' in *A Journal of English Literary History* vol.26, 1959.

<sup>537</sup> As a measure of this see PRO SP14/12/13, James to the Council, from Westminster, 9 January 1605. Written just before he returned to the hunting field and believing all the petitions to have been presented he was confident that 'the state of our affaires, at this time, doth not require many perticuler directions from our Selves'.

towards Catholic Spain, had led to worries about his intentions towards English Catholics. When he was seen to prompt the crack-down on non-conforming puritan ministers he further compounded his problems. Worst of all, though, was his apparent obliviousness to the accumulation of trouble. Hutton's waspish comments on the pretensions of the Catholics appeared to have made little impression on James and it was up to the third earl of Huntingdon's *alter ego*, Sir Francis Hastings, to put James straight. Recent verdicts on the events of 1604-5, as 'a knee-jerk reaction [by the king] to fears of a radical presbyterian plot' and 'an unfortunate aberration'<sup>538</sup> are thus mistaken. They represent an over-simplification which fails to acknowledge its crucial part in the belated education of the new king of England. The account also ignores its conjunction with Catholic activity.

Though James's initial reaction was influenced by his Scottish experience, he very soon turned the episode to his advantage. By using the opportunity to 'tackle' the Catholic threat and 'subdue' the non-conforming ministers he initiated a stringent drive for energizing local government, very early in his English reign. He had already demonstrated his commitment to the more efficient operation of governmental processes based on greater accountability. From the beginning, his directions to the Masters of Requests for stricter record keeping, had been followed by similar instructions to the Court of High Commission.<sup>539</sup>

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<sup>538</sup> Susan Holland, 'Archbishop Abbot and the problem of "puritanism"' *HJ*, vol.37, no.1, 1994, p.24

<sup>539</sup> See above, p.86 and \*p.163

Thereafter he insisted on accurate reports from his assize judges. The procedure was replicated right down the chain of command reaching deep into the country,<sup>540</sup> belying the traditional picture of an idle king taking only a spasmodic interest in administration. Moreover, contrary to the enduring assumption that James's high-minded scholarship was a handicap, it could equally be argued that this aspect of his character well suited him to the task of domestic government. Hacket described James as 'ever in chase after some disputable Doubts' who 'collected Knowledge by variety of Questions' and was unwilling to accept anything at its face value.<sup>541</sup> This incessant pursuit of the facts of the matter was not confined just to academic polemics for it extended into the conduct of his government. Hence he persistently demanded information from those at all levels of his administration, from whom casual, formulaic answers would not do. When he asked questions he wanted answers which would stand up to scrutiny and he would not tolerate failure to provide information when he required it.<sup>542</sup> Nor was he reluctant to provide solutions to problems himself when his ministers failed.<sup>543</sup> Such behaviour might be perceived as beneath the dignity of a less confident monarch, like Elizabeth or Charles

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<sup>540</sup> See above, pp.113-6

<sup>541</sup> Hacket, *Scrinia Reserata* Part 1, pp.39-40, 227. For example, when at Royston he sent to the libraries of Cambridge to check quotations in the books he was reading.

<sup>542</sup> See above, p.115, „.219

<sup>543</sup> See, for example, Akrigg, *Letters*, p.362. James wrote to his Council, in 1617, in response to their failure to offer any suggestions to cut household expenditure, proposing that several tables must be thrust into one to reduce their number.

I, but it clearly absolves him from accusations of high-minded and academic uninterest in the government of the realm. Even his intermittent involvement was beneficial for his unpredictability made preparation vital (it would not do to present him with an empty note-book) and so the administrative process in England was further invigorated as a result of the personality of its new king.

James's style of government was very different from that of his predecessor. Whereas Elizabeth tended to remain in her principal palaces, apart from when she was on her formal progresses, James regularly indulged his passion for hunting and was often away from his capital. But there is no reason to automatically conclude from this that James neglected government. When Willson remarked that he spent the summer and autumn of 1603 travelling around his royal houses, giving small attention to business, he failed to see in the fact that 'his councillors followed him' an indication that James was very much involved in the government of the realm.<sup>544</sup> Later, the king ordered that accommodation for as many as ten privy councillors had to be provided in a house which was being built for him, suggesting that it was London rather than his responsibilities from which James was escaping.<sup>545</sup> His secretary, writing from Royston, confirms this when he reminded Cecil that the king 'hath now (as at all other tymes he useth) established an orderly course for the direction

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<sup>544</sup> Willson *King James* p.164

<sup>545</sup> HMC *Salisbury MSS* vol.17, pp.349-50. Lord Treasurer Dorset to the Officers of the Works for the building of Apthill House, 3 August 1605.

of all his affaires be it for matter of state or of justice'.<sup>546</sup> As long ago as 1693, John Hacket defended James against accusations that he neglected government on his hunting trips. 'Much of the time his Majesty spent in State contrivances' for he went out with his hounds only three times a week.<sup>547</sup> The contrast with Elizabeth's style of government was a shock for ministers who were sometimes old and infirm - and no-one was more shaken by the change than Cecil<sup>548</sup> - but there is no reason to assume it was either inferior or ineffective.<sup>549</sup>

Finally, by exploiting his bishops to the full in their administrative capacity James further demonstrated his determination to maintain effective local government by adding another strand to the process. Not only were his relations with them easier than were Elizabeth's, there also seems to be little reason to argue with the conclusion that 'in his management of ecclesiastical affairs, James I combined a detailed grasp of abstract theory with a native political shrewdness in marked

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<sup>546</sup> PRO SP/14/37/29. Sir Thomas Lake to Cecil, from Royston, 2 October 1608.

<sup>547</sup> Hacket, *Scrinia Reserata* part 1, p.227. Though this defence was noticed by James's stern critic, Willson, *King James* p.185, it did not affect his overall verdict on James as lazy.

<sup>548</sup> See above, pp.80-81, for the first indication of how the change in monarch from a sedentary old lady to an active man in the prime of his life would affect him.

<sup>549</sup> Also, James's much criticized peripatetic court generated an unusual amount of written material which is a positive benefit for historians.

contrast to his predecessor'.<sup>550</sup> It was for this reason that it was possible for some sort of practical and enduring, if often unofficial, tolerance to emerge quite rapidly in the aftermath of the Northamptonshire petition, when James's abilities as a ruler had been put to the test.

On the eve of his accession James had still been preparing to take the English throne by force, if necessary. In the event it had been beguilingly easy. The efforts of Cecil and the rest of the Council to effect a peaceful transition and maintain a picture of calm normality, together with English relief, given expression in a rapturous welcome, had no doubt contributed to disguising the underlying tensions in England. James could be forgiven for his complacency. Yet, within two years James's authority had been subject to a very serious challenge, long before he was sufficiently equipped to deal with it. His response had provided an opportunity for him to show that he was a formidable king when he needed to be, who could be relied on to react coolly and decisively under pressure. Thereafter he had gone on to use the episode to facilitate the revitalization of the governmental process.

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<sup>550</sup> Fincham and Lake, 'Ecclesiastical Policy' p.206. Fincham, in *Prelate as Pastor*, pp.302-3 also contends that toleration of 'moderate' non-conformity was deliberate policy by James, and not a prolonged oversight.

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