

Cromwell's Major-Generals

AMONG the experiments of the Commonwealth and Protectorate the rule of the major-generals in 1655-7 possesses a threefold interest and importance. First, it throws much light on Cromwell's general methods, both of regular government and of meeting emergencies. Secondly, though an exceptional and temporary expedient, it teaches us something about the working of normal and permanent local institutions in England during the Commonwealth. Thirdly, it illustrates vividly that conflict between parliamentary and extra-parliamentary government which was so prominent a feature of the period, and which, in popular estimation, is its leading feature.

In considering the pretexts for instituting the major-generals it is necessary to recall the state of public affairs in the early part of 1655. On 19 Jan. 1654-5 Cromwell dissolved the first Protectorate parliament, because it persisted in regarding itself as a constituent assembly, with a right to amend the Instrument of Government of December 1653, while the Lord Protector maintained that such a claim was barred by the Instrument itself, to which parliament was subordinate. Between January 1654-5 and September 1656 no parliament was called together, and England was ruled strictly in accordance with the Instrument of Government as it stood. This interval was a time of serious unrest, which made itself felt both in constitutional opposition and armed insurrection. The constitutional opposition turned on the legality of such extra-parliamentary taxation, as, by the Instrument, the Lord Protector was entitled to impose;¹ and it gathered chiefly round what students of the time know as 'Cony's case,' which ended in a victory for Cromwell. The armed insurrection was more formidable. It was not the orthodox republican, such as Ludlow, whom Cromwell had most to fear. The government was attacked on two sides by forces ready to meet sword with sword. On the one hand were the fanatical republicans, or Levellers, led by such men as Wildman and Sexby, who hated Cromwell for his exalted position

¹ *E.g.*, in accordance with the 27th clause of the Instrument, the Protector and council on 8 Feb. 1654-5 fixed the assessment for the army and navy at 60,000*l.* per month, to be continued until 24 June.

and conservative ways ; on the other were the royalists, ever on the watch, keeping their champion in readiness on the nearest continental shores. These two forces, so dissimilar in antecedents and principles, were ready to combine against the king-like 'usurper.' In his speech before the dissolution in January 1654-5 Cromwell asserted that the government had in their hands a treasonable correspondence between the Cavaliers and the Levellers. At the same time he referred ominously to the rapid generation of discontent, which he attributed to the malign influence of the parliament. While parliament was weakening authority by fruitless debates the Cavaliers had been collecting arms, and Charles Stewart had been issuing military commissions and giving the command of castles to his followers.² The widespread unrest had more than one centre. Early in February 1654-5 Wildman was arrested by Major Butler near Marlborough in the act of dictating an insurrectionary manifesto, and imprisoned in Chepstow Castle. In March a threatening royalist outbreak in Yorkshire under Sir Henry Slingsby and Sir Richard Mauleverer was suppressed, and the two chief insurgents were arrested. Above all, on 11 March 1655, 200 Cavaliers under Wagstaff and Penruddocke entered Salisbury during the assizes, and seized the judges in their beds. They hoped to rouse the inhabitants, but being disappointed they moved from Salisbury to South Molton, in Devonshire, where they were overtaken and defeated by the government forces under Crook.³

Cromwell's government being thus surrounded by dangers, it was hampered by two weaknesses, one civil and the other military. The civil weakness was in local administration. Local government was mainly exercised by two bodies, viz. the justices of assize and the justices of the peace. In the seventeenth century the justices of assize performed administrative acts and exercised a general administrative oversight in a way which has become entirely obsolete. The circuit system was disorganised by the outbreak of the civil war, and between 1642 and 1646 it was suspended altogether. Although the circuits were resumed and continued after the close of the war, it was not till the beginning of

² Carlyle's *Cromwell*, speech v.

³ In the course of the spring and summer, before the major-generals were all appointed and settled in their districts, many arrests of individual royalists, and of persons to whom the most shadowy suspicion of royalist tendencies might be supposed to cling, were made. One interesting instance is the arrest of the much-enduring Sir Ralph Verney in his house at Claydon, on 13 June 1655, and his detention in London. Sir Ralph's letters describing the circumstances are among the Verney MSS. and have been kindly brought to my notice by Mr. S. R. Gardiner.

For the details of the insurrection see Godwin's *English Commonwealth*, vol. iv. chap. xii. The evidence as to its extent and importance has been examined by Messrs. Palgrave and C. H. Firth in the *Quarterly Review* for April 1886, and in the *ENGLISH HISTORICAL REVIEW*, 1888 and 1889.

the Commonwealth that the judicial system entered on a new lease of life and vigour. The justices of the peace, deprived of the indispensable supervision of the circuits, and convulsed by the troubles of the time, had become to a large extent useless during and immediately after the civil war. The county magistracy was reformed by a new commission of the peace in 1651, but it was affected by a weakness which no mere legislation could cure. The government had no real hold on the landed gentry, from whose ranks the justices were taken. The county magistracy could not be restored to its old strength until the supreme government could found itself on the affections of the country population. The imperfection of local administration was brought into prominence by the Puritan standard of manners to which the government desired the behaviour of the people to be conformed. Such puritanism was as little rooted in the average English heart as republicanism; and Cromwell might well call out for new agents of his will.

From a military point of view, too, the Commonwealth was at first weakened by the inadequacy of the local militia. The reconstruction of this was accordingly undertaken early, and was completed in the beginning of 1651. In quiet times such a force might have been adequate to the maintenance of local order; but when, as in 1655, the very existence of the government was threatened on all sides, and armed conspiracy was at work everywhere, it was necessary to have an omnipresent and always ready military force, including cavalry. The regular standing army had its hands full, and unless a standing local force of horse and foot could be provided, the country districts would fall into dangerous anarchy.

I.

Although the weakness of the government was chiefly felt at a distance from the metropolis, Cromwell's attention was called first to the condition of London, where the need of efficient and permanent defence was obvious. On 15 Feb. 1655—*i.e.* not much more than a fortnight after the dissolution, and about a month before the outrage at Salisbury—the Protector issued a commission to the lord mayor and the recorder of London, to the sheriffs and a large number of the aldermen (one of whom was Major-General Philip Skippon), to Colonel John Barkstead, lieutenant of the Tower, and to twenty-three other military officers and gentlemen, to be militia commissioners for the city of London.⁴ He alleged that the enemies of the public peace were still restless and active, and that a great part of the army would therefore be needed at a distance. In order

⁴ *Cal. State Papers (Dom.)*, 1655, pp. 43-4. *Cl. Mercurius Politicus*, No. 245.

that the capital might not be left undefended, the commissioners were ordered to raise an armed force, to be commanded by officers chosen on consultation with the Lord Protector. The duties of the force to be thus raised were carefully prescribed. It was (1) to suppress all rebellions, insurrections, tumults, and unlawful assemblies; (2) to seize, disarm, and slay all who levied forces against the government; (3) to disarm all persons known to be Roman catholics, as well as all who were reputed dangerous or seditious, and to give their arms to the well-affected. Such a commission, considered as a piece of administrative machinery, was no novelty. By the act of 1650, in which the militia of the Commonwealth had its origin, commissions, similar to this one, were substituted in counties for the lords-lieutenant; and on them were imposed similar administrative responsibilities.

The London commissioners quickly resolved to raise three regiments of foot.⁵ On 9 March the Protector ordered them to raise and arm a force of horse under Skippon's command and that of officers appointed by him, to obey the same orders as those given to the foot. This was the month of the Salisbury plot and other revolutionary explosions in various parts of England, and Cromwell and the council rapidly resolved to extend their plan of defence from London to the counties, and to make the new militia something like a national force. The method adopted in the capital was closely followed. Commissioners were appointed and instructed in a large number of the counties and in several of the principal towns. In the counties these commissioners were the leading men, civil and military, of the district, often including the high sheriff and generally including justices of the peace. In the towns the mayors and many of the aldermen seem to have been generally included. By the middle of March twenty-two commissions were issued, viz. for Dorset, Cheshire, Chester, Durham, Staffordshire, Suffolk, Essex, the three ridings of Yorkshire, Northamptonshire and Rutland, Cambridgeshire, the Isle of Ely, Hertfordshire, Lancashire, Leicestershire, Monmouthshire, South Wales, the city of York, Bristol, and Huntingdonshire. The numbers on the commissions were on the whole, but not invariably, proportioned to the size and population of the districts, and ranged from nine for Chester to twenty-three for South Wales, twenty-four for Lancashire and for Suffolk, and twenty-six for Northants and Rutland.⁶

As a specimen we may take the Dorset commission and instructions, which were issued on 14 March. The commissioners were to be militia commissioners, and were appointed because 'the enemies are raising new troubles and now robbing and plundering the people.' They were to inquire into conspiracies and secret meetings (the

⁵ *Cal. S. P. (Dom.)*, 1654-5, p. 72.

⁶ *Ibid.* pp. 78-9.

justices of the peace on the commissions being ordered to take information on oath of what had been spoken, done, written, printed, or published against the peace); to disarm and seize the horses of papists, royalists, and other rebellious persons; to exercise a careful espionage on strangers; and to confiscate all stray arms and ammunition to the use of the state. They were to require the co-operation of the sheriff and the ordinary civil magistracy, and to correspond with the 'commanders of the forces,' who should aid them on application. They were to raise a military force, commissions for field officers being sent to them for the purpose, and the said officers being ordered to appoint subordinates on the approval of the militia commissioners. The force was to be supported by a tax imposed on the 'malignant' and disaffected; it was to be carefully trained and mustered, and to act with great stringency in the suppression of rebellion.⁷

When these instructions are compared with the brief and bald London commission, they show how much, under the stress of events, the design had been developed and defined. The espionage of doubtful persons and strangers is made more constant and formidable; the clauses bearing on disarmament and the use of arms are of greater stringency; the interference with individual liberty is serious throughout. Above all, the combination of civil and military duty and responsibility is made more prominent and carried out more completely. Not only is there the same blending of soldiers and civilians in the Dorset commission as in the London one, not only is there the same military sanction attached to civil duties, but there is express provision for the co-operation of the sheriff and magistrates with the militia commissioners. Above all, the prominence given to the justices of the peace in this commission and in other ones, and their deliberate inclusion in the scheme, deserve the most careful notice.⁸

Thus, then, before the end of March 1655, a vigorous militia, or at least the new machinery for providing it, was in full operation in England and part of Wales. In each district, whether a county or a town, or more than one county, there was a group of commissioners, distinct from the commission of the peace, consisting for the most part of county gentlemen or municipal officers (according as the district was rural or urban), with a few military officers interspersed. Primarily the commission was a police force, with large powers of inquisition, disarming, and punishment. Secondly it was the provider and organiser of a military force

⁷ The full instructions thus summarised are in *Cal. S. P. (Dom.)*, 1654-5, pp. 77-8.

⁸ In the *Cal. S. P. (Dom.)*, under date 24 March 1655, there is a series of instructions to justices of the peace, which show how desirous Cromwell and the council were to put life into the county magistracy, and to associate it with the utmost activity of local government.

or new militia, which it was to use partly to defend the district against insurrectionary violence, partly for the performance of its own direct executive duties.

II.

The commissioners having been chosen, the next business was to provide officers for the militia; and that business was begun by one noteworthy transaction. Cromwell's brother-in-law, John Desborough, was one of the Protector's most trusty servants. In the crisis of the Salisbury plot, when it was not unreasonable to fear that the flame of rebellion might spread over the whole south-west, Cromwell turned to Major-General Desborough. On 12 March, two days before the commissioners for Dorset were appointed, and before any steps had been taken towards organising the militia in those parts, Desborough was commissioned to take his *regiment of regulars* into 'the west,' and to collect under his command all the horse and foot in 'the western countries,' especially the forces of Colonel James Berry. The duties imposed on these regulars were essentially similar to those afterwards imposed on the new militia. In the first place the troops were to suppress the rising; secondly, they were, in co-operation with the justices of the peace, mayors, bailiffs, and other civil officials, to arrest all dangerous persons, disarm them, and confiscate their horses to the use of the state.⁹

Thus empowered, Desborough was styled 'major-general of the west,' and we must suppose him entering promptly on his duties, and making a vigorous inquiry into the condition of a wide district stretching westward and north-westward from Wiltshire. While thus engaged he must soon have come into contact with the militia commission for Dorset, which was formed on 14 March. As, in the formation of the new militia commissions, no south-western county or district besides Dorset is mentioned, it seems evident that Desborough, as 'major-general of the west,' with the regulars under his command and the civil authorities well drilled into co-operation with him, was all-sufficient for a long time after his appointment, and it is more than probable that the Dorset commission, with the militia raised by it, was in more or less close connexion with, or subordination to, the major-general of the district.

As to what happened in the counties between the end of March and the end of May 1655 there is hardly any evidence, but the commissioners must have been hard at work raising troops, rousing justices and sheriffs, and appointing officers. In the end of May the process of fusion between Desborough and the militia commissioners of Dorset, as well as the peace-preserving authorities of the south-west which we have supposed to be going on, was acknow-

⁹ Thurlow, iii. 221-2.

ledged and confirmed. On 28 May a second commission was sent to Desborough, 'to be major-general of all the militia forces raised and to be raised within the counties of Cornwall, Devon, Somerset, Dorset, Wilts, and Gloucester.'¹⁰

This second commission to Desborough is to be regarded as the precise beginning of the institution of the major-generals, properly so called. The wording of it shows that, with or without formal commissions, the counties named had been organising a militia; that the original commission to Dorset had merged in the new one; and that Cromwell had discovered that an officer of the regular army would make an excellent major-general of a new militia district. The Protector's aim was to make the combination of civil and military authority practically effective, and to prevent friction or waste of energy between commissioners and officers.¹¹ In the south-west the aim was easily attained: a regular officer of high rank and great experience had been ordered into a wide district; he proved himself there an excellent rallying-point and head of all the forces that made for order; nothing better could be done, therefore, than to group the militias of several contiguous counties under his command, leaving it to him, with the force of his character and the *prestige* of his position, to co-operate with the commissioners and insist on the execution of their many-sided work. What had proved so easily possible with Desborough and the south-west might prove equally so in other districts; there might be the same grouping of counties, the same co-operation with commissioners, the same vigorous headship of the new forces by trained officers. That was what actually happened in the summer and autumn of 1655, and that *was* the institution of the major-generals.

By the middle of June Desborough was in the midst of his labours, working from a centre at Exeter; and about the same time Colonel James Berry was similarly engaged at Lincoln, and Major Hezekiah Haynes at Bury St. Edmunds.¹² The scheme was extensively developed in August and September. By 2 Aug. it had been decided that there were to be twelve militia troops in the counties making up Desborough's district;¹³ and by the 10th of the same month so many more officers had been appointed in the same way, each bearing the title 'major-general of the militia,'¹⁴ that it was necessary for the Lord Protector and the council to frame general

¹⁰ Thurloe, iii. 486.

¹¹ One great advantage of the plan was the grouping together of such districts as Devon and Cornwall, which had exhibited so much separatist feeling during the civil war.

¹² Thurloe, iii. 556-7.

¹³ *Cal. S. P. (Dom.)*, 1655, p. 267.

¹⁴ On 9 Aug. most of the major-generals were definitely appointed to their respective districts (*Cal. S. P. (Dom.)*, 1655, p. 275). On 11 Oct. some alteration of one or two of the districts took place; and on 19 Oct. two of the major-

instructions for them.¹⁵ In the course of the month various instructions were issued.¹⁶ On 21 Sept. a general commission was issued to the major-generals.¹⁷ It began by referring to the rebellion of the spring as having been stirred up by 'the old malignant and popish enemies,' who, though suppressed by God's mercy, were still stirring up troubles. On account of the ever-present danger a well-affected militia of horse had been raised.

As they need a commander to discipline and conduct them, we appoint you major-general and commander-in-chief in counties, with full powers to keep the said militia in good discipline, conduct them to fight against all enemies We give you power, in case of invasion or rebellion, to raise the inhabitants of the said counties, and to exercise, arm, muster, and conduct them to the places where we shall direct you in case of rebellion.

The major-generals were then authorised to appoint deputies, if necessary; and they were promised the assistance of the justices of the peace and other civil officials. To this circular commission the instructions prepared in the preceding month were annexed.

So much for the military side of the institution. At the same time nine orders for securing the peace of the Commonwealth were issued, to the following effect, viz. :—

(1) All persons engaged in rebellion since the beginning of the Protectorate were to be imprisoned or banished, and their estates sequestered towards payment of the forces newly raised, one-third being allowed to their wives and children.

(2) All adhering to the late king or Charles Stewart, his son, were to be imprisoned or transported.

generals were authorised to act through deputies with full powers. In the end of October and beginning of November two more major-generals were appointed, bringing up the total number (excluding deputies) to 12. (See *Cal. S. P. (Dom.)*, under dates; *Public Intelligencer*, 29 Oct.; *Parliamentary History*, xx. 334; Thurloe, iv. 117.) The list, as it finally stood, was as follows :—

Kent and Surrey	Col. Kelsey.
Sussex, Hants, Berks	Col. Goffe.
Gloucester, Wilts, Dorset, Somerset, Devon, Cornwall ('the west')	} Major-General Desborough.
Oxford, Bucks, Herts, Norfolk, Suffolk, Essex, Cambs	
London	} Lord-Deputy Fleetwood (with Major Hezekiah Haynes as deputy).
Westminster and Middlesex	
Lincoln, Notts, Derby, Warwick, Lei- cester	} Major-General Skippon.
Northants, Beds, Rutland, Hunts	
Herefordshire, Salop, N. Wales	Col. Barkstead.
Cheshire, Lancashire, Staffordshire	} Commissary-Gen. Whalley.
Yorkshire, Durham, Cumberland, West- moreland, Northumberland	
Monmouthshire and S. Wales	Major Butler.
	Col. Berry.
	Col. Worsley.
	} Lambert (with R. Lilburne and Charles Howard as deputies).
	Col. Rowland Dawkins.

In July 1656 Worsley died, and was replaced by Tobias Bridges.

¹⁵ *Cal. S. P. (Dom.)*, 1655, p. 278.

¹⁶ *Ibid.* p. 296.

¹⁷ *Ibid.* p. 344.

(3) A tax of 10 per cent. on all with 100*l.* a year from lands, and 10*l.* a year on all with 1,500*l.* personalty, was to be levied on the estates of all sequestered for delinquency, or who had fought against parliament. Sequestration was to be the penalty for non-payment, which penalty might be discharged by giving good security, or otherwise assuring it by a rent charge, &c.

(4) Those living loosely and unable to give a good account of themselves were to be transported.

(5) From 1 Nov. 1655 none of 'the party' (*i.e.* the disaffected or royalists) were to keep in their houses chaplains, schoolmasters, ejected ministers, or fellows of colleges, nor have their children taught by such, on pain of double taxation.

(6) No ejected ministers or schoolmasters were, after 1 Nov. 1655, to return to the exercise of their functions, under penalties, unless they obtained the approval of the commissions for public preachers.

(7) None were to keep arms without licence.

(8) None banished were to return without licence.

(9) A competent number of commissioners were to execute these orders in each county.¹⁸

Of these instructions the third is at this stage worthy of special attention. The financing of the major-generals was an essential part of the institution, and was, perhaps, that part of it of which Cromwell was proudest. The military aspect of the institution was the one on which it was most politic to dwell. The nation might resent an extension or intensifying of the police system or local executive; it was less likely to resent protection against domestic enemies and widespread rebellion; and, if by any cleverness the bulk of the nation could be relieved from contributing towards the cost of the militia, there might be no general resentment at all. Therefore, as the Protector afterwards said,

where that insurrection was, and we saw it in all the roots and grounds of it, we did find out a little poor invention. . . . I say there was a little thing invented, which was the erecting of your major-generals. . . . We did find—I mean myself and the council did—that, if there were need to have greater forces to carry on this work, it was a most righteous thing to put the charge upon that party which was the cause of it. . . . When we saw what game they [the royalists] were upon . . . we did think it our duty to make that class of persons, who as evidently as anything in the world were in the combination of the insurrectionists, bear their share of the charge.¹⁹

In short, the new militia was to be paid for out of taxation levied, not on the nation generally, but on royalists only; and thus arose the ten per cent. tax, the decimation mentioned in the third instruction of 21 Sept. We shall hear a good deal more about it presently,

¹⁸ *Cal. S. P. (Dom.)*, 1655, pp. 346–7.

¹⁹ From Cromwell's speech at the opening of the second Protectorate parliament, 17 Sept. 1656. See Carlyle's *Cromwell*.

and see how the collecting of it became one of the primary as well as the most troublesome duties of the major-generals themselves.

In October the council was busy; additional instructions were prepared, discussed, and despatched; the connexion with the general police system was brought into prominence; the districts of several of the major-generals were defined and settled, and at last everything was ready for the complete publication and final launching of the scheme.²⁰ On 31 Oct. an official declaration was made by the Protector in council, which is to be regarded as the publication and also as the practical inauguration of the institution. It purported to show 'the reasons of the government's proceedings for securing the peace of the Commonwealth on the occasion of the late insurrection;'²¹ and it dealt with the major-generals as the chiefs of a new military force, provided for by the taxation of disaffected royalists. Its substance is as follows:—

(1) Providence having, by the issue of the civil wars, declared against the royalist party, the victors signalised their triumph by extremely mild measures towards the vanquished, *e.g.* the Act of Oblivion. That leniency gave the government courage to act promptly and decidedly in the crisis.

We do acknowledge, unless the carriage towards them had been such as is before expressed, we could not, with comfort and satisfaction to ourselves, have used the courses we now see we are obliged to take against the persons and estates of that party for securing the lives, liberties, peace, and comfort of all the well-affected.²²

(2) But all such pardons and leniency were conditional upon good behaviour for the future; and the royalists having failed in such behaviour the government was no longer bound to be lenient.

We do not now only find ourselves satisfied but obliged in duty . . . to proceed upon other grounds than formerly. . . . It will not be denied that as well the articles of war as the favour and grace granted by the Act of Oblivion contained in them a reciprocation. . . . If the state do not attain their end, neither ought the other to accomplish theirs. In such acts . . . either both are bound or both are at liberty. . . . [The supreme magistrate] may proceed with greater severity, inasmuch as he hath used the last means to reclaim them without fruit, and knows by experience that nothing but the sword will restrain them from blood and violence.²³

(3) They had, therefore, (a) made various arrests; (b) taxed the royalists especially, in order to put down violence planned and carried out by them.

It will not be thought strange . . . that we have laid a burden upon some of their estates beyond what is imposed upon the rest of the nation towards the defraying of the charge which they are the occasion of.²⁴

²⁰ *Cal. State Papers (Dom.)*, 1656, pp. 370–405.

²¹ *Parliamentary History*, xx. 434–60; *Cal. State Papers (Dom.)*, 1655, pp. 405–11.

²² *Parliamentary History*, xx. 438.

²³ *Ibid.* xx. 438–40.

²⁴ *Ibid.* p. 241.

(4) Details were given of the royalist plot culminating in a correspondence with Charles Stewart in the summer of 1654, which was to bring about general insurrection and open war.

(5) The royalists (in alliance with some of the Levellers) being thus formidable, additional forces must be raised to deal with their designs. Therefore 'a new and standing militia of horse' has been raised in every county, the expense being defrayed by the rebels.

It is plain to every one that is not blinded with prejudice that these men . . . will leave no stone unturned to render vain and fruitless all that blood which hath been spilt to restore our liberties, and the hopes we have conceived of seeing this poor nation settled and reformed from that spirit of profaneness which these men do keep up and countenance . . . and therefore we thus argued that . . . the peace and common concerns of this Commonwealth must be otherwise secured and provided for than at present they were; that this was not to be done without raising additional forces; that the charge of those forces ought not to be put upon the good people . . . but upon those who have been, and are the occasion of all our danger.²³

(6) It is equitable to impose the tax on the *whole* of the royalist party, because the insurrection evidently involved the whole party by implication.

We do appeal to all indifferent men . . . whether the party were not generally involved in this business, and in reason to be charged with it. . . . It is certain here was the cause and quarrel of the pretended king once more brought upon the stage by his followers. . . . He was ready to embark for England upon the first notice of success, which no man will believe he would have put himself upon, in the eye and face of the world, if those who showed themselves in arms were to have no other seconds than what appeared; nor will it be imagined that those of his party who came over hither upon that errand . . . would have run so great hazard upon so weak grounds. . . . Great sums of money were collected and sent over to the pretended king, and furnished also for this design, which we cannot think came out of a few hands. . . . The time when this attempt was made is likewise observable; it was when nothing but a well-formed power could hope to put us into disorder. . . . These things alone are enough to satisfy that these troubles were the fruit of great deliberation and consent.²⁵

(7) The difficulty and danger, then, being so serious, the hands of the supreme magistrate must not be tied by ordinary rules.

It is evident that in this Declaration the institution is regarded as purely military; there is no mention of the functions of the new force in detail; nor could we gather from it that it was designed to meet in any way the exigencies of provincial government.

²³ *Parliamentary History*, xx. 455. Cf. to the same effect Thurloe's memorandum on the reasons for erecting a new standing militia in all the counties in England (Thurloe, iv. 132-3).

²⁵ *Parliamentary History*, xx. 456-7.

III.

For the full recognition and explanation of the executive functions of the major-generals we must turn to twenty-one Instructions which were issued to them at a somewhat later date, and then published in the newspapers. Taken together with the Declaration they represent the full idea of the institution as it left Cromwell's brain, while in themselves they are the completion of the partial instructions issued from time to time by the council during the summer and early autumn.²⁷ In these Instructions the military aspect of the institution is made almost entirely subordinate to the administrative; in the course of the twenty-one clauses the major-generals are ordered to act practically as a police, with a military force to assist them, if necessary. The document, in fact, indicates a scheme of local government conformed to a puritan standard of public morals. No very special or temporary danger to the state was assumed to exist; it was only assumed that plenty of the influences which make for bad or loose government are abroad and active in England and Wales. In particular it was assumed that there had hitherto been too great carelessness as to the loyalty of large households in country districts, and also that the land swarmed with vagrants, native and foreign, whose movements, so long as they were unaccounted for, were a source of risk to the public peace.

The major-generals, then, having been fairly installed and instructed by the beginning of November 1655, it is necessary to consider how they actually did their work—how their actions corresponded with their instructions. The best evidence as to their actual achievements is to be found in their frequent despatches. It will be convenient to analyse the instructions and the correspondence together, in order that conception and reality, design and accomplishment, may be presented side by side.

Thus treated the subject may be arranged under six heads—(1) taxation, (2) general conservation of the peace, (3) religion and morals, (4) poor law, (5) registration, (6) licensing. Before these are dealt with in order a word must be said as to the evidence afforded by the correspondence as to co-operation between the major-generals and the militia commissioners on the one hand and the local magistracy on the other.

The relations between the major-generals and the militia commissioners were naturally a matter of primary importance. In a sense the former were subordinate to the latter, inasmuch as the militia was raised by the commissioners, and its officers were at least partly appointed by them. In another sense, however, the commissioners were subordinate to the major-generals, inasmuch as the

²⁷ *Parliamentary History*, xx. 401-7; *Public Intelligencer*, 17 and 31 Dec. 1655; *Mercurius Politicus*, 20-27 Dec. 1655, No. 289, and 5 Jan. 1655-6.

latter were entrusted with large and independent powers, both civil and military. There was thus not only the possibility of dispute as to co-ordination or subordination, but also the absolute necessity of frequent conference, especially at the outset. On the whole the two bodies seem to have worked well together, without friction. Sometimes the commissioners are expressly praised for their behaviour,²⁸ and frequently they themselves write expressing their willingness to act.²⁹ As to their constitutional position there seem to have been few difficulties, though they occasionally complain, or the major-generals complain for them, that they are not in possession of sufficiently explicit instructions.³⁰ Their success probably depended on their frank and hearty co-operation with the major-generals, both in the taxation of royalists and in the invigoration of local government, predisposed as they were to such co-operation by possessing a moral standard in common with their military coadjutors and heads.

It was different as to the permanent local magistracy, with whom the major-generals and the commissioners found themselves in contact, and with whom they were instructed to co-operate. The difficulties here were of a more serious nature, owing to the disaffection or apathy of the gentry, which has been already referred to. The correspondence gives ample evidence of the embarrassment to the major-generals caused by the unsympathetic or obstructive behaviour of the local executives. As early as June 1655, before Berry had been moved from the east of England to his proper sphere in the west midlands and North Wales, he wrote from Lincoln to Cromwell, 'Our magistrates are idle, and the people all asleep.'³¹ The chief difficulties continued to be felt in towns, with the corporations. In November 1655 Whalley reports a controversy about precedence at Leicester, and asks for a decision from headquarters.³² In the same month Haynes writes of his difficulties with 'malignants' at Cambridge, Norwich, and Colchester;³³ and he warns the council of state that 'if corporations be not soon considered the work now upon the wheel will certainly receive a stand.' In January 1655-6 the malignants in the Bristol corporation were giving trouble. Desborough accordingly

²⁸ Thurloe, iv., M.-G. Butler to Thurloe, p. 218; Worsley to Thurloe, p. 224; Kelsey to Thurloe, pp. 224-5; Haynes to Thurloe, pp. 227-8; do. p. 257.

²⁹ E.g. commissioners for Norfolk to Protector, Thurloe, iv. 171; do. from those under Haynes, *ibid.* p. 225, &c. &c.

³⁰ Butler to Thurloe, Thurloe, iv. 179; Goffe to Thurloe, *ibid.* p. 190; Berry to Thurloe, *ibid.* p. 211; commissioners for Lincoln to Thurloe, *ibid.* p. 212; do. *ibid.* p. 238; Goffe to Thurloe, *ibid.* p. 238-9, &c.

³¹ Thurloe, iii. 590.

³² Whalley to Thurloe, Thurloe, iv. 240-1.

³³ Thurloe, iv. 257. Colchester was especially troublesome, on account of the traditions of 1648 and the second civil war. On 19 Dec. 1655 the government took the strong step of having the corporation elected in the presence of the major-general (*ibid.* pp. 330-1).

wrote to Cromwell, reporting that he had gone to the mayor and requested him to deal with such persons, informing him that, if he failed to do so, he himself would be obliged to purge the corporation.³⁴

In the counties the major-generals soon found that they could not do their work efficiently unless they themselves were made justices of the peace. On 14 Nov. 1655 Whalley complained that he was forced to take more upon him than his instructions warranted by the fact that he was not on the commission of the peace.³⁵ Ten days later he wrote to the same effect more urgently still.³⁶ In Berry's district the difficulty was met by the enrolment of the militia commissioners on the commissions of the peace.³⁷ In some cases there was a scarcity of justices;³⁸ sometimes they fell into a general condemnation which included a whole host of local officials.³⁹

(1) *Taxation*.—The financial duties of the major-generals, which do not appear at all in the Instructions, make a very great show in the correspondence. An income tax of ten per cent. was imposed on all royalists possessing estates in land of the value of 100*l.* a year or upwards, or personal property amounting to 1,500*l.*;⁴⁰ and on the major-generals lay, first, the inquisitory duty of determining who in their respective districts were royalists within the prescribed limits of means; secondly, the duty of collecting the tax from them; thirdly, the duty of paying the militia out of the proceeds. They entered on this part of their work at an early stage—as soon, indeed, as they had had the essential preliminary interviews with the commissioners—and it was their chief and apparently most difficult duty during the winter and spring of 1655–6.⁴¹

As regards the determination of liability and the collection of the tax, there were not a few difficulties. The general method was to require a declaration on oath from each reputed royalist as to the amount of his estate, and then to make a list of persons liable in each county. One difficulty at the outset was the number of claims to exemption. In these cases it was the practice of the major-generals to appeal to the Protector and the council of state; as a rule they were directed to adhere firmly to their instructions, but in certain cases the pleas were allowed. Another difficulty arose out of the defalcation claims made by many persons to a deduction of their debts and burdens from the estimate of their total property. The first mention of this matter came from the Lincolnshire commissioners in Whalley's district, on 17 Nov. 1655.⁴² In this

³⁴ Thurloe, iv. 396.

³⁵ *Ibid.* p. 197.

³⁶ *Ibid.* pp. 240–1.

³⁷ Berry to Thurloe, Thurloe, iv. 316.

³⁸ *Ibid.* p. 353.

³⁹ *Ibid.* Berry to Thurloe, pp. 393–4. ⁴⁰ *Ibid.* pp. 208, 218, 218; Godwin; iv. 230.

⁴¹ As early as 20 Nov. Kelsey wrote to Thurloe of 'this uncouth employment' (Thurloe, iv. 224–5).

⁴² Thurloe, iv. 212.

case Whalley made the allowances on his own responsibility, but asked for confirmation and advice from headquarters. A prompt reply came from Whitehall on 20 Nov. 'His highness and the council,' the message ran, 'do not think fit to allow defalcations for debts.'⁴³ Whalley's leniency can hardly have arisen from firm conviction, for immediately on receipt of the council's order he wrote from Leicester to Thurloe—

I am exceeding glad you sent me his highness and the council's orders not to allow of debts and incumbrances on delinquents' estates. It will very much shorten our work. And certainly had not such an order been made the tax would come to little.⁴⁴

Another difficulty was connected with property belonging to one owner, but situated in different counties or in the districts of more than one major-general. It often happened that a man had, say, 50*l.* a year from land in one county and 50*l.* in another; and yet, according to the letter of the instructions, he would escape 'decimation' owing to his not having 100*l.* in one county. It was decided that, in such cases, the tax should either be laid in each county in proportion to the amount of land held there, or nominally charged on the county in which the landowner resided.

Another point was the date at which the valuation of property was to be made. A valuation had been made on 1 Nov. 1653; and the commissioners were instructed to use it as the basis of assessment.⁴⁵ But the difficulty was that since that date much land had passed out of the hands of the proprietors, and they very naturally objected to being taxed on land which they possessed no longer. The Lincoln commissioners, having stated the difficulty, were ordered to assess the tax on the valuation of 1 Nov. 1653, though in some cases an option seems to have been left to the unhappy royalists.⁴⁶ The injustice of the government's decision caused heart-burnings in Whalley's district,⁴⁷ but apparently the government stood firm.

Another difficulty sometimes arose when the same person possessed real and personal property, each being liable to the tax. For example, the Lincoln commissioners, whose lot it was to discover so many snakes in the grass, raised the difficulty in this form: If one taxed has 1,500*l.* personal estate and less than 100*l.* a year in land, is the 1,500*l.* to be charged with 100*l.*, or is 10*l.* to be charged on the land?⁴⁸ Desborough solved the difficulty in such cases in Bristol by taxing all capital of 1,500*l.* and all income of 100*l.* a year, without caring what were the proportions of realty and per-

⁴³ *Cal. State Papers* (Dom.), 1655-8, p. 29.

⁴⁴ Thurloe, iv. 240-1. Cf. Worsley from Cheshire, *ibid.* p. 251.

⁴⁵ *Ibid.* p. 238.

⁴⁶ Berry to Hanmer, Thurloe, iv. 294.

⁴⁷ Thurloe, iv. 411-2.

⁴⁸ *Ibid.* p. 238.

sonality in the estate. He asked for a confirmation from headquarters, but, as no formal one is recorded, we may assume that his practice was approved.⁴⁹ Where leases for lives had been granted it was difficult to decide whether the land tax was to be laid on the reserved rent or on the value of 'the living.'⁵⁰ How this problem was solved we do not learn.

Another difficulty stated, but not solved, was in relation to estates forfeited for treason, and repurchased by trustees on behalf of 'delinquents.'⁵¹

The assessment of the tax was facilitated by getting lists of those who had compounded at Goldsmiths' Hall, i.e. those 'delinquents' whose estates had been sequestrated and were managed by the Committee for Compounding in permanent session at Goldsmiths' Hall.⁵²

As time went on, and the necessities of the new militia revealed themselves more and more clearly, the commissioners and the major-generals began to feel that the proceeds of the tax were not likely to be sufficient, and that the exemption from taxation was placed too high. To this effect Berry and the commissioners for his district wrote at an early stage.⁵³ Kelsey, writing from Maidstone, proposed that all persons having an income of 50*l.* should be taxed;⁵⁴ while the Northamptonshire commissioners, writing a few days later, suggested that those with 20*l.* per annum real or 300*l.* personal estate should be taxed,⁵⁵ on the ground that such persons were as dangerous as those of higher quality. This was an extreme proposal. On 12 Dec. 1655 Whalley wrote to Thurloe, mentioning a more moderate one of Lilburne's, viz. that 40*l.* real and 500*l.* personal should be the limits, and adding that he disapproved of it on the ground that it would alienate and irritate the royalists, without producing any return worth the cost.⁵⁶ Nevertheless Worsley made almost the same proposal;⁵⁷ and it was frequently made afterwards.⁵⁸ Desborough wrote from Exeter on 12 Jan. 1665-6 that the persons who might be irritated by the taxation of the smaller incomes were not worth conciliating.⁵⁹ Further experience led Worsley to sink to a 40*l.* limit;⁶⁰ and he reported that the commissioners of his district were unanimous in thinking that 50*l.* real and 500*l.* personal were the proper limits. The government in London, however, probably realising that the decimation as it stood was severe enough, gave

⁴⁹ Thurloe, iv. 359-60. See *ibid.* pp. 336-7. ⁵⁰ *Ibid.* p. 278. ⁵¹ *Ibid.* p. 541.

⁵² *Ibid.* pp. 156, 185, 207-8, 212. The committee was started as a joint parliamentary and civic body to plan taxation in Sept. 1648. After Feb. 1653-4 its sole function was to manage sequestrated estates. See Calendar of the Committee for Compounding, 1643-1660.

⁵³ Thurloe, iv. 215-6.

⁵⁴ *Ibid.* pp. 224-5.

⁵⁵ *Ibid.* pp. 235, 320.

⁵⁶ *Ibid.* p. 308.

⁵⁷ 50*l.* real and 500*l.* personal (*ibid.* pp. 840-1).

⁵⁸ E.g. by Desborough (*ibid.* p. 391).

⁵⁹ *Ibid.* p. 413.

⁶⁰ *Ibid.* pp. 449-50.

no heed to these representations; and accordingly, as the winter of 1655-6 grew into the spring, the commissioners and the major-generals came face to face with a shortcoming of funds, and were obliged to report to the Lord Protector that if more money was not forthcoming the numbers of the militia must be reduced.

Thus the third financial duty imposed on the major-generals—namely, the payment of the new militia—came to be no light one. Some districts—*e.g.* Wales and Norfolk—proved very scarce in royalists who could be fleeced for the benefit of needy soldiers.⁶¹ Districts varied much in productiveness: *e.g.* Lincolnshire was expected to yield at the rate of above 3,000*l.* a year; from Staffordshire 1,300*l.* or 1,400*l.* was expected; while Lancashire was not expected to yield more than 1,100*l.*⁶² Soon after the beginning of the new year (1656) the question of payment began to become pressing. On 11 Jan. Whalley wrote from Lincoln that more than six months had elapsed since the troops in his district enlisted, and he asked for a warrant to pay them out of the proceeds of the tax.⁶³ On 25 Jan. Desborough wrote to the same effect;⁶⁴ but the government would not speak. On the 28th he wrote from Truro that in order to pay the troops he had to go beyond his commission, which he greatly regretted.⁶⁵ On 2 Feb. Goffe reported from Winchester that the decimation of his district would certainly not suffice to pay its troops. Sussex, he expected, would yield 1,500*l.*; Hampshire, 1,000*l.*; Berks, 1,000*l.* 'For the two first counties,' he went on, 'this is just half as much as will pay the troops. Indeed, in the other it may come near the money appointed to pay that troop; but then there will be nothing left to discharge the officers belonging to the commissioners of the three counties (which, as his highness' letter seemeth to imply, we are also to satisfy out of this money, though we are not directed by what rule we shall proceed in paying them).' The major-general then made a suggestion. 'I take the humble boldness to offer,' he wrote, 'that all the money raised upon this account may be brought to the common treasury, and that we may all be paid alike out of the said treasury; or else I fear those associations that raise least money will have such a pitiful militia that the major-generals will have little honour or comfort in commanding them.'⁶⁶ On 7 Feb. Butler wrote from Northampton that 1,080*l.* over and above the proceeds of the decimation were needed to pay the troops.⁶⁷ On 11 Feb. Goffe wrote with much seriousness, conveying to the council a message from one of his subordinates: 'Captain Dunch bids me tell you, if you do not help us, he must be forced to mutiny.'⁶⁸

⁶¹ Thurloe. iv. 287. Cf. pp. 170-1.

⁶² *Ibid.* pp. 337, 340-1, 427, 484-6.

⁶³ *Ibid.* pp. 411-2.

⁶⁴ *Ibid.* p. 462.

⁶⁵ 'It's unpleasant to me to act without rule' (*ibid.* p. 472).

⁶⁶ *Ibid.* pp. 497-8.

⁶⁷ *Ibid.* p. 511.

⁶⁸ *Ibid.* pp. 525-6.

What was to be done? For weeks the stream of grumbling had found its way to Whitehall; but the government had made up its mind that the *maximum* of practicable taxation was reached. Yet in all quarters of the land the balance-sheet showed an ugly deficit. On 29 Jan. Cromwell had authorised the major-generals to give to their soldiers and officers, out of money already levied, six months' pay, or as much thereof as the money received within their districts (over and above the necessary charge incident to the service) should amount to, the whole receipts being applied in equal proportion to the whole militia forces.⁶⁹ This did not advance matters very far. At last the council of state began to bestir itself. A committee was formed to consider the affairs of the major-generals; and, on its report, the council, on 27 Feb., advised the Protector to reduce the militia of Oxfordshire, Bucks, Herts, Berks, Southampton, Sussex, Kent, Cambs, Suffolk, Norfolk, and Rutland from 100 to 80 in each troop, and to pay them up to the date of reduction.⁷⁰ On 11 April the government announced their intention to reduce all the militia troops to the same extent,⁷¹ and on the same day the council issued to the major-generals the tardy authorisation to pay the militia out of the extraordinary tax.⁷² An estimate was also made of the total cost of the reduced force for a year from 24 June 1656; the salaries of the eleven major-generals were fixed, and the major-generals themselves reappointed. The total estimate was 80,067*l.* 12*s.* 4*d.* The soldiers disbanded were to be paid only up to 24 June.⁷³

The whole management was made more systematic; *e.g.* the council appointed what it called an army committee to consider fit rules for the major-generals, to return a yearly account of moneys and charges in their associations, and to issue the moneys by warrants from the said committee for paying the officers and soldiers of the new militia troops. On the army committee was henceforward to devolve the responsibility of both collecting and disbursing the tax, a responsibility which had hitherto lain on the major-generals, the major-generals now, together with officials called receivers-general and county treasurers, acting as agents of the committee.⁷⁴ The major-generals were to give in to the army committee perfect lists of all persons charged with yearly or gross payments, signed by themselves and three commissioners, with duplicates to the receivers-general. They were also to cause the county treasurers to send in accounts of their receipts within ten days from 25 Dec. and 24 June annually, noting any additions or alterations. They were also to return the addresses of the county treasurers, and cause the muster rolls to be sent to the commissary-

⁶⁹ *Cal. State Papers (Dom.)*, 1655-6, p. 140.

⁷⁰ *Ibid.* p. 200.

⁷¹ The actual order was despatched on 15 April (*ibid.* p. 27).

⁷² *Ibid.* pp. 262-3.

⁷³ *Ibid.*

⁷⁴ *Ibid.* pp. 367-8, 12

general of musters, with duplicates to the army committee, the commissary-general to obey the directions of the army committee. As for the county treasurers, they were to deliver up to the army committee a perfect account of all sums raised and spent in the half-year ended 21 Dec. 1655, which account the committee were to pass, or, if not satisfied with it, to refer to the council of state. In short, the government seem to have come to the conclusion that the collection of the 'decimation' and its payment to the troops had not been a great success as conducted by the major-generals, and that these things would be better managed from Whitehall.

(2) *General Conservation of the Peace.*—The major-generals were instructed to suppress insurrections and unlawful assemblies, and to repel invasions.⁷³ They were to see that all papists, rebels, and dangerous persons were disarmed, and their arms confiscated.⁷³ They were to provide police protection for the highways and roads, especially near London, and to insist on the prosecution of robbers, highwaymen, &c., and the punishment of their abettors. (In this work the major-generals were to co-operate with the sheriffs; every one discovering or apprehending a malefactor of the aforesaid sort was to be paid a reward not exceeding 10*l.*, by the sheriff, who was to be recouped by the state.⁷⁴) They were to watch the behaviour of disaffected persons, and that of their subordinate officers.⁷⁴ When any one prosecuted an undiscovered murderer or other gross offender against the peace he might apply to the major-general or his deputy; and he, knowing what the business was, might 'as well by summoning all persons who lived dissolutely or without a calling, or at a higher rate having no visible estate answering thereunto . . . if he should see cause, as by the diligence of all civil officers or persons under his command, according to their respective duties in apprehending all suspected persons who passed through or lay lurking within any place under his charge, to endeavour the finding out and apprehending the offenders,' for which purpose he might give notice to and get the help of the major-generals of neighbouring associations.⁷⁵

In the correspondence there is no great bulk of evidence bearing on this head, but what there is unmistakably indicates both vigour and success. The absence of armed rebellion deprived the major-generals of any pretext for repelling invasion by military force; but in the department of police they had much work to do, and they evidently did it. They entered at once into hearty co-operation with the justices of the peace, and into as hearty co-operation with municipal magistrates as those functionaries

⁷³ Instruction 1, *Parl. Hist.* xx. 461-7.

⁷⁴ Inst. 3 and 16, *ibid.*

⁷⁵ Inst. 15, *ibid.*

⁷³ Inst. 2, *ibid.*

⁷⁴ Inst. 4, *ibid.*

would allow. Haynes began to search for arms in Suffolk as early as 22 June 1655.⁴⁰ We have seen how early and how fully Berry realised his general responsibility in Lincolnshire. The work of disarming seems to have proceeded briskly in many districts.⁴¹ With papists there was sharp practice. On one occasion, for example, Butler relates how, as he was riding through the forest of Rockingham, he overtook a wayfarer who proved to be a Roman catholic priest 'without any certain habitation.' Being thus doubly an offender, he was put into custody; and a copy of his examination, along with a catechism found upon him, was forwarded to Whitehall, the major-general retaining the *Agnus Dei* and rosary of the priest, along with 'a medal of the Virgin Mary, or crucifix, and some other books.'⁴² There was much energy in arresting and imprisoning all persons who appeared to be dangerous, or who, on examination, could give no satisfactory account of themselves. So many of such persons were deprived of liberty that there were some complaints of want of room for prisoners.⁴³ On 5 Jan. 1655-6 Berry wrote to Thurloe a letter about the state of things in Shropshire, showing how completely the preservation of the peace in that county came within the purview of the major-general;⁴⁴ and in a later letter he complains bitterly of over-work in quarter sessions, alleging that he is losing his military character altogether and becoming a mere toiling magistrate.⁴⁵ On 29 Jan. Whalley complained of over-work in the same department. 'I wish,' he wrote, 'there had been more major-generals. Our presence, I find, is desired in all places, and gives life to all proceedings; . . . if the Lord gives abilities to your major-generals . . . it's the best way that ever as yet was devised for the peace and safety of the nation. You cannot imagine what an awe it hath struck into the spirits of wicked men.'⁴⁶ On 9 Feb. 1655-6 Berry wrote from Monmouth, 'I am much troubled with these market towns everywhere; vices abounding and magistrates fast asleep.'⁴⁷

Quakers were regarded as being almost as dangerous to the public peace as Roman catholics, and were treated with almost equal severity.⁴⁸ It was alleged that they 'troubled the markets,' and otherwise interfered with public peace and comfort. In their early days they were active peripatetic religionists, entering freely into places

⁴⁰ Thurloe, iii. 574.

⁴¹ Correspondence throughout, and especially Thurloe, iv. 379, 'Instructions by the major-general of Bristol.'

⁴² Thurloe, iv. 274.

⁴³ Worsley to Thurloe, Thurloe, iv. 333-4.

⁴⁴ *Ibid.* pp. 393-4.

⁴⁵ 'I am now at last become civil' (*ibid.* p. 413).

⁴⁶ *Ibid.* p. 434. As to Whalley and his success cf. *Mercurius Politicus*, No. 294, 24-31 Jan., and *Political Intelligencer*, No. 18, 28 Jan.-4 Feb. 1655-6.

⁴⁷ *Ibid.* pp. 545-6.

⁴⁸ Worsley to Thurloe, Thurloe, iv. 315, *ibid.* 333-4, *ibid.* 613, &c.

of public resort, whether churches or market-places, and calling out for the instant reform of what they deemed abuses. Once there was hope of striking at the arch-quaker, George Fox, himself. 'I have some thoughts to lay Foxe and his companions by the heels, if I see a good opportunity.'⁹⁹ On one occasion Butler forwarded a list of the persons committed to gaol by him, with specimens of the offences thus punished.⁹⁰ The system of espionage was brought to a high point of perfection. On 21 March the major-general⁹¹ wrote from Stafford, 'We have things in that posture already that there is hardly a meeting of three cavaliers together on any account but I am suddenly acquainted with it.'⁹² On 5 July 1656 Haynes proposed to accompany the judges on circuit, with a view to the more thorough preservation of order.⁹³ On 21 April 1656 Whalley had reported thus triumphantly of part of his district: 'This I may truly say: you may ride over all Nottinghamshire and not see a beggar or a wandering rogue,' though he was obliged to add, 'I hope suddenly to have it so in all the counties under my charge if it be not already; but I much fear it.'⁹⁴

(3) *Religion and Morals*.—During a prevalence of puritan thought and feeling it is difficult to distinguish efforts to preserve public peace from efforts to purify public morals; and it is still more difficult to distinguish the latter from efforts in behalf of religion. The major-generals were instructed to prevent horse-racing, cock-fighting, bear-baiting, and the performance of stage plays within their districts, because of the danger of general evil and wickedness, as well as of hatching treason and rebellion.⁹⁵ They were to report upon the character of teachers and preachers, and to secure the execution of the ordinance for the ejection of insufficient ministers and schoolmasters.⁹⁶ By their behaviour they were to promote godliness and virtue, and to co-operate with justices of the peace, ministers, and officers intrusted with the care of such things to secure the execution of the laws against drunkenness, blasphemy, swearing, plays, profaning the Lord's day, &c.⁹⁷ They were to seek out and suppress all gaming-houses and houses of ill fame in London and Westminster.⁹⁸

The correspondence shows no lack of stringency in compliance with these instructions. There is some evidence that efforts were made to distinguish what was immoral from what was inexpedient. Thus in March 1656 the spring races at Lincoln fall due, and the earl of Exeter asked Major-General Whalley whether Lady Grant-

⁹⁹ Goffe to Thurloe, 10 Jan. 1655-6. Thurloe, iv. 408-9.

⁹⁰ Thurloe, iv. 632-3.

⁹¹ Called 'Goffe' in Thurloe, but this must be an error.

⁹² Thurloe, iv. 639.

⁹³ *Ibid.* v. 1187-8.

⁹⁴ *Ibid.* iv. 718-9.

⁹⁵ Inst. 4, *Parl. Hist.* xx. 461-7.

⁹⁶ Inst. 7. Cf. No. 5 of the Instructions of 21 Sept.

⁹⁷ Inst. 6.

⁹⁸ Inst. 19.

ham's cup might be run for. Whalley gave permission; and he reported to Cromwell, 'I assured him it was not your highness's intention in the suppressing of horse races to abridge gentlemen of their sport, but to prevent the great confluences of irreconcilable enemies.'⁹⁹ Against wickedness, profaneness, &c., the major-generals worked steadily. Against swearing they were especially severe. Butler fined a certain Mr. Barton 6*l.* for saying 'God damn me,' and protested that it should have been 10*l.* if the culprit's horse would have fetched as much.¹⁰⁰ Attempts were made to prevent the profanation of Sunday by preventing markets from being held on Saturday or Monday.¹⁰¹ In some places 'base books' were suppressed; and a raid was made against illegal marriages.¹⁰²

The most direct efforts in behalf of religion were those to carry out the ordinance for the ejection of insufficient ministers and schoolmasters, and generally to regulate churches and schools. The demand for 'ejectors' is heard very early in the correspondence; and, along with complaints of their inefficiency, is repeated again and again throughout its course. Ejection was not always for scandalous living only. Kelsey on one occasion reported that the whole garrison of Rochester was perverted and injured by the heresies of a certain minister named Coppin. The major-general had arrested and imprisoned him, and proposed that he should be transported.¹⁰³ On 28 Feb. 1656 Berry sent in a bad report of the spiritual condition of Breconshire. The county, he wrote, was getting heathen from the want of able preachers and the slowness in filling up vacancies.¹⁰⁴ On 23 April Haynes proposed a conference in his district with disaffected ministers and those tinged with anabaptist or fifth-monarchy views.¹⁰⁵

On the whole there are indications that this part of the major-generals' duties was not only diligently but sometimes severely and irritatingly carried out.¹⁰⁶ Sometimes the council of state had to exercise its right of supervision and revision. Thus on 12 March 1656, on the petition of the parishioners of Radwinter, in Essex, Haynes was ordered to show cause why the clergyman, one Reynolds, had been made to stop preaching, and to suspend the restraint if it should be found desirable.¹⁰⁷

(4) *Poor Law*.—The major-generals were instructed to see that unemployed persons were either made to work or sent out of the Commonwealth; to consider the case of the poor, and to report upon it to the Lord Protector and his council; meanwhile they were to insist upon the execution of the laws bearing on such cases.¹⁰⁸

⁹⁹ Thurloe, iv. 607.

¹⁰⁰ *Ibid.* pp. 632-3.

¹⁰¹ *Ibid.* pp. 277-8; *ibid.* v. 296.

¹⁰² *Ibid.* iv. 523.

¹⁰³ *Ibid.* p. 486.

¹⁰⁴ *Ibid.* p. 565.

¹⁰⁵ *Ibid.* p. 727.

¹⁰⁶ See the case of Mossom, the schoolmaster at Richmond, *Cal. State Papers* (Dom.), 1655-6, Jan. 24.

¹⁰⁷ *Ibid.* 12 March.

¹⁰⁸ Inst. 5; *Parl. Hist.* xx. 461-7.

On this head the correspondence yields very little evidence, and such as there is seems to justify the belief that the penal aspects of the poor law were those most insisted on by the major-generals.

(5) *Registration*.—The major-generals were instructed that every householder in their respective districts must give security by his bond that his servants should keep the peace of the Commonwealth while in his service, during which time he must be ready to appear before the major-general or his deputy or agent, whensoever and wheresoever and as often as he should appoint, on notice left at his house. Also every major-general and every deputy was to keep a list of all persons in his district giving such security; and from time to time to return it, with information as to the quality and place of abode of each householder, to be entered in a central register. For the purpose of this register a registry office was to be set up in London, in which such lists were to be entered alphabetically.¹⁰⁹ When a householder, who had given security, appeared at the office, the registrar was to take his name and that of the place whence he came, as well as his temporary address in London or Westminster. Every time he changed his lodgings he was to furnish his new address to the office. When he intended to remove to the country the registrar was to inform the major-general of the district into which he proposed to go of (a) his name, (b) the place of his former abode, (c) how long he had been in London, (d) to what place he had gone from London. In case the registrar should find, when he received the name of such a householder, that the name did not appear in the district list furnished by the major-general, the registrar was to inform the secretary of state of the name and lodging of such a householder.¹¹⁰

Besides the bond for the household entered into by its head there was a *personal* bond bearing on four classes of persons, viz. (1) those who had borne arms against the Commonwealth; (2) those who lived dissolutely; (3) those without a calling; (4) those apparently living beyond their means. Every member of those four classes was to give bond with two sureties, with condition that if 'the above bounden A. B.' should (1) henceforth live peaceably, &c., (2) reveal to the authorities any knowledge of plots against the government, (3) be ready to appear before the major-general whenever called upon, (4) formally notify any change of address, (5) on going to London comply with rules for registration there, (6) refrain from ever using a false name, the obligation should be void.¹¹¹

¹⁰⁹ The London registry office, known as 'the major-generals' office,' was opened in Fleet Street, at the 'Cock,' over against Black Horse Alley (*Parl. Hist.* xx. p. 468). Under the chief registry there were to be several subordinate offices in London and Westminster.

¹¹⁰ *Ibid.* 8, 9, 10; *Parl. Hist.* xx. 461-7.

¹¹¹ This form of 'bond to be entered into before the major-generals' will be found in *Mercurius Politicus*, 13 Dec. 1655, No. 288.

Further, every one, whether a foreigner or not, landing in England after 1 Dec. 1655, was, within twenty-four hours after landing, (a) to appear before an agent of the major-general of the district in which he landed; (b) to tell the name of the place from which he came, and that to which he was going, the said places to be entered in a book; (c) to engage that, on going to London or Westminster, he would make himself fully known to the registrar. If the immigrant had been a rebel he must give notice of every change of lodging. If he gave a false name or acted otherwise fraudulently, he was to be imprisoned during the pleasure of the Lord Protector or the council of state. The agents of the ports were from time to time to send lists of immigrants to the registrar in London, with an account of their personal appearance; and, if the immigrants were not bound for London, the same information was to be forwarded to the major-generals of the districts to which they were bound.

As often as any inhabitant of London or Westminster who had given security intended to change his residence he was in person to give notice of such intention to the registrar or his deputy, who was thereupon to enter his name, together with the names of his former and his intended residences, and by the next post to signify the same to the major-general in whose district the place lay whither the said person intended to remove.¹¹²

Cromwell's scheme thus included a double system of security for the sake of the public peace, viz. (1) an assurance to be given by every householder; (2) a bond to be entered into by royalists, as well as dissolute, idle, and extravagant persons, both parts of the system being worked in connexion with a central registration office in London, and with the constant co-operation of the major-generals. A moment's reflexion on the total effect of the instructions is enough to show how great, both in extension and intension, were the powers conferred on the major-generals under this head. The correspondence gives evidence both of their activity and of some of the difficulties with which they had to deal. We hear little indeed of the mere registration business—of the central office in London or any of its subordinates. But 'taking security' by means of bonds gave much work and trouble.¹¹³

Sir Ralph Verney, for example, was from home when the Bucks gentry were summoned by the commissioners and major-general. On 10 Nov. 1655 Sir Roger Burgoyne wrote to him, 'The Grand Commissioner' (it is to be presumed he means Haynes, Fleetwood's deputy) 'is come into these parts, and has convented before him the

¹¹² Inst. 11, 12, 13; *Parl. Hist.* xx. See also *Cal. State Papers* (Dom.), 26 Dec. 1655.

¹¹³ *Thurloe*, iv. 156, 184–5, 190, 208, 231, 293–4, 322, 340–1, 411–2, 485–6, 495, 745.

principall gentry of our county that have been either sequestred or sequestrable, though they escaped the hands of the Committee.' Dr. Denton, the physician, Sir Ralph's uncle and faithful friend, warned him to delay his return as long as he could, that he might, if possible, be overlooked. Sir Ralph's difficulty was in ascertaining wherein consisted the offence which had led to his arrest in June. He was, however, set at liberty in October, on giving security for good behaviour. In March 1656, to save himself from the clutches of Major-General Fleetwood, he prepared a petition to the Protector, asking to be excused the decimation, on the ground that he had never been a delinquent. The Protector, however, referred him back to the major-general, and the decimation was confirmed, though apparently some alternative was offered, which Sir Ralph's scrupulous sense of honour forbade him to accept.¹¹⁴

One difficulty was raised more than once by Major-General Goffe. Security, he wrote, could not well be taken; the machinery for registration must be ready and in working order first;¹¹⁵ besides, he considered that it would be a milder measure to postpone taking security to taxation. Kelsey was puzzled as to the precise definition of the classes for whom security was to be required, and he also complained of the want of prison accommodation for those who failed to give it.¹¹⁶ On 14 Dec. 1655 Berry wrote from Wrexham to say that a local Welsh register was much wanted.¹¹⁷ On 17 Dec. Worsley sent a request for more printed bonds, according to private instructions.

A certain Thomas Dunn was appointed registrar of the city of London at Christmas 1655.¹¹⁸

(6) *Licensing*.—The major-generals were instructed to suppress all *solitary* alehouses. They were to prevent all persons from posting without special warrant, and to allow no horses to be 'laid' to convey passengers without notice of place and persons being first given to the nearest justice of the peace. Whatever inn, alehouse, or tavern allowed horses to be so laid, and found out what had been done only after the horses had been used, was to forfeit its licence, which could not be granted again. All alehouses were to be carefully regulated both as to numbers and character.¹¹⁹

Under this head the major-generals seem to have done their work briskly. There was a good deal to be done. By Tudor legislation the licensing of public-houses was put into the hands of the justices of the peace; and they showed themselves more careful for the relief of thirst than for the prevention of drunkenness. There were also many unlicensed houses. The constables of Coventry, for example, reported that there were fifty unlicensed alehouses in

¹¹⁴ *Memoirs of the Verney Family*, iii., chapters vii. and viii.

¹¹⁵ Thurloe, iv. 190, 208.

¹¹⁶ *Ibid.* p. 234.

¹¹⁷ *Ibid.* p. 316.

¹¹⁸ *Cal. State Papers (Dom.)*, 26 Dec.

¹¹⁹ *Inst.* 17. 18, 21.

the town. Whalley wrote from Coventry on 1 Dec. 1655 that both there and in Lincoln, owing to the want of co-operation on the part of the civic magistrates, alehouses were no sooner put down than they were set up again.¹²⁰ On 11 Jan. 1655-6 Whalley wrote that the alehouses in Lincoln were incredibly numerous.¹²¹ About the same time the stimulating effects of the new *régime* began to be felt in Shropshire, where the justices, 'considering that the end of the law in licensing inns was not to set up houses to tipple in, but to make entertainment for strangers and travellers,' roused themselves to put the licensing regulations in force.¹²² To take another instance, on 24 Jan. 1655-6 Worsley wrote that he was doing his best in Lancashire, but that it was very difficult to carry out the work of suppression without seriously weakening the revenue. He intended to put down, if he could, two hundred alehouses in the hundred of Blackburn alone.¹²³ By-and-by a note of progress is heard from Lincoln, whence, on 26 Jan. 1655-6, the report comes, 'The business (blessed be God) that our major-generals and we are entrusted with goes on very well; . . . we have suppressed forty, fifty, and sixty alehouses in some corporations.'¹²⁴ Under the same impulse the justices of Warwickshire directed the high constables of the hundreds to suppress a third of the inns and alehouses within their districts.¹²⁵ On 9 Feb. Worsley wrote to Thurloe from Chester that he was putting down all alehouses which belonged to one or more of the five following classes: (1) those hostile to the government; (2) those whose owners had other means of livelihood; (3) such as were in 'big and dark corners' (blind alehouses); (4) those of bad repute and disorderly; (5) those suspected to be houses of ill-fame.¹²⁶

Besides the foregoing six departments of work imposed on the major-generals by their instructions there is evidence to show that they discharged an additional function—namely, an oversight of various matters of local administration. This must have had important practical results. For example, they were entrusted with the regulation of weights and measures in many places.¹²⁷ Again, we find Major-General Whalley writing from Nottingham on 9 April

¹²⁰ Thurloe, iv. 272-3.

¹²¹ *Ibid.* pp. 411-2. Cf. p. 434.

¹²² *Public Intelligencer*, 14-21 Jan. 1655-6, No. 16.

¹²³ Thurloe, iv. 449-50. Cf. Worsley to Thurloe, *ibid.* p. 473.

¹²⁴ *Public Intelligencer*, No. 18, 28 Jan.-4 Feb. 1655-6.

¹²⁵ 'You are directed within fourteen days from receipt to bring in a list in your respective divisions, setting a mark on the third part of such as may best be spared' (*Mercurius Politicus*), No. 295, 31 Jan.-7 Feb. 1655-6.

¹²⁶ Thurloe, iv. 522-3. Cf. commissioners for Cheahire to Thurloe, *ibid.*, and see commissioners for Durham to Protector, *ibid.* p. 541.

¹²⁷ See Worsley to Thurloe, Thurloe, iv. 533-4; Whalley to Thurloe, *ibid.* pp. 686-7; *ibid.* Thurloe, v. 211-2.

1656 and reporting that the market bell there, the ringing of which gave signal for the market to begin, was not rung till one o'clock, so that, in the winter, business began too late for the convenience of people who came long distances from the country. 'If,' he wrote, 'his highness and council would issue out a proclamation throughout England, commanding all mayors, aldermen, and bailiffs of cities and corporations to cause their market bell to ring by ten or eleven of the clock at furthest, the major-generals would take care it should be observed.'¹²⁸

Again, a petition for a college at Durham having been forwarded to the council of state by the justices, sheriffs, grand jury, and gentlemen of the county, an order was issued to Lilburne to make the foundation.¹²⁹ The inhabitants of Chester having petitioned for a new head of the city hospital, the major-general and three of the militia commissioners were empowered to deal with the subject. As time went on the miscellaneous responsibilities of the major-generals evidently multiplied. Thus we find that on the report of a committee appointed to supervise and regulate the work of the sheriffs, to the effect 'that complaints have been made of the excessive charges burdening the office of sheriff through the example of some which discourage those employed,' the major-generals were ordered to appoint in their respective counties troops of horse to attend the sheriff at the assizes, to wait on the judges, and to perform the services previously required of the sheriff's men.¹³⁰ Again, on a petition of the inhabitants against the bad work of the worsted weavers of Norwich and Norfolk, Major-General Haynes, along with the sheriff and others, was ordered to advise with the justices of assize at the following circuit as to the best way of securing the good quality of the manufacture.¹³¹ We find Desborough ordered on behalf of the baptists of Exeter to take care that the best repaired public meeting-place of the city which could conveniently be spared should be assigned to them;¹³² and similarly Whalley was ordered to consider the repair of the parish church of Scartho, in Lincolnshire, on the petition of the patron.¹³³

IV.

When we put together the foregoing evidence and estimate its total import, we are able to form a pretty clear picture of the doings of the major-generals between November 1655 and the summer of 1656. At the latter date the pressure of general politics in England forced their energies into a new channel. At the same time the growth of public opinion about them was stimulated, and

¹²⁸ Thurloe, iv. 686-7.

¹²⁹ *Ibid.* p. 442; *Cal. State Papers* (Dom.), 1 Feb. 1655-6.

¹³⁰ *Cal. State Papers* (Dom.), 13 Feb. 1655-6.

¹³¹ *Ibid.* 27 Feb. 1655-6.

¹³² *Ibid.* 13 March 1655-6. ¹³³ *Ibid.* 15 May 1656. Cf. the order of 28 Aug. 1656.

means were not long wanting of giving it systematic expression. The central events of the year were the alliance with France, concluded in October 1655, just when the major-generals were finally girding themselves for their task, and the outbreak of war between England and Spain in February 1656. The latter event necessitated a very large outlay on military, and a still larger one on naval, preparations; and for the purposes of such outlay the revenue fell far short. The major-generals met in the spring to consult with the council of state, and recommended the imposition of a general property tax. To this proposal Cromwell at last reluctantly yielded; and the tax was imposed accordingly. It encountered much opposition in the country; and in the early summer it became evident that, if public opinion was not to be dangerously irritated, another parliament must be called together.

The unpopularity which a taxing government inevitably incurs fell on the Protectorate before and during the general election, and the attention of the public was specially directed to the strenuousness of the rule of the major-generals. After the issue of the writs on 11 July Cromwell found himself in the midst of baffling cross-currents of opinion, most uncongenial to his temperament; pent-up opposition burst forth on every hand, and he had to content himself with the support of a party instead of that of a united nation. In this state of affairs it occurred to the Lord Protector that the major-generals might be utilised to help the government party in the elections, and there is much evidence to show that from July onwards the activities of the major-generals became mainly electioneering, while their importance in other aspects began to decline. On 27 June 1656 Haynes wrote to Thurloe from Bury St. Edmund's that he would try to sound people about a parliament, warning him at the same time that the chances of government candidates would be poor unless the arrears due to the militia were paid up.¹²⁴ On 30 June Goffe wrote from Winchester of the probable parliament in September, and expressed a hope that it would not reopen the question of the form of the government.¹²⁵ As July advanced interest in the subject grew keener.¹²⁶ It was proposed to elect Goffe for Abingdon, but he asserted that he only wanted to keep bad men out, not to get in himself.¹²⁷ On 16 July Haynes wrote expressing his eagerness in the work, at the same time complaining that the electors were insufficiently instructed from headquarters, and again sounding a warning note about the payment of the troops.¹²⁸ A few days afterwards he wrote that it was too late to hope anything from the assistance of the militia.¹²⁹

¹²⁴ Thurloe, v. 165.

¹²⁵ *Ibid.* pp. 171-2.

¹²⁶ Packer to Thurloe, *ibid.* p. 187; Haynes to Thurloe, *ibid.* pp. 187-8; Barry to Thurloe, *ibid.* p. 219.

¹²⁷ Thurloe, v. 215.

¹²⁸ Thurloe, p. 220.

¹²⁹ *Ibid.* p. 230.

On 9 Aug. Lilburne reported the existence of a powerful anti-government party in Durham and Northumberland, whose chief grievance seems to have been the doings of the major-generals.¹⁴⁰ On 11 Aug. Whalley asserted that no member would be chosen for Nottingham without his advice, adding that what he called 'the mediterranean part of the nation' was sound. He besought Cromwell not to irritate the constituencies by adding to the militia at that juncture.¹⁴¹ Kelsey reported trouble at Dover through the candidature of Cony, and hinted that it would be well to 'seclude' him.¹⁴² On 15 Aug. Haynes wrote that he was working hard to influence the elections;¹⁴³ and Bridges, who had been appointed Worsley's successor, reported that all the commissioners in his district were doing likewise.¹⁴⁴

Shortly after the middle of August the elections began. On the 20th Haynes wrote that they were proceeding in his district; that the opposition was strong and troublesome, chiefly on account of the militia arrears. On the 23rd Goffe reported with regard to Surrey that the opposition cry was, 'No soldier, decimator, or any man that hath salary.'¹⁴⁵ On the same day Whalley was able to report satisfactorily of the results in his district.¹⁴⁶ On the 26th Kelsey sent a disquieting report to the Lord Protector himself. At Maidstone there was a coalition of cavaliers and presbyterians against the government and all 'swordsmen, decimators, and courtiers;' and most of those chosen to sit in the ensuing parliament were, he considered, of the same spirit. There was a likelihood of violence: the party wished to destroy major-generals, decimators, and the new militia. He then went on to make suggestions to Cromwell. New justices of an 'honest' complexion should be added to the commission of the peace; and all members of parliament should engage not to meddle with the Instrument of Government or with the doings of Protector or council without the Protector's consent. 'There is such perverseness,' Kelly concluded, 'in those chosen, that without resolution in you and the council to maintain the interest of God's people, which is to be preferred before a thousand parliaments, against all opposition, we shall return to our Egyptian taskmasters.'¹⁴⁷

Not only did the major-generals work hard for government candidates; they became candidates themselves; and were all returned—Skippon for Lynn, Barkstead for Middlesex, Kelsey for Guildford, Goffe for Hampshire, Fleetwood for Oxfordshire, and his deputy, Haynes, for Essex; Whalley for Nottinghamshire, Butler for Bedfordshire, and Bridges for Chipping Wycombe; Lambert

¹⁴⁰ Thurloe, v. 296. 'The people are perfect in their lesson, saying they will have no swordsmen nor decimator, or . . . to serve in parliament.'

¹⁴¹ *Ibid.* pp. 299-300. Cf. Haynes, *ibid.* pp. 312-3.

¹⁴² *Ibid.* pp. 811-2.

¹⁴³ *Ibid.* pp. 813-4.

¹⁴⁴ *Ibid.* p. 308.

¹⁴⁵ *Ibid.* p. 341.

¹⁴⁶ *Ibid.* p. 348.

¹⁴⁷ *Cal. State Papers (Dom.)*, 28 Aug.

for the West Riding of Yorkshire, and his deputies, Lilburne and Howard, for the North Riding and Cumberland respectively. Desborough was associated with Skippon in the representation of Lynn; Berry was elected for Herefordshire, Rowland Dawkins for Carmarthen, and Packer for Woodstock.¹⁴⁸

V.

Enough has been said in connexion with the elections of 1656 to show the existence of vigorous opposition to the new institution. As an agency of arbitrary and severe taxation it necessarily incurred the detestation of the entire royalist party; as a police and military force, designed to detect and suppress rebellion of all sorts within the Commonwealth, it was hated by the heterogeneous mass of anti-Oliverians everywhere, from semi-royalists to fifth-monarchy men and Levellers; as a stringent licensing authority it was obnoxious to 'the trade' and all connected with it; in its efforts on behalf of religion and morals it met the inevitable fate of unpopularity; while, as a novel and arbitrary device, interfering on all sides with individual liberty, and lying wholly aside from the tried ways of constitutional and administrative routine, it was intolerable to the staunch parliamentary republicans, who regarded the Protectorate as a disease within the body politic.

What the last-mentioned party thought of the major-generals and their rule is sufficiently shown in Ludlow's 'Memoirs.'

In the meantime [wrote Ludlow, with reference to the summer of 1656] the major-generals carried things with unheard of insolence in their several precincts, decimating to extremity whom they pleased, and interrupting the proceedings at law upon petitions of those who pretended themselves aggrieved, threatening such as would not yield a ready submission to their orders with transportation to Jamaica or some other plantations in the West Indies; and suffering none to escape their persecution but those that would betray their own party. . . . And here I cannot omit to mention a farmer in Berkshire, who, being demanded to pay his tenth, desired to know of the commissioners, in case he did so, what security he should have for the other nine parts; and answer being made that he should have Cromwell's orders and theirs for the enjoyment of the rest, he replied 'that he had already an act of parliament for the whole, which he could not but think to be as good security as they could give. But,' said he, 'if goodman such a one,' and another whom he named of his neighbours, 'will give me their bond for it, I know what to say to such a proposal; for if they break their agreement I know where to right myself; but these swordmen are too strong for me.'¹⁴⁹

Take, on the other hand, a specimen of royalist opinion. Writing about the same time, Roger Coke tells us—

These major-generals acted their parts to the life; and being an

¹⁴⁸ See Cobbett's *Parl. Hist.* iii. 1479.

¹⁴⁹ Ludlow's *Memoirs* (Clarendon Press ed. 1894), ii. 3.

obscure company of mean fellows (except Fleetwood), lorded it over the nobility, as well as gentry and clergy, with an unheard of insolence.

He goes on to tell how his father, a country gentleman of Suffolk, fared at the hands of Fleetwood's deputy, Haynes. He had been expelled from the long parliament for 'malignancy,' and imprisoned in London, but afterwards liberated through the solicitation of his wife, when he returned to the ordinary life of a quiescent royalist in Suffolk, his two sons, Roger and a brother of nineteen, living with him. In 1656 Roger was induced to show active sympathy with a meditated cavalier rising, and to buy arms which were to be secretly imported into his father's house. The authorities got wind of the plot; and one Sunday at midnight horsemen from Yarmouth broke into the Cokes' house, seized the father and the younger son, put them in ward at Yarmouth, and extracted from the boy the story of the plot by holding lighted matches between his fingers. On Roger Coke's remonstrating with the authorities he was told that the Lord Protector only wanted security for his father's good behaviour. Roger repudiated the necessity in his father's case, urging that he was already 'decimated' for having been sequestered. It turned out that Coke senior had given much offence by the irreverent way in which he had spoken of the Lord Protector; but in a few days he was set at liberty. Soon after he was sent for to appear before Haynes at Bury St. Edmund's, to give security, and show cause why he should not be 'decimated.' His son pleaded that he was not within the scope of the major-general's instructions, as, though he had been sequestered, no charge was alleged against him. Haynes discharged the sequestration, but persisted in demanding the truth. Roger Coke thereupon went to London, and in the end Coke senior was not decimated. 'I believe,' adds his son, 'he was the only man sequestered in England who escaped.'¹³⁰

This story is intended to redound to the discredit of the major-generals, but the impartial reader will probably find that another inference may be drawn from it. The major-generals may have been 'mean fellows' from the country gentleman's exalted point of view, and the Yarmouth gaolers may have been cruel; but Roger Coke was a detected conspirator; his father lent his house for the storage of arms for an illegal purpose, and he ultimately got off scot free. On the whole the evidence of the correspondence goes to show that the major-generals were high-minded and conscientious men, aware that their functions were novel, and at many points

¹³⁰ Roger Coke's *Detection of the Court and State of England*, ii. 60-6. The Verney manuscripts give some hints as to the feeling of the country gentry with out strong royalist prepossessions. With regard to liability, Dr. Denton wrote to Sir Ralph Verney on 17 Nov. 1655: 'I hear . . . that sequestration and delinquency

lacking in legal definition, and eager, therefore, that these drawbacks should be met by tact and wisdom at headquarters.

The currents of outside opinion were soon collected in the one regular channel. The second protectorate parliament met on 17 Sept. 1656. The government was aware that, in spite of all its electioneering efforts, it had only a party, and probably only a minority of the new house of commons, behind it. The Protector, accordingly, after addressing to all the members the long speech in which he made his apology for the major-generals,¹⁵¹ reverted to the tactics he had used at the beginning of the first protectorate parliament. By the twenty-first clause of the Instrument of Government the council of state had the right to examine the list of persons elected, to sit in judgment on their qualifications, and to prevent them from taking their seats without their approval. Those who were approved were presented with tickets of admission; those who had no tickets to produce were incapacitated from sitting in parliament. On this occasion the clause was put in force with startling effect. Nearly one hundred members holding opinions hostile to the government were refused the necessary tickets, and sent back to their homes to swell the mass of opposition out of doors.¹⁵²

Parliament sat three months before the question of the major-generals came before it. When it did present itself it was in its financial aspect. The main reason for calling parliament together had, after all, been the need for putting taxation on a satisfactory footing; money was needed for the war with Spain as well as for the exigencies of internal government. As Christmas approached it became necessary to decide whether the new militia and executive should be continued; and whether, if so, they were to be supported by the same plan of taxation as formerly. In the discussion of the questions the 'decimation' of the past year inevitably came up for judgment. On Christmas Day a long and heated debate arose on the question of 'leave to bring in a bill of assessments for maintenance of the militia forces; the same to be levied on such persons as have been in arms against the parliament, or sequestered for their

shall not be the only standard, but disaffection shall in due time have its place.' Again, Sir Roger Burgoyne wrote to Verney on 10 Dec. 1655, 'Sir Francis Willowby . . . pleaded a non-sequestration. "The more to blame," replied Major-General Whalley, "was the committee, for you sent two horses to the king." So he was cast as for the tenth part. Sir Clement Fisher, though sequestered, pleaded an article which runs to this sense: that those are to be excepted who have manifested their good affections to the Commonwealth since, which he pretends to have done by a voluntary offering of himself . . . to serve the Lord Protector when the late insurrection began to appear; this, if he can get but the testimony of Sir Gilbert for, will free him. Sir George Devereux, though not sequestered, being charged for sending in two orses, pleaded that his unruly son took them out of the stable without his knowledge or consent, and went to the king with them. This relieved him for the present, however, and was dismissed upon it, and hopes not to be questioned any more about it'

¹⁵¹ Speech v. in Carlyle's *Cromwell*.

¹⁵² See Godwin, iv. 286-98.

delinquency in the late wars, with the restrictions, exceptions, and provisoes to be contained therein, for some persons and in some cases.' ¹⁵³ The bill was brought forward by Desborough, the first major-general, it will be remembered, who was appointed under the scheme. His argument was simple and familiar. The tax, he said, was essential to the maintenance of internal tranquillity; and it was only just that its incidence should be solely on those by whom the peace of the nation was endangered. ¹⁵⁴ The speakers in favour of the motion for the most part followed Desborough's lead. The opposition, from the outset, maintained the inconsistency of the tax with the Act of Oblivion, passed on 25 Feb. 1651-2, a difficulty anticipated in Cromwell's Declaration. The substance of that measure was that all political offences whatever, committed before the date of the battle of Worcester (3 Sept. 1651), were pardoned (a few exceptions being specified); and all who would promise allegiance to the Commonwealth as it was then constituted were accepted as satisfactory citizens without any deduction or reflexion. In other words, the great bulk of the royalist party began on 3 Sept. 1651 to face the world with a politically stainless record. This aspect of the case was brought into prominence by the opponents of Desborough's motion; and their main argument was that while individual royalists might of course lose the benefits of the act of oblivion by subsequent offences, the whole body of royalists could not, by the sins of any minority of them, forego the benefits of their corporate exemption in the manner involved in the 'decimation.' The tax by which the institution of the major-generals was supported was levied on all royalists simply as such; and the opposition held, surely not without justice, that this was a direct breach of the Act of Oblivion.

The parliament to which this issue was presented was naturally, after the exclusion of the ninety odd members, mainly Oliverian in opinion. Chief among the obvious supporters of the motion for continuing the major-generals were, first of all, the major-generals themselves, all of whom, as we saw, were elected to the second Protectorate parliament. Secondly, there were the members of the council of state, of whom thirteen at least had seats in the assembly. Thirdly, there were miscellaneous officials, such as Thurloe, the secretary of state; and miscellaneous military or naval men, who would probably support the government measure, but were by no means as certain to do so as major-generals in the specific sense, or councillors of state. In the opposition were first of all the large body of lawyers, who had never much liked the Protectorate and the Instrument of Government, and who were bound to suffer no breach, open or insidious, of the Act of Oblivion. With the lawyers would naturally go any country

¹⁵³ *Commons' Journals*, 25 Dec. 1656, vol. vii.

¹⁵⁴ *Barton's Diary*, i. 230.

gentlemen who might be in the house—men who, with or without royalist antecedents or secret royalist sympathies, would be conscious of solidarity with all heavily taxed landlords, and would dislike all excessive military or executive espionage. Doubtful groups, again, would be the law officers of the crown, who would oscillate between the bias of professional *esprit de corps* and that of co-operation, as far as possible, with the head of the state; and miscellaneous republicans, either actively hostile to Cromwell or lukewarm and suspicious in their attachment to him.

In the Christmas Day debate eight of the fifteen speakers in favour of the bill were either major-generals or members of the council of state,¹³³ while the rest were new-model officers or staunch Cromwellians.¹³⁶ Of the nine speakers on the opposition side four, viz. Lenthall (master of the rolls), Widdrington (the speaker), Bampffield, and Godfrey, were lawyers; two, viz. Dennis Bond and Sir John Hobart, may be taken as representing the class of country gentlemen loyal both to Commonwealth and Protectorate. Two others, viz. Major-General Jephson and Colonel John Jones, represent the non-official opinion which was free to attach itself to one side or the other. In the first of the two divisions which followed the debate the two tellers against the motion were Sir W. Roberts, a Cromwellian country gentleman who held offices under the state, and Richard Hampden, son of John Hampden, the inheritor of his father's position and (it is to be presumed) of his dislike of arbitrary taxation.

All the essential argument in the debate turned on the Act of Oblivion and on the punishment of the royalists as a class involved in the proposal. Robinson maintained that the royalists as a body had broken the Act, and therefore ought to suffer as a body. To this Jephson retorted that such an allegation must be proved. Whitlock suggested the reference of the bill to a grand committee. This proposal took deep root in the lawyer mind, and was supported by the speaker and by Godfrey. The major-generals, however, set themselves resolutely against delay. On this point they prevailed, and, after two divisions, leave was given to bring in the bill. The debate on the first reading began on 7 Jan. 1656-7, with a dramatic surprise. The first serious speech was made by John (often called Lord) Claypole, Cromwell's son-in-law, the master of the horse and a lord of the bedchamber. Whoever opposed the bill, it might have been expected that Claypole would support it. Instead of doing so he rose to move its rejection. The renewal of the tax, he said, would be inconsistent with the Act of Oblivion, though he was prepared to give parliamentary

¹³³ The major-generals were Desborough, Lambert, Whalley, Packer, and Kelsey. The councillors of state, besides Lambert, were Sydenham, Pickering, and Strickland.

¹³⁶ Col. Holland, Hewson, and Clarke, with Lisle and Fiennes.

sanction to the doings of the major-generals in the past. Such a speech, coming from such a quarter, seemed to indicate that the bill was, to say the least of it, no longer to be regarded as a government measure.

The subsequent debate was overwhelmingly against the bill. Lord Broghill, whose position and character gave great weight to his words, condemned the measure uncompromisingly as being unprecedented, ungenerous, and dishonourable. Nor was it even a prudent measure, for it would probably give to the cavaliers the corporate character which it attributed to them. This last point was emphasised by Trevor, one of the members for Flint, who also objected to the institution of the major-generals as involving what he called a 'cantonisation' of the nation, *i.e.* the setting up of provincial military government, which, he considered, would rivet the fetters of despotism on the state. Desborough thereupon asked whether the old militia of England had produced any of the terrible consequences which Trevor expected from the new one. The obvious answer, of course, was that the major-generals were objectionable, not because they were the heads of a military force, but of an inquisitorial taxing authority and police backed by a military force.

Whitlocke wound up the debate with an impassioned appeal to the Act of Oblivion, and nothing then practically remained but to divide the house. A series of adjournments of the debate, however, intervened. On Wednesday, 21 Jan., we are told that 'exceptions were taken against words spoken by Mr. Cromwell as charging some major-generals to have acted unjustly and against law. It was desired that they might be named, but it was put off until the main debate ended . . . and the debate was again adjourned. From the letter of a certain Mr. Vincent Gookin, preserved among Thurloe's State Papers, we learn that the 'Mr. Cromwell' above mentioned was not the Lord Protector's son Richard, but Colonel Henry Cromwell, his first cousin once removed, and that the attack was instigated by a speech of Major-General Butler in favour of the bill. Subsequently the Lord Protector conferred with his bold young relative, and expressed anything but unmingled disapprobation of his conduct.

After more adjournments Wednesday, 28 Jan., was reached. An attempt seems to have been made by those in favour of the bill to apply a sort of closure; and the house divided on the question 'whether this debate shall be further proceeded in.' The majority against the closure was 75. The debate, therefore, was 'proceeded in,' but only to be once more adjourned. On Thursday, 29 Jan., the last scene began, and two divisions were taken. The first question put was, 'that a day be appointed for the second reading of this bill.' The negative was carried by a majority of 43,

one of the tellers for the 'noes' being Richard Cromwell. A second division was then taken on the direct question, 'that this bill be rejected.' Here the votes for the motion were 124, and those against it 88, the majority in favour of rejection being 36. It was, therefore, resolved 'that the bill concerning the militia forces be rejected.'¹³⁷

And so, the means for their support being denied, Cromwell's major-generals practically disappeared from English history. It was said, indeed, that they lingered on at Cromwell's pleasure;¹³⁸ and in the early months of 1657 there is some evidence that they kept their places, and discharged some few of their old duties.¹³⁹ But the Protector had fallen out of sympathy with them, and they with him. Scrutiny of the final stages of the debates, in which Cromwell's son and cousin, as well as his son-in-law, are seen to be working against the major-generals, shows that they had ceased to be a Cromwellian institution, and that for some reason which is not on the surface the Protector must have been, to say the least of it, willing to acquiesce in their abolition. On the other hand it is worthy of notice that the two decisive majorities of 43 and 36 by which the bill was destroyed were not overwhelming, and that the final one was the smallest of all.

Ludlow had no hesitation about ascribing the fall of the major-generals to Cromwell's moral turpitude, which could impose odious duties on a body of men, and then leave them to sink under the *odium*, without the offer of support or sympathy. It is surely possible to find some explanation less damaging to the reputation of a great man. The major-generals were a creation of personal government; they were instituted, and the taxation which supported them was imposed, because Cromwell could not, or would not, work in harmony with parliament. After September 1656 this state of things was altered. Parliament and the Protector found out ways of being at peace with one another; English arms were successful against the Spaniard, and parliament took heart to vote a subsidy of 400,000*l.*, which was enough to meet all instant emergencies. When Sindercomb's plot again put the state in jeopardy, parliament proposed to make the threatened chief magistrate a king. The hour for military government seemed to have passed away, and the time seemed to have come for the state to feel its way back to some at least of the old and tried paths, though the shrewdest observer then living can hardly have foreseen how soon and how completely the return was to be made.

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¹³⁷ *Commons' Journals*.

¹³⁸ See Hum. Robinson to Williamson, *Cal. State Papers* (Dom.), 29 Jan. 1656-7.

¹³⁹ *Cal. State Papers* (Dom.), 5, 10, 12 Feb.; 3, 5, 17, 19 March; 16, 28 April 1657.