

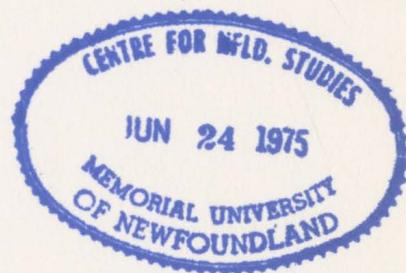
WILLIAM LENTHALL, 1591-1640:
THE APPRENTICESHIP OF A STUART SPEAKER

CENTRE FOR NEWFOUNDLAND STUDIES

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H. W. C. SCHWARZ, A. B.



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WILLIAM LENTHALL, 1591-1640:

THE APPRENTICESHIP OF A STUART SPEAKER

by

H. W. C. Schwarz, A. B.

59 0082a - Page 59
98 019a - Page 59

A thesis submitted in partial fulfilment of the
requirements for the degree of Master of Arts,
Memorial University of Newfoundland,
March, 1970

53
59
56-901

The thesis examines the first fifty years of the life of William Lenthall (1591-1662), Speaker of the House of Commons during the Long Parliament. In attempting to provide the necessary background for consideration of Lenthall's Speakership, the study traces the development of a career which has received little attention, but which was an essential preparation for Lenthall's entrance into public life.

Lenthall is shown to have served two apprenticeships for his later role. The first was in his chosen profession of the law; the second, which was shared by many other Englishmen of his class and time, was his increasing participation in local and county government. Each of these apprenticeships reinforced the other and, with brief but active committee work in two parliaments before November, 1640, made Lenthall a more suitable choice as Speaker than later writers have suggested.

Parallel and crucial to the chronological discussion of Lenthall's career is an examination of his personal contacts during the period. Local and professional associates are traced, as well as family connections, and the resulting case study of gentry relationships demonstrates the extent to which such relationships were themselves an important qualification

521
57
59

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for public office. It is further suggested that the continual interplay of these connections affords a significant clue to the cohesiveness before 1640 of the Stuart gentry and the strength of this class as an effective parliamentary force.

The thesis, which ends as Lenthall's public career begins, does not propose to solve the many questions of interpretation raised by Lenthall's Speakership. It is intended, instead, to provide a context in which these questions may at last be considered.

59 0082a - Page 59
71 0103a - Page 81
98 0119a - Page 28

521
577
99

56.901

ACKNOWLEDGMENTS

Any writer working in materials which are widely scattered, and often locally-based, builds up funds of indebtedness as widely scattered as his sources, and contacts with persons whose assistance is as richly varied as the materials in their charge. First among those who have my gratitude are my supervisor, Dr. H. C. Mui of Memorial University of Newfoundland, and Dr. E. A. O. Whiteman of Lady Margaret Hall, Oxford. Dr. Whiteman was an infinitely patient Director of Studies during an academic year at Oxford in which I was able to collect the materials which made this study possible. Other scholars with whom I had no official connection whatever were unfailingly generous of their time and comments. In particular, I am grateful to Dr. Valerie Pearl of University College, London, Dr. D. H. Pennington of Balliol College and Prof. R. B. Wernham of Worcester College, Oxford; their interest and enthusiasm was a constant encouragement. In the early stages of my work, a lengthy discussion with Mr. D. Holland, Librarian of the House of Commons, and several members of his staff was particularly helpful in clarifying traditional views of Lenthall.

521
56.80

Officials of libraries and record offices were generally kind and patient in making materials available, and I should like to record my thanks to the staff members of the Bodleian Library, Oxford; the British Museum and the Guildhall Library, London; the Institute of Historical Research, University of London; the Public Record Office; the House of Lords Record Office; and the Oxfordshire and Berkshire County Record Offices. Mr. D. G. Vaisey of the Department of Western Manuscripts at the Bodleian Library gave me access to materials in the Bankes Papers, which are still being catalogued. Mr. C. W. Ringrose, Librarian of Lincoln's Inn, allowed me to examine the original Black Books, which contain much material omitted from the published edition. Mr. P. I. King, Chief Archivist of the Northamptonshire County Record Office, tracked down and sent on to me all the material he could discover in his archives on Ambrose and Elizabeth Evans, and Miss M. Stanley of the Literary Department at Somerset House showed great patience and courtesy in searching out large numbers of wills for me to examine. Mrs. L. Whiteside of the Library, Trinity College, Dublin, located little-used materials about which I had enquired in the college's Alexander Bequest, and she and Mr. William O'Sullivan also arranged the microfilming of these.

The staff of the Central Library, Gloucester, opened the facilities of their local history section to me

521
56-981

so that I could examine the Gloucester Corporation records in less cramped conditions than the Guildhall offered. The suggestion and organisation of this arrangement I owe to the thoughtfulness of Mr. N. J. Cooper, the Mayor's Secretary. Mr. M. E. Sawyer, Town Clerk of Woodstock, provided facilities in which I could examine the Woodstock borough records at length. I am most grateful to him, and to the Mayoress and Council who, in spite of their natural misgivings, gave me permission to remove several of their most precious volumes to Oxford for microfilming.

Rev. F. M. Payne of Henley and Rev. J. M. Reynolds of Besselsleigh and Dry Sandford allowed me to examine or provided information from registers in their charge. Rev. C. J. S. Burne of North Leigh put me in touch with Mr. Charles Batey of North Leigh and Mr. T. Daish of Ramsden. An enquiry from Mr. Batey led me to the 1593 Consistory Court appearance of William Lenthall of Wilcote as well as to the Horsman-Lenthall tithe case of 1589-1591. Mr. Daish's unpublished transcripts of the North Leigh registers have been invaluable. Mr. Roger Warner of Burford kindly permitted me to examine original deeds and the "Moccas Court manuscript" in his possession, and Miss K. M. Briggs not only withdrew manuscripts from the Tolsey Museum for my study, but also arranged for me to have a copy of the Burford Exchequer case of 1631 in which Lenthall was counsel for the trustees of the charity lands.

52

56-201

In addition, she offered hospitality far beyond any student's dreams, and made my days in Burford a memorable part of the entire year.

Financial assistance was provided by the Government of Newfoundland and Labrador. I am also grateful for both encouragement and assistance from the Fellowship Committee of the Canadian Federation of University Women, who leaped into a financial breach with a grant for travel and microfilms from their Alice E. Wilson Fund.

0082a - Page 59
0103a - Page 81
009a - Page 28

521
57
99

56

CONTENTS

	Page
ACKNOWLEDGMENTS	ii
LIST OF ABBREVIATIONS	vii
INTRODUCTION	1
Chapter	
I. CONNECTED GENTRY: THE LENTHALLS OF OXFORDSHIRE, 1478-1598	14
II. THE APPRENTICE, 1600-1624	41
III. THE PARLIAMENT OF 1624	68
IV. THE JOURNEYMAN, 1625-1633	95
V. THE MASTER, 1633-1639	123
VI. KING'S MAN AND SHIRE MAN, 1633-1639	148
VII. THE TESTING YEARS, 1639-1640	176
CONCLUSION: THE MOUTH OF THE COMMONS	209
SELECT BIBLIOGRAPHY	230

59 0082a - Page 59
87 0103a - Page 81
98 0199a - Page 98

5121
27
09

56.201

LIST OF ABBREVIATIONS

<u>Acts P.C.</u>	Great Britain, <u>Acts of the Privy Council of England, 1588-89, 1625-29</u>
Berks. R.O.	Reading, Berkshire County Record Office
B.M.	London, British Museum
Bodleian	Oxford, Bodleian Library
<u>Bull. IHR</u>	<u>Bulletin of the Institute of Historical Research</u>
C.	London, Public Record Office, Chancery
<u>C.J.</u>	<u>Journals of the House of Commons</u>
<u>Cal. Pat. Rolls</u>	Great Britain, <u>Calendar of the Patent Rolls, Elizabeth I, 1569-72</u>
<u>Cal. S.P. Dom.</u>	Great Britain, <u>Calendar of State Papers, Domestic Series, James I, Charles I, 1619-1641</u>
<u>Cal. S.P. Foreign</u>	Great Britain, <u>Calendar of State Papers, Foreign Series, Elizabeth I, 1589</u>
<u>Catalogue of Parliament Men</u>	<u>Catalogues of Parliament Men for the years 1624, 1626 and 1640 (13 April and 3 November) [Bodleian, Wood 358 (1-4)]</u>
Corp.	Corporation
Daish transcripts	T. Daish, transcripts of parish registers, St. Mary's church, North Leigh, Oxfordshire, unpublished

<u>DNB</u>	<u>Dictionary of National Biography</u>
E.	London, Public Record Office, Exchequer of Pleas
<u>EHR</u>	<u>English Historical Review</u>
fol.	folio, folios
<u>Hatfield House MSS.</u>	<u>Historical Manuscripts Commission, Manuscripts of the Marquis of Salisbury at Hatfield House</u>
H.C.	House of Commons
Hist. MSS. Comm.	Great Britain, Historical Manu- scripts Commission
H.L.	House of Lords
H.L.R.O.	London, House of Lords Record Office
H.M.S.O.	His [Her] Majesty's Stationery Office
I.P.M.	Inquisition Post Mortem
<u>JBS</u>	<u>Journal of British Studies</u>
<u>Landed Gentry</u>	<u>Burke's Genealogical and Heraldic History of the Landed Gentry, 17th ed., 1952</u>
<u>L.J.</u>	<u>Journals of the House of Lords</u>
MS[S].	Manuscript[s]
Northants. R.O.	Northampton, Northamptonshire County Record Office
Oxon. R.O.	Oxford, Oxfordshire County Record Office
<u>P&P</u>	<u>Past and Present</u>
P.R.O.	London, Public Record Office
Q.B.	London, Public Record Office, Queen's Bench

Somers Tracts

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The Somers Collection of Tracts
(ed. Scott)

S.P. Dom.

London, Public Record Office,
State Papers, Domestic Series

S.T.

William Cobbett, Complete
Collection of State Trials (ed.
Howell)

Trans. RHS

Transactions of the Royal
Historical Society

Wards

London, Public Record Office,
Court of Wards

Will P.C.C.

London, Somerset House, Principal
Probate Registry, Wills proved
in the Prerogative Court of
Canterbury

1082a - Page 59
1083a - Page 81
1089a - Page 28

531
677
99

56-901

INTRODUCTION

In spite of a parliamentary career which spanned twenty of the most turbulent years of English history, and in spite of the fact that for much of these twenty years William Lenthall was Speaker of the House of Commons in the Long Parliament (1640-1653), the first Protectorate Parliament (1654-1655), and the restored Rump (1659-1660), he still awaits his biographer.¹

This is not entirely surprising. At several points Lenthall falls between traditional fields of historical interest. A career in the law which might have led him to a judgeship was cut short by his election as Speaker. Moreover, in an age which boasted Coke, Selden and Hakewill, he was no legal theorist, and historians of jurisprudence have paid him little attention. Too old and without any apparent inclination to be a military man, he occupies but a marginal place in accounts of the Civil War.

¹Francis Kyffin Lenthall (1824-1892), a lawyer and recorder of Woodstock like William, apparently hoped to write a biography of his famous ancestor, but no finished work ever resulted. He accumulated vast quantities of notes which are now in the Berkshire County Record Office. Although his notes are not always accurate and his sources often difficult to trace, he also transcribed or noted a number of materials, then in private possession, which today defy location.

Political and constitutional historians generally acknowledge his existence, if only for the "almost incredibly perfect Parliamentary reply"¹ he made in 1642 when Charles I entered the Commons to arrest five members of the House. When asked if the members were present, Lenthall replied, "I have neither eyes to see, nor tongue to speak in this place, but as the House is pleased to direct me, whose servant I am here,"² and thus has been said to have expressed "where the Speaker's first duty lay."³

Even the significance of this reply has not always been understood. It was impressive when contrasted with Speaker Finch's plea in 1629 that "I am not the less the

¹So characterised by a specialist in local history, R. H. Gretton, Burford Records: A Study in Minor Town Government (Oxford: Clarendon Press, 1920), p.276. Gretton offered an interesting interpretation of Lenthall which is considered below, pp.222-23.

²Quoted here from Bulstrode Whitelocke's "Annals," B. M., Add. MS. 37343, fol.238^v. Whitelocke's account is confirmed by another eyewitness, Ralph Verney, Notes of Proceedings in the Long Parliament, ed. John Bruce ("Publications of the Camden Society," Vol. XXXI; London: Camden Society, 1845), p.139. The official entry in the Commons' Journal breaks off at the King's entrance into the House.

³Philip Laundry, The Office of Speaker (London: Cassell, 1964), p.211. That the expression was "unequivocally and for all time," as Laundry also states, is very questionable.

King's Servant for being yours,"¹ but it was by no means a sign of any revolutionary change in the concept of the Speaker's role. Precedents for Lenthall's view of his office went back at least to Sir Thomas More, but it was not until nearly a century after Lenthall's tenure of the chair that the non-partisan character of the Speaker was first established.²

Apart from this one event in Lenthall's Speakership, however, historians have generally had little to say about him, and that little has been for the most part unfavourable. He was most often painted as weak, timid and ineffectual, likely to panic in a crisis, obsessed by riches and generally unreliable,³ and some later writers

¹As by S. R. Gardiner, The History of England from the Accession of James I to the Outbreak of the Civil War, 1603-1642 (10 vols.; London: Longmans, Green and Co., 1883-84), IX, 220; Laundry, Office of Speaker, p.212; and Sir David Lindsay Keir, The Constitutional History of Modern Britain since 1485 (6th ed.; London: Adam and Charles Black, 1961), p.482.

²By the Speakership of Arthur Onslow, 1728-61, but Keir and Laundry are certainly correct in dating the modern evolution of the office to the era of Charles Shaw-Lefebvre, 1839-57, ibid., p.483, and Laundry, Office of Speaker, pp.302-305. Edward Porritt, however, suggested 1695 as the beginning of the modern Speakership, The Unreformed House of Commons: Parliamentary Representation before 1832 (2 vols.; New York: A. M. Kelley Reprints of Economic Classics, 1963 [1st ed., 1903]), I, 445.

³Edward Hyde, earl of Clarendon, History of the Rebellion and Civil Wars in England (Oxford: University Press, 1843), Bk. III, pp.55, 68 and Bk. XIV, p.800; Anthony à Wood, Athenae Oxonienses (2 vols.; London: Printed for Thomas Bennet, 1691, 92), I, cols.203-206; Sir Philip Warwick, Memoires of the Reigne of King Charles I (London: for Ri[chard] Cheswell, 1701), p.375.

of opposite bias have reproduced this interpretation.¹ Innovations introduced in Lenthall's Speakership which still determine the procedure of the House of Commons today are occasionally noticed,² and writers who comment on these are also likely to present a less partisan picture of Lenthall himself.³ A generally accepted interpretation of him, however, is still based on selected incidents from his Speakership, set against the rabid Royalist

¹John Forster, The Debates on the Grand Remonstrance (London: John Murray, 1860), pp.280-81, and the same author's The Arrest of the Five Members by Charles the First (London: John Murray, 1860), pp.22-23 and 234-50. Compare C. V. Wedgwood, The King's Peace, 1637-1641 (London: Collins, 1960), pp.363, 439.

²Arthur I. Dasent, The Speakers of the House of Commons from the Earliest Times to the Present Day (London: John Lane, The Bodley Head, 1911), pp.188-89; Laundry, Office of Speaker, p.206.

³Ibid., pp.205-207, 211-12, 230-31; Dasent, Speakers of the House, p.188, but compare p.187. A more balanced view also appears in the biography by C. H. F[irth] in the Dictionary of National Biography (22 vols.; London: Oxford University Press, 1917-), XI, 934-39, esp. 938. See also the posthumous note by John Bruce which precedes the edition of Lenthall's will in Wills from Doctors' Commons, ed. J. G. Nichols and John Bruce ("Publications of the Camden Society," Vol. LXXXIII; London: Camden Society, 1863), p.111. Gardiner's few comments on Lenthall are moderate to the point of being noncommittal, History of England, IX, 220 and X, 140. They appear to rest, however, on a view of Lenthall as a modern and non-partisan Speaker which is not in accord with the facts. Gardiner erred in assuming that Lenthall never attempted to influence the decisions of the House, nor, as Gardiner himself acknowledged, did Lenthall always succeed in controlling the Members, ibid., IX, 385.

invective of Anthony à Wood and the less violent but no less harsh indictment of him by Clarendon.¹

The effect of this interpretation, focussed as it is entirely on Lenthall's career after 1640, is to make the choice of such a man as Speaker incredible, and his one moment of glory in 1642 an accident or an aberration. A figure so lacking in colour and so unattractive seems hardly a suitable subject for investigation. The shadowy figure of Lenthall is dismissed, and Pym and Cromwell resume their places at the centre of attention.

Recent directions in English historical scholarship,² however, suggest that a man like Lenthall may reveal

¹Wood makes much of his "hungering after riches" and the influence of the "continual importunities of his covetous wife," Athenae Oxonienses (1691, 92) I, col. 203. The general level of Wood's argument may be discerned by examination of the copy of the 1691 edition in the Bodleian Library [Wood 431^a], which has marginal corrections in the author's hand. There "covetous" has been altered to "covetous and snotty," which is how it appears in the edition of 1721, col. 307. The depths of this particular approach are plumbed in an opinionated and vicious little work by Philip Marsden, The Officers of the Commons, 1363-1965 (London: Barrie and Rockliff, 1966), pp. 34, 96-97. Clarendon's opinion, which is suspect on a number of points, is considered below, pp. 209-16.

²The quantity of material engendered by the controversy on the ups and downs of the gentry is voluminous, and a partial bibliography in J. H. Hexter, "Storm over the Gentry," Reappraisals in History (London: Longmans, 1961), pp. 149-52, should be supplemented by the past decade's volumes of the Economic History Review and Past and Present. Much of the value of this material, as of the larger related works, lies less in its bearing on the controversial issue than in the new issues and materials thrown up by concentration on family relationships, occupations and county activities.

more about Pym's and Cromwell's contemporaries than Pym and Cromwell do themselves. Lenthall was, after all, a man of fifty when he became Speaker, and it is difficult to assess his office without some idea of the kind of man who held it. The bare bones of fifty years are suggested in the first column of C. H. Firth's biography of Lenthall in the Dictionary of National Biography,¹ but Firth was uninterested in family history and offered little context out of which his parliamentary subject could be developed. The chapters which follow are intended to supply this context, to flesh out the bare bones of these fifty years, and to place William Lenthall the gentleman and lawyer in a setting which might make William Lenthall the Speaker a more solid and understandable figure.

Concentration on this earlier period of Lenthall's life has revealed factors not even suggested by the bare bones of Firth's account, and much new and revealing detail about periods in Lenthall's life which were mentioned by Firth and earlier writers. Too little testimony from Lenthall's own hand has survived to permit a definitive portrait to be drawn. Even without the personal evidence of diaries and correspondence, however, it is still possible to discover something of the man through his activities and

¹C. H. F[irth], "William Lenthall," DNB, XI, 934. This first column of the ten devoted to Lenthall is by no means free of errors.

connections, and something of the qualities which must have influenced his election as Speaker. The result is to raise new questions about Lenthall's Speakership. It is not the purpose of this study to answer them here, but some of the questions are suggested in the account which follows.

A religious background which may have been, at best, ambiguous, has confirmed the need to exercise more caution than the seventeenth century did on this particular question. The too-facile labelling of Lenthall and his contemporaries is to be avoided.¹ The fuller family background omitted by earlier writers has revealed two younger brothers whose existence was not even suspected in previous accounts. Their careers as London merchants cannot be treated fully here, but they are a necessary part of Lenthall's background. The subsequent career of one, Thomas Lenthall, member of the Fishmongers', Salters' and Merchant Taylors' Companies, Common Councillor and member of the London classis during the Presbyterian period of City government, suggests anew the question of relations

¹This point was made with force by J. H. Hexter in his "The Problem of the Presbyterian Independents," Reappraisals in History (London: Longmans, 1961), pp.182-83. These strange bedfellows have virtually succeeded the gentry as objects of historical polemic, but, in spite of their recent "exorcism" by Stephen Foster, Hexter's demonstration remains a warning to historians of the danger of taking seventeenth-century political and religious invective at its face value. See Stephen Foster, "The Presbyterian Independents Exorcised: A Ghost Story for Historians," P&P, XLIV (August, 1969), 52-75.

between the Long Parliament and the City of London. Although for Thomas Lenthall the particular question falls outside the chronological limits of this study, as well as outside the limits of Valerie Pearl's excellent account of "city government and national politics,"¹ it could not be omitted from any reassessment of Lenthall's Speakership.

Lenthall's brief parliamentary experience as a young man has been ignored by most writers, but it was, in fact an important and necessary prelude to his subsequent public career. His activities as a common lawyer and on various levels of local and county government provided evidence of his growing stature within these areas. They attested as well to a close-knit network of connections of various kinds, which was as crucial a part of Lenthall's life as any specific experience gained in court, county or parliament.

This question of relations within the gentry has received some, although certainly not sufficient attention in recent years.² It was clearly an essential ingredient

¹Valerie Pearl, London and the Outbreak of the Puritan Revolution: City Government and National Politics, 1625-1643 (Oxford: University Press, 1964).

²It is as basic to the backgrounds of individuals as to the discussions of a "middle group" in the Long Parliament, from J. H. Hexter, The Reign of King Pym (Cambridge, Mass.: Harvard University Press, 1961), pp.63-99, to Valerie Pearl, "Oliver St. John and the 'Middle Group' in the Long Parliament: August 1643-May 1644," EHR LXXXI (1966), 490-519. Wallace Notestein's hypothetical "Sir Faithful" suggests how vague and far-reaching effective relationships might be, The English People on the Eve of Colonization, 1603-1630 (New York: Harper Torchbook, 1962), p.196.

in the makeup of Stuart society. Generalisations about it, however, lack solidity unless based on example derived from more detailed analysis of individuals, families or groups. Lenthall and his associates represented only one such cluster, and while this is the cluster under discussion, it must be remembered that every member of Lenthall's circle was himself the nucleus of another cluster. These interlocking clusters formed the texture of that segment of Stuart society in which Lenthall lived and moved and had his being, and any picture of him which ignored this texture or its complexity would be oversimplified and to that extent falsified.

In the present study connections and relationships have been included which range far beyond the family circles which should be a normal part of biographical studies.¹ The ties which bound the gentry were many. Wallace Notestein has noted that "no loyalty is so binding as that of common service,"² but this common service could be and, in fact,

¹That even these family circles are too often inadequately treated is clear from Joan Thirsk's plea for "more family histories that take all children, and not merely the eldest, into their purview," "Younger Sons in the Seventeenth Century," History, LIV, 182 (October, 1969), 376.

²Notestein, English People, p.196. In view of the stress placed on the more obvious ties of family and patronage in the eighteenth century by Sir Lewis Namier, The Structure of Politics at the Accession of George III (London: Macmillan, 1957), and in the seventeenth century by Hexter, Reign of King Pym, esp. pp.73-75, 83-88, these other bonds deserve re-emphasis.

521
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was exercised in every area of life. Any known contacts which Lenthall had with other men have been considered if they might shed meaningful light on his activities not only in parliament, but also in the Inns and central law courts, and in county and borough administration. This has led to a conclusion which is striking, although not, perhaps, as surprising as it at first appears.

A considerable number of men proved to be associated with Lenthall over and over again in varied activities, often over the entire time-span of this study. What began as a wide cast in which hundreds of possible associations would have to be sifted for significant relationships came almost full circle as a contracting number of men continued associations of many years' standing with Lenthall and with each other. The ties which bound the gentry may have been many, but the ties which bound one gentleman to another appear often as multiple strands of the relationship which each of them shared with a third. The effect is to reduce the number of men involved rather than the total number of relationships. This in turn provides graphic demonstration of how very small a class the gentry really was, even when their lawyer and merchant sons and brothers were included in their number. That they should be included is clear. When men like Lenthall made their fortunes in the law and then bought themselves landed estates, they were not making themselves lawyers with

Page 51
Page 98

country residences. They were simply confirming the gentle status to which they had been born and assuring this status to their children by this additional source of income. That they were concerned to be "county gentry," and persons of quality within their localities, is confirmed by their frequent and resolute assumption of county office.¹

When less than five hundred selected members of this class acted in their national forum in the House of Commons, they were proceeding as they had done for much of their lives on other occasions in Inn of Court, on county bench or in local and private committees. What is more, they were often acting in concert with men with whom they had acted before in other settings. The familiarity of both faces and duties was itself a force for cohesion, and this "old-boy network" functioned naturally as a drawing together of like-minded men. When the governors of England agreed, government was possible. When they ceased to agree, the schism which rent the gentry rent the fabric of English society as well, but that was another story.

¹It is true that these groups must sometimes be separated for statistical purposes, but to then leave them as "separate but equal," as Laurence Stone does in "Social Mobility in England, 1500-1700," P&P, XXXIII (April, 1966), 16-19, 21-22, obscures a very important point. It is cumbersome to speak of "gentry and gentlemen," but it is also clear that the "county gentry" were often much more than the landowners pure and simple they are generally taken to represent. In the present discussions of relationships within the gentry, the relationships are presumed to hold, even across statistical barriers.

That story had not yet begun when William Lenthall became Speaker. In the period covered by the present study, the gentry were still a fairly cohesive body and the old ways still worked. Although by 1640 he was one of its older members, it was from and through this body that Lenthall rose to the Speakership. It may at least be arguable, although not in these pages, that the bitter partisan reactions to Lenthall after 1642 were at least as expressive of the schism in the gentry as of qualities inherent in the man.

It has been suggested elsewhere that the lawyers, parliament men and J.P.s of Elizabethan and Stuart England were "so closely intertwined that they were essentially different embodiments of a single social entity."¹ Perhaps this was sometimes true, but the statement rather obscures the fact that, more often than is commonly suggested, these governors of England were not really different embodiments

¹J. H. Gleason, The Justices of the Peace in England, 1558-1640: A Later Eirenarcha (Oxford: Clarendon Press, 1969), p.122. Gleason's work came into my hands after the conclusions in this thesis had been worked out. His discussion, pp.119-22, parallels some of the points made here, but conclusions reached independently have not been altered. It would seem to be suggestive, however, that Gleason, working on large groups of justices in selected counties, of which Oxfordshire was not one, should perceive the working of the gentry in terms similar to those derived from study of the kin, connections and career of one Oxfordshire man who was, among other things, also a justice of the peace.

of anything at all. They were the same men performing a variety of often similar functions. The hats of office might seem to vary; the faces underneath were frequently the same.

The chapters which follow have, therefore, two connected threads running through them. The first is the development, in roughly chronological terms, of the early career of the second son of a modest Oxfordshire gentleman. This second son and his three brothers sought their fortunes in Stuart England, and their efforts exhibited concurrent symptoms of interest in land, law, trade and royal office to a degree which warrants description as a "gentry syndrome." Of the four, only William Lenthall rose to later national prominence.

The background from which he rose and in which he moved forms the second thread. This background, a complex web of relationships which sometimes defies description, had its source, for Lenthall as for most Englishmen, in deep roots, firmly localised in the English countryside. These roots in Oxfordshire form the appropriate starting point for study both of William Lenthall and of the complex of relationships of which he was a part.

- Page 59

- Page 81

- Page 98

521
577
99

563

CHAPTER I

CONNECTED GENTRY: THE LENTHALLS OF OXFORDSHIRE, 1478-1598

New elements in the background of William Lenthall which were unsuspected by earlier writers include a religious setting which was distinctly ambiguous, the early death of his father and the remarriage of his mother. The new stepfather thus introduced may have had as great an influence on the younger Lenthalls' choices of careers in the law and in trade as the unpromising financial future in store for younger sons under a system of primogeniture. An accent on land, law, trade and office which characterised the careers of William Lenthall and his brothers, however, was not new. Although William was to be the first of his direct line to achieve eminence in the law, at least one earlier Lenthall had taken his part in county government. Emphasis on land and, to a lesser degree, trade could be found among the Lenthalls almost since their coming into Oxfordshire. 2a - Page 59

By 1591, when the future Speaker was born, the family had been firmly established in the county for more than a century. They were originally from Herefordshire, 2a - Page 48

as the name bore witness, and the William Leynthale who founded the Oxfordshire branch of the family left twenty shillings in his will to the hospital of "our blessed lady of Leynthale where I was borne."¹ From 1478 to at least 1482 he was active in Oxfordshire as bailiff at Watlington to Sir William Stonor of Stonor.² By the latter year he had married Katharine Badby, the granddaughter and heiress of the Pipard family of Lachford and Great Haseley,³ and was settled at Lachford, where he died in 1497.

¹Somerset House, Principal Probate Registry, Will P.C.C., 11 Horne, dated 31 May 1497. An annuity of forty shillings was also to be paid to his second son, John, out of lands in Wigmore and Leynthale. All wills used in the present study are taken from the registers of wills proved in the Prerogative Court of Canterbury and are cited in the customary manner, as above, by the name of the register, preceded by the number of the part in which the will is found. The family name derived from the estates of Leynthale Starkes and Leynthale Earles, near Wigmore Castle, Bodleian, MS. Top. Berks. b.2, fol.29, Lenthall pedigree by Francis Kyffin Lenthall, printed, with manuscript annotations, 1848-49. See also *ibid.*, MS. Gough Oxon. 19, fol.134^v-135, Thomas Delafield, "Notitia Haseleiana" [a manuscript history of Haseley dated 1740-50 in Falconer Madan, Summary Catalogue of Western Manuscripts in the Bodleian Library, Oxford (8 vols.; Oxford: Clarendon Press, 1897-1953), IV, 257, for MSS. Gough Oxon. 19-31].

²The Stonor Letters and Papers, 1290-1483, ed. C. L. Kingsford (2 vols.; "Camden Third Series," Vols. XXIX and XXX; London: Royal Historical Society, 1919), II, nos. 228, 255, 297 and 316.

³The Visitations of the County of Oxford, ed. W. H. Turner ("Publications of the Harleian Society," Vol. V; London: Harleian Society, 1871), p.199; Harry Paintin, Burford Priory and its Association with the Lenthall Family (Oxford: [reprinted from the Oxford Times of 3 and 17 August 1907], 1907), p.1.

It is not certain that his eldest son, Thomas, lived at Lachford, although he was later buried near his father by the "trinitie altar" in Haseley church. Such notices of him as have been found suggest a possible residence in the area of Henley-on-Thames.¹ On 31 August 1533, he was one of three men making an extent of "the Great Mead" at Remenham, Berkshire.² He had married the daughter of a Henley man, and his widow remained in the area after his death. The Corporation of Henley devised a tenement near the Thames to Elizabeth Lenthall of Colecote, widow, in 1551 or 1552, and she was again identified as of Henley in her will.³ From this marriage may be traced the first of the Lenthalls' recurrent, and possibly even continuous contacts, not only with Henley, but with the London merchant community. In his diary for 1556, Henry Machyn,

¹Will P.C.C., 23 Coode, proved 22 October 1550, in which he bequeathed lands near Henley at Bradley and Cookham in Berkshire. He was buried at Haseley on 16 January 1550, Bodleian, MS. D. D. Par. Great Haseley d.1, fol.48, original register, 1538-1660. Dates in the present study are given for the year beginning on 1 January. When there is doubt about dates between 1 January and 25 March, both years are indicated as follows: 16 January 1549/50.

²Bodleian, MS. D. D. Henley A.xi.3, Henley School lands. He was not listed among those holding lands in Remenham, but his son William bequeathed lands there, Will P.C.C., 68 Spencer, proved 6 November 1587.

³Berks. R.O., Lenthall Papers, D/EL1: Z 16/4, small commonplace book of notes by F. Kyffin Lenthall, unpaginated; Will P.C.C., 46 Noodes, proved 20 September 1558. She was Elizabeth, daughter of John Willie of Henley and Bovey Tracey, Devon.

the London Merchant Taylor, described a Twelfth Night supper at Henley at which he and "dyver oder neybors" were present; the hostess was "a mastores Lentall wedow."¹

The Speaker's grandfather was the eldest son of Thomas and Elizabeth Lenthall. This William Lenthall "the elder" may be taken as a good example of the well-connected county squirearchy. He married the daughter of Sir John Brome of Holton, held extensive lands in Haseley and Lachford, and in 1567 was a sewers commissioner for Buckinghamshire, Oxfordshire and Berkshire.² A Great Haseley survey and terrier of 1573 bracketed his name against lands formerly held by the families of Quatermayn, Kentt, Dodde and Redding. His own son-in-law, Abraham Horsman, "gentleman-farmer of the Mannor of Haseley,"³ was one of the three men who made the survey.

¹The Diary of Henry Machyn, 1550-1563, ed. John Gough Nichols ("Publications of the Camden Society," Vol. XLII; London: Camden Society, 1848), p.99.

²He was not a member of the quorum, Cal. Pat. Rolls, Elizabeth I, 1567-72 (London: H. M. S. O., 1966), p.219. His first wife, Jane, died in 1558, Bodleian, MS. D. D. Par. Great Haseley d.l, fol.49, record of burial 6 November 1558; Visitations of Oxford (ed. Turner), p.200.

³Bodleian, MS. Gough Oxon. 22, fol.55^v-56, Delafield, "Notitia Haseleiana." Horsman's second wife was William Lenthall's eldest daughter, Elynor, who married Horsman on 16 July 1566, MS. D. D. Par. Great Haseley d.l, fol.36^v. See below, p.24, for possible consequences of this marriage.

The will of William Lenthall the elder indicated something of his standing. By 1586, the burial place of his father and grandfather had become "my Chappell." Lands bequeathed included not only those in Lachford and Haseley, but others at Stonesfield in Oxfordshire, Remenham in Berkshire, and The Burrough in Buckinghamshire. Financial provision was made for the young children of his eldest son, who had predeceased him in 1582, and for numerous other nephews, nieces and grandchildren. Like many of his contemporaries, he had profited from purchases of chantry lands, and from the proceeds of these his son William, as executor, was to pay funeral expenses and a yearly annuity of frieze coats to four poor men of Haseley.¹ When his father's second wife died in 1588,² the younger William Lenthall found himself his father's residual legatee but not, as will appear, lord of the manor of Haseley with Lachford.

¹Will P.C.C., 68 Spencer. He was buried on 30 October 1587, Bodleian, MS. D. D. Par. Great Haseley d.1, fol.53.

²She was buried on 29 April, ibid., fol.53. In her will she asked that the twenty pounds her stepson William owed her be used to bury her, Will P.C.C., 36 Rutland, proved 2 May 1588. A coheirress of William Bond, Clerk of the Green Cloth, at the time of her second marriage [possibly in 1562] she was the widow of John Richmond, a London armorer, The Visitations of Surrey, ed. W. D. Bannerman, ("Publications of the Harleian Society," Vol. XLIII; London: Harleian Society, 1899), p.62; Visitations of Oxford (ed. Turner), p.200.

The parents of William Lenthall the Speaker, because of the serious gaps in documentation for them, pose several problems of interpretation. In the present study the Speaker's father, the William Lenthall the younger noted above, is called "William Lenthall of Wilcote," although he has usually been identified as "of Lachford," from his birth there in 1553.¹ From that date nothing certain is known of him for over thirty years.

The temptation to fill this gap should be resisted. It would be over-hasty to identify the Speaker's father as the William Lenthall who was said in 1589 to have spent nine years "beyonde the seas in the service of her Majesties Ambassador in Fraunce," or who had one of his letters from France intercepted in February of the same year.² This

¹Bodleian, MS. D.D. Par. Great Haseley d.1, fol.3^v, baptismal record dated 16 December 1553. He is "of Lachford" in the DNB, XI, 934; Landed Gentry, p.1509, "Lenthall of Besselsleigh," and Wood, Athenae Oxonienses, I, col.203; in the Visitations of Oxford (ed. Turner), p.200, Surrey (ed. Bannerman), p.62, and The Visitation of London, 1633-35, ed. J. J. Howard ("Publications of the Harleian Society," Vol. XV; London: Harleian Society, 1880), p.64. In view of the number of William Lenthalls in this study, however, considerable confusion will be avoided by identifying the Speaker's father with his last residence, the place of his burial and the location of the only known monument to his memory.

²Acts P.C. [1588-89] (Norwich: H. M. S. O., 1898), XVII, 127-28, letters from the Privy Council to the Attorney-general and Justices of the Queen's Bench, 13 April 1589, recommending the quashing of an indictment against Lenthall some years before for fatally wounding a man. The letter of "one Lentall, of his own, private," was intercepted with other letters, including some from the ambassador, Sir Edward Stafford, Cal. S.P. Foreign, January-July, 1589 (London: H.M.S.O., 1950), pp.85-86.

ambassador's man was probably the same William Lenthall of Herefordshire who had matriculated at Balliol College, Oxford, in 1575 at the age of nineteen, for the ambassador's man was described in 1589 as "late of Hereford, yeoman," when a ten-year-old indictment against him was traversed in the Court of Queen's Bench.¹

The absence of any documentation whatever for the thirty years after Lenthall of Wilcote's birth makes it impossible to state categorically that he was never in Hereford nor in France during this period. He was apparently only three years older than the Lenthall of Hereford noted above, and it may be remembered that Herefordshire was the original home of the Lenthalls. The Herefordshire Lenthall may well have been kin to Lenthall of Wilcote, but it is not possible at present to link them more closely or to identify the one with the other.

In any case, William Lenthall of Wilcote cannot be traced with certainty before 1586, when the marriage register of St. James's Church, Clerkenwell, recorded the marriage on 28 June of William Lenthall and Frauncis Cupper. A note of

¹P.R.O., Queen's Bench, Controlment Roll, 30-31 Eliz., Q.B. 29/225, fol.80 and 95^v. The date of the original indictment was there given as 16 December 21 Elizabeth [1579]. The matriculation record is noted in Joseph Foster, Alumni Oxonienses: The Members of the University of Oxford, 1500-1714 (4 vols.; Oxford: Parker and Company, 1891), III, 902. Lenthall of Wilcote would have been 22 in 1575.

a deed in the same year from William Lenthall of Lachford, "being a settlement in the marriage of his 2nd son William with Frances Cooper" confirms the relevance of this London record.¹ From this date to his death eleven years later, documentation for the Speaker's father is, in comparison with the earlier period, an embarrassment of riches. His path through Oxfordshire may be traced both in the baptisms of his children and in the purchases of his lands. His first four children were baptised at Haseley, his second son (the future Speaker) at Henley, and his three youngest children at North Leigh near Witney.²

¹The Registers of St. James, Clerkenwell, ed. Robert Hovenden (6 vols.; "Publications of the Harleian Society [Register Section]", Vols. IX, X, XIII, XVII, XIX, XX; London: Harleian Society, 1884-94), III [XIII], 12. The deed was noted by F. Kyffin Lenthall, Berks. R.O., Lenthall Papers, D/EL1: Z 16/4. The context of his note suggested a source in the Chancery Close Rolls, but the reference was too vague to permit verification.

²See Bodleian, MS. D.D. Par. Great Haseley d.1, fol.9^v-10^v and 18 for John (6 May 1587), Elizabeth (21 March 1588), Ann (20 April 1589) and Jane (8 March 1590). William was baptised on 4 July 1591, Henley, Oxon., St. Mary's Church, baptismal register [typed transcript]. The entry is for "William son of John," but his father was not in Henley long and may not have been well known there. Kyffin Lenthall argued that the error was a slip of the pen, Bodleian, MS. Add. A. 289, fol.140^v-141, 142, letter of F. Kyffin Lenthall to Rev. W. H. Turner, 13 May 1868. The tradition of a Henley birthplace for the Speaker was known to Anthony à Wood. The North Leigh baptisms were for Bridget (1 May 1593), Thomas (11 August 1594) and Francis (5 September 1596), and an unbaptised son was buried there on 13 July 1595. These North Leigh materials I owe to Mr. T. Daish of Ramsden, Oxon., who kindly shared with me his unpublished transcripts of the North Leigh registers. They are cited hereafter as "Daish transcripts."

His land transactions show an equally scattered pattern. Their frequency should occasion no surprise, but the evidence they offer of frequent changes of residence adds a new dimension to the "settled gentry" image with which this account began. The Speaker's father was "of Lachford" in 1587, and again the following year when he bought lands in Hailey, Witney and Wootton near Woodstock.¹ By April, 1592, however, when he purchased some hundred acres of land in Great Haseley, he was described as "of Henley-uppon-Thames."²

Fortunately, William Lenthall's departure from Haseley can be pinned down more precisely within this four-year gap. It can also be placed in circumstances which would suggest a reason why he left the family home and, apparently, never returned.

¹P.R.O., Chancery, Close Roll, 29 Elizabeth, 28th part, C.54/1279, recognizance by William Lenthall of his debt to Richard Dewe of Wolvercote, Oxon., husbandman. The lands in Hailey, Witney and Wootton were purchased on 30 August 1588, ibid., 30 Elizabeth, 9th part, C.54/1288. Within two months the Wootton lands were the subject of a writ brought by Dewe against William and Frances Lenthall, Bodleian, MS. ch. Oxon. a.66 (2626).

²P.R.O., Chancery, Close Roll, 34 Elizabeth, 5th part, C.54/1409. It proved impossible to determine whether these lands, about sixty acres called "Catermain[es]" [Quatermains] and about forty acres called "Reading[es]" were the same as those noted as being in his father's possession in the Haseley terrier of 1573. It does seem probable that the latter had passed, at least temporarily, out of Lenthall hands. See below, pp.23-24.

Mention has already been made of Abraham Horsman, the "gentleman farmer" of the manor of Haseley and the husband of Lenthall's sister Elinor.¹ Delafield, the historian of Haseley, noted of him in the 1740's, without further explanation, that "this Gentleman is to be inserted amongst the Leynthals Possessors of Great Hasely but exclusive of Lachford."² Horsman's relations with at least one of his in-laws can be deduced from a lengthy case in the Oxford diocesan records in which Horsman brought suit for subtraction of tithes against his brother-in-law, William Lenthall. Horsman's claim to be the impropiator of all the tithes due to the Rector of Haseley or his farmer brought forth the sharp retort that "Abraha[m] Horsma[n] for the space of xxx^{tie} yeares or thereabouts hath bene in possession of the same de facto but not by any rights."³ It did not, as far as can be judged, bring forth the unpaid

¹Above, p.17 and n.3.

²Bodleian, MS. Gough Oxon. 19, fol.110, "Notitia Haseleiana." There is a curious passage in the elder William Lenthall's will which seems at first glance to refer to a sum of fifty pounds mentioned there, but "a speciall Direction of my minde and pleasure whiche they [his executors] onely knowe towching my Daughter Elyno[r]" may conceal more than is now apparent, Will P.C.C., 68 Spencer.

³Bodleian, MS. Oxf. dioc. papers d.16, fol.135^v, reply of William Lenthall, 3 October 1590. The nineteenth-century transcripts, *ibid.*, MS. Top. Oxon. c.56, fol.3-7, are very incomplete, and suggest the case ended in October, 1590. In fact, as the original deposition book makes clear, it dragged on from September, 1590, at least to March, 1591.

tithes. Horsman was further said to have collected rents in Lachford formerly paid to William Lenthall the elder.¹ From other testimony it was apparent that the younger Lenthall had already quitted the Haseley area for Henley.²

He cannot have remained in Henley long after the baptism of his son William, the future Speaker, in July, 1591. By April of the following year he was described not only as "of Henley" but also as "of Cutslow."³ On succeeding days (28 and 29 April) he had purchased lands in Haseley, and "Barford's Farm" and other lands at Wilcote

¹Bodleian, MS. Oxf. dioc. papers d.16, fol.133^v, deposition of James Bowyer of Fawcote, 26 September 1590.

²Ibid., undated deposition of John Beale of Lachford. From its location in the manuscript, it must have been taken on or after 3 October 1590, but well before Lenthall's second reply of 28 February 1591, which is on fol.161-161^v. Beale deposed that Lenthall "about a weeke agoe was dwelling w[i]thin the parishe of Haselie but now it is reported that he is removed to hendlie w[i]thin the dioces of Oxford" (fol.140).

³Above, p.22, n.2, and P.R.O., Chancery, Close Roll, 34 Elizabeth, 8th part, C.54/1412. The farm and other lands at Wilcote were purchased for £600 from Robert Chamberlen of Sherborne, Oxon., and Philip Scudamore of Burnham, Bucks. on 29 April. Cutteslowe is now part of the city of Oxford. Lenthall's purchase there was mentioned in an Inquisition Post Mortem of 1590, which was itself mentioned in P.R.O., Chancery, I.P.M., Oxfordshire, 24 May 1597, on William Lenthall generosus, C.142/249/43. The manor and tithes of Cutteslowe, Barford's Farm and the Haseley lands formerly William Lenthall the elder's were there listed as lands held in capite. John Lenthall was identified as "of Cutteslowe" in 1609 when he purchased the manor of Asthall, Bodleian, MS. ch. Oxon. c.1 (2709). As Abraham Horsman was still alive in 1592, it is not certain that William Lenthall had regained all his father's Haseley lands by that date.

near North Leigh in his own and his son John's names. There the remaining years of his life were spent but, although his wanderings ceased, he was apparently unable to disappear into respectable oblivion. He was cited before the vicar-general of the diocese of Oxford on 12 June 1593, when it was alleged that

he hath heretofore absented himself from church but he hath reformed himself thereof but for the receaving of the Co[mmun]ion he is not yet satisfied in his conscyence.

He was admonished and fined ten pounds, and the vicar of Charlbury was to certify his and his wife's reformation.¹

It is now generally conceded that "Independents" in politics were not necessarily radicals in religion.²

One may ask, however, whether this experience of Lenthall's father signifies anything more than a slight tendency to nonconformity or, at the least, a tender conscience. Nonconformists might, of course, be either Protestant or recusant, just as those who did conform might also include "Church papists." The allegation against Lenthall of Wilcote

¹Bodleian, MS. Oxf. dioc. papers d.4, fol.17, Act Book. His sister, Elinor Horsman, was cited for non-attendance in December, 1593; at the same time an Elizabeth Horsman of Haseley was excommunicated, ibid., fol.128^v.

²The concession has been reached rather gradually over the past decade. The Speaker's religious views before 1640, as far as they can be deduced, are discussed below, pp.190-91, 219-20.

gains interest by comparison with the somewhat later, but still serviceable description of a "Church papist" by John Earle:

Once a month he presents himself at the church to keep off the churchwarden and brings in his body to save his bail. . . . His main policy is to shift off the Communion, for which he is never unfurnished of a quarrel and will be sure to be out of charity at Easter.¹

There can be no doubt that the Speaker's father was linked with known Oxfordshire recusants. Kyffin Lenthall recorded bonds of 1591 and 1593 between William Lenthall of Wyllcott and Francis Stonor, esquire, of Stonor.² "The lady Stonar," possibly the latter's wife or mother, was listed in 1592 among Oxfordshire recusants committed to prison.³ In fact, Stonor-Lenthall relationships can be traced in almost every generation from the coming of the Lenthalls into Oxfordshire to the reign of James I, when, because of their adherence to the "old religion," the

¹Or, no doubt, otherwise unsatisfied in his conscience. Quoted from John Earle, Microcosmography (1st ed., 1628), by T. B. Trappes-Lomax in his illuminating article, "Roman Catholicism in Norfolk, 1559-1780," Norfolk Archaeology, XXXII (1958-61), 28.

²Bodleian, MS. Add. A. 289, fol.141^v, Kyffin Lenthall to Turner, 18 May 1868; Berks. R.O., Lenthall Papers, D/EL1: Z 16/3. The source would seem to be in the Close Rolls but, as often the case with Kyffin Lenthall's notes, the reference was too vague to pin down.

³Hist. MSS. Comm., Hatfield House MSS. (17 vols.; London: H.M.S.O., 1883-1965), IV, 270.

Stonors disappeared from public life.¹ Other recusants noted as remaining at liberty in the county included Nicholas Pigot of Stoken and Thomas Tempest of Bampton. The possibility must be borne in mind that these men were related to Lenthall's Pigott and Tempest cousins.²

The background of Lenthall of Wilcote's wife, Frances, also has some bearing upon this question, if she is correctly identified. She was described above as Frances Cupper or Cooper,³ but is usually identified as the

¹By this time they were kin, for the Speaker's cousin, Sir Edmund Lenthall of Lachford, had married an Elizabeth Stonor. Stonors were High Sheriffs of Oxfordshire in 1592 and again in 1621. The next Stonor to be in the sheriffs' lists was in 1836, J. M. Davenport, Lords Lieutenant and High Sheriffs of Oxfordshire, 1086-1868 (Oxford, 1868), pp.41, 44 and 66.

²Hist. MSS. Comm., Hatfield House MSS., IV, 270. Lenthall of Wilcote's house in Henley was left to his cousin, William Tempest of Bricnorton [Brize Norton near Bampton]. Tempest and another cousin, Richard Pigott, were witnesses to and overseers of Lenthall's will, Will P.C.C., 13 Cobham, proved 7 February 1597. The Pigotts were apparently from Grafton, which is also near Bampton. These cousins and others of the same surnames were also mentioned in the wills of William Lenthall the elder and his wife Isabell, Wills P.C.C., 68 Spencer and 36 Rutland. There are at least six possible identifications of "Stoken"; four are near Henley or Haseley, where the Horsmans were also having their troubles in the diocesan courts. See above, p.25, n.1.

³Above, pp.20-21. This first marriage has escaped notice in all printed mentions of her, unless it is to be seen in a garbled note, "m. 2ly. . . . Hooper" in The Visitation of Norfolk, 1563, ed. G. H. Dashwood and others (2 vols.; Norwich: Norwich and Norfolk Archaeological Society, 1878 and 1895), II, 127. Who Cupper was is uncertain, but as Frances Cupper was presumably a widow by 1586 he might have been one of the sons of John Cupper of Glympton, Oxon. Of these, Richard was dead in 1584, Thomas, the eldest, had no children, and Vincent was as yet unmarried, Will P.C.C., 6 Brudenell, proved 27 February 1585. The

daughter of Sir Thomas Southwell of St. Faith's, Norfolk.¹
 For a number of reasons, this last identification cannot be
 accepted. No Thomas Southwell of St. Faith's (more
 correctly, Horsham St. Faith's, between Norwich and Cromer)
 has been found. The Sir Thomas Southwell of Polylong,
 Cork, Ireland, also proposed as her father by Kyffin Lenthall,²
 proved on investigation to be probably Frances Lenthall's
 nephew, certainly not her father. Landed Gentry, in calling
 her the daughter of Sir Richard Southwell,³ made a tentative,
 if incorrect contribution to the solution of a very tangled
 problem. The evidence supports the contention that
 Frances Lenthall must have been the granddaughter, not the

genealogy in Visitations of Oxford (ed. Turner), p.204, lists
 a "William sonn & Heyer," but he is not mentioned in Cupper's
 will. Some sort of connection in the Glympton area is
 strongly suggested by the fact that in 1631 and 1632
 Frances Lenthall received rents for Glympton amounting to
 £360 a year from a Mr. John Cupper. Her signed receipt is
 in Berks. R.O., Lenthall Papers, D/EL1: E 7.

¹This identification is found in Bodleian, MS. Top.
 Berks. b.2, fol.29, Lenthall pedigree; Berks. R.O., Lenthall
 Papers, D/EL1: F 16; in the visitations records for Oxford-
 shire, Surrey and London cited above, p.19, n.1; and in
DNB, XI, 934.

²Berks. R.O., Lenthall Papers, D/EL1: F 16, but
 compare Visitation of Norfolk (ed. Dashwood), II, 127-28.

³In the 1952 edition. The latest editions cannot be
 used as, except for some distant Australian cousins, the
 Lenthall line had died out by 1960. Paintin, Burford Priory
 and the Lenthalls, p.1, also gave her father as Sir Richard
 Southwell.

daughter, of Sir Richard Southwell of Woodrising, Norfolk. On the monument she dedicated to her second husband's memory she was described as "one of the daughters of Richard Southwell esquire," and this identification alone finds confirmation in the Norfolk visitation records, where Richard Southwell, esquire, was said to be the son of Sir Richard Southwell.¹

Sir Richard Southwell, on the other hand, was one of Henry VIII's commissioners for the dissolution of the monasteries, a Receiver of the Court of Augmentations, Member for the county of Norfolk in the Parliament of 1539, a member of the Privy Council and, by 1554, Master of the Ordnance. Probably no other member of the Norfolk gentry profited so greatly from the distribution of monastic lands,² and the measure of his personal success as "a great Agent

¹Visitation of Norfolk (ed. Dashwood), II, 127-28. The edition by Walter Rye ("Publications of the Harleian Society," Vol. XXXII; London: Harleian Society, 1891), pp.258-60, is much less detailed. Although it is a generation out in its location of Frances Lenthall, it appears to be correct in other essentials. The monument is on the south wall of the Wilcote chapel, St. Mary's church, North Leigh, Oxon.

²Lands over £200 in value are the gains suggested for Southwell by T. H. Swales, "The Redistribution of the Monastic Lands in Norfolk at the Dissolution," Norfolk Archaeology, XXXIV (1966), 22. His great wealth is also noted by Alan Simpson, The Wealth of the Gentry, 1540-1660: East Anglian Studies (Cambridge: University Press, 1961), pp.183-84. Biographical details are taken from the article by Swales and from DNB, XVIII, 700-701.

in spoiling the Abbeys" was set forth in a will, which, for its length and complexity, warrants detailed analysis in its own right.¹ One factor in the length of the will also complicates discussion of Sir Richard's descendants. His two sons and two of his three daughters were all born out of wedlock, and the will is full of conditions carefully set out to insure that his illegitimate children would also inherit.

Of these children only the eldest son, Richard Darcy alias Southwell, can be placed with any certainty at Horsham St. Faith's.² He was described as of that place in 1564, when he made a grant of the manor of Brancaster as security for the performance of certain conditions in his father's will. He was again noted in 1570 and in 1588 as living at St. Faith's, and described himself as of

¹Will P.C.C., 19 Stevenson, proved 22 June 1564. The will fills seventeen pages of a large folio register. The quoted description is from the discussion on the Southwells in Sir Henry Spelman, The History and Fate of Sacrilege (London: for John Hartley, 1698), p.270.

²The manor and park were left to him by his father, Will P.C.C., 19 Stevenson. He was there described as "late of Lincoln[es] Inne." A Richard Southwell was admitted to Lincoln's Inn on 9 February 1547; another, "of Norfolk," who was probably his son, was admitted on 11 November 1566, The Records of the Honourable Society of Lincoln's Inn: Admissions, 1420-1799 (2 vols.; London: Lincoln's Inn, 1896-97), I, 56, 74.

Page 48

Horsham St. Faith's in his own will of 1600.¹ Some years before, the city of Norwich had a judgment against him for wood due them out of St. Faith's Wood, and perhaps by then he was already in straitened circumstances. According to Spelman, he "wasted his Estate" and died a prisoner in the Fleet prison. The only bequests he made were to his second wife and to the poor.²

Possible recusancy in Frances Lenthall's background is suggested by the finding of one scholar that the Southwells of Horsham St. Faith's remained Roman Catholics, at least until 1588.³ If this is correct, it would seem to follow that Frances Southwell was probably of that faith when she married William Lenthall in 1586. In addition, if

¹J. C. Tingey, "A Calendar of Deeds Enrolled within the County of Norfolk," Norwich and Norfolk Archaeological Society, XIII (1896), 46; W. R. Rudd, "The Priory of Horsham St. Faith," ibid., XXII (1925), 254, and Visitation of Norfolk (ed. Dashwood), II, 126; Will P.C.C., 56 Wallopp, proved 2 September 1600. He or his son was described as of Woodrising only twice, in 1581 when assessed twenty marks in goods, and in the Harleian Society edition of the visitation records, The Lay Subsidy of 1581, ed. Percy Millican (n.p. [Norwich?]: Norfolk Record Society, 1944), p.112, and Visitation of Norfolk (ed. Rye), p.260.

²G. Johnson, "Chronological Memoranda touching the City of Norwich," Norwich and Norfolk Archaeological Society, I (1847), 152; Spelman, History of Sacrilege, p.271; Will P.C.C., 56 Wallopp.

³Trappes-Lomax, Norfolk Archaeology, XXXII, 35. No Southwells appear in the Norfolk recusant lists for 1592, Hatfield House MSS., IV, 270. Another explanation might be the possibility of conversions effected by Robert, Richard Southwell's son. These are suggested in DNB, XVIII, 702.

Frances Lenthall's ancestry has been determined correctly, it is difficult to escape the conclusion that one of her brothers would have been Robert Southwell, the poet and Jesuit who was executed as a traitor in 1595.¹

Whatever their contacts, it has not been possible to prove that William or Frances Lenthall were themselves recusants. It would be even more difficult to document if either were a "Church papist." Such evidence of behaviour as has been found could as easily suggest nonconformity of another hue. The similarity of pious introductions in family wills need not be evidence of more than formality, and none of the children of William and Frances can be identified as religious extremists of any sort.² A religious background of this sort could as easily predispose to caution as to extremism, but the possibility of such ambiguities in the Speaker's background has not previously been considered. Real or rumoured links with known recusants

¹The conclusion is not excluded by the material in DNB, XVIII, 700-707, "Sir Richard Southwell" and "Robert Southwell."

²It is difficult to see the Speaker as an extremist of any kind on the evidence of his first fifty years. His younger brother, Thomas, was a ruling elder of St. Mary-at-Hill and a member of the London classis during the "Presbyterian" period of church government after 1646, London, Guildhall, MS. 1240/1, fol.37v-45, St. Mary-at-Hill vestry minutes, and The Register-Booke of the Fourth Classis in the Province of London, 1646-59, ed. C. E. Surman (2 vols.; London: Harleian Society [Register Section], 1953), II, 148.

could well have given point, if not substance, to some of the wilder charges which were hurled at Lenthall during his career as Speaker. That he was ever "a dangerous Agent for the Pope," for example, is very unlikely, but the briefest consideration of the patterns of seventeenth-century epithet suggests what uses could be made of a Jesuit uncle, or of the fact that Oxfordshire Lenthalls could be linked to Oxfordshire Stonors.¹

Another important influence on the children of William and Frances Lenthall must surely have been the early loss of their father. He died, apparently quite suddenly, on 1 December 1597, at the age of only forty-three.² His manor of Cutteslowe was left to his wife's use, and all his lands in Haseley and Henley were bequeathed to his eldest son, John, with one interesting exception. The house in Henley "wherin Cootes dwelleth next to the church stile" went to his cousin William Tempest of Brize Norton.³ His

¹The accusation comes from To All the People of England, the Humble Remonstrance of Edward Jenkes, broadside dated 4 August 1649 [B.M., 669 f.14 (62)]. The pattern of seventeenth-century epithet is nicely characterised by Hexter, Reappraisals in History, pp.182-83.

²That his will "defeatinge and annichelatinge hereby all other willes whatsoever" was dated on the day of his death suggests an eleventh-hour decision of some sort, Will P.C.C., 13 Cobham. He was buried the following day at North Leigh, Daish transcripts.

³Will P.C.C., 13 Cobham. This was probably the house in which the Speaker was born. The house now known in Henley as "The Speaker's House" is on Hart Street, directly opposite the church.

three younger sons and four daughters were each to receive an annuity of twenty pounds from his leases of the tithes of "St. Jermans in Cornewall." His wife Frances was to have the income and profits of all his lands and houses, but the income was to be hers

only so longe as she shall keepe herselfe a widdowe and vnmarried for her mainetenance and towardes the mainetenance sustentac[i]on and good educac[i]on of all my saide children which burden I hope in god she will loveingly vndertake and faithfully discharge accordinge as my assured trust and confidence is reposed in her to that effect.¹

Such trust was touching, but any widow in the sixteenth century might have found it a bit unrealistic. As one who was probably still young and with eight small children, the eldest aged ten, the youngest a babe in arms of three months, Frances Lenthall could have had little hope of meeting her husband's condition. Her monument to his memory on the wall of the Wilcote chapel at North Leigh was meant to be "one lasting monument of her true affections"; clearly, her perpetual widowhood was not meant to be another. Less than two years later the marriage of Frances Lenthall and John Pollard was recorded in the North Leigh register.²

¹Ibid.

²Daish transcripts; the marriage occurred on 8 May 1598. The quotation is taken from the monument, see also above, p.29, n.1.

Pollard was not a North Leigh man, and no hint of him can be found in any published account of the Lenthalls. Like her first marriage, Frances Lenthall's third marriage entirely escaped notice,¹ yet, of the two, it was surely the more important. For her younger children this unknown stepfather must have been the only father they could remember.

Although with this marriage John Pollard, his new wife and all her children vanished from the North Leigh registers, there is reason to think they may not have left the area at once. A fortunate juxtaposition of scattered information has made it possible to identify John Pollard, and, perhaps, to identify him as well as a source of William Lenthall's interest in a career in the law.

¹The Glympton receipt cited above, pp.27-28, n.3, was signed "Fraunces Pollard" and acknowledged the receipt on 7 November 1631 of £87.10s. The back bears an endorsement, presumably in John Cupper's hand, "I payed at Mids. 1632 and am to pay heereafter to S[i]r John Lentall or Mr William Lentall to the vse of M[ist]ris Pollard 90 l. quarterly," Berks. R.O., Lenthall Papers, D/EL1: E 7. The Lenthall papers also contain a transcript in Kyffin Lenthall's hand of a letter dated 14 November 1633 from John Sedley to a Mr. Wheat, with this suggestive juxtaposition of names: "S[i]r John Lentall knoweth punctually what Mr. Cupper allowed unto me, in consideration of Mrs. Pollards life." Kyffin Lenthall noted in 1858 that the original was in the possession of Mr. G. H. Barnett of Willow Crescent, Glympton, ibid., D/EL1: F 16. No indication has been found, however, that he ever realised who Mrs. Pollard was.

John Pollard was originally from Devon,¹ but had family ties in Oxfordshire and, at least by the time of his marriage, had hopes of property as well. His prospects in the county developed some time after 1577, with the death without issue of a cousin, Anthony Pollard of the Baldons. Anthony Pollard had himself inherited the manor of Nuneham Courtenay near Oxford, on the death, again without issue, of his elder brother Sir John. Although Nuneham Courtenay went to the use of Sir John's and then Anthony's wives, John Pollard and his heirs were next in line to inherit, for the consideration of "natural love and affection."² As Anthony's wife Philippa did not die until 1606, John Pollard cannot be placed with any assurance at Nuneham Courtenay, but he was apparently of Marsh

¹He was identified as the fourth son of Richard Pollard of Horwood, Devon, when admitted to the Middle Temple on 12 February 1579, Middle Temple Records: Minutes of Parliament, 1501-1703, ed. C. T. Martin (3 vols.; London: By Order of the Masters of the Bench, 1904-1905), I, 225. The same relationship is specified in the documents of 1576 and 1578 described below, p.36, n.2.

²Oxon. R.O., Wi. I/ii/9, covenant between Anthony and his cousins William and John Pollard, to stand seised of these and other lands and tithes in Nuneham Courtenay, Little Baldon, Marsh Baldon, St. Laurence Baldon and Clifton Hampden, dated 12 April 18 Elizabeth [1576]. Inquisitions Post Mortem on Anthony Pollard in Chancery and the Court of Wards set out these lands in more detail than is here possible. P.R.O., Chancery, I.P.M., C.142/182/40, dated 30 January 20 Elizabeth, is badly stained and in some places illegible. I.P.M., Wards 7/19/166, dated 27 May [1578], is to be preferred.

Baldon" in 1604 when he granted a lease there to the wife of a local blacksmith.¹

The identification of this John Pollard with a John Pollard of Wilcote or North Leigh, however, is crucial. On 15 December 1604 "John Pollard of Wilcote, esquire" and his son and heir Lewes granted a lease for twenty-one years of the rectory of Clifton Hampden. This rectory was specified among Anthony Pollard's lands in the covenant of 1576 and in the Inquisitions Post Mortem of 1578 which referred to the Devonshire John Pollard.² It would therefore seem to follow that the heir of Anthony Pollard and the John Pollard who married Frances Lenthall at North Leigh were one and the same.

Brief though the notices of him may be, John Pollard has been considered at this length because his importance to the future career of William Lenthall is greater than a simple exercise in identification. The Lenthalls of Oxfordshire appear to have had no family tradition in the law. The future Speaker and his elder brother John were the

¹Oxon. R.O., Wi. II/i/1. The date of Philippa Pollard's death is taken from an inscription in Nuneham Courtenay church, quoted in Visitations of Oxford (ed. Turner), p.205. John Pollard's son Lewes was later described as of "Newenham Courtney," ibid., p.305.

²Oxon. R.O., Wi. IV/iii/6; see also ibid., Wi. I/ii/9; P.R.O., Chancery, I.P.M., C.142/182/40 and Court of Wards, I.P.M., Wards 7/19/166.

first members of the family to seek admission to an Inn of Court.¹ John Pollard, on the other hand, had not only attended the Inns of Court and Chancery, but was, by all indications, a common lawyer. More significantly, he came of a family whose eminence in the legal profession dated back to the reign of Henry VII.² This introduction of a common-law tradition into the Lenthall family will be considered in greater detail in Chapter II, when William Lenthall's own first steps in the law are examined.

This, then, was the background of the Lenthall children at the time of their mother's third marriage. They were members of a firmly established line of Oxfordshire gentry, whose origins in the county from relative obscurity can be traced. The contacts and relationships built up over a century suggest a more varied background than previous accounts of the family have indicated. The traditional connection of the gentry with trade and the city of London had already been established. In addition,

¹There were Lenthalls at the Middle Temple in the first half of the sixteenth century, but these can be traced to an Essex branch of the family whose relation to the Oxfordshire Lenthalls could not be determined. The two Southwells at Lincoln's Inn in 1547 and 1566 noted above, p.30, n.2, may have been Frances Lenthall's father and brother, but nothing is known of their standing in the law, nor if they were called to the bar.

²He was already "late of Clementes Inn" on his admission to the Middle Temple in 1579 and was apparently still active at the Temple in 1605, when his second son, Francis, was admitted and bound with him, Middle Temple Records (ed. Martin), I, 225 and II, 453. On the background of Pollards in the law, see below, p.45.

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a family background in the law had been, so to speak, newly acquired. That this acquisition coincided with a general sixteenth- and seventeenth-century increase in the numbers of gentry attending the Inns need not on that account reduce its significance. With three younger sons among the Lenthall children of 1598, trade and the law were undoubtedly useful outlets for the future.

If these younger Lenthalls had any objections to having to earn their way in life, these have not survived. Nor is there any sign that they resented their eldest brother's more secure position as heir. Many younger sons did complain of the injustice by which they were reared to standards of living which they could not themselves afford to maintain. Lenthalls, on the other hand, had apparently to learn to accept their lot and get on with it.¹ The two youngest sons were to go into trade, the second son, William, to seek (and make) his fortune in the law. For each of them, their base in the county was a valuable first circle of interlocking relatives, friends and contacts. Their professions would provide others.

¹Their lot, of course, may have been more modest. That other younger sons did feel themselves ill-used is clear from the examples given by Joan Thirsk, History, LIV, 376. It is interesting in this connection that William Lenthall of Wilcote, who might have had some grounds in 1590 for feeling that he had been cheated of his rights, made no mention of this in his will of 1596, see above, pp.23-24 and 33-34.

In the case of William, with whom, after all, the present study is concerned, these circles of family, county and profession will require periodic re-examination. The extent to which they expanded, interlocked or even duplicated each other was for the seventeenth-century gentleman both a social cement and a field of operation. The firmness of the base was a useful qualification in the background of any public man.

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CHAPTER II

THE APPRENTICE, 1600-1624

The first stage of William Lenthall's career is appropriately viewed as an apprenticeship. He was more fortunate, or more determined than many younger sons of the gentry in following his early schooling by an apprenticeship, in the literal sense, to the profession of the law. This led the young man to his first taste of borough government, both as recorder and as a local justice. The latter role he would fill again as a person of consequence in his county. From his position in local government would also come his first summons to parliament. It is fitting, therefore, that his borough office and his first parliamentary experience also be treated as apprenticeships, and that the whole of Lenthall's early career, as it is described in this and the following chapter, be considered as part of a single apprenticeship for public life and as an example of the training of a future governor of England. The relationships he formed and the contacts he made were a crucial part of this total apprenticeship, as well as of its parts.

The other Lenthall children, although their careers followed other paths, expanded William Lenthall's own base

both in Oxfordshire and in London. An emphasis on land, law, trade and office within this base was characteristic not only of the Lenthalls but of many members of the gentry. The duplication of roles within this base, and the tendency for Lenthall's relationships with certain men to be strengthened by repetition are already discernible in this early stage. They too will emerge in succeeding chapters as characteristic. In the present chapter, the potential within the gentry for instantaneous expansion of a family base is immediately suggested by the combined offspring of Frances Lenthall and John Pollard.¹

The eight Lenthall children apparently acquired not only a stepfather, but an instant family, for the John Pollard who married their mother was a widower. The visitation record for the Pollards of Nuneham Courtenay listed his wife as Elizabeth, daughter of Giles, Lord Pawlett [Paulët], by whom he had four sons and one daughter.² Added to the

¹It has not been possible to document contacts in later years between the Lenthall and Pollard children. As a consequence, the Pollards disappear from the chapters which follow, but it may be unwise to assume that they therefore disappeared from Lenthall's life.

²Visitations of Oxford (ed. Turner), p.305. Only two sons are there listed, Lewes, the eldest, and Anthony, called the fourth son. The second son was Francis, see above, p.38, n.2, and below, pp.43-44. The identification of the third son is not certain, but he may have been the John Pollard who appears from documents in the Oxfordshire County Record Office to have been settled at Little Baldon after 1636. No children of the Lenthall-Pollard marriage have been found. — Page 48

Lenthall children, this was a formidable number to educate or dower and send into the world, and for few of them do the records indicate how this was managed. The Lenthall and Pollard children were probably close in age, with the Lenthalls slightly younger, for on 4 December 1601, John Lenthall of Oxfordshire and Francis Pollard, second son of John Pollard of Wilcote, both aged fifteen, matriculated at St. John's College, Oxford.¹ Where their earlier schooling was obtained is unknown, and it would be rash to assume that they were sent to Thame Free School, where William Lenthall was long presumed to have received his early education.²

By 1606 William too was fifteen, and the next January he followed his elder brother and stepbrother to Oxford, where he matriculated at St. Alban's Hall as the son of William Lenthall of Wilcote on 23 January 1607.³

¹Foster, Alumni Oxonienses, III, 902, 1176.

²Although it was not possible to verify the presumption, this does not mean it is untrue. It appears to rest, however, on a guess by Delafield, who referred only to William Lenthall's "Gentile education at schooll (at Thame Schooll, I think)," Bodleian, MS. Gough Oxon. 24, fol.14, "Notitia Haseleiana" [italics mine]. John Hampden was an "old boy" of Thame, and Kyffin Lenthall was much attracted by the idea that his ancestor and Hampden had been educated together, Berks. R.O., Lenthall Papers, D/EL1: F 16. The proximity of Thame to Lachford could have strengthened the idea, just as local pride might explain Delafield's speculation. Both men seem to have assumed that Lenthall spent his childhood at Lachford.

³Foster, Alumni Oxonienses, III, 902. Practically no records exist for St. Alban's Hall, which was absorbed into Merton College, B. W. Henderson, Merton College ("University of Oxford College Histories"; London: F. E. Robinson, 1899).

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Like them, he left without taking a degree and sought the Inns of Court. On 26 October 1609 he was admitted to Lincoln's Inn, where his brother John had entered in 1604.¹ For John Lenthall, as for many eldest sons with inheritances into which to enter, attendance at an Inn was a final educational and social polish, not the apprenticeship for a career. He does not appear to have been called to the bar. Francis Pollard, like William Lenthall, was a second son, and for Pollard the Inn may have led to a career in the law. He entered the Middle Temple in April, 1605, and, while there is no published record of his call to the bar, he apparently kept chambers there. New entrants to the Temple were still being bound with him as late as 1621.² That Pollard went to the Middle Temple is clearly explained by his own family tradition. Lenthall's grandfather, Richard Southwell, had attended Lincoln's Inn,³ and although this might have influenced the choice of Inn for John and William Lenthall, the decision to seek admission to an Inn of Court in the first place may as easily be attributed to the common-law background of their stepfather, John Pollard.

Whether William Lenthall's subsequent career in the law was solely an expression of the natural desire of a

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¹Lincoln's Inn Admission Records I, 138 [John Lenthall] and 150 [William Lenthall].

²Middle Temple Records (ed. Martin), II, 453, 660.

³Above, p.30, n.2.

younger son to better himself, or whether he was in any way influenced by the Pollard tradition is today impossible to determine. Certainly the Pollards offered examples of those who had scaled the heights of the profession.

Sir Lewis Pollard was the third recorded Reader of the Middle Temple in Lent, 1502, a King's Serjeant and, from 1514 to 1526, a Justice of the Court of Common Pleas. The same Sir John Pollard of Nuneham Courtenay whose lack of issue began the process that brought Lenthall's stepfather into Oxfordshire offered other goals. He was Autumn Reader at the Middle Temple in 1535, Lent Reader in 1546, a Serjeant-at-law and Vice-president of the Council of the Welsh Marches. By what now seems a pleasing precedent he was also a member of parliament for Oxfordshire and Speaker of the House of Commons in 1553, and Speaker again from 1555 to 1557.¹

The education Lenthall received at Lincoln's Inn would have differed in quantity, although not essentially in kind, from that gained by his elder brother John in his earlier attendance, for John, too, had been for a time an

¹Both Sir Lewis and Sir John Pollard were noted by William Dugdale in his "Observations upon sundry persons learned in the Law," Bodleian, MS. Dugdale 10, fol.89-90. See also DNB, XVI, 59-61; A Catalogue of Notable Middle Templars, ed. John Hutchinson (London: Middle Temple, 1902), p.193; and The Middle Temple Bench Book, ed. J. Bruce Williamson (2d ed.; London: Chancery Lane Press, 1937), pp.2, 5, 7.

apprentice. Both the hierarchy of the Inn and the training given witnessed to the fact that the legal profession was a guild.¹ From the Benchers, or Masters of the Bench, down through the Utter Barristers to the "gentlemen under the bar" who were the Inner Barristers and the Clerks Commoners, the master-journeyman-apprentice relationship was directly paralleled.

New entrants like Lenthall began with few fixed exercises but much reading and discussion of the law. He was expected to attend the twice-yearly series of lectures by the Summer and Lent Readers who were chosen by the Benchers, the governing body of the society, from among their own number. After two years he would be obliged, as an Inner Barrister, to participate in the preparation and presentation of many types of pleadings for the moots and bolts at which the students gained practical experience of legal argument. In between these exercises he was expected to give himself further practice, informally but almost constantly, by further discussion and putting of cases to his fellows, and such informal practice was carried on even

¹Concise general discussions on the organisation, education and social life of the Inns may be found in Notestein, English People, pp.86-90; Sir William Holdsworth, A History of English Law (16 vols.; 3d ed.; London: Methuen, 1945, reprinted 1966), IV, 263-68; and A. Wigfall Green, The Inns of Court and Early English Drama (New York: Benjamin Blom, 1965 [1st ed., New Haven: Yale University Press, 1931]), pp.25-29. For Lenthall as a Bencher and Lent Reader, see below, Chapter V.

during meals or "Commons." Members were required to dine at the Inn for specified periods during the law terms, even as they do today. They were fined if they failed to do so, or for nonattendance at the moots.

Although the standard of teaching was declining in the early seventeenth century,¹ the training was still thorough for those who persisted to the bar. Most of the young gentlemen who attended an Inn of Court with increasing frequency in the late sixteenth and seventeenth centuries gained at the very least a rough familiarity with the vocabulary of the profession. For workers and drones alike, the Inn offered a lively social and intellectual atmosphere in which both useful contacts and lifelong friendships were formed.

At any rate, Lenthall "applied his mind" at Lincoln's Inn, although perhaps not, as Anthony à Wood deduced, "to the study of the municipal law."² About his life there as

¹ Convincingly demonstrated by Wilfrid Prest, "Legal Education of the Gentry at the Inns of Court, 1560-1640," *P&P*, XXXVIII (1967), 20-39, but also recognised by earlier writers, for example, Holdsworth, *English Law*, IV, 269.

² *Athenae Oxonienses*, I, col. 203. Wood was probably thinking here of Lenthall's recorderships of Woodstock and Gloucester, but such offices were the natural pickings of any lawyer on the professional move. Apart from scattered cases involving these towns, there is no sign of a particular interest in municipal law in Lenthall's later practice, which was almost exclusively in the Court of Exchequer. See below, pp. 98-106, 148-152, 176-77.

a "gentleman under the bar" there is little direct evidence. He may even have been an exemplary student, for the records of the Inn suggest that he gave little trouble. Small fines for missing moots occur against his name in three of the Treasurers' accounts.¹ There is no sign of the larger fines he would have incurred had he been "out of Commons."

When Sir William Sedley, one of the Masters of the Bench, resigned his chamber in June, 1615, Lenthall and Robert Osney were admitted to it. An insight into the Inn's finances emerges from the transaction, for although Lenthall and Osney together were to pay seventy pounds for the chamber, sixty of this went to Sedley as a refund on the seventy pounds he had paid. As the Treasurer's account makes clear, the Inn received only five pounds each from Lenthall and Osney. The room vacated by Osney was taken by Lenthall's cousin, Thomas Tempest.²

¹Lincoln's Inn, MS. Black Book 6, fol.586^v, account of John More, dated 9-10 James I on fol.586^v, but 10-11 James I on fol.582. As the accounts ran from November to November, the fine must have been paid between November, 1611 and November, 1613. Payment of fines was also noted *ibid.*, fol.653^v, account of Henry Davy, November, 1615-November, 1616; and fol.683^v, account of Richard Digges, November, 1616-November, 1617. The fine in each case was 3s.4d., the figure for gentlemen under the bar, so the last fine, although paid later, must have been for a moot missed before 24 October 1616, when Lenthall was called to the bar.

²*Ibid.*, fol.576, council held 27 June 1615, and fol.622^v, account of Giles Tooker, November, 1614-November, 1615. Tempest also paid five pounds. A letter of 1641, when Tempest was Attorney-general in Ireland, alluded not only to their kinship but to common acquaintances at the Inn. See Bodleian, MS. Tanner 66, fol.166, Sir Thomas Tempest to Lenthall, Dublin, 31 August 1641.

The young Lenthall apparently attracted the favourable attention of the Benchers, for on two occasions shortly before his call to the bar, he and Hugh Rigby were chosen to represent the gentlemen under the bar. On 15 October 1616 they were named, with two barristers and two Benchers, as members of a delegation from the Inns of Court to the Queen's Council, "touchinge the convertinge of the Cocke Pytte in the Feildes [Lincoln's Inn Fields] into a playe house."¹ The following week Lenthall and Rigby were chosen to collect assessments of 13s.4d. from each gentleman under the bar towards the costs of the mock tournament staged by the Inns of Court to celebrate the creation of Charles as Prince of Wales.²

Lenthall was probably less active within the Inn after his call to the bar on 24 October 1616.³ Although it

¹Lincoln's Inn, MS. Black Book 6, fol.628. Probably a complaint was to be lodged, see The Records of the Honourable Society of Lincoln's Inn: The Black Books, ed. W. P. Baildon (4 vols.; London: Lincoln's Inn, 1898), II, 186.

²Benchers were assessed forty shillings, and barristers thirty shillings, Lincoln's Inn, MS. Black Book 6, fol.629^v. The assessments appear to have varied from Inn to Inn, and were higher at Lincoln's Inn than, for example, at the Inner Temple, Green, Inns of Court and Early English Drama, pp.137-38.

³Lincoln's Inn, MS. Black Book 6, fol.631. Lenthall and Osney were called to the bar at the same time. Hugh Rigby was to be called at the first council of the next term, as was Robert Mason, later recorder of London.

is likely that he kept his chambers there as a convenient social and professional base, he had an increasing number of other irons in the fire. Except for occasional fines, there are few traces of Lenthall in the records of Lincoln's Inn between 1616 and his call to the Bench in 1633. He was out of Commons during one of the terms between November, 1618 and November, 1619, and was also fined for missing one moot during the same period. This was apparently the only occasion on which Lenthall failed to meet the attendance requirements of the Inn, and the failure may have been due to his marriage about this time.¹ As a barrister of less than seven years' standing, Lenthall may have paid the contribution of five pounds set by the Benchers for the construction of the new chapel, and he was one of the seventy-five members of the Inn whose coats of arms contributed to the decoration of the west window in the chapel.²

¹The fine for being out of commons was forty shillings, that for the missed moot 6s.8d., *ibid.*, MS. Black Book 7, fol.30-30^v, account of Richard Waltham, November, 1618-November, 1619. When Lenthall married is not known, but a date in the latter half of 1618 would accord with the evidence in a letter of 1620, P.R.O., S.P. Dom., S.P. 14/117/12, Lenthall to Ambrose Evans, 12 October 1620. See also below, pp.57-58.

²The setting of the contribution is in Lincoln's Inn, MS. Black Book 7, fol.7, council of 4 November 1618. Some of these members with whom Lenthall continued to be associated were John Glyn, William Hakewill, William Noy, William Prynne, Oliver St. John and Henry Sherfield. See Documents Relating to the Proceedings against William Prynne, ed. S. R. Gardiner ("Publications of the Camden Society," New Series, Vol. XVIII; London: Camden Society, 1877), pp.xxv-xxvi, and the same author's The Personal Government of Charles I (2 vols.; London: Longmans, 1877), I, 26-27.

These moments apart, however, Lincoln's Inn could have claimed but a small part of Lenthall's attention during his first years as a barrister. The portrait of a busy lawyer which now begins to emerge retained its essential outlines throughout the first fifty years of Lenthall's life. While the years were to add new contacts and new types of experience in borough and county, profession and parliament, and the circles of kinship and acquaintance were increasingly to expand, the firm base of the Oxfordshire gentleman remained, reinforced but not essentially altered by the new contacts brought by his various professional activities. To some of these it is now time to turn.

By Michaelmas, 1621, Lenthall had gathered in his first recordership, that desirable perquisite of the ambitious young lawyer. The borough of his choice or, rather, the borough whose choice he was, was the small royal borough of New Woodstock, near Oxford.¹ The burgesses saw in him what their charter required, an "honest and discreet Man

¹Woodstock, Muniment Room, MS. B 79, chamberlains' accounts, 1608-1650; the account of Thomas Rayer and George Noble, 22 December 1621-21 December 1622, notes the payment "to Mr Wm Lenthall Esq[ui]r[e] our Recorder his first fee due at Mic[h]aelmas 1622 for one year then ending." The traditional dating of this recordership to 1624, as, for example, in DNB, XI, 934, appears to rest solely on Lenthall's election to the parliament of that year for New Woodstock. All the seventeenth-century Woodstock manuscripts used in this study are unpaginated. References are therefore amplified as follows: for the accounts, by the names of the chamberlains and the dates, and for the Portsmouth court proceedings, by the date of the sitting.

learned in the Laws of England and called to the Bar."

After his election by the Mayor and Common Council had been approved by the Crown he was able to take his oath "well and truly to execute [his] office according to his knowledge in all things appertaining thereto."¹

He was thereafter the town's chief legal officer and ranked next to the mayor in precedence. His participation was required in the making of ordinances for the town, in the levying of fines, and in the removal of a mayor or chamberlains from office. He was ex officio one of the two essential justices on any borough bench and had to join in the determination of the times of sessions, court leets or views of frankpledge. Either he or the mayor had to be present at the fortnightly sittings of the Portsmouth, the borough's court of record, at the swearing in of a new High Steward, mayor, chamberlain or serjeant-at-mace, the removal of an alderman from office, the election of new

¹Quoted from the grant of Elizabeth I, 1565, transcribed ibid., MS. Charter Book, pp.64 and 66. This manuscript is known in Woodstock as the "North Charter Book" from a former owner, Henry J. North, who was town clerk in 1804 and whose name appears on the flyleaf. It has been stated that before his appointment the recorder, like the High Steward, was made a freeman of the borough, Adolphus Ballard, Chronicles of the Royal Borough of Woodstock (Oxford: Allen & Company, 1896), p.35, but the records do not confirm this. A view of frankpledge held before John Glover, mayor, on 24 October 1621, lists the High Steward, Sir Thomas Spencer, as a freeman of the borough, but does not list Lenthall, Woodstock, MS. B 78/3, proceedings of the Portsmouth court. The Woodstock view of frankpledge appears in all essentials to correspond to the court leets of other towns; the two are equated by Ballard, Chronicles of Woodstock, p.70.

burgesses or the appointment of constables. On the other hand, if he were ill or otherwise prevented from attending, it was "very lawful" for him to nominate a deputy.¹ As a result, he was not required to reside in the town and his duties were, in fact, anything but onerous.

The fee was small, but the recorder could also count on a Christmas or New Year's gift, and on suitable entertainment whenever he did come to town. At the least, he would be given wine and sugar, and perhaps at best a dinner as the guest of the borough. In Lenthall's first year of office, for example, he was entertained when he came to Woodstock to take his oath of office, presumably around Michaelmas, 1621, and again on 28 March, 1 April and 9 September 1622.²

That Lenthall's recordership was much earlier than traditionally supposed is further confirmed by his appearance on 13 December 1621, just a few months after his appointment as recorder, in a commission of the peace for Woodstock, headed by the bishop of Lincoln as Lord Keeper. The commission also included Lionel Cranfield, Lord Treasurer; Henry, viscount Mandeville, Lord President of the Council; Philip, earl of Montgomery; Laurence Tanfield,

¹Woodstock, MS. Charter Book, pp.47-85, 91.

²The fee was £3.6s.8d., and the total cost for the first year of Lenthall's entertainment was £1.10s.4d., ibid., MS. B 79, account of Thomas Rayer and George Noble, 22 December 1621-21 December 1622.

Chief Baron of the Exchequer; and Sir James Whitelocke, M.P. for Woodstock and, within two years, a justice of the King's Bench. Of the eight borough officials also listed, only the High Steward, Sir Thomas Spencer, the mayor and Lenthall were members of the quorum. This is the earliest evidence of Lenthall's inclusion in the councils of men of national importance. It warrants particular attention, because Lenthall's associations with Tanfield, and possibly with Mandeville, preceded the commission and certainly continued after its formation. Other contacts with the earls of Pembroke and Montgomery, and with Sir James Whitelocke and his son, Bulstrode, were to follow. Even Cranfield was to cross Lenthall's path again.¹²

From the standpoint of Lenthall's future career, the Woodstock recordership had an additional attraction. It was, at least theoretically, a fairly firm stepping-stone to parliament, for as early as 1610 Sir James Whitelocke, then recorder and newly returned member for the borough, had noted that "it was ever usual with them to elect thear recorders burgeses."²

¹The commission is in P.R.O., Chancery, Miscellaneous Book, C.181/3, fol.48^v-49. The royal officials heading the commission were, of course, members ex officio, but it is significant that Lenthall can be linked directly with several of them in other ways. See below, pp.56-63, 91, 107, 159

²Sir James Whitelocke, Liber Familicus, ed. John Bruce ("Publications of the Camden Society," Vol. LXX; London: Camden Society, 1858), p.19. Perhaps this consideration was already in Lenthall's mind, but, to his distress, he was to find that theories do not always hold in practice, see below, pp.90-94.

In the meantime, however, Lenthall was hardly overworked by the borough. He apparently went but once to Woodstock in 1623, and was not present at any of the views of frankpledge until 8 April 1624. His visits to Woodstock were altogether more frequent in that year, in which he was also elected to parliament for the borough.¹ He may have felt some sense of obligation to the burgesses for his election, for in 1623 and 1624 he returned twenty shillings of his fee to the borough for the "repayring," that is, the clothing, of poor children.² An example of how the functions of his office carried on even in his absence may be seen in the case of an unspecified order of his which was performed by one of the constables at a Portsmouth session on 27 September 1624.³

¹For Lenthall's activities in the parliament of 1624 see below, Chapter III.

²Woodstock, MS. B 79, accounts of Thomas Rayer and George Noble, 22 December 1622-20 December 1623, and of Thomas Williams and George Noble, 20 December 1623-22 December 1624 and 22 December 1624-21 December 1625. Lenthall was entertained on 8 and 10 April, 14 September, 2 and 22 December. A view of frankpledge was held on 8 April, *ibid.*, MS. B 77/2, Portsmouth proceedings. By returning this money Lenthall may also have wished to suggest to the burgesses that their member would put them to no great expense, for he returned part of a fee to the town again in 1640, before his election to the Short Parliament. See below, pp. 178, n.1, and 190.

³Woodstock, MS. B 77/2, session of 27 September 1624. The order could have been made when Lenthall was in the town on 14 September, see n.2 above.

It was probably just as well that the burgesses demanded no more, for by the early 1620's Lenthall had both a young family and the need to begin private practice to crave his attention as well. It was not always possible to separate these concerns from his Woodstock connections.

Although little direct evidence may be expected before 1625 to illustrate Lenthall's private law practice, several pointers link him to the court of Exchequer before that date. Even before 1621, when he was named with the Chief Baron of that court, Sir Laurence Tanfield, to the Woodstock commission of the peace noted above,¹ Lenthall was on close conversational terms with Tanfield. Their relationship emerges from a conversation Lenthall recounted to Tanfield's steward, Ambrose Evans, in 1620:

The men of Burdford [Burford] have likewise petitio[n]ed to the Kinge against my Lord. the heads of th[ei]r petitio[n] are 3. first, it is in my lords court. 2. my Lord hath only the man[o]r, & the towne belongs to the King, & the 3rd I have forgot. Sir H: [Henry] Cary likewise takes some dislike at th[e]m for some abuse to him, & my lord of Buckinga[m] hath p[ro]mised all faire passage to my Lord whatsoever. this discourse my Lord told me of, he & I discoursinge of it in the Excheq[ue]r chamber an hour together all most.²

¹Above, pp. 53-54.

²P.R.O., S.P. 14/117/12, Lenthall to Evans, 12 October 1620. This is a most allusive passage. "My Lord" was, of course, Tanfield. Sir Henry Cary was Tanfield's son-in-law, and the father of Lucius Cary, a frequent but much younger associate of Lenthall's until the Civil War. "The men of Burdford's petition" is a reference to a famous case of 1620 which is still capable of generating heat in

Lenthall was later to have his own close and long associations with Burford, but there is no evidence to indicate that he had a residence in or near the town at this time. At the time of his letter to Evans he was living in London, but he observed with dissatisfaction, "my owne howse that I have taken, I finde that inconvenience in, that I must needs change."¹ This would have interested Evans, for he was not only Tanfield's steward; he was also William Lenthall's father-in-law. As the date of Lenthall's marriage to Elizabeth Evans has not been found, it is difficult to determine whether Lenthall met the Evanses through his own contacts in the Exchequer, or whether his marriage brought him into closer contact with officials of that court.² By 1620, Lenthall apparently had at least one

Burford. Tanfield brought suit in the Exchequer against the town, claiming his privileges as lord of the manor had been usurped. The town lost the case and its privileges as a borough as well. This letter is of particular interest, not only in being the earliest of Lenthall's few surviving personal letters, but also in its style and the range of its allusions. It is therefore used extensively in the following discussion.

¹Ibid. The London house has not been found. Although there is no sign that Lenthall had a house in Burford this early, he does seem to have had a brother-in-law living there, see below, pp.65-66.

²Ibid. A persistent tradition links Lenthall with Tanfield by marriage rather than by profession, by making Elizabeth Lenthall Lady Tanfield's niece. Its most recent expression would seem to be in Kurt Weber, Lucius Cary, Second Viscount Falkland (New York: Columbia University Press, 1940), p.76. Weber derived it from E. St. John Brooks, Notes and Queries, CXLVIII (2 May 1925), 312, but Brooks gave no source for the statement. Dasent observed simply, "his

son, and his wife was expecting another child, for he wrote his father-in-law that

my little boy at this p[re]sent is ill, w[i]th his face swolne, whether it be teeth or noe wee it dought [doubt]. His mother is still p[er]-swaded she is w[i]th Child, & therfore although her sicknesse be much & often, it is but a breedinge sicknesse & wee know the cause of the disease.¹

Other matters of public and private interest Lenthall promised to keep "for a discourse to abate the length of a west minster walke when you & I shall meet."²

As far as published materials indicate, Evans, apart from his position as Tanfield's steward, has remained in almost total obscurity. About all that was known of him was that he presided, as Tanfield's steward, at a court leet

[Lenthall's] wife, Elizabeth Evans, it will be remembered, was a cousin of Lord Falkland," Speakers of the House, p.184. I have been unable to trace the assumption to a reliable source.

¹P.R.O., S.P. 14/117/12, Lenthall to Evans, 12 October 1620. It is doubtful that either of these children survived, as the first record found for one of Lenthall's children dates from 1625, when his son John was baptised on 4 March 1625 at Bletchington in Oxfordshire, Berks. R.O., Lenthall Papers, D/EL1: Z 18, Kyffin Lenthall's notes from the Bletchington parish register. This son was certainly baptised as an infant, for his age was given as nine years in the Oxfordshire visitation of 1634, Visitations of Oxford (ed. Turner), p.200, and as fifteen years on 12 September 1640, when he matriculated at Corpus Christi College, Oxford, W. R. Williams, The Parliamentary History of the County of Gloucester, 1213-1898 (Hereford: privately printed, 1898), p.195; see also, Foster, Alumni Oxonienses, III, 902. *0192a - Page 48*

²P.R.O., S.P. 14/117/12, Lenthall to Evans, 12 October 1620. See also below, pp.179-80.

at Burford on 2 October 1618. He lived at Lodington in Northamptonshire, but does not seem to have been a figure of importance in that county.¹ He was probably the "Mr Evans of Loddington" who was said in 1613 to have "animated" one of Sir Edward Montagu's correspondents to alter or mitigate something in a letter to Sir Edward.² Thereafter, Evans can be traced mainly through scattered land transactions in Northamptonshire and Oxfordshire, as in 1614, when he bought lands in Lodington from the trustees of Maurice Kinsman, and then sold them to Sir William Saunders of Northampton.³ The next year, possibly in his capacity as steward to Tanfield, Evans made a lease of lands in Aston, in the parish of Bampton, Oxfordshire, the lands to be held in trust for Dame Elizabeth Tanfield. Two

¹Paintin, Burford Priory and the Lenthalls, p.10. He is not noted among the Northamptonshire J.P.s in Gleason, Justices of the Peace, Appendix C.

²Northants. R.O., Montagu Correspondence, IV, no.52, letter from Henry Isham of Lamport to Sir Edward Montagu at Boughton, 6 April 1613. I am indebted to the Chief Archivist, Mr. P. I. King, for this and other references to materials in the Northamptonshire County Record Office, and this debt is hereafter indicated as [Ref. P. I. King].

³Ibid., Young (Orlinsbury) Collection, Y0 596, indenture of feoffment, 25 June 1614, which refers to the purchase of these Lodington lands on 4 April [Ref. P. I. King]. Saunders also bought the manor of Lodington on 4 April from Kinsman's trustees, ibid., Y0 1039 [Ref. P. I. King]. Kinsman may have been a relative of Evans, for Lenthall referred to "my cozen Kinsman" in a letter of 1623, P.R.O., S.P. 14/137/2, Lenthall to Evans, 2 January 1623.

years later, in 1617, he was a party in an Exchequer case involving other Oxfordshire lands in Hardwick and Weedon, and in 1620 Evans received a grant of small parcels of lands in London and twenty-four counties in England and Wales.¹

One final documentary trace of Evans casts an intriguing light on another aspect of his son-in-law's professional activities. This facet of Lenthall's early career has not been previously noticed, but its particular context would seem to be significant for a later stage of Lenthall's career as Speaker. Sir Edward Montagu had learned with interest in 1622 "what he didn't know before, that Mr Evans is father-in-law to Mr Lenthall." The name of Lenthall was already known to him, for he added that Lenthall was his brother's "principal counsellor."² As Sir Edward had at least four brothers, he left a pretty problem in identification by not naming which brother he meant. Only one, however, can be linked with any real

¹Oxon. R.O., Misc. Mar. I/22, lease for one hundred years, 18 February 1615; *ibid.*, Dillon Papers, DIL. XIV/b/10, copy of plea, Michaelmas 1617. Cal. S.P. Dom., 1619-1623, p.135. Evans was the nominee of the original grantee, John Gray.

²[Ref. P. I. King] from Northants. R.O., Montagu Correspondence, I, no.37, draft letter from Sir Edward Montagu to Sir Thomas Brooke of Oakley, 27 July 1622.

probability to Lenthall: Sir Henry Montagu, later first earl of Manchester.¹

Sir Henry Montagu was a Middle Templar, recorder of London from 1603 to 1616 and, from 1616 to 1620, Sir Edward Coke's successor as chief justice of the King's Bench. In the latter year he became Lord Treasurer, and was ennobled as Baron Montagu of Kimbolton and viscount Mandeville. As viscount Mandeville, he has already been noted in the present study as a fellow commissioner of the peace, with Lenthall, in the Woodstock commission of 1621.² He was also brother-in-law to another member of the commission, for his first wife was the daughter of Sir William Spencer of Yarnton and the sister of Woodstock's High Steward, Sir Thomas Spencer.³ If, as seems probable,

¹James Montagu (d.1618) was bishop of Winchester, Sydney a knight of the Bath and Master of Requests; Charles settled in Essex, but nothing else appears to be known of him. All are noted in F. R. Harris, The Life of Edward Montagu (2 vols.; London: John Murray, 1929), I, 7-18; and C. Wise, The Montagus of Boughton and their Northamptonshire Homes (Kettering: W. E. and J. Goss, 1888), pp.24-25. Both of these authors include among the brothers a Walter Montagu, abbot of St. Martin near Pontoise, who is described as the son of Henry, first earl of Manchester in DNB, XIII, 717-19. Other relevant biographies are ibid., 672-74 [Edward, of Boughton], 696-98 [Henry] and 698-99 [James]. Edward, Walter, Henry and James are among the Montagus in Notable Middle Templars (ed. Hutchinson), pp.165-67. For Sir Sydney Montagu, see also below, pp.210, n.6 and 212.

²Above, pp.53-54.

³The Spencers, like the Montagus, were a Northamptonshire family, see Mary Finch, The Wealth of Five Northamptonshire Families, 1540-1640 (Oxford: University Press, for the Northamptonshire Record Society, 1956), Chapter III, "Spencer of Althorp," and Appendix III, pp.174-75.

Lenthall was known to Montagu even before 1621, it would most likely have been as a newly-qualified barrister learning his trade as legal "odd-job man" for more eminent lawyers, of whom Tanfield was probably one. Montagu himself may have been another, and a quiet recommendation in season, within the Montagu-Spencer family, could well have preceded Woodstock's choice of Lenthall as their recorder. Lenthall's association with Sir Henry Montagu at this early date, and in parliament a few years later with Sir Henry's son, Edward,¹ might prove to illuminate the background to the flight of both Houses of Parliament to the Army in August, 1647.²

That Lenthall was the "principal counsellor" or main legal devil of Sir Henry Montagu would seem to be the explanation of a curious manuscript in the Bodleian Library which was once in Lenthall's possession. This manuscript contains lists of precedence and descriptions of ceremonials connected with the office of the Lord Mayor of London and

¹Below, p.77.

²As lord Kimbolton, Sir Henry's son, Edward, was impeached with the five members of the Commons in 1642. As second earl of Manchester, he was Speaker of the House of Lords pro tempore and Lenthall's opposite number in 1647. Parliament's flight to the Army was managed with a speed and secrecy which suggests a certain amount of prior planning and consultation. Consultation between the two Speakers would be natural enough if they had associations with each other which could be traced back twenty years and more. This is but one example of the way in which Lenthall's early associations might shed light on his career as Speaker. Until knowledge of Lenthall's background is brought to bear on his Speakership, no balanced assessment of his role appears possible.

seems, at first glance, to have singularly little connection with the known facts of Lenthall's career. The relevance of such a collection to the duties of a recorder of Woodstock is particularly obscure, but it might well have been useful to a recorder of London, such as Sir Henry Montagu had been.¹

This survey of Lenthall's early career may usefully conclude with a brief glance at other members of his immediate family. Their activities at this time add weight both to the Lenthall base in Oxfordshire and to the family's traditional connection with the merchant community of London.

Lenthall's elder brother, John, appears at this time to have been a fairly typical Oxfordshire gentleman and, perhaps, had not yet assumed the office of Marshal of the King's Bench prison with which contemporary comment was to identify him. He may already have been married in 1609, when he purchased the Cotswold manor of Asthall for £2300.²

¹The manuscript is Bodleian, MS. Rawl. D. 1009; the hand has been dated to the early 1620's and was said by E. M. Thompson, in a note on the flyleaf, to have been found in other manuscripts in the Guildhall in London. If the manuscript was not connected with Montagu, Lenthall might have acquired it from a later recorder of London, for example, Robert Mason; Mason was a fellow Bencher at Lincoln's Inn whose chambers Lenthall took over in 1635, Lincoln's Inn Black Books (ed. Baildon), II, 169, and below, pp. 126, 131-33.

²Bodleian, MS. ch. Oxon. c.1 (2709), bargain and sale of Asthall, dated 14 June 1609. John Lenthall's eldest daughter was baptised there in 1611, ibid., MS. Rawl. B. 400^b, Richard Rawlinson's parochial collections for Oxfordshire, eighteenth century.

When he did marry, he married exceedingly well. His wife, Bridget, was the daughter of Sir Thomas Temple of Stowe in Buckinghamshire, and by this marriage Sir John, as he was after 1616,¹ attached the Lenthalls to several of the most eminent families of the area. The Temples were themselves connected by marriage to the Verneys of Claydon and the Fiennes of Broughton near Banbury.² By 1624, Sir John and his wife were living at Bletchingdon, and the following year Dame Bridget was godmother there to her nephew John, William Lenthall's first surviving son.³

The third Lenthall brother, Thomas, had sought his fortune in London. He was clearly on the right road by 1619, when he became a freeman of the Fishmongers'

¹He was knighted on 14 November 1616, John Nichols, The Progresses of King James the First (4 vols.; New York: Burt Franklin, 1964, reprinted from the London edition of 1828), III, 226.

²One of James I's new peers, William Fiennes, created first viscount Say and Sele on 6 July 1624, had married Sir Thomas Temple's sister. Bridget Lenthall's first cousin was Sir Edmund Verney's wife, Margaret. For Say and Sele, see DNB, VI, 1297-1300 [Fiennes]; for the Verney-Lenthall relationship, Lady Frances P. and M. M. Verney, Memoirs of the Verney Family (3 vols.; London: Longmans, 1892-94), esp. I, 345, and Peter Verney, The Standard Bearer: The Story of Sir Edmund Verney (London: Hutchinson, 1963), pp.152-53. If pushed far enough this relationship does link Lenthall and John Hampden, who also married a cousin of Margaret Verney's, ibid.

³Above, p.58, n.1. In June, 1624, Sir John, Dame Bridget and her father were among the parties granting a lease in Bletchingdon, Oxon. R.O., Sm. I/1, lease dated 16 June 1624.

Company.¹ Of the youngest brother, Francis, no trace appeared in 1624, but he too was to find a career in London's trade. Their sister, Jane, was the second wife of yet another London merchant, Thomas Freeman. Two other married sisters had remained in Oxfordshire. Bridget, the youngest, was the wife of a Doctor of Divinity, John Standard of Whitehill, and an older sister, Ann, had married Samuel Warcupp of English, near Henley.² Although his elder brother remained at Henley, Samuel Warcupp was to move west. He already owned shares in the manor of Burford by 1613. The following year he granted a lease there of lands at Fulbrook and Westallhill and in Wychwood Forest.³ For

¹J. R. Woodhead, The Rulers of London, 1660-1689: A Biographical Record of the Aldermen and Common Councilmen of the City of London (London: London and Middlesex Archaeological Society, 1965), p.107.

²Berks. R.O., Lenthall Papers, D/EL1: F 16, and Bodleian, MS. Top. Berks. b.2, fol.29, Lenthall pedigree. Thomas Freeman is also found in association with Thomas and Francis Lenthall in the vestry minutes of St. Mary-at-Hill from 29 April 1641 to 3 April 1643, London, Guildhall Library, MS. 1240/1, fol.44-45. Freeman, a new parishioner, was admitted to the vestry at a time when Thomas Lenthall was auditor and Francis Lenthall senior churchwarden of the parish, ibid. The eldest sister, Elizabeth, married an Edward Garrard who has not been identified. Of the Pollards, Lewes, as far as is known, was at Nuneham Courtenay and Francis may still have been in London, see above, p.44.

³Berks. R.O., Lenthall Papers, D/EL1: Z 16/3. The shares were sold by Warcupp's brother Ralph [Rudolph], Laurence Washington and Clement Goldsmith. The Fulbrook lease of 1 June 1614 is part of a small collection of deeds associated with the Hathaway family of Fulbrook. These deeds are now in the possession of Mr. Roger Warner of Burford, who very kindly allowed me to examine them.

5b-201

nearly twenty years thereafter Samuel Warcupp was associated not with his family home near Henley but with Burford, which also came to be the home of his brother-in-law, William Lenthall.

By 1624, then, the Lenthall children had grown up. In their several activities and professions, they already exhibited a response to the financial and social demands on them which was so classic as to merit description as a gentry "syndrome." The concurrent symptoms of interest in land, law and trade were all to be discerned, and office was soon to follow. Even the Church was represented, by the husband of the youngest sister. The firm base of the Oxfordshire gentry remained, but its geographical focus within the county continued the shift north and west from the family seat at Haseley which had been begun by William Lenthall of Wilcote. His children had further expanded their geographical base by marriages which united them with families in the neighbouring counties of Buckinghamshire and Northamptonshire. They had also widened their fields of operation to include London-based professions in trade and the law.

Page 59
Page 59
Page 59

William Lenthall served his apprenticeship in the latter profession and was, by 1624, what his own Inn called "a barrister of more than seven years' standing." In theory, he was now qualified to plead in one of the central courts; in practice, he may already have done so. At any

rate, he had certainly built up contacts within his profession, had probably gained some experience in the preparation of cases and other legal work for more highly qualified lawyers, and had possibly begun to learn something of the particular problems of borough government. This experience, which was as yet narrowly legalistic, was not, perhaps, the best preparation of mind for a future Speaker of the Commons.

One valuable qualification which Lenthall shared with many other men was his expanding network of relationships. Even at this early date the same names have tended to recur, and this trend will become ever more marked throughout the present study. Particular attention must be paid to the extent to which professional, family, borough and county connections overlapped, for Lenthall's contacts often proved to have much more in common than their acquaintance with Lenthall. This greatly complicates discussion of relationships, but this very complexity was so much a part of the texture of the time that it cannot be ignored. In their various occupations the gentry wore many hats but, more frequently than is generally realised, the heads underneath were the same. It was to be expected that Lenthall could cry "well met again" to more than one of the faces he saw in his first parliament of 1624.

CHAPTER III

THE PARLIAMENT OF 1624

William Lenthall's first parliament in 1624 and, as it happened, his only one for sixteen years, brought him gains for the future which were not inconsiderable. He appears to have emerged from it three months later with a reputation as a young man of some promise. He had been an active committeeman, and would have appeared as eager and, probably, useful and reliable as well. At the same time, his experience lacked the evidence of positions taken and stands embraced which could have tainted his later political reputation. His absence from the other and more controversial parliaments of the 1620's was to preserve the neutral flavour of his brief experience in 1624.

Lenthall also emerged from parliament with old associations strengthened and new ones established, many of which were to be confirmed and repeated during his long absence from political life. Detailed analysis of all of these, however, would burst the bounds of the present study, for over one hundred men were named with Lenthall to committees of the House of Commons. Many of these he must have met in 1624 for the first, but not for the last time.

Ninety members of the parliament of 1624 would pass Lenthall's field of vision again when the Long Parliament met in 1640. In one way or another, and often in several ways, Lenthall can be linked with over 190 of the 476 members elected with him in 1624.¹ Some of these links, which are considered below, included associates from Lincoln's Inn and from Oxfordshire, other members of the legal profession, fellow recorders, and a small number of relatives. Of the total membership of 476, 223 men had not been present when the previous parliament met in 1621.

For those like Lenthall, who had never before sat in any parliament, 1624 would offer only limited experience of the struggles in which former Houses of Commons had engaged. Some of these members would receive a rude awakening in Charles I's first parliaments, but Lenthall did not sit again in the 1620's.² John Chamberlain had

¹Catalogue of Parliament Men, 1624, Bodleian, Wood 358 (1). The pamphlet is one of a series of contemporary lists of parliament men, 1624-1659, collected by Anthony à Wood. Other lists in the collection are cited in a similar fashion. The figure of 190 is not the total of fellow committee members and fellow members of the Long Parliament, for some of the latter also sat with Lenthall on the committees of 1624. This apparent total is entirely accidental. The figure of 190 also excludes members who may have sat with Lenthall on committees to which "all lawyers of the House" were named; members, other than kin, whom he might have met through his brothers, Sir John of the merchants Thomas and Francis; or members he may have known but for whom no specific association could be traced.

²A possible reason for this is discussed below, pp. 90-92.

observed, "I thincke there was never parlement better affected from the highest to the lowest to the goode of the King and kingdom,"¹ and as an assessment of the mood in which the parliament opened, he was probably right. Although there were rough passages during the session, Lenthall may well have left Westminster with a valid feeling of accomplishment, and a comfortable sense that, at least on occasion, it was possible for Crown and Commons to work together. In another sense, of course, he did not leave Westminster, for his practice in the Exchequer kept him in London during the law terms, and he must often have been on hand when later parliaments were in session. In neither Inn nor Exchequer would he want for news of what was happening.

The parliament which opened on 19 February 1624 must have been in some ways a peculiar experience for its members. In both 1614 and 1621, parliaments had been precipitately and angrily dissolved, and for fourteen years no bill had actually passed into law. It was already customary, however, for parliaments to keep copies of measures not yet passed, or passed and not enrolled, for the use of

¹The Letters of John Chamberlain, ed. N. E. McClure (2 vols.; "American Philosophical Society Memoirs," Vol. XII; Philadelphia: American Philosophical Society, 1939), II, 548, No. 448, John Chamberlain to Sir Dudley Carleton [London, 20 March 1624].

the following parliament. In 1624, thirty-five laws were finally enrolled.¹

The reasons for this astounding mood of cooperation, so uncharacteristic of Stuart parliaments, are not hard to find. James's opening speech to parliament was frankly conciliatory, and asked for advice even on foreign policy. The proposal for a marriage between Charles and the Spanish Infanta had died an ignominious death, and Buckingham's report to both Houses on his madcap journey to Spain with the Prince did nothing to reduce anti-Spanish sentiments. Although his son's humiliation had been entirely self-induced, James's foreign policy was now in tatters, and the whole question of diplomatic relations with Spain was turned over to parliament.

There is no sign, however, that Lenthall took any part in debates on foreign policy, nor on another of the burning questions, the recusancy laws, which James had hoped to modify during his wooing of Spain. Nevertheless, it can hardly have escaped Lenthall's notice when a relative by marriage, Sir Francis Stonor, was certified to the House of Lords as an Oxfordshire recusant who had risen to the

¹C. D. Bowen, The Lion and the Throne: The Life and Times of Sir Edward Coke, 1552-1634 (London: Hamish Hamilton, 1957), p.399. See also the discussion on this in Notestein, English People, pp.198-99. John Chamberlain gave the number as "three or fowre and thirty acts," Letters, II, 561, No. 452, Chamberlain to Carleton [London, 5 June 1624].

positions of Justice of the Peace and Deputy Lieutenant.¹

Another major concern of the parliament which one would think might have attracted Lenthall's attention was the impeachment of the Lord Treasurer, Lionel Cranfield, earl of Middlesex. Cranfield, too, had been named to the Woodstock commission of 1621,² but nothing is known of any direct relationship between the two men. All the lawyers of the House were named to the committee for Cranfield's impeachment on 19 May, and there is no indication that other committee meetings of Lenthall's conflicted with the crucial meeting set for that afternoon.³

The rise of the committee system in the House of Commons in the last years of Elizabeth's reign, and its full development during the reign of James I has been ably

¹L.J., III, 395, 20 May 1624. Stonor's name also appears in the list in London, H.L.R.O., MS. Braye 13, draft journal (H.L.), 19 May 1624-15 March 1625, unpaginated.

²Above, pp.53-54. An appeal to Lenthall on Cranfield's behalf in 1644, cited in Menna Prestwick, Cranfield: Politics and Profits under the Stuarts (Oxford: Clarendon Press, 1966), p.580, does not imply earlier or frequent contact between them.

³C.J., I, 705; S.T., II, cols.1183-1254. Cranfield's impeachment has been variously discussed, as a stage in the development of a doctrine of the accountability of ministers of the Crown, as an attack by vested interests on upstarts and "new men," and as a vendetta arising from the clash of personality and power between Cranfield and Buckingham. The most helpful discussions remain those by Prestwick, pp.423-68, and Clayton Roberts, The Growth of Responsible Government in Stuart England (Cambridge: University Press, 1966), pp.35-41.

told elsewhere.¹ These committees had a dual importance for Lenthall's career. By reducing the power of the Speaker, as of the few Privy Councillors left in James's parliaments, committees of the whole House were gathering control of business into the hands of the members themselves. Lenthall had far less power as Speaker in 1640, therefore, than his Elizabethan predecessors had had. In 1624, however, he was actually participating in the process by which this was achieved.

Legislation was beginning to emerge in a new way. As grievances and abuses were reported, they were increasingly referred to committees, often of the whole House, which then chose subcommittees of lawyers to draft the needed legislation and report back to the House in committee. It is clear that a number of the committees here discussed, although not all are so called in the Journals, were subcommittees of this type. On these subcommittees the lawyers were the controlling force. To be a young lawyer in the parliaments of the 1620's was thus to be, and, undoubtedly, to feel oneself to be a participant in the government of England.

For Lenthall, as for other new members and back-benchers, the committee system offered a new type of freedom.

¹In Wallace Notestein, "The Winning of the Initiative by the House of Commons," in Studies in History: British Academy Lectures, selected and introduced by Lucy S. Sutherland (London: Oxford University Press, 1966), pp.145-203.

Members did not need to rise when they spoke in committee, and many men could speak out who might have lacked the temerity to thrust themselves forward in the House itself. That Lenthall was one who felt this way seems clear from the frequency with which he was named to committees, for those who spoke in debate were normally chosen as members of any committee which resulted from the debate.

In general, the eight committees to which Lenthall was named dealt with points of law rather than of politics and, before turning to them, it may be instructive to consider some of the men with whom Lenthall sat, in parliament and in committee, and whom he must have known even before the parliament opened.

Lincoln's Inn would seem a likely source of early associations in Lenthall's life which could be expected to recur or continue in 1624. In fact, Lenthall had been called to the bar in 1616 with one fellow member, Edward Ayscough.¹ In the same category must also be included members who were certainly known to Lenthall before 1624,

¹Lincoln's Inn, MS. Black Book 6, fol.631. Ayscough sat for Stamford, Lincolnshire. In the following discussion, seats are given from Catalogue of Parliament Men, 1624, and Browne Willis, Notitia Parliamentaria (London: pr. for the author, 1710). Unless otherwise stated, biographical materials are from DNB; M. F. Keeler, The Long Parliament, 1640-1641: A Biographical Study of the Members (Philadelphia: American Philosophical Society, 1954); and D. Brunton and D. H. Pennington, Members of the Long Parliament (London: George Allen & Unwin, 1954).

but for whom documentation of the relationship is only possible for a later date. At least six of the members of 1624 were fellow Benchers of Lenthall's in 1633: Edward Bysshe, Richard Cresheld, who was called to the Bench on the same date as Lenthall, John Glanville, William Noy, Henry Sherfield and Richard Taylor.¹ With the exception of Cresheld, these men also met again with Lenthall on various committees. Bysshe and Sherfield, in fact, made something of a habit of it, as they and Lenthall were five times named together to the same committees.² Other Lincoln's Inn men whom Lenthall must have known before 1624 were past or future Readers at the Inn. They included Christopher Brooke of York, another five-committee colleague; Serjeant Richard Digges; Nicholas Ducke, recorder of Exeter; Sir Thomas Wentworth; and Thomas Woodward.³ There were yet other Lincoln's Inn men who would have been known to Lenthall

¹Lincoln's Inn, MS. Black Book 7, fol.382. Bysshe sat for Bletchingley, Surrey; Cresheld for Evesham, Worcs.; Glanville for Plymouth; Noy for Fowey, Cornwall; Sherfield for New Sarum [Salisbury] and Taylor for Bedford. Cresheld sat again in the parliaments of 1640, and Glanville was Speaker of the Short Parliament.

²See below, pp.79, 81-86. Bysshe appears in the committee lists not by name but as "Attorney, Court of Wards."

³Cresheld, Sherfield and Taylor were also Readers at Lincoln's Inn. Digges sat for Marlborough, Wilts.; Ducke for Exeter; Wentworth for Pomfret, Yorks.; and Woodward for New Windsor, Berks.

in the parliament of 1624 and again in 1640.¹ Men from the other Inns who might have been known to Lenthall are not considered separately here, but enough of them will emerge from the discussion below and in following chapters to indicate how frequent were associations within the legal profession.

It is probable that Lenthall also knew the other members from Oxfordshire before the parliament opened. He would certainly have become well acquainted with five of them through committee work in the parliament: Sir George Calvert, Sir William Cope, Sir Henry Poole, Thomas Wentworth and John Whistler.² Yet other members of the parliament of

¹Sir Thomas Cheeke (Essex), Sir Robert Crane (Sudbury, Suffolk), Thomas Hatcher (Lincoln), Ambrose Manaton (Tregony, Cornwall), John Mostyn (Anglesey) and Sir Richard Wynn (Ilchester, Somerset) were all Lincoln's Inn men who sat in 1624 and again in November, 1640. All but Hatcher were also in the Short Parliament.

²Cope and Poole sat for the county, Wentworth and Whistler for Oxford City. Calvert, who was Secretary of State, sat with Sir Isaac Wake for Oxford University. Lenthall's fellow burgess for Woodstock was Sir Philip Cary, and Sir Erasmus Dryden sat for the single-member constituency of Banbury. Lenthall was named to three committees with Whistler and two with Poole and Wentworth. Whistler sat again in November, 1640, as recorder of Oxford. He was, in addition, a Little Haseley man, and undoubtedly knew other Lenthalls as well. The possible ramifications of these relationships seem endless when one remembers that Cope was involved in land transactions with Lenthall's brother-in-law, Samuel Warcupp, Dryden may have known the Southwells at Lincoln's Inn and certainly knew the Sydley [or Sedley] whose chambers at the Inn Lenthall took over in 1616, and Poole was listed with Lenthall in 1639 among Berkshire gentry refusing to contribute to the expedition against the Scots, Berks. R.O., Lenthall Papers, D/EL: Z 16/3 and Z 18.

1624 were to pass through Lenthall's law practice as fellow or opposing counsels and, occasionally, as clients.¹ He may also have found shared problems and common ground with the five other recorders elected to his first parliament.²

Edward Montagu, Sir Henry's son, sat for Huntingdonshire, Sir William Spencer for Northamptonshire, and among his contacts Lenthall may well have counted Montagus and Spencers met through his Woodstock recordership. One of the Buckinghamshire knights, Sir William Fleetwood, was also Comptroller of Woodstock Park. He lived at Great Missenden, and in 1627 was to present Lenthall's cousin, Robert Lenthall, to the rectory there.³ Other county contacts which followed

¹They will be noted more fully below, Chapters IV and VI. They included: John Bankes (Wootton Bassett, Wilts.), later Attorney-general to Charles I; Sir John Eliot (Newport); Sir Robert Heath, the King's Solicitor (East Grinstead, Sussex); a later Lord Keeper, Sir Edward Littleton (Staffordshire); and William Stroude (Beeralston, Devon). Littleton and Stroude sat again in 1640. In 1624, Lenthall was named with Bankes and Heath to two committees.

²Two, Nicholas Ducke and John Glanville, were Lincoln's Inn men. The others were Francis Brakyn (Cambridge), Sir Heneage Finch (London), and Christopher Shereland (Northampton). Three other members later became recorders: William Whitaker for Shaftesbury, John Whistler for Oxford, and Ambrose Manaton for Launceston, Cornwall. Manaton was an Associate of the Bench at Lincoln's Inn. All three sat in the Long Parliament.

³Berks. R.O., Lenthall Papers, D/EL1: Z 16/4. This Robert Lenthall was said to have preached the sermon at John Hampden's funeral, Bodleian, MS. Top. Berks. b.2, fol.29. For Montagus and Spencers, see above, pp.61-62.

after, but not necessarily from the parliament of 1624 included Sir Robert Cooke, a kinsman of the Fleetwoods, with whom Lenthall was associated in the 1630's in both Oxfordshire and Gloucestershire affairs; and John Dutton of Sherborne, Gloucestershire, who was to be a trustee with Lenthall of the charity lands in Burford. Another of Lenthall's trusteeships, of the Tanfield lands in Burford and Great Tew, was exercised with Sir John Walter, Chief Baron of the Exchequer after Tanfield's death in 1625.¹

Lenthall's ties of kinship in the parliament of 1624 were few, but John Crew, the lawyer and member for Amersham, Buckinghamshire, was apparently a nephew. Other fellow members who might have called Lenthall "cozen" included Sir Thomas Denton and Sir Edmund Verney, both of whom were connected by marriage with Sir John Lenthall.²

¹See below, pp.111, 185-86, 198. Cooke sat in 1624 with Noy for Fowey, and Walter for another Cornish seat, East Looe. Dutton was one of the knights for Gloucestershire. Both Dutton and Cooke sat in November, 1640, and Cooke in the Short Parliament the preceding April as well.

²See above, p.64, n.2. Lenthall referred to Crew as "my nephew" in a letter of 1648, when he charged another nephew, Edmund Warcupp, to "p[re]sent my humble service" to the Parliamentary Commissioners sent to confer with the King at the Isle of Wight, Bodleian, MS. Rawl. lett. 47, fol.25, No.7, Lenthall to Edmund Warcupp, 13 October 1648. Warcupp was secretary to the Commissioners, of whom John Crew was one. Lenthall was only seven years older than Crew, and it is not clear that the relationship actually existed in 1624; it may have resulted, for example, from some later intermarriage. There was also a later Lenthall connection with Edmund Dunch (Berkshire), whose daughter married a son of Sir Edmund Lenthall of Lachford, Bodleian, MS. Top. Berks. b.2, fol.29, Lenthall pedigree. Dunch was a kinsman of Oliver Cromwell. Crew, Verney, Dunch and Denton's son all sat again in November, 1640.

The essentially self-reinforcing contacts of the Stuart gentry are nowhere more clearly evident than in their parliamentary associations.¹ Within the parliament of 1624, members named with Lenthall to one or more committees totaled 104, or more than one-fifth of the entire membership of 476. Lenthall himself was named to eight committees. Three members were joined with him on five of the eight, two members on four, and eight other members on three of these eight committees.² But this entire discussion would come dangerously near a reductio ad absurdum if the twenty-one other members who were named with Lenthall to only two committees were all listed here.

It will be most helpful to consider the committees to which Lenthall was named not in chronological sequence,

¹The selection of relationships noted above, pp.74-78, should make the point with sufficient force. To press it further by examining all the members of 1624 (ninety in all, twenty-two of them fellow committeemen) who sat again in the opening years of the Long Parliament could only induce in the reader a mood of despair analogous to that experienced by Brunton and Pennington when they attempted to trace John Hampden's relatives in the Long Parliament, Members of the Long Parliament, p.17.

²Lincoln's Inn men showed a remarkable tendency to stick together. Three of them, Christopher Brooke, Edward Bysshe and Henry Sherfield, sat with Lenthall on five different committees. Sir Edward Coke (Coventry) and Nicholas Ducke, recorder of Exeter, were named with Lenthall to four. His three-committee colleagues were Digges, Glanville, Noy, Whistler, John Carvile (Aldbrough, Yorks.), Sir Peter Mutton (Caernarvon), Sir Eubele Thelwell (Denbigh) and Ralph Whitfield (Clitheroe, Lancs.). Digges, Ducke, Glanville and Noy were also from Lincoln's Inn.

but according to the type of bill or enquiry with which they dealt. It is clear that Lenthall's participation in committee was steadily increasing, for he was named to committees on 2, 8, 12, 15 and 17 March, on 12 April and on 22 May.¹ These committees may be classed as ones dealing with private bills, with matters of legal or parliamentary procedure, and with grievances or questions of wider political interest. As grievances were understood by the Commons, however, they might be either inconvenient or frankly illegal, and a matter of grievance might be included in any of the above categories.²

The one clearly private-bill committee on which Lenthall sat was for an act to confirm certain manors and lands in Kent as being in the possession of Sir Martin Lumley,

¹C.J., I, 709, 679, 683, 737, 709-10, 763 and 793. On the last date he was named to the committee to consider amendments to the Bill of Concealments. A committee for Concealments had been meeting since 25 February, but it is not clear that Lenthall was a member of the original committee, see below, pp.86-87. The disturbed sequence of page references derives from two journals (I, 670-715 and 715-98), roughly parallel, but not at all points identical. Passages from both have been placed above in chronological sequence.

²It was perfectly proper to proceed by private bill to correct a public grievance, and purely procedural questions might also be matters of grievance. The interpretations of "a grievance" then current emerge clearly from E. R. Foster, "The Proceedings of the House of Commons against Patents and Monopolies, 1621-1624," in Conflict in Stuart England: Essays in Honour of Wallace Notestein, ed. W. A. Aiken and B. D. Henning (London: Jonathan Cape, 1960), pp.57-85, and esp. p.85, n.105.

Lord Mayor of London, and others. It was committed at second reading on 12 March to twenty-seven members, of whom Lenthall was one, and was finally passed by the House of Lords on 18 March. The committee contained a Lincoln's Inn cluster composed of Brooke, Digges, Lenthall and Sherfield.¹

The second class of committee to be considered included those which were concerned with means of correcting errors or inequities in legal procedure. Lenthall was named to three of these. On 15 March, Ralph Whitfield reported to the House from the committee of eleven members which had been set to frame a bill for removing suits out of "inferior" [that is, lower] courts of law. The amendments were read twice and the bill was then recommitted, but it was passed by the Lords eventually on 21 May. Lenthall and Bysshe were there from Lincoln's Inn; there was also a small Oxfordshire contingent, for Lenthall was joined by Wentworth and Whistler, as well as by Sir John Walter, whose later concerns with Lenthall in Oxfordshire have been noted above.²

An act for reversing outlawries was committed after second reading on 12 April to twenty-three members, headed by Edward Bysshe, Attorney of the Court of Wards. In

¹C.J., I, 683. The second reading followed immediately on the first, H.L.R.O., MS. Journal (H.C.) 12, fol.38. Passage is ibid., MS. Minute Book (H.L.) 2, fol.43.

²Above, p.78; C.J., I, 737; and H.L.R.O., MS. Journal (H.C.) 13, fol.56^v. First reading was on 3 March, ibid., fol.27. For passage see ibid., MS. Minute Book (H.L.) 2, fol.88, and MS. Braye 13, 21 May 1624.

addition to Lenthall, Lincoln's Inn contributed Brooke, Bysshe, Digges and Noy, Oxfordshire Sir William Cope, Sir Henry Poole and John Whistler.¹

The third committee to be considered here leads naturally into discussion of the final class, the grievance committees. Late in the parliament, on 22 May, a large committee of thirty-two members was appointed after Sir Edward Coke's report of a message received from the Lords. The committee was to confer with sixteen members of the House of Lords on the Commons' Act for the Continuance or Repeal of Statutes, which had been amended by the Lords on the previous day. This committee of both Houses met twice on 22 May without, apparently, resolving their differences, which seem to have centred on a statute of 7 Edward VI on the sale of wine by retail, which the Commons wanted repealed.² The membership of the Commons' delegation to the committee varied considerably from the committees noted above, and varied not only in the larger number of members. There was a larger representation of knights and baronets, many of whom were not lawyers. This is particularly interesting,

¹C.J., I, 763; and H.L.R.O., MS. Journal (H.C.) 13, fol.130^v. The second of the published Commons' Journals is particularly helpful here, as the first journal (I, 670-715) lacks entries from 17 March through 20 April.

²C.J., I, 709; and H.L.R.O., MS. Journal (H.C.) 14, fol.52. The amendment by the Lords, their passage of the amended bill on 21 May, and the second meeting at 4 p.m. on 22 May are ibid., MS. Braye 13, 21 and 22 May 1624.

as earlier references to the original committee for the act itself emphasised participation by the lawyers in the House.¹ It is not clear who the original members were, but all but eight of those named to the conference with the Lords were knights or baronets. At least five of the remaining eight were lawyers, and four of these were Lincoln's Inn men.²

The last four of Lenthall's committees all, in their various ways, reflected the widespread concern of the Commons about grievances. On 3 March, an act against "secret Offices and Inquisitions to be taken in his Majesty's Behalf to the Prejudice of his Subjects" received its first reading. At its committal after second reading on 8 March, the Attorney of the Court of Wards [Bysshe] proposed that notice of inquisitions be put up in the Court of Wards, "and not in Chancery, whence the Writ issueth, where no Man looketh for them." John Glanville objected that such notice, "in countenancing these Inquisitions," would do yet further harm,

¹The committee which resulted on 2 March from the original motion by Sir Walter Pye (Brecknock) was composed of all the lawyers of the House, C.J., I, 724, and H.L.R.O., MS. Journal (H.C.) 13, fol.21. On 24 March William Noy was given charge of the bill and the lawyers were particularly charged to meet on the following Saturday [27 March], C.J., I, 749, and H.L.R.O., MS. Journal (H.C.) 13, fol.91^v.

²The lawyers were Glanville, Lenthall, Noy and Sherfield, all from Lincoln's Inn, and John Bankes. The other three were "Mr Fetherson" [Francis Featherstonehaugh (Romney)?], Denzil Holles (Michael, Cornwall), and William Mallory (Ripon, Yorks.). Holles and Mallory sat again in November, 1640.

and asked instead that a means be found "to have these secret Inquisitions adjudged void."¹ The committee of twenty-three members, headed by Sir Edward Coke, was still meeting on 16 April; twice, on 3 and 14 April, the lawyers were ordered to attend. It should occasion no surprise to find that the list of members included the now familiar Lincoln's Inn crowd of Brooke, Bysshe, Digges, Glanville, Lenthall, Sherfield and Taylor.²

Brooke, Bysshe and Sherfield were again listed with Lenthall on 15 March, when a rather different matter was under consideration. They were named with twenty other members to the committee which was to prepare an act "for the freer Liberty of Fishing, and fishing Voyages, to be made and performed in the Seacoasts and Places of Newfoundland, Virginia, New England, and other the Sea-Coasts and parts of America."³ Their function, along with the chairman,

¹C.J., I, 679 and 737; H.L.R.O., MS. Journal (H.C.) 12, fol.28-28^v, and ibid., MS. Journal (H.C.) 13, fol.38. First reading is noted ibid., fol.27.

²C.J., I, 753 and 766; H.L.R.O., MS. Journal (H.C.) 13, fol.101^v, 139^v. Only twenty-one members are listed in C.J., I, 679, but the list in the parallel journal (I, 731) also contains the names of Thomas Fanshawe (Lancaster) and John Whistler (Oxford).

³C.J., I, 686 and 737; H.L.R.O., MS. Journal (H.C.) 12, fol.44^v, and MS. Journal (H.C.) 13, fol.57. First reading was on 25 February, ibid., MS. Braye 73, journal of the Commons, 12-25 February 1624, unpaginated. The act was engrossed on 28 April, read for the third time the next day, finally passed after debate on 3 May and sent up to the Lords on 4 May, C.J., I, 697.

again Sir Edward Coke, was presumably to assist with the drafting of the act, and to keep straight the legal thinking of a committee which included "all the Burgesses of the Sea-ports," and consisted largely of men whose fishing interests were already fairly secure.¹

Lenthall had one particularly busy day during his first parliament. On 22 May, he was not only named to committees for the conference with the Lords and for the amendments to the Bill of Concealments,² he also reported from a subcommittee of one of the Grand Committees, the Committee for Courts of Justice. The subcommittee had examined complaints against Dr. Francis Cradocke, and had found him "a great Offender" as a High Commissioner for Durham, as a justice of the peace and as a chancellor, who "confoundeth these several Jurisdictions, making the one to help the other." Detailing a long list of iniquities, Lenthall offered the opinion of the committee that Cradocke deserved greater punishment than Dr. John Lambe, whose case the House had just resolved to defer to the next session.³

¹The composition of the committee suggests that what may have been wanted was "firmer control" rather than "freer liberty." I am grateful to Dr. Keith Matthews of Memorial University of Newfoundland for raising this revealing point.

²Above, pp.82-83; see also p.80, n.1, and below, pp.86-87.

³C.J., I, 709-10; H.L.R.O., MS. Journal (H.C.) 14, fol.52^v-53^v. The original petition against Cradocke had been presented to the House by Sir Henry Anderson on 3 May and referred to the Grand Committee, C.J., I, 697. Sir Robert Philips, who reported on Lambe's case, had also reported from the Grand Committee on 17 March, when a subcommittee of twenty was set up to receive petitions, ibid., I, 731.

The last committee to be considered has already been noted briefly.¹ The amendments to the Bill of Concealments were twice read on 22 May and turned over to a committee which was led yet again by Sir Edward Coke. There is no indication in the entry for 22 May how many of the twenty-four members then listed had been active since 25 February, when all the lawyers of the House were added to the committee. The lawyers were again ordered especially to attend the meeting of 1 April, and by 22 May they appeared in strength.² From Lincoln's Inn alone seven members came: Christopher Brooke, Edward Bysshe, John Glanville, William Noy, Henry Sherfield and Sir Thomas Wentworth, as well as Lenthall. All six had sat with Lenthall on at least one other committee, as had twelve of the other members of this committee. For this reason, and because the list occurs so late in the parliament, this committee offers a useful summary of the members with whom Lenthall worked closely. Of the thirteen men noted above³ with whom Lenthall sat on three or more committees, the names of Richard Digges,

¹Above, p.80, n.1.

²C.J., I, 793, 673, 718 and 751; H.L.R.O., MS. Journal (H.C.) 13, fol.213^v and 6^v, and MS. Journal (H.C.) 12, fol.9^v. See also MS. Braye 73, fol.433.

³Above, p.79, n.2. Members with whom Lenthall had other or later contacts were his two-committee colleagues John Bankes, Sir John Walter, Sir Thomas Wentworth, and Thomas Wentworth (Oxford City); the son of another, Edward Alford (Colchester), was a member of the Long Parliament.

John Whistler and Ralph Whitfield alone ~~s~~ are missing. Only five members of this committee had not ~~p~~reviously served with Lenthall on any other committee. ~~O~~f these, one was John Pym; another, Sir Thomas Denton, was ~~s~~ a connection by marriage. A third, Sir Robert Pye, was ~~s~~ a colleague of Lenthall's in Oxfordshire affairs in the ~~e~~ 1620's and 1630's and, eventually, his fellow burgess for ~~V~~Woodstock in the Long Parliament.¹

Certain conclusions may be drawn ~~a~~ from this analysis of William Lenthall the committeeman. ~~I~~t would appear that he was an active participant in debates ~~i~~ in the House or in committees of the whole House, for men ~~w~~ere normally named to committees either because they had ~~t~~aken part in the debate preceding committal or because ~~t~~hey had specialised knowledge or experience which the House ~~d~~eemed essential. In 1624, Lenthall was a young man of ~~t~~hirty-two and a barrister of little more than seven years' standing, and it is difficult to believe that his ~~s~~tock of legal wisdom was already so extensive as to be ~~c~~rucial to a House which included lawyers like Coke, Noy and Glanville. It is not so hard to imagine that Lenthall might ~~h~~ave been viewed as a young man of some promise.

This view gains support from his ~~s~~ appearance on as many as eight committees. On all or most of these he may

¹ Pye sat in 1624 for Bath, Pym ~~f~~or Tavistock, Devon, which he represented again in 1640. Sir ~~t~~homas Denton's son, Sir Alexander, was also a member of ~~t~~he Long Parliament. See also below, pp.115, 159, 204...

52
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have been an active, even an enthusiastic member, for there is no reason to think the Commons made a habit of naming members who were unlikely to take part in the business of the House. That Lenthall took his parliamentary duties seriously may also be deduced from his eventual appearance on committees to which he had not at first been named, but which all the lawyers had been ordered to attend. As the House frequently ordered that all who came to committees were to have voice, Lenthall's participation again would seem to lie behind the later addition of his name.

Another clue to Lenthall as a promising young lawyer is the fact that at least four of these committees were, by any standards, important ones. The committees against secret offices, for the conference with the Lords on the continuance of statutes, for the amendments to the bill of Concealments, and the Grand Committee for Courts of Justice, from a subcommittee of which Lenthall reported, all dealt with matters which were closely bound up with the principal concerns of the House. The impeachment of Cranfield is missing from this list, but it is impossible to be certain that Lenthall took no part in it, for all the lawyers were also named to this committee.

59 00 02a - Page 59
0103a - Page 98
0109a - Page 98

An examination of Lenthall's committee work, therefore, does cast needed light on his participation in his first parliament of 1624. Mary Keeler has also demonstrated how revealing committee membership may be, in her study of

some crucial committees in the early months of the Long Parliament,¹ and it is instructive to compare her opposition "organisation" of 1640 and 1641 with Lenthall's fellow committeemen in 1624.

Many of Lenthall's earlier parliamentary associates were dead or out of politics by 1640, of course, but some were more active than ever. One whose name has appeared more than once in this chapter was John Whistler of Oxford, a three-committee colleague of Lenthall's. Two other men, who sat with Lenthall on two committees in 1624, were Sir Guy Palmes and Sir John Strangeways.² Sir Thomas Barrington, Sir Thomas Bowyer, William Cage, Sir Peter Heyman, Denzil Holles, Sir Arthur Ingram, William Mallory, John Pym and Sir Francis Seymour³ each sat with Lenthall but once on the committees of 1624, but all are listed by Mrs. Keeler as members of crucial committees in the Long Parliament. Barrington, Heyman, Holles, Seymour and Strangeways are ranked by her, with Pym, in the top ranks of the "opposition" leadership, followed closely by Cage, Palmes and Whistler.⁴

¹See her illuminating study, "There are no Remedies for Many Things but by a Parliament: Some Opposition Committees, 1640," in Conflict in Stuart England (ed. Aiken and Henning), pp.129-46.

²Palmes sat in 1624 for Rutland, Strangeways for Dorset.

³In 1624, Barrington sat for Newtown, Bowyer for Bramber, Cage for Ipswich, Heyman for Hythe, Holles for Michael, Ingram for York, Mallory for Ripon, Pym for Tavistock, and Seymour for Marlborough.

⁴"No Remedies but by a Parliament," Conflict in Stuart England, p.144.

The exercise is instructive in a limited fashion. It will prove much more revealing when applied to Lenthall's activities in the Short Parliament,¹ but its limitations for 1624 are themselves significant. At this stage, any attempt to rank Lenthall with these lists of later "opposition" members leaves his status an open question. His political behaviour in 1624 offered no clue to his political attitudes, and he was not obliged at any point to take a stand which might be remembered against him. He was able to avoid such a commitment throughout the rest of the decade by the simple fact of not being returned to any of Charles I's first three parliaments. When other men were lining up in parliament for or against royal policies, Lenthall was simply not there. The fact that he could not be identified either as overt supporter or overt opponent of the Crown was important, for his apparent neutrality was a crucial factor in the choice of him as Speaker in 1640. Clues to Lenthall's sympathies could be found before 1640, although not long before, and, such as they were, they were capable of favourable interpretation in more than one way. To be an "uncommitted member" may have been bliss; it was certainly prudent, and nothing in the course of Lenthall's career suggested that he was not a prudent man.

A glance at the men who did sit for Woodstock in the later 1620's reveals the probable explanation of why

¹Below, pp. 197-200.

Lenthall did not return to parliament after 1624. Woodstock's traditional choice of their recorder was, apparently, agreeable to all local patrons in 1624, as it was to be again in 1640. ~~After 1624~~ the influence of two possible patrons, Tanfield and the Spencer family, would seem to have been minimal or nonexistent,¹ and other patrons had what they considered to be more urgent claims on their favour. In 1625, Sir Philip Cary, who had sat with Lenthall, was again returned, but the second seat went to Sir Gerard Fleetwood. The following year Fleetwood took the first seat, one Edmund Taverner the second. In 1628 Taverner retained his seat, and one Fleetwood replaced another.² The Fleetwood family had great influence in the Woodstock area and may well have been acquiring a prescriptive right to one of the borough's seats. Taverner's patron probably claimed a similar right to the other, for Taverner has been identified as a former secretary of Philip, fourth earl of Pembroke, whose influence at elections was notorious among

¹Tanfield, who had represented Woodstock from 1584 to 1603, and seems to have retained some residual influence, died in 1625. This would also appear to explain the absence of any of his kinsmen, the Carys, after that date. Sir Thomas Spencer had died in 1622, and his heir was a minor. The family's recusancy would also have weakened their influence; see Finch, Five Northamptonshire Families, p.175.

²Catalogues of Parliament Men, 1625, [Bodleian, Wood 358 (2)], and Willis, Notitia Parliamentaria, pp.203, 213 and 223. The sitting Fleetwood in 1628 was Sir William Fleetwood.

his contemporaries.¹ It was perhaps not to be expected that Woodstock's tradition of electing their recorder could stand up indefinitely to pressures of this nature.

What, then, apart from a "safe" political reputation, had Lenthall gained from his brief sojourn in parliament? He had certainly developed and strengthened his circle of contacts and connections, yet again in this chapter the most remarkable aspect is the frequency with which the same names recur. There is no reason to doubt that similar and equally self-reinforcing circles might be constructed for other members of this, or other parliaments. Lenthall's circle was, after all, but one link in a much larger chain of relationships, and every member of it was also a part of other links as well. The extent to which these circles overlapped was itself a strong force for cohesion, and it is hard to escape the suspicion that men who had served in parliament were not constantly reinforcing this sense of cohesion both in and out of the House. The sense was clearly important to the development of parliaments as strong and effective units, and its existence would seem to offer a clue to how the English gentry, both in parliament and in the shires, managed to retain their role as governors when

¹For a discussion of Pembroke's influence, and the identification of Taverner, see V. A. Rowe, "The Influence of the Earls of Pembroke on Parliamentary Elections, 1625-1641," EHR, L (1935), 242 and 250.

56.901

their opposite numbers in Europe were losing theirs.¹

A further gain of Lenthall's was certainly his experience of committee work,² but even this was limited by the fact that his first parliament conveyed less sense of struggle and crisis than was later to be the case. The evidence also suggests, but cannot confirm, that Lenthall may have developed a taste for parliamentary activity.³ Circumstances did not permit him to indulge

¹That there was any real continental parallel to the English gentry seems doubtful. The fluidity of class boundaries in England is shown by the extent to which the gentry was linked to the aristocracy, the gentry's connections with and, often, inclusion of the lawyers and merchants, and by the yeomanry moving into the gentry from above. Still, neither the interrelations nor the gentry's sense of themselves as governors, as expressed both in and out of parliament, seem to have been considered as explanations of political developments by those who dispute the "general crisis of the seventeenth century." See Crisis in Europe, 1560-1660: Essays from Past and Present, ed. Trevor Aston (London: Routledge and Kegan Paul, 1966). They are, perhaps, hinted at, but only indirectly, by Brian Manning, "The Nobles, The People, and the Constitution," *ibid.*, pp.247-67, esp. pp.251, 258-60. A useful postscript to his article might add, however, that the gentry's sense of themselves, of their place and of their own worth was one of the things that did survive the events of 1642-1660. Schism within the gentry may have seemed to shake self-confidence for a time; it did not seem to have destroyed it.

²Lenthall served on four committees chaired by Sir Edward Coke. It is not clear how one should estimate this influence, but a certain perspective is nonetheless contributed by the reflection that the elderly Speaker of the Long Parliament spent his formative parliamentary months at the feet, so to speak, of the redoubtable Coke.

³Berks. R.O., Lenthall Papers, D/EL1: 0 5/12, Lenthall to "my very lovinge Friend Mr Irons at Woodstock," undated, but certainly before March, 1640. Lenthall apparently tried to get himself elected on at least one other occasion, for he wrote, "you know what a disgrace it

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56.201

this taste, and any reputation he had begun to acquire as a young man of promise was brought to a career in the law and within his county, rather than on a national plane. To the unfolding of that career the following chapters will be devoted.

2032a - Page 59

was to me the last tyme the not choosinge me amongst you." "The last tyme" would seem to refer to the parliament of 1628. "Mr. Irons" was probably Edmund Hiorne, town clerk of Woodstock from 1607 to 1645. See also below, pp.190-91.

209a - Page 28

52
57
99

56-28

CHAPTER IV

THE JOURNEYMAN, 1625-1633

The next sixteen years of Lenthall's career were to be non-political in character. This by no means suggests that Lenthall was only marking time. The period was distinguished for him by a steady building up of professional qualifications and of experience in Oxfordshire affairs. It was distinguished as well by the steady building up of connections, by the addition of new relationships and the strengthening of old ones. To this extent the career of William Lenthall may also serve as a case study in social history, as an example of "connected and rising gentry."¹

Lenthall's accumulation of experience in local government and the law offered qualifications which were, at least, appropriate to the Speakership. Facility in formulation and presentation of argument, in mediation and in working together with other men to reach agreed solutions

¹Strictly speaking, the example is one of "intra-generation mobility." This second son of a gentleman moved horizontally into the law in hopes of bettering his prospects. While rising in the law, he became as well a person of stature within his county and attained a status higher than that to which his father had apparently aspired. The pattern of this process is traced in this and the next two chapters.

were no less necessary to the Speaker than to the lawyer and county gentleman. This was, however, experience without political coloration of any sort, even if some of it had been gained in the parliament of 1624.

When Lenthall and his fellow members left Westminster on 29 May 1624, there can have been little doubt in any of their minds that they would meet again in November for the next session.¹ The parliament was then prorogued, however, to the following February, ostensibly because plague had made London too unhealthy for a meeting. More probably, what was unhealthy was the mood to be expected from the Commons if they met. Parliament had objected strongly to any relaxation of the recusancy laws when the Spanish match was in question; it was no more likely to approve because another Catholic country, France, now demanded this as a condition of Prince Charles's marriage to Henrietta Maria. The laws were suspended on 24 December but, as neither the papal dispensation for the marriage nor the princess herself were in England, parliament was prorogued yet again and then finally dissolved with the death of the King on 27 March 1625.² When the members of Charles I's first parliament met in June, Lenthall was not among them.

¹The parliament had been prorogued to 2 November, Walter Yonge, Diary (1604-1628), ed. George Roberts ("Publications of the Camden Society," Vol. XLIV; London: Camden Society, 1847), p.75.

²Willis, Notitia Parliamentaria, p.187; Gardiner, History of England, V, 251, 264, 278, 306, 314.

He was certainly in London early the following year, for the first trace of his practice in the court of Exchequer dates from Hilary term, 1626.¹ There were indications that even before this time Lenthall was preparing for a practice in that court of which Sir Edward Coke observed that

questions moved in the Exchequer are wont to bee resembled to spirittes w[hi]ch may bee rayseed vpp w[i]th much facilitie, but suppressed or vanquished w[i]th greate difficultie.²

These indications of Lenthall's Exchequer contacts have been noted above, in his relations with Tanfield and with Sir John Walter, Tanfield's successor as chief baron of

¹B.M., MS. Hargrave 30, fol.215, reports of cases in the courts of Chancery, King's Bench and Exchequer in the reigns of James I and Charles I by Arthur Turner [hereafter Turner]. The following discussion of Lenthall's Exchequer practice is based mainly on contemporary law reports and on material in the Domestic State Papers in the Public Record Office. While many cases in which Lenthall appeared may also be found in the Order Books of the Exchequer of Pleas, the nature of the entries makes it impossible to gain any idea of the type of practice he had. These have therefore been used on only three occasions below, pp.105-106, 148 and 176-77, to indicate the frequency of his cases for selected short periods. The cases for which his arguments are still extant in manuscript, although smaller in number, give a fuller picture of the kind and quality of his experience in the law.

²Quoted in an anonymous treatise on the court of Exchequer [beg. "It is said that this Court or Office tooke the name. . . ."], Bodleian, MS. Perrot 7, fol.89. The manuscript contains a collection of English historical pieces, 1570-1610. The quotation aptly indicates why the Exchequer might have proved a lucrative court in which to practice, and Lenthall's later practice shows this to have been indeed the case. See also below, pp.163-65.

that court.¹ With one exception,² no trace of Lenthall's practice has been found in any of the other central courts.

That he should have chosen to operate in the Exchequer is significant, quite apart from his known connections there, and the very specialisation of that court's business was of consequence for Lenthall's later activities. The Exchequer of Pleas, the common-law side of the Exchequer, was the court which, above all others, dealt with the financial rights and revenues of the King. Such examples as disputes over the collection of taxes, customs dues, fines and debts,³ are precisely the types of case which recur in Lenthall's practice.

Two general points about Lenthall in the Exchequer may be made at once. In the first place, a view of his practice makes clear what a wealth of relevant experience he brought to his Lent reading at Lincoln's Inn in 1638.⁴ Secondly, the fact that Lenthall was active in the very court

¹Above, pp.56-57, 62 and 78. Lenthall's case in 1626 was before Sir John Walter, B.M., MS. Hargrave 30, fol.215.

²Below, pp.106-108.

³G. E. Aylmer, The King's Servants: The Civil Service of Charles I, 1625-1642 (London: Routledge and Kegan Paul, 1961), pp.34, 45-46. See also the discussions in Guide to the Contents of the Public Record Office (2 vols.; London: H.M.S.O., 1963), I, 47-48, 92; and Holdsworth, English Law, I, 39, 231-42.

⁴Below, pp.142-45.

in which the King's own interests were most nearly touched is pertinent to the question of how well-known Lenthall may have been when he was chosen Speaker. His Exchequer practice suggests that there may have been few lawyers who were better known to the royal administration.

In spite of legal fictions which much expanded its jurisdiction, the Exchequer of Pleas was the least used of the common-law courts. But, as "a court made by lawyers for lawyers,"¹ it obviously suited some men well enough. Lenthall was one of them.

In Hilary term, 1626, for example, as counsel for one Tilston, who had lodged information in a customs case against a merchant named Chelshire, Lenthall argued that Tilston should not be liable for costs.² The following year he and a Mr. Brian were counsel for Sir Henry Appleton, William Sheldon and Giles Vandeputt in a suit brought

¹Holdsworth, English Law, I, 41. There was a substantial increase under Elizabeth in the business of both Exchequer and Queen's Bench, ibid., IV, 255, Table 1.

²Tilston v. Chelshire (Exch., Hil. 1 Charles I), Turner, in B.M., MS. Hargrave 30, fol.215. The argument was frequently offered, although not always as categorically as in Allen v. Westby (C. P., Trin. 4 Charles I), in Sir Thomas Hetley, Reports and Cases taken 3-7 Charles in the Common Pleas (London: for Matthew Walbanke and Thomas Firby, 1657) [hereafter Hetley], p.117, where it was stated that "the course of the Court is, That upon the Statute [18 Eliz. cap.5] the Defendant shall never have costs against the Informer." For the abuses inherent in suits by informers, see Holdsworth, English Law, IV, 355-58.

against them by the Crown.¹ The report is somewhat obscure, as the defendants' plea depended on a letter of intent which had been washed up from the sea, and the precedent alleged was rejected by the Attorney-general as relevant to an "inland lettre" and not to the present case.²

In a suit for debt which stretched over much of 1627, Lenthall successfully defended his client, a Mrs. Margaret Porter. Mrs. Porter, as executrix of John Porter, was sued on her bond of six hundred pounds, and was charged by Whitmore, the plaintiff, with failing to satisfy creditors, of whom he was one.³ Technically, she was charged as executor de son tort.⁴ Lenthall did not appear in the case at Easter, but had been brought in by Trinity term. His arguments then before chief baron Walter were apparently

¹Attorney-General v. Appleton and others (Exch., Hil. 2 Charles I), Turner, in B.M., MS. Hargrave 30, fol.269^v. Vandeputt was apparently a former merchant stranger; the second reading of a bill for his naturalisation is in H.L.R.O., MS. Journal (H.C.) 13, fol.22.

²B.M., MS. Hargrave 30, fol.269^v.

³Whitmore v. Porter (Exch., Easter-Mich. 3 Charles I), Reynell and Markworth, in B.M., Hardwick Papers, Add. MSS. 35962, fol.59, 78-80^v, and 35961, fol.66-66^v, 80 and 89. reports of cases in the King's Bench and Exchequer, 1625-1629 and 1626-1631. In Add. MS. 35962, the Exchequer reports were by Robert Reynell, in 35961 by Reynell and Humphrey Markworth.

⁴This was a person who meddled with the goods of a deceased person without title as executor or administrator; see the discussion on this in Holdsworth, English Law, III, 571-72.

conclusive, and Mrs. Porter was discharged entirely.¹

Another distressed executrix came into Lenthall's practice in 1629, when the countess of Oxford found herself in the Exchequer on a writ of scire facias, ordered to show cause why a judgment which put her in debt to the King should not be executed. Her late husband had entered into bonds of indebtedness to two brothers, one of whom then found himself the King's debtor.² The question was complex, for, of the two bonds for which the King claimed payment, one was owed to both brothers and the other to only one of them. In moving for a stay of judgment Lenthall and serjeant Finch argued that these two debts, being different in nature, should not have been joined in the writ, that there was no positive proof that they had not been paid, and that in any case the joint obligation was not a debt due to the King. The case was then adjourned, and further traces of it have not been found. It requires notice here, however, because

¹Her counsel during Easter term was a Mr. Cholmeley; Sir Edward Littleton appeared for Whitmore, B.M., Add. MS. 35962, fol.59, 79-80. Less detailed reports of Lenthall's argument are in Add. MS. 35961, fol.66-66^v and 80.

²The earl owed £300 to Robert and Roger Jones, £400 and £240 to Robert alone, The King v. Countess of Oxford (Exch., Trin. 5 Charles I), Reynell, in B.M., Add. MS. 35962, fol.339-40.

56.901

this particular question of debts due to the King formed the theme of Lenthall's reading in 1638.¹

Another complex case involving actions allowable under the law merchant occurred in Michaelmas term, 1629. Lenthall was counsel for the King in his action against Sir George Chute, sheriff of Middlesex, over a debt owed by Sir William Sands [Sandys].² The debtor's goods had been seized for delivery to his creditor, but the action had apparently been taken prematurely and without proper authority. Lenthall argued that the goods had been delivered before the warrant³ to do so had arrived. This might in certain circumstances have been allowable, but in the present case, while the seizure of the goods was not incorrect, the delivery of them was. With this the barons concurred.⁴

¹Ibid., and below, pp.142-45. The first point in the argument would seem to be important in introducing a complaint of error, but there is no indication that the case was removed to the Court of Exchequer Chamber. On the jurisdiction of the Exchequer in cases of its own error, see Holdsworth, English Law, I, 242-45.

²The King v. Chute (Exch., Mich. 5 Charles I), Reynell, in B.M., Add. MS. 35962, fol.381^v-383, and Turner, ibid., MS. Hargrave 30, fol.250^v-251. John Bankes acted for Chute. Sir George is not in DNB, but the Chutes appear to have been a Middlesex family.

³Liberate in the reports, B.M., MS. Hargrave 30, fol.250^v, and Add. MS. 35962, fol.382^v. This was "a warrant for delivery of lands or goods taken upon forfeits or recognisance," see John Cowell, The Interpreter: or Book containing the Signification of Words (London: F. Leach, 1658 [1st ed., 1607]), under liberate.

⁴B.M., MS. Hargrave 30, fol.251; Add. MS. 35962, fol.383.

Lenthall's fame as a competent lawyer was growing, by all appearances, for he was sought as counsel in 1630, along with William Noy and Robert Mason, by Thomas and Elizabeth Taylor "and their 16 distressed children," who petitioned the Privy Council for their relief.¹ As their appeal does not seem to have been successful, it requires no further discussion here, but the petition is of interest in its association of these three Lincoln's Inn men.

An important element of Lenthall's practice which has not yet been considered emerges from a letter of 1638 from George Long to Francis Windebanke. The occasion to which it refers, however, belongs to this period of Lenthall's career.² A client of Lenthall's, Thomas Izacke, had been sued for contempt for failing to obey an Exchequer order brought against him by Sir Thomas Reynell. Mediation and arbitration were a frequent and necessary part of a lawyer's duties, and in this case Lenthall and Long agreed between themselves on the amount of arrears to be paid to Reynell by Izacke, as well as the additional costs in consideration

¹P.R.O., S. P. Dom., 21-31 January 1630, S.P. 16/159/53 and 54. See also ibid., S.P./159/10, Sir Henry Wallop [sheriff of Hampshire] to the Privy Council, Farley-Wallop, 23 January 1630. Page 54

²Long was writing to declare his knowledge on the matter as best he could remember "(itt being nowe eight yeeres since)," P.R.O., S.P. Dom., 1-31 July 1638, S.P. 16/395/31, George Long to Secretary Francis Windebanke, Clerkenwell, 9 July 1638.

of which Reynell would seek a final discharge of his suit.¹ This process of mediation was an important procedure of the law. The approach, of talking things over and trying to negotiate agreement between different or opposing views, also pervaded all levels of English government. It consequently pervaded a good deal of Lenthall's career and seems, on the evidence available, to have been a natural and congenial method of operation for him. A mind so attuned could well have expected the same general rules to work in the Speakership, at least as long as mediation and negotiation were possible.

One other case from this period of Lenthall's career should be considered here,² for it involved a number of men who were later to be associated with him. In Trinity term, 1632, the Attorney-general, Sir John Bankes, sued Walter, Thomas and William Long, Edward Littleton, Robert Mason "and one other." Counsel for the six defendants were Lenthall, Robert Holborne and William Prynne. The Crown charged that Walter Long had entered into a fraudulent deed with the

¹Ibid. Long was later associated with Sir John Lenthall, then Marshal of the King's Bench prison, on a commission for relief of poor distressed prisoners, ibid., S.P. 16/350/17, papers attached to petition from Reuben Conyngham to the Privy Council, 20 December 1631-6 April 1632.

²Lenthall's Exchequer appearance in 1631 as counsel for the trustees (of whom he himself was one) of the Burford charity lands has been reserved for discussion below, pp. 114-15.

other defendants to avoid a fine for residing outside the county while Long was sheriff of Wiltshire in 1628.¹

Defending counsel argued that, on the contrary, the deed in question was not a trust for Long's benefit "but a disingagement of others," for payment of Long's debts, and that the other defendants ought "to be disingaged before the King was to be paied his fyne." They further maintained that the existence of a trust was not in itself proof of fraud. In the end, Walter Long was fined one hundred pounds for contempt and the rest of the defendants were discharged.²

The following year Lenthall's career in the law entered a new phase, when he was named a Master of the Bench at Lincoln's Inn.³ This first stage of his Exchequer practice may therefore be concluded by noting that during the period immediately preceding Lenthall's call to the Bench, from

¹Bodleian, MS. Rawl. A. 128, fol.26-26^v, cases in the Star Chamber, Exchequer and High Commission, 1632. An earlier stage, when Walter Long was sued in Star Chamber in 1629 by the then Attorney-general, Sir Robert Heath, is noted in John Rushworth, Historical Collections (8 vols.; London: Thomas Newcomb for George Thomason, 1659), I, 684-86. See also S.T., III, cols.233-236; Keeler, Long Parliament, p.257. Holborne, Long, Mason and Prynne were all Lincoln's Inn men, and Holborne, Littleton and Long sat in the Long Parliament.

²Bodleian, MS. Rawl. A. 128, fol.26. Apparently, the courts did tend to presume fraud in cases of a trust, see Holdsworth, English Law, IV, 481-82.

³He was called to the Bench on 14 May 1633 and sat for the first time on 23 May, Lincoln's Inn, MS. Black Book 7, fol.382. See also below, pp.123, 127.

late January to the middle of May, 1633, cases in which he was counsel were entered on nine occasions in the Exchequer Order Books.¹

Only one occasion has been found during this period when Lenthall appeared professionally in connection with a case in another court, but this single appearance must not be over-emphasised. Taken with another of his cases several years later,² it does illustrate the way in which even a highly technical practice, such as Lenthall's was, still might exhibit the classic common-law concerns of liberty and property, if not necessarily in that order nor in equal proportion.³

¹P.R.O., Exchequer of Pleas, E. 12/15, order book, 9-14 Charles I, unpaginated. The dates of the orders, representing eight different cases, were 23 and 27 January, 11 February and, in Easter term, 23 and 24 April; 1, 8, 11 and 19 May. On four occasions Lenthall acted for the plaintiffs, on three for the defendants. In the remaining two occasions it is not clear for whom he was counsel, but no tendency either to initiate or to defend suits can be deduced from this distribution. None of the cases were found in the contemporary law reports examined, and none of the parties are known from other contexts in the present study. One name of interest does recur in the period examined, however. The counsel in several other cases is given as "Mr. Tempest," *ibid.* This was probably Lenthall's cousin Thomas, see above p.48, n.2, and below, pp.141, n.2; 164; 176.

²The Grafton case, below, pp.151-52.

³The characterisation of the concerns of the common law as "liberty, property and patriotism" (the last of which is not so discernible in Lenthall's practice) is taken from Coke, by way of Christopher Hill, "The Norman Yoke," in Puritanism and Revolution: Studies in Interpretation of the English Revolution of the Seventeenth Century (London: Panther Books, 1968), p.72.

The dramatic events of 2 March 1629, when Sir John Finch, then Speaker of the Commons, was held by force in his chair to prevent the adjournment of the House,¹ had a brief aftermath in Lenthall's practice. Nine of the most active participants in those events were imprisoned before the King formally dissolved parliament on 10 March. Three of them, Sir John Eliot, Denzil Holles and Benjamin Valentine, eventually came to trial in the court of King's Bench in February, 1630.² Their counsel, Robert Mason, Serjeant John Bramston, Mr. Holt and Mr. Calthorpe, had apparently deserted them, and they had applied to Sir James Whitelocke to be allowed new counsel. The man assigned them was "Mr Lenthall of Lincolnes Inn."³ As the day assigned for their appearance was the last day of term, they refused

¹Gardiner, History of England, VII, 67-76; John Forster, Sir John Eliot (2 vols.; London: Longmans, 1864), II, 444-58; and Laundy, Office of Speaker, pp.198-200.

²S.T., III, cols.293-336. The other six were William Coryton, Sir Peter Heyman, Sir Miles Hobart, Walter Long, John Selden and William Strode. All were familiar to Lenthall from parliament, and he was Long's counsel again in 1632, see above, pp.77, 83, 89 and 104-105. One contemporary list of the nine members comes from Bodleian, MS. Tanner 395, fol.47^v, a commonplace book which belonged in the 1630's and 1640's to John and William Ayshcombe of Liford, Berkshire, ibid., fol.2^v and 63. Both of these men were probably themselves associated with Lenthall, see below, pp.116, n.2, 159.

³Rushworth, Historical Collections, I, 686; Forster, Eliot, II, 546-47. The episode is not in Gardiner, nor is Lenthall mentioned in Sir John Bramston's account of the trial. See his Autobiography, ed. P. Braybrooke ("Publications of the Camden Society," Vol. XXXI; London: Camden Society, 1845), pp.56-60.

to enter another plea at that time, judgment was pronounced against them on a nihil dicit, and they were returned to prison.¹

What, in fact, Lenthall contributed is by no means clear. Forster says only that "though Mr. Lenthal failed not of his help, he could not give the help on which they most relied."² He may have met with them when, or until they managed to draw together their former counsel; none of the accounts of the trial indicate that he ever actually appeared in court for them. That he was named at all may have been due to no more than the facts that Whitelocke knew him and thought he might be available, and that Lenthall, as a colleague of Mason's, might have some familiarity with the case. No attempt to make Lenthall a champion of parliamentary privilege can be based on the evidence of this case alone.

Lenthall's London practice by no means filled his time during the period from 1625 to 1633. He was still recorder of Woodstock, and neither he nor Woodstock had forgotten it. He was again named to the borough's commission for the peace in August, 1625, and from this time he was somewhat more regular in his attendance at the semi-annual

¹Rushworth, Historical Collections, I, 686.

²Forster, Eliot, II, 547.

views of frankpledge.¹ On 26 October 1625, he signed an order committing a Woodstock man to prison, but there is no indication in the records that his visits to Woodstock were at all frequent.² As before, his fee was duly paid each year, and he received gifts of cakes at Christmas and wine when he did come to the town. Few entries before 1632 disturb the even pattern of this undemanding office.

Lenthall apparently made exceptional efforts to come to Woodstock in 1630 and 1631, for in both years his presence was noted at the mayor's feast at Michaelmas.³ Although he missed both views of frankpledge in 1631, he was certainly in the town on other occasions. He was wined in April and at least twice in September, and was present to make an order for the further course on 26 September of a case in the Portsmouth court. The town also sent for him to be present

¹P.R.O., Chancery, Miscellaneous Book, C. 181/3, fol.188, commission of 11 August 1625. Lenthall was present at views of frankpledge on 26 October 1625, 5 April 1626, 17 April and 23 October 1628, 1 April 1629, 1 April and 20 October 1630, and 5 April 1632, Woodstock, MS. B 77/2, Portsmouth proceedings.

²Woodstock, MS. B 77/2, 26 October 1625. Lenthall was not listed on any bench in 1627, nor for the views of frankpledge of 22 October 1629, 6 April and 19 October 1631, or 24 October 1632, *ibid.* There is no indication he came to the town at all in 1627, for the only entry for him in the chamberlains' accounts for that year is the payment of his fee, *ibid.*, MS. B 79, accounts of Thomas Williams and George Noble, 23 December 1626-22 December 1627.

³*Ibid.*, accounts of George Noble and Thomas Woodward, 23 December 1629-23 December 1630, and 23 December 1630-21 December 1631.

on the occasion of a visit from the King. There is no evidence that he was also present in June, 1631, when his brother-in-law, Dr. John Standard, preached at the town's invitation and was afterwards wined and dined.¹

In 1632, in contrast, Lenthall did rather more for the town than collect their cakes, wine and fee. In addition to attending the April view of frankpledge, he came again "to suppress the victulers by Mr Justice Joanes appoyntm[en]t," and on 8 August signed a list of victuallers who were ordered to cease their trade by the end of September.² The town was clearly sensible of Lenthall's other efforts on their behalf, for they sent an additional sum of twenty shillings to him "for the Discharge of the Towne from the power of the K[nigh]t Marchall."³

During the period under discussion yet another form of activity may be discerned in Lenthall's career, his role

¹Ibid., MS. B 77/2, court held 26 September 1631, and MS. B 79, account of George Noble and Thomas Woodward, 23 December 1630-21 December 1631. Standard was also a justice of the peace in the area, as appears from the report of a bastardy case before him which came up to the King's Bench in Michaelmas, 1630, Edward Bulstrode, Reports of Cases and Matter of Law (3 vols.; London: for W. Lee, D. Pateman and G. Bedell, 1657-59), II, 43; see also below, pp158.

²They were allowed to operate "vntill tenn dayes next after St Mathewes next [21 September], and noe longer at their p[er]ills," Woodstock, MS. B 77/2, private sessions at the Guildhall, Wednesday, 8 August 1632. See also MS. B 79, account of George Noble and Thomas Woodward, 21 December 1631-21 December 1632. "Mr. Justice [Sir William] Jones" of King's Bench was the father of Charles Jones, a fellow Bencher of Lenthall's at Lincoln's Inn, see DNB, X, 1059-60.

³MS. B 79, account of George Noble and Thomas Woodward, 21 December 1631-21 December 1632.

as trustee. It grew out of old contacts, but brought others with it, and linked Lenthall with one of the more appealing figures of the early Civil War years, Lucius Cary, second viscount Falkland. He was Tanfield's grandson and, for reasons which are not entirely clear, his immediate heir, as Tanfield's lands in Burford and Great Tew were left in trust for Lucius Cary, entirely bypassing Tanfield's own daughter.¹ Tanfield died on 29 April 1625, and his widow had the use of these lands until her death in 1629. A deed two years before Lady Tanfield's death provides what appears to be a complete list of the trustees. They were Sir John Walter, chief baron of the Exchequer; Sir Richard Hutton, justice of the court of Common Pleas; Sir Anthony Hungerford; Ambrose Evans; William Lenthall; and Thomas Linton or Hintons.²

Just when Lucius Cary came into these lands is not

¹Tanfield's motive may have been dislike either of his son-in-law, Henry Cary, or of his daughter's recusancy. She had not even a use for life in these lands, see DNB, III, 1155-60 [Lucius Cary].

²Berks. R.O., Lenthall Papers, D/EL1: Z 16/3, indenture of 23 May 1627 noted by Kyffin Lenthall. Only Lenthall is mentioned as a trustee in DNB, III, 1156 [Cary]. Hungerford was a member of an eminent Oxfordshire and Wiltshire family. "Hintons" is Kyffin Lenthall's reading; the name also appears in an indenture of 1634, Bodleian, MS. ch. Oxon. c.26 (3772), and he is there identified as "of Great Tue, gent." The 1634 indenture, between two James Watsons, father and son, mentions a lease of 11 July 1632 granted by Hutton, Lenthall and Linton "by and at the request of" Cary. They would have been acting as the surviving trustees, as Evans, Hungerford and Walter were all dead by 1632.

assumed on the basis of the traditional but mistaken date of 1634 for Lenthall's purchase of Burford Priory. As noted above, Lenthall also had a brother-in-law, Samuel Warcupp, at Fulbrook.¹ Lenthall was certainly at Burford by 1627, for his second son, William, was baptised there in January, and in the same year he paid pew rent of 6s. 6d. to the church.²

For the rest of his life Lenthall's ties with Burford were his own, and he was identified as local gentry a decade before he purchased the Priory. This is clear from his appearance in 1628 as a trustee of the Burford charity lands.³

With the loss of Burford's borough rights in 1620, the charity lands administered by the now non-existent burgesses posed something of a problem which was eventually solved by a royal commission. Its verdict, dated 26 September 1628, removed the lands from the control of the "extinct

¹Above, pp.65-66. DNB, XI, 934 [William Lenthall], repeats the traditional date of 1634, but the Priory was not purchased until 1637, see below, pp.161-62. Lenthall was said to have lived at Fulbrook, "possibly at a large house once situated in a field known as Madercroft, which adjoins Fulbrook churchyard," Paintin, Burford Priory and the Lenthalls, p.5, but no source for this supposition has been found. Lenthall's daughter Katherine was baptised at Fulbrook in 1628, Bodleian, MS. Top. Berks. b.2, fol.29, Lenthall pedigree.

²Bodleian, MS. Rawl. B. 400^b, fol.38^v, Richard Rawlinson's extracts from Oxfordshire registers; W. J. Monk, History of Burford (Burford: C. W. Swatman, 1891), p.188, from the churchwardens' account books.

³Burford, Tolsey, Cheatle Collection, Bundle EE,

certain,¹ but there are some indications that Lenthallate maintained an interest in the young man which was not noted entirely financial. In 1630, for example, a note in the first lord Falkland's minute book recorded "of Mr Lenthall's being with me and of his intercessions for Lucius."² There was one possible reason why Lenthall might have appeared on behalf of an errant son to an irate father. Sometime between 1629 and 1631, Cary had married, against his father's wishes, Lettice Morrison, a young woman of good family but de virtually no dowry. Whether true love or rash youth had awakened Lenthall's sympathies is not easy to decide.³

Lenthall's trusteeship, at any rate, strengthened existing ties with the town of Burford, and added new ones. The date of his earliest residence in the Burford area is not certain, but it was much earlier than has generally been

1628, removed the lands from the control of the "extinct

¹DNB, III, 1155, gives his date of birth as "1610?" but the Tew lands were apparently still in trust as late as 1632, above, p.111, n.2. As Lady Tanfield's executor, however, Cary was a party to the purchase of Fulbrook by Lenthall and others in 1630, Berks. R.O., Lenthall Papers, D/EL1: T 33a, no.23, and below, pp.115, 116 n.1.

²The extract, dated 28 October 1630, was taken by Kyffin Lenthall from the minute book "now [1852] in Mr Lemon's possession," *ibid.*, D/EL1: F 16, small notebook, unpaginated [fol.9]. This cannot be connected with Lucius Cary's arrest for duelling, as that was in January, 1630. Sir Henry Cary's obsequious and successful petition for his son's release then was copied in the Ayshcombe commonplace book, Bodleian, MS. Tanner 395, fol.3 *rev.* Oxfordshire registers; W. J. Monk, *History of Burford* (Burford: C. V. Swatman, 1891), p.188,

³DNB, III, 1155. Weber, *Lucius Cary*, p.76, prejudges Lenthall's attitude to Cary and, in effect, simply perpetuates a view of Lenthall derived from Anthony à Wood. Bundle EE,

corporation" and set up a new body of trustees composed partly of townsmen and partly of local gentry. The gentry members formed a group of particular interest. They were, in addition to Lenthall, Sir John Lacy of Shipton-under-Wychwood, whose son was to marry one of Lenthall's daughters; John Dutton of Sherborne, Gloucestershire, who had sat with Lenthall in the parliament of 1624 and was to sit again in the Long Parliament; Edward Fettiplace of Swinbrooke, an associate and later a fellow Bencher of Lenthall's at Lincoln's Inn; and Hercules Osbaston of Chadlington.¹ Two years later the Burford School lands were placed in the hands of the same trustees.²

County and profession became one in 1631, when Lenthall was counsel in the Exchequer for his fellow trustees.³ It was then alleged that certain of the charity lands had been concealed from the Crown under the act for the dissolution of the chantries. Lenthall argued that the lands were

¹Ibid. The term "extinct corporation" is that used by the Hist. MSS. Comm., Manuscripts in Various Collections (8 vols.; London: H.M.S.O., 1901), I, 29-64, "The Manuscripts of the Extinct Corporation of Burford, Oxfordshire." R. H. Gretton, Burford Records, remains a valuable and generally judicious account of the town's history.

²Burford, Cheate Coll., Bundle CC, S 46, conveyance dated 23 February 1630.

³Ibid., Bundle MM, Exchequer order, 26 November 1631. He was not counsel for the town, as stated by Gretton, Burford Records, p.275. The order identifies Lenthall clearly as "beeing of Councill with the feoffees for the poore [that is, the new trustees] of the said Towne of Burford."

never concealed, but had been applied for the use of the poor since the reign of Elizabeth. Neither did the present trustees claim title under the original grant of concealed lands. The Auditor of the court agreed that if the lands were never enjoyed under the original grant but had been and were still given to charitable uses, and if the trustees would swear an affidavit to this effect, then the Crown had no claim for concealed rents or arrears. The trustees and their tenants were then discharged, with the assurance that they should not "bee hereafter any way molested troubled or distreyned" for these charges.¹ Again, even in this formal setting, a meeting of associates may be seen, for the Auditor of the Exchequer was Sir Robert Pye, whose contacts with Lenthall may be traced from a parliamentary committee of 1624 throughout the 1630's and into the Long Parliament.²

On more than one occasion also, family, professional and local contacts were joined for Lenthall in Burford. In 1630, he, Lucius Cary, and five other gentlemen purchased the manors of Fulbrook and Westallhill for £3100 from Lenthall's brother-in-law, Samuel Warcupp. Later the same year, Warcupp leased a house in Burford from the charity

¹Burford, Cheatle Coll., Bundle CC, S 46, conveyance dated 23 February 1630.

²See above, p.87, and below, pp.159, 204.

trustees, a house which he held for at least two years.¹

Several members of Lenthall's family have figured in the discussion of this stage of William Lenthall's career. His brothers remain to be considered here, for while their various orbits crossed but seldom in any official and thus easily documented way, they were no less occupied than Lenthall himself in the process of establishing and furthering their careers and contacts.

His eldest brother, Sir John, was also running in double harness, both as Oxfordshire gentleman and royal official. He was still at Bletchingdon in 1625. Although he was identified as "of Stoke" in 1627, when he and his son Edmund purchased other lands in Bletchingdon, three years later he appeared before the bishop of Oxford to ask that, as a parishioner of Bletchingdon, he be assigned suitable space in the church for his wife and family.² At

¹P.R.O., Chancery, Close Roll, 6 Charles I, 43rd part, C. 54/2862, and Berks. R.O., Lenthall Papers, D/EL1: T 33a, no.23, conveyance of 17 May 1630; Burford, Cheatle Coll., Bundle GG, A 13, lease dated 17 October 1630. Warcup paid rent of £4 and arrears of 7s.6d. on 24 October 1631, and £4 again on 6 November 1632, *ibid.*, Cheatle Coll. (Supplementary), Box 1, no.2, bailiffs' accounts, 1602-1658. No later trace of him has been found in these accounts.

²William Lenthall's son John was baptised at Bletchingdon in 1625, above, p.58, n.1. Sir John; his wife, Dame Bridget; his cousin, Sir Edmund Lenthall of Lachford; his father-in-law and another Temple relative were among the parties granting a reversion of lands in Bletchingdon in 1625, Berks. R.O., Lenthall Papers, D/EL1: T 36, copy of indenture dated 14 June 1625. The daughter of another grantor, Sir William Ayshcombe of Alvescot, married William Lenthall's son John. The Stoke identification is from *ibid.*, D/EL1: Z 16/3, Kyffin Lenthall's notes. The diocesan court

the same time, however, he was a London official, the Marshal of the King's Bench prison and, probably by virtue of this office, a justice of the peace for the borough of Southwark and the county of Surrey. By 1632, he was also a member of the quorum of the sewers commission for Surrey.¹

The younger brothers were ever more deeply involved in London's trade. Thomas, the fishmonger, and Francis, by 1624 a salter, had prospered to the extent of becoming part owners of a ship, the Sea Horse, which, at least in 1626, seemed to be bringing them more grief than profit. For much of the year they and the other owners were trying to get their hands on her. She had been impressed by a Captain James Duppa for service against Spain, and they repeatedly petitioned the Privy Council that she be returned, that they might be reimbursed for parts of the ship's fittings which Duppa had sold before his departure, and finally that they might have something out of the prize goods with which Duppa

record is transcribed in Bodleian, MS. Top. Oxon. c.56, fol.37-38. Sir John Lenthall claimed Thomas Coghill had taken up all the "convenient roome" for his own family, and the bishop ordered alterations in the location of the pews to provide seating for both families.

¹Bodleian, Bankes MSS., 64/3 and 62/28, certification to the Privy Council and list of gentry residing in London contrary to the Council's order, signed by John Lenthall and four other justices for Southwark borough, 13 November 1632; P.R.O., Chancery, Miscellaneous Book, C.181/4, fol.126, commission of 10 November 1632. See also above, p.104, n.1.

had returned.¹ In 1628 both Thomas and Francis were exporting corn "to his Majesties freinds and Allyes," Thomas in the amount of eight hundred lasts,² Francis on a rather smaller scale. With John Hunt the elder, of Henley, Francis was granted an order to transport two hundred lasts in 1628; some years later they sought a licence to send the same amount from Norfolk and Suffolk to the United Provinces.³

William Lenthall's relations with his wife's parents were apparently under some strain during these years, a strain in no way lessened by Ambrose Evans's death in 1631. When, in 1624, Evans sold the "chiefe mansion howse" in Lodington to William and Francis Lenthall, one of the conditions was that the Evanses would go on living there and, if asked to vacate, could not be compelled to move more than

¹ Thomas became a liveryman of the Fishmongers' Company on 31 October 1631, London, Guildhall Library, MS. 5570/2, p.937. Francis was identified as "citizen and salter of London," when he and his brother William bought Ambrose Evans's house in Lodington, see below, and p.119, n.1. For the rough passage of the Sea Horse, see Cal. S.P. Dom., 1625-26, p.345, petition to Privy Council, [May], 1626; Acts P.C., June-December, 1626, pp.170-71 and 400-401, petitions of 9 August and 8 December. The owners were ordered to appear before the Council in May, 1627, ibid., January-August, 1627, p.290.

² Ibid., July, 1628-April, 1629, p.142; and Cal. S.P. Dom., 1628-29, p.332, order and petition of 17 September 1628.

³ Acts P.C., 1628-29, p.287, order of 30 [December] 1628; Cal. S.P. Dom., 1631-33, p.228, minute of application for furtherance of licence [1631?]. Hunt was perhaps the John Hunt identified in 1613 as "bridgman of Henley," Bodleian, MS. D. D. Henley A. xi. 4, Remenham survey, 31 May 1613.

twenty miles away, to the city of London or to Westminster.¹
 When Evans died in June, 1631, his widow apparently expressed doubts about how her son-in-law would behave towards her. Lenthall's feelings were clearly wounded; his letter of condolence assured her that,

on my credit I meane noe more harme to you than I doe to my owne soule. I did verely beleeve you had a littel more confidence, then to have beleevd any report that had tended soe much to condempne me not only for an indiscreet but dishonest man. Therefore (good Mother) continue in the howse & p[re]serve the possession for me vntill I give you warninge.²

He urged her to use the grass and "such thinges as belongs to me" for her cattle, and suggested that a letter written to her other daughter, the wife of Henry Stavely, would show her whether he was her "truly lovinge Sonne in law."³ However unjust Mrs. Evans may have felt or feared her treatment would be, there is no sign that she was even asked to vacate the

¹P.R.O., Chancery, Close Roll, 22 James I, 14th part, C. 54/2587, 2 December 1624. The house, appurtenances and some three yardlands of pasture and arable were sold for £1260. Evans retained 1/4 yardland and several houses in Lodington which he settled on his wife and her heirs on 9 June 1631, Northants. R.O., Young (Orlingbury) Collection, YO 57 [Ref. P. I. King].

²P.R.O., S.P. Dom., S.P. 16/194/36, William Lenthall "to my very lovinge mother at Loddingto[n]," 20 June 1631. Evans was buried at Lodington on 18 June [Ref. P. I. King]. In his will he left five pounds to each of his two daughters, Elizabeth Lenthall and Jane Staveley, Will P.C.C., 90 St. John, proved 1 July 1631.

³P.R.O., S.P. 16/194/36.

house for several years, and she was still living there in 1638.¹ By that time, her son-in-law was on the verge of the public career with which historians have identified him.

That verge has not yet been reached in the present study, but it would be unwise to mark out the path to it with demonstrations of Lenthall's commitment to any political cause. Lenthall's cause, so far as it can be discerned, was the establishment and consolidation of himself and his family in a secure and respected niche in the county. It was at least an honourable goal; many younger sons wanted no more and got far less. To do the thing at hand, which was the securing of the Lenthalls' place in society, required hard work and attention. This may have left Lenthall little time to worry about great events and larger crises when they did not touch him directly. It appears to have left him even less time to record his concern about the state of his world.²

All the evidence so far considered, however, points clearly ahead to the gathering in of the professional fruits

¹P.R.O., S.P. Dom., S.P. 16/408/102, 103, two letters from William Lenthall to Mrs. Evans, 1638. She was asked to vacate the house then, see below, pp.170-71.

²Little private correspondence, and no diaries or journals from Lenthall's hand have survived for the period before 1640. Most of his surviving correspondence after 1640 is official, but even this may prove more fruitful than has been suspected when it is examined in the light of his background. The letter of 1641 from Sir Thomas Tempest cited above, p.48, n.2, and below, p.133, n.3, is a case in point.

hardly be omitted from a short list of common lawyers. The extent to which the next stage of Lenthall's career secured these places will be considered in the following chapters.

of the busy and well-connected lawyer and gentleman: a growing practice, a governing position within his Inn, a second recordership and a readership. Within his county base Lenthall could hope, from the proceeds of his practice, to attain to lands befitting the station of one who was steward of a royal forest and a member of that pinnacle of county commissions, the sewers commission. Each of these fruits, however, was to follow on the stages of Lenthall's career which have been here considered.

Each of these fruits was also to expand, and, even more, to consolidate the closely-knit network of relationships which has been developed in previous chapters. The social cement of the Stuart gentry is perhaps easiest to examine in relation to one family or figure, but to comprehend how it functioned one must remember not only the persistent duplication within one man's chain of relationships, but also the relatively narrow fields within which these contacts were often made. Once a certain level of achievement was reached (and by 1633 Lenthall would seem to have reached it), it would be much more surprising if the names of his contacts did not tend to repeat themselves. Later generations have identified the process as "the old-boy network"; the point has less often been made that the most effective old-boy network was the short list. By 1633, William Lenthall was at least a potential member of a short list of Stuart gentry. As a Master of the Bench, he could

CHAPTER V

THE MASTER, 1633-1639

William Lenthall had been called to the bar in 1616. By the end of 1623 he was, in his own profession's terminology, an "utter barrister" or a "barrister of seven years' standing."¹ In the following decade, as previous chapters have shown, Lenthall was engaged in the process of converting himself from a mere barrister to what he and his contemporaries were wont to describe as "a person eminent in the law." His means had been a brief sojourn in parliament, private practice in the court of Exchequer, borough office as a recorder and justice of the peace for Woodstock, two trusteeships in Oxfordshire, and a growing network of contacts and connections, primarily in Oxfordshire and the city of London. In the years preceding the parliaments of 1640, he would consolidate his gains in each of these areas by his further activity. His call to the Bench of Lincoln's Inn on 14 May 1633 may be taken as the earliest formal recognition of his

¹The process by which this term "utter" or "outer" completely reversed its meaning of "entire" or "complete" and came to mean a junior, a barrister of less than seven years' standing, is obscure.

efforts within his profession. Before that date Lenthall was apparently out of London, riding the Oxford circuit. His companions then included his fellow lawyers John Glyn, Matthew Hale, "Mr. Jones," Edward Littleton, later Lord Keeper, and Bulstrode Whitelocke.¹

The Benchers, or Masters of the Bench, were the men who ruled each Inn of Court. During the law terms, as often as their business seemed to warrant, they met as a body in their Inn, making admissions to their Society, calls to the bar or to their own number; regulating speech, dress, religious observance, or their methods of instruction; ordering their relations within the Society, with the other Inns, the City or the Court; and settling matters as diverse as the teaching of the law and the disposal of rubbish from their kitchens.² Often, the Benchers named three or four of their number to deal with specific matters and report back to the whole body. At the Middle Temple their meetings were called Parliaments, at Lincoln's Inn, Councils. At the

¹Lincoln's Inn, MS. Black Book 7, fol.382, Council of 14 May 1633; R. H. Whitelocke, Memoirs, Biographical and Historical, of Bulstrode Whitelocke (London: Routledge, Warne and Routledge, 1860), pp.85-87. "Mr. Jones" was probably the Charles Jones who later became a fellow Bencher of Lenthall's.

²Examples of all the concerns noted above may be found, passim, in Lincoln's Inn, MSS. Black Books 7 and 8; in Middle Temple Records: Minutes of Parliament (ed. Martin); and in A Calendar of the Middle Temple Records, ed. Charles Henry Hopwood (London: By Order of the Masters of the Bench, 1903). See also below, pp.129-36.

56501

latter Inn they might meet as infrequently as once a month, sometimes as often as seven times in a month, occasionally on two or three days in the same week.¹ There were twenty-seven Benchers present at Lenthall's first Council on 23 May 1633, but normal attendance seems to have varied between fifteen and thirty Benchers.²

Before discussing Lenthall's activities as a Bencher, it will be helpful to consider some of the men with whom he sat, and with whom he acted on smaller committees of the Bench.

Six men were called to the Bench with Lenthall in 1633; with each of them he had been or was to be associated in other ways than in meetings of the full Council. He had already acted with Hugh Rigby when both were gentlemen under the bar.³ Richard Cresheld was bound with Lenthall for the

¹Examination of the Benchers' lists from 1633 to 1640 in Lincoln's Inn, MSS. Black Books 7 and 8 suggests that two to four meetings a month was the norm, but there was usually one meeting late in January of each year. There was only one meeting in June and July, 1639, and in April, 1640; the Short Parliament during the latter month may well have made it difficult to schedule other meetings. In general, more meetings seem to have been needed in May and November; there were usually five then, but six in May, 1636, and seven in November, 1635. In 1635 they met on 4 June and then again on 9 and 11 June, on all three occasions to deal with a disciplinary problem of some complexity, but such frequency appears to have been uncommon. See also below, pp.131-33.

²Lincoln's Inn, MS. Black Book 7, fol.382, Council of 23 May 1633.

³Ibid.; see also MS. Black Book 6, fol.628, 629^v, and above, p.49. Rigby followed Lenthall as Summer Reader in August 1638.

56.201

repayment of another Bencher's loan to the Inn in 1634. They were by this time old associates, for Cresheld and Lenthall had already sat together in the parliament of 1624 and would sit again in 1640.¹ John Clerke and Godfrey Copley were bound in 1637 for the repayment of Lenthall's own loan of one hundred pounds to the Inn.² Lenthall and Robert Mason, who was also recorder of London, had been linked professionally on at least two occasions in 1630. William Noy, another parliament man from 1624, died in August, 1634; the ensuing round of "musical chambers" put Mason into Noy's chambers and Lenthall into Mason's.³

Lenthall's association with John Harington, the sixth man called to the Bench with him in 1633, falls largely outside the present study but is nonetheless of particular interest. Harington did, it is true, join with Clerke and Copley to guarantee the repayment of Lenthall's loan in 1637, but this is the only occasion before 1640 on which their names can be linked. It is clear, however, that Harington was present at the first of Lenthall's Lent readings in

¹Lincoln's Inn, MS. Black Book 7, fol.407-407^v, and above, p.75. Cresheld was Lent Reader in 1636.

²Lincoln's Inn, MS. Black Book 8, fol.397^v, and below, pp.129-30. Copley was Lent Reader for 1634.

³Above, pp.103, 107; and Lincoln's Inn Black Books (ed. Baildon), II, 323, from MS. Red Book I ["The Book of Chambers"], fol.169. See also above, p.63, n.1. Mason's tenure of his room was but a brief one, for by the end of 1635 he too was dead, DNB, XII, 1320-21.

1638, for he left invaluable notes of the points made by Lenthall in that lecture.¹

The first Council at which Lenthall sat after his call to the Bench was that of 23 May 1633. In all, twenty-seven Benchers were present,² but ten of these may be omitted from the present discussion, as no contact between them and Lenthall has been found beyond the mere fact of their presence on the Bench. Those who were named to the Bench with Lenthall have already been considered. Edward Fettiplace, too, was already known to Lenthall as a neighbour and fellow trustee of the Burford charity lands. Six others, Edward Atkins, Henry Denne, William Hakewill, Thomas Sanderson, Rowland Wandesford and Euseby Wright, were chosen at various times to act with Lenthall on particular questions.³

¹The guarantee of repayment is in Lincoln's Inn, MS. Black Book 8, fol.397^v. Notes of Lenthall's first lecture, in Harington's own hand, precede Harington's diary, B.M., Add. MS. 10114, fol.2-3^v, and the contents of the diary itself confirm the continuance of Lenthall's contacts at the Inn in the 1640's and 1650's. Harington sat for Somerset after the Recruiter elections of 1645, but ceased to attend the House after 1648, Brunton and Pennington, Members of the Long Parliament, pp.222, 233; and Valerie Pearl, "The 'Royal Independents' in the Civil War," Trans. RHS, 5th Series, XVIII (1968), 81. The diary contains no entries for the period 16 September 1647 to 24 May 1650, but Harington's contacts with Lenthall continued after 1650 at the Inn. See also below, p.142, n.3.

²Lincoln's Inn, MS. Black Book 7, fol.382. Copley and Rigby were not present.

³Ibid., and above, p.114.

Old parliamentary colleagues from 1624 were present in force. The Bench was chaired by one, William Noy, now Attorney-general. Those fellow veterans of five 1624 committees, Edward Bysshe and Henry Sherfield, were also there. So, too, was Lenthall's three-committee colleague, John Glanville. So also was Richard Taylor who, with Lenthall and Richard Cresheld, brought to seven the number of 1624 parliament men associated again on the Bench of Lincoln's Inn in 1633.¹

A small number of Benchers remain to be noted. They were not present in May, 1633, but their appearances in the Black Books before 1640 point to associations with Lenthall which will emerge in the following discussion of his activities. These men included his cousin, Thomas Tempest, Charles Jones, Sir Edward Clerke, John Harrison, John Herne and William Powell.²

The activities and deliberations into which these men were led in their continuing attempts to maintain order and good government within their Inn were, as has been

¹Lincoln's Inn, MS. Black Book 7, fol.382, and Chapter III above. Only Cresheld was to meet Lenthall again in November, 1640, but the sons of Bysshe and Glanville were also members of the Long Parliament.

²Lenthall was, of course, associated with other eminent Lincoln's Inn men during the Long Parliament, but he did not, apparently, work closely at the Inn before 1640 with the younger Harbottle Grimston, Oliver St. John or St. John's cousin, Samuel Browne. This does not mean that he did not know all of them before that date.

suggested, many and varied.¹ A sense of their variety may be seen in those matters for which Lenthall's involvement or concern can be documented.

As he was present on 14 November 1633, Lenthall no doubt shared in the decision of the Benchers to tax the members of the Inn to meet the costs of James Shirley's masque, The Triumph of Peace, which the four Inns were to present before the Court, and there is no reason to doubt that Lenthall, too, paid the contribution of six pounds the Benchers levied on each of themselves.²

Other financial dealings of the Inn in which Lenthall had a part were the loans noted briefly above. In 1634, Lenthall and Richard Cresheld agreed to be bound for the Inn's repayment of one hundred pounds lent by Sir Edward Clerke, this repayment to be at twenty pounds per year for five years.³

¹Above, p.124.

²The utter barristers were assessed £3, barristers of less than seven years' standing 40s. and the other gentlemen 20s., Lincoln's Inn, MS. Black Book 7, fol.389-91. The masque is discussed by Green, Inns of Court and Early English Drama, pp.123-32. It was also described in full and colourful detail by the man who was in charge of the music, Bulstrode Whitelocke, in his Memorials of the English Affairs (London: for Nathaniel Ponder, 1682), pp.18-21.

³Lincoln's Inn, MS. Black Book 7, fol.407-407^v, Council of 12 February 1634. Loans to the Inn were apparently not uncommon, for an anonymous loan had come through Attorney-general Noy at the previous Council on 6 February, ibid., fol.406. Lenthall already had fairly heavy financial commitments at this time, for he was also engaged in the purchase of the manor of Besselsleigh in Berkshire, see below, pp154.

On 7 February 1637, Lenthall himself offered to lend "for the present occasions of the house" one hundred pounds, without interest, until the end of the next Trinity term, "w[hi]ch offer all the M[aste]rs did kindelye accept of." When that time came, he agreed to let the money remain in the Inn's possession over the summer until the first Council of the next term. The Inn did not make arrangements for repaying the loan until November, when Clerke, Copley and Harington agreed to guarantee its repayment, and the receipt of the hundred pounds was acknowledged by Lenthall on 14 November.¹

Lenthall was concerned on several occasions with the living conditions and amenities within the Inn. One is a revealing commentary on the prevailing hygienic conditions of seventeenth-century London. In June, 1634, Lenthall and William Hakewill were asked to make arrangements with the head cook "to prevent for the time to come the annoyance w[hi]ch groweth by the casting out of garbage into Chancery Lane." In October they were able to report to the Masters of the Bench that a man had been employed to carry away all the kitchen waste "into some convenient place where this

¹Lincoln's Inn, MS. Black Book 8, fol.374^v, 393, and 397^v-398, Councils of 7 February, 20 June, and 7 and 14 November 1637. The receipt of the loan by the Treasurer is noted ibid., fol.382, account of Henry Denne, November 1636-November 1637, and its repayment to Lenthall ibid., fol.404^v, account of John Briscoe, November 1637-November 1638.

House shall not bee annoyed therewith."¹ In the same month they were also instructed to meet with the Lords Chief Justice to request the paving of the roads opposite the Inn.²

In these "noblest nurseries of humanity and liberty" not a few problems arose from the fact that, for the future governors of England, the Inns were nurseries in a very real sense. Filled with high-spirited young men, many of them very young indeed and only a few of them destined for careers in the law, a good deal of energy was bottled up. Some of this could be expended in the innumerable feasts and revels with which the Inn's year was punctuated,³ but disciplinary problems were far from unknown. On one such occasion Lenthall was personally involved.

Lenthall had been given Robert Mason's former chambers early in 1635, but the acquisition of them was fraught with difficulties. On 11 May, nearly five months after the

¹Ibid., MS. Black Book 7, fol.411 and 412, Councils of 25 June and 14 October 1634. This presumably solved the problem to the Inn's satisfaction; who was annoyed instead is left to the reader's imagination. Similar examples are given by Green, Inns of Court and Early English Drama, pp.36-37.

²Lincoln's Inn, MS. Black Book 7, fol.412^v.

³The quotation is from Ben Jonson's dedication of his Every Man Out of His Humor to the Inns of Court, see Green, Inns of Court and Early English Drama, p.6. The age of entry was a recurrent problem, and Councils resolved periodically that no one under the age of fifteen was to be admitted. On the social life of the Inns, see ibid., pp.10-13, and Notestein, English People, pp.90-91.

chambers were assigned to Lenthall, the Benchers had to order one of the gentlemen of the Inn, Nicholas Love, to give Lenthall "quiet and peacable poss[ess]ion of that studie & parte of a chamber" formerly Mason's, "in such manner as Mr Recorder left the same." Love was to be suspended from membership of the Inn if he did not comply. He did not comply. The order was repeated on 4 June, and again on 9 June, when Love was given twenty-four hours to quit. By 11 June the patience of the Benchers was exhausted. Reviewing the case at some length, they concluded Love was "unfitt to bee or continue any longer a Fellowe or member of this House" and expelled him.¹

Clearly, the Benchers were making an example of Love, but, on the other hand, he had behaved rather badly. Not only had he ignored the repeated orders of the Bench but, it emerged, he had removed partitions so that the chambers could not be passed on to Lenthall in the state Mason had left them. When summoned to a Council meeting, Love accused Lenthall of dealing "unworthily w[i]th him in not p[er]-forming an agreement p[re]tended by the same Mr Love to bee made vnto him by Mr Lenthall conc[er]ning the said chamber," an agreement of which the Benchers apparently found no trace. He had also maintained that two other Masters, John Harrison and William Eyre, "had affirmed vpon theire creditts against

¹Lincoln's Inn, MS. Black Book 7, fol.437, 439, 440v-441, Councils of 11 May, 4, 9 and 11 June 1635.

the said p[re]tended agreement that w[hi]ch they would not iustifie vpon theire oathes." As if this were not enough, Love had beaten the porter of the Inn under the chapel, dragged him to the pump and pumped water on him. This accumulation of misdeeds the Council conceived

to bee of such dangerous consequence that if the same should not bee severely punished it would tend to the subversion of the gouv[er]nment of this house & others bee animated to comitt the like misdemeano[u]rs.¹

So an example had to be made. If the example left a bad taste in Lenthall's mouth, it may have been eased by another item of business at the same Council, when nine men, one of them Lenthall's nephew, Edmund, were called to the bar.² At any rate, Lenthall bore no lasting grudge against the young miscreant. No indication of Love's readmission to Lincoln's Inn has been found, but he too was called to the bar the following year "vpon the mocion and earnest request of Mr Lenthall."³

¹ Ibid., fol.440^v-441, Council of 11 June 1635. Nicholas Love was still something of a hothead when Lenthall knew him later. The son of a Warden of Winchester College and chaplain to James I, Love was a Recruiter M.P. for Winchester and a regicide, DNB, XII, 159-60.

² Lincoln's Inn, MS. Black Book 7, fol.441^v, Council of 11 June 1635.

³ Ibid., MS. Black Book 8, fol.365, Council of 4 February 1636. Sir Thomas Tempest's letter to his cousin, cited above, p.48, n.2, mentioned "yo[u]r kind chamberfellow Mr Loue," Bodleian, MS. Tanner 66, fol.166, Tempest to Lenthall, Dublin, 31 August 1641. Had not events taken the turn they did, Love and Lenthall's nephew Edmund would

The Inn was especially concerned in 1638 about speculative building in the area. A Mr. Newton's buildings in Lincoln's Inn Fields excited particular alarm. On 12 February the Benchers instructed five of their number, or any three of them, to consider what annoyance or inconvenience these buildings would cause to the Inn, and to frame a petition to the King. An earlier petition on the same matter was to be searched for and delivered to this committee. Lenthall was again named with William Hakewill, and they were joined by John Harrison, John Herne and Charles Jones. By May, separate petitions to the King and Queen were ready, and these were read and engrossed on 1 May. The Benchers decided that the following week they would view the ground, and make arrangements to present the petitions and to solicit support from the Privy Council.

Why this timetable was stepped up is not clear, but, in fact, the Benchers started lobbying two days later. William Hakewill, John Harrison, John Herne and Thomas Sanderson were chosen to present the petitions to the King and Queen. Sir Edward Clerke was to visit archbishop Laud

probably have been called to the bar together, for they were admitted to the Inn within a week of each other, and seem initially to have shared the same chambers, Lincoln's Inn Admission Records, I, 204, and Lincoln's Inn, MS. Black Book 7, fol. 242^v, account of Humphrey Chambers, November 1627-November 1628. The mention there of four pounds paid for admission by John Lenthall must surely refer to a payment by Sir John Lenthall for his son Edmund. It cannot be for William Lenthall's son John, for he was not admitted until 1640.

and the Lord Keeper, Lenthall the Lord Treasurer and Earl Marshal. The Lords Privy Seal, Lord Finch and "Mr Justice Jones"¹ would be solicited by Hakewill. Rowland Wandesford would lobby Lord Cottington, Edward Bysshe the earl of Dorset, and Edward Atkins Lord Newburgh. When the Benchers learned on 8 May that the petitions had been presented, yet another deputation had to be chosen; Lenthall and Charles Jones were asked to attend the Court for the answers to the petitions, and the Treasurer of the Inn was instructed to deliver twenty pounds into their hands "to dispose thereof in that service as they shall thinke fitt."²

In all this multiplicity of "housekeeping" concerns, it is reassuring to see that Lenthall and his fellows occasionally gave their attention to the law, even if it was only to quarrel with other lawyers. Later the same year, in November, 1638, Lenthall and Hakewill joined forces again. With Edward Atkins, Henry Denne and John Harrison, they were asked to draw up a bill, before the first Council of the next term, which could be put into the "Court of Equitie,

¹Sir William Jones, the father of Lenthall's colleague, Charles Jones, see DNB, X, 1059-60.

²Lincoln's Inn, MS. Black Book 8, fol.411-413^v, Councils of 12 February, 1, 3 and 8 May 1638. The petitions were also entered in the Black Books, ibid., fol.414^v-415^v. Eventually, the Inn and Newton appear to have reached a compromise about the location of the buildings, ibid., fol.437, Council of 16 May 1639. Lenthall was not present on the latter occasion.

concerninge the differences betweene this house and the house of Thavys Inne."¹

The contents of Lenthall's Lent reading in 1638 have been reserved for later discussion, for some of the points he made then are relevant to the years immediately preceding the Long Parliament. The procedural aspects of his readership, however, may usefully follow at this stage of his career as a Bencher. He had been named Summer Reader for the first time in 1636, and moved at that time for a call to the bar of all gentlemen of the Society who had been in attendance for the full time required and had done their exercises. As Reader, he was also named Marshal of the Inn. But he did not read that summer, and the following Lent (1637), when he was chosen again, his reading was cancelled because of plague in London. Again in the summer of 1637 he was named but did not read.²

The Masters of the Bench, without visible discouragement, chose him again on 12 October 1637 to be Reader for the following Lent and Marshal of the Inn.³ This time

¹Ibid., fol.420^v, Council of 27 November 1638. Thavies Inn was one of the Inns of Chancery. Disputes between the Inns of Court and Chancery were by no means uncommon.

²Ibid., fol.367^v, 372^v, 374, 389 and 393, Councils of 12 May 1636, 24 January, 7 February, 2 May and 20 June 1637.

³Ibid., fol.396 and 399^v.

Lenthall did read. His failure to do so the preceding summer may have been connected with his impending purchase of Burford Priory, for a readership was an expensive honour. It has been estimated, for example, that a three-weeks' readership could cost the Reader as much as a thousand pounds.¹ The Lent reading was the more important of the two readings. It began on the first Monday in Lent; the Reader lectured on Mondays, Wednesdays and Fridays, and the other days were spent in banqueting and entertaining notables, largely at the Reader's expense. Any assistance given by the Inn was purely nominal. Lenthall, for example, received twenty pounds for his reading and eight pounds for wine.²

In addition to his lectures, the Reader presided over the moots, made calls to the bar, and had the right to grant special admissions to the Inn. Of this last "allowance" Lenthall made full use, and the names of the ten men specially admitted to Lincoln's Inn at Lenthall's request form a fascinating collection. His cousin,

¹On Readers' expenses, see Green, Inns of Court and Early English Drama, p.40. Lenthall's purchase of Burford Priory is traditionally but incorrectly dated to 1634, following, as usual, Anthony à Wood; see, for example, DNB, XI, 934. The evidence suggests, however, that 1637 is the correct date, R. H. Gretton, Burford Records, p.275, and Monk, History of Burford, p.125. See also below, pp.161-62.

²Green, Inns of Court and Early English Drama, pp.40-44; and Lincoln's Inn, MS. Black Book 8, fol.427, account of William Hakewill, November 1637-November 1638. Lenthall also received a gift of six pounds from Woodstock, see MS. B 79, accounts of Bennett Paynter and James Nicholles, 22 December 1637-21 December 1638, and below, pp.153-54.

Sir Edmund Lenthall of Lachford, and his younger brothers, Thomas and Francis Lenthall, were the first, on 17 January 1638. The next day four more men were admitted: Lucius Cary, viscount Falkland; Philip, baron Wharton; Sir Thomas Wharton, knight of the Bath; and Sir Anthony Ashley Cooper.¹ On 22 and 23 January, Lenthall requested three more special admissions, all of them, apparently, Oxfordshire men. They were Samuel Tovey, John Cole of Carrington, Oxfordshire, and Robert Warcupp. Warcupp was Samuel Warcupp's second son and, therefore, Lenthall's nephew. Cole may have been the same John Cole who bought Coate House in Bampton parish from Lucius Cary in 1631, and who, with Lenthall, witnessed the settlements for a marriage between Richard Jones of Asthall and Jane, daughter of Sir Giles Bray of Great

¹Lincoln's Inn Admission Records, I, 234. There may have been a Wharton connection either through Fleetwood influence in Woodstock, or through Whartons in Aston Sandford, where Lenthall's cousin Robert had been vicar. The Ashley Cooper admission is intriguing. No trace of any previous association has been found. Such an association might well be significant, however, in relation to Ashley Cooper's role in the 1650's. See, for example, H. R. Trevor-Roper, "Oliver Cromwell and his Parliaments," in Essays Presented to Sir Lewis Namier, ed. Richard Pares and A. J. P. Taylor (London: Macmillan, 1956), pp.1-48. K. H. D. Haley, The First Earl of Shaftesbury (Oxford: Clarendon Press, 1968), p.24, notes the admissions at this time of Ashley Cooper, Lord Wharton, "Edmund" [mistakenly for Robert] Warcupp, and Falkland, who "by a curious coincidence was entered on the same day." In commenting on the associations between these men, he quite fails to notice that all were linked by Lenthall's request for their special admission, which would, of course, account for the "curious coincidence."

Rissington, Gloucestershire.¹ John Cole, Thomas Tempest and Edward Twyforde had been witnesses to Lenthall's purchase of Besselsleigh manor in 1634, and Cole, Tempest and Francis Lenthall also witnessed William Lenthall's lease of Burford to Twyforde for one year from Michaelmas, 1638, for a peppercorn rent. Lenthall and a "Mr. Cole" were both involved in 1639 in a Woodstock Chancery suit over a gift to the poor of the town.²

Two points may usefully be made in summary of these aspects of Lenthall's career as a Bencher. He was seen in 1624, working in parliament with Coke, Noy and Glanville, three of the men generally accepted as leaders of the rising parliamentary lawyers of the 1620's. One notable name was missing from the list of parliament men with whom Lenthall was associated, but cannot be omitted from any list of leading parliamentary lawyers: William Hakewill. Hakewill was the

¹Lincoln's Inn Admission Records, I, 234. For Coate House, see P.R.O., Chancery, Close Rolls, 7 Charles I, 39th part, C.54/2950. For the Bray-Jones settlement, see Berks. R.O., Lenthall Papers, D/EL1: T 25 a and b. Jones was probably kin to Lenthall's fellow Bencher. The family certainly had earlier contact with the Lenthalls, for the manor of Asthall had been conveyed to Jones and his late father by Sir John Lenthall, ibid., T 25b, which also mentions lands in Hailey, Witney and Wilcote. Tovey has not been identified, but there were Tooveys at Nettlebed, near Henley, in the eighteenth and nineteenth centuries; one was High Sheriff of Oxfordshire in 1802, Davenport, Lords Lieutenant and High Sheriffs of Oxfordshire, p.64. For Cole, see also below, pp.154, 178.

²Berks. R.O., Lenthall Papers, D/EL1: T 2/1, No.4 and T 32; Woodstock, MS. B 79, accounts of Bennett Paynter and Nicholas Mayott, 21 December 1638-21 December 1639.

Treasurer, the highest official of the Inn's hierarchy, during Lenthall's readership. It is at least suggestive, also, that Hakewill should prove to be the Bencher with whom Lenthall was most frequently associated.¹ It would seem that, in spite of a parliamentary career before 1640 of only three months' duration, Lenthall's contacts in the 1620's and 1630's were, more often than has been realised, with just those men whose thinking was pervaded by the problems of liberty and parliamentary privilege under the common law. Although their direct influence on Lenthall would be difficult to prove on the existing evidence, it is also difficult to imagine that those who were often in the company of such men remained totally unaffected by the force of their thought.

This discussion of Lenthall as a Bencher has depended, quite properly, on the assumption that he viewed the position as a responsibility and not solely as an honour requiring no effort of his own. Fortunately, this assumption can be tested and confirmed by the manuscript Black Books of Lincoln's Inn. There, but not in the published (and highly edited) version, the Benchers present at every Council are listed by name, and from this Lenthall emerges as a reasonably active Master of the Bench. He was not always present but, more often than might have been expected, his private practice

¹Lincoln's Inn, MS. Black Book 8, fol.399^v, and above, pp.79-86, 130-31, 134-36; see also Notestein, "Winning of the Initiative," Studies in History (ed. Sutherland), p.174.

or his county activities suggest concerns which could have conflicted with his attendance at the Inn.

For example, Lenthall missed none of the fourteen Council meetings in 1633 after his call to the Bench on 23 May. He was absent from five of the seventeen Councils in 1634, but at least one, on 6 February, may have found him already engaged in the purchase of the manor of Besselsleigh. His appointment as Steward of Wychwood Forest in June, 1634, may account for his non-attendance at the Council of 17 June.¹ One of his three absences from the Bench in 1635 may have been due to his presence at the Oxford quarter sessions in late 1634 and early 1635, his only absence in the first six months of 1636 to a case at the Gloucester assizes.² Without multiplying detailed examples, it seems possible that Exchequer business may have kept Lenthall away from the Bench early in 1637 and on several occasions in 1638. On one particular day, 14 June 1638, he was certainly pleading in the Exchequer; there was a Council on the same

¹Lincoln's Inn, MS. Black Book 7, fol.382-392 [23 May-28 November 1633], and fol.404-419^a [27 January-27 November 1634]. See also below, pp.154-55.

²B.M., Add. MS. 37343, fol.13, Bulstrode Whitelocke, "Annals"; Gloucester, Guildhall, Corporation MS. 1396/1501, fol.26, chamberlains' accounts, Monday after Michaelmas, 12-13 Charles I, and below, pp.165,186. See Lincoln's Inn, MS. Black Book 7, fol.430-448^v, for the twenty-one Councils of 1635, and MS. Black Book 8, fol.361-370^v [28 January-30 May 1636]. Lenthall's cousin, Thomas Tempest, was called to the Bench on 9 February 1636, *ibid.*, fol.366.

date at which he was not present.¹ The death of his second son in 1639, and Lenthall's presence in the Short Parliament in April, 1640, may explain his absence at those times.

The procedural aspects of Lenthall's Lent reading and the special admissions he made have been considered above.² The fortunate survival of texts of this reading make possible consideration of its content. Lenthall took as his text a statute of Henry VIII which dealt with the collection of debts due to the King.³

His reading followed the standard pattern of a commentary and interpretation of the texts of this statute and other related or contrasting statutes, to which were added detailed examples and discussion of individual cases.⁴

¹Lincoln's Inn, MS. Black Book 8, fol.416, and P.R.O., S.P. Dom., 1-14 November 1638, S.P./401/49, order of the Court of Exchequer, 9 November 1638, referring to an earlier order of 14 June. See also below, p.151. His absence on 6 February 1638, however, was part of the traditional absence of a Reader during the week preceding his reading, Green, Inns of Court and Early English Drama, pp.40-41, and Lincoln's Inn, MS. Black Book 8, fol.409^v.

²Above, pp.136-39.

³The statute was 33 Henry VIII, cap.39. Two texts of Lenthall's reading have been found. The first is B.M., Add. MS. 10114, fol.2-3^v, two leaves of notes preceding John Harington's diary. These notes in Harington's hand, are of Lenthall's first lecture on 14 February 1638. The second text has been used in microfilm from the original in Dublin, Trinity College Library, MS. G.3.7, fol.141^v-170^v [MS. 719 in T. K. Abbott, Catalogue of the Manuscripts in the Library of Trinity College, Dublin (Dublin: Hodges, Figgis & Co., 1900)], a seventeenth-century collection, in law French, of readings on various statutes.

⁴Characteristic contents of law readings are also noted by Notestein, English People, p.89.

While the wealth of detail in Lenthall's reading cannot be reproduced here, it is clear that he drew extensively not only on legal sources but also on his own experience. His opening words noted that the statute he had chosen was the "foundac[i]on" of all Exchequer practice and, while he did not cite his own cases, echoes of them may be seen in his comments on judgments based on testimony by informers, the position of executors, the need for action to be taken on proper authority and on record, cases of forfeits by attainder and of fines in the prerogative courts.¹

Repeatedly, Lenthall stressed both the antiquity of the King's prerogative to levy his debts, and the need for his subjects to be protected. Some of Lenthall's detailed examples may derive as much from his own realisation that "points of less moment haue been more exactly com[m]itted to writing then this of leuying his Ma[jesty's] dets"² as from the normal inclusion of examples in a reading. Lenthall apparently did his best to cover every eventuality. Bread, beer, and such necessary victuals could not be distrained for the King's debts, nor could sheep, he reminded

¹Comments on these points occur in Dublin, Trinity College, MS. G.3.7, fol.158^v-159^v, 151^v, and 154^v-155^v, and in B.M., Add. MS. 10114, fol.3. See also the cases cited above, pp.99-102 and 104-105, involving Tilston, Mrs. Porter and the countess of Oxford, the sheriff of Middlesex, and Walter Long; and the cases of Hartpury manor and Ralph Grafton cited below, pp.149-52.

²B.M., Add. MS. 10114, fol.2.

his hearers, for sheep were the principal staple commodity of the kingdom. A reasonable part of the estate of one in debt to the King must be saved to the debtor's wife and children, so that if the residue fell short the King might even lose part of the debt due to him.¹

The King's rights were thus limited by the common law, for "in all ages by al Lawes of England p[ro]sp[er]ity was maintaind curiously in the Subject." "Note," Lenthall reminded his audience,

that alwaies the p[ro]sp[er]ity in the subiect was p[re]served. No debtor was to be bereaued of necessary for life or for ex[er]cise of his p[ro]fession. A milstone was not liable to distres nor ornaments of honor. Nor the horse of a knight for a knight was to serue on horsback.²

In discussing how statutes had altered the common law, he pointed out how a clause in Magna Carta which seemed to operate against the King worked in practice in his favour, because of the effect of later laws. Here, again, he stressed that "yet this benifit the Subject had thereby th[a]t before any seisure the det was made to appear vpon Record."³

Lenthall was not averse to adding his own opinions by way of comment. While agreeing that by the common law a subject's body, land and goods were all liable for the

¹Ibid., fol.2-2^v and 3^v; Dublin, Trinity College, MS. G.3.7, fol.142, 143^v.

²B.M., Add. MS. 10114, fol.2-2^v.

³Ibid., fol.3.

King's debt, he felt that the cases cited in one source "do not p[ro]ve the i[m]prisonment of the body." He disagreed with another opinion that, if someone bought land of a debtor to the King, the King could claim both the land and the money, adding sharply, "I conceive that is against law & reason."¹

It is difficult to imagine that any but the most attentive of Lenthall's hearers would have retained in their minds more than a fraction of the multitude of examples he gave. But his most attentive listeners, after all, would have been the common lawyers who were charged with the defence of the King's rights, and of the subjects', in the courts of the land. Questions as to what were debts due to the King, and how and on what these debts might be levied were more than abstruse legal quibbles. In the 1630's most men could point to occasions on which they thought the King's rights had been too stoutly asserted. Men had had to compound for failing to take up knightships, the ancient boundaries of the forests had been strictly enquired into and arbitrarily extended, and, for more than two years amid growing reluctance, ship-money had been collected. John Hampden's case had come to trial less than a year before. The elements of controversy had long been present, in Charles I's varied and ingenious attempts to finance his

¹Ibid., fol.2^v; Dublin, Trinity College, MS. G.3.7, fol.142^v.

56.201

government without recourse to parliament. In spite of the burning relevance of his subject, Lenthall's lectures were dry and technical, a lawyer's brief. There was nothing in them to inflame already existing controversies.¹

Against this background Lenthall, whose natural habitat already appears as the exact centre of any given road, resolutely listed, in due order and proportion, the rights of both King and subject. His experience of both had not been, and would not remain entirely theoretical.² But although his lectures in 1638 testified to his practical experience in the Exchequer and his detailed research into some of the finer points of royal finance, Lenthall was here a teacher, not a political agitator. It was for others to make what use they might of the knowledge he presented.

Lenthall's career as a Reader and Bencher has been considered here in such detail because it points up what reflection suggests must have been one of his most natural environments. In this society of men of his own profession, with whom he shared not only common training but also outlooks and experiences which reached beyond Inn and law courts to their respective county bases, it would be surprising if

¹Lenthall does not appear to have included ship-money among his examples, and there is no indication that he was in any way involved in Hampden's case, although a fellow Lincoln's Inn man, Oliver St. John, was Hampden's counsel.

²See below, pp. 179-80, 185-87.

55.901

Lenthall did not feel very much at home. A skill once learned is reinforced by repetition. Practice, if it does not make perfect, does at least make for more experience, and Lenthall's new role as one of the governors of Lincoln's Inn was reinforcing the future Speaker's experience of how men worked together. The operation of this small, cohesive group of Benchers, however, cannot have been totally different from, for example, a meeting of trustees, the quorum of a county commission or a parliamentary committee. It was by such groups that England was governed and its governors trained.

59 0082a - Page 59
87 0103a - Page 81
98 0109a - Page 88

CHAPTER VI

KING'S MAN AND SHIRE MAN, 1633-1639

Lenthall's career as a Bencher of Lincoln's Inn, important as it is to an understanding of him, was but one facet of his life in the decade preceding the Long Parliament. He was gaining rank, wealth and experience in other areas of equal value to a rising lawyer. Not the least of these was his private practice in the Court of Exchequer. As with the period before 1633, traces of his activities emerge from the Exchequer records, contemporary law reports and the Domestic State Papers. In June, 1634, for example, Lenthall had at least six cases going on in the Exchequer of Pleas.¹ In Trinity term, 1635, he was counsel with the then Attorney-general, John Bankes, for a lessee of the King and a third party who were sued in the Exchequer over the possession of sixteen houses. The third party, a Robert Smith,

¹Orders concerning these cases were made on 6, 13, 16, 20, 21 and 23 June, P.R.O., Exchequer of Pleas, E.12.15, order book, 9-14 Charles I, unpaginated. In the first case, on 6 June, Lenthall was counsel for the mayor and citizens of Oxford. This is interesting, for in spite of lifelong attachments in the county, Lenthall's documented associations with the city of Oxford seem to have been relatively rare.

was ordered restored to his rights in one-third part of the houses.¹

It would appear on this occasion that Lenthall was acting with Bankes for the Crown. That he was, on occasion, associated with the Crown side of cases is clear from a document of the following year, when Sir Edward Littleton, the Solicitor-general, and Lenthall were asked for opinions on the Crown's right to a nomine poenae, a penalty for non-payment of an annuity. A summary of the case, which is, unfortunately, damaged, was underwritten with the concurring opinions of both men. Its interest lies in the fact that, while Littleton simply stated his conclusion, Lenthall was apparently at some pains to give reasons for his opinion.² The result of their opinions followed in the decision on the part of the Crown to proceed with the case. By 1638, the arrears and forfeits had mounted to £1100 and the tenants of Hartpury, Gloucestershire, the manor from which the annuity derived, petitioned for a stay of the case because of

¹Coffere and Coffere v. Yorth (Trin., 11 Charles I), in B.M., Add. MS. 35970, fol.41^v, Hardwicke Papers, reports of cases in the Exchequer, 1616, 1635 and 1639.

²P.R.O., S.P. Dom., 1636, undated, S.P. 16/340/4. The difference in the form of the opinions does not emerge from Cal. S.P. Dom., 1636-37, p.269. The annuity had been forfeited to the King by the attainder for felony of the intended beneficiary. The question at issue was whether the annuity accrued to the King with the first non-payment or only after an inquisition had found it to be owing. Both men agreed that the King's right began with the first failure of payment.

"imperfections" in the Crown's extent and inquisition. On 11 April, however, "vppon openinge of the said Cause by Mr Lenthall on his Maiesties behalfe," the court ordered that the case should proceed unless, within a week, the tenants' counsel could show cause to the contrary.¹ The case was postponed for another week on 20 April, when the tenants pleaded that they had not had time to instruct their counsel.²

Lenthall's abilities as a negotiator were again in demand in 1637, when he and Sir Robert Heath were ordered to meet together in an attempt to compose the differences between two clerks over the rectory of North Cerney in Gloucestershire.³ Lenthall and Heath had already acted for the city of Gloucester the year before,⁴ and Lenthall was clearly already involved in Gloucestershire affairs fully two years before he was chosen recorder of the city of Gloucester. There was a double association in the North Cerney case, for Heath was an old parliamentary colleague too.

¹P.R.O., S.P. Dom., 1-17 April 1638, S.P. 16/387/57, Exchequer order, ex parte the King's Remembrancer, 11 April. Neither the postponement nor the crucial phrase "on his Maiesties behalfe" appear in Cal. S.P. Dom., 1637-38, p.359.

²Incorrectly dated to 30 April, ibid., p.372, but see P.R.O., S.P. Dom., 18-30 April 1638, S.P. 16/388/13, Exchequer order, ex parte the King's Remembrancer, 20 April.

³P.R.O., S.P. Dom., 26-31 January 1636/7, S.P. 16/345/15, order of the archbishop of Canterbury and Lord Keeper. A petition to the King from one of the clerks, Samuel Rich, is S.P. 16/340/11.

⁴Below, p. 165.

It was suggested in Chapter IV that Lenthall's brief association with some of the parliament men arrested in 1629 might hint at a common-law concern for liberty as well as property.¹ The same concern may also be suspected in the background to one of Lenthall's Exchequer cases in Michaelmas term, 1638. On at least two occasions, on 14 June and again on 9 November 1638, Lenthall secured the release from the Fleet prison of Ralph Grafton, an upholsterer of St. Michael's, Cornhill, on Grafton's bond for his reappearance in court. Grafton had originally been arrested six years before as a suspected conventicler.² That suspicion was far from widespread at the time is clear from a letter from London which noted,

Thear wear last week some 40^{ty} honest People,
sent to Prison by the Bishop, Pretending they
wear at a Conventicle in Black Fryers.³

At his trial in the court of High Commission in June, 1632, Grafton was accused as a "principall ringleader" of the conventiclors, and required under oath to answer to the accusation. Grafton refused, saying,

¹Above, pp.106-108.

²P.R.O., S.P. Dom., 1-14 November 1638, S.P. 16/401/49, Exchequer order, 9 November 1638; and Cases in the Star Chamber and High Commission Court, ed. S. R. Gardiner ("Publications of the Camden Society," New Series, Vol. XXXIX; London: Camden Society, 1886), p.315, from Bodleian, MS. Rawl. A. 128, fol.41.

³B.M., MS. Egerton 2646, fol.30, Barrington Papers, Mrs. John Barrington to her mother-in-law [Lady John Barrington], "Tuesday Whitsunweek," 1632.

An oath is a matter of an high nature, and must not be taken rashlie, I dare not therefore take this oath. We have done nothinge against the law: it was noe Conventicle: there was nothinge spoaken against the King, nor against the State, I dare not take the oath, and I am no ring-leader of any to evill.¹

Grafton's offer of bail was refused, he was fined and committed to prison, and there, apparently unnoticed, he stayed until 1638. The point was taken with dispatch then, when it was noted that Grafton had "longe remayned a Prisoner for noe other debte or cause but only the said debte and fyne of fiftie poundes." Neither the cause of the fine, in Grafton's refusal to take the oath, nor the allegation that he was a conventicler, appear anywhere in the Exchequer order which set him at liberty.² Ostensibly, this was a fairly simple case of debt, but the length of Grafton's imprisonment, and the willingness to release him in 1638 without payment of the fine may suggest that the High Commission had overreacted in a way which could later be taken to have threatened the liberty of Grafton's person.³

¹Bodleian, MS. Rawl. A. 128, fol.41; Star Chamber and High Commission Cases (ed. Gardiner), p.315.

²P.R.O., S.P. 16/401/49, Exchequer order, 9 November 1638. The fine there given as fifty pounds is put at two hundred pounds in Star Chamber and High Commission Cases (ed. Gardiner), p.315. There is no indication that Grafton paid either sum.

³That Lenthall may have found a principle involved here is suggested by a point in his Lent reading earlier in 1638. Admitting that by the common law, body, land and goods were liable for the King's debt [and a fine was a debt due to the King], Lenthall then added that the cases generally cited "do not prove the imprisonment of the body," B.M., Add. MS. 10114, fol.2^v, and above, pp.144-45.

During this period of his life, Lenthall's country commitments continued as before, and even increased as the 1630's wore on. He was, as he had been, still recorder of Woodstock, but his responsibilities to that town appear to have been no more onerous than before. It seems that he entirely ceased to attend the town's views of frankpledge in April and October, but as the Portsmouth records after April, 1635, have not survived it is impossible to be certain of this.¹ He continued to receive his Christmas cakes and his yearly fee and, certainly, he came to the town on other occasions. If Lenthall was piqued at not being returned to parliament for Woodstock after 1624,² no coolness in his relationship with the town can be deduced from the records. The town was as generous as ever with its wine, food and entertainment, and on 29 April 1633 also sent a gift of wine to Lenthall and his wife.³ In 1638, Woodstock sent a gift

¹He was missing from all the views of frankpledge from 15 April 1633 to 6 April 1635, Woodstock, MS. B 77/2, Portsmouth proceedings. None of the dated entries for Lenthall in the chamberlains' accounts correspond to the times of the views of frankpledge, and the undated entries appear to be for quarter sessions or extraordinary visits, ibid., MS. B 79, accounts, 21 December 1632-21 December 1638.

²Above, p.93, n.3, and below, p.191.

³Woodstock, MS. B 79, accounts of George Noble and Thomas Woodward, 21 December 1632-21 December 1633. Lenthall was entertained on 16 July and 16 December 1633, in 1635 when the King was at Woodstock, on 1 September 1637, at Easter 1638, and on 16 July and 28 August of the latter year, ibid., accounts, 21 December 1632-21 December 1638.

of six pounds to Lenthall "ag[ains]t his Readinge in Lincolns Inn in Lent last,"¹ so they could not have been unaware of his growing professional stature.

That Lenthall's stature within Oxfordshire was also growing in the 1630's is clear from the accumulation of both lands and honours which were coming into his hands. During this period he purchased both of the estates with which the Lenthall family was to be associated for over two centuries.² The first of these was the manor of Besselsleigh, near Abingdon in Berkshire, which Lenthall bought for £4500 from Edmund Fettiplace in 1634. The purchase included the manor of Appleton as well, the advowson of the churches of Besselsleigh and Appleton, and other lands in Eaton, Tenton, "Standford" [probably the present Dry Sandford] and Cumnor. For the rest of that year Lenthall continued to gather in other parcels of land in the area.³

¹Ibid., account of Bennett Paynter and James Nicholles, 22 December 1637-21 December 1638.

²Burford Priory, purchased in 1637, was sold in 1838; Besselsleigh was still in Lenthall hands in 1958.

³Berks. R.O., Lenthall Papers, D/EL1: T 2/1, no.11, copy of deed enrolled for the purchase of Besselsleigh, 12 February 1634, and P.R.O., Chancery, Close Roll, 9 Charles I, 8th part, C.54/2963. Following Anthony à Wood again, DNB, XI, 934, gives the date of purchase as 1630. Margaret Fettiplace, Edmund's mother, relinquished all her claims to the manor and rectory on 21 February, Berks. R.O., D/EL1: T 2/1, no.4. The witnesses on this occasion included Lenthall's cousin, Thomas Tempest; an Oxfordshire associate, John Cole; and Edward Twyforde, who was to rent Burford Priory from Lenthall in 1638, and who acted on at least one occasion in 1652 as Lenthall's attorney, ibid., T 32 and T 42, no.6. Lenthall's

He had by no means forsaken his associations with the Burford area, however, as the rest of the decade was to show. His links were reinforced, perhaps not entirely happily, by his appointment in June, 1634, as Steward of Wychwood Forest "during pleasure."¹ As Steward, Lenthall signed the proclamations for a swainmote or forest court held on 14 September 1635 at the Five Oaks, and the presentments at this court and another on 9 June 1636, as well as those for a woodmote or attachment court on 8 April 1636.² Lenthall was in home territory indeed, for the jurisdiction of these courts included the bailiwicks of Ramsden, Shipton, Hailey, Ascott, Minster Lovell, Leafield, Swinbrooke,

acquisition of pasture lands in Hulswood on 21 February, and of other lands in Eaton on 30 September are ibid., T 4, no.4 and T 1, no.12. On all occasions but the last Lenthall was identified as "of Burford"; in September, he was "of Besselsleigh" and also "lord of the manor of Appleton," ibid.

¹B.M., Add. MS. 15662, fol.42-67^v, topographical collection containing transcripts of "claims and proceedings of the Courts of Whichwood Forest, temp. Charles I." I have not been able to confirm a connection between Lenthall and Henry Rich, first earl of Holland, who made the appointment. The date of Lenthall's appointment is stated in his claim in 1637 of rights pertaining to the office, ibid., fol.58.

²Ibid., fol.47-48, 54 and 69. Cowell, citing Manwood on the forest laws, makes the comparison that "the Court of Swainmote is as incident to a Forest, as the Court of a Pie-powder to a Fair," Cowell, The Interpreter, "Swainmote." The court was defined in the sixteenth century as a court of freeholders within the forest, ibid. There is a "Fiveoak Copse" near the southeast corner of the present forest.

Finstock and Wilcote, as well as Burford.¹ Lenthall was not only in home country, he was hedged about by friends and associates. In 1636, the verderers of the forest were Sir Francis Wenman, a fellow Oxfordshire justice, and John Fettiplace, yet another member of that widespread family, who was in 1640 to be one of the knights for Berkshire. Bulstrode Whitelocke put in an appearance in August, 1636, as counsel for several of the local gentry.²

At the same time there must have been more than a few mildly embarrassing moments, for to be associated with Charles I's strict and extended enforcement of the forest laws can have been a dubious honour at best. The forest laws had always been enforced in a more or less casual manner. Their enforcement was accepted by local landowners, and was a reasonably effective measure for husbanding timber and game. Fines, which were deterrent rather than punitive, nonetheless brought revenue to the Crown.³ Trouble only

¹B.M., Add. MS. 15662, fol.42. It is clear from earlier court rolls that the bailiwicks of North Leigh, Fulbrook and Westallhill, Asthall and Asthall Leigh, all of which were or had been Lenthall country, should also be included; see Oxon. R.O., Dillon Papers, DIL vi/a/1-6, swainmote court rolls, 1555-1567.

²B.M., Add. MSS. 15562, fol.42; and 37343, fol.140^v, Bulstrode Whitelocke, "Annals." For Wenman, see also below, pp.159-60, 185-86, 193.

³George Hammersley, "The Revival of the Forest Laws under Charles I," History, XLV (1960), 85-102, draws most of its examples from the forest of Dean, but has a good general account of the problem, see esp. pp.84-89 and 101-102.

came in the 1630's when a reasonable and accepted arrangement was perverted, not for reasons of policy but to increase revenue. Under Sir John Finch, the bounds of the forests were greatly extended, often on dubious grounds, thus threatening the titles of local landowners to their lands. Fines became harsh and excessive; it is not clear how effectively they were collected, but the increase in revenue was not apparently sufficient to offset the opposition and resentment which was aroused.

The commonest charges presented, and the fines levied, were for such encroachments as the cutting or rooting up of trees, the killing of deer and the pasturing of sheep. More than one of Lenthall's circle was so touched. In 1636, Francis Stonor was fined £1500, Sir William Cope fined but exonerated. The poor of Burford and Fulbrook were charged in 1635 with pasturing sheep in the forest. Yet other fines were levied against leading officials of the forest: both the Lieutenant, Henry Danvers, earl of Danby, and the forester, Acton Drake, were fined.¹ In the circumstances, it might have been easier to determine who had not encroached. The spectacle of neighbour fining neighbour may not have been particularly edifying, and any man might well have wondered if the sixteen carts of "brousewood" [brushwood], a buck in summer, and doe in winter and the license to kill both "with

¹B.M., Add. MS. 15662, fol.44-54.

dogs, nets, crossbows" or in any other manner were really worth the care.¹ There is no direct evidence that Lenthall ever doubted the value of his office, but he may nonetheless have felt some slight relief at losing it when new letters patent in 1638 created the Honour of Woodstock, a new bailiwick, out of part of Wychwood.²

Other ventures into county government were in any case proving rather more satisfactory. Within a month of his appointment as Steward of Wychwood, in July, 1634, Lenthall was named to the quorum of the sewers commission for Oxfordshire and Berkshire. This was more clearly a gathering of familiars, for Lenthall found himself in harness once again with Henry, earl of Manchester. Others named included James Fiennes and his father, viscount Say and Sele, who were justices for Banbury and Bloxham hundreds and

¹These were the rights of office claimed by Lenthall before the justices in eyre at Oxford on 2 June 1637. At the same session Lucius Cary, as lord of the manor of Fulbrook, claimed manorial rights "from time whereof the memory of man is not to the contrary." Both men were represented by Edward Offley, and the record of their claims was signed by Edward Fettiplace and Bulstrode Whitelocke, *ibid.*, fol.56-59. Falkland and Lenthall sold Fulbrook the following year, on 20 November 1638, to William Dell of London and William Sherman, Berks. R.O., Lenthall Papers, D/EL1: T 33a, no.28, and P.R.O., Chancery, Close Roll, 14 Charles I, 35th part, C.54/3181.

²Noted by Kyffin Lenthall, Berks. R.O., D/EL1: Z 18. One would have thought, however, that the other Wychwood jurisdiction, Fennyhill Chapel, would have been the more affected by the new Honour. At any rate, Lenthall does not appear to have held the Stewardship after 1637.

connections by marriage of Lenthall's brother, Sir John; Sir Giles Bray, his neighbour from Great Rissington, whose daughter's marriage settlement Lenthall had witnessed in 1630; a Fiennes cousin and the son of a Lenthall associate from the parliament of 1624, Sir Alexander Denton; another parliament man from 1624, Sir Robert Pye, the Auditor of the Exchequer; Sir John Lacy, Lenthall's fellow trustee of the Burford charities; John Standard, Lenthall's brother-in-law; Bulstrode Whitelocke and John Ashcombe.¹

Lenthall was at the same time a justice of the peace for the hundreds of Bampton and Chadlington and, with his fellow justices, Sir Francis Wenman, Robert Jenkinson and John Martin, reported in September to the judges of assize on the measures which had been taken for the binding of apprentices and the relief of the poor. John Martin was doubly associated with Lenthall and his kin, for he was also a justice for Wootton hundred with Lenthall's brother-in-law, John Standard.²

¹P.R.O., Chancery, Miscellaneous Book, C.181/4, fol.179^v, sewers commission, 18 July 1634. Ashcombe [Ayshcombe] was probably the same John Ayshcombe noted above, p.107, n.2, as one of the owners of Bodleian, MS. Tanner 395, and a relative of the Sir William Ayshcombe of Alvescot whose daughter married Lenthall's son John. Within a month of this commission, in August, 1634, Whitelocke became recorder of Abingdon, the nearest town of any size to Besselsleigh, B.M., Add. MS. 37343, fol.3. For Pye, see also above, pp.87, 115, and below, pp.204.

²P.R.O., S.P. Dom., September 1634, S.P. 16/274/65, returns for Bampton and Chadlington hundreds, 30 September 1634. The returns for 1635 were signed by Jenkinson, Lenthall and Martin, S.P. 16/293/9, 1 July 1635. Similar returns for Wootton hundred and a list of poor children apprenticed, both signed by Standard, are S.P. 16/274/64 and 33.

Like Lenthall, Bulstrode Whitelocke was also moving in the same circles. In his "Annals" Whitelocke listed, with apparent satisfaction, the men he had met at an Oxford quarter sessions after Christmas, 1634, or early in 1635. His selection from the names already mentioned, and the others he added, offer one man's contemporary survey of the governors of Oxfordshire in the years preceding the Long Parliament:

There I mett the Lord Say, the Lord Wenman, Sir William Walter, Sir Thomas Penniston, Sir William Cobbe, Sir Francis Wenman, Mr. Lenthall, Mr. Croke, & divers other k[nigh]ts, & Esquires of great quality & interest in the Countrey.¹

Lenthall's "interest in the countrey" was clearly centred on Burford, although no Lenthall residence has been located there for any date before 1637. He had been accepted as local gentry for a decade, however, and in 1636 the town presented gifts to him and to Lord Falkland. The reason for the gesture is not known, but it might have been connected with Lenthall's presence at the assizes held in Burford in

¹B.M., Add. MS. 37343, fol.13. Walter was High Sheriff in 1636, Penniston in 1637, Davenport, Lords Lieutenant and High Sheriffs of Oxfordshire, p.47; Cobbe had been sheriff in 1629, and in 1634 was the Fiennes's fellow justice in Banbury, P.R.O., S.P. 16/274/57. The Crokes were an eminent Oxfordshire family of lawyers and judges.

July, 1636, because of plague at Oxford, for another gift was made to the judges at that time.¹

By the end of 1637, however, Lenthall had acquired Burford Priory. His purchase of this estate has been dated persistently to 1634 since the time of Anthony à Wood, but such evidence as has been found confirms that Wood, writing after the Restoration, was at fault, and not for the first time, in his memory or his information. Doubts are cast on Wood's statement by the assertion that before 1636 quit rents for the Priory were paid to Lord Falkland, were paid in 1636 to both Falkland and Lenthall, and after 1636 were paid only to Lenthall. Gretton, in his Burford Records, gave the date of purchase, apparently from the original deed or the Close Rolls, as 25 November, 13 Charles I [1637].² He described the Priory estate which Tanfield had purchased for £1900 in 1617 as "eight acres of grounds, a house or two upon these and in Burford, and a little arable in Burford and Upton fields." He attributed the difference between

¹Hist. MSS. Comm., "MSS. of the Extinct Corporation of Burford," I, 58. The gifts to Lenthall and Falkland together came to £2.11s.8d, Burford, Cheatle Coll. (Supplementary), Box 1, no.2, fol.23^v, bailiffs' accounts, 8 November 1636. The reason for moving the assizes to Burford was noted by Richard Rawlinson in 1717, R. H. Gretton, Burford Records, p.222, from Bodleian, MS. Rawl. B. 400. There is no evidence to connect the gift with Lenthall's appointment as Summer Reader at Lincoln's Inn in 1636.

²Monk, History of Burford, p.125, from the burgesses' account books; R. H. Gretton, Burford Records, p.275, n.1.

the price paid by Tanfield and the £7000 which Lenthall paid in 1637 entirely to the mansion house built by Tanfield, which "can hardly represent anything less than the great house of the old prints."¹

A great house it unquestionably was, but one may still suspect that Gretton's reckoning failed to take into account either the rising prices of the time or the possibility that lands might also have been transferred by other deeds than the one he found. By what means or over what period of time they were garnered is not entirely clear, but the lands in the Burford area held by Lenthall at his death certainly do not correspond to Gretton's description. Lenthall then left

all those my landes, mannors and tenements comonly called or knowne by the name of the mannor of Burford, alias Borough-Barnes, alias Berry-Barnes, and alsoe the mannor of Yelford and all that parcell of ground called Bradwell Grove, and all those landes called Eystons lands, and my mill in Burford, and alsoe the parsonage of Burford, with their and every of their respective lands, tenements, hereditaments, and advantages.²

¹Ibid., p.272; M. S. Gretton, Burford Past and Present (London: Martin Secker, 1929), pp.144-45.

²Will P.C.C., 44 Box, proved 16 April 1694, and published, with some errors, in Wills from Doctors' Commons, (ed. Nichols and Bruce), pp.111-18. Lenthall also held the right of nomination, as lay rector, of one of the wardens of Burford church, M. S. Gretton, Burford Past and Present, pp.94-95. Yelford Hastings was purchased by Lenthall in 1651, Berks. R.O., Lenthall Papers, D/EL1: T 42, but the exact process by which the other lands in the Burford area were accumulated has not been traced. All these lands were left in trust to Lenthall's son, John; Thomas Lant, his

It is appropriate, in connection with Lenthall's purchase of his main estate, to consider his financial standing at this time, although little precise information on the subject has come to light and, in addition, lawyers' incomes are notoriously difficult to gauge. His income is at least less difficult to assess than his father's, whose bequests of money were small and who, except on rare occasions,¹ showed a regrettable tendency to purchase lands "for a competent sum of English money in hand." Slightly more evidence is available on the future Speaker's income, although much of it is indirect and later in date. His two chief estates of Besselsleigh and Burford were purchased for £4500 in 1634 and £7000 in 1637.² He felt able to lend Lincoln's Inn one hundred pounds in February, 1637, and to support the expenses of a Lent readership only a few months after he had purchased Burford Priory.³ By his own testimony,

brother Thomas's son-in-law; Benjamin Martin of Middlesex; and Lenthall's steward, John Prior. They were to administer them for three years so as to repay Lenthall's debts, the most important of which he clearly considered to be a debt of £800 owed to his brother Thomas. Only after these debts were cleared were the lands to go to John Lenthall, Will P.C.C., 44 Box. Quite apart from shedding light on Lenthall's standards of probity, this seems an appropriate commentary on the "vast gains" with which contemporary rumour gifted him.

¹For example, above, p.24, n.2. For Lenthall, exceptionally, more information is available on his income from his practice than from his lands.

²Above, pp.154, 161-62.

³Burford was purchased in November, 1637; the readership was the following February, above, pp.161-62, 137 and 142, n.3.

his practice before 1640 was worth £2500 a year, and he had "a plentiful fortune in land and ready money to a good sum." This was confirmed at the Restoration by a writer who claimed to have seen Lenthall's accounts and who, moreover, wished him well.¹ Sir Thomas Tempest, commenting in 1641 on the great expenses of Lenthall's Speakership, could add "God be thanked you . . . haue greate estates to beare yt out."²

Although Mary Keeler ranked Lenthall among the wealthier members of the House of Commons in the Long Parliament, wealth, to a younger son who started with little but his wits, was a very relative thing. There is no question here of the spectacular fortunes from the law noted by Thomas Wilson, who had the grave misfortune in an earlier generation to be both a younger son and a civil lawyer. Lenthall with three manors was hardly comparable to Coke with over fifty.³ Still, no one could have pretended that

¹DNB, XI, 934; An Account of the Gains of the late Speaker Lenthall. In Answer to a Letter (1660), in Somers Tracts, ed. Sir Walter Scott (13 vols.; London: T. Cadell and W. Davies, 1809-15), VII, 103.

²Bodleian, MS. Tanner 66, fol.166, Tempest to Lenthall, 31 August 1641.

³Keeler, Long Parliament, pp.24-25; Thomas Wilson, "The State of England anno Dom. 1600," in Camden Miscellany XVI ("Camden Third Series," Vol. LII; London: Royal Historical Society, 1936), p.25. See also the comments on fortunes made in the law by R. H. Tawney, "The Rise of the Gentry, 1558-1640," in Essays in Economic History: Reprints edited for the Economic History Society, ed. E. M. Carus-Wilson (3 vols.; London: Edward Arnold, 1954-62), I, 188. Lenthall's three manors before 1640 have been counted as Besselsleigh, Appleton and, probably, Burford; he added a fourth, Yelford Hastings, in 1651.

Lenthall was hovering on the brink of penury, and by November, 1637, this second son of a modest Oxfordshire gentleman was the possessor, and presumably the proud one, of a great house. He had chosen well, and perhaps with greater foresight than is at first apparent, for Burford, on the western edge of the county, was, even by seventeenth-century standards, tolerably convenient for the city of Gloucester. Lenthall was already known there, for he and Sir Robert Heath had represented the city in two suits at an assize in 1636. The city also feed Lenthall in 1637 for his opinion in another dispute.¹ The mayor and aldermen clearly knew his London reputation as well, and at a council meeting on 12 February 1638 they chose him to succeed their recently-deceased recorder, Sir John Bridgeman.²

Lenthall's duties as recorder of Woodstock have been discussed above, and his duties in Gloucester were not dissimilar. Although much of his tenure of the latter office falls outside the temporal limits of the present study, certain general points may be made. On the lighter side, Gloucester's New Year's gifts must have made a change from Woodstock's Christmas cakes, for Gloucester took full advantage of its location on the Severn. It specialised in

¹Gloucester, Guildhall, Corporation MS. 1396/1501, fol.26^v and 45; chamberlains' accounts, Monday after Michaelmas, 1635-36 and 1636-37.

²Ibid., MS. 1377/1452, p.88, council minutes 1632-56, meeting of 12 February 1638.

lamprey pies and, from 1638 to 1659, never failed to send Lenthall one or two each year.¹ As a larger and more prosperous city, the fees it paid were correspondingly more attractive; Lenthall received twice what Woodstock paid him. There is reason, to think, however, that the Gloucester burgesses expected rather more from their recorder.

It has been suggested elsewhere that by the seventeenth century the office "seems to have been little more than a sinecure."² It depends, of course, on what one calls a sinecure. The city's normal fee to counsel, or for an opinion in a single suit, seems to have been one pound; this, at least, was the rate which usually appeared in the chamberlains' accounts. With this rate in mind, the accounts were examined for Lenthall's visits to Gloucester on official business, for specific cases in which his opinion was sought, for trips by aldermen to London to consult with him, and for letters sent to him which could be presumed to be more than social courtesies. At least on the basis of this rough calculation, there can be little doubt that in most years

¹For 1638, see ibid., MS. 1396/1501, fol.68^v, accounts, Monday after Michaelmas, 1637-38.

²W. B. Willcox, Gloucestershire: A Study in Local Government, 1590-1640 (New Haven: Yale University Press, 1950), p.207, and n.13. It is hard to escape the suspicion that if Willcox had been looking for an individual recorder instead of a depersonalised office, he might have come to somewhat different conclusions on this point. This might, however, have extended the temporal limits of his own study.

attained in the 1630's. Sir John was still an active justice in Surrey, and his duties there may be traced without difficulty in the Domestic State Papers. With his fellow justices he attended to matters such as the administration of oaths of allegiance and the listing of strangers dwelling within Southwark and other parishes in 1635, arrangements for the transportation of timber in 1633, the prices in 1634 of various commodities in the London area, the excessive price of sea-coals in 1638, and the continuous taking of depositions and information.¹

His office as Marshal of the King's Bench prison involved him in efforts at mediation similar to those in which his lawyer brother was also engaged, and on one occasion, probably in 1634, the third brother, Thomas Lenthall, was named to examine the reckoning on behalf of one of the parties.² The release or escape of prisoners was a matter of continuing concern to Sir John, and in one case it was alleged that he had connived at an escape, presumably for some consideration. He was apparently in immanent danger of arrest himself in 1637 because of an insult to the Lord

¹Cal. S.P. Dom., 1635, pp.539, 577; *ibid.*, 1631-33, p.553; *ibid.*, 1634-35, p.295; *ibid.*, 1638-39, pp.105, 110; and *ibid.*, 1639, pp.236-37, 268-69.

²*Ibid.*, 1633-34, pp.468-69; and *ibid.*, 1634-35, p.406.

Lenthall fully earned his fee of £6.13s.4d., although his attendance at quarter sessions and gaol deliveries was never frequent, even before the Long Parliament met. In 1638, for example, one of the aldermen went to London in Trinity term over a dispute between the city and the county and seems to have seen Lenthall then.¹ In July, Lenthall was in Gloucester for the midsummer quarter sessions and gaol delivery, and attended the city's official dinner at that time. He may also have been present at the previous Lent or Easter assizes, for the landlord of the Bear Inn was paid two guineas for hay and oats consumed by Lenthall's five horses during a period of six days and nights.² On another occasion the city paid a messenger for taking a letter to Lenthall at Abingdon.³

Like their brother, Sir John, Thomas and Francis Lenthall were also consolidating the positions they had

¹Gloucester, Corp. MS. 1396/1501, fol.69, accounts, Monday after Michaelmas, 1637-38. Gloucester's government seems to have been persistently complicated by the city's peculiar position, and by the duplication of officials and procedures for the "outshire," which was the county, and the "inshire," which called itself "the County of the City of Gloucester." Willcox does not make clear how this particular jurisdictional arrangement arose, although he compares the city's position in some respects with London, Gloucestershire, pp.65-66, 74-75 and 75, n.5.

²Gloucester, Corp. MS. 1444/1566, sessions book, 1631-38, unpaginated, orders made at the general gaol delivery, 5 July 1638, and ibid., MS. 1396/1501, fol.67^v, accounts, Monday after Michaelmas, 1637-38. Two payments were made, one of two guineas and the other of 15s.3d. They appear to refer to two different occasions.

³Ibid., fol.74^v.

Chamberlain, who was the judge of the Stannary court.¹

The merchant brothers, Thomas and Francis, were still in association and, with eighty-seven other merchants, presented a petition to the King in 1633 about postmasters for foreign services. They also had a hopeful scheme for making themselves the King's agents for retailing tobacco, which got as far as a draft royal warrant to grant them the office for twenty-one years.² Thomas, at least, was making himself known in London. He was named in 1638 to a commission to enquire into abuses in the cloth trade, and again in 1639 was named a commissioner for clothing and new drapery. By this time he was also a vestryman at St. Mary-at-Hill, where, in 1638, he was assessed tithe rents of twelve and sixteen pounds per annum on two properties in the parish.³ Again in 1638, Thomas found himself troubled with the misadventures of ships. Ironically, the vessel

¹Berks. R.O., Lenthall Papers, D/EL1: C 1/170, Sir John Lenthall to Sir Nicholas Carew, 2 June 1637, asking Sir Francis Carew to return voluntarily before Lenthall was forced to seek his apprehension. He was apparently after another 'Carew's return in 1650, B.M., Add. MS. 29599, fol.60, Carew of Beddington papers, Edmund Carew to Tom Darknoll, Offley, 5 December 1650. For Sir John's danger, see Documents Relating to William Prynne (ed. Gardiner), p.82.

²Cal. S.P. Dom., 1633-34, p.39; Bodleian, Bankes MSS. 48/6 A-B, and the draft warrant, ibid., 60/20.

³Cal. S.P. Dom., 1638-39, p.23; Bodleian, Bankes MS. 65/42. He was a churchwarden in 1639, London, Guildhall, MS. 1240/1, fol.37^v, St. Mary-at-Hill vestry minutes; Register-Booke of the London Classis (ed. Surman), p.148.

this time was the Hopewell, in which Thomas and several others had a cargo of tobacco bound for Spain. The ship was stopped, apparently because of a quarrel with the Barbary Company, but the Privy Council ordered it released and damages paid to Lenthall and his fellows. When the Hopewell was stayed a second time the merchants were importunate to have either their damages or their tobacco.¹

Lenthall's mother-in-law was apparently in some financial distress during this period, for she mortgaged her household goods to Robert Tanfield of the Middle Temple in January, 1633, and three months later he bought all but two of the cottages settled on her by Ambrose Evans in 1631.² She continued to reside in Lodington, however, at least until 1638, for her son-in-law entreated her then to move, so that

¹Cal. S.P. Dom., 1638-39, p.136. Their complaint was still unsatisfied two years later when Thomas Lenthall and the Hopewell's owner, John Marston, petitioned and were called before the House of Commons' Committee for Trade, Hist. MSS. Comm., MSS. of the Earl Cowper (3 vols.; 12th Report, Appendix, Parts 1-3; London: H.M.S.O., 1888-89), II, 269-70, Sir John Coke the younger to Sir John Coke, 22 December 1640. They had claimed damages of £6000 from Sir William Russell and the Barbary Company. The case was heard and referred back to the Court of Admiralty, B.M., MS. Harl. 4277, fol.3^v-6^v, minute book of Committee of Trade, minutes of 8 December 1640, 5 and 12 January 1641.

²Northants. R.O., Young (Orlingbury) Collection, YO 850, deed of 19 January 1633, and above, p.119, n.1; YO 930, feoffment of 22 April 1633 [Ref. P. I. King]. See also P.R.O., Chancery, Close Roll, 9 Charles I, 9th part, C.54/2964.

he could let or dispose of the house in which she was living.¹ The outcome of Lenthall's attempts to persuade her to move is not known.

This extended review of the activities of Lenthall, his kin and colleagues in the years preceding the parliaments of 1640 may prompt two wry reflections. In the first place, it is remarkable how little the great events and wider issues of his day appear to have impinged on Lenthall's cozy world of Inn, law courts and county. This is due in part to the material available, as well as to the form of its presentation.² It indicates, nonetheless, how easy it was, even in the 1630's, for many Englishmen to escape involvement until matters touched them directly. No hint of Lenthall's concern over war and financial crises beyond the shores of his island can be found. This can be put more strongly: Lenthall's "island" was clearly a small cluster of four or five counties,³ connected by a narrow corridor to London. Few of his private letters have survived, but those which did suggest no deep concern or even awareness that matters outside his immediate ken might affect his own life. His younger brothers, who were engaged in making

¹P.R.O., S.P. Dom., 1638, undated, S.P. 16/408/102 and 103 [2 letters], William Lenthall to Mrs. Evans at Lodington. With both Besselsleigh and Burford in hand, Lenthall may have wished to consolidate his holdings.

²Compare below, Chapter VII.

³Oxfordshire, Berkshire and Gloucestershire, with possibly Buckinghamshire and Northamptonshire as "frontiers."

"England's treasure" (and their own) "by forraign trade,"¹ were certainly more nearly touched, but no shadow of their concern was reflected by Lenthall.

In the light of his appointment as Speaker in 1640, Lenthall's career in the 1620's and 1630's further suggests that in politics, as in crime, it may sometimes be convenient to have no record. Any appearance of a shift to one side may be immediately balanced by an apparent shift to the other, and even the appearance may be due to no more than gaps in the documents. Any attempt to fix Lenthall firmly in place either as an overt supporter or an overt opponent of the King seriously strains credulity. Neither position can be confirmed in the absence of personal expressions of Lenthall's opinions such as might have been found in diaries and letters which, if they ever existed, have not survived.

Circumstances may thus dictate examination of what Lenthall did, rather than what he said, but that such personal papers did exist in any quantity is by no means certain. Throughout his life Lenthall's close geographical proximity to his family and associates is striking. He was certainly in London during the law terms; so, it is clear, were a number of his country colleagues. By the 1630's all his brothers and one of his sisters were London-based as well. The rest, family and colleagues alike, were not too

¹From Thomas Mun, England's Treasure by Forraign Trade (1st ed., 1664).

scattered to be seen on visits to Woodstock, Besselsleigh and Burford. It might often have been as easy to ride over oneself as to write a letter to be taken by someone else.¹

Lenthall's brief sojourn in parliament revealed the assiduous committeeman and the legal technician. His activities may have hinted at promise, but the promise was professional rather than political. He was then associated at an early stage with men who were to figure as opponents of the Crown, but his absence from three of the parliaments of Charles I could have made such an association appear little more than coincidental, in spite of its reinforcement within the walls of Lincoln's Inn.

His practice in the Exchequer no doubt made him a well-known figure in government circles, but no firm political stand could have been deduced from his appearances either for or against the Crown. Even his stop-gap summons to the imprisoned parliament men in 1629 may have reflected his competence or his availability, rather than his beliefs; it is impossible to prove that behind it lay a deep devotion to the cause of parliamentary privilege. In the 1630's Lenthall appeared to stand, if he stood anywhere, on a safe and crowded middle ground so wide as to include every man

¹A similar explanation has been suggested for the dearth of significant letters from the opening months of the Long Parliament, when most of the people who had reason to keep in touch were already congregated in London, see Hexter, King Pym, pp.88-89.

in England who was not known to be a violent extremist. It was not a terrain in which slight shifts of attitude would have been much remarked.

Lenthall's association on the Bench of Lincoln's Inn with Hakewill is suggestive, but in the 1630's a mutual commitment to the privileges of nonexistent parliaments was probably shared by too many lawyers, and too many other men, to attract much attention. Lenthall's opinions in favour of, and appearance for the Crown in the Hartpury case of 1636 and 1638 witnessed again to a competent lawyer. They did not even indicate where his affections lay, any more than did his acquisition of the stewardship of a forest. Business, after all, was business, and profit was profit, and no one expected a lawyer to run from either. It would be tempting to interpret Lenthall's appearance for Grafton in 1638 as an attack on the court of High Commission. Less strain is imposed, however, by remembering the opinions Lenthall expressed earlier that year in his Lent reading. Six years in prison might have seemed to any reasonable man an excessive alternative to a fine of fifty pounds.

Even if a minute shift in Lenthall's attitude could be demonstrated as late as 1638, it would give little indication of which way the cat, or the lawyer, might jump in a crisis. The same could be said of the views of many other men. Irritations there certainly were, but the number of Englishmen who responded with more than quiet non-acquiescence

as individuals and grumbling complaints within the circle of their friends are noticeable in their rarity.¹ These were not the marks of an "opposition" or a "revolutionary" party. The King was, in one sense, in a cleft stick of his own making. The cohesiveness of small circles of connected gentry could become a force in a parliamentary setting, but there had been no parliaments for a decade. Only when the Scots wars forced Charles to return to parliaments could men find a forum in which to express accumulated grievances without making themselves conspicuous. Only at this late stage, within a circle of their fellows, might enough men speak out to make it fruitful to enquire where they stood. The following chapter will be devoted to exploring the posture of one of them.

¹Say and Sele and Hampden's stands over ship-money, and Henry Sherfield breaking the stained-glass window of St. Edmund's church, Salisbury, come to mind perhaps just because they were exceptional. The Englishman's inclination to put up with a good deal of discomfort rather than make a fuss does not seem to be a purely twentieth-century characteristic. General opposition was very late in manifesting itself, a point noticed by David Mathew, The Age of Charles I (London: Eyre & Spottiswoode, 1951), p.ix, but often neglected by historians hot on the trail of crises. Quiet opposition which did not result in official reprisals seems to have been more common than is generally suggested.

CHAPTER VII

THE TESTING YEARS, 1639-1640

Lenthall had reached another threshold by 1639. He had mounted the ladder of professional success and, as Benchers and Reader, he might conceivably look forward to the next rung, the Treasurership, the highest office within his Inn. In his profession, he might hope eventually to become a serjeant-at-law, perhaps even a judge.

On the surface, at least, his life continued in its familiar patterns. At Lincoln's Inn, he and his fellow Benchers continued to draft declarations against the Inns of Chancery, and to hear and settle disputes within their society. He had the satisfaction of seeing his son John specially admitted to Lincoln's Inn in June, 1640, as the son of a Reader, and his cousin, Thomas Tempest, appointed Attorney-general of Ireland in October.¹

In the Exchequer he was apparently as busy as ever. He had at least six cases there in June, 1639, and four

¹Lincoln's Inn, MS. Black Book 8, fol.466^v, 468^v-469, Councils of 18 June, 20 and 29 October 1640; *ibid.*, fol.464^v, Council of 11 June 1640, and Lincoln's Inn Admission Records, I, 243; *ibid.*, The Black Books (ed. Baildon), II, 355, from MS. Red Book I, fol.202.

more in Michaelmas term of the same year.¹ He was counsel in May with Sir John Bankes, and Edward Herbert for Dr. Christopher Potter, Provost of Queen's College and rector of Bletchingdon in Oxford, in Potter's suit against Sir Thomas Coghill, lord of the manor of Bletchingdon.² Bankes and Herbert were not the only royal servants to be aware of Lenthall's professional competence, for early in 1640 one of the Secretaries, Edward Nicholas, thought of Lenthall when uncertain of his own abilities as a draftsman. On 18 January, he wrote to a friend or client, perhaps Lady Mary Carr,

I think it might be for the advantage of this business if in the meantime Mr. Lenthall saw the draft of the reference I have prepared, for he may perhaps add or alter a word that may much improve it.³

¹P.R.O., Exchequer of Pleas, Order Book, 14-17 Charles I, E.12.16, orders of 20 May, 1, 2, 3, 13 and 14 June, 23 and 30 October, 9 and 23 November 1639.

²Berks. R.O., Lenthall Papers, D/EL1: F 16, note by Kyffin Lenthall of letter received by him, 8 February 1862, from the then rector of Bletchingdon, Rev. I. Thomas Dand. The suit was still going on in December, 1639, for Potter wrote to Laud, "I must be in London to attend my great Suite against Sir Thomas Coghill for my church," *ibid.*, Z 16/2. For Potter, see *DNB*, XVI, 212-14. An earlier Lenthall-Coghill confrontation is noted above, p.116, n.2.

³P.R.O., S.P. Dom., 15-27 January 1640, S.P. 16/442/42, Edward Nicholas to Mrs. ———, 1639/40. The date of 18 January is supplied from *Cal. S.P. Dom.*, 1639-40, p.352. She is identified as Lady Mary Carr by Donald Nicholas, *Mr. Secretary Nicholas (1593-1669): His Life and Letters* (London: The Bodley Head, 1955), p.117. A possible effect of Nicholas's opinion is suggested below, p.216.

Lenthall's main service to Woodstock in 1639 was some slight assistance, perhaps no more than his signature, during the town's suit in Michaelmas term against Sir William Spencer over his father's gift to the poor of Woodstock. It was not a great deal, perhaps, but it may still have been in men's minds a few months later, when the prospect of a parliament was immanent.¹

Gloucester was still managing to get its money's worth for its fees and lamprey pies, and Lenthall seemed to be trying to give value for money. He rode over to Gloucester for the city's quarter sessions and general gaol delivery on 7 March 1639, where he "published" [that is, read out] a letter from the Privy Council ordering the appointment of a provost marshal to deal with increasing numbers of rogues and vagrants. In June, the city asked him to try to work out an accommodation between the mayor and burgesses, a local gentleman named Clynt whom they had sued in the Exchequer, and the city's former sheriffs, the defendants in a counter-suit filed by Clynt.²

¹The town feed Lenthall ten shillings over his normal fee of £3.6s.8d. "for his hande to the bill," which was apparently drawn up by "Mr. Cole." The additional sum Lenthall returned as a gift to the town on 14 February 1640, Woodstock, MS. B 79, accounts of Bennett Paynter and Nicholas Mayott, 21 December 1638-21 December 1639, and of Nicholas Mayott and Bartholomew Love, 22 December 1639-21 December 1640.

²Gloucester, Corp. MSS. 1396/1501, fol.101, accounts, Monday after Michaelmas, 1638-39, charges paid for the city's dinner, and "for Mr. Recorders horses meate" at the same time; 1445/1567, pp.1-2, Sessions Book, 1638-47, orders made

Underneath this even surface of London, county and borough life, however, was a simmering pot. Men had grumbled quietly for years over the government's ingenious and unparliamentary ways of seeking out money. Impositions, purveyance, tonnage and poundage, forced loans and benevolences, the strict enforcement of compositions for failures to take up knighthoods, the revival of forest fines, ship-money -- the catalogue was a long one. Other arbitrary acts, too, from various petty restrictions to imprisonment without cause being shown, were remembered with disquiet. Not a few men had experienced one or more of these exactions, or knew friends who had. The informal and unofficial matters discussed by Lenthall and his associates are seldom recorded, but their conversation was unlikely to have omitted all mention of such events. Lenthall, knew, or knew of more than one who had been so affected; by 1639 he could count himself among their growing company.

Nearly twenty years before, he had written in some distress to his father-in-law:

My uncle is continually p[er]secuted by his adversaries in a vehement mann[er], inssoe much that this day there came a warrant from my

at general gaol delivery, 7 March 1639; 1420/1540, pp.234-34, Letter Book, 1619-42, copy of Privy Council letter; 1377/1452, p.117, Council minutes, 1632-56, meeting of 18 June 1639.

Lord Chancellor, to take him to prison, expressing no reason at all, & soe p[er]secuted as I know not almost what to doe.¹

His merchant brothers could no doubt have had more than a little to say about impositions, his cousin, Sir Edmund Lenthall, about the restrictions on gentry residing in London.² Through his practice Lenthall was acquainted with restrictions designed to prevent sheriffs from leaving their counties,³ and with yet other cases of arbitrary imprisonment. He may well have shared the common lawyers' dislike and resentment of the prerogative courts. Star Chamber and High Commission had left their marks on at least two of his clients, Walter Long and Ralph Grafton, and on one close associate, Henry Sherfield.⁴

¹P.R.O., S.P. Dom., 1619-23, S.P. 14/117/12, Lenthall to Ambrose Evans, 12 October 1620. Lenthall added no other information on the matter, and the uncle has not been identified. There is nothing definite to connect him with the Sir Edmund Lenthall whose house "not far from Fair Oak" was searched for arms in December, 1625, Cal. S.P. Dom., 1625-26, pp.168, 172, and Acts P.C., March 1625-May 1626, p.264.

²This Sir Edmund Lenthall of Oxfordshire was twice certified to the Privy Council for residing in Drury Lane in defiance of the Council's order, Bodleian, Bankes MS. 14/29 and 28, certificates of 8 November 1634 and 27 January 1635. One of the justices signing the latter certificate, George Long, was a former associate of both William and Sir John Lenthall, see above, pp.103 and 104, n.1.

³As, for example, in the original charge against Walter Long, above, p.105, n.1.

⁴Above, pp.105, n.1, and 151-52. Sherfield's trial in Star Chamber in 1632 for breaking a stained-glass window in St. Edmund's church, Salisbury, is in S.T., III, cols.519-62.

As Steward of Wychwood, Lenthall had seen the forest fines in operation, and had participated briefly in their exaction. Of all the Stuarts' financial ingenuities, however, ship-money appears on the evidence to have been one of the most bitterly resented. The bulk of the money collected was actually spent on the fleet, but this fact was probably irrelevant in the face of the resentment aroused by its levy after 1635 on inland counties.¹

The records of its collection in the Domestic State Papers present a sorry tale. The individual assessments were not large and should have caused little hardship. What mattered, obviously, was the principle of the thing. The judges on circuit were ordered to encourage the collections at the summer assizes in 1635, but, as Bulstrode Whitelocke observed, "they did not convince many of the legality of that buisnes." The sheriffs were ordered to show "great care and equality" in levying the tax; their care did not matter.

The guilding of that illegall pill, would not cause it to be swallowed downe, butt many people (especially of the knowing gentry []), expressed great discontent att this new assessment & burden as an imposition against law, & the rights of the subject.²

¹See M. D. Gordon, "The Collection of Ship-money in the Reign of Charles I," Trans. RHS, 3rd Series, IV (1910), 143-45.

²B.M., Add. MS. 37343, fol.131^v, 139^v, Whitelocke's "Annals." He added, "some endeavoured to make the Puritans as the greatest opposers of it, but that was in ill will to them," ibid. The Lord Keeper's speech on 17 June 1635 to the judges of assize is in S.T., III, cols.825-39, see esp. 837-39.

The most famous of these "knowing gentry" was undoubtedly John Hampden of Buckinghamshire who, assessed the princely sum of one pound, found his refusal made a national cause célèbre. The resistance in Buckinghamshire over ship-money went down in history, but it did not follow that everyone else docilely paid like lambs. Buckinghamshire stood out in the lists in the Domestic State Papers as the great defaulter, but it did not stand alone.¹ Its near neighbour, Oxfordshire, although less heavily assessed, never quite managed to be out of arrears, and each year slipped more deeply in. By November, 1637, Oxfordshire still owed £600 on the writ of August, 1635, and £1000 on the second writ of August, 1636. By April, 1638, none of these arrears had been made up and the entire assessment of £3500 for September, 1637, was also in arrears. In July, 1638, £2400 of the 1637 assessment was still unpaid.² The arrears

¹Hampden's trial is in S.T., III, cols.825-1254. The following discussion is based mainly on material in the Domestic State Papers for 1635 to 1640 in the Public Record Office. Documents marked S.P. 16, unless otherwise identified, are the periodic lists of assessments and arrears. The yearly assessments for Oxfordshire, Berkshire and Buckinghamshire were, respectively, £3500, £4000 and £4500. Evidence from the Audit Office Declared Accounts suggests that Bedfordshire, Gloucestershire and Northamptonshire, as well as Oxfordshire, ranked as major defaulters, see Gordon, "Collection of Ship-money," Trans. RHS, 3rd Series, IV (1910), 142.

²S.P. 16/371/27, 28; S.P. 16/388/18 and 58; S.P. 16/395/52. In November, 1637, Buckinghamshire owed £2230 on the second writ. Berkshire, which had dutifully produced its full £4000 in 1637, also went into arrears in 1638, S.P. 16/371/70, and Keeler, Long Parliament, p.33, n.9.

for 1639 are particularly instructive, for by this time discontent was widespread. Buckinghamshire owed its entire assessment of £4500, Berkshire £3871 on an assessment of £4000, and Oxfordshire had paid only £217.16s.10d. of the required £3500.¹

The situation behind these figures is even more revealing. The assessments for Woodstock and Burford were actually reduced in the second writ of 1636, but without encouraging cooperation. The following March, both towns were reported, with Banbury and Chipping Norton, as "backward" with their payment.² Burford apparently made payments of £14.8s. and £15 in November, 1637, and November, 1638, but to which writs these payments were applied is not known.³

¹Gordon, "Collection of Ship-money," Trans. RHS, 3rd Series, IV (1910), 156-60, Appendix B. By the spring of 1640, the High Sheriff of Berkshire was threatened with prosecution for failing to collect ship-money, Bodleian, Bankes MS. 5/41.

²Woodstock's assessment was reduced to £15 from £20, Burford's from £40 to £35, S.P.16/371/10, and Ballard, Chronicles of Woodstock, pp.62-63. The rates for both towns were the same in November, 1637; Banbury was then rated at £50, Chipping Norton at £30, S.P. 16/371/10. The only remaining ship-money documents in Woodstock are the two writs of 5 August 1635 and 15 August 1636, Woodstock, MSS. B 31/1 and 2. These Oxfordshire reductions do not appear in Gordon, "Collection of Ship-money," Trans. RHS, 3rd Series, IV (1910), 160, Appendix B. The writs for 1638 reduced the total sum for all counties; Oxfordshire's assessment dropped to £1300, of which £695.15s. remained uncollected in 1639, ibid.

³S.P. 16/371/105, Burford, Cheate Coll. (Supplementary), Box, 1, No.2, fol.27. A credit of £15.8s.6d. against their 1636 arrears was made on 14 March 1640, S.P. 16/448/5.

At least one former sheriff was disturbed at the "great arrears" from the county. Fearing he might be blamed, Sir William Walter wrote to Secretary Nicholas in November, 1637, carefully blaming the whole state of affairs on the undersheriff, Lewes Harris. Walter had undertaken to collect from the Oxford area, and had left the other side of the county to Harris, "the same being but thinly inhabited by persons of quality." Walters had expected no reluctance but found that some "of the better degree" had "vtterly refused assessing." He had nonetheless managed to collect his share, but delayed sending it because of several unsettled disputes. He had just discovered that Harris had paid in only £300 in the past six months, and that £700 was still owing from the undersheriff's side of the county.¹

Some of the Oxfordshire gentry were still sitting on their purses in May, 1639, when Francis Windebanke wrote dolefully to the King about the great difficulties in raising money:

For the other Extraordinary of the l[ett]res to the Gentry, hetherto we haue very cold answers, w[hi]ch though they be not direct refusalls,

¹S.P. 16/371/65, Sir William Walter to Edward Nicholas, from the Inner Temple, 10 November 1637. Apparently Woodstock, Banbury, Chipping Norton and Burford had not moved with unseemly haste after being reported in March for "backwardness" with the previous assessment. Say and Sele was lord of the manor of Banbury and, with Hampden, the most notorious of the "refusers." The recorder of Woodstock was not yet lord of the manor of Burford, and seems to have avoided similar notoriety, but see below, p.185.

are allmost as ill, for they bring vs no reliefe, nor hope of it. Som petty somes, & these very few, have bene offered.¹

Other petty sums were definitely not being offered by some of the Oxfordshire gentry that month. Kyffin Lenthall made some notes of arrears "of Ship-money or other tax in Oxon" for May, 1639, so suggestive in the light of the above discussion that they deserve quotation in full. The places, men, and arrears he noted were:

Fulbrooke & Westalhill	The Lord Falkland	0-3-0
Burford	Mr Lenthall	0-2-6
. . .	behinde to pay	6-0-0
Broughton & Newnton	The Lord Say & other inhabs.	18-0-0 18-0-0
[Newington]		
Curwell [Caswell]	Sir Fr Wenman	1-6-0
Astoll	Sir Robert Cooke	1-5-8
Astolley	Sir John Lacy	7-0
[Asthall Leigh]		
Brisnorton	Sir Fr. Wenman	0-15-0
. . .		
Newnham Warren	Mr. Warcoppe	22-0-0
	Rolphe Warcopp of English Esqr for the Tennant of his Farm being charged with 9li & behinde	9-0-0 ²

¹Bodleian, MS. Clarendon 16, fol.125, No.1244, Francis Windebanke to the King, Drury Lane, 24 May 1639. While Windebanke was here discussing the forced loan noted below, p.187, he followed this comment with a note of Sir Francis Seymour's refusal to pay ship-money in Wiltshire, ibid. It is clear that by 1639 refusals of both were often lumped together.

²Berks. R.O., Lenthall Papers, D/EL1: Z 16/2, Kyffin Lenthall's notes.

The group is, to say the least, familiar. However Sir William Walter might have dismissed these gentry from the west of the county, they included, besides Lenthall, such "persons of quality and interest in the countrey" as three fellow members of the 1634 sewers commission, Say and Sele, Wenman and Lacy, the last also a fellow trustee of the Burford charities. Two others were also near neighbours, Falkland and Cooke; the latter had been a fellow member of the parliament of 1624 and, more recently, a party in a Gloucester court case in which Lenthall had acted.¹ Two appear to have been members of Lenthall's family, his brother-in-law, Samuel Warcup,² and Samuel's elder brother, Ralph. This last-named Ralph Warcup was in a particularly invidious position, for he was at this time also High Sheriff of Oxfordshire. He wrote in June, 1640, to the Privy Council, detailing the woes of his attempts to collect ship-money:

¹Above, p.78, and Gloucester, Corp. MS. 1396/1501, fol.26^v, accounts, Monday after Michaelmas, 1635-36. Cooke sat in the Long Parliament for Tewkesbury, Gloucestershire, until his death in 1643, Keeler, Long Parliament, p.141.

²This Mr. Warcoppe of Newnham Warren appears to have been Samuel Warcup of Burford. Samuel Warcup died at English in 1662, aged eighty, and was buried at Nuffield near Nettlebed; the verses on the monument erected to his memory by his widow described her as Anne, daughter of William Lenthall, Bodleian, MS. Rawl. B. 400, fol.440, Richard Rawlinson's parochial notes for Oxfordshire.

Wherever he came, constables would not be found at home; gates were chained, locked and barricaded; all officers refused to assist him, and the country would not pay but by distress.¹

In view of his association in the above list, however, one may suspect a certain lack of enthusiasm in his attempts.

One device which neither Warcupp nor Windebanke spelled out was increasingly popular. Men with land in more than one county might arrange not to be at home, or if assessed might refuse with the plea that they were contributing elsewhere. Sir Edmund Lenthall, once so resolutely attached to his residence in Drury Lane,² apparently found it convenient in 1637 to remember that he was, after all, an Oxfordshire man. In that year the assessors and collectors of ship-money in St. Giles-in-the-Fields, Middlesex, included him in their list to the Privy Council of persons who "refuse payment, and have no distress, living out of Middlesex."³ Two years later, his cousins, William and Sir John, similarly managed to avoid contributions to support an expedition against the Scots.⁴

¹Quoted in Notes of the Treaty Carried on at Ripon between King Charles I and the Covenanters of Scotland, A.D. 1640, ed. John Bruce ("Publications of the Camden Society," Vol. C; London: Camden Society, 1869), p.xix. For Ralph Warcupp, see also Davenport, Lords Lieutenant and High Sheriffs of Oxfordshire, p.47.

²Above, p.180, n.2.

³Cal. S.P. Dom., 1637-38, p.46.

⁴William Lenthall excused himself from contributing in Berkshire, and Sir John sent no answer in Surrey, Rushworth, Historical Collections, III, 912, 194.

It is unnecessary to suspect in the above situation any attempt at organised opposition to these exactions. A word could be spoken in season to reassure an uncertain relative that other men shared his distaste. Trustees or justices might find, as they signed the last charity leases in their hands or completed their lists of poor children apprenticed, that their complaints about other matters agreed. A man might ride over to the next county to find his neighbours there as angry and upset as the neighbours he had left a few hours before. It might seldom be possible to document such conversations, but the multiplicity and repetition of contacts within the Stuart gentry makes it difficult to believe that such conversations did not often occur. No reason has been found to suggest that Lenthall's particular circles were in any way unique in their behaviour. Royal demands for revenue were met with evident lack of enthusiasm; contemporary evidence suggests that Lenthall and his associates were far from unique and that other men, with other links, were responding in similar ways. Their response was clearly not a negligible factor in the King's inability to finance resistance to simmering rebellion in Scotland.

Charles had attempted in 1637 to force an Anglican Book of Common Prayer on Scotland. The resulting Covenant and, later, reaction to the dissolution of the General Assembly, showed the strength of feeling there. In England, general opposition to the Laudian church was not necessarily

combined with sympathy for others, even Scots, smarting under arbitrary government. Englishmen had their own reasons for objecting to forced loans and similar arbitrary acts. They also knew how and where their objections could be most effective, and rumours that the King would now be forced to summon a parliament appear to have circulated well before the first "bishops' war" ended in June, 1639, without ever coming to blows.¹

That autumn the Scots divine, Robert Baillie, wrote to an associate in London, "Try of some discreet Alderman the grounds why London did not ioyne against the Scotts; What hopes there is of a Parliament. . . ." ² Before the end of the year there were very strong hopes, and William Lenthall was one of many who shared them. He had not forgotten his failure to gain election in 1628, and when the writs went out in December, 1639, he made what efforts he could to secure a seat. He wrote to Gloucester to seek nomination to one of that city's seats, and it is probable that the prospect of his candidacy for Woodstock was discussed early in 1640, if not before.³

¹Whitelocke had already heard such rumours in 1638, B.M., Add. MS. 37343, fol.162^v.

²Letters and Journals of Robert Baillie, 1637-1662, ed. David Laing (3 vols.; Edinburgh: Bannatyne Club, 1841), I, 226, instructions to Alexander Cunighame, undated, possibly October, 1639 [internal evidence].

³His last documented visit to Woodstock in 1639 had been on 24 September, Woodstock, MS. B 79, accounts of Bennett Paynter and Nicholas Mayott, 21 December 1638-21 December 1639.

Lenthall was certainly in Woodstock early in the year, for the town's accounts included expenditures for wine "vpon Mr Recorder 9^o January 1639 [1640] & the neighbors w[ith] him that dynded at Mr Hiornes."¹ In view of the time, the conjecture that the coming election was one of the matters discussed would seem to be a safe one. Lenthall was in the town again on 28 February, and a fortnight before he had returned his fee for the Spencer case to the town. Whether this was a simple act of charity or a gentle hint to the burgesses of Woodstock that Lenthall could well bear the expenses of his seat is not certain, but the knowledge that their member would not put them to great expense was an important consideration for many small boroughs.²

Lenthall certainly had better hopes of Woodstock than of Gloucester when he wrote to Edmund Hiorne, the town clerk of Woodstock. He had then received letters from Gloucester,

but albeit I have the best assurance that may be from the Aldermen, yet the Corporation is soe great and the pace of election soe popular that I have noe assurance of election ther, it beinge with mighty hand and much power labored against me.

¹Ibid., accounts of Nicholas Mayott and Bartholomew Love, 22 December 1639-21 December 1640. Edmund Hiorne was town clerk of Woodstock from 1607 to 1645.

²Ibid., and above p.178, n.1; compare above, p.55, n.2. The fact that a member could pay his own way was probably decisive in many cases and, with local patronage, may explain the large number of county gentry sitting for borough seats.

He reminded Hiorne of his long service to the town, for which his reward had been "littell besydes your loue," and assured him that even if he were elected at Gloucester he would "not be lesse to Sir Wm Fleetwood than I haue promised." In view of the uncertainty of Gloucester, however, Lenthall stressed that he "must needes stand for the election," and "would therefore be loath to be frustrat of both places, you know what a disgrace it was to me the last tyme the not choosinge me amongst you."¹

The encouragement of Lenthall's hopes in Woodstock was no reason to omit any necessary precautions elsewhere, and on 15 March, at the request of the mayor and council of Gloucester, Lenthall took his oath as a burgess of that

¹Berks. R.O., Lenthall Papers, D/EL1: O 5/12, Lenthall "to my very lovinge Friend, Mr Irons [Hiorne] at Woodstock," undated. "1640? March?" was Kyffin Lenthall's conjecture, *ibid.*, Z 18, but it may be as early as February. Lenthall missed two Councils at Lincoln's Inn, on 4 and 22 February, MS. Black Book 8, fol.461^v, 462^v, perhaps because of election matters. It is possible but not certain that Lenthall's letter to Hiorne was just a reminder, and that the dinner at Hiorne's, above, p.190, brought the assurance Lenthall sought. Lenthall's reference to letters and assurances only from Gloucester suggests a date before 15 March, when he became a burgess of the city. The reference to the pace of election being "soe popular" is a rare but significant clue to Lenthall's religious views, as he would surely have been more confident had he himself been a member of the "popular" [that is, radical] faction in religion. There is very little evidence for Lenthall's religious outlook, but it appears that in religion, as in so much else, he was a moderate of the exact-centre-of-the-road type, unenthusiastic about innovations and, perhaps, mildly Erastian like so many of his colleagues in the law. The range of his acquaintances, from radical to recusant, suggests that Lenthall was tolerant in practice; it does not prove that he was in favour of either limited or total religious toleration. See also below, pp.219-20.

city.¹ In the event, it proved unnecessary. Lenthall was one of the four candidates for Gloucester's two seats, but a letter written on 24 March, the day of the city's election, passed on the rumour that Lenthall, "they say, is chosen for Woodstock already."² This rumour, if widely circulated, may well have hindered his election for Gloucester, especially when allied to the situation Lenthall himself described, although the influence of the "popular" party was apparently stronger in November than in the spring.³

Rumour had spoken truth, and Lenthall returned to parliament after sixteen years' absence as one of the members for Woodstock. The other seat was taken as in 1628 by Sir William Fleetwood, one of several familiar faces among the Oxfordshire members. Say and Sele's sons were returned,

¹Gloucester, Corp. MS. 1377/1452, p.145, council meeting of 15 March 1640. While borough members were supposed to be burgesses of the town for which they sat, this was often a last-minute arrangement. Lenthall's son, John, became a burgess of Gloucester on 17 November 1645, "in regard he is Mr Recorders onely sonne who hath very well merited of us," *ibid.*, p.358, but this too was, more realistically, "in regard" of John Lenthall's election for Gloucester in the Recruiter elections of that year.

²P.R.O., S.P. Dom., 14-25 March 1640, S.P. 16/448/79, John Allibond to Dr. Peter Heylin, Bishop's Palace, Gloucester, 24 March 1640. The letter is particularly informative about the machinations and recriminations which marked the county elections in which Lenthall was not involved, but two of his associates, Sir Robert Cooke and John Dutton, were. Allibond was especially scathing about Cooke's "double-dealing" and his Puritanism, *ibid.*

³Keeler, Long Parliament, pp.46-47.

James Fiennes for the county, and Nathaniel for the single-member constituency of Banbury. The other shire knight was Lenthall's fellow justice, Sir Francis Wenman. Sir John Danvers took one of the University's seats, as he had in each of Charles's earlier parliaments, but the other Oxfordshire members were new men. A royal servant, Secretary Francis Windebanke, sat with Danvers for the University. John Whistler, the recorder of Oxford, was not returned in April, and the city members were Charles Howard, viscount Andover, the son of the earl of Berkshire, the city's High Steward, and alderman Thomas Cooper.¹ Still, the presence of Wenman, the Fiennes brothers and Lenthall suggested that the county's reluctant contributors had found adequate representation in this long-awaited parliament.

Charles's fourth parliament met at last on 13 April. John Glanville, the Speaker, and member for Bristol, was a Bencher of Lincoln's Inn and an old three-committee colleague of Lenthall's. Glanville had a reputation as a reformer in the parliaments of the 1620's, and his selection as Speaker suggests that the King was anxious for the Commons' cooperation, and willing to placate them by consenting to a Speaker who had the confidence of the House. However acceptable Glanville might have been as Speaker, the House had

¹Catalogue of Parliament Men, 13 April 1640, Bodleian, Wood 358 (3), and Willis, Notitia Parliamentaria, p.229.

already learned in the 1620's how much could be achieved in committees of the whole House, when the Speaker was out of the chair and just another private member. One of their first acts, on 15 April, was to name three such committees, for religion, grievances and courts of justice.¹

Charles put the cooperation of the House to an immediate test by asking for a vote of supply to enable him to renew the war in Scotland. He did promise that time to deal with grievances would be found after supply was voted, but after waiting eleven years some of the members were, perhaps understandably, somewhat impatient. Although Clarendon stressed the "temper and sobriety" of the House, and the "wonderful order" with which the first week's business was handled, he could not disguise the sense of urgency and the anxiety of members to begin at once to clear away accumulated grievances.² John Pym's speech of 17 April was to prove a manifesto of the Commons' traditional insistence that the redress of grievances should precede supply. Three classes of grievances, he maintained, "disabled" the House and prevented any thought of supply for the time being: "grievances against the liberties and privileges of parliament, innovations

¹C.J., II, 3; see also above, pp.72-74. It does not seem to have been remarked how particularly useful and appropriate this procedure was in April, 1640, when a large number of new men had entered the House.

²Clarendon, History of the Rebellion, Bk. II, p.54.

in matters of religion, and grievances against the propriety of our goods."¹

Although the Short Parliament lasted barely three weeks, Lenthall found his former parliamentary experience remarkably expanded, and within this short period he took significant, although certainly unintentional, steps toward the eminent position he was to reach in November. His dissatisfaction with arbitrary exactions, quietly as it appears to have been expressed, must have been more widely known than the records indicate, for on 21 April he was named to one of the crucial committees, that to examine all available records on ship-money. Privy Council letters and instructions were to be handed over to the committee by any former sheriffs sitting in the House, and all this material was to be organised for presentation to the House.² Two days later Lenthall also chaired the committee of the whole House which recommended that Lords and Commons consult together

to prevent Innovation in Matter of Religion,
and concerning the Property of our Goods; and
Liberties, and Privileges of Parliament; the

¹John Pym, speech of 17 April 1640, in The Stuarton, Constitution: Documents and Commentary, ed. J. P. Kenyon (Cambridge: University Press, 1966), pp.197-203, from Rushworth, Historical Collections, IV, 1131-36.

²C.J., II, 8. Lenthall's Exchequer experience would also have been relevant to his appointment. Some of the members named with him on this and two other occasions are considered below, pp.197-200.

by implying better to prepare us to give an Answer to his Majesty touching Supply.¹

The "sobriety" of this parliament was too much for the King's message. Even the Journals' laconic note of Lenthall's the King, and when a week passed without any trace of the report of 4 May conveys the difficulty: "The Committee had supply for which he had asked, he appealed to the Lords to spend the whole Day in the Debate of preparing an Answer persuade the lower House to grant supply before debating to his Majesty's Message, but could not effect it." It was grievances. But when the Lords suggested this at a conference of both Houses on 25 April, the Commons took offense. Two days later they demanded satisfaction for this infringing morning, but when that time came they found the parliament of their privilege "that all supplies should have their rise and beginning from them [the Commons]."²

An examination of Lenthall's parliamentary associates is even more instructive here than in Chapter III. The Charles offered them a quid pro quo. If they would vote fourteen men with whom he was named to the committee on him twelve subsidies for the next three years, he would give ship-money included four Lincoln's Inn men; Harbottle Grimston; up his title to ship-money. The sense of the House, however, Robert Holborne; his fellow Benchers, Charles Jones; and was that while to accept such a proposal would be to purchase their release from an unjust tax, such an act would, Oliver St. John, and three other lawyers, the Solicitor-general, Edward Herbert, John Maynard and Sir Thomas Widdrington.

Three fellow parliament men from 1624 were also named.¹ C.J., II, 9-10. This is the obvious sequel to Pym's speech of 17 April. The censure of George Peard, which follows Clarendon's account of Pym's speech, occurred during Lenthall's report. In the committee, Peard had called ship-money "an Abomination," but his harsh remarks on religion, which Clarendon did not report, may have been equally offensive to his hearers, ibid.; see also Clarendon, History of the Rebellion, Bk. II, p.54. Grimston, Hampden, Holborne,

²Ibid., and Hist. MSS. Comm., MSS. of the Duke of Portland (6 vols.; 13th Report, Appendix, Parts 1-2, and 14th Report, Appendix, Parts 2-3; London: H.M.S.O., 1891-94), III, 62-63, Robert Griffith to Edward Harley at Magdalen Hall, 27 April 1640. The sequence of events is clearer in this letter than in Clarendon's account.

¹Ibid.; C.J., II, 19.

³Ibid., II, 8 and I, 683; see also above, p.89.

by implication, make the tax appear to be just.¹ After two full days of debate, the House was no nearer a reply to the King's message. Even the Journals' laconic note of Lenthall's report of 4 May conveys the difficulty: "The Committee had spent the whole Day in the Debate of preparing an Answer to his Majesty's Message, but could not effect it." It was to be their last chance for six months, although they did not know it. They adjourned until eight o'clock the following morning, but when that time came they found the parliament dissolved, and themselves dismissed.²

An examination of Lenthall's parliamentary associates is even more instructive here than in Chapter III. The fourteen men with whom he was named to the committee on ship-money included four Lincoln's Inn men; Harbottle Grimston; Robert Holborne; his fellow Bencher, Charles Jones; and Oliver St. John, and three other lawyers, the Solicitor-general, Edward Herbert, John Maynard and Sir Thomas Widdrington. Three fellow parliament men from 1624 were also named, Sir Walter Erle, John Hampden and Sir Francis Seymour. Seymour had worked with Lenthall on a private-bill committee in 1624.³

Six of these men, Erle, Grimston, Hampden, Holborne, Seymour and St. John, joined Lenthall on 23 April on a

¹Such, at least, is the interpretation in Clarendon, History of the Rebellion, Bk. II, pp.55-56.

²Ibid.; C.J., II, 19.

³Ibid., II, 8 and I, 683; see also above, p.89.

committee to set down the reasons for a conference of both Houses on grievances. Ten other members from 1624 were also named. One, John Crew, was kin to Lenthall and also the chairman in 1640 of the House's committee on religion. Sir Thomas Barrington, Sir Peter Heyman, John Pym and Sir Benjamin Rudyerd had served on one committee with Lenthall in 1624, and Sir John Strangways on two. Two other members of the committee had been parliamentmen in 1624 and Oxfordshire associates of Lenthall's as well: Sir Robert Cooke and Cooke's father-in-law, Sir Miles Fleetwood.¹

The twenty-six members of this committee formed the nucleus of the group appointed the next day to manage the planned conference with the Lords, although, as it happened, none of them had a conference to manage. Nine other men added to this committee included three more Lenthall contacts from 1624: Sir Hugh Cholmeley, Sir Thomas Jermyn, in 1640 Comptroller of the Household, and one Lincoln's Inn man, Thomas Hatcher.²

Several of the names listed above are familiar from other contexts in this study. A number of them were to emerge as leaders in the early days of the Long Parliament,

¹C.J., II, 10. For Crew, see above, p.78, n.2. Crew was imprisoned in the Tower after the dissolution for refusing to surrender his papers or to say where they were, Stuart Constitution (ed. Kenyon), p.53. Sir Robert Harley, Edward Kirton and Sir William Masham were other parliament men from 1624 named to the committee of 23 April.

²C.J., II, 12.

and Lenthall's association with them in April is therefore significant. The Long Parliament followed so soon after May, and so many of the members elected in April were returned in November, that it is helpful to treat the two parliaments together, and to see the second as in some ways a renewal or continuation of the first.¹ From this point of view, comparison of the above lists with Mary Keeler's "opposition" committees in the Long Parliament is even more enlightening. It was difficult to draw conclusions from Lenthall's contacts in 1624 with men who were to prove active for reform in 1640. But Lenthall's part in the important committees for ship-money and grievances, and in the crucial, if abortive conference with the Lords leaves no doubt that by April, 1640, his contemporaries saw him as one who would work actively for redress of grievances.²

In November, the Speakership would bar Lenthall from active participation in debate or committee. His association in April with men like Sir Walter Erle, Harbottle Grimston, John Hampden, Oliver St. John and Sir Francis Seymour on all three committees, and with Sir Thomas Barrington, Sir Peter Heyman, Edward Kirton, John Pym and Sir John Strangways

¹Of the new men alone, 328 of the members elected in November had no parliamentary experience before 1640, but 167 of these had had three-weeks' trial in April, Keeler, Long Parliament, p.16.

²Mrs. Keeler's category of "reformers" is particularly helpful in this discussion, as it prevents forcing a hard-line division between "Royalists" and "Parliamentarians" on a situation to which it is irrelevant.

on two committees, may serve as a contemporary commentary on the acceptability of Lenthall's views. These ten men have been selected because some earlier contact with Lenthall can be traced. Every one of them has been identified as a member of the "hierarchy of the early opposition" in the Long Parliament.¹ It may reasonably be presumed that an associate of theirs would have the confidence of a House in which they played a prominent part.

In the meantime, summer was coming, and other business had always to be dealt with, although with war renewed in Scotland few men could pretend it was a normal summer. Lenthall had Councils at Lincoln's Inn to occupy him in May and June. On several occasions during the spring and summer the Gloucester aldermen needed his advice and help in their attempts to get rid of their radical schoolmaster and to free some of the city lands from obligations for knight service.² Lenthall is not known to have been present at

¹Every one of the ten was a member of six to eight crucial committees in the Long Parliament, Keeler, "No Remedy but by a Parliament," in Conflict in Stuart England, p.144. Three of them, Kirton, Seymour and Strangways, eventually joined the King or were disabled as Royalists, ibid., and her Long Parliament, pp.241-42, 337-38 and 353-54.

²Lincoln's Inn, MS. Black Book 8, fol.463-465, councils of 12 May, 11 and 18 June; Gloucester, Corp. MS. 1377/1452, pp.149-50, 156, council meetings of 1 May, 3 June and 28 August. At least one of their letters about the city lands took forty-three days to reach Lenthall, "by reason Mr Recorder was not at home," ibid., MS. 1396/1501, fol.129, accounts, Monday after Michaelmas, 1639-40.

meetings in Say and Sele's home at Broughton, or in any of the other places where opponents of the Court were planning the next round.¹ That there would be a next round few seemed to doubt.

The rout of the English army in Scotland, repeated petitions against grievances and for a parliament, and the King's failure to persuade money from the Council of Peers he summoned to York in September all made another parliament probable.² When the summons came on 24 September, many of the men who had been at Westminster in April set in train their plans to return. Charles, too, had plans that some of them, at least, would not return. He instructed Windebanke early in October, "Remember to get as manie burges places for the Par[liament] for my Seruants as ye may, from the Chamb[e]rlan or anie that has power that way."³

Charles's plans did not meet with outstanding success. As Whitelocke tartly observed;

¹ Lord Mandeville was said to have held meetings in Chelsea, and Holborn was suggested as another centre of opposition meetings, Verney, The Standard Bearer, p.149. With the prospect of another parliament, however, it would seem probable that Lenthall spent the summer mending political fences in Oxfordshire and Gloucestershire.

² The peers' petition of 28 August for a parliament survives in many copies, with some variations in the names and numbers of signatories, as, for example, in Bodleian, MS. Tanner 65, fol.103-103^v and fol.105. See also ibid., MS. Clarendon 19, fol.13-15.

³ Ibid., fol.58, Francis Windebanke to the King, Drury Lane, 4 October 1640, apostiled by the King from York, 6 October.

those who were most favoured at Court, had least respect in the Country, & it was not a little strange to see what a spirit of opposition to the Court-proceedings was in the hearts & actions of most of the people, so that very few of that party had the favour to be chosen members of this Parliament.¹

In one crucial election the King was deeply disappointed. He had designed that the Speaker for the new parliament should be Sir Thomas Gardiner, the recorder of London. Gardiner, however, entirely failed of election.²

William Lenthall did not. He and the Fiennes brothers, James and Nathaniel, were all returned for the seats they had held in April. The other Oxfordshire members had been absent in April, but several of them were old parliamentary hands. Thomas, viscount Wenman, replaced Sir Francis Wenman as the other county member, and John Whistler, the parliamentary veteran and recorder of Oxford,

¹B.M., Add. MS. 37343, fol.206^v. Charles's attempt to influence the election of the Lord Mayor of London also failed, and he commented with resignation, of a result he had not desired, "it is well anufe considering the tymes," Bodleian, MS. Clarendon 19, fol.60, Windebanke to the King, 6 October 1640, apostiled by Charles from York, 9 October.

²A curious report for 3 November in Lord Montagu's journal of proceedings in the House of Lords commented, "the Speaker which was first nominated, which was the Record[er], fell very sick," Hist. MSS. Comm., MSS. of the Duke of Buccleuch (3 vols.; Report No.45; London: H.M.S.O., 1899-1926), III, 387. It is not clear whether this is what the Lords were told or Montagu's sly commentary on the situation. No other source refers to Gardiner's being ill; perhaps his "sickness" was vexation at his failure. No illness is mentioned in the earl of Manchester's memoirs for the same day, B.M., Add. MS. 15567, fol.21^v.

returned for the city. There was a change in the city's second seat; Charles, viscount Andover, was returned in November as in April, but when he was called to the House of Lords on 18 November his place in the Commons was taken by a former mayor of Oxford, John Smith. Smith was new to parliament, as was also Sir Thomas Roe, member for Oxford University and an eminent diplomat. The other University member, John Selden, was already famous both as lawyer and as parliamentary reformer and had sat with Lenthall, although not on committee, in the parliament of 1624.¹

As in April, Lenthall had attempted to secure places both at Woodstock and at Gloucester. He failed at Gloucester,² which elected one radical Puritan and a later Royalist. He may have been in some danger of not being returned for Woodstock either, for two returns were filed from the town. One from the "burgesses and freemen," which named Sir William Fleetwood, was not recognised by the House. The other, in Latin and with the seal of the town affixed, named the choice

¹Keeler, Long Parliament, pp.59-61; Catalogue of Parliament Men; 3 November 1640, Bodleian, Wood 358 (4); Willis, Notitia Parliamentaria, p.247.

²He informed the House on 2 December that he had been nominated at Gloucester but was denied the poll, Note Book of Sir John Northcote, ed. A. H. A. Hamilton (London: John Murray, 1877), p.26; C.J., II, 43. The Journal of Sir Simonds D'Ewes from the Beginning of the Long Parliament to the Opening of the Trial of the Earl of Strafford, ed. Wallace Notestein (New Haven: Yale University Press, 1923), p.96, is uninformative on this point. The matter was referred to the Committee of Privileges, but seems to have died there.

of the "mayor and commonalty" as William Lenthall and William Herbert, fifth son of the earl of Pembroke.

Herbert, who chose to sit for Monmouthshire instead, was replaced on 2 December by Sir Robert Pye, the Auditor of the Exchequer.¹ The double return suggests a conflict between local patrons. In the parliaments of the later 1620's, Pembroke and the Fleetwood family had kept Lenthall out and their own favourites in. Lenthall's association in the return with Pembroke's son in 1640 suggests that the favour of the Herbert family and Woodstock's earlier tradition of naming their recorder to one of the seats had at last met. As both Pembroke and the Fleetwoods had Puritan reputations, the conflict should probably be seen as one of local power and personality rather than of religious outlook.²

The "untoward and unheard of accident" of Sir Thomas Gardiner's failure to find a seat left the King with little time to choose an alternative Speaker. He delayed his visit to the parliament until the afternoon of 3 November and, in the meantime,

After all the deliberation that time would admit, Mr. Lenthall, a bencher of Lincoln's Inn, (a lawyer of competent practice, and no ill

¹Pye was familiar to Lenthall not only from the Exchequer but also in the country, for he lived, when not in London, at Faringdon in Berkshire and had been a fellow member of the 1634 sewers commission. He also sat in parliament with Lenthall in 1624.

²Above, pp.91-92. See also Keeler, Long Parliament, pp.59-60.

reputation for his affection to the government both of church and state,) was pitched upon by the king, and with very great difficulty rather prevailed with than persuaded to accept the charge.¹

There is no reason to doubt the sincerity of Lenthall's reluctance. When his name was proposed in the Commons by Sir Henry Vane, the Treasurer of the Navy, he begged the House to choose another. When, with the consent of the House, he was conducted to the chair by Vane and Sir Francis Windebanke, he pleaded again that he be released from the office. It had long been the custom for Speakers to plead their unfitness for so high an office, and even to resist with force efforts to bring them to the chair. It is often forgotten, however, that to a lawyer of rank, as Lenthall was, as many Speakers before him had been and others were again to be,² acceptance of such an office could have serious consequences.

As parliaments normally sat during the law terms, the Speakership meant, for a lawyer, total if temporary

¹It is clear from Clarendon's account that the King only learned on the morning of 3 November that Gardiner had not been returned, History of the Rebellion, Bk. III, p.68. Clarendon's assessment of Lenthall and his choice as Speaker are considered below, pp.209-16.

²The first was probably John Dorewood in 1399. Laundry noted that it was parliamentary rather than legal experience which was required, Office of Speaker, p.26. Although no precedent required that Speakers be lawyers, a large number of them were, and Clarendon states clearly that it was thought unwise to depart from the custom at that time, History of the Rebellion, Bk. III, p.68.

disruption of his practice.¹ For Lenthall, the Speakership of the Long Parliament, which sat nearly continuously for thirteen years, amounted to a form of professional suicide.² To Lenthall, a second son with no inheritance of his own and nothing to leave his family but what he could garner for them by his own efforts, this interference in his attempts to provide for his posterity can have been no honour, no plum to be sought. It may well have seemed instead the overthrow of all his plans and hopes.³ If that

¹In December, 1640, Sir William Calley thought it unlikely he could get his bonds out of the Exchequer "both in regard of my Lord Cottingtons & Mr Lentalles absence from that Co[u]rt," P.R.O., S. P. Dom., S.P. 16/473/8, Sir William Calley to Richard Harvey, Burdrop, 1 December 1640. Other clients doubtless shared the feeling.

²It is very questionable indeed that the offices Lenthall held after 1643, such as the Mastership of the Rolls, were really satisfactory substitutes, under war conditions, for what his own efforts might have brought in. He always maintained that, in fact, he never received but a fraction of the fees due him either from the Speakership or the Rolls. See An Account of the Gains of the late Speaker Lenthall, in Somers Tracts (ed. Scott), VII, 103-104; see also above, p.162, n.2.

³What Clarendon noticed was Lenthall's narrow concentration on his profession "in which all his design was to make himself rich," History of the Rebellion, Bk. III, p.68. Edward Hyde who, although he eventually inherited his father's estates, was a third son, really should have known better. When Lenthall tried to resign the Speakership in 1641, he gave as his reasons for wanting to be released the great expense of the office and his fear that he would be forced to "put a badge of extreme poverty upon my children," P.R.O., S.P. Dom., S.P. 16/486/21, Lenthall to Sir Edward Nicholas, 3 December 1641. There is a kindred note in the complaint of Speaker Yelverton in 1597, quoted by Thirsk, "Younger Sons in the Seventeenth Century," History, LIV, 363.

were not enough, it needed no great foresight in 1640 to suspect that this new parliament might verge on the unmanageable. The real, if limited capabilities Lenthall had shown had never been tested in such circumstances. It is certain that Lenthall never sought the office and accepted it only reluctantly. It is some measure of contemporary opinion of him in 1640 that a man so obviously unwilling should have been chosen.

By 5 November, when Lenthall was presented to the King as the choice of the Commons, his request to be excused had become purely a formality, and it was equally formally rejected by the Lord Keeper for the King. The rest of Lenthall's speech, as Laundry aptly commented, was "the usual mixture of abject humility and honeyed flattery,"¹ and concluded with the traditional requests of Speakers for freedom from arrest of members' persons and goods, liberty of speech and debate, and access for himself as the mouth of the Commons to the King. Lenthall added one comment, however, which could hardly have been more direct in its reference to the preceding decade of personal rule:

It is reported of Constantine the great, that he accounted his Subjects purse his Exchequer, and so it is.

Subtile inventions may pick the purse, but nothing can open it but a Parliament; which

¹Laundry, Office of Speaker, p.205.

lets in the eye of Sovereignty upon the publique maladies of the State, and vigilancy for the preservation of our ancient liberties.¹

Not least of the "publique maladies" were Charles's "subtile inventions" of the 1630's, and to such matters that "great Councell, most Sovereign against the distempers of this Nation,"² would presently retire to attend. Their attention to these and other matters, with Lenthall in uneasy presidency over the next thirteen years, is another story. It has often been told, but the tale generally fails to explain, probably because it fails to ask, why Lenthall, and not another, was chosen.

¹Dublin, Trinity College, MS. G.3.12 [Abbott 867], fol.163^v [microfilm]; Rushworth, Historical Collections, IV, 17; and the "Moccas Court MS." in the possession of Mr. Roger Warner of Burford. The speech survives in numerous copies, some with subtle variations. Thus, the version in the Thomason Tracts, published in 1660, has "nothing can open it but a free Parliament" [*italics mine*], which is a clear appeal to the then-current catchword; see Master Speaker His Speech to his Majestie in the High Court of Parliament the Fifth day of November, 1640 (London: printed for William Shears, 1660), p.6, B.M., Thomason Tracts, E. 774. 4.

²Ibid.

CONCLUSION:

THE MOUTH OF THE COMMONS

No really satisfactory explanation of why Lenthall was chosen Speaker of the Long Parliament has ever really been offered by historians. Most accounts of the event give the effect of Lenthall rising, like Venus from the waves, unheralded and unexpected, upon the public scene in November, 1640. Clarendon described the sudden shock and disarray caused by Sir Thomas Gardiner's failure to secure election, but his comment that perusal of the returns in the Crown Office revealed "not many lawyers of eminent name . . . or who had served long in former parliaments,"¹ does not stand up to examination. In the first place, his lack of lawyers of eminent name is misleading. There was certainly a baker's dozen among the parliament men whose qualifications appear to have been at least the match of Lenthall's. Among the seventy or so lawyers elected to the Long Parliament, at least fourteen, in addition to Lenthall, were Masters of

¹History of the Rebellion, Bk. III, p.68. Even Laundy's judicious and not unfavourable discussion of Lenthall explains his choice solely by reference to his role in the Short Parliament, Office of Speaker, p.205. A similar line was taken by Gardiner, History of England, IX, 220.

the Bench at their respective Inns by 1640.¹ At least nine had been Readers in Inns of Court or Chancery before the Long Parliament met.² These men all had qualifications equivalent to Lenthall's when activities within the Inns are considered. Three members of the profession had been Treasurers, an office his service in the Long Parliament may have denied Lenthall.³ Yet other parliament men had attained equal or greater eminence by 1640 within the legal profession, as serjeants-at-law⁴ or Masters of Chancery,⁵ or within the royal administration.⁶ Clearly, had status

¹At Lincoln's Inn: Richard Cresheld and Robert Holborne; at the Middle Temple: Edward Bagshaw, John George of Cirencester, Sir Sydney Montagu and William Whitaker; at the Inner Temple: John Goodwin, Richard King, Thomas Lane, John Selden and John Wilde; and at Gray's Inn: Ralph Ashton of Lancashire, Sampson Eure and Sir Thomas Widdrington. Ambrose Manaton was an Associate of the Bench at Lincoln's Inn. Biographical materials used here derive, unless otherwise stated, from Keeler, Long Parliament, and from DNB.

²Cresheld (1636) at Lincoln's Inn; Bagshaw (1640), Robert Hyde (1638) and Whitaker (1627) at the Middle Temple; Edward Herbert (1636) and Lane at the Inner Temple; John Whistler, the recorder of Oxford, at Gray's Inn (1630); William Allestry at Barnard's Inn (1638), and George at New Inn (1637).

³Whitaker (1635-7) and Bulstrode Whitelocke (1627) at the Middle Temple, Herbert at the Inner Temple (1638).

⁴John Wilde of Worcestershire and Robert Hyde.

⁵Manaton (1637), Gilbert Millington (1639) and Peter Sainthill (1634).

⁶John George was clerk of the Wardrobe, 1637-39. Sir Sydney Montagu had been Master of Requests but had lost the office in 1639 for refusing a forced loan of £2000. Sampson Eure, son of the Chief Justice for North Wales, was King's Attorney in Wales (1622) and a King's Serjeant after

within the law been the only criterion, Lenthall was but one of a fair number of possibilities.

Clarendon's stress on long parliamentary experience is equally suspect. As there had been no parliaments for the eleven years before 1640, members "who had served long in former parliaments" would, by definition, have had to gain this experience in the 1620's or before. They would have been among the older members of the House and, as will emerge, the parliamentary experience gained by their generation was, in Charles's eyes, by no means an unmixed blessing. Lenthall's own parliamentary experience was hardly lengthy, some three months in 1624 and three weeks in April, 1640. Of the lawyers already noted because their professional experience was similar to Lenthall's only four were entirely lacking in parliamentary experience, and eight others had first been elected to the Short Parliament.¹ Seventeen other lawyers had served in as many or more parliaments than Lenthall, so Clarendon's explanation cannot be the whole story. Other reasons, less easily categorised, must have entered into royal thinking.

1640. William Morgan had also been King's Attorney for Brecon and by 1639 was Solicitor-general before the President and Council of Wales. Herbert was Solicitor-general to the King, Geoffrey Palmer counsel to Cambridge University (1635). Dr. George Parry was an official of the Court of High Commission.

¹Bagshaw, Goodwin, Millington and Palmer; Allestry, Holborne, Hyde, King, Littleton, Parry, Sainthill and Widdrington.

Sir Sydney Montagu, for example, had first entered parliament in 1593, but as he had incurred royal displeasure by 1639 he could not have been a serious possibility. If Charles had needed a Speaker in April who was acceptable to the Commons, his need was even greater in November. For this reason alone, it would have been politic to reject men too closely identified with the administration or its unpopular aspects, such as the Duchy courts. It would have been unwise to propose such men as Sampson Eure or William Morgan.¹ The Solicitor-general, Edward Herbert, might also have been unacceptable on these grounds. At least twelve lawyers of standing remain, all with parliamentary experience as great as or greater than Lenthall's,² and it is in consideration of these thirteen men that some clue to what Clarendon did not stress may possibly be found.

Within this group of lawyers, Lenthall himself had more than one point of contact. The group included eight fellow recorders,³ six fellow parliament men from 1624,⁴

¹Eure eventually became Speaker of the Oxford Parliament.

²Ralph Ashton (Lancashire), Miles Corbet (Great Yarmouth), Richard Cresheld (Evesham), John George (Cirencester), Harbottle Grimston (Colchester), Thomas Lane (Wycombe), Ambrose Manaton (Launceston), John Selden (Oxford University), John Whistler (Oxford City), William Whitaker (Shaftesbury), Bulstrode Whitelocke (Great Marlow) and John Wilde (Worcestershire).

³Corbet, Cresheld, Grimston, Lane, Manaton, Whistler, Whitaker and Whitelocke. (Abingdon).

⁴Cresheld, Manaton, Selden, Whistler, Wilde and Whitaker. Of the twelve men noted above, only Ashton, Whistler and Whitelocke had been missing in April, 1640.

Grimston and Whitelocke might have been excluded because of their youth, but all the others had probably been born between 1580 and 1596.¹ Ashton, Lane, Whistler and Whitaker were probably less well known in London than in their respective counties. Whistler, in addition, was far from wealthy. This would have raised doubts about his ability to support the expenses of the office and this, allied to his reputation as a reformer, could have prevented consideration of him. George, too, was probably of only moderate wealth. Selden's reforming reputation would certainly have made him acceptable to the Commons, but his opposition to the prerogative in the 1620's, both in parliament and in the courts, might well have given grounds for royal misgiving. Selden, too, unlike the others, had no background of experience in county office. By such hypotheses the group may be whittled down, but no hypothesis based entirely on experience can explain why Lenthall was preferred over, for example, his fellows from Lincoln's Inn, Richard Cresheld and Ambrose Manaton, or over Serjeant John Wilde. All four were close in age and dignity,² and three of the four seem

¹Birth dates for Corbet, Cresheld, Lane, Manaton and Whitaker are not known, but all died between 1646 (Whitaker) and 1662 (Corbet). John Glyn and Oliver St. John were also younger men and are therefore omitted above.

²Wilde was one year older than Lenthall. Cresheld described himself in 1650 as "aged and infirm," Keeler, Long Parliament, p.147.

and two other Oxfordshire members.¹ Bulstrode Whitelocke had also been a member of the 1634 sewers commission, and Richard Cresheld was a fellow Bencher at Lincoln's Inn. Three others were also Lincoln's Inn men.²

An analysis of these men by their later reactions to the Civil War is only marginally revealing, for the responses they made then were not in most cases predictable in 1640. Not one, however, could be identified with Crown interests at the opening of the Long Parliament. Lenthall, Corbet, Selden and Whitelocke all remained members until 1653, although Selden had virtually retired from public life by 1649. Of these men, only Corbet signed the warrant for the execution of the King. Whitaker was still a member when he died in 1646. Five of these men were secluded by Pride's Purge or ceased to sit after 1648.³ Whistler and Manaton withdrew from parliament at the outbreak of the war, but both had been active reformers until that time. George was captured by the Royalists, but had earlier helped garrison Cirencester for the Parliament. All three sat in the Oxford Parliament.

On the external criteria suggested by Clarendon there is little to distinguish Lenthall from the others in the group, and some other explanation must be sought.

¹Selden and Whistler.

²Corbet, Grimston and Manaton.

³Ashton, Cresheld, Grimston, Lane and Wilde.

to have had approximately the same income.¹ The parliamentary experience of three, in fact, was greater than Lenthall's,² but for each of them this experience may have worked against their possible candidacy. Wilde had pledged sixty pounds for the King's expenses in 1640, but he and Manaton both had parliamentary reputations as opponents of the prerogative. Manaton had refused to contribute to the forced loan of 1639. Cresheld, too, had some reputation as a reformer, although he was also said to have been one of the counsel for the Crown in Hampden's ship-money trial.³ As Wilde and Lenthall both practiced in the Exchequer, they might have been somewhat better known than Manaton within the royal administration.⁴

¹Income figures for non-Royalists are, at best, highly speculative, and no information is available for Cresheld. Manaton's fine as a delinquent, at 1/10 of two years' value of his lands, was £700, but the marriage portions he planned for his daughters suggest he may have been rather wealthier than appears. Lenthall and Wilde both offered bonds for £1000 for the parliamentary loan of 1640, *ibid.*, pp.250, 266-67 and 394. The income of all three appears to have been derived from their practice rather than from land. See also above, pp. 163-65.

²Manaton also sat for Bossiney, Cornwall, in 1621, and Cresheld for Evesham in three parliaments in the 1620's. Wilde served for Droitwich in every parliament from 1621 to November, 1640, when he was returned for Worcestershire.

³Keeler, Long Parliament, pp.146-47, 266-67 and 394.

⁴Wilde became Chief Baron of the Exchequer in 1646; Manaton was a Master of Chancery Extraordinary before 1640. As both Lenthall and Wilde would have been known in administrative circles through their practice in the Exchequer, Wilde's reform reputation has been taken to be his excluding quality.

Such evidence as has been found would seem to bear out the conclusion that, apart from his possession of the income necessary to support the dignity of the office, the decisive factors in the choice of William Lenthall as Speaker were probably two. While his role in the Short Parliament indicated that he was likely to be acceptable to the members of the House of Commons, the relative mildness of his opposition made him, from the King's point of view, less of a risk than a man like **Wilde** who had been a more overt opponent of the government. Secondly, Lenthall's practice in the court most concerned with the King's financial interests must have made him a well-known figure to the administration. He was known to Bankes and Herbert in the Exchequer, and to two of the Secretaries, Nicholas and Windebanke. Any or all of these men might have recommended him to the King.¹

Clarendon's clue, then, lies less in the absence of experienced men he noted, than in his observation that Lenthall was "of no ill reputation for his affection to the government both of church and state."² This instinctive

¹Above, pp.177,193. The nomination of the Speaker by one of the Secretaries discussed by Florence Evans refers to the proceedings in the Commons, F. M. G. Evans, The Principal Secretary of State, 1558-1680 ("University of Manchester Historical Series," No.43; Manchester: University Press, 1923), p.238. The younger Sir Henry Vane's proposal of Lenthall's name in the Commons seems to have been entirely procedural; no links of the kinds discussed in the present study have been found to exist between Lenthall and the Vanes.

²History of the Rebellion, Bk. III, p.68.

"middle-grounder" was but one of the experienced lawyers in the House, but in the circumstances of the new parliament, he must certainly have appeared to be the safest. There is no indication that other members had been approached and had refused before Lenthall was "prevailed with" to accept the Speakership, but Gardiner's failure to secure election had left the Crown with very little time to manoeuvre. If the reasoning of Charles and his advisers took account of any of the factors noted above, Lenthall was not only a logical choice, he was the obvious choice for Speaker. It was, as it happened, a grave miscalculation, but this possibility could hardly have been foreseen in November, 1640.

The above discussion of how Lenthall came to be chosen Speaker has also served to set him within the context of his professional colleagues in the House. The Speaker, however, was much more than the spokesman of the lawyers. He was the official mouth of the Commons to the King, in a very real sense the embodiment of the House of Commons.¹ It is therefore reasonable to ask to what extent Lenthall could be said to represent the common concerns and experience

¹"He embodies in his own person the dignity of the nation's representative assembly," Laundy, Office of Speaker, p.7. Laundy was, of course, writing of the modern Speaker, but the office was already in a transitional phase during Lenthall's tenure of it, and it is possible that members sensed something of this symbolic element.

158-95

of the larger membership, the 492 parliament men returned with him on 5 November.¹

As a country gentleman and as a member of a London-based profession, Lenthall had a foot in both camps and was a distinct member of the gentry who formed the bulk of the membership, as well as of what may be called the gentry's largest sub-group, the lawyers. His relationships in Oxfordshire and his experience of both county and borough office paralleled the experience of the vast majority of members, for probably eight of every nine parliament men in 1640 had similar links with their constituency or with the county from which they sat. In 1640 the Long Parliament was a body aware of, and able to express local feeling.

On point after point of this feeling Lenthall may be placed within the large, often shifting and indistinct, but nonetheless crucial "middle group" which, when war came, split between King and parliament, but whose primary concern in 1640 was reform of abuses. His personal and professional experience of these abuses was shared with many other members. Lenthall's own quiet, but finally less than cooperative position expressed the objections of those who had done little more than grumble, and his participation in the Short

¹The points of comparison used in this discussion are drawn from Mary Keeler's valuable summary, "Portrait of a Parliament," in her Long Parliament, Part I, pp.4-32.

Parliament linked him with those who had been even more hostile than he to Stuart policies.¹

Although evidence for his religious views is by no means extensive, Lenthall appears to have been a very moderate Puritan, perhaps with the vaguely Erastian leanings common to many of the lawyers of his time.² Such indications of Lenthall's religious attitudes as have been found would be compatible both with low-church Anglicanism and with the peculiar version of "Presbyterianism" then current in England. His younger brothers were Presbyterians, but this may have been on political rather than doctrinal grounds. What none of them seem to have been were radicals. Apart from widespread opposition to Laudian innovations, which was itself often closely entwined with opposition to other

¹Mrs. Keeler found one out of every four members of the Long Parliament could be identified as opponents of one or more royal policies, but she suggested even this was an underestimate of resistance, ibid., p.15 and n.71.

²George Yule, ten years after his publication of The Independents in the English Civil War (Cambridge: University Press, 1958), classified the religious tendencies of both William Lenthall and his son John as "unknown"; George Yule, "Independents and Revolutionaries," JBS, VII (1968), 32. See, however, Lenthall's doubts about the "popular" pace of the Gloucester elections, above, pp.190-91. His kinsman, John Crew, who was secluded in 1648, was apparently an episcopalian; Pearl, "'Royal Independents'," Trans. RHS, 5th Series, XVIII, 84-85. Lenthall was on such terms with the Presbyterian John Harington in 1651 as to commend his preacher to him, and in 1646 Harington had found Lenthall "free & hy in spiritual exp[re]ssions," B.M., Add. MS. 10114, fol.29 and 19^v.

royal policies, religious issues were stronger after 1640 than when the Long Parliament opened. There is no evidence that religion provided a stronger motivation in 1640 for Lenthall than for most of the other members.¹

In age and wealth Lenthall was set above many of the members;² in educational background, however, he had much in common with more than half of them. His education at the Inn of Court was shared not only with his fellow lawyers, but to some degree with the three-fifths of the parliament men who had also spent some time at an Inn. The importance of education in the law has received frequent notice,³ but its part in the formation of more widespread patterns of thought and argument has been insufficiently stressed. The form of much seventeenth-century discussion was determined by the pervasiveness of the common law and its influence in the delineation of what has been called

¹Interesting visual evidence of Lenthall's distaste for Laudian forms survives in the church of St. Laurence, Besselsleigh, which he had restored, particularly in the free-standing altar and centrally-located pulpit.

²At nearly fifty, he was well above Mrs. Keeler's median age for the members of "the early forties." His wealth is discussed above, pp.163-65.

³See, for example, Keeler, Long Parliament, pp.27-28; Brunton and Pennington, Members of the Long Parliament, pp.5-7; Laurence Stone, "The Educational Revolution in England, 1540-1640," P&P, XXVIII (1964), 41-80; J. H. Hexter, "The Education of the Aristocracy in the Renaissance," in Reappraisals in History, pp.51-55; and Christopher Hill, "Sir Edward Coke -- Mythmaker," Intellectual Origins of the English Revolution (Oxford: Clarendon Press, 1965), p.256.

the "common-law mind."¹ This meant that although Lenthall and the lawyers had a more technical command, Lenthall, his fellow justices and the rest of his county gentry spoke what, for all practical purposes, was a common language.²

The above considerations, when allied to his contacts in the London merchant community, suggest that there can have been few parliament men in 1640 with whom Lenthall had no point of common experience. To this extent he may be considered a representative member of the Commons as well as its mouth.

Lenthall was, then, both a representative member of the Long Parliament and a suitably-qualified choice for Speaker. A third possible characterisation warrants serious consideration, although it can only be tested properly by study of Lenthall's career after 1640. His active participation in the duties of parliament on the two earlier occasions

¹By J. G. A. Pocock, The Ancient Constitution and the Feudal Law (Cambridge: University Press, 1957), p.55. The effect of widespread exposure to the common law may be traced in contemporary literature as well as in parliamentary argument. The use of "exposure" rather than "training" is prompted by the decline in the standards of teaching described by Wilfrid Prest, "Legal Education of the Gentry," P&P, XXXVIII, 20-39. Acquaintance with procedure and terminology might make amateurs "put-case men"; they were not necessarily good ones.

²This idea of a "common language" would seem to offer an additional argument to eminence in the law for choosing lawyers as Speakers. Eminence would simply lend authority to their language. Close procedural parallels between courts of law and the High Court of Parliament were noted by Namier, Structure of Politics, pp.42-43.

on which he was returned, as well as his extraparliamentary training and experience, suggest the existence of qualities peculiar to a breed which became more familiar to later ages, the good "House of Commons man." R. H. Gretton, although not a historian of parliaments, was one of the few writers to perceive this characteristic in Lenthall, and the unwritten traditions of the House of Commons would appear to lend it credence.¹ Gretton's description of the breed suggests a useful touchstone for the events of Lenthall's later career:

The House of Commons man is always constitutionally right, but very often politically ineffective, tactically unerring but strategically inconsistent. He is more aware of that subtle relation between forces, and the power which maintains the relation, than of the forces themselves.²

To Gretton's characterisation certain additions may be made. A sense of the historical traditions of parliament, and some reverence for the institution was seldom lacking among the gentlemen and gowmsmen of the seventeenth

¹R. H. Gretton, Burford Records, pp.276-77. It is suggestive that within the House of Commons Lenthall is remembered today not as an outstanding Speaker (except for his opposition to Charles I over the five members) but as "a good House of Commons man." This revealing point emerged from a discussion with Mr. D. Holland, Librarian of the House of Commons, and several members of his staff.

²R. H. Gretton, Burford Records, p.276.

century.¹ These qualities would seem not only to mark the good "House of Commons man," but to be crucial to the mental equipment of any competent occupant of the Speaker's chair. Both the gentleman's regard for his national representative assembly and the lawyer's esteem for the High Court of Parliament would have been strengthened by the two strands of Lenthall's experience in profession and county which have run through the present study. That they were so strengthened is suggested by, for example, Lenthall's reply to the King during the attempt on the five members in 1642, his explanation of the flight of the two Houses to the Army in 1647, his refusal to leave the chair when Cromwell dissolved the Long Parliament in 1653, and even, perhaps, his reluctance to recall the Rump to existence in 1659.

Gretton's description of the point of view which motivates the "House of Commons man" indicates real but limited capabilities. The limitations implied are not at variance with the types of experience, including his brief parliamentary experience, which Lenthall brought to the Speakership. His knowledge as a legal draftsman and in arguing cases were useful tools to be applied to the interpretations of arguments put by others, and to the precise

¹It is clear from Pocock, Ancient Constitution, that these historical traditions were subject to some peculiar limitations, see esp. Chapters II, "The Common-law Mind: Custom and the Immemorial," and III, "The Common-law Mind: The Absence of a Basis for Comparison." These do not affect, however, the vividness of the sense or the tenacity of the belief in these traditions.

formulation of the sense of debate or of questions to be put to the House. He had had some practice in chairing the whole House during the Short Parliament. His long years as a committeeman of one sort or another, whether as parliament man, Bencher, justice of the peace, sewers commissioner or trustee, hinted at some ability to work with other men in a reasonable fashion. His own acquaintance with the problems which exercised many of the members of the Long Parliament would suggest some understanding of those problems.¹ The stress on mediation and negotiation in Lenthall's practice as a lawyer, the emphasis on meeting together to accommodate differences and work out reasonable solutions was no less needed by a Speaker. This approach, which pervaded all levels of English government, has appeared in preceding chapters as a form of procedure which must have been, or must have become a natural, even an instinctive one for Lenthall.

None of these, however, are exceptional abilities. Their greatest limitation is probably that to operate effectively they must operate within basic areas of agreement,

¹Although it is true that Lenthall was no statesman, Clarendon's objection that he had no "experience or conversation of the affairs of the kingdom" rather begs the question, History of the Rebellion, Bk. III, p.68. Like most members Lenthall was aware of the issues which rent feeling within his county, and members quickly learned in parliament which were national issues if, as seems unlikely, they had been unaware of them before. There is no reason to think that in 1640 the awareness of plain Mr. Hyde was any greater.

even if methods and means are negotiable. Although men continued for six years to try, a good deal less was negotiable after war broke out in 1642, and mediators have never been noted for their talents in reconciling the irreconcilable.

These hypotheses, suggested by the course of Lenthall's early career, may offer one approach to his Speakership. The circles of relationships in which he shared offer another, and these should be traced as far as possible through his twenty years of public life after 1640. They cannot be traced here, but a few examples may be noted of relationships now known to have existed which might shed light on Lenthall's later career.

The discovery of Thomas Lenthall suggests that the question of relations between the City and the Long Parliament should be considered in the light of the Speaker's own London connections and sources of information. The possibility that Lenthall can be linked as a young lawyer with Henry Montagu, recorder of London and Oxfordshire justice, viscount Mandeville and later first earl of Manchester, raises very interesting implications. Montagu's son, Edward, and Lenthall were fellow parliament men in 1624. As lord Kimbolton, Edward Montagu was the one member of the House of Lords impeached with the five members of the Commons in 1642. In the summer of 1647, Montagu, then second earl of Manchester, and Lenthall were also the Speakers of the two Houses when Parliament fled to the army. The flight was

managed with both speed and secrecy, and the possibility that this was due to prior consultation between the two Speakers, as between old colleagues, deserves to be considered.¹

Other relationships might also prove illuminating. As noted above,² Lenthall's nephew, Edmund Warcupp, was secretary to the parliamentary commissioners sent out in 1648 to negotiate with the King on the Isle of Wight. It is clear from one of Lenthall's letters to his nephew that "Mun," as he was known to his family, was sending information to his uncle which was not included in the official reports of the commissioners to the Long Parliament.³ How frequently this happened does not appear, but it would obviously be useful to know if Lenthall had other unofficial sources of information which have not yet come to light. Why Lenthall requested Sir Anthony Ashley Cooper's admission to Lincoln's Inn is not known, but that contact existed between them so long before the Protectorate parliaments might well prove significant. Detailed investigation of the later years of Lenthall's career might yield precise information about Lenthall's relationship to viscount Say and Sele and his sons. They have been identified above⁴ as fellow

¹See also above, p.62, n.2.

²Above, p.78, n.2.

³Bodleian, MS. Rawl. lett. 47, fol.2, Lenthall to Edmund Warcupp, 27 September 1648.

⁴Above, pp.158, 184-86, 193 and 202.

parliament men and justices, and were also distant kin through the Temple family. Although further details are lacking, it would be surprising if closer contact than is here suggested did not exist. Say and Sele's sons were certainly known to Lenthall. John Crew was his kinsman, and Oliver St. John and Samuel Browne were fellow Lincoln's Inn men. These "middle group" members have been identified by Valerie Pearl as the "moderate leadership of the parliamentary Independent party" in the Commons which was linked with Say and Sele in the Lords.¹ That these men had close links with Lenthall is by no means proven, but it is not inherently impossible, and the impression of Lenthall which emerges from his early career would make the possibility worth exploring.

These examples, drawn from several stages of Lenthall's career, show that much about the figure of the Speaker remains obscure. He is unlikely to emerge from this obscurity, however, or even to be faintly discernible in the murk of Commonwealth and Protectorate politics, without some clues to the kind of figure which should be sought. The present study has attempted a preliminary delineation of this figure, but on some counts the figure may well continue to be unclear. The rarity of Lenthall's personal statements before

¹Pearl, "'Royal Independents'," Trans. RHS, 5th Series, XVIII (1968), 75. The group also included William Pierrepont and Sir John Evelyn, but no link between them and Lenthall has yet emerged.

1640, and the overwhelming mass of his correspondence after 1640 have, in one respect, the same disadvantage. The largest part of the later correspondence is official, revealing what the public man did rather than what the private man thought. Division lists in the House of Commons, sometimes used with excellent effect, are particularly unhelpful in regard to Lenthall, for as Speaker he seldom had a vote to record.¹ The neutrality and discretion imposed by this situation may prove difficult to separate from the personal response of a man whose earlier career suggests him to have been temperamentally disposed to discretion. For the later period of Lenthall's career, as for the earlier, clues will have to be sought in his actions and associations.

That such clues should be sought is clear. Hopefully, they may shed light not only on Lenthall's conception of his office, but also on the options open to many Englishmen who, like Lenthall, have attracted less than their share of attention. Like Lenthall, they too had to do the thing at hand and, in the process, had to come to terms with the frightening, even traumatic consequences of civil war. Their terms were not always heroic, but they are of not less interest to the historian because they were not.

¹Division lists, invariably interesting in Hexter's hands, are also used by Lotte Glow, "Political Affiliations in the House of Commons after Pym's Death," Bull. IHR, XXXVIII (1965), 48-70. When Lenthall did vote, on the only occasions allowed him, his vote was decisive; the Speaker had a casting vote in cases of a tied division.

William Lenthall, the second son of a gentle but hardly eminent father, has been tracked, as far as sources permit, through his dual career as a London lawyer and an Oxfordshire gentleman. Although few of his personal writings survive, some clues to his identity have been drawn from analysis of his career and his circles of associates. He has been followed through these to the Speakership of the House of Commons. There, for the present, he must be left, presiding over his assembled fellows as they sought to correct, in a parliamentary way, the grievances of the kingdom. Not all of them had claims to fame, and posterity allowed Lenthall but one, that he had neither eyes nor tongue but as the House of Commons commanded. The Commons, however, was the representative body of the society in which Lenthall's apprenticeship had been served. It would be gravely misleading if, in the future, the mouth of the Commons were separated from the person of William Lenthall, gentleman of Oxfordshire, barrister-at-law, and himself a far from unrepresentative member of the early Stuart gentry.

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