

## "THE OLDE REBELL WARWICK"

JOHN LOUIS BEATTY \*

ROBERT RICH is best known for his numerous activities in connection with the early settlements in the New World. He was, for example, one of the leading adventurers in the Virginia Company of London, as well as the organizer of the Bermudas Company and the Providence Island Company, and also had his hand in many other "adventures," ranging from legitimate trading to privateering and even piracy.<sup>1</sup> It is not with these enterprises, however, that this paper will be concerned. Less known but fully as interesting and as important were Rich's efforts in the historical event known as the Puritan Revolution. These efforts were critical to the successful outcome of the Revolution because, in 1642, Rich (since 1619 the Earl of Warwick) gained control of the royal navy by his prompt and resolute actions, thereby adding considerable prestige and influence to the side of Parliament. This act assured the support of most of the merchant class, for the navy controlled the ports and commerce of the country. The problem here is to analyze Warwick's adherence to the cause of Parliament, to discover, insofar as is possible, the reasons for his opposition to the king. Of necessity this sort of analysis involves an estimate of the depth of Warwick's political thinking, of his religious convictions, of his economic problems and of his general character. No one of these elements can conclusively be pointed to as the single cause for his actions, especially when the paucity of direct, incontrovertible evidence is considered. However, it is possible to draw from his actions and the actions of those about him some idea as to why he was a Parliamentary leader.

A major conclusion seems warranted, despite the nature of the proofs — that is, that Warwick was led into his opposition to the King more by royal attacks on his privileged status in society and on his great wealth than by any deeply rooted religious conviction.

\* Department of History.

<sup>1</sup> W. Frank Craven, "The Earl of Warwick, a Speculator in Piracy," *Hispanic-American Historical Review*, X (1930), 459-474.

In his personal conduct and habits the Earl conforms but little to the usual picture of the Puritan; the allusions made by his contemporaries to his religious outlook tend to support the idea that the religious character of the revolution played no significant part in Warwick's decision to cleave to Parliament (this conclusion seems to be buttressed by the weight of the negative evidence as well). Still, this position should not be too tightly maintained. The political, economic and social grievances which Warwick had can be fairly easily demonstrated; the religious aspects must be recognized as well.

Positive evidence of Warwick's faith and religious convictions is too scanty and too ambiguous to permit any really definite opinion. His contemporaries were by no means agreed as to the strength and purity of his beliefs;<sup>2</sup> Clarendon, for example, was of the opinion that only Lord Say and Sele and Lord Brooke were real Puritans, "the Earl of Warwick himself having never discovered any aversion to episcopacy, and much professed the contrary."<sup>3</sup> In fact Clar-

<sup>2</sup> Modern scholarship reflects the indecision of Warwick's contemporaries. A. P. Newton claims him for a Puritan (*Colonizing Activities of the English Puritans: the Last Phase of the Elizabethan Struggle with Spain* [New Haven, 1914], 36). Charles H. Firth is undecided: once he says, "Of the parliamentary peers, a few like Brooke, Say, and Warwick, were ardent Puritans and were moved by religious zeal quite as much as by political motives" (*Oliver Cromwell and the Rule of the Puritans in England* [New York, 1908], 70); but he also claims that Warwick "had very little of the Puritan about him" (*The House of Lords during the Civil War* [London, 1910], 58). Or, as he said of Lord Brooke, "He alone amongst the Lords was in full sympathy with the Independents" (*ibid.*, 130). S. R. Gardiner mentions that "Warwick was passing from the turbulence of earlier years into the steady and resolved Puritanism of maturer life" (*History of England from the Accession of James I to the Outbreak of the Civil War, 1603-1642* [New York, 1899], VIII, 170). Leopold von Ranke points to Warwick as "the man who had sustained Presbyterianism in England in the times of greatest oppression, and had chiefly promoted the religious emigration to America" (*A History of England, principally in the Seventeenth Century*, translated [Oxford, 1875], II, 361). Finally, Charles M. Andrews seems hesitant to commit himself: at one point he indicates the "significant fact" that Warwick presided at the Essex summer assizes of 1645 in which 19 were hanged as witches out of 32 indicted (*The Colonial Period of American History* [New Haven, 1934-1942], I, 384 note); but on the other hand he raises the question in connection with the founding of Connecticut (1654): "It is strange that neither Warwick nor Vane should have shown any interest in the New Haven colony, particularly when we know what Warwick did for Massachusetts and Vane for Rhode Island. Was there anything in Davenport's extreme [Puritan] orthodoxy and the political limitations of his colony that repelled them?" (*ibid.*, II, 155 note).

<sup>3</sup> Edward Earl of Clarendon, *The History of the Rebellion and Civil Wars in England*, new edition (Oxford, 1849), bk. III, par. 146, I, 328-329. Later he says,

endon managed to cast many slurs both upon Warwick and the godly Puritan fathers by saying the Earl was

looked upon as the greatest patron of the puritans, because of much the greatest estate of all who favoured them, and so was esteemed by them with great application and veneration; though he was of a life very licentious, and unconformable to their professed vigour, which they dispensed with, than to withdraw from a house where they received so eminent a protection, and such notable bounty.<sup>4</sup>

Another account of that time, however, pointed to Warwick as "a popular man, and a person disaffected to the Church."<sup>5</sup> Sir Thomas May, in his contemporary history of the Long Parliament, carefully enumerated Warwick's many virtues but of his religious zeal confined himself to the cautious comment that he was "of religious life"<sup>6</sup>; and the commission appointing him commander of all the troops in London and vicinity recounted his good deeds and worthy mien at some length but omitted completely even the stock phrases about his godliness and Christian virtue.<sup>7</sup> Twenty years earlier an obscure agent of the Duke of Buckingham had submitted to the latter a lengthy series of derogatory reports about the Earl, but within these carping remarks there is no mention either of religion or of Puritanism. It seems likely that a person who looked for grounds on which to criticize Warwick would hardly have neglected such a fertile field if there had been any possible basis of fact to which to anchor his arguments.<sup>8</sup> And lastly, Warwick's granddaughter pointed out that he was an inveterate listener to Puritan sermons, even having them repeated in his

"By opening his doors, and making his house the rendezvous of all the silenced ministers in the time when there was authority to silence them, and spending a good part of his estate, of which he was very prodigal, upon them, and by being present with them at their devotions, and *making himself merry with them, and at them*, which they dispensed with, he became the head of that party, and got the style of a godly man" (*ibid.*, bk. VI, par. 404, II, 597-598). Italics mine.

<sup>4</sup> *Ibid.*, bk. III, par. 27, I, 256.

<sup>5</sup> Sir Philip Warwick, *Memoires of the Reigne of King Charles I* (London, 1701), 131.

<sup>6</sup> Sir Thomas May, *History of the Parliament of England which began November the Third MDCXL* (London, 1647), lib. 2, cap. 5, p. 94.

<sup>7</sup> *Journal of the House of Lords*, V, 416, October 22, 1642.

<sup>8</sup> John Bruce, editor, *Calendar of State Papers, Domestic Series* (London, 1860), series 2, II, 143, 150, 151, 187, 283, 299, 311, 319-320, letters of Sir James Bagge to Buckingham and Nicholas, April 20, 26, May 13, August 3, 16, 24, 28, 1627.

own house after church; "yet," continued the Countess, with surprise, "in his morals Lord Warwick is said to have been licentious."<sup>9</sup>

It might seem that the only solution to the problem of his religious convictions is to be found in a close examination of the record, by looking at the actions and the widely scattered writings of the Earl. But here too, the evidence leads only to the *cul-de-sac* of indecision. His parliamentary career seems to indicate that his religious views were accepted by everyone from the Archbishop of Canterbury to the righteous Lord Brooke. Throughout his career he was appointed to numerous committees concerned with religious affairs — from 1624 when, with the Archbishop and six others, he drafted a bill establishing a lecture series on divinity,<sup>10</sup> to November, 1641, when he was on the Lords' Committee to draw up a bill against popish recusants.<sup>11</sup> Warwick's religious views, however, were not always at one with those of his colleagues. He once ran afoul of the Archbishop of York when, in the House of Lords, he made a motion in reply to which the Archbishop told him to "hold your tongue." The matter involved a "toleration of popery" and the godly bishop "was stiff for it." He was so stiff for it that he was thrown out of the House to allow his mind to regain a little flexibility.<sup>12</sup>

In the few scattered letters of Warwick, and especially those written to be read in Parliament, the Earl frequently included a pious phrase or two. His usual closing was "praying God to direct all your counsels. . . ." <sup>13</sup> In his instructions to the fleet when he was Lord High Admiral of England he laid down the law: "First and above all things you must provide that God bee duly served publicly twice every day in the ship under your command." <sup>14</sup> He permitted workingmen of the Navy shipyards to quit their work on Wednesday mornings to hear a sermon,

<sup>9</sup> *Autobiography of Mary Countess of Warwick*, edited with introduction and notes by T. Croften Croker, *Percy Society Publications*, XXII (London, 1848), 46.

<sup>10</sup> *Lords' Journals*, III, 342.

<sup>11</sup> *Lords' Journals*, IV, 451. See also, *ibid.*, III, 701, 744, 769; and IV, 58, 85, 174, 258, 316.

<sup>12</sup> *Manuscripts of Lord Montagu of Beaulieu*, *Royal Historical Manuscripts Commission* (London, 1900), 135, Newsletter from London, December 16 (?), 1641.

<sup>13</sup> See *Lord's Journals*, V, *passim*.

<sup>14</sup> *Manuscripts of the Duke of Leeds . . .*, *Royal Hist. MSS. Comm.*, Eleventh Report, Appendix, Part VII, The Inner Temple Manuscript, 252.



saying, ". . . the time lost in their work will, I doubt not, be abundantly recompensed by a greater blessing from God upon their labours. . . ." A realistic overtone was added to this instruction, however, in the caution that officers were to make certain the men went only to church and not off on any other business.<sup>15</sup> Finally, his letter to the House of Commons resigning the office of Lord Admiral read in part:

I have endeavoured to perform my duty with fidelity and diligence; being acted therein by no other design, but a desire to advance God's Glory, and my country's service: and my endeavours, though accompanied with those common infirmities that are incident to men, have, through the blessing and goodness of God, not been without some visible advantage to the publick.

He went on to offer his life and fortune "in maintenance of that great cause of religion and liberty" and he resolved to adhere to the House of Commons "in the upholding of God's Truth and the publick liberty. . . ." <sup>16</sup> Warwick's religious views may not have been completely acceptable in Commons, however, for two years later, a petition from the inhabitants of Jersey for the reappointment of the Earl as governor of the island went unread there (after being passed by the House of Lords) because of the influence of the more radical Puritans.<sup>17</sup>

There are certain evidences of a measure of latitudinarianism in the Earl. Or at least, there are positive indications that he was quite tolerant of other faiths. On November 4, 1645, as Governor-general of the Plantations he issued a declaration establishing freedom of worship in the Bermudas.<sup>18</sup> While this action could easily mean merely an opening of the way for changes in the service of the Established Church there, it could also just as easily indicate some indifference to particular forms and creeds, or even to religion itself. If the Earl wished to "purify the Bermudas church," why did he not simply decree certain alterations? He had the power, and if he had been deeply concerned over such matters, probably

<sup>15</sup> *CSP-Domestic*, ser. 2, XX, 177-178, December 6, 1644.

<sup>16</sup> *Journals of the House of Commons*, IV, 107-108, April 12, 1645.

<sup>17</sup> *Calendar of the House of Lords, Royal Hist. MSS. Comm.*, Sixth Report (London, 1877), 169, April 8, 1647.

<sup>18</sup> Lefroy, *Memorials of Bermudas*, I, 600, cited in *Dictionary of National Biography*, XLVIII, 131.

he would have had the inclination. Earlier, before the opening of the Long Parliament, Warwick, at the behest of Archbishop Laud, had strictly enjoined the settlers at Somers Island to follow the prescribed services of the Church of England.<sup>19</sup> On another occasion, in 1643, Roger Williams appeared in England to get a charter for Rhode Island. A patent of government was granted (March 14, 1644) by the committee on foreign plantations of which Warwick was chairman and Lord Say and Sele, Pym, Haselrig, Vane and Cromwell were among the members.<sup>20</sup> The patent permitted the Rhode Island colony to put into practice the Williams belief in freedom of worship and liberty of conscience. And again, it was the protection of the Earl of Warwick which had saved Samuel Gorton from persecution by the Massachusetts Bay Colony, and it must be remembered that Gorton's teachings had been unorthodox enough to move Roger Williams to banish him from Providence.<sup>21</sup> Appropriately enough, Gorton named his settlement after Warwick.

One of the early settlers of Rhode Island, William Coddington, was of the opinion that liberty of conscience was of fundamental importance to the Earl, for he included in a letter to John Winthrop the statement, ". . . I heare it sinkes most with the Earle wher [whether] they had libertie of Consyence."<sup>22</sup> Whether or not Warwick's belief in freedom of opinion would have extended itself far enough to have included a toleration either of Roman Catholicism or of atheism, it is impossible to say. Given the climate of opinion, it is unlikely. But within these limits and with his tolerant attitude, it may well be wondered if the religious issue was at all basic to his adherence to the cause of Parliament.

His letters to the House of Commons were shot through with pious and humble mouthings, well calculated to please his audience. Somehow one suspects the Earl of Warwick, like the good sailor he was, of trimming his sails to the brisk winds of the 1640's. It is a singular fact that all these pious mumblings occurred after the

<sup>19</sup> *CSP-Colonial*, I, 303, September 4, 1639.

<sup>20</sup> Andrews, *Colonial Period*, II, 24-25. It was at this time that Williams wrote the influential "Bloudy Tenent" which dealt with matters of liberty of conscience, separation of church and state, and the right of the people to elect their own governors.

<sup>21</sup> Edward Channing, *A History of the United States* (New York, 1926), I, 390-393. Andrews, *Colonial Period*, II, 11-17, disputes this point of Gorton *versus* the Massachusetts Bay Colony but still leaves enough room for doubt.

<sup>22</sup> *Winthrop Papers* (Massachusetts Historical Society, 1947), V, 118. See also, *ibid.*, 84 and 198.

opening of the Civil War and the accession to power of the House of Commons; apparently, the greater the trend toward puritanism within that body, the more ardent the religious phraseology of the Earl of Warwick. Of course, it could be that Warwick changed, that he "got religion," that, as Gardiner maintains, he passed "from the turbulence of earlier years into the steady and resolved Puritanism of maturer life . . .,"<sup>23</sup> that he was, therefore, sincere in his expressions of piety. This would be a remarkable coincidence; at practically the same moment in which the Puritans arrived in a position to forward the interests of their supporters, Warwick was awakened to the sweet reasonableness of their religious doctrines. In any event he seemed unable to transmit his "new-found faith" to his own family — his brother, the Earl of Holland, was executed in 1649 for plotting against the Parliament; and his son, Lord Rich, was and had been throughout the Civil War an ardent Royalist.

It would be, then, unwise to assign to religion the major motive for the revolutionary activity of the Earl of Warwick. The most that the evidence attests to was a certain reluctance to agree to changes in the practices of the Established Church, either by Puritan radicals or Archbishop Laud. Indifferent as he was to ethical and moral questions,<sup>24</sup> he wanted, in the realm of the spirit, a return to the pre-Laudian settlement. Variations within the Protestant framework were then a matter of the individual conscience. And it may be added here that this conservative desire was totally conformable to his actions and attitudes *vis à vis* the political and constitutional aspects of the Revolution.

\* \* \*

On March 24, 1619, Robert Rich inherited his father's titles and estates to become the second Earl of Warwick and one of the wealthiest landholders in England. The family seat was located in Essex, a county which, "notorious for the scandalous conduct of the established clergy there, was seething in superstition, and . . . was the leading center of the witch-hunting mania."<sup>25</sup> His father was reputed to have been "the most powerful landlord in Essex, possessing seventy-five manors, a majority of the advowsons, and

<sup>23</sup> Gardiner, *History of England*, VIII, 170.

<sup>24</sup> Firth, *House of Lords*, 59.

<sup>25</sup> Andrews, *Colonial Period*, II, 90 note. For the basic facts in the life of Warwick, see *DNB*, XLVIII, under the family name.

three hundreds with all their rights and liberties.”<sup>25</sup> It is interesting to note that the Rich family was one of the first to benefit from the chronic financial embarrassment of the Stuarts by buying the earldom for ten thousand pounds sterling.<sup>26</sup>

Despite this purchased advance in rank Warwick was counted among the old nobility who were later to become incensed by the wholesale dilution of the nobility and the sale of patents. This practice of the Stuarts was one of the causes of the split which occurred between the Court nobles and bishops on the one hand and the “country lords” on the other. Arthur Wilson, a contemporary historian, described these “country lords” as “gallant spirits that aimed at the public liberty more than their own interest . . . and who . . . supported the old English honour and would not let it fall to the ground.”<sup>27</sup> It can hardly be claimed that the lines between the new and the old nobilities were rigidly drawn by their attitudes toward this practice. Some of the “country lords” were parliamentary leaders throughout the Revolution; some were confirmed Royalists. Despite his father’s position as a revolutionary, the eldest son of the Earl of Warwick was a Royalist who, in 1642, joined Charles at York and who, for this, was sentenced by Parliament to the Tower “during the pleasure of this House” and was barred from his seat in the House of Lords.<sup>28</sup> It can be said, however, that much friction was caused by the creation of relatively large numbers of lords and knights by the first Stuart kings and that from this invasion of what were looked upon as the ancient rights grew the emphasis on the preservation of the old order of liberties.

The dilution of the nobility did not, however, automatically place the Earl of Warwick in opposition to the court. In fact, early in his career, he had considerable influence there and was able to utilize it in his own behalf when the occasion arose. In 1623 the fight over control of the Virginia Company was settled in his favor by the King.<sup>29</sup> Other events point to his influence and

<sup>25</sup> *Calendar of the Manuscripts of the Marquis of Bath*, preserved at Longleat, Wiltshire, *Royal Hist. MSS. Comm.* (London, 1907), II, 68.

<sup>27</sup> Arthur Wilson, *The History of Great Britain*, 161, quoted in Firth, *House of Lords*, 37-38. See also, Sir Philip Warwick, *Memoires of the Reigne of King Charles I* (London, 1701), 5.

<sup>28</sup> *Lords’ Journals*, V, 223, July 20, 1642.

<sup>29</sup> From this it has been reasoned that Warwick was purely and simply a tool of the Court used to extend the province of the royal prerogative, but it has also



prestige at Court. In 1620 he gave five hundred pounds to aid the King's son-in-law, Frederick, in his fight to retain the Palatinate, with the remark that he "would gladly sacrifice his life in the cause; but his estate was so encumbered with debt that he could not give more" at that time.<sup>30</sup> In 1624 he was appointed by the King to escort the Marquis d'Effiat, a French emissary, from Gravesend and to entertain him at his estate.<sup>31</sup> Also that year it was reported that the Duke of Buckingham was willing to part with the Wardenship of the Cinque Ports to the Earl of Warwick.<sup>32</sup> And the following spring he and the Duke were joint adventurers in an enterprise to find the Northwest passage to the Orient.<sup>33</sup> His activities at this time as Lord Lieutenant of the County of Essex led to some complaint by the residents there: a war with Spain seemed to be in the offing and the Earl made great efforts to improve the defenses of Essex against invasion; the expenses of such activities were borne solely by the county, which complained bitterly.<sup>34</sup> It was this situation and Warwick's proposal that the shires adjacent to Essex (the threatened coast) share the cost of defense that looked "like the germ of the extension of ship-money to the inland counties.." <sup>35</sup> These various doings and honors tend to establish the fact that Warwick was in the good graces of the Court and was at least co-operative with the most powerful lord there, the Duke of Buckingham. But this does not argue that he was incapable of his own point of view.

The vague beginnings of Warwick's resistance to the Crown may be found in his flat refusal to lend money to the King. In 1626 the latter began the series of forced loans by means of which he hoped to secure at least partial independence from Parliament,

been pointed out, by A. P. Newton, that he could not possibly have been subservient to the Court because "there were no more ardent opponents of an absolutist regime and no stronger or more definite Puritans, than were the Earl of Warwick and Sir Nathaniel Rich, the so-called 'subservient tools' of the Court" (*Colonizing Activities*, 25). But this analysis of Newton proceeds more from his knowledge of the later career of the Earl than from an appreciation of the actual situation of the 1620's. In fact, both interpretations are in error.

<sup>30</sup> *CSP-Domestic*, ser. 1, X, 195, Earl of Warwick to the Council, November 30, 1620.

<sup>31</sup> *Ibid.*, ser. 1, XI, 292, 327.

<sup>32</sup> *Ibid.*, ser. 1, XI, 385, Lord Zouch to Nicholas, November 21, 1624.

<sup>33</sup> *Ibid.*, ser. 2, I, 14, April 30, 1625.

<sup>34</sup> *Ibid.*, ser. 2, I, 113, Sir John Hippialey to the Duke of Buckingham, September 29, 1625.

<sup>35</sup> Gardiner, *History of England*, VI. 8.

but twenty or so lords refused to participate.<sup>36</sup> And from that time some friction seems to have existed between Warwick and the Duke, although there were no overt acts by either to confirm this, except that Buckingham was willing to listen to many criticisms of the Earl. In the spring of 1627 Warwick was granted letters of marque for ten ships of various sizes to operate against the Spanish<sup>37</sup> and was also made a deputy to the Lord Admiral, the Duke of Buckingham. His activities with the fleet led him to Plymouth, from which port Sir James Bagg, an obscure agent of the Duke, proceeded to submit to Buckingham a long series of derogatory reports. "There are reporters of the Earl's little affection to the King's service, and greater attachment to the Duke's enemies," one such report read, and went on to show that Warwick's friends in Cornwall were those who refused to lend money to the King. The correspondent hoped "the King will make them examples for times to come."<sup>38</sup> Bagg's criticisms and slurs produced no direct result, however. Warwick was retained as a sea commander and, in fact, his commission, which seems to have been unusual in that it contained special exemptions which derogated from the power and prerogative of the Lord Admiral, was allowed to stand unchanged.<sup>39</sup> Of course, this may only be a tribute to Warwick's efficiency as a sea commander: that he was very able is indisputable.<sup>40</sup> But more than just that, it might reasonably be inferred that he was still not completely at odds with the Court, that he

<sup>36</sup> *CSP-Domestic*, ser. 2, I, 485, December 1, 1626. Presumably a later forced loan (January 1628) asked £600 of the Earl of Warwick (*CSP-Domestic*, ser. 2, XXIII, 727).

<sup>37</sup> *CSP-Domestic*, ser. 2, III, 296-297. The wealth of the Earl of Warwick may be judged somewhat from the fact that the burden of these vessels was as follows: four less than 100 tons, one 140, one 200, one 330, one 350, and one 500 tons. The ubiquitous Venetian ambassador estimated Warwick's annual income from Essex alone at £6000 (*Calendar of State Papers and Manuscripts relating to English Affairs existing in the Archives and Collections of Venice* [London, 1910-1931], 1632-1636, 337).

<sup>38</sup> *CSP-Domestic*, ser. 2, II, 143, Sir James Bagg to Buckingham, April 20, 1627. Warwick and Sir John Eliot are discussed in letters from Bagg, April 26, 1627, *ibid.*, ser. 2, II, 150-151.

<sup>39</sup> *Ibid.*, ser. 2, II, 407, Nicholas to Sir Henry Marten, October 25, 1627. It must be added that Nicholas remarked, "Lord Warwick's commission would never have passed, had it not been in the puzzle of the great preparations [for war] then in hand."

<sup>40</sup> See for example, *CSP-Domestic*, ser. 2, II, 248, 249, and especially 272. See also, J. R. Tanner, *English Constitutional Conflicts of the Seventeenth Century, 1603-1689* (Cambridge, 1937), 130.

retained much "respectability" and that his personal views had not crystallized to the point where the Court was willing to deny or deprive him of his honors for those views, as it had Chief Justice Crewe. Certainly there was little or nothing in his early parliamentary career which would indicate his future as one of the leaders of the Puritan Revolution.

In general terms the power and influence of the Earl of Warwick may be indicated by his consistent appointment to the Grand Committee on the Customs, Orders, and Privileges of the Lords of Parliament; and he was chairman of the sub-committee of the same name, which did all the actual work for the larger body.<sup>41</sup> The importance of this sub-committee may in some measure be judged by the controversy between the House of Lords and the King over the imprisonment of the Earl of Arundell while Parliament was in session. This Earl had been committed to the Tower "for a misdemeanor which was personal unto His Majesty, and lay in the proper knowledge of His Majesty, and had no relation to matters of Parliament."<sup>42</sup> The Lords took exception to this opinion of Charles and called for the Sub-committee on Privileges to investigate. It reported (April 18, 1626), that the imprisonment of Arundell was a violation of the rights of Parliament; and after some bickering back and forth, during which the House of Lords refused to deal with any affairs whatsoever until the Earl was released, the King was forced to acquiesce.<sup>43</sup> Inasmuch as the privileges of Parliament were one of the continual preoccupations of the House of Lords, a post on the committee which investigated invasions or breaches of privilege was unquestionably a post of prestige and high honor.

Another committee to which the Earl of Warwick was habitually appointed was the Lords' Committee for Petitions. This group, on March 24, 1626, was granted the power "to reject any petition exhibited unto them, without report thereof first to the House."<sup>44</sup> This was a considerable acquisition of power for this group, for it enabled a relatively small committee to review private grievances and complaints before they were brought to the House, and thus, in a measure, to select those which the Lords should pass upon. Needless to say, power of this order, used unscrupulously, could

<sup>41</sup> *Lords' Journals*, III.

<sup>42</sup> *Ibid.*, III, 526.

<sup>43</sup> *Ibid.*, III, 562, 651, 653.

<sup>44</sup> *Ibid.*, III, 540.

be of great importance, either for private gain or political advantage. It should be added here that the relationship of committees to the main assembly does not seem to have been different in the seventeenth century from what it is in the twentieth — committee reports were accepted virtually without question and their recommendations followed.

From Warwick's holding these positions, and others, such as membership on committees for the safety and defense of the realm<sup>45</sup> and various committees on religious affairs,<sup>46</sup> the conclusion may be drawn that the Earl of Warwick occupied a relatively high place in the political life of the House of Lords. That he had some influence and support in the House and in the Court is unquestionable, but to say that he was at this time either a "court tool" or a dyed-in-the-wool opponent of the court policies is to stretch the facts beyond all recognition. He, together with virtually the rest of the Lords, supported the Petition of Right in 1628. And here may be found the best statement of the position that he and many of the lords were to take in the coming struggle for power.<sup>47</sup> This document, although demanding the redress of four specific grievances of the times, embodied no new constitutional principles. It was, in fact, reminiscent of the Great Charter in its constant emphasis on the maintenance of the old order of things. The King was to agree to rule according to the "laws established in this realm, either by the customs of the same realm or by Acts of Parliament. . . ." The Petition of Right adumbrated the constitutional position of Warwick and of many, if not most, of the lords. They were aware of the encroachments of the King upon the rights of Parliament and likewise of the equally great encroachments of the House of Commons upon the prerogatives and powers of the King and the Lords. They sought to restrain both and to restore the ancient balance of things.

The events of the eleven long years of Charles' self-rule only served to increase Warwick's convictions in regard to any further increases in the scope of the king's prerogative. During this period the Earl mostly occupied himself with his Lord Lieutenancy of Essex and with his many colonial activities; but in 1634 the attempt

<sup>45</sup> See *ibid.*, III, 517, March 6, 1626.

<sup>46</sup> See *ibid.*, III, 342, May 5, 1624, and III, 701, March 28, 1628.

<sup>47</sup> See the Petition of Right in S. R. Gardiner, *Constitutional Documents of the Puritan Revolution, 1625-1660*, second ed. (Oxford, 1899), 66-70.



of Charles I to extend the forest in Essex (Waltham Forest) met with strenuous opposition from Warwick, who, in the meeting of the court to determine the validity of the claims of the crown, asked for time to prepare an answer. This plea was denied, and ultimately the verdict was rendered in the King's favor, but the president of the officiating court, the Earl of Holland, brother of the Earl of Warwick, "influenced perhaps by his brother's presence," refused to accept the verdict and adjourned the court.<sup>48</sup> Again in 1635 "the county of Essex had in particular a most heavy and fatal blow" when the entire shire, excepting only the hundred of Tendring, was adjudged to lie within the Forest of Essex.<sup>49</sup> This extension of the forest law was, of course, a financial expedient hit upon by the King to ease his troubled mind. The usual procedure was to find an area in which the royal forest had been encroached upon and then to fine the "squatters" accordingly.<sup>50</sup> The reaction of the Earl of Warwick to these two forest actions against him may be imagined. As he was the largest landholder in the county, these must have been heavy blows at his purse — blows which would have done nothing to endear Charles and Carolinian ideas on government to him.<sup>51</sup>

And in 1637 insult was added to injury when Charles demanded that Warwick speed up collection of ship-money in Essex. He blamed him as a supporter of the insubordination of those who were slow or refused to pay. The Earl replied to this accusation in terms which could have left no doubt as to his opinion of the whole royal program of exactions and arbitrary assessments:

His tenants, he said, were old men, and had been accustomed to the mild government of Queen Elizabeth and King James. They could not bring themselves to consent, at the ends of

---

<sup>48</sup> Gardiner, *History of England*, VII, 365. See also *CSP-Domestic*, ser. 2, VII, 227-228, and *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. by Wallace Notestein (New Haven, 1923), 150.

<sup>49</sup> James O. Halliwell, ed., *The Autobiography and Correspondence of Sir Simonds D'Ewes, Bart., during the Reigns of James I and Charles I* (London, 1845), II, 136-137.

<sup>50</sup> The Earl of Salisbury, for example, paid £20,000 after it was found that some of his holdings lay within the royal demesne (Godfrey Davies, *The Early Stuarts, 1603-1660* [Oxford, 1937], 81).

<sup>51</sup> Since the Earl of Warwick realized some £6000 per annum from Essex and the usual fine ran 20 percent from the time of the death of Richard II, some idea can be had of the size of these assaults (*CSP-Venetian*, 1632-1636, 337).

their lives, to so notable a prejudice to the liberties of the kingdom; nor were they willing voluntarily to deprive their posterity of those benefits which they had themselves inherited from their ancestors as a sacred deposit. . . .<sup>52</sup>

The King's response to this is unknown, but perhaps Charles' policies contributed to the decision that early the following year Warwick and some others would go to Providence Island in the Caribbean Sea to take up residence.<sup>53</sup>

Before 1640 the Puritans and other dissenters could only fight or flee the country since there was no Parliament in which to resist the King and the Archbishop of Canterbury, Laud. This fact may have determined the scheme for a Puritan settlement of Providence Island. The leading adventurers in this project were Viscount Say and Sele, "whose bailiwick of Banbury was said to be the most Puritan town in England," Lord Brooke, "confirmed in Puritanism by his education in Calvinist Holland," and Robert Rich, the Earl of Warwick, "who used a private fleet he inherited from his father in profitable anti-Spanish piracy of a more or less high-minded Puritan kind."<sup>54</sup> Also influential in this enterprise were Sir Thomas Barrington,<sup>55</sup> Oliver St. John, who defended John Hampden in the Ship-Money Case, and John Pym, leader of the House of Commons in the opening years of the Civil War. All in all "of the twenty-six [adventurers] almost two-thirds sat in the upper or lower house of the Long Parliament, and there was not a single Royalist in the lot."<sup>56</sup> Pym, Barrington, and Warwick were long-standing business associates, so that this combination cannot be called new and different.<sup>57</sup> Hexter conveys the impression that all these men were Puritan in religious outlook, but the facts seem to indicate that some motive other than religious conviction was instrumental in bringing about Warwick's adherence to these plans to move to the New World.

In 1628 Warwick tried to get the Puritans of the Massachusetts Bay Company to settle in the West Indies. His argument was that

<sup>52</sup> Gardiner, *History of England*, VIII, 203.

<sup>53</sup> *CSP-Colonial*, I, 263, February 15, 1638.

<sup>54</sup> J. H. Hexter, *The Reign of King Pym* (Cambridge, Mass., 1941), 77-78.

<sup>55</sup> "In the godly county of Essex there was only one Puritan more influential than Sir Thomas Barrington, and that was Barrington's old friend, business associate, and political ally, the Earl of Warwick" (*ibid.*, 44).

<sup>56</sup> *Ibid.*, 78.

<sup>57</sup> *CSP-Colonial*, I.

the 1620 Pilgrims were having such a hard time founding their colony, that the Puritans' chances for prosperity were better in the Islands. He was also interested in changing their goal in order that he might retrieve his previous financial losses there.<sup>58</sup> The later evidence shows that the Providence Island Company was an expensive undertaking — on January 31, 1638, he agreed to underwrite two thousand pounds sterling per year for five years;<sup>59</sup> on March 20, 1638, “ in confidence of some members of the Company going over, 6,000 £, new adventure is underwritten; Earl of Warwick, Lords Mandeville and Say, and John Pym, 1,000 £ each, and Lord Brooke 2,000 £.”<sup>60</sup> That the Earl was suffering some financial difficulties is apparent; on July 5, 1639, he promised to discharge all his debts to the Providence Company the next term.<sup>61</sup> He seemed to have been unable to muster the necessary cash right then. It was probably the costliness of this venture that made so attractive an offer from the West India Company of Holland to buy the island, but the negotiations carried on by Warwick in this matter bogged down.<sup>62</sup> The Earl, perhaps, was also taken by the prospect of a little high-minded piracy to restore his financial solvency. “ Providence Island . . . was admirably situated for a base of operations against Spanish trade, and such became its chief function as an English colony.”<sup>63</sup> Coming at a time when he was having these troubles, the invasions of his hereditary rights and the blows at his income by the King's financial policies must have seemed to Warwick even more grievous than they actually were. Pressed on all sides for money, he would naturally have much resented and strenuously opposed further moves by the Crown toward independence — particularly if purchased at his own expense. It is little wonder that with the climax of the eleven years of Charles' self-rule and with the calling of the Parliament of 1640 Warwick took a leading role in the moves to bring the King to some accounting for his actions.

At the opening of the Short Parliament of 1640 the Speaker of the House of Commons established the general position many of the members were to take both in that and the succeeding Parliament. Before the King and the House of Lords he remarked,

<sup>58</sup> Newton, *Colonizing Activities*, 47-48.

<sup>59</sup> *CSP-Colonial*, I, 262.

<sup>60</sup> *Ibid.*, I, 266.

<sup>61</sup> *Ibid.*, I, 299.

<sup>62</sup> *Ibid.*, I, 304-305, December 9, 1639.

<sup>63</sup> Craven, “ The Earl of Warwick,” 469.

"... the prerogative of a King is as necessary as it is great; without it, he should want that power and majesty which is and ought to be inseparable from the crown and sceptre; nor can there any danger result, from such prerogatives in the king, to the liberty of the subject, so long as both of them admit the temperment of law and justice."<sup>64</sup> This was a most interesting statement, for the "temperment of law and justice" was a phrase for the rule of law — that the King must rule according to the customs of the realm, that, implicitly, encroachments upon the ancient liberties were in violation of the law of the land. But as much as it was incumbent upon the King to respect the liberties of the subject, so it was obligatory upon the subject not to seek to deprive the Crown of its powers, privileges, and prerogatives. The feeling was that a delicate balance existed between the Crown and the King-in-Parliament, an equilibrium which could be upset by the enlargement of any of the make-weights. The law was supreme. The apex of the triangular relationship between law, Crown, and King-in-Parliament was occupied by the law, while the Crown and the King-in-Parliament were the bases upon which the structure rested. In the minds of many in the seventeenth century, Charles I was attempting to place the Crown at the apex, and make the law its instrument, rather than the Crown the instrument of the law. The first moves in the open constitutional struggles were made in the Parliaments of 1640.

Whether the Earl of Warwick was really aware of the basic constitutional problems involved in his position is not of particular importance. In fact, it has been said of him that "he was no expert in constitutional law. . . . Privateering ventures and colonial enterprises occupied his mind far more than political or religious questions."<sup>65</sup> But the important fact is that he at least recognized that something was radically wrong with the King's way of conducting business. Resentment over the dilution of the old nobility, over the dominance of favorites in the councils of the King, over the extension of the forest law, over the forced loans, over the ship-money exactions, and the Laudian religious innovations, produced in the Earl a desire to see the return of the older and happier relations between king and subject. And to this end he brought

<sup>64</sup> *Lords' Journals*, IV, 51, April 15, 1640.

<sup>65</sup> Firth, *House of Lords*, 58-59.



his power and popularity into the contest on the side of the restoration of the "good old days." His commitments and his actions in Parliament during the early years of the 1640's easily establish this fact.

His power and prestige in Essex were supreme. In the elections of 1640, as Lord Lieutenant of the county, he used the captains of the train bands under his command to make the voters elect the right people.<sup>66</sup> After some drunken soldiers had wrecked a church by pulling up and burning the rails around the altar, Warwick wrote Secretary Vane, "I am told by one of the officers . . . that if the two delinquents . . . had been sent for by any other in the county but myself the whole company would have been before them." The opinion of one of these rioters that Warwick was "King of Essex" is some measure of the hold the Earl had over his county.<sup>67</sup> And after the Earl of Warwick, Lord Say, Lord Brooke, Sir Walter Earl, John Pym and John Hampden were seized, searched and relieved of their private papers by some officers of the King,<sup>68</sup> it was reported that one man had cried upon hearing of this, "We are undone. The best men of the kingdom, the Lords Say, Brooke, and Warwick, are imprisoned by the King. . . ." <sup>69</sup> Small wonder, with opinions such as these floating around the countryside, that Viscount Conway wrote to Archbishop Laud, "The Earl of Warwick is the temporal head of the Puritans . . . not because he means to do either good or hurt, but because he thinks it is a gallantry to be the principal pillar on which a whole cabal must rely." <sup>70</sup>

Little of importance occurred during the session of the Short Parliament, but by the end of that year Charles was forced by his continued troubles with the Scottish to call for the meeting of a new Parliament. This, the Long Parliament, held its first meeting on November 3, 1640, and by the end of the month Warwick was immersed in parliamentary affairs. He was appointed to the Grand Committee on Petitions, the sub-committee on petitions, the committee on orders and privileges of Parliament, a committee to consult with the House of Commons about a fast day,<sup>71</sup>

<sup>66</sup> *CSP-Domestic*, ser. 2, XV, 608-609, March 3, 1640.

<sup>67</sup> *Ibid.*, ser. 2, XVI, 517-518, July 27, 1640.

<sup>68</sup> *CSP-Colonial*, I, 312, May 12, 1640; *CSP-Domestic*, ser. 2, XVI, 152-153.

<sup>69</sup> *Ibid.*, ser. 2, XVI, 377.

<sup>70</sup> *Ibid.*, ser. 2, XVI, 278, June 8, 1640.

<sup>71</sup> *Lords' Journals*, IV, 83-85, November 9, 1640.

a committee "to examine all abuses in matters of imprisonment and . . . to examine all other abuses in courts of justice,"<sup>72</sup> and another committee to meet with the House of Commons.<sup>73</sup> These meetings were, of course, in addition to the daily sessions of the House of Lords and probably innumerable private conferences with his old friends, Barrington, Pym, Hampden, and others, to discuss the happenings of that day and to plan for the next. It must have been the opinion of the Court party that Warwick was extremely influential in the camp of the opposition to Charles for, on November 10, 1640, the Earl and Lord Brooke were again searched and their private papers taken from them,<sup>74</sup> most likely in the hope of finding something damning. This action was deemed a breach of the privileges of the House of Lords, but little redress was forthcoming. Clarendon said of Warwick that he was one of the three who by their "power, credit and authority . . . had absolutely governed and swayed that house [the Lords] from the beginning."<sup>75</sup>

In the spring of the following year, Parliament moved to restrict the royal prerogative — or, as many of the members thought, to restore the old balance between prerogative and law. The Earls of Warwick, Essex, Southampton, and Bristol, and eighteen other lords were appointed to a committee "to examine the institution and power of the Court of Star Chamber."<sup>76</sup> A month later the House of Lords, as the highest court of the realm, reversed the decision of the Court of the Exchequer against John Hampden and ordered "likewise a *vacat* to be made upon all the enrollments of the judges extrajudicial opinions in other courts, concerning Ship-money. . . ." Nineteen lords, among them the Earl of Warwick, were appointed by the House to see this done.<sup>77</sup>

To digress briefly, it is highly revealing of the position of the House of Lords, and of Warwick as a member, that while on the one hand they made great onslaughts on prerogative rule, they also refrained from attempting to usurp the power of the Crown or to change long established practice. The Lords, for example, appointed a large committee to consider whether a bill should be drawn

<sup>72</sup> *Ibid.*, IV, 98, November 26, 1640.

<sup>73</sup> *Ibid.*, IV, 99, November 27, 1640.

<sup>74</sup> *Ibid.*, IV, 86-87.

<sup>75</sup> Clarendon, *History of the Rebellion*, bk. IX, par. 4, IV, 5. The Earl of Essex and the Earl of Manchester were the other two.

<sup>76</sup> *Lords' Journals*, IV, 124, January 4, 1641.

<sup>77</sup> *Ibid.*, IV, 156, February 9, 1641.

making it a felony to buy a judgeship or ecclesiastical preferment and high treason to receive a pension from a foreign prince or state.<sup>78</sup> The committee reported it could see no reason for adding to the number of felonies or treasons, so it was recommended to let the present laws stand.<sup>79</sup> Had the Lords wished to invade whole-heartedly the appointive power of the Crown, such a bill would have been a powerful opening gambit in the battle.

The specific grievances of the Lords were ably summarized in their Petition to the King, in which they complained about the Scottish war and its expense, innovations in the established religion, increases in popery, giving office to persons not sympathetic to the established religion, urging of ship-money, heavy taxes on goods injuring trade, granting of many monopolies, and long intervals between Parliaments.<sup>80</sup> In that this petition was drawn up and submitted by the leaders of the opposition to the King, the reception given it by the House of Lords as a whole was demonstrative of the temper of that group. The same day it was resolved "*nemine contradicente* that for the honor of the Lords Petitioners, this petition be recorded in this House, with their names thereunto; and that this House doth give them thanks for it, as being just, legal, and good, both for the King and Kingdom." It was further resolved, again without a dissenting vote, "that this House doth approve of the substance and contents of this petition, and do make it as an Act of this House."<sup>81</sup> That no opposition was registered on the Petition can mean only that the lords present were unanimous in opposing certain policies of the King — they felt taxes were to be levied with the approval of Parliament, that any change in religion was undesirable, and that the Lords were to be restored to their traditional right of counsellors of the King.

The unanimity of the House of Lords was further demonstrated by the protestation of May 4, 1641. According to this all members of the House, both present and absent, were to take the oath:

I do, in the presence of Almighty God, promise, vow, and protest, to maintain and defend, as far as lawfully I may, with my life, power, and estate, the true reformed protestant religion,

<sup>78</sup> *Ibid.*, IV, 129, January 11, 1641.

<sup>79</sup> *Ibid.*, IV, 139, January 22, 1641.

<sup>80</sup> *Ibid.*, IV, 188-189, March 18, 1641.

<sup>81</sup> *Ibid.* The Lords Petitioners were the Earls of Rutland, Bedford, Hartford, Essex, Warwick, Bolingbroke, Mulgrave, Viscount Say and Sele, and Lords Mandeville, Brooke, and Howard.

expressed in the doctrine of the Church of England, against all popery and popish innovations, within this realm, contrary to the same doctrine, and according to the duty of my allegiance, His Majesty's royal person, honor and estate, as also the power and privileges of Parliaments, the lawful rights and liberties of the subjects. . . .<sup>82</sup>

A solemn oath of this sort, involving the basic questions implied and stated, would not, we may assume, have been agreed to had there been any fundamental disagreement within the House of Lords. There are, of course, two escape clauses in the oath. The phrases "as far as lawfully I may" and "according to the duty of my allegiances" were left undefined and were only to achieve definition when open war broke out a year or so later.

In the meantime the affairs of the realm moved rapidly along. The House of Lords appointed many committees and resolved many matters in some attempt to tread the middle of the road between the parliamentary extremists and the royal absolutists. On the one hand the Lords resolved unanimously, "that it is the certain and undoubted right of this House to choose their Speaker; and the Speaker is not to depart when this House sits, without the leave of this House."<sup>83</sup> On the other hand they moved to delay, for a few days, discussion of a declaration made by the House of Commons (in effect, to table the whole affair). This delaying action was protested by some twenty-two lords, among them Warwick and the leaders of the opposition<sup>84</sup>—a protest which was the faint beginning of the definite split in the House of Lords. Before this the House had acted with considerable unanimity, and was to continue to do so in many matters, but the definite formation of a minority group was here recorded. The point at issue was a request by Commons that the Tower of London be entrusted to some one more reliable (from a parliamentary point of view) than its present commander. This was a frank invasion of the royal appointive power, and undoubtedly the majority of the peers so viewed it. It must be said, however, that fear of Charles warranted it—a month before he had dissolved the parliamentary guards, saying if protection were needed, he would provide it. The two Houses immediately joined in sending a

<sup>82</sup> *Ibid.*, IV, 233-234.

<sup>83</sup> *Ibid.*, IV, 357, August 10, 1641.

<sup>84</sup> *Ibid.*, IV, 489-490, December 24, 1641.



deputation (Warwick and Lord Digby from the Lords) to the King about this.<sup>85</sup> Charles stood pat, but allowed use of some of the London train bands for a few days while he investigated.<sup>86</sup> And the fears of the Commons and the twenty-two dissenters were soon justified. Hardly a week had passed after their protest when Charles attempted his *coup d'etat*, which failed so miserably. His armed invasion of the House of Commons to arrest five members and his warrant to arrest one lord was one of the greater blunders of history. To add insult to injury Charles also tried to pack the examining committee by asking, in his instructions for the impeachment of Lord Mandeville and the five members of the Commons, that Essex, Warwick, Holland, Say, Wharton and Brooke not be named to the committee for examination as they were to be used as Crown witnesses.<sup>87</sup> Parliamentary response to Charles was practically instantaneous. On January 11, 1642, Parliament passed a bill declaring it could adjourn itself to any place it wished.<sup>88</sup> Four days later it was voted that the King's actions were a grave breach of the privileges of Parliament, and a committee of twenty-one (among them the Earl of Warwick) was to meet with a Commons committee to determine how this breach could be redressed.<sup>89</sup>

But at this point the unanimity of the House of Lords seemed to end. The King had fled to Oxford and the Commons proceeded to guarantee its mastery of affairs by a series of moves, the first of which was to gain control of the Tower of London. A Commons petition was refused in the Lords, with the usual minority protesting.<sup>90</sup> Three days later the delicate hand of the Earl of Warwick may perhaps be detected in a petition to the House of Lords from several "gentlemen of Essex" that the Tower be placed in safe hands, that Catholics be severely dealt with, and that bishops and popish lords be removed from the House.<sup>91</sup> This was received, thanks given, and the matter dropped. Again on March 15, the House of Lords decided that the Attorney-general who had drawn up the articles of impeachment against Kimbolton and the five

<sup>85</sup> *Ibid.*, IV, 453, November 26, 1641.

<sup>86</sup> *Ibid.*, IV, 455.

<sup>87</sup> George F. Warner, ed., *The Nicholas Papers: Correspondence of Sir Edward Nicholas, Secretary of State*, Camden Society Publications, new series, vol. 40 (Westminster, 1886), I (1641-1652), 62.

<sup>88</sup> *Lords' Journals*, IV, 505.

<sup>89</sup> *Ibid.*, IV, 517.

<sup>90</sup> *Ibid.*, IV, 521, January 17, 1642.

<sup>91</sup> *Ibid.*, IV, 523.

members was guilty of a crime, but they refused to deprive him of his office, levy a fine or have him pay damages. Again this was protested by Warwick and thirteen others.<sup>92</sup> Despite these minority opinions, however, the House of Lords agreed to join the Commons in requesting the King to appoint the Earl of Warwick Commander-in-chief of the summer fleet.<sup>93</sup> This Charles refused to do, until finally Parliament, in rank rebellion, ordered Warwick to the post. With this action it was resolved that he and the Lord Admiral (the Earl of Northumberland)

have done nothing therein but according to the law of the land, unto which they were commended by both Houses of Parliament; who knowing it to be a necessary service at this present, for the safety of the kingdom, do declare, that the said Lords shall have the assistance of both Houses of Parliament, against any inconvenience that they may incur by their obedience unto the said commands, in this necessary and important service.<sup>94</sup>

The original move to place Warwick in command of the fleet was the final blow which split the House of Lords apart. The minority became the majority, simply by default. Absences from the Lords before this had averaged about 40 out of 110 members. On April 2, 1642, there were 69 missing, which meant that the small group of 22 or so dissenters were left in control of the House.<sup>95</sup> Although the Lords tried to enforce attendance,<sup>96</sup> on April 15 a full 80 had decamped.<sup>97</sup>

The breakup of the House of Lords in March and April poses some interesting problems in regard to the Earl of Warwick and the other lords of the opposition. It might well be asked, if the lords were virtually united in their opposition to increases in the royal prerogative, why then did some remain loyal to the King while others, a minority, adhered to the Parliament? This is a question which can only be resolved in terms of basic loyalties. Many lords strenuously opposed the King in the House, but their opposition never reached the point of rebellion against their liege lord and lawful sovereign. When the conflict became open and

<sup>92</sup> *Ibid.*, IV, 645. Kimbolton and the others were cleared, *nemine contradicente*, of the charges placed against them by the King on March 16, 1642. *Ibid.*, IV, 649.

<sup>93</sup> *Ibid.*, IV, 645, March 15, 1642. For Warwick's numerous activities in connection with the Navy and the state of the defenses of the realm see *ibid.*, IV, 237, 240, 241, 245-246, 254, 298, 388, 492, *et passim*.

<sup>94</sup> *Ibid.*, IV, 697, April 4, 1642.

<sup>95</sup> *Ibid.*, IV, 693.

<sup>96</sup> *Ibid.*, IV, 708, April 9, 1642.

<sup>97</sup> *Ibid.*, IV, 718-719.

violent, all peers were forced to decide their fundamental allegiance, whether to the King or to the Parliament. Most peers used every legal means to bring Charles into the fold of the constitution, but when legal means failed and the King called for them in terms of their honor and their loyalty to the Crown, they responded. They were aided in reaching their decisions by the high-handed usurpations of the House of Commons.

For the Earl of Warwick adherence to the Parliament was the obvious, if not the only, choice. As a prominent, outspoken leader of the dissident minority, he was, despite his appointment to the Privy Council in 1641, in bad odor at Court.<sup>98</sup> His grievances against the King were many and strongly felt, and he had taken a leading part in the business of bringing Charles to account. Too, it is an unusual person who willingly lays down the reins of power; and the Earl of Warwick, by joining the King, would have had to abdicate his position as a leader of the Puritans and commander of the fleet to become just another (and not very trustworthy) noble in the Royalist ranks.

If religious conviction played its part, the Earl of Warwick in nowise conforms to the picture one customarily draws of a stern and godly Puritan father. Clarendon, although not exactly impartial, mentions Warwick as "being . . . according to his usual licenses, with some officers whose company he liked, on shore making merry."<sup>99</sup> He goes on to describe the Earl as a man "of a pleasant and companionable wit and conversation; of an universal jollity; and such a license in his words and actions, that a man of less virtue could not be found out."<sup>100</sup> Certainly no blind sentimentality blighted his checkered career—in 1625 his brother Mountjoy was about to be married and Warwick was called upon to get him leave from the Army to conclude the affair. He wrote the Queen requesting this leave with the flat statement that "wives

<sup>98</sup> *Manuscripts of the Earl Cowper, K. G.*, preserved at Melbourne Hall, Derbyshire, *Royal Hist. MSS. Comm.*, Twelfth Report, Appendix, Part II (London, 1888), II, 280, Letter from Sir John Coke the Younger, April 28, 1641. Clarendon, (*History of the Rebellion*, bk. VI, par. 404, II, 597) remarked, "The earl of Warwick was of the king's council too, but was not wondered at for leaving the king, whom he had never served; nor did he look upon himself as obliged by that honor, which he knew was conferred upon him in the crowd of those whom his majesty had no esteem of, or ever purposed to trust; so his business was to join with those to whom he owed his promotion."

<sup>99</sup> Clarendon, *History of the Rebellion*, bk. V, par. 378, II, 260.

<sup>100</sup> Clarendon, *History of the Rebellion*, bk. VI, par. 404, II, 597.

worth 125 or 130 thousand pounds were not to be had every day.”<sup>101</sup> Two years before that (at the age of thirty-seven) he had just barely been stopped from fighting a duel with Lord Cavendish over some bitterness that developed out of their colonial enterprises. They both tried to get to the Continent to settle this *affaire d'honneur*, but on order from James I Cavendish was arrested in Essex and Warwick in Ghent.<sup>102</sup>

As has been stated,<sup>103</sup> the Earl did not scruple at trying to influence elections to the House of Commons, and despite the fact that the interference of peers in parliamentary elections was looked upon as a violation of the privilege of the House of Commons,<sup>104</sup> he was up to his old tricks again in 1645 when he tried to “suggest” to the Mayor of Sandwich that Charles Rich, his son, be elected to represent that community.<sup>105</sup> Warwick also occasionally told members of Commons how they should vote.<sup>106</sup>

Contemporary opinion testified to some unscrupulousness in the conduct of the good and godly Earl. One man thought the Earl supported a rank injustice because he stood to reap a considerable return for so doing.<sup>107</sup> Another was of the opinion that Warwick’s protection was a dangerous thing, that the protected could lose his all beneath that sheltering wing.<sup>108</sup> And finally Sir Edward Nicholas wrote sarcastically after the death of Warwick in 1659 that the Earl was “lately dead, and now Charles Ritch is Earl of Warwick, being as vertuous and loyall a man as his grandfather [sic!] the olde rebell Warwick.”<sup>109</sup> His earlier ventures in privateering seem to indicate that there was, for the Earl, none too clear a line between legitimate seizures of enemy ships and outright piracy. Or at least the East India Company raised considerable objection to (and

<sup>101</sup> *CSP-Domestic*, ser. 2, I, 52, June, 1625.

<sup>102</sup> *CSP-Colonial*, I, 51; and Alexander Brown, *The Genesis of the United States* (Boston, 1898), 847-848.

<sup>103</sup> See above, p. 67.

<sup>104</sup> *Commons' Journals*, II, 337, December 10, 1641.

<sup>105</sup> *Ibid.*, IV, 311, October 16, 1645.

<sup>106</sup> *Manuscripts of his Grace the Duke of Portland, K. G.*, preserved at Welbeck Abbey, *Royal Hist. MSS. Comm.*, Fourteenth Report, Appendix, part II, III, 74, 86.

<sup>107</sup> *CSP-Domestic*, ser. 3, VII, 21, Henry Robinson to Sir Anthony Ashley Cooper, March 13, 1641.

<sup>108</sup> *Cowper Manuscripts*, II, 275, Sir John Coke the Younger to Sir John Coke, March 15, 1641.

<sup>109</sup> *Cal. Manuscripts Bath*, II, 134, June 8/18, 1659.



carried on many lawsuits over) the capture and plundering of some of its ships by the men of the Earl of Warwick.<sup>110</sup>

It is not difficult to visualize the Earl as a gay swashbuckler of the type of the Elizabethan sea-dog, unscrupulous, domineering, and indifferent to ethical and moral questions, striding through his affairs in England as though on the quarterdeck of his privateer. That he was capable is unquestioned and undenied by even the most violently biased of sources. His various positions and responsibilities and the tributes paid him for his capacities are sufficient evidence of this. But through all of this there runs one dominant strain—that which was the Earl of Warwick's and that which he acquired he full well meant to keep. The first two Stuart kings, James and Charles, had attacked him where it hurt the worst: his prestige, his prerogatives and his purse. By dilution of the nobility his earldom was cheapened; by granting the royal favorites wide powers and great authority his position as ancient and honorable adviser to the King was lost; by the extension of forest law, utilization of ship-money and forced loans, his vast wealth was threatened. But this is not to say that he or any other peer of the realm sought some fundamental constitutional change in his opposition to the King. Basically he wished the old rule of law, the guarantees of his rights and liberties which insured a certain province to him and another to the King. Usurpation by the Crown was anathema; resistance automatic. It is in this role and for these reasons that the Earl of Warwick was led to the Parliamentarians. It was his great wealth, his connections through his adventures, and his capabilities that led him to assume a major part in the drama of the English Civil War.

<sup>110</sup> *Lords' Journals*, IV, 378; and *Royal Hist. MSS. Comm.*, Fourth Report (London, 1874), 99.