

## PETITIONING AND THE OUTBREAK OF THE CIVIL WAR IN DERBYSHIRE

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Only a few of the numerous county petitions presented to the King and parliament in 1642 became celebrated at once; the Kentish petition, which was formulated at the assizes in March 1642, crystallized the factions in the county; the petition offered to the King by some Yorkshire gentry at the Heworth Moor meeting of 3rd June 1642 gained prestige from the significance of the occasion.<sup>1</sup> Material surviving among the personal papers of Sir John Gell provides insight into the management and organisation of two Derbyshire petitions which, though printed, never achieved special fame. But some of the documents concerned are probably unique in the way that they illuminate the methods of county petitioning on the eve of the civil war. The purpose of this article is to assess the significance of the Derbyshire petitions of the spring of 1642 in relation to the outbreak of civil war in the county.<sup>2</sup>

John Gell of Hopton first became prominent in county affairs when, as sheriff of Derbyshire, he was made responsible for the collection of £3,500 under the ship-money writ of August 1635. At the time of his shrievalty Gell was not in the first rank of Derbyshire gentry, though lead-mining interests gave him influence in the Wirksworth district and in the High Peak where he owned extensive properties. He was captain of the trained bands in the northern hundreds of High Peak and Scarsdale.<sup>3</sup> On the Bench there were only six J.P.s junior to Gell in 1638.<sup>4</sup> As the recipient of the first Derbyshire ship-money writ, Gell was given considerable discretion in determining the assessment of individuals and of the county boroughs.<sup>5</sup> He made the most of this opportunity to establish his power in the county. He insisted on his right to decide upon the contribution Derby should make to the total sum with which Derbyshire was charged.<sup>6</sup> In his conduct towards Sir John Stanhope of Elvaston Gell displayed the first signs of the highhandedness and self-assertion that later brought him an unsavoury reputation and a bitter personal attack by Lucy Hutchinson, whose father-in-law married Stanhope's daughter.<sup>7</sup> Gell and Stanhope were already enemies and as sheriff Gell pursued the feud vigorously. He imposed the harsh rate of £24 on Stanhope, employed his own servants to carry out excessive distrains of Stanhope's cattle and, at the first sign of argument by his men, hastened to London to have Stanhope summoned before the Council. The case of Sir John Stanhope's alleged refusal to pay ship-money appeared on the Council's agenda for more than a year before he was eventually discharged.<sup>8</sup>

Evidence of Gell's activities and interests between 1635 and 1642 testifies to his increasing ambition in county society. In 1638 he became a deputy-lieutenant.<sup>9</sup> In 1640 he was active in the spring elections, when John Manners of Haddon, heir to the Rutland earldom, accepted his encouragement to stand as knight of the shire. Manners's insistence that the election should be free and 'the people not laboured one way or the other' suggests that he thought Gell's active electioneering might backfire.<sup>10</sup> In the autumn election, Manners lost his seat to Sir John Coke the younger of Melbourne and Gell's brother Thomas failed to obtain a burgesship at Derby.<sup>11</sup> Yet he retained a close connection with the Derbyshire parliamentary delegation through his friendship with Sir John Curzon of Kedleston, who was his step-brother. Curzon and Gell had been brought up together at Kedleston, after Gell's mother had married into the Curzon family.<sup>12</sup> From the first Curzon was active in opposition to the King's policies.<sup>13</sup> Gell's intense interest in the proceedings of parliament during 1641 is clear from the numerous printed and manuscript petitions, declarations and speeches among his papers.<sup>14</sup> An indication of Gell's religious sympathies at this time is provided by his very close

friendship with the radical puritan divine Immanuel Bourne, the minister of Ashover, who, according to Anthony Wood, had been 'resorted to much by the puritanical party' in Derbyshire since he obtained the living in 1622.<sup>15</sup> Other documents in the Chandos-Pole-Gell collection indicates his involvement at this time in a number of aspects of county government, as a subsidy commissioner for instance and in administering the oath of protestation.<sup>16</sup> In January 1642 Gell obtained a baronetcy.

The partnership of Sir John Curzon and Sir John Gell can be detected behind the first Derbyshire petition. It was probably through Curzon that the gentry around Derby heard of the active steps being taken by the leading men in many counties in January and February 1642 to make their voices heard at Westminster by petitions. Gell's involvement is indicated by a remark of Immanuel Bourne, in a letter of 31st March, about his 'great care and paines besides coste in the last petition'.<sup>17</sup> It was Curzon who, as knight of the shire, actually presented the 'humble petition of divers baronets, knights, esquires, gentlemen, ministers, freeholders, and others of the County of Derby, to the number of 7077' in the House of Commons on 14th March.<sup>18</sup> A reference in it to the 'late agreeing votes' of the two Houses on the militia seems to refer to the votes of the Commons on 31st January and Lords on 15th February in favour of the Militia Ordinance.<sup>19</sup> This suggests that the petition was formulated and circulated in Derbyshire in late February. The petition can be taken to represent the view of Curzon, Gell and their immediate circle. It contained nothing derogatory to the King and was couched in a language that must have appealed to many moderate men, yet it amounted to an outright statement of support for the House of Commons in its 'blessed work of reformation'. The petition was drawn up by men who were well informed about parliament's recent proceedings. Together with the usual talk that occurred in many county petitions at this time of the 'malevolent hinderances . . . . of the malignant party' and of evil counsels, it included specific and approving references to the Grand Remonstrance and the Bishops Exclusion Act. The Militia Ordinance was commended and the Commons were urged

still earnestly to mediate with His Majesty, and the House of Peeres, for their concurrence with you (and by the power of Christ) to goe on cheerfully with what speed you may, to the perfecting of those good endeavours so worthily begun, and to finde out, prosecute, and punish all notorious offenders in Church and commonwealth.

The petition ended with a statement of the ideal that every country gentleman clung to at that moment of an England in unity and harmony: 'in the blessed peace of the gospell, we may sit every man under his own vine and figtree, and enjoy a happy peace to us and our posterity to the world's end'.

The King's journey north and arrival at York on 19th March caused consternation among the gentry of the north midlands. Wherever their sympathies lay at this stage in the conflict between the King and parliament, everyone agreed that Charles I's absence from London was likely to hinder the chances of reconciliation. As he travelled north gentry made their views known to him. The Rutlandshire gentry declared, in a petition presented to the King on his journey between Stamford and Grantham, that by vouchsafing his presence to parliament

the fears of your people may be dispelled, and a foundation layd of everlasting comfort to this land, in the safety of your sacred person, and abundant increase of honours and greatnesse upon your royall government.<sup>20</sup>

Nottinghamshire's petition was 'presented to the judge upon the open Bench for his approbation and consent' at the assizes there on 19th March.<sup>21</sup> Two days later the first moves towards the formulation of a Derbyshire petition to the King were made, by a group of gentry living in the north-east corner of the county, whose proximity to Nottinghamshire put them in close touch with developments there. They wrote from Barlborough House, the home of Sir Francis Rhodes, to their friends and colleagues in the south of the county:

The comeinge of His Majestie into the northerne parts, wee observe troubles the mindes of manye of his loveinge subiectes, as apprehending there may be a tediousnesse of his returne to parliament. So as that may be feared, there is noe good agreement betwixt him and the two houses thereof.

This daye beinge with some of this side of this countrye, entringe into talke upon report that in some neighbouring contries (as His Majestie hath come alonge) hee hath bene humblye sued and petitioned unto, to returne backe into the south partes and to vouchsafe his comfortable presence to his parliament, which would bee a great happinesse to all the kingdome. Wee havinge as much reason to take it into consideration as anye other countrye, do thinke it not amisse to moove and desire you the gentrye of the other side of this countrye, that wee may likewise humblye peticon His Sacred Majestie for the same ffavour and happines (as that would bee) if His Majestie would returne to his parliament. And if it may bee thought ffit by you wee desire you will apoynt a day, when and where wee on this side of the countrye may meete you, to thinke and confirr of this soe good a worke (as with God's blessinge it may come to bee).<sup>22</sup>

None of the signatories of the Barlborough letter, with the possible exception of Edward Revel, were leading figures in Derbyshire affairs. Revel was a justice of the peace and deputy-lieutenant.<sup>23</sup> Sir Francis Rhodes and Lionel Fanshaw of Holmesfield, though not on the Bench, were appointed to the 1642 subsidy commission.<sup>24</sup> The other signatories, Henry Wigfall of Renishaw, who was Gell's son-in-law, George Sitwell of Renishaw and Gilbert Clarke at this time held no county offices.<sup>25</sup> Nevertheless they were of some influence and standing in Scarsdale hundred.

The Derbyshire gentry responded readily to the suggestion from Scarsdale that a county petition should be drawn up. A week after the Barlborough letter a meeting of the principal gentry of the county was held at Derby. The most active men in spreading news of the project seem to have been the mayors of Derby and Chesterfield. Gell heard the details of the meeting from Luke Whittington, the mayor of Derby, on 24th March. Whittington had received the Barlborough letter and a request for active co-operation from the mayor of Chesterfield the previous day. In the interval he had been busy:

I have sent to the high sheriffe and to the most of the gentlemen in these parts, and they have appoynted to meet at Derby upon Monday next at the White Hart, where I shall bee glad to see you to afford them your best assistance. I doubt not but you will have timely notice hereof from some others, but for feare of miscarriage and from my hartly desire of your company I thought convenient to acquaint you herewith.<sup>26</sup>

The leading Chesterfield citizens also looked to Gell to take a lead. On 23rd March he received an excited letter from Immanuel Bourne, reporting their concern for Gell's involvement:

I received last night a letter from Chesterfield men . . . There is noe petition yet drawne up I heare of, only a copie of a petition of Nottinghamshire sent to them at Derby. Their desire is that I should acquaint your worshipp with this. If the gentrie on Derby side appoint any meetinge I hope they will send you word. I shal be readie to yeild my best service in this or in a petition to the Lords, if any be agreed on. They write that Nottinghamshire and Lincolneshire goe towards Yorke on Monday next and that many thousands in other countreys will goe with their petitions.<sup>27</sup>

In a postscript Bourne urged Gell 'to acquaint whom you thinke best for the furtherance of this petition'. Bourne had been in London when the first petitions from the home counties came in to Westminster in January.<sup>28</sup> He evidently saw county petitioning as an important means for provincial gentry to participate in the political debate. News of the Derby meeting spread from manor house to manor house, from the wilds of the High Peak to the borders with Leicestershire. The gentry consulted each other. Meanwhile Sir John Coke the younger reported to his father at Melbourne on 27th March that the Derby carrier had brought news to London 'that Derbyshire joineth with Nottinghamshire, Yorkshire and Lincolnshire in a great petition to the King for his return to the parliament'.<sup>29</sup>

A manuscript copy of the petition formulated on 28th March, with 76 signatures attached, survives in the College of Arms.<sup>30</sup> This seems likely to be the original petition drawn at the White Hart since all the signatures are of Derbyshire gentry and aldermen, the kind of men who would have attended and might have signed on the spot. No signatures of men of inferior status appear. The absence of the signature of Immanuel Bourne, whom we know did not attend at Derby but did sign the petition later, suggests that the College of Arms petition does record attendance at the meeting.<sup>31</sup> It seems that all the signatories of the Barlborough letter were there and five J.P.s of some years standing attended, together with several men recently appointed to the Bench.<sup>32</sup> The sheriff Sir John Harpur of Calke, Sir John Gell and Luke Whittington were all present.

Absentees included several deputy-lieutenants, such as Sir John Fitzherbert of Tissington, Sir John Fitzherbert of Norbury and John Frecheville.<sup>33</sup> If four members of parliament are excluded, since they are likely to have been in London, 18 of the remaining 31 members of the 1642 subsidy commission were present.<sup>34</sup> The meeting, in short, was representative of the ruling circle in Derbyshire and of the community of gentry in the county as a whole. The nobility played no part. It seems likely that copies of the petition were made on the spot and taken home by those who attended the meeting. Their agreement to meet at Doncaster for the journey to York the following Wednesday left the gentry just ten days to circulate the petition in their own neighbourhoods and collect signatures. 'They trust to you to be a meanes that the hands of gentlemen and others about you be procured', Immanuel Bourne reminded Gell on 31st March.<sup>35</sup> Documents among the Gell papers testify to his energy in this matter in Wirksworth hundred. The directions sent under his orders to the constable of Mapleton and Thorpe were authoritative and direct:

You are to shew this peticion to all your neibours and to procure them forthwith to writte there names upon this fayre sheet of papp hearewith sent and to retourne the same to Sir John Gell before Sundaye nyght next whereof faylle not, Ashborne the last of Marche 1642.<sup>36</sup>

The constable of Wensley and Snitterton received an identical warrant.<sup>37</sup> They were given three days to produce a respectable showing of signatures. The constable of Hartington received similar directions a day earlier and therefore had rather longer grace.<sup>38</sup> Constables played an equally important role in the collection of signatures in other hundreds. Over in Scarsdale Immanuel Bourne received a copy of the petition from the constable of the hundred on 30th March.<sup>39</sup> The use of the ordinary machinery of local government was the essence of the business.

'300 at least, the sheriffe, baronets, knights, esquires, gentlemen and others' were thought likely to present the Derbyshire petition at York.<sup>40</sup> Immanuel Bourne did not expect Gell, after his pains in the former petition, to make the journey himself, 'but if Mr. Thomas Gell and Mr. Gell your sonn goe', he wrote, 'it wil be kindly taken'.<sup>41</sup> But it seems unlikely that Sir John Gell stayed at home on such an important county occasion. No evidence survives about the reception or reply given by the King to the Derbyshire contingent on 6th April. By about 9th April the petition was available in print in two broadside editions in London.<sup>42</sup> The printed version, which contains a number of small errors and omissions, shows signs of hasty composition. Yet the fact is that, within three weeks of the meeting of the Scarsdale gentry at Barlborough on 21st March, the views of the Derbyshire community of gentry were being made known on the streets of the capital.

A Nottinghamshire correspondent spoke of the four county petitions presented at York between 28th March and 6th April 1642 as 'all much tending to one effect, that is humbly to entreate His Majesty to abide neare, and hearken to his parliament, and to remove evil councellers from about him'.<sup>43</sup> But comparison of the petitions shows that they varied considerably in tone and emphasis. Only the Nottinghamshire and Lincolnshire gentry were in fact bold enough to entreat their sovereign to 'hearken to his parliament'. 'That you would graciously please to reside neere, and listen unto the faithfull councells of your said parliament' was how the Lincolnshire gentry put it, but they made no mention of evil counsels.<sup>44</sup> Nottinghamshire expounded the attitude it hoped the King would adopt, 'to vindicate your kingdoms from approaching ruine, yourself to security, and restore us to our now languishing hopes':

By a timely return to some place neer your parliament, where they have such ready recourse as the exigences of the times require, and your royal ancestors have ever vouchsafed their parliaments; and also to your good opinion of them, and trust in them, as the best supporters of your wealth, honour and sovereignty.<sup>45</sup>

Evil counsellors, asserted the Nottinghamshire petition, had fomented jealousies between the King and parliament. The gentry of these two counties received a sharp retort to their petitions: the King had been 'driven away from his parliament' and his subjects should 'petition the parliament to comply with His Majestie's just desires and gracious



offers'.<sup>46</sup> Yorkshire, on the other hand, presented a petition that was so laudatory that the King himself commented on its modesty, in a speech to the gentry who attended with it on 5th April. 'I am glad to see that it is not upon mistaken grounds, as other petitions have been to me since I came to this place', he told them.<sup>47</sup> The Yorkshire petition was a plea for reconciliation that mentioned neither evil counsellors nor a return to London.

Of the three the Nottinghamshire petition is the most important for our purposes, since we know that a copy of it was available at the Derby meeting on 28th March.<sup>42</sup> The outcome of the discussion was evidently a decision to adapt the Nottinghamshire model into something much more moderate and respectful. A final section, about the petitioners' determination to maintain the King, parliament, the subject's liberties and the protestant religion according to the Protestation of 1641, was taken over wholesale. Men could, as they wished, take this to imply the necessity for resistance to the King or as an entirely innocuous reminder of the essential elements of the constitution. The Protestation was usefully ambiguous. In general the petition that emerged was an emasculated version of the Nottinghamshire one, very short, mild in its demands and adulatory in tone.<sup>49</sup> The Nottinghamshire gentry stressed the 'many blessed effects' of the parliament that had sat since November 1640 and dramatised the advantage which malignants would take 'of such your distance from your parliament and distrust of it'. The Derbyshire gentry merely expressed their fear that the King's northern journey would 'be a dissolution of your gracious intents' for the reformation of grievances. Immanuel Bourne explained his dissatisfaction with the petition in a letter to Sir John Gell as soon as he obtained a copy of it:

They have only one request, that he would returne and reside nere the parliament. I could have wished it had been added that he would accept of the advice of his parliament (as best approved) and put away from him evill counsellors. (But I submit to better judgements) . . . They say you came from Derby before the rest.<sup>50</sup>

It could be that Gell had left the meeting on 28th March early because he was out of sympathy with the drift of the discussion. There is a manuscript draft among his papers of a petition of Nottinghamshire to parliament, which emphasises the support in the county for the Commons and relates how the King's answer to the petition presented at York had not been 'satisfactorye'.<sup>51</sup> This was probably intended as a counterblast to the letter of 77 Nottinghamshire gentry to the knights of the shire urging them to co-operate with the King, sent after the petition of the county was laid before him at York.<sup>52</sup> It seems never to have been presented or printed. Yet Gell's possession of this document suggests that he may have been involved in tentative discussions, which came to nothing, about correcting the impression left by the Derbyshire petition to the King that by April 1642 the county was lukewarm to the parliamentary cause.

The very submissive wording of the Derbyshire petition to the King, and its omission of any request for him to listen to parliament, may appear surprising in view of the firm tone of the county's declaration of support for parliament a few weeks earlier. In fact it seems quite possible that both petitions represented the views of a majority of the county community. In some other counties, Kent and Nottinghamshire for example, royalist and parliamentary factions emerged at this time and took their stand on rival petitions.<sup>53</sup> This did not happen in Derbyshire. Events moved fast during the few weeks that separated the formulation of the two petitions. The final breach over the Militia Ordinance had brought men face to face with the political reality of choosing between obedience to the King or parliament. This was a reality that the Derbyshire gentry, like so many of their class in other counties, desperately shied away from. The petition presented to the King at York on 6th April suggests that the county was adopting a posture of neutrality. Men who had gone along with Curzon and Gell in their formulation of the earlier petition in support of parliament, because of its moderate language and emphasis on accommodation, could not bring themselves to declare openly to their sovereign that he should put his trust in the men at Westminster. Advice in such direct terms seemed too close to disloyalty. In their bewilderment the Derbyshire

gentry took refuge in a simple statement of their distraction 'with the generall fears of the kingdome' and their earnest desire for reconciliation between the King and parliament.

In the Militia Ordinance John Manners of Haddon, who had inherited the Earldom of Rutland in March 1641, was nominated as lieutenant of Derbyshire in place of the Earl of Devonshire.<sup>54</sup> Rutland's appointment of deputy-lieutenants in the last week of March 1642 lends some support to the view that a mood of neutralism had taken hold among the leaders of county opinion. Only three of the deputies of 1638 were reappointed: Sir John Curzon, Sir John Gell and Sir Thomas Burdett.<sup>55</sup> Six others, who had served in 1638 and were still active as justices of the peace and subsidy commissioners, did not appear in the parliamentary lieutenancy. Four of them, Sir John Fitzherbert of Norbury, Sir John Fitzherbert of Tissington, Sir John Harpur of Calke, who was sheriff for 1642, and Sir John Coke the younger, were senior members of the Bench and on any count were outstanding in Derbyshire society.<sup>56</sup> To replace them the Earl of Rutland had to turn to men like Lionel Fanshaw of Holmesfield, who, though respected in his own neighbourhood, was of no special standing outside it. 'I shall be very well contented that the Earl of Rutland present not my name for a deputy-lieutenant', Sir John Coke the younger admitted in a letter to his father of 18th March 1642, 'I think he will not'.<sup>57</sup> The retired secretary of state clearly disapproved of his son's desire to avoid service to the militia in his own county under the Parliamentary ordinance. 'To satisfy you the reasons why I desired not the employment I shall desire to take time until I wait upon you . . . . it was passed before I received your advice', wrote Sir John apologetically in his next letter.<sup>58</sup> Coke's letters during the next few months show increasing despondency and alarm at the trend of events. 'I pray God preserve us all from the dangers of these times', he wrote on 14th May.<sup>59</sup> He could not bear the thought of returning home for the summer if 'it come to blows': 'I shall wait upon you as soon as I can with convenience, desiring to be absent if any clashing be either in Derby or Leicestershire betwixt the Ordinance and Commission of Array', he told his father on 5th July.<sup>60</sup> To wholehearted parliamentarians like Curzon and Gell Coke's attitude was contemptible. By mid-May there was an open split at Westminster between the two Derbyshire knights of the shire. Curzon was doing his utmost to discredit Coke by spreading rumours that he was 'sent for by the parliament as one they durst not trust in the country'.<sup>61</sup>

No such split occurred in the county community. Throughout the summer the overwhelming concern of the gentry was to keep the county free of the growing conflict. Occasional recruiting expeditions into the county from neighbouring shires were ignored. Henry Hastings, for example, procured 'about sixscore colliers' who appeared in arms at Leicester in the middle of June.<sup>62</sup> The key figure in Derbyshire was the Earl of Rutland. The House of Commons made their first attempt to stir him into action on 28th May when they requested Lord Grey to 'move the Lords to desire that the militia may be put in execution forthwith' in Derbyshire and certain other midland counties.<sup>63</sup> The Lords responded by referring the matter to the committee for putting the militia in execution.<sup>64</sup> Rutland acted on 29th June, calling a meeting at Haddon of some of the deputy-lieutenants, presumably after he had received directions from parliament to look to the defence of the county. But, as the round-robin letter addressed to the J.P.s on 29th June made clear, Rutland's interpretation of his responsibility under the Militia Ordinance at this time was severely limited. He made no attempt to organise musters or training in order to establish his control over the trained bands. His intentions were pacific and defensive; his concern, like that of most of the Derbyshire gentry, was to preserve unity and harmony in the shire. Rutland wrote as follows:

Tacking into consideration the manyfold distempers of the times and having a most indulgent and doughtifull care of his sacrid majestie and saftie of his parliament and this countrie, do thinke it very convenient and our boundn dughtye to meete together at Derby, not only to consider of the safe keeping of the magazin, but also to advise of many other matters which may conduce to the better service of His Majestie and his parliament and peace of the kingdome, doe desire our meeting may bee opon Tuesday the fift day of July next by nine of the clocke of the same daye.<sup>65</sup>

Sir John Curzon was one of the signatories of this letter. He can hardly have been back in the House of Commons as soon as two days later, when Oliver Cromwell was sent up to the Lords to desire that Derbyshire, among other counties, should immediately put the Militia Ordinance in execution.<sup>66</sup> But it seems quite possible that Rutland was chosen for further prompting because Curzon had indicated, during his visit to Kedleston, that he found that little was being done to secure the county. Curzon is unlikely to have thought a general discussion with leading gentry on the Bench was adequate as execution of the ordinance. The existence among the Gell papers of an order dated 28th June by Sir John Harpur, the sheriff, to the bailiff of Wirksworth hundred, to proclaim certain royal proclamations in market towns and fix them 'upon usuall posts' underlines the lack of effective parliamentary control of Derbyshire at this time.<sup>67</sup> Harpur, incidentally, remained a neutral throughout the civil war and finally compounded in 1649 for fear that he might be questioned 'for something by him done in the beginning of the former war'.<sup>68</sup> The proclamations concerned forbade levies of forces without the King's consent and informed subjects of the lawfulness of the Commission of Array.<sup>69</sup> The very same day that they were being circulated in Derbyshire the Commons referred consideration of their legality to a committee.<sup>70</sup> Eleven days later the House received information that the Earl of Devonshire intended to put the Commission of Array in execution in Derbyshire and the Lords agreed to the issue of a warrant for his apprehension.<sup>71</sup>

The Commons appointment on 5th July of 'this day fortnight' for the enforcement of the Militia Ordinance in Derbyshire was the second attempt to press Rutland into action.<sup>72</sup> Yet, having met the gentry at Derby on that day, he remained passive. Some kind of arrangements to secure the county magazine had presumably been made, but the loyalty of the county could only be properly tested by a full muster. Yet this involved a degree of commitment to parliament that others besides Rutland wished to avoid. During July, while Derbyshire remained quiet, the news from several of the counties around was of military activity, of the siege of Hull, of the first blood at Manchester, of clashes over the magazine in Leicestershire.<sup>73</sup> It is not surprising that Sir John Curzon was sufficiently unnerved to request the Speaker's warrant on 3rd August 'to carry some arms he has provided for his own service' to Kedleston.<sup>74</sup> By the beginning of August it was clear to Gell and Curzon that Rutland was a broken reed. It was almost certainly on Curzon's initiative that he, Coke, and Nathaniel Hallows, one of the M.P.s for Derby, together with 22 gentry the mayors of Derby and Chesterfield and 'the rest of the deputy-lieutenants', were appointed on 3rd August as a committee to take military control of the county.<sup>75</sup> Rutland henceforth was ignored. Yet there is no evidence that the parliamentary committee was any more active in August than Rutland had been in July. When the King passed through the county in mid-September he was able to recruit 500 of the trained bands and disarm the rest without any opposition.<sup>76</sup> On the other hand, few of the gentry joined him. Sir John Coke senior, living in retirement in Melbourne, requested the Earl of Lindsey's protection 'to free us from being molested by such troops and companies as shall pass this way'.<sup>77</sup>

In the end Derbyshire was dragged into the civil war by Sir John Gell. During the week 17th to 25th October the news that he was recruiting men at Chesterfield was received with alarm by the gentry of the southern and western parts of the county.<sup>78</sup> At a meeting at Tutbury, a number of them composed a threatening letter to Gell about his disruption of the peace.<sup>79</sup> Its signatories included the Earls of Devonshire and Chesterfield, the sheriff Sir John Harpur of Calke, and Sir Edward Vernon, who was a deputy lieutenant under the Militia Ordinance and had co-operated with Rutland in the summer in organising the Derby meeting of 5th July.<sup>80</sup> Other J.P.s signed, for instance Sir John Fitzherbert of Norbury and Sir Simon Every, who had been nominated to the militia committee for Derbyshire on 3rd August.<sup>81</sup> Gell's answer to the Tutbury letter was 'that it seemed strange they should growe so quickly jealous of hym, theyre owne councountrieman, wel known to them, and that had no other end, then the cleareing of his county from theeves and robbers'.<sup>82</sup> Gell later maintained that he had gone to procure

forces at Hull because of the depredations of 'two mean popish strangers Dennis and Ballard' about Wirksworth.<sup>83</sup> But these rioters remain shadowy figures. They can hardly have posed such a threat to order in the county that it was necessary to raise a regiment to deal with them. It was not until early October, while Gell was away at Hull, that a sustained intervention by royalist forces in Derbyshire took place. A company of dragoons under Sir Francis Wortley entered the county from Yorkshire and committed 'great riott and excess' around Wirksworth.<sup>84</sup> The truth is that Gell took the initiative in September because he believed that Derbyshire had stood on the sidelines long enough. For some weeks before leaving for Hull he had been actively enlisting the miners of his own neighbourhood in a parliamentary troop.<sup>85</sup> News of his activities seems to have reached Nottingham since, according to a statement Gell made to a commission investigating titles granted by Charles I in 1652, he lost his patent of baronetcy when 'his mansion house at Hopton in Derbyshire was plundered by the special command of the said late King' while the royal forces were at Nottingham.<sup>86</sup> It would have been typical of Gell to assume that his home was raided by the King's special command. This piece of provocation must have nerved him for action. The King's passage through the county demonstrated the vulnerability of the magazine at Derby and the need for action. By mid-December Gell had raised 700 men and garrisoned Derby.<sup>87</sup> In the last weeks of 1642 his forces terrified the county and quickly established a reputation for indiscipline and plunder that they never lived down.<sup>88</sup> 'We dare not come to your markett to sell our commodities nor can we assure ourselves of safetie at home', wrote the inhabitants of a number of southern parishes to the mayor and aldermen of Derby on 2nd January 1643.<sup>89</sup> Desultory negotiations between Gell and the neutralist gentry in the south of the county took place in December and January. This area finally became embroiled in war after Gell rejected a demand to dissolve his forces, at a meeting with Sir John Harpur of Swarkeston and other gentry at Etwall. Harpur and his friends called in assistance from Colonel Henry Hastings in Leicestershire to defend the south of the county from the oppressions and marauding of the Derby garrison.<sup>90</sup> Thus, by the spring of 1643, more and more of the moderate gentry were being forced to abandon their neutrality.

Men of status had held back as Gell took possession of Derbyshire during November and December 1642. Sir George Gresley admitted that he himself was 'the onely gentleman of qualety in this county that cordyally appeared to be on our side'.<sup>91</sup> On 30th October the House of Commons remodelled the deputy-lieutenancy, or militia committee as it was coming to be called, at Gell's request.<sup>92</sup> Gell's nominations included his brother Thomas and his son-in-law Henry Wigfall. But his principal aim at this stage was to strengthen the prestige of his faction by attracting into it some of the really influential Derbyshire gentry, knights like Sir Edward Vernon, Sir Samuel Sleigh and Sir Edward Leech. All three were nominated but none responded. Sir John Coke also clung to his neutralism in his own county. When presented with a deputy-lieutenancy warrant, he refused to set his hand to it.<sup>93</sup> He would have nothing to do with Gell and his party. Gell continued to make strenuous efforts during the last months of 1642 to attach Coke positively to the parliamentary cause in Derbyshire. He was nominated to the militia committee on 30th October, again in November as a commissioner for money and plate, and again in December to the committee under the Midlands Association ordinance.<sup>94</sup> At the same time Gell conducted a campaign to discredit Coke. He complained about his attitude in the letter received by the Commons on 29th October.<sup>95</sup> In a further letter to William Lenthall in December Gell and his party expounded more fully how Coke's lukewarmness had hindered the Derbyshire parliamentarians in supporting the cause in neighbouring counties:

We were and are willing to help them all to our power and are confident we could have done it if Sir John Cooke, one of the knights of the shire, would have been forward in it, but the truth is we have many malignants in this country and men of great power with whom he is more conversant than with us . . . We desired Sir John Cooke to join us, but he absolutely refused, for what cause we know not but believe it is his dislike of the business, and that this is a means to displease the commissioners of array and some other malignants with whom he is very familiar.<sup>96</sup>

For malignants read neutrals. But the campaign was a damp squib. In the Commons Coke's prestige remained high: 'I thank God I have as good respect in the House as ever', he wrote to his father on 14th November.<sup>97</sup> Edward Reed confirmed Coke's own impression of his standing at Westminster in a letter to Sir John Coke senior on 2nd January 1643:

The return of Sir John Coke is welcome to many in the House of Commons, where he hath gained much love and respect for his wise and temperate carriage; although he hath been little beholden to some of his countrymen in action about you, for some complaints they made to the House against him, in which they will not add much to their reputation.<sup>98</sup>

Coke epitomised the mood of the bewildered moderates at Westminster. Surprisingly though, in view of his parliamentary stance over the petitions in the spring of 1642, it is Immanuel Bourne who has left behind him the classic statement by a Derbyshire neutral. In 1646 he wrote a long account of his experiences during the civil war to his cousin. His was partly the neutralism of hindsight, the neutralism of a man who had quickly found himself molested for money and disturbed by riotous soldiers from both sides:

In the beginning of the yeare of grace 1642, when I saw bothe sydes bent on war and destruction, I made up my mynde to take part with neither, but to attend to my two parishes and leave them to fighte it out . . . . In the beginning the war I think both sydes were to blame; the parliament went too far, and the King could not be justified; for indeed he had done harm in favouring the papists and in exacting taxes not sanctioned by parliament.<sup>99</sup>

The neutral gentry were consistent in their political behaviour throughout 1642. The Derbyshire petitions were based on the assumption that the King and parliament would continue to play complementary roles in the government of England. Derbyshire clung to this assumption as long as it could, because the gentry were well aware that, with a breach between King and parliament, ordered society and government as they knew it in their locality would be dissolved. Although most of the counties around them were at arms from July or August 1642 onwards, they persisted in the struggle to prevent their own county becoming embroiled in the war. It was Sir John Gell who was the odd man out in Derbyshire. His character was marked by such ambition and self-aggrandisement that he was able to ignore the implications for county society that his neighbours and colleagues on the Bench recognised in his actions. Gell gained power and lost friends. In 1642 Immanuel Bourne had habitually written to him as 'my much honoured friend'. He ended a letter of 31st March with 'my prayers for yourselfe, your good lady and yours'.<sup>100</sup> In 1646 Bourne told his cousin he could 'never bear the sighte of him' since he became 'a great braggart and did pay the diurnals well for sounding his praises'.<sup>101</sup>

Even in the Midlands, where geography provided no hard boundaries, county communities lived their own separate, independent and introverted lives. Each county found its own way into the civil war according to its peculiar blend of political and religious tradition and pattern of social relationships. Yet when Derbyshire is set in the wider context, as it is emerging from recent research, it is clear that the response there to the political events of 1642 had much in common with other counties. In counties such as Nottinghamshire, Kent and Leicestershire, which became involved in the war more quickly than Derbyshire through the presence of the King within their borders, the clash of a few leading personalities or a longstanding feud between two great families, hesitancy and neutralism were equally widespread.<sup>102</sup> A recent study of Chester has shown the same desire to wait on events in an urban situation dominated by local factionalism.<sup>103</sup> Numerous petitions for accommodation similar to Derbyshire's were presented to the King and parliament during the first nine months of 1642. 'Two acts we chiefly pray for: one of forgiveness, another of forgetfulness.' This declaration by the Devon gentry, in a petition which was read in the Lords on 16th August, could stand for much of the nation.<sup>104</sup> The Militia Ordinance and the Commission of Array were long and earnestly discussed by deputy-lieutenants reluctant to commit themselves either way.<sup>105</sup> In the autumn and winter of 1642-43 negotiations for neutrality within county communities were common.<sup>106</sup> In the long run, moreover, many gentry did succeed in remaining



neutral. Neutral families in Yorkshire outnumbered parliamentarians by more than a hundred and were almost as numerous as royalists.<sup>107</sup> Almost a third of the ninety or so leading gentry of Sussex preserved a strict neutrality throughout the war.<sup>108</sup> There were only a few counties, such as parliamentarian Suffolk, which never faced the threat of division and disruption within their ruling circle.<sup>109</sup> The overriding concern of many provincial gentry throughout England in 1642 was to preserve the framework of local society.<sup>110</sup> This situation played into the hands of cliques who were committed and determined. It was possible for a few individuals to determine the initial allegiance of key cities and whole tracts of countryside. Derbyshire's peculiarity lay in the fact that it enjoyed conditions which enabled its gentry to maintain peace and unity a few months longer than many other counties.

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- <sup>5</sup>M. D. Gordon, 'The Collection of Ship-Money in the Reign of Charles I'. *Transactions Royal Historical Society*, 1910, 3rd series, iv, 141–62.
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- <sup>8</sup>D.R.O., Chandos-Pole-Gell MSS, 56/6; *Calendar of State Papers Domestic* (C.S.P.D.), 1635, 537, 558, 599; 1635–6, 294, 396; 1636, 82, 338, 365.
- <sup>9</sup>D.R.O., Chandos-Pole-Gell MSS, 65/18.
- <sup>10</sup>H.M.C., Chandos-Pole-Gell MSS, ii, 391.
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- <sup>16</sup>D.R.O., Chandos-Pole-Gell MSS, 31/76, 60/6; H.M.C., Chandos-Pole-Gell MSS, ii, 391.
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- <sup>19</sup>P. Zagorin, *The Court and the Country* (London 1969), 300–1.
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- <sup>22</sup>D.R.O., Chandos-Pole-Gell MSS 31/33 (p).
- <sup>23</sup>P.R.O., SP 16/405, fol. 14r; D.R.O., Chandos-Pole-Gell MSS, 65/18.
- <sup>24</sup>*Statutes of the Realm*, v, 149.
- <sup>25</sup>D.R.O., Chandos-Pole-Gell MSS, 41/31 (k): Henry Wigfall to John Gell, 12th November 1638.
- <sup>26</sup>D.R.O., Chandos-Pole-Gell MSS, 31/10 (ha).
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- <sup>28</sup>H.M.C., Coke MSS, ii, 306: Immanuel Bourne delivered a letter of 1st February of Sir John Coke the younger to his father at Melbourne.
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- <sup>34</sup>*Statutes of the Realm*, v, 149.
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- <sup>51</sup>D.R.O., Chandos-Pole-Gell MSS, 44/45.
- <sup>52</sup>Wood, *Nottinghamshire*, 12–13.
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- <sup>55</sup>D.R.O., Chandos-Pole-Gell MSS, 65/18; *H.M.C.*, Coke MSS, ii, 310.
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- <sup>58</sup>*H.M.C.*, Coke MSS, ii, 310.
- <sup>59</sup>*H.M.C.*, Coke MSS, ii, 315.
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- <sup>66</sup>*C.J.*, ii, 651.
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- <sup>68</sup>*Calendar of the Committee for Compounding*, iii, 2007.
- <sup>69</sup>Steele, nos. 2186, 2194.
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- <sup>72</sup>*C.J.*, ii, 651.
- <sup>73</sup>S. R. Gardiner, *History of England 1603–42* (London 1884), x, 209, 212, 214; *C.J.*, ii, 653, 658–9. The letters received by Sir John Coke senior at Melbourne during July 1642 were full of news of activity in nearby counties: *H.M.C.*, Coke MSS, ii, 318–20. Sir John Gell received a graphic account of events in Manchester from his son-in-law Richard Radcliffe early in the month: D.R.O., Chandos-Pole-Gell MSS, 60/69.
- <sup>74</sup>*C.J.*, ii, 705.
- <sup>75</sup>*L.J.*, v, 260; *C.J.*, ii, 706.
- <sup>76</sup>*C.S.P.D.*, 1641–3, 389: Sir Edward Nicholas to Sir William Russell, 15th September 1642.
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- <sup>81</sup>*L.J.*, b, 260.
- <sup>82</sup>Glover, *Derbyshire*, i, Appendix, 68.
- <sup>83</sup>D.R.O., Chandos-Pole-Gell MSS, 30/10 (ga): *The Severall Accompts of Sir John Gell . . . and of . . . Thomas Gell . . .* 3.
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- <sup>92</sup>*C.J.*, ii, 831–2.
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- <sup>98</sup>*H.M.C.*, Coke MSS, ii, 328–9.
- <sup>99</sup>Pendleton, *Derbyshire*, 271–2.
- <sup>100</sup>D.R.O., Chandos-Pole-Gell MSS, 56/25 (1), (2).
- <sup>101</sup>Pendleton, *Derbyshire*, 272. Bourne's letter supports Lucy Hutchinson's assertion that Gell 'kept the diurnal-makers in pension': Firth, *Colonel Hutchinson*, 101.
- <sup>102</sup>Wood, *Nottinghamshire*, 23–5; Everitt, *Community of Kent and the Great Rebellion*, 109–11, 119–23; A. M. Everitt, *The Local Community and the Great Rebellion* (London 1969), 11–12, 15–16.
- <sup>103</sup>A. M. Johnson, 'Politics in Chester during the Civil Wars and the Interregnum', in *Crisis and Order in English Towns 1500–1700*, ed. P. Clark and P. Slack (London 1972), 209–10.
- <sup>104</sup>Quoted in E. A. Andriette, *Devon and Exeter in the Civil War* (Newton Abbott 1971), 54.
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