

William Davenport and the 'silent majority' of early Stuart England

By J. S. MORRILL

This paper replaces that read to the society in April 1973 on seventeenth centuries Grand Juries. That paper will form part of a study to appear in a Leicester University Occasional Paper in Local History. I should like to thank the society for allowing me to substitute this contribution.

THE most significant thing about William Davenport, Esq., of Bramall Hall, Cheshire (1586-1655), is his insignificance. He made little mark on his times and was a man buffeted by events which he did little or nothing to shape. However, unlike most of the thousands of other uncontroversial gentlemen of his age, he left behind him a commonplace book¹ from which we can learn a great deal about the political environment in which he moved. This paper concerns itself with two things: William Davenport's political awareness in the years 1613-42, and his sufferings in the course of a revolution in which he sought to play a purely passive role.

I

When the Civil War broke out in 1642, William Davenport was already fifty-six years old,² but it was only with the death of his father in 1640 that he had taken over the family estates. His inheritance, the lordship of Bramhall (three miles from Stockport) together with a few messuages in nearby townships, and a few more in the south of the county around Nantwich, probably made him amongst the seventy or eighty greatest landowners of Cheshire, with an income of probably no more than £400 per annum. He could, however, point to a Davenport lineage stretching back to Domesday (the Bramhall branch was a cadet of the Whatmough line in the late fourteenth century; the Whatmough line had itself been formed two generations earlier by a cadet of the main line, the Davenports of Davenport, already established in that manor in the twelfth century when they served as chief foresters of Macclesfield and Leek Forests). Although the Bramhall line for many years only held the manor of Bramhall in fealty from the Lords of Dunham Massey, they were appointed to important local administrative posts by the Crown from the mid-fifteenth century onwards, most notably as subsidy commissioners.³ Later, when the first Cheshire Commission of the Peace was issued in 1539, William Davenport of Bramhall was included, and for the next hundred years there always seems to have been a

¹ This is now in Chester City Record Office (henceforth C.C.R.O.) CR 63/2/19.

² For the biographical and genealogical background which follows, see particularly J. P. Earwaker, *East Cheshire*, 2 vols., 1878, 1880 and G. Ormerod, *History of Cheshire*, revised G. Helsby, 3 vols., 1882, *passim*.

³ E.g., in 1463, 1474, 1503-4 and then periodically throughout the sixteenth century.

family representative on the Bench. On the other hand, only one Davenport (William's father) ever served as sheriff (that was in 1604).

It is, I think, arguable that it was at the turn of the century that the family reached a peak of local prestige; it was at this time that the most substantial parts of Bramall were built, in a style just going out of favour. Perhaps this is why one contemporary observer's view 'a . . . fair house . . . a park, and all things fit for a worshipful seat' seems so much less enthusiastic than that of a modern expert, 'one of the four best timberframed mansions of England.'⁴ Sir William Davenport (one of only two members of the family to take a knighthood before the eighteenth century)⁵ the builder of the house, was also one of the most active justices of the peace (and sheriff in 1604). He does not appear to have suffered from the fact that his mother was a staunch Roman Catholic and that at least one and probably two of his brothers were trained at Valladolid as Jesuit priests. However, neither his nor his father's Anglicanism was ever seriously impugned, and the deviations of his family did not hinder Sir William's own administrative career.⁶

In the early years of James I's reign then, the Davenports of Bramhall seemed to be emerging as one of the leading families in the county. It is true that the family had never sought to serve in Parliament or as deputy lieutenants, the most prestigious local positions, but around 1600 Sir William was able to marry some of his twelve children to the sons and daughters of élite Cheshire landowners (William marrying the daughter of Thomas Wilbraham of Woodhey, with one of the half dozen greatest landholdings in the county).

But after 1610 the family seems to have gone into relative decline. Perhaps Sir William lived too long. He kept control of his estates and remained on the Commission of the Peace until 1640, when he was over eighty years of age. Although he continued to transact routine judicial business from his home right up to his death (this included examining witnesses and issuing recognisances) he never attended quarter sessions after 1625 and his longevity appears to have kept his son from the Bench.⁷ At any rate, he was not even included in the Commission on Sir William's death in 1640, though in February 1641, at the age of fifty-four, he was appointed to his first administrative position as a commissioner for the parliamentary subsidies. It is also possible that the building of the hall may have strained family finances; certainly Davenport daughters were being married off to merchants or mere freeholders who would presumably have demanded smaller dowries.

All this should serve to place William Davenport into a clear historical

⁴ William Webb in his perambulation, printed in ed. D. King, *The Vale Royal of England*, 1656, p. 70; the recent view is that of N. Pevsner and E. Hubbard, *The Buildings of England; Cheshire*, 1970, p. 12. For an eighteenth century opinion, see ed. C. B. Andrews, *The Torrington Diaries*, 4 vols., 1934-8, vol. 2, p. 220.

⁵ The first being his father, knighted in 1544 by the Earl of Hertford, while serving with Henry VIII's army in Scotland. Other heads of the family were all esquires.

⁶ See the appendices in K. R. Wark, *Elizabethan Recusancy in Cheshire*, Chetham Society, 3rd ser., vol. 19, 1971.

⁷ Based on the Quarter Sessions Files and Order Books in the Cheshire Record Office.

perspective. A real 'mere' gentleman: his financial horizons bounded by the ancestral lordship; his status in the community based principally on his lineage; his interests overwhelmingly local. The family had virtually no connections with the Court or the bureaucracy, unless one counts the military service of Sir William Davenport in Scotland during the 1540s, or our William's younger brother Humphrey, killed during the Ile de Rhé expedition under Buckingham in 1627. And except for Sir Humphrey Davenport (1586-1655), uncle of our William, one of the most senior and controversial of Charles I's judges. Appointed Chief Baron of the Exchequer in 1631, it fell to Sir Humphrey to deliver the verdict of all twelve judges in the case of John Hampden, who challenged the King's constitutional right to Ship Money. In fact, although Davenport was one of the five judges who found for Hampden (the other seven found for Charles I), his grounds were technical ones; the writ which Hampden had refused to answer was incorrectly made out. On the main constitutional question, Davenport clearly upheld Charles' prerogative right to Ship Money.⁸ For this Davenport was impeached in 1641, but he was later able to join the King at Oxford and became a staunch Royalist. Once again, Humphrey Davenport's clear political position is important as background against which to study the views of his nephew.

II

In recent years, historians have produced a new orthodoxy in respect to the origins of the English Revolution. This is the concept of 'Court and Country'. Unfortunately it has become rather a slogan which has been made to mean whatever the particular historian using it wants it to mean.

For Professor Trevor-Roper, it meant, briefly, the struggle between the 'ins' and the 'outs'; between those gentry rising to power and riches through the profits of office under the Crown, and those doomed to staving off financial disaster as their rent rolls lagged behind soaring prices;⁹ for Professor Stone the 'Country' was a group of gentry whose alienation from the monarchy 'was a product of frustrated idealism', and who saw Parliament as the all-important forum where their political programme could be achieved;¹⁰ for Dr. Thomas, 'Court and Country' were two cultural extremes, produced by the breakdown of Tudor cultural latitudinarianism, and the emergence of a Stuart élitist Court aesthetic;¹¹ above all, for Professor Zagorin the 'Country' becomes an organised and widespread ideological group—highly conservative, maybe, but ideologically motivated, and with an organised core about which the movement formed itself. He wrote:

⁸ C. Russell, 'The Ship Money Judgments of Bramston and Davenport', *English Historical Review*, vol. 77, 1962; W. Jones, *Politics and the Bench*, 1971, pp. 126 ff; J. S. Cockburn, *A History of English Assizes 1558-1714*, 1972, pp. 234-7.

⁹ See, e.g., 'The Gentry, 1540-1640', *Economic History Review*, supplement no. 1.

¹⁰ L. Stone, *The Causes of the English Revolution*, 1972, pp. 78-91.

¹¹ P. W. Thomas, 'Two Cultures? Court and Country under Charles I', in ed. C. Russell, *The Origins of the English Civil War*, 1973.

The Country was the first opposition movement in English history whose character transcended that of a feudal following or a faction . . . It consisted of a loose collaboration or alliance of men in the governing class . . . Principles counted for it more than persons. It found its main focus of action in Parliament and to a lesser extent in local government, in both of which it eventually secured an ascendancy beyond the monarch's ability to control.¹²

Now, there is some truth in all these statements. But they are all too vague, and they all abound in *non-sequiturs*. 'If faction and party be considered as alternative types of political structure, then the Country approximates more nearly to party . . .' writes Professor Zagorin. But why should it necessarily conform to either? By the 1630s there was a relatively small group of men who banded together in a number of ventures which involved them in confrontations with the policies of the government. At a time when Charles I was returning to a pro-Spanish foreign policy, these men pursued ventures which reawakened the Elizabethan spirit of colonial confrontation; at a time when Archbishop Laud was trying to overhaul church finances, oppositionists were setting up their own scheme to endow ministers of their own choosing with better incomes; at a time when Charles I was evoking anti-Scots feeling to create an army to fight north of the border, the same men were establishing contacts with the leading Covenanters there. Interlocking networks of articulate, often intellectual opponents of the régime can be traced, and there is no doubt that an organised opposition movement existed by the spring of 1640. But this does not mean that the vast majority of country squires felt any identity of interest or belief with this group. It does not mean that Pym, Hampden and the rest received the explicit backing of the majority of the political nation. It is true that in 1640 there was general condemnation of royal policies and a determination to prevent Charles from continuing as hitherto. But this does not mean that the 'pure' country gentry shared a common programme or the same arguments with the 'official' Country party. It does not even mean that the two groups spoke the same political language.

This is where William Davenport comes in. He was a 'pure' country gentleman; he was unsullied alike by close contacts with either the Court or the Country party. He was a provincial squire who represented the 'silent majority' of early Stuart England, and who happens to have left us traces of his political interests and views.

III

Between 1613 and 1650, William Davenport kept a commonplace book. The first half, covering the years 1609–42, consists chiefly of Davenport's transcription of many random documents relating to events at Court, Whitehall

¹² P. Zagorin, *The Court and the Country*, 1970, pp. 74 ff.

and Westminster. The material varied enormously in quality, authenticity and length, but it does reveal the nature of Davenport's political interests. With the exception of some scurrilous and obscene verses, usually aimed at royal favourites like the Earl of Somerset or the Duke of Buckingham,¹³ most of the material adopted a high moral tone, and was (until 1641) consistently anti-government and particularly anti-Court. For example, the second largest bloc of material comprises 'reports, passages, examinations, libels and occurrences concerning the great business of ye Earle of Somersett and his Countess'; in general the material in this section was at once salacious and opprobrious, no details being spared either of the annulment of the Countess' earlier marriage (to the supposedly impotent Earl of Essex) or of their plot to murder their political enemy, Sir Thomas Overbury.¹⁴ Much of the criticism was intended to apply to the Court as a whole. Taken by itself, it signifies little, but it was only part of Davenport's wider interest in Court scandals. Much later, for example, he recorded the details of a less celebrated affair concerning Lord Castelvion's trial for sodomy in 1631.¹⁵

At one point in his account of the 'Country', Professor Stone draws attention to the 'Country's' attachment to an ideal, part of which was 'a vision of moral superiority over the Court; the Country was virtuous, the Court wicked; the Country was thrifty, the Court extravagant; the Country was honest, the Court corrupt; the Country was chaste and heterosexual, the Court promiscuous and homosexual, . . . the Country was healthy, the Court diseased; the Country was outspoken, the Court sycophantic . . .'¹⁶ This material pandered to such prejudices; Davenport's inclusion of it indicated that he shared them. But, as time went by, he made fewer entries of this kind. Instead, he was recording hard political scandal. This was much less anecdotal and much less journalistic material; indeed, the bulk of it comprised careful copies of parliamentary speeches by the leading oppositionists. It is true that there are a few Court speeches,¹⁷ but these few are swamped by those of the opposition. For example, the speeches of eight parliamentary managers of the impeachment of Buckingham are given along with Buckingham's reply to the charges.¹⁸ Now, the Parliaments of the 1620s were dominated by conflict between King and Commons, so that it is instructive to see which of the clashes Davenport noted. In fact, he ignored the most serious constitutional clashes (over the Protestation of 1621, the Petition of Right of 1628, the Protestation of 1629) and concentrated on the issues which most concerned questions of personality, such as Prince Charles' Spanish marriage negotiations and the impeachment of Buckingham (of much less constitutional significance than the earlier debates in which the

¹³ C.C.R.O., CR 63/2/19 ff., 4, 11-4, 69.

¹⁴ *Ibid.*, ff. 2-14.

¹⁵ *Ibid.*, ff. 73-6.

¹⁶ Stone, *op. cit.*, p. 105.

¹⁷ E.g., C.C.R.O., CR 63/2/19 ff. 52-6.

¹⁸ *Ibid.*, ff. 43-57.

two houses had revived their medieval powers of impeachment, in the cases of the Monopolists and of Lord Keeper Bacon in 1621).

The other 'political' material in Davenport's book is much the same. Particular prominence was given to a report of what Archbishop Abbot is supposed to have said in the Privy Council in July 1623.¹⁹ A recent authority has asserted that the text is a forgery and that Abbot disowned it to the King; but he has also shown that the Archbishop failed to make his denial public and that the report did in fact reflect his views.²⁰ The document does not appear to have been printed in recent times, and as a reflection of the kind of material Davenport chose to record, it warrants a fairly full transcription here:

Maye it please youre Majestie, I have beene too longe sylent and I am affraide by my silence I have niclected the dutye of my place yt it pleased god to calle me unto and youre Majestie to place me in: and therefore I beseech youre Majestie to give me leave freely to deliver myselfe and then let youre Majestie doe with me what you please. Yourre Majestie hath propounded a tolleration of religione, I beseech your Majestie to take it into consideration what your acte is and what the consequence may bee by youre act, you labour to set uppe yt most damnable heretical doctrine of the church of Rome, the whore of Babylone, how hatefull it wilbe to god and how greivouse unto your good subjects, the true professors of the Gospell, yt your Majestie who have often disputed and learnedlye written against those heresyas, shall now showe yourself a patrone of those doctrynes . . . and hereunto what you have done, in sendinge the Prince into Spaine without ye consent of youre counsellors privetye or approbation of youre people, and althrough you have a large interest in the Prince, as the sonne of youre flesh, yet have the people a greater as the sonne of your kingdome . . . Beside this Tolleration, you endeavour to sett upp by your proclamation yt cannot be doone without a parlament unless youre Majestie will take libertye to throwe down the lawes of youre Lande at youre pleasure, what dreadfull consequence these thinges maye drawe after . . . I have taken my humble bouldness to deliver my conscience and, my soveraigne, doe with me what you please.

Hatred of Catholicism, the firm placing of the prerogative under the law, fear of involvement with Spain; these are amongst the chief ingredients of the 'official' opposition, and, again, Davenport's inclusion of them can be taken to reflect his own views.

The third prominent group of documents in the commonplace book reflect a conventional Protestant nationalism. He includes sections on the state of the navy in 1624, on the condition of Mansfield's army in 1625 (at a time when it was unsuccessfully in the king's service in Germany), on the disastrous Ile de

¹⁹ *Ibid.*, f. 35.

²⁰ P. A. Welsby, *George Abbot, the Unwanted Archbishop, 1562-1633*, 1962, pp. 108-110.

Rhé expedition of 1627 (which marked Charles' simultaneous wars with France and Spain), and (in contrast to these feeble efforts by the Stuarts to further the Protestant cause) accounts of the campaigns in Germany of Gustavus Adolphus, King of Sweden and Protestant champion.²¹

Apart from their intrinsic interest, these documents provide important testimony of the sources of information available to a country gentleman living remote from London. In general, it can be assumed that there was a great deal of verbal communication of news brought back by those members of the local community who visited the capital. But evidence as to the extent of this is completely lacking for Cheshire during this period. The commonplace book of William Davenport is crucial in that it reveals the extent to which pro- or anti-Court newsheets and propaganda filtered through to the provinces. This was, after all, an age without newspapers, the first diurnalls appearing only fitfully in the 1620s and 1630s, and being largely concerned with news culled from foreign (Dutch) newspapers. There was, however, a lively and largely illicit pamphlet trade in London, and it is from this that Davenport's information seems largely to have derived. It is clear from the very fact that Davenport copied out these tracts that he did not possess them; rather the implication must be that he was one of a reading circle who received pamphlets and then passed them on. Whether the choice was his own or not, however, the selection of these particular types of material rather than others, and his expressed interest in these types, reveals something of his political views.

All in all, Davenport's interests were those traditionally ascribed to the 'Country'. The transcripts all reflect a profound disenchantment with the Court, its policies and practices. They also reflect an anti-Court mentality rather than a pro-opposition position. There is no reference to any of the activities sponsored by the leading opponents of the Crown, and there is little concern with the very real constitutional issues raised by the crises of 1621, 1626 or 1628-9. The fact that the documents are selective is important in this respect.

The conclusion, although admittedly it is one drawn from silence, is that, by 1640, Davenport was disillusioned with the Crown and its policies, but that his antipathy was generalised and partial. There is no evidence that he was even remotely attached to any organised opposition party or interest. And, as we shall see, he later showed unwillingness to act out his opposition to royal policies. But the occasional personal comments he adds to his transcripts also suggest that his reading had not led him to adopt the language of the official 'Country'. He simply described the Ile de Rhé expedition, for example, as 'the most unfortunate journey.'²² Much clearer was his comment on one of the few local political issues of the 1630s which he recorded, the Distraint of Knighthood Proceedings.²³ This was just one of the devices by which Charles I strained his

²¹ C.C.R.O., CR 63/2/19, ff. 39, 40, 42, 59, 68, 77-8.

²² *Ibid.*, f. 59.

²³ *Ibid.*, ff. 72-3.

traditional rights in the quest for a balanced budget during his Personal Rule. In 1631 he appointed commissioners in every county to discover and collect fines from all those gentlemen who had failed to sue for knighthoods at Charles' accession, despite incomes ample enough to bear the charge. It was the revival of a half-forgotten royal right. About one hundred and eighty Cheshire gentry were fined between £10 and £70 (Davenport himself was fined £17-10s-0d).²⁴ The section which alarmed Davenport was one which required nineteen named gentry to appear in person before the Privy Council to compound for their offence. Davenport's general comment was that he was recording 'ye strange commission wch came down into Cheshire'. To Davenport it was 'strange': a novel unwonted exercise of the royal prerogative; to the 'official' Country, as portrayed by Zagorin and Stone, it was anything but strange. They could and did see it as part of a consistent programme of illegal and arbitrary action by a government bent on destroying the traditional constitution. Davenport resented royal policies but he does not appear to have articulated this resentment within a radical framework of reference, or into any intellectualised or idealised mould whatsoever. It is a crucial distinction which separates him and, I suspect, a majority of his peers, from men like Pym and Hampden, who claimed to be able to understand royal policies and sought to promote a coherent system of government and of ideas.

IV

In the spring of 1640, the gentry of Cheshire were deeply divided.²⁵ The parliamentary election to the Short Parliament was fought between two groups, one headed by Lords Cholmondeley and Kilmorey, 'the Barons', the other by Sir George Booth and Sir Richard Wilbraham, 'the Baronets'. Each had the support of about half the justices of the peace, but the group supporting the Barons appears, for some years, to have been boycotting quarter sessions. The struggle between these groups appears at this stage to have been essentially local and personal, a battle for precedence in local society. In the event the Cholmondeley-Kilmorey group triumphed. However, this did not end the split, and for the next two years, the 'Baron-Baronets' parties formed a basic polarity in county politics. Yet it was only after the middle of 1641 that the two groups came to take up distinct positions in respect of national issues. Indeed, in 1640-1, the two groups joined together to attack Charles' misgovernment, in particular with respect to the Bishops' Wars and Ship Money. But the dominant issue soon became the future of episcopacy: here again the two parties were in broad agreement in seeking to defend the bishops against demands for their abolition, but they failed to find a common formula, and there was a disagreement over the tactics employed by the Barons' party to promote the cause. The Booth-Wilbraham group were, however, quite prepared to back the

²⁴ See *L.C.R.S.*, vol. 12, 1885, pp. 191-223.

²⁵ For a full analysis of county politics at this time, see my book, *Cheshire 1630-1660; County Government and Society during the English Revolution*, 1974.

Barons in denouncing the activities of a strong Puritan group, headed by Sir William Brereton, the only Cheshire gentleman with clear affiliations to the 'official' opposition, and consisting of a small group of activist minor gentry.

The turning point came in the summer of 1641 when the group around Cholmondeley and Kilmorey formed an alliance with the Court, thus effecting a speedy volte-face from their position twelve, even six, months earlier (though they lost much of their support in the process). In the following eighteen months, local politics crystallised around three distinct parties: one (comprising a substantial minority of the leading gentry), came to rely increasingly on the King and became prepared, when occasion demanded, to fight under his banner; the second group, the Puritan group around Sir William Brereton, came to form the core of a Parliamentary movement in Cheshire, and worked vigorously to gain control of the militia and to pursue a militant Puritan campaign against the physical manifestations of Laudian Anglicanism (stained-glass windows and altar rails were prime targets); the third group, which comprised a clear majority of the upper gentry, including almost all the active justices of the peace, stood for peace and neutrality. They consistently misunderstood what was happening at Westminster, and, taking the propaganda of both sides at face value, convinced themselves that the two sides would reach an early settlement. They refused to accept that civil war would break out, or, that if it did, that they needed to become involved. Apart from anything else, they believed that civil war could only lead to anarchy, the dissolution of the traditional order, social revolution. Thus when civil war did break out, they tried to put the county into a posture of neutrality, attacking the activities of both Royalist and Parliamentary commissioners in the county and threatening to create an independent force which would be used against an army of whatever allegiance that tried to enter Cheshire. However, their gallant scheme soon collapsed and this whole central group disintegrated. Its leaders were forced to adopt a positive stance, and some joined the King while most joined his enemies. For less prominent members of the group, however, a more passive form of neutrality replaced the active one. This was the option taken up by William Davenport. He is, in fact, rarely mentioned in surviving documents of this time, but it is clear that he remained throughout on the fringes of the 'middle group', and subscribed to their unrealistic and essentially localist political views. There are few entries from these years in his commonplace book, but what is recorded is suggestive; he noted 'Mr Pim's speech in ye discontented Parliament, 1640', a speech which retailed all the grievances against the Personal Rule; he included a Scots army petition putting the Scots case against the King, and then, a dramatic change, the speech made on the scaffold by the Earl of Strafford, arch villain of the Court. Davenport appends no hostile gloss, nothing about the charges against him.²⁶ It fits in with other evidence that both the major gentry groups in Cheshire were as opposed to the attainder of

²⁶ C.C.R.O., CR 63/2/19, ff. 81-5, 92-3.

Strafford as they had been to royal misgovernment hitherto. At any rate, by the autumn of 1642, Davenport's political activities appear to have gone no further than subscribing neutralist petitions.²⁷ He made no effort to join either side. Then, as later, Davenport provides testimony that the provincial squire, far from being forced into one or other of the two great parties, found that there was a very large, if extremely uncomfortable, fence on which to squat.

V

Throughout the years of civil war, William Davenport simply stayed at home and tried, as best he could, to keep out of trouble. This meant that whichever side controlled the area around Stockport found Davenport quietly cooperative, and prepared to answer any duly authorised demands made of him.²⁸ In September 1642 he set forth such men for the freehold bands of Macclesfield hundred, then being recruited for the Royalist cause, as his traditional obligations required. Yet within a few weeks, as Parliament established control of the area, he had negotiated a £40 loan to Parliament through its local agents, and he shortly after agreed to set forth and maintain his quota of men in the Parliamentarian freehold band.

For most of the ensuing four years the Stockport area lay under Parliamentarian control; until the summer of 1644, Davenport was left relatively undisturbed except for regular tax assessments and the periodic provision of billets and free quarter. He later drew up 'a briefe summary of my sufferings in some speciall passages since the beginning of march 1643.'²⁹ Much of this consists of a detailed list of his expenses without comment or complaint; he claimed, for example, that the weekly assessment, the mainstay of Parliamentarian war taxation, cost him £60 per annum; he pointed out how at different times Cheshire, Yorkshire and Scots Parliamentarian troops were quartered on him, and also how, during brief periods of Royalist ascendancy in the area, he billeted and quartered men from Goring and Rupert's regiments. He never seems to have considered withdrawing even briefly from Bramhall as the Royalists advanced, which would have been the response of a passive but loyal Parliamentarian, and was indeed the reaction of several of his neighbours.

All this is described without comment. Equally he recorded how Sir William Brereton had arrived with a warrant to search his house and had removed 'all the armes I had in my house (leaving onely a peece for my keeper)'. Davenport made no attempt to remonstrate with him either at the time or in his later account of the meeting, but rested content with exacting a promise 'that as he

²⁷ E.g., Brit.Mus., Harl. MSS 2081, the Cheshire Remonstrance of August 1642. This was the most articulate of the statements of this approach to politics, arguing that civil war was inconceivable and that the county could not join either side. Over 8,000 people signed on a parish-by-parish basis. See J. S. Morrill, *op. cit.*, pp. 58-9.

²⁸ The following is based on documents in his commonplace book, *loc. cit.*, ff. 88 ff., and in ed. M. A. E. Green, *Calendar of the Committee for Compounding*, 1889, p. 1660.

²⁹ In the commonplace book; printed in J. P. Earwaker, *op. cit.*, pp. 429-31.

did disarme so he would defend as from all Parliament's party whatsoever . . .'

What enraged Davenport were the arbitrary proceedings of some civilian and military officials in searching his house and stables and removing his property without due authority or warrant. The incidents which led to his most bitter complaints were all of this kind, and his anger was directed impartially against both Royalists and Parliamentarians. The Royalists seem to have been straightforwardly interested in plunder; 'by Prince Rupert his army I lost better than an hundred poundes in linnens and other goods at Milesend, besides the rifling and pulling in peeces of my house'; the Parliamentarians, on the other hand, visited him several times to take unauthorised possession of horses, on the last occasion, taking 'all I had, 17 of mine and my childrens, of which we never got any one restored.'

Following two of these incidents, he went so far as to write official complaints to the authorities concerned, each time stressing the lack of any due warrant for the actions of their subordinates. Following Davenport's first complaint, Sir William Brereton issued an order requiring his subordinates to make restitution of the goods which had been seized; an order which was only partially effected. The second complaint followed a distressing incident when Davenport, riding home from a visit to his cousin's house at Woodford, was stopped by a file of Parliamentarian horse under the command of Robert Norbury and his mount requisitioned. After walking all the way home, Davenport wrote in the strongest possible terms to Norbury's captain, Thomas Stanley, himself a near neighbour of Davenport's. A few days later he received a 'letter from Captaine Stanley and what iniurie his men had done me in taking my mare from me was without his commission or knowledge with a promise to have her restored.' Gentlemanly civilities were not interrupted by a civil war. What makes Stanley's letter the more remarkable was that, despite his painstaking neutralism, Davenport had by this time been officially branded as a Royalist by the authorities. Thus in late 1644, just as Parliament completed its control of the whole county except for the city of Chester at the far end of the county from Bramhall, and just when Davenport might have expected the worst to be over, his problems had really only just begun.

VI

The sequestration order came completely out of the blue.³⁰ It was based on the powers devolved by Parliamentary ordinances in the course of 1643-4 onto local commissioners, empowered to confiscate the personal and real estates of all known Royalists, and to employ the proceeds for the Parliamentarian war-effort. On this basis, the Macclesfield sequestration committee sent no fewer than ten agents to Bramhall on the 12 August 1644 'to take an inventory of all my goods both within the house and without, which they in most strict and

³⁰ For what follows, see C.C.R.O., CR 63/2/19, f. 91.

sever manner performed, goeing into every roome in the house, narrowly searching every corner, causing all boxes and chests to be opened which otherwise they threatened to breake uppe, being in the meantime guarded with a company of musquettiers who stood in the parke and all about the house with their matches lighted'.

In early December, he was summoned before the sequestrators themselves and charged with delinquency in that he had attended Royalist musters in September 1642. He pointed out that this should be placed in the context of his neutrality and his ready obedience to all warrants drawn up in due order. He produced evidence of his ready acquiescence in everything Parliament had demanded, and he pleaded that Sir William Brereton's promise of protection 'from all the Parliament's party whatsoever' was an implicit pardon. In an attempt to clear himself, he went before the county committee at Nantwich who accepted his story and gave him a certificate of their support.

But the sequestrators remained unsatisfied, and announced their intention of proceeding to take control of his estates and his rents. The authority of the county committee did not, in fact, extend to cover sequestrations, so they could do nothing to help Davenport, despite the fact that it was perfectly clear that the Macclesfield sequestrators were straining the terms of the ordinance. However, if their actions thus far were technically legal, they now proceeded to make Davenport the victim of their arbitrary assumption of unwarranted powers. They suggested that to avoid 'all rigour and extremity', he could pay them £500 and they would forbear to proceed against him. He reluctantly agreed and in the following twelve months appears to have handed over a total of £250 in £50 instalments.³¹

By this time Parliament had agreed to allow repentant Royalists to regain their estates by paying a composition fine expressed as a fraction of the capital value of their estates (usually one tenth or one sixth). But these fines had to be assessed in London, paid directly into treasuries in London, and confirmed by both houses of Parliament. Local sequestration commissioners were empowered to certify the value of a delinquent's lands, but certainly not to assess the level of composition, collect the fine, or discharge his estates. Unhappily, when the local committee's actions came to light in early 1647, it was Davenport who suffered. Since the local committee's actions were without warrant, the central committee claimed they could take no cognisance of them. They accordingly ordered him to pay them the full amount of the fine to which they deemed him liable (£745). He paid off the first £495 fairly quickly, but resolutely refused to pay the remaining £250. The political crisis at Westminster in late 1648 and early 1649, centering on the trial and execution of the King, delayed the central committee's response, but when it came it was quite mild. He had to pay the £250 immediately or be surcharged 25% for his default; but the committee

³¹ A record of these payments is contained in the accounts of the Macclesfield treasurer, William Barret: Brit. Mus., Harl. MSS 2130 f. 213 ff.

undertook to order the local commissioners to reimburse him once he had made the payment. Once again Davenport appears to have acquiesced, and once again he was the sufferer; at the end of 1649 he petitioned Parliament to say that the Macclesfield committee had ignored the directive from London. At this point the records fade out, and we are left uncertain whether he ultimately got redress. Unless the local committee behaved uncharacteristically in his case, Davenport's chances of them giving in to the blandishments of a remote Westminster committee are very remote.

Thus ironically, Davenport, who sought to avoid conflict with anyone, and was prepared to support all *de facto* authority, became a victim not only of the two great parties in the Civil War, but even of competing interests within the victorious Parliamentary movement.³²

VII

After 1649, we lose sight of William Davenport. There is no further trace of him in the official records and his commonplace book closes with a section on the charges against Charles I, the course of his trial (with a complete list of his judges), his speech from the scaffold, together with a similar account of the last words of the Duke of Hamilton after his conviction for treason during the 3rd Civil War (1651).³³ Davenport himself died in 1655; a broken and disillusioned man, one suspects.

Davenport's wartime experiences afford an unusually clear picture of the impact of the Civil War on a mere country gentleman. There can be little doubt that he represents a very large group within the political nation; his whole career, from his dislike of royal government in the 1620s and 1630s, through his bafflement and neutralism of 1640-2, to his unjust sufferings during and after a Civil War to which he reacted purely passively, could be posited (though less adequately proven) for many other members of the gentry both in Cheshire and throughout the country. Whoever had won the war, he and they would have lost: had the King triumphed, his payments to the local Parliamentary forces, and setting forth men in a militia under Brereton's control, would have been taken to represent his rebelliousness, and he would have been sequestered. William Davenport stands as a testimony to a pattern of allegiance and political principle far more complex than is generally allowed by historians of the period. Through him, and men like him, the early Stuart and Civil War periods become both richer and more poignant.

³² The above is based on documents in the commonplace book, *loc. cit.*, and in the *Calendar of the Committee for Compounding*, p. 1660. Earwaker's account of Davenport's composition is completely wrong, *op. cit.*, p. 432.

³³ C.C.R.O., CR 63/2/19 ff. 94-112.

Appendix

One section of Davenport's commonplace book deserves to be quoted at length, since it affords important testimony on yet another point on which other contemporary evidence is generally lacking. The great contemporary statesman and historian, Edward Hyde, earl of Clarendon, speaking directly of Lancashire and Cheshire, wrote 'the difference in the temper of the common people of both sides was so great, that they who inclined to the Parliament left nothing unperformed that might advance the cause, and were incredibly vigilant and industrious to cross and hinder whatever might promote the King's: whereas they who wished well to him, thought they had performed their duty in doing so, and that they had done enough for him that they had done nothing against him.'³⁴ The following petition from a group of Davenport's tenants shows the political temper of the tenant-class. At a time when Davenport intended to remain as neutral as possible, they wrote:

Much honored Sir,

Wee your Worshipp's tenants here present havinge these manie dayes with sadd spiritts weighed not onelie the wofull distractions off our kingdome but also the present standinge that is betwixt your Worshipe and ourselves have thought it our dutie as well for the workeinge upp of a sweete union as for the takinge away of all jealousies amoungste us to present youre Worshipe with these few lynnes off our humble request.

Wherin we doe most humbly intreat youre Worshipe that either you would be pleased to bend your intencions that waye which wee may with upright harts and saffe consciences cleave to you both in lyffe and death (which in so doeing we shall be ever most willinge to doe) or else that youre Wor'pe will not repute us ill-effected or false-harted tenants in refusinge to venture our lyves in causes that our harts and consciences doe perswade us are not good or lawefull, nor such as wee dare safelye and with good consciences maintayne and deffend you in.

For howsoever wee would not for the world harbour a disloyall thought against his Maiestie yett wee dare not lifte upp our handes against that honorable assembly off Parliament, whom we are confydently assured doe labour both for the happiness of his Maiestie and all his kingdome.

Davenport's gloss on this says all that needs to be added:

This petition was sent to me by these persons above named ye 17 of sept 1642 when I was at supper with a desire or command to have my resolution. I takinge it into consideration after my first and 2d veiwinge of it, how nerely it might conserne mee, sent them word by my servant Richard

³⁴ Edward Hyde, earl of Clarendon, *History of the Great Rebellion*, ed. W. D. Macray, 1887, book 6, sections 272-3.

Browne . . . [that] when I had dylie considered off it, I would either satisfie them myself, or send them my answeare and for yt time desired them to depart to thire owne howses . . . Yet nevertheless the verie next day (and it beinge the Saboth day too) not staing or belyke caring much for me or my answer: they wth some others of my tenants enrowled their names and listed themselves with Captain Hyde of Norburie to become souldiers for ye Parliament under his command.³⁵

³⁵ The petition and gloss are in the commonplace book, *loc. cit.*, f. 88; the petition only is printed in *Earwaker, op. cit.*, pp. 429-30.

