The Bravest Cavalier

John Morris &
the Siege of Pontefract Castle, 1648-9

Stephen Cooper

'Our objects and thoughts are limited to looking upon a tulip, hearing a bird sing, a rivulet murmuring, or some such petty, yet innocent pastime. By my troth, I wish you, divested of the importunity of business, here for half a dozen hours: you should taste how free and fresh we breathe, and how "procul metu fruimur modestis opibus",[1] wanting sometimes to persons of greater eminency in the administration of the commonwealth.'

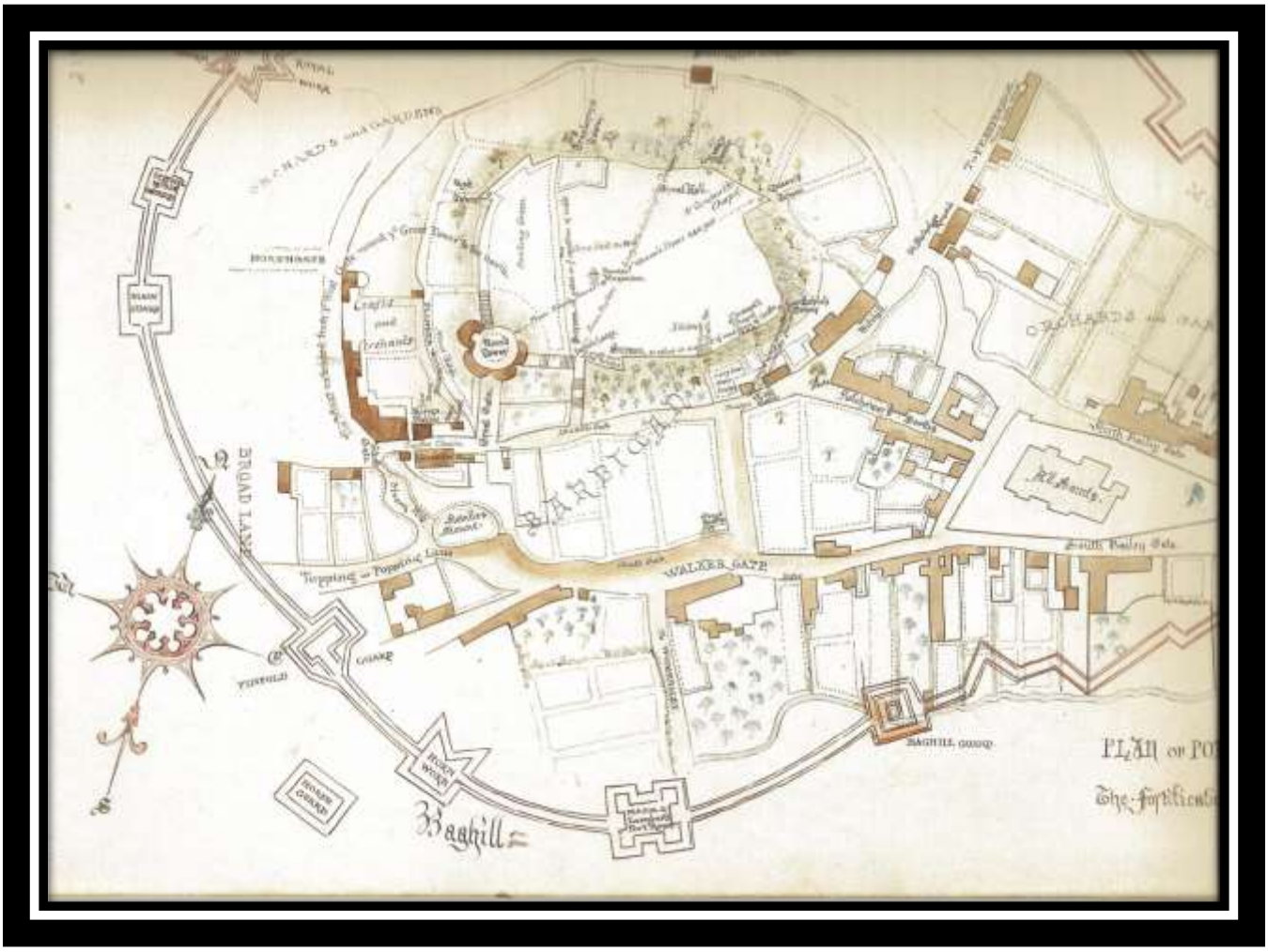
from a letter written by Sir Thomas Wentworth

In the bleak mid-winter
Frosty wind made moan,
Earth stood hard as iron,
Water like a stone;
Snow had fallen, snow on snow,
Snow on snow,
In the bleak mid-winter
Long ago.

Christmas carol

[1] 'Free from anxiety, we are able to enjoy our modest labours'.

John Morris



Pontefract at the time of the third siege, 1648-9

To ‘Ecce’ Lowe,
Senior History master at The Holt School,
Liverpool, 1965

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Author's Preface

This book is about local history and national history. At the core of it is an episode which has long fascinated me – the third siege of Pontefract and the part played in that by John Morris, who was buried in Wentworth, not a mile from where I have lived these last thirty years. More widely it touches on the much broader theme of the English Civil Wars, which I studied at school and which was the subject of animated controversy when I was at University.

I first read about the Civil War when I was in the Lower Sixth at the Holt High School for boys in Liverpool in 1963. The senior history master was Charles Lowe (E.C. Lowe, known to us as 'Ecce!', which is Latin for 'Lo and Behold!'). For the 'A' level G.C.E. course we studied the period 1603-1714 in English history and Ecce, using what would now seem like very old-fashioned methods, taught this as narrative; but at the same time managed to convey his excitement with the people, places and issues. Since I seemed more interested than most, he introduced me to the works of many different historians, including some on the extreme Left. Come to think of it, most of them were written from that point of view; but we were also introduced to 'Whig' History, and to biography in the form of C.V. Wedgwood's *Strafford*, first published in 1935, when she was only 25.

'Ecce' must have read Wedgwood's *Strafford* when he was a young Socialist in the 1930s (assuming he was not what we used to call a 'card-carrying Communist'); and he did not think much of it, or of Dame Veronica Wedgwood. He explained to the A level class, or at least to me, that female biographers sometimes fell in love with their subjects, and were therefore prone to 'whitewash' them. (I doubt if he ever knew that Dame Veronica Wedgwood O.M., D.B.E. (1910-1997) was a lifelong lesbian). At any rate, she had once thought Strafford a 'sincere, brave and able man'; but, by the time she came to write the revised version of the biography, she thought him a mixture of 'cunning, idealism and self-interest.'

In the year Mrs Thatcher came to power (1979) I moved to Thorpe Hesley, about a mile from Wentworth, which had been Strafford's home, and later home to his successors, the Marquises of Rockingham and the Earls Fitzwilliam (some of whom

feature in Catherine Bailey's brilliant *Black Diamond*s). The place has always fascinated me, but it was the discovery of the story of John Morris and his audacious capture and defence of Pontefract Castle during the Second Civil War of 1648-9 which sent me back to reading Wedgwood and Trevelyan, as well as Hugh Trevor-Roper and Christopher Hill (see below).

I am much indebted to Adrian Tinniswood's *The Rainborowes,* Geoffrey Robertson's *Tyrannicide Brief*, George Fox's *Three Sieges of Pontefract*, and the 2004 edition of the Oxford Dictionary of National Biography, which I have consulted online and during many happy hours at the Institute of Historical Research. I would also recommend David Caute's novel about the Diggers, *Comrade Jacob*, which was published in 1961 and was among the books recommended to me by Ecce Lowe, though I confess to his shade that I never read it until now.

My thanks to my friend and former colleague Jeremy Heath for help with translating passages from Thomas Vaughan's *Thalia Rediviva*; and to my brother Ashley who read the book in a formative stage and made many pertinent comments.

Stephen Cooper
Thorpe Hesley
South Yorkshire
In the bleak mid-Winter of 2013-14

List of Maps and Illustrations

[2] From Fox, opposite page 147.

Introduction

Captain John Morris (1615-49) was not the Laughing Cavalier. He had little enough to laugh about, since he was the commander of the Royalist garrison in Pontefract during the Second Civil War of 1648-9 and was executed soon after the castle was forced to surrender. He was one of three Royalists whose story is told in this book, the others being Sir Thomas Wentworth, 1st Earl of Strafford (1593 - 1641) and King Charles I (1600 – 1649). Charles was the sovereign, Strafford a peer of the realm, Morris the servant of each. All three had a high regard for monarchy, law and order and the Anglican Church - yet all three were eventually accused of treason and tried for their lives, either in Westminster or in York, the second capital of the kingdom. Charles I was buried in St George's Chapel, Windsor. Wentworth and Morris were buried in the small village of Wentworth in the West Riding of Yorkshire.

There are two churches in Wentworth - one is in use, the other in ruins. The former dates from the late 19th century and was built by Earl Fitzwilliam, a descendant of Strafford's who lived at Wentworth Woodhouse, just outside the village. In its day this mansion was one of the largest and grandest houses in England, largely built by the 2nd Marquis of Rockingham, who was twice Prime Minister, notably at the time of the American War of Independence (1776-83). The ruined church is a late 17th century building and was built by Strafford's son, the 2nd Earl, after the Restoration of Charles II in 1660. He filled the chancel with monuments to his parents, grandparents and great-grandparents, and these survive; but there is no monument to Captain John Morris.

The oldest tombs in the graveyard are those of servants who worked at Wentworth Woodhouse, and these mostly belong to the 18th and 19th centuries. However, just inside the chancel door there is a tomb to one Richard Marris; and it is probable that this man was our John Morris's grandfather. Spelling was not yet standardised, and we know that John Morris's wife Margery spelt her name 'Marris', while in other sources John Morris is referred to as John Morrice. According to the tombstone which commemorates him, Richard Marris was employed by the 1st Earl of Strafford as his 'steward and ancient servant'; and, although the stone was evidently put in place by the 2nd Earl in 1667, it tells us that Richard Marris died in 1635. That would suggest that he was Steward in the 1620s, when John Morris must also have been in service.

Modern historians have had little time for the Royalists; and some have even consigned them to Trostsky's dustbin of history. In *The Century of Revolution* (1961) Christopher Hill, shortly to become Master of Balliol and an important influence on a generation of historians, treated the 1630s as a fundamentally critical time. Hill followed Karl Marx (and Max Weber) in proposing that the 'Puritan Revolution' between 1640 and 1660 had constituted a *bourgeois* revolution, which had largely succeeded, even though the King had been restored in the end. Before this, the 'Eleven Years Tyranny' of 1629-40 had been regarded as a time when Charles I attempted to rule without Parliament, the Earl of Strafford pursued his politics of 'Thorough' and Archbishop Laud attempted to impose religious uniformity. Instead, Hill saw the 1630s as an attempt to re-impose a kind of feudalism, and the English Civil Wars as the moment when the monarchy became constitutional; but at the same time his English Revolution was social as well as political and religious. The theory fitted very well with another idea that the aristocracy was in some sense in decline (see the work of Lawrence Stone (1919-1991) in particular.

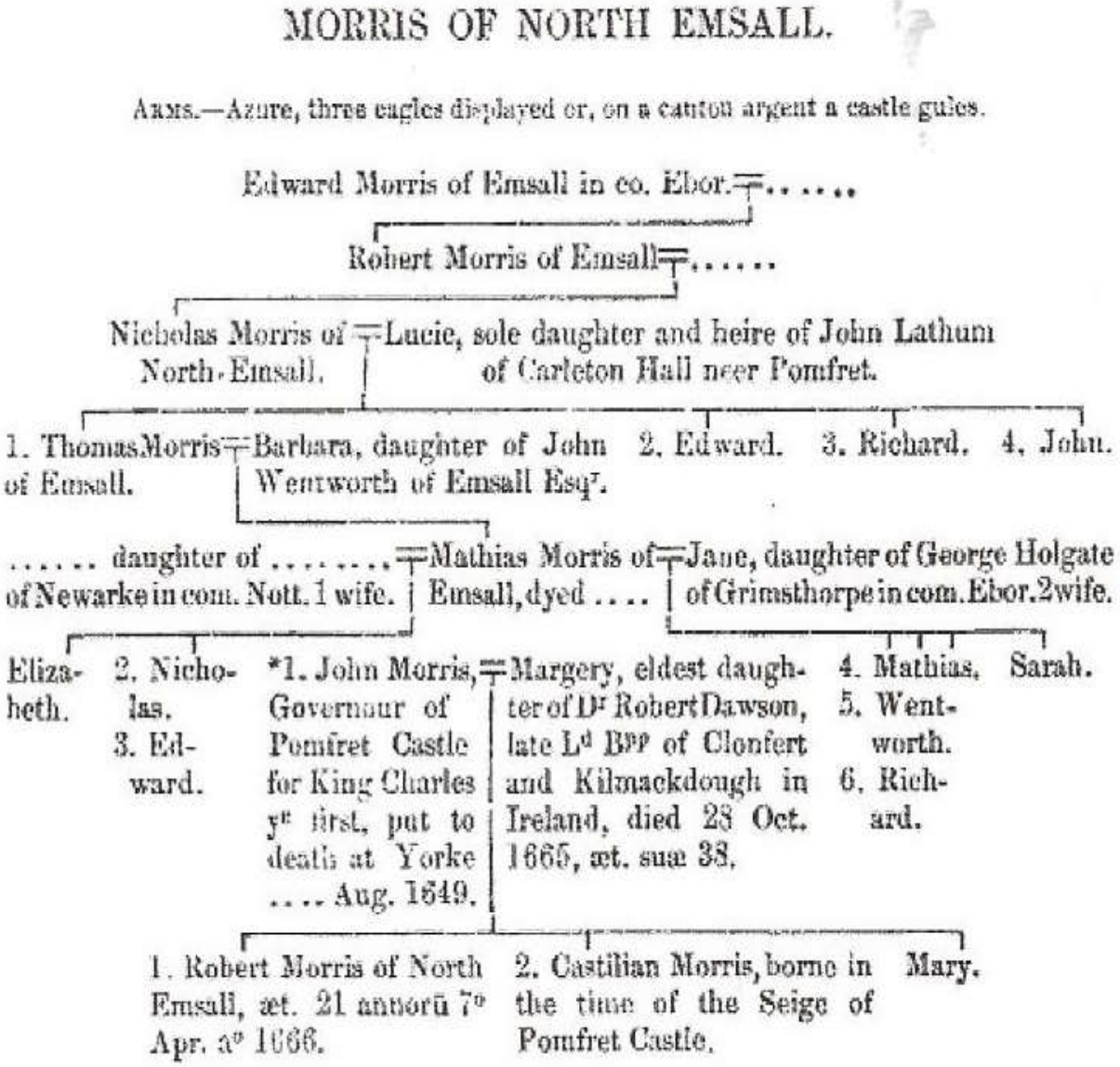
In the 1970s and '80s, Christopher Hill modified his original thesis considerably. Rather than concentrating on the triumph of the bourgeoisie, he pointed to the crisis within the crisis – the events which did most to 'turn the world upside down'; and he found these in 1649, the year when the King was executed, and the monarchy and House of Lords abolished. This was a decisive break with the past – and when Charles II was restored in 1660, the monarchy which was restored was 'broken-necked', a pale resemblance of the real thing, subject to the dictates of Parliament. Hill also proposed that it 1649 which was the critical year because it was now that a tide of Radical dissent, held back by a sea-wall of censorship until 1640, burst through in full flood. A wealth of radical literature, produced by Levellers, Ranters, Seekers, Quakers, Muggletonians and Fifth-Monarchy men, was published. For Hill the most important of the Radicals was the Digger, or 'True Leveller', Gerrard Winstanley who (like Marx) thought that philosophers had only interpreted the world, but the point was to change it. Winstanley and his followers established two communes, on St George's Hill and then little Heath near Cobham in Surrey. These experiments lasted only a few months, in 1649-50; but, in Hill's eyes, they pointed the way to the future, when the downtrodden would overthrow their oppressors and at last establish socialism and true democracy. They had at least shown that an alternative way of life was possible.

Just as the Regicides were remembered by radicals as diverse as the Tolpuddle Martyrs, Edwardian Liberals and the Labour Party's George Lansbury, the Diggers were taken up by modern socialists and communists. There is a monument in the Alexandrovsky Gardens in Moscow which was erected shortly after the Russian Revolution and commemorates Winstanley alongside Marx and Engels. In 1940, the academic David Petegorsky published an entire book about Winstanley, while he was

also celebrated in David Caute's novel *Comrade Jacob* (1961). In the later years of the Second Millennium, 350 years after their communities had been suppressed, the Diggers were held up as examples to all of us by George Monbiot's movement *The Land is Ours*. Cobham was visited by the dignitaries of the Left, including Christopher Hill in 1982 and Michael Foot in 1990. In Millennium year 2000, a Memorial to Winstanley was erected on The Heath near Weybridge Station, and a Winstanley Trail was created.

As a teenager, I found Christopher Hill's writings exciting; but, having spent my life as a lawyer and read many more books about history, I have come to the view that his ideas were mostly romantic nonsense, while purporting to be scientific. As a result, I prefer to concentrate now on traditional narratives, firmly grounded in the sources, and highlighting the lives of real men and women. Having done so, I can no longer see that History was on the 'side' of either the Roundheads, or that the Earl of Strafford, King Charles and John Morris were on the wrong side of history. And, while I recognise that Gerrard Winstanley was a brave man when he defended himself in court in 1649, so were the conservatives - Strafford, King Charles and John Morris.

Tombstone of Richard Marris, 'steward and ancient servant' to the 1st Earl of Strafford (d. 1636)



From Dugdale's *Visitation of Yorkshire,* A.D. 1665 & 1666

I John Morris and the Civil War

John Morris was born in Elmsall, now in the County of West Yorkshire, then in the West Riding of Yorkshire in 1615, the eldest son of Matthias Morris of Esthagh. The Morris family were more than just yeomen farmers: they were armigerous, and John was brought up in the household of Thomas Wentworth, probably as a page, and possibly at a time when his time when his grandfather Richard was Steward at Wentworth Woodhouse. According to Gladys Scott Thomson, who studied the records of Woburn Abbey in the 1930s, the Steward of a great 17th century aristocratic house was in charge of all the staff who were employed indoors; but the footmen belonged partly to the house and partly to the stables, where the Steward's authority was shared with the 'gentleman of the horse.' The boys, or pages, ranked below the footmen, and were usually employed in the stables for part of their time. They were unpaid, but were clothed and fed and had the opportunity of promotion. Their liveries were supplied by the gentleman of the horse. Sometimes they were given money and 'some of them at least were taught accomplishments' such as how to play a musical instrument. This raises the possibility that John Morris was given some kind of education, courtesy of Strafford. If so, that would explain how he came to have such an impressive knowledge of the law, when he was eventually put on trial for his life.

It is even possible that John Morris was sent to school. A generation later, in the adjoining village of Thorpe Hesley, a mere yeoman farmer like Thomas Burdett could afford to send his third son and namesake to a small grammar school in Wath-upon-Dearne. If he did go to such a school, Morris would have studied Latin and Greek; and the methods employed would have resembled those used by Charles Hoole, Master at Rotherham Grammar School in the years before the Civil War.[3] Boys there started serious study at the age of seven, provided they could 'readily read English and write a legible hand, or at least be willing to learn to write and to proceed in learning Latin.' They then proceeded through six forms and by the age of twelve or thirteen, they might 'easily attain such knowledge in the Latin Greek and Hebrew tongues as is requisite to furnish them for future studies in the Universities or to enable them for any ingenious profession or employments which their friends shall think fit to put them upon in other places.' School hours at Rotherham were

[3] See Hoole's book *A New Discovery of the old Art of Teaching Schoole, In four small Treatises* (London, 1660).

from seven to eleven in the morning and one until five in the afternoon, although school finished at 4 pm on Tuesdays and 3 pm on Thursdays. There were frequent roll-calls, without warning, during playtime.

When Sir Thomas Wentworth became Lord Deputy of Ireland, Morris was only 16, but was nevertheless made ensign in Wentworth's own company of foot, and soon afterwards lieutenant of his guard. During the Irish rebellion he was appointed sergeant-major in the regiment commanded by Sir Francis Willoughby, and major by commission from the Earl of Ormonde. He helped to defend the town of Drogheda against an attack by Irish rebels:

> One dark night when he [Morris] was upon guard, the enemy fell upon a weak part of the wall, and 300 got in, & were mixed among the garrison soldiers, & had got the word, so that he only knew the enemy by laying his hands on them, and feeling their clothes wet, those he led from the court of guard, having been under covert; and by his valour the enemy was repulsed…[4]

Morris's worth as a soldier was also amply demonstrated during an attempt to raise the siege of Athlone.

Meanwhile, civil war had broken out in England. In South Yorkshire, the sympathies of the common people of Sheffield and Rotherham were mainly with Parliament, whilst a majority of the local aristocracy and gentry supported the King.[5] Amongst those who joined the ranks of the Cavaliers were Sir Francis Wortley of Wortley, described by the Roundheads as *the first incendiarie in this county that publikely engaged a party for the King against the Parliament*, and his son of the same name; Richard Elmhirst of Hound Hill near Worsborough, who had been a close associate of Sir Thomas Wentworth in the 1630s; Robert Greene of Thundercliffe Grange; and Thomas Barnby of Barnby Hall, near Cawthorne. However, some members of the gentry were reluctant to take sides, and tried to keep out of the fight for as long as possible. Robert Greene's uncle, William Shiercliffe of Ecclesfield Hall, later argued that he was *an old man (above 60 years* and that he *continued quietly at home until a printed letter was sent him by the lord of Newcastle for the payment of the sum of £200 at the City of York. To avoid the payment he repaired thither and could not return home before the city was beleaguered*. In this way, he became involved in the war, like it or not. There were other men who changed sides.[6]

During the second half of 1642, the Parliamentarians fortified the area around

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[4] Fox, 97-8 (Fox refers to Tredagh, but this was an old name for Drogheda); Hunter, *South Yorkshire*, ii. 98; ODNB 1900.

[5] 1 Surtees LXV p 135; Hey, Yorkshire p 177. Other Royalists included Sir Edward Osborne of Thorpe Salvin, Sir John Reresby of Thrybergh (father of the Sir John who has left us his memoirs), Gervase Cutler of Stainborough, and Thomas Edmunds and Robert Rockley of Worsborough. The parliamentary gentry included Jessop of Broom Hall, Bright of Carbrook, Spencer of Attercliffe, Godfrey Bosville of Gunthwaite, Adam Eyre of Hazlehead (the diarist), William Rich of Bullhouse, Wordsworth of Water Hall, and Sir Edward Rhodes of Great Houghton: Hey, South Yorkshire p 147.

[6] YAS XVIII pp 24, 83.

Rotherham and Sheffield. According to one Royalist, this was in order to give *protection and encouragement to all those parts of the country which were populous rich and rebellious*; and the constables of Aldwark, Rawmarsh, Greasborough, Kimberworth and Ecclesfield received orders from the local Parliamentary commanders to *furnish or lend money plate armes or horses* for the support of the garrison at Rotherham. Not to be outdone, the Royalist gentry strengthened their manor houses: part of Richard Elmhirst's fortifications at Hound Hill can still be seen. Sir Francis Wortley organised a garrison at Tankersley, consisting of 150 dragoons plus officers. The constables of Tankersley, Royston, Penistone, Silkstone, High Hoyland, Cawthorne, Darton, Barnsley, Darfield and Wath received orders from the Royalists that they must help to pay for the maintenance of the garrison.[7]

There was no large scale fighting during the first months of the war, though there were raids and skirmishes. However, in 1643 the Earl of Newcastle, who was the King's commander in the North, mounted a general offensive against the Parliamentary forces in Yorkshire. According to his wife's memoirs, Newcastle *sent a considerable party into the west of Yorkshire, where they met with about 2,000 of the enemy's forces, taken out of their several garrisons in those parts, to execute some design upon a moor called Tankersley Moor, and there fought them and routed them; many were slain, and some taken prisoners*. Following this victory the Royalists went on to capture both Rotherham and Sheffield.

Rotherham was taken on 4th May, after an assault which lasted two days, and considerable resistance on the part of the defenders. These included a party of thirty boys from the grammar school, who made good use of a piece of artillery known as a 'drake' from the vantage point of Rotherham bridge. When the town was captured, the Puritan John Shaw hid in the attic of an empty house for three days, before escaping to Manchester. Shaw took the view that this escape was an example of divine intervention. He called it *the marvailous delivery of a minister of Christ's gospel...wherein you may still see God's hand*, omitting to mention that his wife had been taken prisoner, and dragged off to prison. Thomas Shierclife of Whitley Hall was also taken prisoner at Rotherham. To regain his liberty, he changed sides and accepted the King's commission, promising to raise a company of infantry for his royal master's cause.[8]

The victorious Royalists then marched on Sheffield, and the town and its

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[7] Hunter's South Yorkshire vol II pp 14, 317; "The History of Worsborough" by Joseph Wilkinson 1872 p 12; YAS XVIII p 60. Sir Francis Wortley was "a tall proper man with grey hair": Surtees LXV p 281. In 1618 he obtained a lease from Thomas Barnby's grandfather of the "Iron Smithee Mills, Forges and Mines at Silkstone": Andrews, *Wortley Ironworks* p 25.

[8] The Battle of Tankersley is mentioned by the Earl of Newcastle's somewhat eccentric wife in the memoir she wrote of her husband. According to Hunter's South Yorkshire vol II p 303, it was also referred to in the patent for Newcastle's Dukedom, after the Restoration; and it is also mentioned in John Hobson of Dodworth Green's Journal, although this was not written until 1728: Surtees LXV p 281. (It also appears to have been foretold by Old Carr, the prophet of Ecclesfield: Eastwood's Ecclesfield pp 360 & 546 !); Surtees LXV p 136; YAS XVIII p 83

castle there fell to them on 9th May 1643. A fortnight later the Parliamentarian commander Lord Ferdinando Fairfax wrote to the Speaker of the House of Commons, bewailing the fact that *the Earl of Newcastle's army do now range cruelly over all the south-west part of the country, pillaging and cruelly using the well-affected party.* Fairfax's captain of horse was John Lambert, born at Calton Hall, Kirkby Malham near Skipton of a long-established family; and Lambert came to be much feared by Royalists, Levellers and Diggers alike. According to the head Digger Gerrard Winstanley (at least as portrayed in fiction by David Caute), Lambert became both 'the best soldier in Europe' and 'Cromwell's special lap-dog.' He was to play an important part in the siege of Pontefract in 1649, when it was defended by John Morris.

For a period of about a year, in 1643-4, the Cavaliers were in the ascendant locally. From their stronghold at Sheffield Castle, they financed the king's war effort by levying taxes on the surrounding countryside, and mounted patrols, with orders to look for spies. They also made good use of the skills of local craftsmen. The Earl of Newcastle's wife recorded that her husband, *finding near that place some ironworks...gave present order for the casting of iron cannon and other instruments and engines of war*. These ironworks may have included those situated at Kimberworth, where iron was certainly being made in the period 1643-6, and at Wortley, where cannon balls of the Civil War period were found in 1868.[9]

The situation changed dramatically later in 1643, when the Scots intervened on the side of the Parliament. The Solemn League and Covenant, agreed between Scots and English, provided for the preservation of the Kirk in Scotland and the reformation of religion in England (and Ireland) 'according to the word of God and the example of the best reformed churches'. In short, the English agreed to adopt Presbyterianism and in return the Covenanters sent an army South. At Marston Moor near York, they contributed very significantly to the Roundhead victory which secured the North of England for Parliament.

Newcastle's army was besieged in the City of York by three separate Roundhead forces, the Scots under Lord Leven, the Yorkshiremen under Lord Fairfax, and the Eastern Association, under the Earl of Manchester and Oliver Cromwell, M.P. for Cambridge. The siege of York lasted from April to July 1644, and during that time Richard Elmhirst of Hound Hill, Robert Greene of Thundercliffe Grange, William Shiercliffe of Ecclesfield Hall, and Francis Nevile of Chevet near Wakefield were shut up in that City, and were probably among the Cavaliers who thronged York Minster every Sunday, singing Psalms to keep their spirits up. Meanwhile, Roundhead cavalry units became active again to the north and south of Barnsley and one of these captured Sir Francis Wortley on June 3rd 1644, when Walton Hall near Wakefield was taken. It was also at this time that Wortley's seat at Wortley Hall surrendered and Richard Elmhirst's house at Hound

[9] Hunter's Hallamshire pp 135-6(n), 139, 140; YAJ 34 p 331.

Hill was stormed.[10]

John Lambert had done good service earlier in 1644, at the battles of Nantwich and Bradford. At Marston Moor his regiment was routed by Goring's cavalry; but he cut his way through and joined Oliver Cromwell on the other side of the field. York then surrendered. Under the terms of the surrender, the Royalist garrison was allowed to leave the City with colours flying; but this did not disguise the fact that the King's cause in the North was shattered. The *Marquis* of Newcastle (as he now was) retired to the Continent, to devote himself to the study of horses and dressage; and the towns of South Yorkshire fell under the control of the Parliament once more. On this occasion, Rotherham fell without a fight, but Sheffield Castle only surrendered after its walls had been battered by three cannons - a culverin, a demi-culverin, and a demi-cannon specially provided by Lord Fairfax and playfully known as 'The Queen's Pocket- Pistol'.

It was now the Roundheads' turn to mount guard and raise taxes in the areas they controlled; and Nicholas Crossley of Thorpe Hesley was one who felt the effects of this sea-change. He had to pay four shillings towards the cost of the war in 1645, and the men of Rotherham had to pay contributions towards the cost of maintaining the garrison at Sheffield, and also for supplying the Scots, who were stationed at Tickhill. It was useless to complain, as the postscript to a letter of May 1646, issued by authority of the governor of Sheffield Castle, makes clear.[11]

Straford and Tickhill.

WHEREAS I have recev^{d} an order from Mr John Ellis, These are to will and require you the cunstables of the severall townes hereunder written y^{t} you assesse, colect and gather the three munths last assessment and areares of the former six munths according to your former war^{ts} upon Munday next at Rotharm or Tusday next at Sheffeild unto Mr John Ellis: likewise that you keepe stronge watch and ward, that all such persons as shall repeire from Newworke or any other place infected, be restrained and kept in some convenient place remote from company for a convenient time. Faile not herein at your perill.

Middlewood the 12May, 1646
THOMAS WANEWRIGHT.

To the Constables of Darfield, Wombwell,
Hoyland, Wentworth, Ecclesfield, Bradfield,
and to every of them.

Post scriptum - If the moneyes be not in pay at this time and place abovesayd, he will send

[10] Wenham pp 32, 41, 122. For the singing of psalms in the Minster, p 69. For military activity near Barnsley see the Letter Books of Sir Samuel Tuke 1644-5 HMSO 1963 p 662 no 150. Elmhirst p 52 states that Hound Hill was taken in 1643; but the sources quoted by Wenham pp 18 & 41 place that event in 1644.

[11] YAJ 34 pp 333-4; Hunter's Hallamshire p 143.

shoulders soldiers presently which will be a greater chardge to the contrye: so he writes in his order.

The local clergy also felt the effects of the Parliamentary triumph: the church at Wath-upon-Dearne was badly damaged, and Thomas Benson, who had been vicar there for thirty years, was ejected from his living, just as Thomas Wright was ejected from his at Ecclesfield (though the latter preached a sermon, prophesying, like General Douglas Macarthur, that he would return).[12]

The King's forces had been defeated; but Royalist sentiment was not extinguished, as is shown by the case of Henry Revell and Robert Browne of Rotherham and William Crofts of Doncaster. In 1647, these three published a piece of propaganda called 'the Parliament's Ten Commandments'. This satiricial tract was regarded by the Parliamentary authorities as both blasphemous and seditious and the three men were accordingly prosecuted. Revell was fined £50, Browne and Crofts £100 each.[13]

John Morris returned from Ireland as a Sergeant-Major in a regiment of foot commanded by Colonel Byron. He landed in Chester and fought for the King at Nantwich and Middlewich, where the Royalists were defeated; but it was said that Morris 'fought half an hour after any of the rest'. Some months later he and his fellows marched into Lancashire and took part in the storming of Liverpool Castle, which followed a Royalist incursion into the North of England, led by Prince Rupert. Eventually, however, the port surrendered to a parliamentary army, and Morris became a 'Roundhead' for a time, though he always denied that he had been responsible for betraying Liverpool. According to Professor Robert Ashton, his defection is easily explained by 'the frustrated careerism of a professional soldier.' In any event Morris did not last long as a Roundhead. Clarendon tells us that

There was one Colonel Morrice, who being a very young Man, had in the beginning of the War been an Officer in some Regiments of the King's; and out of the folly and impatience of his Youth, had quitted that Service, and engaged himself in the Parliament Army with some circumstances not very commendable; and by the clearness of his Courage, and pleasantness of his Humour, made himself not only very acceptable, but was preferred to the Command of a Colonel, and perform'd many notable Services for them, being a stout and bold Undertaker in attempts of the greatest Danger; wherein he had usually Success.

However, Clarendon tells us that Morris soon regretted that he had turned his coat:

His Life of great Licence kept not his Reputation with the new Officers; and being a free Speaker and Censurer of their affected behaviour, they left him out in their Compounding of their new Army.

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[12] Keble Martin p 73; Eastwood's *Ecclesfield* pp 193-6; YAS XVIII p 4.

[13] Surtees XL p 53

John Morris now retired to Elmsall and started to plan how he could help the Royal cause once more. Clarendon explains this second defection in this way:

He heartily detested himself for having quitted the King's Service, and resolved to take some reasonable opportunity to wipe off a blemish by a Service that would redeem him.[14]

Amongst all his soldiering, it is surprising to find that Morris found time to take a wife; but it is recorded in the *Visitation of Yorkshire* by the antiquary Sir William Dugdale (1605 – 1686) that he married Margery Dawson, daughter of Dr Robert Dawson, late of Lord Bishop of Clonfert and Kilmackdough in Ireland, and they had two sons, Robert (born in 1645); and then 'Castilian', born in 1648 or 1649. It is also recorded that Margery died in 1665 at the age of 38, which means that she can only have been 18 when her first son was born, and the couple were probably married around 1644, when she would have been 17 but John already 29.

Did John Morris meet his wife in Ireland? It seems likely, given that her father had been appointed Church of Ireland (that is Protestant) Bishop of Clonfert & Kilmacduagh in Galway, in 1627. The Dawsons had gone to Ireland when Thomas and Robert Dawson had settled there. It must have been a rough posting, so far from Dublin and the seat of English power. As Bishop of Clonfert and Kilmackdough Dawson would have been part of the Anglo-Irish Ascendancy, which was overrun by the Catholic insurgents in 1641.

When I was young, the idea of an 'English Revolution', between 1640 and 1660, was all the rage. S. R. Gardiner had written copious volumes about the Puritan Revolution, and G. M. Trevelyan and others had told the story of the early 17th century, in terms of a political struggle between Parliament and the King for a constitutional form of government. Then Christopher Hill placed this edifice on a Marxist footing, arguing – from 1940 - that there had been a bourgeois revolution, which had fatally undermined the old feudal order, despite the fact that the monarchy had been restored, in the person of Charles II in 1660. The pure milk of the Marxist interpretation was watered down – even by Hill – between the 1960s and the 1990s; and since the collapse of the Soviet Union in 1991, it has become difficult for anyone to argue that it is historically inevitable that feudalism must always be replaced by capitalism, or that capitalism must always lead to some kind of socialism. Nevertheless, I detect in the works of many who write about history, even in the early 21st century, a continuing assumption that there was some kind of revolution in the mid-17th century – if not a social revolution, then a political one, and that this represented some kind of 'progress'.

How else to account for the views of the human rights barrister, Geoffrey Robertson Q.C.? In his *Tyrannicide Brief* (2005) he argues that the Civil War was fought to defend the 'gains' which had been won by Parliament in the 1620s from

[14] See also Fox, 98; ODNB; Ashton, 405.

the incipient absolutism practised by King Charles I; that the Roundheads were in the right and the Cavaliers were in the wrong; that when Charles instigated the Second Civil War of 1648-9, he was making war on his own people; and that he was therefore guilty of tyranny, and deserved to die. The implication (made explicit in the works of Christopher Hill) is that those who opposed or denied the revolution were not just conservatives, but reactionaries who were working to defeat or delay the 'Good Old Cause' of freedom and justice. If that is right, then John Morris was a counter-revolutionary, and on the wrong side of history.

But is it right? Hill concentrated on pamphlets and literature and almost entirely ignored the archives; but, after a lifetime's careful research in those same archives Robert Ashton produced a book entitled *Counter Revolution.* In this he showed how the English Royalists, who had been comprehensively defeated by 1646, nevertheless found sufficient support to take up arms again in 1648. He asked why this happened; and the answer was 'revolutionary illegality' - the way in which the victorious Parliamentarians, both in Parliament and in the New Model Army, had abused the new power they had gained as a result of the War. Parliamentary committees had assumed and exercised new and arbitrary powers and levied extraordinary taxes, at a level and on a scale which made the royal abuses complained of in the Petition of Right of 1628 look paltry. Meanwhile, the victorious soldiers of the New Model often insisted on the imposition of martial law.

One Royalist observed that during the years between 1645 and 1648 there was one law for the victors and another to the vanquished. The Puritan William Prynne, who had lost his ears for a seditious libel in the 1630s, complained that Parliament now thought that it was above the law, 'yea, Magna Carta itself' – though,, after Pride's Purge he complained that the Army now waged war on Parliament. The Welsh judge David Jenkins, who had once been a constitutional royalist, now came to the conclusion that 'the rule of law was inseparable from the rule of the King.' In a pamphlet entitled *The Royall Quarrell*, the parliamentary Presbyterian Sir John Maynard made a lengthy attack on the disregard by parliamentary committees of Magna Carta, the Petition of Right and the fundamental law.[15] These opinions should be placed alongside the extravagant praise heaped by Robertson on John Cooke, the lawyer who accepted 'the tyrannicide brief' to prosecute Charles I. Cooke's own martyrdom in 1660 should not lead us to conclude that he, or the parliamentarians in general, were the only ones in favour of the rule of law.

There was a particular grievance in Yorkshire in the late 1640s, and that was the continuing presence of the Scots who had come to the assistance of the Parliament in 1643. On 14 March 1646 the Yorkshire county committee complained that the lot of Yorkshire taxpayers had been rendered intolerable by the burden of new taxes, in particular the monthly assessment and free quartering of the Scots. There were also complaints against the outrages committed by Scottish soldiers in Tickhill, and the inadequate steps taken by Scottish military tribunals to punish

[15] Ashton, 82-116.

those responsible. Of seven Tickhill cases which came before the Council of War of Colonel Frazier's regiment at Laughton on 21 April, three related to men charged with rape, all of whom were acquitted. Three of those accused were called Frazier! Accused of raping widow Crompton's daughter John Frazier said:

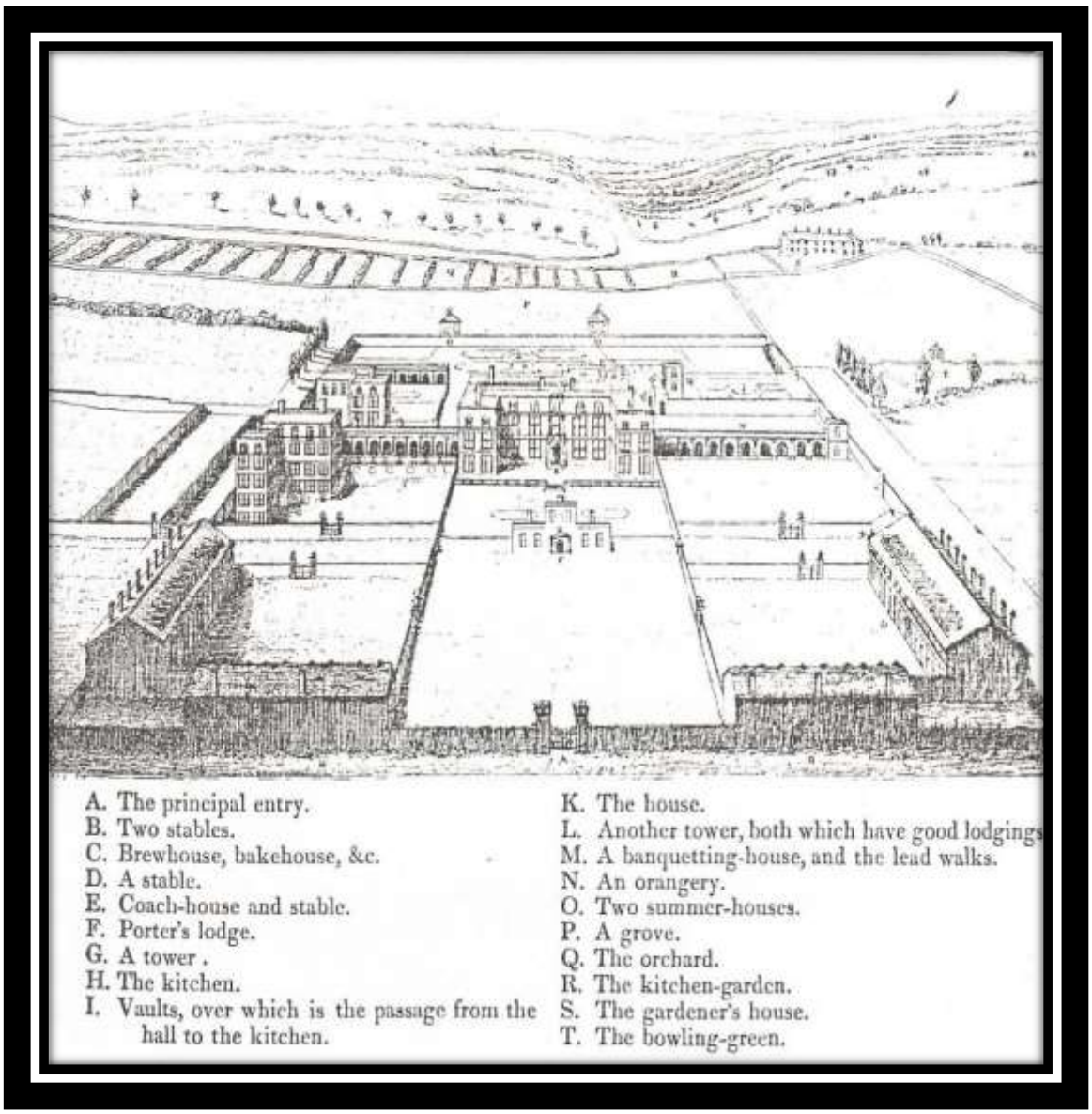
> He denies he ever knew her carnally, but she being sitting in a chair and making some sport with her, and that both of them kissed one another, and that he had some intention to have had carnal dealing with her, and that he was between her legs, confesses the woman refused… unless he made her promise of marriage, to which he answered, that he could not grant and that he promised to give her contentment some other way, but for any carnal copulation denied it.[16]

As with many allegations of rape, it is difficult to know what really happened.

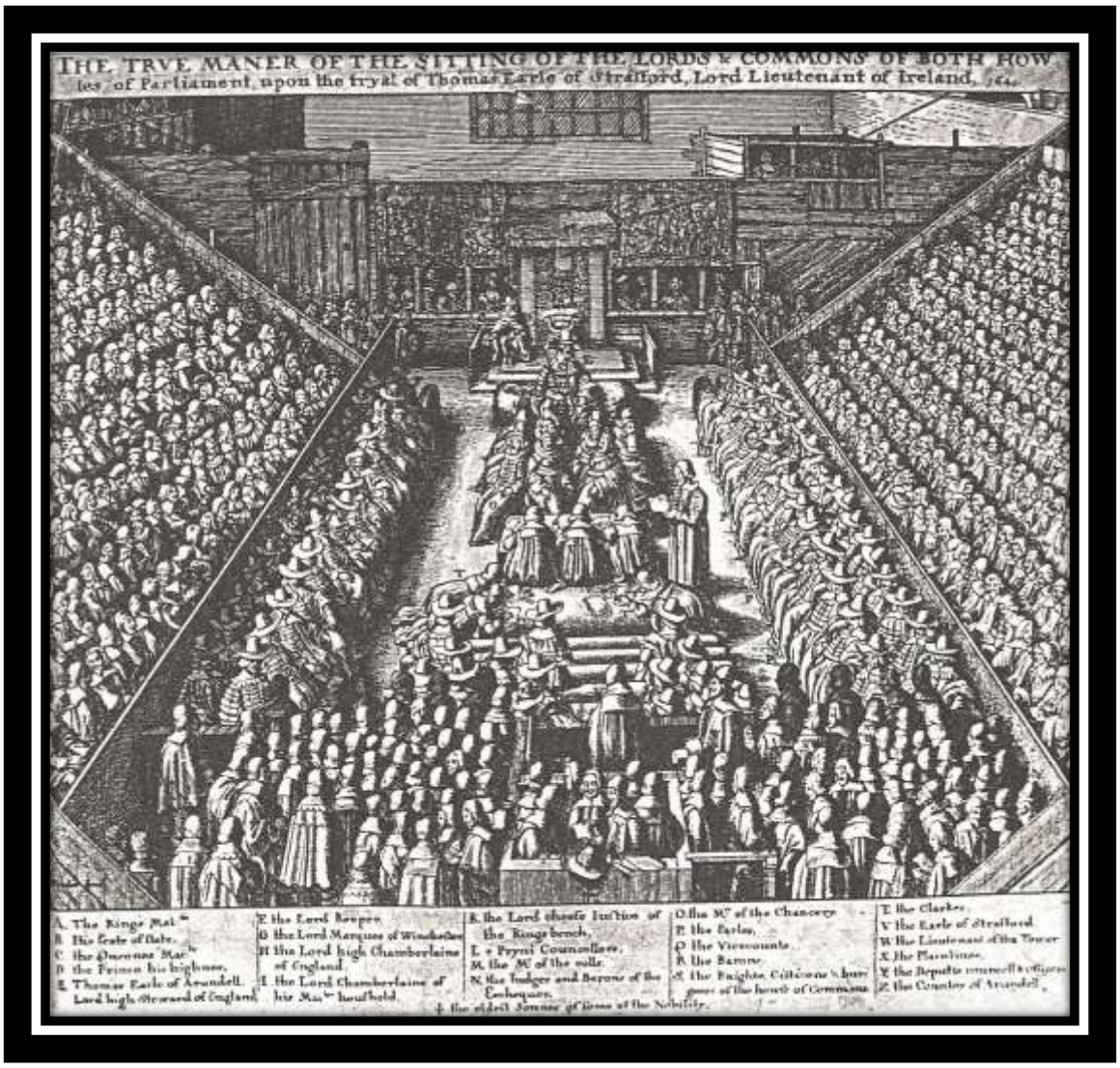
[16] Ashton 48, 68, 307-8.

The tomb of the 1st Earl of Strafford, Wentworth Old Church

The 1st Earl of Strafford as a boy (kneeling, his parents above, his siblings on either side) - Wentworth Old Church



Wentworth Woodhouse in the early 17th century



The trial of the 1st Earl of Strafford, 1641

II Wentworth and Strafford

Wentworth is now in South Yorkshire; but formerly, it was in the wapentake of Strafforth and Tickhill, in the West Riding. Its history dates back to at least 1066, when, according to *Domesday* book, Rynold Wynterwade was lord of the manor. About 1250 Robert Wentworth married Emma Woodhouse, beginning the Wentworth-Woodhouse line. Since the 18th century, the name 'Wentworth Woodhouse' has been associated with the great aristocratic estate which surrounds the village, and which contains one of the largest and finest mansions in England. Its recent history was chronicled in Catherine Bailey's *Black Diamonds* (Viking, 2007).

In the 17th century, the countryside was heavily wooded and there were several deer parks; but it would be wrong to picture the landscape as entirely rural, for there was small-scale industrial activity going on all around. The woods were a source not only of timber but also of charcoal for the iron industry, and of bark, which was used in the tanning of leather. Coal and ironstone were mined in the vicinity, and mining supplemented the income of many local farmers.[17] Ecclesiastically, Wentworth was in the large parish of Wath-upon-Dearne; but unfortunately the cure of souls was sometimes neglected. In 1618 Sir Thomas Wentworth wrote to the Archbishop of York, complaining bitterly:

> Mr Benson [the vicar of Wath] hath procured one Henry Tailor, the minister of Adwicke, with a kind of superintendant power to post from mother church to Chappellry for burialls, christenings and such like, the said Henry Tailor being like a deacon; but I am sure hee was within these 3 yeares a comon informer, and now at this present an alehowse keeper and soe farre engaged to his tiplinge howse, that being reprehended for the same hee himselfe did professe in open Sessions to be so unworthily affected to the minstery that he would rather giue ouer that then his brewinge.[18]

The Church still had its problems a generation later. In 1650 a survey of the parishes in the West Riding and the City of York was conducted, by order of the magistrates. After noting that vicar Immanuel Knutton of Ecclesfield was a *godly and well deserving minister*, and that the Puritan Luke Clayton of Rotherham was a *painefull* [i.e. painstaking] *preacher of good conversation*, this survey noted caustically that the minister of Wentworth Chapelry Richard Picker(?) was *a scandalous man & a*

[17] For woodlands see YAJ 58 "*Seventeenth Century Sheffield and Its Environs*" by G.Scurfield p 154.

[18] Camden Fourth Series vol 12 Wentworth Papers 1597-1628 p 117, and Keble Martin p 512.

comon Drunkard.

Deer-hunting was popular throughout the medieval period and the pleasures of the chase continued to be enjoyed in early Stuart times. Shakespeare's plays, especially *The Merry Wives of Windsor*, contain numerous images which derive from the hunt; and shortly after the death of Queen Elizabeth I, the traveller Fynes Moryson wrote that:

The English have abundance of white meats, of all kinds of flesh, fowl and fish and of things good for food. In the seasons of the year the English eat fallow deer plentifully, as bucks in summer and does in winter, which they bake in pasties, and this venison pasty is a dainty, rarely found in any other kingdom. England, yea perhaps one County thereof, hath more fallow deer than all Europe that I have seen.[19]

Wealthy landowners often created deer parks, with 'sautreys' - special leaps which allowed wild deer to enter the park, but made it impossible for them to escape. Very often, the nobles and gentlemen who created these parks turned less powerful men off their land and out of their homes, in order to enlarge the area grazed by the deer and improve the hunting.[20]

South Yorkshire was well supplied with venison. When he surveyed the Manor of Sheffield in 1637, John Harrison declared *this Mannor is not only proffitable but for pleasure also, beeing furnished with Red Deare and fallow*... There were wild deer in Rivelin forest, in Grenowoods, Hesley woods, and on the free chase at Wharncliffe, while deer parks were a prominent feature of John Speed's map of the West Riding, published in 1610 and of John Blaeu's map of 1672. There were parks at Sheffield, Wortley, Tankersley and Kimberworth.

Some time prior to 1635, the Parks at Tankersley and Kimberworth came into the possession of Sir Thomas Wentworth, who had been sent out to govern Ireland. He now wrote a letter from there to the rector of Greenhill:

I appoint my cousin Rockley, Master of the Game at Tankersley, desiring him he will now and then look into the house to see that it be kept from decay; that the woods be preserved without cutting or lopping, which is almost as bad; that the park be sufficiently maintained, the deer increased till they come to three hundred; that the ponds may be from time to time kept in repair and maintained. In like manner I appoint my brother Hutton, Master of the Game at Kimberworth, always provided that you have the liberty to command in either park what deer you list, and that I would have venison sent to my cousin Wentworth of Woolley, to my cousin Wentworth of Emsal, and to my brother Rhodes every season; and that any of them may command a piece of venison when they have occasion to desire it. Sir Richard Scott hath power to dispose of a buck in either park in summer and a doe in either park for winter; and soe I pray you let him know that if he have any friend he may pleasure

[19] Trevelyan vol 2 p 29.

[20] Hey, YAJ p 109.

them therewith as he likes best himself.[21]

But how did the lord of Wentworth become the *de facto* ruler of Ireland? Thomas Wentworth was born in London, on 13 April 1593. He was the son of Sir William Wentworth, of Wentworth Woodhouse and of Anne, daughter of Sir Robert Atkins of Stowell, Gloucestershire. He was born in a violent age – probably much more violent than we have become accustomed to in Britain. The Sessions Rolls for Rotherham in 1598 and 1599 (when Thomas Wentworth was around five years of age) contain ample evidence of this. In October 1598, the magistrates heard that William Halley of Wentbridge had stolen a grey horse worth forty shillings from a man called Wiliam Hawmonde, at Hillam, a village four miles from Ferrybridge. They also heard about a crime which had taken place much closer to home: William Barker of Kimberworth and Edward Allen of Grynnell had broken into the house of Henry Ibbotson at Kimberworth, and beaten him up, so that *his life was despaired of*. They also dealt with the case of Ralph Wadsworth, who had been fined £6/13s/4d at the previous sessions held at Barnsley (for contempt of court upon an indictment of *common barratry*); but they decided that this fine should be reduced to £3/6s/8d, in view of Wadsworth's poverty *and also for the great hope of his amendement*.

Some of the magistrates led violent lives too. In particular there was bad blood between the Wentworths and the Reresbys of Thrybergh about the division of the commons in Hooton and Wentworth. Sir Thomas Reresby and Sir William Wentworth [father of our Thomas] had quarrelled.[22] In 1597 Reresby sent his uncle Leonard to see Wentworth, to tell him that he was a coward as well as a liar and suggesting that they should meet in Hooton the following Thursday to settle their differences; but the fight never took place, because Wentworth would not accept the challenge. He told Leonard Reresby *to advise Sir Thomas to live at home in peace like a gentleman*. This only confirmed Reresby's opinion that his enemy was a coward.

Two years later Reresby and Wentworth were both sitting as Justices of the Peace at Rotherham Quarter Sessions, when a discussion took place concerning a prisoner who had escaped from the stocks. The question was whether the escape had been due to mere negligence, or whether someone in authority had connived at it. The discussion became an argument and tempers became frayed. Eventually Reresby, remembering the events of 1597, exclaimed:

In thy teeth, thou art a rascal, a villain, and darest not draw a sword. I sent thee a challenge before this which thou durst not accept.

When Wentworth disagreed, Reresby

smote him on the face with his hand and after pulled him so hard by the ears that he made

[21] Hey, YAJ p 118; Habershon p 71; Hunter's *South Yorkshire* vol II p 303.

[22] Camden 4th Series vol 12 p 43(n).

them bleed.

What happened next will not surprise us:

The servants, then espousing their masters' quarrel, drew their daggers, insomuch that the rest of the justices had made much ado to keep the peace in the court.

Such is the account which has survived amongst the Earl of Shrewsbury's papers. A somewhat different version is contained in a deposition which Richard Wortley made to the Star Chamber: according to this, there was indeed an argument about the escape from the stocks of a man called Slack; but it was Wentworth who first insulted Reresby, telling him *that he was an ass*. Reresby was *much discontented*, but did nothing at first - they were after all in court; but Wentworth would not leave well alone. He

proceeded on in further terms, and in conclusion pressing on with a stern countenance near to Sir Thomas his face, told Sir Thomas that he lied.

Reresby still kept his temper; but Wentworth provoked him further. Reresby could take no more and

thrust out his arm, and...flirted up his beard, or touched his nose, with his hand, whereupon Mr Wentworth struck the said Sir Thomas with his fist, and divers of Mr Wentworth's men approached to the place with their swords or rapiers drawn.

Our Thomas Wentworth was educated at St John's College, Cambridge, became a law student at the Inner Temple in 1607, and was knighted in 1611. In 1614 his father died, leaving him the estate, an income of £6,000 a year and guardian of nine siblings. Thomas was 31 at the time.

Wentworth had a steward, Richard Marris, with whom he enjoyed good relations – Veronica Wedgwood (who studied the family papers in Sheffield) wrote that *between him and his steward… there existed that friendship which is possible between master and servant when each has a respect for each other's character*. It appears that Thomas was happier to sit down with Marris and enjoy a pipe, whilst discussing agricultural projects, than to dine out with his neighbours. However, Dame Veronica noted that there was a cloud on the horizon, in that Marris was *an inveterate and excessive drinker*. She seems to think that this was a vice which Wentworth disapproved of root and branch, being of a Puritanical persuasion; but we may wonder whether he did not sometimes share a drink as well as a pipe with the old retainer.

Thomas had entered the House of Commons in 1614 as M.P. for the County of Yorkshire. This Parliament was to become known to history as the 'Addled Parliament' because it was a mere talking shop, which produced no legislation; but it

was not until 1621 that Wentworth spoke in Parliament for the first time. When he did so, his position was ambivalent. On the one hand, he said that *the security of the whole country depend[ed] on maintaining the strength of the Crown*; but on the other he supported a bill, promoted by John Pym, for *better keeping the Sabbath day*. He represented Pontefract in the curiously named 'Happy Parliament' of 1624, but appears to have taken no active part therein. In the first Parliament of Charles I's reign, held in June 1625, he again represented Yorkshire, and opposed the demand for war subsidies made on behalf of the new king's favourite, Buckingham; but, after Parliament was dissolved once more, he was made High Sheriff of Yorkshire.

In January 1626 Wentworth asked for the presidency of the Council of the North; but after the dissolution of the Parliament, he was dismissed from the justiceship of the peace and the office of *custos rotulorum* of Yorkshire—which he had held since 1615. In 1627, he refused to contribute to a forced loan demanded by the Crown, and was imprisoned. In 1628 he supported the *Petition of Right*, which attempted to curb royal powers and prerogatives; but, once Charles accepted the Petition, he switched sides and supported the Crown. For this, he was branded a turncoat by the activists in the House of Commons. Following the assassination of Buckingham in December 1628, he became Viscount Wentworth and not long afterwards President of the Council of the North at last. During the so-called Eleven Years' Tyranny of 1629-1640 he acted as one of two principal members of Charles's government, the other being Archbishop William Laud. Charles valued Wentworth's services greatly, admiring his policy of 'Thorough'.

Wentworth was President of the North between 1629 and 1633 and made many enemies in the region. He lived in style and built a new wing on to the Manor House at York. He reduced the legal fees payable by litigants in the court of the Council of the North, but defended it against all attempts to challenge its jurisdiction. He fell out with Sir Thomas Gower, who took refuge in Holborn in London with a group of friends (known as 'the rebels of the North'). He obtained a commission from the King, making it clear that the powers of the Council of the North were equal to those of the Court of Star Chamber. His enemies later charged him with having procured abuse of power, to satisfy his own naked ambition.[23]

There was a curious incident in 1631 which goes far to explain why Dame Veronica Wedgwood changed her mind about Wentworth. In February he wrote to his steward Richard Marris, to instruct him to buy wheat in Yorkshire and ship it to London. As the Dame wrote *it would be consistent with his repeated asseverations about justice for the poor if it could be shown that his plan was intended merely to supply the crying needs of London. But Wentworth gave no such motive: he merely informs Marris that the price in London was very high as the Irish shipments had not come and that it would be excellent business to buy cheap in Yorkshire and sell dear in London*. This was not the right way for one of Charles I's Privy Councillors to behave, for it amounted to the

[23] Wedgwood, 106-122.

crime of 'engrossment'. In the later edition of her book Dame Veronica did not hesitate to condemn her erstwhile hero for his greed and hypocrisy.

In January 1632, Wentworth was made Lord Deputy of Ireland (arriving in Dublin in July the next year. His goal was to make Irishmen as like Englishmen as possible, in order that they might be equally loyal to the English Crown; but this was unlikely to work in a country which was deeply divided between Celtic natives, old Anglo-Norman settlers and Scots and English settlers, planted in Ulster in the early 17th century. The first two groups were predominantly Catholic, the third overwhelmingly Protestant; and, in attempting to be impartial, Wentworth succeeded in alienating all three groups. Though he attempted to reform the armed forces and 'civil service' in Ireland, he faced a country which was united only in its hostility to the English government. Strong-arm tactics, vehemence and even diligence were no substitute for genuine loyalty on the part of the King's subjects; and in addition, many suspected that Wentworth was lining his own pocket.

To secure a regular supply of money in Ireland Wentworth recommended that Charles I allow him to summon a Parliament in Dublin. This was richly ironic, given that it was now Charles's policy to rule England without a Parliament there. The Irish Parliament met on 14 July 1634. In his opening speech the Lord Deputy frankly declared that the king looked to the members to pay off his debts, and to fill up the deficit of £20,000 a year. It was beneath his master's dignity, he said, to *come at every year's end, with his hat in his hand, to entreat that you would be pleased to preserve yourselves.* He abhorred the divisions between Catholic and Protestant, English and Irish; and above all, he wanted no division between King and people. On 18 July six subsidies were voted and on 2 August the Parliament was prorogued. On 20 September Wentworth asked the king for an earldom as a sign of his support; but he was denied it. Charles told his servant frankly that he would do things his own way.[24]

The second session of the Irish Parliament commenced on 4 November; but there was no a major problem with regard to 'the Graces', and in particular the demand that the customary concession that 60 years' possession of land be regarded as good title be enshrined in legislation, rather than remain discretionary. Recognising that to grant this demand would it very difficult for the Crown to arrange further plantations of settlers, Wentworth withdrew the concession instead; and this provoked intense protest.

The Graces had included a particular promise to the landowners of Connaught that their right to their estates should never again be questioned; but Wentworth resolved to introduce settlers there nevertheless. To provide a legal justification for this, he relied on the argument that Connaught had been granted to Lionel, Duke of Clarence, second son of Edward III, in the late 14th century; that Charles I was the Duke's heir and consequently that a mere possessory claim, of whatever duration, could not displace the Crown's title. In the counties of

[24] Wedgwood, 153.

Roscommon, Sligo, and Mayo he arranged for juries to pass a verdict in favour of this view. When a jury in Galway proved reluctant to do the same, he fined the sheriff who was responsible for returning it, sent the jurymen to Dublin to answer for their actions, and procured a decree from the Court of Exchequer to set aside the adverse verdict.

In June 1636 Wentworth heard that his steward Richard Marris had drowned, while crossing a stream in Yorkshire in a drunken condition. This cannot have come as a complete surprise, because he had had occasion to warn Marris about his drinking before; but, when he returned from Ireland, he found that his estates had been much neglected in recent years.[25] He took up residence in Covent Garden in London, attended on the King, and on 21 June made a statement before the council at Westminster setting forth 'the marvellous improvement' of Irish affairs since he had become Deputy. He returned to Dublin with a full assurance of the king's favour. Indeed he was now seen by many – including the veteran diplomat Sir Thomas Roe – as potentially 'the greatest man in England.'[26] It was also at this time that he sat for Van Dyk. The portrait which the artist painted now hangs in the National Portrait Gallery: it shows him in black armour, his right hand on the head of an Irish wolfhound.

In the middle of August 1636 Wentworth found time to visit his estates at Gawthorp in West Yorkshire and then at Wentworth. He found his orchard heavy with fruit and his park abounding in deer (as it does again today); but he also found that he had left some important papers in Ireland and wrote to his wife:

> I have left all my books of account in one of the trunks within your closet or else in a trunk in my little room within the chamber where I dress myself. I pray you seek for them.[27]

Wentworth was back in Ireland by the end of November 1636; and it was during the following period (1636-9) that he started to buy land there, on a large scale. In particular he acquired the manor of *Cosha* in County Wicklow, which he re-christened *Fairwood* and where he built up a large herd of deer. He also started to build a mansion house near Naas in Kildare. In August 1637 he went on progress, planning to extend the area of English plantation to the counties of Clare and Limerick.

On 28 February 1637 the King Charles I consulted Wentworth as to whether he should intervene in a war between France and her allies and Austria. Wentworth's advice was against intervention: he thought the royal finances were not sound enough to enable his sovereign to undertake a war, even though the Judges had just pronounced that the tax known as Ship Money was legal. In his view, the

[25] Wedgwood, 207.
[26] Wedgwood, 163.
[27] Wedgwood, 214.

Crown stood but on *one leg at home* and was *considerable but by halves to foreign princes abroad*. Like Margaret Thatcher, Wentworth had little time for those who did not think like him. He thought that John Hampden, whom history deems a champion of liberty, should be *whipped home into his right wits* for his refusal to pay Ship Money.

In 1640, when an attempt to subdue Scotland failed and a Scottish Army invaded England, the King asked Wentworth to return from Ireland and he became the chief royal counsellor for all three kingdoms; and it was now that he was made 1st Earl of Strafford; but as a result his name was associated, in the minds of many parliamentarians, with everything that had gone wrong during the so-called Eleven Years' Tyranny – including the Ship Money scheme, in which he had played no part. Strafford was now expected to solve the problems Charles I had created in Great Britain; and this would almost inevitably involve the use of force. He asked to bring over 1,000 men from Ireland, to serve against the Scots, and was named Lieutenant-General of the Army, under the Earl of Northumberland. On Strafford's advice Charles summoned the 'Short Parliament' and then the 'Long Parliament', to pay for the defence of the country.

On 18 March 1640 Strafford returned to Ireland. He found the Parliament there already sitting, and on the 23rd a majority, composed of officials and Roman Catholics, voted four subsidies, or about £180,000. There can be little doubt that the Catholics hoped to obtain toleration for their own religion, by supporting Charles against the Scottish Covenanters. Next day Strafford wrote to Secretary Windebank that, if money were sent him in advance of the collection of the subsidies, he would assist the King with an army of 9,000 troops from Ireland.

Early in November 1640 Strafford spent a little time at home in Wentworth. Veronica Wedgwood tells us that

> He could be seen at peace for three days, drinking in the still autumn air, seeing once again the woods and streams and pastures, the hills over which he had ridden in early manhood, passing for the last time among men and women who had known him and his father and grandfather before him as masters of this land, tenants, dependants and servants of the family who had taken an intimate and local pride to see him cleave his way through to rule the nation.

When the Long Parliament met, Charles sent for Strafford, assuring him that he *should not suffer in his person, honour, or fortune*. Strafford set out from the North on 6 November, writing that he was *with more dangers beset, I believe, than ever any man went out of Yorkshire.* On 10 November the parliamentary committee on Irish affairs named a sub-committee to examine complaints from Strafford's enemies in Ireland. In the Commons Pym moved for a committee to prepare for conference with the Lords *and the charge against the Earl of Strafford*. It was decided that they would impeach him before the Lords. *I will go*, said Strafford, *and look my accusers in the face*; but, when he arrived, the Lords took care that he should not speak. On 26 November a preliminary charge against him was brought up by the Commons, on

which the Lords committed him to the Tower. On 20 January 1641 the detailed charges were brought into the House of Commons by John Pym. Strafford was not afraid: *I thank God*, he wrote, *I see nothing capital in their charge, nor any other thing which I am not able to answer as becomes an honest man*.

Strafford's trial opened in Westminster Hall on 22 March 1641. The case against him was stated by Pym. Strafford was allowed counsel: he denied all charges and asserted that he had had only done what he had been charged by the king to do: there was no illegality, let alone treasonable conduct. His counsel said afterwards that all his arguments had been carefully prepared by Strafford.[28]

One of the more surprising features of the Strafford's trial was revealed by Geoffrey Robertson in 2005. This was that Strafford received a letter at this time from the barrister John Cooke, who later prosecuted Charles I, offering to testify in his defence. Cooke had worked in Ireland in the 1630s, evidently had a high opinion of Strafford and did not think him guilty of high treason, since that involved either hostility to the King, or some attempt to destroy the State. A Lord Deputy of Ireland could not be guilty of it, *for mistaking the law or governing over-strictly*. If Strafford were convicted, that would be a gross miscarriage of justice.

It is remarkable that it was this same Cooke who prosecuted Charles I successfully: according to the indictment used there, Charles was guilty of treason because he was a tyrant, who had made war on his own people – meaning those who opposed him. Robertson explains this contradiction by saying that his hero Cooke had reached a better understanding of the law of treason between 1641 and 1649; but I am inclined to think that what we have here is a case of the cab-rank rule, which means that barristers are ethically obliged to argue any case offered to them, provided they are paid. In addition, Cooke knew that Strafford was likely to decline his offer, since he had already engaged a lawyer, and any assistance he could give would be like *the pissing of a wren into the sea of your learned counsel's experience*.

The vigour with which Strafford met the attack upon him gained him favour outside the House of Commons; but on 5 April a new charge was brought against him, of raising an army of Irish papists *for the ruin and destruction of England and of his majesty's subjects, and altering and subverting the fundamental laws and established government of this kingdom.* Sir Henry Vane (the elder) was now brought forward as a witness that the words advocating the employment of the Irish army to *reduce this kingdom* had been spoken. Strafford urged, in reply, that he had meant to use the Irish army in Scotland, not England.

It began to seem as if the impeachment proceedings might fail; and the leaders of the Commons and some peers in the Lords became convinced that Strafford must be got rid of as a public enemy, and that this end would justify the means. The Earl of Bedford was against the death penalty for Stratford and sought

[28] Wedgwood, 334.

to moderate the violent opinions of some of his fellow peers; but the Earl of Essex answer'd, *Stone Dead hath no Fellow*.[29]

The Commons now resolved to proceed by a bill of attainder. The advantage of this, from the point of view of the prosecution, was that it was a way of putting someone to death by legislative process, rather than by trial before a court of law. This was an extraordinary thing to do, from the modern point of view; but it had been much used during the Wars of the Roses, especially by Richard III. In its most extreme form, the Act of Attainder did away with the need for a trial altogether.

Strafford made his defence in an address to the House of Lords. He asked how a number of misdemeanours could amount to high treason; and he questioned the idea that he could be guilty of *arbitrary treason* – referring to the fact that the main charge was simply that he had spoken mere words, which *might* be construed as constituting a threat to bring an army over from Ireland. No court of law had ever held this to be tantamount to treason, and Parliament should hesitate now to invent new forms of this high crime.[30]

Pym replied for the prosecution; but some thought that Strafford had done well enough to secure an acquittal, even from a hostile audience. However, the House of Commons insisted on proceeding with the attainder bill, and on the 15 April they asked the Lords to postpone Strafford's trial. The Lords took offence, and ordered the lawyers to go on with their arguments. Thereupon, on 17 April Strafford's counsel submitted further arguments on the law. He cited the statutes governing the crime of treason and showed that his client could not possibly be guilty, however one interpreted the concept, if traditional definitions applied. It seems that most lawyers agreed, since it was around this time that Lord Falkland argued that Strafford deserved to die *in equity* - a ridiculous argument, which would have been thrown out by any court. John Selden, possibly the most eminent jurist and legal historian of his day, who supported of Parliament on almost every other issue, agreed with the line taken by Strafford's defence.

On the 19th April the Commons declared Strafford to be a traitor, and on the 21st, by a majority of 204 to 59, it passed the bill of attainder. The King wrote to Strafford

The misfortune that is fallen upon you being such that I must lay by the thought of employing you hereafter in my affairs, yet I cannot satisfy myself in honour or conscience without assuring you now, in the midst of your troubles, that, upon the word of a King, you shall not suffer in life, honour, or fortune.

The next day a mob beset the House of Lords, crying for justice on Strafford, and posted up the names of the 59 M.P.s who had voted against the bill of attainder

[29] Clarendon *Hist. Rebellion* (1702) I. III. 191.

[30] Wedgwood, 361.

as traitors to their country. The Act of Attainder provided that Strafford be hung drawn and quartered; but he was granted the privilege of death by beheading. He asked the King to let him die in private; but this was beyond Charles's power; and his head was struck off in public.

There is a woodcut of the execution. Unless the artist exaggerated, there were thousands of people present – far more than at the average modern football match, and including men and women, husbands and wives. Numerous timber stands had been erected for the purpose, though there were precious few seats. The execution of this Yorkshire 'traitor' was evidently regarded as a great show, not to be missed, and there must have been entrepreneurs who made a lot of money out it,

On the scaffold on Tower Hill Strafford made several declarations. He told the vast crowd that he had always believed *parliaments in England to be the happy constitution of the kingdom and nation, and the best means under God to make the king and his people happy.* He asked further whether it was well that the *beginning of the people's happiness should be written in letters of blood.* The 25th Psalm was read out. As he kneeled at the block, Strafford spoke again

I am at the door going out, and my next step must be from time to eternity; to clear myself to you all, I do solemnly protest before God that I am not guilty of that great crime laid to my charge, nor have ever had the least inclination or intention to damnify or prejudice the King, the state, the laws or religion of this Kingdom, but with my best endeavours to serve all, and to support all.[31]

Strafford was buried in the vault in what is now the Old Church at Wentworth; but legends grew up that he had been buried elsewhere and in secret, to prevent his grave from being desecrated. Some even said that he was buried at Hooton Roberts, where his widow, who survived him by 47 years, was undoubtedly interred. In Wedgwood's view this story is baseless.

Strafford's trial was a turning point in English history. Hitherto, there had been a solid majority in the Long Parliament which condemned the methods employed by the Crown in the 1630s and insisted on a return to constitutional government. Now, there was a vocal minority which opposed the execution of the King's chief minister and wanted to ensure that the erosion of monarchical power did not go too far. A leading light amongst these moderates was Edward Hyde, later Earl of Clarendon. At the time Hyde was M.P. for Saltash in Cornwall, but he became an adviser to Charles I and left London to join him in York in May 1642. According to B. H. G. Wormald, Hyde is the central figure of the years 1640-1660. He became an adviser to Charles II in exile, superintended the Restoration, was made a peer and was effectively Prime Minister between 1660 and 1667, whilst finding time to write his *History of the Great Rebellion*. He considered that Oliver Cromwell was a 'bold, bad man.' There were enough men who thought the same to provide Charles I with a party; and this was the reason why there was a civil war in

[31] Wedgwood, 388.

England between 1642 and 1646. It also explains why Cromwell could never obtain a consensus and why the monarchy was ultimately restored.

Meanwhile, rebellion had broken out in Ireland in October 1641. It began as an attempted *coup d'état* by Irish Catholic gentry, but developed into an ethnic conflict between native Irish Catholics and English and Scottish Protestant settlers. The English and Scottish Parliaments both refused to raise an army to put down the rebellion unless it was under their command rather than the King's, and there were several months of violent chaos before the Catholic upper classes and clergy formed the Catholic Confederation in the summer of 1642. The Confederation took control of Ireland, until Cromwell arrived in 1649.

The effect of the Act of Attainder was to strip Strafford of all his properties and titles; but, after a brief period of refuge in Denmark, his son was received back at court during the winter of 1641, and was created 2nd Earl by the King. The young man then began his education at Oxford, but had to flee abroad again when the First Civil War broke out. He remained in France for the next ten years. In later years, the 1st Earl of Strafford became a hero to Royalists and Tory historians, and a villain to Roundheads and Whigs. It was not until the 20th century that a balanced biography appeared, and even then he was unjustly condemned for his venality, when he was no better and no worse than most great men of his day. In my view, his friend Archbishop Laud said all that could be said, and can be said, about Strafford's fate:

He served a mild and gracious Prince, who knew not how to be, or be made great.

The ruins of Pontefract Castle

The entrance to the Underground Magazine

Graffito in the Magazine (1)

Graffito in the Magazine (2)

III The Sieges of Pontefract Castle

Pontefract Castle was a symbol of royal power in the North of England. The first castle here was built by the Norman Ilbert de Lacy, who was granted large estates in Yorkshire by William the Conqueror. These were known as the Honour of Pontefract, and de Lacy administered them from his new fortress there. In 1311 his descendant Alice de Lacy married Thomas, Earl of Lancaster, and Pontefract passed into Lancastrian hands. When Henry Bolingbroke, Duke of Lancaster, deposed his cousin Richard II in 1399 and became Henry IV of England, Pontefract became a royal fortress, though it continued to be administered as part of the Duchy of Lancaster, as it is to this day. Richard II was kept prisoner here after his deposition and, mysteriously but predictably, he died here. After the Battle of Agincourt in 1415, the French Dukes of Bourbon and Orléans were also kept as prisoners here, though not in conditions of close confinement.

Pontefract housed a large royal armoury. Between 1485 and 1660 more money was spent on maintaining the castle than on any other in the huge Duchy of Lancaster; but still it was not enough: Pontefract was taken by the rebels during the Pilgrimage of Grace in 1536. After the uprising was quashed the castle was repaired but, when it was surveyed again in 1621, it was found to be in need of repair to the tune of £3000, a huge amount for the time.

There were three sieges of Pontefract during the Civil Wars of the mid-17th century. The first began on Christmas Day 1644 and involved an attack by Parliamentary forces led by the Yorkshireman Colonel John Lambert. The attackers were unable to breach the castle defences and the siege had to be lifted when Royalist forces under Sir Marmaduke Langdale won a victory nearby, on 1 March 1645; but the Royalist success was short-lived. The second siege began on 28 March 1645 and went on for four months before the royalists finally surrendered. The Third Siege was part of what is known as the Second Civil War of 1648, when the Royalists organised armed uprisings in South Wales and Kent, as well as in the North of England. They received considerable support from the Scots at this time and - given that the Scots had been allies of Parliament during the First Civil War –it is worth asking why.

The Scots were disappointed when the victorious English Parliament failed to re-model the Church of England along Scottish Presbyterian lines; and they resented

the influence of the Independents at Westminster and in the New Model Army. In February 1647 they went home and the dominant faction in Scotland made an Engagement with Charles I, whereby he agreed to support the establishment of Presbyterianism in England in return for a military alliance. On 8 July 1648, a Scottish 'Engager' army crossed the Border, seizing Berwick and Carlisle, before marching South.

The commander of the New Model Army in England was Lord Thomas Fairfax (1612-71). He had learned his soldiering in France and the Low Countries in the 1620s and served Charles I during the Bishops' Wars with Scotland in 1639-40. When the First Civil War broke out, his father Lord Fairfax was appointed general of the Parliamentary forces in the North, and Sir Thomas was made lieutenant-general of horse. Both father and son distinguished themselves in the campaigns fought in their home county; and, when the New Model was formed, Fairfax was selected as the new lord general, with Cromwell as his lieutenant, in charge of the cavalry. The New Model soon proved its worth, and Fairfax was in command when the Roundheads won the decisive victory at Naseby in June 1645. In 1648 Fairfax remained titular head of the army and did good service in East Anglia; but it was Cromwell who marched North to deal with the Scots. At the Battle of Preston, fought between 17 and 19 August 1648, his 8,000 'Ironsides' decisively defeated a force of Scots and Royalists three times as large.

Thomas Paulden (1625-1702) came from Wakefield. His part in the capture of Pontefract Castle began when he heard of the Duke of Hamilton's plan to invade England in 1648, and joined a group of Royalists in the woods of Brearley, at Ringston Hill, Kirkby, Frickley and Hooton Pagnel. Encouraged by Lady Savile and joined by his brothers William and Timothy, he managed to enlist around 300 foot and 50 horse. We know this because, many years later in 1702, Thomas wrote an account of his part in the capture of Pontefract Castle and the raid on Doncaster which we will come to. This was preserved in the Cotton collection of manuscripts, survived the great fire at Ashburnham House in 1731, became part of the collections held by the British Museum, and ultimately passed to the British Library.

It is worth exploring Paulden's motives for recording his youthful adventures. He realised that he was now an old man, and the *only Person now living, that was an Actor* in the dramatic events of 1648. He did not want the most famous siege of the Second Civil War to be forgotten, and though he did not wish to boast, he was not afraid *to compare greater things with the smaller*, and specifically to compare the capture of Pontefract with the contemporary capture by Prince Eugene of Savoy of the French Headquarters at Cremona in Italy. Paulden was also proud of the part played at Pontefract by men from his own county. He told the anonymous recipient of his narrative:

It may not be unacceptable to you, being a *Yorkshire* man, to know the most minute Particulars of this Enterprize, we being all *Yorkshire* men, who had a Share in it.

At the end of his account of the siege of Pontefract, Paulden expressed his hope that, at least among Yorkshiremen,

when the Memorable Action at Cremona shall hereafter be spoken of, with the Honour it deserves, this Attempt at Doncaster may not be altogether forgotten by Posterity.

As to John Morris's part in the affair, Clarendon wrote:

[Morris] now, as a Country Gentleman, frequented the Fairs and Markets, and conversed with equal freedom with all his Neighbours, of what Party soever they had been, and renewed the Friendship he had formerly held with some of those Gentlemen who had served the King. But no Friendship was so dear to him, as that of the Governor of Pontfret Castle, who loved him above all Men, and delighted so much in his Company, that he got him to be with him some times a week and more at a time in the Castle, when they always lay together in one Bed.[32]

Pausing here, there is nothing remarkable in this description of two men being in bed together, any more than there was when the comedians Eric Morecambe and Ernie Wise were shown in bed on television in the 1960s. It was not assumed on either occasions that any sexual relationship was involved.[33]

But Clarendon's account continues

He declared to one of those Gentlemen, who were united together to make that Attempt *That he would surprise that Castle, whenever they should think the Season ripe for it*; and that Gentleman, who knew him very well, believed him so entirely, that [Morris] told his Companions *That they should not trouble themselves with contriving the means to surprise the place; which, by trusting too many, would be liable to discovery; but that he would take that Charge upon himself, by a way they need not enquire into; which he assured them should not fail. And they all very willingly acquiesced in his undertaking; to which they knew well he was not inclined without good grounds*.

John Morris was evidently a gifted conspirator and double agent. He took the trouble to ingratiate himself with the governor, weaving an intricate web of bluff and disinformation as he did so.

Morris was more frequently with the governor, who never thought himself well without him; and always told him *he must have a great care of his Garrison, that he had none but faithful men in the castle; for he was confident there were some Men who liv'd not far off, and who many times came to visit him, had some design upon the place.*

[32] Fox, 98-9. ODNB.

[33] At least that is my view; but it has to be said that Robert Ashton thought differently. He thought that Clarendon's account of Morris's relations with the Governor of Pontefract Castle 'hinted at something stronger than friendship':Ashton, 405.

[Morris[made himself very familiar with all the Soldiers in the Castle, and used to play and drink with them; and when he lay there, would often rise in the Night, and visit the Guards; and by that means would sometimes make the Governor dismiss, and discharge a Soldier whom he did not like, under pretence that he found him always asleep, or some other fault which was not to be examined; and then he would commend some other to him as very fit to be trusted and relied upon; and by this means he had very much power in the garrison. The Governor receiv'd several Letters from his Friends in the Parliament, and in the Country, *that he should take care of Colonel Morrice, who resolv'd to betray him*; and inform'd him, *That he had been in such and such Company of Men, who were generally esteemed most Malignant, and had great intrigues with them*; all which was well known to the Governour; for the other was never in any of that Company, though with all the shew of Secrecy, in the Night, or in places remote from any house, but he always told the Governour of it, and of many particular passages in those Meetings; so that when these Letters came to him, he shew'd them still to the other; and then both of them laughed at the Intelligence; after which Morrice frequently called for his Horse, and went home to his House, telling his Friend *That though he had, he knew, no mistrust of his Friendship, and knew him too well to think him capable of such baseness, yet he ought not for his own sake be thought to slight the information; which would make his Friends the less careful of him: that they had reason to give him warning of those meetings, which, if he had not known himself, had been very worthy of his suspicion; therefore he would forbear coming to the Castle again, till this jealousy of his Friends should be over; who would know of this, and be satisfied with it*: and no power of the Governor could prevail with him, at such times, to stay; but he would be gone, and stay away till he was, after some time, sent for again with great importunity, the Governor desiring his counsel and Assistance as much as his Company.[34]

The Parliamentary governor of Pontefract Castle was clearly in thrall to John Morris; but, as Robert Burns mused

The best-laid schemes o'mice an' men
Gang aft agley.

So it turned out with Morris's carefully constructed plan. In November 1647 the governor whom he had taken such trouble to cultivate was replaced; and Morris did not known the new man – Colonel Cotterell – at all.[35]

Around mid-May 1648, Morris's men decided to attack the walls of Pontefract Castle by *escalade*, with ladders. This much is clear; but there are differing accounts of what precisely happened. John Rushworth (c.1612 – 1690) was a clerk in the House of Commons who was present at the trial of Charles I and sat in the House of Commons as an MP at various times between 1657 and 1685. He compiled a series of works about the Civil Wars entitled *Historical Collections*, also known as the *Rushworth Papers*). His account of the events in Pontefract in 1648-9 is therefore written from the Parliamentary point of view; and he plays down the Royalist success, or at least the glory of it:

[34] Clarendon.

[35] Fox, 89 et seq. has a much fuller account. He says that Overton was called to London; but in the ODNB it is stated that he became governor of Hull.

A late attempt was made for the taking of Pontefract Castle. They came in the night with about 80 horse; each horseman brought his footman behind him and ladders, and had placed their ladders, and were ready to mount them, before they were discovered; and as soon as the alarm came to the two companies of foot that were in it, they were in readiness and appeared to oppose. The sentinels fired, and then they withdrew; and there being no horse in the castle, they could not pursue, so that the enemy got clear away.

On the other hand we have Paulden's Royalist account:

We had secret Correspondence with some in the Castle; Amongst the rest, with a Corporal, who promised, on a certain Night, to be upon the Guard, and to set a Centinel, that would assist us, in scaling the Walls by a Ladder, which we had provided, and brought with us. But the Corporal happened to be drunk at the hour appointed, and another Centinel was placed, where we intended to set our Ladder, who fired upon us, and gave the Alarm to the Garrison. They appearing upon the Walls, our Men retired in haste, leaving the Ladder in the Ditch; whereby the next Day they within knew, that it was no false Alarm, but that there had been a real Attempt to surprise the Castle. They took not a Man of us; our Foot dispersed themselves in the Country; and half of our Horse marched to *Sir Marmaduke Langdale*, who had then taken *Berwick* and *Carlisle*. The rest, being Twenty or Thirty Horse, kept in the Woods, while we sent Spies into the Castle, and found that our Confederates within were not discovered, nor our design betrayed but only failed by the Corporal's being drunk.[36]

But John Morris did not give up easily.

The Ladder being found the next Morning, made the Governor call the Soldiers out of the Town, to lodge in the Castle: in order to which he sent his Warrants into the Country, for beds to be brought in by a day appointed. We had notice of it, and made use of the Occasion. With the beds came Colonel *Morice* and Captain *William Paulden*,[37] like Country Gentlemen, with Swords by their sides, and about Nine Persons more, dressed like plain Countrymen, and Constables, to guard the Beds, but arm'd privately with Pocket-Pistols and Daggers. Upon their approach, the Drawbridge was let down, and the Gates opened by our Confederates within. Colonel *Morice* and those who were with him, entred into the Castle. The Main-Guard was just within the Gate, where our Company threw down the beds, and gave a Crown to some Soldiers, bidding them fetch Ale, to make the rest of the Guard drink; and as soon as they were gone out of the Gate, they threw up the Draw-bridge, and secured the rest of the Guards, forcing them into a Dungeon hard by, to which they went down by about Thirty stairs; and it was a place that would hold Two or Three hundred men.[38]

Clarendon's account of the Royalist capture of Pontefract Castle is a little confused. He relates that Morris was in bed with Governor Overton at the time; but

[36] Fox, 121; Paulden, 8.

[37] The writer's brother.

[38] Paulden, 8-10.

we know that Overton had moved to Hull in 1647, some months before the coup; and this has led others into error, in particular Robert Ashton. Nevertheless Clarendon is always a mine of information; and his account tells us:

The time agreed upon was such a Night, when the Surprisers were to be ready upon such a part of the Wall, and to have Ladders to mount in two places, where two Soldiers were to be appointed for Sentinels who were privy to the attempt. *Morrice's* was in the Castle, and in Bed with the Governour, and, according to his custom, rose about the hour he thought all would be ready. They without, made the sign agreed upon, and were Answer'd by one of the Sentinels from the Wall; upon which they run to both places where they were to mount their Ladders. By some Accident, the other Sentinel who was design'd, was not upon the other part of the Wall; but when the Ladder was mounted there, the Sentinel called out; and, finding that there were Men under the Wall, ran towards the Court of Guard to call for help; which gave an Alarm to the Garrison…..

Paulden's account of 1702 was written by someone who was close by (admittedly many years later) and doubtless drew on his brother William Paulden's memories too:

Then Capt. William Paulden made one of the Prisoners shew him the way to the Governor's Lodging, where he found him newly laid down upon his Bed, with his Clothes on, and his Sword, being a long Tuck,[39] lying by him. The Captain told him the Castle was the King's, and he was his Prisoner; but he, without answering anything, started up, and made a thrust at the Captain, and defended himself very bravely, till being sore wounded, his Head and Arm cut in several places, he made another full and desperate Push at the Captain, and broke his Tuck against the Bed-post, and then asked Quarter, which my Brother granted; and he, for the present, was put down among his own soldiers into the Dungeon. Notice was immediately sent to me, lying hard by, of the Taking of the Castle; upon which I marched thither with about Thirty Horse, and, it being Market-Day, we furnished ourselves with all manner of Provisions from the Town.[40]

Morris had achieved a remarkable success. The only casualty was Governor Cotterell. Morris tried to re-assured him, by promising to obtain a pardon for his rebellion against the King, but nonetheless consigned him to the dungeon, along with many of his men. It was found that, with the castle, Morris & Co had come into the possession of a considerable amount of stores – *a great quantity of malt & salt, 4,000 stand of arms, a good store of ammunition, some cannon & 2 mortar pieces*.

On 17 June Morris appointed a Council of War with himself as president. Technically Sir John Digby was put in charge; but it was clear that real power remained with Morris.

As soon as the castle had been reduced, they who were possessed of it were very willing to be under the command of Morris; who declared he would not accept the charge, nor be

[39] Rapier: *Shorter Oxford English Dictionary*.
[40] Paulden, 10-11.

Governor of the place, knowing well what jealousies he might be liable to, at least upon any change of fortune, but under the direction of Sir John Digby; who was Colonel General of those parts, and was a man rather cordial in the service, than equal to the command.

The Council agreed on eight Articles of War, appointing officers to command foot and horse soldiers both inside the castle walls and in the town of Pontefract, where Morris decided to quarter some troops. The articles concluded by providing that:

If any officer, gentleman, or soldier be negligent upon any duty… or go from guard without order, he shall forfeit a day's pay, and be disarmed at the head of the troops, or company wherein he serves, and shall be imprisoned twenty-four hours, and the day's pay be disposed of to his fellow soldiers.

In October 1648, three months after the seizure of the castle, the Council of War had to deal with some disturbances, including a duel which was fought between Mr Byford and Mr Bunckley. It ordered that Bunckley continue to be held in the Provost-Marshal's custody, and that a Lieutenant-Colonel Ashton be confined to his chamber for acting as one of the seconds. It also ordered that no further duelling take place, on pain of death.

Morris's *coup* was so successful that it seems as if the Royalists took most if not all of the Parliamentary garrison as prisoners, pending ransom or exchange. Fortunately they had somewhere to keep these men – in that dungeon we now call the Underground Magazine. The prisoners were chained there and had only limited access to daylight; and food must have been scarce. Nonetheless some 30 of them found the time, and were given permission, to inscribe their names on the walls.[41]

Meanwhile, as soon as news spread as to what had happened, local Parliamentarians plundered Morris's house, taking away goods to the value of around £1,000 and £1,800 in cash and securities. At the same time, the capture of the castle gave heart to Royalists everywhere. Paulden provides us with details of what happened in Pontefract:

There came speedily to us, in small Parties, so many of our old Fellow-Soldiers, that our Garrison at last was increased to Five Hundred Men, which at the Rendering of the Castle afterwards, were reduced to One hundred and forty.

[41] Foster, 10-12. Foster suggests that the gaolers may have done the inscribing, as apparently happened at the Tower of London. The graffiti include the name John Grant - four times! The guide may tell you that Grant was a Scotsman, who refused to pay a ransom. Foster tells us that he was a Parliamentary gunner. The other important name is I. Toulson, which bears the date 1647 – though the castle was not captured by Morris until 1648. This might suggest that the Parliamentarians (who held the castle prior to Morris' coup) also held prisoners; but Foster thinks the date is simply a mistake. There is only one portrayal of a gallows amongst the graffiti, but this does not date from the 17th century, and is not next to any name.

Morris and his men had found the castle well stocked; but it was also necessary to increase supplies. Morris send to his wife for the (remaining) money she had in their house, and he purchased some goods with his own funds; but it was also decided to send out raiding parties. Paulden again:

We found in the Castle a good quantity of Salt and Malt, with Four thousand Arms, and good store of Ammunition, some Cannon and two Mortar-Pieces. We expected a Siege very suddenly, and got what Provisions of Corn, and Cattle, we could, out of the Country.[42]

The raids proved once again how resourceful and courageous the Royalists could be. On June 26, Captain Francis Wilsford wrote to Fairfax in Leeds, complaining that *Pontefract horse is now got into the Isle of Axholme*.[43] Paulden's account is once again very rich in detail:

In one Sally, having notice that there were at *Knottingly*, three Miles from the Castle, Three hundred head of Cattle, bought up in the North, going into the South, under a Guard of two Troops of Horse, we marched out at Night with Thirty Horse Half a dozen Foot, with Half-pikes to drive the Cattle. We faced the Troops that guarded them, while our Foot drove the Herd towards the Castle; then we followed, and kept betwixt them and danger, the Enemy not daring to Charge us, and so we came all safe with our Purchase into the Castle. This, and other Provisions, we got, in by several Parties almost every Night, enabled us to keep the Castle above nine Months, though we had not one Month's Provision when we were first Beleaguer'd.[44]

These raids were so successful that they attracted the attention of Oliver Cromwell, as he marched towards Scotland, at about the end of August 1648. According to Clarendon:

[Pontefract Castle] grew very troublesome to all their Neighbours; and not satisfied with drawing Contributions from all the parts adjacent they may Excursions into places at a great distance, and took divers substantial Men Prisoners, and carried them to the Castle; where they remain'd until they redeemed themselves by great Ransoms.

From the parliamentary point of view it was important to re-take Pontefract as soon as possible; but at first there was a distinct lack of co-ordination to this end. The *Modern Intelligencer* published a story that *some hundreds of horse and dragoons* had been sent *to try a bout or two with the career men of Pomfret*.[45] Eventually, however, the House of Commons decided to refer the problem to a joint committee of English and Scots, set up in 1643 and known as the Derby House Committee.

[42] Fox, 106, 114, 103; ODNB, Morris; Paulden, 11.
[43] Fox, 106.
[44] Paulden, 12.
[45] Fox, 111, 114, 106.

In a very short time after, we were besieged by *Sir Edward Rhodes* and *Sir Henry Cholmondly*, and Five Thousand Men of regular Troops: But we kept a Gate open on the South-Side of the Castle, which was covered by a small Garrison we placed in an House called New Hall, belonging to the family of *Pierrepoint*, being about a Musquet-shot or two from the Castle.[46]

The Royalists were not about to give up easily. They devised plan to mount a raid on Doncaster, with the aim of releasing the leading Royalist Sir Marmaduke Langdale.

Some time after, we heard, Duke *Hamilton* was beaten at *Preston*, in *Lancashire*, and *Sir Marmaduke Langdale*[47] taken Prisoner, and brought to *Nottingham-Castle*. He was General of the *English* at *Preston*, who behaved themselves bravely, and, in truth, did all that was done there. He had also, as I said, been our general; we had his Commission for taking the Castle, as he had the Prince of Wales's, and we were resolved to run any hazard to release him: For it was commonly given out, that they intended to bring him before *Pomfret Castle*, and to execute him in our sight, if we would not immediately surrender.

It being like to prove a tedious siege, General *Rainsborow* was sent from *London* by the Parliament, to put a speedy end to it.[48] He was esteemed a Person of great Courage and Conduct, exceeding zealous and fierce in their Cause, and had done them great Service by Land and also at Sea, where he was for a time one of their Admirals. His head Quarters were for the present at *Doncaster*, being Twelve Miles from *Pomfret*, with Twelve hundred Foot; a Regiment of his Horse lay Three or Four Miles on the *East* of *Doncaster*, and another at the like distance on the *West*.

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[46] Paulden, 13.

[47] Marmaduke Langdale (1598-1661) was born in Beverley in North Yorkshire. He had a military career in Europe in the service of James I's daughter Elizabeth: during the Thirty Years War he participated in the defence of the Palatinate in Germany against the attacks of Spanish forces; but he was an opponent of Strafford's policy of 'Thorough' during the 1630s, causing Strafford to write of him *That gentleman I fear carries an itch about him, that will never let him rest, till at one time or other he happen to be thoroughly clawed indeed.* Langdale was appointed High Sheriff of Yorkshire in 1639; but he remained so opposed to royal policy that he initially refused to collect Ship Money, though he eventually agreed to do so in 1640. When fighting broke out in 1642 he immediately rallied to the King's cause; but entertained the extraordinary hope that the war could be confined to the South of England: *We in Yorkshire should have some happiness if we could make an end of the troubles and distractions of our county and so divert the war southward, that whatsoever foreign nations come they may be employed in the South where the wellsprings of our misery began, and where there is pillage enough to satisfy many armies(!)* Nonetheless, in 1643 Langdale was commissioned colonel of a brigade of horse returned from Ireland. He fought well during the battle of Marston Moor and took part in later fighting in Lancashire and Cheshire, where he was wounded. He then formed a new brigade known as the Northern Horse, which defeated a Parliamentary force near Pontefract and relieved the Castle there on 1 March, capturing 500 prisoners. This was apparently, the last Royalist victory in the field. Langdale then left England for the Isle of Man, Ireland and France where he stayed until 1648. He returned to take part in the Second Civil War. He helped to capture Berwick for the King, but was captured six days after the Royalist defeat at Preston on 17 August 1648, while resting in an alehouse in Nottingham. He was imprisoned between August and November 1648: ODNB.

[48] According to Clarendon, it was Cromwell's idea to send for Rainsbrough.

Captain *William Paulden*, who commanded all the few Horse in the Castle, laid a Design to surprise him in his Quarters at *Doncaster*; not to kill him, but to take him prisoner, and exchange him for our own General, *Sir Marmaduke Langdale*; and it was only his own fault that he was killed, and not brought Prisoner to the Castle.

The design seemed the more feasible, because the General and his Men were in no Apprehension of any Surprise; the Castle being Twelve Miles off, closely besieged, and the only Garrison for the King in *England*.[49]

The prisoner the Royalists intended to take at Doncaster was Colonel Thomas Rainsborough, who was later to become a famous man. He appeared in David Caute's novel *Comrade Jacob* (1961) and is commemorated with a plaque in his birthplace at Wapping. He was the leading spokesman for the Levellers during the Putney debates of 1647 and presented *The Agreement of the People* to General Fairfax. He spoke in favour of universal male adult suffrage, at a time when this was regarded as a dangerously radical opinion.[50]

Really I think that the poorest he that is in England hath a life to live, as the greatest he; and therefore truly, Sir, I think it clear, that every Man that is to live under a Government ought first by his own Consent to put himself under that Government; and I do think that the poorest man in England is not at all bound in a strict sense to that Government that he hath not had a voice to put Himself under.

During the Second Civil War Rainsborough took part in the siege of Colchester. After the fall of Colchester in October 1648 Fairfax sent him North to take command of the Parliamentary forces besieging Pontefract, intending that he should replace Sir Henry Cholmley.[51] Rainsbrough marched North with around 1,200 foot and two regiments of horse but Cholmley would not accept his demotion. Rainsborough therefore withdrew to Doncaster, pending a resolution of the dispute by Parliament. It is likely that this show of disunity encouraged the Cavaliers in Pontefract to mount their attack on Doncaster, possibly with the hope of exchanging him for Marmaduke Langdale.

Thomas Paulden's version of events is as follows:

In order to execute this our purpose, Captain *William Paulden* made choice of Two and twenty Men, such as he most confided in. At Midnight, being well horsed, we marched through the Gate that was kept open, over the Meadows, between two of the Enemy's Horse-Guards, whom, by the favour of the Night, we passed undiscovered. Early the next Morning we came to *Mexborough*, a Village Four Miles west above *Doncaster*, upon the River

[49] Paulden, 13-15.

[50] Tinniswood chronicles how a relative emigrated to New England but returned to fight for the Parliament, under Thomas Rainsborough, in 1645.

[51] Cholmley was lieutenant-colonel of militia in Yorkshire by 1640. In January 1641, he was elected M.P. for Malton in the Long Parliament. He was knighted on 27 December 1641 and was a J.P. for Yorkshire West Riding from 1642 to 1648. He supported the parliamentary cause and was colonel of foot in the parliamentary army from 1642 to 1644.

Don, where there was a Ferry-boat. There we rested, to refresh ourselves and Horses, till about Noon.

In the mean time we sent a Spy into *Doncaster*, to know if there was any Discovery of a Party being out, and to meet us, as soon as it was dark, at *Cunsborough*, a Mile from *Doncaster*; which he did, and assured us, there was no Alarm taken by the Town, and that a Man would meet us at Sun-Rise, it being then the beginning of *March*[52], who would give us Notice if all was quiet. Thither the Man came accordingly; the Sign he was to bring with him, to be known by, was a Bible in his hand.

Captain *William Paulden* then divided his Two and twenty Men into Four Parties; Six were to attack the Main-Guard, Six the Guard upon the Bridge; Four were ordered to General *Rainsborow*'s Quarters, and the Captain, with the remaining Six, after he had seen the Four enter the, General's Lodgings, was to beat the Streets, and keep the enemy from assembling.

We presently forcing the first Barricades, and the Guards there dispersing into the Country, all the rest succeeded as we wish'd; the Main-Guard was surprised, we entering the Guard-Chamber, and getting between them and their Arms, bid them shift for their Lives; the same was done to the Guard upon the Bridge, their Arms being thrown in the River.

The Four that went to General *Rainsborow* 's Lodging, pretended to bring Letters to him from *Cromwe*ll, who had then beaten the *Scots*; they met at the Door the General's Lieutenant, who conducted them up to his Chamber, and told him, being in bed, that there were some Gentlemen had brought him Letters from General *Cromwell*. Upon which they delivered *Rainsborow* a Packet, wherein was nothing but blank Paper. Whilst he was opening it, they told him he was their Prisoner, but that not a Hair of his Head should be touched, if he would go quietly with them. Then they disarmed his Lieutenant, who had innocently conducted them to his Chamber, and brought them both down Stairs. They had brought a Horse ready for General *Rainsborow*, upon which they bid him mount; he seemed at first willing to do it, and put his Foot in the Stirrup; but looking about him, and seeing none but four of his Enemies, and his Lieutenant and Centinel (whom they had not disarm'd) standing by him; he pulled his Foot out of the Stirrup, and cry'd *Arms, Arms*. Upon this, one of our Men letting his Pistol and Sword fall, because he would not kill him, catcht hold of him, and they grappling together, both fell down in the Street. Then General *Rainsborow*'s Lieutenant catching our Man's Pistol that was fallen, Captain *Paulden*'s Lieutenant, who was on Horseback, dismounts and runs him through the Body, as he was cocking the Pistol. Another of our Men ran General *Rainsborow* into the neck, as he was struggling with him that had caught hold of him; yet the General got upon his Legs with our Man's Sword in his Hand; but Captain *Paulden*'s Lieutenant ran him through the Body, upon which he fell down dead.

Then all our Parties met, and made a noise in the Streets, where we saw Hundreds of their Soldiers in their Shirts, running in the Fields to save themselves, not imagining how small our Number was. We presently marched over the Bridge, the direct way to *Pomfret Castle*, and all safely arrived there; carrying with us Forty or Fifty Prisoners, whom we met by Eight or Ten in a Company. We took no prisoners at *Doncaster*; nor were any kill'd, or so much as hurt there, but General *Rainsborow* and his Lieutenant, and they too very much

[52] Here, Paulden's memory must be playing him false, because Rainsbrough was killed on 29 October 1648, not in March 1649 as seems to be stated here.

against our Will, because our main Intention was defeated thereby, which I told you was to exchange and redeem our own General *Langdale*; who, however, the very Night before, had fortunately made his own Escape.[53]

Despite Paulden's protestations to the contrary, the Roundheads regarded the killing of Ranisbrough at Doncaster as plain murder; and this was to have consequences when the Royalist garrison at Pontefract was eventually obliged to surrender. Meanwhile, John Morris had been engaged in a fascinating correspondence with his opposite number Cholmley about the exchange of prisoners. It is clear from this that it was important to distinguish between officers and gentlemen on the one hand, and common soldiers on the other. Each had a price; but it was not the same. John Morris wrote:

Sir,
I have according to your request sent you the account of the prisoners last up by Lt. Colonel Ashton and Lt. Morley. Whereas you look upon Mr Clarke and Slaughter as officers they altogether deny it, and for Slaughter you have a man for him belonging to Quarter[master] Redcliffe so that if you expect a more considerate exchange for him, I must expect Radcliffe's man's ransom being s trooper for Captain Clarke (if you please I shall be contented to give a trooper more for Mr Grant) now prisoner here, I am contented upon Mr Bullingham's coming hither here to release him.
Sir this is all for the present from
Your Servant
John Morris.

And again

Sir,
I have also sent you a list of what prisoners are here remaining. There is one Patrick Cotremare a trooper in Newcastle . If you please to gain his ransom, I'll do the like for one of yours.

What a stickler he was, and totally unafraid to make his point! His characteristic firmness and directness was on display again a little later, for on 27 November 1648 he wrote to Fairfax to complain that he had hanged a common soldier belonging to the castle:

Sir,
I understand you have hanged a soldier which did belong to this Castle who did but go forth to secure his horse (which I know to be true). I desire to know what Article you hanged him for – some of yours here shall taste of the same flavour.

[53] Paulden, 15-19.

Oliver Cromwell arrived back at Pontefract on Friday 3 November 1648. Fresh from his victory at Preston, his priority was to ensure that the garrison should be closely confined within the castle and not allowed to mount any more sallies. In his short biography of Oliver Cromwell (*God's Englishman*, 1970) Christopher Hill tells us that Oliver *unaccountably* spent six before Pontefract Castle, *while sensational decisions were being taken in London*; but in fact he only spent two weeks there. In any event, Cromwell may have become the most influential man in the kingdom; but Pontefract was the most important stronghold in Royalist hands. His concern about lack of progress with the siege was therefore entirely understandable.

On 9 November Cromwell sent a summons to John Morris, asking him to surrender, or see the castle stormed. This was in accordance with laws of war which had been recognised even in medieval times, and it was based on a passage in the Book of *Deuteronomy* —

When you march up to attack a city, make its people an offer of peace. If they accept and open their gates, all the people in it shall be subject to forced labour and shall work for you. If they refuse to make peace and they engage you in battle, lay siege to that city. When the Lord your God delivers it into your hand, put to the sword all the men in it.

So now Cromwell wrote:

Sir,
Being come hither for the reduction of this place, I thought fit to summon you to deliver your garrison to me, for the use of the Parliament. Those gentlemen and soldiers with you may have better terms than if you should hold it to extremity. I expect your answer this day.

We can already guess what answer was given. Morris sent a defiant reply, refusing to even recognise Cromwell's authority:

Sir,
I am confident you do not expect that I should pass my answer before I be satisfied that the summoner has power to perform my conditions, which must be confirmed by Parliament. Besides, the dispute betwixt yourself and Sir Henry Cholmley, commander in chief by commission of the committee of the militia of Yorkshire, who, as I am informed, denies all subordination to your authority, when my understanding is cleared in this concerning scruple, I shall endeavour to be as modest in my reply, as I have read you in your summons.[54]
Sir,
Your servant,
John Morris.

Morris did not deign to tell his own men about Cromwell's summons: he must have thought little enough of this leading rebel; and Cromwell was in any case called away to the South to deal with a political crisis. He left Major-General

[54] Fox, 127.

Lambert in charge, but not before reporting to Parliament on the stubborn character of the defence of the castle, and the difficulties which lay ahead:

My Lords and Gentlemen

I have had sight of a letter to the House of Commons wherein things are so represented, as if the siege were at such a pass that the prize were already gained. In consideration whereof I thought fit to let you know, what the true state of this garrison is, also the condition of the country… My lords, the Castle has been victualled with 220 or 240 fat cattle, within these three weeks; and they have also gotten in, as I am credibly informed, salt enough for them and more. So that I apprehend they are victualled for a twelvemonth. The men within are resolved to endure to the utmost extremity; expecting no mercy, as indeed they deserve none. The place is very well known to be one of the strongest inland garrisons in the kingdom; well watered; situated upon a rock in every part of it; and therefore difficult to mine. The walls are very thick and high, with strong towers; and, if battered, very difficult of access, by reason of the depth and steepness of the graft. The county is exceedingly impoverished; not able to bear free quarter, nor well able to furnish provisions if we had moneys. The work is like to be long, if materials be not furnished answerable.

On the strength of this pessimistic assessment, Cromwell gave orders that monies be provided for three complete regiments of foot and two of horse; that 500 barrels of gunpowder and six 'good battering guns' be speedily sent by sea to Hull, which must all be at least 'demi-cannons'; and finally that 'match and bullet' and three of the biggest mortar pieces also be sent. If the recipients of his letter were inclined to be parsimonious, they should remind themselves that

The place hath cost the kingdom some £100,000 already, and for all I know it may cost you more, it be trifled with.

Finally, Cromwell asked that the Parliamentary army at Pontefract be supplied with

Shoes, stockings and clothes, for them to cover their nakedness… and deal boards to make the courts-of-guard, and tools to cast up works to secure them.

John Lambert arrived to take charge. He soon reported that they were closing the ring on Morris's men:

We were going on with the siege or blocking up of Pomfret to admiration, considering our wants, compared with the season and discouragements from your parts, sufficient to make any soldiers in the world, that fights only for gelt, to sheathe and be gone, so we frown upon the enemy, that the last night they quit the New Hall which they had fortified, and set it on fire. Our men suddenly quenched it, its become a very advantageous place; and quarter, in reference to a close siege, we have possessed a strong house near the old church, so that there comes not out a man: the case is altered with them, we go on apace with our line.[55]

[55] Fox, 128.

Paulden confirms that, once Lambert had arrived on the scene, the Royalists

were close shut up, without hope of Relief, and our Provisions very nigh spent, which put us upon Capitulating; and they threw Papers over the Walls, offering Honourable Conditions, saving that Six Persons were to be excepted from any Benefit of the Articles, who were not to be named till after the Articles were Signed by the Governor.[56]

By Christmas 1648, John Morris was reduced to asking the other side for favours, as when he asked Fairfax for permission to allow Sir John Digby to leave the castle, on grounds of ill health. Fairfax refused, replying contemptuously that

You sent us shells before you sent us eggs, my hearty thanks to you for them, and the rather, your shells not having done so much harm as one of your eggs will do me good. Has received fourteen of the eggs, now sends a shilling, and hopes they will prove three a penny at the least.

This did not mean that Fairfax always refused Morris's requests; but there does seem to have been a hardening of relations, so much so that Morris felt obliged to write, on 26 January 1649:

I would gladly receive and have several times desired an answer of my letter which I sent in Major Crathorne's behalf for you sending in of syrups which I understand his lady would have done but that she was by yourself prohibited therefore if you desire as it appears you do, your cessation of civilities and be resolved to make no return thereof you must give me leave to resolve myself in my accust. [sic] as I may make your proceedings upon your… of common civilities my precedent and so consequently your wounded men will fare the worse.

Relationships had broken down, almost irretrievably. On one occasion, Morris informed Fairfax that, because the Roundhead soldiers had beaten a Royalist drummer, he would be compelled to *use the law*, by which he meant the Biblical *lex talionis* – an eye for an eye. Meanwhile, the corpses of those who had been killed in the conflict were no longer returned in respectful fashion to their former comrades: they were dumped unceremoniously between the lines.[57]

The military situation at Pontefract early in January 1649 was summarised by a subaltern in the Roundhead army, Thomas Margetts, in correspondence with Captain Adam Baynes, M .P. for Leeds (and later, Appelby), who lived at Gray's Inn in London. He thought that all would be well in Yorkshire, if only *this unlucky hole* (that is, Pontefract) were *reduced*; but he feared that this might take a long time yet, and the delay might prove *the undoing of this poor country*. In particular, he said

[56] Paulden, 19-20.
[57] Fox, 132-5.

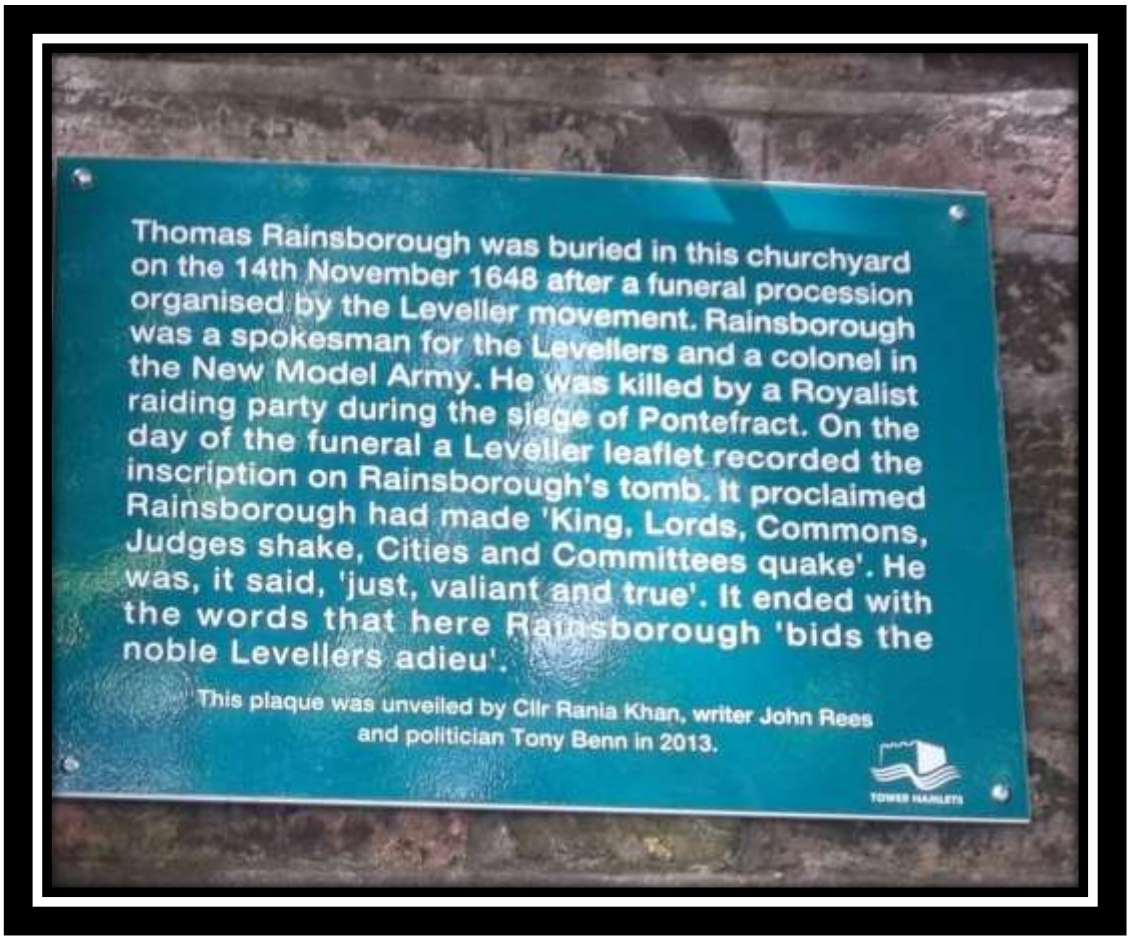
The poor people in these parts are afraid of Jocky[58] again, hearing rumour as if they were preparing for a second invasion; and I perceive that is the great hope of this besieged enemy.

In the middle of January, Margetts reported again to Adam Baynes. He said that the garrison at Pontefract was

yet resolute and keeps us upon hard duty… [but] our guns and mortar pieces are now come into this town and they will play very shortly.

Margetts also reported that he had learned of the plan to put King Charles I on trial at Westminster. He thought this a good idea, and one which was likely to hearten local Roundheads and discourage local Royalists.

[58] The Scots!



Plaque in Wapping in memory of Thomas Rainsborough

The trial of Charles I, 1649

IV Trial and Execution

The Cavaliers were defeated in the field, and the late 1640s were not an easy time for them. In South Yorkshire Sir Francis Wortley, who was an unrepentant Royalist, was imprisoned in the Tower of London for many years. Others were punished financially. To raise money for the Parliamentary cause, the Committee for Compounding with Delinquents assessed the property of Royalist supporters and fined them, the rate depending on their degree of 'delinquency', as well as their religion and profession. The fine varied between a third and two thirds of the accused's assets. Their estates were sequestered and they had to negotiate for them with the Committee. In this way Wortley's son was fined £671/13s/4d for having been *in actual war against the Parliament*; Richard Elmhirst was ordered to pay £566, for having *fortified his house against the King and Parliament's forces,* though he claimed that he had fortified it against *the Plunderers on both parties*; Robert Greene was fined £100 for having deserted his own dwelling and gone to live in York when it was kept as a garrison against the Parliament; and a penalty of £108 was imposed on Greene's uncle William Shiercliffe, despite his age and his protests that he had not been a king's man willingly or even actively. Likewise, Thomas Shiercliffe was fined the sum of £100, though he argued that he never had in fact raised the company of foot-soldiers which he had promised the King.[59]

Some people would not have been sorry that Sir Francis Wortley was made to suffer. He had been a J.P. and, as a result was unpopular with certain regular offenders, amongst whom were James and Zachariah Parkin of Mortomley, in the parish of Ecclesfield (now part of High Green, Sheffield). In 1638 James Parkin had been prosecuted for openly saying *I scorne Sir Francis Wortley's proposition with my arse, and I worship him with my arse*. The following year, Thomas Beale of Masborough near Rotherham and Walter Hurt of Bradfield had declared that they *cared not a fart* for Sir Francis.[60]:

The third siege of Pontefract aroused intense emotions in surrounding communities. We know that men from South Yorkshire were involved in the military operations there, for on 11th December 1648 one William Smith was buried at Wath-upon- Dearne. The clerk who recorded the event in the parish register

[59] Eastwood's Ecclesfield p 364; Wenham pp 28 (n) 122, 123, 126; Hunter's Hallamshire p 446; YAS XVIII pp 23, 24, 83; YAS XV p 225.

[60] YAS LIV p 60; Bean p 16.

described him as *a soldier wounded at Pontefract Leaguer*.[61]

Feelings hardened in 1648. Contrary to what is popularly believed, nobody had wanted to execute Charles I in 1641, when the Earl of Strafford was executed, and nobody wanted to do so in 1642, when the Civil War broke out. However, by 1649, there was an important section of opinion which wanted to bring the King to justice.

The victors in the Second Civil War were not merciful to those who (in their view) had brought the horrors of war to England again, especially since they had done so in alliance with the Scots. They demanded justice and even revenge, and were not inclined to forgive. This explains why Sir Charles Lucas and Sir George Lisle were executed by firing squad after the siege of Colchester, on the grounds that they had broken their parole, given after Marston Moor. In addition, three of the five peers who fell into the hands of Parliament, the Duke of Hamilton, the Earl of Holland, and Lord Capel, were beheaded. Above all, the Roundheads thought that Charles I was personally responsible for renewing the war. In the Puritan mind, he had become a murderer and the Army Council passed a resolution that *It was our duty.....to call Charles Stuart, that man of blood to an account for the blood he had shed, and mischief he had done to his utmost*. In particular, Oliver Cromwell thought that the King's conduct in reaching an understanding with the Scots was unforgiveable because it had been an attempt to *vassalize us to a foreign nation*. This was to overlook the fact that Parliament had itself allied with the Scots in 1643.

Not everyone in England agreed that Charles should be brought to account. In particular, a majority in the House of Commons, which historians usually label 'Presbyterian', was still in favour of negotiations, despite all that had happened; and this led to the infamous Pride's Purge of Wednesday on 6 December 1648, when Colonel Thomas Pride's Regiment of Foot arrested 45 MPs and kept 146 out of the Parliament building. They were not re-admitted until 1659. On 13 December, the remnant of 75 MPs, hereafter known as the 'Rump', broke off all negotiations with the King. Two days later, the Army Council voted that the king be moved to Windsor *in order to bring him speedily to justice* and the Commons voted to set up a High Court of Justice *to try Charles I for high treason in the name of the people of England*. The Bill passed both Houses of Parliament but, needless to say, Royal Assent was not sought.

The charge against the King stated that he *hath traitorously and maliciously levied war against the present Parliament, and the people therein represented*. The indictment stated that he was *guilty of all the treasons, murders, rapines, burnings, spoils, desolations, damages and mischiefs to this nation, acted and committed in the said wars, or occasioned thereby*. This was a new and peculiar kind of treason, since the Treason Act of 1351 (still used in the 20th century) required that the accused had to be involved in some act prejudicial to the King or his immediate family, rather than the nation at large. Nonetheless, a special court, consisting of several dozen

[61] V.C.H. Yorkshire vol 1 pp 428-9.

Commissioners and presided over by John Bradshaw, was set up. The trial began on 20 January 1649 in Westminster Hall.

King Charles refused to recognise the court. After the proceedings were declared open, John Cooke rose to announce the indictment, but had uttered only a few words when the King attempted to stop him, tapped him sharply on the shoulder with his cane and ordered him to *Hold*. Cook ignored this and continued, but Charles poked him a second time. Despite this, Cook continued. At this point Charles struck Cooke across the shoulder so forcefully that the tip of his cane broke off and clattered onto the floor.

Charles refused to enter a plea, claiming that no court had jurisdiction over a monarch. He argued that as anointed king, he ruled by virtue of the Divine Right of Kings and by the traditions and laws of England, and that the court was illegitimate. Moreover, the trial was illegal, since the King was the fount of all justice and could do no wrong in his kingdom. The House of Commons on its own – purged of dissent, and without the House of Lords, could not try anybody, and certainly not him. The result was that the court decided to proceed as if he had pleaded guilty; though 30 witnesses were still summoned for *the further and clearer satisfaction of their own judgment and consciences*. Charles did not stay to hear their evidence.

The King was declared guilty on Saturday 27 January 1649 and sentenced to death by decapitation. To show unanimity all 67 Commissioners rose to their feet. The death warrant was eventually signed by 59 men, including two who had not been present when sentence was passed.

Geoffrey Robertson's account of the trial of Charles I is the most up to date and possibly the most complete. It was written in the wake of the invasion of Iraq in 2003, while Slobodan Milosevic and Saddam Hussain were both awaiting trial for war crimes. The author is a leading human rights barrister, and a campaigner who took the view both that the invasion was unlawful under international law, although Saddam deserved to be overthrown, and ought to have stood trial in the proper place. His view of the trial of Charles I is that it established important principles of lasting importance. He is very dismissive of the Whig view that it was the Glorious Revolution of 1689 which secured the liberties of the English: he calls that Revolution 'constitutional milksoppery'. He thinks that it was the trial of the monarch in 1649 which established the fundamental principles of parliamentary sovereignty, judicial independence, no taxation without representation and no detention without trial on a firm footing.[62] I have to say that in my view this is wrong.

In his attempt to portray the trial of Charles I as lawful (though unprecedented) Robertson emphasizes the elements of legitimacy which were present: the Rump Parliament and the Army agreed to put Charles on trial, rather than simply have him murdered, or court-martialled; the trial was held in public and he was given the opportunity of defending himself, having counsel and testing the evidence. Robertson points out that none of these opportunities was afforded to the

[62] Robertson, 355.

regicides after 1660, when Robertson's hero John Cooke was dealt with in a very summary and (to our minds) illegal fashion.

However, when it comes to more fundamental aspects of the trial, Robertson seems blind to the most obvious injustice. The most salient point is that Charles objected to the jurisdiction of the court itself, but was not allowed to pursue that argument. He was simply required to plead 'guilty or not guilty' and when he refused to do so, the court took that as a guilty plea (though this much at least was in accordance with precedent). But Charles argument had considerable force: the court had been established by the House of Commons alone, and it was a House purged of those who opposed the Army. Moreover, the House of Commons was not equivalent to Parliament and had never before purported to act as the legislature in its own right, let alone as the judiciary. To conclude, Robertson justifies the trial on the same basis as the regicides did – they were acting on behalf of the people; but the truth, as Lady Fairfax protested, was that they were acting on behalf of *some* of the people, and possibly only a small number. There were others, possibly many, who regarded what they did as usurpation and tyranny.

As for the charges which were brought against him, Charles never addressed these directly; but in fact he had a very good defence to these too. Was he guilty of high treason? This had always involved some attack on the person of the King, or those close to him. Was he guilty of murder and war crimes? He had been commander in chief and sovereign at the time; and, as Robertson points out, sovereign immunity was always recognised in international law, until the last of the Pinochet judgments was handed down by the old House of Lords in 1999. Lastly, was he guilty of 'tyranny'? Robertson is clear that this was not an offence when Charles was said to have committed the crime: it became an offence because the Rump made it one, in 1649. To try Charles for this would now be regarded as retrospective penalisation, which is contrary to common law and is now prohibited by Article 7 of the European Convention on Human Rights. Here again Robertson seeks to justify the trial and thereby the conduct of his hero, prosecuting counsel John Cooke, when he is really arguing for what the law ought to have been, not for what it was, at the time.

In deference to his rank, the court decided that Charles I should be beheaded, rather than hung, drawn and quartered. The King's head was therefore taken off in front of the Banqueting House in Whitehall. It was a cold day but he took a walk in St James's Park with his pet dog before meeting his end. Strafford's execution, and his part in it, must have been much on his mind. His last words included the thought that God had permitted his own execution as a punishment for consenting to Strafford's death.

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The Cavaliers in Pontefract refused to give up, even when they heard the astonishing news that the Roundheads had executed their King. When Charles II

sent a message to say that, as far as he was concerned, they were under no duty to continue the fight,[63] they took no notice. Instead they minted silver coins with Charles II's name and likeness on them.[64]

There was life in the fight as yet. John Baynes, who was a cornet in the parliamentary army under Lambert's command wrote to his cousin Adam Baynes at the beginning of February:

They of this castle do us daily some harm; one of our mortar pieces has begun to play, and I hope hath done some execution. All our guns are not yet in a capacity of battering; only one or two play now and then at the battlements. The rogues within have no shells for their mortar pieces, but yesterday they shot out of the same piece a very great stone, which fell into the next chamber to the Major General [Lambert's] but hurt none. Yesterday they made a little sally (after they heard that the king was beheaded).

But the besieged garrison must also have known in their hearts that their days were numbered – and perhaps winter was beginning to bite. We soon learn that negotiations had in fact been begun. On the 3 February, Margetts wrote that *Yesterday the enemy sallied forth to beat us out of our trenches near Swillington Tower; killed us one man, and were beaten in again. They have heard of the King's death and seem to be more resolute upon it;* but he was also of the view that the execution of the King would *make some of them slink* and even that some *would come to fair terms for they would have another summons.*[65]

John Morris now wrote to Fairfax

Sir

The importunity of some of your prisoners here in the castle (whom tedious imprisonments may justly plead antiquity with the siege) invited me yesterday to write to Major General Lambert concerning the enlargement of all which upon reasonable terms I shall be willing to condescend unto, so that the world as well as themselves may rightly understand I am not the occasion of their present sufferings.

Morris was now prepared to talk, though he was very guarded as to the scope of the negotiations. He wrote to Fairfax again, saying that he had received a reply from Lambert and that he proposed to send envoys to a pub called *The Bull* (or some other convenient 'house'). Margetts tells us that

[Morris] sent out two gentlemen, viz.: Col. Roger Portington, and Capt. Thomas Paulden, to the General about it, and after the delivery of their message, and some discourse, they agreed to treat again this day. They pretend honour and conscience will not let them deliver up any: it will be murder, they say, in them, and the first precedent of that kind in England;

[63] ODNB.

[64] These 'siege coins' were the first to be struck in Charles II's name. On one side they bore the words *Dum Spiro, Spero* ('Where there's life there's hope'); on the other *Post Mortem Patris pro Filio,* ('After the death of the father, [we are] for son'. After the Restoration, this became Pontefract's motto. See the town's loyal address to Charles II: Fox, 155-6.

[65] Fox, 137.

but I believe the thought of self-preservation will make them deny their honour, forget their conscience, and put them upon some way of satisfying us and accepting of reasonable terms. — I think the business will be done, though indeed they are able, if resolute, to hold out a great while still.

For his part Lambert now proposed that the garrison should surrender and that a general indemnity be granted to Morris's men, with six exceptions. Margetts confirms

This day we are to meet and resolve to insist upon six persons to be delivered up to justice. We cannot give a certain judgment what the issue will be, but we believe if the treaty break, they will be broken within too. Morris, in his letter of overture, saith they are not ashamed to live, nor afraid to die, and they give out they will die with their swords in their hands like men, but certainly they are brought into a low condition.

Paulden's account tells us what happened when he and five other companions went to meet their opposite numbers outside the walls of the castle:

When we met, we told them, that we came to Capitulate about the Surrender of the Castle, but they could not expect that we would deliver ourselves up to Execution. Upon which, Colonel *Bright*,[66] the first of their Commissioners, told us, that he had Authority from Major-General *Lambert*, to engage, that none of us that Treated, should be any of the excepted Persons. We told him, That perhaps the Governor might be one of them: He answered, That he did believe the Major-General did not so much look upon the Governor, as some that had betray'd the castle to us, when it was taken. So we parted for that time, without concluding anything.

Paulden goes on to tell us the conclusion.

At our return to the Castle, we acquainted the Governor with all had passed; some of our Commissioners telling him that Colonel *Bright* had engaged he should not be excepted. The Governor ask'd me what I thought of it. I plainly told him, I thought he was intended to be one, and repeated to him the very Words that Colonel *Bright* had spoke, which made me suspect he would be excepted, because he had not engaged that the Governor should not be, as he had, that we that Treated should not, but left it ambiguous. Then one of our Commissioners told him, that Lieutenant-Colonel *Crooke* had assured him, that our Governor was none of the Excepted; upon which, he resolved we should go out, and

[66] John Bright (1619-1688) came from Carbrook (subsequently an industrial area of Sheffield, famous for the Brightside and Carbrook Co-operative Society, founded in 1868 and now home to the Carbrook Hall pub, which was Bright's home). Bright was a leading Roundhead during the Civil War. He led several companies of men and received a Captain's commission from Lord Fairfax, becoming a Colonel of foot in 1643. On the surrender of Sheffield Castle, was appointed governor in August, 1644; he was also military governor of York. He fought at Marston Moor. He showed bravery during the Royalist re-capture of Pontefract in 1645. In the second civil war he served under Cromwell in Scotland, before becoming Lambert's second in command at the siege of Pontefract: ODNB

conclude; saying generously, that if he was excepted, he would take his fortune, and would not have so many worthy Gentlemen perish for his sake.

Upon this, I desired the Governor to send somebody else in my place, for I had promised solemnly, I would never consent to deliver him up; (which he would have had me sworn to before, but I told him my Word should be as good as my Oath.) So they went out, and concluded and Signed the Articles; and after Signing of them, they brought to us, in the Castle, the Names of the excepted Persons, whereof the Governor was the First:

Their Names were:

Colonel Morice, our Governor,

Allen Austwick, Captain W. Paulden's Lieutenant, as one of those that Killed Rainsborow.

Blackborne, Captain Paulden's Cornet, for the same Reason.

Major Ashby
Ensign Smyth these three had been our correspondents in the castle when we surprised it.
Serjeant Floyd.[67]

One might have thought that these were the best terms that could be obtained, given the overwhelming odds which now faced the besieged; but in fact it seems from the parliamentary account of what happened next that the Royalists insisted on more.

They from within acknowledged [Lambert's] civility in that particular, and would be glad to embrace it, but they would never be guilty of so base a thing, as to deliver up any of their companions; and therefore they desired they might have six days allowed them, that those six might do the best they could to deliver themselves; in which it should be lawful for the rest to assist.

Amazingly, Lambert agreed to this further condition, indicating perhaps that the age of chivalry was not quite over, even amongst stern Puritans. Paulden emphasizes the importance of what had been agreed with regard to 'the Pontefract six' –

We were not obliged to deliver up any of these Excepted Persons, but they had liberty to make their Escape if they could, which they attempted on Horseback, the next Evening, by charging through the Enemies Army. At that very time their Guard unluckily happened to be relieving, so that the Number was doubled they were to break through.

Did the six manage to escape nonetheless? The answer is yes, but only for a time.

The Governor and Blackborne charged thro' and escaped; but were taken in Lancashire about ten days after, (seeking for a Ship to pass beyond Sea)…Smyth was killed in the attempt. Austwick, Ashby, and Floyd were forced back into the Castle, where they hid themselves in a private Sally-Port (which we had covered, designing to take the Castle again

[67] Paulden, 20-3.

by it, when there should happen a fair Opportunity). Thence they made their Escape the next Night after the Castle was surrendered, and all lived until after the King's Return.[68]

By the time Clarendon came to write his *History of the Great Rebellion* he could afford to magnanimous towards his former enemies, and in particular John Lambert:

Lambert generously consented, so that the rest would Surrender at the end of that time; which was agreed to. Upon the first day the Garrison appeared twice or thrice, as if they were resolved to make a Sally, but retired every time without Charging ; but the second day they made a very strong and brisk Sally upon another place than where they had appear'd the day before, and beat the Enemy from their Post, with the loss of Men on both sides; and though the Party of the Castle was beaten back, two of the six (whereof Morrice was one) made their escape, the other four being forced to retire with the rest. And all was quiet for two whole days; but in the beginning of the Night of the fourth day, they made another attempt so prosperously, that two of the other four likewise escaped: and the next day they made great shews of joy, and sent Lambert word, that their six Friends were gone (though there were two still remaining) and therefore they would be ready the next day to Surrender.

The other two thought it to no purpose to make another attempt, but devised another way to secure themselves, with a less dangerous Assistance from their Friends, who had lost some of their own lives in the two former Sallies to save theirs. The buildings of the Castle were very large and spacious, and there were great store of waste Stones from some Walls, which were fallen down. They found a convenient place, which was like to be least visited, where they walled up their two Friends in such a manner that they had Air to sustain them, and Victual enough to feed them a month, in which time they hoped they might be able to escape. And this being done, at the hour appointed they opened their Ports, and after Lambert had caused a strict inquisition to be made for those six, none of which he did believe had in truth escaped, and was satisfied that none of them were amongst those who were come out, he received the rest very civilly, and observed his promise made to them very punctually, and did not seem sorry that the six Gallant Men (as he called them) were escaped.

To Lambert's disgust the Parliament disregarded his generosity to the Royalist escapees – for he had apparently said that, if any of the six escaped more than five miles from the castle, no attempt would be made to recapture them. In fact, as we know, Morris and Blackborne were re-captured in Furness, and imprisoned in Lancaster Castle. Further, the Council of State decided that they should be tried at York Assizes – in other words as ordinary criminals, rather than be court-martialled.

There was a delay of some months between Morris's capture in Lancashire and the beginning of his trial in York; and he complained about the conditions in which he was held. The trial began on 16 August, when he was indicted under the

[68] Paulden, 23-4.

Treason Act of 1351 'for levying war against the late King Charles.' The report is in the series known as the State Trials.[69]

This is the catastrophe of the gallant Colonel Morris.

Colonel Morris being demanded to hold up his hand, refused, and the indictment was read against him for treason for levying war against the late king and the parliament… The court desired him to plead guilty or not guilty.

Col. Morris. My lords, under correction, I conceive this court hath not power to try me in this case; I being a martial man, I ought to be tried by a council of war.

Here Morris attacked the jurisdiction of the court in much the same way as Charles I had done three months earlier: he questioned its authority to try him at all; but whereas Charles had relied on his unique position as monarch, Morris argued that since he was a soldier, he should be tried by court-martial, if he was tried at all. For that reason, like the late King, he was unwilling to plead; but in his case, the court pressed him harder.

Court. Sir, what do you say, are you guilty or not guilty? This is the second time you have been asked: sir, if you will not answer the third time, we shall know what to do. Are you guilty or not guilty?

Col. Morris. My lords, I still conceive I ought not to be tryed here ; if I have done anything worthy of death, I appeal to a martial court, to my Lord Fairfax, major-general, or a general council of war : You have not any precedent for it, either for you to try me in this way, or me to suffer by it.

Court. Are you guilty or not guilty? This is the third time.

Col. Morris. My lords, if your honours will force me to plead, I conceive I am not guilty.

Court. How will you be tryed?

Col. Morris. My lords, I was never at any bar before; I am ignorant herein.

Court. Tell him what to say.

[Upon that some near him told him, By God and the country.]

Col. Morris. By God and the country.

After that, challenge is made for Colonel Morris to except against any of the jury.

[69] See also ODNB, Morris.

[Master Brooke, a great man for the cause, comes first returned, to be sworn as foreman of the jury.]

Col. Morris. My lords, I except against this Brooke.

Court. Sir, he is sworn, and you speak too late.

Col. Morris. My lords, I appeal to himself whether he be sworn or no.

Mr Brooke. Sir, I am not to answer you, but the court. My lord, I did not kiss the book.

Court. Sir, that is no matter, it's but a ceremony.

Col. Morris. My lords, I beseech your honours that I may except against him; I know him, as well as I know my right hand, to be my enemy.

Clerk of Assize. Sir, he is recorded sworn; there is no disputing against the record.

Col. Morris. My lords, I must submit to your honours.

After that, Colonel Morris challenges sixteen men, and my Lord Puleston thinking Colonel Morris tedious in excepting against so many, answers, *Sir, keep within your compass, or I will give you such a blow as will strike off your head.*

Col Morris. My lords, I desire nothing but justice, for by the statute of 14 Hen. VII. fol. 19 I may lawfully challenge thirty-five men, without showing any cause to the contrary.

English law on challenging jurors was evidently much more liberal than it has since become; but the court did not allow Morris's challenge to delay the proceedings for very long.

Court. It is granted. After a full jury, the indictment read, and evidence for the state very full, that Colonel Morris was governor of Pontefract, which Morris being very modest and civil, did not contradict anything until his time of answer.

Col. Morris. My lords, I humbly desire a copy of my indictment, that I may know what to answer; I conceive I may plead special as well as general.

Court. Sir, you cannot by the law.

Col. Morris. My lords, I conceive there is a point of law in it, and I humbly desire to have council; for I conceive by the law, being attainted for high treason, I ought to have counsel by the statute 1 Hen. VII. fol. 2.3.

Court. Sir, I tell you cannot have it.

Col. Morris. Then, my lords, I conceive I am not any way guilty to the indictment for treason. My lords, it is said to be against the king, his crown, and against his peace, whereby, my lords, I can make it appear I have acted only for the king, and nothing against him, which may appear hereby by my commission.

Morris was again adopting the tactics employed by Charles I at his trial; but he needed to be more ingenious than Charles had been. If Charles was the hedgehog – who knew one big thing - Morris had to be the fox – who knew many small things. He therefore pointed out, not only that the court's credentials were dubious but that his own were impeccable, since everything he had done was done by direct authority from the King, in the form of his commission as Colonel. There was the slight complication that the King was now dead; but Morris claimed that, in that case, his authority derived from the Prince of Wales (later Charles II).

The court looks upon it and answers:

Court. Sir, you are deceived, this is false, it is from the Prince.

Col. Morris. My lords, it is very well known my Lord Fairfax hath his commission derived from the Parliament, and upon that he grants commissions to his officers, which is all one and the same. The Prince hath his from his father, and I have mine from the Prince, which is full power, he being captain-general of his majesty's forces.

Court. Sir, have you nothing else to say?

Col. Morris. My lords, under correction, I conceive it is sufficient; for, by the same power, all judges, justices of peace, your lordships, your predecessors, and all other officers did act by the same power, and all process and writs of law were acted and executed in his name and by his authority.

Morris had touched here upon the central contradiction: under the English system of law, all authority derived from the King and the law of treason had been framed so as to protect the King, his family and his government. Yet here was a court trying him for assisting the King. The republican view was that the King had two 'bodies'. He was not just a natural person but a corporation too, and as a natural person, he acted as a trustee for the nation; but, as we shall, Morris was quite prepared for this argument too.

Court. His power was not in him but the kingdom, for he was in trust for the kingdom; the king's highway and the king's coin being so called, is not his own but his subjects, and his natural power and legal power are different.

Col. Morris. My lords, under correction, I conceive his legal and personal power are undevisable [indivisible], *all one, and cannot be separated.*

Court. Sir, all is one if the king bid me kill a man, is this a sufficient warrant for me to plead? No, sir, it is unlawful: Sir, have you no more?

Col. Morris. Sirs, I beseech your honours give me leave, I am upon my life.

Court. Speak what you will, sir, you shall be heard.

Col. Morris. Your servant, my lord; then, my lords, I conceive I have acted nothing against the Parliament, for that which I acted it was for the king; and since the abolishing of regal power I have not meddled with anything against the parliament, for that act was but enacted the 14th of July last, and before that time an act of abolishing kingly-government, that princely place which I kept by his commission was demolished; my lords, I beseech your honours, that my commission may be read, to give satisfaction to the court.

Morris was putting a further argument here. If it was said that, although he had not acted against the King personally, he had acted against 'the King in Parliament', which Parliament would that be? As we know, the Long Parliament, which had sat since 1640, had been much reduced in numbers by the effects of the civil war, and then 'purged' by Colonel Pride. Moreover, Parliament was a medieval institution, which had always consisted of two houses, Lords and Commons; but, by an Act of 16 March 1649, the House of Lords had now been abolished. So, if the prosecution said that Morris's treason consisted of acting against the interests of the people as represented in Parliament, this was not the same institution as had existed at the time of the acts complained of. However, the judges had little time for these arguments, nor did they recognise the validity of the commission which Morris claimed to hold of the King.

My Lord Puleston. Sir, it will do you no good, you may as well show a commission from the pope, all is one.

Col. Morris. My lords, I desire your lordships to do me that justice.

My Lord Puleston. Sir, we held it for law to be void, it is to no purpose.

Col. Morris. Then if your lordships be not pleased to do me that justice that it may be read, I desire it may be restored me again. [Upon that Colonel Morris received his commission unread.] *My lords, it seemeth strange that your honours should do that which was never done the like before, never any of your predecessors ever did the like; I wish it may not be to your own and your friends wrong, that you make yourselves precedents of your acting, and myself of suffering.*

Having seen his appeal to logic, reason and law dismissed, Morris now let raw emotion speak.

But, my lords, I do not speak for saving my own life, for (I thank my God) I am prepared, and very willing to part with this lump of clay. I have had a large time of repentance, it being twenty-two

weeks since my imprisonment; and I am sorry for those which are like to undergo the same sufferings, if your lordships take away my life. And though I do not speak any way in glory, indeed at this present there is a cloud hanging over our heads, I desire there may be a fair sun-shine to dispel it. And though there were a world of plots in the kingdom when I took the castle, there is not wanting the same now, only the time is not yet come; and I was to be the fire-brand to Scarborough, so he (meaning Bointon) to Tinmouth, and that to others; and though you take away my life, there will be others which will take up the lintstock to give fire, though I be gone.

Court. Sir, you have little hopes to talk of any fire to be given here, having received such a total rout in Ireland.

Col. Morris. My lords, I should have been unwilling to have contradicted your late news concerning Ireland, but since you have given me a hint of it, you must give me leave to let your honours know, that I received letters from the Marquis of Ormond, dated the 3d of August, and yours is but the 2d, wherein he pleases to let me understand of the great care he hath of me, and that whatsoever shall befal me here, the like shall be to those which he hath prisoners there, which (as he saith) are good store. Therefore, if your lordships did not at all value my person, yet methinks you should have some care of it for your own friend's goods.

It was clear that these arguments cut no more ice than the earlier, so Morris changed tack once again.

Court. Sir, have you no more to say?

Col. Morris. My lords, still I appeal to my commission, which I conceive is sufficient to defend me withal in what I have done, notwithstanding your power to the contrary.

Court. It is nothing at all, we have power to try you here.

Col. Morris. Then, my lords (under correction) lay-men may as well be tried at a martial court: which, if granted, those excellent acts of Magna Charta and the Petition of Right would be destroyed.

Here Morris was referring to that old English standby, Magna Carta. Though this had had little effect when it was first promulgated in 1215 it had been re-published many times since and had, ironically, become the Bible of the Parliamentary opposition to James I and Charles I, and in particular of common lawyers like Sir Edward Coke. The Petition of Right was another matter, being altogether more recent; but again the court had little time for the argument. Still, the discussion kept returning to the question of legitimacy – by what right had Morris acted as he did; and by what right did the court purport to judge him?

Court. But you are not looked upon here as a soldier; we shall do what in justice belongs to us.

Col. Morris. My lords, still (under correction) I have taken the oath of allegiance, and I conceive in that I was bound to do as much as I did or have done, though I had not had any commission at all. And I beseech your lordships that you will do me justice, and not incline to the right hand of affection,

or the left of hatred, but to have an ear for the accused as well as for the accuser: Neither have I acted anything contrary to my allegiance, which allegiance I was as willing to pay to the son as well as to the father. Now for my allegiance I owe to any person or authority, but to these; I know none.

My Lord Thorpe. Sir, if you have anything else to say, speak for yourself, for this is not much to the purpose.

Col. Morris. My lords, 'tis true, since you have rejected that authority which I acted by, I might as well have held my tongue at the first, and spake nothing, were it not for the satisfaction of the hearers; but if it must be so that you will make me a precedent, you must do with me as you did with my dear and honoured lord, [meaning the Lord of Strafford] making an act for the future, that this my suffering shall not be a precedent to any soldiers hereafter. Besides, my lords, this same statute which you allege against me is, if that any shall act against the king, 'tis treason, which I have not done; but contrary, for him and by his authority. And there is an act of 11 Hen. 7. cap. 1. That whosoever they are that shall aid or assist the king at home or abroad shall not be questioned at all.

This was a reference to the Treason Act of 1495, which provided that a person serving a *de facto* monarch was not guilty of treason, or of any other offence, if he waged war against the king *de jure*.[70] But once again, Morris's judges were not impressed.

My Lord Thorpe. 'Tis true, sir, but Henry VII. then stood in a fickle condition, and being an usurper, made that act for his own safety; sometimes the Duke of York ruling, sometimes Duke of Lancaster and others contending, therefore it was enacted.

Col. Morris. My lords, but this same act of Henry VII. was later than that of Edward III which you have laid against me, and as yet never repealed until this last act of 14 of July, before which time I had delivered up the place.

My Lord Thorpe. Well, sir, it seems you have not any more.

The court had now decided that enough was enough; but there was still an argument to be had about the way in which the prisoners were being treated:

The court commands irons to be laid on them.

Col. Morris. My lords, I humbly desire that we may not be manacled; if you make any doubt of us, that we may have a greater guard upon us.

[70] The circumstances were that Henry VII had become king after defeating Richard III at Bosworth on August 22, 1485; but he backdated the start of his reign to August 21, the day before the battle. This enabled him to prosecute those who had fought under his rival. This was highly controversial at the time, since it meant that, in a future battle, anyone who fought for the rightful king against a usurper would be at risk of execution if they lost. By 1495 Henry's position was more secure and agreed to a change in the law. Thereafter, the statute was sometimes relied on in very different circumstances. During his trial for high treason in 1660, John Cooke (erstwhile prosecutor of Charles I) used this argument in his closing speech): Robertson, 315.

My Lord Puleston. Sir, you that have made such attempts through such guards as were of purpose set to receive you ought to be looked to now. Yet if Master Sheriff please, I am content.

Col. Morris. Master Sheriff, I desire that this manacling may be forbore: if you please to clap a guard of a hundred men upon us I shall pay for it. This is not only a disgrace to me, but in general to all soldiers, which doth more trouble me than the loss of my life.

Master Sheriff, what do you say?

Master Sheriff. Sir, irons are the safest guards.

Col. Morris. My lords, hitherto (I thank God) I have not done any unsoldierly and base act, and to begin now I will not do it to save my life; and though you look upon me Sampson-wise, I vow to God, I would not touch the pillars though it lay in my power to injure you, therefore I still beg pardon that I may not be manacled.

Under-sheriff. Come, sir, it cannot be helped, we are commanded.

Col. Morris. My lords, I beseech you grant me this favour ; it is not my life I beg, but to forbear this manacling, which shame and dishonour doth more trouble me than the loss of my life.

Once again the court decided to curtail further discussion; but meanwhile Morris had thought of yet another point.

Under- Sheriff. It must be done, and upon that did it, and carried him away. After dinner they were brought again, and the jury brought in their verdict, who found them both guilty of treason.

Col. Morris. My lord, I am here found guilty of treason by that villain Brooke, whom I know to be mine enemy, and the first man that I did except against; in which I conceive I have received hard measure, for none could have found me guilty of treason had they gone according to the letter of the law, which they did not.

My Lord Puleston. Sir, you speak too late, you are not to dispute it now.

Col. Morris. Neither would I, my lord, if this were a court of chancery, but being a court of law, bound up in express words and letter, I conceive I ought to dispute it, and my business better weighed.

My Lord Puleston. Well, sir, you are found guilty, therefore hold your peace.

Col. Morris. If I must suffer, I receive it with all alacrity and cheerfulness, and I thank God I shall die for a good cause and the testimony of a good conscience, for which, had I as many lives as there are stars in the firmament, I would sacrifice them all for the same.

Court. Sheriff, gaoler, take them away, or He take you away.

Col. Morris. Well, I beseech God bless King Charles, and fight for all those that fight for him, or have fought for him.

Whatever one thinks of the arguments we have to admire Morris's ingenuity in deploying them when he had no access to legal advice (though we cannot rule out the possibility that there was a royalist 'grapevine' which circulated details of the best possible defences to use). In addition, we must also admire his tenacity – the same tenacity which he had demonstrated time and again during the siege of Pontefract castle and its aftermath. The modern reader must also be struck by the harshness of Morris's judges; but this is a reminder that the attitude of the 17th century judiciary, at least before the Revolution of 1688, was very different from what it is now. In those days, the judges did not regard independence from the executive as their constitutional duty. On the contrary, judges in criminal matters still thought of themselves as 'lions under the throne,' as Lord Chancellor Bacon (1618-1621) had done.[71] Of course, once the English Republic was declared, the judges regarded themselves as guardians of the State, rather than of the King; but the principle, that they should enforce the law rather than be totally impartial between prosecutor and accused, still held good.

Even now, Morris did not throw in the towel. He and Blackborne managed to escape from York Castle; but Blackborne broke a leg as he did so – presumably in making a leap – and Morris refused to abandon him.

The ghastly but popular spectacle of public execution was now played out.

When [Morris] was brought out of prison, looking upon the sledge that was there set for him, lifting up his eyes to heaven, knocking upon his breast, he said, *I am as willing to go to my death as to put off my doublet to go to bed; I despise the shame as well as the cross; I know I am going to a joyful place*; with many like expressions.

When the post met him about St James's church, that was sent to the parliament to mediate for a reprieve, and told him he could not prevail in it, he said, *Sir, I pray God reward you for your pains; I hope and am well assured to find a better pardon than any they can give; my hope is not in man, but in the living God.*

At the place of execution he made his profession of his faith

Gentlemen, First, I was bred up in the true protestant religion: having my education and breeding from that honoured house my dear lord and master Strafford, which place, I dare boldly say, was as well governed and ruled as ever any yet before it, I much doubt better than any will be after it, unless it please God to put a period to these distracted times: this faith and religion I say I have been bred in, and I thank God I have hitherto lived in without the least wavering, and now I am resolved, by God's assistance, to die in.

Those pains are nothing, if compared to those dolours and pains which Jesus Christ our Saviour hath suffered for us, when in a bloody sweat he indured the wrath of God, the pains of hell,

[71] Bacon, *Essay of Judicature.*

and the cursed and shameful death which was due to our sins; therefore I praise the Lord that I am not plagued with far more grievous punishment, that the like hath befaln others, who undoubtedly are most glorious and blessed saints with Christ in heaven; it is the Lord's affliction, and who will not take any affliction in good part when it comes from the hand of God, and what shall we receive good from the hands of God, and not receive evil? and though I desire, as I am carnal, that this cup may depart from me, yet not my will, but thy will be done: Death brings unto the godly an end of sinning, and of all miseries due unto sin; so that after death there shall be no more sorrow, nor cry, or pain, for God shall wipe away all tears from our eyes, by death our souls shall be delivered from thraldom, and this corruptible body shall put on in corruption, and this mortal immortality.

Therefore blessed are they that are delivered out of so vile a world, and freed from such a body of bondage and corruption; the soul shall enjoy immediate communion with God in everlasting bliss and glory; it takes us from the miseries of this world and society of sinners, to the city of the living God, the celestial Jerusalem.

I bless God I am thought worthy to suffer for his name and for so good a cause, and if I had a thousand lives, I would willingly lay them down for the cause of my king, the Lord's anointed: the scripture commands us to fear God and honour the king, to be subject to every ordinance of man, for the Lord's sake, whether to the king as supreme, or to those that are in authority under him.

The agnostic or atheist can only be impressed by the fortitude with religion can sometimes bring in the face of imminent death.

I have been always faithful to my trust; and though I have been most basely accused for betraying Liverpool, yet I take God to witness it is a most false aspersion, for I was then sick in my bed, and knew not of the delivering of it, till the officers and soldiers had done it without my consent, and then I was carried to Sir John Meldrum, afterwards I came down into the country, and seeing I could not live quietly at home, I was persuaded by Colonel Fairfax, Colonel Overton, Lieutenant Colonel Fairfax, whom I took for my good friends, to march in their troops, which I did, but with intention still to do my king the best service when occasion was, and so I did; and I pray God to turn the hearts of all the soldiers unto their lawful sovereign, that this land may enjoy peace, which till then it will never do: and though thou killest me, yet will I put my trust in thee, wherefore I trust in God he will not fail me nor forsake me. Then he took his Bible, and read divers psalms fit for his own occasion and consolation, and then put up divers prayers, some publickly and some privately, the publick was this that follows:

[The prayer]

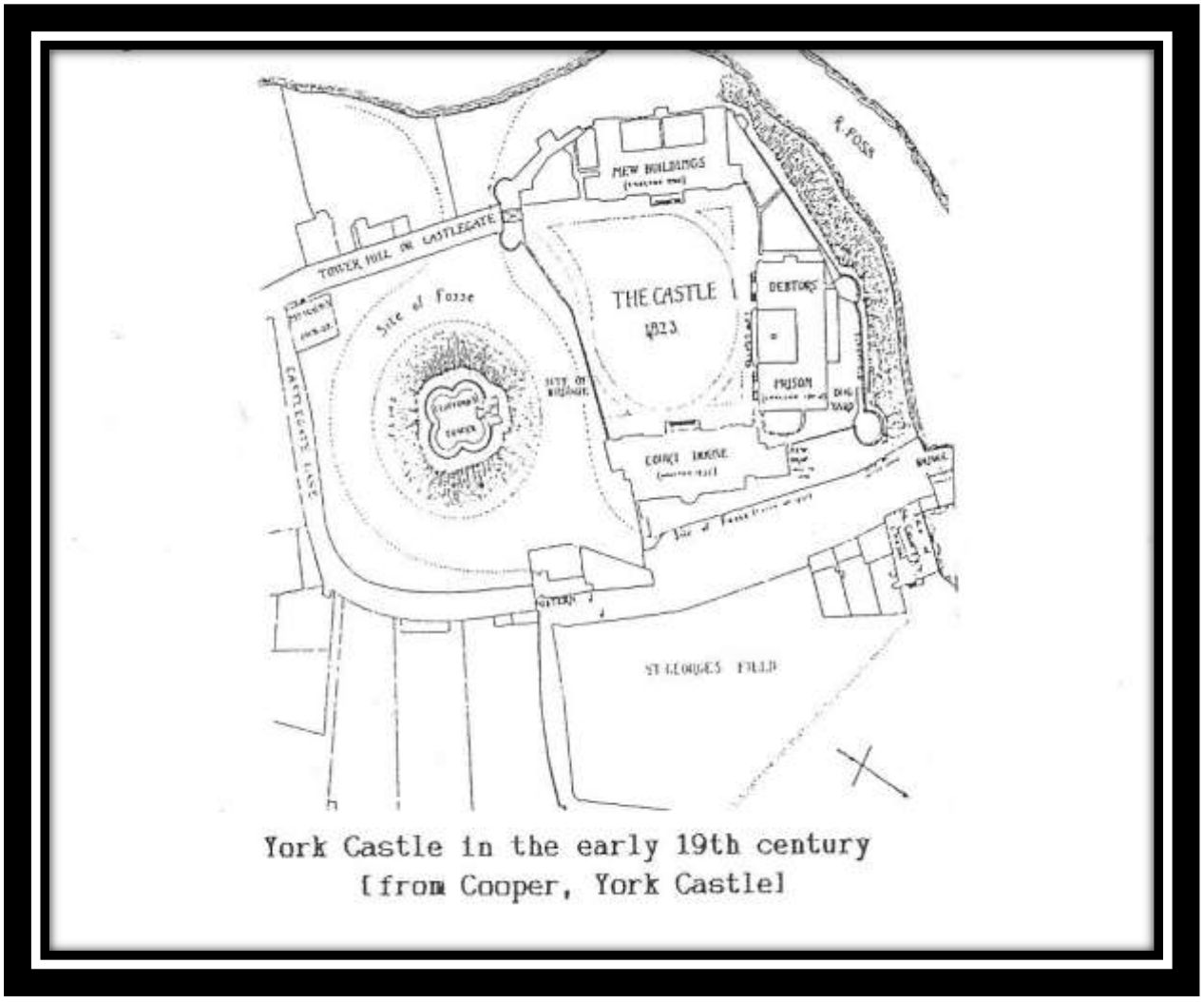
Welcome, blessed hour, the period of my pilgrimage, the term of my bondage, the end of my cares, the close of my sighs, the bound of my travels, the goal of any race… ; I have fought a long fight in much weakness, I have finished my course though in great faintness, and the crown of my joy is, that, through the strength of thy grace, I have both kept the true faith, and have fought for my king's, the Lord's anointed's cause, without any wavering, for which and in which I die; I do willingly resign my flesh, I despise the world, and I defy the devil, who hath no part nor share in me; and now what is my hope? my hope, Lord Jesu, is even in thee, for I know that thou my Redeemer livest, and that thou wilt immediately receive my soul, and raise up my body also at the last day, and I shall see thee in my flesh with these eyes and none other: And now, O Lord, let thy spirit of comfort help mine infirmities, and make supplication for me with sighs and groans that cannot be expressed; I submit myself wholly to

thy will, I commit my soul to thee as my faithful Redeemer, who hast bought it with thy most precious blood ; I confess to all the world, I know no name under heaven by which I may be saved, but thine, my Jesu, my Saviour; I renounce all confidence in any merits save thine; I thankfully acknowledge all thy blessings, I unfeignedly bewail all my sins, I steadfastly believe all thy promises,

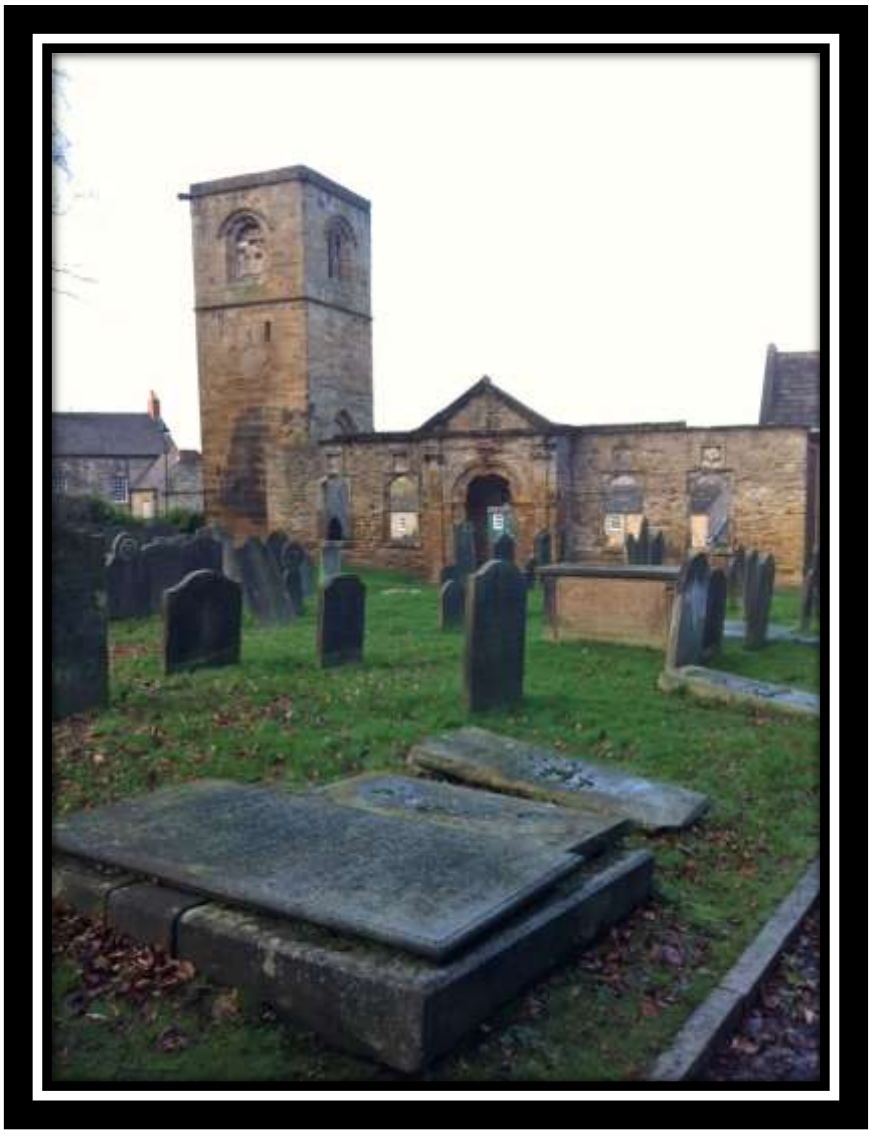
I heartily forgive all my enemies, I willingly leave all my friends, I utterly loath all earthly comforts, and I entirely long for thy coming. Come, Lord Jesus, come quickly, Lord Jesus receive my spirit.

Like Strafford and like King Charles, Morris was beheaded. His body - or what was left of it - was buried at Wentworth *near unto the grave of his worthy lord and master the late famous Earle of Strafford.*[72] He was 34 years of age.

[72] Surtees XXXVII p 115; Surtees XL pp 13-15; Hunter's *South Yorkshire* vol. II p 98.



York Castle in the early 19th century



Wentworth Old Church, probable burial place of John Morris

V Conclusion

At the time of the third siege, Pontefract Castle was a very large structure – far larger than the visitor might think today. Some parts of the castle were bombarded and blown up during the hostilities; but more important in terms of its fate was the petition, made by the inhabitants of Pontefract after the surrender of the castle, that it should be demolished. The petitioners had clearly become heartily sick of being the focus of military attention:

The continuing of a garrison in that castle… hath occasioned two several tedious and chargeable leaguers,[73] to the great effusion of much precious blood, the utter ruinating of not less than 200 dwelling houses and upwards… the incredible decay of trading and commerce, the unavoidable hindrance and interruption of tillage, the total undoing of many well affected persons, and families, the sad devastation of the place of public worship amongst us.

Demolition duly began the following month. Lambert wrote to Captain Adam Baynes:

I have received yours (for which I give you thanks) and also the order for demolishing of Pontefract Castle, and have great assurance of the effectual and speedy demolishing thereof; all men declaring much freeness for the effecting thereof. Upon Monday next the workmen begin, and, first, they are to take down the Great Tower.

And again

I am glad to hear that Pontefract Castle is to be demolished. I beseech you make it your business to expedite that work, and, if possible, procure the votes and orders to them that are to see it done to be sent down by the next post. I pray you advise with the Judge Advocate therein and neglect no time to expedite it [as it,] as well you know, very much concerns the quiet of these parts.[74]

[73] Sieges.
[74] Fox, 144-5.

Fortunately for us, the castle was not demolished altogether (as those in Liverpool and Sheffield were). Substantial parts of the medieval walls and towers remain; but the Underground Powder Magazine and prison was filled in. It was re-excavated in the 18th century, and used as a store for liquorice roots; and as a result it may still be visited today. Meanwhile, Pontefract gained a worldwide reputation for the manufacture of liquorice cakes.

Cavaliers

John Morris was on the losing side in 1648 and, despite his heroism, he fell out of favour during the eleven years of the English Republic which followed. His execution, and the confiscation of his property, left his widow Margery, and their three children destitute; and she complained of her poverty when she petitioned the Parliamentary Committee on Compounding with Delinquents, to ask for relief. She told them that Morris had leased certain lands in 'South Helme'[75] upon trust that she should have the profit for her lifetime, and this had been a consideration when they married; but now the lands were under sequestration. It is pleasing to read that she was given some relief, on the grounds that her husband had at least served his country in Ireland, before the outbreak of the English Civil War.[76]

With the Restoration the Royalists came back into their own; but one of the most important measures taken in 1660 was the enactment of the Indemnity and Oblivion Act, which pardoned all those who had acted in pursuance of orders and responsibilities imposed on them by the English Republic. There was an important exception made in the case of the regicides; but those who had prosecuted, tried and executed John Morris were pardoned.

Morris's bravery was celebrated by the poet Thomas Vaughan, in five short Latin poems printed at the end of his collection *Thalia Rediviva*. The first of these poems tells how Morris (*Mauritius*) enters Pontefract Castle, describing this hyperbolically as 'a high citadel', 'the last of our and King Charles's hopes' and 'the place where three kingdoms join together to welcome him.'[77] It goes on to address the Castle as if it were a person whose walls 'are worthy of being defended as long as Morris is in charge, and worthy to be captured without him'.[78] The second is entitled '*The Enemy Proposes Peace, but One Man is Excluded from its Terms*'. The third deals with the decision to spare Morris, provided he can contrive to escape; and how

[75] South Elmsall, a mile from Morris's birthplace in North Elmsall.
[76] YAS XX p 130.
[77] *Arx alta ! et Caroli spes una atque ultima nostri,*
Qua tria conveniunt hospita regna simul.
[78] *Praeside Mauritio tua moenia digna tueri,*
Nec nisi Mauritio praeside digna capi.

he manages to achieve this by rushing through the ranks of the enemy.[79] The fifth and last tells briefly how Morris met his end:

The last day dawns, and whatever he has had to endure previously, now he must die.
But he is too great a soul to be overwhelmed.
We die not an ignoble death, who have cut a fine dash.
Things are as they are. We gambled with life and death.
No common person, no ordinary soldier, would have shown such bravery:
Only a man with the heart and courage of Morris would have done that.[80]

Morris continued to be famous in the 18th century, at least locally. In 1750 the antiquary Francis Drake wrote a poem about Pontefract Castle in which he praised damned Lambert for his haughtiness and praised Morris for his bravery

In vain brave Morrice did thy martial train
With loyal arms the hostile shocks sustain,
And 'gainst rebellious sons these loyal domes defend.[81]

Margery Morris survived John Morris by some sixteen years, dying at the age of 38, on 23 October 1665. We learn she had found time to commit her memories of her husband to writing, and married another Royalist, Jonas, fourth son of Abel Buckley, of Buckley in Lancashire, who preserved the memoir.[82] According to Dugdale, Morris's first son Robert attended the Inns of Court in London in April 1666, but died without issue ten years later. If we suppose that he studied law (rather than just residing at one of the Inns, as many did) we may venture the thought that his father would have been proud of him. The second son, Castilian Morris, who had been given such a spectacularly unorthodox name, was rewarded for his father's loyalty to the Crown when he was given a lease of 6,000 acres of land in Knaresborough Forest, at a rent of £4 a year per acre.[83] He was also appointed Town Clerk of Leeds in 1684 at the instance of Lord Chief Justice Jeffreys (of Bloody Assize fame). His first wife, Annabella, died in 1677, and he then married Mary, (daughter of George Jackson of Leeds). By his first wife he had one son, John, but by his second he had at least ten children, though most died in infancy. Two of these

[79] *Mille refert, et mille ruit varia arte per hostes.*
[80] *Venit summa dies, et qua pepigisse, perire est.*
Major sum, quam cui sic superesse licet.
Percutimus pulchrum posito cum funere foedus,
Sitque haec pro vita pactio, velle mori.
Plebeius vigor hoc, quivisque gregarius haud dat:
Hoc solius habent pectora Mauritii.
[81] Fox, 159.
[82] Fox, 96.
[83] ODNB.

were in turn named Castilian: one was christened at Saint Peter's, the Leeds parish church, in July 1687, the other is recorded in family pedigrees as being born in 1692.

Some extracts from a diary kept by the original Castilian Morris have been printed; and there is a collection of his writing in the Brotherton Library in Leeds. This includes some 85 prose meditations, prayers and paraphrases of scripture, 64 acrostic poems and a verse paraphrase of the Lord's Prayer.[84] Castilian died in 1702.

We tend to underestimate the brutality of the English Civil Wars, in comparison with the French Revolution; but, to give just one example of the violence which they involved, the plotters who seized Pontefract Castle in 1648 had hatched their plot in the house of the Reverend Beaumont, rector of South Kirby, about five miles from the castle. When the Parliamentarians discovered this, Beaumont was put in irons; and, when he refused to talk, he was tried by a Council of War and summarily executed, leaving a wife and four small children. Fox tells us that one of his nearest relations was forced to play a part in his execution.[85]

William Paulden died of a fever in Pontefract, a month before it surrendered. Timothy Paulden was killed in battle at Wigan (while under the command of the Earl of Derby, father in law of the 2nd Earl of Strafford). Thomas joined King Charles II in exile, though he visited England secretly several times in the 1650s. His own account of this episode survives:

> I myself followed the Fortune of King *Charles* in his Exile, and was sent into *England* on several Occasions for his Majesty's Service. I was once betray'd and brought before *Cromwell*, but I denied my Name, and nothing could be proved against me: However he sent me to the *Gatehouse* in *Westminste*r, from whence I made my Escape with our old Friend *Jack Cowper*, by throwing Salt and Pepper into the Keeper's Eyes; which I think has made me love Salt the better ever since; as you and all my friends know I do, with whom I have eaten many a Bushel. I went again beyond sea; and, upon King *Charles* the Second's Restauration, returned into *England*, accompanied with my old companion, Loyalty, and with the usual companion of that, Poverty. The first never quitted me; the other, by the favour and bounty of the Duke of *Buckingham*, was made tolerable.[86]

After writing his narrative of the siege of Pontefract and the raid on Doncaster, Thomas Paulden survived a dozen or so years. Perhaps excessive consumption of salt contributed to his death, although he tells us that, in 1702, he was already 78 years of age.

After his imprisonment at Nottingham, so pregnant with consequences unforeseen by him, Sir Marmaduke Langdale escaped and made his way to France. This was lucky for him, as the Parliamentarians executed a number of prominent Royalists who had been involved in the Second Civil War; and Langdale's name was included on Parliament's list of Royalists excluded from pardon. At Charles

[84] *Yorkshire Archaeological and Topographical Journal*; Brotherton, ref GB 206 Ms Lt 56.
[85] Fox, 100.
[86] Paulden, 25-6.

II's court-in-exile, Langdale advocated an alliance with the Spanish as the best means of regaining the throne. He became a convert to Roman Catholicism and at the Restoration was created Baron Langdale.[87]

There was a time when Marxist historians argued that there had been a revolution in England between 1640 and 1660; but there is little sign of social revolution in South Yorkshire. After 1660 the Cavaliers resumed their former place in society. Sir Francis Wortley the elder had died, after his imprisonment in the Tower of London; but he was succeeded by his son, the second Sir Francis who, in the words of Joseph Hunter 'found himself in possession of a noble estate'. Robert Greene of Thundercliffe Grange and Thomas Barnby of Barnby Hall were both alive in 1660 and were succeeded in due course by their heirs, while Richard Elmhirst's family lived on for centuries in their timber-framed house at Hound Hill. William Shiercliffe of Ecclesfield Hall was not so fortunate, for he died without issue in the year of Charles I's execution; but his kinsman Thomas Shiercliffe of Whitley Hall lived to see King Charles return, becoming a churchwarden for the Grenofirth quarter of Ecclesfield parish in 1660 and a lieutenant of trained-bands under the new King. He was succeeded in due course by his son Nicholas.

William Wentworth, 2nd Earl of Strafford, had gone into exile during the troubles. Whilst he was away, his two sisters continued to live in grand style at Wentworth Woodhouse, thereby putting their brother to great expense. He returned from exile in 1652 and took an oath of allegiance to the Republic; but, unsurprisingly, avoided public life, lived in retirement at Wentworth, and in 1654 married Henrietta-Maria Stanley. The Earl and his new bride had an extraordinary thing in common: their fathers had both been beheaded, as a result of their service to the House of Stuart. William's father had been executed in 1641, whilst Henrietta's father, the 7th Earl of Derby, had been executed at Bolton in 1651, following the defeat of Prince Charles at the Battle of Worcester.

And first, the justest, and the best of kings,
Rob'd in the glory of his sufferings,
By his too violent fate inform'd us all,
What tragic ends attended his great fall,
Since when his subjects, some by chance of war,
Some by perverted justice at the bar
Have perish't: thus, what th'other leaves, this takes,
And whoso escapes the sword, falls by the axe...[88]

Though he devoted his life to charitable works, William had his problems, especially financial; and he grumbled that his rents were always in arrear:

[87] ODNB.

[88] From *On the Lord Derby* by Charles Cotton (1630-1687).

thereat no man can wondere very much for the war hath caused such a stayte of affairs both heare and elsewheare that there is neither encouragement to risk the expense of tilling the soil, nor securitye that ever the harvestte will be gathered.

The 1st Earl of Strafford's plans for his deer parks, like his schemes for the government of England and Ireland, had collapsed; and there is even a theory that deer-hunting never recovered from the disorder of the Civil War. After the Restoration, the fox took the place of the deer in many districts; and, instead of hunting the highly edible stag, English gentlemen took to pursuing the inedible smaller animal. However, so far as Tankersley Park is concerned, the 2nd Earl attempted to re-establish the *status quo*. Thus it was that in March 1653 he leased out Tankersley Hall and Park, but retained the right to enlarge the areas within the Park which were used by the deer, and to increase their numbers to 280. Perhaps most importantly he specifically reserved:

full liberty and authority for his said lordship and his heirs with his and their respective trayne, followers and company at all times to enter the said Parke in the then present and future extent thereof respectively and to chace, hunt, kill and take away the said deere and take and use all other Parke - like royalties libertyes and priviledges of comand and pleasure in and upon the same...

Strafford was keen to ensure that his deer would not go hungry, so he made detailed provisions with regard to fodder:

for the preservacion and management of the said deere with due care as also for their better management and support, by serving them with holley to be cutt therein in winter, and likewise with the hay which his lordshipp was to allow them from other places after the proportion of two loads to each hundred of deere for a wintering...

Lastly, the Earl kept the right *to appoint from time to time such keepers and underkeepers of the said game as his lordshipp should think fit.*[89]

The lessee of Tankersley Park was Sir Richard Fanshawe, sometime poet, scholar, diplomat and Royalist; and Fanshawe, his wife Lady Anne and their three children duly moved to Yorkshire and took possession of Tankersley Hall. Some years before this he had written a poem extolling the pleasures of country life:

Believe me ladies, you will find
In that sweet life more solid joys,
More true contentment to the mind
Than all town toys

and again

Plant trees you may, and see them shoot

[89] Hall, *Incunabula*, 178-182.

Up with your children, to be served
To your clean boards, and the fairest fruit
To be preserved

In Yorkshire the poet and his lady were able to indulge their taste for these rural delights. Indeed they did not have much choice, since the terms of Sir Richard's parole were that he was not to go more than five miles from Tankersley Hall without special permission. Yet Lady Anne Fanshawe wrote of their time at Tankersley:

We lived an innocent country life, minding only the country sports and the country affairs. Here my husband translated Luis de Camoens; and on October the 8th 1653 I was delivered of my daughter Margaret. I found all the neighbourhood very civil and kind upon all occasions; the place plentiful and healthful, and very pleasant, but there was no fruit: we planted some and my Lord Strafford says now, that what we planted was the best fruit in the north. The house of Tankersley and park are both very pleasant and good, and we lived there with great content.

In 1662, the bill of attainder against Strafford's father was reversed and he re-gained his title. He was made a Fellow of the Royal Society in 1668 – though he was expelled in 1685. According to Wedgwood, he now led a rather 'obscure, undistinguished and uninteresting life'; but she does praise his speech in the House of Lords in 1667 protesting against the banishment of the Earl of Clarendon, on the ground that no crime had been proved against him. His attitude here is the more creditable since Clarendon had been one of his father Strafford's bitterest political enemies in 1640, though he had opposed the attainder and execution.[90]

The 2nd Earl of Strafford became a member of the Privy Council in 1674, and attended a crucial meeting in 1678 when Titus Oates first revealed his fabulous Popish Plot. During the Exclusion Crisis, he supported James Duke of York, and made a point of calling on him when the latter travelled through Yorkshire on his way to Scotland in 1679. Wedgwood damns the 2nd Earl of Strafford as 'indolent and lacking in character'; but he was much loved by his own family, as he had been by his father. He and his wife are commemorated in a magnificent tomb in the Lady Chapel in York Minster; but there is also a smaller memorial to them in Wentworth Old Church.[91]

Roundheads

Thomas Rainsbrough's funeral was the occasion for a large Leveller demonstration in London, with thousands of mourners wearing ribbons of sea-green and bunches of rosemary in their hats, for remembrance. Tinniswood, who gives a very full

[90] Wedgwood, 394.
[91] Wedgwood, 395. When he died, the 2nd Earl expressed a wish that his father's body be transferred to York Minster; but this was never done.

account, points out that according to some reports, there were 50 or 60 coaches and 3,000 gentlemen and citizens on horseback in attendance. Even the Royalist press acknowledged the size of the turnout, though it could not refrain from acerbic commentary. The newsbook *Mercurius Elencticus* told how the coffin was:

met and attended on by a great number of the well affected of all professions, Will the Weaver, Tom the Tapster, Kit the Cobler, Dick the Door Sweeper, and many more eminent apron-youths of the City, who trudged very devoutly both before and behind this glorious saint, with about 100 of the she-votresses crowded up in coaches, and some 500 more of the better sort of brethren mounted.

The Puritan minister who preached the funeral sermon took an altogether different line. He told the congregation that Rainsbrough was *a joy to the best, and a terror to the worst of men*; and he raged at the ungodly wretches who had murdered one of the righteous. The day was coming, he predicted, when Christ would pass sentence on *all treacherous and bloody murderers*.

Rainsbrough was buried at St John's, Wapping. He became the most prominent of the Leveller martyrs and is much remembered by modern radicals.

He that made King, Lords, Commons, Judges shake,
Cities and Committees quake;
He that sought nought but his Country's good,
And seal'd their Right with His last blood;
Rainsborough, the Just, Valiant and True.
Here bids the noble Levellers Adieu.

After his brother's death, William Rainsbrough continued in the Ranter cause (if indeed there ever was one - some historians think that it was a chimera invented by conservatives to discredit any kind of radical dissent).[92]

Thomas Fairfax was altogether more conservative than Cromwell. He took part in the suppression of the Levellers and of the Diggers; but neither he nor his wife wanted anything to do with the trial and execution of Charles I. When he could, Fairfax retired to his estate at Nun Appleton in Yorkshire and he played no part in the English invasion of Scotland in 1650, nor in the Royalist conspiracies of the 1650s. In 1659 he assisted General Monck to invade England from Scotland, thereby facilitating the Restoration of Charles II.[93]

John Lambert was handsomely rewarded for his part in re-capturing Pontefract in 1648. Parliament voted on this almost immediately:

Ordered, that £300 per annum, land of inheritance out of the demesnes of Pontefract upon a true survey thereof, at a full value be settled upon Major General Lambert and his heirs for

[92] ODNB (Gentles). For the funeral see Tinniswood, 286-291. For a sceptical modern view of the Ranters see *Myth and History*, (C.U.P., 1986) J.C. Davis.
[93] ODNB.

ever, in respect of his many great and eminent services, performed with much care, courage, and fidelity, by the said Major-General in the northern parts, as well against the Scots' army the last summer, as against the forces of Sir Marmaduke Langdale and otherwise, and in reducing the castle of Pontefract, being the last garrison in England held out against the Parliament; and in respect of his extraordinary charge therein, he not having been allowed any pay as Major-General.[94]

Lambert remained active in politics until 1657. During this time he wrote the *Instrument of Government*, which was a kind of written constitution; and he was influential in bringing about the Protectorate of Oliver Cromwell. After the second Protector Richard Cromwell resigned in 1659, Lambert was re-appointed to a position in the army. He prevented the sitting of the re-convened Rump Parliament and created a Committee of Safety with which to run the interim government; but Monk's march to the South caused Lambert's army to disintegrate and he was imprisoned in the Tower of London in March 1660. He escaped and made one final attempt to resist the restoration of the Stuart monarchy, but his support had dwindled. He was charged with high treason and sentenced to death but had his sentenced commuted to life imprisonment by Charles II. He spent the remaining 24 years of his life in confinement, first on Guernsey, and then on various islands nearer to the mainland, He died in prison in 1683-4. During his imprisonment, he was visited by Samuel Pepys and Charles II. I imagine that the siege of Pontefract may have been among the topics for conversation.[95]

John Bright settled down as a country gentleman, with estates at Badsworth and Ecclesall near Sheffield. In 1651 he was commissioned to raise a regiment to oppose Prince Charles, and the same thing happened again in 1659, on the occasion of Sir George Booth's rising. He was High Sheriff of Yorkshire in 1654 and 1655, acted as governor of York and of Hull and was appointed MP for the West Riding of Yorkshire in the First Protectorate Parliament; but contrived to be made baronet when Charles II came into his own again. Bright was a ruthless operator in the Yorkshire land-market.[96] He had been appointed one of the Parliamentary sequestration commissioners for the West Riding in 1643; and his landed wealth tripled in value between 1642 and 1660. His most significant purchase came in 1653, when he acquired the manor of Badsworth for £8600. At his death he was worth £3,210 a year. He died in 1688 and was buried in Badsworth church, where he has an imposing wall monument. In 1752, his heiress Mary Bright married the 2nd Marquis of Rockingham, twice Prime Minister of Britain, who built the grand mansion we know today as Wentworth Woodhouse.

Sir Henry Cholmley was excluded from the House of Commons by Pride's Purge. By the end of the Interregnum he had become a Royalist. He was arrested by order of the restored Rump Parliament but returned to the House of Commons three

[94] Fox, 146.

[95] ODNB.

[96] See *Eugénie Grandet* by Honoré de Balzac.

days later, when the secluded Members were readmitted. He was commissioner for militia for Yorkshire from March 1660, a J.P. for Yorkshire and Westmorland from March to July 1660 and a J.P. for the North and West Ridings of Yorkshire from March 1660 to his death. In April 1660, he was elected M.P. for Appleby in the Convention Parliament. He was Colonel of Foot from June to October 1660, Commissioner for *oyer and terminer* on the Northern circuit in July 1660 and Commissioner for assessment for North and West Ridings from August 1660 to 1661. In 1661 he became Commissioner for assessment for the North Riding and Deputy Lieutenant for North Riding until his death. He died in Tangiers in 1666.

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In his time S.R.Gardiner (1829-1902) founded a new historical orthodoxy, which was that there had been a 'Puritan Revolution' in England between 1640 and 1660. Gardiner's writings incorporated a benign view of the Puritans: they were the predecessors, in his view, of the Whigs, sharing their interest in limited monarchy, the rule of law and constitutional government. Yet there were always historians who questioned this thesis. For them the more extreme Puritans were religious fanatics - we might call them fundamentalists – who became especially dangerous when in arms or in power. Such people do not believe in freedom and tolerance: they believe in power; and when in power they tend to persecute their enemies. The Puritans who ruled England during the rule of the Major-Generals (1655-6) and Massachusetts in the 1630s and 1690s were very intolerant of those who disagreed with them. They thought that religious toleration was a recipe for chaos and anarchy.

By the time I was in the 6th form in the early 1960s, the teaching of 17th century history had moved a long way. I was taught 17th century history by Mr. E.C. Lowe, an excellent teacher who was at the least a 'man of the Left' and possibly a Marxist. We studied the period with the aid of Christopher Hill's *Century of Revolution* (1961), and I was rewarded for diligence with a copy of David Petegorsky's *Left-Wing Democracy in the English Civil War* (Left Book Club, Victor Gollancz, 1940). Needless to say, I became a Roundhead, convinced that they were on the side of freedom, democracy and indeed History. There had undoubtedly been a revolution in England between 1640 and 1660. It had been the most exciting of times, and it resulted in the overthrow of the old feudal order. The most 'advanced' thinkers on the Roundhead side were the Levellers and the Diggers. The Levellers were democrats, who believed in adult male suffrage. The Diggers were communists, who occupied a common in St George's Hill, between Cobham and Weybridge in Surrey (now a very expensive suburb for the rich and famous). Mr Lowe also recommended David Caute's novel *Comrade Jacob*, which was about that experiment.

I went up to Oxford in 1966, where Christopher Hill (1912-2003) was Master of Balliol. He never taught me, but continued to bring out books about the same thing, year after year. He had become a Marxist in the 1930s and he remained one

all his life, though he had resigned from the Communist Party after the Russian invasion of Hungary in 1956. He had proposed as early as 1940s that the events of the 1640s and '50s in England constituted a Revolution, to rank alongside the French and Russians Revolutions in terms of its significance in world history. He abhorred the idea that History was just 'one damn thing after another'. Historians who failed to grasp that the motor of change was the class struggle (or 'dialectical materialism') were frankly second-rate. First-rate historians understood the present as well as the past; and Hill could even describe the Leveller Thomas Rainsborough, murdered in Doncaster in 1648, as a 'comrade' who had engaged in *a living struggle to build a society which ordinary people would think worth defending with all their might because it was their society*. Doubtless, Christopher Hill would have thought John Morris a boring old reactionary, who deserved to be consigned to Trostky's scrapheap of history.[97]

Marxists were very dismissive of biography, since individuals did not matter much compared to historical forces; and I seem to remember that Hill was very rude about both C.V. Wedgwood and Hugh Trevor Roper, who produced biographies of Thomas Wentworth and William Laud, key figures in the build-up to the Civil War. They were on the losing side of History. This seems a little strange when one considers that Strafford was a member of the so-called 'rising gentry' until the last year of his life, when he happened to be ennobled, and thereby (presumably) became a member of 'the declining aristocracy'; and when one considers the enormous social and political power enjoyed by the British aristocracy in the 18th century – power which was on spectacular display at Wentworth Woodhouse.

Although Christopher Hill's views commanded a considerable following in the late 20th century there were many historians who continued to teach more conventional and conservative views – not least B.H.G.Wormald (d. 2005) and Hugh Trevor-Roper (1914-2003). Indeed Hill had many critics even in his heyday. A.L.Rowse (1903-97) pointed out how little his 'industrious sort of people' mattered in the 17th century. Hill's methodology was subjected to devastating criticism by the American J.H.Hexter (1910-1996) in his essay *Historical Methods of Christopher Hill* re-published in *On Historians: Reappraisals of the Masters of Modern History* (Harvard, 1979). Peter Laslett (1915-2001) criticised Hill for generalising about the bourgeoisie, the merchants and the industrial classes without counting how many such people there were. The Civil War was clearly not a class war, nor did it have anything to do with the supposed clash between feudalism and capitalism, nor for that matter with scientific progress or liberalism or democracy. It was more accurately described as it had been by the Earl of Clarendon after the Restoration – as a Great Rebellion.[98]

Following the events in Hungary in 1956 and Czechoslovakia in 1968, Soviet communism became discredited in Western Europe, even on the Left, and as we

[97] *The English Revolution, 1640* (Lawrence and Wishart, 1940).

[98] Hexter, *The Historical Method of Christopher Hill*, Times Literary Supplement, 1975; Laslett, *The World We Have Lost: England Before the Industrial Age* (1965; New York). See also Wormald, passim.

now know, it imploded between 1989 and 1991. This brought about a widespread rejection of Marxism, both as a philosophy and as a historical method. Meanwhile, the work of revisionists such as Conrad Russell (1937-2004), Kevin Sharpe (1949-2011), Robert Ashton (1924-2013), Blair Worden and many others, shifted the focus of Civil War studies. Kevin Sharpe presented us with a remarkably benign view of the Eleven Years' Tyranny, in his *Personal Rule of Charles I*. David Underdown showed that there were cultural and theological – as well as social - reasons for being opposed to Puritanism in the years before 1640; Conrad Russell, that the Civil War was the result of the tensions and conflicts between the three kingdoms of England, Scotland and Ireland; Ashton, that there was a Counter-Revolution in 1648, to match the supposed revolution in 1640, and that the counter-revolutionaries had much to complain about; and Worden, that there was a deep gulf between what Roundheads like Cromwell, Ludlow, Hampden and others actually stood for, and the way in which successive generations have viewed them.

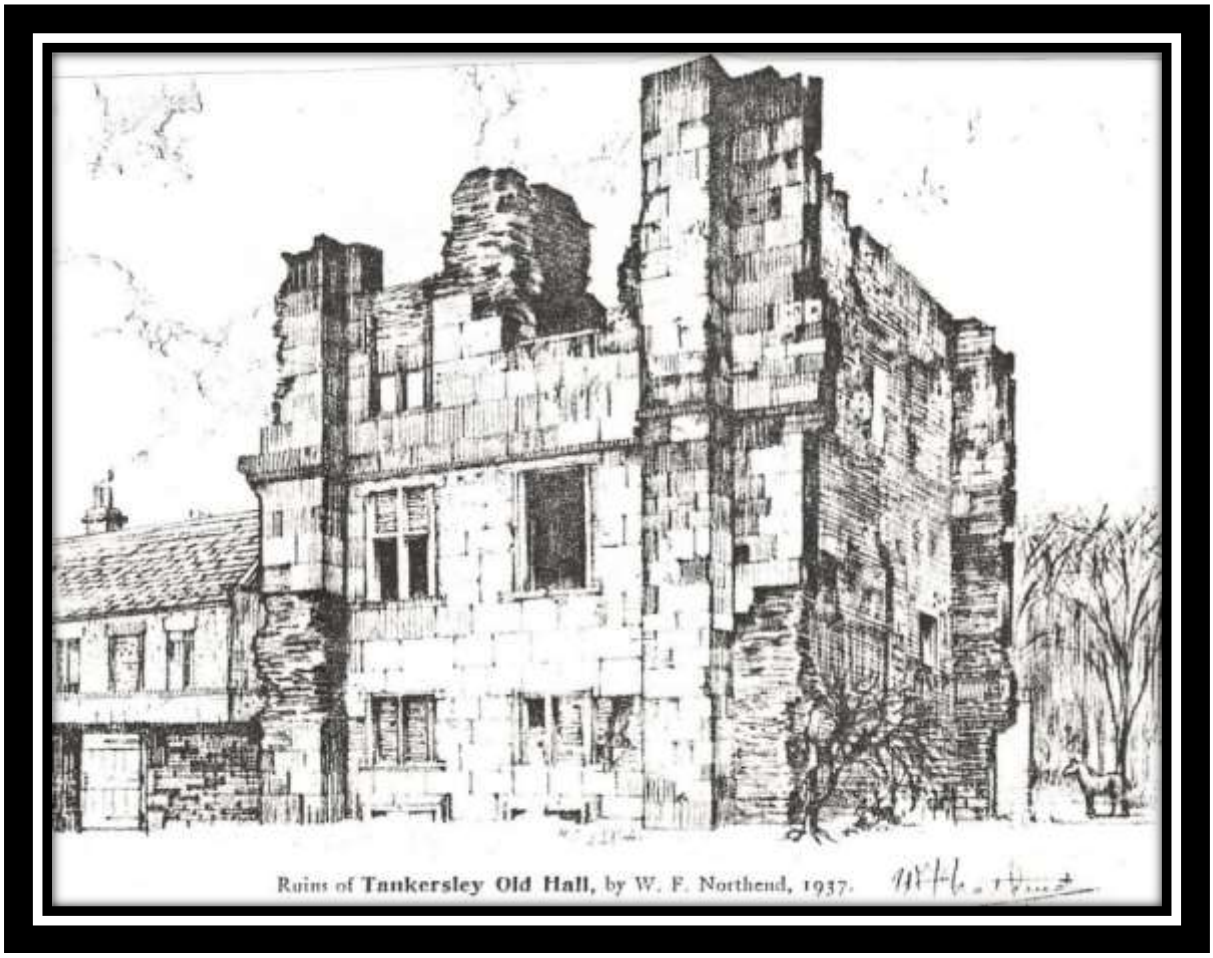
Other historians, concentrating on the extent to which the world really was 'turned upside down' by the English Civil Wars, have pointed out that its effects were limited to these Islands, and were reversed after only 11 years of republicanism. They have also pointed out that even the Levellers were not really in favour of full democracy as we now understand it – or even universal adult male suffrage[99]; and that the leader of the Diggers Gerrard Winstanley had a long life after the suppression of the commune on St George's Hill, during which he seems to have reverted to the life of a bourgeois capitalist, if indeed he had ever renounced it.

I ceased long ago to believe that history is the story of inevitable progress, always moving at one pace or another towards a better society. It seems to me now that the class struggle was largely non-existent in 17th century England, and that the primary importance of politics (and religion!) in that period has re-asserted itself. This explains what we have always known – that the so-called 'revolution' ended in military dictatorship, with the dictator totally unable to establish a consensus as to what should be done. In this light, Oliver Cromwell can be seen for what he was – not an agent of social change, or a rising member of a new class but a conservative country gentleman of Puritan persuasion, anxious to establish godly rule if he could, but ultimately more concerned to re-establish law and order if this proved to be unattainable. Thus revolution gives way to a desire for stability, as we have witnessed time and again in history.

But is History, then, just one damned thing after another? The phrase has been variously attributed to Winston Churchill and Arnold Toynbee; but the character Rudge in Alan Bennett's play *The History Boys* formulated the thesis more memorably as 'One fucking thing after another'. Perhaps it is – that would be entirely logical, given that we all descend from apes and the apes come from beings

[99] C.B.Macpherson (1911-1987) *The Political Theory of Possessive Individualism: From Hobbes to Locke* (1962)

who emerged out of a swamp, on a tiny planet in an insignificant part of the galaxy; but for me, having read history now for over 50 years, the story is nonetheless redeemed by humanity, with all its quirks and foibles. The causes of the English Civil War are many, complex and debateable; and the reasons men joined in the fighting are largely unfathomable; but the courage shown on each side is clear and it deserves to be remembered. There is nothing that I have come across which quite compares with the bravery shown by John Morris, during and after the siege of Pontefract; and it does not matter to me, now, that he was on the losing side.



Tankersley Old Hall

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