

**Political Patents of Monopoly:
Parliamentary and Public Discourse of Economic Policy, 1628-1648**

by

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Abstract

Discussion of patents of monopoly during the reign of Charles I reflected the changing political environment from the 1620s through the 1640s. Members of parliament and merchant pamphleteers described monopolies as representative of excessive regulation of trade. For tradesmen authors of printed pamphlets in the 1640s, monopolies oppressed by restricting subjects' rights to participate in trade, and abused the commonwealth by concentrating wealth for a few people at the expense of the rest of the state. Parliamentary representatives attributed to monopolies such varied effects as arbitrary government, abuses to subjects' personal and property rights, excesses of the crown, and attempts to collect revenue without the approval of parliament. This study complicates existing historical literature by illustrating how patents of monopoly tie together existing debates on economic history, pre-civil war narrative, and the public sphere.

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Introduction

Merchant and economic writer Edward Misselden defined monopoly patents in his 1622 pamphlet treatise, *Free Trade. Or, the Meanes to Make Trade Florish*, by describing how people acquired them. He stated that people committed to “monopolizing by procuring Patents by misinformation of the State, for the Sole Importating or Exporting... to the restraint of the Common Libertie and the Publique Vtility (sic) of the Kingdome.”¹ In other words, according to Misselden, a monopoly was a license or commission given by the state to a group or individual under false pretenses that guaranteed sole rights to trade or manufacture a good. For Misselden, monopolies were two-part entities that both “restrain[ed] the liberty of Commerce to some one or few: and set of the price at the pleasure of the Monopolian to his private benefit, and to the prejudice of the publique.”² Both price setting and trade restriction were necessary for a patent to be a monopoly according to Misselden; he supported the regulation of trade “as the Use of Government is excellent for the restraint of unskillful and disorderly trade.” The difference between the use of regulation, or “government,” in trade and a monopoly was that if the government “be too strict,” then it “comes within the compasse of a Monopoly.”³ Misselden’s complex conception of monopolies, and his attempt to clarify

¹ Edward Misselden, *Free Trade. Or, the Meanes to Make Trade Florish. Wherein, the Causes of the Decay of Trade in this Kingdome, are discovered: And the Remedies also to remove the same, are represented.* (London, 1622), 71.

² *Ibid.*, 57.

³ *Ibid.*, 54

what exactly they were over 20 pages, illustrated how much he valued the distinction between what he considered proper economic policy, meaning trade regulation, and improper policy, encompassing both the lack of regulation and conversely too much in the form of monopolies.

A wide range of people, from members of parliament to pamphlet writers such as Edward Misselden, debated the use and meaning of monopolies in the 1620s and 1640s. They examined monopolies as representations of monarchical prerogative, abusive to subject liberties, and examples of prohibitive trade regulation. Monopolies became a symbolically weighty topic, as critics in the 1620s and 1640s charged that they represented the exploitation of the English subject by an overreaching monarch, arbitrary government, and in the case of one critic, John Pym, Catholic influence.⁴ This study of monopolies in early Stuart political discourse fills a gap in three main historiographical debates: the role of economic policy in politics, competing political narratives of the reign of Charles I and parliament, and the role of language, printed publications, and public sphere theory in early modern England.⁵ Understudied by historians, public and private discourse of monopolies complicates existing literature on the political reality of

⁴ William Cobbett, John Wright, Thomas Curson Hansard, eds., *The Parliamentary History of England from the Earliest Period to the Year 1803*, volume 2 (London: T.C. Hansard), 641. Monopolies were “undertaken by papists, full of mischief.”

⁵ Harold Fox, *Monopolies and Patents, A Study of the History and Future of the Patent Monopoly* (Toronto: University of Toronto Press, 1947), and Joan Thirsk, *Economic Policy and Projects: The Development of a Consumer Society in Early Modern England* (Oxford: Clarendon Press, 1978) best represent the debated history of monopolies, patents, and projects in the economic environment of early modern England. Conrad Russell, *Parliaments and English Politics, 1621-1629* (Oxford: Oxford University Press, 1979), and *The Fall of the British Monarchies, 1637-1642* (Oxford: Oxford University Press, 1991), as well as Richard Cust, *The Forced Loan and English Politics, 1626-1628* (Oxford: Oxford University Press, 1987), and *Charles I: A Political Life* (New York: Pearson Longman, 2005), are examples of prominent revisionist works of political history focused within the reign of Charles I. Peter Lake and Steven Pincus, eds., *The Politics of the Public Sphere in Early Modern England* (New York: Manchester University Press, 2007), and Markku Peltonen, *Rhetoric, Politics and Popularity in Pre-Revolutionary England* (Cambridge: Cambridge University Press, 2013) analyzed the role of the public in the political world of 17th century England.

Charles I's reign by revealing how members of parliament perceived monopolies as representative of a political ideology that preferred the authority of the crown and royal prerogative at the expense of subjects' liberties in 1620s and 1640s. Studying patents of monopoly also illustrates how a larger public audience began to participate in economic policy after the abolishment of state controls over print publication in 1641.

Historians Harold Fox and Joan Thirsk shaped the debate of English economic history by analyzing economic policies, projects, and monopolies in early modern England. In *Economic Policy and Projects*, Thirsk analyzed the rise and fall of "projects," or economic enterprises that had the stated goal for developing new industries of means of production domestically. Projects, and monopolies in general, ultimately acquired a negative reputation as "scandals" because they became politicized. Thirsk stated, "Projects became enmeshed in the web of royal schemes," meaning that they had become representative of the perceived conflicting interests of financing the state and personal profiteering.⁶ In *Monopolies and Patents*, Harold Fox described the way in which monopolies became increasingly unpopular with the transition from Elizabeth to the Stuarts because the Stuart monarchs insisted on indirect control of trade through certain peoples, patentees, and corporations. For Fox, the state's maintenance of a privileged group of merchants "was a cause of anger and constant agitation" due to ideologically motivated calls for unregulated trade.⁷ Both Thirsk and Fox described how economic policy provided a means in understanding early modern apparatus of state control, the crown, royal courts, and parliament. They illustrated the economic impact of projects and monopolies, as well as how monopolies and projects became symbolic of

⁶ Joan Thirsk, *Economic Policy and Projects*, 51.

⁷ Harold Fox, *Monopolies and Patents*, 92.

extra-parliamentary crown revenue, but they did not address pamphlet literature, or the wider public outside of Westminster.⁸ Both Thirsk and Fox's works are decades removed from current historiographical debates.

The second historiographic debate this project engages with is the vast, rich historiography on Charles I's reign. Historians have long attempted to find the causes of the breakdown in the relationship between crown and parliament that eventually led to a civil war. Conrad Russell's seminal revisionist work, *Parliaments and English Politics, 1621-1629*, was an attack on Marxist historians who argued for long-term economic and social trends as causal factors to English politics in Charles' reign. Russell asserted that parliament and English political history was more complicated, and should be considered in the context of the wider English world. Russell and succeeding historians have emphasized the contingent, rather than long-term, causes of the civil war in the 1640s. Russell in particular did not emphasize economic issues in his works. For both *Parliaments and English Politics* and his later *The Fall of the British Monarchies, 1637-1642*, monopolies were not a significant piece of Russell's argument as they were merely a way in which the crown sought to generate revenue outside of parliamentary approval. Russell briefly alluded to how monopoly patents were another method for raising revenue for the crown outside of parliament.⁹ Focusing more on the person of Charles I, and his courts and councils, Richard Cust continued Russell's call to examine state politics in

⁸ Joyce Appleby, *Economic Thought and Ideology in Seventeenth-Century England* (Princeton: Princeton University Press, 1978). Appleby argued that the creation of trade links between Europe, Asia, and the Americas allowed for a world economy, which had profound social and intellectual repercussions on English commercial development. She addressed the importance of the rise of publication as a facilitator of public discourse of economic policy. B. E. Supple, *Commercial Crisis and Change in England, 1600-1642: A Study in the Instability of a Mercantile Economy* (Cambridge: Cambridge University Press, 1959) Supple provided a narrative of English economic development, not through quantitative analysis, but by relying upon literary analysis and in particular the economic thought of pamphleteers.

⁹ Conrad Russell, *Parliaments and English Politics, 1621-1629*, and *The Fall of the British Monarchies, 1637-1642*.

their wider immediate context. In *The Forced Loan and English Politics, 1626-1628*, Cust showed how parliamentary members and the English public's reactions to the forced loans resulted in the Petition of Right, a document that sought to clarify royal authority, and generated questions about the political importance of non-gentry individuals in England.¹⁰ This study follows in Russell, Cust, and other revisionists' efforts to present parliamentary history in a wider context, in this case, analyzing the discussion of monopolies within and without parliament in terms of their political import.

The final historiographical debate this project engages with is those historians who analyze language and rhetoric, ideology, and the public sphere in Stuart England. This project is deeply indebted to the works of Peter Lake and Steve Pincus and their methods for adapting to an early modern framework Jürgen Habermas' theory of a historically developed social sphere that acted as an arena for political discourse.¹¹ Their essay in *The Politics of the Public Sphere in Early Modern England* in particular influenced the third chapter, because public sphere social theory informed my printed pamphlet analysis. Pamphlet tracts on economic policy support Lake and Pincus' claim for a "post-Reformation public sphere [that] helped to change the nature of politics and expand the political nation."¹² The merchants who published in greater numbers than before printed pamphlets on economic topics suggesting changes to economic policy in the 1640s represent the expanded political body Lake and Pincus described. Markku Peltonen's *Rhetoric, Politics and Popularity in Pre-Revolutionary England* provides

¹⁰ Richard Cust, *The Forced Loan and English Politics, 1626-1628* (Oxford: Oxford University Press, 1987) and *Charles I: A Political Life* (London: Longman, 2005)

¹¹ Jürgen Habermas, *The Structural Transformation of the Public Sphere*, trans. by Thomas Burger and Frederick Lawrence (Cambridge: The MIT Press, 1989)

¹² Peter Lake and Steven Pincus, eds., *The Politics of the Public Sphere in Early Modern England* (New York: Manchester University Press, 2007), 9.

context for the political theory the merchant writers employed, especially in regards to classical humanist influences in popular political thought of the period. Like Pincus and Lake, Peltonen was also concerned about investigating the political understanding and participation of the populace.¹³ Lake, Peltonen, and Pincus represent a few of the authors this project draws from, and are examples of the current interest in early modern political culture. This project shares that interest and mode of analysis.

Two different source collections constitute the main primary sources used in this thesis: parliamentary diaries from Charles' reign, and printed pamphlets from the same period. Edited collections of parliamentary records from the years 1625, 1626, 1628, and 1640-1642, and constitute the first source base, the *Proceedings in Parliament, Commons Debates 1628*, and the *Proceedings of the Opening Session of the Long Parliament*.¹⁴ Though the collections are expansive, they are limited by what information is missing and by the inherent limitations of the sources within. The diaries and journals provide individual parliamentary members' accounts. Unlike the Journals of the Commons and Lords, diary accounts did contain debates and the names of the members taking sides. Both diaries and official journals relied on the author to be able to hear the other members, which was not always possible if a member was soft-spoken, or the House was in a particularly uproarious debate. By the 1620s, parliamentary diaries became less personal records for private interests and more for disseminating news and information to

¹³ Markku Peltonen, *Rhetoric, Politics and Popularity in Pre-Revolutionary England* (Cambridge University Press, 2013), 1-7. Eric Ash, *Power, Knowledge, and Expertise in Elizabethan England* (Baltimore: The John Hopkins University Press, 2004). Ash argued that a class of skilled professionals became important knowledge brokers and intellectual bridges between the center and periphery during the reign of Elizabeth. Pamphleteer writers of the 1640s similarly constructed themselves as governmental advisors.

¹⁴ The various *Proceedings* are major editorial collections that include records of parliament, such as the official journals of the Commons and the Lords, members' diaries, as well as relevant manuscript and printed materials. This source base totals to 17 volumes, and is extremely useful due to the thorough editing, explanatory footnotes, expansive appendices, and reference citations throughout every volume.

what historian Chris Kyle described as “a news-hungry gentry.”¹⁵ As a medium of information, diaries shifted after the 1620s towards the dissemination of private state information into the public, and much like the increase in pamphlet publication in the 1640s, represented a shift in political discourse to wider public audiences.¹⁶

Printed pamphlets on economic topics, including on specific industries, the state of English trade, and trade regulation, constitute the second set of primary sources.¹⁷

While historians have begun incorporating pamphlet literature into political studies, economic tracts in particular are understudied. They offer a glimpse of perceptions of economic policy and the function of the commonwealth from people outside of the functioning of the state. Pamphleteers wrote their tracts with precise goals in mind: the pamphlets in the 1640s universally criticized monopolistic entities. Unlike many members of parliament, biographical information including political persuasions about the pamphlet authors is scarce. There is also no way of knowing how effective the pamphlets were, how many people read them, or what their authors’ motivations for writing for publication were in the first place.

The term “monopoly” and its derivatives appear throughout this study, and differ from how contemporaries used it in their writings. As Harold Fox demonstrated, early modern English peoples had more specific meanings and connotations for the term. Fox illustrated that there were two very similar entities in the vocabulary of the late sixteenth

¹⁵ Chris Kyle, *Theater of State: Parliament and Political Culture in Early Stuart England* (Stanford: Stanford University Press, 2012), 61.

¹⁶ *Ibid.*, 82-83.

¹⁷ From the 1640s, I sought every pamphlet on monopolies from the decade, and employed a variety of search tactics and categories. The study focused on pamphlets relating to trade, commonwealth, and various trade good industries, such as cloth, salt, soap, etc. Three 1620s pamphlets represent a sample of printed documents that offered an opposing, pro-trade regulation stance. The logic for including pamphlets from the 1640s and 1620s, but not the 1630s is as a result of the limitations of source availability. Perhaps due to heightened direct royal control, there were not any printed pamphlets evident from the 1630s about monopolies or trade regulation.

and early seventeenth century, monopolies and contracts of trade restraint. Both entities were grants, licenses, commissions, or patents from the king that gave the sole right to sell a commodity or resource to an individual, or body corporate. The difference between a monopoly and trade regulation in general was whether or not the enterprise was legal according to interpretations of common law and, after 1624, the Statute of Monopolies.¹⁸ The term monopoly was a negatively connotative trope in parliamentary and pamphlet discourse that had variable meaning depending on an individual's political ideology. In his economic tract *Free Trade, Or the Means to Make Trade Flourish*, Edward Misselden's specifically defined monopolies as distinct from normal and necessary trade regulation.¹⁹ On the other hand Edward Coke, a member of parliament who was often critical of monopolies in the 1620s, emphasized that any entity that restrained pre-existing liberties to trade was a monopoly.²⁰ In order to attempt to avoid confusing and conflicting uses of the term, I employ monopoly in a general sense to mean a patent, commission, grant, or license that had the right of exclusive control of a resource or commodity, without suggesting that the trade regulation it entailed was illegal.

The first chapter illustrates how monopolies became politicized topics in the 1628 session of parliament, as patents of monopoly came to represent for some oppressive regulation, the limitations of subjects' rights to trade, and the expansion of royal prerogative. The granting and licensing of rights of monopoly to patentees, and the parliamentary protests against them, had begun earlier, in Elizabeth's reign. The Statute of Monopolies of 1624 at the end of James I's reign limited monopolies to a select number of patents deemed necessary for state. The initial two sessions of parliaments

¹⁸ Fox, *Monopolies and Patents*, 8-18.

¹⁹ Misselden, *Free Trade*, 54-57, and 71.

²⁰ Fox, *Monopolies and Patents*, 8.

under Charles did not address monopolies. Monopolies, such as the Greenland Company's patent on whaling, saltpeter collection, and the king's selection for an office that oversaw currency exchange, became relevant again in 1628 after the forced loan and imprisonments of 1627 raised concerns about the rights and liberties of subjects guaranteed by the common law. The language from the debates in parliament revealed a growing division between some members of parliament and the crown over the interpretation and limits of the royal prerogative.

Chapter two argues that in 1641, monopolies became more of a political tool, a justification for actions against crown supporters within parliament and crown advisors in court. By the opening session of the Long Parliament, representatives led by experienced radical John Pym appropriated monopolies to expel four members of the Commons in January 1641, and were among the charges against Thomas Wentworth, earl of Strafford and close advisor to Charles. For Pym, monopolies diminished the commonwealth, broke the law, and were part of a larger catholic plot to undermine the state. Other more moderate representatives, such as John Culpeper, also openly criticized the crown because monopolies seemed to be omnipresent, limited trade, and "leeches" the commonwealth of its money into the hands of a small number of patentees.

Chapter three demonstrates how pamphleteers in the 1640s participated in a growing arena for public political discourse by attacking the regulation of trade. Like members of parliament from the 1620s and 1640s, pamphlet authors adopted humanistic political rhetoric to defend against what they perceived as attacks of their rights as subjects under English common law. Pamphleteers offered specific policy suggestions for free trade to parliament, and in the process challenged who could fulfill the role of

counsel in the English political process. As well as offering specific solutions in their trade of choice to parliamentary representatives, they also provided information on what they perceived as the exploitation of the commonwealth to the rest of the public.

Chapter One: Patents and Prerogative: Economic Grievances and Subjects' Rights in Parliament, 1628

At the opening of the 1628 session of parliament, Sir Thomas Coventry, Lord Keeper to King Charles I, addressed parliament after a brief opening speech from the king. Attempting to instill urgency in the assembled members, he explained to them that the Austrian Empire, France, and Spain were at open war with England, and that England's allies on the continent, the Protestant German States, Denmark, and the Netherlands, were incapable of providing needed support. Coventry argued that "trade and commerce be in danger, we are islanders; it is our life... our very safety and being."²¹ He believed trade and commerce were England's lifeblood, and that along with everything else English, they could be best secured through parliament's "readiness of supplies," meaning the institution's ability to raise and transfer tax revenue to the crown. Sharing Coventry's belief that trade and commerce were essential to the English state, members of parliament sought to address England's trade and commercial problems by petitioning the king with grievances on royal patents, monopolies, impositions, and the state of English trade. The parliamentary petitions on patents and impositions in 1628, while ostensibly concerning economic policy, revealed a deep ideological rift over the

²¹Robert Johnson, Mary Frear Keeler, Maija Jansson Cole, and William B. Bidwell, Eds. *Common Debates, 1628*. V. 1-6 (New Haven: Yale University Press, 1977), volume 2, 17 March, Proceedings and Debates, MSS. 4-13, pg. 6. The Proceedings and Debates are a composite text consisting of the combination of thirteen manuscript copies of a compiled narrative of proceedings. Out of the thirteen manuscript sources, with the exception of William Trumble, the authors of the manuscript narratives are anonymous. The editors intended for the Proceedings and Debates to be comparable to Stowe MS. 366, another compiled manuscript narrative account of the proceedings in parliament. For more information see *Commons Debates, 1628*, volume 1, 5-13.

limits and meaning of royal prerogative and subjects' property and personal rights developing between crown and many members of parliament.

The parliamentary debate, resolutions, and petitions on these matters resulted from reports from the Committee of Grievances, a group of representatives who processed petitions and investigated potential abuses for the House of Commons. The committee's reports in the 1628 parliament criticized Charles I's economic patents, monopolies, impositions, and his inability to protect English trade from piracy. In other words, they targeted what we can collectively group as the economic policy of the crown, on the grounds that members of the committee believed that the English economy and state at large suffered as a result from these policies. In regards to patents and charters, for example, the committee cited what they saw as the monopolistic charter on whaling held by the Greenland Company, and the management of the patent for the office of the Royal Exchanger of English coinage as abusive and illegal. Their critiques revealed an emphasis by the members of the committee on the personal and property rights of subjects threatened by royally-assured patents. In different circumstances, even more radical members of parliament like Nathaniel Rich and Edward Coke criticized the crown on wholly different grounds for not respecting its own patent held by John Evelyn on saltpeter. In contrast to parliament's challenges to the whaling and Exchange patents, Rich and Coke's critiques about saltpeter paradoxically attempted to fault the crown for failure to respect the property and personal rights guaranteed by a charter of monopoly. In these and other cases, for example Charles' purported inability to protect English ships from Dunkirk pirates, the language used in ostensibly economic discussions revealed

questions about the crown's ability to fulfill its role in protecting and encouraging the trade and commerce that were so vital to the English state.

Although Charles I and the parliaments of the 1620s already have generated a rich body of historical literature, historians have not yet addressed economic patents and monopolies and the language parliamentary representatives used in debates about them. Conrad Russell, the preeminent revisionist historian of the English parliament of the 1620s, argued that the 1628 parliament was the first of the decade that came “with the conscious and deliberate aim of vindicating English liberties.” What set the 1628 session apart for Russell was the collective unity of members in the parliament in defense of the rule of the common law, but what was missing from Russell's account was a discussion on monopolies and the special resonance they might have had for this issue.²² In describing the main issues of the 1628 parliament, he covered the forced loan, Arminianism, arbitrary imprisonment and rule, as well as impositions, but not patents of monopoly. Richard Cust's work on the forced loan and on the political life of Charles I addressed Charles' fiscal policy and revenue generation. In *The Forced Loan and English Politics*, Cust focused on the creation, collection, and response to the widely unpopular forced loan, building upon Russell's work. While his study focused on “the importance of events outside Parliament,” the language of liberty of person and property in the 1628 parliament echoed the political and ideological implications of the forced loan and the resulting imprisonment for those who declined.²³ In “The Crisis over Tonnage and Poundage in Parliament in 1629,” Linda Popofsky focused on the imposition of tonnage and poundage as a key source of conflict between parliament and the crown. In her article

²² Conrad Russell, *Parliaments and English Politics*, 342-343.

²³ Richard Cust, *The Forced Loan and English Politics, 1626-1628* (Oxford: Clarendon Press, 1987), 316 and Cust, *Charles I: A Political Life* (London: Longman, 2005).

she pushed back against the revisionist interpretation led by Conrad Russell that argued the parliament's reaction to impositions in the 1628 and 1629 sessions were, in Popofsky's words, "futile and irrational," instead arguing that parliament's reaction had long-term causes stemming from the collection of the tonnage and poundage imposition without parliament's approval since the 1610s.²⁴ Richard Cust, Conrad Russell, and Linda Popofsky's works have better informed us on the unstable relationship between Charles I and parliament. This study builds upon these works by arguing that the discourse surrounding impositions were the clearest instances in the parliamentary session of 1628 in which the language of subjects' liberties and the limitations of royal prerogative appeared in debates of English economic policy.

What we might term "early Stuart economic policy," meaning the actions of the king, privy council, and parliament to affect the nation's economy, included some forms of letters patent, royal grants, and charters, all of which were instruments of the royal will. Charles granted patents to individuals and groups whose explicit goal was to improve the economic state of the kingdom. The sole right to manufacture or trade a good could be an important condition of a patent as it was an economic incentive for innovation and sometimes a reward for loyal service. Parliament, however, was especially wary of monopolistic patents, or grants by the king that guaranteed the sole right to manufacture or trade a good, because of the potential for abuse. Beginning in the reign of Elizabeth, parliaments railed against monopolies as excessive regulation that restricted subjects' ability to participate in trade and were abusive to subject and

²⁴ Linda Popofsky, "The Crisis over Tonnage and Poundage in Parliament in 1629," *Past & Present*, No. 126 (Feb., 1990), 45.

commonwealth.²⁵ In 1621 and 1624, the existence of monopolies was a primary grievance presented to James I by parliament on multiple occasions. As a result of contention over patents and monopolies in the first half of the 1620s, the 1624 parliament passed a “Statute of Monopolies” with the assent of the king.

The statute of monopolies enshrined in law the illegality of most monopolies. It exempted monopolies necessary to the safety of the realm, especially, for example, in regards to the collection of saltpeter, as well as those for “any manner of new Manufactures within this Realme.”²⁶ Similar to more modern patent laws, parliamentary drafters of the statute sought to limit the right of monopoly only to those individuals and groups that developed a new method to manufacture, or strove to produce a new product within England. While the language of the statute did not explicitly address concerns over the extent of monarchical prerogative, it did require that all monopolistic commissions, grants, or licenses had to be “examined, heard, tryed, and determynd by and accordinge to the Common lawes of this Realme and not otherwise.”²⁷ Parliament granted itself the power to determine the legality of monopolies. In records of the parliaments immediately after passing of the statute, in 1625 and 1626, criticism of monopolies decreased. Despite the apparent success of the statute, by 1628, criticism of monopolies had once again

²⁵ Joan Thirsk, *Economic Policy and Projects*, 52-53. Joan Thirsk argued that projects and monopolies became tangled into government schemes to raise revenue, and as their popularity grew, so did their reputation as scandals and money-making schemes. Harold Fox, *Monopolies and Patents*, 56. Fox described monopoly patents under Elizabeth as economic enterprises that were by necessity public consideration since monopolies limited the right of freedom to trade granted by common law. David Harris Sacks, “Private Profit and Public Good: the Problem of the State in Elizabethan Theory and Practice,” Gordon Schochet, et al., eds, *Law, Literature, and the Settlement of Regimes*, Folger Institute Center for the History of British Political Thought Proceedings, volume 2 (The Folger Shakespeare Library, 1990), 123-126. David Sacks argued that the rationale behind giving monopoly grants in Elizabeth’s reign was to employ the poor, and to provide extra income to government officials.

²⁶ Harold Fox, *Monopolies and Patents*, 338-342, and 21 Jac. 1, c. 3. The Statute of Monopolies 1624, amendment 6, Proviso for future Patents for 14 Years or less, for new Inventions. The statute in its entirety was printed in the appendix of *Monopolies and Patents* from pages 338-342.

²⁷ *Ibid.*

increased dramatically. Members in the 1628 parliamentary session sought to enforce their right via the statute to validate or invalidate monopolies and inform Charles of their decision, but they had no means to force him to capitulate beyond demanding the redress of grievances before supply.

If the king and his council partially set economic policy through patents and statutes, then the function of parliament in regards to the economy was to regulate patents, present grievances and to control taxation. Within the institution of parliament, there were several committees, the purposes of which were to collect information and present reports to the rest of the House of Commons along with suggestions for particular courses of action. The House would then take the issue to a vote of action. Two of these committees dealt directly with economic policy: the Committee of Grievances and the Committee of Trade. Contention about patents usually came from petitions to parliament that the House of Commons first referred to a subcommittee depending upon the subject of the petition. For example, the House would refer petitions about the state of trade to the Committee of Trade.²⁸ The Committee of Grievances handled complaint petitions, such as those detailing the abuses of a patent, subsequently reporting to the rest of the House with suggested actions.²⁹

The Committee of Grievances was a standing committee, or permanent committee, the point of which, especially in the second half of the 1620s, seemed to be to attempt to check royal authority. The committee reported to the rest of parliament on

²⁸ Robert Johnson, et al., *Commons Debates, 1628*, volume 3, 23 April, Proceedings and Debates, MSS 45. After reading a petition from the Trinity House that argued for the necessity of more good timber to make up for recent losses at sea, parliament referred the Trinity House petition to the Committee of Trade on the same day.

²⁹ *Ibid.*, 28 April, Commons Journal, 122. Parliament read a petition by non-company merchants complaining about the actions of the Greenland Company. The patent was referred to the Committee of Grievances with the additional order that Captain Goodlad, commander of the Muscovy Company whaling expedition of 1626, needed to attend the committee as well.

whether and how certain actions, people, and patents were a grievance to the Commonwealth, meaning an unnecessary burden. For example, two of the best-known topics this committee considered in 1628 were how the forced loans and impositions infringed upon the liberties of person and property.³⁰ The committee also handled petitions economic and otherwise, and by doing so, fulfilled an integral role for parliament by formulating sundry grievances held by representatives into cohesive reports to present to the crown to be redressed. Reports by the committee in 1628 explicitly condemned several patents, actions of chartered companies, and impositions. As Sir Henry Mildmay pointed out to the whole house on 16 April 1628, “The King’s supply and the fundamental liberties go together,” meaning that the king needed to support the liberties of his subjects if he wanted parliament’s money. However, there was a disconnect between king and parliament as reports from the Committee of Grievances cited the Greenland Company and Office of the Royal Exchange patents, granted by the crown, as well as royal collection of tonnage and poundage, currants, and wine impositions as abusive of subjects’ liberties.³¹

There were many different types of letters patent issued by the crown. Historically, they had a political function, since it was through the legal instrument of patents that the crown granted offices, nobility, and land. The orders from the king and his councils could be economic in nature. Company charters, orders to mint coinage, an office for exchanging currency, the sole right to trade or produce a good, and the ability

³⁰ Mary Frear Keeler, Maija Jansson Cole, and William B. Bidwell, Eds. *Proceedings in Parliament, 1628* (New Haven: Yale University Press, 1977), volume 2, 22 March, Proceedings and Debates, MSS 60; and especially Stowe, 67. Richard Cust, *The Forced Loan and English Politics, 1626-1628*, and Linda Popofsky, “The Crisis over Tonnage and Poundage in Parliament in 1629.”

³¹ Robert Johnson, et al., *Commons Debates, 1628*, volume 2, 16 April, Proceedings and Debates, MSS 481.

to enforce a monopoly through the seizure of goods were all examples of privileges granted by patents, and examples of crown economic policy. When parliament reported patents as a grievance, they categorized them as either illegal and abusive, or abusive but legal. The first broad category included the Greenland Company patent as illegal in existence, as well as the Office of the Royal Exchanger as illegal in execution. The difference between the two was that patents that were illegal in execution were those that did not by their intrinsically violate common law, but did in their current form or function. Debates on the saltpeter monopoly represented patents in the second category, those that were abusive but legal.

The 1628 parliament found the patent held by the Greenland Company and leased from the Muscovy Company, to be abusive, stressing that the patent was illegal because it infringed upon English subjects' right to participate in whaling and fishing near Greenland.³² In 1613, James I confirmed the Muscovy Company's charter, and afterwards the company leased rights of monopoly to the Greenland Company for whaling around Greenland and other locations in North America.³³ On 28 April 1628, the House of Commons read and referred a petition against the Greenland Company to the Committee of Grievances. Whalers not part of either company protested to parliament against the Greenland Company and argued that the monopoly was abusive to their rights

³² Robert Brenner, *Merchants and Revolution: Commercial Change, Political, and London's Overseas Traders, 1550-1653*, (Princeton: Princeton University Press, 1993), 217. Brenner used the Muscovy, Greenland, and Guinea Companies as examples of how Parliament "attacked" other city companies in the late 1620s.

³³ T.S. Willan, *The Early History of the Russia Company, 1553-1603* (Manchester: Manchester University Press, 1968), 274-275. Willan argued that the Muscovy Company underwent a radical change by the 1600s in which the company sought out new trade routes and markets to trade in new goods. The Greenland Company was one of the new monopolistic companies established in this period based on a lease of a patent from the Muscovy Company. Robert Ashton, *The City and the Court, 1603-1643* (Cambridge: Cambridge University Press, 1979), 123. Ashton described how the Greenland Company came under attack for their leased monopoly on whaling.

and detrimental to England's trade.³⁴ These whalers presented a list of abuses by the Greenland Company that included the company raising the price of oil, and enforcing their patent with martial law, which meant that they attacked and looted the ships of non-member whalers. After meeting several times, the committee was still hesitant to determine that the patent was a grievance. On 26 May, William Coryton, a member of the Commons who had refused to pay the forced loan and had been subsequently imprisoned, argued that "the patent is against the law" because "it has martial law annexed to it." Edward Coke, the famous Commons lawyer, likewise agreed that various clauses of the patent were against the law.³⁵ Other members of the committee were more cautious. Though intent on protecting the rights of English subjects from infringement by the crown, Thomas Wentworth, later earl of Strafford but in 1628 member of parliament who was critical of the regime, disagreed with Coke and Coryton claiming, "We are not ready to judge it as a grievance."³⁶ Nathaniel Rich, earl of Warwick and a frequent critic of the regime, concluded the discussion by arguing for a petition to be sent to Charles, instead of an outright "declaration against a patent from the King."³⁷ While not directly critical of the king's continued support for the patent, instead of declaring the patent outright a grievance, the committee sought to convince Charles via petition.

³⁴ Robert Johnson, et al., *Commons Debates, 1628*, volume 3, 28 April 1628, Journal of the House of Commons, 122 and footnote 32.

³⁵ L. J. Reeve, "Coryton, William (1580–1651)," *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Jan 2008.

³⁶ Ronald G. Asch, "Wentworth, Thomas, first earl of Strafford (1593–1641)," *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, October 2009, <http://www.oxforddnb.com/view/article/29056>. Asch described Wentworth as decidedly moderate, as he was wary of the potential of subject abuse by the crown, but he "preferred to assume that only misguided advice had led the king to raise the forced loan." It is important to note that Wentworth in 1628 and Wentworth in the next chapter were not the same people, in terms of political persuasion.

³⁷ Robert Johnson, et al., *Commons Debates, 1628*, 26 May, Stowe 366, page 610-612.

On 25 June, a month later and after the king's agreement to the Petition of Right, parliament once again addressed the Muscovy Company's patent. Perhaps due to the disappointment and frustration that continued between crown and parliament post-Petition, parliament was ready to declare this patent an illegal grievance. Now members of parliament found that the patent granted by the crown to the company was "accompanied with divers clauses, as the forfeiture of men's goods that shall fish without their license, and also a clause for restraint of men's persons," according to an unidentified speaker in the Commons.³⁸ Members of parliament had known in the meeting on 26 May that the company patent contained clauses allowing for the use of martial law to maintain the Greenland Company's patent though they had chosen not to focus on the issue then. They may have not focused on that factor, as also in May of 1628, both houses of parliament debated and drafted the Petition of Right, a document demanding specific assurances protecting the property and personal liberties of the subject. It was not until 2 June that Charles accepted the petition, so it stands to reason that members of parliament at the end of May may not have been willing to antagonize Charles so that he would be more likely to agree to their petition. By the end of June, however, the petition had already been passed and the political stakes between parliament and Charles had changed. If the language of debate in the parliament of 1628 was about any one issue, any larger theme, it was the conflict over the rights of property and persons that the forced loans and imprisonments seemed to represent. This patent over fishing in the New World represented in microcosm that same contentious divide between parliament and crown in what might seem like an apolitical, economic disagreement

³⁸ Robert Johnson, et al., *Commons Debates, 1628*, volume 4, 25 June, Newdegate, 474. This account was from the diary of John Newdegate, who was a short-term member of parliament, serving only for the 1628 session.

between a company and unaffiliated merchants. Parliament charged the company with using abusive and illegal power for the seizure of goods and persons, power which came from the king's letters patent. Parliament ordered a petition to the king, and supplanted the authority of the company's patent by proclaiming, "the Englishmen may fish freely."

As they judged the Greenland Company's patent illegal, so parliament resolved that the patent of exchange held by Henry Rich, the earl of Holland, was illegal and a grievance. In condemning Charles' appointment of Holland to the office of the Royal Exchanger on 23 June, for example, members of the House of Commons debated Charles' right to appoint the Office of Exchange at all. The office of Exchange, or the Royal Exchanger, was the office that controlled the exchange of different coinages in England and was supposed to be the official place for exchanging different types of hard currency. King Charles proclaimed in his patent that Henry, earl of Holland, was to have and oversee the office of the Exchange, but a subcommittee in parliament determined this patent to be a grievance in execution primarily because it was poorly run, and therefore ended up costing the country. Mr. John Bankes, a member of parliament, argued that "this patent as it is granted [by Charles] is against the law. I agree there is an office of exchange, and it is grantable by the king... but this is not legal."³⁹ When he referred to the patent for the office as against the law, Mr. Bankes meant English common law, which parliamentary critics of the crown emphasized as the ultimate source for political authority. In pointing out that the patent was potentially legal, but not in this case, Bankes' and others' questioning of whether Charles could control the flow of coinage in his kingdom speaks to belief amongst at least some of members of parliament that the king was ultimately subject to common law, and that his actions could be illegal. The

³⁹ Robert Johnson, et al., *Commons Debates, 1628*, volume 4, 25 June, Proceedings and Debates, MSS 429.

potential legality of the office was, in this case, contrasted with the poor way it had been carried out. They argued, thus, that “the patent was a grievance in the execution,” and therefore that it was ultimately against the law of the land.⁴⁰

The contention surrounding the Royal Exchanger patent provided insight into the larger question of the specific monarchical prerogative right and power to manipulate the state’s currency to provide more extra-parliamentary revenue. Coinage and its perceived value was a factor in every trade, because the amount of specie in every coin profoundly affected inflation rates and pricing. The money of a state that used less gold or silver in its coins was worth less than money with higher amounts of precious metal. Parliament questioned the crown’s control of coinage before the patent. In April, there was evidence of disagreement between parliament and Charles over the specific powers members of the Commons believed Charles had over the creation and exchange of currencies. On 17 April, Sir Robert Heath, the Attorney General, argued in defense of Charles’ prerogatives as king, stating that one of the powers “the King is trusted with” was coinage.⁴¹ Two parliamentary diaries provided differing accounts of Heath’s defense, with one variation providing a more detailed account. In this version, Heath argued that “the King, instead of gold or silver, may make money current of any base metal.” In response, the House answered, “It was denied that the King might make money current of base metal, but it ought to be of gold or silver.”⁴² According to this account, from parliament’s point of view, the king did indeed have the power to control to creation of coinage, but it was not absolute. Members of parliament argued that the crown had to use only certain metals in

⁴⁰ Robert Johnson, et al., *Commons Debates, 1628*, volume 4, 25 June, Proceedings and Debates, MSS, 428.

⁴¹ *Ibid.*, volume 2, 17 April 1628, variant 1, 528. Both variant 1 and 2 are among the anonymous manuscripts compiled in the proceedings and debates collection.

⁴² *Ibid.*, variant 2, 529.

coins, because the power of the crown was limited and precious metals had intrinsic value the king could not override. Both the patent over the exchange of coin, and the debate of the king's prerogative to use certain metals in coins were really about power over the money in the state, and the limits of what the prerogative could accomplish.

Members of parliament participating in the criticism on the patent of exchange emphasized the losses incurred by mismanagement and how the regulation required by the office was unnecessary. Representatives wanted to get rid of the patent, and so argued that the losses and regulation were abusive and thus illegal in execution, since the monopoly did not breach the limitations of the Statute of Monopoly of 1624. Coinage and its maintenance were necessary to the function of the state. Sir William Fleetwood, representative alongside Edward Coke from Buckinghamshire, reported from a sub-committee dedicated to the commission for goldsmiths and exchangers. He argued that the three fishing towns in west England “bring in 80,000 *l.* per annum... and now by reason of this office it must be sent to London to the exchangers, which costs them 4s. the hundred.”⁴³ For towns outside London, therefore, the new patent office cut into profits when they were required to bring their money and gold to London to convert. Another member of parliament and governor of the Company of Merchant Adventurers after 1624, Alderman Thomas Moulson, claimed, “I have formerly brought in some gold, but now I cannot with any profit... for now it must come hither and there stay a long while.”⁴⁴ Moulson, Fleetwood and the merchants and goldsmiths who petitioned

⁴³ Robert Johnson, et al., *Commons Debates, 1628*, volume 4, 23 June, Proceedings and Debates, MSS 428-429.

⁴⁴ Ibid. “Moulson, Sir Thomas (c.1568–1638),” Andrew Thrush in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: Oxford University Press, 2004); online ed., ed. Lawrence Goldman, January 2008, <http://www.oxforddnb.com/view/article/49862>.

parliament found the patent to be inconvenient and inefficient, both of which they deemed detrimental to the rights of the subject's property.

Although the Statute of Monopolies in 1624 had prohibited monopolies, some industries were exempt from that prohibition. John Evelyn's monopoly on supplying saltpeter and his interests in gunpowder manufacturing was explicitly exempted from the statute, since it provided a necessary service to the defense of the state. It did not follow the usual pattern in regards to the opinions of members of parliament on monopolies. As shown by the Statute of Monopolies in 1624, parliament had resolved that the sole right to trade and manufacture a good did not generally agree with common law, with the exception of patents that manufactured a good via a newly developed process or special approval by parliament.⁴⁵ However, in the case of saltpeter, John Evelyn and his family had held a royally-granted monopoly since 1611. Evelyn's case provided a perfect example of how parliament was not a monolithic institution, and one that sometimes followed paradoxical or contradictory reasoning from case to case. Evelyn was himself a member of parliament, and presumably supported at least his own monopoly, despite the anti-monopoly theme amongst the majority of parliamentary representatives. In fact, another member of parliament, Nathaniel Rich criticized Charles on 11 June for not buying from Evelyn, the patentee of a monopoly.⁴⁶ The case of the saltpeter monopoly complicates our normal understanding of the relationship between Charles and the parliament of 1628. Instead of the issue transpiring in the more traditional and familiar

⁴⁵ Harold Fox, *Monopolies and Patents*, 338-342.

⁴⁶ Robert Johnson, et al., *Commons Debates, 1628*, volume 4, 11 June, Lowther, 275. The king paid nearly double in price for saltpeter from an unknown alternative source "whereas he might have it for 3 l. 3s. 8d." Note 206 states that other accounts from 9 and 14 June support Rich's claim that the Charles could have better spent his money had he purchased from Evelyn. Robin J. W. Swales, "Rich, Sir Nathaniel (c.1585–1636), colonial investor and politician," *Oxford Dictionary of National Biography*. <http://www.oxforddnb.com/view/article/23488?docPos=1>.

form of the rancorous parliamentary representatives petitioning the king against a monopoly as a grievance and an abuse of the royal prerogative, they were displeased that Charles had not respected his own monopolistic patent by purchasing from Evelyn alone.

The patent for the sole making of saltpeter originated with a grant to the Evelyn family in 1559 and was still held by the family, represented by John Evelyn in 1628. James I had appointed a commission by letters patent to oversee and regulate the collection and manufacture of saltpeter and gunpowder in 1611, in other words briefly taking away the patent and giving it to someone else, but in April of 1621, the commissioners deputed their patent back to the Evelyn family.⁴⁷ Historian David Cressy has argued that James kept the nation out of war during his reign, and therefore needed less gunpowder and less saltpeter than Elizabeth had.⁴⁸ The patent had been originally set up under Elizabeth's reign to attempt to wean England's dependence on foreign gunpowder. In Elizabeth's reign, the vast majority of gunpowder was imported from markets abroad.⁴⁹ As the crown needed less saltpeter under James, the patent for the sole right to procure saltpeter via digging through the basements and stables of nobles awarded to the one family, in this case the Evelyns, was enough to supply the needs of the peacetime state through domestic manufacture alone. The patentees promised to provide the crown up to "120 lasts" a year, and the amount they made extra they sold on the international market, potentially to rival regimes on the continent.⁵⁰

When Charles became monarch in 1625, he reissued the patent to John Evelyn, and renewed it once again in 1627. Months before Nathaniel Rich's criticism of Charles

⁴⁷ Robert Johnson, et al., *Commons Debates, 1628*, volume 4, 25 April, Proceedings and Debates, 71 and especially note 11.

⁴⁸ David Cressy, *Saltpeter: The Mother of Gunpowder* (Oxford: Oxford University Press, 2012), 77.

⁴⁹ *Ibid.*, 50.

⁵⁰ *Ibid.*, 80.

about his conduct with regards to the patent, members of the House of Commons debated an act addressing the saltpeter patent on 25 April. Here they resolved a number of issues about the patent. First and most important was that the king could not “prescribe” any part of the production, and instead insisted that gunpowder was a “purveyance... as necessary for the defense of the crown.”⁵¹ The terms prescribe and purveyance had very different meanings in the period. If the crown prescribed gunpowder, then the king would not have to pay for it, as a prescription was a form of state command.⁵² Purveyance, on the other hand, meant that for a given good deemed necessary by the state, and which anyone could provide, the crown paid a standard reduced rate. It is interesting that parliament sought to institute any good as purveyance, as at the beginning of James’ reign, purveyance appeared to some to be “the greatest grievance of the commonwealth.”⁵³ The language and reasoning as to why purveyance had historically been a singularly contentious issue between parliament and the Stuart monarchs was much the same as with monopolistic patents and Charles: it was an issue that seemed to demonstrate some overreaching or misuse in the name of the crown.⁵⁴ Purveyance itself was an economic burden worsened by the alleged greed of purveyors, or the agents collecting the goods for the king. A common criticism in grievance reports of purveyors included how these men collected from the subject more than they delivered to the crown, using their commission as a means to enhance their personal wealth.

⁵¹ Robert Johnson, et al., *Commons Debates, 1628*, volume 4, 25 April, Proceedings and Debates, 71.

⁵² N. S. B. Gras, “The Origin of the National Customs-Revenue of England,” *The Quarterly Journal of Economics*, Vol. 27, No. 1 (Nov., 1912), 113.

⁵³ Eric Lindquist, “The King, the People and the House of Commons: The Problem of Early Jacobean Purveyance,” *The Historical Journal* Vol. 31, No. 3 (Sep., 1988), 549.

⁵⁴ *Ibid.*

Another issue addressed in an act addressing the state of the saltpeter monopoly on 25 April was an order to reinstate a commission of crown officials to oversee the procurement of gunpowder, as was the case in James' reign. The bill stated "that power [of purveyance] cannot be granted, but must be done by the King's officers."⁵⁵ Presumably, the regulatory commission would ensure greater quantity and quality of product, and would have made it more difficult to abuse for individual gain. Ultimately, while the act was only committed and never fully passed, meaning the saltpeter monopoly remained under the control of John Evelyn, the discussion reveals that members of parliament in 1628 could certainly disapprove of a monopoly, as was the case with Coke and saltpeter, but they were not yet willing to take legislative action against monopolies if they did not violate the Statute of Monopolies. Parliament recognized its own limitations in authority.

Parliament's commitment to upholding the 1605 resolution that gunpowder and saltpeter were purveyances of the crown meant that a royal monopoly over saltpeter could have been illegal, if the act debated on 25 April had passed. For Edward Coke, it was problematic that the collection of saltpeter was restricted by a monopolistic patent. According to him, the individual who held the patent "may make a price as he please," implying that the price set was potentially abusive. Coke argued, "it is a monopoly when we have most want of [saltpeter]," implying that the organization and control of saltpeter into a monopoly limited the supply at a time where England was at war and needed as much supply as possible.⁵⁶ The point he made was that monopolies inherently lacked the ability to supply as much of a good compared to if it were not limited to one individual or

⁵⁵ Eric Lindquist, "The King, the People and the House of Commons," 549.

⁵⁶ Robert Johnson, et al., *Commons Debates, 1628*, volume 4, 25 April, Stowe 366, page 78. This exact quote and phrasing is unique to the Stowe collection.

group. As England was embroiled in the middle of conflicts on the continent and under threat from foreign military action at the time, having an ample stockpile of gunpowder was a necessity for state security.

Debates about patents and monopolies showed the emphasis on the limitations of royal prerogative and the crown's right to transgress upon the liberties of the English subject in 1628. The language of explicit criticism of the reign was most apparent in the lengthy parliamentary reports and condemnations of the impositions of tonnage and poundage, wine, and currants. Impositions, in other words taxes on imported goods, were problematic due their perceived negative impact on English subjects' liberties of goods and person. Parliament did not govern impositions, and those merchants who refused to pay faced imprisonment, detention of their goods, and the loss of their personal freedom. The purpose of the Committee of Trade in parliament was to report to the House of Commons on the state of English trade, and from their reports in 1628, it was clear that the committee blamed impositions as part of the problem of a depressed English trade. Sir Robert Phelips, a member of parliament who was especially concerned with liberties and the royal prerogative, declared on 17 May in the midst of a debate on general impositions that, "Nothing decays trade more than burdens on trade."⁵⁷ The burdens of the royally ordered tax levy upon trade goods that Phelips spoke of, by May, had spawned petitions to parliament from Levant Company merchants trading in currants.⁵⁸

⁵⁷ Commons Debates, volume 3, 17 May, 1628, Proceedings and Debates, MSS 450. "Phelips, Sir Robert (1586?–1638)," Thomas G. Barnes in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, <http://www.oxforddnb.com/view/article/22090>.

⁵⁸ Pauline Croft, "Fresh Light on Bate's Case," *The Historical Journal*, Vol. 30, No. 3 (Sep., 1987), pp. 523-539. Croft detailed a legal case, known as Bate's Case, between the crown as the Levant Company over the refusal to pay impositions on currants. She concludes that while significant to merchant interests in London, the verdict in favor of the crown did not actually lead to the expansion of impositions in 1608, because the case was too embedded in the specific circumstances of the Levant trade.

The issue was larger than extra fines on a particular good, as the merchants who refused to pay were committed to prison. As Nathaniel Rich declared, “I would we were sensible of this grievance; it concerns the liberty and well-being of England. If some course be not taken to encourage merchants, we shall not be able to supply his Majesty.” Rich called to other members to be aware of the importance and relevance of the impositions, because parliament’s existence was threatened by the collection of taxes without their approval. If Charles could collect taxes without parliament, then subjects’ grievances would not be redressed, and from a representative’s point of view, why then would he ever need to call parliament? Furthermore, Coke argued, “The King himself would gain in laying down these imposts... it is part of the propriety of our goods.”⁵⁹ Coke meant that the king would gain the favor of his subjects, including the members of parliament, if he took such an action, and that his redress of this grievance would be a step in the right direction to gaining supply from parliament. In this particular session on 17 May, no one stood in disagreement. Robert Phelips offered the last full statement in favor of a petition to the king and argued that “impost eats out trade... he [Charles I] should take heed of filling his coffers by destroying trade that way.”⁶⁰ For Rich, Coke, and Phelips, Charles was ultimately limiting his own potential supply from parliament by taxing merchants. Phelips’s language suggested that imposts might have been a short-term solution for immediate income for the crown, but at the cost of a damaged English trade.

While supposedly about the impact on trade, the statements by these members of parliament were politically charged. According to this view, if the king was the steward of the state, then the very notion of impositions seemed to be counter-intuitive to the

⁵⁹ Robert Johnson, et al., *Commons Debates, 1628*, volume 3, 17 May, 1628, Stowe 366, 453.

⁶⁰ *Ibid.*

purpose of the crown. Charles was, in the minds of some of members of parliament, doing exactly the opposite of what he was supposed to. Instead of working with parliament to increase the wealth of the country through trade, his impositions actively “ate” English trade, as Phelips had put it. Alongside many of these discussions of impositions were complaints about the effect of rampant piracy, especially by Dunkirkers, who were sea-faring commerce raiders from the Flemish coast that served the Spanish monarchy. On 9 June 1628, a remonstrance was presented to parliament on the state of the sea. The effects of piracy were important, this petition claimed, because they made the collection of impositions that much worse. The king collected more money than ever, yet the lack of security at sea cost merchants tens of thousands of pounds. A merchant by the name of Mr. Thomas Sherwill declared that “there are divers ships of merchants that lie there pressed for his Majesty’s service but do no service.”⁶¹ In this statement, Mr. Sherwill referenced how merchant mariners had been impressed into service aboard the crown’s ships, but those same ships did not supply help to merchants in need. In the wake of English military efforts at Cadiz and the siege at La Rochelle, Alderman Christopher Clitherow, a parliamentary member who had a long history with the Virginia Company and East India Company by 1628, argued that vessels that normally protected shipping ports and lanes had been squandered in fruitless military endeavors. Clitherow lamented to the House of Commons about how “one ship laden with masts and iron worth £80,000 was taken and carried to Dunkirk; after that, 9 ships more,” totaling a value of £50,000. He argued that these losses were a result of the king’s actions. Clitherow stated, “The merchant is undone; there is never a ship to help the merchant. A ship of war was appointed... to guard the merchants home... but it was

⁶¹ Robert Johnson, et al., *Commons Debates, 1628*, volume 4, 9 June, Proceedings and Debates, MSS 200.

taken away and sent to Rochelle.”⁶² From the point of view of the merchants petitioning parliament, not only had they lost tens of thousands of pounds worth of cargo, but the cargo they manage to bring to home ports faced unrepresented taxes that if left unpaid meant imprisonment.

Other events factored into the contention surrounding impositions in 1628. If the decay of trade was an umbrella theme, then the causal factors composing it included impositions, but also, as Phelips claimed in the discussion with the merchants on 9 June, “let us resolve that trade is decayed and that this decay is come from the loss upon the seas.”⁶³ Members of parliament argued that the losses at sea were caused by unsuccessful military campaigns led by the duke of Buckingham, a close advisor to Charles, and by English mariners’ apparent unwillingness to fight. As Thomas Jermyn, a member of parliament and eventual royalist in the civil war, claimed, “losses of the last ships have come by the greediness of the merchants who laid their ordinance aside because they would fill their ships with goods.”⁶⁴ Alderman Clitherow argued that the reasons why the mariners refused to fight was because the Dunkirkers gave them better quarter if they did not resist. His formulation implied a preconceived notion that defeat was inevitable, especially since the man-o-wars normally protecting merchants had been redirected to war away from England. Merchants faced heightened piracy without support from royal ships, and if they managed to arrive in port unscathed by piracy, they faced high taxes that did not seem to be used to defend against the Dunkirkers.

The economic concerns in the 1628 parliament had political effects, as representatives placed blame on the duke of Buckingham. An example of the political ties

⁶² Robert Johnson, et al., *Commons Debates, 1628*, volume 4, 9 June, Proceedings and Debates, MSS 201.

⁶³ *Ibid.*, 203.

⁶⁴ *Ibid.*, Grosvenor, 211.

to economic policy concerns can be found in the following debate between merchants and members of parliament where both parties addressed why there had been a great loss of ships in the late 1620s. As Alderman Clitherow informed the Commons, part of the problem had been rampant piracy from Dunkirkers. Instead of being able to afford to deal with piracy, the crown had instead sent expeditions to relieve besieged protestant forces at La Rochelle, and attempted, unsuccessfully, to repeat the actions of Francis Drake at Cadiz. Since the duke of Buckingham led these endeavors, members of Commons blamed him for wasting English resources. While debating a petition of grievances to the king on 11 June, Walter Long, a parliamentary representative who was critical of Buckingham in 1625 and 1626, argued that Buckingham was a cause of the state of trade.⁶⁵ He stated, “I will speak what I think: The Duke of Buckingham is the cause... He is not ‘the’ cause of all, but ‘a’ cause of some.”⁶⁶ Long specifically argued, that “for trade, decay of soldiers and mariners, has he not needlessly and impertinently taken away merchants’ goods?”⁶⁷ While the connection between Buckingham and the state of English trade was indirect and tenuous, parliamentary representatives made it because of the real and symbolic naval losses that were all directly tied to Buckingham.

The 1628 parliamentary consideration of patents, monopolies, and impositions was distinctive compared to earlier Caroline parliaments. As historian Conrad Russell has argued, this session was the first with “the conscious and deliberate aim of vindicating English liberties.”⁶⁸ The depth and focus on the developing beliefs of subjects’ rights and

⁶⁵ Henry Lancaster, “Long, Sir Walter, first baronet (c.1591–1672),” *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004), online edition, Sept 2010. <http://www.oxforddnb.com/view/article/58144>.

⁶⁶ Robert Johnson, et al., *Commons Debates*, volume 4, 11 June, Proceedings and Debates, MSS 245.

⁶⁷ *Ibid.*, Stowe 336, page 254-255.

⁶⁸ Conrad Russell, *Parliaments and English Politics*, 342-343.

the limits to the role of the royal prerogative in the language of parliamentary debate differed in comparison to the 1625 and 1626 sessions. Both the 1625 and 1626 sessions were shorter and limited in the depth of crown criticism, especially with patents and monopolies. There was a plague epidemic in 1625 which meant that the session lasted only from June until August. Although the 1626 session lasted longer than the 1625, purveyance, state regulation of the cloth trade, as well as unhappiness about the issue of impositions were the extent of economic policy debated by that parliament. These debates lacked the zeal and emphasis on defending property and personal rights as well as limiting the prerogative that characterized the 1628 parliament. Patents in 1625 and 1626 were not representations of discord between the crown and the Commons to the extent in which they were in 1628.

The plague epidemic and Charles' request for supply before redress of grievances limited discussion of grievances, such as egregious patents, those that were perceived as abusive to the commonwealth or illegal due to the Statute of Monopolies,. Primarily, the only perceived wrongs parliament addressed were those left over from the previous session in 1624.⁶⁹ The parliament of 1625 never created a committee for grievances, partially because of Sir Edward Coke's arguments against one. Despite his leading efforts in such committees in the parliaments of 1626 and 28, he argued in 1625 that the reality of the plague, the fact Charles was a new king who they had not served under long enough to have grievances, and that the wrongs from 1624 were for different monarch, meant a special committee was not needed. That first session in 1625 lasted only from 18

⁶⁹ Maija Jansson, and William B. Bidwell, Eds. *Proceedings in Parliament, 1625* (New Haven: Yale University Press, 1987), 22 June, the Journal of the House of Commons, 215, Sir Thomas Hoby moved for a committee for the petition of grievances left over from the previous session, which Sir Edward Coke argued against.

June to 12 August. As the Lord Keeper John Williams, Bishop of Lincoln, summarized to parliament, the reasons Charles had called the session was to address and further support the “recovery of the Palatinate,” a Protestant Germanic state involved in the Thirty Years’ War.⁷⁰ Due to the crisis on the continent and the deadly plague, Charles and his lord keeper called for a shorter session focused on supplying English efforts abroad, and proposed the postponement of addressing domestic concerns.⁷¹ The Lord Keeper promised to the members of parliament that the “next [session] shall be theirs” for redressing grievances.⁷² Since the House of Commons did not intend to meet for an extended period, they did not establish a committee for investigating grievances. This meant, ultimately, that parliament did not consider special interests and petitions against patents and monopolies in 1625.

The parliament of 1626 was different from both the 1625 and the 1628 session in regards to patents and monopolies because while it did establish a committee to investigate grievances, the session’s debates were characteristically different in their depth of criticism of crown policy than the 1628 parliament. Parliamentary discourse on economic policy in 1626 did address patents, impositions, and purveyances, but for members of parliament, including critics of the regime, in 1626 these issues did not represent the erosion of subjects’ liberties under the common law, or the accumulation of too much power in the royal prerogatives, as patents did in 1628. If we imagine the 1620s Caroline parliaments as a spectrum where the 1628 session, on one end, saw more

⁷⁰ Maija Jansson, and William B. Bidwell, Eds. *Proceedings in Parliament, 1625*, 18 June, Journal of the House of Lords, 30.

⁷¹ Conrad Russell, *Parliaments and English Politics, 1621-1629*, 204-207. Russell argued that religion as an issue between the crown and parliament began with Charles’ marriage to Henrietta Maria, a French Catholic. This marriage dominated what little time was spent on domestic concerns.

⁷² Jansson and Bidwell, *Proceedings in Parliament, 1625*, 18 June, the Journal of the House of Lords, 30.

members of parliament as more radical and critical of patent and crown abuses, and the 1625 parliament was short, comparatively conservative and accepting of the new king without much to any discussion on patents, then the 1626 parliament fell in the middle. It did have a Committee of Grievances that did address abusive patents and was captious of Charles' regime, especially of his close advisor the Duke of Buckingham like the 1628 parliament, but did not match the depth of criticism in patents two years later.⁷³ It was also longer than the 1625 session, more critical of the crown, and through investigation of patents, did address the limitations of the authority of the monarch, but only with regards to purveyances. The 1626 parliament was critical of the regime, after all members spent considerable time attempting to impeach Buckingham, leading to Charles' dissolution of parliament. The reasons for crown criticism, as well as how parliamentary representatives expressed their displeasure differed from 1628. Unlike the way some parliamentary members treated some patents cases from 1628, patents in 1626 were not vehicles for addressing the royal prerogative.

Three common aspects of the discussion of patent-related grievances appeared in both the 1628 and 1626 sessions: purveyance, cloth trade regulation, and impositions. All three of these issues arose simultaneously on 24 and 25 May 1626 as these were the only two days of the entire session the full House of Commons dedicated to receiving and resolving reports on specific wrongs from the Committee of Grievances.⁷⁴ The issue of purveyance arose in 1626 over poultry, not saltpeter like in 1628. The patent in question,

⁷³ Russell, *Parliaments and English Politics*, 260-270. The overwhelming domestic concern of the 1626 parliament for Russell was the combination of economic concerns in the Commons and court conspiracies in the Lords all aimed at Buckingham.

⁷⁴ Maija Jansson and William Bidwell, Eds. *Proceedings in Parliament, 1626* (New Haven: Yale University Press, 1991), volume 4 Index and Appendices, 448, Under the topic Grievances, all of the topics discussed on 24 and 25 May are listed with a total of 17 items reported and resolved.

held by a Mr. Pitcairn, allowed for him to acquire birds, supposedly for the consumption of the crown. The fact that it was a purveyance was not explicitly problematic, but that the falconers allegedly abused it because they “themselves eat most of [the birds’ meat].”⁷⁵ The problem with this poultry patent was not that the king did not have to pay a full price for fowl, but that the patentees exploited their patent for their personal benefit. While this complaint was inherently concerned with subjects’ liberties over their goods, and the authority of the crown to requisition those goods at a lower-than-market price, this debate did not have the emphasis on the loss and grievance of subjects that, for example, featured in the charges against the Greenland Company in 1628, instead focusing on the subjects’, not the monarch’s, capacity to abuse patents.

Cloth trade regulation and impositions followed a pattern also found in related patents in 1628. Parliament resolved impositions on currants, wine, and the cloth trades as grievances because as Edward Whitby, politician reporting for the Grievances Committee, stated, “by the common law and right the subject has that right in his goods that no impost can be imposed on them without their consent, or by act of parliament.”⁷⁶ Whitby meant here that by the law of the land, no imposition could be enforced legally without the approval of parliament, and he supported that claim with precedence. While impositions were not discussed on a near-daily basis as they were in 1628, much of the language criticizing them and the king’s illegal usage of them stayed the same between the two sessions.

The 1625 and 1626 parliamentary sessions were certainly important in many regards, but the patent and monopoly grievance debates in each were short and contained

⁷⁵ Maija Jansson and William Bidwell, Eds. *Proceedings in Parliament, 1626*, volume 3, 25 May, Whitelocke, 333. “The facloners themselves eat most of them themselves.” Edited in text for clarity.

⁷⁶ *Ibid.*, volume 3, 24 May, Grosvenor, 322.

compared to the 1628 session. Especially with the 1626 parliaments, issues such as impositions, purveyances, and trade regulation appeared, but their debates were short and limited to two days of report and resolution, meaning parliament did not spend much time on these issues.. Nonetheless, implicit to the discussion of patent grievances were criticisms of the crown's rights and authorities. The falconer patent and impositions, while resolved abusive, ultimately existed due to the authority and privilege of the monarch. From the point of view of parliament, the king had the responsibility to redress any perceived wrong wrought by patents and patent holders. Patent issues such as purveyance and regulation were present in 1626, but the language of the 1628 patent discussions was more radical. The earlier session of 1625 and 1626 did not criticize the king's lack of redress and the growth of the royal prerogative to the extent of 1628.

The language and rhetoric of the 1628 parliament and the Committee of Grievances, most evident in debate on impositions, displayed a split in the interpretation of subjects' personal and property rights, the royal prerogative, and the limits of royal authority between individuals within parliament and the king. The way in which some members of the 1628 parliament expressed criticism of the Greenland Company monopoly, the king's selection for the Office of Royal Exchanger, the state of the saltpeter patent, impositions, and the loss of ships at sea differed from previous Caroline parliaments numerically and substantively. There were more patents, charters, and monopolies, examined in 1628 than 1625/6 and parliament's debates on those economic policies more explicitly criticized the crown's prerogative as abusive to subjects' liberties. As the Statute of Monopolies in 1624 allowed, this session of parliament "examined, heard, tryed, and determynd by and according to the Common lawes of this

Realme and not otherwise (sic)” monopolistic patents. In their debates and resolutions, parliamentary representatives in 1628 found certain patents and impositions to over step the boundaries of royal prerogative and infringe upon the liberties of the English subject. Although patents and impositions in 1628 concerned English economic policy, they revealed a division between Charles and many members of parliament over the limitations and meaning of royal prerogative and subjects’ property and personal rights.

Chapter Two: Monopolies and Political Action: Popish Plots and Parliamentary Expulsion, 1640-1642

“Immoderate multiplication of distress and issues, and enforced to compound with the commissioners; inundation of monopolies by the Soap Patent, undertaken by papists, full of mischief; 1. By impairing the goodness and inhancing (sic) the price of salt, soap, beer, and coals. 2. Under colour of which, trade was restrained to a few hands. 3. Many illegally imprisoned.” – Part of John Pym’s grievances on November 7, 1640.⁷⁷

John Pym’s complaint came from the initial session of the Long Parliament that began in early November of 1640. After an eleven-year period of personal rule by Charles I and an abortive parliamentary session earlier in the year, the opening of what would become known as the Long Parliament was an important event in English history. Charles had called this parliament into session in order to avoid bankruptcy. Since he had no other viable option after military defeat in the recent war in Scotland, he did not have political leverage over parliament; he could not dissolve it as he had done for nearly every session of his reign if the members did not readily provide financial supply. In the opening months of November 1640 through spring 1641 in particular, the king was essentially powerless to resist the demands and grievances of members of parliament.⁷⁸ There were so many varied complaints received in the House of Commons, in fact, that members of parliament set up over forty different committees dedicated to different grievances. One of those was a committee dedicated solely to monopolies.⁷⁹

⁷⁷ William Cobbett, John Wright, Thomas Curson Hansard, eds., *The Parliamentary History of England from the Earliest Period to the Year 1803*, Volume 2, 641.

⁷⁸ Conrad Russell, *The Fall of British Monarchies, 1637-1642*, 206-207.

⁷⁹ Harold Fox, *Monopolies and Patents*, 140-141.

Monopolies and projects, such as the soap patent John Pym listed, became political matters in the opening months of the Long Parliament. They played roles in some of the most controversial actions of parliament members in 1640/1. Not simply the objects of public criticism, members of parliament used monopolies to purge members from the House of Commons in the first three months of parliament's sitting. They included charges of utilizing monopolies in the initial seven and then the expanded twenty-eight articles against a close advisor to Charles: Thomas Wentworth, Earl of Strafford. Members of parliament beginning in 1640 co-opted patents of monopoly as symbolic of arbitrary government, Catholic influence, and exploitation of English subjects.

With the exception of Harold Fox in 1947 and Robert Brenner in 1993, historians have not included patent monopolies in any major way in their narratives of the political unrest in the first years of the 1640s.⁸⁰ The historiography of the late 1630s and early 1640s up to the onset of the civil war in 1642 has focused on explaining how the relationship between the crown and parliament broke down and what the causes of the civil war were. Explanations range from the old Whig narrative of a fomenting constitutional struggle between the freedom of the people represented by parliament and the tyranny of Charles' absolutist monarchy, to the Marxist interpretation of the war as an inevitable social and economic revolution.⁸¹ Revisionist historians, including John Morrill, Conrad Russell, and others, have argued that war was not inevitable in the period immediately before it broke out. Instead they argue that war was the result of competing

⁸⁰ Fox, *Monopolies and Patents*, and Robert Brenner, *Merchants and Revolution: Commercial Change, Political Conflict, and London's Overseas Traders, 1550-1653* (Princeton University Press, 1993).

⁸¹ S.R. Gardiner, *History of the Great Civil War, 1642-1649*, and Christopher Hill, *The English Revolution, 1640* (Lawrence and Wishart, 1940).

religious ideologies, the importance of locality, Charles' personal political (in)capabilities, and the problem of maintaining three distinct kingdoms.⁸² My argument focuses on the political appropriation of monopoly patents in parliamentary debates in 1640 and 1641, not necessarily as a means to understand the causes of the civil war, but as a means to better understand the changing political role of monopolies, and their use as political tools in an increasingly divided parliament.

In 1628, monopolies, as a subject of discourse, had sparked questions on the limitations of royal authority, the king's prerogative, and the rights of subjects over their persons and property. In Charles' period of personal rule in the 1630s, monopolies did not cease to exist, and rather flourished with the influence of the Lord Keeper Coventry, who passed grants as a means for extra-parliamentary revenue.⁸³ Not only were patents of monopoly a source of revenue for the crown, but as Harold Fox argued, they also supported Charles' economic ideology that trade needed to be supervised and regulated by the crown in the interest of subjects.⁸⁴ However, with the exception of the patentees who held the grants, and the crown who benefitted from the increase in revenue, monopolies were not suddenly widely popular in the 1630s. Indeed, on April 15, 1639, Charles I issued a proclamation voiding many monopolies and commissions, and as John Rushworth, member of the Commons in the 1650s, editorialized after reprinting the proclamation in his collection of state papers that "people were much satisfied with the

⁸² John Morrill, *The Nature of the English Revolution: Essays* (New York: Longman, 1993), The English Civil War was "the last of Europe's wars of religion," 45–68. Russell, *The Fall of the British Monarchies*, Richard Cust, *Charles I: A Political Life*, and Kevin Sharpe, *The Personal Rule of Charles I* (Yale University Press, 1992).

⁸³ Harold Fox, *Monopolies and Patents*, 127.

⁸⁴ *Ibid.*

Proclamation.”⁸⁵ As to why Charles chose 1639 to concede on the issue of monopolies, it seems likely that he did so to rally support for the mobilization of military forces against Scottish Covenanters, or to alleviate unrest over what many people perceived as the exploitation of ship money.⁸⁶

The proclamation “touching sundry Grants, Licences, and Commissions” of April 1639 revealed two important points.⁸⁷ The term monopoly did not hold positive connotations for anyone. The proclamation did not use the word monopoly or any derivative of it. Instead, it referred to these economic entities were “commissions,” or “licences.” (sic).⁸⁸ The second point was that Charles, though ultimately the source of patents of monopoly in the first place, was willing “with the Advice of his Privy Council” (sic) to take action against monopolies.⁸⁹ In other words, it was not just within the House of Commons that monopolies were unpopular, as it was the privy council who advised Charles to make his proclamation, and it was not only the House of Commons that took legal action against monopoly patents. The proclamation’s wording suggested that Charles was willing to forgo revenue for the rights of his subjects, and that he knew how to take appropriate advice from his councilors.

The title of Charles’ proclamation suggested that the king’s only intentions were the elevation of the welfare of his subjects.⁹⁰ Charles allowed diverse “Grants, Licences,

⁸⁵ John Rushworth, *Historical collections of private passages of state, weighty matters in law, remarkable proceedings in five parliaments*, volume 2 (Westmead, England: Gregg International Publishers Limited, 1969), 915-917. It is important to note that John Rushworth was during the 1640s a member of the Parliamentary political faction and supported John Pym. Joad Raymond, “Rushworth, John (c.1612–1690),” *Oxford Dictionary of National Biography*, Oxford University Press, 2004.

⁸⁶ Conrad Russell, *The Fall of the British Monarchies, 1637-1642* (Oxford: Clarendon Press, 1991), 71-75.

⁸⁷ Rushworth, *Historical collections*, 915.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*, The full title of the proclamation was “A Proclamation, declaring his Majesty’s Gracious Pleasure, touching sundry Grants, Licences, and Commissions obtained upon untrue Surmises.”

Privileges, and Commissions” in order to “tend to the common Good and Profit of his Subjects... according to his Majesty’s good Intention and Meaning therein.” In the proclamation, Charles stated that he had intended for the monopolies to benefit the common wealth of his subjects. Four separate points within the opening paragraph of roughly 250 words referred to Charles’ “good” or “gracious” intentions. The wording of the proclamation encouraged the reader or listener to understand that the king did not make these grants with any other purpose in mind other than the welfare of his subjects. The proclamation acknowledged that the licenses had been found to be “prejudicial and inconvenient,” rather than beneficial. The good faith in which Charles granted the patents were, furthermore, “notoriously abused.”⁹¹ What seemed to be missing was any notion that Charles may have benefitted financially from granting all of the commissions revoked by this document. The personal finances of the king, and subsequently the state, were among the secrets of the state and not open to the oversight of the English subject.

Although this proclamation was explicitly about revoking monopoly commissions affecting the economic well-being of English subjects, this was a political document filled with implicit and explicit arguments about the purpose of the crown. Charles was “ever intente on the publick Good of his People,” meaning that as king, he fulfilled his role by supporting the common good of his subjects on purpose. The proclamation was a public relations statement to his subjects infused with the notion that Charles intended to improve the welfare of his subjects, and that when those intentions ended up as abusive patents, it was because they were “obtained upon untrue Surmises,” the fault of the devious patentees, not the king. When Charles learned of the abuses, “he is now pleased of his meer Grace and favour to all his Loving Subjects... by his Regal Power to publish

⁹¹ Rushworth, *Historical collections*, 915.

and declare... several Commissions and Licences... utterly void, revoked.”⁹² Charles’ wording emphasized that his intentions were for the benefit of the commonwealth, and that source of authority that made that good will manifest was his “regal power” as king. Despite Charles’ attempt to diffuse monopolies as an object of public criticism, they still attracted considerable attention in parliament a year later.

By 1640, King Charles I was unable to maintain his revenue through monopolies, ship money, and other extra-parliamentary forms of taxation due in part to the outbreak of what would later become known as the First and Second Bishops’ Wars between Charles and the Scottish Covenanters. Beginning on 13 April 1640, Charles had called a parliament to raise money to fight the Scottish, but members of parliament were more concerned with redressing grievances before supply, than the other way around. On April 17, John Pym, political leader of the radical political faction most critical of Charles’ regime, gave a two hour speech outlining grievances, particularly those against the “Liberty of Parliament, Preservation of Religion, “and the “Conservation of the common Liberties of the Kingdom.”⁹³ Pym included monopolies in his list of civil grievances, describing the principle agents of patents monopoly as “popish recusants” who sought to increase their own personal wealth at the expense of the state. The association he made between egregious patents and Catholicism was new, as the previous prominent outspoken critic of monopolies, Edward Coke, had not remarked upon the religious affiliation of patentee holders. Pym argued that their “open breach of law,” divided the king and his subjects, increased prices across the country and “deprived [subjects] of their

⁹² Rushworth, *Historical collections*, 915.

⁹³ Esther Cope and Willson Coats, *Proceedings of the Short Parliament* (London: Offices of the Royal Historical Society, 1977), 148. The direct quote comes from the House of Commons Journal Volume 2: 17 April 1640, *Journal of the House of Commons: volume 2: 1640-1643* (1802), pp. 4-6.

ordinary way of livelihood.”⁹⁴ For Pym, monopolies and monopolists were a great source of economic abuse of the majority of English subjects by those who, because of their deviant religious ideology, had the division and destruction of the English state as their goals. Articles that Pym and his allies wrote to incriminate Thomas Wentworth in 1641, a close advisor to Charles, inscribed those fears into legal and political action. Wentworth and the majority-Catholic army he allegedly raised using funds generated from his tobacco import monopoly represented Pym’s religious concerns. The implications of Pym’s beliefs about monopolists were that those patentees sought personal wealth above the common good of the state, encouraged the division between parliament and crown, and impoverished the state.

Pym was not alone in his rhetoric. Months later, in the initial November days of the Long Parliament, Sir John Culpeper, an initially outspoken critic of the crown though he ultimately sided with the Royalists in the civil war, lamented the evils of monopolies:

“It is a Nest of Wasps, or Swarm of Vermine, which have over-crept the Land, I mean the Monopolies and Pollers of the People; these, like the Frogs of *Egypt*, have gotten Possession of our Dwelling, and we have scarce a Room free from them. They sup in our Cup. They dip in our Dish. They sit by our Fire. We find them in the Dye-Fat, Wash-Bowl, and Powdering-Tub. They share with the Butler in his Box. They have Marked and Sealed us from Head to Foot. Mr. Speaker, they will not bate us a Pin. We may not buy our own Cloaths without their Brokage. These are the Leeches that have suckt the Common-Wealth so hard, that it is almost become hectical”⁹⁵

In Culpeper’s brilliant argument, monopolies were pestilence incarnate. His statement to the House clearly described monopolies as personal, in that monopolies had negatively affected the price and quality of every-day consumer goods. Furthermore, he used the “nest of wasp,” “swarm of vermine,” “frogs of Egypt,” and the “leeches” as metaphors

⁹⁴ Cope and Coats, *Proceedings of the Short Parliament*, 148.

⁹⁵ Sir John Culpeper’s *Speech in Parliament* in John Rushworth, *Historical collections*, 917-918. Culpeper referred to a wine patent, a license to dress meat in taverns, coal impositions, a patent on soap, a tax upon sale, the monopoly of cards and dice, beavers and skins, as well as a patent for pins.

for how monopolies were both detrimental to England, and omnipresent, and biblical in their malignancy. In stating how monopolies have “possession of our dwelling,” he referenced numerous patents that governed domestic importation and manufacture of goods from soap, coals, wine, pins, as well as commissions for taxes, as well as building a picture of the insidious nature of patents, that affected every aspect of a person’s life. These ever-present patents sucked the commonwealth of its money, and limited subjects’ abilities to participate in trades so as to leave the English state hectic, or in other words sick with fever.

Though they were later part of two opposing political factions, John Culpeper’s argument was similar to John Pym’s grievance with monopolies in two main ways. First, both saw monopolies as thoroughly negative, serving to diminish the commonwealth, not improve it. Second, they both acknowledged the ubiquity of monopoly grants that controlled so many items in the daily life of an early modern English person’s domestic environment. The apparent pervasiveness of monopolies, for both authors, meant that the inherent abusive nature of monopolies was amplified and affected subjects throughout England. According to John Pym’s description, patented monopolies inundated England, drowning out freedom to trade. Yet in other respects, Pym and Culpeper’s descriptions drastically differed in the subject of political rhetoric. For Pym, it was the dangerous “popish” individuals who projected and monopolized.⁹⁶ These insidious agents sought to undermine the foundations of the English state and government. Culpeper did not mention such concerns. For him, patents for the sole right to trade and manufacture a

⁹⁶ William Colbett, et al., *The Parliamentary History of England*, 641, and Cope and Coats, *Proceedings of the Short Parliament*, 148.

good were pests, nuisances, and parasites diminishing the commonwealth, not an existential threat to the soul of the nation.

The differences between John Pym and John Culpeper's grievances against monopolies reflected their different political leanings. John Culpeper had previously served in the military in the 1620s and as a justice of the peace by 1638. While in the House of Commons, Culpeper participated in the creation and listing of grievances. In particular, he focused on matters of religion, ship money, and military charges on top of the pestilent monopolies. Though critical of the king in the opening of the Long Parliament, the radicalization of the Commons alienated Culpeper, culminating in his protestation of the "grand remonstrance," because of its publication to the public at large and because of its call to remove bishops. The grand remonstrance was a 204-point list of objections to the rule of Charles initially proposed by John Pym and passed in 22 November 1641. Charles did not respond to the remonstrance until after its publication in December, and when he did, he refused its conditions. Ultimately supportive of the episcopacy and the king, Culpeper along with other more senior members of parliament Edward Hyde and Lucius Cary, Second Viscount Falkland, ended up siding with Charles and the royalist faction in the civil war.⁹⁷ He was unconvinced by the grand popish plot as the apparent cause of the division between the crown and parliament that Pym argued existed in entities like patents monopoly.

In contrast to Culpeper, John Pym was not just a more radical member of parliament, but a leader of the more radical Protestants within parliament. An experienced member of parliament who had served throughout the 1620s, Pym's

⁹⁷ David Smith, "Colepeper, John, first Baron Colepeper (bap. 1600, d. 1660)," *Oxford Dictionary of National Biography* (October 2005), <http://www.oxforddnb.com/view/article/5876>.

parliamentary seniority, as well as the deaths of nearly every other influential veteran, propelled him into a leadership position in the Short and Long sessions of parliament beginning in the 1640s. For Pym, the ultimate source of division between his allies and Charles was on religion.⁹⁸ He supported his stepbrother and fellow radical, Francis Rous, in Rous' charge on April 1640 that "the roote of all or grievances I thinke to be an intended union betwist us and Rome."⁹⁹ Apparent in his grievances, especially in regards to monopolies, Pym believed that there was real Catholic influence in England, and it was an existential threat to English government, religion, and economy. Monopolies, "undertaken by Papists," were part of a larger deep-seated opposition to Catholic influences, and belief in a grand papist plot.

Although they came from different backgrounds and ultimately had disparate political and religious ideologies, both John Culpeper and John Pym agreed in the early 1640s that monopolies were an evil to the state. Since the time of Charles' marriage to Henrietta Maria in 1625, Pym had been aware of and had been ideologically opposed to Arminianism and Catholicism, and those growing concerns combined with his beliefs in the intrinsic personal and property rights of English subjects in his opposition to monopolies.¹⁰⁰ Unlike Pym, Culpeper's religious and political ideologies did not mix on the subject of monopolies. While he did have theological reservations about the direction of the regime, there are no records of him describing monopolists as Catholics or Arminians, but rather that they were merely greedy, self-serving individuals. They were

⁹⁸ Conrad Russell, "Pym, John (1584–1643)," *Oxford Dictionary of National Biography* (May 2009), <http://www.oxforddnb.com/view/article/22926>

⁹⁹ Cope and Coats, *Proceedings of the Short Parliament*, 146.

¹⁰⁰ Conrad Russell, *Parliaments and English Politics, 1621-1629*, 206-207, and Russell "Pym, John (1584–1643)," *Oxford Dictionary of National Biography* (May 2009), <http://www.oxforddnb.com/view/article/22926>.

“Leeches that have suckt the Common-Wealth” in pursuit of personal gain.¹⁰¹ The examples of Culpeper and Pym illustrated that anti-monopoly sentiment was pan-partisan in parliament.

Members of parliament approached monopolies in 1640 and 1641 by defining and using the terms monopolies and projects differently from member to member. For Pym, monopolies represented the funding to the Catholic threat to the English Protestant state. Culpeper on the other hand argued that monopoly projects certainly did not improve the commonwealth, but were not part of a plot to bring down the country. They were not alone in seeing monopolies as representative of wider problems. After a reading of a petition from the Company of Grocers against monopolies, Simonds D’Ewes, eventual parliamentarian in the civil war, and appreciated by later historians for his compiled collections of records of parliament, spoke on the different types of monopolies. He outlined four categories, “imperative,” “jocularly,” “restrictive,” and “destructive.”¹⁰² For Thomas Peyton, member of parliament, D’Ewes meant imperative to mean those that “dispense with penal laws,” which could mean patents that set aside or do without penal laws, or perhaps patents that administer justice. “Jocularly” monopolies were “of cards and dice,” and the implication was that these forms of monopolies were frivolous and that their existence was a joke.¹⁰³ The last two categories, restrictive and destructive monopolies, were those that restrained the trade or manufacture of a good. The difference between the two was whether the good in question was necessary or not. Destructive

¹⁰¹ Culpeper’s *Speech in Parliament*, Historical Collections: 1639, March-June’, *Historical Collections of Private Passages of State: Volume 3: 1639-40*, pp. 885.

¹⁰² Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, volume 1 (Rochester, N.Y.: University of Rochester Press, 2000), 23 November 1640, 248-260. Reference to D’Ewes’ speech appeared in the journals of D’Ewes, Peyton, Holland and Moore, but not in Gawdy, Palmer, and Wise all of which appear in the *Proceedings*.

¹⁰³ *Ibid.*, Peyton, 253 note 54.

monopolies were those that restricted the trade or manufacture of a good deemed “so necessary that we cannot spare,” such as food.¹⁰⁴ In his diary, John Moore mentioned that at this point either Charles or Robert Cecil described monopolies as “idols,” a term with religious connotations, none good, and furthermore that “if a monopoly went on ere long there would be one for bread.” From D’Ewes, Peyton, and Moore’s descriptions of the categories, a common theme amongst the interpretations was that monopolies were harmful to the state economically, and if Cecil’s comments are to be taken seriously, morally suspicious and an increasing threat. The universal descriptive theme across D’Ewes, Peyton, Moore, Culpeper, and Pym’s accounts was that monopolies were negative.

Monopolies in the 1640s were used as political tools in a way they had not been before. Taken together, the ways people discussed monopolies in the early months of the Long Parliament differed markedly from the ways Edward Coke and his allies had denounced them in the 1620s. Instead, in 1641, representatives used monopolies or the excuse of monopolies to pursue political goals, including to purge parliament of crown supporters, and to create a committee dedicated to finding out about all monopolies and their participants. They also used monopoly participation as one of the many grievances against Thomas Wentworth.

The first way in which monopoly and patent discourse became part of more active political action was when the House of Commons removed several of their members from seats, on the basis of accusations of their association with “monopolies” and “projects.” The full house created a subcommittee of twenty-two members who were “to

¹⁰⁴Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, volume 1, 23 November 1640, Moore, 257.

inquire whose names are used in any monopoly or project or receive any benefit from any monopoly or project.”¹⁰⁵ In other words, this committee, which rapidly expanded to include “all merchants of the House” by February 1641, was tasked with seeking out any information on people in any way involved with monopolies.¹⁰⁶ After the Commons resolved a ban on members of parliament being a part of monopolies or projects in any way on November 9, there were accusations against several members. The November resolution resulted in parliament expelling four members of parliament on 21 January: William Sandys for coal tax farming; John Jacob for tobacco; Thomas Webb for bone lace; and Edmund Windham for wine casks and soap patent interests. These four expulsions represented new political ramifications for parliamentary holders of monopoly patents, as well as the nebulous definition of what exactly the majority of the Commons considered to be monopolies or monopoly-related. Expulsions were uncommon before 1640/1; on the rare occasions they occurred, they were based on individual circumstances rather than ideological concerns.¹⁰⁷

Not only did the ramifications for participating in a monopoly change by the opening session of the Long parliament, but the structure of how parliament reviewed, reported, and acted on patents and monopolies was different from previous sessions. Before 1641, when the occasion arose, it was the committee of grievances that processed and made recommendations on monopolistic patents. In November of 1640 and throughout the rest of the Long Parliament, however, a committee dedicated solely to

¹⁰⁵ Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, 16 November, Commons Journal, 153-154.

¹⁰⁶ *Ibid.*, volume 7: Appendixes and Indexes, Committees, 88.

¹⁰⁷ The only other case before 1640/1 of expulsion I know of for sure is Sir Giles Mompesson who was tried and expelled in 1621 for amassing wealth through multiple projects and monopolies. Sidney Lee, “Mompesson, Sir Giles (1583/4–1651x63),” rev. Sean Kelsey, in *Oxford Dictionary of National Biography*, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, <http://www.oxforddnb.com/view/article/18932>.

determining and reporting on monopolies, performed this function. Their reports resulted in the loss of parliamentary positions for accused representatives. Instead of resulting in petitions to the king as grievances to be redressed, parliament adopted the authority and power over patents and monopolies directly. On 23 November, parliament augmented the authority of the committee of monopolists by stating, “the referees of all patents and grants of monopolies and such as have advised and counseled the King touching them be inquired of by this committee,” and further more “all patents and grants of monopolies that have been complained of in this House, [shall] be forthwith brought into this House.”¹⁰⁸ The clause gave the committee increased investigative authority to inquire into all patent holders and to acquire all monopolistic patents to be reviewed. By 5 December the committee was enlarged to include all of the merchants in the House of Commons.¹⁰⁹ The first report from the committee presented to the house by a man named George Peard on the 21 Jan resulted in the expulsion of the four abovementioned members of parliament.

George Peard chaired the Committee of Monopolies and delivered the report suggesting to the rest of the house that they expel certain members for their connections to monopolies and projects. Peard had served on the Short Parliament and was an outspoken critic of Charles’ policies to raise extra-parliamentary revenue, especially ship money. In the Long Parliament, besides chairing the committee against monopolies, he denounced Lord Keeper Finch, the judicial decision in support of ship money in 1637,

¹⁰⁸ Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, volume 1, 23 November, Commons Journal, 246.

¹⁰⁹ *Ibid.*, volume 7, Appendixes: Committees, 88.

and declared himself against the religious influence of Archbishop Laud.¹¹⁰ In 1641, Peard's political loyalties were to parliamentary representation and oversight of the crown's economic policies, all of which seemed to shape his leadership and the resulting decisions of the Committee of Monopolies.

After the order prohibiting monopolists from sitting in parliament on 9 November, a representative named William Sandys was among the first to be expelled from parliament because of his connections with a monopoly. On the very day the resolution against monopolies passed, Sandys was "disabled" from the full rights and responsibilities of his position and ordered to bring in his patent for the house to review.¹¹¹ Several meetings later on 12 November, the first item on the agenda after prayers was the reading of a docket containing Sandys' patent. His patent was for the collection of twelve-pence per caldron "more than the old tax" on coals. Effectively, Sandys was in charge of collecting an enlarged tax. His monopoly was not the sole right to trade or manufacture a good, as one might think a typical monopoly would be, but rather the sole right to collect a tax for the crown. He therefore had supported the crown's fiscal policy of collecting revenue outside of parliamentary approval through a patent for the farm of the imposition on coal. It is clear in the journals on 12 November, and later on the date of expulsion, 21 January 1641 that parliamentary members at the time used the terms monopoly and imposition interchangeably.¹¹²

Another of the four members expelled from parliament, Sir John Jacob, was expelled in late January and for a similar reason to Sandys. Jacob had the "sole emption

¹¹⁰ Mary Wolfe, "Peard, George (*bap.* 1594, *d.* 1644/5)," *Oxford Dictionary of National Biography* (Oxford University Press, 2004; online edn, Jan 2008).

¹¹¹ Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, volume 1, 9 November, Commons Journal, 55 note 4.

¹¹² *Ibid.*, volume 2, 21 January, Commons Journal, 235-236.

(sic) of tobacco with the Lord Goring,” meaning Jacob, along with the Master of the Queen’s Horse, Vice Chamberlain to the king, Lord Goring, held a patent for the sole right to benefit from the customs on the importation and resale of tobacco into England. This patent connected Jacob with a high ranking official in court, and both Goring and Jacob benefitted from the £11,000 rent per annum that the patent brought in.¹¹³ Furthermore, in the 1630s, Jacob had benefitted during Charles’ personal rule by making several loans to the crown. In return he was knighted and received crown support in the elections to parliament in 1640.¹¹⁴ Jacob’s close ties with the royal court were important; all of the members of parliament expelled on January 21, or those in any way disabled after the November 9 order against monopolists in the House of Commons, were supporters of, or at least economically invested in, the crown. Parliament’s stance against monopolies and projects in the opening session of the Long Parliament served as a political methodology to suppress crown support within the Commons.

Compared to Sandys and Jacob, there is comparatively little record of Edmund Windham and Thomas Webb, the other two members expelled from parliament. George Peard recommended Webb’s expulsion for interest in a project on “bone” or bobbin lace. Thomas Peyton recorded in his parliamentary diary that nuns from the continental town of Douai petitioned Archbishop Laud to recommend creating a lace project, in which “their lace might be free.” In other words, Laud set up the monopoly for Webb to run in

¹¹³ Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, 2 February, D’Ewes, 341. Lord Goring sent his justifications for taking of the tobacco custom. John Jacob was not listed here, but on 21 January, D’Ewes 237 and Peyton 238 reference explicitly Jacob and Goring’s connection over tobacco.

¹¹⁴ J.T. Peacey, “Jacob, Sir John, first baronet (bap. 1597, d. 1666), financier,” *Oxford Dictionary of National Biography* (Oxford University Press, 2004; online edn, Jan 2008).

order to sell the nuns' lace to English merchants.¹¹⁵ According to Peyton's account, Webb had his bone lace project because of Laud. William Laud, Archbishop of Canterbury, was a close advisor to Charles and champion of ecclesiastical policy that maintained the episcopal church structure that John Pym and allies rejected. Laud had been hostile to puritanism, and in his trial, was charged with close associations to Catholicism.¹¹⁶ Edmund Windham's political connections, on the other hand, were not listed. Peard recommended his purge for a patent for the sole selling of wine and interests in the patent of soap that John Pym cited as his example of a grievous monopoly in April and November 1640.

Despite being terms referring to economic endeavors, monopoly and project had become by 1641 catch-all terms associated with individuals who held some form of fiscal and political link to the crown. As with William Sandys and John Jacobs, a monopoly could refer to customs farming; or in the case of Thomas Webb, to economic associations with close advisors to Charles; or with Edmund Windham, to interest in investing in a monopoly. What the expulsion of all four of these members of parliament have in common is that they were each economically linked to Charles, and in some way supported by involvement or interest in the fiscal policies that had allowed the king to commit to ruling without parliament for eleven years. The ambiguous terms "monopoly" and "project" were labels that had the effect of allowing for a purge of crown support within parliament. This group expulsion was made legally possible due to the November 9 anti-monopoly order.

¹¹⁵ Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, volume 2, 21 January, Sir Thomas Peyton, 238.

¹¹⁶ Anthony Milton, "Laud, William (1573–1645)," *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, May 2009.

The second way anti-monopolistic rhetoric in the speeches and discourse of the Commons became overtly political was in the articles of accusation drafted by the House against Thomas Wentworth, Earl of Strafford. On November 11, 1640, the Commons pressed charges against Strafford as soon as he took his seat in the House of Lords. Historian Richard Cust has argued that Strafford and Charles planned to “mount some sort of coup against parliamentary leadership,” but that members of the Commons were aware of the danger and quickly imprisoned Strafford to prevent a legal coup by Charles.¹¹⁷ In between Strafford’s imprisonment in November and the opening of the trial in March of 1641, parliament drafted initially seven, and then 28 articles against Strafford condemning his governance in Ireland as treasonous.

Who the earl of Strafford was is important in understanding the importance of the trial, the articles and evidence brought against him, and his ultimate death. Strafford’s earlier career was as representative of Yorkshire in the Commons through the 1620s.¹¹⁸ The privy council had ordered his imprisonment in 1627 for his refusal to pay the forced loan, and in the 1628 session of parliament he was closely tied to the Petition of Right, which sought to safeguard English subjects’ liberties from royal actions like the forced loan perceived by many in parliament to have been abusive.¹¹⁹ In the 1620s, therefore, Strafford was not a supporter of the regime. Historian Richard Cust argued that Strafford actively changed his political identity by July 1628. Strafford was elevated to baron, and then to lord president of the council of the North by the influence of Buckingham, who

¹¹⁷ Richard Cust, *Charles I: A Political Life* (New York: Pearson Education Limited, 2007), 271.

¹¹⁸ Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, volume 7, Appendixes, 3-26. Wentworth was one of two representatives of the entire county of Yorkshire. Individual boroughs within Yorkshire County had parliamentary representatives as well.

¹¹⁹ Ronald Asch, “Wentworth, Thomas, first earl of Strafford (1593–1641),” *Oxford Dictionary of National Biography*, Oxford University Press, 2004; online edn, Oct 2009. <http://www.oxforddnb.com/view/article/29056>.

Strafford and his allies earlier in 1628 parliament had opposed. By the summer, Strafford had managed to present himself as a moderate influence to the crown, which Buckingham wanted to influence other parliamentary representatives.¹²⁰ In 1632, Charles appointed Strafford as the Lord Deputy of Ireland, effectively the crown's representative governor over the Irish. By this point, therefore, Strafford had effectively aligned himself with the crown. Strafford held this position until his impeachment, imprisonment, and trial in 1640/1.¹²¹ During the course of the trial, Charles refused to make concessions to members of parliament, wanting to sacrifice neither Strafford nor Strafford's Irish army. For Charles, the army was what Cust described as "one of the few remaining instruments of coercion at his disposal," and that in giving up Strafford, besides going against his personal sense of honor, Charles would have symbolically disowned the policies Strafford employed in Ireland, of ruling via royal prerogative.¹²² In refusing to relent, Charles effectively raised the political stakes for the Commons, indirectly making Strafford's death penalty a necessity.¹²³

The case against Strafford illustrated the importance of monopolistic rhetoric used politically as evidence of misrule. In the 28 articles, the Commons drew up against him was the suggestion of an elaborate plot in which monopoly control and illegal taxation helped to pay for the creation of an 8,000-person strong "papist" army under the direct control of Strafford. The 10th-13th and 15th articles against Strafford concerned customs farming, exportation restrictions, the tobacco monopoly, a project for the domestic

¹²⁰ Richard Cust, "Wentworth's 'change of sides' in the 1620s," ed. J.F. Merritt, *The Political World of Thomas Wentworth, Earl of Strafford, 1621-1641* (Cambridge: Cambridge University Press, 1996), 63 and 77.

¹²¹ Hugh Kearney, *Strafford in Ireland, 1633-1641: A Study in Absolutism* (Cambridge: Cambridge University Press, 1989), xxxiii-xxxiv.

¹²² Richard Cust, *Charles I: A Political Life*, 282.

¹²³ Russell, *Fall of the British Monarchies*, 208 and 221.

manufacture of linen cloths instead of woolen, and the creation of illegal taxes.¹²⁴ All of these generated money for Strafford's personal use and allowed him to raise an army that parliament claimed in their 18th article was overwhelmingly Catholic in religion and therefore dangerous to the English state.¹²⁵ Parliament's articles against Strafford seemed to be the realization of John Pym's fears about how monopolies were a crucial piece of a grand popish plot to undermine and destroy the Protestant religion and the English state.

The monopoly of Irish tobacco served an explicit political role as it was a part of the 28 grievances parliament drew up against Strafford. Reporting to the Committee for Irish Affairs, Sir John Clotworthy, an ally of Pym's who had landed interests in Ireland, painted a dismal picture of the state of Ireland by November of 1640.¹²⁶ Among his descriptions were preferential and arbitrary government by Strafford, anti-protestant oppressions by courts, a secret "concealed government" of papists, corruption, and the monopoly of tobacco, "a great grievance, a great loss to the kingdom, and small profit to the King."¹²⁷ Thomas Peyton recounted in his diary that a Mr. Carpenter and Mr. Little, the apparent monopolists, led by Strafford, paid the king only £5,000 per annum, while they made at least £100,000 per year.¹²⁸ Later, on November 19, John Pym presented a remonstrance to the whole House on the state of Ireland, and within it argued that the monopoly of tobacco in Ireland, "bought very cheaply and sold at high rate" ruined

¹²⁴ Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament: House of Commons and the Strafford Trial*, volume 3, Appendix of Documents, "The Twenty-Eight Particular Articles of Impeachment. Robartes, Harl. 2233, ff. 2v-38," 20-27, 31- 32.

¹²⁵ *Ibid.*, 31-32.

¹²⁶ Sean Kelsey, "Clotworthy, John, first Viscount Massereene (d.1665)," *Oxford Dictionary of National Biography*, see online ed., ed. Lawrence Goldman (Oxford: Oxford University Press) <http://www.oxforddnb.com/view/article/5709>.

¹²⁷ Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, volume 1, 7 November, D'Ewes, 37.

¹²⁸ *Ibid.*, Peyton, 45.

English subjects domestically and abroad.¹²⁹ He argued that “profit arising” from the tobacco monopoly “surmount his Majesty’s revenue within this kingdom” yet neither the crown, nor the rest of the kingdom benefited from this very profitable enterprise that made more money per year than the king’s entire Irish revenue.¹³⁰ For Pym, this monopoly, as well as the “unusual and unlawful increasing of [other] monopolies,” explained the poor state of Irish economy, and due to “the advantage of a few,” served as a source for impoverishment of crown’s subjects. What was missing from Pym’s remonstrance and the following discussion was any challenge or discourse at all in favor of the monopoly. No one openly challenged or disagreed with Pym. There was not a single point anywhere in the opening session of the Long Parliament that anyone defended the Irish tobacco or any other monopoly. As a result of the November 9 order against monopolies in parliament, or due to a shift in the popularity of monopolies as a form of trade regulation from the 1620s, there was no counter narrative supporting Strafford’s tobacco patent in Ireland.

The twelfth article claimed that Strafford issued an illegal proclamation requiring all imported tobacco to be controlled by his hired men working under his patent in order to limit the “sale of unwholesome tobacco,” but “was truly to advance the said monopoly.”¹³¹ According to the article, Strafford used a false pretense for personal gain, and executed his license at the abuse of the English and Irish subjects in Ireland by “seizing the goods, fine, imprisonment, whipping... and made the officers of the state and

¹²⁹ Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, volume 1, 19 November, Moore, 197.

¹³⁰ *Ibid.*, 20 November, Commons Journal, 206.

¹³¹ *Ibid.*, volume 3, Appendix of Documents, 22.

justices of peace... to serve him.”¹³² Not only did Strafford break the law, as the Commons argued, to enact his license restricting the importation of tobacco to his associates only, but parliament accused him of co-opting the officers of the state to abuse the personal and property rights of subjects in the name of protecting his patent. From the point of parliament, this was an incredibly successful venture. From their point of view, Strafford raised £100,000 per annum by “cruelties and unjust monopoly... gain to himself.”¹³³ The success of this monopoly inspired further other monopolies over commodities including tobacco pipes, iron pots, glasses, and starch.

Strafford responded to this and all of the other articles against him during the trial. His lengthy response to the article on the tobacco monopoly raised several points that he argued legitimized his actions and undermined the exaggerated accusations in the article. First he described that the collection of import duties on tobacco was part of the inherited collection of tonnage and poundage for the crown, but the traditional amount collected was not enough to cover the cost of importing into Ireland. Transporting the tobacco from London ports to Ireland, and the “frauds of the merchants,” which he did not elaborate upon, increased importation costs, and therefore the import duties needed to be raised to match. Strafford claimed that the impost collected, rather than £100,000 pounds for his personal wealth per year, produced less than £10,000 pounds in the years of the license’s use.¹³⁴ Research by historian Hugh Kearney supported Strafford’s defense. Kearney argued that if the monopoly had had time to become fully efficient, then it would have brought in revenue equivalent to Strafford’s customs farming operation. Instead, the start-

¹³² Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, volume 3, Appendix of Documents, 22.

¹³³ *Ibid.*, 23.

¹³⁴ *Ibid.*, 23-24. Strafford never referred to the tobacco impost and license as a monopoly, avoiding the connotations associated with the word.

up costs of the tobacco importation enterprise cost Strafford £45,000 in the years of its operations, and had not begun to recoup those costs by the time of the trial.¹³⁵ Any profit in the tobacco business, Wentworth claimed, went to the king, not to himself.

Historian Harold Fox took Wentworth at his word, accepting his defense of the monopoly and claiming that the proceedings and the accusations “were of course, politically inspired,” meaning that these were manufactured for a political purpose. Whether parliament’s accusations were legitimate or not, was beside the point. The charge of monopoly was a politically inspired move, representing how the patent monopoly, a legal tool for regulating trade, held political meaning in Strafford’s trial. The fifteenth and eighteenth articles illustrated how members of parliament believed the earl of Strafford used his money from customs farms and monopolies to raise an army. His predominately Catholic army, according to the fifteenth article, was “traitorously and wickedly devised and contrived by force of arms and in warlike manner to subdue the subjects of the said realm of Ireland and to bring them under his tyrannical power and will.”¹³⁶ The trial was to determine Strafford as a traitor, and the political implication for members of parliament was if Strafford was willing to use his military against subjects in Ireland, what would stop him from doing the same in England?

Unsurprisingly, Strafford directly denied any “tyrannical,” “wicked,” or “traitorous” purpose in his responses to the fifteenth and eighteenth articles specifically, and to all of the articles combined. He justified all actions of his as for the benefit of Charles directly. In response to the accusations that he was dependent upon Catholics, especially in his army, he claimed that while there was certainly those of the “romish

¹³⁵ Hugh Kearney, *Strafford in Ireland, 1633-41* (Cambridge: Cambridge University Press, 1989), 182-183.

¹³⁶ Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, volume 3, 26.

religion” in his army, the vast majority of officers commanding it were Protestant. He claimed that to raise an army of 8,000 men, “such a body of men is not likely to be raised in Ireland without many papists among them.”¹³⁷ In other words, an army in Ireland could not be raised without a majority of them religiously Catholic, but this played on the fears of John Pym and his radical faction that monopolies, led by recusant Catholics, funded an army of Catholics who would be used against England and the Protestant faith.

Despite his lengthy responses in his defense, and the failure of the impeachment on April 10, 1641, Thomas Wentworth, earl of Strafford was sentenced to death and executed. Parliament passed a bill of attainder influenced by the revelation of a plot in which the royal army was to be used against critics of the crown in parliament.¹³⁸ The plot revelation served only to confirm the fears held by members of parliament that the military force held by the crown served as an existential threat to their position and liberties; the same fears they had of Strafford and his papist army raised by monopolies and customs farms. Monopolies in 1640/1 were active political tools in the narrative of the Strafford trial, but became part of an elaborate political narrative involving money making schemes that were in the words of Pym “undertaken by papists, [and] full of mischief.”¹³⁹

In the political world of the opening session of the Long Parliament, monopolies were, for some members, a component in popish plots against the Protestant state of England at worst, and at best, projects abusive to the commonwealth. They limited free trade and concentrated wealth into a small minority at the expense of the rest of England.

¹³⁷ Maija Jansson, ed., *Proceedings in the Opening Session of the Long Parliament*, volume 3, 32.

¹³⁸ Conrad Russell, “The First Army Plot of 1641,” *Transactions of the Royal Historical Society*, Fifth Series, Vol. 38, (1988), pp. 85-106.

¹³⁹ Cope and Coats, *Proceedings of the Short Parliament*, 148.

Within parliament, John Pym led a faction that believed monopolies, “undertaken by papists,” were part of a plot against the English state, seeking to disrupt the function of government, divide the relationship between Charles and parliament. In the trial of Wentworth, parliament’s fears of a Catholic plot in which monopolies in part funded an army that could be employed to obtain their goals.¹⁴⁰ Not all representatives shared Pym’s ideological conviction of a plot, but by 1640, even more moderate members, such as John Culpeper, despised monopolies. Beginning on November 9, and culminating on January 21, parliament expelled four members who had any association with monopolies or projects. Patents monopoly had become either an existential threat or intolerably abusive to the commonwealth for the majority of the House of Commons in 1640/1. Because they represented excesses of regulation, infringements on subjects’ liberties, and a threat to the commonwealth, a political faction within parliament, led by Pym used monopolies as a tool to expel members who had any association with monopolies, and as justification for impeaching and executing Thomas Wentworth.

¹⁴⁰ Cope and Coats, *Proceedings of the Short Parliament*, 148.

Chapter Three: *A Plea for Free-Mens Liberties: Or, Public Discourse and Political Economy in Civil War England*

In the year 1646, William Sykes published a remonstrance, or protest, against the parliament of England. Citing a broadside he and a fellow merchant had written in March of the previous year, Sykes reasserted the “wrongs done by those ingroffers (sic) and monopolizers” of the Company of Merchant Adventurers and argued that while his earlier petition was “presented to most members of both Houses, and dispersed into the severall Counties of England,” the members of parliament had failed even to publicly read the petition, much less act on it.¹⁴¹ Citing the war and the sacrifice of the “free peoples” in parliament’s service, he used the people’s support as leverage for his economic policy suggestions; he wanted members of the Commons to end the practice of monopolizing and force “ingroffers,” those who put their economic self-interests above others, to pay reparations for the damage they had done to English “citizens.”¹⁴² Sykes argued in his remonstrance that it was the duty of members of parliament to “prosecute the Common-wealths right, and peoples priviledge.”¹⁴³ Employing the language of classical humanism and republicanism, he explicitly criticized parliament for not staying true to the commonwealth, and to people’s rights and freedoms assured by the Magna Carta. His remonstrance made implicit claims about why parliament existed, where its

¹⁴¹ William Sykes, *The Humbled Remonstrance of VVilliam Sykes Marchant, for free trade in transporting and importing of lawfull and needful commodities* (London, 1646).

¹⁴² The 1646 publication date coincided with a time of parliamentary ascendancy in the Civil War. See Glenn Foard, *Naseby: The Decisive Campaign* (Kent, UK: Pryor Publications, 1995), 243, 275-287.

¹⁴³ *Ibid.*

power and authority came from, and why he and his ideas were important enough for parliament to discuss. In an earlier petition and this later remonstrance, he assumed for himself an unofficial role as policy advisor to the state.¹⁴⁴

William Sykes' pamphlets were one of a number of broadsides, short treatises, inquiries, and booklets by merchants and men of trade that appeared in the 1640s. The abolition of the court of Star Chamber in July 1641 had loosened state controls over the censorship of printed materials. Despite parliament's attempt to stem the flood of popularly-produced pamphlets with the 1643 Licensing Order, the slackened censorship regulations allowed more people than ever before to participate in public discourse in the 1640s.¹⁴⁵ Additionally, as several historians have argued, the seventeenth century as a whole saw the increased consumption of printed materials by literate people across the social spectrum.¹⁴⁶ The documents on which this chapter focuses were products of the 1640s, and addressed economic issues ranging from the troubles of specific trades, like the salt, soap, and cloth trades, to theoretical discussion of trade regulation. They fall into two main categories: those that were against royal patents, generally domestic manufacturing projects led by an individual or small group, and those that deplored chartered trading companies and trade regulation. These pamphlets were works of

¹⁴⁴ William Sykes and Thomas Johnson, *The Humble Petition of William Sykes, and Thomas Johnson Marchants, on the behalf of themselves and all the freemen of England* (London, 1645).

¹⁴⁵ Cyndia Clegg, *Press Censorship in Caroline England* (Cambridge: Cambridge University Press, 2008), 225-230.

¹⁴⁶ Though literacy remained low in many places in England. C.G.A. Clay, *Economic Expansion and Social Change* (Cambridge: Cambridge University Press, 1984), 165; John Langton, "Urban growth and economic change: from the late seventeenth century to 1841," in Peter Clark, ed., *The Cambridge Urban History of England II, 1540-1840* (Cambridge: Cambridge University Press, 2000), 462.

political economy, as they described the interaction between the government and trade through policy, royal charters, patents, grants, and monopolies.¹⁴⁷

These merchants and tradesmen wrote with particular policy goals in mind. Some authors, like Sykes, attacked specific trading companies, especially the Merchant Adventurers, with the intent of convincing members of parliament to institute policies to guarantee free trade. Others, especially in the salt and soap trade, wrote about the threat to free trade as well, but by patentee groups, not chartered companies. They wanted to expose what they perceived as the exploitation of the commonwealth by patent holders, who promised high quality and low prices, but had delivered low quality at high prices. While these trade pamphleteers' ostensibly addressed England's economic environment of the 1640s, their writings also revealed a shift in popular political participation and its perception. By offering explicit policy suggestions – to end monopolies, force reparations, or abolish the patent process – these authors actively pursued political objectives in a public arena. They challenged widely understood assumptions about the role of counsel in the early modern English political process, expanding it to include themselves. The advice the privy council had provided to the monarch, therefore, had its corollary in the advice given by the merchant writers to parliament. They individually provided advice and guidance to parliament about how their ideas could improve the condition of the state in a time of economic depression and political division, i.e. civil war England. To this end, authors whose policy aims might vary considerably employed the same rhetoric and language influenced by classical humanism to make their arguments and create a public role for themselves as political advisors.

¹⁴⁷ Political economy as a discipline is anachronistic, but it is applicable here because the pamphlets commented on production and trade's relationship to the law and to the function of the state.

Pamphleteers writing about the cloth, soap and salt trade made bold, explicit suggestions to parliament about policy changes that would free their respective trades, which they saw as necessary for the benefit of the English public. Many of the documents in this study dealt specifically and directly with the notion of “free trade,” without focusing on specific trades. Free trade in the 17th century did not mean the ability to compete in foreign markets without any tariff restriction as it came to mean in later centuries. Instead, English merchants of this period used free trade to refer to the absence of restrictions on who could legally trade and traffic a particular good.¹⁴⁸ Some writers, such as Thomas Hoth and Nicholas Murford, who wrote before the 1640s argued for policies that supported existing restrictions on trade, i.e. monopolies. Other authors, namely William Sykes, Thomas Johnson, Richard Wilkins, and John Davies, sought to loosen restrictions. While all of writers from my sample supported some notion of “free trade,” though they differed on how to accomplish it, only one example came from the point of view of a patentee groups or chartered companies, that of Thomas Hoth.

All of these pamphlets directly or indirectly concerned monopolies and free trade, in their 17th century meanings. Pamphleteers referred to chartered companies or patents as monopolies. Monopolies, as defined by merchant pamphleteer Thomas Johnson, related “to a private company, who ascribe unto themselves the sole exercise and benefit of such a trade.”¹⁴⁹ However, monopoly was not a term adopted by companies or

¹⁴⁸ For more information about the notions of early seventeenth century “free trade” see the debates between Robert Ashton and Theodore Rabb. Theodore K. Rabb, “Sir Edwin Sandys and the parliament of 1604,” *The American Historical Review*, vol. 69, No. 3 (Apr., 1964), 646-670; and Robert Ashton, “The parliamentary Agitation for Free Trade in the Opening Years of the Reign of James I,” *Past & Present* No. 38 (Dec., 1967), 40-55; and Rabb, “Free Trade and the Gentry in the parliament of 1604,” *Past & Present* No. 40 (Jul., 1968), 165-173; and Ashton, “Jacobean Free Trade Again,” *Past & Present* No. 43 (May, 1969), 151-157.

¹⁴⁹ Thomas Johnson, *A plea for free-mens liberties: or the monopoly of the Eastland marchants anatomized by divers arguments*, (London, 1646), 2.

patentees, as it was a universally negative term. Companies and patent holders preferred to frame the discussion especially in 1620 in terms of regulated versus un-regulated trade. Some companies, such as the East Indies, Muscovy, and Levant Companies, were chartered merchant corporations who were granted special rights by the monarch in exchange for promises of increased revenue, especially in times when a monarch desperately needed an increase in yearly revenue. Companies were not the only groups that held patents from the monarch. In the case of the salt industry in the 1630s and 40s, several groups competed for patents to monopolize salt imports or domestic production methods. This arrangement was problematic for merchants of rival companies, or otherwise unaffiliated individuals, as they had to go through whichever company, individual, or group held the patent in order to trade and traffic those goods.

While protests and debates against monopolies were not new to the civil war years, they appeared in greater numbers in the 1640s due to the double impact of the economic depression and looser censorship policies after 1641.¹⁵⁰ Since the implementation of patents and charters in Elizabeth I's reign, parliament had regularly resisted monopolies. In the power struggle between monarch and parliament, the royally-granted charters and patents was an example of the monarch's power of direct patronage. As the 1628 parliamentary session illustrated, monopolies relied on royal authority in order to function, and were subject to parliamentary regulation. Parliament in the 1620s passed a Monopolies Act in 1621 and the Statute of Monopolies in 1624 in attempting to limit the crown's prerogative to grant patents monopoly, as discussed in chapter 1.¹⁵¹ The previous chapter demonstrated how the economic patents of monopoly became an active

¹⁵⁰ Cyndia Clegg, *Press Censorship in Caroline England*, 216-220.

¹⁵¹ Conrad Russel, *Parliaments and English Politics, 1621-1629* (Oxford: Clarendon Press, 1979), 42 and 52.

political rhetorical device in parliament in the opening sessions of the Long Parliament in 1640. The Commons expelled members for suspected connections to monopolies, and incorporated monopolies into their 1641 articles of impeachment against the Earl of Strafford, a close advisor of Charles. Anti-monopoly talk resonated well with parliament after 1642, due to the civil war raging between royalist forces and parliamentarian troops. After all, if monopolists had historically relied on the monarch in order to exist, then their loyalties would implicitly lie with the royalists, not with the institution that had a history of attempting to get rid of monopolies.

Several of the merchants, including William Sykes, Thomas Johnson, and John Battie, directly addressed the issue of the civil war in their pamphlets and in doing so the documents represent their political environment. Not all merchant writers were against companies absolutely, even those not themselves affiliated with a particular company. For example, John Battie, an unaffiliated merchant writer, blamed the current poor state of English trade on the destructive effects of civil war over any potential exploitation caused by companies. He argued that “Civill (sic) War ruins Trade fafter than any other, and makes poverty and defolation poſt [passed] in one after the other, whereſoever it is kindled.”¹⁵² Unlike wars in foreign lands, civil wars caused the cession of domestic manufacturing, which in turn drove skilled labor away “through want of imployment (sic) here.”¹⁵³ Without skilled labor employed in domestic manufacturing, Battie continued, there would be few commodities to export to other countries for profit. Battie’s goal was clear, to inform his audience, both parliamentarian and royalist, about why civil war should be avoided at all costs. On the other hand, when the war appeared in Johnson and

¹⁵² John Battie *The Merchants Remonstrance* (London, 1644), 2-3.

¹⁵³ *Ibid.*

Sykes' works, it was clear they had made a political decision and sided with parliament. In their petition to parliament, Sykes and Johnson appealed to both the duty the institution had to the people it governed and the duty the people had in protecting parliament. They stated that "the free-borne people of England, who during the time of all these warres, (sic) [were] greatly charged for the defence of this present parliament."¹⁵⁴ The authors purposefully cited the popular support provided for parliamentary forces in the war. Sykes and Johnson argued that these same people had lost the liberty to participate in trade to incorporated companies back in Elizabeth's reign, and that despite the English people's "great charge" in the defense of parliament, they had not received the full benefits established by the Magna Carta. Battie, in contrast, did not reveal his political leanings. His short work described the economic ramifications of civil war only, while Sykes and Johnson made a concerted political choice in their dedication and in-text appeals to parliament and not King Charles.

Between 1644 and 1646, John Battie, William Sykes, and Thomas Johnson produced at least five documents about the state of the English trade and how parliament needed to act to improve it by eliminating charters and forcing companies to pay restitution to the English people. Despite their active publication presence in the 1640s, there is not much information about the authors. Sykes wrote one broadside, and he coauthored another with Thomas Johnson. Both Sykes and Johnson continued to write for free trade and against chartered companies in separate works, as well.¹⁵⁵ Outside of the

¹⁵⁴ William Sykes and Thomas Johnson, *To the honourable, the knights, citizens, and burgesses, of the Commons House in parliament assembled. The humble petition of William Sykes, and Thomas Johnson marchants, on the behalfe of themselves, and all the freemen of England* (London, 1645)

¹⁵⁵ The longest document treated in this paper, *A Discourse Confifting of Motives for The Enlargement and Freedome of Trade*, spanned 50 pages. It listed no author; the Short Title Catalogue attributed the document to Thomas Johnson, though Thomas Johnson's name did not appear in any form, abbreviated or otherwise, on the actual document.

works examined in this study, no other printed sources have been officially attributed to any of these authors—their printed presence seems restricted entirely to these works on free trade and the merchant companies in the decade of the 1640s.

Compared to Battie and Johnson, we know significantly more about William Sykes and how his views of the political primacy of parliament might have arisen from his service as a transporter of war goods. He appeared in the *Journals of the Houses of Parliament* numerous times. Despite his criticisms of how parliament had not paid enough attention to his and Johnson's *Humble Petition* to force chartered companies to pay reparations, he was heavily invested in the parliamentary cause during the civil wars. A year after he published his *Remonstrance* in 1646, he appealed to both houses for money. It seems his father had altered his will, "giving away a considerable Estate from him."¹⁵⁶ Whether it was because of his political leanings, the records do not say, but it is clear that parliament did have a debt to the services Sykes rendered during the war as the House of Lords ruled in 1648 to award him nearly four thousand pounds for the transportation and delivery of war supplies.¹⁵⁷ Four thousand pounds was a huge amount of money that illustrated the connection he had with parliament. Sykes did not reveal why he went as far as to write a protest about the lack of official consideration for his document, but the fact that parliament was indebted to this man in terms of thousands of pounds speaks to how he was deeply personally invested in the parliamentary cause. As a supplier to the parliamentary war effort, Sykes' views on the debilitating effects of

¹⁵⁶ 'House of Commons Journal Volume 5: 22 April 1647', *Journal of the House of Commons: volume 5: 1646-1648* (1802), pp. 151-152. URL: [http://www.british-history.ac.uk/report.aspx?compid=25071&strquery=Wm Sykes](http://www.british-history.ac.uk/report.aspx?compid=25071&strquery=Wm+Sykes)

¹⁵⁷ 'House of Lords Journal Volume 10: 14 April 1648', *Journal of the House of Lords: volume 10: 1648-1649* (1767-1830), pp. 192-195. URL: [http://www.british-history.ac.uk/report.aspx?compid=32784&strquery=William Sykes](http://www.british-history.ac.uk/report.aspx?compid=32784&strquery=William+Sykes).

royally chartered companies made sense for two reasons. For one, he was a merchant himself and not affiliated with a company. Companies had the charters for exclusive foreign trade, and this limited his options to broaden the markets he could trade with. Second, parliament was at war with Charles I. As previously mentioned, company charters and royal patents symbolized the power of the monarch made manifest.

Writers Sykes and Johnson found the greatest threat to the country in chartered companies. The economic depression in England in the 1640s was a result of monopolies, they claimed. They attributed to monopolies the “manifest impoverishing of all owners of ships, masters, mariners, clothiers, tuckers, spinsters, and multitudes of poor people, besides the decrease of customs.”¹⁵⁸ Part of the reason why monopolies were so abjectly devastating, they argued, was that monopolies limited trade to a few privileged hands. Not only did this prevent good Englishmen from working, but it was too inefficient to “keep the great store of our ships and sea-faring men a (sic) work, and to vent our native manufactories.”¹⁵⁹ Sykes and Johnson were directly economically interested in the destruction of monopolies. From their point of view, dismantling monopolies would allow merchants, including the authors, to take part in “venting” the goods of the country. As incentive to parliament, having more ships and peoples at work trading meant fewer “multitudes of poor people,” an issue of great moral importance for the welfare of the commonwealth, but it also meant an increase in customs. Historian Michael Braddick has argued that the sheer scale of warfare by the mid-seventeenth century forced the state to confront the reality that the support of financiers, merchants, and tradesmen was

¹⁵⁸ William Sykes and Thomas Johnson, *The humble petition of William Sykes, and Thomas Johnson marchants, on the behalfe of themselves, and all the freemen of England.*

¹⁵⁹ *Ibid.*

necessary.¹⁶⁰ The New Model Army and the civil war were expensive, and Sykes and Johnson sought to use the decrease in customs as leverage to encourage members of parliament to take their advice.

For the pamphlet authors who targeted monopolies, the problem with any type of state-issued charter or patent were the restrictions on who could participate in trade. John Davies, writing about the events of the salt trade in the later 1630s and early 1640s, argued that a group of patentees had, despite their claims otherwise, driven prices up, hindered shipping, and had not actually provided more revenue for the government. Salt projectors, though not a chartered company outright, were too “againft the free trade of all merchants.”¹⁶¹ Davies, like Sykes and Johnson, found the salt projectors contemptuous for their desire to patent the production, import, and transport of a vital trade good. In describing the vice of the patentees, he stated, “It is manifeft how profitable thefe Patents have beene (sic) to the Patentees... how great a burden to the Subjects in generall (sic).”¹⁶² Instead of providing benefit to the commonwealth as a whole, Davies argued that the salt patentees were deceitful and out for their personal gain alone, and by doing so, provided a burden unto the state and its subjects.

The authors of the pamphlets in this study had common themes and specific policy goals in mind. They all wanted “free trade.” In other words they wanted a larger body of men to be allowed to participate in trade and goods trafficking without the restrictions of a company or patent group. They argued that reducing trade participation and knowledge to a handful of individuals, more than any other policy, was universally

¹⁶⁰ Michael Braddick, *Parliamentary Taxation in Seventeenth Century England* (London: Royal Historical Society, 1994), 295-300; Braddick, *The Nerves of State* (New York: Manchester University Press, 1996).

¹⁶¹ John Davies, *An ansyver to those printed papers published in March last*, 1.

¹⁶² *Ibid.*, 13.

harmful to the state writ large. For Johnson and Sykes especially, this restriction was a cause of England's depressed economic situation in the 1640s. By offering evidence of price gouging, deceit, or even by making comparisons to the economic situation in other kingdoms, authors sought to advise parliament to disband monopolies in whatever form. For example, William Sykes and Thomas Johnson, merchants petitioning parliament to disband the charters of all the international trading companies, argued that English monopolies prevented "th[e] free inlargement (sic) of common traffique, (sic) which the Kingdoms of Scotland and Ireland do enjoy."¹⁶³ Their policy suggestions were explicit and clear to parliament: prevent chartered companies from having a monopoly on trade and traffic.

The salt and soap pamphleteers, John Davies and Richard Wilkins, wrote against patentee groups with effectively the same goal as William Sykes and Thomas Johnson, who focused on the issue of free trade. The salt trade was, by the time of John Davies the fishmonger's writing, still controlled in patentee group's monopoly, and he sought to convince parliament of the societal ill created by their control of prices. Richard Wilkins, commentating on London soap boiling, described how by claiming to clean up the streets of a debased product, the soap projectors deceived the government and eliminated competition only to profit off of their own shoddy soap. Both Wilkins and Davies, like Sykes and Johnson, participated in the debate against monopolies and sought to influence the formation of parliament's economic policy of patenting. The pamphleteers all employed language and ideas derived from classical humanism, they provided public,

¹⁶³ Sykes and Johnson, *The Humble Petition of William Sykes, and Thomas Johnson Marchants, on the behalf of themselves and all the freemen of England*, 1.

printed counsel as a means of participating in the public sphere, and they were deeply concerned with the welfare of the commonwealth

The language of classical humanism permeated the merchants' writings. Notions of public service, promotion of the common good, the moral virtue of citizens, and personal liberty informed how the merchant authors described themselves and how they discussed the problems of companies, patentees, and monopolists. For example, Thomas Johnson stated that he "penned for the publike (sic) good" his treatise, *A Plea for Free-Mens Liberties*. In the introductory paragraph of the same work, Johnson stated that "this Kingdom is a corporation or Society of men under one form of civil government, made by common consent in parliament, who are all bound by the law, to maintain common freedom and the generall (sic) good of each other."¹⁶⁴ The patentees or chartered companies used that same language, but as John Davies argued, their patents were "illegall, (sic) and a Monopoly, by reason they brought... oppreſſions to the Subject."¹⁶⁵ While monopolists promised better prices or higher qualities goods, for Davies, they brought the exact opposite. Richard Wilkins argued several times in *Sope-Patentees of Londons Petition Opened and Explained*, that "by Monopolizing, they have been great and barbarous oppreſſors." He issued a call for "Juſtice againſt theſe cruel, wilful (sic) and covetous... fomenters of our preſent Troubles."¹⁶⁶ In the eyes of pamphlet writers, the patentee groups and chartered companies were morally suspect, restricted personal liberty, and oppressed the welfare of the public.

¹⁶⁴ Thomas Johnson, *A Plea for Free-Mens Liberties*, 1.

¹⁶⁵ John Davies, *An Anſver to thoſe Printed Papers about Salt*, 19-20.

¹⁶⁶ Richard Wilkins, *The ſope-patentees of Londons petition opened and explained. Or, the unmasking of theſe cruel ſope-patentees deceitful petition, preſented by them to the Honorable Houſe of Commons. Wherein you have a diſcovery made (in part and but in part) of the great ſufferings of this common-wealth: as alſo of the ſpecial ſufferings of ſome free-born ſubjects in their liberties and eſtates, ſuſtained by theſe cruel ſope-monopolers*. (London, 1646), 4.

The role of humanism in English political thought provides insight into understanding pamphleteers' intellectual influences as it helps to explain how they framed their arguments and what form of vocabulary they used in their economic polemics. Johnson and the other writers' conceptions had roots in classical humanism, the study of classical Greek, Roman, and Biblical texts, particularly those by Aristotle, Cicero, Socrates and Plato. Classical texts informed their personal expertise and knowledge as reference material in support of their claims about what was best for the state.¹⁶⁷ Citing earlier historians Peter Burke and Maria Dowling, Markku Peltonen explained that humanism arrived in England in the form of what he called a "mode of discourse" or a "political vocabulary" used by scholars and political writers beginning in the 16th century.¹⁶⁸ This shift occurred by the mid-fifteenth century, due to the diffusion of knowledge by Italian scholars and English students in the Italian states. The vocabulary introduced into English political thought included notions of the commonwealth, citizens' duties to the well-being of the state, and citizens' moral virtue.¹⁶⁹ A historian of economic ideology in the early modern English period, Joyce Appleby, has argued that economic thought "did not have behind it the long intellectual traditions of theology or political philosophy."¹⁷⁰ Late medieval thinkers did not understand economic thought to be separate from social or political concerns. Instead, the expansion of domestic and foreign trade networks as well as projects to develop domestic manufacturing in the 17th century encouraged new speculation on economic topics.

¹⁶⁷ Markku Peltonen, *Classical Humanism and Republicanism*, 25.

¹⁶⁸ *Ibid.*, 7-8.

¹⁶⁹ Peltonen, *Classical Humanism and Republicanism*, 18.

¹⁷⁰ Joyce Appleby, *Economic Thought and Ideology in Seventeenth-Century England*, 24.

The documents of this study complicate Appleby's argument. While pamphleteers did not separate economic issues from social or political concerns, they emphasized the social and political ramifications of poor economic policy, and incorporated the long tradition of political philosophy in their policy suggestions. The documents in this study drew upon humanist ideals and language alongside speculative attempts at understanding what forces shaped the economic fortune of the state. In attempting to trace Florentine republicanism and "Machiavellian political ideologies," J. G. A. Pocock dedicated several chapters of *The Machiavellian Moment* to the problem of English republicanism. He argued that while modes of civic consciousness emerged as early as the post-reformation reign of Elizabeth, true republicanism was not possible in England until after the civil war.¹⁷¹ As historical correctives, the work of Markku Peltonen and Andrew Fitzmaurice disagreed with Pocock, finding English translations of Italian republican ideas well before the civil war.¹⁷² The pamphlet literature of this study seems to support Peltonen and Fitzmaurice, because republican-influenced notions, political action through counsel to parliament for example, were a part of the authors' lexicon before Pocock's "Machiavellian Moment."

While writers in the civil war decade used rhetoric familiar from Elizabethan and Jacobean polemical methodology, this period was unique in two main ways. First, thanks to the work of David Cressy and Cyndia Clegg, historians can appreciate the sheer volume of publications in the 1640s.¹⁷³ There were simply more documents published in

¹⁷¹ J.G.A. Pocock, *The Machiavellian Moment: Florentine political thought and the Atlantic republican tradition* (Princeton University Press, 1975), 349.

¹⁷² Peltonen, *Classical Humanism and Republicanism* and Andrew Fitzmaurice, "The Commercial Ideology of Colonization in Jacobean England: Robert Johnson, Giovanni Botero, and the Pursuit of Greatness," *The William and Mary Quarterly*, Third Series, Vol. 64, No. 4 (Oct., 2007), 791-820.

¹⁷³ David Cressy, *England on Edge: Crisis and Revolution, 1640-1642* (Oxford: Oxford University Press, 2006), 282, and Cyndia Clegg, *Press Censorship in Caroline England*, 208.

1641 and 1642 than in any year in the previous history of English printing and more than at any time again before the eighteenth century.¹⁷⁴ A licensing act in 1643 reestablished some form of censorship. Formerly in the realm of the Star Chamber, parliament vested the power to censor to the Stationer's Company, which meant that the ability to regulate publication existed outside of the direct control of government.¹⁷⁵ The publications on the state of the salt trade are especially relevant here. Unique to the other publications, those of patentees Nicholas Murford, and Thomas Hoth, as well as the fishmonger John Davies appeared at the beginning of the 1640s. Most of the events pertinent to the conflicting patent claims and suits by Murford and Hoth against each other actually took place in the late 1630s, but were not published until the early 1640s.¹⁷⁶ With the abolition of the court of Star Chamber, and more importantly the high cost of licensing, it became legal and financially feasible to publish about patent suits sometimes several years afterwards, as might have been the case with John Davies' *Ansver to those Printed Papers about Salt*.¹⁷⁷

The second important way in which pamphlets from the civil war decade were unique had to do with the changing interpretation authors had of their state. These men wrote explicitly to parliament, not to Charles, and seemed to take it for granted that they had assumed the role of government advisors. Richard Wilkins, for example, addressed his *Looking Glasse for Sope Patentees* directly to parliament with the expressed intent to illuminate them on how the "Sope Projectors" monopolized "the Soping-myftery, under

¹⁷⁴ Cressy found 2,177 documents in the English Short Title Catalogue in 1641, and 4,188 in 1642.

¹⁷⁵ Clegg, *Press Censorship in Caroline England*, 219.

¹⁷⁶ Nicholas Murford and Thomas Hoth, *A Draught of the Contract about Salt*, about events and suits in 1638 and 1639, but published in 1640. John Davies, *An Answer to those Printed Papers* came in 1641.

¹⁷⁷ The cost of licensing through the star chamber in the first half of the seventeenth century was more important than the censoring process. Many of the pamphlets I examined did not contain overtly politically sensitive suggestions, with the exception of Johnson's *A Plea for Free-Mens Liberties* and Sykes' *Remonstrance*.

the pretences of good to the state in the duty of Excize. (sic)” Like the other authors, Wilkins made bold claims that not only was his work relevant to members of parliament, that they would want to hear from a member of the public, and let alone that his perspective on the matter was informed. Peter Lake and others have described the political ideology of the Elizabethan period by referencing the period term *arcana imperii*, or secrets of state. This term provides a tool for conceptualizing the point of view of state members including parliament, members of the privy council, members of the royal court, and the monarch. They meant for matters of the state to stay within their knowledge and not to be of the purview or consideration of the public, especially not by pamphleteers and their broadsides and treatises in stationer shops across London.¹⁷⁸ Pamphlet writers, through the media of print publication, expanded the arena for political discourse into a more public setting outside of Westminster and Whitehall and into the streets of the metropolis.

Contrary to the authors of the 1640s, several pamphleteers in the 1620s wrote in defense of the companies and trade regulation. Despite this fundamental difference, they utilized the same form of political rhetoric and language of commonwealth, duty to welfare of the English people, and an emphasis on the state of trade. In the 1620s, pamphlet writers Thomas Mun and Edward Misselden wrote on the state of English trade and the role of companies. Both were writers directly and deeply involved with the East India Company.¹⁷⁹ One of the first major differences between the pamphlets in the 1620s

¹⁷⁸ Peter Lake, “The Politics of ‘Popularity’ and the Public Sphere: the ‘Monarchical Republic’ of Elizabeth I Defends Itself” in Peter Lake and Steven Pincus, *The Politics of the Public Sphere in Early Modern England* (Manchester: Manchester University Press, 2007), 59.

¹⁷⁹ Both Thomas Mun and Edward Misselden had connections to trading companies. Thomas Mun served as a member of the directing committee of the East India Company for over two decades. From 1623 to 1633, Edward Misselden was deputy governor of the Merchant Adventurers’ Company at Delft, and served for four years as a retainer for the EIC. Perry Gauci, “Mun, Thomas (*hap.* 1571, *d.* 1641).” *Oxford*

and 1640s was that the 1620s publications often supported the monopolistic rights of companies, in that they defended the regulation of trade though they did not identify this regulation as monopoly. In the 1640s, economic pamphlets by Sykes and others were decidedly against companies, arguing that they restricted trade, creating monopolies and eroding the rights of English subjects. Thomas Johnson towards the end of his *Plea for Free-mens Liberties* had explicitly divulged that the Eastland merchants revoked his role as factor in the Eastland Company because he “rejected their monopoly and diabolical oath.”¹⁸⁰ Thomas Mun, on the other hand, in his 1621 publication *A Discourse of Trade from England unto the East Indies*, answered objections against East India Company (EIC). Unlike Johnson and many of the 1640s authors, Mun argued how a trading company, the EIC in his case, was in fact good for the state of trade.

The objections to the East India Company that Mun addressed in 1621 resembled the later rhetoric against trade regulations that the civil war pamphleteers employed. One of the major objections Mun answered was that the EIC did “greatly confume our victuals, and our marriners (sic) ... Also, this Trade hath greatly decayed the Traffique and shipping” due to losses incurred by long distance trading.¹⁸¹ In other words, Mun was answering critics to the Company who claimed that the EIC drained the country of food and men to collect spices out in the East, only to waste the resources of the commonwealth and thus drain other trade endeavors. Mun responded by arguing that the Company’s purchase of food from England helped English farmers by increasing corn

Dictionary of National Biography, edited by H. C. G. Matthew and Brian Harrison. Oxford: Oxford University Press, 2004. Online ed., edited by Lawrence Goldman, January 2008. <http://www.oxforddnb.com/view/article/19527> and Richard Grassby, “Misselden, Edward (*fl.* 1615–1654),” *Oxford Dictionary of National Biography*, eee ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, January 2008, <http://www.oxforddnb.com/view/article/18820>

¹⁸⁰ Johnson, *Plea for Free-mens liberties*. 6. Thomas Johnson might have rejected government regulation in reaction to the loss of his factorship.

¹⁸¹ Thomas Mun, *A Discourse of Trade from England unto the East Indies*, 33.

prices. The mariners that the company employed were not only providing a service to the state, but were themselves better paid and taken care of. Furthermore, Mun argued that of them that “in one voyage prove good Marriners (sic) to serve the Kingdome and Common wealth... many of them were a burthen before they obtained this employment?”¹⁸² For Mun, the EIC provided prosperous employment to the poor, who had previously been provided for by the parishes in the commonwealth. This employment had the doubly beneficial effect of reducing the welfare burden on the kingdom, and increasing the wealth of the common people by sharing part of the profits from the trade with previously impoverished English peoples. The important point here was that Mun in the 1620s and the 1640s pamphleteers utilized very similar language, but to support opposite conclusions. While the later pamphleteers argued that free trade would bring prosperity to the commonwealth, Mun argued in defense of the EIC and its effect on trade because the company provided employment for the unemployed.

William Sykes and the rest of the 1640s pamphleteers were not the first to call for free trade in public print. A year after Mun’s *Discourse* in defense of the EIC, in 1622, Edward Misselden published *Free Trade. Or, the Meanes to Make Trade Florish* (sic). The title alone was similar to civil war economic tracts with its emphasis on the positive effects of free trade. While Misselden was critical of extreme forms of trade restriction, explicitly monopolies, he did not abandon trade regulation outright.¹⁸³ Instead, he argued that monopolies and the complete absence of trade regulation were both equally bad extremes that led to the abuse of the subject and the collection of wealth into the few in

¹⁸² Thomas Mun, *A Discourse of Trade from England unto the East Indies*, 36.

¹⁸³ *Ibid.*, 52 – 67.

the case of the monopolies, or to outright chaos in the case of no regulations.¹⁸⁴

Misselden did not address parliament, but began his work with an introduction titled, “To the Prince,” where he addressed the king-to-be in 1622, Charles. Misselden spared no ink in describing how lucky he was to be born in “this Good Land, and under the Reigne of so Great a King.”¹⁸⁵ Unsurprisingly, nothing close to this type of language existed in the economic pamphlets from the civil war years. Misselden was explicit in his political ideology as he argued, “Gournment (sic) is a representation of the Majeftie and Authorie of the King.” Misselden argued that a governed trade, though restrictive to public liberties, would reward the commonwealth with a stronger and more prosperous state of trade.¹⁸⁶ As with many of the pamphlets in this study, Misselden incorporated classical references, referring at times to Belisarius, general to Emperor Justinian, Homer’s Achilles, and Constantine to support his arguments by providing authority and examples of precedence.¹⁸⁷ His stated ideological goal with the publication was the improvement of the commonwealth, like Mun and the 1640s writers, and like Mun, he believed the EIC to be a source of growth for English trade as long as the company was not inhibited by the state.¹⁸⁸

Some publications in the 1620s did address parliament directly, though others addressed the prince or monarch. The East India Company submitted *The Petition and Remonstancie of the Governor* to the House of Commons in 1628. The petition attacked “Complaints in the mouths of many his Majefties Subjects” despite company participants

¹⁸⁴ Thomas Mun, *A Discourse of Trade from England unto the East Indies*, 67.

¹⁸⁵ Edward Misselden, *Free Trade. Or, the Meanes to Make Trade Florish*, 1.

¹⁸⁶ *Ibid.*, 67.

¹⁸⁷ References such as these appear often through the 76-page work. These specific ones were located on pages 15-17.

¹⁸⁸ *Ibid.*, 14 and 28-29

“desiring nothing more than to obtaine (sic) their private wealth, with the publique good.”¹⁸⁹ The assertion was that members of the East India Company, while they did pursue wealth and private interests, they did so with the intention of public welfare. Those who complained about the EIC, as subjects of king, actually acted against the interests of the commonwealth because they discouraged interest in trading with the company and therefore hindered the company’s ability to support the common welfare. The petition explicitly called on parliament to act against the complaints about the company, implying the EIC believed parliament could be convinced the company’s value to the commonwealth, and that parliament had the capacity to sway opinion and silence the complaints. Within the petition, the EIC listed the categories strength, wealth, safety, treasure, and honor, all of which were how the company strengthened the state. The emphasis in the language of commonwealth used in the petition illustrated the importance of civic responsibility and public welfare, just like the pamphlets of the 1640s.

Thomas Mun, Edward Misselden, and EIC’s remonstrance emphasized the importance of notions of commonwealth welfare in the political mindset of the 1620s. These ideas were the same ideas employed by pamphleteers in the 1640s, but in defense of trade regulation, not in objection. That does not mean there were not differences between the two bodies of public printed documents. Mun and Misselden addressed the crown, not parliament, as this was well before the civil war and a parliamentary political faction as an alternative. Pre-civil war politics did not lack a popular element; in fact, as historian Markku Peltonen has argued, humanist rhetoric provided an “intellectual context in which political life was led,” and in particular it was the public manifestations

¹⁸⁹ *The Petition and Remonstrance of the Governor and Company of Merchants of London, Trading to the East Indies, Exhibited to the Honorable the House of Commons assembled in Parliament Anno 1628.* Printed at London for Nicholas Bourne, 1628, I-III.

of this rhetoric that both the pamphlets from the 1620s and those from the 1640s represent.¹⁹⁰

The tradesmen authors of the 1640s, even as they also appealed to notions of the commonwealth, acknowledged that appeals to the commonwealth and advice to parliament could be abused. In nearly every document of this study, authors addressed the misuse of knowledge. For pamphleteers, monopolists employed deceitful intentions for their own gain. Patentees' petitions and company charters promised benefit to the commonwealth on the surface, yet from the point of view of their critics, used those claims as a guise. For Richard Wilkins, soap patentees deceived the commonwealth by providing base soap; Davies argued that several groups of salt projectors lied to the state about their prices and their intentions to reduce scarcity; Sykes cited chartered companies for presenting "miſinformations, and untrue pretences of publique good," and Johnson warned freemen of England that companies "have moſt cunningly and fraudently (sic) cozened you of your native freedoms."¹⁹¹ In every case against patentees or companies, the 1640s pamphlet authors sought to inform parliament and the wider public of the false pretenses of monopolists.

Preserving the *arcana imperii* did not necessarily mean that members of the Tudor or Stuart governments did not seek out technical counsel. Historian Eric Ash argued that a new figure of power had arisen by the end of the sixteenth century, the technical expert. These experts were highly educated in both traditional practical knowledge, but also understood how and why certain processes worked. He attributed

¹⁹⁰ Markku Peltonen, *Rhetoric, Politics and Popularity in Pre-Revolutionary England*, (Cambridge University Press, 2013), 2.

¹⁹¹ Richard Wilkins, *A Looking Glasse for Sope Patentees*, John Davies, *An Ansvver to those Printed Papers published in March last, 1640 by the late Patentees of Salt*, William Sykes, *The Remonstrance of William Sykes, Merchant*, and Thomas Johnson, *A Plea for Free-Mens Liberties*, 1.

their education in practicality to the popularity of pragmatic forms of “Renaissance humanism, especially popular among the educated Elizabethan elite, which emphasized the importance of applying one’s knowledge to practical ends.”¹⁹² This meant that there was an expectation for an expert to provide achievable solutions to the needs of a patron. The expert, in Ash’s case industrial and civil engineers, navigators, and philosophers, gained power in the English patron-client system due to his indispensable knowledge. These men acted as mediators between the crown, or center of government, and the local, since the experts provided their political patrons with information and in turn were expected to influence local affairs as requested. Over the course of the civil war, I argue that the circle of people who saw themselves as able to participate in government though counsel expanded beyond that of the members of the government, the patrons, and elite artisans, into a more populous public sphere. In *An Answer to Printed Papers*, John Davies argued that the first and second groups of salt projectors “being all or moft of them unexperienced in the matter they tooke (sic) in hand,” proved to be a “great burden to the subjects in generall (sic).”¹⁹³ Ideas characteristic of humanism included civil service and obligations to the commonwealth, and influenced how the authors criticized monopolists.

The primary sources themselves referenced the importance of expertise and advice. In addressing a patentee group’s petition to monopolize soap, Richard Wilkins argued that through violent means, the patentees had gained the knowledge on how to boil soap from legitimate freemen who “did ferve Apprentifes (sic) for their Freedom to Trade.” Wilkins sought to undermine the legitimacy of the patentees by addressing their

¹⁹² Eric Ash, *Power, Knowledge, and Expertise in Elizabethan England* (Baltimore: Johns Hopkins University Press, 2004), 213.

¹⁹³ John Davies, *An Answer to those Printed Papers about Salt*, 5 and 13.

lack of expertise in the trade. He stated, “the truth is, these Patentees are not Sope-boylers... but salters and lether-sellers (sic).” To add his list of grievances against the patentees, Wilkins argued that these monopolists did not earn the expert knowledge of the production of soap the legitimate way. Instead they sought to undermine freemen boilers by claiming “men of mean condition... boyling in Corners [were] ufurpers of a Trade.”¹⁹⁴ Like Wilkins, John Davies cited projectors’ lack of expertise as part of their failure. Describing the first group of salt projectors, he stated, “the first Projectors... being all or most of them experienced in the matter they took in hand, devised and obtained this Monopoly of Salt.”¹⁹⁵ As a self-titled fishmonger himself, Davies proved his personal expertise with the trade through thorough descriptions of prices of particular forms of salt before and during periods when projectors had royal patents.

The economic treatises and broadsides of the 1640s served as a means for the authors to affect governmental policy without actually being members of government themselves. While William Sykes and Thomas Johnson defended liberties and natural rights, they defended “subjects liberties confirmed by the Magna Charta, (sic)” not citizens liberties per se.¹⁹⁶ Subject and citizen are distinctive terms. Subjects owed allegiance and were governed by law, citizens were active members of a political community, and that was not how these authors defined themselves as nor called for in their writing.¹⁹⁷ None of these documents encouraged their audience to seek greater active political participation, nor were the authors themselves directly claiming greater

¹⁹⁴ Richard Wilkins, *A looking-glasse for sope-patentees: or a prospective-glasse, making discovery of a new project contrived and propounded (by the sope-projectors) to the parliament, to monopolize the soping-mystery, under pretences of good to the state in the duty of excise* (London, 1646), 4-5.

¹⁹⁵ Davies, *An Answer to those Printed Papers about Salt*, 5.

¹⁹⁶ Sykes and Johnson, *The humble petition of William Sykes, and Thomas Johnson marchants, on the behalfe of themselves, and all the freemen of England*.

¹⁹⁷ Markku Peltonen, *Classical Humanism and Republicanism*, 39.

political authority. They did, however, seek to inform, convince, influence, and even question parliamentary decisions. Answering objections to his first document's claims, Sykes offered a question in return, "Is it not the duty of every trusty (sic) in the Houfe of Commons to profecute the Common-wealths right, and the peoples priviledge (sic)?"¹⁹⁸ Here he reaffirmed the point of parliament's existence. The members of the Lords and Commons were the men whose duties were to formulate policy and exercise the power of the state in order to provide for the people who constituted the commonwealth. Sykes and his contemporaries exerted their political agency indirectly. They did not seek the ability to take part in shaping policy; they sought to inform policy makers.

Popular political discourse had become important enough as a political tool in the minds of contemporary members of the state to warrant the formation and support of presses with certain agendas. Historian Jason Peacey wrote two articles on how political grandees set up presses dedicated to filtering out news and information with a specific ideological purpose, whether in support of the parliamentarian or the royalist side of the war.¹⁹⁹ As Lake and Pincus point out, there was precedent for periodic episodes of public appeals to the state, and even times when members of a political bloc, in Lake's case Protestant and Catholic groups, "addressed and sought to mobilize a variety of publics."²⁰⁰ The dominating mode of political thought in early modern England—and certainly the view espoused by the crown—excluded public participation. Through heavy-handed press censorship, the state tightly regulated public discourse, however, in

¹⁹⁸ William Sykes, *To the right honourable, the high court of parliament. The humble remonstrance of VWilliam Sykes marchant, for free trade in transporting and importing of lawfull and needfull commodities* (London, 1645).

¹⁹⁹ Jason Peacey, "The Struggle for *Mercurius Britanicus*: Factional Politics and the parliamentarian Press, 1643-1646" *Huntington Library Quarterly*, Vol. 68, No. 3 (September 2005), pp. 517-543.

²⁰⁰ Peter Lake, "The Politics of 'Popularity' and the Public Sphere: the 'Monarchical Republic' of Elizabeth I Defends Itself," *The Politics of the Public Sphere in Early Modern England*. Peter Lake and Steven Pincus, eds. (New York: Manchester University Press, 2007), 59.

periods of social crisis, such as the ‘Elizabethan exclusion crisis’ of the 1560s-80s, regulatory efforts weakened.²⁰¹ The civil war saw the fragmentation of state control over popular print production, after which, for better or for worse, public commentary on politics, the economy, and the welfare of society became a permanent feature.

Michael Warner, author of *Publics and Counterpublics*, argued that by addressing or thinking to belong to a certain type of public, authors inhabited a specific type of social world with its own language and ideology.²⁰² They utilized polemical language influenced by humanist ideas on the function of the state, and were a part of a wider criticism of monopolies stretching from the reign of Elizabeth. While these documents ostensibly treated economic issues, they were inherently political. Drawing from the idea of the “public sphere” initially put forward by Jürgen Habermas, these pamphlets reveal greater understanding political relationships between policy makers and the wider public outside of formal government.²⁰³ Rather than seeking to undermine parliament’s authority to create and enforce the government’s economic policy, the pamphleteers of the 1640s participated in government through the construction of pamphlets designed to influence the debates and action of members of parliament.

The well-being of the public was a critical ideological notion for pamphleteers. Every single writer examined here addressed how the commonwealth of England could be improved. For these authors, it was more often than not possible through the deconstruction of monopolies, or the reparations of patent groups. Richard Wilkins’ soap boiling projectors, for example, “trample[d] upon the liberties, livelihoods, and estates of

²⁰¹ Peter Lake, “The Politics of ‘Popularity’ and the Public Sphere,” 59.

²⁰² Michael Warner, *Publics and Counterpublics* (New York: Zone Books, 2002), 10.

²⁰³ This study is in debt to the work of Peter Lake and Steven Pincus and the contributors to their edited collection, *The Politics of the Public Sphere in Early Modern England*, for repurposing Habermas’s public sphere to the post-Protestant Reformation period.

other Sopeboylers and Tradefmen,” despite that they “propound[ed] for the publike (sic) good.”²⁰⁴ Wilkins and others’ complaints and suggestions hinged upon the welfare of the subjects of the state. The patentees used this language themselves, however. In *A Draught of the Contract about Salt*, Projector Thomas Hoth argued that his “sole Vendition,” what he preferred to call his monopoly, served the commonwealth by providing enough salt to sever England’s dependence on foreign, especially French, salt. Hoth claimed that his project was vital to England because of the unreliability of foreign sources of salt. He argued that “If Salt proove (sic) scarce in France, then our English must dearely (sic) pay for that scarcity.”²⁰⁵ He specifically attacked what he called “the complaint of want of free trade,” meaning those who complained about his monopoly not allowing free trade, as in fact harmful to the “Weale publike (sic).” Using similar language to Sykes, Johnson, Wilkins, and Davies, Hoth cited that his critics were “ingroffing, foreftalling, and regrating [so as] to make a scarcity at their pleasure.”²⁰⁶ For Thomas Hoth too, the well-being of the commonwealth was core to his argument. His monopoly provided a particular necessity to meat vendors of England, and those who complained actually sought harm to the commonwealth. The alternative to his monopoly was foreign dependence and certain scarcity of a product England needed.

Appealing to the same moralistic language Thomas Hoth utilized in his defense presented by *A Draught about the Contract of Salt*, John Davies both attempted to undermine his opposition and provide support for himself. His opponents presented a “pretended defence,” they “mis-inform[ed] his Majesty,” and wrought “great wrong... by

²⁰⁴ Richard Wilkins, *A Looking Glasse for Sope-Patentees*, 4.

²⁰⁵ Nicholas Murford and Thomas Hoth, *A Draught of the Contract about Salt* (London 1640), 1.

²⁰⁶ *Ibid.*

them to his Majesty and his Subjects.”²⁰⁷ Besides presenting himself as a virtuous well-wishing citizen of the commonwealth in his title, he also defended himself in writing this treatise as “faithfull... humbly presenting, praying” and that his work was “tending to the good of his Majesty, and of the Subjects in generall.”²⁰⁸ Typical of polemics of the period, Davies presented himself as a defender of the commonwealth, fighting back the evil advice of men who placed personal gain over the welfare of the public state by providing parliament with properly informed counsel.

In order for the well-being of the public to be maintained, pamphleteers argued, individuals and organizations, political or economic, had a duty to improve the commonwealth. In some cases, the impetus to design a discourse derived from perceptions that patent groups had somehow failed their duty to comply with the law of the commonwealth. In *A Discourse for free Trade* by an anonymous author, the Merchant Adventurers “engrossed at present, contrary to the Law of Nature, the Law of Nations, and the Lawes (sic) of this Kingdome.”²⁰⁹ In other words, the author perceived the company to be financially successful at the cost of betraying “natural” laws, the laws of men in general, and the laws of England specifically. In his eyes, woolen cloth was “the most substantiall (sic) and staple Commodity that our Countrey (sic) affords for the maintenance of Trade,” and that the Company of Merchant Adventurers through sole management of the trade of woolen cloth was “an injury to publike (sic) right.” He continued, “there is nothing more pernicious and destructive to any Kingdome or Common-wealth, then (sic) Monopolies,” especially in his case the Merchant

²⁰⁷ Murford and Hoth, *A Draught of the Contract about Salt.*, 1, 5, and 8.

²⁰⁸ *Ibid.*, Introduction.

²⁰⁹ Anonymous, *A Discourse Consisting of Motives for The Enlargement and Freedome of Trade, Especially that of Cloth, and other Woollen Manufactures.* (London, April 11, 1645), 4. The Short Title Catalogue attributed Thomas Johnson as the author.

Adventurers. For the anonymous author, the company had reneged on their duty to the “birth-right” of the freeborn subject of England, and profited on the subjects’ expense.²¹⁰

Most of the authors were more specific with their usage of the term duty as a tax owed to the state. Richard Wilkins argued that by 1646, soap monopolists had used promises to increase the duty of the excise as “pretences of good to the State.”²¹¹ For Wilkins, the patent group did not fulfill their duty to increase the excise for the state, because they “adulterate[d] the Major part of the Sope they make” and for that reason, much of their soap was returned because the products were “not fit for use.”²¹² Wilkins claimed that these were two methods the patentees used to evade excise duties. In his commentary on the salt industry, John Davies lamented “that before the Patentees had obtained their Patent for Salt... his Majesties Cufstomes improves and many poore (sic) people, as Porters and Labourers had their maintenance thereby.” Taxes to the state then, for Davies, meant the improvement of the commonwealth through effectively social welfare of the poor. Since the patent groups of the 1630s and 1640s caused the “trade of Importation” to “wholly decay fince the time these severall Patents were obtained,” he implied that the porters and laborers previously supported by customs went without due to the patentees.²¹³ For Davies, the monopolists had failed the commonwealth because they did not provide more money to the state as promised.

In conclusion, pamphleteers and their publications are important for understanding public discussion of the parliamentary government during the English civil war. They were concerned with the welfare of the commonwealth and the state of

²¹⁰ *A Discourse Confixting of Motives for The Enlargement and Freedome of Trade.*, 2-6.

²¹¹ Wilkins, *A Looking Glasse for Sope Patentees*, title page.

²¹² *Ibid.*, 4 and 5.

²¹³ John Davies, *An Ansvver to those Printed Papers*, 18-20.

the English trade. They emphasized their intentions to present the “true” state of their given industries.²¹⁴ Their writings constituted participation in a public sphere.

Pamphleteers John Davies, Thomas Johnson, William Sykes, and Richard Wilkins participated in a public debate with documents designed to inform and persuade parliament on the threat of monopolies both chartered and patented. They participated in the political process, not by forming policy, but by analyzing the state’s role in the economy, by commenting on what strengthens the commonwealth and what weakens it, and by providing policy suggestions. Sykes’ *Remonstrance*, as well as the other pamphleteers’ works shifted the public sphere to be more inclusive of greater political commentary and debate.

²¹⁴ The expressed purpose of the authors was often to reveal the true and insidious nature of a specific group of monopolies, as represented often in the titles of Wilkins’ *Looking Glasse*, Davies’ *An Answer to those Printed Papers*, Johnson’s *A Plea for Free Mens Liberties*, and Sykes’ *Remonstrance*, and Wilkins’ *The Sope Patentees’ Petition Opened and Explained*.

Conclusion

The welfare of the commonwealth, the boundaries of the royal prerogative, and concerns over liberty manifested in public and private discussion of monopolies in the 1620s and 1640s. Monopolies and discussion of them in parliamentary records and printed pamphlets illustrate changing political meanings and associations members of parliament and tradesmen pamphleteer writers associated with economic policy. Patents of monopoly were important for parliamentary representatives who reported on them, for patentees and company men that defended them, and for pamphleteers in the 1640s that attacked them because of the political symbolism attributed to patents.

Beginning with the 1628 parliamentary proceedings, the first chapter argued that monopolies became prevalent topics of debate in 1628. Members had rising concerns over the expansion of the royal prerogative and the abuses of property and personal liberty. Monopolies were symbols of the abuse of the commonwealth and of subjects, and the redress of the patents by the king was the means in which members of the Commons sought to defend subjects' rights.

The second chapter continued the narrative of monopolies eleven years later with the opening session of the Long Parliament, and argued that monopoly patents became political tools by John Pym and his allies and symbols of catholic influences, arbitrary governments, and royal schemes to raise funds outside of parliament in November of 1640. Monopolies were intertwined in the political radicalization and factionalization of

parliament, in which representatives, such as John Pym and John Culpeper, perceived monopolies to be active threats to common law and the representative of the rights of English subjects in the face of monarchical authority.

Changing methodological tactics, chapter three left Westminster and turned to printed economic pamphlets of the 1640s and 1620s. Pamphleteers throughout the decade of the 1640s targeted monopolies and the regulation of trade, and wrote to parliament, not the king, to lobby for what they considered to be the limitation of their natural rights and liberties to trade free in whatever good or industry they desired. Utilizing classical humanistic political rhetoric, authors in both the 1620s and 1640s debated the merits of regulated trade as beneficial or detrimental to the commonwealth.

Studying monopolies in the period allows one to bring together parliament, print publication, the public sphere, political rhetoric, and humanist political theory in the 17th century. Monopolies, as objects in printed debates and in parliament, have rarely been a part of political or economic narratives of the reign of Charles I. Even Harold Fox, who surveyed monopolies and patents with particular attention on the reigns of Elizabeth, James, and Charles, did not take into account pamphlet literature and other extra-parliamentary sources. Public and private discourse on monopolies describes how members of parliament and pamphleteers perceived patents as representative of differing political ideologies in the 1620s and 1640s. The study of early Stuart monopolies illustrates the expansion of the public sphere to allow for more inclusive political discussion through print publication, and thus better informs the growth of the public sphere in early modern England.

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