REGULATING RELIGION AND MORALITY
IN THE KING'S ARMIES
1639 - 46

by

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ABSTRACT

The centrality of religion and piety has traditionally been attributed by historians of the Civil Wars to the Parliamentarians, and especially the to New Model Army. This dissertation documents the commitment to religion and morality in the King's armies. A close textual analysis of printed military regulations, royal proclamations, and injunctions establishes the official religious culture in the King's armies from 1639 to 1646. It describes a royal/episcopal tradition featuring a type of piety in which reverence for the liturgy and sacraments of the Church of England were emphasized. After 1643, this religious culture showed an increasingly pronounced devotion to the Eucharist. One notable feature of the religious culture of the King's armies was the likelihood of a de facto tolerance of Roman Catholics. This finding reinforces Newman's assessment of Catholic involvement in the Royalist armies.

The shift to a greater Eucharistic focus in the religious culture outlined in the attempts at regulation of the King's army coincide with a change in genre, from military regulations alone, to proclamations and injunctions as well. It also coincides with the splintering of the

Royalist Council of War and the rise of the Courtier Councillors previously noted by Ian Roy.

With regard to morality, the King's armies of the Bishops' Wars conformed generally to the campaign to reform manners variously described by Spufford and Underdown. In the Civil Wars, the Royalist army notably departed from the precedent of the Bishops' Wars regulations and eliminated the purely sexual offenses of adultery and fornication. Swearing and the provocation of duels were perennial concerns throughout the period.

Unanticipated results of this investigation include the discovery of the regulatory foundation of the British Army Chaplains' Corps and many details about attitudes to and the status of women in the King's armies.

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This dissertation is dedicated to Monica and Richard Griffin, who have lived with it all their lives, and to my mother, Thelma de Souza, whose care of them has allowed me to continue my studies to this point.

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PREFACE

Try to imagine an account of the English Civil Wars which does not at some point at least mention the religious fervour of some Parliamentary supporters. How many have offered a corresponding picture of the religion of the Royalists? The concept of religion as a causal factor in the Civil War has undergone a renaissance in the last decade. Some historians maintain that it was religion that divided the supporters of the two sides of the conflict. Some have gone so far as to say that one cannot make sense of the Civil War without the piety of the Cromwells and Harrisons. Earlier historians even made a general claim that, in the seventeenth century, Englishmen were simply more religious than we are today. Yet despite the continued reliance on the role of religion as an explanatory device in the study of the Civil Wars, modern historians keep relatively silent on the religion of Royalists.

There is not one published (or to the best of my knowledge, unpublished) study of the subject which specifically sets out to analyze religion in the King's armies. It is impossible to redress the balance of this century-long silence of apathy within the bounds of one Ph.D. thesis. It will require the life's work of many historians--think of the number who have discussed Puritanism ad infinitum--to pile up, detail by detail, a solid base on the Royalist side. The general aim of this thesis is to put one more brick in the wall.

CHAPTER ONE

INTRODUCTION

For at least one hundred years, historians have implied that Parliamentarians had a premium on religion and piety during the English Civil Wars. The purpose of this dissertation is to shed some doubt upon this orthodoxy. The average reader of English Civil War history might be startled to learn that the King's armies traditionally were required to have at least one prayer service every day, and two on Sundays. They had a regular round of fast days, replete with sermons. They did not sing Psalms as they marched into battle, but they had officially designated Psalms to be said upon different occasions. Their chaplains did not 'get the soldiers' blood up' with passionate sermons and vehement exhortation in the 'Hugh Peters tradition', but they regularly prayed with them before they fought. In the armies of the King, swearing and blasphemy were strictly forbidden, and drunkenness was considered immoral.

This Dissertation is essentially an examination of printed, English military orders of Charles I aimed at regulating religion and morality between 1639 and 1646. In these orders I have found a sound, finite source of Royalist material suitable for exploration in a Doctoral Dissertation. Because the military orders lapsed each time the army was disbanded and so needed to be re-established upon each new

campaign or change in army high command, they were frequently revised between 1639 and 1646. An analysis of the regulations prepared for the King's armies during this period provides one way to assess the intentions and opinions of commanders of the King's armies regarding religion and morality. When these orders are seen within the context of earlier English military tradition, their true development can be appreciated.

Although there was a commonly-used form of words for most English army regulations, individual revisions could alter them remarkably, and it is those changes, perhaps prompted by fashion, or perhaps by religious conviction, or anything in between, which are at the heart of this investigation.

The text of the orders of each of the King's field armies in the Bishops' Wars was distinctively different, although the content of individual articles was recognizably of the same intent as in earlier orders. The meaning of individual clauses or articles varying by as little as the addition of the indefinite article could be significantly, though subtly altered. More easily observed changes would unmistakably modify the whole intention and implication of an article. The way language is used in these regulations, therefore, is of great significance in this investigation.

I compare and contrast the various revisions of the military regulations not only with themselves, but with royal proclamations and injunctions which were also aimed at governing religion and morality within the King's armies between 1639 and 1646.

I do not address actual religious practice in the armies. There is no known extant body of Royalist Court Martial papers, and the anecdotal evidence which might guide us to the practical application of my regulations is too widely dispersed to provide a practicable data pool for a Doctoral thesis. This study is therefore confined, although not rigidly, to the religious and moral values, goals, and ideals of the writers of Royalist military regulatory materials.

Although it is getting increasingly risky to focus only upon England in civil war studies, this thesis does not systematically examine printed orders from either the Irish or the Scottish family of military orders. Neither have I systematically treated manuscript orders. When any or all of these are useful, however, I have felt free to draw them into the discussion. The orders of Leicester in 1586 and Essex in 1599 have been included in my presentation of early English orders, because they are essential to the illustration of the growth of the textual family of the Caroline orders. The military orders provide a sound guide to the religious opinions of those in charge of the armies, only to a lesser extent, do they hint at the attitudes of Royalist soldiers as well.

The proclamations and injunctions represent repeated attempts from the King's immediate circle to further regulate religion and morality in the Royalist armies. There was an increasingly noticeable divergence between the these attempts and those made in the military orders. These new attempts at regulation coincide exactly with the beginning of the splintering process of the Council of War described by

Roy, and show that the King was trying to establish personal control over the army. Attempts to regulate religion and morality in the King's armies between 1639 and 1646 were not always consistent, utilized different genres, and displayed an increasingly eucharistic focus over time. Nevertheless, the dominant pattern of those attempts recreated the Caroline Church culture of the royal/episcopal tradition as the standard for official army religion and morality.

In the Bishops' Wars, two distinct traditions could be seen within the religious culture of the King's armies. That culture was further towards the catholic end of the spectrum in the First Bishops' War than in the Second. The Royalist orders reverted to a more catholic usage and this tradition continued throughout the war actually becoming more pronounced over time. By 1645 it included not only a reverence for the furnishings, utensils, and ornaments dedicated to the worship of God, but an increasingly sacramental devotion to the liturgy of the Church of England.

I describe this tradition of the Caroline Church as the royal/episcopal tradition. Although its exact beginnings may antedate the reign of Charles I, it was under him that the whole might of the sovereign as Governor of both Church and State was thrown into the effort to impose a strict uniformity throughout the British church based upon only one of the two main Caroline church cultural traditions. This royal/episcopal tradition was theologized by Hooker, liturgized by Andrewes, and applied by the King himself through Laud. The

royal/episcopal tradition set the standard for official religion and morality in the armies of the King.

My investigation has also detected, within the letter of the military law, the potential for a de facto religious tolerance within the King's armies. Unanticipated results of my work include the discovery of the regulatory foundation of the British Army Chaplains' Corps and many details about attitudes to and the status of women in the King's armies.

Historiographical Context

Before beginning the examination of the primary sources, a discussion of relevant modern secondary sources will help to clarify the scope of this investigation and the way it fits into the existing scholarship.

In his 1987 address to the Royal Historical Society, G. E. Aylmer commented on the general lack of Royalist material in Civil War studies. In part, he attributed this imbalance to a lack of Royalist sources. "One problem for the historian, is their [Royalists] relative lack of articulacy compared to their Puritan-Parliamentarian counterparts."¹ Not only did Royalists apparently write less, many were prompted to burn whatever they had written in an attempt to secure their own safety and that of their families.

The lack of studies of the King's side in the Civil Wars is also due, in part, to the interest of historians themselves: the Royalists lost in the short term, and we most frequently hear the history of the winners; apparent discontinuity is

¹ G. E. Aylmer, "Collective Mentalities in mid-seventeenth century England: II Royalist Attitudes," Transactions of the Royal Historical Society, 5th Ser., 37 (1987): 2.

often seen as a more enticing arena for study than apparent continuity. It is mostly because of the obvious need to explain the events between 1642 and 1660, that attention has been rivetted on the Civil Wars for so long. Only recently have the Jacobean period and the early part of Charles' reign begun to be investigated on their own terms, instead of primarily as the background for the Civil Wars. The majority of studies of the seventeenth-century conflict that engulfed the British Kingdoms that have been undertaken from the perspective of the King's supporters remain unpublished Ph.D. theses.

Amongst all those who have looked at the King's side, only one historian has ventured to comment on religion within his armies. P. R. Newman's early prosopographical compilations always painstakingly recorded religious affiliation, and his more recent work discusses attitudes towards religion amongst the King's regimental commanders, but even Newman has not specifically investigated religious practices in the King's armies.² As a result, the historiographical context in which this investigation must be placed is dreadfully lacking in proportion.

Although religion in the Royalist armies has never been specifically examined, several modern historians have commented upon the religion of Royalists within the context of the role of religion in the Civil Wars. Most of these, led by J. S. Morrill, have followed the famous dictum of James I and tied

² See below, pp. 22-30.

the King's supporters to a defence of episcopacy.³ Russell has recently suggested that a broader categorization such as 'satisfied with the reformation of the English church' might be nearer the mark.⁴ Along with Morrill and Russell, whose work will be discussed below, other historians who have specifically looked at Royalists within the bigger picture of the whole conflict, such as Aylmer, Carlton, and Fletcher, have all accepted Morrill's 'wars of religion' appellation, but they do not all share his understanding of what it means.⁵ In fact, Fletcher's interpretation is probably closer to Malcolm's even though she sees the wars as a socio-economic conflict.⁶

The only historian who has looked at religion in the Royalist armies at all, is P. R. Newman. Newman believes that for the Royalists the Civil Wars did not begin as a war of

³ J. S. Morrill, The Revolt of the Provinces: Conservatives and Radicals in the English Civil War, 1630-1650 (London: Allen and Unwin, 1976), 47.

⁴ What he actually says is that "Those in England who fought against the King were, with very few exceptions, those to whom the slogan of 'further reformation' was and always had been congenial." C. Russell, The Fall of the British Monarchies 1637-1642 (Oxford: Clarendon Press, 1991), 526.

⁵ G.E. Aylmer, "Collective Mentalities in mid-seventeenth century England: Transactions of the Royal Historical Society, 5th Ser., "I The Puritan Outlook" 36 (1986): 1-25; "II Royalist Attitudes" 37 (1987) 1-30; "III Varieties of Radicalism" 38 (1988) 1-25; "IV Cross-currents: Neutrals, Trimmers and Others" 39 (1989) 1-22 and Rebellion or Revolution? (Oxford: Oxford University Press, 1986).

Charles Carlton, Going to the Wars: The Experience of the British Civil Wars, 1638-1651 (London: Routledge, 1992). Anthony Fletcher, The Outbreak of the English Civil War (London: Edward Arnold, 1981) and A County Community at Peace and War: Sussex, 1600-1660 (New York: Longman, 1975).

⁶ Joyce Malcolm, Caesar's Due: Loyalty and King Charles 1642-1646 (London: Royal Historical Society, 1983). For a brief comparison of Malcolm and Fletcher see below, p. 18.

religion. They valued religion immensely, but they valued honour and obedience even more." It is his work that this thesis will most nearly address, and try to follow.

When the above mentioned historians talked about religion, they did not just mean theological belief and practice, or even devotion to the Church, but that whole seventeenth-century Erastian gestalt that necessarily included loyalty to the state in religious belief. They have all given religious causation an increasingly prominent place in their examinations of the English Civil Wars, and included an examination of "Royalism" to a greater or lesser extent. Nevertheless, the balance of the historiography is still mightily skewed in favour of the Parliamentary cause.

When the field of investigation is narrowed from studies which examine Royalists within the context of the role of religion in the Civil Wars to treatments of religion in the Civil War armies, the historiographical incongruity of the is stunning. Pick up any number of general accounts of the Civil Wars and examine the index. There will almost certainly be an entry for Puritanism, or Puritans, or The New Model Army. In many fewer instances will you also find entries for even approximately corresponding Royalist items. You might, in a recent study, find an entry for Arminianism which may or may not be helpful to you. But it is unlikely that you will find much about the Royalist army at all. Royalist commanders, besides those of the blood royal itself, rarely get mentioned

⁷ P. R. Newman, The Old Service: Royalist Regimental Colonels and the Civil War, 1642-46, (Manchester: Manchester University Press, 1993).

in the usual undergraduate survey courses, or even graduate seminars for that matter. And I am not convinced that this is because they were not as interesting as their Parliamentary counterparts. Once again, the arena of research has been so narrowed by the purpose-driven investigation needed to explain political change, or in very old-fashioned words political process/progress, that those who were overtly excluded from the perceived centre of political power have likewise been excluded from historical attention.

a) Portraits of the Royalists in Studies
that see the Civil War as a War of Religion

Like the figure in some nightmare landscape Puritanism has loomed through the history of the period for a whole century. The creation of this spectre can be almost exclusively attributed to one scholar, S. R. Gardiner. Gardiner's analyses, although entitled The History of the Great Civil War 1642-9, bequeathed to more recent historians the concept of a Puritan Revolution, a style he himself chose for his later collection of Constitutional Documents.⁸ It is to religious conviction that Gardiner attributed the greatest power of motivation to fight on both sides of the conflict. Without Puritanism there would have been no growth of opposition to Charles I and no burning desire to so reform the Church of England that the passions of those otherwise convinced would be awakened to protect the institution they loved as it was and had been. He went so far as to state that "the attack upon the

⁸ S. R. Gardiner, History of the Great Civil War 1642-1649, 4 vols. (London: Longmans, Green, 1893-94), and S. R. Gardiner, ed., The Constitutional Documents of the Puritan Revolution, 1625-1660, 3rd ed. (Oxford: Clarendon Press, 1906).

Prayer Book by the unnamed member was the commencement of the Civil War."⁹ He detailed a particular seventeenth-century mind-set belonging to "the mass of Englishmen" which was totally theocentric. "Religious belief was their only intellectual food, as religious books were their only literature."¹⁰ He attributed the motivational force of jihad to "the more extreme Puritans" in the face of Laudian oppression; their targets, Bishops, the Prayer Book, and the whole ungodly and anti-Christian idolatry that they saw riotously seducing the English Church.¹¹ On the Royalist side he identified the metamorphosis of an Episcopalian party into a Royalist one by Nov. 8, 1641, following Pym's proposal that the King "should employ only such counsellors and ministers as should be approved by his Parliament".¹² In June 1642 the King's supporters, now called Constitutional Royalists by Gardiner, "were bound together by the strongest of all ties, a common hatred." Like the Lords who had come out to support the King at York, they "were weary of Pym's dictation, and they were resolved not to submit their necks to the Puritan yoke". Gardiner's Royalists were, then, not only pro-Church of England, they were specifically anti-Puritan.¹³

⁹ S. R. Gardiner, History of England From the Accession of James I to the Outbreak of the Civil War, 1603-1642 (London: Longmans, Green, 1883-87), 10:15.

¹⁰ Gardiner, 10:12.

¹¹ Gardiner, 10:13.

¹² Gardiner, 10:57.

¹³ Gardiner, 10:202 & 205.

Gardiner's evaluation of the conflict gave the impetus for change to the Parliamentarians and the cog upon which their strength depended was their religion. His focus set the parameters for scholarly investigation for almost one hundred years and almost guaranteed a warped view of the past that gave undue prominence to the proponents of only one side of the conflict, especially with regard to religion.

Like a pendulum, the interest of some historians has swung to the other extreme, and more recent interpretations of the events leading up to actual conflict in the 1640s have placed the impetus for change in the Royalist camp. Following the example of Tyacke, these revisionist studies depend heavily on the rise of Arminianism to explain the alienation and discontent that shattered the tradition of consensus first in the English parliament, and then in the entire nation.¹⁴ Most of these studies focus on the centres of power, in the court and the House of Lords before the Civil Wars.¹⁵ Very few have gone on into the mires of the actual history of the wars' armies. Even fewer have commented specifically upon the Royalists.

Another whole stream of investigation preceded the Arminian one and was engulfed by it. That stream began as an examination of tension between the centre(s) of government and

¹⁴ Nicholas Tyacke, Anti-Calvinists: The Rise of English Arminianism c. 1590-1640 (Oxford: Clarendon Press, 1987).

¹⁵ A concomitant re-examination of the religious history of the period has produced a flurry of work examining the English Church under James I and Charles I, in the new Tudor context which throws much needed light on the history of the Civil Wars. See anything by Lake or Fincham.

the localities. The most influential figure here is John Morrill who dubbed the Civil Wars "England's Wars of Religion". Although his focus is not on the Royalist Armies, he says a great deal about the role of religion in the Royalist party. Morrill begins with the premises that: a) the Civil War was the last great war of religion; b) that if there were distinctions between proponents of each side they were religious; c) that local pre-war divisions with Anglican/Puritan dimensions "were bequeathed to the Royalist and Parliamentary factions to the days of the Civil War."¹⁶ Despite this last point, however, he clearly demonstrates that the polarities of religious opinion which may have prevailed in Westminster did not necessarily do so in the provinces. Frequently, at the local level there was more overlap between religious groupings due to the necessities of day to day administration in an ecclesiastical vacuum.¹⁷ One factor Morrill never understates is the localist basis of neutralism.

Regardless of Cromwell's claim that "religion was not the thing at first contested for"¹⁸ Morrill says that for committed activists on both sides it was. His studies of petitions before and during the war, along with the heated

¹⁶ J. S. Morrill, "The Religious Context of the English Civil War," Transactions of the Royal Historical Society, 5th Ser., 34 (1984): 178; idem, "Introduction," in Reactions to the English Civil War 1642-1649, ed. J.S. Morrill (London: Macmillan, 1982), 15; idem, "The Northern Gentry and the Great Rebellion," Northern History 15 (1979): 66-87; idem, Revolt, 46.

¹⁷ Morrill, Revolt, 116.

¹⁸ Oliver Cromwell, Speech IV, January 22, 1654/5, in Letters and Speeches of Oliver Cromwell, ed. Thomas Carlyle (London: Methuen, 1904), 403.

nature of parliamentary debates and the flood of pamphlet literature all clearly indicate that it was religious conviction which prompted men on both sides to arm themselves and to call others to war. Morrill gives religion primacy of place over all other areas of concern in the 1640s, constitutional, legal, and financial alike: it was the determining factor which led not just to parliamentary debate and divisions within the governing classes, but to armed conflict which involved the entire nation. He states: "Only where there was strong and distinctive and developed religious commitments will we find militancy. There were no constitutional militants."¹⁹ Although he stresses the unique nature of each locality's (county or town) reaction to the events of the early 1640s, Morrill claims that what they all shared was a concern over religion. He integrates findings from the work of Fletcher, Everitt, Underdown, Manning, Malcolm and many others to illustrate his hypotheses.

Morrill discerns a pattern of allegiance determined by, not just characterized by, religious conviction. He claims quite simply that active Royalists were the defenders of traditional Erastian episcopacy while active Parliamentarians were determined to introduce a godly reformation.²⁰ In most cases the plans of the latter group did not include bishops and would create a new militant evangelical Church. "None of those who defended the pre-Laudian Church order in the debates of mid

¹⁹ Morrill, "Religious Context," 177.

²⁰ Morrill, Revolt, 47.

1641 subsequently became a Parliamentarian; few of those who demanded a fresh start supported the King."²¹

Conrad Russell's most recent work generally supports Morrill's opinions, but he has counted those supporters of the pre-Laudian Church and found that, in fact, out of ninety supporters, ten were Parliamentarian. He agrees fully with Morrill, however, that it was along religious lines that parties divided, though he adds the caveat that they were never exclusively based on religion.²²

Russell also attributes great significance to the role of religion in determining personal allegiance. He explicitly acknowledges the identification of religion and politics for the combatants of both sides and interestingly comments that in addition to all the characteristics easily understood by modern historians, "religion was an explanatory tool for imposing order on an otherwise unintelligible mass of material". Perhaps most importantly, he insists that by saying that religion divided the two sides, or that religion frequently determined allegiance, he is not saying that these people were fighting for religion. He makes a distinction between fighting because of religion and fighting for religion and says that even though it was so important it did not cause the Civil War.²³ What it did was create "pro- and anti-Scottish parties" which significantly contributed to the failure to find

²¹ Morrill, "Religious Context," 175.

²² Conrad Russell, The Causes of the English Civil War (Oxford: Clarendon Press, 1990), 58-9.

²³ Russell, Causes, 20-21.

a peaceful settlement of the country's woes. "Who spoke for and who against the Scots provides a better predictor of allegiance in the Civil War than any other issue, even Root and Branch or the Militia Ordinance."²⁴

Russell's explanation firmly roots England's problems in the broader British context. He says that it is no wonder the explication of the events of the 1640s have eluded English historians for so long, in fact remained a mystery to the Englishmen who lived through them; they have all tried, like the proverbial blind man, to describe the whole elephant while only examining its toenail. Russell is certain that the problems experienced in all three of Charles I's kingdoms were not merely coincidental. They shared common problems, the greatest of which was simply that they were ruled by Charles I. Charles I had an agenda that guaranteed trouble for him, a determination to impose uniformity in the highly disparate Churches of all his dominions, including New England as well as all three major British countries. (I admit to a certain curiosity as to whether or not Wales will ever secure a high-profile apologist or whether the ambition of Edward I has at long last been truly achieved.) Russell demonstrates that it was the conjunction of Charles' own personal convictions about religion and his own authority which completely destroyed the gossamer wisps of uniformity so patiently and painstakingly woven by James I. Charles' own efforts created the conflict

²⁴ Conrad Russell, "The British Problem and the English Civil War," History 72 (1987): 408.

with the Scottish Covenanters "which was the vortex into which the other kingdoms were drawn".²⁵

According to Russell, the involvement of the Scots

goes a long way to explain the central paradox of the English Civil War: it divided the English along a line of division which had been visible for a very long time, but on which had never looked sufficiently bitter to constitute a casus belli. Those in England who fought against the King were, with very few exceptions, those to whom the slogan of 'further reformation' was and always had been congenial.²⁶

He goes on to explain that he does not mean to say that the King's opponents were "undisciplined religious enthusiasts". He claims that as much passion had surfaced over the legality of Ship Money. What set that legalist opposition apart from the religious opposition was again Charles himself. Russell says that Charles decided to conciliate those who put legal and not religious issues first. "It was religion which divided the parties because Charles decided it should be so." The effect of Charles' destruction of the basis of the Jacobean ecclesiastical compromise, Russell says, "seems to have been very like that of taking the pin out of a grenade". This last is perhaps an unfortunate image for Russell to use after taking such great pains in all his work to demonstrate that England in the early decades of the seventeenth century was not a powder keg just waiting for the right spark. Yet it illustrates his estimation of the significance of religion in explaining the wars.²⁷

²⁵ Russell, Fall, 526.

²⁶ Russell, 526.

²⁷ Russell, 527-9.

Russell's picture of the Royalists like that of Morrill shows them to be on the defensive against the further reformation of the Church especially along Scottish lines. "It was anti-Scottish feeling, and the fear of the 'further reformation' the Scots brought with them, which provided the cement between Charles and his new Royalist allies in 1641."²⁸ But unlike Morrill's portrait, (and Fletcher's too) Russell's does not contain any hint that the King's supporters were fervently committed Church of England men. That is to say, Russell is very clear about what they feared but says very little about what they loved.²⁹

b) Portraits of the Royalists in
Specifically Royalist Studies

Of the historians who specialize in Royalist studies, only two comment significantly upon religion in the armies, Joyce Malcolm and P. R. Newman. Malcolm has looked at the Royalists and popular allegiance, recruiting, propaganda, and administration. She agrees with Morrill and Russell that it is on the subject of religion that the difference between Parliamentary and Royalist turns, but for her this fact does not in any way make the Civil Wars "wars of religion".³⁰ The Royalists may have been committed to the preservation of the

²⁸ Russell, "British Problem," 414.

²⁹ The only example he gives to illustrate what he sees as "somewhere near the epitome of Royalism" is an armed crowd which successfully defended the organs at Norwich Cathedral in 1642. He says that "what they were defending was, at one and the same time, a religion, a way of life, and a corporate identity." But I'm not convinced he couldn't just as easily have said the same thing about Parliamentary supporters in a completely different situation; Russell, Causes, 22.

³⁰ Malcolm, Caesar's Due, 163.

traditional English Church, but Malcolm states that to them the Civil War was "essentially a political and socio-economic conflict."³¹ For many Royalists it was the fear of social disorder which drove them to support the King.³²

When Malcolm deals with religious issues she concentrates on the influence of the Catholics rather than the reaction to the Presbyterian Scots. She describes an erosion of support for the King, a dwindling away of his followers as the instances of Roman Catholic complicity in royal affairs mounted up. She claims that the King's reliance on the Roman Catholics irritated everyone, whether rich or poor and charges the King with being insensitive to popular religious prejudice.³³ According to Malcolm, the Roman Catholics were much readier to support the King than their Protestant neighbours and flocked to his standard.³⁴ Because the response to the King's recruitment efforts was so generally feeble, his policy of not employing Roman Catholics in high army commands had to be

³¹ Malcolm, 163.

³² Fletcher too sees the fear of social disorder as most significant for the Royalists, but in his treatment this commitment to tradition is expressed primarily in religious terms and made manifest by devotion to the Church of England even in its fallen state, Anthony Fletcher, The Outbreak of the English Civil War (London: Edward Arnold, 1981), esp. 124 & 149; Malcolm, Caesar's Due, 158.

³³ Malcolm, 12-13. In my opinion it would be more accurate to describe him as careless of it.

³⁴ Malcolm, 14 & 50. She qualifies this opinion with the evidence of county studies and especially Lindley's assertion that the bulk of Roman Catholics were not Royalists: there were more Roman Catholic Royalists than Protestant, but there were more Roman Catholics who were not Royalist than who were. For a contrasting opinion see anything by P. R. Newman especially "Catholic Royalist Activists in the North, 1642-6," Recusant History XIV (1977): 26-38.

changed very early on. Malcolm's presentation leaves one wondering where Morrill's committed, loyal Anglicans were, or what they were waiting for before they sprang to defend their Church and King. She goes on to explain that although this policy was begun through necessity it was continued later by choice--there was an abundance of Protestant officers yet the King would appoint Catholics to command positions.³⁵ To make matters worse the King defended his oath that he employed no known Catholics in positions of trust by relying on the technical distinction between general and regimental officers. Malcolm judges that such hair-splitting could not have favourably impressed even his own followers.³⁶ For many Northerners who had pledged to support the King, the awarding of any commission to a Roman Catholic was sufficient to make them have second thoughts whether or not they were "infected with the hot zeal of Puritanism" as one contemporary suspected.³⁷

³⁵ Malcolm, Caesar's Due, 96.

³⁶ In this judgment she betrays no sympathetic understanding of the basic casuistry which was as natural as breathing to Charles I and many Englishmen on both sides of the conflict. Malcolm, "All the King's Men," Irish Historical Studies XXI, no. 83 (March 1979): 239-64. For the significance of casuistry, see Elliot Rose, Cases of Conscience: Alternatives Open to Recusants and Puritans under Elizabeth I and James I (Cambridge: Cambridge University Press, 1975), and Keith Thomas, "Cases of Conscience in Seventeenth-Century England" in Public Duty and Private Conscience in Seventeenth-Century England, Essays Presented to G. E. Aylmer, ed. John Morrill, Paul Slack & Daniel Woolf, (Oxford: Clarendon Press, 1993). For my discussion of the papists and the royalist army, see below, pp. 196-209.

³⁷ The contemporary was Langdale, who converted to Catholicism eventually. Quoted in Malcolm, Caesar's Due, 64.

Malcolm identifies another instance in which religious feeling played a distinctly divisive role within the Royalist party. The King's distressing decision to disarm unco-operative militias while arming Recusants and Roman Catholics was singularly disturbing not only to the general public, but to committed Royalists as well: one thing most Englishmen agreed on was that ordinary, unarmed Roman Catholics were a menace to the peace; how much greater their dread would have been when Catholics were armed with royal sanction? Malcolm says that it was impossible for such actions by the King to do anything but increase distrust and dismay. She quotes one contemporary who explained the poor initial showing for the King this way: "Next to the fear of having our Arms taken from us the thought of papists in arms has caused so slender an appearance."³⁸

Parliamentarian propagandists were quick to capitalize on this weapon the King had given them. Malcolm examines their stereotypes and finds that among other unsavory epithets, those that had to do with religion described the Royalist as at best a moderate, indifferent in his faith, and more often as one popishly inclined or actually Roman Catholic. The King's army in the North under Newcastle was called simply "the popish army" and the propriety of the title was clear even to Royalists themselves.³⁹ Malcolm claims that between the

³⁸ Malcolm, 33.

³⁹ For the accuracy of this contemporary label see P. R. Newman, "The Royalist Army in Northern England," (D.Phil. Dissertation, University of York, 1978). For a more graphic representation of the epithet, see Fig. 3.

evidence of their own senses and the effectiveness of the Parliamentary caricatures, those who were genuinely devoted to the Church of England were at a loss who to support.⁴⁰ In Malcolm's version of the war, we are a long way from the hypothesis that the King began with an Anglican, and not a distinctly Royalist, party.

The last element in Malcolm's equation is the involvement of the Irish. A great deal of her work, published and unpublished, is an appraisal of the Irish contribution to the Royalist cause. For her, Charles' decision to employ Irish troops, those English returning from duty in Ireland as well as native Irishmen, was no greater gamble than parliament's agreement with the Scots.⁴¹ The parallel she sets up in this judgment with each side enlisting the aid of its co-religionists reflects a contemporary perception. Charles wagered that Irish manpower would give him military victory when in fact all it won him was two more years of conflict. Malcolm says that in this physical war the Irish did not hurt the Royalist cause. In the war to win men's hearts and minds, however, she shows that it was fatal.

Malcolm describes a groundswell of dissatisfaction in Royalist-held areas at the news of Irish involvement. Residents banded together against them and one is quoted as having claimed that the landing of Irish support for the King "hath been a great cause of convincing many Malignants in those parts, and of reducing them to compliance with the proceedings

⁴⁰ Malcolm, Caesar's Due, 51 & 164.

⁴¹ Malcolm, "All the King's Men."

of the Parliament." Within the King's army there was open mutiny in the regiments destined to receive Irish reinforcements. Many soldiers refused to fight alongside them and some determined to kill them as they arrived. Influential individuals defected to parliament at this time and Malcolm accepts their claims that their consciences would not allow them to stay with the King "seeing so many papists and Irish rebels" in his army and his councils "wholly governed by the popish party."⁴²

In agreement with Gardiner she judges that "no single action of Charles' did so much to weaken his authority as the introduction of these troops from Ireland." Although a good part of the antipathy of the King's followers for the Irish may be laid at the door of plain xenophobia, (she describes similar feelings engendered by the Welsh) Malcolm emphasizes again and again the double fault of the Irish who were both foreign and Catholic. A Royalist soldier is said to have asked "be there not Protestants enough in England to fight for our Religion, but the King must send for the Irish Papists?" Malcolm's answer is: evidently, there were not.⁴³

P. R. Newman's early work presents a very different picture of the King's armies from Malcolm's. In his early work he used statistical and biographical techniques to analyze Royalist command personnel under several headings, including religious affiliation. By so doing, he provided an easily accessible collection of the raw data which is so desperately

⁴² Malcolm, Caesar's Due, 120-121.

⁴³ Malcolm, 118 & 122.

needed and yet so scarce for Royalist studies. His more recent writing builds upon this early research and includes the most extensive treatment of religion in the Royalist armies in existence.

Prior to his most recent monograph, The Old Service, Newman focused on the Northern army and the Catholic presence in the Royalist camp, including the role of the Irish.⁴⁴ For Newman, however, Catholic involvement was not a source of division among the Royalists but a chief bulwark of their strength, especially in the North. He claimed that the co-operation of all Royalists in the Northern army, regardless of their religious belief, very nearly won the war for the King. He concluded that, as far as the Northern army was concerned, the traditional claim that "vast numbers of Catholics made up the bulk of the King's army" was justified, especially in the upper echelons of the army and in the elite arm, the cavalry.⁴⁵ In fact, he went so far as to say that "There is no doubt that in Lancashire the equation of Royalism = Catholicism was perfectly valid, and perhaps here, more than elsewhere in the north, the Civil War was seen in religious terms by the mass of the populace."⁴⁶

Newman rated the Committee for Compounding Papers as being a poor gauge of Catholic involvement and criticized Lindley's

⁴⁴ For his assessment of Irish involvement, see P. R. Newman, "The Royalist Officer Corps 1642-1660: Army Command as a Reflexion of the Social Structure," The Historical Journal 26 (1983): 945 & 954.

⁴⁵ P. R. Newman, "Catholic Royalists of Northern England, 1642-45," Northern History XV (1979): 88 and diss., 589.

⁴⁶ Newman, diss., 135.

reliance on them. He demonstrated that Lindley's proportion of Roman Catholics definitely does not apply in the North.⁴⁷

Newman calculated that approximately 35% of the total officer corps of the Northern army were Roman Catholic which was almost double their proportion in the general community.⁴⁸ When he analyzed Catholic involvement by county or by rank, their numbers are even more striking, for example:

a) Of Commissioned Colonels whose religious convictions were known these percentages were Roman Catholic:

Lancashire	68%
Durham	57%
Northumberland	46%
Yorkshire	25%
Westmorland & Cumberland	6%

b) 44% of all Northern Lt. Colonels & 45% of all Majors whose religious views are ascertainable were Roman Catholic.⁴⁹

Even more significant to him than the simple numerical representation was the type of commitment he saw from the King's Catholic supporters. 41% of the Roman Catholic field officers in the North were heads of families, and the percentage is dramatically increased when involved heirs are

⁴⁷ Newman, "Catholic Royalist Activists," 26-29.

⁴⁸ Newman, diss., 49. Bossy gives the percentage of Roman Catholic households as 11 to 20 in the North, J. Bossy, The English Catholic Community 1570-1850 (London: Darton, Longman and Todd, 1975), 404-5.

⁴⁹ Newman, diss., 46-9. Of the 1630 Northern Officers who can be positively identified, the religious sympathies of 1072 or 65% are certain: 259 Catholic or recusant and 813 Protestant. These statistics remain relatively unchanged even after much further research presented in The Old Service, the biggest difference being the proportions for Westmorland and Cumberland, where even more Catholics have been found than previously expected. The overall percentage of Catholic Royalist Colonels from the 6 northern counties is now given as 40%, The Old Service, 214.

included.⁵⁰ Not only were the Catholics more committed to the King than their Protestant counterparts, as contemporary writers and Malcolm have noted, they made their commitment with more alacrity.⁵¹

Newman explained that though there were some purely Roman Catholic regimental hierarchies Catholics frequently served under Protestant field officers even if they were "strict Puritan types" like Slingsby.⁵² He concluded that the marked Catholic presence in the officer class indicates a Catholic influence in military affairs out of proportion to their numbers and influence in the peacetime community as a whole.⁵³ He made an interesting comment on how this situation was accepted by the non-Catholic members of the Royalist forces. Newman claimed that "in the Royalist command structure, Anglican, Catholic (whether covert or overt) and Puritan stood side by side: men like Newcastle himself, John Lord Belasyse and Conyers Lord Darcy and Conyers typify this unity in the face of crisis. This abandonment of irrelevant peace-time hostilities by the Royalist gentry contributed a good deal to Newcastle's ability to fight as he did."⁵⁴ In the light of Newman's evidence one might ask: Where are Morrill's eager

⁵⁰ Newman, diss., 49.

⁵¹ Newman, diss., 7, 9-10, & 4. This point is reiterated in The Old Service, 207.

⁵² Newman, "Catholic Royalist Activists," 35.

⁵³ Newman, "Catholic Royalists of Northern England," 89.

⁵⁴ Newman, diss., 589.

Anglicans? Where Malcolm's outcry against the Popish Army? They must have been somewhere South of the Trent.

Newman's primary focus has long been the operation of the Northern army, its structure, tactics, and strategy, but his most recent work The Old Service comprehends the entire Royalist force in arms. Here he maintains his earlier evaluation of the Catholic presence in the King's armies, but he re-evaluates his too-idealistic picture of toleration within the King's party. He admits that nearer to Oxford, and especially near the actual person of the King, the presence of so many Catholics presented a 'public relations' problem which Royalist commanders and the Catholics themselves were aware of. While the King and his advisers welcomed Catholic support they "sought to minimise its public face", and most Catholic commanders were deliberately discreet in their devotions so as not to do harm to the cause they loved.⁵⁵

Newman has maintained, since he wrote his dissertation in 1978 that the feature of Royalist religion that needs to be investigated and understood is the involvement of the Roman Catholics. Studies by Lindley⁵⁶ and Manning⁵⁷ have tried to discount the significant contribution of Catholics to the "Royalist War Effort", an opinion that has been adopted widely, and I think mistakenly, within the field. Their ideas are that

⁵⁵ Newman, Old Service, 213-4 & 311.

⁵⁶ K. J. Lindley, "The Part Played by the Catholics," in Politics, Religion and the English Civil War, ed. B. Manning (London: Edward Arnold, 1973).

⁵⁷ Brian Manning, The English People and the English Revolution, 1640-1649 (London: Heinemann, 1976).

Roman Catholics had no other option than to support the crown and that therefore their decision to do so is of no account. Hardacre, an early student of the Royalists, too had implied that the motives of Roman Catholics were different from those of Protestant Royalists. Hardacre's Catholic Royalists "took up arms for the King as a means to the end of securing for themselves religious toleration, the end of secretive rites and punitive recusancy fines."⁵⁸

Newman insists that the choices of Catholic and Protestant Englishmen were exactly the same and that their decisions were made by the same consideration of traditional loyalty and obedience. He emphatically demonstrates that "there is nothing in the motivation behind Catholic Royalism to distinguish it from Protestant Royalism".⁵⁹ He argues, therefore, that historians must not focus on Catholics as a special case. This practice perpetuates the seventeenth-century myth of a Popish plot as well as diverting much needed scholarly attention from the study of "Royalism per se". And that study is precisely what occupies Newman.

He investigates the background, opinions and beliefs of Royalism, as evidenced by the regimental Colonels, regardless of their religious affiliation and concludes that for both Catholic and Protestant the fundamental principle of Royalism

⁵⁸ Newman, Old Service, 197. Paul H. Hardacre, The Royalists During the Puritan Revolution (The Hague: Martinus Nijhoff, 1956), 8-9.

⁵⁹ Newman, 203-4. 19% of all Royalist Colonels were Catholic (p. 218) as opposed to 40% of the Northern Colonels (p. 214) which is still disproportionately representative of their distribution in the country at large, which he gives as 2% (p. 200).

was allegiance.⁶⁰ He uses words like loyalty, obedience, service, conscience, principle, honour, and sacrifice to describe various facets of the conscious commitment to not just the monarchy, but personally, to the monarch himself.

He dislikes the term 'war of religion', because it prompts historians to "play down and undervalue the catholic role in the Royalist party" but also because "only one side of it possessed anything approaching crusading zeal." Nevertheless, he repeatedly demonstrates that the major difference between Royalist and Parliamentarian was their attitude to religion if not their actual beliefs: "The Royalist army was characterised by a remarkable lack of religious bigotry and contrasts strongly with the Parliament's forces in this respect."⁶¹ He says that for the former "religious differences mattered less...than a sense of duty and obligation".⁶² Protestant and Catholic Royalists willingly fought side by side, and their alliance, though scandalous to their enemies and puzzling to generations of historians,

is wholly explicable if the religious factor is recognised as subservient to the cause of the defence of the Crown....In 1642, for the Royalists, what a man believed in matters of religion mattered a good deal less than his willingness to serve the King. It is that fact which alarmed the Parliament and its supporters far more than any long-imagined Popish plot.⁶³

⁶⁰ Newman, 217.

⁶¹ Newman, 2-3 and 14.

⁶² Newman, 18. He is discussing Catholics at this particular place, but the judgment is the same for all Royalists.

⁶³ Newman, 3.

Newman claims that this hesitancy to "pry into the religious persuasion of loyal men" was even more pronouncedly applied to the rank and file.⁶⁴

Newman offers a picture of the religious belief of the "average Royalist colonel," and says that he was "invariably a regular communicant of the Anglican church." He quotes what he describes as a typical Will preamble for further illustration:

I utterly abhor and renounce all Idolatry and Superstition, all Heresy and Schism, and whatever is contrary to sound religion and the word of God, professing myself with my whole heart to believe all the Articles of the Christian and the whole doctrine of the Protestant Religion taught and maintained by the Church of England.⁶⁵

He includes other sketches of the true or "compleat" Cavalier which were provided by contemporaries: Wortley's (who drew his sword and cried "I'm for the King" when he heard of Hotham's treason) stressed the acceptance of the Royal Supremacy and passive obedience, Symmons' (whom Newman styles "the authentic voice of Anglican Cavaliers") simply enjoins piety and honesty as befits a Christian gentleman.⁶⁶

It is pointless, Newman insists, to look for some kind of uniform Royalist Protestantism, and only possible to say broadly that "the King's colonels were for the most part his co-religionists."⁶⁷ Also, in his judgment, it is impossible to determine what kind of Protestant most Protestant Royalists

⁶⁴ In this, he says, they were not different from their Parliamentary counterparts, Newman, 206 & 220.

⁶⁵ Newman, 70-71 and 29.

⁶⁶ Newman, 42 & 138.

⁶⁷ Newman, 227.

were (i.e., pro- or anti-Laudians). He makes a point of adopting Aylmer's assessment that as Puritanism was a frame of mind it did not preclude service in the King's cause, and gives examples of known Royalist supporters with Puritan leanings (e.g., Lord Powis) who supported the King from the beginning. He holds up Slingsby, whom he classes as the "strict Puritan type" (he was certainly not a ritualist, but apparently an Erastian Episcopalian) saying that "probably he was representative of the majority of the Protestant Colonels".⁶⁸

What we have to glean from this statement, is that Newman means something very broad indeed when he says Puritan--which is in keeping with Aylmer's opinion above. Perhaps he means theologically but not culturally Calvinist? In any case his picture of the King's men is substantially different enough from the traditional stereotype to merit careful investigation.

Newman's contribution to the field of Royalist studies is immense. He is much more than a traditional military historian, and his work goes a long way toward redressing the skewed perspective that surrounds the investigation of the role of religion in the civil wars.

This thesis is a response to Newman's dictum: "to look for some form of uniform Royalist Protestantism may be pointless."⁶⁹ In the broad context of Royalism at large, I must bow to his experience and accept this statement. But within the more finite context of the Royalist armies, this thesis demonstrates that it is possible to document an official

⁶⁸ Newman, 188 & 227.

⁶⁹ Newman, Old Service, 227.

Royalist Protestantism, a model for religion and morality which the military orders, Proclamations, and Injunctions attempted both to erect and maintain. I have also been able to place the evolution of this official Royalist religion in the context of earlier English orders and determine whether it was reflected in, or related to, the repeated attempts to regulate morality in the King's armies.

Method

In the preface to The Rise of the New Model Army, Mark Kishlansky discussed the discomfort he experienced while doing his research because of the preconceptions he brought to the study.⁷⁰ Consciously or unconsciously, historians frequently fit their methodology to their own preconceived teleological purposes. They ask different questions of the sources depending on what they anticipate finding, and those differences can pre-select what they actually find. For example, when Fletcher talks about Puritans in Sussex, he asks questions about their 'mind' and 'individual piety'; when he looks at Arminians he asks about visitations and altar placement, etc.⁷¹ Logically, the same questions should be asked of both sides of the comparison. Fletcher assumes that what is interesting about Puritans is their 'mind-set,' but whether or not 'mind-set' was an interesting or even an easily determined feature of Arminianism, Fletcher does not present

⁷⁰ Mark Kishlansky, The Rise of the New Model Army, (Cambridge: Cambridge University Press, 1979), xi.

⁷¹ Anthony Fletcher, A County Community in Peace and War: Sussex 1600-1660 (New York: Longman, 1975).

any corresponding evidence about an Arminian 'mind-set'. Perhaps there was not one. Perhaps Fletcher was not looking for one.

In this thesis, I have hoped to avoid this particular problem by asking the same questions of each new document I examine. My goal is to uncover the meaning of the texts level by level, as one might peel back the layers of an onion: the visual, the word (or figure) I see; our understanding of it; known contemporary meaning; likely sub-text; application. And, as impossible as the task seems, I have consciously tried to write this history 'forwards.'

I have examined each text in its actual chronological order in an attempt to recapture the experience of the changes made on their original readers. Although I have had to go back into those analyses and insert pertinent insights gained by the knowledge of how the orders ended up, I have tried not to allow that knowledge to predetermine my analyses. I have tried to assess each new attempt to regulate religion and morality in the King's armies on its own merit.

I began this investigation with the very broad question, "What role did religion play in the King's armies?" I soon found that it would take many historians and many careers to answer that question, so I began instead identifying primary sources to define a data pool and let it dictate the shape of my investigation. My search for primary sources began with an examination of the Thomason Tracts. I was warned that they were unlikely to be a good source for Royalist material, but I soon found that this was not the case. I found Royalist army

regulations, prayer collections, sermons, catechisms, all designed to affect religion and morality within the King's armies. There were many Proclamations concerning the Royalist armies, two of which directly addressed its religious and moral condition. I began analysis in earnest with the army catechisms (which will be published separately), and soon discovered that I had too much material so I restricted the rest of my attention to the regulations, Proclamations and Injunctions. The sources I have examined were most frequently identified by the Pollard and Redgrave and Wing Short Title Catalogues, Cockle's Bibliography, Grose's Military Antiquities, and Madan's Oxford Books. Larkin's Stuart Royal Proclamations is the definitive authority on that genre, and is of inestimable value to any kind of Royalist study. Fincham's Visitation Articles was also quite helpful. The printed collections of the Camden Society are an underused, wealthy source for letters, diaries and memoirs of the Civil Wars.

Quotations and Dates

In quotations, spelling and punctuation have been modernized and the abbreviations extended. All dates are given in the old style of the Julian calendar with the year beginning on January 1.

PART ONE
REGULATING RELIGION AND CHRISTIAN MORALITY
IN THE KING'S ARMIES DURING THE BISHOPS' WARS

Part I. Introduction

Regulations for the conduct of soldiers were commonly called Military Articles, Laws, or Orders and Institutions of War. All martial law, and the tribunals which administered it rested upon the prerogative of the Crown.¹ Legally, these orders were only to be in effect while an army was in the field. They lapsed upon each disbandment and so required a new establishment (writing, revising or just reprinting) upon each new campaign. A change in army high command would also result in new regulations.² In the period 1639-1646, this meant that the military orders were frequently revised. Therefore, an examination of the regulations prepared for the King's armies of that time will provide one way to assess the intentions and opinions of their commanders regarding religion and morality, and whether these opinions were part of a long-standing tradition, or a new departure altogether, some new norm that could be called 'Caroline' or maybe even Royalist.

These regulations are an example of what hereinafter shall be called military law, after the example of nineteenth-century

¹ James Stuart-Smith, "Military Law: Its History, Administration and Practice," Law Quarterly Review 85 (1969): 479.

² Manual of Military Law, (London: H.M.S.O., 1914), 6.

jurisprudence experts, although in the seventeenth century there was not so rigid a distinction between military and martial law as there is in more modern scholarship.³

Traditionally, military law governed not only official military personnel, but also 'civilians'⁴ who might "for the time being find themselves in the same way as soldiers," such as sutlers (merchants who accompanied the armies and sold food) and camp followers (often, but not only "common women"; many soldiers were followed by their whole family, wife, children and all).⁵

What is now termed martial law is the totally arbitrary jurisdiction of the commander-in-chief, or his agents, to enact summary 'justice' guided by his own discretion upon all and sundry, whether or not connected in any way to the military. The commission of the King's commander-in-chief in the First Bishops' War, Arundel, gave him both kinds of authority, despite the fact that after the Petition of Right both kinds of law, martial and military by our classification, were condemned. The Lord General of the following year, Northumberland, investigated the legality of his own commission, which authorized him to use martial law, both in

³ Cf. C. M. Clode, The Administration of Justice Under Military and Martial Law (London: John Murray, 1872), 20-5.

⁴ Manual of Military Law, 6.

⁵ See James F. Larkin, ed., Stuart Royal Proclamations, vol. II, (Oxford: Clarendon Press, 1983), #418, addressing grievances of Oxford citizens. The soldier's weekly allowance for Quarter was 3s 6d, but he may have had a wife and child with him, making the amount inadequate and forcing depredations upon 'hosts' and merchants in general. See also Barton C. Hacker, "Women and Military Institutions in Early Modern Europe: A Reconnaissance," Signs 6(1980-1): 643-671.

England and Scotland, over soldier and civilian.⁶ It was the opinion of the judges and lawyers he consulted that no martial law could be executed in England "but when an enemy is really near to an army of the King's."⁷ Given the explosive situation of the troops in the summer of 1640, it was essential for this judgment to be kept from the soldiers.⁸ Northumberland advised that the King's commanders would need a pardon for justice meted out to soldiers in the King's pay despite the terms of Warrants or Commissions.⁹

The General of the Horse in 1640, Conway, who was actually in the North, (unlike Northumberland, who was keeping busy in London) asked for a commission of oyer and terminer but if that would not do for some reason, he wrote "let him [the King] then give under his own hand a commission for the execution of martial law to him that will hazard his life and estate upon the King's word."¹⁰ He did not care to be in the situation of the General of the Foot, Astley, who had no commission to govern by martial law, and who could not try a soldier for his life without direct (and time-consuming) contact with Northumberland. He said:

⁶ John Rushworth, John. Historical Collections: "The Second Part" (London: T. Newcomb, 1659-1701) III: 988-989.

⁷ Quoted in C.M. Clode, The Military Forces of the Crown (London: John Murray, 1869), 441.

⁸ For the situation in the army in the summer of 1640 see Mark Fissel, The Bishops' Wars, Charles I's campaigns against Scotland, 1638-1640 (Cambridge: Cambridge University Press, 1994), Ch. 7.

⁹ Northumberland to Conway, July 25, 1640, SP 16/461/16.

¹⁰ Conway, July 13, 1640, quoted in Clode, Military Forces, 441.

This will absolutely undo all. The soldier must be punished by his officer; if it would come to debate, some may peradventure say, that for faults that deserve death the soldier may be sent to the jail to be tried by the judges. This will take away the respect of the soldier to the officer, and there will presently be no obedience or care either in soldier or officer. I think that this doth so much concern the King in the government of the army, that if a lawyer should say so here, if I had a Commission, I would hang him, and so I think the King ought to do others.¹¹

Conway got his warrant, and from its final clause the divided opinion upon the legality of martial law of any kind is evident:

These are, therefore, to require you according to your discretion to exercise and put in execution all and every the powers of martial law granted you by the said commission, notwithstanding any instructions to the contrary from our General.¹²

Nevertheless, the Crown, (and later the Parliament) continued to create and enforce military law.

The first printed English orders of Charles I's reign were those of Arundel, prepared for the First Bishops' War in 1639.¹³ Three different manuscript sets of orders exist for Buckingham's La Rochelle campaigns, but there is no evidence that they were printed and published for use. One of them was found in the Admiralty papers of 1627, so it might have been in

¹¹ Conway, July 13, 1640.

¹² SP 16/461/15.

¹³ Laws and Ordinances of War, For the Better Government of His Majesty's Army Royal in the Present Expedition for the Northern Parts, and the Safety of the Kingdom, Under the Conduct of his Excellence the Right Honourable Thomas Earl of Arundel and Surrey, Newcastle: Robert Barker, 1639. SP 16/415/116, STC #9335.

use in the 1627 Isle de Rhe debacle.¹⁴ The Calendar of State Papers Domestic lists two of them in August 1628.¹⁵ If that assignment is correct, it is likely that they were not actually used in the army, because Buckingham was murdered on August 23, 1628 before the second 'relief fleet' could get underway. Other sets of printed orders exist but they were exclusively for use in Ireland (like Wentworth's of 1638), and rightly belong to the Irish family of orders, rather than the English one.¹⁶

So it is with the printed orders of the Bishops' Wars that an investigation of the regulation of religion and morality in the King's armies can most usefully begin. The King's armies in the Bishops Wars were governed by three different sets of orders corresponding to the three Lord Generals, Arundel in 1639, Northumberland in 1640 and Holland in 1641. Although it would have been simple to begin this study with Arundel's orders, assuming that his orders would correspond to 'tradition' and subsequent orders would represent 'new'

¹⁴ Instructions for the execution of Martial Law in his Majesty's Army, (hereinafter Bullock's transcript), H. Bullock, ed., "Articles of War--1627," Journal of the Society for Army History Research, 5 (1926): 111-5; (hereinafter J.S.A.H.R.).

¹⁵ "Laws and Ordinances Military to be observed by all such Officers, Mariners, Soldiers, and others as are to serve in our Fleet and Army in this present expedition for the Succor of our Friends the Protestants of the Reformed Churches in the Kingdom of France, and particularly in the town of Rochelle." (hereinafter, the King's MS. of Buckingham's orders), [1628], n.p., State Papers Domestic (hereinafter SP) 16/113/32 and "Instruments and Articles set down by me George Duke of Buckingham," (hereinafter Buckingham's MS.), [1628], n.p., SP 16/113/33.

¹⁶ Laws and Orders of War, Established for the Good Conduct of the Service of Ireland, (hereinafter Wentworth's orders), Dublin: Society of Stationers, 1638.

revisions, such an analysis would have been severely flawed. It is only when the orders are seen within the context of earlier English military tradition that the true development of the regulations can be recognized. Arundel's orders are remarkably different from those of earlier English military tradition, in fact, they contain faint echoes from The Swedish Discipline of Gustavus Adolphus.¹⁷ Northumberland's orders, on the other hand, appear to be a unique revision, when in fact, his orders represent a return to tradition. To properly understand the evolution of the military regulations of Charles I, then, it is necessary to take a brief look at earlier English orders. The next section is designed to convey the flavour of the tradition rather than present an exhaustive inventory of its evolution.

Early English Orders

The earliest English orders recognized by most military historians are those of Richard I dated 1189.¹⁸ This is a simple document consisting of only five articles designed to regulate morality and so keep order amongst the crusaders en route to Jerusalem. They offer a particularly retributive brand of justice, for example, "He who kills a man on shipboard, shall be bound to the dead man, and thrown into the

¹⁷ This influence on Arundel's orders is not as marked as in the royalist orders of 1643/4 which are explored below in Chapter Five. The Swedish Discipline, Religious, Civil, and Military (London: John Dawson, 1632).

¹⁸ Charter of King Richard I for the Government of those Going by Sea to the Holy Land, 1189 transcribed in Francis Grose, Military Antiquities Respecting A History of the English Army From the Conquest to the Present Time (London: L. Stockdale, 1812), I:62.

sea;" on shore the murderer was to be buried with his victim. Other punishments include losing a hand, ducking in the sea, and tarring and feathering. Theft, provocation, and drawing a knife in quarrel are regulated against. It is remarkable that these interim regulations for a Crusading army made absolutely no mention of anything that might be construed as religious.

This deficit was supplied in the orders of Richard II, 1385, which included two articles on purely religious matters.¹⁹ Article number two protected the consecrated host as well as the vessel carrying it. Anyone "so hardy as to touch the body of our lord" was to be "drawn, hanged, and beheaded." Article number three, specifically protected churches, clergy, or any man "belonging to holy church, religious or otherwise" from pillage and theft. It also forbade rape, as well as making war upon women, if they were not bearing arms, upon pain of hanging. The concepts covered by these articles turn up again and again in subsequent English military orders.

The orders of Henry V also included articles protecting the blessed sacrament, the church, clergy, and non-combatant women.²⁰ To these articles was added one that regulated the attendance of whores with the army. They were to be stationed at least one league from the army, and a whore could be punished with "the fracture of the left arm...if after one

¹⁹ Statutes, Ordonnances, and Customs, to be Observed in the Army, reproduced in Francis Grose, Military Antiquities, I:62-70, C.I.H.M. #49230.

²⁰ Francis Grose, The Antiquities of England and Wales (London: S. Hooper, 1785-87), I:34-51.

admonition she should be found publicly or privately in any prohibited place." Another article altruistically tried to protect women in childbed, not only from looting, but from any "defray wherethrough she or her child might be in any disease."²¹ Henry V's orders also included the first regulation of pillage (as separate from spoiling churches): soldiers were to share one third of their loot with their Captains.

The Statutes and Ordinances for the War of 1544 are a good example of the orders of Henry VIII.²² They were the last English orders to make provision for the protection of the blessed sacrament, a remarkable testament to the true nature of the Henrician Reformation. The wording of the 1544 article is clearly modelled upon that of Richard II and says: "that no man be so hardy, irreverently to touch either the holy sacrament of God's body, or the boat or the vessell, which the same is in, upon pain to be drawn and hanged therefore." Henry VIII's orders go even farther than earlier orders, (perhaps because of the iconoclasm of the first phase of the Reformation in England) and explicitly protect "images" from being burnt or cut up. The protection of churches, and their ornaments will be remarked upon later as a distinctly Catholic feature of the orders of Charles I.²³

²¹ Grose, Antiquities of England and Wales, I:42.

²² Statutes and Ordinances for the War (London: Thomas Barthelet, 1544).

²³ See below, p. 71.

These orders of Henry VIII greatly increased the attempted regulation of morality within the army. They forbade dicing, cards and other types of gaming. The punishment for the first offence was imprisonment for eight days and the loss of the money played for. For the second offence, imprisonment was to be for one month, with the loss of the month's wages. Further infractions were to be punished with imprisonment and further punishment "as shall please the King." This punishment structure became a common pattern in later regulations.

At least three articles attempted to prevent what we might call duelling, though that word was never used in the orders. The articles tried to prevent "debate making" or quarrelling, taking revenge, and "saying villany" or provocation.²⁴ Punishments ranged from imprisonment at the pleasure of the King to being drawn and hanged until dead.

Willful burning without direct commandment of the King or his head officer was forbidden on pain of death, and at least eight articles dealt with the taking, keeping, and ransoming of prisoners although nothing else was said about pillage.

Soldiers were not to carry "any woman" over the sea, or hold any woman in their lodgings beyond the sea upon pain of imprisonment at the King's pleasure and loss of a month's wages. No common woman was to

presume to come within the King's host or nigh the same by the space of three miles, upon pain if any so

²⁴ One interesting feature of the last mentioned article is that it contains what is in effect, an anti-ethnic-prejudice provision. No one is to be vilified because of "the country that he is of, that is to say, be he Frenchman, Englishman, or Welshman, Irishman, or any other country whencesoever he be of."

be taken, to be burnt upon the right cheek at the first time, and if any be taken within the host, or within three mile [sic] of the same, after she or they have be [sic] so burnt: than [sic] she or they to be put into ward of the provost marshall, there to remain in prison, as long as shall please the marshall, and to have further punishment, as by him shall be thought convenient.

Rape was covered in an article in which no man was to "murder or rob any person, except he be the King's enemy, nor ravish any woman, upon pain of death."²⁵

The regulations of Henry VIII were the last "Catholic" orders: the effects of Protestantism were evident in the next known revision of the orders, those of Robert Dudley, the Earl of Leicester in 1586.²⁶ Leicester was famous in his own time for his patronage of militant Protestants, and his fervent devotion to the anti-Catholic campaign. His orders were the first set of regulations to be established by someone other than the ruling monarch, and Leicester did so by virtue of his position of Lieutenant and Captain General of the Queen's army in the Low Countries.

These orders were preceded by a lengthy preamble, the like of which had never been seen printed in English military regulations, and reminiscent of the preambles to statutory

²⁵ Another article states that no child under fourteen years of age was to be with the army unless he was the son of a lord, a gentleman, captain or a rich man, and that it was "as a son" he was brought into the host or garrison. This article goes on to talk about the father forfeiting his part of the child if he does not report his presence.

²⁶ Laws and Ordinances Military, set down and established by the right excellent Robert Earl of Leicester (Leyden: A. Verschout, 1586) Wing L7287.7; and Laws and Ordinances, set down by Robert Earl of Leicester (London: Christopher Barker, [1586]) Wing L7288, which seems to be a London reprint.

legislation. It is an exposition of the value of discipline and the due administration of justice. It states that the regulations are set down so that "the evil inclined (pleading simplicity)" should not be able to "cover any wicked fact by ignorance". Any "such as are inclined to lewdness" are to beware committing punishable offences, because the good government of the army is the way to victory and the advancement of God's glory.

The preamble was not the only original feature of Leicester's orders. They were the first English military regulations to formally forbid blasphemy, instead of protecting the consecrated communion bread, and include an article outlining the soldiers' duty to attend divine service. The pattern of Leicester's religious and moral articles is easily recognizable as one with which the authors of the Caroline regulations were quite familiar: blasphemy, Divine Service, gaming, idle women, violence, rape, drunkenness. The style in which they were written, however, is not just archaic, it is also quite different from that of the earlier orders. Leicester's orders have the unusual tendency to include didactic preambles, explanations or rationales.

The first seven articles in Leicester's orders deal with items of a religious or moral nature.²⁷ Five of those seven articles are prefaced by a didactic, almost credal statement. For example:

First, forsomuch as the holy name of our most mighty and invincible God, with all reverence ought to be regarded, and that destruction is pronounced to such

²⁷ There were sixty-two in total.

as blaspheme or abuse the same: it is therefore ordained and commanded that no person whatsoever, either in common conference or communication, or for any cause whatsoever, shall blaspheme, or take his Name in vain, upon pain of loss of [pay] to the relief of the poor for the first offence: for the second, five days imprisonment: for the third, loss of his place and wages.²⁸

and

And because the continuall and unspeakable favours of our Almighty God, by our unthankfulness may be taken from us, and that no good event of any action can be expected, wherein God is not first and principally honoured and served: It is therefore especially ordained and commanded that all persons whatsoever, shall upon general warning given, either by sound of trumpet or drum, repair to the place appointed, where the divine service is to be used, there to hear the same read and preached, unless for the present by sickness or other service he be impeached, upon pain to lose his days wages for the first, two days wages for the second, and so to be increased by the discretion of the judge, and for every such default in the soldier, as well the captain as his inferiour officers, to be punished with like penalty.

This is the first English military article to indicate that the army was to worship regularly, and that there was a particular place where these services were to be held. It is also the first time that preaching had been mentioned in any way.

Unlawful games were to be eschewed by inferior officers as well as soldiers because

It well beseemeth all Christians, especially such as profess the military service, to pass away the time in matters requisite for their profession: And because no time can be more vainly spent, then [sic] that which is consumed in unlawful games, besides the breeding of much contention and quarrells, and for that there be many allowable and commendable exercises for all sorts of men to use.

²⁸ The emphasis in this and the following quotation is mine.

These didactic prefatory statements provide a quick introduction to the type of piety Leicester expected to be practiced in the Queen's army.

The fourth article was glossed "vagrant women," and the policy it outlined was different from that of previous orders. The prefatory remark explained that "by permitting of many vagrant and idle women in an army, sundry disorders and horrible abuses are committed." Vagrant and idle women, therefore, were not permitted in field or garrison, but a man might carry with him his lawful wife, "or such other women to tend the sick and to serve for launders, as shall be thought meet by the Marshall, upon pain of whipping and banishment."

The next two articles also concern women. Number five states:

And insomuch as clemency amongst men of war in some respects is a singular virtue: It is ordained that no man in any part of this service that he shall do, shall lay violent hands upon any woman with child, or lying in childbed, old persons, widows, young virgins, or babes, without special order from the Magistrate, upon pain of death.

And number six:

No man of what degree so ever he be, shall enforce any wife, widow, maid or virgin, and by violence defile any of them upon pain of death.

Between them, these articles reveal a great deal about the author's opinion of the nature of both men and women and about his understanding of honour too. Note that it is the Magistrate, and not the Marshall that is the authority in these last instances.

Common drunkards were to be banished from the army. Provocation of quarrels was subject to loss of life or limb at

the discretion of the General or the Marshall. There was no general order against theft, but two specific regulations forbade pilfering victuals or "furniture" (arms, harness, etc.) from fellow soldiers or merchants. Guilty parties could be imprisoned or executed. Burning houses, mills, corn, or camp (e.g. upon changing locations) was not allowed without special commandment from the General or head officer present, on pain of death.

Another new feature of these regulations was a section entitled "Captains", outlining their specific duties. It included a new general order forbidding all offences "not comprised within these articles." Any such offence was to be dealt with "as if it had been specially expressed and set down." This new article would become a standard feature of military law, commonly called the devil's article.²⁹ Captains were ordered to see that all enrolled soldiers took a special oath:

I A.B. do swear and promise to do all loyal, true and faithful service unto the Queen of England Her most excellent Majesty, and unto the Provinces and Cities united in these Countries, and their associates under the charge and obedience of the right excellent, the Earl of Leicester, Governor general of the said Provinces and Cities, and their associates, and of Her Majesty's army and forces within the same. And all lawfull and due obedience unto the said Governor, and to any other superiour that shall have charge under him for government in this army. And farther, I do promise to endeavour my self to fulfil and keep all such lawful ordinances as his excellency hath or shall set forth and establish for the better ordering of this army, as much as concern me, so long as I shall serve in the same under him. So help me God, by Jesus Christ.

²⁹ See below, p. 99.

This is the first time that such an oath had been included in English military regulations.

These orders were to be read out in each "band" within the army every twenty days, and were to apply to men in garrisons as well as in the field. Officers were to "cause the same to be kept and observed inviolably as much as in them lieth in every branch and article of the same, according to the tenor, form and effect thereof."

In 1599 English military regulations were again revised, this time by Robert Devereux, Earl of Essex for use in the Queen's armies in Ireland.³⁰ Essex had had considerable military experience, under Leicester in the United Provinces and even at sea with Drake.³¹ He had led the victorious assault on Cadiz in 1596. These orders were most likely to have been printed in Dublin where Essex arrived in April, 1599. They contain a brief preface (written in the first person singular), but unlike Leicester's preface, it does not mention God. Only two of the thirty-seven articles contain didactic preambles. The first article is one of these two, and covers Divine Service:

First, since we owe our highest duty and greatest allegiance to Him from whom all power and authority flows as from the first fountain, and must receive our successes of Him that is Lord of Hosts: I do straightly charge and command all commanders and officers of the army to see that almighty God be duely served, that sermons, Morning and Evening prayer be diligently frequented, and that those that

³⁰ Laws and Orders of War, established for the good conduct of the service in Ireland [under Essex] (n.p., 1599). STC #14131.

³¹ The D.N.B. devotes thirty columns to Essex.

do often and wilfully absent themselves, be duly punished.

This was the first time that particular services were specified for an English army.

The second article dealt with blasphemy, and did not include any explanations, just an order:

Let no man speak impiously and maliciously against the holy and blessed Trinity, or any of the three persons, that is to say, God the Father, God the Son, and God the holy Ghost, or against the known articles of the Christian faith, upon pain of death.

Yet it was a curious order; its detailed protection of the Trinity had no precedent in English military law.¹² Of itself, inclusion of the Trinity may have supplied an element of instruction comparable to the prefaces previously noted. Given the Irish situation in 1599, however, one has to wonder if they were aimed at instruction of English soldiers, or reassurance of Irish allies.¹³

The third article also addresses blasphemy, as well as swearing:

Let no man blaspheme God's holy name, or use unlawful oaths or execrations, or commit any irreligious act to the derogation of God's honour, upon pain of loss of his pay, imprisonment, and such further punishment as a martial court shall think his offence deserves.

Leicester's orders had forbidden blasphemy. This article of Essex's 1599 orders adds a new concept to English military law,

¹² It would soon, however, receive special attention in English statute law, see below, p. 51.

¹³ For the situation in Ireland, see Cyril Falls, Elizabeth's Irish Wars (London: Methuen & Co. Ltd., 1950), 223-244. For the special significance of the Trinity to Irish Christians, see Daniel-Rops, ed., The Miracle of Ireland (Dublin: Clonmore & Reynolds Ltd., 1959), and, more generally, Patrick J. Corish, The Irish Catholic Experience: A Historical Survey (Dublin: Gill and Macmillan, 1985).

one that would remain particularly tenacious throughout the Civil Wars.

The idea of unlawful oaths was not a new, Protestant, or even Christian concept. In The Anatomy of Swearing Ashley Montagu finds the use of forbidden and/or taboo words to be as old as language itself.³⁴ From all accounts, the use of foul language seems to have been ubiquitous to the English throughout their recorded history.³⁵ Montagu lists the laws of Ethelbert c. 600 as the first "English" laws against swearing, and notes other early statutory examples.³⁶

There was apparently no legislative attempt to regulate swearing in England under the Tudors, except for one bill which was presented to parliament for that purpose in 1601 (only two years after Essex's regulations were published). It was dropped after its first reading in the House of Lords.³⁷ According to Keith Thomas, however, cursing had been officially condemned by Cranmer in 1534. Neither the clergy nor the laity were to

³⁴ Ashley Montagu, The Anatomy of Swearing (New York: The Macmillan Company, 1967), 5.

³⁵ Ashley Montagu, The Anatomy of Swearing (New York: The Macmillan Company, 1967), 132 and 153; Geoffrey Hughes, Swearing, A Social History of Foul Language, Oaths and Profanity in English (Oxford: Blackwell, 1991), 2; and David Underdown, Fire from Heaven: Life in an English Town in the Seventeenth Century (London: Fontana Press, 1993), 77-8.

³⁶ One of these, prescribed the cutting out of the swearer's tongue, see Montagu, 108.

³⁷ Hughes, Swearing, 103. The Scots Parliament had passed an ordinance against "abominable oaths, swearing, execrations and blasphemation [sic] of the name of God," even giving examples of some expressions found most grievous; quoted in Montagu, Anatomy, 129-30. This ordinance was supplemented by others in 1561 and 1567; Montagu, 157.

command God in this way; nor...call down heavenly wrath upon his [sic] enemies. The officers of the Church frequently inquired in their visitations whether any parishioners had been guilty of banning, swearing, or cursing their neighbours or their goods; and the presentment of such cursers was common enough.³⁸

In 1606 it was made illegal for the name "of God, or of Christ Jesus, or the Holy Ghost, or of the Trinity" to be used jestingly or profanely in any public entertainment.³⁹ No legislation was passed forbidding swearing more generally until 1624.⁴⁰ In 1627, the Jacobean act of 1624 was ratified, and in 1635 a public department was set up to enforce the law against swearing and cursing.⁴¹

English law was not explicit about the expressions that were to be eschewed, but David Underdown's discussion in Fire From Heaven illustrates just how broadly the term 'swearing' could be interpreted twenty years after Essex's article was written.⁴² Objectionable phrases did not necessarily invoke

³⁸ Keith Thomas, Religion and the Decline of Magic: Studies in Popular Beliefs in Sixteenth and Seventeenth Century England (London: Weidenfeld and Nicholson, 1971), 503. Thomas's claims are supported by Kenneth Fincham, ed., Visitation Articles and Injunctions of the Early Stuart Church, vol. 1 (Woodbridge: The Boydell Press, 1994).

³⁹ An Act to Restrain Abuses of Players, 3 Jac. I, c. 21.

⁴⁰ For an examination of the Jacobean statute see below p. 69. J. A. Sharpe, Crime in Early Modern England, 1550-1750 (London: Longman, 1984) says disappointingly little about swearing.

⁴¹ Montagu, Anatomy, 164-7; see below, p. 67.

⁴² Underdown, Fire From Heaven, 76-7. For examples of contemporary swearing nothing comes close to the obviously enjoyed presentation by Montagu, passim; for pre-reformation oaths, see 130-1, for the seventeenth century, see Chapt. 9.

the Deity and the use of words like sirrah and baggage could be a matter for the Constables and the J. P.⁴³

The use of the phrase "unlawful oaths" in Essex's article against swearing implies that there were lawful oaths and, of course, there were many: the coronation oath; the "oaths" meaning the oaths of Allegiance and Supremacy; judicial oaths; oaths of office, many of which, for ministers of state, are recorded in the Privy Council Registers, but for lesser officials as well, including officers and soldiers of the King.

The appearance of an article against swearing in Essex's orders may serve to mark an increasing vigour in the anti-swearing campaign which apparently made allies of people with many different religious preferences.⁴⁴ Of Essex's own religious views, only a little is known. One biographer says he had "fierce bouts of piety;" "at Court indulged in spasmodic but spectacular displays of Protestant piety" which included "a daily timetable most liberally sprinkled with sessions on his knees in the chapel;" entertained preachers excluded from their own churches because of their ascetic Protestantism; and was, "not without reason, regarded all over the Continent as the fiercest and most militant defender of the Reformation."⁴⁵

⁴³ Throughout the book, Underdown discusses the related offences of abuse and scolding which he says, along with swearing, threatened the peace and harmony of the community and the maintenance of civil order.

⁴⁴ see below, pp. 66-69. Hughes discusses this same idea in a different way by noting the emergence of secular censorship, Chapter 5, especially p. 102-4.

⁴⁵ Robert Lacey, Robert Earl of Essex: An Elizabethan Icarus (London: Weidenfeld and Nicolson, 1971), 274. It must be noted that Lacey also calls Essex a desperate, anxious man who was genuinely and widely tolerant of the religious beliefs

Making war on profanity was certainly part of the 'hotter sort of Protestants' campaign', and it may be that this article against swearing was linked to his own religious preference.⁴⁶

As I shall demonstrate, it was also part of the campaign to reform manners which transcended merely religious convictions. In article number seven murder and private quarrels were forbidden on pain of death. The following article, number eight, added another innovation to the account of these orders:

No man shall ravish or force any woman, upon pain of death. And adulteries or fornications shall be punished by imprisonment, banishment from the army, or such other penalty as by the Marshall's court shall be thought meet.

What was new here was the mention of specific sins, adultery and fornication.⁴⁷ The attitude inherent in these words testifies to the religious beliefs of the writer, not just to general social mores.

The only mention of gaming was in article number twenty-seven, which was designed to prevent the wagering and consequent loss of arms. In article number thirty, the goods

of others, who would accept help from a Catholic sword as readily as from a Protestant one. This attitude too is consistent with his record in Ireland.

⁴⁶ It would certainly not have won him favour with the Queen who was a magnificent and inveterate, swearer. Elizabeth I is reputed to have sworn "like a man" (no doubt as she thought befit a Prince), and was particularly fond of "God's wounds!"; see Hughes, Swearing, 103.

⁴⁷ These orders included an additional article, number thirty-five, in which foot soldiers were forbidden to "carry any boy, nor no woman shall be suffered to follow the army." This article certainly implies a different general policy from that of the previously examined version of the regulations under Leicester. See above, p. 46.

of "any man that dieth or is killed in service" were not to be stolen, upon pain of "restoring the double value."

Provocation, or challenges were forbidden by article number thirty-two, upon pain of imprisonment, public disarming, and banishment from the army as men forever disabled from carrying arms.

This last article includes an intrusion of Essex's voice in the first person singular:

as I forbid all men under my rule to renew any old quarrels, or to begin any new, so I do acquit and discharge all men that shall have quarrel offered to them.

This intrusion of the author's voice into the articles is the first noted in all the articles so far presented in this section. It occurs again in the final, "Devil's Article", number thirty-seven. There Essex says:

I command all men to look to their charge, and him that hath no charge to look to his own carriage, and to keep himself within bands of duty for the discipline of war shall be strictly kept, and the laws thereof severely executed.

These two instances of the intrusion of the voice of the man under whom these regulations were established set a precedent which shall prove useful later in this dissertation in the assessment of the direct influence of Charles I upon the regulation of religion and morality in his armies.⁴⁸

The only other article that concerns this investigation, is number thirty-three. It included the second of the two didactic preambles mentioned above:

And because drunkenness is the mother of many other vices and disorders in the armies, every soldier or

⁴⁸ See below pp. 175, 219.

officer that shall be found drunk shall be committed to prison for the first offence, and if he fall into it the second time, being a private soldier, he shall besides his imprisonment forfeit two months pay, if he be an officer, he shall lose his place. The third time shall have such far greater punishment as a marshall's court shall set down.

Clearly, drunkenness was seen less as a moral offence in itself, and more as being wrong simply because it threatened the good government of the army.

Essex's orders of 1599 did not specify how they were to be published, and they included no new oath. They became the standard version of future Irish military regulations which continued to evolve separately from those in use by the King's armies in England.⁴⁹ There, faint echoes of this form of words established under Essex stir through the articles written later for the armies of Charles I, although the order in which later printed English articles appear reverted invariably to the more traditional pattern established by Leicester.

That there was a commonly used form of words for army regulations should not come as too much of a shock for the modern scholar. On the contrary the remarkable thing is the extent to which the orders were altered. For example, the text of the orders of each of the King's field armies in the Bishops' Wars was unique, although the content was recognizably of the same intent as earlier orders. Individual regulations could be very subtly altered by as little as the addition of an indefinite article. Sometimes the alterations were not so

⁴⁹ This family of Irish orders includes a revision by Wentworth in 1638 (STC #14132), and one by Ormonde in 1641 (Wing O447). Interestingly, in 1643 the Roman Catholic Confederates also used Essex's model, with appropriate changes in at least the article on divine service (Wing O447A).

subtle, and the addition or omission of a word or phrase changed the whole intention or the implication of an article. Language use in these regulations, therefore, is most significant to this investigation. Accordingly, the text of each new set of regulations will be examined to determine what changes were made in the wording of the articles concerning religion and morality, and also in the organization of the articles themselves. An analysis of these changes offers a picture of attitudes towards religion in all the armies examined and whether the Royalist armies of the Civil Wars were distinct from that tradition.

CHAPTER TWO
THE FIRST BISHOPS' WAR

1. Arundel's Orders of 1639

On July 23, 1637 the relatively peaceful relations that had existed between Scotland and England since the Union of the Crowns in 1603 were shattered. Charles I's attempt to impose rigid uniformity upon the churches of his Kingdoms by means of a new Book of Common Prayer was brought to a screeching halt by what Mark Fissel calls "a spontaneous uprising" known to history as the St. Giles Cathedral riot.¹ It was not an isolated case of disaffection, and on February 27, 1638 the mass signing of the Scottish National Covenant organized resistance to the King's policies.

Conferring only with a tiny trusted circle, Arundel, Hamilton, and Vane Charles decided to go to war in an attempt to overawe his Scots subjects back to their proper allegiance.² Although neither Laud nor Strafford were of this inner group, both agreed that "Scotland needed to be humbled".³ The First Bishops' War officially lasted from the

¹ Mark Fissel, Bishops' Wars, 3. For a different description see Wedgwood, The King's Peace, 163-4.

² Fissel, 3.

³ See Fissel, 3. The actual administration of the war effort was left to be handled by the Council of War and its committees. For a thorough presentation of the membership and role of the Council of War and the Northern and Scottish

Fall of 1638 when Arundel was appointed General in the North until the Pacification of Berwick, June 19, 1639, but it was not until April 1639 that the King's army was on the move.

The orders that governed the King's army in 1639 were established by Thomas Howard, Earl of Arundel and Surrey, The Earl Marshall and General of His Majesty's forces.⁴ Clarendon tells us that he was chosen for this post because of his "negative qualities: he did not love the Scots; he did not love the Puritans...but he was fit to keep the state of it, and his rank was such that no man would decline the serving under him."⁵ Despite Clarendon's estimation of him, Arundel was an able and experienced Privy Councillor. He had previously served James I, though his personal relationship with Charles I was chequered prior to 1630, due mainly to his antipathy to Buckingham. Clarendon despised Arundel, and his caustic portrait of the Earl's character described him as being "without religion".⁶ Arundel had been raised as a Roman Catholic. He went to Trinity College, Cambridge, and

Committees see Fissel, Bishops Wars, 62-77. (Members of the Council of War in 1638 are listed in Appendix 2.) For the operation of the Ordnance office see The Royalist ordnance papers, 1642-1646, Ian Roy, ed. (Oxford: Oxfordshire Record Society, 1964.)

⁴ Laws and Ordinances of War...Thomas Earl of Arundel and Surrey (1639), SP 16/415/116.

⁵ Edward, Earl of Clarendon, The History of the Rebellion and Civil Wars in England, ed. W. Macray (Oxford: Clarendon Press, 1888), I:150.

⁶ Clarendon, I:69-71.

eventually entered the English Church at the age of thirty.⁷ He was accused of becoming a Protestant as a matter of policy only, and although he was noted for his habitual plain dress, and one writer claims that "there is no doubt that he had a natural leaning to a simple and unadorned ritual," this assessment is most probably true.⁸ Even if Clarendon's estimation of him was exaggerated, it is likely that he did not continue in his Protestantism after 1642 when he left England. Thereafter he lived abroad, mostly in Italy, where he died in 1646.

Arundel's orders were addressed to all officers of the King's army, both horse and foot, of whatsoever rank, and also to "all His Majesties subjects, and others, whom these laws and ordinances of war shall concern". This form of address was no mere formality. It meant that the orders were intended to establish the law which would regulate all the King's forces whether in the field or in garrisons. As was the tradition, these military laws also governed 'civilians' such as sutlers,

⁷ Trinity was not forward in Laudianism, but did conform after 1636 at least to innovations in architecture and furnishing. John Twigg, The University of Cambridge and the English Revolution, 1625-1688 (Cambridge: The Boydell Press, 1990), 37.

⁸ The "Earl of Carlisle used to say of him--'Here comes the earl of Arundel in his plain staff and trunk and his beard in his teeth, that looks more like a nobleman than any of us.'" Dictionary of National Biography Stephen, Leslie and Sidney Lee, eds. (London: Smith, Elder, 1885-1900), (hereinafter D.N.B.) 73. According to Fletcher, this kind of asceticism was fashionably espoused by both Roman Catholics and Arminians as well as Puritans; Fletcher, Sussex, 74.

victuallers, and camp followers.⁹ A man who was hanged on May 20, 1639 for maliciously burning a hay stack provided

the first exemplary justice done in the army, and no question but this and the strict martial laws published in print, was a bridle to base minds only awed with fear of punishment.¹⁰

This eye-witness account provides valuable evidence that these orders actually made it into the field, and were enforced there. When the regulations were coupled with the far-reaching powers to rule by martial law as granted by Arundel's Commission, they constituted a formidable display of royal might.¹¹

a) Regulating Religion

Arundel's orders contained eighty-eight articles which, unlike earlier English military orders, were organized under a series of topic headings. The first is "Concerning Religion: and Breach of Moral Duties".¹² Of the thirteen articles in this section, the first five specifically present Arundel's version of the soldier's duty to God. When seen in the context of previous military regulations, their preoccupation with

⁹ See above, p. 35.

¹⁰ "The Journal of John Aston, 1639," in Six North Country Diaries, (The Publications of the Surtees Society, 1910) 118:13.

¹¹ See above, pp. 34-5. Arundel's Commission reproduced in Clode, Forces of the Crown, 425-9.

¹² Alone among the earlier orders, Leicester's of 1586 printed at Leyden had one such subject heading only. It covered the section that detailed the duties of captains and consisted of the single word "Captains".

profanity is striking.¹³ Four of these five rules apply to profane speech or actions.

The first article in this section prohibited blasphemy against "the Deity or any of the blessed persons of the Holy Trinity". Immediately, the humility and devotion of the language is apparent. The phrase "the Deity" is not only a formal mode of expression, it carries with it the certainty that this writer was not in the habit of haranguing God, nor accustomed to address Him with the familiarity which was frequently a common feature of those given to extempore prayer. Later in the century, it would become the appellation for God chosen by those who minimized God's direct providence in the affairs of men. This group would themselves become known as Deists. From the use of the phrase, "the Deity" in this article we can at least be certain that the writer appreciated the mystery and 'otherness' of God, God's divinity, in fact far more than God's humanity. Nowhere else in English military regulations is this phrase used instead of simply saying God.

One of the first things to be learned from this article is the presence of "the Preacher of his Regiment", which seems to have been simply taken for granted. This is the only official indication we have that there were supposed to be Preachers or ministers with each regiment, which in itself is an important point to have established.¹⁴ There is a statement in one of

¹³ See above pp. 51 f.

¹⁴ Many histories of the Army gloss over the constant presence of Ministers of God in the English Armies from the earliest times and focus narrowly on the New Model Army as the start of most military traditions, including the Chaplains' corps. I discuss the official establishment of the Chaplains'

Rossingham's newsletters, which shows that there were official chaplains with the army, although not formally established in the regulations.¹⁵ There we also learn that Arundel's own chaplain, William Watts was to superintend all the chaplains in the army. If Arundel's conversion was suspect, there is no evidence of crypto-catholicism in his chaplain who was to have a distinguished career, serving as chaplain to both the King, and throughout the Civil Wars, to Prince Rupert.¹⁶

The punishments for blasphemy outlined by this article grew increasingly fierce with repeated offences: the first time, repentance had to be proclaimed before "the Preacher of his Regiment, and all others present at the time and place of divine service," and three days were to be spent in prison with bread and water. This kind of public confession had long been assimilated into Protestant religious culture, but was nowhere else written down in English military tradition, which makes its inclusion here stand out.

Such a punishment was, however, recorded in the orders of Gustavus Adolphus, for drinking during prayer time.¹⁷ It was certainly not a simple co-incidence that such a precedent should have been drawn on in England in 1639. Arundel's chaplain, Watts, had travelled extensively in Germany during

 corps below, pp. 266-270.

¹⁵ Rossingham to Conway, April 16, 1644, SP 16/417/110.

¹⁶ Watts is noticed in both the D.N.B. and A. G. Matthews, Walker Revised (Oxford: Clarendon Press, 1948).

¹⁷ The publication of these orders in England as The Swedish Discipline also made them widely accessible to English readers; for public confession see Pt. II, p. 14 [sic., 41], #4.

the early 1620s. Rossingham refers to Watts as the writer of "the King of Sweden's story from his entry into Germany till his death."¹⁸ That history of the King of Sweden was published in England as The Swedish Intelligencer, and Cockle says that, although both pieces were issued anonymously, The Swedish Discipline was written by the same author.¹⁹ If Cockle's assessment is correct, then the man who brought Gustavus Adolphus to life for the English public, the man who transcribed his famous "discipline" was the same man who now worked as chaplain to the King's General in the First Bishops' War. He would certainly have been a competent choice for editor of the 1639 military orders, one from whom such an unprecedented intrusion might have been expected.²⁰

The punishment ordered for a second blasphemy, in Arundel's 1639 orders, was boring the tongue with a red-hot iron. Further transgression was to be punished by turning the soldier out of the army. This punishment structure is significant. The first response to the sin of blasphemy is to

¹⁸ Rossingham to Conway, April 16, 1639, SP 16/417/110.

¹⁹ Maurice Cockle, A Bibliography of Military Books up to 1642 (London: The Holland Press, 1957), 98-9. At least three other pieces were written by him during the Civil Wars see Madan #1049 and #1229. The third piece was a MS treatise on the surplice dated 1646, cited in D.N.B.

²⁰ It was appropriate that it should be this offence that was singled out for such novelty, because swearing/blasphemy is an offence that later received considerable attention in the Royalist armies. Whether this circumstance is evidence of Watts's continued employment as an editor/drafter of the military orders, (he was later Chaplain to Prince Rupert) or whether it is evidence of a particular predilection of the King himself (and Watts had served as his chaplain some time before 1642) which I shall argue below, or some conjunction of the two, cannot be determined from the sources available at present.

demand repentance and the reformation of character this implies. The second, corporal punishment, follows an older idea of justice and is to be applied only after the first attempt at reformation has failed. The third echoes the ancient punishments of shunning and excommunication.

Article number two prohibits speaking disrespectfully against God's word, the known articles of faith, or the "ministry of holy Church" and their office. This is an interesting grouping, and it is the first time in English military tradition that holy scripture had been specifically protected from profanation.²¹ This grouping implies that scripture, the articles of faith, by which it is likely they meant the Apostle's Creed rather than the Thirty-nine Articles,²² and the clergy were all regarded as being sanctified, set apart, sacred. Punishment for any of these offences was to follow the detailed progression applied in the article against blasphemy, and by the similarity of punishment we can infer that the offences themselves were seen to be similar or at least be similarly odious. This likening of mere men and things to the Almighty himself undoubtedly offended some. Especially the mention of the "Office" of the "Ministry

²¹ This is another feature of the orders of Gustavus Adolphus. His third article also included the sacraments.

²² See C. Neil and J. M. Willoughby, The Tutorial Prayer Book (London: The Harrison Trust, 1913); but see also Capel's speech from the scaffold The Several Speeches by the Duke of Hamilton, Henry, Earl of Holland, and Arthur, Lord Capel, 1649. Wing H482. It would seem that the phrase "the Articles of Christian Faith" was a broad expression, open to more than one interpretation.

of holy Church" which, in this case, would cover Bishops as well as Priests.

In the third article any soldier condemned as a "common swearer or curser or for a profane abuser of holy scripture, in vain jesting or scurrilous fashion", and in the fourth who profanes, robs or abuses "any Church, Chapel or other place of God's public worship or anything that is in them or belonging to them" shared the same punishment: the guilty would "forfeit such a proportion of his entertainment" as well as being imprisoned or punished in some other way "as, according to the quality of the person or offence, the Court of War shall judge it to have deserved." After the highly detailed course of punishment in the first and second articles, the lack of specificity here is curious. Were these offences seen to be that much less important? They would definitely appear to have been thought less dreadful.

The first of these two articles, that about swearing, deals with a feature that would later become the foundation of the Cavalier stereotype, and to the modern student seems ubiquitous to military life.²³ Interestingly no written regulation forbidding swearing appeared in English military orders before 1599, but most orders after that time include one.²⁴ The continued appearance of such an article probably marked a shift in social mores in the late Sixteenth Century, because if the antipathy towards swearing were an idiosyncrasy

²³ The Cavalier stereotype predates the actual Civil War. It was definitely in use to describe the reformadoes hanging around London between the Bishops' Wars and August 1642.

²⁴ See above, p. 52.

of the writer, it would not have become a standard feature of English military law.²⁵

Profane swearing certainly appears to have been odious to the King himself. Charles may frequently have publicized his attempts to preserve the church as it was in the time of Queen Elizabeth, but he never drew a like comparison when it came to her notoriously liberal attitude to profane swearing. Modern biographies of Charles I, draw attention to Charles's aesthetic refinement, his gentleness, his courtesy.²⁶ When these known, attested qualities are applied to the use of language, the attitude logically anticipated is an abhorrence of foul language. When this devotion to beauty is put in the context of the King's acclaimed piety, a loathing of profanity might be expected to follow. There is ample evidence to fulfil these expectations.

Charles I, for example, did not leave the censoring of plays solely in the hands of his Master of the Revels, Henry Herbert, but took a personal interest himself. He was known to review Herbert's judgment, sitting apart in a windowseat with him where they could discuss the plays and what the authors meant by the words and phrases they chose. We know that on one occasion in 1634, while discussing the play The Wit, the King and Herbert disagreed, because Herbert was sufficiently chagrined to record the incident. He declared:

²⁵ See Hughes, Swearing, 102-3.

²⁶ See for example, Pauline Gregg, King Charles I (Toronto: J. M. Dent Ltd., 1981); Charles Carlton, Charles I, The Personal Monarch (London: Ark Paperbacks, 1983); and John Bowle, Charles I, A Biography (London: Weidenfeld and Nicolson, 1975).

The King is pleased to take faith, death, slight, for asservations, and no oaths, to which I do humbly submit as my master's judgement; but, under favour, conceive them to be oaths, and enter them here, to declare my opinion and submission.²⁷

Clearly, the King was interested in the language used in entertainments at the court--he could have simply left the task to Herbert--but in this instance, he proved slightly more tolerant than his chief censor.

In 1635, Charles ordered the creation of an office, and officer to oversee the execution of the Jacobean statute of 1624 against swearing. Windebank wrote to Attorney General Bankes from the King advising him of the new office, and instructing him to prepare a grant of office to Robert Lesley, as well as a proclamation to inform the public.²⁸ Lesley was authorized to deputize collectors in each parish to receive fines for swearing at 12d. per each offensive word. The fines were to be paid twice a year to the bishop who would disburse them for the poor of the offender's parish. Lesley's share was 12 pence in the pound. The Bishop got nothing but the satisfaction of combatting profanity while aiding the poor.²⁹ Larkin dates the proclamation July 26, 1635 and it was being proclaimed in London and Westminster by August 1.³⁰ Two more

²⁷ Quoted in Hughes, Swearing, 118.

²⁸ SP 16/293/26.

²⁹ Doing good works sometimes offered more than spiritual benefits: Lesley paid 1,000 pounds down and 200 pounds per annum during the lease of the office. SP 16/294/24.

³⁰ Larkin, Proclamations vol. II, #200.

proclamations against swearing would follow, expressing the King's will in the matter, one in 1643 and one in 1644.³¹

In the latter year the King's efforts against swearing appeared in a new venue--a published sermon. On May 12, 1644 Dr. William Strode,³² the Oxford-trained chaplain of Bishop Corbet and the University's Public Orator, preached before the King at Christ Church, A Sermon Concerning Swearing.³³ Strode chose as his text Matthew 5:37, "Let your yes be yes, and your no be no, for anything more than this comes from the evil one." The King clearly approved Dr. Strode's message. It was published "by His Majesty's Command" for the instruction of the army.³⁴

A discernible pattern of interest and action is evident in these examples: Charles I was not just an approving member, but a patron of an "anti-swearing campaign". This phrase does not imply an organized movement akin to The Temperance League, but it is clear that an aversion to swearing transcended religious preferences. Even if any or all of the above mentioned instances were not initiated by the King himself, they all certainly received at least his personal approbation. Through his interest and involvement in the censorship of

³¹ Treated below in Chapters Five and Six.

³² He was decidedly not the William Strode who orchestrated Strafford's impeachment and whom D'Ewes described as a "notable profaner of the scriptures". Both Strodes are noticed in the D.N.B.

³³ William Strode, A Sermon Concerning Swearing, Preached before the King's Majesty, In Christ-Church Oxon, May 12, 1644 (Oxford: Leonard Lichfield, 1644), Wing S5985.

³⁴ See note, Madan 1641.

plays; through the creation of a government office designed to more effectively enforce the existing statute against swearing at the local level; through repeated, consistent royal proclamations against swearing in both the general public and particularly within his armies; through his public endorsement of Strode's preaching against swearing, the King's personal commitment to the eradication of profane swearing is manifest.

Seen in this context, the articles against swearing in Arundel's orders lack the rigour that might have been expected if the King himself had had a hand in the writing process. On the other hand, their 'lack of specificity in punishment' may indicate a reliance upon the existing statute against swearing, for interpretation during possible court martial proceedings.

The terms of the Jacobean statute of 1624 were surely rigorous enough. It outlawed profane swearing because it "is forbidden by the Word of God". Anyone "convicted by the oaths of two witnesses, or by the confession of the party" was to "forfeit, and pay to the use of the poor of that parish...the sum of twelve pence". It was lawful for the local authorities to collect that fine by selling the goods of the offender, and if the money could be in no way raised, convicted swearers were to stand three hours in the stocks, so long as they were over twelve years old. If they were under twelve, they were to be whipped by either the Constable, or their parents or master in the Constable's presence. The punishment structure in Arundel's articles closely resembles that of the statute, and

custom was likely relied upon to influence discretion in these cases.³⁵

Leaving the punishment for unlawful oaths in the hands of the local Court of War had additional benefits. Not only did this arrangement keep the soldiers under the authority of military laws, it left room for flexibility. It was a practical arrangement. It would accommodate the vagaries of morale and discipline within each regiment, while still leaving room for attempts at reforming the offensive behaviour before resorting to punitive measures, as each individual case might merit. This aim of "reformation" appears repeatedly throughout this set of orders and in some later ones as well. There was a distinct difference between the two traditions of law which sought to eradicate profane swearing. While the church courts were committed to reformation not only for the sake of the individual but to ensure harmony within the community, the secular courts tended to settle for restoring harmony by punishing offenders.³⁶ The spirit of the church courts is also evident in these orders, and may offer another hint that William Watts was their chief author.

It is also worth noting that this article allowed the punishment to suit not only the nature of the offence, but the

³⁵ A Statute against Swearing, 21 Jac. I, c. 20, reprinted March 13, 1644. Wing S5337.

³⁶ See Martin Ingram, Church Courts, Sex and Marriage in England, 1570-1640 (Cambridge: Cambridge University Press, 1987), 3, 27-34 & 53; and Keith Thomas, Religion and the Decline of Magic, 526-30. This distinction becomes even more pointed when the related topics of defamation, scolding and abuse are examined, see John Addy, Sin and Society in the Seventeenth Century (London: Routledge, 1989), 113-126.

rank of the offender. It may even be that the wording of this article was a nod at the flamboyant language often associated with court culture, although the King himself repeatedly denounced swearing.

The article that protects churches and chapels is generally worded and could be invoked to cover Books of Common Prayer, altar rails, vestments, statues, and organs, although none of these things are specified. It is a blanket order glossed as sacrilege and along with the fact that it shares the various punishments to be meted out for swearing, it gives us a hint about the beliefs and identity of the drafter. Not surprisingly, he seems to have possessed the monolithic (and Catholic) belief that anything that had to do with the service of God was set apart and deserving of respect. One might expect Arundel himself, or someone he trusted with the task of preparing orders for his command, to have had such an opinion. He did not display any specific apprehensions about the particular kinds of church furnishings and architectural niceties that so impassioned the Laudians and had already roused the ire of the "Precisionists".³⁷

Most interestingly of all, this issue of protecting churches (and churchmen) is a uniquely Catholic feature. From the extant record, it seems that no article of this kind was printed for the army of an English monarch after the reign of Henry VIII (1544) until this article appears in 1639. A similar article can be found in one manuscript set of orders

³⁷ For the use of this term see SP, especially the correspondence of Tom Wiseman and Pennington, e.g. November 18, 1641, SP 16/485/92.

which was prepared for Charles I himself to be used in the expedition to relieve the Protestants of Rochelle, under Buckingham, but it is impossible to verify whether or not those orders were ever actually published.³⁸

The lack of severity and rigidity in the 1639 orders on swearing and profaning churches makes the specificity of levels of the punishment for the blasphemy/profanity grouping of articles even more telling. It may, in fact, indicate the inclinations of both the court of war and the drafters of the orders.

Previous English military tradition until Leicester (1586) had simply punished blasphemy by death.³⁹ Leicester instituted a series of punishments for repeated blasphemy: fines, imprisonment, loss of place. One of the manuscript sets of orders for Buckingham's La Rochelle campaign of 1628 first adds the iron as one suitable level of punishment while retaining fines, imprisonment and loss of place.⁴⁰ But the most recent orders for the King's army written prior to 1639, Wentworth's orders of 1638, had retained the earlier tradition of death.⁴¹

With this draconian precedent for punishing blasphemy and the worst kind of profanity, it may have been necessary for the

³⁸ The King's MS. of Buckingham's orders.

³⁹ See above for many examples from Richard II, 1385, #2 to Essex, 1599, #2.

⁴⁰ Bullock's transcript.

⁴¹ Wentworth's orders. As there is no evidence that the orders I have labelled "Bullock's Transcript" were ever printed, they may have been unknown to Wentworth.

writer of the orders to stay the executioner's hand, as it were, and demand some small tolerance and forgiveness, and provide an opportunity for repentance and reclamation to the fold. This idea is borne out by another clause in this article against blasphemy: "and be lawfully convicted thereof". This is the only article to include such a clause, and it is a concept that the modern investigator likely takes for granted; yet this seventeenth-century author felt the need to include this phrase in his article against blasphemy. It would seem that such justice was not simply a matter of course. Perhaps the writer was particularly aware of how vulnerable people could be to false accusation in this regard. In any case, his article provides more than one attempt to temper this traditionally harsh rule. Common swearing, on the other hand, was traditionally seen as less odious than blasphemy, heresy and profanity and usually only carried a fine as punishment. This penalty needed no mitigation by the drafter of the orders.

The fifth article addresses public worship: - - - - -

All Commanders and Officers of the Army, are straitly charged, that in their several Regiments, Quarters, and Garrisons, they take care that God Almighty be duly served, the Lord's day and other Holy Days of the Church, more reverently observed; Morning and Evening Prayers, with the Sermons at the appointed times, be diligently frequented by themselves, their soldiers, and servants so far forth as the necessity of the wars will permit. And that all repair to the places appointed for Divine Service, upon solemn warning given for it, by sound of Drum or Trumpet.⁴²

The wording of this article is significantly different from equivalent previous regulations. At once it enters the

⁴² Emphasis in original.

debates about sabbath keeping, Holy Days, the Book of Common Prayer, and the importance of Sermons, and in every case, this article comes down squarely on the side of the royal/episcopal version of the Caroline Church.

The first part of this article indicates that it was the duty of the commander, usually the Colonel, to see that the service of God was provided for, i.e., making sure the regiment had a chaplain, although chaplains are not explicitly mentioned. It also outlines the basic services that the chaplain would be required to perform: Reading and Preaching Morning and Evening Prayer, which was colloquially referred to as Divine Service, each day, as well as Sundays and other Holy Days.⁴³

Daily prayer had always been the practice of the English army, and so was not a contentious issue. John Aston's Journal of 1639 tells us that it was customary to set the watch at "about 6:00 a [sic] clock with prayers,"⁴⁴ and it was apparently still the custom in 1644 when Rupert ordered the chaplains to read prayers as usual at the heads of their regiments on the evening of July 2.⁴⁵

⁴³ Not long ago, it was fashionable to say that the Anglican church did not condone holy days after the Reformation. See for example Dean Lyman, The Great Tom Fuller (Berkeley: University of California Press, 1935), 52-3. Although they were abrogated by Henry VIII in 1535, a single glance at any seventeenth-century prayer-book will prove that by 1604 they were officially condoned once more.

⁴⁴ Aston, "Journal," 23.

⁴⁵ Frank Kitson, Prince Rupert, Portrait of a Soldier (London: Constable, 1994), 193.

Linking the Lord's day with other Holy Days of the Church, on the other hand, was a contentious issue. It established a parity between the two which was anathema to the more precise type of Protestant. Their case for keeping the Sabbath rested upon the idea that it was divinely ordained, a premise that was countered by many royally-sponsored publications such as Sunday no Sabbath and A Sovereign Antidote Against Sabbatarian Errors.⁴⁶ Holy Days were made simply by the Church and therefore were, for the preciser sort, at least of lesser import, and at most a snare for the unwary.

As Parker has explained, neither Sabbatarianism nor the controversy surrounding it were new; both stemmed from the Patristics and had medieval pasts.⁴⁷ More importantly for this investigation, the debate over Holy Days had little to do with Protestant versus Roman Catholic, and everything to do with which tradition of Christian theology was being followed. Laud and Charles I followed Calvin who agreed with Luther; the Precisionists followed Beza and Bullinger who agreed with Aquinas, i.e., those traditionally called Puritans were in agreement with official Roman Catholic doctrine on this point, and the Church of England was being bound to the other view by the King and Laud, especially through the Canons of 1640.

⁴⁶ Cited in Julian Davies, The Caroline Captivity of the Church: Charles I and the remoulding of Anglicanism, 1625-1641 (Oxford: Clarendon Press, 1992), 178.

⁴⁷ Kenneth L. Parker, The English Sabbath: A study of doctrine and discipline from the Reformation to the Civil War (Cambridge: Cambridge University Press, 1988), 29.

Moreover, the acceptance of the more rigorous Sabbath had been a consensual feature of the Jacobean Church. Many of the conformable Caroline clergy held the same view of the Lord's Day as did the Precisionists. Laud himself kept a very holy Sunday indeed. Nevertheless, it clearly became part of royal policy to elaborate the notion of sabbatarianism as a Puritan doctrine, opposed to a Catholic teaching, linking royal and ecclesiastical authority and opposition.⁴⁸

Linking the keeping of the Lord's Day and other Holy Days in this article was an explicit identification with that policy which implied the acceptance of the traditional manner of celebrating both. It was an implicit reaffirmation of the old, 'unregenerate' church and society which revelled in the 'Books of Sport' which had been issued by both Stuart Kings; an implicit rejection of that section of the Church that insisted on a more sedate, less secular sabbath. In fact, the use of the words "more reverently served" here are ironically indicative of the nature of the division in the Caroline Church. More reverence would seem to nicely describe the sabbath of the "Precisionists", and yet, to a Laudian, more reverence might well mean acknowledging the altar and bowing at the name of Jesus.

The inclusion of Holy Days, with all their popish connotations, was even more controversial. The particular observance of Holy Days was one of the elements of the Caroline Church that emanated from the Chapels Royal and was found most offensive by the "Precisionists". According to one historian

⁴⁸ Parker, 41-53.

it is one of the hallmarks of the Church Charles I was recreating in his own image.⁴⁹ Although Holy Days had been officially suppressed in 1537, the debate surrounding them was reborn in Elizabeth's reign, and remained a bone of contention for those who wished for further reform of the Church.

The Jacobean Book of Common Prayer of 1604, which was the edition officially authorized for public use in 1639, had specified that certain Holy Days were to be publicly observed. The calendar it contained, however, like that of many of the Caroline books for private devotion included all the traditional saints' days. The 1630s saw a marked rise in the insistence on the liturgical observance of Holy Days, especially Wednesdays and Fridays, and the article ordering the observation of Holy Days in these regulations reflected this trend.⁵⁰ It was also an implicit endorsement of the Book of Common Prayer. Grouped as it was with the words Divine Service, and Morning and Evening Prayers, it thrusts us at once into the thick of the debate over the Prayer Book.

Since the time of Elizabeth's religious settlement, debate had raged back and forth about the relative merits of Cranmer's model, with the greatest and most vociferous criticisms coming from the proponents of a more Genevan system. The objection to Morning and Evening Prayer by those who wanted greater purification of the Church had always proceeded from the fact that the Offices celebrated the Catholic heritage of the English Church. By translating and editing the old Monastic

⁴⁹ Davies, Captivity.

⁵⁰ For examples, see Davies, 150.

offices, Cranmer had been able to provide a service which was at once familiar to clerics and more accessible to the majority of the laity, although even some of them might have been familiar with the daily round of prayer practiced in the big abbey churches before the dissolution. This willing emulation of the 'spawn of the Babylonian whore' was as incomprehensible to the more ardent Protestant reformers of the 1630s as it had been to those of the 1570s. They longed to completely extirpate all Catholic relics and replace them with the purer forms of worship, and the doctrine they embodied, which had been evolving since the Marian exile had forced English clergy into greater intimacy with the reformed churches of Europe.

In the immediate context of the First Bishops' War, the Prayer Book was notorious. Since the imposition of the 1637 Service Book had triggered the outbreak of revolt in Scotland, it might be expected that the King's army sent to deal with it would use the King's book, yet the orders do not explicitly stipulate the use of the Book of Common Prayer. Earlier orders had done so.⁵¹ In Arundel's orders, however, no book is mentioned. Within his article, everyone is to diligently frequent morning and evening prayers. The letter 's' appearing at the end of the word "Prayers" makes this article a little

⁵¹ Buckingham's order for example says "it is therefore ordered first that you do twice every day assemble yourselves together in reading and hearing divine service and using such other prayers to God as art allowed by the Church of England in the Book of Common Prayer, except urgent cause enforce the contrary and that every night at setting of the watch you sing the Lords Prayer or some of the psalms befitting the time and say such of the prayers as art usually accustomed at sea," Buckingham's MS. Thanks to Barbara Todd because of whose kind instruction I am able to say: my transcription of the MS.

ambiguous. It could indicate that the phrase actually meant only prayers in the morning and in the evening rather than the set prayers of the Offices, but in fact, contemporary usage shows that the generic use of the word "prayers" in a public context always referred to the Offices of the Book of Common Prayer.⁵²

Further support for the Book of Common Prayer is offered by the stipulation that Sermons be at the appointed times. Although this clause could mean at the times that were appointed within the camp, appearing as it does in this article it almost certainly means at the times appointed in the traditional services of Morning and Evening Prayer. If this reading is correct, it clearly proclaimed that the religious culture of the King's armies was distinct from the word-centred piety of the Precisionists. This article would have at once removed the King's army from the whole sermon culture that had given the sermon itself an undue weight and prominence which some thought should better have been channelled into the corporate worship service.

In the Royal Instructions of 1629, number eight had required more frequent attendance at the liturgy. As one recent study illustrates, this policy reflected the belief that the liturgy was important in and of itself. When it was put in practice, however, greater enforcement of attendance at the liturgical celebrations of the Church had the added benefit that it left less time for "gadding" to other parishes for lectures or sermons. This article's insistence on the

⁵² Davies, Captivity, 146-151.

importance of the liturgy clearly indicates that the writer supported the Crown's liturgical initiative begun with the Instructions of 1629.⁵³

This is not to say that the King himself, and his episcopal partners did not genuinely value good preaching. They did. This fact is implicit in the use of the term "Preacher" to describe the chaplain. In fact, sermons were a vital component in Charles I's personal religious life. Davies states that the only way to become a Chaplain-in-ordinary to Charles I was to preach before him and be personally approved--he only kept those he thought were good preachers.⁵⁴ The King was not alone in his appreciation of good sermons. John Aston's journal of the Bishops' Wars not only mentions sermons but sometimes who the preacher was and the text as well.⁵⁵ He even characterizes preachers in villages near the royal camp.⁵⁶ Henry Slingsby's Diary in the Civil Wars includes more than one mention of sermons preached before the King. It even comments upon Charles's extraordinary devotion to his "Tuesday exercises", a special service with sermon said to have been instituted in perpetual thanksgiving for delivery from the Gowry Conspiracy:

The King for all this omitted not his accustomed hours for prayers, according to the form of the Church of England, and in that house [Raglan Castle] where never before any form was used: and on Tuesday he would have his sermon, (as usually he had at

⁵³ Davies, 146-150.

⁵⁴ Davies, 41.

⁵⁵ Aston, "Journal," 8.

⁵⁶ Aston, 21.

Whitehall) in the parish Church a quarter of a mile off, brought thither in his coach.⁵⁷

Slingsby himself was a sermon lover who tried unsuccessfully to arrange to have a licensed preacher in his own chapel.⁵⁸ His personal preferences take on added significance when it is remembered that Slingsby has been categorized by Newman as a typical cavalier.⁵⁹ Symonds' Diary also mentions many sermons, some on Tuesdays, and even gives a brief taste of one that was particularly anti-Catholic.⁶⁰

From even this cursory examination of the subject, it is evident that Charles I, and other representative members of his armies, were enthusiastic, careful sermon-listeners. But it must be stressed that the sermons they so endorsed were regular sermons in the context of the liturgy almost assuredly preached by licensed preachers. It was the disruptive and divisive potential of unregulated sermons by unlicensed preachers preaching unsound doctrine that worried Charles. The casual

⁵⁷ Slingsby, Henry. The Diary of Sir Henry Slingsby, of Scriven, Bart., Now First Published Entire from the MS Daniel Parsons, ed. (London: Longman, Rees, Orme, Brown and Green, 1836), 155-6. Although a sermon by Fuller gives a slightly different explanation, see Thomas Fuller, Jacob's Vow, A Sermon Preached before His Majesty and the Prince His Highness at St. Mary's in Oxford, May 10, 1644, and printed by special command, (Oxford: Leonard Lichfield, 1644), Wing F2448. A sample of a Tuesday service book exists, though it is from after the death of Charles I, which seems to indicate that Charles II kept up the tradition, A Form of Prayer used in the King's Chapel upon Tuesdays in these Times of Trouble and Distress, (Hague: Samuëll Broun, 1650).

⁵⁸ The preacher was prohibited from using Slingsby's Chapel because it had not been consecrated, which practice had been forbidden by Bishop Neile on the grounds that it led to the formation of conventicles. Slingsby, 19-20.

⁵⁹ Newman, The Old Service, 188, 227.

⁶⁰ Symonds, Diary, 14, 15, 24, 27, 53.

use of the word "Preacher" in this article, to refer to the minister or chaplain of each regiment, is a sign of the official commitment to well-ordered preaching in the King's armies.

In the next section of this article, everyone is to report to the places appointed for Divine Service when it is announced by drum or trumpet. Here is one more titbit of information regarding religious practice, rather on the same level as the "preacher" of the regiment. Upon entering quarters or garrison, each regiment was appointed a specific place where they were to gather for their prayers. The signals that would call them to prayer could be quite elaborate. In the Swedish army, psalm tunes were played on trumpet and drum as the men went in procession to the prayer place.⁶¹ In the English army "The Church Call", was one of several specified pieces of music written for use with drum and trumpet in the army.⁶²

Curiously, there is no recommended punishment for neglecting Divine Service for either officers or men. This lack does not indicate that the offence was seen to be insignificant. On the contrary, no punishment in this instance is more emphatic than a harsh one might have been. Both the law of the land and military tradition ordered punishment for neglecting Divine Service; frequently a fine.⁶³ By omitting any other particular punishment, this article might imply that

⁶¹ See The Swedish Discipline, Part II, p. 14 [sic., 41], #5.

⁶² Grose, Military Antiquities, II:48 reproduces one march written by Charles I himself.

⁶³ See for example, Leicester's orders of 1586.

support for the Church by law established was simply taken for granted. It certainly betrays the base-line assumption that their troops would be likely to attend services if the exigencies of war permitted them to do so. On the other hand, it also implies that 'good example and conversation' should be relied on to ensure that the men worshipped appropriately, which again is congruent with episcopal policy.⁶⁴

The lack of punishment for not attending prayers is open to a more sinister (by seventeenth-century standards) interpretation. It could indicate a modicum of hospitality extended towards the Roman Catholic officers of the army who would certainly have preferred not to attend such heretical ceremonies.⁶⁵ If this had been the case, it would certainly lend even more credence to Newman's assessment of the situation as it was, only three years later, in 1642.⁶⁶

This characteristic of not specifying punishment for neglecting Divine Service is a common feature of those regulations that appear to have been prepared for or by Charles I himself, and sets them apart from common English military tradition.⁶⁷ When all the disparate parts of the fifth article are analyzed, it is clear that the article was officially intended to regulate public worship in the King's

⁶⁴ Davies, Captivity, 145.

⁶⁵ The detrimental effects of the officers not worshipping with their men are explored for the Second Bishops' War in Mark Fissel, The Bishops' Wars, 276-86.

⁶⁶ See above, p. 27.

⁶⁷ See for example both MS. versions of Buckingham's orders of 1628 as well as Newcastle's orders of 1642.

army along the lines of the Caroline traditions established by law and contained in the Book of Common Prayer. Unofficially, this article could have been interpreted very broadly indeed.

The five articles, specific and stringent, which regulated religious duty in the 1639 orders, are an indication of the intentions of the commander of the King's army. They are distinct from common English military tradition in several areas and enshrine the traditions of the Caroline Church. The beliefs they present might have been personally shared by Elizabeth I, Hooker, or even Bancroft. They bear evidence that they were also held by Charles I.

The orders are ambiguous in those areas that are commonly looked for as the hallmarks of Laudianism. The articles concerning the spoiling or profaning of churches do not specifically protect furnishings or ornamentation, although their wording might be interpreted in that way.⁶⁸ Nevertheless, the theology and ecclesiology that underlie these orders unequivocally demonstrate their affiliation with that royal/episcopal team that was the true heart of the Caroline Church and has usually been named after Laud.

The orders effectively demarcate the religious attitudes of the King's commanders from what is commonly labelled the Presbyterianism of their Scots opponents in this conflict. They also clearly set them apart from the over-zealous hunters for idolatry within the English church who had already begun to purge the Universities. Likewise, they identified the King's

⁶⁸ Note that in these orders, "spoil" usually means steal, not deface or damage.

army with the national Church and its prayer book which had provided the occasion for the start of the Bishops' Wars in the first place. There were many Englishmen who found both book and Church as odious as did the Scots. There was no room for them within the letter of the law in the King's army.

Interestingly enough, though, because there was no Eucharistic statement, it might have been possible for Catholics to continue to conform occasionally without jeopardizing their immortal souls too much (providing, of course, that they also heard Mass, etc., as they were obliged to do.) The King's armies truly were fighting to maintain religion precisely, and imprecisely as established by the laws of England. And if those laws provided loopholes that allowed some Catholics to conform outwardly, they also provided room for Protestants who could accept the Book of Common Prayer but who might desire more rigorous preaching, for example. There was nothing specifically in the regulations to forbid additional preaching or study groups, or other forms of prayer for that matter. Although all these types of things might have been subject to the ordinary laws, they were not treated in the army regulations. The wisdom and flexibility of the policy of having individual courts of war act as arbitrators would have been particularly valuable in addressing these ambiguities.

b) Regulating morality

The other articles in the first section of Arundel's orders were designed to keep soldiers in a Christian way of life. Gaming was utterly forbidden to soldiers:

...forasmuch as gaming is oft times the provocation unto swearing, quarrelling, neglect of military

duties, with other dishonours of God Almighty, loss to the soldiers with danger to the whole army, all common playing at dice and cards, with other unlawful games are utterly hereby forbidden to the soldiers, especially to the meaner sort....

The phrase "unlawful games" was no empty form of words. It was a direct quotation from a Statute of 1541.⁶⁹ The types of recreation singled out in this article had been repeatedly forbidden to people below yeoman status at least since the Reformation. It seems to go without saying that gaming was seen as always being accompanied by gambling. The word "playing" is commonly used to mean wagering or gambling, and a later article used it in this sense.

The other corollaries of gaming, swearing and dishonours of God, were surely things that anyone should avoid (although the previous article about swearing also supplied a condition based on rank). But the article went on to single out the meaner sort, again following the statutory tradition, and if they were convicted there were punishments detailed. The first response to illicit gaming amongst the soldiers was to be admonition, which implies that an opportunity was there for repentance and reformation of character. But if they continued to offend, they were to be "fined, imprisoned; or otherwise severely proceeded against, according as the offence and the scandal of it shall deserve." No provision was made for gaming amongst the better sort.⁷⁰

⁶⁹ 33 Hen. VIII, c.9; quoted in David Underdown, Revel, Riot, and Rebellion (Oxford: Oxford University Press, 1987), 47.

⁷⁰ The King's own enthusiasm for card games is well documented. It was even captured on canvas, see Fig. 2. Ashburnham's Civil War accounts include two disbursements for

This is the third distinction based only on rank that we have noted. Although they may irritate our modern, democratic sensitivities, they are to be expected in the seventeenth century, and apparently are still preserved in military tradition today. As evidenced by the similarity to existing Statutory law from the Henrician period, it was commonly assumed that men of quality, in this case officers, would be bound by laws of conduct that have their roots in the days of chivalry. This unwritten gentlemen's code would cover every aspect of their lives and theoretically, make mere army regulations redundant.⁷¹ It is interesting for our purposes then to note when this "default system" is pointedly over-ruled by the regulations. This would happen in areas where a conflict of expectations might be anticipated, for example, in matters of personal honour leading to duelling.

The significant point here is that gaming was outlawed not because it was seen as inherently evil but because it caused problems. The immorality here was the threat to the social fabric, not playing at dice and cards.⁷² The word "scandal"

the King's gambling debts, A Narrative by John Ashburnham (London: Payne and Foss, 1830), Statement of Receipt and Payment, 1 April 1642 to 26 October 1643, vol. II, App. xxviii, and xxxi.

⁷¹ See J. G. Marston, "Gentry Honour and Royalism in Early Stuart England," Journal of British Studies 13 (1973): 21-43, and James Mervyn, "English Politics and the Concept of Honour 1485-1642," Past and Present Supplement 3, (1978), 74-5, 88, 91. Though it focuses on the later period, Donna T. Andrew, "The Code of Honour and its Critics: The Opposition to Duelling in England, 1700-1850," Social History 5 (1980) is generally informative for the Civil War period; for the code of honour, see p. 415, n. 30.

⁷² Both of which were royal monopolies.

in the article is telling. In its most basic sense it means 'stumbling-block' which is particularly fitting in this context. Gaming was not evil. It could create a stumbling-block for the morally weak and that is something that is specifically warned against by St. Paul in Romans 14. That passage admonishes the strong in spirit to be careful that they do not set up stumbling blocks for their weaker brethren. So although the meaner sort were singled out by the regulation, the biblical subtext, called to mind by the word "scandal", would almost certainly have been perceived by officers as well. And in a paternalistic culture they would already have been aware of their role in this type of situation.

This article, then, also reinforces what we already know to be true about the King's armies, both before and during the civil wars, that they depended fundamentally upon traditional concepts of honour, loyalty, obedience, and conduct befitting one's station.⁷³ What is actually written in this article is only part of its true import. If gaming was not evil then it was not such a bad thing if the officers gambled, so long as they did so discreetly and in a way that would not tempt their men to stumble. It does not matter that it would have been close to impossible to enforce an order against officers gambling, (even more so than it would have been to enforce it in the ranks). Such an attempt was not needed because of their understanding of the officer's morality.

The next article is glossed as "whoredom". It provides for the ejection of "suspicious and common women" (implicitly

⁷³ Newman, The Old Service.

distinguishing them from wives) from the army or garrison upon first discovery. If they are taken a second time they are to be "whipped like common strumpets". This punishment was much more lenient than that stipulated by earlier regulations some of which advised various types of mutilation.⁷⁴ It is interesting that the women are assumed to be responsible for their own actions and punished accordingly for recalcitrance.

The consequences for their partners are different though, again, depending on their rank. Soldiers are to be fined and imprisoned; officers "shall utterly lose their places". There is no leeway here for admonition or repentance and no soft ride for lecherous officers. A first offence is seen to be serious enough to merit an immediate and definite punishment. There is no reliance on the judgement of a Court of War or any need to differentiate punishments for more or less serious offences. Any man caught frequenting a whore in the King's army was to be punished. Apparently "whoredom" was perceived as being an unequivocal breach of their code of Christian morality. An evil in and of itself. This is very different from the previously discussed attitude to gaming.

The violent crimes of murder, rape, burning houses, theft, "unnatural abuses, notorious and abominable crimes" were all dealt with in one article and were punishable by death. This was a particularly Caroline grouping which first appeared in "Bullock's Transcript" of Buckingham's orders. In pre-Caroline

⁷⁴ In 1544, under Henry VIII branding was stipulated. Earlier in the same reign, the recommended punishment for incorrigible whores had been to have the upper lip cut off. Under Henry V the left arm was to be fractured. Grose, Military Antiquities II:188 and I:68.

orders, if any of these offences were mentioned, they had been treated individually. Dishonestly touching a child, or a woman, married, single or in childbed was apparently a less heinous offence and led to being cashiered without pay or passport, or to other punishment as the "Marshall's Court" thought fit. This too is an interesting grouping. It had only previously occurred in one manuscript set of orders for Buckingham. In all other orders, rape had been dealt with in a separate article.

The use of the 1627 classification of burning houses with other notorious crimes again sets these orders apart from the main tradition of earlier English orders, which usually included an article on pillage in which burning houses was forbidden unless command was given to do so.⁷⁵ But even in later sections, Arundel did not follow this tradition. The placement of burning houses in the section on moral duties is a good indication of the beliefs of the writer on the subject.

Drunkenness was dealt with in three separate rules. In the first of these, common drunkards were to be cashiered the Army, and anyone found drunk in camp, garrison, or quarter was simply to be imprisoned and fed only bread and water for two days. This course of treatment was quite different from that which had been outlined by earlier regulations. Traditionally, there was a three-tiered prescription for punishment that began with imprisonment. A second offence warranted imprisonment and stiff fines if a soldier, and loss of place if an officer; for

⁷⁵ Henry VIII, 1544; Leicester, 1586, #33; The King's MS., 1628, #18; Wentworth, 1638, #35.

a third offence the soldier was left to the discretion of the "Martial's Court".⁷⁶

Arundel's article may seem more lenient than the traditional one at first glance. Yet his article has a notable distinction. It provides no differentiation by rank for the offence of drunkenness. It says "whosoever shall be drunk in camp." This novel feature is consistent with the balance of his regulations on the topic of drunkenness. They go on to make special provisions for drunkenness upon watch duty and offences committed while drunk. Neither of these two aspects of drunkenness had been covered in any earlier printed orders.⁷⁷ Anyone being set sentinel or in his watch, guard, or other service who is "found drunk, shall die for it." And the last article on drunkenness states that "whoever in his drunkenness shall commit any outrage, or do other injury, shall be punished both for his drunkenness and offence" according to the judgement of the court martial. Being drunk was clearly unacceptable behaviour in any rank; it would not be tolerated as an excuse for bad behaviour. With these kinds of details, the lack of any flexibility in the punishments stipulated, and no explanation of why being drunk should be punished, it appears that drunkenness was considered to be an evil in

⁷⁶ See for example Essex, 1599, #33.

⁷⁷ Orders about being drunk on watch appear in two different manuscript sets of Buckingham's orders, see Bullock's Transcript and The King's MS.

itself, as well as being a source of danger to the safety of the army.⁷⁸

The last rule in the section on "Duties Religious and Moral" states that "No enterprise should be taken in hand, but the Company that are to execute the same shall first commend themselves to God and pray to Him to grant them good success." This article is remarkable. It is the only one of its kind that I have found in all of the orders I have investigated all the way back to Richard I. At the most elementary level, it is significant because it effectively indicates the personal piety of the writer. Prayer was apparently habitual for him. In another way, this article is significant because it gives us a glimpse of the ideal of the army that the writer had in mind. It conveys to the modern scholar the goal of a consciously, actively religious force. The famous praying Cornets of the later New Model Army would not seem out of place in a force governed by articles like this one.

This article is also consistent with the earlier displayed attitude to public prayer. In the article for attending public prayer there was no punishment recommended for those who avoided their duty. And here again, although they are commanded to pray there is no punishment detailed for the recalcitrant. As Carlton says of modern warfare "there are no

⁷⁸ Keith Thomas in Religion and the Decline of Magic noted that drinking was just part of the way of life for the English of every estate, man, woman, and child. He estimates that in 1684 the per capita intake of beer alone, was certainly more than one pint per day (and that figure did not include privately brewed beer, ale, cider, and other alcoholic beverages.) See pp. 17-18. Nevertheless, he also notes that many saw drunkenness as a sin, e.g. p. 86.

atheists in foxholes" and it is highly unlikely that many seventeenth-century Englishmen would have not wished to commend themselves to the Almighty before heading into danger."⁹ Nevertheless, there is no attempt at coercion, and in this aspect, the article diverges from accepted societal norms and military tradition both of which mete out punishment to those who abstain from public prayer.

There are several offences covered in this section on religion and moral duties that also appear in other sections of the orders. For example, women and boys who have no "particular employment for the necessary and honest use of the soldiers" are mentioned again in the section governing camp or garrison. In this article they are simply to be banished the camp.

Burning houses is mentioned again in the section concerning Captains' and Soldiers' duties, in article number twenty-one. In this article, burning houses is linked to burning food and other provisions, and anyone so offending was to suffer death or other grievous punishment as the crime merited. But even here, Arundel's orders eschew the traditional orders which provide for a lawful command to burn. In his army it was simply not to be done.

Arundel's orders include several articles covering the more general topic of wasteful destruction, such as merely breaking down houses that might have been of service to the army. But these offences were never classified as immoral. In

⁹ Carlton, Charles, Going to the Wars (London: Routledge, 1992), 86.

fact, article number twenty, which was designed to protect people, as well as property, from being 'spoiled' followed English military tradition and applied only in "towns or countries within the allegiance of the King". Hurting the inhabitants of enemy-held territory or stealing their goods, was not a moral problem for the writer of these orders. Burning things was.

Burning or pillaging churches appears again separately under "Spoils and Prizes". In the same article, tyrannizing over Churchmen, scholars, women, maids, children and the poor is prohibited.⁸⁰ All these wrongs could also be punished by death at the discretion of the Council of War. It is interesting that churchmen are included with the helpless given the example set by Richelieu in France, and the ill feeling towards the might of the Prelates in matters outside the Church at home.⁸¹ Stealing appears under the duties of Captains and Soldiers and the punishment stipulated is death, which was consonant with military tradition, although it was harsher than the legal penalty.

Other topics that modern readers might expect to find regulated with moral duties do not appear in Arundel's section "Concerning Religion and breach of moral duties". One of these is duelling. Because duelling did subsequently appear classed

⁸⁰ This article is similar to article #100 in The Swedish Discipline, Pt. II, p. 57.

⁸¹ One diarist actually drew a comparison between Richelieu's war efforts and those of Archbishop Laud, saying it was only in this respect that Laud "comes short of the Cardinal", see Aston, "Journal," 5.

as a moral issue, it will be especially helpful to establish the stance taken in Arundel's, and in earlier orders.

Some article about private quarrels, provocation, challenges, or brawls had been a fairly common feature in English military regulations since at least the late 1500s but no previous set of orders actually uses the word "duel" until Arundel's orders.⁸² Here, duelling was covered by three separate, highly detailed articles. Offering a challenge, accepting a challenge, provoking a duel in any way, or taking part in a duel, even to revenge an injury, were all specifically forbidden. Duellers could be punished by imprisonment, public disarming, or even death if one of them had been killed.

The regulations' method of trying to prevent duels directly paralleled the Jacobean proclamations against duelling.⁸³ According to the most recent study of duelling in Britain, duelling had been "embraced with enthusiasm" by the Elizabethan aristocracy and by the ascension of James I was "a

⁸² This was not for linguistic reasons; the word duel had been commonly used in England since at least the thirteenth century. See above p. 42 for an earlier article against duelling.

⁸³ "A Proclamation Prohibiting the Publishing of any Reports or Writings of Duels," October 15, 1613, in James F. Larkin and Paul L. Hughes, eds., Stuart Royal Proclamations, Vol. I, (Oxford: Clarendon Press, 1973), #132; "A Proclamation Against Private Challenges and Combats," February 4, 1614, Larkin and Hughes #136; and "A Proclamation Against Steeleets, Pocket Daggers, Pocket Dagges and Pistols," March 25, 1616, Larkin and Hughes #160. See also George Clark, War and Society in the Seventeenth Century (Cambridge: Cambridge University Press, 1958), 32-8.

well-established feature of the social landscape."⁸⁴ Although Kelly does not mention the Jacobean proclamations, he notes a "'severe' edict in July of 1609 outlawing duelling and providing for the exemplary punishment of transgressors." According to Kelly, related parliamentary legislation was unsuccessfully attempted in 1613 [sic 14?], and despite a speech by the King himself before the Lords and Commons in April of 1614, the notorious habit persisted. Kelly evaluates this refusal of the members of parliament to interdict duelling as tacit approval and notes their resistance to further efforts in 1629, 1640 and 1641.⁸⁵ It was only with "the rise to power of Oliver Cromwell" that "the broadly permissive attitude towards duelling that prevailed in England during the reign of Charles I came to a sudden halt." The evidence of the regulations for the King's armies indicates that, despite the poor legislative track record, the attitude of Royalist army high command was hardly permissive.

The complex, subtle etiquette of duelling was also covered by article number eighteen: "Whosoever shall give the lie to any person of the Army whatsoever, shall be fined and

⁸⁴ I follow James Kelly, 'That Damn'd Thing Called Honour': Duelling in Ireland, 1570-1860 (Cork: Cork University Press, 1995), 20-1. This recent study differs in almost every particular from all earlier work on the subject. See for example, J. G. Millingen, The History of Duelling, (London: Richard Bentley, 1841) for duelling in England and Ireland, see Vol. 2; Lorenzo Sabine, Notes on Duels and Duelling (Boston: Crosby, Nichols, and Company, 1855); Robert Baldick, The duel: A History of Duelling (London: Chapman & Hall, 1965).

⁸⁵ I suspect that parliament's resistance to legislative attempts were more likely to have been because of some other feature they proposed, such as trying to settle such disputes in the Marshall's court, which was deemed an arbitrary court.

imprisoned for it, at the discretion of a marshall court." The phrase "give the lie" here does not mean to be dishonest or deceitful, but to be contradictory in an offensive way and so provoke a quarrel, without actually issuing a challenge. To give the "lie direct" was the final stage in the etiquette of quarrels. According to one of Shakespeare's fools, Touchstone, in As You Like It, the lie direct was followed most commonly by a duel, although honour could be preserved if one party "thought of an 'if'".⁸⁶ All of these articles appeared under the section heading "Concerning Captain and Soldiers duties in particular", apparently the ranks of men that these articles were particularly aimed at. Although no part of the duelling ritual was classified as immoral, Arundel clearly felt the need to override the traditional code of honour and regulate in this area in an attempt to maintain order in his notoriously disordered force.⁸⁷

Plain deception, such as Muster masters who returned fraudulent rolls, or Captains who withheld or pilfered the pay of their men, was another offence a modern reader might regard as immoral. This kind of deception was regulated against in Arundel's orders, but again it was not treated as a moral offence. Fraud of this nature was never classified as immoral in the army regulations. It is a topic that helps delineate the differences between our modern values and those of the

⁸⁶ For a brilliant sequence recounting the seven degrees of the lie, see As You Like It, Act V, Scene 4. I am most grateful to Prof. Trevor Lloyd for this reference.

⁸⁷ See Mark Fissel, The Bishops' Wars, 149-151 and passim.

seventeenth century, but it is not a good indicator of different values or moral cultures within the latter period.

Stealing from the dead is, like duelling, an area where distinctions between sets of orders can be discerned. Seizing the goods of the dead was only prohibited in the section on the administration of justice in Arundel's orders, along with the making and executing of Wills. His article covering "goods of the dead" was explicitly designed to protect only the fallen soldiers of the King. Apparently it was perfectly acceptable to claim as rightful spoil or booty the goods of dead enemy soldiers, but Arundel also introduced a whole section of articles "concerning lawful spoils and prizes".

On the whole a clear picture of the moral world of the writer of the 1639 orders emerges. It is a place in which the personal honour of the better sort is taken for granted, yet the orders venture to impinge upon this unwritten code in three significant areas. Drunkenness and whoredom are rejected as inherently evil practices at any level of society. All parts of the duelling ritual are forbidden, although not termed immoral.

Many other strict guidelines attest to the perceived corruptibility of the lower orders, here represented by the common soldier. Gambling, for instance, is not seen to be evil, yet insofar as it can lead to disorder in the army and other nasty behaviour, it is strictly forbidden to the common soldier. It is assumed that their betters will be well behaved in such situations. Violence like murder and rape are unequivocally condemned with retributive justice.

The traditional "devil's article", which had been a feature of English military tradition since Leicester's code of 1586, was a catchall which made provision for punishment of offences which were not specifically mentioned within a set of orders. Such an article was also included in the 1639 regulations, and may have allowed for the prosecution of even more offences of a religious or moral nature.⁸⁸

Arundel's orders were to be read aloud to the assembled soldiers but there is no specification of where or when. The orders do state that after they had been read the soldiers were required corporately to swear to their acceptance of them saying "all the laws and orders which have publicly here been read unto us, we do hold and allow of as sacred and good: and will confirm, fulfil, and keep them to the uttermost of our power: So help us God." No punishment was detailed for refusing this voluntary acceptance of the army's rules and it seems safe to conclude that the amount of compulsion inherent in group behaviour and peer pressure were not sufficient to nullify the sanctity of the oath. For most seventeenth-century Englishmen, a solemn oath was not something to be taken lightly. By breaking a lawful oath, the swearer renounced the mercy of God and called down vengeance upon his own head. By swearing the oath, the men as well as the writers of the orders, indicated their belief that the misdemeanours mentioned above were worthy of censure.

⁸⁸ For a brief discussion see H. Bullock, "The Devil's Article," J.S.A.H.R. 5 (1926): 202. Bullock was apparently unaware of Leicester's code, and places the article's advent in 1591.

It is possible, however, that voluntary and military are mutually exclusive terms. The taking of the oath, therefore, cannot accurately represent intent on the soldiers' part, especially the many who had been pressed. Nevertheless, in the absence of positive evidence to the contrary, the existence of the oath and the implication that it would have been applied as stipulated must be accepted as evidence that the soldiers agreed, for the time being, to abide by the moral code outlined in the orders. Besides, it is not anachronistic to recognize the possibility that they (like us) may have had high ideals which they were unable (or unwilling at times) to live up to. A person can wilfully act against their conscience, yet it is the conscience that dictates what is to be striven for. If we judge only by behaviour and not also by accepted goals, we misjudge and underestimate.

Another oath was printed with the 1639 Orders. It was "to be taken by all officers and soldiers by His Majesty's express commandment as a touchstone of every man's fidelity and loyalty."

I A.B. do swear before the Almighty and everliving God, that I will bear all faithful allegiance to my true and undoubted sovereign lord King Charles, who is lawful King of this land, and all other his Kingdoms and Dominions, both by land and sea, by the laws of God and Man, and by lawful succession: and that I will most constantly and cheerfully, even to the utmost of my power, and hazard of my life; constantly oppose all seditions, rebellions, conspiracies, covenants, conjurations, and treasons whatsoever, raised or set up against his royal dignity, crown, or person, under what pretence or colour whatsoever: and if it shall come veiled under pretence of Religion, I hold it more abominable before God and man. And this oath I take voluntarily in the true faith of a good Christian and loyal subject; without any equivocation or mental

reservation whatsoever; from which I hold no power upon earth can absolve me, in any part.

Presumably, this oath was administered to each officer and soldier who fought for the King. So, although the individual regulations identify the army with a particularly Caroline Church, the oath they imposed on the soldiers did not mention that Church at all. Perhaps, swearing to defend the King's royal dignity also committed the King's men to defend the Church of which he was the supreme governor. And there is a nod at the reality of religious strife in the specific mention of covenants. Yet it is clear that on the King's side the conflict of 1639 was a response to rebellion against the declared will of the monarch, a legal and moral concern; it was not publicized as a religious crusade. Laud himself wrote: "it is not religion, but sedition that stirs in [the Scots]...which at last breaks forth into a high degree of treason against their lawful Sovereign."⁸⁹ The oath reiterates Laud's conviction. It criticizes the Scots disobedience as hiding behind a pretence of religion, and implies that what was at stake on both sides was not religious in nature, no matter what the Scots might claim.

What are we to make of the attempts of the 1639 orders to regulate religion and morality? To assume that the framer of the orders placed great importance on the offences which appear more than once and have severe (even the ultimate) punishment

⁸⁹ Letter from Laud to the bishops, January 31, 1639, in Works of William Laud, eds. James Bliss and William Scott, VI(2):558-9; quoted in C. Hibbard, "Episcopal warriors in the British wars of religion," in War and Government in Britain, 1598-1650, Mark Fissel, ed., (Manchester: Manchester University Press, 1991), 167.

may be naive. On the other hand, if some offence were seen to be grievous it would be practical to include it under several possible heads to ensure that it could not be missed. It is most probable that these duplicated offences were believed to be most likely to be committed, rather than most awful if committed. Pillage, desecration of churches etc., sexual assaults, and consorting with suspiciously idle women, all of which were treated more than once, were not necessarily seen to be worse wrongs than blasphemy against God, profanation of scripture and abuse of the clergy. Blasphemy was given pride of place and one could be maimed if found repeatedly guilty. The former offences, however, are deliberately warned against more than once and could carry capital punishment.

Perhaps what is most significant is that for the most serious blasphemy there is no latitude whatever in punishment--the severity is theoretically the same whosoever is guilty--whereas with the other offences, although punishment may be death it is left to the discretion of the appropriate presiding officials and may be influenced by social standing. It would be fascinating to examine any Court Martial papers which may have been preserved to ascertain the type of penalties that were actually given, but that is beyond the scope of this thesis and may prove to be impracticable for the Royalists.⁹⁰

Even without the evidence of how or if these regulations were enforced, their existence and content give adequate testimony that those in charge of the King's army in 1639 intended to defend the Caroline Church as by law established.

⁹⁰ Carlton, Going to the Wars, 198-200.

The orders stray from the status quo in not specifying any punishment as an attempt to force men to pray or attend sermons. They enter onto controversial ground with much less vehement production than might have been expected given the context of the first Bishops' War. Yet, on the whole, the religious and moral stance is clearly within the royal/episcopal tradition of the Caroline church.

CHAPTER THREE

THE SECOND BISHOPS' WAR: 1640 to 1641

Northumberland's Orders of 1640

At least two other sets of orders were published during the Bishops' Wars, those of the Earl of Northumberland and of the Earl of Holland. The orders established by Algernon Percy, Earl of Northumberland were printed in 1640.¹ The Pacification of Berwick, 1639 had not been a formulary for a lasting peace, just a way the King could win time to regroup. Unable to manage the Scots Parliament, which was determined to reassert Presbyterian church government and prepared to use radical political means to achieve its end, Charles listened to the counsel of Wentworth, Laud, and Hamilton and again prepared for a new war with Scotland.²

In February 1640, Northumberland was appointed General in the North.³ Fiscal and political necessity (along with

¹ Laws and Ordinances of War, Established for the better Conduct of the Army, by his Excellence the Earl of Northumberland (London: Robert Barker, 1640), STC #9336.

² The Scots Parliament was dissolved on November 14, 1639 and from that time, the King was committed to war; Wedgwood, The King's Peace, 267-7.

³ Northumberland received two commissions in 1639. The first, dated March 26, 1639, appointed him to command the King's forces South of the Trent in the first Bishops' War; as Wedgwood described it in The King's Peace, "He was made responsible for the safety of the Queen: 'She is my jewel,' said Charles." p. 238. Northumberland's second commission was dated February 14, 1639/40, and appointed him Lord High Admiral and Captain-General North of the Trent in the Second Bishops'

assurances of Strafford's ability to manage an English Parliament as he had done an Irish one) convinced Charles to summon a new English Parliament after an hiatus of eleven years. Frustrated in his desire to obtain supply the Short Parliament was dissolved, but the war effort proceeded.

The orders we shall examine were printed by the King's printer, Robert Barker, who consistently used the old style of dating, so we can roughly determine the month of publication as being after March 24, 1640. It also happens that a letter from Conway to the Earl, written from Hull on April 17, 1640 refers to some clauses he respectfully hoped might be included in the new orders.⁴ In Northumberland's reply to Conway we learn that on April 26, 1640, the orders were already at the press, so we are able to establish the time of printing as being between March 25 and April 26, 1640,⁵ either when the promise of a Parliament was about to become reality, or most probably, during the brief session that ran from April 13 to May 5, 1640. That is to say, these orders were written when there still seemed good hope that the King had decided to listen to reason (from Northumberland's perspective: he was dead set against this war primarily but not only on financial grounds) and hopes of political solutions to the Kingdoms' problems had not been completely dashed.

War, see John Rushworth, Historical Collections (London: T. Newcomb, 1701), 3.2:988.

⁴ Conway to Northumberland, April 17, 1640, SP/16/450/103.

⁵ Northumberland to Conway, April 26, 1640, SP 16/451/54.

We are also fortunate, in the case of these orders, to catch a glimpse of the process by which the regulations were revised. It seems, from Conway's letter, that the Lord General truly did oversee the rewriting himself, and that it was in part a consultative process. Conway was General of the Horse in the Second Bishops' War. He was anxious for Northumberland to prepare and send down officers and the new orders. He wrote from the North: "That government which was among the Jews in the time of the Judges will not fit troops of horse, here everyone doth what is right in his own eyes."⁶ What most concerned him was that an article about the reading out of the orders to the troops be included in the new book, and he suggested that once a month should be stipulated. He also suggested that the section of the orders applicable to each branch of service and type of action be read out to the appropriate men at the commencement of each action (e.g., setting the guard). He stressed how important he thought this reading of the orders to be by reminding Northumberland that if the orders had already been printed The Lord General could still arrange for it by a general order through the Sergeant Major-General. Northumberland was obviously open to receiving advice from his officers already in the field as to what kinds of commands were needful, but more importantly, he seems to have been conducting the revision process himself rather than leaving it to some secretary or other officer.

His decision to do the revision himself is in keeping with what we know of his history. In November 1636 he had

⁶ Conway to Northumberland, SP 16/450/103.

personally overseen the drafting of proposals for the reformation of abuses in the management of the navy. His suggestions at that time were ignored, and he was so chagrined that he wrote to Wentworth that he would never again undertake such a task unless ordered to do so.⁷ There is no such order recorded in the Privy Council Registers or State Papers for the Spring of 1640. But one way or another he seems to have "vigorously exerted himself to organize the army" and was in constant communication with Conway in the North.⁸ Clarendon describes him as being a man of "the most esteemed and unblemished reputation, in court and country, of any person of his rank throughout the Kingdom;" Firth adds that at "the close of the struggle he preserved it almost unimpaired."⁹

Northumberland was first cousin to Robert Rich, Earl of Warwick, Henry Rich, Earl of Holland, and Robert Devereux, Earl of Essex. Russell describes Northumberland not as one of the "godly peers" but as part of the "court-based" group in the Lords who would later be Parliamentarians. He says that by February 1640 Northumberland had decided that politics was too important to be left to Kings even if they had to be forced to listen.¹⁰ Northumberland was educated at St. John's, Cambridge long before Beale's Arminian reforms, and all Firth tells us in the Dictionary of National Biography about his

⁷ Northumberland to Strafford, quoted in D.N.B.

⁸ S.P. 16/457/5, SP 16/458/60, SP 16/461/16, and SP16/463/71.

⁹ Both quotations are from the D.N.B.

¹⁰ Russell, Fall, 20.

religious preferences is that he disliked Laud's religious policies. He was also anti-Spain, which could be (even more so than anti-Laud) a stance in which politics and religion were so entwined as to be indistinguishable, and as Russell has pointed out, is one of the most reliable indicators of allegiance later in the Civil Wars.

Northumberland had long been trusted by Charles I. He had been called to the House of Lords before his father's death, and given the highest naval posts including Lord High Admiral. He was one of Wentworth's patrons. In 1638 he became one of the councillors for Scottish Affairs, the committee which was responsible for raising the army for the North.¹¹ Although Northumberland had increasingly grave doubts about the campaigns against Scotland, mostly but not all financial, he accepted command.

The different mood of these orders begins to be apparent right from the title page. The restraint seen there may just have been the result of Barker working with the main press in London instead of the travelling press he had taken North to Newcastle where he printed Arundel's orders. But perhaps, it is also a reflection of the man who commissioned the printing, and the changed situation of the King's army in the North. The ignominious cessation of hostilities that ended the First Bishops' War the previous year had settled nothing, and the King's determination to fight again without benefit of parliament, and its essential financial backing, meant that even those who had supported the previous campaign had little

¹¹ Fissel, The Bishops' Wars, 66-7.

stomach for further conflict. According to Firth, Northumberland was one such, and the title page of his orders conveys his reserved feelings at once. The words of the title page of Arundel's orders had provided a graphic image of the official strategy of the 1639 campaign. The King and his closest advisors had hoped to overawe the Scots into submission and obedience, and they had insisted that they planned a defensive war. Arundel's Title Page had said that his laws of war were for "His Majesty's Army Royal", summoned for the "safety of the Kingdom". In Northumberland's orders, one year later, this display of royal bravado was definitely muted. They said simply "Established for the better conduct of the Service in the Northern Parts", and bear only Northumberland's coat of arms rather than the King's.

A more efficient expression of ideas continues throughout the opening address and in fact, throughout the document. Like the 1639 orders, they were addressed to all Officers of the army, both horse and foot, as well as "all His Majesty's subjects, and others, whom these Laws and Ordinances of War shall concern." And again, all the said persons were to "swear unto" the regulations.

a) Regulating Religion

The next noticeable change is a reorganization. The 1639 heading "Concerning Religion: and Breach of Moral Duties" was changed to "Of duties to God" and "Of duties Moral" two headings of separate sections, the latter of which appears considerably later on. Under the first heading, blasphemy against the Trinity and known articles of Christian faith is

still first and punishment is simply boring of the tongue. For a first offence this is a more severe punishment than the 1639 orders and removes the possibility of repentance and reformation that they had allowed. Clearly, blasphemy was intolerable to Northumberland, or at least his intention was that it should be so in the King's army in the Second Bishops' War.

Unlawful oaths and execrations and "scandalous acts in derogation of God's honour" were forbidden by the next article which condenses two rambling and detailed orders of 1639. Northumberland says in less than four lines what had taken half a page in Arundel's orders. And here again, we see Northumberland reinstating the older version of the article, almost exactly as Essex wrote it in 1599 in a move, unconscious or planned, to reinstate an older, more generic brand of Protestantism in the King's armies. These offences were to be punished with loss of pay and other punishments at discretion. The traditional punishment, loss of pay, was certainly a practical measure if the link believed to exist between gambling and swearing, established in the 1639 orders, is remembered--you cannot gamble if you forfeit your pay; if you do not gamble you are less likely to swear.

In some ways, however, this article is less precise than that of 1639. There is no specification of whose discretion is to be the rule in these cases. Also scandalous acts is a decidedly broad (perhaps euphemistic) classification. The marginal gloss for this article says only "Cursing" but it is possible that this part of the article could also refer to non-

verbal and disrespectful derogations of God and or the holy. If this were so, it would quite simply telescope the several offences which appeared separately in the 1639 orders, for example, deriding scripture, or the ecclesiastical system, or profaning the Sabbath, which could all broadly be seen as scandalous derogations of God's honour. But there is no hard evidence to substantiate this reading, and we are forced to wonder why he chose to be less specific in this area than Arundel had been. The simplest conclusion is that there was some element, or elements protected by Arundel's orders that he did not care for or that he thought deserved no such protection. Two likely topics spring to mind: the ecclesiastical system was an explosive issue in England itself, doubly so in the context of the 1640 'quarrel' with Scotland. Profaning the Sabbath is apparently something else Northumberland did not want to even mention. Some of the preciser sort of Protestants described the 'reverent keeping of the Lord's day according to the law' as profaning the sabbath. Silence was safest. It was the traditional path of loyal resistance.

Northumberland's third rule said that "those who abuse and profane places and utensils dedicated to God's public worship, or wrong his Ministers" would be punished in the same way outlined in the previous article. In this article the component Northumberland chose to be specific about is significant. Arundel had more fully described what form abuse and profanation could take when applied to churches, and even included chapels, but he had not singled out church furnishings

or vessels for particular protection. Northumberland, on the other hand, made no mention of church or chapel. This might have been because worship in a cathedral or a college or family chapel is nonetheless still public worship, so long as the word "public" is being used to mean corporate rather than individual prayer. If, on the other hand, public was being used simply as opposed to private, that is, to describe places where God was worshipped in public, then Northumberland's orders meant something very different from Arundel's. This little ambiguity over the meaning of "God's public worship" could indicate a world of difference on a spectrum of religious belief and move Northumberland's orders decidedly closer to the reformed end.

Northumberland didn't waste any space on describing what he meant by profanation, but he explicitly protected "utensils dedicated to God's public worship". The intention here seems clear enough initially, but what exactly those utensils were, of course, would actually have depended on the intended meaning of God's public worship. Although the Canons of 1604 outlined standard church furnishings, and utensils, many individual items were objectionable to the preciser sort of Protestant.¹²

A full set of altar utensils required only a chalice (usually in the shape of a beaker or common drinking cup) a paten (a plate for bread, usually on a stand like a modern cake plate), and an alms basin (into which individual members of the congregation would place their own offering of alms during the

¹² J. V. Bullard, ed., Constitutions and Canons Ecclesiastical, 1604, (London: The Faith Press, 1934). The following description of communion plate follows Horton Davies, Worship and Theology in England, 304-9.

service). Since the mid-1620s, however it had become increasingly common to find much more elaborate utensils. The chalice was usually covered and of "Gothic revival style" (the shape most common today), with two flat patens (bread plates), a ewer and basin (for washing the priest's hands and the holy vessels after use), two candlesticks, and a censer (in which incense would be burned for ritually purifying the altar and various other objects).

Not only were these utensils shaped differently (with corresponding symbolic significance), but they were usually at least gilt if not silver plate, and engraved with an array of traditional Christian symbols such as the pelican feeding her young, the Good Shepherd, the sacrifice of Isaac, and the star of the nativity. A brief discussion of the symbolism of the last of these, seemingly innocuous, but of tremendous contemporary import will stand as indicative for the significance of the few other devices I have mentioned. The star of the nativity is that which in the Bible story rose to mark the birth of the messiah, the great King. It unerringly led the wise men to the Christ child. Its employment as a symbol on communion utensils indicates a belief that there too it would lead to the true body of Christ. The use of this symbol, and the others mentioned, (which can bear similar explications) is unmistakably towards the catholic end of the traditional English understanding of the Real Presence in the Eucharist. The orders that add explicit protection for these utensils display an affiliation with that catholic tradition

denounced as idolatry by the more precise sort of Protestant.¹³

In deliberate reaction to this opulent trend in Church utensils an alternative and opposite trend arose. Instead of fine metal utensils, wooden "Treen ware", was adopted in what Davies describes as "a lower evaluation of the Eucharist, indeed a deliberate lowering of it" in "Puritan celebrations of the Lord's Supper."¹⁴ Although these vessels did sometimes bear pictorial decoration, (for example three birds, each enclosed in a circle, or the royal arms) by far the most common form of decoration was long didactic inscriptions. The following is a good example: "Behold what drink the Lord of life doth give now and in this life, the assurance of salvation to his elect who holy do live, for unto them there is no condemnation."¹⁵ It would be hard to imagine a better representation of the word-centred piety of the Preciser sort of English Protestant.

Although protection for Church utensils might have been implied in Arundel's article, the fact that Northumberland singled them out for explicit protection is surely important. It demonstrates Northumberland's acknowledgement of the terms of the debate in the Church over the Laudian reforms of the

¹³ Crucifixes were still very Roman Catholic in association, yet they were not unknown among the ornaments used on the utensils of English churches; Davies, Worship, 306. Bells were among the things often complained of by precisians, but as evident even the Jacobean Visitation Articles edited by Fincham they were of significance to the episcopal segment of the church. See K. Fincham, Visitation Articles, passim.

¹⁴ Davies, 307.

¹⁵ Quoted in Davies, 308.

previous decade, and proclaims that the official position of the King's army, the letter of the law, was to be firmly within the established Church as it stood in 1640, Laudian frills and all.¹⁶

This article also particularly protected the ministers of the Church from wrong. It is important to note, however, that as in the previous article, punishment was to be at discretion only. Presumably, that discretion would first have been deployed by the Captain or other commander before an offender was passed on to the court of war if that was deemed necessary. In this way it would have depended entirely upon the individual officers involved to decide on which part of which orders were rigorously enforced and how, and there might have been some leeway for those who shared Northumberland's personal antipathy for Laud and his renewal of clericalism.

The only topic covered by Arundel's long and detailed articles that was not also dealt with by Northumberland is the offices of the ministers of the Church, i.e., the offices of deacon, priest, and bishop, a curious omission in the regulations of King's army in the second Bishops' War, but one that is in keeping with the trend towards a more 'Reformed'

¹⁶ This point goes some little way to confirming White's description of a spectrum of religious belief in the English Church, see Peter White, Predestination, Policy and Polemic: Conflict and Consensus in the English Church from the Reformation to the Civil War, (Cambridge: Cambridge University Press, 1992). From my vantage point, it seems best to situate Northumberland somewhere to the Reformed end of the middle of such a spectrum. His willingness to remain silent is in some cases reminiscent of the type of tolerance instituted under James I; his ability to also endorse official royal/episcopal policy in areas known to be controversial indicates that there is no simple polarization between "Puritan" and "Arminian."

position noted in Northumberland's orders. Northumberland's orders do not explicitly mention any preachers or chaplains in the army, although the article on Divine Service might be presumed to necessitate their presence.

There were chaplains in his army, although again, not formally established in any way. They were dutifully recorded in the muster roll, in their proper rank, after ensign and before surgeon.¹⁷ There was one minister recorded for each regiment of the army except two, Nicholas Byron's, and Thomas Lunsford's. Little can be said of Byron's religious tradition, according to Newman, for whom, silence on the subject indicates usual attendance and communion in the national Church.¹⁸ Lunsford, on the other hand, Lord Dorset described as: "A young outlaw, who neither fears God nor man, and who, having given himself over unto all lewdness and dissoluteness only studies to affront justice."¹⁹ He might have benefitted from a chaplain, but whether he preferred to do without one, or one could not be found to serve under him, is still unknown.

The fourth article of 1640 deals with "those who often and wilfully absent themselves from Sermons and Morning and Evening prayer". This article too is highly significant, firstly for

¹⁷ The Names of all the Colonels, Lieutenant Colonels, Sergeant Majors, Captains, Lieutenants, Ensigns, Preachers, Surgeons, Quarter Masters, Provost Marshals under his Excellency the Earl of Northumberland, Captain General for the Expedition, 1640, in Edward Peacock, ed., The Army Lists of the Roundheads, and Cavaliers (London: Chatto & Windus, 1874).

¹⁸ P. R. Newman, Royalist Officers in England and Wales, 1642-1600: Biographical Dictionary (London: Garland Publishing, 1981) #231.

¹⁹ Quoted in Newman, Biographical Dictionary, #921.

what it did not say: there was no instruction to observe the Lord's Day and no mention of Holy Days; and secondly, for what it actually did say, that both sermons and Morning and Evening Prayer had to be attended.

The 1639 orders had clearly stipulated the due keeping of the Lord's Day, but this instruction does not appear in Northumberland's orders. This omission may have been made simply in the interest of efficiency, or it may be that the idea of keeping the Lord's Day holy was so elementary to Northumberland that he thought inclusion in the orders redundant. It was, after all, covered by the Ten Commandments. But other offences covered by the Commandments also appear in Northumberland's orders.

As suggested above, proper keeping of the Lord's Day may have been an issue that Northumberland chose to avoid creating occasion for division over. Although the lines of the conflict were not quite so clearly drawn as Tyacke's suggestion of an "Arminian Sunday" versus a Puritan Sabbath, there was a tremendous public controversy on the issue of the proper keeping of the Lord's Day. Northumberland was able to sidestep the entire issue, simply by keeping silent. But his silence can be seen as personal disapproval over the official manner in which the Lord's Day was to be kept. The fact that he revised this article in favour of the older military tradition may represent a similar desire to return to past understandings of the sabbath.

Of course, it is possible that the omission of an order to keep the Lord's Day may simply have been a tacit recognition

that the exigencies of war were such that worship had to happen when it could regardless of which day of the week it was. That provision too had frequently been built into the articles about attending Divine Service. But the issue here was the keeping of the Lord's Day rather than simply Divine Service, and I think that Northumberland deliberately avoided controversy on this point.²⁰

The omission of any mention of Holy Days may be similarly explained. This topic was even more controversial than the proper keeping of the Sabbath, and again, Northumberland chose to keep silent. The keeping of Holy Days had become a significant element of the type of worship practiced in the Chapels Royal, one that many outsiders would have criticized even if it had been confined to the Queen's chapel. It is almost as if Northumberland was not just paring down the army regulations, but striving to identify only those things that he believed to be the essentials of the Caroline Church. For Northumberland, apparently, Holy Days were not among them.²¹

What Northumberland's orders did say was that "all those who often and wilfully absent themselves from Sermons, and Morning and Evening prayer shall be proceeded against at discretion." Four points need to be made about this wording. First, the placement of the word "sermons" was conspicuously different from the similar 1639 article. There sermons were specifically, and very pointedly, confined to their place

²⁰ It is his precedent, via Holland's orders, that is adopted by the Royalist armies in 1642.

²¹ Charles I himself would make the same decision in the proclamation of June 13, 1643. See below p. 238.

within the Liturgies of Morning and Evening Prayer. In this clause of the 1640 article, Northumberland again apparently reverted to earlier military tradition.²² This treatment of sermons implied that they could occur on their own, at the will of the preacher, and might be seen to be sufficient service in and of themselves; acts of passive worship, certainly an interpretation which would have been appreciated by more precise Protestants.

The placement of the word "sermons" in Northumberland's article reasserted the military tradition of their parity with Morning and Evening prayer. In so doing, it also gave greater weight to sermons than they had received in Arundel's orders. Nevertheless, Northumberland's article also bound sermons and morning and evening prayer together with the conjunction "and" which had not been present in the earlier articles. This small word insists that both sermons and prayers are equally valid components of worship in the Caroline Church. This duality is emphasized by the gloss which says that this article concerns the "neglecting of divine service", that service colloquially meant Morning and Evening Prayer from the Book of Common Prayer, which ideally would have included a sermon or homily. The gloss on this article could just as easily have read, neglecting of prayers or neglecting of sermons. Clearly the drafter's concept of Divine Service included both sermons and the traditional liturgies of the English Church, perhaps he

²² Interestingly, sermons are treated in a similar manner in the King's MS. of Buckingham's orders, but only after considerable detail about the usual forms of morning and evening prayer of the Church of England.

even expected them to occur at the same time. The importance given to sermons by this article is a more appropriate reflection of the reality of the Caroline Church than the corresponding treatment of 1639. It sets these orders further towards the "Reformed" end of the religious spectrum, and further away from the Catholic end, than the 1639 orders.

The second point is about Morning and Evening prayer. Again, the naming of the actual offices of the Book of Common Prayer proclaimed the Army's affiliation with the established Church, and there is no need to think that the 1640 use of "prayer," where the 1639 orders had said "prayers," was a significant deviation. This article confirmed the traditional use of Morning and Evening prayer in the King's armies which had previously also been found in Arundel's orders. As Northumberland was neither ambiguous or silent regarding The Book of Common Prayer it would appear that it was not something he found personally objectionable in any way.

The third point about this article is that it was negatively framed. This was not unusual within English military tradition, but it was different from the way in which Divine Service was handled in 1639. There the gloss on this article urged soldiers to the "observation of the Lord's Day" and a positive picture of what services were and when they would occur emerged from the article. Here there was only the bald statement of what would happen to those who were guilty of the "neglecting of divine service". It may be emotive, but the 1639 article was, so far as an article could be, an invitation; the 1640 article was a threat. The negative framing of this

article certainly seems to suggest a different attitude to attendance at public prayer, an assessment that is further corroborated by the fourth and final point to be made about this article concerning the threat of punishment.

The idea that a person who did not worship with you should be punished was certainly the status quo in the seventeenth-century Church of England and a consistent part of English military tradition. That concept was not evidenced in the 1639 orders, but it was reintroduced in those of Northumberland in 1640. Why? Perhaps that question is more properly aimed at the aberrant omission of the 1639 orders and not the inclusion in those of 1640. After all, punishment was the norm, but the one assigned by Northumberland's orders was much more lenient than that of military tradition. As with all the other articles in this section, except blasphemy, the actual punishment was left to "discretion".²³ Again, whose discretion was not specified. In the context of Northumberland's generally more Reformed stance, this ambiguity may well have allowed for the enforcement of the regulations in a way that was consonant with the beliefs of individual regimental colonels. The reassignment of punishment for neglecting Divine Service realigned the military with the societal norm.

²³ Elizabethan legislation had been aimed primarily at the heads of landed families who were liable to a 12d. fine for each absence from Church. If a consecutive month of Sundays was missed, the fine leapt to £20 per month, and the offence became indictable, Rose, Cases of Conscience, 11-13 and 23. Some earlier military orders had specified a schedule of fines and imprisonment as punishment for neglecting divine service, see Leicester, 1586, while others simply said "duly punished", see Essex, 1599 and Wentworth, 1638.

There is an important element of pragmatism in this clause that could easily go unnoticed. It is an acceptance of the way things really were in Caroline society. Seen in the light of this clause, the corresponding clause of Arundel's orders looks like a catholic/episcopal/royal wish list. Even alone, this clause illustrates one striking contrast between the two sets of orders.

The importance of attending Sermons and prayers was further reiterated in a section of Northumberland's orders entitled "Of the Duties of Commanders, and Officers in Particular". The first duty to which they were strictly charged was to see Almighty God reverently served and sermons and prayers duly frequented. In this article again the duality of English worship was stressed, a feature that was lacking in the orders of 1639. On the other hand, emphasizing the duty of commanders to enforce religious observance was common to both sets of orders. In the 1639 set, however, the commander had been charged not just to enforce the regulation; he was also to encourage the men in the outward sign of their faith by his own attendance at prayers and sermons. Nothing of this nature appears in the orders of 1640.

These four articles comprise the soldier's duty to God in Northumberland's orders. The religious opinions apparent here are not so neatly pigeon-holed as those displayed in Arundel's 1639 orders. While many of the changes may have been prompted by a desire for efficiency, the finished product still illustrates the priorities of the drafter: no tolerance for blasphemy; swearing, abusing churches and neglecting Divine

Service punished, but only at discretion; the utensils and ministers dedicated to God explicitly protected but not described; sermons given greater prominence but Morning and Evening Prayer also explicitly stipulated, and the importance of both components of worship reiterated; no particular mention of Holy Days or the Lord's Day, or the episcopal structure of the Church. On the whole, considerably more Reformed than the orders of 1639, but still within the mainstream of the Caroline Church.

There is nothing in Northumberland's orders to indicate that he did not accept the usual round of Caroline worship, Divine Service from the Book of Common Prayer with monthly Communion. Without evidence of different 'voices' (such as the noted intrusion of Essex's voice in the 1599 orders) or draft copies which might reveal the actual composition of the orders, it is impossible to say how far they reflect Northumberland's personal views, and how far some external official line had to be toed in the King's army. In fact, Northumberland's orders may prove to be a better guide to the Caroline mainstream than Arundel's. From time to time, Northumberland's own inclinations may have overcome his desire to produce regulations that would be acceptable to the King resulting in silences such as not mentioning the Lord's Day and leaving the Bishops, and the whole structure of the Church to whatever fate might befall them. The occasional ambiguous phrase coupled with these silences effectively demonstrates the differences between Arundel's and Northumberland's orders and offer a valuable guide to Caroline Church culture.

b) Regulating Morality

The distinctions that began to be apparent in the investigation of the regulations of 1639 and those of 1640 governing religion are even more pronounced when we turn to the regulation of Christian morality. In this area it is possible to discern an underlying cultural distinction between the authors of the two sets of orders examined so far; with Northumberland displaying that greater desire for discipline and personal responsibility Underdown detects in Revel, Riot and Rebellion.²⁴

For once, Northumberland did not revert to the pattern of previous military tradition and his orders remained organized under subject headings as Arundel's had been. Those attributes of Christian life which were linked with religious duty in the 1639 orders, however, were separated in Northumberland's orders. The soldier's duties to God were followed by two other sections "Of duties to King and State" and "Of Duties towards Superiors and Commanders". Only after these obligations were outlined did the orders turn to "duties Moral". This would have been a sensible rearrangement if greater military efficiency was the goal. Nevertheless, it indicates a shift in priorities which I think was more than a personal quirk of Northumberland's.

In any case, aside from the reordering, another interesting distinction between these orders and those of 1639 appears immediately. In the seven articles dealing with morality, there is not one instance of a didactic preamble or

²⁴ Underdown, Revel, Chapters 3 and 4 especially.

rationale being offered for an offence or punishment as there had been, for example, with gaming in the 1639 orders, and as had occurred often in Essex's orders of 1599.

The very first aspect of Christian morality dealt with is drunkenness, one indication of how important a topic it was to Northumberland. A different attitude towards this offence is apparent at once. Northumberland's first article against drunkenness stipulated that enlisted men were to be punished as the court martial saw fit and that officers were to suffer loss of place. There was no such distinction between the behaviours of officers and men drawn in the 1639 orders which stated simply "whoever shall be drunk." Northumberland's orders re-introduced the distinction by rank with regard to punishment, but concerning the actual offence their position was even more emphatic than Arundel's because it was more explicit. Northumberland's orders specifically treat the offence of drunkenness in officers separately in the section on the duties of commanders, one of only two moral offences to be so repeated. This repetition implies that he was even more concerned about drunkenness amongst the officers than Arundel had been. The 1639 section for duties of Captains certainly had included nothing of the sort. Either way, there can be no doubt that Northumberland was serious about his officers being drunk, yet compared to the 1639 orders, the punishment for enlisted men seems lenient. Either the extent of drunkenness amongst the officers, and within the army as a whole had changed, or Northumberland's assessment of the situation was different from Arundel's.

For Northumberland's soldiers drunkenness bore the same penalty as avoiding Sermons and public prayer: they were simply to be proceeded against "at discretion", a much more lenient attitude than that of English military tradition.²⁵ Were these two types of behaviour seen as going together? It is possible that Northumberland assumed that his soldiers would go to sermons regularly, and not drink to excess making more punitive regulations unnecessary. If this were the case it would certainly indicate a departure from previous expectations of soldiers' behaviour as evidenced by the orders of 1639. It is more likely that, in both these cases, the Court of War could safely be trusted to represent the wrath of God without specific directions from Headquarters.

Nevertheless, the similarity of the two punishments for these disparate offences suggests another possible explanation. Perhaps for both these offences reformation rather than punishment was the goal. This disciplinary option was certainly one that had occurred in Arundel's orders. By leaving the penalty up to the discretion of the Court Martial it would be possible to attempt the conversion of shirkers and drunkards by good life and conversation instead of simply punishing them at once. If this tack did not work, more punitive responses could follow.

So a lack of specificity in punishments here does not indicate that drunkenness was not seen as a serious offence. On the contrary in these orders, as in those of 1639, being drunk was treated as an evil in itself and not simply because

²⁵ See above, p. 46.

of disturbances or dangers it might cause in the army. Although this last component is also addressed in an article about drunk sentinels in the section on duties in the camp and garrison. Drunk sentinels were to suffer death. Nevertheless, the fact that the 1639 orders left no leeway for reformation in the prescribed punishments for drunkenness, and Northumberland's did, betrays some difference of attitude to this particular offence. Perhaps Northumberland had the ability to distinguish between the ideal state of the army and its actual state. In his orders there was room for repentance and reform of the habitual drunkard yet if his drinking endangered the army, be he soldier or officer, the penalties were fixed and fierce. On the level of pure practicality, Northumberland's orders were eminently sensible. By leaving punishment up to the discretion of the court of war each offence could be evaluated in the proper context. It was just not practical to pretend that soldiers would not get drunk.

The next article dealt with "rapes, ravishments, and unnatural abuses." Here we see another interesting reorganization. The separation of these violent but sexual crimes from other non-sexual outrages with which they were linked in the 1639 orders indicates a different focus, a greater concern with the sins of the flesh. This trait has often been described as a "Puritan sexual ethic" or "Puritan morality" yet in this instance, Northumberland was not the innovator.²⁶ His version of this article returns to the

²⁶ See for example Jerome Friedman, The Battle of the Frogs and Fairford's Flies: Miracles and the Pulp Press During the English Revolution (New York: St. Martin's Press, 1993),

grouping of the earlier tradition that had actually been altered by Arundel in the 1639 orders.²⁷ The punishment prescribed by both sets of orders is the same though: death. Other "sexual" offences not of a violent or unnatural nature, "adultery, fornication, or other dissolute lasciviousness" are punishable with differentiation according to the quality of the offence.

Again, this is quite distinct from the treatment in the 1639 orders. There sexual offences were not described in such precise detail but more general statements, "whoredom" and "dishonest touching" were used. This specificity again implies a greater concern for things sexual. Instead of the offence that was in 1639 described as "frequenting the company of suspicious women", Northumberland's soldiers would be committing specific sins, adultery or fornication, yet here again, it is a return to tradition on Northumberland's part. His orders did not need to reproduce the type of detail found in the 1639 orders (which give examples of specific women and children that were to be protected) because they could rely on the definitions of adultery and fornication. It is also interesting to note that the previous orders seem to take for

188-200.

²⁷ See above, pp. 88-89. The significant point here being that if there were such a thing as Puritan morality, it was not a new feature in English culture in the 1640s. If this article of the army regulations is in any way a guide to what was or was not socially acceptable, the ideas it enshrines had been fairly constant since 1599. For an interesting discussion of this topic, see M. Spufford, "Puritanism and Social Control?" in Order and Disorder in Early Modern England, eds. A. Fletcher and J. Stevenson (Cambridge: Cambridge University Press, 1985), 41-57.

granted the presence of women (and children) in the army, a presence that is verified by many pictorial representations of army life from the period.²⁸ Arundel's orders even stipulated punishment for convicted strumpets themselves, who were to be whipped and turned out of the army. Northumberland however, did not even mention women. Their existence was implied as silent, necessary components of fornication or adultery or rape, but they had no presence, no reality in military law. Northumberland's orders deal only with the men of the army.

The 1640 orders dealt separately with other immoral activities. Theft and murder, which Arundel had lumped together under the gloss "notorious crimes," were punished by death in Northumberland's orders as they had been in those of 1639. Northumberland, however, set a value of 12d. for capital theft, which was the amount specified in previous military orders and outlined by statute law. No punishment was given for lesser amounts.

The article on murder, "Murder shall be expiated with the death of the murderer," introduced a new element to the treatment of murder in English army regulations, expiation. In all other orders that include murder, it was simply a crime punished by death like so many others. Expiation is different. It is a word that has overt religious connotations. It goes along with propitiation and atonement and sin. Its introduction here was another hint at the differences between the outlook of the writers of these two sets of orders.

²⁸ One such example is offered in Fig. 1. Many other citations of pictorial representations of women in the army can be found in Hacker "Women and Military Institutions."

Two articles appear in Northumberland's section "Of Duties Moral" which were not classed as immoral by Arundel, provocation, and seizing the goods of the dead. The first of these, article number five, is much more direct than either of Arundel's orders about challenges or "giving the lie". This is another instance in which Arundel's orders had differed from the traditional, which were mainly concerned with removing the disgrace of not satisfying personal or family honour.²⁹ But Northumberland's treatment of the issue is different again. It simply prohibits "provocation," by words or acts upon pain of imprisonment as well as "further punishment as thought fit to be inflicted upon enemies to discipline and service."³⁰ Although provocation might have led to duelling, duels are not specifically mentioned. As Arundel's had been, the goal of Northumberland's regulations was to prevent duels not punish duellers, cautioning them to 'avoid the near occasion of sin' as it were. Presumably, if provocation could be avoided, duelling would be avoided.³¹

The last article in the section on Duties towards Superiors, which immediately precedes the section on Duties Moral, similarly hints at duelling without mentioning it directly. There soldiers are not to seek their own satisfaction in revenging injuries, but are to complain to the Captain or Colonel or other superior officer for redress. This

²⁹ Wentworth 1638, sig. B3, #43.

³⁰ Arundel, 1639, p. 13.

³¹ This attitude is consonant with Jacobean attempts to control duelling. See above p. 95-6.

article follows the traditional, pre-1639 pattern. The distinction made between revenging an injury, which was not classed as a moral offence, and provoking a quarrel which might lead to a brawl or a duel, which was classed as a moral offence, is difficult for a modern reader to understand. Happily there are more articles on the topic which may help us to bring their reasoning into sharper focus.

In the section on "duties in the camp or garrison," another article prohibits drawing swords in a private quarrel within the camp, which again effectively covered duelling without mentioning it. The punishment here was death. Yet another article in the section on "duties of commanders" sews up the remaining loophole of fighting in some more retired spot than the middle of a military encampment. There, "No corporal, or other officer, commanding the watch shall wittingly suffer a soldier to go forth to a duel or private fight, upon pain of death."

By sheer weight of repetition alone, it should be clear that Northumberland was concerned about duelling. Some article about the topic appears in every conceivable section of the orders where it might be needed: under moral duties, duties to superiors, duties of commanders and duties in camp. Duelling was clearly a serious breach of order, and provoking someone to duel was even considered immoral. As one of only seven specified moral duties, provocation, and the duels that were the common outcome, were clearly an issue of some importance to Northumberland.

Provocation and duelling threatened the peace and stability of the army, but why should it have been classed with moral duties? It had not been so in the orders of 1639. And if provocation, why not all the other articles too? One reason is, simply, prudence. It made good sense to include some relevant article about duelling in any section where a commander might be looking to find it. But there is more behind the classification of provocation as a moral concern, and it has to do with intent. The articles in other sections deal with duels already embarked upon or imminent, when the blood was up and reason displaced. Provocation on the other hand, can have a cooler, more calculated component. It is like the distinction between murder, with malice aforethought, and murder, as a crime of passion. The former is much more heinous. In the case of duelling, Northumberland felt the 'malice aforethought' part was immoral.

In addition to the intentional quality, it may be that deliberately threatening the peace and stability of the army was, in itself, seen to be an immoral act, another outbreak of rash, boisterous, unregenerate traditional culture, although in this instance, certainly not one usually associated with the 'lower sorts'.³² The topic of provocation/duelling is one that demarcates a subtle difference between Northumberland's orders and those of Arundel. Written within one year of each other, such distinctions point to a difference of opinion, at

³² Contemporary anti-duelling literature did make this claim, wondering how a gentleman could willingly lower himself to emulate the behaviour of barber surgeons and butchers, see Baldick, The Duel, 65.

least between the two writers of the orders, and perhaps between their peers in general, rather than a sudden shift in societal norms.³³

The second article that Northumberland added to his section on moral duties was glossed as "seizing upon dead men's goods". This topic had not been so classified in Arundel's orders but had appeared in a section on Justice (following Wills). In content, as well as location, there is a difference between the 1640 article and that of 1639. Northumberland again reverted to the traditional orders' more general condemnation but for once it was Arundel's orders which followed the traditional orders and adopted their placement of this article. Northumberland's article reads: "No man shall take or spoil the goods of him that dieth or is killed in service, upon pain of restoring double the value, and arbitrary punishment."³⁴ The promise of arbitrary punishment in addition to restoration is borrowed from Arundel's article, although that had also allowed prosecution by the court martial. But there had clearly been a shift of purpose in Northumberland's mind. Northumberland classes this offence with theft and murder. He is not just talking about the disposal of the goods of the dead by Will or otherwise. Those topics are again covered in the justice section. Apparently,

³³ See above p. 96.

³⁴ Arbitrary punishment was a different thing from punishment at discretion. Most commissions (see Arundel's own for example, in Rushworth, Historical Collections Pt. II, pp. 834-8) bestowed the power for this summary justice. It happened on the spot. It was usually harsh, retributive, and intended to be exemplary.

stealing from the dead was a reprehensible, immoral act in Northumberland's opinion and deserved to be dealt with strictly and summarily. Another distinction between these articles should be noted. Whereas Arundel's article had explicitly protected the dead of only the King's soldiers Northumberland's does not. It may have been that the article was interpreted the same way, but the lack of specificity that was found in Arundel's orders would have made it possible for the article to have been interpreted more broadly if a commander so wished.

Of all the immoral actions dealt with in Arundel's orders of 1639, only two do not also appear in the section for moral duties in Northumberland's orders of 1640. These are burning of houses and gaming. Burning of houses is specifically mentioned in Northumberland's orders in the section governing "Duties in Action." Here again there is a noticeable difference of attitude in the two sets of orders, but because Northumberland recombines the categories of destruction in the regulations, this difference is difficult to outline simply. Northumberland's orders include four separate articles covering waste and extortion which are much more detailed than Arundel's had been, yet despite their detail, they seem just as contradictory to the modern reader as Arundel's. What is important, though is that in none of these orders did Northumberland classify burning houses as something immoral.

Northumberland's troops were instructed that, while on the march, they were ordered not to spoil or waste any countries "under His Majesty's obedience", just as Arundel's had been. In addition, however, Northumberland's men were not to take

horses from the plough, or cut down any fruit trees, or deface walks of trees, all of which were totally novel articles. Because they were new, and represented a notable extension of items to be protected from spoil, they may give us a glimpse of the kind of things Northumberland valued. Whether that value was for aesthetic as well as utilitarian reasons cannot be determined from the evidence of the regulations alone. More than likely these items were included in the orders because they were written after already experiencing the presence of soldiers in the North of England: they just included items that had recently suffered from abuse.

On another level, this difference can again be seen. Arundel's orders not only classed burning houses as immoral, they unconditionally forbade burning any house, or breaking down any house that might serve the army. In addition, his troops were not to spoil loyal people or their property. Northumberland's regulations repeat this last article, but they returned to the traditional article about destroying houses or items that might serve the army, with one important provision. Northumberland's article extended protection from destruction without a direct order to territory not under allegiance to the King. Only once, in all the previous military orders had there ever been such a clause. Essex had unconditionally forbidden violent spoiling of the Irish in 1599. Northumberland's article does not go quite this far, but it makes an interesting statement given the political climate of 1640 and the reluctance of many Englishmen to fight the Scots at all.

In their attitudes to destruction, and especially burning, both these sets of orders reflect the political posture of the King's army at the time they were written. In the first Bishop's War Charles I was desperate to have it believed that he planned only a defensive war. How then could his orders have provided articles about proceedings in 'enemy held country'? That country was Scotland in June of 1639. Printed only one year later, Northumberland's articles reflect the different circumstances of the war he found himself waging. In earlier conflicts the English army had always been invading someone else's land. In the Second Bishops' War the Scots were in Northern England: it was their own land that the King's troops would be wasting.

Although utility to the army seems to have been of great importance in both sets of regulations, Arundel's orders seem to transcend mere utility. The lack of any clause about receiving an order for destruction in Arundel's regulations indicates a different attitude to destruction. Because Arundel classed one kind of destruction as immoral, burning houses, the differences being explored here also indicate another area of difference between Arundel's concept of morality and that of Northumberland.

The whole topic of burning houses and destroying property is a particularly interesting topic because it reverberates with parliamentary rhetoric about property rights. Neither Arundel's orders, nor Northumberland's set up an altruistic code of strict morality regarding property rights as might have been expected given the vociferous and continued nature of that

debate, despite Parliament's eleven-year hiatus. It seems that property, like liberty, puritan and papist, meant very different things to different people, both then and now.

Whether something was to be preserved or destroyed had to be determined by proper authority, based upon its utility to the army. Loyal subjects were not to be plundered on any account, but those in enemy territory might be. Northumberland and Arundel varied on whether enemy holdings could be burnt: Arundel said never; Northumberland said with direct order only. This article may point to a different theory of regulation at work in these two sets of orders, Arundel's espousing a high principle and Northumberland's being more purpose-driven.³⁵

Northumberland's orders included no article which prohibited gaming. The only mention of gaming appeared in the section covering "A Soldier's Duty Touching His Arms":

If a trooper shall lose his horse or hackney, or a foot man any part of his arms by negligence or lewdness, by dice or cards, he or they shall remain in quality of pioneers and scavengers till they be furnished with as good as were lost at their own charge.

This is one of the traditional orders which had appeared in the Essex revision of 1599, although the phrase negligence or lewdness was only added under Wentworth and was not explicitly linked with gaming. Unlike Arundel's orders, Northumberland's did not even classify gaming as a moral issue. The 1639 orders had a separate article to deal with gaming, and had taken some pains to include a long rationale about why gambling was

³⁵ This article puts me in mind of old ideas about what was going on in the Civil Wars which talked of different concepts of authority--hierarchical patriarchy versus a newer theory based on law.

frowned upon, and how it led to other immoral behaviours. They too had incorporated the traditional article about playing away arms, but they did not mention lewdness.

Only if the 1640 article is read so that the word "lewdness" actually refers to the phrase "dice and cards" which it precedes, can the matter be seen as in any way being cast in a moral/immoral light. The punishment (which was the same in Wentworth's orders) is meet for a soldier careless of his arms and is one that would have been heartily avoided for its own sake. There was no attempt at reformation of character as was included in the 1639 article on gaming, or in Northumberland's own article regarding drunkenness. And there was no harsh, rigid condemnation of gaming as a sin, the way his orders had handled "adultery", etc. Neither is there any echo of the statutes concerning unlawful games. There is no specification that this was an inappropriate pastime for officers, and nothing in the text that might even have implied that this standard of conduct should also have been applied to the soldier's social betters. In fact, in the 1640 orders the main issue was efficiency. There was probably little point in outlawing gambling in the army, but there might have at least been a nod in that direction if it had been truly a matter of morality to the writer.

The soldier's moral duty envisioned by Northumberland in 1640 is noticeably different from that presented by Arundel in 1639. It seems that Northumberland was content to ensure a bare minimum of moral behaviour, just enough to guarantee the good government of the army. Beyond that minimum, the most

pressing concern seems to have been illicit sex. In his treatment of local inhabitants Northumberland's orders are noticeably more humane. They seem to betray a preference for the newer more disciplined culture described by Underdown in Revel, Riot, and Rebellion, in fact, a different variety of morality than was evident in the orders of Arundel.

This idea is quite ironic because Northumberland, here the ultra-orderly one, would eventually fight for the Parliamentarians in the Civil War; yet his later Royalists opponents were also absolutely obsessed with order. The latter seem to have interpreted the word differently however, stressing social rather than personal order. This idea is made even more interesting by the fact that the Parliamentarians used Northumberland's revision as the jumping off point for their own army regulations³⁶, while the Royalists used the last version of orders established for the Earl of Holland in 1641.

These orders too concluded with the "devil's article", but the Oath they included for "all soldiers that are really and actually in his Majesties service" was quite different from the oath of 1639. It was short and to the point--that point being the soldier's obedience in the army.³⁷ That is all.

³⁶ Lawes and Ordinances of War Established for the Better Conduct of the Army by His Excellency The Earl of Essex, Lord General of the Forces raised by the Authority of the Parliament for the defence of the King and Kingdom (London: for John Partridge and John Rothwell, September 12, 1642). Wing E3314.

³⁷ One has to wonder whether Lord Brooke would have found this oath as objectionable as the one he so vehemently refused to take?

I promise and swear to be true and faithful to my Sovereign Lord King Charles. To obey my Lord General and the Commanders and Officers under him. To observe the Laws and Ordinances of War established by him. To watch and ward, and work in the Service. To wait on my Colours, and to follow them. To endure, suffer, and fight to the last. As God shall help me.

This oath is characteristic of the type of revision carried on by Northumberland, but it also gives us an indication of what was important, at the last, for him, and that was obedience. There was no mention here of religion, veiled, pretended or otherwise. Nor did the oath invite assessment of, or personal commitment to, the King's cause. It simply required loyal obedience.

The last page of Northumberland's orders outlined specific procedures for the reading out of the regulations. Every Colonel and Captain was to have "one of these books". The regulations were "plainly and distinctly to be read by the Marshals of the several regiments, assisted by the Marshal General" in each regiment, in the presence of all the officers, soon after the general rendezvous, notification having been given by sound of drum and trumpet. Weekly, thereafter, upon pay day, every Captain was to have the orders read out to his own company in the presence of his officers. "And also upon every main guard the Captain is to do the like; that none may be ignorant of the duties required, and thereafter govern themselves." It would seem that Conway's recommendations had been received in time to be incorporated in the orders, or had already been decided upon by Northumberland.

Holland's Orders of 1641

The last set of orders used by the King's Armies in the Bishops' Wars was established by Henry Rich, Earl of Holland.³⁸ On August 20, 1640 the Scots invaded England at Newburn outside Newcastle and the King's army was routed. Undeterred, and relying on the legendary animosity between the people of Northern England and the Scots, the King and Strafford continued in their dream that they could yet win the war. London had been the scene of riot and disorder through the summer and rumours of a Popish plot against the King were rife. The King summoned a Great Council of peers to advise him in the safer atmosphere of York. His optimism continued until hearing the news of Ruthven's surrender of Edinburgh Castle which he had held for the King since the Spring. The King was forced at last to see the situation in a more realistic light, and The Treaty of Ripon was signed on October 26, 1640. It was a cessation agreement more than a peace treaty and the King had to pay for the Scots army's continued presence in England while a firm foundation for lasting peace was negotiated. The King would have to call an English Parliament.

Northumberland was ill and unable to command the army in person, so command passed to Wentworth as Lieutenant-General. Unfortunately, Wentworth himself was too ill to continue long in command. Holland appears to have commanded by default after August 1640. He officially took over the army in the Spring of

³⁸ Laws and Ordinances of War, Established for the better government of the Army in the Northern Parts, by His Excellence, The Earl of Holland (London: Robert Barker, 1641), SP 16/487/51, Wing H2420.

1641, and accordingly issued his own orders. He had been appointed Captain-General North of the Trent in Wentworth's stead on April 16, 1641, and the State Papers Domestic preserve two copies of his orders. One is dated June 1641.³⁹ The other appears at the end of the year with other undated material.⁴⁰ Since the war had already been concluded, at least on paper, with the Treaty of Ripon the previous October, Holland's official duty would have been to see to the quiet disbanding of the army.

Holland is most often remembered as a self-serving turncoat because of his course in the Civil Wars. He is frequently dismissed as the Queen's creature or an idle courtier. Yet he had considerable military experience both in the Lowlands and under Buckingham, and according to Clarendon, had planned to pursue a military career. That plan had only been altered because of his enthusiastic reception at the court of James I. His rise was quite as spectacular as that of Buckingham himself, although Holland always wisely acknowledged the Duke as his generous patron. Despite the political blunder of his engagement to tolerate Roman Catholics during the negotiation of the marriage treaty for Charles I, whatever Holland's own private religious views may have been, they were never thought questionable because of his behaviour. Conway has left us his judgment in a letter to Laud:

I assure myself that there is not any less your friend than the Earl of Holland, and I believe that at all times you ought to take heed to yourself with

³⁹ SP 16/487/51.

⁴⁰ SP 16/487/51.

him, and I think that at any time there is not any great danger in him if the King be well with you. The Earl of Warwick is the temporal head of the Puritans, and the Earl of Holland is their spiritual head, or rather the one is their visible and the other is their invisible head, peradventure not because he means to do either good or hurt, but because he thinks it is a gallantry to be the principal pillar on which a whole cabal must rely.⁴¹

In his speech from the Scaffold Holland protested his devotion to the Protestant religion, though he did not elaborate on what he meant by that term as Lord Capel did immediately after him on the same occasion.⁴²

After Buckingham's death Holland was made Chancellor of Emmanuel College, Cambridge, (which Trevor-Roper has described as "a notorious Puritan seminary") where he repeatedly refused Laud's claim to the right of visitation.⁴³ He was anti-Spain, anti-Portland, anti-Laud and anti-Wentworth. Clarendon says that it was because of this last antipathy, and the suspicion that he was not as anti-Scots as a commander of the King's army should be, that Holland had not been given a command at the commencement of the second Bishops' War.⁴⁴

Holland's orders are clearly a revision of Northumberland's. Many articles are exactly the same. The two sets of orders even look very much the same. The title page is set up in the same way, although Holland's is for the better government of the army and Northumberland's for the better

⁴¹ Conway to Laud, June 8, 1640, SP 16/456/43.

⁴² Speeches by the Duke of Hamilton, (1649), Wing H4822.

⁴³ H. R. Trevor-Roper, Catholics, Anglicans and Puritans (London: Fontana Press, 1987), 85.

⁴⁴ Clarendon, History, I:185.

conduct of the service. The Royal Arms appear on the facing page and Holland's own follow the title page. Aside from his titles, Holland's dedicatory address is exactly the same as Northumberland's. Yet Holland's orders provide a unique treatment of Christian morality which is doubly important for our investigation, because his orders provided the model for later Royalist regulations.

a) Regulating Religion

Holland's version of the soldier's duties to God were word for word the same as Northumberland's, down to the very punctuation, but they were not organized under subject headings as both Arundel's and Northumberland's had been.

Blasphemy was to be punished by boring the tongue; cursing, profaning churches, utensils of worship, and ministers were to be punished with loss of pay; anyone who often avoided sermons and daily prayer was to be proceeded against at discretion; commanders were to see God reverently served, and prayers and sermons frequented.

b) Regulating Morality

Holland's orders are easily distinguished from Northumberland's, however, in the area of Christian morality. In fact, in comparison to all earlier orders, the attempt to regulate behaviour according to standards of Christian morality is noticeably reduced, in Holland's orders. Articles covering unnatural abuse, rape, adultery, fornication, dissolute lasciviousness, theft, and murder, which had always featured in previous orders were completely omitted. This was a most startling break from tradition, and seems to have been done

deliberately, rather than inadvertently. Although some of these omitted articles previously appeared as a block of text in Northumberland's orders, a block of text which might conceivably have been missed in printing, or even in a written draft, the article concerning murder is separated from that block by two articles which Holland retained. This physical arrangement makes it quite unlikely that these articles were left out by accident.

It can only be concluded, then, that they were believed to be unnecessary, perhaps owing to the fact that Holland was only responsible for the disbanding of the troops. At the first mustering of regiments, soldiers only came under military discipline when army officers (rather than official conductors) were placed over them.⁴⁵ A similar, reverse process might account for the apparent reduction of concern about morality in the King's armies. As soon as a regiment was disbanded the ex-soldiers would again be subject to the common laws.⁴⁶ Upon whatever grounds the decision to exclude sexual

⁴⁵ Ronan Bennett discusses tensions between military justice and common law in "War and Disorder: Policing the soldiery in Civil War Yorkshire" in Mark Fissel, War and Government in Britain, 1598-1650 (Manchester: Manchester University Press, 1991) and demonstrates that many soldiers were brought before magistrates, especially for different kinds of theft, but also for murder and assault. See especially p. 253.

⁴⁶ James Stuart-Smith quotes an Elizabethan precedent in which martial law was retained even after disbanding of the army so that "heinous offenders would be apprehended and punished by the provost marshal and judge marshal so notorious faults did not pass without punishment". Stuart-Smith, "Military Law," 479, quoting Matthew Sutcliffe, Practice Proceedings and Laws of Arms (1593), 340.

morality, theft, murder, and rape from the regulations was, nevertheless, a bizarre break with tradition.

Holland's orders retain many features of Northumberland's treatment of Christian morality. For example, drunkenness is handled in the same way. Drunkenness was inherently evil, and the article concerning drunk officers is again repeated, yet the opportunity for repentance and reformation was retained. With regard to gaming, duelling, extortion, and wanton destruction Holland's orders were very like Northumberland's. The articles covering gaming and duelling were exactly the same, as was the article forbidding extortion. The latter two offences could be punished by death. Holland's article governing wanton destruction reverts to the more usual form and protects the property only of those in areas under His Majesty's obedience. In this way he avoided the ambiguity found in Northumberland's orders.⁴⁷

Holland's orders also did not include the traditional devil's article. His oath was very like Northumberland's, but it was tailored to the disbanding of the army rather than to fighting. His soldiers had to swear "to continue in the service, or to disband according as I shall be commanded, with all quietness of behaviour and obedience" rather than "to watch and ward...and fight to the last" as stated in Northumberland's oath. His article for the reading of the regulations was less specific than Northumberland's. They were simply to be read out by the Captain or other Chief Officer to his own Company at least once a week. And the oath was to be administered in

⁴⁷ See above, p. 136 f.

quarters by the Sergeant Major General and other regimental officers. Both procedures were to be announced by drum and trumpet.

The differences between Holland's treatment of morality and Northumberland's, though not quantitatively great, are nevertheless of major significance to this investigation, because Holland's orders were used as the precedent for the Royalist orders of the Civil Wars. Any omissions that may have seemed mere aberrations or quirks during Holland's very brief tenure as Lord General, take on a whole new importance when they have become 'the norm' upon which the Royalist regulations build.

Part I. Conclusion

The orders in the first Bishops' War were noticeably different from those of previous English military tradition as well as those governing the King's army in the second Bishops' War. In most cases they were altered in a way that indicates some pressure or at least input from the royal quarter, perhaps via a churchman. They went out of their way to allow opportunities for reformation of character (which was one of Laud's personal hallmarks) even in the case of a serious offence such as blasphemy. One of their most notable features was the lack of specific punishment for individuals who neglected public prayer. They commanded the reverent keeping of the Lord's Day and other Holy Days, as well as Morning and Evening Prayer daily. They offered protection to the words of Scripture, churches, clergy, and ecclesiastic offices themselves. By this protective attitude alone they betrayed a particularly Catholic leaning, which sets them miles apart from other post-reformation English army regulations.

With regard to moral issues, they attempted to reduce drunkenness, swearing, duelling and gaming, as well as more heinous crimes like murder, rape and theft. They made it clear that chaplains were to be present in each regiment, although they did not outline their duties. There can be no doubt that the type of Protestantism they enshrined was consciously

traditional, and that tradition was the one established by the royal/episcopal efforts at the heart of the Caroline Church.

The orders governing the second Bishops' War in most cases reverted to previous military tradition. Yet they retained the protection for churches, which was such a novel and telling quality in the orders for the first Bishops' War. In fact, Northumberland's and Holland's orders explicitly protected the utensils of worship, which might imply a more sacramental focus. But this article which covered utensils is in particular open to other interpretation, especially in the context of the article which preceded it. Both articles use the apparently straightforward yet actually ambiguous phrase "God's public worship". It is one of those examples in which the exact same words may mean different things when said by different people. While appearing to reinforce and even further the association between the regulations and the official church, this slight ambiguity could have opened the door for interpretations of a more 'Reformed' nature. In many other ways, it is clear that the type of religion outlined in the orders of the Second Bishops' War was more 'Reformed' than that of the orders for the First Bishops' War.

The round of daily prayer was maintained, sermons were given greater prominence. There were fewer opportunities made for reformation of character than in Arundel's orders, and no observation of Holy Days. There was no attempt to protect the Episcopal hierarchy of the Church.

The distinction between the orders of the First and Second Bishops' Wars becomes even clearer in the articles that govern

morality. Northumberland's orders were aimed at the good governance of the army. Insofar as Christian morality was one way to ensure the safety of that army, it was enshrined in his orders. Beyond that his greatest concern was with things sexual; of course, those too could contribute to disorderliness in the army. Northumberland simply named offences such as adultery and fornication and relied on the belief that these things are sinful. Gaming was not a moral issue, but provoking a duel was.

Holland's orders, which covered only the disbanding of the second army, were a bizarre break with previous English military tradition. They did not address at all many of the moral offences the previous orders had been quite concerned about, apparently resting content to leave those elements to the discipline of the common law.⁴⁸ Their regulation of religion was identical to that of Northumberland's orders. Their greatest significance lies in their having provided the main precedent for the development of the Royalist orders of the Civil War, despite their peculiar stance on moral issues.

The King's armies in both of these conflicts used oaths as tests of allegiance, and although we know that the official explanation of the crown's engaging in war with the Scots did not alter between the first and second Bishops' Wars, the King's commanders' understanding of the situation, as illustrated by the military oaths, changed most markedly. To those of the King's mind, the conflict with the Scots was a response to rebellion against the declared will of the monarch,

⁴⁸ See above p. 145.

a legal and a moral concern. It was not a religious crusade, nor was it publicized as one. The oath for the first Bishops' War best illustrates this official position of the King and his pro-war advisors. There the Scots were condemned for hiding their disobedience behind a pretence of religion, implying that, despite their claims, what was at stake on both sides was not religious in nature.

In the second Bishops' War, this entire element of the oath disappears. The oath is no longer the royal manifesto, the official explanation (dare I say ideology) of the war. But it must be stressed, neither was it a counter-manifesto. It was, instead, silent. It addressed no controversial issue and offered no specific criticism of the Scots at all. It is surely no coincidence that on this issue, which Russell has determined to be a good indicator of Civil War allegiance, the orders of both the future Parliamentary commanders desert the King's official position. This later defection is presaged by their rejection of the military oath in their revisions of the regulations, and appears to be 'of a piece' with the differences noted between the regulation of religion and morality in the First and Second Bishops' Wars.

Taken all in all there was a tremendous amount of attention paid to religion and morality in the regulations governing the King's armies in the Bishops' Wars. Unquestionably the type of Protestantism outlined within them altered noticeably between 1639 and 1641, in internal significance if not always in external features. In fact, two

distinct varieties of Caroline Church culture are evident in the military orders for the Bishops' Wars.

The first of these, found in Arundel's orders, represents the royal/episcopal tradition of the Caroline Church. The second, found in the orders of Northumberland and Holland, represents a different tradition, one that seems likely to have been more popular with Protestants closer to the Reformed end of the religious spectrum.

Fig. 1 A Soldiers' Camp

Fig. 2 Charles I at Cards

Fig. 3 After Marston Moor

PART TWO
REGULATING RELIGION AND CHRISTIAN MORALITY
IN THE KING'S ARMIES DURING THE CIVIL WARS

Introduction

In Part II the development of Royalist military orders, will be traced, and they will be compared to earlier orders governing religion and morality in the Armies of Charles I, especially those of the Bishops' Wars. Two new means of regulating religion and morality within the King's armies, the use of royal proclamations and injunctions, will also be examined.

The first task facing the historian of Royalist military regulations is to establish the order in which the extant sources appeared for use in the armies. These cannot be assumed to be the only sets of orders that were actually printed, and the printing date of a piece is not necessarily a guide to when the text was written. It is therefore difficult to get a clear picture of the order in which the regulations were established. The task is further complicated because, unlike the situation in the Bishops' Wars, we are now dealing with many armies: that army presided over directly by the King, commonly called the royal army or Oxford army; and as many as six regional armies, each usually under a separate Lieutenant General.

As Hutton pointed out in his Royalist War Effort, the administrative operation of the Royalist armies is one of those

areas which has suffered much from the focus on political history and the Parliamentary studies it has demanded.² Histories of the British army tend to begin with that of Charles II because they are interested in 'regular' or standing armies, and even if they deal with earlier periods, they routinely cover the 1640s by looking at the New Model Army.² Even Grose is sketchy about the armies of Charles I.³ The standard history of Military Law, highlighted the regulations of the Bishops' Wars because they were imprecisely designated as the foundation of the modern military code.⁴ My research indicates that, in fact, it is to the Royalist orders of the first Civil War that the modern British military code must look for its direct parentage. The regulations that governed the Royalist armies began in the way of English military tradition, but after the battle of Edgehill and the death thereafter of the Earl of Lindsey, they were augmented by traditions that had grown up in the armies of Gustavus Adolphus. The textual genealogy of this revision is clearly evident in those sections

² Ronald Hutton, Royalist War Effort 1642-1646 (New York: Longman, 1982).

² Michael Barthorp, The Armies of Britain, 1485-1980 (London: The National Army Museum, 1980); Corelli Barnett, Britain and Her Army, 1509-1970: a Military, Political, and Social Survey (London: The Penguin Press, 1970); John Childs, The Army of Charles II (Toronto: University of Toronto Press, 1976); D. H. Cole, and E. C. Priestly, An Outline of British Military History, 1660-1939 (London: Sifton Praed & Co. Ltd., 1939); J. W. Fortescue, A History of the British Army (London: Macmillan and Co., 1910), I; E. W. Sheppard, A Short History of the British Army (London: Constable and Company Ltd., 1950).

³ In fact, he tends to skip over the Civil Wars at every opportunity; Grose, Military Antiquities.

⁴ Clode, Military Forces, 23.

of the regulations that do not govern religious concerns. It was because I was able to ascertain the origin of the new material that I was able to begin to determine, for myself, the order in which the various sets of regulations were prepared (as separate from printed) and thereby confirm the revision process that had taken place.

The Royalist armies were governed by at least three different sets of orders over the course of the First Civil War.⁵ We do not know precisely who wrote these orders, but it is reasonable to assume that some member(s) of the Council of War, or a Committee of the Council, or such men's secretaries would have generated a draft that would have been reviewed and approved or amended by the King. It may seem that this list scarcely narrows the field of possible writers, but in fact the circle was small, and although authorship cannot be confirmed it can at least be suggested.

The Council of War usually met in Christ Church when Charles I was in the city, and went with him on campaign.⁶ Its main duties were administration and advice on strategy, but it also functioned as a Court. It heard all kinds of cases from trade disputes (which were officially the purview of the Privy

⁵ I have found no orders for Scots Royalists as I have for the Irish. I plan to investigate the Scots military orders in my next research venture.

⁶ Any discussion of the Royalist Council of War must acknowledge the pioneering work of Ian Roy, especially Chapter Two of The Royalist Army in the First Civil War, (Oxford: D. Phil. diss., 1963), and "The Royalist Council of War," Bulletin of the Institute of Historical Research, 35 (1962): 150-68. My presentation of the Council of War is based upon his conclusions. For a list of the members of the Council of War in 1642, see appendix 1.

Council) to appeals from regimental Courts Martial (for which they were aided by judicial councillors like Heath).

The Council of War was composed of between ten and twenty-five men, as required, and as location permitted. Ian Roy has traced the fragmentation of what was originally an efficient governing body into rival juntas any and all of which could expect to be personally overruled by the King's own will, even on agreed policy. For the early part of the war, that is until June of 1643, the Council of War was fairly stable, regularly including as many Generals (usually at least Rupert, Forth, and Astley) as could attend, and many ordinary Colonels. These military men served as a counterweight to the civilian presence on the Council, and provided a vital conduit for the smooth flowing of orders from the Council down to the regiments.⁷ Richmond, Hyde, Falkland, Culpepper, Nicholas, and Walker were frequently among the civilian component of the Council when it met in Oxford.

After June 1643, the military component of the Council tended to disperse to field/garrison duties. They were never replaced. Instead, the Council was dominated by courtiers such as Digby, Jermyn and Ashburnham.⁸ Rupert endeavoured to retain control of the Council throughout the war, but his efforts became increasingly ineffective because of Digby's rivalry and intrigues. In March of 1644 Charles could write to Rupert describing the Council as "that Committee which I call

⁷ Roy, "Council of War," 165.

⁸ Roy, "Council of War," 165.

yours,"⁹ and right up until the loss of Bristol, this was a sound assessment, despite all the internecine strivings. From February to May 1644, the usefulness of the council was further deteriorated by the physical division of the high command as Rupert went off into the Welsh Marches from Shrewsbury, Forth and Astley joined Hopton in the West, and Charles alone remained at Oxford.

Charles I chose to retain command of his armies himself in the First Civil War, and in doing so, was the first monarch to head an army in person since Henry VIII. Consequently, all the Royalist orders were officially established by him for use throughout the armies. This circumstance alone sets them apart from the orders of the Bishops' Wars. Except for Newcastle, there is no record of regional Lieutenant Generals having different orders from the main, royal army, and even Newcastle's orders were established by the King. This is a significant point because one of the faults usually associated by modern historians with the eventual Royalist defeat is the lack of one single master-plan. At least in the area of army regulations, this seems not to have been the case.

The first Royalist orders were originally printed in York in August 1642. They were undoubtedly intended to govern all the King's forces after the outbreak of actual fighting in July/August 1642. These orders were reprinted as needed, usually by Leonard Lichfield, Printer to the University in Oxford. Yet these first Royalist orders were either not well

⁹ Eliot Warburton. Memorials of Prince Rupert and the Cavaliers. 3 vols. (London: R. Bentley, 1849), II:397-8.

distributed in the Northern army, or never adopted there. Perhaps they were deemed inadequate for the situation, because in November 1642 a completely different set of orders were "made and ordained by His Majesty" and published by the Earl of Newcastle. The final version of the regulations which governed the King's forces were first printed in 1643/4, and reprinted at least once by Lichfield in 1644. It was this revision, (and not the Parliamentarian orders following the tradition of Northumberland's orders of 1640 as is commonly assumed) that provided the starting point for the future regulations of the English army beginning with 'Rupert's Code' in 1673.

Repeatedly, military regulations from August 1642 to the Spring of 1644 aimed at reforming the life and conversation of Royalist troops. They are an indication that those in command, even the King himself, recognized little improvement in these areas during the war. They also display instances of steadfast intent (for example in the many and varied regulations against swearing) although it is not clear that this purpose always stemmed chiefly from religious conviction. Other attempts to regulate morality, especially surrounding women, children, and clergy increased strikingly throughout the war. From the evidence of the military orders alone, it is clear that the regulation of religion and morality was always high on the agenda of Royalist high command. But what kind of religion did they set out? In the preceding examination of the orders for the Bishops' Wars it has been evident that they recorded two varieties of Caroline Church Culture. These seemingly followed the inclination of each commander within a broad spectrum of

belief in the Caroline Church. Arundel's orders were more towards the catholic end of the spectrum, that end most frequently endorsed by the reforms of the royal/episcopal alliance. Northumberland's and Holland's were somewhat further along the spectrum towards the Reformed end. In the following examination, we will see that when the King's involvement in the preparation of the regulatory texts is discernable, he consistently opted for more catholic orders. This dominant pattern set the standard for religion and morality in the Royalist armies.

The attempt to regulate religion and morality in the Royalist armies was not confined to military orders. Two additional types of regulatory vehicles were used: proclamations and injunctions, which will also be analyzed. Of course, proclamations were not new in 1643, and using them to try to regulate military matters was also common.¹⁰ The two proclamations I shall examine, however, deal specifically with religion and morality in the King's armies, and were the only two in the reign of Charles I to have done so. This focus sets them apart from the general corpus of proclamations.

The Injunctions of 1645 were the last attempt to regulate religion and morality in the King's armies that will be examined. Injunctions and instructions were the traditional means used by the royal head of the English church to guide religious practice. The Injunctions provide the ultimate

¹⁰ For a detailed breakdown of the 169 proclamations issued during the Civil Wars see Larkin, Stuart Proclamations, xvi-xix. The proclamations are presented chronologically, and listed by title, so they are highly accessible.

picture of religion within the King's armies. The image they offer is noticeably different from that presented in the orders of the Bishops' Wars. It is also different from the image offered by the military regulations alone, which suggests that the regulation of religion and morality changed considerably over the course of the first Civil War.

The use of these new types of regulation mark a new phase in the attempt to govern religion and morality in the King's armies which bears testimony to some growing divergence between the goals/views of those in the King's immediate circle, and those of the men more completely devoted to the purely military concerns of the smooth running the King's armies, i.e. his Generals, especially Rupert.

The use of proclamations and injunctions may also hint at a greater recognition of the advantages of good public relations. Unlike the military orders, which might presumably have been prepared for simple utility and solely intended for a military audience,¹¹ royal proclamations and injunctions by their very nature are public documents. One would expect that a prudent military commander would be pleased to reap whatever benefit he might from favourable reactions to such public declarations, but it would be rash to assume that that was the chief reason for making them. Before this judgment is made, it should be remembered that the King had the authority to make proclamations without consulting anyone else (although he

¹¹ Even this assumption has to be presented with care, because there is the awkward example of Newcastle's orders which appear to have been printed or reprinted in London. Either case raises many as yet unanswerable questions.

usually did so with the approval of his council), and that the method of distributing proclamations was established and reliable, quick and inexpensive (when compared to how much it must have cost to prepare and distribute orders); injunctions and instructions were the usual way for the King to personally try to guide religious practice in his capacity as Governor of the English Church. That such measures might have positive public relations values was no doubt recognized as a bonus, but it is unlikely to have been the chief reason for choosing to use them.

Royalist military regulations covering religion began with a clear, if not emphatic, position within the royal/ episcopal tradition, including some gaps and ambiguities which might have allowed a de facto tolerance of practicing Roman Catholics, while still stressing the importance of Divine Service, that is Morning and Evening Prayer, and sermons. By 1645 that position had evolved to include a formal statement about eucharistic reception (the taking of Holy Communion), an implicit belief in the centrality of catechesis (for teaching the Christian faith rather than simply preaching), and a greater emphasis on reverence, decency, and the sacraments. The varied attempts to regulate religion and morality in the King's armies, document the movement of official Royalist religion further and further away from the Reformed end of the religious spectrum.

Establishing the Texts

Between August 1642 and the end of the civil wars, the Royalist armies were governed by two major sets of orders, (see table 1). The first of these was prepared August 28, 1642, and

Table 1. Printed English Orders, 1639-1644

Year	Title, Commander, Publishing Information	Reference Numbers
1639	<u>Laws and Ordinances of War, For the Better Government of His Majesty's Army Royal in the Present Expedition for the Northern Parts, and the Safety of the Kingdom, Under the Conduct of his Excellence the Right Honourable Thomas Earl of Arundel and Surrey.</u> Newcastle: Robert Barker, 1639.	STC #9335
1640	<u>Laws and Ordinances of War, Established for the better Conduct of the Army, by his Excellence The Earl of Northumberland.</u> London: Robert Barker, 1640.	STC #9336
1641	<u>Laws and Ordinances of War, Established for the better government of the Army in the Northern Parts, by His Excellence, The Earl of Holland.</u> London: Robert Barker, 1641.	Wing H2420
1642	<u>Military Orders and Articles, established by His Majesty for the better ordering and Government of His Majesty's Army.</u> York: Robert Barker, 1642.	Wing C2493B
	<u>Military Orders and Articles, established by His Majesty for the better ordering and Government of His Majesty's Army.</u> York: Stephen Bulkeley, 1642.	C2493A
	<u>Orders & Institutions of War, Made and Ordained by His Majesty and by Him delivered to His General His Excellence the Earl of Newcastle.</u> [London:] for J. Johnson, 1642.	Wing C2530
1642/3	<u>Military Orders and Articles Established by His Majesty.</u> Oxford: Leonard Lichfield, 1642.	Wing C2495 Madan #1211
	<u>Military Orders and Articles Established by His Majesty.</u> Oxford: Leonard Lichfield, 1642.	Wing C2496 Madan #1212
1643	<u>Military Orders and Articles Established by His Majesty.</u> Bristol: Robert Barker, 1643.	Wing C2497
1643/4	<u>Military Orders and Articles Established by His Majesty.</u> Oxford: Leonard Lichfield, 1643.	Wing C2494 Madan #1210
1644	<u>Military Orders and Articles Established by His Majesty.</u> Oxford: Leonard Lichfield, 1644.	Wing C2497A

in the rest of the thesis, they usually will be referred to as His Majesty's orders of 1642 or the first royalist orders.¹² In this section, however, it will be necessary to be more specific, and those first orders may be called the York orders. The Oxford imprints of the 1642 orders will be referred to as Madan 1211 and Madan 1212.¹³ The same text, reprinted in Bristol in 1643 will be called the Bristol orders.¹⁴ The version of the regulations given to the Earl of Newcastle in 1642 will be referred to as Newcastle's orders.¹⁵ The next major revision of the orders will be referred to as His Majesty's orders of 1643/4 in the balance of the dissertation. In this section, they will be called the orders of 1643 but also clearly labelled Madan 1210.¹⁶ The 1643/4 orders were also reprinted by Lichfield at Oxford in 1644.¹⁷ The standard, nineteenth-century authority on Military Law, C. M. Clode,

¹² Military Orders and Articles, established by His Majesty for the better ordering and Government of His Majesty's Army, (York: Robert Barker, 1642), C 2493 B; and (York: Stephen Bulkley, 1642), C 2493 A.

¹³ Madan #1211, Military Orders and Articles Established by His Majesty (Oxford: Leonard Lichfield, 1642), Wing C2495. Madan #1212, Military Orders and Articles Established by His Majesty (Oxford: Leonard Lichfield, 1642), Wing C2496.

¹⁴ Military Orders and Articles Established by His Majesty (Bristol: Robert Barker), 1643, Wing C2497.

¹⁵ Orders & Institutions of War, Made and Ordained by His Majesty and by Him delivered to His General His Excellence the Earl of Newcastle ([London:] for J. Johnson, 1642), Wing C2530.

¹⁶ Madan #1210, Military Orders and Articles Established by His Majesty (Oxford: Leonard Lichfield, 1643), Wing C2494.

¹⁷ Military Orders and Articles Established by His Majesty. Oxford: Leonard Lichfield, 1644, Wing C2497A.

claimed that in 1642 the Royalists adopted Northumberland's orders.¹⁸ More recent scholars have found Clode's work to be highly unreliable,¹⁹ and the supposedly Royalist orders reproduced in his Military Forces of the Crown were not even Northumberland's orders. They were the orders established in 1639 by Arundel for the King's force in the North in the first Bishops' War.²⁰ Unfortunately, Young's Cavalier Army which might have been expected to be more accurate, was even more misleading. It reproduced a set of Parliamentary orders as the orders which governed the Royalist armies in 1642.²¹

As noted above, the first authentic Royalist orders were prepared in August 1642. These orders seem to have completely escaped the attention of the historians of Military Law, but

¹⁸ See for example His Majesty's War Office Publication The Manual of Military Law (1914), which as it was prepared to be the definitive account taught to military lawyers, might be expected to be trustworthy. It states that the orders governing the King's army at the outbreak of the Civil War were those "established by the Earl of Northumberland in 1639". This statement is quite confusing because there is no set of orders which corresponds to it exactly. The writer of the Manual is quoting the accepted authority, Clode. In C.H. Firth, Cromwell's Army (4th ed. London: Methuen, 1962), the chapter on discipline makes a similar judgment, 280.

¹⁹ My own judgment is corroborated by H. Bullock, "Notes, Questions, and Replies," J.S.A.H.R. (1926), 203-4.

²⁰ Clode, Forces of the Crown, 429-440. It is these orders, which we have seen above to be a marked departure from English military tradition, which Clode claims as "the foundation of the present Military Code" p. 23. Ironically, despite Clode's careless documentation and therefore unsubstantiated claims, in a very close reading of the texts of successive Royalist orders, traces of Arundel's orders really can be found. They are however almost always parts he borrowed from Gustavus Adolphus.

²¹ Peter Young and Wilfrid Emberton, The Cavalier Army: Its Organisation and Everyday Life (London: George Allen & Unwin Ltd., 1974), 172-186.

they did not elude the distinguished scholar of Oxford printing history, the bibliographer, Falconer Madan. Ironically though, it is Madan's attention that may have obscured the significance of these orders. Until 1994, it was generally believed that the only extant copies of these orders were Oxford reprints. Madan's annotation of one such (Madan 1211), printed by Lichfield at the Oxford Press in 1642/3, says: "In the Public Record Office it is under the date August 28, 1642 in the Domestic State Papers--a date which cannot be correct."²² He based this judgement upon the inclusion of two proclamations, dated November 25, 1642 and January 5, 1643, and bound with the orders, sensibly assuming that if material published more recently than the day mentioned in the Calendar of State Papers Domestic were bound with the orders then they themselves could not antedate that material. In this assumption, Madan was absolutely correct. The actual pamphlet he examined was printed in 1643. The text it contained, however, was written in August of 1642, surely a significant date to any historian of the Civil Wars. But Madan's purpose was to chronicle Oxford printing, not the development of Royalist military regulations. He did not need to search for the York original of the reprint. For our purposes though, the consequences, of accepting Madan's judgment on these orders without question would be a serious misrepresentation of Royalist regulations.

In Madan's judgment, given in his bibliographical study, Oxford Books, the 1642/3 orders (Madan 1211 and 1212) were a revision of the 1643 (Madan 1210) orders. In other words,

²² Madan, Oxford Books, 217.

although the 1643 imprint he examined had been printed later, he thought the version it contained was the earlier text. In the precis of the 1642/3 (Madan 1211) reprint Madan said: "This is apparently a compact reprint of the original orders, abbreviated and reduced in number...." It is clear that the orders he was referring to were those 1643 orders he labelled 1210, because the true original York orders had only eighty articles. The 1642, Madan 1211 text actually increased the number of articles in the regulations. The 1643, Madan 1210 text has one hundred and fifty-three articles as opposed to the eighty-two of the Madan 1211 text.

When I began this investigation I had, independently, thought along the same lines as Madan because the 1643, (Madan 1210) text is so different from the previous English orders. It was printed in blackletter, as the original orders printed at York were, and as royal proclamations usually were. It included novel material on army organization such as the formation of the military justice system and the duties of army chaplains, features that would have been useful to clearly delineate in a newly-formed army, (such as Rupert's new command in the North West).²³ One might expect that after the King's armies had been in the field for more than a year it would be a little late to be explaining the basics of its structure to command personnel. On the contrary, a thorough, competent revision of the regulations was long overdue.

The prefatory address of the 1643 orders states:

²³ See below, p. 245.

We have also seen, and advisedly considered of other orders made, and established for other armies in foreign parts, well and successfully governed. And out of all these, and our own observations, and by the advice of our Lord Lieutenant-General of our armies, throughout this our realm of England, and the advice of our Council of War residing with us at our city of Oxford, we are resolved upon and do now establish these laws, orders, and articles following, for the better ordering, and governing of our armies in the several parts of this our realm, until by the blessing of God, they shall be disbanded.²⁴

The foreign source referred to is not difficult to deduce. Since the battle of Edgehill, the Lieutenant-General of the King's armies had been Patrick Ruthven, Earl of Forth. Forth had had a lifetime of experience--about 36 years--in the Swedish army of Gustavus Adolphus where he had been respected and trusted by the great General himself. It seems logical that he would have tried to repattern the English army upon the example of one of the more famous fighting forces of his time. And in fact, several clauses of the 1643 orders (Madan 1210) not only recognizably follow the Swedish regulations rather than English military tradition, but are actually quotations from the printed text of 1632.²⁵ But they were not introduced by Forth when he took up his new command of the King's forces. In fact, in the summer of 1643, the Royalist orders were as they had been first instituted at York in August 1642 when Lindsey was Lieutenant-General.²⁶

²⁴ Military Orders and Articles Established by His Majesty, (Oxford: Lichfield, 1643), 2.

²⁵ The Swedish Discipline.

²⁶ They were printed again that summer, this time in Bristol, Military Orders and Articles Established by His Majesty (Bristol: Robert Barker, 1643). Internal evidence from the Proclamation of June 1643, in which the Chaplains' corps is outlined, reinforces this conclusion. There would

To try to establish the initiative behind this revision of the King's orders, and so more fully understand the context in which they were prepared, we must delve again into publishing history. Although he was not so fanatical as Thomason about preserving the March new year,²⁷ and not as consistent in its use as was the Barker team,²⁸ Lichfield most frequently used the March new year, so the orders printed in 1643 could have been prepared until March 24, 1644. This dating supplies a much more significant time-frame and makes it possible to put these orders in the proper context.

In the first months of 1644, Rupert was given command of the King's operations in the North-West.²⁹ He set out to rebuild the army that had been originally raised there by Byron. He left Oxford on February 6, and was in the field by March 12, 1644. His force of 6400 was put together from bits and pieces of regiments previously commanded by Byron, disgruntled garrisons on the Welsh border which had suffered under Gerrard, as well as some newly arrived Irish units. Given the mixed nature of the force, Rupert would undoubtedly have found a

have been no need for that kind of detail after the establishment of the 1643/4 (Madan 1210) orders. See below pp. 239 ff.

²⁷ He often struck out the printed date and altered it to the older style. Even after all these years, and translated by microfilm, his anger can still be read in the vehemence of those penstrokes.

²⁸ This judgment is based upon my own experience of the Barker team's work, and a formal examination of the twenty-two pieces they printed from January 1, 1642 to March 26, 1642. I have never seen a Barker piece that used the January new year.

²⁹ See Hutton, Royalist War Effort, 131-142.

revised, comprehensive, practical set of regulations of benefit to the unification of his command.

In such a situation it would have been sensible to include the sections on army organization that appear in these orders, and it appears that this was the first time that these branches of the military were formally gathered under one central regulatory structure. The complete revision of the Royalist regulations was almost certainly undertaken under Rupert's command and to his specifications, although the actual task of revision might well have been entrusted to someone he trusted. Perhaps his own Chaplain William Watts.³⁰ There is textual evidence which indicates there was also input from someone within the King's immediate circle.

Based upon the circumstantial evidence provided by the printing date of these orders, as well as compelling internal evidence, I rejected Madan's judgement about the dating of these two texts: the text of the Oxford 1642/3 reprint (Madan 1211 and 1212) examined and commented upon by Madan, was actually that of the original orders and the orders issued in 1643/4 (Madan 1210) were a new revision. I was happy to be able to confirm my judgement with an examination of the York originals. One copy of each York printing of the first 1642 Royalist orders has recently been catalogued. They support my conclusions. In addition, they indicate that the text that Madan examined (Madan 1211), which claimed to be a reprint, was itself a minor revision of the original York orders.

³⁰ For speculation about Watts's contribution to the revision process, see above p. 62-3.

There was another set of orders prepared for a Royalist army in 1642. These orders say they were written for use in the Northern army of the Earl of Newcastle. Ian Roy has described the North as "Newcastle's Kingdom," and Newman says his authority was "vice-regal". All sources agree that he had an independent command and it seems that a separate set of orders were established for his troops.³¹ Because the nature of his force was unique, it is not surprising that his is the only regional force to have separate orders. Of course, the survival rate of printed material varied greatly from place to place in the country so the existence of other regulations for regional armies cannot be completely ruled out, although it seems unlikely. One recent study has estimated that the survival rate for printed royalist sources in the territory of the Western armies may be as little as 10% as compared to 70% for the York area only a few months previously.³²

The title, and the lack of publication data initially cast doubt upon the authenticity of these orders. Their title is "Orders and Institutions of War Made and Ordained by His Majesty and by him Delivered to His General, His Excellence, the Earl of Newcastle".³³ They are the only Royalist regulations to be called "Orders and Institutions". All others were "Military Orders and Articles." In this title and in many

³¹ Ian Roy, diss., p. 72, and P. R. Newman, Biographical Dictionary, xiii.

³² W.K. Sessions, A World of Mischief, The King's Printer at York in 1642 and at Shrewsbury 1642-1643, (York: The Ebor Press, 1984), 8.

³³ Orders and Institutions of War, Nov. 1642.

individual articles these orders are noticeably different from earlier English military tradition and even previous Royalist orders.

Very little is known about the preparation of these orders. From the content of the Earl's "Speech to his Colonels and other Commanders at his receiving the charge of General, and the precedent Orders from his Majesty", printed at the end of these orders, it is clear that they were prepared for him some time between the battle of Edgehill (October 23, 1642) and November 17, 1642 when they were received, and dated, by Thomason, in London. Hence it appears that they were not intended as a set of interim orders between the raising of the standard and the King's departure for Shrewsbury. They are not mentioned in the Calendar of State Papers Domestic as some orders have been. They are not referred to in the biographies of Newcastle, or Clarendon's History or any other source I have examined.

The only extant imprint of these orders is the one made "for J. Johnson" and preserved by Thomason. Plomer's dictionary of publishers and booksellers notes a London bookseller of that name who had a reputation for dealing in political pamphlets and it may be that these Royalist orders were reprinted for him there.³⁴ It is highly unlikely then that the extant imprint, is the original. The most logical place for initial publication would have been York, where other

³⁴ Henry R. Plomer, A Dictionary of the Booksellers and Printers Who were at Work in England, Scotland, and Ireland from 1641-1667, (Oxford: The Bibliographical Society, 1968), 107.

documents were prepared for the Duke of Newcastle. There is no record of such a northern printing, nor one by any other known Royalist press, but that does not necessarily mean that there was none.

It is clear, from W. K. Sessions' interesting accounts of the King's Printers, that at least two pieces that purport to have been printed by Robert Barker were in fact printed by Stephen Bulkeley, the same printer who helped with the preparation of the first set of Royalist orders. Bulkeley stayed on in York when the Barker presses followed the King and he continued to print there for the Earl of Newcastle.³⁵ Although the regulations that concern us now have not been noticed by Sessions, it seems possible to me that they too were printed at Bulkeley's press because they bear the same, distinctive decorative border on the title page as do several other pieces printed by him at that time. Dr. Derek Nuttall, has confirmed that Bulkeley owned all the type used in this piece, but he suggests that it might just as easily be the work of one of the Nortons in London.³⁶

The lack of firm publication data for these regulations must cast some doubt on their authenticity, yet it is less damaging than it might have appeared at first glance. There are several features that speak strongly in favour of the validity of this text, (if not this imprint) as an authentic set of Royalist regulations. The first of these is simply the

³⁵ W. K. Sessions, Bulkeley & Broad, White & Wayt (York: The Ebor Press, 1985/6), 61-4.

³⁶ Derek Nuttall to William Sessions, September 8, 1996, author's collection.

voice of the writer, the use of the 'royal pronoun'. Twenty-six of the fifty regulations are framed differently from the traditional orders in relation to the 'person' of the writer. Thus, "the Council of War" becomes "our Council of War"; our army, our service, our General, our quarters are all common phrases in Newcastle's orders. They are examples of what I shall call the 'royal voice'. These terms had only appeared in English regulations once since the days of Henry VIII, in 1628, and those orders too purported to have been written by Charles I, on that occasion for the Duke of Buckingham.

Not specifying punishment for neglecting Divine Service is another characteristic that these regulations share with previous orders ostensibly prepared for or by Charles I himself, which sets them apart from common English military tradition.³⁷ And most telling of all, twelve of the articles that are peculiar to this set of orders resurface again in the next revision (as opposed to reprinting) of the regulations, discussed below in Chapter Five. In the presence of such distinctive qualities, and in the absence of any conclusive evidence upon which to reject the text of this imprint as a forgery, we must accept it as a reprint of authentic Royalist regulations. As such they are an important guide to the opinions of Royalist Command regarding religion and morality in the King's Northern army, certainly until its destruction at Marston Moor. After that battle, Newcastle's broken regiments made their way to the rendezvous and were subsumed into the rest of the King's armies, and after Glemham finally

³⁷ See above, p. 83.

surrendered York (July 16, 1644), the Northern army's peculiar orders would have become defunct. Yet their significance extends beyond their own geographical and temporal tenure, merging with the final evidence we have of Royalist Command's intentions for their whole force.

So, despite the views of earlier Military Law experts, it is clear that the Royalist family of military regulations began with the orders of August 28, 1642, printed by Barker's team and Bulkeley at York. These were the first orders used by the King's armies in the Civil Wars. They remained in effect, and were frequently reprinted, with only minor revisions until approximately March 1644, when they were overhauled under Rupert and issued from Lichfield's Oxford press. These last regulations were to be in effect until the King's armies were disbanded. Another set of Royalist regulations, in limited use in Newcastle's command from at least November 1642 to July 16, 1644 at the latest, were incorporated into the ultimate 1643/4 revision. An examination of the articles governing religion and morality contained in these three versions of the regulations will form the heart of the balance of this dissertation.

In addition to the official military orders, attempts were made, from time to time, to regulate religion and morality among the Royalist forces by Royal Proclamation, and by Injunctions, both of which originated not with army field command personnel but in the King's immediate circle. Two Proclamations, dated June 13, 1643, and April 8, 1644, along with the Injunctions of November 1645, will be examined.

CHAPTER FOUR
THE CIVIL WAR - 1642

His Majesty's Orders of 1642

The first set of the Royalist orders bears the inscription, "Charles R. ... Given under Our hand this 28 of August, 1642" indicating that they were authorized for use in the army just six days after the raising of the King's Standard at Nottingham.¹ It was these orders that were read aloud to the newly assembled Royalist troops at Wellington near Shrewsbury on September 19, 1642.² The King put himself in the midst of his men in a gesture which probably called to mind Elizabeth I's famous Armada speech just as readily as the Roman example offered in Clarendon's account of the event.³ There Charles not only enjoined the men to observe the orders but made the following Protestation:

I do promise in the presence of Almighty God, and as I hope for his blessing and protection, that I will, to the utmost of my power, defend and maintain The true reformed Protestant religion established in the Church of England, and, by the grace of God, in the same will live and die.⁴

¹ Military Orders and Articles Established by His Majesty, (Oxford, 1642), 14.

² Carlton, Charles I, 248. In his account of this event, Carlton places the action near Stafford in the Wellington Road. Regardless of the exact location, the significance of the incident remains.

³ Clarendon, II:312.

⁴ Clarendon, II:312 (emphasis in original).

It was intended that this protestation also be read out, two days later, from all the pulpits in Chester, a major rendezvous point. Publicizing the King's Protestation shows that a new policy, different from that of the Bishops' Wars, was being followed. In the first Civil War, the King and his advisors chose to follow suit when the Parliamentarians played the religious card. Unfortunately, the printing presses had not yet arrived from York. This situation would have made it challenging but not impossible for distribution of the Protestation in manuscript copies in time for Sunday. The King's Protestation was eventually printed and widely circulated.⁵ It re-dedicated the King to the Church of England, a position which he had already tried to clarify in June with even greater specificity. Then he had pledged to defend "the true Orthodox Religion professed and settled in Queen Elizabeth's time".⁶ The number and content of the articles dealing with religion in the 1642 regulations demonstrate the attempts of the writer to achieve this goal.

There are several different existing imprints of these first orders: one printed by Robert Barker, the King's Printer whose representatives operated a travelling press during the war (Barker himself was in prison for debt), and a second one printed by Stephen Bulkeley a local printer in York. It was

⁵ For the peregrinations and vicissitudes of the royal press read W. K. Sessions, Mischief; and idem, The King's Printer at Newcastle upon Tyne in 1639, at Bristol in 1643-1645, at Exeter in 1645-1646, (York: The Ebor Press), 1988.

⁶ His Majesty's Declaration to the Ministers, Freeholders, Farmers, and substantial Copy holders of the County of York, (London: for E. Husbands, 6 June 1642), Wing C2284. This piece was reprinted in London eight times in June of 1642.

good fortune for the King that Bulkeley had fled to York with his press after being named a delinquent by Parliament.⁷ The fact that both printers worked upon this first issue of the orders may indicate that they were required in a very short time: two men working on one hand press could turn out up to 1,000 sheets in a day. Two working presses might double the output and, therefore, more easily handle a large rush job.⁸ Barker and Bulkeley did an admirable job. The orders were in hand in the army on the other side of the country by September 19. Lichfield subsequently reprinted these orders the following Spring in Oxford (Madan 1211 & 1212). The Barker team also printed them again in 1643, this time in Bristol, most likely for use in the Western armies (Bristol Orders). As Bristol was taken for the King July 25, 1643, that is the earliest date at which Barker could have reprinted these orders. The number of reprints suggests that efforts were made to ensure that copies of the army's regulations were widely available for new regiments and also to replace copies lost during engagements.⁹ The many reprints may also be an

⁷ Plomer, Dictionary of Booksellers, 38.

⁸ For sharing their insight and expertise regarding seventeenth-century printing I am indebted to Mr. William Sessions, Dr. Derek Nuttall, Prof. Peter Isaac, Mr. Paul Morgan, and Dr. Joe Black.

⁹ So widely in fact that they were even sold in London where Thomason duly squirrelled one away. It is interesting that the edition preserved by Thomason includes a splendid portrait of Charles I regally mounted and clearly lord of all he surveys. What he surveys in the portrait is recognizable as the City of London. One has to wonder if this is just a coincidence or whether these things were actually prepared for sale in the enemy's headquarters as some kind of persuasion or show of might. Who knows, perhaps they were for the King's supporters there like Nicholas Crispe who was commissioned to

indication of the availability of royalist sources: the earlier, less fierce part of the war is much easier to reconstruct.

As might be expected, the first Royalist orders used the last previous orders, those written by the Earl of Holland in 1641, as their point of departure.¹³ The omission of articles covering rape, theft, murder, and adultery or fornication, which was unique to Holland's regulations makes it easy to make this identification.

The prefatory address of the first Royalist orders, dated August 28, 1642, was styled from the King himself and declared that he had been

compelled to Our great grief, to raise an army for the chastening and suppressing of certain Our disloyal and rebellious subjects, who, casting away all fear of God from before their eyes, have of late taken up arms, and levied war against Us their natural Liege Lord, Our Crown and Dignity....

This statement sets the moral tone for the Royalist orders. They were written for those who feared the Lord and served his duly anointed representative. By describing the Parliamentarians as having cast away all fear of God the King reinforces his claim to rule by divine appointment.

Like Holland's orders, the Royalist orders of 1642 still deal with religious practice in the first four articles, and the attempt to dictate moral behaviour is much less pronounced than it had been in previous regulations. And again the

raise a regiment for the King in London.

¹⁰ The earl himself declined to follow his master North when he left Hampton Court, despite his office of groom of the stole.

organizational headings that appeared in the Bishops' Wars have been dropped. Nevertheless, the Royalist orders differ significantly from Holland's. The majority of the differences lie outside the area of our investigation here and deal with administrative details and the duties of the Provost Marshal. But even within the articles governing religion and morality there are distinctions that are indicative of the opinions of Royalist Command.

a) Regulating Religion

The first two articles for the Royalist armies are the traditional ones against blasphemy and unlawful oaths. They differ from the orders of Holland and Northumberland only in the omission of the word "blessed" in the description of the Trinity. The penalties remain the same: for blasphemy, even in a first offence, boring of the tongue with a red hot iron; and for swearing, loss of pay and other punishment at discretion.

In the third Royalist article, Holland's text was altered. In this first set of Royalist regulations, the article protecting churches was expanded to include ornaments dedicated to God's worship in addition to the list of other things not to be profaned. Nothing could more succinctly describe the type of Church Culture recorded in these orders. A definite trend is apparent within the military orders examined in this thesis: from the early Protestant tradition of English orders which included no article protecting churches at all, through Arundel's orders generally protecting things dedicated to God's worship, and Northumberland's official protection of church

utensils, ending with this Royalist inclusion of church ornamentation in the article protecting churches. One could not ask for a clearer indication of the Royalist dedication to what has traditionally been called a Laudian agenda right from the beginning of the Civil War.

The Royalist article again deviates from Holland's article in the simple fact that the Royalist one is to apply to all places of worship, not just public ones. This article reiterates the sentiment of Arundel's orders of 1639, and realigns the King's army with the usage and innovations of the famous chapels, starting with that of the King himself.

In addition to protecting all church buildings and their contents, the same article goes on to shield the men who serve God. Royalist soldiers are commanded not to "violate or wrong" God's ministers. This phrase may be a simple slip into notoriously repetitive lawyers' English if the writer was fluent in the language of the courts, and the wording of later clauses certainly suggests this kind of authorship. Nevertheless, it clearly indicates that greater emphasis was placed upon this part of the article than had been evident since Arundel's orders of 1639.

In the fourth and final article covering religious practice, the royalist orders change the form of Holland's article but not its meaning: daily prayer and sermons are retained. The Royalist article conflates the two traditional articles about Divine Service, the first being Holland's article for attendance and the second part being his article regarding the duty of the commander to see God duly served:

All those who often and wilfully absent themselves from sermons and from Morning and Evening Prayer, shall be proceeded against at discretion: And all Commanders are straightly charged to see Almighty God reverently served and Sermons and Prayers duly frequented by their several companies, upon pain of being taken and judged negligent in their Office.

The repetition of sermons and prayers, which could have been eliminated in the revision process but was not, implies the value of sermons to the writer. While this repetition was in sharp distinction to the attitude noted in the orders of Arundel in 1639, sermons are still not mentioned alone, but are again linked to prayer. This form of expression reiterates as well as reinforces the importance of the bi-lateral nature of worship in the English Church: both components were necessary for the proper worship of God. This attitude has been seen to be a standard feature of Caroline military orders and touches on one of the areas of contention in the English Church, a feature that may help to identify the religious culture of the Royalists.

The stipulation of a punishment for officers who do not do their duty in seeing God reverently served is new. It is interesting to note that soldiers who do not join in public prayer are still only to be proceeded against at discretion, leaving plenty of room for persuasion and reformation. Officers who do not see that their men attend to Divine Service as well as civil, on the other hand, are to be judged negligent, a proceeding which could lead to loss of place or expulsion from the army. These punishments are not specified, however, and the article, though more forceful than Holland's traditional ones, is still lenient by seventeenth-century

standards. The idea that the officers should themselves set a good example for their men in this regard is certainly not in evidence. On the contrary, the wording implies that officers as well as soldiers may have needed to be formally reminded of their duty in this area. Given the significance of the officers attending church services (especially communion) with their men which had emerged in the Bishops' Wars, not insisting on their presence might indicate a lack of tension over the presence of papist officers, or presumably that there were fewer Catholic officers heading Protestant men.¹¹

The first Royalist orders ensure the round of Morning and Evening Prayer and Sermons with which we have become familiar in the Caroline military regulations. And again, the use of the Prayer Book is clearly assumed although it is not commanded. With the addition of a protective clause for church ornaments and the opportunity for reformation for shirkers of Divine Service it is easy to describe the churchmanship of the 1642 Royalist orders covering religion. Predictably, they enshrine the services and attitudes which were, officially, the standard fare of the Caroline Church of the 1640s. The authors of that Church tradition, Davies' royal/episcopal partnership, frequently claimed to be simply restoring the purity of the Elizabethan Church settlement, and indeed their Church might have been quite acceptable to the Queen herself. But perhaps

¹¹ Newman has suggested that Roman Catholic Colonels often led Roman Catholic regiments in the Civil Wars, although there were many Roman Catholics in Protestant regiments as well, Newman, *diss.*, 22. Apparently, this situation had been quite different in the Bishops' Wars, see Ronan Bennett, "War and Disorder," 248-73.

like Shakespeare's lady they "protest too much"? From the regulations alone, there can be absolutely no doubt that they believed their religious culture to be under attack and took steps to protect it, commanding protection for those things that had greatest value for them, and would be most likely to suffer in the present situation.¹²

b) Regulating Morality

The 1642 Royalist orders closely follow the precedent set by Holland's orders of 1641 in matters of morality. This means that either the writer felt these matters were best handled by other types of authority, such as common and statute laws, or perhaps they were just of no pressing concern to him. Accordingly, "unnatural abuses", murder, rape, and theft, crimes which had, before Holland's orders, always been explicitly dealt with, are absent here. There is absolutely no trace of the concern with specifically sexual offences which Northumberland's orders of 1640 had suggested and no mention of the presence of women (or children) at all within the army as had been evident in many earlier orders.

The lack of any regulation of violent crime makes these orders very different from all the orders already mentioned except Holland's. It is possible that these offences were simply omitted in the cause of efficiency. They were already covered by the common law, although it seems likely that

¹² It is important to remember that the regulations do not represent some monolithic attitude to religion within the King's armies. They are simply a guide to official Royalist religion. It could hardly be hoped that the many conscripts which filled the ranks of the armies of both sides of the conflict would share the religious opinions of the writers of the military regulations.

soldiers were not supposed to be tried except by Martial law.¹³ The accepted authority on Royalist army organization, Ian Roy, claimed in his thesis that throughout the war, the King's army was well-disciplined.¹⁴ Nevertheless, every reprint of these orders included a Proclamation against plundering the King's subjects so this lack in the military regulations was not necessarily because the Royalist soldiers were exemplars of good discipline. Perhaps Roy was using the word "discipline" in its seventeenth-century sense, meaning drilled or trained.

Drunkenness is covered in two separate orders. The first of these orders is the traditional one from Northumberland and Holland: drunkenness, in either officer or soldier, was to be punished. But the method of punishment was altered in the royalist orders to include the judgment of the Lord General as well as that of the Court Martial.¹⁵ This change might indicate the desire for summary action in the face of wild bacchanalia. It certainly means that swift, severe and exemplary punishment could be threatened in an effort to enforce discipline and prevent disorder.

There is less room here for the reformation of character than might have been allowed under earlier regulations, and it is interesting to note, that no separate article dealing with

¹³ For Martial Law see Clode, Forces of the Crown, 441; See Bennett, "Policing Soldiers" for a contrary view.

¹⁴ Roy, diss., 247.

¹⁵ This may have been a matter of legal expediency. It was the Lord General who was most likely to have had a commission from the King for martial law, see above, p. 34-5.

drunken officers was retained in this revision. Presumably, their behaviour in this respect was not expected to give offence. Drunken sentinels, and also, for the first time, scouts, were simply punished with death. The potential of summary punishment for drunkenness, whether in officer or soldier, and the retention of certain death for drunken sentinels, confirms that these regulations conform closely to the traditional Caroline attitude: drunkenness was an evil in and of itself. These features also reinforce the concern for maintaining order evident in these regulations.

The Royalists retained the traditional article about gaming as found in Holland's orders. If it led to the loss of horse or arms a soldier would be forced to serve as a pioneer or scavenger until he could replace the lost items. Again, the stress here is clearly less on morality than efficiency. Gaming was not condemned in itself, because it was sinful, but only because it interfered with the good government of the army.

In many other instances Royalist articles were the same as Holland's, for example the article against robbing the dead which protected both the King's and enemy soldiers. Those who were convicted for stealing from the dead were to restore double the value of the stolen goods as well as suffering arbitrary punishment. The article against extortion is the same as Holland's and only protects those under His Majesty's obedience. The Royalist article against the wanton destruction of property, varies from Holland's in that it adds parks,

warrens, and fish-ponds to the traditional "fruit trees, and walks of trees" for special protection.

The article against provocation by acts or words is also the same as Holland's. But the response to the likely outcome of such provocation, duelling, is quite new. Holland's orders, like Northumberland's had tried to prevent duelling by prohibiting provocation, private quarrels in camp, and leaving camp to duel. Both soldiers and officers shared the responsibility of preventing duelling and punishment for infraction carried the death penalty for both groups of men.

The Royalist orders began with the traditional articles against private quarrels in camp and wittingly allowing parties to leave camp to duel, but they went on for another four articles, filling one whole page of text, covering many different details and nuances of the duelling ritual. Clearly something different was going on here--either Royalists had a different attitude to duelling or a greater frequency of duels.

The first of the new Royalist articles explained that honour could be retained without answering a challenge and outlined how the challenged party was to respond, namely by referring the challenge to the next Court Martial or Council of War. There they were guaranteed full reparation from the challenger as well as the likelihood of seeing him receive further punishment.

The next new article extended the scope of the net to prevent duelling and perhaps even changed attitudes towards it. It was aimed at bystanders who might upbraid a challenged soldier for refusing to duel and relies upon the intervention

of the Court of War.¹⁶ Anyone taunting a challenged soldier in this way was to be punished. Officers were to lose their place, regardless of rank, as well as suffer further punishment by the Lord General, or the Court. Soldiers were to ride the wooden horse or receive other punishment at discretion.¹⁷

The third new article is interesting because it may hint at a degree of hostility within the ranks that is not frequently mentioned. It dealt with challenges to Captains and other officers. It was most likely that a challenge of honour would be offered from one officer to another, but that did not preclude the possibility of challenges coming from the ranks.¹⁸ In this article, anyone, regardless of rank, challenging an officer was to die without mercy. The invariable nature of this article's punishment indicates just how serious an offence it was seen to be.

The last of the new articles, detailed the punishment for those who actually duelled:

If any two go into the field, and there draw their swords and fight, though no death follow on either part, yet if they be officers, they shall lose their places, and be disabled to bear office in time to come, unless upon humble submission they or either of them shall be restored to that capacity by the Lord General in open Court, and by the assent of the major part thereof then present: But if two common soldiers shall do so, they shall be punished with the

¹⁶ Ian Roy suggested in his dissertation that the Council of War was frequently called the Court of War, p. 60, and that is the term frequently used in the Royalist orders. Future Royalist orders would lay down formal guidelines for its composition, see Military Orders, 1643/4 (Madan 1210), #143-9.

¹⁷ See appendix 1.

¹⁸ There is another article which covers the standard military expectation that no one of a lesser rank may resist, strike, or disobey one of higher rank.

wooden horse, or otherwise at the discretion of the Court, and the like to be done unto their and every of their Seconds, who in all respects, are to be taken for Principals in these cases.

This article in no way contravened the one about private quarrels which only covered duels in camp. It was also separate from an officer suffering a soldier to go out to a duel. It presupposed an infraction of the traditional rule about provocation and the new one about receiving challenges.

This treatment of duelling was a departure for the English army and may be evidence of a change in attitudes about the acceptability of duelling or a change in the frequency of duelling despite the traditional orders, either of which indicate a cultural shift of some kind--something new was going on here.¹⁹

These orders made it clear that despite the best preventative efforts of the previous regulations, duelling was a problem and Royalist command had to take steps to punish as well as prevent it. Yet for all these regulations concerning duelling, there is no feeling that it is in itself immoral. This is again a contrast to Northumberland's orders which had explicitly categorized provocation as an immoral act.

An interesting and unique article immediately followed the new section on duelling. It said that any man who refused to

¹⁹ Lawrence Stone suggests that before the Civil Wars period, duelling had been relatively rare, but that by the Restoration it had become a serious social menace; Lawrence Stone, The Family, Sex and Marriage in England, 1500-1800. (New York: Penguin, 1979), 77. Clark documents what he calls "something like an international movement against duelling, in War and Society, 34-42. For a completely contrary view, see Baldick, The Duel, 67. Given the evidence of the regulations alone, I suspect Stone and Clark are closer to the truth.

do any service for fear of danger or other pretence whatsoever, or run away before the retreat was sounded should die without mercy. Although this is somewhat wide of our target of religious and moral concerns, the juxtaposition with the previous new block of regulations brings this article within our orbit. The concept it described was not new. There had always been, and these royalist orders retained, articles covering cowardice of various kinds, especially flying from your colours or leaving the field before the fighting had come to "handyblows". It is the reiteration that is interesting here: the condensation of all these other forms of definite cowardice linked with a large block of regulations about how you can retain honour without duelling. This juxtaposition actually turns the usual contemporary belief on its head and tries to make duelling itself a kind of cowardice.²⁰ A very interesting position indeed given the traditional cavalier stereotype.

In their attempts to regulate morality, these regulations are very like those of Holland in 1641. They do not mention murder, rape, theft, or pillage; they say nothing at all about sex. They treat drunkenness as if it were seen to be an evil in and of itself, while gaming is criticized only because it leads to disorder. One area in which they show a marked difference from all previous military regulations involves duelling. Here they dramatically increase the number and

²⁰ This is precisely the thrust of a pamphlet published in 1635 and dedicated to the King, G. F., Duel-Ease: A Word with valiant spirits showing the abuses of Duels, that valour refuseth challenges and private combats (London: Ann Griffin, 1635).

detail of the regulations, yet nowhere is it explicitly stated that duelling is immoral. We have the impression that, like gaming, it is a problem only because it leads to disorder. As Holland's orders had been, the first Royalist orders of the Civil Wars were a decided break with tradition with regard to the regulation of morality.

These orders were "to be read plainly and distinctly, by the Captain, or other chief officer, to his own company, at least once a week", and the following oath was to be administered "in the respective quarters by the Provost-Marshall General, assisted by the several officers of each regiment: In the Horse-quarters by sound of trumpet, and amongst the foot by beat of drum":

I A.B. do swear, to be true and faithful to my Sovereign Lord King Charles, and to his heirs and lawful successors and to be obedient in all things to his Lieutenant-General, for the time being, in this His Majesty's War against such rebel-subjects as have already taken up, or hereafter shall take up arms, and wage war against him, or which shall any ways abet, assist, or aid them. And I do further swear to serve and defend His Said Majesty and for Him, His royal person, Crown, and Dignity, to fight to the utmost of my power and strength, and to continue in such service till I shall be lawfully dismissed from the same, and to come and go, and do, as I shall be commanded, required, or directed by His Majesty, or the Lord Lieutenant-General of His Armies, or other my superiour officer under him. So help me God.

This oath is quite different from the one included with the 1639 orders, and because it was written specifically for the Civil War, it is not only a picture of Royalist allegiance, but an indication of what was important to Royalist leaders. It is a pledge of allegiance to the person of the King and an acceptance of obedience to his military officers. A perfectly expedient and efficient expression for the military

circumstances. But, unlike the oath of 1639, there was no mention of religion at all.

Given the historiographical dictum that the Civil War was a war of religion, the absence of any reference to religion in the 1642 soldiers' oath is particularly puzzling. The first oath for the Bishops' Wars (Arundel, 1639) gave us a clear indication of what the King's priorities were. If protection of the Church was now a vital part of the Royalist agenda, as the King's repeated "Protestations" indicated, why neglect to mention it in the soldier's oath?

The answer may lie in the very nature of the Caroline Church, the traditions of which received unequivocal support and affirmation in these regulations. From earlier evidence of the King's well-known replies to Parliament's demands before the outbreak of actual fighting, his speeches at York and elsewhere, and his frequent Protestations, there can be no doubt that the royalists did indeed believe that the preservation of the English Church was one of the causes for which they were fighting. In the Church that they envisioned, however, the King was an integral and necessary head; the monarchy was not just a civil institution but a sacramental one. In swearing allegiance to the King one therefore pledged allegiance to the Church as well. But some more direct mention of the Church might have been expected if its protection was seen as a major cause in the war they were fighting.

We must also remember that this was the heyday of casuistry and an allegiance to the Church through the crown which was only implied, (i.e., clearly the spirit of the oath

though not the letter) might be ignored or rejected with honour intact.²¹ In short, by leaving out the Church the King cast a broader net for supporters than he would have been able to if he had included it in the oath. In the straits where he found himself in 1642, the broader the net, the better. By this means he left the way open for support from the Roman Catholics, at home and abroad, as well as those Protestants who might not be firm supporters of the Caroline Church but found themselves bound to the King's service for other reasons. The soldiers' oath is one good example of the tightrope being walked by Royalist leaders. The uncharitable have traditionally described this type of equivocation as duplicity, but taking into account the situation in the King's other domains as well as the perennial hope for foreign aid perhaps it is simply an example of 'the art of the possible' in practice.

In the Royalist orders of 1642, a tremendous effort was made to regulate religious observance and morality, although we have discovered, that the latter might not necessarily have been directly prompted by the former. The traditional articles forbidding blasphemy and swearing were retained, but the protection of churches and utensils was extended to cover ornaments as well. Private chapels were again added to churches for protection from violation, and greater emphasis was placed upon the protection of men in holy orders. These three features will be seen again and again, and are typical of

²¹ See Thomas, "Cases of Conscience in Seventeenth-Century England," 29-56; and Rose, Cases of Conscience, 70-121.

Royalist regulations. The usual round of daily prayer, Divine Service, and sermons that had emerged by 1640 was again in evidence in the orders of 1642, and the article that commanded officers to see that their men attended church was more strict than earlier articles had been. Clearly, in matters of religion, these regulations maintained the status quo the royal/episcopal tradition of the Caroline Church.

With regard to morality, we have seen that the Royalist regulations of 1642 were not as concerned with things sexual as Northumberland's had been, and certainly less determined to prevent violent crime than any English regulations of the past had been, except Holland's of 1640. The biggest issues they address are drunkenness, which was seen as objectively evil, and so immoral, and duelling, which was not objectively evil, but was still forbidden. They devote a great deal of attention to the regulation of religion, less to purely moral issues. From their evidence alone, it is possible to determine the character of official Royalist religion, and assess its relevant importance to Royalist command.

Newcastle's Orders of 1642

Another set of orders was prepared in 1642, specifically for use in the Northern army of the Earl of Newcastle. As mentioned above, his was the only regional force known to have adopted a set of orders separate from those prepared for the King's main field army. These regulations were entitled "Orders and Institutions of War Made and Ordained by His Majesty and by him Delivered to His General, His Excellency, the Earl of Newcastle". In this title and in many individual

articles these orders are noticeably different from both English military tradition and even other Royalist orders.

a) Regulating Religion

The first article of Newcastle's regulations stated that no officer or soldier would be admitted to the King's service unless he took the Oaths of Supremacy and Allegiance.²² This is the only set of Caroline orders to include such an article. These oaths were the traditional touchstones of allegiance to the person of the King but also specifically to his jurisdiction over the English Church. Both of them were pointedly anti-Papal, but not necessarily anti-Catholic. In 1606, James I had particularly designed the oath of allegiance to include loyal Roman Catholics.²³ But the very fact that these oaths were to be applied in the Northern army at all distinguishes these regulations from those governing the other Royalist armies.

In case the intention of applying the oaths of Allegiance and Supremacy was not clear enough, the second article explicitly prohibited Papists from serving the King. Such an article was absolutely unprecedented in English military tradition. Taken together, the first two articles of Newcastle's orders indicate that, for the Northern Royalists, the fundamental concerns by November 1642 were for loyalty and

²² The oaths of Supremacy and Allegiance had both been reprinted by Charles I in 1637, Forms of the Oaths of Allegiance, Supremacy, and Canonical Obedience, &c. (London: Barker, 1637). The text of the Oath of Supremacy was that of 1 Eliza. I, c.1. s.9., and that of the Oath of Allegiance was 3 Jac. I, c.4.

²³ See Fincham and Lake, "The Ecclesiastical Policy of James I," Journal of British Studies 24 (April 1985): 185-6.

allegiance to the King's person, and the state but not necessarily to the Church of which he was supreme head.

The Royalists were in a double bind. It was essential for them to appear to be completely free of the taint of Popery without jettisoning the support of such an influential segment of the community as the Catholics were in the North.²⁴ And it is abundantly clear that the King, like his father before him, had no intention of ostracizing the loyal Catholics. Nevertheless, in the first two articles of these regulations, Newcastle's army, the first raised for the King, publicly defined itself in an apparently religious way with the explicit use of the word "papist." It is important for us to clarify what was meant by that word.

There has been much discussion amongst historians of the meaning of the words Puritan and Puritanism, driven by the demands of the concept of a Puritan Revolution. But as the historical model changes we see that there are other terms as greatly needing clarification as those. Historians have traditionally used the words papist and Roman Catholic synonymously, but as Newman has shown, the word was thrown about with abandon by contemporaries, and aimed at people who clearly were not Roman Catholics at all. Presumably then, it meant something different. In Newcastle's orders we have a very interesting guide to one possible contemporary understanding of the word "papist."

In Newcastle's orders, we are offered a glimpse of what the King seems to have meant by the term, and that is anyone

²⁴ See above, pp. 26 ff.

not willing to take the Oaths of Allegiance and Supremacy. All that those oaths ask of good Roman Catholics, as of the rest of the English population, is to admit that the Pope has no power to depose a legitimate, though Protestant, monarch. In a nation that had experienced the Reformation as the English had, beginning with the filter of Henry VIII, this limitation of Papal power might not have been so hard a pill for English Roman Catholics to swallow.

Doctrinal, especially eucharistic, beliefs are not involved or impinged upon at all. The support of the Roman Catholic community for the King, and the ability of Royalists to put mere doctrinal differences aside in the face of greater demands--loyalty and honour--is a testimony to their allegiance, not in words alone but with their very blood, and that of their sons. This is not a gift lightly given, and such a willingness of the Catholic community to support the King has been convincingly documented by Newman's work. In addition, the effects of the experience of the Continental wars (especially the war in the United Provinces, where the marriage of allegiance and religion had long since broken down) on the general English population in the twenty years preceding the Civil War, as well as those of the more immediate Irish Rebellion, have received attention from several modern historians.²⁵ None of the standard accounts, however, discuss

²⁵ Barbara Donagan, "Codes and Conduct in the English Civil War," Past and Present, 118 (1988): 67-73; K. J. Lindley, "The Impact of the 1641 Rebellion upon England and Wales, 1641-5," Irish Historical Studies, xviii (1972-3): 143-50; Ian Roy, "England Turned Germany? The Aftermath of the Civil War in its European Context," TRHS, 5th Ser., xxviii (1978): 127-9.

any particular influence these experiences may have had on the English Roman Catholic population, although common sense suggests that they may have varied significantly from that of their Protestant neighbours. Nowhere in either of the English oaths is the Roman Catholic religion denigrated or declared to be not a true religion. The subject is purely about the King of England and his jurisdiction over his own realm. The oaths are anti-Papal, yes, but not anti-Catholic. This distinction may in fact have sanctioned the growth of a desire in many members of the English Church to reclaim the ancient revered Catholic heritage of the islands of Great Britain without in any way seeking a rapprochement with the See of Rome.²⁶ Unfortunately, many members of the English Church were unwilling or unable to understand this distinction. The use of the word "papist" in Newcastle's orders effectively divests it of religious significance.

This argument remains valid even if, as Bell and Malcolm suggest,²⁷ the oath that was written for Arundel's orders in 1639 actually replaced the Jacobean text of the Oaths of Allegiance and Supremacy, as reprinted in 1637. I have been unable to verify their hypotheses. There is a manuscript copy of this oath, written by one of the regular Privy Council clerks, but it is not recorded in the Privy Council

²⁶ James I's personal plans in this direction had been even more ambitious, see Fincham and Lake, "Ecclesiastical Policy," 169 and 182.

²⁷ Malcolm's theory about Arundel's oath was based on Bell, Memorials, I:15-16. See Malcolm, Caesar's Due, 29.

registers.²⁸ Neither was it dated, so it is difficult to determine if it is an early draft of Arundel's army oath, or a proposal for later revision of the national oath. No oath was printed by the King's printer in York, and I have found nothing that would corroborate Malcolm and Bell's claims. In any case, Arundel's oath says nothing against Catholics or the pope at all. It explicitly notices the danger of rebellion to all the King's subjects, especially rebellion that cloaks itself in religious language. From its wording, it might have been purposely designed to accommodate the loyalty of the Catholic population. As perhaps it had; there had been enormous criticism of Arundel's army for being full of Catholics.

Malcolm has suggested that the Catholics may have had special dispensation to take the Oaths of Supremacy and Allegiance. (If this had been the case, it would have compromised the effectiveness of the oaths as a test of loyalty alone.) She states "A Yorkshire gentleman makes this allegation in a letter written at the time, but there seems to be no further proof of such a practice."²⁹ Examination of the 'letter' mentioned suggests that it is most likely that the writer was an early 'stringer' or correspondent for parliament in the North who wrote what clearly seems to be a newssheet in the popular form of a letter.³⁰ Be that as it may, if the Oath of Allegiance of 1642 was actually Arundel's oath of 1639,

²⁸ SP 16/415/117.

²⁹ Malcolm, Caesar's Due, 29.

³⁰ A Letter Sent by a Yorkshire Gentleman (1642) see p. 5 for part on dispensation, Wing B3839.

it would likely have been easily taken by loyal Catholics, dispensation or no dispensation.³¹

In short, for the writers of Newcastle's orders, it seems that if you were loyal to the King you were not a papist. Full stop. The two ideas were contradictory. Because these orders purport to come from the King, and there is evidence that this was so, and in the light of the fact that Charles chose to accept his father's version of the Oath of Allegiance, it can be hypothesized that the use of the word "papist" here is consistent with his own understanding. So, it appears that the King agreed that just as you could be a Roman Catholic, even a Roman Catholic priest, without being a Jesuit, you could be a Roman Catholic and not be a papist. Just as all 'Puritans' were Protestants yet not all Protestants were Puritans, so all Papists were Roman Catholics, but not all Roman Catholics were Papists.

This is the only explanation that makes any sense of the first two articles of these orders without seeing Charles I as a duplicitous, lying man, a stranger to both honour and ethics. Such a characterization is fundamentally flawed, and potentially more susceptible to historical misconception than a reappraisal of the word "papist" will prove to be. Because the King's reasoning is not explicit we may label it scheming and dismiss it as statecraft, but that does not make it so. If our understanding of his very language is faulty, how can we ever

³¹ The possibility of Catholics taking the oaths is discussed in several places, for example, Gilbert Gordon, Reasons by Gilbert Gordon for taking the Oath of Allegiance embodied in fifteen articles, SP 16/490/70.

hope to reconstruct an accurate picture of his opinions or beliefs. We must admit the evidence of actions to help us understand the meaning of the language. There can be no doubt that both Charles I and Newcastle welcomed the support of loyal Roman Catholics in the same way that they welcomed the support of loyal Protestants, whether they were English or foreign. If the King said, publicly, and at the same time, I am not employing papists, then it is clear that he did not mean loyal Roman Catholics when he used the word.³²

The King's instructions to Newcastle, written at least a month before these orders support this explication of the word "papist":

I do not only permit, but command you to make use of all my loving subjects' services, without examining their consciences (more than their loyalty to me) as you shall find most to conduce to the upholding of my just regal power.³³

It would have been pointless to make so much noise about rejecting papists while clearly making as much use of them as possible. The only logical alternative left is to alter our understanding of the word "papist." If loyal Roman Catholics were acceptable and papists were not, then loyal Roman Catholics must not have been papists. This intellectual leap of faith, if an accurate representation of the royalist position,

³² I do not mean to imply that the King personally had any compunction about having Roman Catholic soldiers of any kind. He had clearly intended to use any foreign mercenaries he could hire in 1640, but he did worry about having Catholics in posts of high prestige/visibility. See Fissel, The Bishops' Wars, Chapter 4.

³³ Charles to Newcastle, Sept. 27, 1642, in Henry Ellis, Original Letters, Illustrative of English History. Series I. (London: Harding, Triphook and Leonard, 1825), 3:291.

would clearly delineate an attitude towards religion quite distinct from that of much of the English population, and certainly from the vociferous part of the Parliamentary party. And it is clear that the King was not alone in this attitude. One prominent supporter, the Earl of Newcastle, is reported to have said that

he did not examine their [loyal royalists] opinions in religion, but looked more upon their honesty and duty; for certainly there were honest men and loyal subjects amongst Roman Catholics, as well as Protestants; and amongst Scots as well as English.³⁴

Practically, this attitude was manifested in a de facto religious tolerance just as Newman has described it,³⁵ and in accordance with customary practice in the Caroline Church as signified by the adoption of the Jacobean Oath of Allegiance.

Assuming an interested member of the public would have been able to get access to the regulations, as Thomason did, (to our benefit), if the goal of these anti-papist articles had been to combat negative public opinion, which made much of Roman Catholic support for the King especially in the North, it would have been essential to demonstrate devotion to the Church of England in the orders. Yet the orders do not unequivocally do so. And despite all efforts, Newcastle's army was aptly called the Popish Army by contemporaries.

In the third article, Colonels are commanded to

³⁴ Quoted in Margaret, Duchess of Newcastle, The Life of William Cavendish, Duke of Newcastle, ed. C. H. Firth (London: George Routledge & Sons Limited, 1906) 137.

³⁵ Consistently, since he wrote his thesis. See, Newman, diss., most of his articles, and The Old Service.

have a special care that the due service of God be performed in their several Regiments by the Chaplain to each Regiment every Sunday twice, except some contingent occasion of moment be a lawful impediment for their forbearance.

The thing that is immediately striking about this article is that prayer is only ordered to occur on Sunday. In a startling departure from all previous English military tradition, Newcastle's articles do not even imply that prayers were to be said daily.

The dissimilarity of its language when compared to that of earlier articles pertaining to Divine Service is also striking. The other Royalist orders conflated the two traditional articles on Divine Service, the first of which dealt with the punishment of those who wilfully avoided sermons and morning and evening prayer, the second of which was the charge to all commanders to see God reverently served. The base line for those past articles was that service would be held but also that soldiers would be likely to avoid their duty if possible. Those regulations were designed to let them know what would happen if they were so remiss.

In Newcastle's article, on the other hand, God was to receive "due" rather than "reverent" service. More importantly though, Newcastle's article was designed to regulate the chaplains, via the colonels, not the soldiers. It is primarily an order for the colonels to see that the regimental chaplains do their jobs, not for captains to see that their company of soldiers attends that job when routinely done, which makes this article quite different from previous ones on Divine Service.

Unlike previous orders this one either assumed that given the opportunity, men will worship, or, in common with other orders that seem to have been generated in the royal household, if not by the king himself, they did not think that it was appropriate to punish people who did not pray. This article was clearly addressed to the regimental Colonels whose duty, with regard to Divine Service, it outlines. The Colonels were to oversee the chaplains and guarantee that services were actually performed. Exactly what that service was was not spelled out, but it was to happen twice every Sunday, implying the traditional services of the English Church.

This lack of specificity is in itself remarkable, especially in a force which defined itself by the Oath of Supremacy. It was also a clear break from the pattern established by every other set of Caroline military regulations. In previous Caroline orders the words "Morning and Evening Prayer" or "Divine Service" had usually appeared as a guide to the type of service to be used, or at least a phrase like 'the usual services' if the Book of Common Prayer was not itself mentioned. And there could be little doubt of their intentions, although we cannot here assess how strictly they may or may not have been put into effect.

Even this much cannot be said of Newcastle's article. It does not specify that "due service to God" is necessarily Morning and Evening Prayer, and although it might have been tacitly understood that the forms of the Church of England would be standard procedure for this part of the King's force as well as all the others, the ambiguity of this article is

startling. In fact, this wording could just as easily have been chosen to accommodate the notorious Catholic presence in the Northern army.

Was this regulation a quiet way of allowing Catholics their Mass? The due service of God "every Sunday twice" could have been construed to allow Mass and Benediction if it were being interpreted for Catholics by a Catholic. And the omission of the traditional phrase "Morning and Evening Prayers," which colloquially meant the services of the Church of England, might also be explained by the desire to be inclusive of the Catholic members of the army.

The element of the article which would seem to discount such an interpretation is the fact that this service was to be performed by the regimental chaplains. To have knowingly admitted a Roman Catholic priest into the King's army in the position of chaplain would have been political suicide in 1642. Also, if the first two articles of these regulations meant anything, surely only Church of England chaplains were officially appointed in the Army. This sensible policy would have been a good way to counter the Roman Catholic presence and give Catholic soldiers every opportunity to see the light. It would also have shown to any concerned observer the true colour of religion in the King's Northern army. Yet there may be quite a gap between theory and practice, and in practice, the Colonel was responsible for choosing the chaplain (usually his own priest) as well as overseeing the performance of his duty.

There is evidence that Roman Catholics were indeed ministered to by their own priests. In his The Royalists

During the Puritan Revolution, Hardacre states that "the number of Catholic common soldiers is difficult to estimate. They appear to have been numerous enough to warrant the appointment of Catholic priests as chaplains".³⁶ The Royalist chaplains have not yet been examined, but no other source, secondary or primary, that I have seen has made such a claim. Hardacre based his statement on an extract from the 1642-3 annual report on the state of the Welsh mission of the Society of Jesus, and upon the judgment of the editor who compiled the volume in which it was presented. The passage begins as follows:

The annual report for 1642-3 on the state of Wales, contains the following account of the new duty of camp missionary. After referring to the battle of Bristol, and then to the actions before Gloucester and at Newburgh, [sic] it states: 'A fresh duty now devolved on the Fathers; that of exercising their sacred ministry in the Royal army.['] One of them in particular did good work in this mission. He was already expert in its particular duties, having lately come over from Belgium, where he had been employed in the services of the soldiers, and he resumed the work with great zeal and spirit. To be nearer at hand to afford his services where they might be called for, when an engagement was expected he joined the ranks of cavalry on horseback.³⁷

Even if we accept the veracity of the facts as presented by Br. Foley, we do not have to agree with Hardacre's statement based on them. Jesuits might well have been at work among the King's men. But there is absolutely no evidence that they were officially appointed as chaplains in any Royalist army. If that could have been proven it would have been plastered on

³⁶ Hardacre, Puritan Revolution, 55.

³⁷ Henry Foley, Records of the English Province of the Society of Jesus, (London: Burns and Oates, 1875), 4:442.

every broadsheet and newsbook in Great Britain and on the Continent. It was not.

Yet it is inconceivable that committed Roman Catholics would long go without the succour of a priest in a combat zone, especially when given the strong, and long, tradition of crypto-Catholicism in England. The underground network already existed. It would just be a matter of dispensation and relocation for even a mere diocesan priest. It would hardly have been a challenge to a Jesuit missionary. As evidence from more recent warfare has clearly shown an official appointment is not necessary when it comes to administering the sacraments to needy believers. There are countless stories, both modern and ancient, of Catholic priests who have gone "under cover" with the sanction of their authorities.

I believe this description is much more appropriate for the situation in the Royalist armies than Hardacre's assessment. It also meshes nicely with the balance of Foley's account of the Jesuits' annual report for 1642-3. He describes the flock of penitents that received absolution before one engagement as being more than 120 soldiers "for the most part officers and men of standing." In support of my reading of the 'facts', Foley says that the engagement began soon after dark. Later, before the battle of Newbury "great numbers of all ranks, and among them some of the nobility came to him to confession, beginning before daylight."³⁸ This one priest, at least, is recorded as having administered penance and extreme unction to Royalist soldiers. After the Council of

³⁸ Foley, 442.

Trent he was obliged to say Mass daily, even if alone, so it is likely that he allowed others to attend. Such gatherings would necessarily have to have taken place outside of the 'regular' day, most likely before and after morning and evening prayer. Between those two brackets the rest of the day would have been spent in official tasks by priest and congregation alike. Although Foley's account deals exclusively with engagements in the West, Bristol, Gloucester, Newbury, there can be little doubt that Roman Catholic priests did their duty to both God and King throughout the Royalist armies. If the Jesuits were in the West where the outcry about Roman Catholics in the King's armies was not widespread, it is close to a certainty that they were in Newcastle's notoriously Popish army. But it was only in Newcastle's army that the ambiguity of the wording of the article dealing with Divine Service could even surreptitiously acknowledge the reality of the Catholic element of Royalist support.

It is possible that the ambiguity of this article might have been designed, in the Hooker tradition, to include Royalists from the other extremity of the religious spectrum, i.e., Protestants who could see their way clear to taking the Oaths but who could not comfortably worship with the Book of Common Prayer. This possibility seems unlikely because this article does not mention sermons at all. This omission in itself is quite remarkable. These regulations are the only ones examined so far that say absolutely nothing at all about sermons. Their silence, however, is consistent with Newcastle's own professed belief "That there should be more

praying, and less preaching; for much preaching breeds faction, but much praying causes devotion." It also reflects the realities of the situation in his Northern Army.³⁹

Another interesting feature of this article is that here again, we have evidence of the presence of chaplains in each regiment, although this is the first set of regulations to refer to them explicitly as chaplains.⁴⁰ This is an important point to mention because the standard history of the British Army Chaplaincy, In This Sign Conquer, does not mention Royalist chaplains at all, and identifies the New Model Army's "Master Bowles--Chaplain to the Army" as "the first Chaplain-General".⁴¹ The most recent history of the Parliamentary chaplains says that their duties were not "explicitly set out".⁴² Yet in this earlier Royalist army, the office of chaplain is taken for granted, as it had been in the orders of the Bishops' Wars, clearly a common element in army life. But other than mentioning Divine Service, the chaplain's duties are not outlined in any way. It is clear from this article that formal care for the wellbeing of the soldiers' souls was part of the Royalist program. It is also clear that Royalist command held the traditionalist view that such care was best administered by ordained ministers.

³⁹ Duchess of Newcastle, 124.

⁴⁰ Arundel's orders referred only to the Preacher of the regiment. See above, p. 61 ff.

⁴¹ John Smyth, In This Sign Conquer, The Story of the Army Chaplains, (London: Mowbray, 1968), 19.

⁴² Anne Laurence, Parliamentary Army Chaplains, 1642-1651, (London: Royal Historical Society, 1990), 6.

In Newcastle's regulations, cursing and blasphemy are covered together for the first time. Far from being the first topic addressed as heretofore, when the expected article against blasphemy finally appears (after a fourth which instructs all officers to repress disorders in their quarters)⁴³ it has been quite thoroughly divested of rigour.

Whosoever shall presume to swear or blaspheme the name of God in our quarters; for the first offence shall suffer twelve hours imprisonment; for the second shall suffer four and twenty hours durance; for the third he shall be whipped and cashiered our army.

Gone are the specific injunctions against blaspheming the Holy Trinity, scripture, the Articles of Faith, and the clergy. And punishment, being neither public repentance nor mutilation, is mild by comparison to all previous Caroline orders.⁴⁴ Yet this less draconian attitude is not unprecedented. These orders resurrect the Elizabethan penalty structure, as seen in Leicester's orders.⁴⁵

Nevertheless, as punishment for cursing/swearing rather than blasphemy this article is much more severe than any previously examined. This is as would be expected in a set of orders that purport to have originated with the King. Swearing was one of his particular concerns. But on a more practical level, with less draconian punishments, it is possible that the

⁴³ One more example of how the King set himself up before God for his critics?

⁴⁴ This is certainly much less rigorous than the corresponding article in Wentworth's Irish orders of 1638 in which the death penalty was reinstated for blasphemy, see above, p. 72.

⁴⁵ See above, pp. 44-5.

article was actually designed to be applied rather than merely intimidate.

It is also interesting that this high-profile set of Royalist orders comes down hard on cursing which is such a prominent part of the contemporary Cavalier stereotype. For the first time ever, a soldier could be expelled from the army for swearing. This penalty could be simply a formal statement of the punishment usually meted out 'at discretion', but as a formal statement of punishment it is without precedent in English military tradition.

As even a quick glance through the index to the Thomason Tracts will show, it was as common for a Royalist to be called a "Damme" or a "Goddamme" as it was for them to be labelled Cavalier.⁴⁶ This article proclaims that contrary to common opinion, in the Royalist army a blind eye was not to be turned to swearing soldiers. It is also of some interest that here there was no possibility that a swearing soldier would be treated differently from a swearing officer. There were no nods to the flamboyant language of the court in these orders.

The particular religious predilection of Newcastle's army was something of an anomaly in his own time. At our great remove it certainly remains so. Although these regulations are the only Royalist regulations to proclaim an anti-papist stance, they are also the only ones to be so ambiguously worded that it would have been as easy for Catholics as Protestants to

⁴⁶ This epithet had been used by the French to mean Englishman since the days of Joan of Arc; ironic that what had once meant English now meant Royalist. For the use of Goddamme see Montagu, Anatomy, 124 and Hughes, Swearing, 1.

worship while following the regulations to the letter. It is probable but not certain that Roman Catholic priests would have covertly ministered to the Catholic troops. These regulations exhibit such inclusive language that they challenge our modern understanding of the very word "papist." Uniquely, the only test of allegiance they ordered was the traditional one of the Oaths of Allegiance and Supremacy which, of course, talked all about religion, but were really about obedience and loyalty.

The remarkable qualities of the articles written for Newcastle's army do not end there. They offer the first explicit reference to the presence of regimental chaplains in the King's armies, and supply information about their place in the chain of command. Unfortunately, they are not so informative about the duties of the chaplains. The only stipulation is that they offer 'due service to God' twice on Sunday. The English army tradition of daily prayer is not included in these regulations. Swearing, on the other hand, looms as as a grave an offence as blasphemy.

With regard to regulating religion, these orders are an offshoot of the main branch of English military regulations. As such they tell us as much in the breach as in the observance, as it were. Their peculiarities throw the regulation of religion in the mainstream Royalist orders into a brighter light than could have been obtained without them. It is, however to the mainstream that the next revision of the Royalist orders would return.

b) Regulating Morality

Concern for moral behaviour and a Christian way of life seem much more pronounced than in the other Royalist orders of 1642. Newcastle's orders address all the traditional topics except gaming, and they treat some of them with markedly greater detail than usual.

The first article dealing with Christian morality concerns, as usual, drunkenness. Any added importance that might have been signified by this article's prominent position, immediately following the one on blasphemy, is outweighed by its actual content. It says:

Whatsoever soldier shall be found drunk and so neglect his duty, shall be punished at the discretion of the Court of War, according to the heinousness of the fact, and the detriment arrived by his default to our service.

This is not an order against general drunkenness, or drinking as a pastime, and any mention of drunken officers is conspicuously lacking. The attitude to drinking here seems to be different from that of the previous Royalist orders because the primary care here is for the soldier's inability to perform required duties. This article is not a moral statement against the sins of the flesh (although the previous orders had not actually used the language of sin in relation to drunkenness) but a practical concern for safety and efficiency in the army. This assessment is supported by a later article in which drunken guards are simply to be "harquebusered," which was a colloquial term for shot.

Other moral offences regulated against were the violent crimes of theft, plunder, murder, rape, and arson which were

all punishable by death. The inclusion of articles on these offences was a reversion to pre-royalist orders in sharp distinction to the 1642 orders intended to govern the rest of the King's armies. And here, the greatest difference in detail can be seen. In Newcastle's orders any theft is seen as wrong. Theft under 12d. is to be punished at the officer's discretion; over 12d. by death. The latter was certainly traditional; the former is new. Theft under 12d. usually was not mentioned in the regulations at all.

An even more significant new feature here is that plunder is explicitly defined as theft and so is punishable by death. Moreover no subject of the King is to be plundered with impunity. In most previous orders this courtesy was reserved only for loyal subjects. Protection from wanton destruction was limited to loyal subjects and their property and towns as in previous orders. In fact, pillage had frequently been linked with wanton destruction, especially 'firing'. In Newcastle's orders, setting fire to towns, haystacks, houses, etc. is strictly forbidden, whether the item belongs to friend or foe. In this feature, his article is reminiscent of Arundel's of 1639.

The article that forbids murder is quite differently framed from the article of English tradition: "Whosoever shall wilfully act any murder upon the persons of any of our good subjects, soldier or other, shall suffer death." Here murder is qualified by the phrase "wilfully act" and the victims clarified, "any of our good subjects, soldier or other". This is a broad order indeed, specifically protecting civilians as

well as military personnel. Although the inclusion of the word "good" might have been intended to restrict this article to loyal subjects, I think it was more likely to have been used in the same way as "goodwife", "good man", or "good ship". The article against rape is similarly expanded, this time geographically. No woman is to be ravished "within our quarters, or any other place". Both of these articles are considerably more detailed than their correspondents in English military tradition. The writer clearly felt strongly about these offences. The focus here, as it was in Arundel's orders of 1639, but had not been since, is on violence. The writer does not mention any purely sexual offence at all: No adultery, no fornication, no dissolute lasciviousness, no unnatural abuses, no whoring. Quite clearly, sex (illicit or otherwise) was not what he was concerned to regulate. This is a very interesting departure from Northumberland's orders, but congruent with the example of the other royalist orders of 1642. Neither is there any indication here of a body of women and children, idle or otherwise, in the army. This is not, in any way, to suggest that they were not there, but rather to point out that they were either not noticed by the writer, or not thought to require mention in the orders.

One single article covers duelling: "No man shall presume to send any challenge to any other of his fellows, nor to fight any duel in the quarters or without, upon pain of death", and one other strictly requires all soldiers "to avoid quarrels and offences one to another". In this way, Newcastle's orders are quite different from the previous Royalist orders of 1642.

Here there is not anywhere near the amount of detail contained in those orders and no attempt to explain the modification of the traditional code of honour and chivalry. Apart from the brief direction to avoid quarrels there is nothing said about revenge or provocation. These articles are simple and direct. Duels are not to be tolerated, but provocation is not singled out for punishment.

The only other regulation which falls in our area forbids soldiers from beating their hosts or hostesses. This article would have taken the place of the usual proclamation on the same subject. No other mention is made of respect for the weak and the poor or the clerical. There is no article against gaming and no direction protecting the goods of the dead. Most surprising of all, there is no article protecting churches and sacred utensils and ornaments from desecration and theft. Given the judgment that these orders reflect the attitudes of Charles I, this last omission is startling. It places these orders well outside the norm of Caroline orders and links them with the more generically Protestant tradition of the Elizabethan orders. Was that the goal? Would an extant draft of these orders, or Council notes show the King's personal wishes overruled by advice about decreasing the Popish image of the army? Without outside corroboration, this path leads to fiction, but stimulating hypotheses can be born along the way.

Another unique feature of Newcastle's orders which reinforces the idea that Charles I himself had a hand in drafting them, occurs in article number forty-six. There it is ordered that a pension be provided for the maimed during their

lifetime.⁴⁷ Charles was shocked and sickened by the carnage of actual warfare. If these orders were drafted shortly after Edgehill, as they purport, this may have been his attempt at reparation for the bloodshed in his name. It is not coincidental that this is one of those few articles in all the sets of Royalist regulations which is written using the 'royal voice or pronoun'. It is among an even smaller group of articles which uses the 'royal voice' and is not based upon a precedent from the orders of Gustavus Adolphus. Care for the maimed is one of the distinctive points of Newcastle's orders which will reappear in the ultimate royalist revision of the regulations in 1643/4, and interestingly, there too it is in the 'royal voice'. This topic seems authentically to represent a concern of the King himself.

Newcastle's orders display an attitude towards Christian morality which is notably different from that of the first royalist orders of 1642. In Newcastle's orders, drunkenness is not treated as immoral in itself; violent crimes like rape, murder, and theft, are restored to the list of offences covered by the regulations; duelling no longer seems to be a crucial issue; gaming and robbing the dead are not mentioned. Like the first royalist orders, though, there is no attempt to regulate sexual behaviour, or pillage of any kind. They also contain

⁴⁷ Under Elizabeth I, sick and maimed military men had been recognized as one category of the deserving poor and had houses set up for their care and long-term residence. The issue was discussed under James I but never found its way into any previous army regulations. See J. McGurk, "Casualties and Welfare Measures for the Sick and Wounded of the Nine Years War in Ireland, 1593 - 1602," J.S.A.H.R. LXVIII (1990), 22-35 and 188-204.

one topic that has never been addressed previously, and that is provision for the sick and maimed. On the whole, while in no way negating the sincere and extensive attempt to reduce violence contained in Newcastle's orders, it seems that their attempt to regulate morality in general was motivated more by the need for good public relations than for religious concerns.

These orders include a general article in which anything that is to be published is to be openly proclaimed by sound of drum or trumpet "that no man plead ignorance for the neglect of his duty", it does not specifically refer to the publication of these Articles of War as was customary. The import of the traditional 'devil's article' is included, but its language is far from traditional. The King requires Newcastle

to see all these, and all other our Ordinances of War whatsoever, put in execution by his immediate officers, that so our Cause may succeed prosperously and we, with the Almighty's assistance, be victorious over all our enemies.

These are the only orders to include such an expression of faith. While it is possible that it is a simple convention of speech or an empty pious platitude, I think it is a genuine prayer for God's help and is yet one more indication that Charles I truly had a hand in the drafting of these orders.

One final unique feature of these regulations deserves mention: They, contain no fines as punishment. This alone makes them completely different from any other orders I have examined, before or after 1639. Corporal and capital punishments were ordered instead.

Newcastle's orders are an aberration any way you look at them. Although they devote much attention to religion and

morality, they seem less concerned with establishing a godly force or even maintaining the good government of the army than with good civilian relations. Perhaps they were designed to serve a double purpose, to regulate Newcastle's army, and provide a publicity statement for the Royalist cause. The Churchmanship they reveal is not easily classifiable. Certainly they contain no clear indication of any affiliation which might traditionally have been called 'Laudian'; that they were anti-papal is all that can definitely be said. This is a startling conclusion to reach about a set of orders in the drafting of which it can be fairly certain Charles I himself had some input. It might indicate that the King's involvement in the 'innovations' of the Caroline Church might not be as straightforward as Davies' compelling account suggests. But on the other hand it may be that the King chose to accept someone else's judgement on these things. Unfortunately, based on the evidence available at present, it is impossible to definitively establish the exact process by which these regulations were drafted and prepared for printing and what part in that process was played by the King. As L. J. Reeve has said, "since all conclusions are in varying degrees provisional there is a good case which can be made for informed speculation."⁴⁸

Superficially, Newcastle's regulations were quite concerned with morality, especially in comparison to the other Royalist orders of 1642, but the moral issues they take a stand on, especially as compared to the earlier orders of 1642, could

⁴⁸ L. J. Reeve, Charles I and the Road to Personal Rule (Cambridge: Cambridge University Press, 1989), 4.

be seen as self-serving. (This observation goes some little way towards supporting my assessment of their public relations value).

The peculiar inclusion of the anti-papist articles, the omissions and the use of the 'Royal voice' all argue for the idea that these orders were composed, at least in part, by Charles I himself,⁴⁹ or for him by someone very close to him. Their language shows a knowledge of past military regulations without the usual slavish devotion to reproducing them. It is as if the writer knew them but did not have them before him. They say they are from the King. They use 'the royal voice'. They contradict no beliefs known to be held by the King and presage many changes recorded in the next major revision of the orders in 1643/4, some of which are also in the royal voice. The few usual articles omitted in this revision testify not only to the King's own preoccupations but to his own privileged experience and complete inability to conceive of such base behaviour as smashing beautiful art works of glass or stone or what might even have seemed more inconceivable, talking about sex.

⁴⁹ This behaviour is not without precedent. Gustavus Adolphus is known to have personally (with his own hands) drafted the regulations of 1621, see Michael Roberts, Gustavus Adolphus, (London: Longman, 1992), 103.

CHAPTER FIVE

THE CIVIL WAR: 1643 to 1643/4

This Chapter, and Chapter Six will analyze the use of two new types of regulatory genres in the campaign to govern religion and morality in the Royalist armies, proclamations and injunctions, as well as the next revision of the military orders. Using proclamations to try to regulate military matters was quite common.¹ The two proclamations I shall examine, however, deal specifically with religion and morality in the King's armies, and were the only two in the reign of Charles I to have done so, which sets them apart from the general corpus of proclamations. What makes them even more special for this investigation, is that they were both written in what I have called 'the royal voice'. This is no coincidence because the topics they cover were matters of personal, passionate concern to the King. Despite possible evidence to the contrary from other types of primary source material (such as Municipal Charters of Incorporation) which use the royal voice in a formulaic way,² I believe that the use of the plural in the personal pronouns of these

¹ For a detailed breakdown of the 169 proclamations issued during the Civil Wars see Larkin, Proclamations, II:xvi-xix. The proclamations are presented chronologically, and listed by title, so they are highly accessible.

² I am grateful to Prof. Barbara Todd for having brought these sources to my attention.

proclamations (e.g., Our Proclamation) is evidence of the King's own involvement in their composition. This belief is seconded by James Larkin, who has collected and edited all of the royal proclamations of James I and Charles I. He says:

I submit my belief that Charles himself was the primary author of the most important ones, [proclamations] and that Westminster quickly stopped reprinting them, along with its answers to them, because it realized that its own texts might suffer by comparison. For Charles was a literary artist of intense conviction and deep feeling, whose most poignant messages were written in his heart's blood.³

Larkin makes it clear that the King did not compose every proclamation. Based on evidence from the Privy Council registers, Chancery Warrants for the Great Seal, Patent Rolls, payments for messengers of the Great Seal, records of proclamations proclaimed in local record offices and many other sources too numerous to recount here, Larkin has been able to reconstruct the method by which many royal proclamations were generated. Some were issued solely upon the authority of the Privy Council, (although those are not included in his study which presents only "royal" proclamations). Others would have been written at the direction of the Lords of the Council, and/or the King himself. This excerpt from a typical Larkin headnote will help to illustrate the process:

PC 2/52/519: 31 May; order, his Majesty sitting in Council, that Mr. Solicitor General forthwith prepare the draft of a bill fit for his Majesty's signature....
CW, C 82/2192/[59]: sign manual...[June 7]...The order for preparing hereof was given by your Majesty in your own sacred person: E. Herbert.⁴

³ Larkin, Stuart Royal Proclamations, xx.

⁴ Larkin #303.

It is clear that, used prudently, the royal proclamations can provide vital information about the King's own opinions, and those of his council on topics of significance to historians of the 'troubles' of the 1640s. They are particularly valuable to this present study. The use of this new medium in the regulation of religion and morality in the King's armies marks a new phase in that regulation which bears testimony to some growing divergence between the goals/views of those in the King's immediate circle, and those of the men more completely devoted to the purely military concerns of the smooth running the King's armies, i.e., his Generals, especially Rupert.

Proclamation, June 12, 1643

Many proclamations were issued concerning the King's armies between 1639 and 1646. They treated various topics such as the schedule of the Court of War, straggling, providing preachers for seamen, provisioning, fasting, looting, straggling, and authorizing special church collections for the sick and maimed. Twenty-nine proclamations were issued concerning topics under examination in this dissertation. There were many more dealing with more general military concerns. The June 12, 1643 proclamation entitled "A Proclamation for the inhibiting all manner of oaths, other abuses and profanations by any of His Majesty's army, as likewise strictly commanding the due and constant frequenting of the service of God, by all the officers and soldiers of the same"⁵ was intended to regulate the entire army, not just the

⁵ Larkin #424.

Oxford garrison, or any other particular part of the King's forces. It was to be read in each regiment of the army, and by the pattern of writs sent out for its distribution from June 15 to June 20, listed in Larkin's headnote, and by the fact that it was reprinted in Shrewsbury on June 20, 1643, it is clear that every effort was made to achieve a wide distribution of the proclamation.⁶

This proclamation abundantly rewards investigation. It gives an idea of the importance of religion and morality to the King and royalist command at this time. They would not have bothered to write about something that was not a problem or that didn't concern them, even if it was a problem. It contains two main sections the first dealing with immoral living and neglect of duty to God and the second with the duties of chaplains.

The proclamation begins by reiterating the established regulations:

Whereas by the Orders Military established by us, for the better order and government of our army, it is in the first place strictly commanded (under the penalties therein expressed) that no man shall presume to blaspheme, nor use any unlawful oaths, execrations or any scandalous acts in derogation of the honour of God; nor shall wilfully absent themselves from Sermons, and Morning and Evening prayers.

Larkin attempts to identify the orders referred to in this part of the proclamation, but his notation is unhelpful. He simply refers to "Madan 1210-12" which lumps together two quite different texts. As discussed above in the section called "Establishing the Texts," The Royalist orders identified as

⁶ Larkin #424; and Sessions, Mischief, 43.

Madan 1210 were most likely prepared in the Spring of 1644, making the standard Madan 1211/2 text found in first Royalist orders of 1642 the set actually referred to in this proclamation.⁷ There is also internal evidence to show that this conclusion is correct. The proclamation specifically refers to regulations against scandalous acts in derogation of God's honour. Such a clause was present in the Madan 1211, 1642 orders and all the subsequent reprintings of that text, but was absent from the next revision, the Madan 1210 text.

The proclamation continues:

Notwithstanding which [the said regulations], we have, to our great grief, and high displeasure, observed a general liberty taken by all sorts of officers and soldiers of our army in the using of unchristian and new coined oaths and execrations, profaneness, drunkenness and whoredom, and in the total neglect of the service of God, Which cannot but provoke God's Judgements to be poured out upon them, and the nation. For prevention whereof, we do straightly charge and command all the respective officers of our army to cause all articles established against blasphemy, oaths, drunkenness, whoredom, and all other scandalous actions, in derogation of the service of god, as likewise for the neglect of frequenting divine service and sermons to be duly and severely put in execution, and to cause all persons offending against any of them to be punished as their offences shall deserve and the articles direct, without favour of partiality, as they or any of them will answer the contrary.

Clearly the King was not satisfied with the level of Christian morality within his army nor with the display of the soldiers' devotion to God. His judgment, "the total neglect of the service of God", is perhaps an indication that the intentions embodied by the standard Royalist orders were only laxly enforced or impinged but little upon the soldiers' actual

⁷ See Larkin #424, fn. 1.

religious practice and morality. It is also a hint that the system of chaplains alluded to in previous orders, was perhaps not formal enough, and apparently not very effective. Nevertheless, for the purposes of this thesis, the actual behaviour of the soldiers matters little. The King clearly felt that the soldiers had failed him, and God. The genuine disappointment of the language is a poignant testimony to his sincere dedication to the establishment of a Christian army. Just as importantly, the King did not lose faith. He persevered in his intentions regarding the morality and behaviour of his soldiers. What he perceived as shortcomings, in them, and in earlier regulations, were addressed again in the next set of orders, those of 1643/4 (Madan 1210).

Some interesting points emerge from a look at the other clauses in this section. The phrase "scandalous acts in derogation of God's honour" must have been intended to include whoring as surmised in Chapter One, because the Royalist regulations contain no other article that might be construed to be relevant. There are no regulations explicitly regarding fornication or adultery in any Royalist orders. Here certainly is an area where we have proof of the King's concern despite the silence of the regulations. This situation should not be seen as a sign of their weakness as a source, but rather one indication of the difference between theory and reality--and that difference is not what might be expected. One might expect the regulations to be quite strict but to be only laxly applied, yet here it is the reverse that is true. The regulations themselves are lax and a more conscientious

application is desired. The apparent discrepancy between the military orders and the wishes of the King is new. This part of the proclamation also shows us that after almost a year in the field, the King was not yet accustomed to the unrefined ways of the common soldier.

The distinction made in this section of the proclamation between oaths and execrations and profaneness also deserves mention. Previously, profanity had been most commonly associated with speech, yet as it occurs here, following swearing and preceding drunkenness, seemingly an autonomous word, one must be curious about just what profaneness the King had in mind in this instance. Once again, non-verbal communication (such as relieving oneself in the church) might fit the bill.

An attempt should also be made to understand why the King is concerned with all these issues. It is not for some high-flown theory of piety but because he is afraid that the judgment of God will follow such dissolute behaviour. Time and again in the early English military regulations this concern had been voiced, throughout the articles as well as in the prefatory addresses. There are few vestiges of this concern in the Caroline orders but there is occasionally its holdover in polite pious phrases, if God should allow or such like, as well as the little prayer for success in Newcastle's orders. But on the whole the military orders of the mid-seventeenth century are not so Protestantly cringing as the early orders.⁸ It is

⁸ For an example of Leicester's language, see above, pp. 44-5.

possible that these occasional religious outbursts are evidence of the personal piety of the writer. From the evidence of the regulations as well as this proclamation, it would seem that the King was more old-fashioned in the way he expressed his faith in this context than either his own staff, or the clergy.

The last area requiring comment in this part of the proclamation is that no one was to be shown favour. This clause suggests that heretofore favour had been shown. Perhaps it was also an attempt to limit the way discretion was shown in the Courts Martial.

In the next section of the proclamation, the duties of the chaplains are clarified.

And to the end the service of Almighty God may be duly celebrated, whereby we must expect a blessing upon our army and their undertakings, our express will and command is that the respective chaplains of the several regiments of our army duly attend their callings, and continue with their regiments, duly reading (twice every day) divine service at the head of their respective regiments all yielding due reverence according to the laws made in that behalf: at which we require all the officers and soldiers of the same to be present, they to preach unto them every Sunday morning, and to expound some part of the Catechism by authority set forth in the Book of Common Prayer in the afternoon: and to administer the Sacrament of the Lord's Supper unto them the first Sunday of every month.

Here again is the belief that if God is duly served he will prosper the King's armies, an idea that was endemic in the seventeenth century. As it was in Arundel's orders, the existence of chaplains in each regiment is alluded to, but their efficiency is certainly called in question. They must not have been doing an outstanding job if the King felt he had to expressly command them to duly attend their callings. The next clause, "and continue with their regiments" was necessary

because there was a tendency for the clergy on both sides of the Civil Wars to leave their posts in the army to attend to the parishes they had left behind.⁹

The order to read Divine Service twice every day clarifies any ambiguities that may have lingered in the general regulations, and reinforces the dedication of the King's army to the national church and its liturgy, despite the startling aberration of Newcastle's Northern army. The clause requiring that all yield due reverence "according to the laws made in that behalf" is a little less clear though. The laws so referred to are not obvious. The general regulations say little about the conduct of the soldiers during worship save that God be "reverently served". It is most likely Canon Law was actually the authority being referred to; the Canons of 1604 contained instructions about meet behaviour during service.¹⁰

Requiring the presence of all officers and soldiers at Divine Service was again a clarification of an ambiguous article in the general regulations. The military article treats those who neglect Divine Service, and instructs commanders to see that service is performed in the regiment and attended by their men. It says nothing of attending themselves, as Arundel's order had done in 1639. The proclamation effectively eliminates this possible grey area.

⁹ C. H. Firth, Cromwell's Army, 315 & 325.

¹⁰ Canon number eighteen. Bullard, Constitutions and Canons, 16.

The next clause of the proclamation is a restatement of official Caroline church policy: There is to be a sermon every Sunday morning, and the Catechism is to be expounded every afternoon. Even the choice of catechism is not left up to the whim of the chaplain. He must use as his text the authorized catechism found in the Book of Common Prayer, but note that the Catechism is to be "expounded". The specificity of the text is interesting here. Why the insistence on the 'official' catechism? Was some other catechism being used? Or had the army retained the general custom of an afternoon sermon? The Royal Instructions of 1629 specifically required all afternoon sermons to be "turned" to catechizing by question and answer, but in practice Laud usually allowed his clergy to preach upon the catechetical heads after some questioning of the congregation.¹¹ The level of detail in this part of the proclamation makes one wonder what was actually going on in the armies. In the eye-witness accounts, Slingsby's Diary, Hopton's Bellum Civile, and Symonds's Diary for example, there is no evidence of the afternoon service at all. Although Sunday church services and sermons are mentioned in these sources, they are always in the morning. In one such account, far from attending Catechism or sermon in the afternoon, the King's party rode out hunting.¹² There is ample evidence from these sources to show that Sunday morning services were the norm, whether in a church or in the field--action permitting, of course. This situation was obviously not satisfactory to the

¹¹ Davies, Caroline Captivity, 139-40.

¹² Symonds, Diary, 7.

writer and so the proclamation insists upon the letter of the law.

The last clause in this section of the proclamation is the first eucharistic direction I have found in any attempt at regulation of the military. The Sacrament was to be "administered" the first Sunday of each month. Note that the proclamation does not say that a Communion Service is to be held once a month. It says, Communion is to be administered once a month. The forcefulness of this clause reveals an underlying belief that all ought to receive the Sacrament, which was a volatile issue in seventeenth-century England.¹³

The nomenclature used in this clause is also quite significant in this present investigation. The chaplain is to administer the "Sacrament of the Lord's Supper". Agreement on the classification of the Lord's Supper as a Sacrament was a common feature of Christians of all types until the ultra-radicalizations of the later 1640s.¹⁴ Calling that sacrament simply "the Lord's Supper" can indicate a leaning towards the reformed end of the religious spectrum. Towards the opposite end, it was likely that Communion was called "the blessed sacrament".

Holding Communion services once a month was the custom most common in the Caroline church, but that does not mean that most of the laity received monthly. The more one moved along the religious spectrum towards the reformed end, the less frequent communion became and the more seriously and earnestly

¹³ Treated further below, pp. 330-4.

¹⁴ Quakers, for example, have no sacraments at all.

was it received. The further towards the Catholic end of the spectrum, the more frequently communion was received, and the more sacerdotal became the religious culture. It was quite common for the minister of a church to have to urge his parishioners to receive, and the 1604 prayerbook included more than one exhortation to this effect, which may indicate an additional difference of opinion in this area, between clergy and laity.

The next section of the proclamation is quite important in the context of military historiography because it effectively sets up an official Chaplains' corps. The historian of the British army Chaplains' corps, Smyth, has attributed the original organization of army chaplains to the New Model Army, although he admits that there are no documents to support his assumption.¹⁵ Laurence, in her study of the Parliamentary army chaplains has simply said that she does not know upon what authority they were organized or how.¹⁶ This proclamation and the Royalist orders of 1643/4 go some way to filling this gap in the historical record, on the Royalist side:

And that our pleasure herein be not in any sort neglected, our will and command is, that Doctor Rives, and Doctor Sherwood the two Chaplains General of Our Army, inform themselves of the several chaplains of the regiments and to see that every of them perform their duties, and our commands herein expressed, we expecting an account from them of the due performance thereof. And that this may be speedily and effectually done, we do hereby give the Chaplains General power to summon the chaplains of the army to give them these orders in charge, to require an account of them, and to inform us what obedience is yielded unto them.

¹⁵ Smyth, In This Sign Conquer, 18-9.

¹⁶ Laurence, Parliamentary Army Chaplains, 6.

Here the King sets up a parallel chain of command for the chaplaincy, with himself as head, followed by the two Chaplains General.

Of these two men, Bruno Ryves and Christian Sherwood, little can be said. Neither are included in Newman's Royalist Officers; only Ryves is noticed in the Dictionary of National Biography, but both are mentioned in Walker Revised.¹⁷ Ryves became chaplain to Charles I in 1640, but was also Rector of St. Martin Vintry and Vicar of Stanwell, Middlesex. He was sequestered from the former (by order of the House of Lords, February 21, 1642/3) "for absence since June last with the royal army," where he was reported as serving on the Council of War.¹⁸ After his ejection from his benefice in July of 1642 he resided for some time with Lord Arundel at Wardour Castle. He was made Dean of Chichester in 1646, but he remained in seclusion in Dorset until after the King's death. He was known for his preaching and at least two of his sermons were published.¹⁹ After the war he served as Preacher at Lincoln's Inn, where his stipend was continued, despite the Protector's direct order (November 4, 1656) to have him replaced, "as a further testimony of their affection."²⁰ He was the author of Mercurius Rusticus; or the Country's Complaint of the Barbarous

¹⁷ Newman, Royalist Officers; The Dictionary of National Biography, pp. 559-560; A. G. Matthews, Walker Revised (Oxford: Clarendon Press, 1948), 56-7 & 143.

¹⁸ Matthews, 56-7.

¹⁹ Bruno Ryves, Two Sermons, Preached by Brune [o] Ryves, D. D. and D. of C. [London]: n.p., 1652. Wing R2452.

²⁰ Matthews, 57.

Outrages committed by the Sectaries of this late flourishing Kingdom, which ran for nineteen numbers, beginning in August 1642.²¹ These were reprinted twice during the war and once again before the end of the century. Of Ryves's involvement in the army nothing has yet been written.

Much less is known of Christian Sherwood. He was B.A. Emmanuel College,²² described by Twigg as one of the chief Puritan colleges,²³ and M.A. Oxford in 1642.²⁴ He was made Vicar of St. Oswald's, Durham, December 1631, and appointed Rector of Bishop Wearmouth, January 1643/4.²⁵ This latter had "from the earliest times been a valuable living;" it had supplied at least one Archbishop of Canterbury. It is likely, therefore, that Sherwood had influential connections. He was not ejected until 1646. There is no evidence that either of the two Chaplains General were involved in the drafting of the proclamation of June 1643 or any other royal proclamation.

The June 1643 proclamation declared that these Chaplains General were now to be in charge of all the regimental chaplains, who were to be directly accountable to them instead of the colonel of the regiment as outlined by the orders of

²¹ Mercurius Rusticus [Oxford]: n.p., 1646. Wing R2448.

²² John Venn and J. A. Venn, comps., Alumni Cantabrigienses (Cambridge: Cambridge University Press, 1927), 64.

²³ John Twigg, The University of Cambridge and the English Revolution, 1625-1688 (Cambridge: The Boydell Press, 1990), 15-6.

²⁴ Matthews, 143.

²⁵ Herbert Wood, "Notes on the Rectors of Bishopwearmouth from A. D. 1200 to 1900," in Antiquities of Sunderland and its Vicinity (Sunderland: S. A. Forster, 1903), 2:54.

1642. The phrase "require an account of them" implies that obedience was expected and could be enforced, but the proclamation gives no further details if, in fact, any such ad hoc structure already existed in the army. Nevertheless, it is clear that this proclamation, written almost two years before the formation of the New Model Army and the traditionally assumed beginning of the modern Chaplains' corps, lays its essential foundations. They were to be further built upon in the next revision of the general regulations.

In the context of the regulation of religion and morality in the King's armies, instead of the greater historiographical context of military history, removing the authority for supervision from the regimental colonels and officially declaring it to reside in the King is important. This action is consistent with the trend we have identified in The proclamation of 1643 of 'clarifying ambiguities' and requiring strict enforcement of existing regulations according to the letter of the article rather than any imputed spirit. In short, the proclamation seems to be an indication of an effort on the part of the King, (and those whose counsel he chose to follow at the time), to exert greater direct control on the religion and morality of the armies. Its timing co-incides with the rise of the Courtier councillors described by Ian Roy.²⁶

The last section of the proclamation makes it the chaplains' duty to read out the regulations to the soldiers "every second Sunday...to the end every officer and soldier may

²⁶ Roy, "Council of War," 165.

the better know their duty towards God, us, and their superiours." Although the proclamation does not say so, this reading most likely took place when the regiment was assembled for Divine Service. This descending list of levels of duty precisely matches the traditional organization of the military orders. That organization had been explicit in the subject headings of the orders of Arundel and Northumberland.

The proclamation ends with an order for its publication "at the head of every regiment of our army, and to be fully observed by all both officers and soldiers of our army, as they and every of them will avoid our high displeasure for their neglect of all or any part of them." It does not say who is to do this reading but it is most likely that it was done by the Colonel or his appointee.

All in all, the proclamation of June 1643 for inhibiting oaths is a rewarding document in an investigation of attempts to regulate religion and morality in the King's armies. It gives us a picture of the King's army as seen through his own eyes, and it is clear that he was not pleased with what he saw. The proclamation highlights specific behaviours with which the King was, apparently, discontented: the use of oaths, profaneness, drunkenness, whoredom, and the neglect of the service of God. Simply on the evidence of this proclamation it would appear that by June of 1643, the King agreed with the characterization of his army as offered by the Parliamentary press and immortalized as the stereotypical cavalier. In the absence of court martial papers or even much anecdotal evidence for the enforcement of the military regulations, the existence

of such a proclamation must be accepted as one indication of their ineffectiveness.

The proclamation also outlines the King's attempt to rectify the situation in the army and call his troops back to their duty as he saw it. That is to say, it provides the historian with a snapshot of how the King, and his immediate advisers, thought things should be, their own ideals. This too is beneficial for this investigation, which is, necessarily, concerned more with the goals striven for than those attained. It is important to recognize that the writer of this proclamation believed that those ideals and goals were not set beyond the level of human attainment. Even the devotions to God and moral behaviours that were omitted from this proclamation are a good indication that what is being recorded here was considered to be the absolute essentials, the bare minimum requirements for the writer's ideal of religion in the King's army. Here are the bare bones of the royal/episcopal tradition of the Caroline Church.

One type of devotion, the keeping of Holy Days, was surprisingly lacking, especially as both Parker and Davies, recent historians of the English church, note the attention paid to Holy Days in the chapel royal. Since it would seem that the King himself revered the tradition of keeping Holy Days, it may be that that element of church tradition exceeded the bare minimum of service to God that he thought should be expected of his soldiers. On the other hand, the absence of any 'corrective' direction from the proclamation might indicate that the army was meeting expectations in this area. Likewise,

gaming was absent. Either it was not seen to be a problem at that time, or it was recognized that it could not be avoided.

On the other hand, blasphemy, swearing, drunkenness, and consorting with whores had absolutely to be eliminated before the King could feel his forces had achieved some level of Christian decency. This attitude to swearing and blasphemy is further evidence supporting the assessment of the previous section, that Newcastle's orders of 1642 reflected the opinions of the King himself.

With regard to religious practice, henceforth, the regular round of services in the army would ideally be: Morning and Evening prayer, daily; Divine Service read with Sermon on Sunday morning; and Catechism (with or without second sermon) on Sunday afternoon; Holy Communion once a month. Here in microcosm is the King's version of the English Church. The certainty that this reformation of religion and morality was essential to stem God's judgments and encourage his favour reveals the fundamental importance of religion in the King's armies.

His Majesty's Orders of 1643/4

The revision process that produced the Royalist regulations of 1643/4 was quite different from that of most of the regulations we have looked at previously, (see table 2). Instead of having the last set of orders in hand, adding a few new ones, cutting a couple of old ones, and changing a word

Table 2. Extent of Revision of Royalist Orders, 1642-1644

Identification of Orders	Total Articles	Identical to previous revision	Very similar	Significantly altered	New to Royalist Orders	"Royal voice"
1642		(compared to)				
C2493A (York, Bulkeley)	80	49 (Holland 1641)	15	20	10	0
C2493B (York, Barker)	80	49	15	20	10	0
C2530 (Newcastle's)	50	0	4	19	27	25
1642/3						
C2495 (Madan 1211)	82	80	0	0	2	0
C2496 (Madan 1212)	82	82	0	0	0	0
1643						
C2497 (Bristol)	82	82	0	0	0	0
1643/4						
C2494 (Madan 1210)	153	3 (1643) 16 (Newcastle)	59	23	52	16
1644						
C2497A (Oxford reprint)	153	153	0	0	0	16

here or there (albeit possibly a significant word) these orders were a complete rewrite. Even when an article was very similar to a previous one it was usually rewritten. In fact only three of 153 articles were copied exactly from the previous regulations. This type of extensive revision has been noticed once before in the Royalist orders, with the orders of Newcastle.

The use of 'the royal voice', is another notable feature of these regulations: 16 of 153 articles are written in the royal voice; there had been none in the King's 1642 orders, and an astonishing 26 of 51 in Newcastle's. Once again, it seems that the King himself may have had some direct input in the revision process.²⁷

As mentioned above in "Establishing the Texts" there were several articles of the 1643/4 orders which made them appear to be older and more elementary than the orders of 1642.²⁸ Many of these articles demonstrate the influence of the regulations of Gustavus Adolphus of Sweden. His military renovations and innovations were famous and it is most likely that they found their way to the Royalist army via the King's most trusted commander Prince Rupert. Rupert came to the King's service with a great deal of theoretical knowledge about warfare which he had acquired at Leiden University, and while in captivity. His practical experience was less extensive, though certainly not disparagable: he had seen service in three separate

²⁷ See Appendix 3 for a brief outline of factors considered in the assessment of the significance of the 'royal voice'.

²⁸ See above pp. 167-71.

campaigns of very different natures and had devoted himself to learning the art of soldiering from the bottom up. He had served in many capacities including that of ordinary trooper in a horse regiment.²⁹ Although he worshipped Gustavus Adolphus as a hero, Rupert had never served with him, never actually experienced life under his army's regulations. Nevertheless, Rupert's most recent biographer insists that the methods of Gustavus Adolphus "exerted a strong influence on his military thinking and methods".³⁰ The exact text of the Swedish regulations had been available in England since 1632 when they were printed for Butter and Bourne, yet the Swedish traditions were not imported wholesale into English Military Law until 1643/4.³¹ Many of the changes made in these regulations were reestablished after the Restoration and were retained in subsequent codes, certainly throughout the next century, and perhaps to modern times.

Although I have stressed the likely role played by Prince Rupert, the influence of Forth on the revision process should not be dismissed out of hand. The Prefatory Address of these orders states that they were revised after having:

seen, and advisedly considered of other orders made, and established for the armies in foreign parts, well and successfully governed. And out of all these, and our own observations, and by the advice of our Lord Lieutenant-General of our armies, throughout this our

²⁹ Kitson, Prince Rupert, 46.

³⁰ Kitson, 36.

³¹ It may be that some of the Swedish traditions also influenced the production of Arundel's orders, but the evidence there is not so striking.

realm of England, and the advice of our council of war residing with us at our city of Oxford....³²

Forth was that Lieutenant General, the titular commander of the King's armies until October 1644.³³ His duties most frequently kept him near the King whether at Oxford or in the field, and much of the day-to-day business of running the army was left to Rupert and his men. Forth, nevertheless, would certainly have been among those consulted during the revision process.

Forth has received short shrift from most historians because of Clarendon's unkind characterization. Clarendon shows him as an old dotard sleeping most of the time and far gone in drink the rest.³⁴ This is hardly a man Gustavus Adolphus would have trusted. Forth had a lifetime--thirty-six years--of experience in the Swedish army and had been in the most intimate circle surrounding the great Swedish King.³⁵ Twelve years, the time between Gustavus Adolphus's death and the drafting of these orders, may have worked the complete decay Clarendon describes, but if that were the case he would

³² 1643/4 orders, 2.

³³ For the role of the Council of War, see above p. 157-9.

³⁴ Clarendon, III:345.

³⁵ Forth is noticed in the Dictionary of National Biography. It indicates that in 1642 he was sixty-nine years old. He was still active in the royal cause in 1649 where he travelled to Sweden on behalf of Charles II and successfully acquired aid, ammunition and arms. He was still working with/for the King when he died in 1651. See also the Introduction to William Macray's edition of the Ruthven Correspondence. Letters and Papers of Patrick Ruthven, (London: J. B. Nichols and Sons, 1868). There is an intriguing and suggestive note at the end of The Swedish Discipline that says those orders were found in the notebook of a Scottish officer, Part II, p. 69.

not have been the choice of the abstemious Charles I for the highest command in his army. Nor would he have received the approval of Henrietta Maria, who is said to have written in August 1642 "He is a person not to be despised."¹⁶ Forth served the King with ability and personal courage. Once again, Clarendon's colouring of the historical record has obscured it. It is clear that under Rupert and Forth English military tradition was significantly augmented to include many features of the Swedish system.

The Royalist Articles of War published in 1643/4 and reprinted at least once more in 1644, were instituted to govern all the King's armies, not just Rupert's new force in the North West. As the Prefatory Address continues:

We are resolved upon, and do now establish these Laws, Orders, and Articles following, for the better ordering, and governing of our armies in the several parts of this our realm, until, by the blessing of God, they shall be disbanded.

This little bit of piety establishes the tone for these regulations. The phrase "by the blessing of God" is reminiscent of a similar interjection "with the almighty's assistance" in Newcastle's orders. Appearing as it does in the Prefatory Address, that part of the orders that serves as a formal greeting, and a forum for apology, where it is customary for the writer to address the reader directly, it provides the first hint that the King himself may have been involved in the drafting these orders as he likely had been with Newcastle's. It is not surprising that this section uses the 'royal voice.' This example of the king's piety also serves as a reminder that

¹⁶ Quoted in Newman, Royalist Officers, #1240.

the ability to see the hand of God working in daily experiences, whether in blessing or chastisement, was something the Royalists shared with all seventeenth-century Christians. On a less ethereal plane, this Prefatory Address says who the articles are for, and also that this was expected to be the final revision of the Royalist regulations.³⁷ As such, the 1643/4 articles should represent the ultimate example of official Royalist religion and morality. As we shall see, however, the King himself found it necessary to readdress many of these same issues again and again.

These orders include many novel features, even in the regulation of religion. From the evidence they present, there can be no doubt of the importance of religion and morality to Royalist command, although a less principled, more pragmatic attitude, especially to moral issues is apparent. Nevertheless, it is clear that the moral and religious culture these orders command is that of the royal/episcopal tradition of the Caroline Church.

a) Regulating Religion

Following the traditional pattern, the first article of the 1643/4 Royalist regulations prohibits blasphemy.

First, we straitly charge and command, that no soldier, of what quality soever, do presume to blaspheme the holy Trinity, or the persons of God the father, God the son, or God the holy ghost, nor advisedly speak against any the known articles of the

³⁷ The next revision took place after the Restoration, when in 1673 the Royalist regulations of 1643/4, not those of any Parliamentary Army, formed the precedent from which future military law would derive. See Articles and Rules for the Better Government of His Majesty's Forces by Land during this Present War. [under Rupert] (London: sold by M. Pitt, 1673). Wing A3811.

Christian faith, upon pain to have his tongue bored through with a red hot iron.

While the import of this article is similar to that of 1642, there are a few distinctions that should be noted. First, this article is more specific. Whereas the 1642 article simply targeted all men, which arguably could be construed to exclude officers, the 1643/4 article details "no soldier of what quality soever". Also, the language is more emphatic. The 1642 article simply commanded; this one uses the phrase "straitly charge and command". This selection, so common in the Caroline proclamations, may have been an unconscious attempt to make up for the balance of the article, which though more legalistic, is also much more pragmatic than that of 1642. The phrase "or the persons of" added between the words "holy Trinity" and the description, Father, Son and Holy Ghost precisely defined the type of blasphemy regulated by this article: neither speech against the idea of three-in one Godhead, nor its individual persons would be tolerated. Another phrase, however, "advisedly speak against any" of the articles of faith, is clearly designed to provide grounds for defence against the charge of blasphemy. The most likely reason for hedging in this way is that the drafter was bowing to reality. In short, this article may be a pragmatic response to the less than desirable situation as described by the King's proclamation of 1643. On the other hand, having acknowledged the influence of the Swedish discipline on these orders, this qualification of the charge of blasphemy has also to be seen as a reaction against the severity of Gustavus Adolphus's article which specifically applied whether the soldier was drunk or

sober. And the punishment enjoined here is certainly less harsh than that of the Swedish article which stipulated death.³⁸ The punishment in the Royalist article is in keeping with English tradition. But on balance it still seems that these orders do not display, even at the theoretical level of regulation, rather than the practical level of enforcement, as unqualified a stance against blasphemy as previous Royalist orders had, in spite of the attention called to blasphemy in the proclamation of the previous summer. This is the first example of a divergence between the military orders and the publications coming directly from the King's immediate circle (which will be explored further in the next two sections of the thesis). The date of this proclamation coincides exactly with the rise to power of the Courtier councillors around the King.³⁹ It may be that this proclamation can be seen as the religious application of the Ultra-royalist agenda.

The second article deals with unlawful oaths and is much more detailed than the traditional one.

That no soldier use, or utter any unlawful oath, or execration, and if it be proved against him by his own confession, or by the testimony of two witnesses upon their oaths lawfully administered, every such vain, or profane swearer, or curser, shall for the first offence forfeit 12d to be deducted out of his next pay, and for the second offence shall forfeit 12d, and be laid in irons for 12 hours, and for every like offence shall suffer and pay in like manner.

The differences between this article and the traditional one begin with the first clause which qualifies the application of the article to "soldiers". After the explicit inclusion of

³⁸ The Swedish Discipline, Pt. II, p. 40, #2.

³⁹ Roy, "Council of War," 165.

officers in the proclamation against swearing, however, it is unlikely that a claim that this article applied only to the enlisted men could have been successfully defended at a court martial. On the other hand, if punishment of officers proceeded according to the outline, and the second level of punishment were public, the authority of the officer would never have survived, so it is unlikely that this type of punishment would actually have been enforced among the officers.

If the word "soldier" is not being used broadly to describe any member of the King's army in accordance with the proclamation, then once again there is a divergence between what the military orders present as the official line, and that being issued directly by the King. The narrower meaning of "soldiers" here would maintain its traditional use pointedly distinguishing soldiers from officers.⁴⁰

The next clause of the traditional article, which forbade "scandalous acts in derogation of God's honour", is omitted in the article of 1643/4, which is a reduction of severity in the concept of this article: Words count, actions don't. Also lost was the exemplary qualities of the word "scandal."⁴¹ The next part of this article set a new precedent for English military tradition by outlining the grounds for defence against a charge of swearing, i.e., there had to be two witnesses to support the charge. It may be that the article simply recorded

⁴⁰ See for example, Arundel, "Concerning Captain and Soldiers' duties in particular", #6 and #13.

⁴¹ See above p. 87-88.

what was actually already practiced in the army. Even so, the inclusion of this clause in the article itself distinguishes it from past tradition. It does, however, follow the example of the Jacobean statute of 1624, as well as the orders of Gustavus Adolphus, although in the latter, the witnesses were required to support the charge of blasphemy rather than swearing.⁴²

This article does not include the loophole of "speaking advisedly" as did the first, but again, in this it follows the example of the Swedish discipline, which particularly states "whether it were done in hastiness or not". The schedule of punishment provided by this article probably reflects what was traditionally practiced in the English army; it had certainly been roughly outlined as recently as Arundel's orders in 1639. The 12d fine for swearing represented about one-quarter of a common soldier's weekly pay and was exactly the same as that stipulated by the Jacobean statute of 1624. The punishment for subsequent offences, being fined and then laid in irons, is like confinement to the stocks, which also appeared there. However, punishment in the stocks had been instead of the fine (in cases where the person could not pay) not in addition to it, and the time to be spent in irons is four times as long as had been recommended to be spent in the stocks.

⁴² The Jacobean Statute, A Statute against Swearing, 21 James I. c. 20, was later reprinted, Thomason dated his copy March 13, 1643[4], Wing S5337. This printing may have been at the behest of the King; the typeface looks very like one used by Barker in Bristol, and I have found nothing in the Commons Journals about swearing until December of 1644. For the regulation by Gustavus Adolphus, see The Swedish Discipline, Part II, p. 14[sic., 41], #4.

The next clause covering "every like offence" reveals the pragmatism that underlies these orders. There was no chance of a soldier being drummed out of this army for swearing. Rupert was in close communication with Ormonde in Ireland and knew that the situation on both sides of the Irish Sea would not allow the return of regiments from Ireland for much longer.⁴³ Rupert needed every man he could get. He would try to make him virtuous, but he would keep and use him regardless.

Aside from its possible application only to "soldiers", the article prohibiting swearing is in accord with the opinion represented by the 1643 proclamation. But it is not anywhere near as fierce as that of Newcastle's regulations where swearers were to suffer in the same way as blasphemers, even to being expelled from the army if they remained incorrigible. The punishment these regulations commanded, however, was still more severe than it was in society at large.

The level of legalistic detail makes the next article seem more serious about protecting churches than previous ones, but it may actually be a clearer expression of the traditional intention. The punishment it prescribes is certainly congruent with those of earlier articles, usually having been structured in the same way as the regulation against swearing. Nevertheless, the language it uses is quite interesting in itself and conveys the ambiance of these orders which, otherwise, would be difficult to describe.

That every soldier who shall abuse, or profane any the places of God's worship, or any the utensils, or ornaments belonging, or dedicated to God's worship,

⁴³ See Kitson, Prince Rupert, 165 and 208.

in any church or chapel, or shall offer any violence to any Chaplain of, or in the army, or any other minister of God's word, shall suffer, and pay for every such offence in such manner as is mentioned in the next precedent article.

The writer seems determined to leave no loopholes here. The dedication to detail is apparent in the very first line with the subtle distinctions conveyed by the words abuse and profane. If the article had read only profane, and if one were so minded, a defence could be found against a charge of profaning a church if what you thought you were doing was defacing idols, for example. That kind of reasoning would have been impossible with the structure of this article.⁴⁴

Utensils and ornaments were again specifically protected, and chapels were explicitly restored to protection as they had not been since Arundel's orders. This dedication to protecting churches from abuse and profanation may have been what prompted Prince Rupert to request special protection for the cathedral and its men at the negotiations for the surrender of Bristol. Similar requests were made by Royalist commanders at the fall of Exeter and York.⁴⁵

The article is also very specific regarding the protection of ministers. "Chaplains of or in the army" plus "any other minister of God's word" are again linked with holy things to be

⁴⁴ This kind of activity, and explanation, had been experienced in the summer of 1640, but I have not encountered any similar complaints about the royalist armies. On the contrary, even those who only stole from the church were executed in an exemplary manner. See for example, the account in The Diary of Sir Henry Slingsby, 161. For the disorders of summer 1640, see Fissel, The Bishops' Wars, Chapter 7.

⁴⁵ The surrender articles of Bristol, for example, can be found in the Thomason Tracts, E 301 (3) 49.

protected. The phrasing is curious, however. Was the distinction made here a significant one? It could be that this clause like the nuances discovered in Newcastle's orders earlier, was a surreptitious extension of protection to clerics not officially appointed as chaplains such as Roman Catholic priests. It also might ostensibly have been meant to apply to local parochial clergy regardless of their persuasion. This clause reveals the writer's respect for the clerical estate. He was anxious that their traditionally respected (at least in theory) status be retained.

The wording of this article is reminiscent of the orders of Gustavus Adolphus, and it is interesting that his orders rather than those of English military tradition were selected as the precedent in this case, because Gustavus Adolphus's orders were apparently designed for a multi-faith host. The article which outlines public prayers says they are to be read by every priest or minister in his own quarter.⁴⁶ Another article makes provision for priests and ministers to be appointed by the bishop of the diocese "from whence the soldiers come."⁴⁷ Referring to both priests and ministers indicates at the very least different denominations of Protestant, some who believed in a priesthood, and some who preferred to stress the priesthood of all believers and formally appoint only ministers. It could, of course, also have referred to Roman Catholic diocesan clergy, which were a very different kettle of fish from Jesuits. This recognition

⁴⁶ The Swedish Discipline, Part II, p. 14[sic., 41], #5.

⁴⁷ See The Swedish Discipline, Part II, p. 43, #13.

of diversity amongst the clergy with Gustavus Adolphus's army reinforces the multi-national character of the Thirty Years War which, in the end, cut across purely religious boundaries.⁴⁸ It would seem that the writer of these orders had no problem with that concept; had pragmatically assessed the situation in the Royalist armies; and had found it similar enough to warrant a similar type of regulation. This line of analysis reinforces the conclusions reached by P. R. Newman, and like the section on pillage below, gives a clue to how the writer viewed the King's force.⁴⁹ Implicitly, this clause accepts a de facto tolerance of Christians of differing traditions, which is certainly a different attitude than is evidenced by any of the proclamations.

The fourth article outlined the punishment to be meted out to those who neglected, or treated irreverently, Divine Service.

If any soldier, not having just cause to the contrary, shall wilfully, or negligently absent himself from Divine Service, or Sermon upon Sundays, or other days appointed for that purpose, and in such places, as shall be appointed for the regiment wherein he serveth, or shall not carry and behave himself decently, and reverently in the time of Divine Service, and sermon, shall suffer, and pay for every such offence in such manner as is mentioned in the next precedent article.

⁴⁸ For an informative account of the alliances between continental Catholics and Protestants involved in the Thirty Years' War, see Geoffrey Parker, The Thirty Years' War (London: Routledge & Kegan Paul, 1984).

⁴⁹ Newman, The Old Service, 2-3; "The King's Servants: Conscience, Principle, and Sacrifice in Armed Royalism" in Morrill, Slack and Woolf, Public Duty and Private Conscience, 240.

The first thing that is striking here is the phrase "just cause". This was not a new component of the article about Divine Service, but the direct, formal, and legalistic tone in which it is expressed are new. Again, we are treated to a glimpse of the mind of the author who evidently valued justice highly. No idea is given as to what "just cause" might have been but some avenue of defence was clearly intended.

The next striking feature is the phrase "Divine Service or Sermon".⁵⁰ This manner of expression is different from most previous articles which had always re-enforced the dual nature of English worship. The conjunction "or" implies a degree of autonomy to the sermon not commonly found in English military regulations. The only similar treatment is found in the 1628 Manuscript orders which say they were drafted by the King for the Duke of Buckingham.⁵¹ It is also worth noting that, although it might have been common to interpret the words "Divine Service" as meaning the offices of the Book of Common Prayer, in the legalistic context of these regulations, it is not safe to assume that that was necessarily the only connotation that the words could have. The lack of specificity here is marked, in comparison to other areas, and in the context of these orders, that also makes it suggestive.

The direction about "decent behaviour" in this article is unprecedented in English military orders. Not even in the armies of Gustavus Adolphus had there been such a clause. While the need to insist on decency and reverence during Divine

⁵⁰ My emphasis.

⁵¹ SP 16/113/33.

Service may provide an interesting commentary on the usual behaviour of the King's troops, it also tells us something about the drafter of these orders. Whatever the actual situation, he certainly was scandalized by the behaviour he witnessed. While this article might have been prompted by someone with a deep and pious faith, it could also have been prompted by someone primarily interested in a reformation of manners,⁵² which is not to say that the two categories are mutually exclusive. Given my assessment that the King had a hand in the drafting of these orders, and the evidence that will be presented in the next section, it is clear that the reformation of manners was dear to the heart of someone in Royalist high command.

Another part of this article, the reference to "Sundays, or other days appointed," also deserves examination. This is the first time since the orders of the Earl of Arundel that there has been any indication that the official round of public religious observance in the army might include services or sermons on a day other than Sunday. The article does not specify Holy Days or fasts or any other occasion; it seems that the men were just to pray when told to. This attitude to praying is different from that evidenced in previous regulations where the reluctance to specify punishment for

⁵² There is a considerable body of literature on this topic. See for example, Margaret Spufford, "Puritanism and Social Control" in Fletcher, Stevenson, Order and Disorder, 54, where the reformation of morals was clearly seen not to be a product of Puritanism; and David Underdown, Revel, Riot and Rebellion, 48 and 240 especially, where the reformation of morals was seen to be a product of the widening gap between richer orders and the unruly poor.

those who avoided public prayer has been commented upon.⁵³ When a punishment for avoiding public prayer had been recorded, it was usually to be at discretion only. There appeared to be some latitude as to how that discretion might be imposed, but in this present article, the attitude towards prayer has become much more rigid: pray or pay at 12d a pop. We have come a long way from Arundel's orders with no punishment mentioned at all.

It is also interesting to note that the precise wording of this article would have been superfluous if there had been no intention of observing other special days of prayer. In his European Soldiers, Geoffrey Parker observes that "Even the peasant had many 'Holy Days' in the year, that is, days on which his church did not allow him to work; not so the soldier."⁵⁴ This statement is slightly misleading, because not all Holy Days were absolute holidays. All labour was not forbidden on Holy Days, one was simply to refrain from unnecessary labour. It was only during the high festivals that traditional religious culture demanded celebration by a total cessation from labour. And even then, no tradition, or proclamation, law, or regulation, could alter the ceaseless round of toil that formed the foundation of agricultural life. Animals and families must be fed; cattle milked, eggs collected, ewes delivered. Seeding might wait; harvest probably would not; only waged labour stopped for Holy Days. Parker's statement is clearly not a straight-forward guide. It

⁵³ see above p. 82-3.

⁵⁴ Geoffrey and Angela Parker, European Soldiers, 1550-1650, (Cambridge: Cambridge University Press, 1977), 56.

certainly does not describe the situation in the King's armies as evidenced by the intentions of Royalist command in the regulations.

It seems more than co-incidental to me that only two of the fourteen pitched battles (which might be planned more than skirmishes and other actions) were fought on Sundays, Edgehill and Second Newbury.⁵⁵ Both of those battles began after noon, providing plenty of time to attend regular Sunday worship in the morning, even if it was only Morning Prayer read at the head of the regiment by the Chaplain as they stood in battaglia as they prayed. Only two pitched battles were fought on official feast days. The Battles of Chalgrove Field and Cropredy Bridge were fought on the Feasts of St. John the Baptist and St. Peter respectively. Neither of these are particularly high Holy Days. They were the type of holy day for which it would have been a simple matter to get a licence to continue trade, or even hold a fair. One might have expected to find life carrying on pretty much as usual, with the addition of attendance at some commemorative liturgy. It is most likely that such a liturgy was simply the usual daily offices with an additional special preface dedicated to the saint celebrated.

It seems most likely that some special observance of Holy Days was expected to be made by all the soldiers in the King's armies, although after their due observance, they would have had to attend to necessary tasks, as would the "peasants" of

⁵⁵ Although the King was prepared to fight on Sunday at Lostwithiel, see Symonds, Diary, 58. I have only counted English battles of the First Civil War.

Parker's statement. Rupert's Journal records many journeys undertaken on Sunday, and also some few skirmishes.⁵⁶ It notes Shrove Tuesday, Ash Wednesday, Easter Monday, Whitsun eve, Whitsun, Whitsun Monday, Christmas Eve, and Christmas Day. Other diaries, journals, and memoirs written by men with the King's armies, also include Trinity, Ascension day, Ascensiontide, and Candlemas. The church year with its feasts and fasts was clearly a fundamental feature of their culture.

I have not found any extraordinary orders to attend special sermons or lectures, but contemporary accounts exist for official services of thanksgiving (as opposed to spontaneous bell ringing and bonfires etc.). Official prayers of thanksgiving were published and ordered to be read in all churches and chapels. Some were newly composed for the particular occasion, some were simply re-issued if the wording was appropriate for the new situation. Such Thanksgivings were issued after the battles of Edgehill and Newbury, and more generally for victories in the North and West. A special prayer was even ordered for the Queen's safe return in January 1643. All of these prayers and others as well, were collected and published in Oxford as "used in His Majesty's Chapel, and in his armies". They were "to be duly read in all other churches and chapels in England and Wales."⁵⁷ As ordered by the rubrics of the Book of Common Prayer, the parish priest would read out each Sunday the Holy Days or fast days to be

⁵⁶ "Journal of Rupert's Marches," passim.

⁵⁷ A Collection of Prayers and Thanksgivings, used in His Majesty's Chapel, and in His Armies, (Oxford, 1643).

observed in the coming week. A similar order appeared in the regulations of Gustavus Adolphus as one of the duties of the chaplains. It is safe to assume that it was also the custom in the Royalist armies.⁵⁸

Although fasts were not explicitly ordered in the military regulations, we know that they were an official part of the religious round because of a proclamation exempting soldiers from the prohibition of meat during Lent and on the ordinary fasting or fish days outlined in the Book of Common Prayer.⁵⁹ This exemption was granted due to severe shortages of victual as early as February 1643. There is no indication that this exemption was to apply to special days of fasting and humiliation.

As Trevor-Roper pointed out, ordering a special general fast for the whole nation was not a new phenomenon.⁶⁰ Similar general fasts had been ordered under Elizabeth and James, and they had drawn their precedents from a continuum stretching back to Biblical times. Nor was there anything particularly Puritan about fasting, (Roman Catholic tradition then as now highly values all the ascetic disciplines) although the regularity of fasts,⁶¹ and especially the lengthy sermons preached on such occasions before the members of the Long

⁵⁸ The Swedish Discipline, Part II, p. 42, #9.

⁵⁹ Larkin #395.

⁶⁰ See H. R. Trevor-Roper "The Fast Sermons of the Long Parliament" in ed., H. R. Trevor-Roper, Essays in British History Presented to Sir Keith Feiling, (London: Macmillan, 1964), 85.

⁶¹ Even regularity was not new. There had been a regular weekly fast ordered under James I in 1603 during the plague.

Parliament have become a frequent feature of the puritan stereotype.

Unfortunately, this part of the image, like many another, is misleading. A brief investigation of official, general fasts in the reign of Charles I is rewarding. On ten separate occasions from July 1625 to January 1645, royal proclamations were issued ordering general fasts. Of these fasts, five were initiated by the King and Council, and five in response to petitions from Parliament. Three were set up as regular occurrences, either weekly or monthly, during a specific tenure: the duration of the plague, trouble in Ireland, etc.; and of these three regular fasts, two were initiated by the King himself while in his Privy Council.

The first regular fast so instituted was to be observed every Wednesday following the proclamation of October 18, 1636. As the date amply indicates, this fast was not the result of a petition from one or both houses of Parliament. The preamble of the proclamation states that

The heavy judgment of God in His present visitation of the Cities of London, Westminster, and divers other parts of the Kingdom at this time with the pestilence, ought to move us to acknowledge the immediate hand of God therein, for the sins of this land, so to afflict and correct his people: And, His Majesty having taken into his religious care, that in common calamities, the special means to remove the evil is by serious humiliation, to implore the grace and favour of that Supreme offended Majesty, who hath smitten the Land, and can only heal it; hath resolved, according to the example of pious Kings in former ages, and in like cases, to command general and public fasts to be held.⁶²

⁶² Larkin #229.

Previous fast proclamations had acknowledged in the preamble the desires of petitioners from the house of Commons or both houses, but this fast was clearly initiated by the King, and the appropriate order was given in Council for the Attorney General to draw up the proclamation which was issued 9 days later under the sign manual.⁶³ Counter to expectation, the first instance of a regular course of fasting days in the reign of Charles I was a royal initiative; the regular fast was not the creation of a Puritan opposition. This finding suggests that what is commonly understood by terms like "Arminian" and "Calvinist"; "Anglican" and "Puritan" may need further re-evaluation.

All but two of the fasts instituted under Charles I, of whatever duration, and by whoever initiated, were to be celebrated with the use of a special service of fasting prepared with the advice of the Bishops and distributed, for each special fast, throughout the realm by them. The proclamations of November 11, 1640, and January 8, 1642 are exceptions to this pattern.⁶⁴ Neither of these proclamations insist upon the use of the official fast book.

In the first instance, November 11, this omission may have been simply a product of the short time between the proclamation and the first date for the fast, November 17, being only six days. But in the second case, January 8, the political context suggests an alternative interpretation.

⁶³ Privy Council Register 2/46/432:9, cited in Larkin #229, head note.

⁶⁴ Larkin #314 and #329.

According to the evidence provided in Larkin's head notes, Attorney-General Bankes, the actual author of both of these proclamations, received a sign manual warrant on January 3 ordering the proclamation of a general fast.⁶⁵ January 1641/2 is notorious for the attempted arrest of the five members. Bankes was drafting the January 8 proclamation in the charged atmosphere that preceded the King's impotent gambit. Bankes was known to be cautious and moderate, qualities which had provoked the King's displeasure from time to time. His efforts to preserve the peace were recognized by all, even after the militia ordinance, and seem to have been rewarded by Parliament, though his loyalty genuinely belonged to the King. Given his temperament and the political situation, I suspect that the omission of the book may have been some small token offered in a spirit of compromise.⁶⁶

I hesitate to speculate further on the significance of this omission, but I think it is not a coincidence that in the same proclamation, of January 8, 1642, a new phrase was inserted in the description of how the fast should be kept. Usually, the solemn fast was to be kept "as well by abstinence from food, as by public prayers and the hearing of the Word of God, and other sacred duties". In this proclamation, preaching is added to this list between public prayers and hearing the

⁶⁵ It is worth noting that neither of these proclamations, known to have been written by the Attorney General at the King's command use what I have described as 'the royal voice'.

⁶⁶ Bankes is noticed in the Dictionary of National Biography.

word of God, another new feature which can be interpreted as having been conciliatory in intention.⁶⁷

More interesting still is the subsequent history of this interpolated phrase: It was retained in the following proclamation issued October 5, 1643, in which Charles I expressed his distress over the misuse of the monthly fast by Parliamentary supporters and re-instituted a new, official, monthly fast.⁶⁸ This proclamation, was the first proclamation of a fast of the whole reign which was written in 'the royal voice', which is further evidence that the component of preaching as part of the fast service was something the King, personally, valued.

Fast sermons had previously been commented upon only once, in the proclamation of 1636, during the personal rule. On that occasion, the hearing of sermons as part of the fast service had been required in areas not infected by plague, but a time limit of one hour was ordered. In those areas which were infected, sermons were optional and were definitely not to exceed one hour. If the plague was virulent, the fasting service set out in the book was to be followed within the private household.⁶⁹ While these precautions may have been the result of their suspicions about how the disease was spread they may also have been a whack at stranger churches and other

⁶⁷ Bankes would have known that such an addition would also have pleased the King, see above, pp. 79-82.

⁶⁸ Larkin #448.

⁶⁹ Larkin #229.

notoriously irregular congregations in the London area. Further research may tell.

With regard to preaching on fast days, it is important to remember that there is a difference between the regular, general fast and the fasts of the parliament itself. Although the two occurrences were frequently linked, the Parliament often set up its own observance at a separate time from the rest of the nation. Those services, and the sermons as preached would have been private events held at St. Margaret's Westminster, or sometimes at Lincoln's Inn. Only those sermons that were later published would have necessarily been available to that segment of the population interested in reading sermons, and not all of the parliament fast sermons were printed.⁷⁰

These fasts have been an important feature in the historiography of the civil wars, usually trotted out to describe the piety of puritans/parliamentarians.⁷¹ Yet it is clear that the Royalists, too, fasted. To the best of my knowledge no one has yet undertaken an analysis of Royalist sermons during the civil wars, let alone their fast sermons

⁷⁰ See for example the discussion in Journal of the House of Commons 2:9-10, as well as Trevor-Roper "The Fast Sermons of the Long Parliament," p. 91.

⁷¹ See for example Lawrence Stone, The Causes of the English Revolution, 1529-1642 (New York: Harper & Row, 1972), 139-40. This identification of fasting with the religious culture of the preciser Protestants is supported by contemporary accounts as well, see for example The Autobiography of Joseph Lister, ed. Thomas Wright (London: John Russell Smith, 1842), 5-6.

many of which were printed,⁷² or the practice of fasting in Royalist garrisons, and armies. Nevertheless, Trevor-Roper claimed that in the system of regular fasts, "Charles I had put in the hands of his enemies a means of co-ordination and propaganda to which he himself had no parallel."⁷³ And Stone, talking about the fast sermons, says "It would be hard to exaggerate their significance over the seven years from 1642 to 1649."⁷⁴ These statements may prove to be quite accurate, (and they echo the King's sentiments, voiced in that later proclamation, which disallowed the fasts as continued by parliamentary ordinance, and reinstituted a new, national, regular fast of his own) but they are surely premature. These regular fasts were definitely an official feature of the Royalist army. There is clearly room for much research on their significance, especially from a Royalist perspective.

As fruitful as the foregoing analysis has been, the most valuable section of these regulations follows. There, the Chaplains' corps is outlined and the chaplains' duties established. Nothing like it had been previously included in English military orders. Laurence has admitted that even in the regulations of the famously pious New Model Armies the formation and duties of the Parliamentary chaplain is still unknown. Smyth has suggested that a New Model Army chaplain

⁷² Madan catalogues quite a few in Oxford Books, and there are many others catalogued in Wing by preacher.

⁷³ Trevor-Roper "The Fast Sermons of the Long Parliament," 98.

⁷⁴ Stone, Causes, p. 139.

may have been the first English Chaplain General.⁷⁵ This gaping hole in the history of the Civil Wars is filled by the next seven articles of the Royalist regulations of 1643/4. Only duelling and pillage had as many articles devoted to them as the Chaplains' corps. Royalist command obviously regarded the office of Chaplain and the spiritual welfare of its soldiers very highly indeed. Sincere religious commitment and personal piety were not a monopoly of the New Model Army.

The first article dealing with Chaplains is the natural concomitant of the article on Divine Service:

And that the service of Almighty God be not neglected, it is ordained, that there be a chaplain appointed for every regiment, who shall read prayers orderly, and duly once every day whilst they are in leaguer, and shall preach, or expound some place of scripture, or catechism once at least on every Sunday, and holy day, in some such convenient place as the colonel of the regiment shall appoint, and by the sound of a trumpet or drum notice shall be given of the time, in such manner as the whole regiment may take notice thereof.

Here is the clear precedent for the formation of an official Chaplains' corps in the English army. There is to be one chaplain per regiment. He is to read prayers once a day while in leaguer. The article offers no guideline for practice when on march, but there is evidence that it was customary to read prayers when the army settled for the night.⁷⁶ The Chaplain

⁷⁵ Laurence, Parliamentary Army Chaplains, 6; Smyth, In This Sign Conquer, 19; my emphasis.

⁷⁶ See above, p. 74. Other times for prayer can be deduced from the types of prayers included in the official prayer manuals, such as: before marching, at parade, before engaging the enemy, when in danger, when delivered from danger, when victorious. There were special daily prayers for the King, for the prince, and for peace. See [Brian Duppa], Certain Prayers Fitted to Several Occasions to be used in His Majesty's Armies and Garrisons, (Exeter: Barker, 1645). Wing

was to preach at least once on Sunday. In this article, the frequency of both daily prayer and Sunday services is different from that specified in the proclamation of 1643. Both types of public prayer had been commanded to take place twice, twice daily, and twice on Sunday, but in these orders, once is commanded. This reduction may have reflected actual practice, but whether or not it did, it is the type of revision that would have occurred to someone devoted foremost to the efficient running of the army, and who respected the military regulations. It was no use making laws that could not reasonably be expected to be kept. The writer of this article was interested in practice not theory. This article also provides explicit confirmation that Holy Days were to be observed in the King's armies, despite Parker's judgment on the subject.⁷⁷

Either the quality of the chaplains in this first official Chaplains' corps left something to be desired, or the writer was intellectually committed to thoroughness and fairness, because the next article outlined the punishment for a regimental chaplain who neglected his duty. For a first offence he had to forfeit half of one week's pay, from 14s. to £1 6s. 3d. and for a second, and all subsequent offences, one whole week's pay.⁷⁸ These are hefty fines in comparison to

C4091C.

⁷⁷ See above, p. 256.

⁷⁸ Chaplains were considered staff officers and most likely would have been paid accordingly, somewhere between £1 8s. 3d. and £2 12s. 6d. per week according to Peter Young, Edgehill 1642: The Campaign and the Battle. (Kineton: Roundwood Press, 1967), 41. These amounts are in keeping with

those listed in other parts of these, and earlier regulations, fines for swearing for example, but they are much lighter than those recommended in the armies of Gustavus Adolphus for the same offence.⁷⁹

The next three articles establish the structure of the Chaplains' corps. The first of these, article number seven, outlines its hierarchy. As had been previously outlined in the proclamation of June 1643, each regiment would have a chaplain. The proclamation had also named the two Chaplains General, the duties of whom were now officially recorded in the regulations.⁸⁰ These two chaplains were to have a double function: They were to serve as chaplain to the "general or chief commander", being "attendant on his person at all fitting times and places"; as well as oversee the regimental chaplains, taking "care that the chaplains of the particular regiments carry themselves well and orderly, and perform their duties".

The second article in this group providing structure for the chaplains corps, number eight, provides a separate jurisdiction for clergy within the army. The Chaplains General assisted by two regimental chaplains, with or without the presence of the chief commander of the army, were to be "judges of all offences and misdemeanours committed by any chaplain of the army, or against the immediate service of God, in any of

known amounts paid to Parliamentary chaplains, see Laurence, 15.

⁷⁹ The soldiers of Gustavus Adolphus were to be fined half a month's pay for swearing, The Swedish Discipline, Part II, p. 14[sic., 41], #4.

⁸⁰ See above, p. 233 - 5.

these articles, before or afterwards set down to be observed". In this arrangement we can see the ghost of one of Laud's own concerns, delivering the church (and its personnel) from the hands of the laity. This reproduction of the revitalized church courts is consistent with the inclusion of the many other features of Caroline Church culture evident in the military regulations.

The latter part of the article develops a related theme. It mimics the structure of the despised church courts because the chaplains were given the authority to try, outside the normal court martial, those who obstructed the "immediate service of God". In fact, it made the Chaplains the ultimate interpreters of what that service was. Because their authority was not dependent on the presence of high army command this article potentially gave the Chaplains a tremendous amount of authority.

The third article in this group, number nine, outlines the way in which clergy were to be appointed to chaplaincies. The Chaplains General at the top of the hierarchy were to be both nominated and selected by the King himself or the chief commander of each regional army. Individual regimental chaplains were to be nominated by the King but could also be chosen by the Colonel if necessary. This is the first formal declaration of how chaplains were to be selected, and the ambivalence and flexibility are a little misleading. They are not evidence of a lack of concern about the process. It was much more likely that, as in most things, the suggestion for likely candidates to fill a post would come up from below and

be formally vetted and selected by the higher-ups and declared finally as appointed by the King or other Chief Commander. Once again the pragmatic attitude of the drafter of these regulations is evident. Although the King has final authority, he may choose to allow colonels the right to exercise it for him. This loose design would have left room for regional and personal differences to be overcome quickly and efficiently. It graphically reinforced the theory that the King was the Governor of the English church; in the army as in the realm. In fact, the system set up perfectly mirrored Caroline church polity: the Chaplains General took the place of the bishops; and the regimental Chaplains represented the diocesan clergy; their values could even be enforced in a separate system of church courts the cousins of the Court of High Commission and all the other Consistory courts. All in all this block of articles is of great significance as far as military history is concerned. In the limited context of this thesis, it documents a vital structure within the Royalist armies.

The following article, number ten, is also unprecedented in English military tradition:

That during the time of Divine Service, public prayers, and sermon, or catechism, all sellers of ale, beer, bread, victuals, or other commodities, or merchandise, shall forbear to buy or let any such thing to sale, upon pain to be imprisoned in irons 24 hours, and to forfeit the value of that so let to sale, to the use of the poor.

This article conclusively demonstrates the seriousness of the intentions of Royalist high command with regard to the enforcement of the regulations intended to govern religious observance. These orders are the only ones in use in the

English armies of the civil wars to include an article to back up the ideas recorded in the articles about Divine Service. In a milder form, this article follows the tradition of The Swedish Discipline.⁸¹ The soldiers were to have no distractions during service time and were not likely to be able to get drunk at that time either. This article also allowed the vendors the opportunity to attend services without suffering from the competition. It offers one of the few occasions where the type of regulation under examination in this thesis show the attempts of the Royalist commanders to control the civilian population within its leaguers and garrisons.

This article also includes the first explicit mention of public prayer other than Divine Service, although as mentioned above, there were many such authorized for use in the army.⁸² The first official prayer of the Civil Wars was the "Thanksgiving for his Majesty's late Victory over the rebels".⁸³ Thomason received the Oxford printing of this prayer on November 2, 1642, and a London imprint shortly thereafter. It was re-issued again in London after the Battle of Newbury and Thomason dated that copy October, 1643. This

⁸¹ The Swedish Discipline, Part II, p.42, #10, #11, p. 43, #12.

⁸² See above, p. 258.

⁸³ A Prayer of Thanksgiving for His Majesty's late Victory over the Rebels. Oxford: 1642. Wing P3193; also London: 1642. Wing D2664 and Wing C2606.

prayer, like all that were to follow it, was to be read in every church and chapel in the Kingdom.⁸⁴

"Spiritual provision" was made for the King's Army by Henry Ferne (later Bishop of Chester) in a collection of inspirational lectures and private devotions which Thomason received "about 22 June, 1643".⁸⁵ Ferne became a chaplain of Charles I only after the war had begun. He preached regularly at St. Aldgate's parish in Oxford, in 1643, accompanied the King into the field for the seige of Leicester, and was present at Naseby. Thereafter he joined the Newark garrison and preached there until the King commanded its surrender.⁸⁶

Madan has surmised that Brian Duppa, Bishop of Salisbury,⁸⁷ wrote most of the official prayers during the civil wars, so presumably he was responsible for the official Collection of Prayers and Thanksgivings used in His Majesty's Chapel and in His Armies, which was printed in September of 1643; as well as Prayers and Thanksgivings Used in the King's Army before and after Battle, which was dated by Thomason

⁸⁴ Due to limited space, a full discussion of prayer in the Royalist armies will not be attempted here. The mere survival of so many collections of prayers designed for use in the Royalist armies sufficiently fortifies my argument against the notion that Parliamentarians had a corner on piety and religion.

⁸⁵ [Henry Ferne], The Camp at Gilgal, or A View of the King's Army and Spiritual Provision made for it, (Oxford: Leonard Lichfield, 1643). Wing F788.

⁸⁶ Ferne is noticed in the Dictionary of National Biography.

⁸⁷ For a brief biographical sketch see below, pp. 310-313.

October 9, 1643.⁸⁸ Two other collections of prayers were published in 1645. The first of these contained prayers Fitted to Several Occasions, to be used in His Majesty's Armies and Garrisons; the second included Private Forms of Prayer Fit for These Sad Times, both of which were duly received by Thomason in London.⁸⁹

Article number eleven contributes a little more information regarding the duties of the chaplains. Here, in an article governing the receipt of fines for offences by the treasurer for the regiment, we learn that all fines, some of which may have been appointed for the use of the poor or sick, were to be bestowed "by the advice of the chaplain of the regiment, for the maintenance and relief of the sick or maimed soldiers of that regiment".⁹⁰ This assignment of money for the needy was an additional duty of the chaplain which can be seen as a natural part of his pastoral cares, whether exercised within or without the army.

Many duties undertaken by chaplains were less dependent upon their spiritual calling. As clerics had always done, they also acted as personal secretaries and messengers, scribes and chroniclers, and even paymasters. These roles relied upon their literacy, their trustworthiness, and their availability. Taken together this group of articles outlines

⁸⁸ Comment made on Madan, #1818. Both prayer collections, (Oxford: Lichfield, 1643). Wing C4094C, and Wing M1761.

⁸⁹ Certain Prayers Fitted to Several Occasions, (Exeter: Barker, 1645) E296(25)49, and Private Forms of Prayer Fit for these Sad Times, (Oxford, 1645).

⁹⁰ See below pp. 284-5.

the commitment of Royalist command to the formal institution of a chaplaincy corps for the benefit of their army and the prospering of its cause.

The following article, number twelve, is also without precedent in English military tradition, and it is the last that we will examine in this section on attempts to regulate religion within these Royalist regulations. This article provides an explicit policy statement for Royalist command and the army:

After the service of Almighty God, all soldiers serving us in any of our armies, shall endeavour faithfully to serve us, to the best of their skill, power, and understanding; and to that purpose every one of them of what quality or condition soever, shall for himself take the oath of fidelity afterwards, in the end of these articles prescribed.

This article contains a restatement of the traditional great chain of being, duty to God came first, then duty to the King and his chosen officers. It is the only article in all the regulations examined to have made such a simple statement of faith.

The section of the 1643/4 Royalist orders dealing with the regulation of religious duty includes much that is more explicit than in previous orders, and much that is completely new, most notably, the foundation of a Chaplains' corps. Daily prayer was maintained, although there is no explicit reference to the Book of Common Prayer or the Church of England, which may have left some leeway for the Roman Catholics, both lay and clerical. Steps were taken to ensure attendance and decent behaviour, during daily prayer, as well as at Sunday services. A fine was specified for those who neglected public prayer.

Sermons received slightly more individual attention than in previous orders, and they were to occur at least once on Sunday. It is clear that the army authorized other days of religious observance, which included fasts, thanksgivings, special sermons, and Holy Days. The usual protection of church utensils and ornaments was extended to apply to chapels once again, and the protection for men serving god was extremely comprehensive.

But nowhere do these orders contain any explicit support for the polity of the church as had Arundel's of 1639. This omission follows the precedent of earlier Royalist orders, as well as that of The Swedish Discipline in this regard, implying an acceptance of the concept of a multi-faith host serving Charles I. In several significant instances, the regulations of 1643/4 vary from the commands of the proclamation of 1643. In fact their attitude to blasphemy, swearing, and public prayer were all noticeably different. There seems to have been an attempt to find an acceptable minimum rather than an increase in ferocity as might have been expected after the proclamation of June 1643. Throughout, a kind of pragmatism is evident which suggests that the writer(s) of these regulations expected that the level of religious duty they outlined could actually be attained by the King's men. The legalistic detail of many of the articles indicate that they expected them to be enforceable.

It is also interesting to note that only one of the articles that contravene the proclamation of 1643, number 137, is written in the 'royal voice'. This circumstance implies

that those sections were most likely written by/for the 'chief editor' rather than the King or the King's representative. That article was similarly worded in The Swedish Discipline, and also used the 'royal voice', so it is quite likely that this is one of those articles that is not likely to represent the authentic voice of the King.⁹¹ The nature of the changes of those articles reinforces my assessment of who that 'chief editor' was, Rupert. They are just the type of changes one would have expected someone of his nature and experience to have made.

There can be no doubt, from the attention to practical details, even when they necessitated changes to the traditional orders, that regulating religion was of great importance to Royalist command. What is equally evident is that differences of opinion there are reflected in the military orders as they diverge from those of the King's proclamation. Despite these differences, the version of official Royalist religion evident in these orders is still within the parameters with which we have become familiar in our study of the King's armies.

b) Regulating Morality

The lack of attention to violent crime which characterized the original version of the Royalist regulations was slightly redressed in this revision for all the King's forces, but not as thoroughly as it had been in Newcastle's orders for the Northern Army. Ordinary theft, murder, and "unnatural abuses" were still omitted. Violent usage of women was addressed once

⁹¹ The Swedish Discipline, Part II, p. 58, #102. For 'royal voice' See Appendix 3.

again, but the protection offered was no longer unconditional. In an article relating to pillage, women, maids, and children were not to be tyrannized over, "unless they first take arms against them [the Royalist soldiers]".⁹² The brutality of Irish and Scots women was frequently remarked upon, and the Royalist orders sensibly sacrificed chivalry to prudence.⁹³

Rape was again classed as a crime of violence, and forbidden, but the wording of the article may have made it unlikely that prosecution would ever be effective. Unlike the article in Newcastle's orders which curtly stipulated death for rapists in a tone of moral outrage, this article coolly says: "He that forces any woman to abuse her, and the matter be proved before the Court of War, he shall die for it." This clause about proof places this offence among the few that are singled out in this way. It appears that the writer felt that some caution needed to be exercised in such proceedings and articles with the "proof clause" seem intended to protect the wrongfully accused, especially when the penalty is death. In this case, however, it also meant a less than totally sympathetic attitude to the victim. This is the only set of English orders to include such a qualification in regard to rape.⁹⁴ This hesitancy to condemn alleged rapists reflects

⁹² See below, p. 289.

⁹³ In this position they were consistent as will be seen below regarding duelling, see p. 283.

⁹⁴ For a history of the laws against rape and their enforcement, see Nazife Bashir, "Rape in England between 1550 and 1700," in The Sexual Dynamics of History, The London Feminist History Group (London: Pluto Press, 1983), 28-42. For an examination of changing social mores concerning rape as reflected in Jacobean Drama, see Suzanne Gossett, "'Best Men

the reality of verdicts following prosecution for rape in both secular and Church courts,⁹⁵ which was usually either acquittal, or penance performed by the victim.⁹⁶ Depending on the type of suit, rape could be punished by death, imprisonment or a fine, (the woman also had the option of deciding to marry the rapist). Even if a man was convicted of rape, and sentenced to hang by the judge, a jury for life and limb could still let him off. This being the state of the law on rape, the military order of 1643/4 is not wildly inappropriate. It is a notable change from the complete omission of any treatment of rape in the orders of 1642 but still a notable departure from earlier English military tradition.

These Royalist orders include another article dealing specifically with women:

No whore shall be suffered to be in the Leaguer: but if any man will have his own wife he may, so it be with the leave of the General or chief Commander, and not otherwise, lest it be a burden to the Leaguer or Garrison, and whosoever offends herein, he shall be punished at the discretion of the Council.

The presence of women in the army had not been dealt with in this way in an English army since Leicester's regulations of 1586. The silence of previous Royalist orders on the issue may indicate a denial that women were there at all, or they may have been so completely accepted that nothing needed to be said at all. This last seems the least likely choice to me. In any case, the reappearance of some mention of women, be they whores

are Molded out of Faults': Marrying the Rapist in Jacobean Drama" English Literary Renaissance 14 (1984): 305-327.

⁹⁵ Bashar, 38-9.

⁹⁶ Gossett, 311-12.

or wives, or both, betrays some change either in attitude or situation: either there were more women or they were more bothersome than they had been since 1642, or Royalist command finally decided to recognize their existence and condone the best of a bad lot by accepting the wives and rejecting the whores. Interestingly, the punishment in this article is intended for the soldier, as it had been in Northumberland's article against fornication. The women themselves were presumably turned out of the camp, but no punishment is recommended for them as had been the case in Arundel's orders. The phrasing of the article gives no indication that the writer was concerned about any of a number of possible sins--simply with the practical, good government of the army. There are no regulations forbidding adultery, fornication, lasciviousness, or 'unnatural abuse'. Like the majority of the Royalist orders, there is certainly no evidence of any focus on sexual offences or non-violent, illicit sexual behaviour despite the inclusion of a regulation banning whores among the camp-followers.

These regulations set a new record in the number of articles dealing with drunkenness. Previously, three had been enough; Newcastle's orders only had two. The first of the 1643/4 articles, number fifty-two, covered drunkenness in both officers and soldiers, as had the 1642 article, but the punishment was slightly altered. While officers were still to be deprived of place, enlisted men were now to be punished only at the discretion of the court martial. (The previous Royalist orders had included the judgment of the Lord General on his own

which would have allowed for summary justice if the nature of the offence warranted it.) As noted above in earlier analyses of similar articles, the punishment for enlisted men at the discretion of the court martial left room for reformation of character and clearly ensured that the judgment of the officers' "discretion" in this matter would be relied upon. They would punish, or encourage repentance as the individual situation demanded.

The 1643/4 article included one element that had been absent from the regulations for some time, a rationale. It says a drunk officer must suffer loss of place "because his fault is exemplary, and may be dangerous". This statement is interesting. It does not say that a drunken officer will suffer loss of place 'because he has sinned and must be cast out to preserve the purity of the community' as a Massachusetts Bay congregation might have done. Neither does it say he must lose his place 'because he has embraced the demon drink that is the root of so much misery and degradation' as a nineteenth-century temperance tract might have done. The drunken Royalist officer loses his place because his example might prove dangerous to the army. This rationale confirms the conclusion reached in Chapter One regarding the King's army in the First Bishops' War, that the regulations expected the officers to set a good example in matters of religion and morality. They were not exempted from such duties, and although their punishment for infractions may have been different from those specified for enlisted men, they were not necessarily more lenient.

Article number fifty-nine deals traditionally with drunken sentinels. The penalty is still death, and it must be noted that in this situation, there is no cautious "if proved" clause. There is not even a reference to a court martial and it may be that drunken sentinels received summary justice. In fact, this penalty is repeated in an even more detailed article, number 115, about sleeping and drunken sentinels. Apparently, the writer of these orders was more concerned about the safety of all the men being jeopardized by a drunken soldier on watch than he was about the possibility of a drunken soldier committing rape, theft, murder, or any other immoral act. There is certainly no indication that drunkenness in itself was considered to be immoral. The same pragmatism informs article 117 which promises that if any man employed as a scout is found to have been drinking "whilst he should have been upon the service, he shall die for it".

Another new article dealing with drunkenness once again illustrates the situation actually encountered by Royalist troops. It appears in a group of articles on pillage (which will be treated below), and, like the previous articles about drunken sentinels and scouts, its focus is clearly upon the safety of the army and its enterprise, not the possible immorality of the offender, or his rehabilitation. If a soldier is

taken drunk in the enemies' leaguer, before he have wholly laid down his arms and pleaded to our mercy, if any kill such drunken soldier, he shall be free; if any hurt ensue thereby to our service, such drunken soldier shall suffer death for it; but if no damage ensue to us thereby, he shall lie in irons, living upon bread and water for three days.

The article against gaming included in the 1643/4 orders is essentially the same as the previous Royalist article on the subject, but its wording may help to clarify an ambiguity noted earlier. It concerns 'lewdness' and 'dice and cards'. Previously, the article had been so written that it was questionable whether dice and cards was an example of what was meant by lewdness. This article is more clearly worded when it states that if a soldier loses his arms "by negligence or lewdness, as dice or cards, or other gaming" he must serve as a pioneer, and may have one-half of his wages garnisheed until he can replace the things so lost. It is most likely that this description of gaming as lewd was the intended reading of earlier orders as well, which would in a small way class gaming as an immoral act in and of itself. It is possible, however, that this new 'clarification' was actually a new attitude toward gaming within the king's armies. As it is, the attitude towards gaming in these orders is apparently consistent with the pattern provided by English military tradition. Without outside corroborative evidence, no firmer conclusion can be reached on this point.

Similarly, the article about robbing the dead may clarify the meaning of the traditional article. There had previously been some question as to whether this article applied only to soldiers of the King or to enemy dead as well. From the details here given, it seems likely that the only intention of the corresponding article in previous orders had been to protect the King's own soldiers. This article makes provision for the captain of the fallen soldier (or the chief commander

if it is a superior officer who is killed) to put the deceased's estate into safe custody. Unfortunately, the same caveat must be entered here as on gaming. The clearer article might simply be the product of clear thought and good communication skills, but it might also represent a new development. Again, only further research will make a definite judgment possible.

The articles dealing with revenge and provocation had similar intent if slightly different wording from previous Royalist orders. The attitude towards duelling itself, although changed in many tiny noticeable particulars, was substantially the same. The general article about drawing sword in private quarrel was extended to include garrisons as well as camps, which reflected the reality of the situation in 1643/4. The King's armies were splintered up and deployed in garrisons all over Royalist territory. The biggest change in the regulations about duelling is that the clause in which seconds would be taken as principals is given increased emphasis by appearing as a separate article. Chiding, goading, or upbraiding a challenged soldier carried a heavier punishment in that the offender had to ride the wooden horse as well as further punishment at discretion--before it had been one or the other.⁹⁷ The soldier was now told he was "in duty bound" to refuse a challenge instead of being told that he "ought to", which had been the case in 1642. Also, the refuser of a challenge was no longer guaranteed swift and full reparation at

⁹⁷ For an illustration and explanation of the wooden horse see Appendix 1.

the next council of war as well as further punishment by the Lord General or as the court saw fit. Now, only punishment was guaranteed, with no mention at all of reparation, which may again reflect the reality of the situation within the Royalist armies. Nevertheless, these distinctions were just fine tuning and may reflect the personal emphasis of the drafter. The regulations of 1643/4 display the same overall attitude to duelling as that seen in previous Royalist orders (excluding those of Newcastle's army which had only mentioned duelling briefly).

It is worthwhile also mentioning that the article giving officers the authority to part sudden frays was moved in these regulations from its previous location to follow immediately this group of articles on duelling. This placement draws attention to the duty of officers to interfere in private matters of honour, overriding the traditional code of honour. In this attitude the Royalist regulations show themselves to have been in the first ranks of the attack against duelling.⁹⁸

One completely new feature of these orders is their provision for the sick and maimed, traditionally, one of the good works associated with Christian belief (especially at the Catholic end of the religious spectrum). At a simply perfunctory level, it is sensible that this type of article should have become a standard feature some way into the war when the dead, sick, wounded, and maimed counts were mounting appallingly. There had been some provision made in Newcastle's

⁹⁸ See Andrew, "Code of Honour".

orders in which the maimed had been promised a competent pension during life. The 1643/4 article, number 140, says:

If any soldier be sick, wounded, or maimed, he shall be sent out of the leaguer to some fit place for his recovery, where he shall be provided for, and some officer of that regiment take care of him, and his wages or pay shall go on and be duly paid, till it shall appear he can no longer be serviceable in our army, and then he shall be sent by pass to his country, with money to bear his charge in his travail.

This is a much more detailed article, and its focus is the care of the wounded before they are deemed to be no longer "serviceable". The money to be granted to them after that point is less specifically a lifetime annuity, although the wording is such that the article might be interpreted that way. In any case, these orders take some care to explicitly provide a source for the money needed to care for the sick and the maimed. All fines or "pecuniary mulcts" were for their use. In addition, an article in the group on pillage, number 135, sets aside one-tenth of the soldier's portion of the spoil for the care of the sick and maimed. It is possible that a portion of each man's pay was stopped on a less formal (though perhaps traditional) basis to provide for a regimental surgeon.⁹⁹ None of the other English orders include any official provision for the sick or maimed, and it would seem that someone in the Royalist command took this Christian duty very seriously.

⁹⁹ For an informative account of the Elizabethan precedents in care of sick and wounded soldiers, see McGurk, 22-35; and 188-204. There are also publications by and biographical accounts of royalist surgeons, for example, T. Longmore, Richard Wiseman, A Biographical Study, (London: Longmans, Green and Co., 1891). (Wiseman was with Hopton in the West in 1644); Larkin lists several Proclamations for the care of the sick and wounded.

An important new feature of these orders, is a group of articles governing pillage. Whether or not pillage was going on before, and I suspect it is ubiquitous in the circumstances, this is the first of the Royalist orders to mention it at all. And it does so with a vengeance. There are seven separate articles dealing with pillage. If the sheer number of articles dealing with a topic can be accepted as some measure of its importance to the drafter, then pillage ranks high indeed, along with duelling and the foundation of the Chaplaincy. It is possible that previously, the people responsible for drafting the orders would have liked there not to be pillage. Maybe they left it out like sex because the concept was distasteful or seen to be dishonourable. Perhaps they relied on an elitist code of honour to govern behaviour and only stooped to regulate when that course was proven ineffective. Most likely pillage was not included because the Royalist orders followed the pattern of Holland's orders. Holland may not have had much need to regulate pillage because he was only briefly in charge of the disbanding, and not the conducting of units back to their own communities. Whatever the reason, whoever drafted the first Royalist orders was either inexperienced or shortsighted. The less charitable might add negligent.

Once again, the influence of the experience of war, both at home and on the continent, is apparent here. Pillage was a necessary evil to the writers of these orders. It was much more practical to simply set the bounds of acceptability, spell out how much and where, and quit pretending it did not exist.

Accordingly, pillage once again returned to English military regulations, but in these Royalist orders, the precedent of The Swedish Discipline was used rather than that of Northumberland's orders and the English tradition they had maintained.

The regulations about pillage also tell us about religion in the Royalist armies themselves. They supply more evidence to support the idea that Rupert and/or Forth were the chief writers of these orders: they tally with their experience. Because the orders that were chosen as a precedent in this instance were written for a multi-faith army, they offer more evidence for Newman's thesis that Roman Catholics as well as different 'shades of Protestants' served side by side in harmony. What they shared, above all, was loyalty to the King.

Most important for this present investigation is that the rules for pillage are consistent with, and in fact reinforce, the attitude to religion displayed in the earlier articles governing religious practice. They even begin with another little religious interjection, "If it please God we at any time beat the enemy...." Conclusions about religious belief must not be made solely on the evidence of such phrases at the best of times, and this particular instance might be even less telling than others because this part of the article follows very closely the pattern of the equivalent article in the 1621 regulations of Gustavus Adolphus. Nevertheless, the phrase was retained by the writer of these regulations when it might have been omitted, or altered, so it must give us some insight into either the way he thought--success in the field meant being

blessed by God--or at least to the way he used language, which may amount to the same thing.

Article 133 of the Royalist regulations of 1643/4 says: No man shall presume to pillage any church or hospital, although the strength be taken by assault, except leave be first given, upon necessary reasons for it.

This article may seem a little non-committal but it is easier to understand the intention of the writer when we compare it to the Swedish article, number ninety-nine, on which it is based.

No man shall presume to pillage any church or hospital, although the strength be taken by assault, except he be first commanded; or that the soldiers and burghers be fled thereinto and do harm from thence. Who does the contrary shall be punished as aforesaid. [The aforesaid punishment being from article #97, "if misfortune ensue therefrom, they shall suffer death; if no damage they shall lie in irons and have only bread and water for one month; giving all spoil to next hospital"].¹⁰⁰

There is less leeway for individual rashness in the English article; the enemy might well be fighting from the church but it must still not be sacked unless leave is given from the commanding officer. This implies a slightly higher regard for church fabric than is evidenced in the Swedish precedent. However, with no specified punishment, the English article lacks some of the rigour found there. It was also a new departure for English military articles which, if they had included any protection for churches at all, had extended an unqualified protection. This article gives us a clue that the military necessity was being accorded more weight as a reason for action within the circle of Royalist command, and is an admission of the harsh reality of war. Churches were often

¹⁰⁰ Swedish Discipline, p. 57, #99, #97.

good sites for fortification and were necessarily used, gutted, and destroyed by both sides, if that was what was required for the safety of the army or for the gaining of a military objective.¹⁰¹

The following article, number 134, specifically protects churches, hospitals, schools, and mills, from fire and spoil. It also prohibits tyrannizing "over any churchmen, aged men, or women, or maids, or children, unless they first take arms against them, upon pain to be punished therefore at the discretion of the council." This article again is copied almost exactly from the Swedish article number 100. As stated above, that does not make it any less valid an indication of attitudes in the Royalist armies; someone simply chose to copy these orders, they must have been found satisfactory as they stood. This article is consistent with the recurring protective attitude towards clergy consistently found throughout the Caroline military orders. Reiteration here is indicative of how careful of churches, the clergy, and of those he deemed helpless, the writer was. Yet it follows that women (or others) who defied this classification would be excluded from the protection it afforded them. It is also worth noting that Arundel's orders of 1639 also mentioned this grouping of the helpless but they included no concept of women and maids waging war. It may be that the 1643/4 article more faithfully

¹⁰¹ Although there were differences in the way Royalist and rebel armies used churches before fighting for/from them. For example, I have yet to find a Royalist trooper christening a horse "Charles" in the font. I plan to explore these attitudes in a future paper. This episode is recorded in Symmonds, Diary, 67.

reflects the situation in the Thirty Years' War than the English Civil War, but the Royalist writer/compiler of these orders thought the conditions apt.¹⁰²

The Royalist Orders of 1643/4 make an extensive effort to regulate morality amongst the King's soldiers. Murder and theft, which had been omitted in the orders of 1642, were not readdressed by this new revision. Rape, on the other hand was, although it was not handled in the unconditional, traditional way. On the whole, these orders pay more attention to women than had either of the two sets of earlier Royalist orders, or the orders from the Second Bishops' War. Their presence in the army was acknowledged, and both inside and outside the army, they were offered protection from violence and tyranny. They were classed with other weak creatures such as children, the elderly, the sick and maimed, and the clerical. But here too the treatment by these orders was not unconditional. Any of these groups could forfeit protection by making war upon the King's soldiers. Even the pure altruism of the articles which make provision for the sick and maimed are qualified by the knowledge that the goal was to care for them before they became "unservicable". Like earlier Royalist orders, they made no attempt to regulate purely sexual behaviour. Duelling also was handled as it had been in 1642, although the regulations were extended to include garrisons.

The orders of 1643/4 also made significant changes to earlier Royalist regulations of morality. A whole new section

¹⁰² An additional article in the section on pillage dealt with drunken soldiers in enemy leaguer and was previously discussed above, p. 281.

was added dealing with pillage. Gaming was clearly described as lewd, which may mean it was seen to be immoral.

Drunkenness, on the other hand, which had always been seen as an evil in itself, is here treated less harshly, though in greater detail. Nevertheless, in this case, the rationale offered for the regulation shows that the motive for the article was the preservation of order. In short, there are many orders about topics previously classed as moral concerns, but what motivates this writer cannot simply be ascribed to a Christian concern for morality. First and foremost, the regulation of morality here is about the good government and safety of the army.

Unlike many previous sets of orders, the Royalist orders of 1643/4 did not include a separate statement at the end about how they were to be made known to the soldiers. Instead, these regulations include an article, number forty-six, which generally deals with how all announcements are to be made in the army, that is "by the sound of drum or trumpet, that no man may pretend ignorance". This article also says that those found disobedient or faulty shall be punished. This is a much less specific instruction than had previously appeared and is surprising when the level of detail of these orders is remembered. Perhaps publication was taken for granted in the King's armies now, although if the occasion for the production of these orders is as speculated in the section above on establishing the texts, then one would expect a newly united army might need frequent emphatic publication of the new regulations.

This is the oath soldiers had to take in 1643/4. I assume the direction means new soldiers.

I A.B. do swear to be true and faithful to my Sovereign Lord King Charles, and to his heirs and lawful successors, and to be obedient in all things to His Lieutenant-General, for the time being, in His Majesty's war against such rebel subjects as have already taken up, or hereafter shall take up arms and wage war against him, or which shall any ways abet, assist, or aid them. And I do further swear that I will be a true and faithful servant and soldier: every manner of way performing my best endeavour for His Majesty's service, and the profit of this Kingdom to my power also, shall I hinder all actions prejudicial unto his crown: and if I have tidings of anything likely to be prejudicial, I shall give His Majesty present notice thereof, or some one or other of his Council. Moreover, I will do my best endeavour to observe all these His Majesty's Articles of War. Also, I shall behave myself manfully in battle, skirmishes, and entries of breaches, as well by water, as by land, in all times and places, when and where I shall be commanded, I shall also keep watch and ward, and do all other duties willingly unto the best profit of His Majesty and this Kingdom, wheresoever I shall be commanded either by land or water. Also, I shall bear myself obediently towards my superiour officers, in all that they command me for His Majesty's service. In like manner, as I shall answer it before God and every honest man, I shall not fly from my colours or token whatsoever, that I am commanded to follow, so long as I am able to go after them: and I shall be willing to do this at all times, and by no means absent myself from them at any time. I shall lay down my life and goods for the advancing of His Majesty's service, and endure all miseries that can possible fall out in the wars; fighting manfully to the very last, so far forth as I am able, or that any true soldier ought to do. Furthermore, if hereafter I be put into any place of charge by His Majesty, I shall do my best endeavour fairly to discharge my duty therein, so as I ought to do according to my place. This oath shall I well and truly keep to the best of my understanding and power, as the lord of heaven and earth shall help my soul at the last judgment.

Like the first Royalist orders of 1642, the 1643/4 oath says nothing about religion at all. It does, however, present the picture of the ideal Royalist soldier. The length and complexity of this oath raise questions about how it was

actually administered. If a group of illiterate conscripts had to repeat that individually as their names were entered on the roll I would not like to speculate on how long it took them to administer the oath! It must have been administered corporately as was Arundel's 'acceptance of the orders' oath.

The ultimate revision of the Royalist military orders was a sweeping alteration of past Royalist orders, and one which, significantly, often followed the precedent of The Swedish Discipline, a set of regulations designed to regulate a multi-faith host. The 'letter of the law', as presented by these orders, was, nevertheless, well within the usual royal/episcopal tradition of the Caroline Church. In 'spirit', the law in 1643/4 delineating official religion in the Royalist armies, was worded in such a way that it allowed of a broad reading. Once again, it provided evidence of a de facto tolerance of Roman Catholics, and/or Protestants of other traditions within the King's armies.

This claim in itself is not shocking or new; it has been made repeatedly throughout the thesis. What is new, is the willingness to contravene the direct will of the King as expressed in the proclamation of 1643 to achieve this open atmosphere. With the Royalist orders of 1643/4 we mark the beginning of a divergence in the regulation of religion and morality between the military orders and those that came directly from the King's immediate circle. And it was from that circle that all future attempts at regulation would come.

CHAPTER SIX

THE CIVIL WAR: 1644 to 1645

Proclamation of April 8, 1644

A second "Proclamation for the further restraint of Profane Swearing and Cursing, and the better observing of Prayer and Preaching in His Majesty's Armies" was published shortly after the disastrous Battle of Cheriton.¹ It is as if Cheriton was a prophecy of doom, and this proclamation was the Ninevite response.² It was intended to affect not only the armies but the City of Oxford, and all other Parts of the Kingdom, and there is evidence that it was reprinted at least once in London.³

Once again, Royalist command felt the need to try and govern the moral behaviour of their troops. It is most likely that the King himself was concerned in this attempt, because the proclamation is in the 'royal voice' throughout. The proclamation of 1644 states that neither the previous

¹ "A Proclamation for the further restraint of profane swearing and cursing, and the better observing of prayer and preaching in His Majesty's armies, and the City of Oxford, and in all other parts of the Kingdom," (Oxford: 8 April 1644). Larkin #484, Wing C2616, Madan #1602.

² There was no need to order fasting and humiliation as well, the regular fast day was already scheduled for the Friday of that week.

³ Madan catalogued Thomason's copy as #1615. It was probably printed about ten days after the Oxford Proclamation. Madan #1602; Wing C2617.

proclamation, the military orders, nor the "laws of our realm," had been well observed nor "severely put in execution...(as in duty to God and Us they ought to have been)."⁴ Instead, a great "Liberty" had been

taken by those of our army, and other persons in the Kingdom, of dishonouring the sacred majesty of God, by horrible oaths and execrations to the high provocation of God's wrath against themselves and this whole nation.

Once again, the contemporary belief in the direct intervention of the almighty into human affairs is evident. What is notable in our context, is that in this proclamation, the King does not single out his army alone as having failed in their duty to God and him. He indicates that, on the contrary, their behaviour was of a pattern with much of the rest of their society.

Presumably the King saw not much to choose between his swearing Cavaliers, and other swearing Englishmen. It may be that once again, we have all swallowed the godly, parliamentary line.

The phrase "Liberty taken" was exactly the same as that of the June 1643 proclamation. But whereas in the earlier proclamation, it was "the honour of God" that would be derogated; by 1644, it is "God's sacred majesty." This change in the language intimates the concern that is becoming uppermost in the mind of the writer. Whether of God or of the King's own person, this proclamation is more concerned with sacred majesty than simple honour. Another phrase was transformed in this proclamation: it was now God's wrath that would be provoked; his judgment had been feared earlier. At

⁴ The previous Proclamation is that of June 13, 1643, and the military orders are those of 1643/4, see above Chapter Five; the law of the realm is 21 James I, c. 20.

least there was a chance that God's judgment might be merciful or lenient. In wrath, that possibility is denied, and a new note of dread sounded. In both proclamations though, the sins of the few would be visited on the many.

The proclamation says that the King addressed the issue of swearing yet again "out of Our tender care of the honour of God (to whose glory we shall ever devote Our Crown) and in token of Our hatred and detestation of this monstrous impiety." The spirituality conveyed by this statement has a different flavour from earlier pious ejaculations which found their way into the military regulations. I do not believe this difference is the result of a different author, but rather a changed, or let us say, deepened conviction of the same writer. The phrase "to whose glory we shall ever devote our crown" has a defiant, quality even in its resignation, that was not evident earlier. This quality, and the fact that the phrase was parenthetical strengthens my judgment that both this proclamation, and the previous one of June 1643, express the convictions of the King himself.

The proclamation strictly charges all commanders and officers of the King's armies, and of all the garrison towns, to see that the existing military regulations against profane cursing and swearing be "severely executed for the time to come, and exemplary punishment done upon offenders therein, to the terror of others." While this charge is more demanding than that of the previous proclamation, its intention is similar. The next section, on the other hand, is quite new.

In it the King spells out his expectation of exactly how the goal of the charge is to be achieved. The proclamation says:

Which that they may know is by us expected at their hands, we do hereby require all commanders and officers in our armies, and garrison towns, and all who do or shall attend us in our court, to be virtuous examples in their own persons to all soldiers and others, by abstaining from all such profanations, as they desire the blessing of God upon us, upon themselves, and the whole land.

This is an ambitious and explicit extension of the military regulations. Any doubt that might have been felt by a modern reader about the sincerity of Royalist attempts to eradicate swearing must be dispelled by this command. This proclamation shows that 'good conversation' was a genuine, and earnest concern of both streams of Royalist high command: the article against swearing is a constant feature of English military regulations after 1599. It is clear from this proclamation that the King wished to control swearing even more rigidly than the military orders had. But what we are looking at is a difference of degree, not kind. It is essential that we try not to let our modern ideas of the futility of such regulation colour our judgment of the expectations of the seventeenth-century author. We may think the behaviour outlined is impossible. He thought it not only possible, but necessary.

The orders of 1643/4 had dropped any explicit reference to "officers" from the article against swearing. The proclamation of April 1644 shows us that the King found this course intolerable. Here again, a close reading of the proclamation can help us discern a divergence between the King and his immediate circle and the writers of the military orders. This

idea becomes even more compelling if my deduction about the dating of the 1643/4 orders is correct. It would mean that this proclamation was drafted either concurrently with or immediately after the printing of the orders. Either of these options reinforces the idea that though the King's voice was heard in the orders of 1643/4 it was still one of many. On this issue, one that the King personally felt strongly about, he might have been persuaded to bow to necessity or expediency (within the parameters already established by earlier regulation of his army) and write orders that could be effective (and which might also mollify Prince Rupert or his agent), secure in the knowledge that he could further regulate in this area on his own authority by way of a royal proclamation.⁵

Once again, the proclamation makes clear the belief that if Royalist supporters could only reform their speech, their lives too would be regenerate, and God would bless them. They are to refrain from swearing "as they desire the blessing of God on Us," that is, upon the person of the King. Having the King personally receive benefit from his soldiers' changed behaviour is another new feature. It is clearly the King's desire that God bless him, and given the events just prior to the writing of this proclamation, his desire is surely understandable.

⁵ This would not have been an unusual course for Charles to have chosen; it is exactly what he did in 1639 by following Tarquair's advice in the calling of the Scots Parliament. See Wedgwood, The King's Peace, 256.

On March 29, 1644, the King's Western army under Hopton had been smashed by Waller at Cheriton, and the horse all but annihilated. Edward Walker (Chester Herald and Secretary at War) recalled the dejected state of mind of Royalist high command, and Clarendon recorded it saying:

This battle was fought on the 29th day of March; which was a very doleful entering into the beginning of the year 1644, and broke all the measures, and altered the whole scheme of the King's counsels: for whereas before he hoped to have entered the field early, and to have acted an offensive part, he now discerned he was wholly to be upon the defensive part; and that was like to be a very hard part too.⁶

The King had certainly had news of this disaster by April 1 when he put the best construction on it that it would bear and relayed the news to Rupert.⁷ The tone of this proclamation clearly reflects his true despondency.

The belief endorsed by this proclamation that grace could accrue to the King, personally, because of the good behaviour of his subjects, is also an indicator of this proclamation's place on the religious spectrum. This idea of grace is not quite the antithesis of "sola fide, sola gratia" but it implicitly relies on an understanding of free will that was unpopular with the preciser sort of Protestant.

The next part of the proclamation changes the desire for 'good life and conversation' from an official goal to a private royal crusade. All such persons who do not perform as directed

⁶ Clarendon, III: 338.

⁷ His letter is quoted in John Adair, Cheriton 1644. The Campaign and the Battle (Kineton: The Roundwood Press, 1973) 148.

in this regard, whether they are members of the Court, armies, or garrisons,

shall appear to us to be notorious offenders in this kind, we will in some public way set a character of disgrace upon them that they may appear to the whole world to be offensive to both God and us.

This is serious language, although one might wonder why he just did not threaten to send offenders away? Perhaps that would have been the same as inviting defection and the writer thought he could not afford it.

This is the second time in this proclamation that the phrase "God and Us" has been used.⁸ In the proclamation of 1643, the equivalent phrase was "God, Us, and their Superiors." The inclusion of "superiors" suggested a more purely functional aim in that proclamation. In contrast, Charles's understanding of the nature of his kingship is implicit in the 1644 phrase, "God and Us." By dropping the words "their superiors" from the phrase, its primary focus is narrowed, thus implicitly emphasizing the link between the King and God that was inherent to Church of England polity, as well as absolutist ideology. Here again, belief influences language and is revealed by it. By 1644 what it reveals is a more extreme, more rigid view of monarchy than we have witnessed so far.

In view of the fact that this proclamation was intended to govern English people outside the army as well as in it, the next section of the proclamation charges all Justices of the Peace in both county and city, along with all Mayors, Bailiffs,

⁸ I have preserved the upper case on Us here because it reinforces my point. It is used for the 'royal pronoun' throughout the Proclamation.

and head-officers with the enforcement of the Jacobean statute for the prevention of swearing.⁹ Particular mention is made of Oxford, home of the royal court, and the proclamation says that the King "will require a strict account" of the Mayor and Justices there that all offenders, including children, be punished.

The last section of this proclamation says

And for the future prevention of these and the like offences so opposite to the glory of God by planting his true fear in the hearts of all men, We do lastly charge and command, that Divine Service and Sermons (according to the doctrine and liturgy of the Church of England established by law) be duly and constantly used in all our armies and garrison towns, and in all our churches and chapels throughout this realm.

With this clause, the window of opportunity for a de facto religious tolerance in the King's armies had the curtains drawn. But the window itself was not slammed shut. The tone is paternal, admonishing, and the insistence on the doctrine and liturgy of the Church of England only parenthetical, almost an affectionate afterthought. There is none of the peremptory outrage of earlier articles. And even in this clause, there is no intimation that only the doctrine and liturgy of the Church of England are to be used. Nevertheless, it is a narrower understanding of the Caroline Church than we have seen recorded in any earlier Royalist regulatory material.

The final note of the proclamation is not punitive, but positive. Swearing, cursing and blasphemy can be prevented by

⁹ 21 Jac. I, c. 20; see above, p. 69. The regular penalty outlined by the statute was 12d per offence; those who could not pay or who were under twelve years of age were to be put in the stocks for three hours; offenders under twelve were to be whipped by, or in the presence of the Constable.

"planting" the true fear of God in human hearts. The image conjured up by the word "planting" is one of nurture, but also of confident hope: you do not plant if you do not expect the seed to grow and flourish. Again, the language reveals the belief of the writer. The seed which was to banish profanity and blasphemy was to be provided by The Book of Common Prayer. Services, and sermons as well, were to be according to the doctrine and liturgy found there. We learn from the title of this proclamation that it aimed at the "better observing of Prayer and Preaching." Clearly, this positive statement about the virtue of the Book of Common Prayer, and its use in the armies especially, was seen to be an improvement over current practice. This proclamation once again explicitly linked the King's armies to the National church and its Book in contradistinction to the ambiguity of the military orders of 1643/4.

The proclamation of 1644 was to be "printed and published at the head of every regiment of our army, and in all garrison towns, and in all parish churches" within the realm. It is incontrovertible evidence that at the highest level of Royalist command, the King himself was unswervingly and sincerely committed to reforming the conversation of his soldiers by restraining swearing and blasphemy. The scope of this proclamation was even greater than that of earlier one, in that it extended to the civilian population as well, particularly in the King's court at Oxford.

Perhaps most importantly, with the proclamation of 1644 we can begin to better understand the trend we have noted within

the attempts to regulate religion and morality in the King's armies. In previous military regulations, articles on many different topics were written using the royal voice. They can, with caution, serve as a guide to the authentic voice of the King. It is telling that at no time was the article for Divine Service in the military orders ever one that was written in that royal voice. The evidence of the proclamations of 1643 and 1644 suggest that when the King had more autonomy, that is to say, when he was the sole author, (which did not seem to have been the case in the writing of the two sets of regulations that use the royal voice) and when he had different counsel, his own preference for Divine Service, the liturgy of the Church of England, the pride of the royal/episcopal tradition of the Caroline Church, was consistently commanded for use. The military regulations always had to consider practicality. Given the large Roman Catholic presence in the King's armies, the regulations were prudently worded so as to be open to interpretation. The King clearly expected the proclamations to be enforced, yet they also gave him the opportunity to follow his own principles without being guided by the pragmatism of his military advisors. They provided a public forum in which he could renew his pledge to the Church, and salve his conscience.

From the evidence of the two royal proclamations we have examined, there can be little doubt that regulating religion and morality were key concerns at the highest level of Royalist command. However there is also little doubt of the growing tension between the King's immediate circle and his senior army

officers which is evident in these sources. The King's officers would certainly have been conditioned by the harsh realities of life in the field,¹⁰ while the King, was subtly fed and sustained by courtiers such as George Digby and Henry Jermyn. In despite of all concrete evidence to the contrary, the King remained tenaciously and adamantly idealistic and optimistic. (He was in great matters as in trivial ones, a gambler, always willing to take a risk on the cut of the cards.) This failing has been frequently remarked by historians from Clarendon to Carlton. The validity of their judgment is again demonstrated by the attitudes of, the King, the armies' supreme commander, to religious and moral topics. The Proclamation of April 8, 1644 recorded the King's absolute commitment of the Royalist armies to the royal/episcopal tradition of the Caroline Church.

Injunctions of November 1645

In 1645, the King issued Injunctions Concerning the Garrison of Oxford in Order to Religion.¹¹ This document provides the richest single source of Royalist attempts to regulate religion. It also comments, less extensively but significantly, on the perceptions, by Royalist command, of how religion was actually being practiced, and upon the way in which they perceived the morality of the soldiers of the Oxford

¹⁰ One writer maintains that curtailing (let alone eliminating) swearing is detrimental to men's ability to fight effectively, see Montagu, Anatomy, 171.

¹¹ Injunctions Concerning the Garrison of Oxford in Order to Religion, (Oxford: Leonard Lichfield, 1645), Madan #1827, Wing C2348.

Garrison. From the evidence of the Injunctions the importance of religion to Royalist command is once again incontrovertible. This final attempt to regulate religion and morality in the King's armies once again explicitly proclaimed their official identification with the King's church.

The Injunctions declare that they were intended to form the basis of policy in all Royalist garrisons, and not just Oxford as stated in the title. Injunction number sixteen states:

our express will and pleasure is, that these orders be sent to the rest of our garrisons, with command, that the substance of them shall be the rule of their public worship, and that they conform themselves unto them, as far as the condition of each garrison will permit.

Because of this, they may serve as our guide to the regulation of religion in the remaining Royalist forces.

What were those forces? Before that question can be answered, it is necessary to establish a publication date for the Injunctions. Madan suggested that they were most likely published in November of 1645.¹² He based his calculation upon a statement in the Injunctions recommending the "lately published...Manual of Prayers, fitted to these Calamitous times." The said collection of prayers was received by Thomason in London on October 9, 1645, so it was most likely issued in Oxford before October 2.¹³ By all reports, the King finally returned to Oxford in the first week of November, and

¹² Madan, #1827.

¹³ [Brian Duppa,] Private Forms of Prayer Fit for these Sad Times (Oxford: Leonard Lichfield, 1645). Wing D2665, Madan #1818.

as it is clear that he had a hand in the drafting of the Injunctions, it is most likely that they were indeed published some time after November 7, 1645.

What, then, was the extent of the King's force in November 1645? The Royalists' most recent major loss had been Bristol in September. Since then they had had a string of defeats. In the West, Goring and Grenville were still technically 'in the field' with at least 1600 foot, but their commands remained in disorder after their losses at Langport in July. (Sometime after November 20, Goring himself fled the country and Hopton took over his command.) Except for 3000 men newly raised by Astley in Worcestershire, (which would be smashed at Stow March 21, 1646) the remnants of the King's own field army went North with Digby and Langdale in October, after being beaten outside Chester on Rowton Heath (September 24). Even they were pitifully few. All the rest of the King's supporters were holding out as best they could in various garrisons. And, one by one, these Royalist garrisons were mopped up.¹⁴

Little in their past experience of army life 'in the field' had prepared most Royalist soldiers for garrison life. In their usual quarters which were sometimes, but not always, cities of tents, troops were parcelled out to tiny villages and

¹⁴ The end of the war has to be reconstructed by hand. No one source has everything needed for a clear picture of the royalists in 1646. Peter Young and R. Holmes, The English Civil War, A Military History of the Three Civil Wars, 1642-1651 (London: Eyre Methuen, 1974) is the best general account from a military perspective, but see C. V. Wedgwood, The King's War 1641-1647 (London: Collins Fontana, 1972), whose blend of empathy and meticulous detail has yet to be surpassed. Clarendon and Gardiner are also particularly useful when attempting to untangle this part of the war.

hamlets in an area selected for encampment. Usually the foot went to one village and its surrounding area, and the horse went to another. Officers might have been quartered in a house in the village. The common soldiers were most likely fending for themselves; often they did not even have tents but built makeshift huts for themselves with whatever material they could find.¹⁵

Garrison life was different. It condensed and concentrated groups of men along with their tensions and troubles. Conditions were often more crowded and insalubrious. Lack of active fighting could lead to boredom and frequently to debilitation as well. The constant presence of civilians amongst the soldiers (outside the huge entourage of wives, families, sutlers and victuallers which were always with them and can be classed as para-army) increased the already difficult task of maintaining discipline, and at the same time, threw the conduct of the army into high relief.¹⁶ The physical confinement alone could lead to a siege mentality even if the garrison was not yet actually under siege. Waiting for

¹⁵ Parker, European Soldiers, 39.

¹⁶ An undated publication A True Description of the Discipline of War, Both for Horse and Foot, used in His Majesty's Army, under their Excellencies, William Earl of Newcastle, and Prince Robert [Rupert] demonstrates the para-military status of women. It decrees that "All the women and boys of the regiment shall march after their respective regiments" rather than beside or before, and their "care and charge shall be upon the Provost Marshall of that regiment": 6. Wing T2677. A similar arrangement had been made under Henry VIII, see Grose, Military Antiquities, 1:214.

an enemy to strike could be lethal to morale, and undermine discipline, setting up a self-perpetuating problem.¹⁷

It was not just the string of defeats, and the garrison life that preyed upon the spirits of Royalist command in the Fall of 1645. They were undoubtedly still trying to recoup after the fatal publication of the King's private correspondence following the battle of Naseby. The aspersions and rebuttals flew back and forth throughout the summer of 1645. The Injunctions may well have been influenced by the need to counter, yet again, the slur of Papist hurled at the King's armies, but that does not rob them of sincerity: the truth is no less true when it is shouted in one's own defence. The Injunctions were an acknowledgement of the Royalists' new circumstances, mental and physical. They provide evidence that the concern about religion and morality literally recorded in the general regulations and proclamations was genuine, determined, and persistent. If those precepts had not been effectively applied heretofore, the Injunctions would rectify the situation.

These injunctions begin with the King's statement that although he has made known his desires "for the advancement of piety and religion within our garrisons and armies," his commands "have not been prosecuted with that due observance and obedience as we could wish." Hence the need to address the topic yet again. The language of the Injunctions is much more restrained than that of the proclamation of 1643. There the

¹⁷ Peter Young and Wilfrid Emberton, Sieges of the Great Civil War, 1642-1646 (London: Bell & Hyman, 1978).

hallmark phrase was the "total neglect of the service of God."¹⁸ The tone in these injunctions is almost hopeful by comparison. It expresses disappointment but not scandalized piety. Perhaps the campaign to regulate religious behaviour was having some effect at long last, or perhaps the King's sensibilities had been dulled by constant assault and growing despair. Most likely, the Injunctions were chiefly written by someone else.

The use of the injunction form was certainly a novel approach to regulating religion within the armies. It was a legal form sometimes used during episcopal diocesan visitations as one of the guides by which the Visitor was to assess the local situation. In fact, contemporaries loosely described any kind of order issued by ecclesiastical authority as 'injunctions.'¹⁹ The use of this form has special interest for our investigation, because, it suggests first, that the principal writer may have been a churchman, probably but not necessarily, a Bishop. Second, contrary to any expectation, we have in the use of the injunction form, an unequivocal manifestation of the "church in arms" concept (although the writer would likely have thought of it as the "church militant here in earth"). Whoever wrote these injunctions thought of the King's garrisons as 'churches', communities of believers to be regulated in the same way, and by the same instrument, that he would have used to oversee his parochial clergy and their congregations.

¹⁸ see above, p. 226.

¹⁹ Fincham, Visitation Articles, I: xxiv.

I suspect that that author may have been Brian Duppa, then Bishop of Salisbury. Duppa was born in Kent in 1588 to a family that had served the court for generations as brewers, dressers.²⁰ He was educated at Westminster school where he studied Hebrew under Bishop Andrewes. He was B.A. at Christ Church in 1609 and M.A. at All Souls in 1614. He travelled for some years on the Continent where he seems to have been chaplain to the "Prince Palatine". There is a little confusion over which Prince Palatine he served, Prince Frederick V, the Elector, husband to Charles I's sister Elizabeth, or their son, Prince Frederick Henry. Duppa would have been a fine choice for chaplain to the young prince who was considered the most likely heir to the throne until the birth of Charles I's own children. It would have been most fitting for him to become familiar with the ways of the English church.²¹

After the tragic death of the young Prince Palatine in 1629, Duppa is again noted in England. He was chaplain to the Earl of Dorset,²² and through the efforts of the Duke of Buckingham became Dean of Christ Church. In 1634 he became a chaplain of Charles I and soon after was appointed tutor to the

²⁰ Gyles Isham, ed., The Correspondence of Bishop Brian Duppa and Sir Justinian Isham, 1650-1660 (The Northamptonshire Record Society, 1951), xix.

²¹ The Elector, on the other hand, was renowned as leader of the Protestant Union and a Calvinist. If Duppa was his chaplain one might expect him to have had complementary if not similar theological views. If he is also the main author of the Injunctions, historians may well have to re-evaluate their understanding of English Calvinism.

²² The Earl had been reprimanded by the King for the "Puritan practices among the settlements he had financed in Bermuda", see Wedgwood, The King's Peace, 189.

Prince of Wales and Duke of Gloucester on Laud's recommendation. He held the valuable rectorship of Petworth in Sussex, and in 1638 became Bishop of Chichester.

There, according to Fletcher, he formed an Arminian party composed mostly of his friends, and continued Montagu's campaign to impose "the new orthodoxy" parish by parish.²³ He began a program of repair, maintenance and beautification of the Cathedral, and reinstated many practices of ritual which had been out of use in "men's memory". He turned the table altar-wise, Fletcher's "touchstone of Arminianism". Although there was never a "sustained campaign against Puritan non-conformity in Sussex," Fletcher claims that the "Puritan gentry" were shocked by the Arminian program "into a total rethinking of their attitude towards episcopacy."²⁴ In 1641, Duppa was translated to Salisbury. After the suppression of episcopacy he retired to Oxford and served the King throughout the war until his execution.

After the King's death, Duppa lived quietly in Richmond where he continued to administer the sacraments, ordaining deacons and priests, baptizing, and confirming throughout the Interregnum.²⁵ He criticized Jeremy Taylor's views on repentance saying they approached the "doctrine of Pelagians,

²³ Fletcher, Sussex, 76-80.

²⁴ Fletcher goes on to say that "Arminianism, probably more than any other single issue, had hardened many gentry, particularly those of a Puritan cast of mind, against Charles I, his court and his regime," Sussex, 92-3.

²⁵ Correspondence of Bishop Brian Duppa, xxvi.

Socinians, and Anabaptists."²⁶ Duppa was committed to preserving the apostolic succession in England, and believed that episcopal government was "of the essence" of the English church. He watched (and wrote letters) anxiously as one by one the Sees fell vacant, and called the church "Our expiring mother".²⁷ At the Restoration, Duppa was translated to Winchester (with its concomitant order of the Garter). In October of 1660, he was the chief consecrator of four new Bishops; only nine had lived to see the Restoration. He also served as Lord Almoner to Charles II.

Duppa died in the arms of Charles II in March of 1662.²⁸ He was survived by his reputation for sincerity, charity and good works among the poor. It was Duppa that Charles I had recommended his son to follow in matters of religion (rather than his mother who was to guide him in all else). He would have been a fit person for the King to entrust with providing for the religious and moral welfare of his army, although as we have seen above, the King himself proved to be more pious than even this trusted spiritual advisor.

Duppa is reputed to have written most of the official prayers during the civil war,²⁹ and the type of concern

²⁶ Taylor's book was Unum Necessarium. Or, The Doctrine and Practice of Repentance (London: James Flesher, 1655), Wing T415. For Duppa's criticism, see D.N.B.

²⁷ He was in regular communication with Hammond, Sheldon, Sanderson, see D.N.B.

²⁸ Among other bequests in his will, Duppa left 10 pounds per year to none other than Rupert's Chaplain, William Watts, another cleric suspected of being involved in the writing of Royalist regulations.

²⁹ Madan, 573.

uppermost in the Injunctions seems to me to be that of a clergyman. Whatever their authorship, the Injunctions present yet another attempt from the King's immediate circle to exert direct control over the religion and morality of his army. They also demonstrate the continuing perception that the religious and moral life of Royalist soldiers was still in need of improvement.

Besides the noted difference in tone between the Injunctions of 1645 and the proclamation of 1643, there is a noticeable difference of tone within the Injunctions themselves. This internal difference correlates quite closely with the use of the 'royal voice.' It is as if the majority of the document had been written by one person, a churchman, then submitted to the King for approval and input. The King then added (or had added) injunctions covering topics that he thought important.

Apart from the Prefatory Address, only four of the sixteen injunctions are in the royal voice. Two of them are routine formalities dealing with the publication of the Injunctions and their application to the King's forces in the rest of his garrisons. The other two injunctions, are better indicators, encouraging the soldiers in piety, and reiterating the prohibition of swearing and other immoral behaviour, the latter being a recurring theme of concern throughout Charles's life, although he was not as obsessed with it as his deceased older brother had been.³⁰ This 'pet peeve' has certainly been

³⁰ Carlton recounts a time when, as a young man, Henry would fine the members of his own court for swearing in his presence. Carlton, Charles I, 10.

in evidence in the military orders and proclamations previously examined in this thesis.

Based on the style, language, and content of the individual injunctions, it seems clear that the Injunctions were composed by at least two people. The use of the 'royal voice' indicates that one of them was representing the King, or was Charles I himself. The other writer preserves throughout a businesslike attitude and tone. His concern for the decorous proceeding of the liturgy, and his familiarity with the needs of the priest, suggest that he was one himself. If he were a high-ranking clergyman it would go a long way towards explaining the lack of any conception of the numbers of men he might be trying to regulate, because he would most likely have had much less personal contact with the men themselves than would one of the army chaplains. If these ideas are anywhere near the truth, they contribute greatly to our knowledge of the King himself, his army, and his church. They also offer some evidence in support of what Davies describes in The Caroline Captivity of the Church: from the tone, and content of these injunctions, Charles I was apparently more pious than his own clergy.

Contrary to first impression, the Injunctions are not primarily a call to duty for men who neglect the service of God by not going to church. They are an attempt to bring to order the masses of people who are going to church. The Injunctions can be grouped into four functional areas: logistical, remedial, pastoral, and general.

Ten of these sixteen injunctions have to do with church attendance. The first seven deal with the logistics of efficiently marshalling large numbers of men in confined quarters and getting them to the church for Divine Service, and/or communion. The other three, which I have identified as remedial, deal with behaviour while at church, and while arriving and departing. Only two injunctions are strictly pastoral, and three are general. One injunction suggests an additional opportunity for prayer.

The first injunction is simply the formal appointment of the official garrison church, which was to be St. Giles. It is likely that, prior to the publication of the Injunctions, the soldiers had simply worshipped in the parishes where they were quartered, or at strictly army 'drumhead services' held at the head of each individual regiment. Henceforth, all the soldiers of the garrison were to "hear divine service, and sermon, every Sunday morning" at St. Giles.

This seemingly innocuous injunction is actually problematic. According to Toynbee and Young, the Oxford garrison consisted of between 2000 and 2500 foot plus the King's Lifeguard of Horse in mid-November 1642.³¹ This estimate is not a good indication of numbers in November 1645 because the garrison was not a static thing. Regiments came and went and were not necessarily up to strength. These fluctuations make an estimate of the number of men in the

³¹ M. Toynbee, and P. Young, Strangers in Oxford, A Side Light on the First Civil War, 1642-1646, (London: Phillimore & Co. Ltd., 1973), 24.

Oxford garrison very difficult, and in his chronicle of the Sieges of Oxford, Varley was unable to come up with an authoritative figure for the Oxford garrison later in the war.³² He found no Royalist evidence of the garrison's strength, and found that the Parliamentarian estimates varied greatly from 2200, including horse and foot, in June 1644 to 6300 in 1646. This last figure is likely to have been an over-estimate of Royalist strength, because it suited Fairfax's purpose in 1646, which was to negotiate rather than fight for Oxford. Nevertheless, it is likely that the town was packed to bursting point as many of the scattered, broken, surrendered troops made their way to Royalist headquarters.

Rupert's Bristol garrison was one such. He left Bristol September 11 and came into Oxford with 1500 foot and his own Lifeguard of horse (about 400) on the 15th. On the 19th all his officers and troopers, except the firelocks, were ordered to go to Woodstock, but appear not to have complied with this order.³³ He and all his troops were subsequently cashiered, (as was Rupert's friend Will Legge who happened to be the Governor of Oxford at the time) yet they reportedly stayed on in Oxford until matters were settled between the King and the Prince on October 16.³⁴ Some of these men would undoubtedly have simply gone home. Some seem to have been reabsorbed into

³² F. J. Varley, The Siege of Oxford, (London: Humphrey Milford, 1932).

³³ SP 16/510/126.

³⁴ Firth, "Journal of Rupert's Marches"; Wedgwood, The King's War, 461; Morrah, Patrick, Prince Rupert of the Rhine (London: Constable, 1976), 198.

other units. Their presence alone could have swelled the numbers in the Oxford garrison by more than 2000, and remembering that no army moved alone, with the 1900 or so official soldiers would have been a very long 'tail' of followers.³⁵

Even with such varied estimates for the Oxford garrison, the seriousness of the logistics problem surrounding church services can be appreciated. If the phrase "soldiers of this garrison" meant all the Royalist soldiers then in Oxford, the very minimum number of men that could have been intended to be governed by the Injunctions is 2500. All of these soldiers were ordered to worship at St. Giles church. But St. Giles Church currently has seating for only 100 - 125 people and is substantially the same now as it was then.³⁶ Most parish churches added nave pews during the seventeenth century, so it is unlikely that the congregation stood.³⁷ If it had, the building would certainly have held more men, but surely not all the soldiers in Oxford, which, excluding members of the court who worshipped at Christ Church, might have been in the neighbourhood of 4000 men. And what of the huge camp following? Did the women and children go to church with their men? Did they go at all?

³⁵ One must wonder where the wives, children, and other followers of the army worshipped, or if they did.

³⁶ The Reverend J.F.P. Morrison-Wells, Vicar of St. Giles, Oxford. Telephone interview by author, 19 March 1996.

³⁷ George Yule, "James VI and I: furnishing the churches in his two kingdoms," in eds. A. Fletcher and P. Roberts, Religion, culture and society in early modern Britain: Essays in honour of Patrick Collinson (Cambridge: Cambridge University Press, 1994), 191.

Possibly, the soldiers could have been marshalled outside the church. In the comparative silence of the seventeenth century they might have been able to follow the service. I would not go so far as to say they could hear the sermon, but it is possible I suppose. St. Giles Church, also known as St. Giles-in-the-Fields,³⁸ was located well away from the crowded colleges of the university which housed much of the rank-and-file as well as most of the royal court. It was situated on a widish road fronted by only a single row of houses, on the Banbury side. There might have been room for the men to muster round the church.

All of these details are significant for two reasons: First, if they are correct, they must in some way question the importance, or worth of this document as a useful guide to religious practice in the Royalist armies towards the very end of the war. If what was ordered by the Injunctions was beyond the possible what does it mean? Were the writer, and the King, who surely had a hand in these injunctions, and the whole general staff, and the council completely out of touch with reality? If so, that in itself is a significant contribution to our understanding of what was going on in the Royalist armies at the end of active fighting in 1646. Perhaps the true function of the order to worship en masse had less to do with practical logistics (which seem to be the thrust of the injunctions) and more to do with morale. The symbolic nature of keeping the army together in prayer--undivided in purpose at every level--certainly would have been good for morale. It

³⁸ Toynbee and Young, Strangers in Oxford, 51.

would also have been much easier to control the behaviour of the soldiers if they were all in one place.

Second, perhaps the phrase "soldiers of this garrison" meant only the official regiments of the garrison itself and not the hordes that were pouring into the city as time went on. This line of reasoning is interesting, because if it were to prove accurate, it would provide a long-sought guide to the number of men in the official Oxford garrison in 1646--necessarily less than 200--because they were all expected to be able to worship in St. Giles church of a Sunday morning.³⁹ The broken units and other regiments which were also quartered in Oxford might presumably carry on attending the church nearest their quarters in this scenario. They would still have been generally governed by the Injunctions by extension, as all the forces in all Royalist strongholds were to be.

A contemporary example helps to put this injunction in more perspective. In "James VI and I: Furnishing the Churches in his two Kingdoms," Yule quotes an eye-witness account of a service in Edinburgh, not long after the ratification of the Perth Articles in 1621.⁴⁰ At that service, there were at

³⁹ For the efforts made to establish the strength of the Oxford garrison see F. J. Varley, The Siege of Oxford (London: Humphrey Milford, 1932) 63-4; and M. Toynbee and P. Young, Strangers in Oxford, 24-43.

⁴⁰ Yule, "James VI and I," 206. The articles of Perth required kneeling to receive communion so if these services complied with the articles, they should serve as an approximate guide to how long administration of Holy Communion might have taken. They might not be good indicators of total service time, because of highly variable sermon lengths. See Horton Davies, Worship and Theology in England, From Andrewes to Baxter and Fox, 1603-1690 (Princeton, N. J.: Princeton University Press, 1975), 336-7.

least 1600 communicants. He cites another similar account which suggests that it took over four hours for the administration of communion alone. While these sources refer to communion services in the Presbyterian tradition, in Scotland, they are much more useful as a guide to the realities of seventeenth century liturgy than modern expectations may prove to be. It seems from these examples that a service involving thousands might not have been as uncommon as we might expect.

These added bits of information have given me the confidence to favour the first line of reasoning. Contemporary accounts suggest that huge numbers could be marshalled and given communion. The size of the church clearly could not accommodate huge numbers, therefore, if these injunctions were put in effect at all, all but one or two companies of men would have been praying outside on parade.

A second reason for favouring the interpretation that Royalist command really meant the Injunctions to govern all the regiments now in Oxford garrison is more political in nature. After the vituperative accusations of The King's Cabinet Opened and the exchanges following, obliging all the garrison to worship together would have been one way to put a good public face on religion in the King's armies.⁴¹ Mandatory attendance of all the garrison at St. Giles's Sunday morning would have been a very different experience from usual army Sunday worship

⁴¹ The King's Cabinet Opened, (London: for Robert Bostock, June 14, 1645). Wing K591. The running exchange is easily reconstructed from the Thomason Tracts index.

where regimental chaplains read Divine Service and preached at the head of their own regiment. If a Roman Catholic Colonel commanded a lot of Roman Catholic men, they might have had a Roman Catholic priest serving as their chaplain (unofficially, of course). Ordering the whole garrison to worship together would have made it more difficult for this kind of blatant circumvention of the military orders to take place, especially under the King's own nose. It would, therefore, have been good public relations.

The second injunction authorizes the Chaplains General to appoint the Chaplains of the respective regiments both of horse and foot to preach in their courses, to assist at the administration of the Blessed Sacrament of the Lord's Supper, and if occasion serve, in the absence of the vicar, to officiate Divine Service.

Helping the vicar administer at communion would certainly have been a necessity. The examples of contemporary worship mentioned above illustrate how long it took to administer communion to large congregations, and this one had to have been outstanding even by that type of standard. The time involved indicates that going to church on Communion Sunday then was a very different experience from now. And in fact it was.

According to Yule, the Jacobean norm for the reception of communion had been for recipients to sit upon forms or pews around at least three sides of the altar within the Chancel.⁴² The Caroline reforms outlined reception, kneeling, at newly-erected altar rails at the East end. As St. Giles is not among those parishes listed by Davies as resisting the new requirements, it must be presumed that they had complied and

⁴² Yule, "James VI and I," 193-5.

that communion was received at the East end of the church at the rails. This presumption is re-enforced by a nineteenth century inventory of the historical monuments in the City of Oxford.⁴³ It provides a plan of St. Giles, showing the different stages of its building. This plan shows the table's present location, altar-wise at the east end, against the wall.⁴⁴ The South Chapel, built in the late Thirteenth Century, opens off of the Chancel. This design makes it most probable that this has always been the table's customary position. It seems unlikely that it would have been placed in the centre of the Chancel for communion during the civil war, especially as the custom of kneeling at the rail was near and dear to the King, and assumedly the writer of these injunctions. It is most likely that, on Communion Sundays, the men would have filed into the church and up into the chancel to receive communion at the rails.

Requiring the chaplains to preach is a separate issue. Certainly if my conclusions about the way the men heard Divine Service are correct, having more than one preacher (i.e. one inside and one outside) would have greatly increased the feasibility of the arrangement. In a closed community in which sources of lawful entertainment may have been curtailed, and in a general culture which saw sermons as a popular form of entertainment, the Sunday sermon might have been an anticipated

⁴³ Royal Commission on Historical Monuments, England, An Inventory of the Historical Monuments in the City of Oxford (London: H.M.S.O. 1939), 131.

⁴⁴ Anthony Fletcher considers this feature "the touchstone of Arminianism," see A County Community, 89.

diversion from the daily routine. At the most basic level, a regular preaching rota would have helped to keep the chaplains' skills honed, while offering some variety in delivery style and theme etc.

The preaching component of injunction number two shows that Royalist command was conscious not only of the importance of sermons to the liturgy and public prayer, it may also indicate a belated attempt to set up the kind of forum traditionally claimed to have been of vital importance to the cohesion of the Parliamentary cause. Keeping preaching in the army centralized and under the eye of the chaplains general would have made the communication of a 'party line' quite efficient. It could also have been a useful disciplinary tool. I suspect that an investigation of Royalist preaching will tell us much about policy in this period and indeed throughout the war.

Before leaving the second injunction, it is necessary to note the nomenclature used for the Eucharist throughout these injunctions is often the "Blessed Sacrament of the Lord's Supper," but when that term is abbreviated, it is the phrase "Blessed Sacrament" that is used and not "Lord's Supper." As previously mentioned, the name given to the Eucharist can be a quick guide to churchmanship in the 1640s, and the Injunctions clearly come down on the traditional, catholic side of the spectrum.⁴⁵

⁴⁵ See above, p. 232. Laud had used "The Blessed Sacrament" when arguing with Fisher, but the 1604 Book of Common Prayer rubric before communion said "Lord's Supper", Laud quoted in Kenneth Stevenson, Covenant of Grace Renewed, A Vision of the Eucharist in the Seventeenth Century (London:

The third injunction requests that the Governor of the garrison "make that Church of St. Giles the place of his public devotion on Sunday mornings." The reason given for this request in the injunction is "for the countenancing of God's Holy Worship, and encouragement of the soldiers in those acts of piety." This emphasis on encouraging the soldiers in their acts of piety, as mentioned above, was a topic of personal concern to the King. He obviously believed that his soldiers needed as much support in this area as might be provided for them.

The most interesting thing about this injunction is that it is a request and not a command. It is also strangely fitting because one third of the Royalist governors of the Oxford garrison during the civil war had been Roman Catholic. One of the Catholic Governors, Aston, was particularly and universally hated in town and county for his rigid efficiency and devotion to his duty. The Governor at the time of the Injunctions, Thomas Glemham, succeeded Rupert's nominee Will Legge and governed Oxford well until the King's council ordered him to surrender in 1646. Glemham had fought in the German Wars and both Bishops' Wars. He had long since proven himself reliable to the King, holding York after Newcastle's flight in 1644, and teaching the Carlisle garrison to eat their horses and dogs before they sued for, and got, terms of surrender. Little is known of Glemham's religious beliefs. He was

Darton, Longman & Todd, 1994), 75; The Book of Common Prayer, Anno. 1604, Commonly Called the Hampton Court Book (London: William Pickering, 1844). Knox's favourite term had been "the Lord's Board," Yule, "James VI and I," 204.

educated at Trinity College, Oxford but we can learn little from this information: so were both Chillingworth and Ireton. Glemham is not known to have been anything but a Church of England attender, and had at one time, been noted for his enforcement of recusancy laws. He had certainly never been suspected of being any kind of Catholic.⁴⁶ It is most likely that his attendance at Divine Service was expected to be exemplary and ensured the King of a watchful, loyal eye at the services. Requesting, rather than ordering it, would have added a silken strand to the tie between Glemham and the King. I do not think it is a co-incidence that this injunction is one of only four written in the royal voice.

The wording of the fourth injunction is curious: the Governor was to order the commanders to order their soldiers to attend them to St. Giles every Sunday morning. Why this sudden obsession with the proper chain of command? Was knowing the King's desire no longer enough? Or was there some effort here to specifically court the support of the Governor? Was using the proper chain of command a subtle kind of flattery? As it happens, Glemham was particularly out of temper with the King and his council over the creation of Charles Gerrard, Baron Brandon. Glemham was entitled to the land involved and mightily displeased to be dispossessed by the stroke of a pen after all his devotion and suffering for the King's cause. It is most likely that the respectful acknowledgement of the Governor's authority over the troops of the garrison was part of an attempt to smooth Glemham's ruffled feathers. The

⁴⁶ Newman, Biographical Dictionary, #614.

substance of the injunction, however, is what mattered most, getting the men to attend church regularly.

Although the fifth injunction is primarily remedial, it deals with an important aspect of logistics as well. It told the soldiers when the service was to begin, namely 9:00 a.m. It also told them, and their commanders, that they were expected to be there on time. Late arrivals were common, maybe even fashionable. Whether or not they occurred inside the church, they certainly would have disrupted the service. The writer of the Injunctions describes coming to church late as "a fault next to the utter neglect of it," and strictly orders punctuality and participation. The soldiers are to "join with the congregation in the beginning of the prayers, and the neglect thereof to be punished by the governor."

No specific punishment is actually stipulated, though it is the type of offence which, in the military regulations, would traditionally have been subject to a fine. It is not the lack of a specific punishment that is remarkable in this case, however, but the fact that punishment was suggested at all. Punishments had not been included in the royal injunctions of 1559, although more recent injunctions had similarly referred to the provisions of "the law ecclesiastical."⁴⁷ In the matter of punishment, the Injunctions of 1645 follow the royal model throughout, except for this instance, and one other

⁴⁷ Injunctions Given by the Queen's Majesty Concerning Both the Clergy and the Laity of this Realm, 1559 and reprinted 1641, Wing E529, and "Bishop Francis Godwin's Injunctions for Llandaff Diocese, 1603" reprinted in Fincham, Visitation Articles, 1-3.

dealing with swearing. These instances may be a good indication of the type of behaviour the writers most disapproved of.

The sixth injunction orders the Chaplains General to confer with the Governor to "appoint the times wherein the officers and soldiers, both of horse and foot, shall receive the Sacrament of the Lord's Supper." It is interesting that both horse and foot are specified. It seems that the present situation in the war forced Royalist command to count the horse as part of the garrison. Previously, it was usual for only the foot soldiers to be counted as an official part of the garrison. Though the King's Lifeguard of Horse were usually there with him, they were not under the command of the Governor of the garrison.⁴⁸

Like the proclamation of 1643, the Injunctions are particularly valuable for what they tell us about Eucharistic practice in the King's armies. It seems most likely that injunction number six was designed so that the commanders and clergy could coordinate their efforts to make communion services run more smoothly. There is no indication that they were to be held more frequently, which means that soldiers were still to receive communion once a month. It really would have been a nightmare administering communion in both kinds to all those people all at once. It may be that the sheer number of people to receive communion prompted a kind of reception schedule, which would allow smaller groups to receive in rotation. The wording of this injunction could support such a

⁴⁸ Toynbee and Young, Strangers in Oxford, 29.

reading: it says that the Chaplains General are to "appoint times" when the troops are to receive. There would have been no need for such appointments if all the King's men were to receive at the 9:00 service at St. Giles's on the first Sunday of each month. In such a reception rota a specific Sunday might have been appointed for each regiment or company so that each soldier might receive monthly as directed by the proclamation of 1643. This would have meant that communion services occurred more frequently, maybe even weekly.

The usual order of service on Sunday was Morning Prayer followed by the Litany plus what was colloquially known as "the second service," that is the first part of the communion service (the ante-communion) up to the prayer for "Christ's Church Militant here on earth."⁴⁹ It would not have required much effort to simply proceed to the communion itself. Such an arrangement would certainly have redeemed the Injunctions from a practical standpoint, and would have required the type of co-ordination this injunction suggests.⁵⁰

The seventh injunction is purely intended to facilitate the communion service by guaranteeing that sufficient elements are available for consecration and distribution. The wording is curious though, like injunction four which insists on the proper chain of command, this injunction says:

⁴⁹ The Book of Common Prayer, Anno. 1604, Commonly Called the Hampton Court Book (London: William Pickering, 1844); G. J. Cuming, A History of Anglican Liturgy, 2nd ed. (London: Macmillan, 1982), 105; Davies, Worship and Theology, 336.

⁵⁰ This kind of sub-division of the congregation was, of course, anathema to rigorous Protestants.

That upon demand made by the chaplains of the respective regiments, the clerk of every regiment, or some other officer, whom the colonels of each regiment shall appoint, deliver up unto the chaplains of their respective regiments, and they unto the chaplains general, the number of all soldiers in their particular regiments, as ought to receive the blessed sacrament, that provision be made of bread and wine, proportionable to the number of the communicants.

This injunction needs to be examined with some care, because at first glance it seems to be talking about the determination of whether prospective communicants are in an appropriate state for the reception of holy communion. Such a task would rightly have fallen within the purview of the chaplain, in fact, it was his duty to be aware of such things. What need had he of a clerk to do this job for him, or some other officer (not even a clerk, which one might expect could be a term at least referring to someone in some holy orders)? To understand what is intended by this injunction, it is helpful to ask what information would a clerk of the regiment have had available to him that the chaplain would not have known himself? The type of information a company or regimental clerk could have been expected to have was details about who was away on leave, or sick, or wounded, or had deserted since the last enquiry by the chaplain.

What this injunction is saying, then, is that the clerk should inform the chaplain, when asked, of how many men, currently enrolled in their regiment, are able-bodied enough to attend church parade. This is a number that he might be expected to be able to ascertain in the course of his usual duties. If this is the right reading, it is a significant point, because it means that the writer of the Injunctions

thought that all Royalist soldiers ought to receive the sacrament. The chaplains previously had been ordered to "administer the Sacrament of the Lord's Supper unto them [all the officers and soldiers of their respective regiments] the first Sunday of every month" in the proclamation of 1643. In the context of that proclamation, the Injunctions imply that Royalist command thought frequent reception of the Eucharist would help their men to become righteous. This concept was put forward by Caroline Divines such as Jeremy Taylor, Simon Patrick and Herbert Thorndike.⁵¹ It was a very different idea from the one that governed Presbyterian as well as gathered churches. In those traditions, rigorous examination of would-be communicants was the norm. There Holy Communion was only given to those who already showed signs of righteousness. Who would and who would not be welcome at "The Lord's Board" was a hotly contested issue in the English Church of the seventeenth century, and it was intricately wound up with many other strands of debate. The attitude towards the Eucharist evidenced by the Injunctions implies beliefs about grace and works, sanctification and justification, sin and atonement that were fundamentally different from those of the most Protestant element of the English Church; beliefs that were potentially different from those of earlier armies of Charles I as examined in this thesis.

If the foregoing is not the right reading of this injunction, what does it tell us? That the Injunctions of 1645

⁵¹ See Stevenson, Covenant of Grace Renewed, especially 175-6.

designated 'grace police' in the form of regimental clerks who would assess each soldier's relationship with God that week to determine whether he was in a state of grace, and then communicate this important information to the regimental chaplain. The clerk would doubtless have had to have made an appointment to see him a month in advance, seeing as how the chaplain must have been so overburdened with other duties that he could not do something so fundamental to his calling as know his sheep. Not only is this scenario not likely, it would have been much more far-fetched than the interpretation I have suggested. One thing cannot be denied, the Eucharist was central to the belief of the writers of this document. That in itself is important for an investigation of religion and morality in the King's armies.

If we have learned anything about the religion and morality in the King's armies, it has to be that it did not come up to the high standards set by royalist command. Some soldiers were, admittedly, woefully ignorant, and some were profane. Those men were singled out in the next injunction for the special care of the regimental chaplains, but they were not forbidden to come to the Lord's table.

That because many common soldiers may be ignorant of the main fundamental grounds of religion, or live in open profaneness, and in that respect are unfit to approach those sacred mysteries, that the chaplains use their best endeavours, both in public sermons, gravely to reprove all profaness, as also to take the fittest times for such sober and private information, as may best tend to the reformation and instruction of such parties, as may be made partakers of the blessed sacrament.

This injunction goes some little way towards confirming my reading of the previous injunction. According to the rubric

before communion in the 1604 Book of Common Prayer, an "open and notorious evil liver" who had "done any wrong to his neighbours by word or deed, so that the congregation be thereby offended" were to be warned not to presume to come to communion until they had made their peace with the community. In The Worthy Communicant, Jeremy Taylor declared that

Every man is to be presumed fit, that is not known to be unfit; and, he that is not a public criminal, is not to be supposed unworthy to communicate...no man is to be prejudiced by imperfect and disputable principles, by conjectures, and other men's measures, by the rules of sects, and separate communities.⁵²

According to injunction number eight, it is clearly the job of the chaplain to take all pains to make his men fit receivers of the blessed sacrament. It does not say that the chaplain is to instruct the soldiers "that they may be made partakers." They need instruction because they are partakers.

A concomitant issue arises from injunctions seven and eight. The Catechism of 1604 stated

there is no virtue or efficacy in the consecrated elements themselves, except as regarded in connexion with their sacramental use. Faith and a right disposition of heart on the part of the recipient are the essential means by which blessing is received.⁵³

It follows then that although those soldiers, who were singled out as needing the chaplain's attention, might be physically receiving the blessed sacrament according to the directions of the proclamation of 1643 and these injunctions, they were not able to receive the desired spiritual benefit as well. It was

⁵² Jeremy Taylor, The Worthy Communicant, 1660 in The Whole Works of The Right Rev. Jeremy Taylor, D.D., ed. R. Heber, (London: Ogle, Duncan, and Co., 1822), 641.

⁵³ Quoted in Neil and Willoughby, The Tutorial Prayer Book, 420.

clearly the belief of the writer of this injunction that a sound grounding of instruction was prerequisite to "a right disposition of the heart," and so for the efficacious reception of the blessed sacrament.

This attitude to the significance of instruction definitely indicates a belief that profaneness is linked to ignorance, although that link is not necessarily causal, and in so doing, mirrors the emphasis placed on catechesis in the dominant tradition of the Caroline Church. The writer clearly believes that information will incline the profane to reformation of character. This attitude hints at greater, hidden issues: free will and the depravity of man. I see a hint here that the writer believes in the redemption of all; that all humanity is potentially part of the Kingdom of God; that is, he rejects the idea that some are destined to be damned. With this rejection, however tacit, we tear off the lid of Pandora's box and gaze into the chaos of the debate, then and now, about predestination, the nature of man, the nature of grace, the nature of sin, the limitations of the atonement. Without now beginning a theological treatise, it is still possible to at least indicate that some distinction, at a theological, as well as a cultural level, can be made between the beliefs of those men trying to regulate the King's armies in 1645 and the beliefs of their predecessors.⁵⁴

⁵⁴ It is almost impossible to avoid remarking that this attitude is notably different from that traditionally assigned to the Parliamentary armies, especially the New Model Army. It will be a vital element in my next research project.

This statement is difficult to sustain because of the lack of a Eucharistic statement for the armies prior to June 1643. Nevertheless, given the detail of the Injunctions, even the lack of survival of such a hypothetical document as a Eucharistic policy for the King's armies in 1642 indicates something. I suspect that at the beginning of the war the round of worship set down in the Prayerbook was taken for granted and as the war progressed attitudes and beliefs tended to become entrenched and eventually more and more emphatic. By 1645 members of the King's immediate circle felt it was necessary to create this detailed, structured, formulation for religion within the garrisons still holding for the King. It is a different attitude from that illustrated by Arundel's orders of 1639 in which it seemed a much greater latitude was given in provision for the individual situation that might prevail in a particular regiment, under a particular colonel. It is an attitude that is clearly distinguishable from all preceding regulations of the King's armies. There seems no grey area here, as there had been in other attempts in the military orders designed to regulate religion in the armies. There the Roman Catholic segment of the King's forces might have taken shelter and worshipped according to their own tradition in contravention of the laws of England. The royal efforts at regulating religion in the proclamations, and in the Injunctions attempted to exert a much more rigorous uniformity.

To return briefly to injunction eight's emphasis on instruction to achieve reformation of character, on a purely practical level, it provides a rationale for the regular

catechesis that had become a hallmark of the Caroline church. Once again the Injunctions reiterated the official Church of England line that required catechesis on Sunday afternoon. This attitude to the importance of instruction linked in well with the Injunctions earlier requirement that only Sunday morning service be attended en masse. Sunday afternoons were thereby left free for catechizing and or preaching in the individual regiments, when special attention could be given to those common soldiers needing preparation for communion.⁵⁵

Injunctions nine and ten are purely remedial. In number nine, all officers and soldiers are reminded to

demean themselves reverently in the time of divine service and sermon, sitting uncovered, and using such gestures and postures, as by the rubrics in the Book of Common Prayer, and by the Canons are enjoined.

This one injunction gives us more clues to the actual state of religious practice in the Royalist armies than anything else we have examined in this thesis. The injunction is addressed to all officers and soldiers. From this we learn that the conduct of the officers during Divine Service had not been exemplary, no matter what the regulations had enjoined in the past. If those regulations had been effective, this special injunction need not have specifically included the officers. What is just as clear is that it was still an important part of the agenda of Royalist command to have all their troops, from the highest to the lowest, reverently giving service to God.

⁵⁵ This tradition lives on today in "Padre's Hour."

With regard to "reverent demeanor," we have noted the phrase "reverently served" in conjunction with the soldier's duty to God in several sets of regulations, but nowhere before have we had any indication of exactly what the writer meant by the words. In this injunction, and again in the next, the meaning of this writer, at least, is clear. "Reverent demeanour" equals sitting uncovered and using the gestures and postures ordained by the rubrics in the Book of Common Prayer and by the Canons. Assuming that the Canons referred to are those of 1604, number eighteen is most appropriate. Based upon "the Apostle's rule, 'Let all things be done decently and according to order'," this canon stipulated uncovered head during Divine Service, kneeling and standing according to rules of book of common prayer and bowing at name of Jesus "testifying by these outward ceremonies and gestures, their inward humility, Christian resolutions, and due acknowledgment that the Lord Jesus Christ...is the only Saviour of the world...." All in the church are to pay attention and not disturb the service by walking or talking or leaving.⁵⁶

This is what the writers of the Injunctions meant by the familiar phrase "reverent service" but that does not necessarily make it the same as what earlier writers had meant. This injunction, like so many of the others, expresses the practical concerns of the clergy which is not to imply that these issues were not of interest to others as well. It is this injunction, and also number twelve, that first suggested to me the idea that one possible contributor to the writing of

⁵⁶ Bullard, Constitutions and Canons, 16.

the Injunctions might have been Brian Duppa, as discussed above.⁵⁷ It is one of Duppa's publications that is referred to in injunction number twelve, and if Fletcher's description is anywhere near accurate, Duppa was a conscientious liturgist.⁵⁸

In injunction number ten the officers are to command the common soldiers, both at their coming to, and departure from church, to behave themselves modestly, without clamour or tumult. It is interesting that in all the Injunctions it seems to be assumed that at least some of the men will be inside the church--perhaps those who were to receive holy communion.⁵⁹ With an order like this (and remembering the same behaviour had been commented on in the Canons of 1604) it is clear that noisy movements inside the church were common, although to the authors of the Injunctions they were believed to be unseemly.⁶⁰ In combination with the injunction about late arrival at church, it also appears that those late arrivals were disrupting services.

The eleventh injunction is the most pastoral order concerning the military that we have yet encountered.

⁵⁷ See above, p. 310.

⁵⁸ See Fletcher, Sussex, 80.

⁵⁹ See above regarding church size and staggering times for the reception of communion.

⁶⁰ Fletcher says that the habit of churchgoing "was never successfully inculcated into all the poorer inhabitants of Stuart England," and that when they did come they often made the service a travesty, Sussex, 88. See also Keith Thomas, Decline of Magic, 160-1. Still, the authors of the Injunctions resolutely struggled up Niagara.

Because there are in this garrison a considerable number of Welshmen, who being ignorant of the English tongue, are thereby debarred of the comfort and benefit of public prayers, sermons, and sacraments, we do hereby command the chaplains general to procure some learned honest minister to instruct those poor souls in their native language; and he shall receive from Our treasurer at war, some reasonable salary for his pains.

So, the Welsh present in the Oxford garrison were to be more pastorally ministered to, and as we shall see later in the Injunctions, those serving elsewhere as well. It would seem to have been a little late for such concern if the common idea "Welsh equals Royalist" is accurate.⁶¹ Either the plight of the Welsh soldiers in the armies had just come to the writer's attention, or there were only now a large enough number of unpastored Welsh in one place to merit attention. Perhaps their situation within the army had recently changed with the many regiments being broken and reformed, the Welsh may have been absorbed into existing English regiments with English chaplains and their own Welsh chaplains had gone back home. Such a situation would have meant that they were only recently uncared for. I suspect there are other alternatives as well. The important point to take away from all this is that someone cared that the Welsh were not being comforted.

The Welsh aside, a fundamental quality, which I think characterizes religion in the Royalist armies, emerges from this injunction. The writer believes that religious observance, public prayers, sermons, and sacraments should offer consolation. They provide "comfort and benefit" to the

⁶¹ See Richard Bulstrode, Memoirs and Reflections upon the Reign and Government of King Charles I and Charles II (London: N. Mist, 1721), 86-7.

soldiers. This quality is present in many of the prayers and other devotional works prepared for use in the army, and it is also evident in the Soldier's Catechism prepared for the Royalist soldiers in 1644.⁶² It is one definite feature of what I have called the royal/episcopal tradition of the Caroline Church.⁶³

The twelfth injunction is the only one to attempt to extend religious observance, and it is not enjoining a new exercise, but rather longing for the revival of one previously practiced.

That when the season of the weather, and other public occasions will permit, that the Parade be so ordered, that the ancient and pious custom of having prayers there, may be revived, that so they may pray for a blessing upon themselves and their employments, before they mount their several guards, at which time, with the prayers of the church, the chaplains may use some of those occasional prayers lately published in that manual of prayers fitted to these calamitous times.

There is a wistfulness about the way this injunction is written that is very far removed from the peremptory tone of the 1643 proclamation. This injunction is a request, not an order. It offers options; it does not delineate rules. Prayers on parade "may be revived"; the chaplain "may use" occasional official prayers in addition to those in the book of common prayer. This tone gives us another clue that this author and the author of the proclamation of 1643 were not the same, which means that

⁶² T. S., [Thomas Swadlin], The Soldiers' Catechism Composed for the King's Army (Oxford: Henry Hall, 1645), E 1185 (5) 167, Madan #1788.

⁶³ Ian Gentles has suggested to me that this idea was different from that of their Parliamentary opponents whose religion most often seems to have been designed to galvanize them into action and emotionally arm them for battle.

some at least of these injunctions were not written by Charles I.⁶⁴

More importantly this injunction offers explicit evidence that the army was to worship using the Book of Common Prayer. It also implies that that use was to be much more exclusive than the military orders might have led us to expect. Here, permission is given to use some other approved, published, prayers, but they are to be used "with the prayers of the church," not instead of them.

If praying on parade was an ancient custom, it had only been incorporated into the army regulations once, and that was in Arundel's orders of 1639. That is not to say that it was not practised previously or subsequently, but that the army of Charles I was the only one ever to have set out this kind of prayer as mandatory, just another one of the general regulations. This is one more point in the argument that the military orders of Charles I intended to regulate religion and morality are distinguishable from all other English orders. It is also clear from this injunction that the practice had lapsed. It is interesting that praying in the Royalist armies should depend upon the weather. I cannot imagine Hugh Peters allowing a bit of sleet to shorten one of his vociferous prayers by even one clause, let alone preempting them altogether. Nevertheless, this irresolute, almost nostalgic attitude is consonant with the dominant tone of the Injunctions.

⁶⁴ This injunction is also reminiscent of a similar direction in Arundel's orders of 1639, see above, p. 92.

As distinct as the religious culture of the Royalist armies appears in injunction number twelve, number thirteen also affirms the monolithic seventeenth-century belief that God will prosper the righteous and withhold blessing from the sinful.

That because amongst many other sins which have blasted our hopes, and scandalized the high justice of our common cause, the horrid sins of swearing, blasphemy, and drunkenness, are most frequent, whereby God hath been provoked to withhold a blessing from our enterprises, that all officers and soldiers so offending, upon complaint made, may receive punishment according to the articles of the army heretofore published.

In this injunction, for the first time, drunkenness is officially classed as a sin. Previously it had been classed as immoral and described as a "scandalous action in derogation of the service of God," but never before called sin. It is significant that this injunction is one of those in the 'royal voice.' We have identified swearing and other dissolute living as being of personal concern to the King. I think what we are seeing here is part of a process of distillation and crystallization of ideas. The King had always abhorred these behaviours, but as he grew more fearful of the outcome of the war, he saw them as actually sinful. It is because the King's followers would not turn away from their sins that God had withheld his blessings.

The inclusion of punishment in this injunction, the second we have seen, is not only out of keeping with the injunction form, but indicative of the strong feeling of the writer, presumably the King. He wants the offenders brought to book before God's favour is irrevocably lost.

The fourteenth injunction is a concomitant to the 1643/4 regulation which ordered all shops shut during service, but is even more aggressive:

That the Governor command patrols to go up and down the streets during the time of divine service and sermon, to see that no soldiers stand in the streets, but repair to church, as also that none during that time be in taverns or ale-houses.

This creation of 'church patrols' is certainly new to English military regulations.⁶⁵ It is an adamant statement that Divine Service was to be attended. This is a much more heavy-handed treatment than the issue previously received in the military orders. There can be absolutely no doubt that Royalist command wanted the King's army to be a holy, God-fearing force. For the first time they were prepared to take positive steps towards compelling physical conformity at least, rather than simply spelling out what might happen to someone reported for non-attendance. This does not necessarily indicate a different attitude to prayer than has formerly been evidenced by the regulations, but it does hint at a greater desperation, a belief that God had forsaken the King and desperate measures were needed to turn away his wrath. One of these was the creation of the equivalent of military police to herd soldiers into their duty to God.

The Injunctions were to be printed and publically read at St. Giles Church on three successive Sundays. The King's intention to reform the religious and moral behaviour of his

⁶⁵ Whether it was also without precedent in previous Injunctions I am not able to state categorically. It was certainly not adopted from the precedent of The Swedish Discipline.

troops was published in the same way that the intention to marry is still published, by the calling of the ban. This process would have been most sensible to a clergyman, and it reinforces the idea that a churchman had a hand in the writing of the Injunctions. It is not surprising that the King who prepared for war by issuing Commissions of Array would later call his men to duty in the same archaic way that feudal retainers had been called out time out of mind. (According to the O.E.D. it is from this meaning of ban that we get banal, commonplace.) To the writers of the Injunctions, as it was to the writers of the regulations, duty to God was a commonplace of life. It took a while for the writers of the Injunctions to truly believe that it was not the same for all the King's men, but as they came to believe this, their attempts to regulate religion became less flexible.

The Injunctions do not mention anything about the regimen of daily prayer that had been ordered by all the regulations, but that was not necessary. The Injunctions were not a new set of military regulations to supersede the previous revision, but an additional attempt to influence the religious life in the King's armies and control the morality of their troops. They were not intended to replace, but to augment the existing military regulations. If they do not mention an area or religious observance or morality, it is probably safe for us to assume that area was not seen to be in need of reformation.

With the injunctions of 1645, we have one final and incontrovertible proof that religion and morality were of extreme importance to Royalist command. The Injunctions

reiterate the identification of the Royalist armies with the National Church and the Book of Common Prayer. But to say this is not enough, because the perception of that Church appears, in the language of the Injunctions, to be subtly different from that portrayed by the words of the earlier military regulations. The Injunctions aim at firmly establishing the royal/episcopal Church culture in which the liturgy and sacraments are emphasized. They require a degree of reverence and commitment from the soldiers and officers, but also from the chaplains, that might have been very difficult to attain. Yet, even this idealism adds to our portrait of religion in the Royalist armies. The Injunctions provide us with proof that religion and morality were perennial concerns of royalist command. They also give us a clear picture of what the official religion and morality were to be in the Royalist armies of 1645.

Part II. Conclusion

These three chapters have traced the development of royalist military orders, and compared them to earlier orders governing religion and morality in the Armies of Charles I, especially those of the Bishops' Wars. My research indicates that, generally, the Royalist orders of the first Civil War are distinctly different from earlier English orders, and that the modern British military code must look to them for its direct parentage. The regulations that governed the Royalist armies began in the way of English military tradition, but after the battle of Edgehill and the death thereafter of the Earl of Lindsey, they were augmented by traditions that had grown up in the armies of Gustavus Adolphus. Although the textual genealogy of this revision is clearly evident in those sections of the regulations that do not govern religious concerns, it is also evident in those articles that do.

The Royalist armies were governed by at least three different sets of orders over the course of the First Civil War.⁶⁶ Although we do not know precisely who wrote the three sets of military orders that governed the Royalist armies, it is evident that Charles I himself had a hand in many of them. Charles I was the first monarch to head an army himself since

⁶⁶ I have found no orders for Scots Royalists as I have for the Irish.

Henry VIII, and all the Royalist orders were officially established by him for use throughout the armies.

A notable exception seems to have been made for the army of the Earl of Newcastle whose independent command, and unique situation may have been thought to require special treatment. Those orders have been shown definitely to have been outside the mainstream of English military orders, yet they have similarities with other orders of Charles I's armies that prove them to have been authentic.

The first Royalist orders were originally printed in York in August 1642. They were reprinted with only minor revisions until early 1644. The orders of 1643/4 show unmistakable signs of having been written by someone intimately acquainted with the regulations of Gustavus Adolphus, a qualification that would be easily met by either Prince Rupert or Patrick Ruthven, Earl of Forth. This version of the orders was subsequently reprinted in 1644.

In those articles of the regulations which concern religion and morality that are the ground of our investigation, the Royalist orders changed considerably over the course of the first Civil War. They began with the clear, if not emphatic, position within the royal/episcopal tradition, and specifically extended protection to the ornaments of the church as well as its utensils and furnishings. Clergy were also offered official protection by the military orders. The orders stressed the importance of Divine Service, that is Morning and Evening Prayer, and sermons, but they were ambiguously enough

worded to possibly have allowed some de facto tolerance of practicing Roman Catholics despite the official rhetoric.

By 1645 the focus of attempts to regulate religion and morality had noticeably changed to include a statement about eucharistic reception, and a greater emphasis on reverence and the sacraments. Significantly, the source of these regulatory attempts had also changed. There were no further revisions of the military orders. Instead different types of regulation were used, proclamations and injunctions, possibly in an effort to enforce a greater religious uniformity within the King's armies. These types of regulation were issued directly by the King, and were not necessarily the product of his Council or his Lieutenants General. James Larkin, who has edited all the Stuart proclamations, is convinced that Charles I wrote the most important of them himself.⁶⁷ I believe that the King wrote the proclamations intended to more strictly regulate religion and morality in his armies. The evidence of these three chapters shows that, at least in the areas of concern to this thesis, the King increasingly tried to exercise personal control over the army. From the evidence of these various regulatory efforts, it is possible to trace the movement of official Royalist religion further and further away from the Reformed end of the religious spectrum.

Repeated regulations aimed at reforming the life and conversation of Royalist troops are an indication that those in command, especially the King himself, recognized little improvement in these areas during the war. They also indicate

⁶⁷ See above, p. 223.

a singularity of purpose behind this type of regulation, although it is not clear that this purpose always stemmed chiefly from religious conviction. Other attempts to regulate morality, especially surrounding women, children, and clergy increased strikingly throughout the war. It is clear that the regulation of religion and morality was always high on the agenda of Royalist high command. The type of religious culture they envisioned for the Royalist armies was consistently that of the royal/episcopal tradition of the Caroline Church.

CHAPTER SEVEN

CONCLUSION

Peter Newman has said "to look for some form of uniform Royalist Protestantism may be pointless,"¹ and in the broad sense of actual Royalist religious practice, I must bow to his experience and accept this statement. But within a more limited context, this thesis demonstrates that it is possible to document an official Royalist Protestantism, a model for religion and morality which the military orders, proclamations, and injunctions attempted both to erect and maintain within the King's armies. This official Royalist Protestantism is a recreation of the royal/episcopal tradition of the Caroline Church.

In the military orders of Charles I, I have discovered a sound, fruitful source of Royalist material. Because the military orders were frequently revised between 1639 and 1646, an examination of the regulations prepared for the King's armies during this period provides a good way to assess the intentions and opinions of commanders of the King's armies regarding religion and morality. Although there was a commonly-used form of words for most English army regulations, they could vary remarkably from one revision to the next, and it is those changes which are at the heart of this investigation. Placing these orders within the context of

¹ Newman, Old Service, 227.

earlier English military tradition, and noting the influence of contemporary Continental orders, sharpens the focus on their evolution.

I have further explored the efforts made to regulate religion and morality within the King's armies from 1639 to 1646, by comparing and contrasting the military regulations, with royal proclamations, and injunctions. These sources display an even more pronounced commitment of the King's armies to the royal/episcopal tradition of the Caroline Church.

Taken together, the military regulations, royal proclamations and injunctions provide a remarkably clear picture of the religious opinions of those in charge of the armies, and to a lesser extent, their soldiers as well. I do not address actual religious practice in the armies. Instead I have restricted this investigation to the discernible religious and moral values, goals, and ideals of the writers of regulatory materials for the armies of Charles I.

There was a tremendous amount of attention paid to religion and morality in the military orders of the King's Armies. The orders in the First Bishops' War were notably different from earlier English orders and from those of the Second Bishops' War as well. One striking feature was the protection they offered to the words of Scripture, to churches, clergy, and the very polity of the English church. This attitude betrayed a particularly catholic slant which distinguishes them from all other post-reformation English army regulations. They also commanded the reverent keeping of the Lord's Day and other Holy Days, as well as attendance at

Morning and Evening Prayer, daily. These orders did not mention punishment for neglecting public prayer, which also marked them as distinct even from Caroline Church Culture.

Arundel's regulations for the First Bishops' War also made an effort to uphold Christian morality. Heinous crimes such as murder, rape, and theft, were joined by drunkenness, whoring, gaming, swearing, and duelling as things strictly forbidden, and harshly punished. The aim of the orders in cases of morality was usually reformation and the character of the orders indicates that morality was regulated chiefly on principle, for its own sake.

The orders governing religion and morality in the Second Bishops' War were much like the traditional English orders. Nevertheless, they retained the distinctive feature of protecting churches and clergy. They even added holy utensils to their protection list. At the same time, however, they dropped from the orders any offer of protection to the offices of the Church, to Bishops for example. Holy Days were not ordered to be observed, and sermons were given greater prominence. In these many ways, it is clear that the type of religion evident in these orders was more 'Reformed' than that of the orders for the First Bishops' War.

The differences between these two sets of orders was even more pronounced in the area of morality. Northumberland's orders seemed greatly concerned with things sexual. In his attempts to regulate these offences, he relied on the belief that adultery and fornication are sinful to get his intentions across. As for other moral concerns Northumberland's focus

seems to have been whether they contributed to or interfered with the good government and safety of the army.

Holland's orders only covered the disbanding of the army after the Second Bishops' War. They were a bizarre break with English military tradition, and omitted many offenses customarily covered by military orders. Yet it would be dangerous to overlook them in this study, because they form the basis of the Royalist orders of the Civil Wars.

Royalist regulation of religion and morality in the Civil Wars, changed considerably between 1642 and 1645. The 1643/4 orders were the last written until after the Restoration, and they were certainly in effect until March of 1647, if not later. They began with a clear position well within the royal/episcopal tradition, which included a de facto religious tolerance for Roman Catholics. The Royalist military orders stressed the importance of daily Morning and Evening Prayer, and sermons. They preserved the protection of churches and clergy, and explicitly forbade the profanation or abuse of church ornaments, in addition to utensils.

Newcastle's orders are an aberration, but they are also a bit of an enigma. Although they claim to have been written by Charles I himself for use in the Northern Army, their Churchmanship is difficult to classify. They certainly contain no clear indication of any predictable affiliation as the first Royalist orders had, all that can be said for sure is that they were definitely anti-papal. But this does not mean they were anti-Catholic. Newcastle's orders force us to rethink the very meaning of the word papist. Nevertheless, many of the changes

that appear in Newcastle's orders were later included in the revision of 1643/4.

The military orders became increasingly efficient and practical, and after June 1643, a growing divergence between them and the instructions coming directly from the King and his current advisors, the Courtier councillors, is observable. The tendency of the material coming from the King's immediate circle was to insist emphatically upon enforcement of the military orders. Because the orders were becoming more preoccupied with purely military concerns, such as the good government of the army, the proclamations seem, by comparison, to be becoming more idealistic. They were less concerned with the actual day-to-day experience of the soldiers and demanded instead spiritual commitment and inward conversion. Individual reformation and corporate blessing were their aims. The language of the proclamations and injunctions throws a revealing light upon some of the writers' own beliefs which might otherwise have been less evident in the military orders alone, such as the conjunction of "God and Us" in the proclamation of 1644.

There were repeated, consistent regulations aimed at reforming the morality of Royalist troops. Unlike Northumberland's orders that seemed obsessed with sex, the Royalist regulations harp on swearing. There can be no doubt that the King's desire to reform the conversation of his soldiers, by repeatedly prohibiting swearing and blasphemy, was genuinely motivated chiefly by religious conviction. Other attempts to regulate morality, especially concerning women,

children, and clergy, increase strikingly throughout the war, and the type of protection offered to those classified as helpless, becomes conditional. From the evidence of the military orders alone, it is clear that the regulation of religion and morality was high on the agenda of Royalist high command. It is also possible to trace a change in the motivation behind the regulation of morality, in the military orders, away from principle and towards policy. This trend was reversed in the royal proclamations and injunctions.

In the summer of 1643, and again in 1644 and 1645, intervention into the government of the army came directly from the King's immediate circle, by way of royal proclamations and injunctions for religion. The Injunctions were not a new set of military regulations but an additional attempt to influence the army's religious life and morality. They were not intended to replace, but to augment the existing military regulations.

With the Injunctions of 1645, we have one final and incontrovertible proof that religion and morality were of extreme importance to Royalist command. The Injunctions reiterate the official identification of the Royalist armies with the National Church and the Book of Common Prayer. They aim at establishing a royal/episcopal religious culture, a type of piety in which the liturgy and sacraments of the Church of England, especially the Eucharist are emphasized. They asked much of the King's soldiers but in a way that showed they expected that their desires would be fulfilled. Their idealism adds to our portrait of religion in the Royalist armies, and

clearly reflects the sincere religious commitment of the King himself.

This thesis is not about what actually happened in the King's armies, but what was supposed to happen. In the same way that historians of the Civil War have often looked at Parliamentary statements and legislation, without necessarily looking at how extensively or rigorously they were acted upon, or if they even left the confines of the room in which they were drafted, this thesis looks at various types of 'laws' intended to regulate religion and morality. There is time to explore their enforcement; the field of Royalist studies is in its infancy.

D. G.

APPENDICES

1. On Military Punishments

The following excerpts from Francis Grose, Military Antiquities, (London: Stockdale, 1812, pp. 104-9) describe types of punishment with which the modern reader might not be familiar:

Cashiering

Casheering, or, as it is now generally spelt, cashiering, mentioned as a punishment, signifies a dishonourable dismissal [sic] of an officer or soldier, and in the former admits of three degrees; the first is simply a dismissal of an officer from his employment, by a letter from the secretary of war to him signifying that His Majesty has no farther occasion for his services, or by the sentence of a court-martial, whereby he is sentenced to be cashiered.

The second is dismissing an officer from the service, and rendering him incapable of serving for the future in any military capacity; a sentence which seems rather an infringement on the royal prerogative; perhaps a declaration that the court deem him unworthy for the future to hold any such office, might be a more unexceptionable mode of expressing their opinion.

The third dismissal with infamy, and degradation from the rank of a soldier and a gentleman; the execution of this

sentence is attended with many ignominious circumstances, more terrible to a man of feeling than death itself. A sentence of this kind for cowardice was inflicted in the following manner on an officer of artillery, after the battle of Falkirk, in the rebellion of the year 1745. The line being ordered out under arms, the prisoner was brought to the head of the oldest brigade, completely accoutered, when his sentence being read, his commission was cancelled, his sword broken over his head, his sash cut in pieces and thrown into his face, and lastly, the provost-martial's servant giving him a kick on the posteriors, turned him out of the line. Somewhat similar to this is the ceremony of dismissal a soldier sentenced to be drummed out of the regiment with a halter about his neck. The corporal punishment commonly accompanying this sentence being over, and the regiment turned out, with or without arms, the prisoner is brought to the right of it, under an escort of a corporal and six men, and bayonets fixed: the halter is then put around his neck, and frequently a label on his back signifying his crime, a drummer then takes hold of the end of the rope, and leads him along the front, the drums following and beating the rogues' march; when they have passed the left, the procession moves to the rear, if in camp, or if in quarters, to the end of the town, where the drummer giving him a kick on the breech dismisses him with the halter for his perquisite.

In ancient military authors we frequently meet with the term casheering applied to private soldiers; this simply meant, as has been before observed, a dishonourable dismissal.

Riding the Wooden Horse

Riding the wooden horse was a punishment formerly much in use, in different services. The wooden horse was formed of planks nailed together, so as to form a sharp ridge or angle about eight or nine feet long; this ridge represented the back of the horse; it was supported by four posts or legs, about six or seven feet long, placed on a stand made moveable by trucks; to complete the resemblance, a head and tail were added. The annexed plate [see below] will give a much better idea of it, than can be conveyed by words.

When a soldier or soldiers were sentenced by a court-martial, or ordered by the commanding officer of the corps, to ride this horse, for both were practised, they were placed on the back with their hands tied behind them, and frequently, to increase the punishment, had muskets tied to their legs, to prevent, as it was jocularly said, their horse from kicking them off; this punishment being chiefly inflicted on the infantry, who were supposed unused to ride. At length riding the wooden horse having been found to injure the men materially, and

sometimes to rupture them it was left off. The remains of a wooden horse was standing on the parade at Portsmouth about the year 1760.

The Whirligig

This form of punishment has not been mentioned in the text, but I couldn't resist sharing Grose's description. He says it was commonly used to punish "trifling offences," committed by sutlers and brawling-women.

This was a kind of circular wooden cage, which turned on a pivot; and when set in motion, whirled round with such an amazing velocity, that the delinquent became extremely sick, and commonly emptied his or her body through every aperture: the print of it will thoroughly explain its structure [see below].

2. Members of the Council of War

Fall 1638

Duke of Lennox
Marquis of Hamilton
Lord Chamberlain
Earl of Holland
Earl of Dorset
Earl of Salisbury
Earl of Morton
Lord Vice-Chamberlain
Lord Bishop Juxon
Earl of Arundel
Earl of Northumberland
Lord Cottington
Sir Henry Vane
Secretary Coke
Secretary Windebank

from Mark Fissel, The Bishops' Wars, Charles I's campaigns against Scotland, 1638-1640 (Cambridge: Cambridge University Press, 1994), p. 71.

December 30, 1639

Lord Bishop Juxon
Earl of Northumberland
Marquis of Hamilton
Sir Thomas Wentworth
Sir Henry Vane
Secretary Windebank
Lord Conway
Lord Cottington
Sir Jacob Astley
Sir John Conyers
Earl of Newport
Earl of Arundel
Sir William Uvedale
Sir Nicholas Byron
Lord Goring
Secretary Nicholas

from Mark Fissel, The Bishops' Wars, Charles I's campaigns
against Scotland, 1638-1640 (Cambridge: Cambridge University
Press, 1994), p. 71.

August 4, 1642

Lord Duke of Richmond
Lord Marquis Hartford
Earl of Lindsey
Earl of Cumberland
Earl of Bath
Earl of Southampton
Earl of Dorset
Earl of Bristol
Earl of Carnarvon
Earl of Newport
Lord Saville
Lord Vicount Falkland
Lord Vicount Grandisson
Lord Willowby of Ersby
Lord Seymor
Master Secretary Nicholas
Sir John Culpepper
Master Comptroller
Colonel Henry Wentworth
Colonel Wilmott
Colonel William Vavasour
Colonel Feilding
Colonel Lunsford
Sir William Uvedale
Sir Jacob Astley
Sir Thomas Glemham
Sir Nicholas Byron

from 669.f.6 (64) 245

3. The "Royal Voice"

The following examples are offered as an explication of the process used to decide whether or not the "royal we" construction in an article is a sound indication of the King's own voice, and hence, his involvement in the revision process of the regulations:

Option 1. Sometimes the royal voice is used and we can show that the article is similar to one by Gustavus Adolphus which also used the royal voice (he very frequently did use the royal voice). It is more likely that the royal voice in those articles is co-incidental--although the writer did select the article and choose to leave it in its original "case?/pronoun state". These articles are not a safe guide to the authentic voice of the King.

Option 2. Sometimes the royal voice is used in an article that is similar to one by Gustavus Adolphus in which he did not use the royal voice. It seems possible that this intrusion of the royal voice into the English article appears because the writer is accustomed to writing/speaking that way. Such articles may be the authentic voice of the King.

Option 3. Sometimes the royal voice is used in an article about something that is consistent throughout different sets of

English orders but not in the Swedish Discipline, eg. care for sick and maimed. I think this is the authentic voice of the King.

4. Sample Orders of Gustavus Adolphus

The Swedish Discipline, 1632 (STC #23520) presented the orders of Gustavus Adolphus to English readers. It included 170 articles in total, 150 of which had been written in 1621. The remaining twenty articles were added in 1632. Many of these articles were used as models, or copied directly by drafters of English military regulations, especially "Newcastle's Orders" of 1642 and the orders of 1643/4 (Madan 1210).

The following articles excerpted from The Swedish Discipline are those which treat topics under consideration in this Dissertation:

1. Seeing therefore that all our welfare and prosperity, proceedeth from Almighty God; and that it is all men's duty to fear and serve him above all: We straightly hereby charge all manner of persons whatsoever, that they by no means use any kind of Idolatry, Witch-craft, or Enchanting of Arms, by Devils enchantment any manner of way whatsoever. And if any herein be found faulty he shall be proceeded against according to God's law and the Swedens: And so much as the law in that case enjoineth, shall be put in execution against them. And it is further provided, that such manner of malefactors shall by no means be suffered to come in company with any soldiers whatsoever.

2. If any shall blaspheme the name of God, either drunk or sober; and the thing be by 2 or 3 witnesses proved against him, he shall be put to death without all mercy.

3. If any shall presume to deride or scorn God's word or Sacraments, and be taken in the fault; they shall forthwith be convented before the Consistory or Commission Ecclesiastical to be in presence of the Commissioners examined: by whom if he be found guilty and condemned; he shall lose his head without all mercy. But if the words by him so uttered, were spoken out of haste or unadvisedness; he shall for the first offence be put in irons for 14 days. And give unto the next hospital one half months pay. After which if he presume again, he shall be shot to death.

4. He who in his anger shall swear by the name of God, and be taken therewith; whether it were done in hastiness or not, or otherwise in the executing of his office; he shall forfeit half a months pay unto the poor. In like manner, if any be in time of prayers found drinking, or at any other evil exercise, he shall give one half months pay unto the next hospital, and at the next preaching or prayers that is, he shall be brought upon his knees in the midst of all the Congregation, there to crave pardon of Almighty God; and so continue the whole time of Divine Service and Sermon. This shall the Minister see executed.

5. And to the end that God's word be by no means neglected, our will is, that public prayers be every day said both morning and evening throughout our whole leaguer. For which purpose, shall some token or warning be given by

our General; and in his absence by our Marshall of the Field; or other chief officer. Which token or warning, shall be made by sound of trumpet, playing the tune of some Psalm: unto which the other trumpeters shall likewise answer in the tune of a Psalm: and so shall the drummers of every Regiment. Then shall every Priest or Minister in our Army say Public Prayers in his own quarter.

6. Whatsoever Minister shall neglect his time of prayer (except by sickness or other lawful occasion he be hindered) he shall for every absence forfeit one half months pay unto the next hospital.

7. Whatsoever soldier shall neglect the time of prayers, and is therefore once, twice, or thrice admonished by his Captain, he shall lie in prison 24 hours: except he had a lawful occasion to be absent.

8. If any Minister shall be found drunk at such time as he should preach or read prayers; he shall for the second offence be gravely advised by the Consistory or Commission to forsake his sin; but if he be found drunk the third time, he shall be put out of the leaguer.

9. Every Holy Day, or every Sunday at least, shall be kept solemn with preaching; to be held in the fittest place for such a purpose. This also to be done twice every week if the time will permit. If there be any Holy Days to come in the following week, the Minister shall after such sermon or prayers publicly bid them. Who so shall neglect the time appointed, unless he have some lawful let or occasion, shall be punished as aforesaid.

10. All Merchants and Sellers of commodities whatsoever, so soon as they hear the token or call to begin shall immediately shut up their doors and so keep them during the said time of prayers and of sermon. They that presume in that season to sell anything, shall make forfeit of all things so sold: whereof the one half to go to the General, and the other half to the next hospital. Over and above which, the offender shall for one whole day be put into prison.

11. All drinking and feasting shall in the time of prayers by given over, upon pain of punishment as is before mentioned in the 17 [sic 7th?] Article. If any soldier herein offend, he shall forfeit 3 Rusticks to the poor, and if he be an officer, he shall forfeit what shall be awarded.

12. For the explaining of this former Article: if there be none to complain of these abuses, then shall the Minister himself give notice thereof unto the Colonel or Captain: and if he shall suffer such abuses to go unpunished, then shall he give the General notice thereof, who shall do him right.

13. All Priests and Ministers that are to be in our camp or leaguer, shall be appointed by the Bishop or the same Diocese or Land from whence the soldiers come, whom he is to be among. No Colonel nor Captain shall take what Minister he shall think good, but shall be content with whom the Bishop shall appoint him.

14. To the intent that all Church business, as well in the field as elsewhere, may have an orderly proceeding, we

ordain that there be one Ecclesiastical Consistory or Commission in our leaguer. The President or chief person whereof shall be our own Minister when we ourselves are personally present in the field. In our absence, shall the chief Minister to our General be the man. His fellow Commissioners or ordinary Assessors shall be the chief Ministers to every Regiment of Horse and Foot: unto whom we give full power and authority, to be Judges in all Church affairs, according to the Law of God and the Holy Church. What shall be by them decreed shall be of as great force and strength as if it were determined in any other Consistory whatsoever.

15. No Captain shall have liberty to take in any Minister without the content of his Colonel and of the Consistory: neither shall he again discharge any, but by permission of the Consistory; he having there first showed that Minister not to be worthy of his charge.

16. If any Minister be found ill inclined unto drunkenness or otherwise, then may his Colonel or Captain of Horse or Foot complain of him in the Consistory; and if his fellow-Ministers find him guilty, then may they discharge him of his place. In such complaints, shall the whole Consistory and the President fervently also reprehend him; that others of the same calling may thereby take example, be warned of such gross errors, and give good example unto others.

17. And now, in like manner, as all our soldiers have made Oath to be unto us true and obedient: so also shall they

observe this following Article, hold up their hands, and swear as follows:

The Oath of all Under-Officers of
Horse or Foot

I N.N. do here promise and swear that unto the High and mighty King Gustavus, as also unto the crown of Sweden, I will be a true and a faithful servant and soldier: every manner of way performing my best endeavour for his Majesty's service and the profit of his Kingdom. To my power also shall I hinder all actions prejudicial unto his Crown: and if I have tidings of any thing likely to be prejudicial, I shall give his Majesty present notice thereof; or some one or other of his Council. Moreover I will do my best endeavour to observe all these his Majesty's Articles of war. Also, I shall behave myself manfully in battle, skirmishes, and entries of breaches, as well by water as by land, in all times and places, when and where I shall be commanded. I shall also keep watch and ward, and do all other duties willingly unto the best profit of his Majesty and his Kingdom; wheresoever I shall be commanded, either by land, or water. Also, I shall bear myself obediently towards my superiour Officers, in all that they command me for his Majesty's service. In like manner, as I shall answer it before God and every honest man, I shall not fly from my Colours or Token whatsoever, that I am commanded to follow; so long as I am able to go after them: and I shall be willing to do this at all times; and by no means absent myself from them at any time. I shall lay down my life and goods for the advancing of his Majesty's service, and endure all miseries that can possibly fall out in the wars: fighting manfully to the very last, so far forth as I am able, or that any true soldier ought to do. Furthermore, if hereafter I be put into any place of charge by his Majesty, I shall do my best endeavour fairly to discharge my duty therein: so as I ought to do according to my place. This Oath shall I well and truly keep, as the Lord of Heaven and Earth shall help my soul at the Last Judgement.

54. He that comes off his watch where he is commanded to keep his guard; or drinks himself drunk upon his watch, or place of sentinel, shall be shot to death.

76. If any being brought in question amongst others shall call for help of his own nation or of others, with intention rather to be revenged, then to defend himself, he shall suffer death for it; and they that come in to help him shall be punished like mutineers.

87. No duel or combat shall be permitted to be fought either in the leaguer or place of strength. If any offers wrong to others, it shall be decided by the Officers of the Regiment. He that challenges the Field of another, shall answer it before the Martial Court. If any Captain, Lieutenant, Ancient, or other inferior officer, shall either give leave or permission unto any under their command to enter combat, and doeth not rather hinder them; shall be presently cashiered from their charges and serve afterward as a Reformado or common soldier. But if any harm be done, he shall answer it as deeply as he that did it.

88. He that forces any woman to abuse her, and the matter be proved, he shall die for it.

89. No whore shall be suffered in the leaguer; but if any will have his own wife with him, he may. If any unmarried woman be found, he that keeps her may have leave lawfully to marry her; or else be forced to put her away.

95. They that pillage or steal either in our land or in the enemy's, or from any of them that come to furnish our leaguer or strength, without leave, shall be punished as for other theft.

99. No man shall presume to pillage any church or hospital, although the strength be taken by assault, except he be

first commanded; or that the soldiers and burgers be fled therein to and do harm from thence. Who does the contrary, shall be punished as aforesaid.

100. No man shall set fire upon any church, hospital, school, or mill, or spoil them any way, except he be commanded. Neither shall any tyrannize over any churchman or aged people, men or women, maids or children, unless they first take arms against them, under pain of punishment at the discretion of the judges.

102. If any be found drunk in the enemy's leaguer, castle or town, before the enemy hath wholly yielded himself up to our mercy, and laid down his arms; whosoever shall kill the said drunken soldier shall be free for it: always provided that good proof be brought that he was drunk. And if that soldier escapes for that time with his life, and that it can appear that some damage or hinderance hath come unto Our Service by his drunkenness, then wheresoever he be apprehended, he shall die for it. But if no hurt ensued thereof, yet shall he be put in irons for the space of one month, living upon his pittance of bread and water.

Additions of 1632

1. No soldier shall abuse any churches, colleges, schools, or hospitals, or offer any kind of violence to ecclesiastical persons nor any way be troublesome with pitching or enquartering upon them: or with exacting or contribution from them. No soldier shall give disturbance or offence to

any person exercising his sacred function, or ministry, upon pain of death.

19. Whatsoever is not contained in these Articles, and is repugnant to military discipline, or whereby the miserable and innocent Country, may against all right and reason be burdened withall, whatsoever offence finally, shall be committed against these Orders; that shall the several Commanders make good, or see severally punished unless themselves will stand bond to give further satisfaction for it.

N.B. Sixty-two of the 170 articles are written in what I have called 'the royal voice'. These regulations were to be read out publicly before every regiment.

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