

The 1636-7 Royal Commission investigating alleged smuggling offences committed by the Merchants of Bristol

Jm: Winderban

May it please yo^r Lordship

According to yo^r Lordship's directions, wee have taken into consideration, the nature of y^e offences, to be complained of in the unlawfull transportation of Butter, your reasoning y^e same will be sufficiently proved against some of the Transporters likewise against some of y^e Officers, who should have hindered such unlawfull transportation, whom wee find to give assistance therein. The particulars whereof wee have caused to be expressed in two sheets of paper hereto annexed, for yo^r Lordship's better information. wee have not heard any of y^e other complainants, because wee were in former times were none of them in town, so if they had bin wee reasoning it would have given us but little satisfaction, because wee believe they would hardly have confessed their faults, or their deniall would have done but little; where wee find so much evident proof against them. wee humbly reasoning they should deserve an exemplary punishment because it must consequently begett security, y^e it being a prohibited Commoditie, will be fitt y^e they be proceeded ag^{ainst} in a reasonable way, in yo^r Lordship's Chamber, or in y^e Star Chamber; at y^e Kings house, or yo^r Lordship shall thinke fittest. But wee humbly submit to yo^r Lordship's great wisdom & Judgment.

R. Winderban

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If you wake at midnight, and hear a horse's feet,
Don't go drawing back the blind, or looking in the street.
Them that ask no questions isn't told a lie.
Watch the wall, my darling, while the Gentlemen go by!¹

Smuggling has achieved a glamorous and romantic status within English folklore that has rarely been afforded to other illegal activities. Popular literature has created a mysterious, intriguing, dangerous and romantic depiction of smuggling that has pervaded common perception and attitudes towards this illicit activity. The extract above from Rudyard Kipling's poem is exemplary of how the nature of smuggling lends itself to such a romantic portrayal. The practical need for smugglers to operate under darkness, the secrecy of the smugglers' actions and the anonymity of the 'gentlemen' carrying out illicit activities that the common people are encouraged to turn a blind eye to, all contribute to an image of the smugglers as mysterious, daring and heroic figures. The corollary of the smugglers' heroic image is that those whose job it was to prevent smuggling were assigned the role of villains. The voice in Kipling's poem refers to the authorities and warns 'Don't you tell where no one is, nor yet where no one's been!' – making it clear that the heroic smugglers should be supported in their struggle against the callous and distant authorities.²

The smuggling referred to by Kipling is from a different era and of a completely different nature to the illicit trade conducted in seventeenth century Bristol. However, there are a number of striking similarities between Kipling's reduction of smuggling to a good versus evil battle between smugglers and the authorities and the way that the 1636-7 royal commission into alleged smuggling offences committed by the merchants of Bristol has been portrayed by historians. John Latimer's narrative account of this inquiry characterises the attempts of the Crown to investigate smuggling as tyrannical, harsh and unjustified.³ In a similar fashion to Kipling and his gentlemen, Latimer simplifies the commission into a dualism consisting of a tyrannical, greedy and oppressive Crown and a submissive and victimised group of merchants. Latimer thus presumes both the innocence of the merchants

¹ R. Kipling, 'A Smugglers Song' in *Rudyard Kipling's Verse* (London, 1940), 720.

² G. Smith, *Smuggling in the Bristol Channel 1700-1850* (Newbury, 1989), 5.

³ J. Latimer, *The Annals of Bristol in the Seventeenth Century* (Bristol, 1900), 136-41.

and that the Crown granted this commission purely to satisfy its own selfish interests. Although this is not entirely implausible, Latimer heavily bases his interpretation upon the account of William Adams – an early-seventeenth century Bristol chronicler.⁴ Although this chronicle is invaluable for the detail it provides about the commissioners' activities in Bristol, it is important to use it critically. As a local chronicler, it is likely that Adams lived in an area directly controlled and influenced by the very same merchants that were under investigation. Considering the merchant community of Bristol held unrivalled power over the political life of the city,⁵ it may not have been in Adams's best interests to make negative or incriminating comments about these merchants – a fact that Latimer fails to acknowledge. Also, Adams only refers to the physical presence of the commissioners within Bristol and does not examine the background to the enquiries, the incentives for the Crown to set up a commission, the findings of the commission or what the outcome of the commission was for merchants whose guilt had been implicated in the commissioners' reports. The limited nature of Latimer's source base and the attempt to place this commission into a grand narrative of Stuart oppression therefore prevents a complete and contextualised examination of the commission as an event that exposes the complex relationship that existed between the merchant community of Bristol and the Crown.

By using a body of evidence partly unavailable and partly unused by Latimer, a detailed examination of the 1636-7 commission and its specific focus on the illegal exportation of butter can be conducted in order to explore the complex incentives that led the Crown to set up this commission. Although the set of interrogatories issued by the Crown to the commissioners have unfortunately not survived, a number of documents pertaining to the commission have survived in the Bankes Papers stored at the Bodleian Library, the domestic state papers of the period and the Society of Merchant Venturers' Book of Trade.⁶ By transcribing, critically analysing and cross-referencing the array of petitions, correspondences between commissioners, directions from the Crown and letters from the Society of Merchant Venturers that are included in this selection of surviving documents, it can be demonstrated that this commission was created and shaped by social, political and economic relationships

⁴ F. F. Fox (ed.), *Adams's Chronicle of Bristol, 1637* (Bristol, 1910), 256-8.

⁵ D. H. Sacks, *The Widening Gate: Bristol and the Atlantic Economy 1450-1700* (California, 1991), 164-6.

⁶ Oxford, Bodleian Library, MS. Bankes 55/85, Appendix 1: Kew, The National Archives (hereafter TNA), SP36/16, SP16/403, 94, Appendix 2: Bristol, Bristol Record Office, Society of Merchant Venturers of Bristol, Book of Trade, 1598-1693, SMV/2/1/1/34, 244-6, Appendix 3.

far more complicated than the simple act of tyranny that Latimer implies. Instead of only exposing the behaviour of the commissioners in the two months of active investigation carried out by the commission as described by Adams, this selection of documents can be used to answer a number of questions that are pivotal to a full and contextualised account of this commission. What incentivised the Crown to set up a commission at this particular time, in Bristol and with a specific focus on the illicit exportation of butter? How did the powers granted to the commission and the personnel employed by the Crown affect its course? How severe were the punishments meted out to the Bristol merchants in relation to the crimes for which they had been implicated by the commission? And to what extent can the claims made by Adams and Latimer about the repressive nature of the Stuart state be evidenced by this commission?

This body of evidence is invaluable for its potential to reveal the details of the factors that led to the creation of the commission, the way that the commission operated and how the findings of the commission were acted upon by the Crown, for there simply are no other surviving sources that record such detailed information. Although the selection of transcribed documents is currently the only feasible base from which to conduct an examination of the 1636-7 commission, it is clear that there are a number of limitations inherent in the process of using these sources. The documents contained within the Bankes Papers and the state papers are essentially documentations of discussions internal to the Crown, the government and the commission. There are very few occasions when the reactions and opinions of the merchant community or the people of Bristol are documented within these sources and this is a great limitation in terms of the insight that these sources can give to relations between the Bristol merchant community and the Crown at this time. There is also no way of knowing how complete the records are and whether the sources available amount to all correspondence between the commissioners and the Crown or whether the coverage is partial. In the case of the Bankes Papers, it is possible that Attorney General Bankes selectively chose which documents to include in this collection and discarded sources that he personally regarded as uninteresting or useless. Both of these issues are important but are by no means insurmountable. A piece of research that seeks to examine the Crown's incentives to set up a commission, the relative severity of punishments imposed and how these reflect the nature of the relationship between the Crown and the merchant community is inevitably going to include a degree of speculation regardless of how close the source body is to being perfectly complete. Provided that the analysis of documents contained in the domestic state papers and

the Bankes Papers is cross-referenced with other primary sources such as Adams's Chronicle and the Book of Trade alongside other secondary works, the speculative element of this study can be minimised. However, by acknowledging the existence of a necessarily speculative element within the conclusions drawn, this account of the 1636-7 commission can remain truthful to the sources employed.

Although Latimer's brief narrative account is the only study that directly focuses on the 1636-7 commission, a number of other secondary works make use of sources and methods of analysis that can be used to support, contrast and contextualise the findings of this study. In terms of providing a background to the increased importance of butter to the legitimate and illicit trade conducted by Bristol merchants, data collected by historians such as Vanes, Stone and Bowden can be incorporated to show how and why the Crown's need to catch and punish those engaged in the illicit trade of butter changed during the late sixteenth and early seventeenth centuries.⁷ Studies by Jones, Aylmer, Sacks and Beresford can be drawn upon to demonstrate the difficulties posed to the Crown in terms of creating an independent, neutral yet effective commission.⁸ The in-depth investigation of the 1565 royal commission conducted by Jones is particularly revealing for the attention it draws to how the individuals employed by the commission significantly affected the merchant community's ability to resist investigation.⁹ By drawing on Jones' methods and comparing the strengths of the 1636-7 commission to the failed 1565 commission that is the object of Jones' study, an understanding of how and why the Crown's methods of investigation had developed since the sixteenth century can be gained in order to account for how the 1636-7 commission operated. Works by Barnes, Batho and Gardner have extensively explored the functioning of the Star Chamber under Charles I.¹⁰ The prosecution of Bristol merchants in the Star Chamber following the

⁷ R. Stone, 'The overseas trade of Bristol before the Civil War' (draft article), Appendix 5, 30: J. M. Vanes, 'The Overseas trade of Bristol in the Sixteenth Century', PhD Thesis, (University of London, 1975), 100-1: P. Bowden, 'Statistical Appendix' in J. Thirsk (ed.), *The Agrarian History of England and Wales: Volume IV 1500-1640* (London, 1967), 844-5.

⁸ E. T. Jones, *Inside the Illicit Economy: Reconstructing the Smugglers' Trade of Sixteenth Century Bristol* (unpublished book draft, University of Bristol, March 2011), chapter 7: G. E. Aylmer, *The King's Servants: The Civil Service of Charles I, 1625-1642* (London, 1974), 22, 165: D. H. Sacks, 'The Corporate Town and the English State: Bristol's 'Little Businesses' 1625-1641', *Past and Present* (1986), v.110 (1), 76-83: M. W. Beresford, 'The Common Informer, the Penal Statutes and Economic Regulation', *Economic History Review*, New Series, Vol.10, no.2, 225-33.

⁹ Jones, *Inside*, 101-9.

¹⁰ T. G. Barnes, 'Due Process and Slow Process in the Late Elizabethan - Early Stuart Star Chamber', *American Journal of Legal History*, vol.6, no.3 (July, 1962), 221-249: T. G. Barnes, 'Star Chamber Mythology', *American Journal of Legal History*, vol.5, no.1 (January, 1961), 1-11: G. R. Batho, 'The payment and mitigation of a Star Chamber Fine', *Historical Journal*, vol.1, no.1 (1958), 40-51: S. R. Gardner, *The History of England: 1603-1642* (London, 1884), vii, 148.

commission must be cross-referenced with these works in order to provide a sense of relativity to any conclusions about the severity or justice of the Crown's treatment of the merchants. Thus by building upon and extending existing analyses of the 1636-7 commission and incorporating the methods of other historians, an original and detailed examination of the 1636-7 commission will be attempted.

By dividing my research into three key sections, the premises of Latimer's proposition that the Stuart state used the 1636-7 commission to oppress and subject the Bristol merchants to tyranny will be challenged and reassessed. Firstly, an examination of the background of the commission will demonstrate that a range of incentives and pressures existed to encourage the Crown to create the commission. Long term suspicions regarding the involvement of Bristol merchants in the illicit exportation of butter, pressure applied by the powerful owners of the licence to export butter and a duty for the Crown to prevent national shortages of butter were all contributing factors to the Crown's decision to create this commission. This section will thus question Latimer's premise that the enquiries were fruitless and purely an exercise to assert the authority of the Crown over the merchant community of Bristol. In the second section, the Crown's attempts to ensure that the commission was both thorough and vigorous will be explored. To contextualise claims made by Sacks and Latimer regarding the excessive severity of the commissioners' actions,¹¹ the propensity of the Bristol merchants to effectively resist investigation will also be explored. In the final section, the apparent lenience of the relatively small punishment meted out to the Bristol merchants will be examined and accounted for as a product of the Crown's need to balance the vigour and extent of the commission's findings with the need to maintain a harmonious relationship with the merchants upon whom the Crown relied so heavily for support.¹² A conclusion will be reached regarding the veracity of claims regarding the tyrannical and financially focussed motives of the Crown in creating this commission.

¹¹ Latimer, *Annals*, 136-41; Sacks, 'Corporate Town', 77-8.

¹² R. Brenner, *Merchants and revolution: commercial change, political conflict, and London's overseas traders, 1550-1653* (Princeton, New Jersey, 1993), 54-5.

I

There is an abundance of evidence that demonstrates the Crown's concerns and suspicions regarding the illicit exportation of butter as a national problem in the century preceding the 1636-7 commission. After Henry VIII extended the prohibition and licence system by banning the exportation of butter alongside many other foodstuffs in 1531, successive monarchs acted to uphold and strengthen this law by issuing further proclamations against the exportation of butter, closing loopholes that allowed butter to be exported to Boulogne and Calais, threatening imprisonment for any person caught continuing to illicitly export butter and introducing stringent laws on the weighing and packing of butter in order to make frauds more easily detectable.¹³ However, it would appear that these measures had not been entirely effective in preventing and deterring individuals and groups from illicitly exporting butter. Over a century after the initial prohibition of butter exportation, Charles I proclaimed on the 18th July 1635:

We are informed that there are great quantities of Butter transported out of the Kingdome into forraigne parts by stealth... [We] doe hereby straightly charge and command, That no person or persons whatsoever... doe from henceforth directly or indirectly transport or convey out of this Our Realme or Principaltie of Wales, any Barrels, Kilderkins, Firkins, or other Vessels of Butter whatsoever into any parts beyond the Seas.¹⁴

This proclamation did not amend or change any aspect of the law – it simply reasserted existing legislation. The fact that Charles I felt the need to issue such a proclamation suggests that information the Crown had received had led to increased levels of awareness and suspicion regarding the potential illicit trade of butter. But how and why did this general expression of suspicion made by the Crown transform into a commission that specifically focussed on the merchants and customs officials of the Bristol area?

During the late sixteenth and early seventeenth centuries, London's monopolisation of the broadcloth trade that had previously accounted for up to eighty-four percent of Bristol's

¹³ P. L. Hughes and J. F. Larkin (eds.), *Tudor Royal Proclamations: The Early Tudors, 1485-1553* (London, 1964), i no. 134, 241, 285, 315, 319; J. F. Larkin (ed.), *Stuart Royal Proclamations: Royal Proclamations of King Charles I, 1625-1646* (Oxford, 1983), ii no. 189.

¹⁴ Larkin, *Stuart Royal Proclamations*, ii no.198.

exports to the continent, forced the merchants of Bristol and other outports to start exporting other commodities – such as calfskins, lead and various foodstuffs.¹⁵ The relative proximity of Bristol to South Wales – a rich butter producing region, made the possibility of exporting Welsh butter through both licensed and illicit trade a logical and potentially lucrative means through which to compensate for the markets that monopolistic London merchants had excluded Bristol merchants from participating in.¹⁶ Indeed, evidence from the Port Books of the period presented by Stone suggests that the exportation of foodstuffs including the licensed trade of butter, constituted an increasingly significant part of the value of Bristol's total legal export trade during the late sixteenth and early seventeenth centuries.¹⁷ Evidence from the Memoranda rolls in the periods 1509-1558 and 1559-1603 also shows that the recorded number of incidents in which Bristol merchants were caught smuggling butter and cheese rose dramatically from thirty-five to ninety recorded incidents between these two periods.¹⁸ When looked at in conjunction with a series of high profile appearances in the Star Chamber during the early seventeenth century that involved the illicit exportation of butter,¹⁹ these late sixteenth century trends could only have drawn the Crown's attention to Bristol as a potential area in which to focus an investigation into the illicit exportation of butter. Even if the Crown had not been completely aware of the past offences committed by Bristol merchants, complaints regarding the exportation of illicit goods made to the Privy Council by Hugh Lewis, the Customs Searcher at Bristol in 1636, would certainly have served to remind the Crown that Bristol was a likely location for this illicit activity.²⁰ Thus contrary to Latimer's assertions relating to the likely 'fruitlessness' of the ensuing commission and the probable innocence of the Bristol merchants, it seems that the Crown issued this commission with the knowledge that the likelihood of discovering offences in Bristol was high. Although the granting of such a commission could feasibly be seen as a means through which the Crown could hope to gather information that could be used to both prosecute fraud and identify incapable or corrupt customs officers,²¹ many historians have identified the creation

¹⁵ Stone, 'Overseas Trade', 14.

¹⁶ Latimer, *The History of the Society of Merchant Venturers of the City of Bristol* (Bristol, 1903), 137-47; P. McGrath, *The Merchant Venturers of Bristol: A History of the Society of Merchant Venturers of the City of Bristol from its origin to the present day* (Bristol, 1975), 52-65.

¹⁷ Stone, 'Overseas Trade', Appendix 5.

¹⁸ Vanes, 'Overseas Trade', 100-1.

¹⁹ A. Higgins, 'The Society of Merchant Venturers' attempts to obtain a share in the licence to export Welsh butter in the early seventeenth century', 14-15, 20-1.

<http://www.bris.ac.uk/Depts/History/Maritime/Sources/2009sfphiggins.pdf> April 2011.

²⁰ Latimer, *Annals*, 139; P. McGrath, *Records Relating to the Society of Merchant Venturers of the City of Bristol in the Seventeenth Century* (Bristol, 1952), 239-40.

²¹ Jones, *Inside*, 102.

of commissions as cynical revenue-raising exercises that merely served to benefit the Crown's short-term finances.²² By probing the extent to which such claims can be evidenced by the Crown's creation of this commission and how the commission also tied into the Crown's duties to other parties, the motivations for the Crown to set up this commission can be assessed.

The need for this commission to produce financial gains for the Crown is stressed in a number of the official documents relating to the commission. The document found in the state papers announcing the creation of the commission stipulates that the intended result was for offenders to be issued with 'ffines to bee paied to his Ma[jesty's] use such as shalbee thought fitt according to their abilities & quallitie of their offence'.²³ The emphasis on the need for any allegedly guilty party to be 'speadily' dealt with seems to suggest that the financial penalties imposed upon offenders were as much about generating quick revenue as representing a fair and measured punishment to deter against future offences.²⁴ This element of the commission could have been justified by the fact that had the butter in question been transported legally according to the terms of the licences issued by the Crown, customs duties would have been payable to the Crown either directly by the merchants or by the owners of the licence.²⁵ By investigating the illicit exportation of butter, the Crown could thus hope to directly claim back some of the revenues it was deprived of through illicit trade, by subsequently fining any individuals found to be guilty of such offences. The Crown's persistent assertions that 'His Ma[jesty] doth owne theis suits as prosecuted for His im[m]ediate *service*' serves to support the claims made by some historians that such commissions functioned, to some extent, as revenue-raising exercises for the Crown.²⁶

However, it would be misleading to present the Crown's short term desire to raise funds as the sole incentive for setting up this commission. Although the exportation of butter had been prohibited in 1531, licences to export limited amounts of butter had first been granted by the Crown after just one year of prohibition and then frequently in the following century.²⁷ The relative scarcity of such licences compared to the high levels of demand generated by

²² Latimer, *Annals*, 137-47: Sacks, 'Corporate Town', 77-8: Aylmer, *King's Servants*, 22, 165.

²³ Appendix 2i.

²⁴ 'Direction to the Lord Treasurer, the Earl of Dorset and Secretary Windebank to enquire accordingly', Appendix 1.

²⁵ For example, the Crown had demanded the payment of one shilling per kilderkin of butter exported using the licences issued earlier in the Seventeenth century in 1617. Latimer, *History*, 144.

²⁶ Latimer, *Annals*, 137-47: Sacks, 'Corporate Town', 77-8: Aylmer, *King's Servants*, 22, 165.

²⁷ Jones, *Inside*, 20.

merchants wishing to export prohibited commodities and the exclusive nature of the rights granted by the licences, ensured that such licences held great value.²⁸ In practice, it seems that the Crown typically issued such licences in order to pay individuals that had provided services to the Crown but could not be repaid in monetary form due to the long-standing financial difficulties of the Crown.²⁹ The Crown had issued licences to export limited amounts of Welsh butter for exactly this reason in 1631 when granting Lord George Goring and his associate Sir Henry Hungate the right to export six thousand kilderkins of butter yearly for a period of twenty one years.³⁰ It would seem that this privilege had been granted as a means of partially repaying the debts owed to Goring by the Crown – estimated to be fifteen thousand pounds by 1635.³¹ Although the continued existence of such licences hinged entirely upon the Crown's prerogative,³² a failure to protect the value of this licence by investigating interlopers and maintaining the exclusivity of the licence could have threatened the confidence that individuals such as Goring had in the Crown's ability to repay debts through the granting of privileges. A petition from Goring and Hungate demonstrates that the licence holders were prepared to put pressure on the Crown to protect their privilege, demanding that 'there may be a speedy course taken to suppress wills of soe greate a consequence' in reference to the offending merchants.³³ By granting half of all the revenues collected by the commission to Goring and Hungate,³⁴ the Crown essentially acknowledged that the commission itself represented not just a means of raising Crown revenues but also a fulfilment of a duty that the Crown had to Goring and Hungate to protect the exclusive privileges that the Crown had granted them.

However, it is also clear that Goring and Hungate were not the only individuals whose interests the Crown had a duty to protect by granting this commission. The proclamation that prohibited the exportation of butter in 1531 had been justified as a preventative measure against 'scarcity and excessive dearth' and the potential for inflationary consequences that a decrease in the domestic supply of butter could create for the general population.³⁵ Similar

²⁸ Jones, *Inside*, 20; McGrath, *Merchant Venturers*, 12.

²⁹ Vanes, 'Overseas Trade', 96; Aylmer, *King's Servants*, 165.

³⁰ These details have been extracted from two documents contained in the Book of Trade: Appendix 3 and the 'Petition of Lord George Goring and Sir Henry Hungate', Appendix 1.

³¹ B. Donagan, 'Goring, George, first earl of Norwich (1585–1663)', *Oxford Dictionary of National Biography* (Oxford University Press, 2004).

<http://www.oxforddnb.com/view/article/111101> 11 April 2011.

³² Jones, *Inside*, 21.

³³ 'Petition of Lord George Goring and Sir Henry Hungate', Appendix 1.

³⁴ Appendix 2i.

³⁵ Hughes and Larkin (eds.), *Tudor Royal Proclamations*, i no. 134.

justifications that focused upon the possible damage that the continuation of illicit trade could inflict upon the people of the realm were provided by the Crown when sanctioning and creating the 1636-7 commission. The alleged offences of the merchants were referred to as ‘to the greate Damage of the Subiects’ and in ‘abuse of the kingdome’.³⁶ Although the use of such justifications at the time of initial prohibition may have seemed shallow in the knowledge that the Crown generated revenue through the issue of licences to export butter just one year later,³⁷ by February 1636 such justifications seem far more convincing. Data collected by Peter Bowden recording the indexed annual prices of butter and other animal derived products in the seventeenth century shows that the price of butter had risen by over a third in the five years preceding the granting of the commission in 1636.³⁸ An attempt to reduce levels of illicit trade could feasibly increase the domestic supply of butter relative to demand – and thus prevent further price rises that acted to the detriment of the general population. References to the necessity of amassing butter for the purposes of ‘Victuall’ for the army also suggest that the Crown was aware that unrest in Scotland could potentially require the formation of an army that could in itself create an increased demand for butter and thus push prices up higher.³⁹ The timing of this commission was therefore important in terms of a background of increasing prices and the potential excess demand for butter that the need to raise and supply an army could create. Thus the Crown’s duty to maintain a domestic supply of butter for the use of both the general population and the army seems likely to have also incentivised the Crown to create this commission in 1636.

An examination of the background of this commission therefore shows that its creation was not an unjustified act of tyranny and extortion instigated for the sole benefit of the Crown at the expense of the Bristol merchants. Long standing concerns regarding the illicit exportation of butter from the realm alongside evidence available to the Crown demonstrating the likelihood that Bristol merchants were increasing their involvement in this activity, justified the granting of a commission that specifically focussed upon Bristol. Although to some extent the creation of this commission did represent a potential means of raising revenue for the Crown, duties that the Crown held to both the owners of the licence for exporting butter and to the population at large created an obligation for the Crown to investigate this matter – thus highlighting that this commission was not created purely on the basis of the Crown’s selfish

³⁶ Appendix 2i: ‘Schedule of Charges against four named Bristol merchants’, Appendix 1.

³⁷ Jones, *Inside*, 19-20.

³⁸ Bowden in Thirsk (ed.), *Agrarian History*, 844-5.

³⁹ For references to butter as necessary victual and the temporary revocation of licences to export butter in 1639 due to the needs of the army, see Appendix 2i: Larkin, *Stuart Royal Proclamations*, ii no.198, 287.

financial objectives. The fact that Goring and Hungate were entitled to half of any revenue resulting from the commission demonstrates the implausibility of this commission being purely a revenue raising tool for the Crown.

Although a variety of pressures and incentives existed for the Crown to investigate and stop the involvement of Bristol and its merchant community in the illicit exportation of butter, there were clear limitations in terms of what the Crown could achieve and how this commission could operate. As a potentially lucrative source of income, Bristol merchants were likely to collectively resist any attempts made by the Crown to crush the potential to conduct illicit trade.⁴⁰ More significantly though, attention must be drawn to the huge reliance that the Crown had on the very same members of the Bristol merchant community that were engaged in illicit trade. The Crown essentially needed the merchants to provide ships and men at times of war, to make loans to the Crown in times of financial difficulty and to maintain order in both the City and the countryside where many merchants also owned property.⁴¹ The extent to which the Crown could risk offending the merchant community through investigations into their trading practices is thus questionable. Essentially, the Crown was in a position where it had to strike a balance between satisfying the needs of the general population and the desires of the licence owners for the merchants to be harshly punished whilst preventing damage to the Crown's relationship with the merchants upon whom it relied so heavily. By examining how the operations, findings and subsequent consequences of the commission were moulded by the need for this balance, the commission can be explored as an event that reveals much about the wider social, political and economic relations that existed between the Crown and the merchant community of Bristol at this time.

⁴⁰ Jones, *Inside*, chapter 7.

⁴¹ Vanes, 'Overseas trade', 121-2; Brenner, *Merchants and revolution*, 54-5.

II

The Crown created the commission in February 1636 and it appears that most of the commission's work was carried out between September and November 1637.⁴² Unfortunately, the exact interrogatories issued to the commissioners by the Crown have not survived and thus any examination of the actual findings of the commission cannot be compared to what the commission had been instructed to find. Although this serves as an apt reminder of the imperfect nature of the source base used to conduct this investigation, the documents from the domestic state papers and the Bankes Papers contain enough detail to reveal how the Crown structured the commission in order to maximise the likelihood of the commission successfully uncovering offences for the purposes of prosecution. By examining the type of individual employed as a commissioner by the Crown and the extensive powers granted to these commissioners, an explanation can be formed as to how and why the commission concluded that the offending merchants 'deserve[d] an exemplary punishm[ent]'.⁴³

Although a large number of individuals were named as commissioners when the Crown granted the commission in February 1636,⁴⁴ Sir Abraham Dawes, John Dowle and William Watkins are the only commissioners whose active roles in the commission are referred to in the Bankes Papers and the petition sent to the Crown by William Yeomans.⁴⁵ Dawes and Watkins were not from the Bristol area but both held posts as Crown Receivers, residing in Putney and South Wales respectively.⁴⁶ In contrast, Dowle was a local gentleman residing in Almondsbury, Gloucestershire although it is unclear whether he too had previously been employed by the Crown.⁴⁷ It is also significant to note that both Dawes and Dowle partially

⁴² Appendix 2i: Fox (ed.), *Adams's Chronicle*, 256-8.

⁴³ 'Report of Heath and Dawes recommending prosecution of the offenders', Appendix 1.

⁴⁴ Appendix 2i.

⁴⁵ 'Report of Heath and Dawes recommending prosecution of the offenders', Appendix 1: Appendix 2ii.

⁴⁶ Appendix 2i: A. Collins, *The English Baronetage* (London, 1741), vol. III, part II, 402.

<http://books.google.co.uk/books?id=7W4UAAAAYAAJ&printsec=frontcover#v=onepage&q&f=false> April 2011.

⁴⁷ Latimer assumes that this John Dowle is the same individual that became Customer Inwards of the Port of Bristol in 1593 and became an 'old enemy' of the merchants due to his fraudulent and corrupt behaviour. The fact that the commission took place over forty-four years after this appointment makes this connection very unlikely as it would imply that Dowle both gained this post at an exceptionally young age and then participated in this commission at an exceptionally old age. The will of a John Dowle that resided in Almondsbury, Gloucestershire, died in 1638 and co-owned the 'Lease of prisadge wyne' provides a more likely identity for the John Dowle on this commission. Latimer, *History*, 146: E. T. Jones (ed.), 'The suit to obtain the position of customer inwards at Bristol for John Dowle, May 1593' (University of Bristol, ROSE, 2011)

made their living through the use of exclusive rights granted by the Crown that allowed them to charge fees for imports of certain types of sugar and certain wines respectively.⁴⁸

By appointing these individuals as commissioners, the Crown could anticipate that the duties of the commission would be vigorously carried out for a number of reasons. Firstly, although the privileges held by Dowle and Dawes were not directly related to the trade of butter, the continued existence and value of their privileges relied upon the enforcement of exclusivity in that if illicit trade went unchecked, Dowle and Dawes would be unable to collect the share of import duties that the privileges they owned entitled them to. It seems likely that Dowle and Dawes would have used their positions on this commission to staunchly uphold the principle that the Crown should protect such privileges by acting to punish the interlopers that threatened the premises of Goring and Hungate's licence. Secondly, for individuals such as Dawes and Watkins that were already employed by the Crown, it is very possible that being part of such a commission represented an opportunity for personal financial gain. Servants of the Crown in this period were rarely entitled to any form of retirement pension and being part of commissions represented an opportunity to compensate for this financial disadvantage by extracting fees and bribes from alleged offenders.⁴⁹ Finally, by appointing Sir Abraham Dawes – an individual not from the Bristol area, as the head commissioner, the Crown ensured that the local power and influence held by the Bristol merchants would be less likely to compromise the abilities of the commission to thoroughly investigate the alleged offences.⁵⁰ By appointing non-local commissioners who had vested interests in crushing illicit trade, upholding the principle of privilege and sharing the financial rewards of the commission, the Crown could thus maximise the potential for the strongest possible case to be made against the Bristol merchants.

In terms of the evidence that the Crown instructed the commission to find and the powers that were granted in order to achieve this, it again seems clear that the Crown strove to increase the likelihood that the findings of the commission would be extensive enough to form the basis of a prosecution against the Bristol merchants. The commissioners were given an extremely

<http://hdl.handle.net/1983/1704> 11th April 2011: TNA PROB/11/178.

⁴⁸ TNA PROB/11/178: Collins, *English Baronetage*, 402.

⁴⁹ Aylmer, *King's Servants*, 160-8.

⁵⁰ Although Dawes is not specifically named as the head commissioner, he is given the sole responsibility for many of the most important tasks of the commission. It is Dawes that is asked to work with the King's Sergeant, Sir Robert Heath to prepare the case for prosecution against the offenders whilst it would appear from the Bristol merchant William Yeoman's testimony that Dawes was one of three commissioners that ultimately compounded with the offending merchants in the Star Chamber: Appendix 2ii: 'Reference to Sir Robert Heath and Sir Abraham Dawes to prepare the required particulars', Appendix 1.

long time period upon which to focus their investigations into both the nature and scale of offences pertaining to the illicit exportation of butter that ran ‘from the beginning of his Ma[jesty’s] reign untill the 15th day of September last past’ – a total of ten and a half years.⁵¹ This long time frame maximised the number of merchants that could potentially be implicated and the likelihood of finding eye witnesses that could be found to evidence the offences. The commissioners were also placed in a position of significant power in relation to the individual merchants and officials under investigation, having been granted the authority to summon any individual to London, prosecute ‘as they shall think fitt’ and subsequently ‘compound w[ith] such offendo[r]s’.⁵² This bestowed upon the commissioners both the right to investigate and subsequently judge the case against the Bristol merchants, a situation that the chronicler William Adams claimed meant that ‘all law and justice lay in their own hands’.⁵³ Although commissioners were expected to act within the constraints of the law,⁵⁴ the power conferred upon these individuals could clearly have been misused to blackmail, extort and bully the wealthy merchants under investigation. The account of the commission given by chronicler William Adams claims that this was exactly what happened – the commissioners apparently used their powers to collect ‘great sums of money’, indefinitely imprison clerks employed by the merchants and illegally search property for account books that contained potentially incriminating evidence.⁵⁵ Although the problematic nature of evidence supplied by local chroniclers has already been outlined, Adams’s claims that the commissioners acted beyond their legitimate powers seem feasible considering the Crown’s appointment of commissioners that held vested interests in the outcome of the commission and the extensive powers granted to them. Adams’s account of the severity of the commissioners’ actions has led historians such as Latimer and Sacks to interpret this commission as an unjustified act of tyranny that unfairly placed the merchants at the mercy of ‘locust’-like commissioners.⁵⁶

However, although it seems that the Crown had bowed to pressure from Goring and Hungate by creating a commission capable of acting severely, to determine whether this equated to tyranny requires an examination of the relative capabilities of the merchant community of Bristol to resist investigation and thus the necessity for the Crown to endow the commission

⁵¹ Appendix 2i.

⁵² ‘Reference to Sir Robert Heath and Sir Abraham Dawes to prepare the required particulars’, Appendix 1: Appendix 2i.

⁵³ Fox (ed.), *Adams’s Chronicle*, 258.

⁵⁴ Jones, *Inside*, 102.

⁵⁵ Fox (ed.), *Adams’s Chronicle*, 257-8.

⁵⁶ Latimer, *Annals*, 141; Sacks, ‘Corporate Town’, 77.

with such powers. Even a cursory examination of the documents contained within the Bankes Papers that relate to the commission demonstrates that the Bristol merchants were determined to resist the work of the commission in a number of ways. References to resistance range from refusals to comply such as Richard Long – a merchant and the mayor of Bristol in 1636 not giving the required support to the commissioners to claims that merchants used violence against the commissioners who were ‘shamefully beaten of w[ith] Armes’ and prevented from conducting their investigations.⁵⁷ Although the Crown could have anticipated these individual primitive attempts to stonewall the commission, it seems more likely that the potential for the merchant community to collectively resist investigation could have prompted the Crown to endow the commission with the authority that it did. Looking at a commission that the Crown previously created in Bristol in 1565, Jones demonstrates how the merchant community used their political power to effectively sabotage the commission.⁵⁸ By influencing the appointment of commissioners and ensuring that those employed were local men likely to sympathise with the merchants’ interests, the Bristol merchants effectively controlled what the commission found and ensured that the reports produced by the commission were so partial and vague that no prosecution could be formed.⁵⁹ By appointing non-local commissioners that were likely to have vested interests in uncovering as many offences as possible, the Crown could thus avoid mistakes made in the sixteenth century that allowed the merchant community to collectively act in order to render time consuming commissions useless and protect the illicit trade. Although the power granted to the commissioners was extensive and at times the commissioners may have overstepped the limits of their authority, it seems that the Crown had allowed this to counteract the merchants’ capabilities to resist and sabotage the commission rather than as a means of exerting tyranny over the merchant community.

An examination of the charges brought against four Bristol merchants and two customs officials shows that the commission successfully built up a wealth of evidence that convincingly if not definitively proved the guilt of the merchants and the incompetence and corruption of the customs officials. The charges specifically refer to the time and place of the offences, highlighting the use of ‘Creekes and unlawfull places’ for the lading of the goods and the departure of ships at ‘vndue tymes’ – both of which were punishable offences

⁵⁷ ‘Schedule of Charges against four named Bristol merchants’, ‘Petition of Lord George Goring and Sir Henry Hungate’, Appendix 1.

⁵⁸ Jones, *Inside*, 102-9.

⁵⁹ *Ibid.*

regardless of the legality of the cargo on board the ship.⁶⁰ The listed charges also show that the commission had uncovered an extensive range of methods that the merchants had used to conceal their offences. This included the use of foreign ships, the bribing of officers, violent acts against officers and the use of licences that accounted for just a fraction of the butter that was actually laded on to the ship in order to conceal illicit exportation.⁶¹ The list of charges against both the Searcher and Controller of Cardiff further reveals the methods used by the merchants and how these customs officials were frequently willing to collude with the merchants or were otherwise just completely incompetent. The charge list identifies various ways that these two officers broke administrative laws and conventions to aid the merchants – for example by granting blank coastal cocketts, granting bills of entry for illicit butter and being unable to read or write – and thus being incapable of carrying out much of the work required of a customs official.⁶² The commission estimated that one thousand five hundred kilderkins of butter had been illicitly exported from Bristol annually for a period of ten and a half years and subsequently advised that the implicated merchants be tried in the Star Chamber and given an ‘exemplary punishm[ent]’.⁶³

This recommendation would undoubtedly have pleased the owners of the licence to export butter, Lord George Goring and Sir Henry Hungate, and to some extent was the logical product of the vigorous investigation created by the Crown. The extensive powers given to the commission suggest that the Crown was prepared to risk riling the merchant community in order to thoroughly investigate the illicit trade of butter for the reasons explored in the first section. However, an assessment of how the commission’s findings were subsequently acted upon is crucial to the formation of any conclusion regarding how this commission relates to the complex relationship between the Crown and the Bristol merchants.

⁶⁰ According to the 1559 Act, all goods being exported had to be laded from specified official quays. The lading licence held by Bristol also specified that goods could only be laded between the hours of 4am and 8pm: ‘An Acte lymiting the tymes for layeng on Lande Marchandise from beyonde the Seas, and touching Customes for Sweete Wynes’, Statutes of the Realm, vol. IV, part i, 372-4: E. T. Jones (ed.), ‘Licence for vessels to lade and unlade goods at Bristol between 4am and 8pm, 12 April 1563’ (University of Bristol, ROSE, 2011) <http://hdl.handle.net/1983/1698> April 2011: ‘Schedule of Charges against four named Bristol merchants’, Appendix 1.

⁶¹ ‘Schedule of Charges against four named Bristol merchants’, Appendix 1.

⁶² ‘Schedule of Charges against the Controller and Searcher of the Port of Cardiff’, Appendix 1.

⁶³ ‘Schedule of Charges against four named Bristol merchants’, ‘Report of Heath and Dawes recommending prosecution of the offenders’, Appendix 1.

III

Typically of the patchy court records from the period immediately preceding the Civil War, there are no surviving official records relating to the Star Chamber case against the Bristol merchants that resulted from this commission. However, a petition from William Yeomans that pleaded for his acquittal from a longstanding Exchequer case and a document from the Society of Merchant Venturers' Book of Trade provide significant information about the Star Chamber proceedings that followed the findings of the commission.⁶⁴ The four merchants named on the schedule of charges were summoned to the Star Chamber alongside a number of other merchants that the commissioners implicated to have been involved in the alleged offences.⁶⁵ The merchants then had to compound with at least three of the commissioners – Sir Abraham Dawes, William Watkins and John Dowle in order to secure their discharges through acquittal.⁶⁶ Acquittals were granted for all of the merchants involved upon the payment of a three hundred pound fine, the cost of which the merchants seem to have shared amongst themselves.⁶⁷

This fine is remarkable because it is so small in whatever context it is examined. In terms of the offences for which the commission had found evidence implicating the merchants' guilt, the fine seems exceptionally lenient. The charge sheet drawn up by the commission estimated that one thousand five hundred kilderkins of butter had been illicitly exported every year by the Bristol merchants for the period of ten and a half years that the commission investigated.⁶⁸ On the basis of this estimation, had this butter been exported under licence and the Crown had taken one shilling per kilderkin of butter exported as it had done in the past, the customs duties that had been avoided by the merchants over this ten and a half year period amounted to nearly eight hundred pounds.⁶⁹ The fact that the merchants shipped this butter from unofficial quays and at times that deviated from the times specified in Bristol's

⁶⁴ Appendix 2ii: Appendix 3, 244.

⁶⁵ The fact that William Yeomans appears to have been present at the Star Chamber proceedings suggests that more merchants were in fact implicated than the four merchants specifically named on the schedule of charges drawn up by the commissioners.

⁶⁶ Appendix 2ii.

⁶⁷ Appendix 3, 244.

⁶⁸ 'Schedule of Charges against four named Bristol merchants', Appendix 1.

⁶⁹ The figure of one shilling per kilderkin is derived from a licence granted earlier in the century in 1617 to two Welshmen, Richard Williams and David Lewis that permitted the exportation of six thousand kilderkins of butter: for more details, see the Book of Trade, 65, 67-8, 82-4, 93-4, transcribed in Higgins, 'Society of Merchant Venturers' attempts', Appendix.

licence to lade and unlade, could also have been punished – the 1559 Act specified that each individual offence of this kind should be punished by a fine of one hundred pounds payable by the master of the offending ship.⁷⁰ Licence fees that the merchants avoided by illicitly exporting butter would also have amounted to several hundred pounds. It would appear from the correspondence between the Bristol merchants and Sir Henry Hungate recorded in the Book of Trade that to export one thousand five hundred kilderkins of butter in one year would cost approximately one hundred and seventy five pounds in licence fees – and therefore over one thousand eight hundred pounds over the ten and a half year period investigated by the commission.⁷¹ Thus had this fine taken into account the full extent of all the offences committed by the Bristol merchants implicated by this commission, it is quite feasible that the merchants' fine could have been closer to three thousand pounds than three hundred pounds. The fine was also small by the standards of the Star Chamber – that imposed fines of over five hundred pounds in more than a third of the two hundred and forty cases between 1625 and 1641 in which the sentence is known.⁷² In a Star Chamber that some historians claim Charles I used increasingly in '*terrorem populi*' or as a tool to terrorise people,⁷³ this remarkably small fine is even more surprising considering the wealth and power held by the merchants implicated by the commissioner's reports. The imposition of a three hundred pound fine at the end of a time consuming commission of which the Crown was only entitled to half of the revenues – the rest being payable to Goring and Hungate, raises serious questions about the interpretation of this commission as a simple 'revenue-raising' device.⁷⁴ So from the perspective of the Crown, what did this commission achieve beyond the meagre financial benefit of one hundred and fifty pounds of the issued fine? How was the relatively small size of this fine justified?

Although the Bristol merchants were officially fined only three hundred pounds, this figure is only representative of the formal mode of punishment imposed upon the offending merchants. As alluded to in the previous section, the combination of the significant authority given to the commissioners and their likely zeal created a situation in which bribes and other hidden fees could be extracted from the merchants in exchange for the commissioners either

⁷⁰ 'An Acte lymiting the tymes for layeng on Lande Marchandise from beyonde the Seas, and touching Customes for Sweete Wynes', Statutes of the Realm, vol. IV, part i, 372-3.

⁷¹ These figures are derived from the cost of licences outlined in the Book of Trade: Appendix 3, 245-6.

⁷² Batho, 'Payment and Mitigation', 40.

⁷³ W. Hudson, 'A Treatise on the Court of Star Chamber', cited in Batho, 'Payment and Mitigation', 40.

⁷⁴ Aylmer, *King's Servants*, 165: Sacks, 'Corporate Town', 77.

underplaying or omitting particular incriminating details from their reports.⁷⁵ The duty of the commissioners to compound in the Star Chamber and decide the size of the fine that was to be shared between the Crown and the owners of the butter licence obviously provided another opportunity for the commissioners to extort money from the merchants. The commissioners could feasibly have negotiated a deal with the merchants in which the official Star Chamber fine was fixed at a lower rate in exchange for payment made directly to the commissioners that would remain hidden from the Crown and the butter patent holders – meaning that the merchants paid less and the commissioners effectively gained a share of the fine that they were not entitled to. Unsurprisingly, there is little recorded evidence to support such a claim beyond vague references made by the merchants regarding ‘severall summes of monney’ paid to the commissioners.⁷⁶ This speculation is merely intended to demonstrate that it would be wrong to assume that the official three hundred pound fine represented the true extent of the financial punishment imposed upon the merchants.

Beyond the monetary implications that the commission’s findings had on the merchants, it is also necessary to consider the sheer inconvenience and humiliation that the commission entailed for the offending merchants. The prospect of paying bribes, making impromptu trips to London and having outside influences (the commissioners) interfere with their private business activities would have represented the kind of unpredictable cost and time commitments that businessmen loath. The case of William Yeomans – one of the merchants summoned to the Star Chamber to compound with the commissioners, is exemplary of the uncertainty that the commission represented for the merchants. A petition signed by Yeomans over three and a half years after the granting of the commission and correspondence between the Society of Merchant Venturers and Henry Hungate shows that Yeomans had for some reason been refused the acquittal that had been granted to the other merchants and was still being forced to attend a time consuming law suit laid against him in the Exchequer, regarding the same offences.⁷⁷ Thus despite the relatively small size of the official fine imposed upon the merchants, other less formal modes of punishment made certain that the experience of this commission was one that the merchants would be unlikely to wish to repeat. Perhaps in these circumstances, a heavy fine was not needed in order to sufficiently punish the offenders and deter them from reoffending.

⁷⁵ For a fuller discussion of this potential for blackmail, see Beresford, ‘Common Informer’, 225-33.

⁷⁶ ‘Report of Juxon, Dorset and Windebank’, Appendix 1: Appendix 2ii: Fox (ed.), *Adams’s Chronicle*, 256.

⁷⁷ Appendix 2ii: Appendix 3, 244.

The collection of unofficial fees and bribes by the commissioners essentially represented an element of inefficiency in the Crown's ability to directly benefit from the revenue accrued by the commission. Although a degree of inefficiency was to some extent unavoidable in the absence of a well funded and centralised customs service and the Crown's subsequent reliance on individuals such as Dawes, Dowle and Watkins to lead royal commissions,⁷⁸ it is logical to assume that the Crown would seek to maximise the revenue it could gain from such commissions where possible. However, in the case of this commission it seems that the Crown had numerous opportunities to limit the excesses of the commissioners but did not act accordingly. The Crown's role in appointing the commissioners and granting them the power to both investigate and judge the case, as explored in the second section, was the first of these missed opportunities. The dismissal of a petition personally delivered to the King by a party of leading Bristol merchants complaining about the behaviour of the commissioners alongside other issues, must also be seen as a passed opportunity for the Crown to keep a check on the commissioners' excesses.⁷⁹ Rather than being an oversight on the Crown's behalf, this failure to maximise revenue is demonstrative of the fact that this commission cannot be interpreted primarily as a 'revenue-raising' device.⁸⁰

Contrary to this interpretation, it appears that the Crown sacrificed the opportunity to maximise the revenue obtainable from this commission in order to create a solution that both balanced the diverse set of objectives of the commission as explored in the first section and strengthened the relationship between the Crown and its influential subjects – Goring and Hungate as well as the Bristol merchants. By setting up a commission capable of vigorous investigation and turning a blind eye to the likely extortion practiced by the commissioners, the Crown ensured that the merchants received the degree of punishment that the influential Lord George Goring and Sir Henry Hungate demanded.⁸¹ The costly and humiliating experience of being summoned to London, imprisoned and extorted by the commissioners would undoubtedly have served to deter the merchant community of Bristol from committing further offences and risking further investigation. However, the imposition of a relatively small official fine after a lengthy commission and onerous Star Chamber proceedings was a public display of mercy towards the Bristol merchants that avoided damaging the loyalty and capabilities of these same merchants to support the Crown when required. Although this

⁷⁸ Jones, *Inside*, 124.

⁷⁹ Fox (ed.), *Adams's Chronicle*, 257-8.

⁸⁰ Aylmer, *King's Servants*, 165: Sacks, 'Corporate Town', 77.

⁸¹ 'Petition of Lord George Goring and Sir Henry Hungate', Appendix 1.

gesture was somewhat conceited considering that the Crown was most likely aware that the commissioners had already acted far from mercifully towards the merchants, the petition addressed to the Crown from the Bristol merchants suggests that the merchants perceived the Crown to be unaware of the misdeeds of the commissioners – the merchants used the petition to inform the Crown of the ‘miseries’ inflicted upon the merchant community.⁸² From the perspective of the Crown, the operations and consequences of this commission therefore represented invaluable diplomatic gains. The Crown could appear as a vigorous protector of the exclusive rights owned by the likes of Goring and Hungate whilst appearing sympathetic and merciful to the merchants’ interests. This fine balance of constructive diplomacy and modest financial gain hardly seems congruent with the destructive act of tyranny evoked by Latimer.

⁸² Fox (ed.), *Adams’s Chronicle*, 257-8.

Conclusion

In general terms, this study has highlighted the inherent dangers of attempting to fit single yet complex events into larger overarching narratives. Latimer's identification of this commission as part of a larger tendency of Stuart tyranny and oppression has been challenged in a number of different ways. The exploration of the Crown's incentives to create this commission in the first section of this study shows that a diverse range of justifications beyond simple tyranny accounts for the creation of this commission. Long term suspicions and a wealth of evidence relating to the Bristol merchants' involvement in the illicit trade of butter, duties that the Crown held to the owners of the licence to export butter and a need to maintain a domestic supply of butter all contributed to incentivise and pressurise the Crown to create this commission. Latimer's dualistic depiction of a tyrannical Crown and a submissive group of victimised merchants is shown to be flawed by the evidence presented in the second section of this study that reveals the capabilities and active attempts of the merchants to resist investigation. The Crown's part in creating a powerful commission capable of acting severely was to some extent justified by the need to prevent methods of collective resistance successfully employed by Bristol merchants in the past to sabotage royal commissions. It was not, as Latimer insinuated, indicative of an attempt to tyrannise the apparently innocent Bristol merchants. An examination of the detailed and supported allegations made against the merchants by the commissioners suggests, although cannot definitively prove, that these merchants were far from innocent. The consequences that the subsequent Star Chamber proceedings had for the Bristol merchants, as explored in the third section, suggests that the merchants were treated exceptionally leniently relative to the offences for which they had been prosecuted. The meagre official fine of three hundred pounds was hardly of the destructive and ruinous nature that could be anticipated from a commission motivated by intent to terrorise and exert tyranny over the Bristol merchants. By failing to fully examine the commission and its context, Latimer's account of this commission as an event best characterised by an exertion of tyranny and the pursuit of the Crown's selfish financial interest is both partial and misleading.

By making extensive use of documents from the Bankes Papers and the domestic state papers that were unavailable to Latimer, it has been possible to conduct a more detailed examination encompassing the background, the operations and the consequences of this commission. The

findings of this study suggest that the ability of the Crown to control the scope and consequences of this commission in order to pursue self-interested objectives was limited by the Crown's need to diplomatically balance the desires of different groups of influential subjects – namely the owners of the licence to export butter, Lord George Goring and Sir Henry Hungate and the Bristol merchants. The Crown relied on both of these groups to make loans to the Crown in times of financial constraint, implement at least some of the Crown's policies and to maintain order in the areas in which they resided and owned land.⁸³ Although the consequences of this commission may have included modest financial gains for the Crown, from the Crown's perspective such benefit was insignificant compared to the value that the diplomatic resolution of this commission held in terms of the long-term relationships that the Crown held with the influential individuals and groups involved in this commission. It was the need to avoid disrupting these relationships that seemed to most affect the course of the commission – leading to an investigation capable of vigorous and severe actions in order to appease Goring and Hungate's demands but the ultimate display of mercy that ensured a limited punishment for the offending Bristol merchants. The retention of the loyalties and service of these influential individuals thus seems to have taken priority over the potential for a short term boost for the Crown's finances.

It is important not to exaggerate the implications of this study. The findings relate to evidence pertaining to one single commission and cannot be regarded as representative of other commissions issued under Charles I that were granted under equally unique circumstances and in different contexts. Similarly, it must be acknowledged that the conclusions are necessarily tentative due to the limitations of the evidence employed. Although the documents that survive in the Bankes Papers, the domestic state papers and the Book of Trade are invaluable for the detail that they can supply about the commission, there are certain elements of the analysis within this study that remain speculative. For example, the official nature of the sources employed prevents the recording of details regarding potential concealed payments made to the commissioners by the merchants in order to try and influence the proceedings of the commission and ensure a smaller official fine being levied in the Star Chamber. Unless previously undiscovered sources pertaining to this commission are located, the element of speculation inherent in this part of the study can only be addressed by other studies of commissions of this period that can shed light upon the likelihood that concealed payments were being made. Further studies are also necessary to determine

⁸³ Vanes, 'Overseas trade', 121-2; Brenner, Merchants and revolution, 54-5; Jones, *Inside*, 124.

whether this commission is anomalous in its apparent incongruence with Latimer's grand narrative or actually indicative of the narrative itself being flawed.

Appendix 1

Transcription conventions: Oxford, Bodleian Library, MS. Bankes, 55/85.

Square brackets are used to complete contemporary abbreviations – eg. Ma = Ma[jesty].

Where words are illegible in the original document, the word is replaced by _____.

Where I cannot be sure that my transcription is absolutely correct, I have italicised the relevant words.

These transcriptions have maintained the spelling, grammar and punctuation used within the original documents.

The emboldened titles at the top of each document have been added for ease of referencing.

- Transcriptions by Alexander Higgins unless otherwise stated.

Petition of Lord George Goring and Sir Henry Hungate

To the kings most Excelent Ma[jesty]

The humble petition of George Lord Goring & Sir Henry Hungate kn[igh]t

Sheweth that your petic[i]oners have by virtue of yo[ur] highness Le[tte]rs Pattents, under the greate seale of England yssued many comissions out of the ho[noura]ble courtes of Exchequer, for discovery of abuses, in the unlawful transporting of Butter out of this kingdome, and at their greate charge and travayle, have found out very many greate offences in that kinde, in the Porte of Bristoll & in Wales, And that the Comissioners have byn much disgraced and hindered thence by them in the Execuc[i]on of the said Comissions yo[ur] highnes officers of the Said Porte shamefully beaten of w[ith] Armes in doeing their services, and soe much mony unlawfully rayed by the Delinquents uppon Strangers and the Inhabitants of the said Cittie to Smother the said offences that a speady p[ro]secuc[i]on in Law cannott be had against them, Soe as in ____⁸⁴ of reforming the said misdemeano[urs] the said offences have runn into an excessive height, to the discourragment of all good services hereafter.

It is therefore humbly prayed that yo[ur] Ma[jesty] would be graciously pleased to order the Examinac[i]on of the said offences by some of yo[ur] Ma[jesty's] most ho[nourable] privie Councill, calling the Comissioners before them and such offenders as they shall nominate and to rectifie yo[ur] highnes the true state of the busines, whereby there may be a speady course taken to suppress wills of soe greate a consequence.

And yo[ur] petic[i]oners shall as in duty bound ever praye.

Direction to the Lord Treasurer, the Earl of Dorset and Secretary Windebank to enquire accordingly

At the Court of Whitehall: 7: Novem[ber]: 1637:

His Ma[jesty's] pleasure is that the Lord Tre[a]s[urer], the Earle of Dorset and Mr Secretary Windibank shall call before them the Com[m]issioners that have inquired at Bristoll and elsewhere concerning the transportacion of Butter and such of the said offenders therein as they shall think fitt, and having examined the said parties and ____ proofs ag[ain]st the offenders shall certify his Ma[jesty] the whole state of the busines w[ith] their opinions how the same may be speedily prosecuted, punished & reformed.

Fran: Windibank

⁸⁴ There is a hole in the manuscript that obscures this word.

Reference to Sir Robert Heath and Sir Abraham Dawes to prepare the required particulars

Wee desire S[ir] Robert Heath His Ma[jesty's] sergeant & S[ir] Abraham Dawes k[nigh]t one of the fermors of his Ma[jesty's] Customs to take the *_anius* (by calling such parties interested both sides as shalbe thought necessary & fitting) to prepare by way of examination the particulars to us inferred, so as we may at a time to be appointed, report, as we are required to his Ma[jesty]: our sense of this business, & what we conceive fitt for his Ma[jesty]: to order for the advancement of his service heerin. Star chamber: 15: November: 1637.

_____ London

Report of Heath and Dawes recommending prosecution of the offenders

May it please yo[ur] Lo[rdshi]p

According to yo[ur] Lo[rdshi]p's directions, wee have taken into o[ur] considerac[i]on the nature of y[our] offences, complained of in the unlawfull transportac[i]on of Butter, & wee conceive ye same will be sufficiently proved against some of the transport[ers] & likewise against some of y[our] Officers, who should have hindred such unlawfull transportac[i]on, whom we find to give assistance therein. The p[ar]ticulars whereof wee have caused to bee expressed in two sheets of paper hereunto an[n]exed for yo[ur] Lo[rd's] better informac[i]on, we have not heard any of y[our] p[ar]ties complained of because wee were informed then were none of in towne, & if they had beene wee conceive ot would have given us but little satisfaction, because wee beleeve they would hardly have confessed their faults, & their denyall would move us but little: where wee find soe much evident prooffe against them. wee humble conceive their p[er]sons deserve an exemplary punishm[ent] because it much concerneth y[our] kings service & yett it being a prohibited com[m]oditie, will be fitt y_ they be proceeded ag[ains]t in a _____ way eather in y[our] Exc[ellency's] chamber, or in y[our] Starr Chamber; at y[our] kings owne suite as y[our] Lo[rdship] shall thinke fittest: But we humbly submitt to y[our] Lo[rdshi]ps greate wisdom & judgement,

R L Heath

Abraha[m] Dawes

Report of Juxon, Dorset and Windebank

May it please yo[ur] Ma[jesty]

According to yo[ur] pleasure signified unto us the 7th of November Last wee tooke into o[ur] considerac[i]on this petic[i]on concerning the abuses complayned of in the unlawfull transportac[i]on of Butter, And for o[ur] better Informac[i]on and p[re]parac[i]on of o[ur] judgments, wee thought it fitt to request M[r] Sargeant Heath & S[ir] Abraham Dawes to enter into the Examinac[i]on of the p[ar]ticulers from whom wee have received such answeres as hereunto Annexed appeareth under their handes w[ith] w[hich] wee are soe well satisfied that wee humbly rep[re]sent to yo[ur] Ma[jesty] o[ur] sense of the busines and o[ur] humble opinions for further p[ro]ceeding therein, both for punishment of the offenders and performing the abuses for the future, w[hi]ch will advannc[e] yo[ur] Ma[jesty's] services not onely in this particuler but will be a good p[re]sident for all causes of the like nature

Wee humbly conceive it will be fitt that the officers of yo[ur] customes, whoe have broken the trust in the duty of their plans and connived w[ith] and furthered the offenders be together w[ith] some of them proceeded against in the Exchequer Chamber, That the Mayo[r] and other publique officers, who should countenance and assist yo[ur] service but have not & runn a contrary course to yo[ur] great disservice, and such of the offenders as fall under that parte be p[ro]ceeded against in the Courte of Starrchamber, That yo[ur] Attorney gen[er]all be required in yo[ur] Ma[jesty's] name and as for yo[ur] imediate service to p[ro]ceed in these suits for the better countenance thereof, And that all the officers of those Courts doe take knowledge thereof Accordingly, That some fitt p[er]sons be made choise of to be the p[ro]secuto[urs] of these suits who may give Accompt of the[se] p[ro]ceedings, That yo[ur] Ma[jesty] wilbe pleased to renewe yo[ur] Comission for ____ services to the Comissioners therein formerly named w[ith] addition of some other fitt p[er]sons whoe are likely to attend it, That in the renewing of that Comission for Composic[i]ons such clauses may be added as are in the Comission for the Tobackoe busines, and such other clauses as yo[ur] attorny generall shall advise

And these things being done, wee are very hopeful that yo[ur] Ma[jesty] will finde good fruite thereof, But wee humbly submitt it to yo[ur] Ma[jesty's] greate wisdome and Judgement

Quinto die Decemb[er]

1637

_____ London

Fran: Windibanks

The Crown's instructions to proceed in the prosecution of the alleged offenders

At the Court at Whitehall: 21. Decem: 1637

His Ma[jesty] having taken into consideracion the petition of the Lo: Goring and S[ir] Henry Hungate together w[ith] their certificates doth very well approve of their proceedings, and is pleased that Mr Attorney G[ene]rall shall consider of the whole busines and soe proceed in the prosiquition of the offenders as the Referees have advised, and as He shall think best for His Ma[jesty's] services. And as he is to take notice and make known to the rest of the officers of the severall Courts in w[hich] the prosecution shalbe against their offenders that his Ma[jesty] doth owne theis suits as prosecuted for His im[m]ediate *service* by the endeavors of the Petitioners and that the said officers in their severall places demeane thankfully therein accordingly.

Fran: Windibank

Schedule of Charges against four named Bristol merchants⁸⁵

Humphry Hooke

Richard Vickaris

Frauncis Creswicke and

Richard Long are charged

The nature of the offences	To haue Transported Butter without Licence and bought out of Markettes
This appeareth by the Examinacions of many witnesses, And by the officers of the Portes	<p>Shipped at Creekes and unlawfull places</p> <p>And at vndue tymes</p> <p>And in Aliens shippes</p> <p>Much of it English Butter vnder collour of Irishe and Welshe</p> <p>And all without Licence.</p> <p>And this by indeavour to bribe the officers</p> <p>And some tymes with violence use to the officers and to such as had Deputacions from the Pattentees</p> <p>As alsoe by sueing indighting and imprisoning of them.</p> <p>And where they haue shipped vnder Licence, they haue purposely caused the vessells to be made a third parte bigger</p> <p>They haue by fraude made the prices seeme less than in truth they were,</p>
This appears by the Examinacions of three witness, an officer being one This appears by the comissioners certifficate and by affidavit	<p>That in the Mayoralty of the said Humphry Hooke vpon complaint of the poore of Bristoll he stayed Butter fron Transportacion by daye, and by night suffered it to be shipped awaye, he beinge himselfe in that yeare a great Transporter,</p> <p>That the said Richard Long in Anno 1636 being Mayor did refuse to assist the kings Comissioners, his ayde being required, by Comission vnder the Exchequer seale.</p>

⁸⁵ Transcribed and published in P. McGrath (ed.), *Records Relating to the Society of Merchant Venturers of the City of Bristol in the Seventeenth Century* (Bristol Record Society Publications, XVII, Bristol, 1952), 123-5.

This appeares
by their owne
examinacions

This appeares
by diverse
witnesses And
by a warrant
under the seale
of the Company
of Marchantes

This appeares
clare by
witnesses And
by the officers
of the portes
And by divers
bills of Entryes
vnder their
owne, their
servantes and
factors handes

That they haue all added this to their fault that being Examined
vpon oath and haueing tyme given them to peruse their bookes
of Accomptes, they denye all

That to oppose and maintaine the suites bought against them
by his Maiesties officers for the seizure of Butter and otherwise, and
by other prosecuto[rs] in his Maiesties behalfe

They vnlawfully raise monies By impositions uppon the
Inhabitanes of the said Citty which they haue done for diuers
yeres past and still vse

The quantitie thus Transported whereby the king hath byn deceived of
his ordinary customes and duties where there were licences

And to the deceit of the king and abuse of the kingdome
where there hath byn noe licences appears to be aboue 1500
kilderkins of Butter yearly every yere since the beginning of his
nowe Maiesties raigne.

Schedule of Charges against the Controller and Searcher of the Port of Cardiff

John Byrde Comproller of the Porte of Cardiff is charged

The nature of the offence	<p>To have suffered Butter ordinarilly to be shipped withou makeing any cockett Or takeing of Bonds not to Transport the same yet taketh iij^d a kilderkin to himself from the subject Hee granteth blanke cockette leaving blanke for the names of the m[erchants], the shipp, the quantitie & date Hee maketh greate Ingrossers & Exporters of Butter his deputies to grannt cocketts, whereby much Butter is unlawfully Transported. When other officers seize Butter unlawfully shipped hee releaseth the same and suffreth it to be Transported in Alyens shippis. He suffereth Butter to be shipped for transportac[i]on w[ith]out duty, payeing of custome or other duties And taketh therefore to himselfe xij^d a kilderkin Hee ordinarilly granteth bills of store of Butter w[hich] he ought not, It being a p[ro]hibited Comoditie Hee hath received much mony for entryes of Butter whereof noe accompts appeares in the Exchequer, Hee himselfe is a shipper of Butter from Creeks into Shippis in the open Severne, And consenteth to officers to doe the like</p>	This appeares by the Examinac[i]ons of many witnesses.
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Phillip Williams the Searcher of Cardiff is charged

The nature of the offences.	<p>To have connived at unlawful Transportac[i]on of Butter To be an opposer of the kings officer in seizing of Butter, To have taken xij^d a kilderkin to suffer it to be Transported w[ith]out entry payeing of Custome of o[t]her duty Hee himselfe is a Transporter of Butter Hee hath gotten to be an officer and taketh entryes And granteth cockette, yet can neither write nor reade Nor keepeth any clarke to doe it But suffereth the m[er]chants to make their owne entryes cocketts and other warrants Hee liveth a myle from a big Creeke and keepeth noe custome house, But dispatcheth all his businesses in Alehouses, and in his owne private house</p>	This appeares by the Examinac[i]ons of diverse witnesses. And by his bookes.
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Appendix 2

Transcription conventions: Kew, The National Archives, SP 38/16 and SP 16/403, 94.

Square brackets are used to complete contemporary abbreviations – eg. Ma = Ma[jesty].

Where words are illegible in the original document, the word is replaced by _____.

Where I cannot be sure that my transcription is absolutely correct, I have italicised the relevant words.

These transcriptions have maintained the spelling, grammar and punctuation used within the original documents.

The emboldened letters ‘i’ and ‘ii’ at the top of each document have been added for ease of referencing.

- Transcriptions by Alexander Higgins.

i.)

19th Febr. 1635

A Grannt to the Lord Goring of the 4th ryte of all such fines and composic[i]ons as shall arrise to his Ma[jesty] by censure of anie his Ma[jesty's] co[ur]t[s] & by virtue of the com[m]ission lately grannted for prosecuting and compounding w[ith] offendo[r]s in the unlawfull ingrossing & transporting of Butter contrary to his Ma[jesty's] lawes & p[ro]clamac[i]ons & the orders of the Lordes of the privy Counsell from the beginning of his Ma[jesty's] raigne untill the 15th of September last heereby also authorising aswell Dr Chambers and Edward Brawne (whoe by his Ma[jesty's] Grannt were heeretofore appointed Receavo[r]s of ffines & forfeitures accruing for his Ma[jesty] upon the penall lawes or Co[m]mon lawes of the Realme as S[ir] Abraham Dawes whom his Ma[jesty] hath appointed Receavour of such other ffines & composic[i]ons as shall arrise to his Ma[jesty] upon the said composic[i]on That they *respectively* make payment of the said 4th p[ar]te to the said Lord Goring or his assignes as the same from tyme to tyme shall come to their hands By order under his Ma[jesty's] *Signa Manuela* ____ by Mr Attourney generall

_____ prices

A like grannt unto S[ir] Henry Hungate k[nigh]t of a: 4th: p[ar]te of all such ffines & composic[i]ons as shall arrise to his Ma[jesty] by censure of anie his Ma[jesty's] Courtes & by virtue of the comission lately grannted for p[ro]secuting & compounding w[ith] offendo[r]s in the unlawfull ingrossing & transporting of Butter .v. according to the former Docquett w[ith]out other variation Then excepting the name onely. By ____ ____ & ____

A Com[m]ission to S[ir] Henry Spiller & S[ir] Abraham Dawes k[nigh]t Laurence Whitakers and Challoner Chute Esq[uires] & others to see to the due execu[i]on of the lawes and Statutes of the Realme w[hic]h his Ma[jesty's] Proclamations & other orders of the privy Counsell heeretofore ____ & published against ____ unlawful ingrossing & transporting of Salt Butter beyond the seas & against such as convey the same aboard the shippes of Strangers upon the Coaste of England & Wales or being off at sea to the greate Damage of the Subiectes by enhansing the price of ____ ____ of Victuall & to his Ma[jesty's] losse also in his Customes due for the same if it were transported according to his Ma[jesty's] & his later fathers licence in that behalfe his Ma[jesty] doth likewise appoint Olyver Lloyd & Berrington Webb gent to prosecute all offendo[r]s in the premisses from the beginning of his Ma[jesty's] raigne untill the 15th day of September last past for ____⁸⁶ some of w[hic]h offences Informac[i]ons are nowe exhibited in the Courte of Star Chamber & Exchange and because

⁸⁶ This word has either been deliberately crossed out or has become illegible due to a smudge on the parchment.

manie of the offendo[r]s are found to bee Shipp maste[r]s Marrine[r]s & others whose
imployme[n]t lye at Sea & soe they cannott attend the lynne or chardge of suites in a course of
Justice his Ma[jesty] doth heereby enable theis comissioner[s] to compound w[ith] such
offendo[r]s for ffines to bee paied to his Ma[jesty's] use such as shalbee thought fitt
according to their abilities & the qualitie of their offence, whoethereupon are to bee
discharged by acquittance of the com[missioners] or otherwise by p[ar]donns under the greate
seale if they shall desire such dischargd & By _____ & _____

ii.)

To the kings most excell[ent] Ma[jesty]

The humble petic[i]on of William Yeomans Merchant of Bristol

Most humbly sheweth

That *wherever* it pleased y[our] Ma[jesty] by y[our] l[ett]res patents under yo[ur] great seale bearing date the 23rd of feb in the xith yeare of yo[ur] Ma[jesty's] happy raigne to appoint & authorise S[ir] Abraham Dawes kn[igh]t William Watkins and John Dowell Esq[ui]re to compound with all offenders sueing for the same, that have transgressed yo[ur] Ma[jesty's] lawes and proclama[ci]ons by unlawfull buying and transporting of Butter at any time from the first untill the xith yeare of yo[ur] Ma[jesty's] most blessed Raigne

And whereas divers merchants of Bristoll who were convented in yo[ur] Ma[jesty's] high Court of Starr Chamber for the same offences did with the allowance of S[ir] Richard Weston kn[igh]t one of the Barrons of yo[ur] Ma[jesty's] court of Excheq[uer] (as by the said l[ett]res pattents was required) compound with these Commiss[ioners] for severall summes of monney, and payed the same and thereupon were absolutely acquitted and discharged by these comm[issioners] [for severell sumes of money]⁸⁷ of and from all fynes and penalties whatsoever by them incurred as forfeited to yo[ur] Ma[jesty] on the prosecut[ion] for any the saide offences according to the power by the s[ai]d l[ett]res patents given to the said commiss[ioners] in that behalfe and were also thereupon discharged absolutely dismissed from the said suits in Starr Chamber

And wheras the petit[ioner] hath likewise compounded with the said Commiss[ioners] and payed this money amongst the rest and hath an *acquittance* under their hands and seales for that had ought to bee discharged of all suits and penalties for the same offences as all the rest of the said Merch[an]ts that compounded are.

yet so it is may it please yo[ur] most excellent Ma[jesty] that the petit[ioner] still prosecuted in the Excheq[uer] for the same offences contrary to the tenor & true meaning of yo[ur] Ma[jesty's] said gracious l[ett]res patents.

The Petit[ioner] therefore most humbly beseecheth yo[ur] sacred Ma[jesty] that fines hee hath compounded & paid his money and hath the said commiss[ioners] acquittance under their hands and seales in full discharge of all fines penalties whatsoever incurred for the said offences That yo[ur] Ma[jesty] will graciously signify yo[ur] royall pleasure to the Barons of the Excheq[uer] that the pet[it]itioner shall in that Court enjoy the like beniefitt of this Composition ____ The rest of the Merchants that compounded have done in the Cort of Starr Chamber.

And as in duty bound hee shall.

⁸⁷ This phrase has been crossed out on the original document but is still legible.

At the Court of Whitehall 16. October 1639

His Ma[jesty's] pleasure is that the Lord high Barren and the rest of the Barrens of the Excheq[uer] shall consider of this petition and if they find the petit[ioner's] allegations true that then they make stay of the *suit* and discharge the petit[ioner] from further attendance thereupon.

Fran: Windibank

Appendix 3

Transcription conventions: Bristol, Bristol Record Office, Society of Merchant Venturers of Bristol, Book of Trade, 1598-1693, SMV/2/1/1/34, 244-6.

Square brackets are used to complete contemporary abbreviations – eg. Ma = Ma[jesty].

Where words are illegible in the original document, the word is replaced by _____.

Where I cannot be sure that my transcription is absolutely correct, I have italicised the relevant words.

These transcriptions have maintained the spelling, grammar and punctuation used within the original documents.

- Transcriptions by Alexander Higgins.

p. 244.

Worthee Sir

By your letter written in the Springe wee were informed that your butter pattent was in question att the Councell board before the ____ uppon some complaints, And that you had informed their hono[urs] you had ffarmed the same to responsible men of Bristoll nameing some of us of whom their losse tooke notice, That therefore if any more complaints were made They would not looke after you, but the responsible men, And to this effect o[ur] lo[rd] high Steward was please to admonishe us, soe that you have made us suspected to be great offendours whereas wee are confident of our innocence, having shipped away last years but 2600 k[ilder]k[ins] because we would not exceed the price of iij p[er] p[ow]nd And that others for their p[ro]visions should bee supplied you are please alsoe to tell us that wee had undertaken to furnishe the marktete here And to buy all the butter made in Wales, Neither of these Are in the Articles of agreem[ent], yf unjust complainte bee made about yo[ur] pattent wee Desire you to Defend itt, ffor itt is not ____ bee cast uppon us, ffor you may please to be confident wee will not exceed the price nor shippe a kinterkin of Englishe butter, And wee hope you will not suffer others to doe itt: wee have ____ yo[ur] about ffower Daies past with a p[ro]clamac[i]on givinge libertie to buy and transport againe, But as yett the same is not published here, nor in any other place to our knowledge Therefore wee dare not buy nor transporte, Itt seemes strange to us That notwithstandinge the prohibition *neere* all this yeere you should Desire paim[en]t to be made of the Rent wee had transported onlie 200 kinterkins before his Ma[jesty's] p[ro]clamac[i]on prohibited As wee had about 1000 more att that Instant to have shipped of, w[hi]ch afterwards wee sould parte in the marktete, the rest lieth here readie to p[er]lishe not to be kept any time being butter of the ffirst makinge. This yeere would have beene to us a p[ro]fitable yeere, the season affordinge much and all marchants resolveing to forbearre transportac[i]on onto Ireland

But now Are all places beyond the seas ____ from thence and that butter in Wales since the Restraint, the more parte Disposed of by the Countrey wee could not forbearre their moneis, These and other Inconvenience & Dammages M[r] yeamans o[ur] ffriend the bearer (a marchant) will show you. wee are confident hee shall find you soe noble That you will take them all into Due considerac[i]on, ffor o[ur] parte wee shall not bee wantinge to correspond with you in a faire way, And wee alsoe entreate you concerning this bearer in his particuler, Hee is one them named in the pardons And hath paid towards the fine of 300li, Hee hath beene sued in the Excheque[r] about butter, hee was alsoe served into the Starrechamber amongst others for the said things, The non prosse and pardon is (wee presume) as availeable to him as others, wee noe way Doubt of yourr favour, in takeing him of *ffrom* itt, And thus with o[ur] Due respecte

wee shall ever rest,

Bristoll 28th August 1639

Yo[ur] humble servants,

Humfrey Hooke

Andrew

Charlton

Rich[ard] Longe

Giles *Elbridge*

J[oh]n Goninge junior

Tho[mas] Hooke

Will[ia]m Cann

Rob[er]te Yeamanns

To the Right woo[rthy] o[ur] much

honoured ffriend Sir

Henry Hungatt knighte

theis present.

pp. 245-6.

____ yeamans

Wee Desire you att your comingeto London To make y[our] ____ repaire to M[r] Kilvert and to entreate him (if his occasions will give leave) To goe with you to Sir Hen[ry] Hungatt And leave with you To assist in making Defence in our just greivances in the matter of the butter pattent

ffirst you shall find by the coppie of our l[ett]re to him That about the Springe of the yeere The butter patent was in question before the ____ att the Counsell Board, Att w[hi]ch time Sir Henrie Hungatt was pleased to tell their ____ hee had farmed it unto responsible men of Bristoll whereuppon their honours were pleased to say that if any more complaints came They would question those of Bristoll

Now you know for the last yeere wee exported but 2600 kinterkins, more we might have had if wee would have exceeded but a little in price, But wee had regard that All men for ev[er]ie occasion might have to supplie their occasions, And yett we paid the full Rent of 700li.

Though wee are innocent yett a kind of asp[er]sion lies uppon us, ffor o[ur] Lord high Steward understood itt for, And thereuppon wrote his l[ett]re To admonishe us to bee circumspect, And Sir Henry Hungatt by his letter tould us wee shouldd Takeheed of being made exemplary

This things wee cannot take well, being cleere from all intenc[i]ons of baad Dealinge wantinge last yeere 3400 k[ilder]k[ins] of what wee might have shipte

This yeere his Ma[jesty] was pleased To suspend the Transportac[i]on of Welsh butter, Att the comming of this p[ro]clamac[i]on wee had transported onlie 200 kinterkins, wee had by us then 100 k[ilder]k[ins] readie to bee Shipt, These as you know were Devided some sould in the markette, most lies on our handes readie to p[er]ishe ffor that Butter of the ffirst of the yeere will not keepe, besides wee had *earnested* by our buiers many p[ar]cells w[hich] will turne to o[ur] Dammadge

Yf wee hadd not beene p[ro]hibited wee might this yeere by reason of the season have had full 6000 k[ilder]k[ins]

wee might have sould them well for that All men had purposelie left of the Irishe butter, This would beene a helpe towards last yeere and other Drie seasons that may happen in the vij yeeres.

The case standing with us wee Desire Sir Henry Hungatt to weigh all things in an equall ballance and to take care

That if any unjust complaints come about the pattent hee would Defend the same, Itt bringing him in such faire Rent

That he would bee pleased to appointe men To see that noe Englishe butter bee shipe away
nor Welsh but such as shallbee Duelie entered in the custome houses

That wee may have considerac[i]on for the Damage in not transporting in this plentifull yeere
And for the Dammage by the 1000 kinterkins

And then wee shall willinglie pay him for the 200 transported, And for what else wee shall
transporte this yeere 2b 4d for ev[er]y kinterkyn, soe much itt Doth amount unto all 700li per
annum for 6000 kinterkyns, Then in the next yeere we shall p[ro]ceed according to our first
agreement yf wee are not prohibited or that Sir Henry Hungatt bee pleased to take itt againe
into his owne hands. And thus wishinge you a happie Journey wee rest

Bristoll 29 August 1639

Yo[ur] loveing ffriends

Humphrey Hooke

Andrew

Charlton

you are Desired to call to _____ Kilvert for the writings left with him about M[r] Lewis the
Searcher ffor that before my lo[rd] Tre[asur]er att his being now att Bath, The Searchers ffees
Are composed for a time.

Before you Treat with Sir Henry Hungatt, make enquire about the butter pattent
p[ro]clamac[i]on, whether itt be called in, or whether itt hath beene yett published

That you goe to M[r] Read Secretarie to M[r] Windebanke, And tell him I wrote M[r]
Richard for about xxvli lies here for M[r] ffrancis Windebanke, Hee being absent I Doubt hee
heard not of itt, the xxvli lies readie for him

That if the 200li bee paid by M[r] Legingham to Captaine Crispe, That you would call unto
M[r] Legingham for the p[ar]dons & contracte, And bring the same with you

Wee Deliver you here with the coppies of our Lord High Stewards letter and Sir Henry
Hungatt att both menconed in this remembrance, w[hi]ch you may happilie have occasion to
use.

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