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Martial Law and English Laws, c.1500–c.1700, John M. Collins (Cambridge, Cambridge U.P., 2016, pp. xiv + 319. £64.99).

This book provides a coherent and detailed account of the emergence and utilisation of martial law in Ireland, England and English colonies overseas during the early modern period. It traces the origins of early modern interpretations of martial law to the execution of Thomas, Earl of Lancaster on the orders of Edward II in 1322. Collins maintains that martial law was increasingly used during wartime to inflict harsher exemplary punishments on soldiers (but sometimes civilians too), in the hope of maintaining order and discipline. However he argues this did not constitute an abandonment of law in favour of the exercise of arbitrary power. Rather, he contends that martial law was still accepted as one of the king's laws, and that the commissioners and councils of war who implemented it were still concerned to maintain a legal process and uphold some standards of proof and evidence.

Tudor sovereigns resorted to martial law to eliminate their enemies when they feared that juries at common law would not convict. Henry VIII used martial law to dispose of rebels after the Pilgrimage of Grace, and Elizabeth I imposed it upon the supporters of the Northern Earls in 1570. In Ireland it was imposed by successive Tudor lord deputies to discipline the English army of occupation, but it was also utilised alongside common law to restrict the movement of the more mobile native Irish population and diminish their capacity to muster insurrections. However, the crown became concerned about the abuses that occurred when powers of martial law were too frequently delegated; local officeholders could use martial law to settle scores and claim the property of those they executed, thereby

denying the crown receipt of confiscated traitors' lands, which could only occur through process of common law.

As well as drawing upon the Irish experience, Collins demonstrates how as the seventeenth century wore on, English commanders were influenced by the practice of martial law in continental armies. Increasingly, panels of officers were established to pass judgements on soldiers in formalised councils of war. Although martial law was restrained by the Petition of Right in 1628, a useful chapter outlines how the Long Parliament gradually extended martial law to punish civilian conspirators and side-changers. Parliament eventually established 'High Courts of Justice', termed by Collins 'hybrid tribunals', which blended procedures of impeachment and martial law to try their enemies, including the king himself.

Collins provides a useful list of the surviving martial law records for seventeenth-century England, to which should be added the minutes of the parliamentary army's councils of war at Ripon, Knaresborough, York and Pontefract during 1647–8, held by the West Yorkshire Archive Service at Wakefield. This topic has become increasingly studied in recent years. With most of the focus on how parliamentarians employed martial law, more attention might have been paid to the phenomenon in the king's army, which became particularly prominent in several high profile cases as the royalist cause imploded. For example, Prince Rupert's demand to be tried by a council of war to vindicate his surrender of Bristol was quickly emulated by Viscount Ogle at Winchester and Sir Barnabas Scudamore at Hereford. Aided by the better survival of archival documentation, the final two chapters examine how martial law operated in the post-Restoration period. Particular attention is paid to how martial law was implemented overseas by governors, colonies and garrisons such as the East India Company, Tangier, Bombay, St Helena and Jamaica.

The book is well written and follows a logical structure. There is an impressively extensive manuscript bibliography, but the lack of a bibliography of printed works makes the

extent of Collins's wider reading difficult to assess. Furthermore, the book is marred by several factual errors, particularly concerning the military history of the Civil Wars. The unruly royalist lieutenant-colonel, David Hyde, is misnamed as 'William Hide'. Sydenham Poyntz is mistakenly called John Poyntz. Nathaniel Fiennes is wrongly identified as a knight. James Scott, duke of Monmouth is referred to as 'the earl of Monmouth'. The claim that by 1645 'parliament had no capability of paying its soldiers' ignores the improvements in the parliamentary war effort in paying the New Model Army more regularly that year. If there had been no money for pay, the victories of 1645–6 would not have proved possible. Most importantly, the conclusion's assertion that scholars are guilty of 'mostly ignoring martial law' overlooks several significant recent works in Civil-War studies. But aside from these questionable claims, the book achieves much in its wider aims of helping readers make sense of the many forms martial law took in the Anglophone world over this long and complicated period.

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