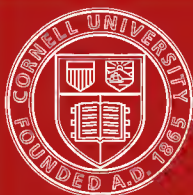


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NOTE BOOK
OF
SIR JOHN NORTHCOTE.

NOTE BOOK
OF
SIR JOHN NORTHCOTE

SOMETIME M.P. FOR ASHBURTON,
AND AFTERWARDS FOR THE COUNTY OF DEVON.

CONTAINING

MEMORANDA OF PROCEEDINGS IN THE HOUSE
OF COMMONS DURING THE FIRST SESSION
OF THE LONG PARLIAMENT, 1640.

From the MS. Original in the Possession of the Right Hon.
Sir Stafford Northcote, Bart., M.P.

TRANSCRIBED AND EDITED, WITH A MEMOIR,

By A. H. A. HAMILTON.

LONDON:
JOHN MURRAY, ALBEMARLE STREET.

1877.

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TO
THE RIGHT HON.
SIR STAFFORD HENRY NORTHCOTE,
BART., C.B., D.C.L., F.R.S.,
CHANCELLOR OF THE EXCHEQUER,
KNIGHT OF THE SHIRE FOR THE NORTHERN DIVISION OF DEVON,
AND LEADER OF THAT HOUSE OF PARLIAMENT
WHOSE MOST FAMOUS SESSION IN FORMER TIMES
IS HERE RECORDED BY HIS ANCESTOR,

This Volume is Dedicated.

*Fairfield Lodge, Exeter,
1877.*

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MEMOIR

OF

SIR JOHN NORTHCOTE.

SIR JOHN NORTHCOTE of Hayne, in the parish of Newton St. Cyres, in the county of Devon, first Baronet of his family, and a lineal ancestor of Sir Stafford Henry Northcote, was one of those country gentlemen who, though their names do not appear in biographical dictionaries among those of the Vanes and Hampdens, played a not inconsiderable part in the great events of the seventeenth century. Had it been otherwise,—had he been one of those who trust in the length of their ancestry rather than in their own personal exertions, the race to which he belonged was by no means wanting in distinction of the former kind. A pedigree preserved at Pynes, which was examined and verified at the Heralds' Visitation of Devonshire in the reign of James the First, contains a complete and minute account of the family from the days of Galfridus de Northcote, knight, who held the lands of Northcote in the parish of East Down, near Barnstaple, in the year 1103, the third of the reign of Henry the First.

James Northcote, the eminent painter, who descended from Samuel Northcot, Mayor of Plymouth in 1658, and who delighted to trace his origin to an offshoot which branched away from the parent stem in the 15th century, collected various records of the family in two large manuscript volumes, which, illustrated by many sketches of his own, by several rare engravings, and much curious heraldry, are also preserved in the library at Pynes.

From these sources we learn that the Northcotes, as generations went by, allied themselves with many distinguished houses, such as those of Courtenay and Luttrell, which are still flourishing ; of Hillion, whose ancestor came over with the Conqueror ; of Meoles, whose name appears in Domesday Book ; and others well known to the antiquaries of the West of England. Through the Courtenays and Luttrells they acquired a strain of the blood of the Plantagenets. We also find that, by the marriage of heiresses, they absorbed into their own several of the ancient families of Devonshire. Many deeds and wills preserved in the Heralds' College attest their importance, and John de Northcote served the office of Sheriff in the 27th year of Edward III. (1354). As they acquired new estates, either by marriage or purchase, they repeatedly changed their residence. In the middle of the sixteenth century, Walter Northcote, great-grandfather of the first Baronet, was living at Uton, in the parish of Crediton.

There exists in the State Paper Office an incidental notice of him, contained in a declaration of John Prediaux, the then owner of Pynes, which, some generations afterwards, was brought into the Northcote family by the heiress of the Staffords. John Prediaux's declaration relates mainly to the disturbances which might be expected if King Philip of Spain landed in Devonshire on his way to marry Queen Mary, but he mentions casually that at the time of Quarter Sessions he was partly busied with other affairs, "also with Norcot of "Kyrto (Crediton) for and consernyng his assurances for land that he bought of Sir Hugh "Pollard, knight." The name is so frequently spelt *Norcot* by writers of the sixteenth and seventeenth centuries, including Lord Clarendon, that we may perhaps infer that it was so pronounced, as North-west is often pronounced Nor'-west, and as the county of Northfolk has become Norfolk. It will be seen afterwards that the Northcotes were connected in various ways with the once flourishing family of the Pollards.

Walter Northcote was succeeded by his son John, and John Northcote's eldest son, Walter, married the heiress of Edmund Drew, of Hayne, which place then became the principal seat of the family. He died young, and his widow married Sir Edward Giles. His only child, Elizabeth, married first George Yard of Churston Ferrers, an ancestor of Lord Churston, and secondly

Dr. Barnabas Potter, who was Vicar of Dean Prior (a living in the gift of Sir Edward Giles), and afterwards Bishop of Carlisle. The estate of Hayne, however, did not pass to her, but to her uncle John Northcote, father of the Baronet.

The name of this John Northcote appears in the list of Devonshire justices who attended Quarter Sessions during the latter part of the reign of Elizabeth. He lived till 1632. It seems from his epitaph that he was tried by the Star Chamber.

“Regia pacificæ commisit chartula libram
Justitiæ, lustris ætatis quinque peractis.
Libravit rectum purâ cum mente, probatus
Stellatâ Camerâ, spectatur ut ignibus aurum.”

Which may be roughly translated, in case there yet remains any lady ignorant of Latin :

To him the Queen's Commission in his youth
Trusted the scales of Justice and of Truth.
Fair was the balance held, and pure his fame,
Though by Star-chamber tried, as gold by flame.

It is probable that his experience of the procedure of that Court, although he was not ruined by it, had a decisive effect in determining the side taken by his son in politics. We know how, in the case of Sir Simonds D'Ewes, the tyranny of the Star Chamber converted, at least for a time, a quiet antiquary into an active and zealous Roundhead. I think one may venture to guess

that Justice Northcote got into trouble for the very same cause as Sir Simonds, viz., a want of "forwardness" in collecting ship money for His Majesty. In the Diary of Walter Yonge, a Devonshire justice of the same period, we find that in April, 1627, there came letters to the justices of Devon, and the mayors of port towns, "for the setting forth of eight ships, viz., two for "Exon, two for Dartmouth and Totnes, two for "Plymouth, and two for Barnstaple." "The "towns are to provide the ships, and the country "men and victuals, and are to be ready against "the 20th May next." And in the next year there were sent letters into Devon, both by King Charles and his Council, "for the raising of "£17,400 out of this county, to set a fleet at sea, "which was appointed to be at sea the 1st of "March, we having but six or seven days to raise "the money and to return it to London; *but our "county refused to meddle therein.*" It was exactly in this year, 1627-8, that John Northcote served the office of Sheriff of Devon, and must therefore have been required to levy the unpopular imposition.

His ill-luck in public affairs may perhaps have been compensated by his good fortune in private life. It is recorded of one of the three John Northcotes, and, I believe, may be safely attributed to this one, that he was one day playing piquet with his neighbour Master Dowrish, of Dowrish, near Crediton, who, having a particularly

good hand, offered to stake the manor of Kennerleigh against the sum of six hundred pounds. But Master Northcote played his cards so well that he won the game, and the manor of Kennerleigh remains to this day in the possession of his descendant. The loser caused the two hands of cards to be inlaid in a marble table, to be preserved as an heir-loom,—an awful warning to his posterity to abstain from gambling. The family of Dowrish has long passed away, but the table is still preserved in their ancient manor-house.

John Northcote's first wife was Elizabeth, daughter of Sir Anthony Rous, Knight, of Halton in Cornwall, and sister of Francis Rous, afterwards Speaker of Barebone's Parliament, Provost of Eton, and one of Cromwell's Lords. His second wife was Susan, daughter of Sir Hugh Pollard of King's Nympton. By his first wife he had only one child, who died unmarried. By his second he had no less than twelve sons and six daughters.

Such a family suggested an obvious comparison with the patriarch Jacob, which was commemorated by his youngest son being called Benjamin, and also in his very curious monument in the Church of Newton St. Cyres. It is elaborate in design, though decidedly rude in execution. The deceased esquire is represented in complete armour, standing upon a pedestal, leaning upon his sword, and treading on a death's head with his left foot. His numerous progeny kneel beneath

his statue, with the exception of three babies, who lie on the ground tightly wrapped in their swaddling clothes. On the right and left of the esquire are medallions in high relief of his two wives, each encircled by an oval frame bearing an inscription. The first wife is made to say, in a sad and apologetic manner :

“ My fruit was small,
One son was all,
That not at all ! ”

Contrasted with this is the boastful statement of the second lady :

“ My Jacob had by me
As many sons as he,
Daughters twice three.”

But even this lady did not rival her ancestress, the Lady Pollard, who had eleven sons and eleven daughters. Concerning this family, we are assured by the excellent Mr. Prince, in his *Worthies of Devon*, that four of the sons attained the honour of knighthood, one was Archdeacon of Barnstaple and Canon of Exeter, and all the rest were “ well advanced.” “ The daughters were married to “ the most potent families,” so that “ almost all the “ ancient gentry in the county became allied.” The father of these twenty-two children, which Mr. Prince calls “ a plentiful issue,” was Sir Lewis Pollard, a justice of the Common Pleas in the reign of Henry the Eighth. He bought the estate

and built the house of King's Nympton, near Chulmleigh, where his family flourished for several generations, and gave more than one representative to the county of Devon. Sir Hugh Pollard, father of Mistress Northcote, had the honour of being Sheriff of Devon in the year of the Armada, and was therefore the one immortalized, perhaps unconsciously, by Macaulay :

“ With his white hair unbonneted, the stout old Sheriff
comes,
Behind him march the halberdiers, before him sound the
drums,
His yeomen round the market-cross make clear an
ample space,
For there behoves him to set up the standard of Her
Grace.”

His son obtained a baronetcy soon after the institution of that order. In the reign of Charles the First another Sir Hugh Pollard distinguished himself on the King's side, especially by the defence of Dartmouth. At the Restoration he was elected Knight of the Shire for Devon, and was appointed Comptroller of the Household to Charles the Second. He was “ a gentleman of a noble mind,” and “ magnificently hospitable,” so that his mansion of King's Nympton became celebrated in a very bad rhyme, as

“ Nympton Regis,
Where one drinks and t'other pledges.”

It is not impossible that his hospitality may have

impaired his estate. At any rate he sold King's Nympton to Sir Arthur Northcote, and it continued for some time to be the principal seat of the latter family.

John Northcote, the eldest of the twelve sons before mentioned, was born in 1599. He married Grace, the heiress of Hugh Halswell, of Wells, in Somerset, and his eldest son, Arthur, was born in 1627. Of his early life no memorials have been preserved. I have tracked his public conduct through incidental mentions of him in many books and manuscript records. His career may perhaps serve as a type of the careers of other "Parliament-men" of that eventful period.

His name appears in the list of the Justices of the Peace for Devon in the year 1633, and also as an officer in John Bampffield's regiment of "trained soldiers," the second regiment of the southern division of the county. He took his seat in the Long Parliament as member for Ashburton in November, 1640, his colleague being Sir Edmund Fowel. In the Short Parliament of the preceding April, Ashburton did not return any members. That privilege, which had been suspended for many years, was restored to the borough in the first month of the Long Parliament. But the right seems to have been questioned. The first notes taken by Sir John were of the sitting of November 24. It is recorded by Rushworth, under the date Nov. 26, which pos

sibly ought to be Nov. 24, that the boroughs of Honiton and "Asperton" were restored to send burgesses to Parliament on a report by Mr. Maynard, Chairman of the Committee for Elections.

Sir Simonds D'Ewes, ever ready to instruct an ungrateful generation, tells us that he showed the House "the reason why they did forbear to send "was their poverty, being not able to maintain "their burgesses, but now, *gentlemen being generally chosen*, boroughs desire their ancient privileges." The pay of a burgess had been usually four shillings a day. D'Ewes himself was a borough member.

John Northcote employed himself during the first few weeks in taking the notes which have been preserved in manuscript to the present day. In the earlier part of the same year, as we find by some rough memoranda on the fly-leaves of his Note Book, he had taken a journey to York, where the King's army was collected to oppose the invasion of the Scots. He took with him £21 "for Riding Charges," and he spent £9 6s. 1d. "from London to York and at York from the "last of March to the 9th of April." He seems to have held some appointment of the nature of secretary or aide-de-camp to a nobleman, probably the Earl of Northumberland, who was Lord General of the Northern Army. There are brief memoranda relating to North Shields, Scar-

borough, and Newton upon Darwent. There is also one relating to the proclamation of martial law, and to the pay of the troops, a subject to which he seems to have paid special attention in his Parliamentary Notes. In July he paid Mr. Selden £20 "for drawing his Lordship's Commissions of General, by his Lordship's appointment." He also paid 4s. "for Maps for his Lordship." And in January he paid the Clerk of the Parliament £1, "for copies of Scots Articles against Lord of Cant. (Laud) and Lord Lieutenant (Strafford) for his Lordship." There is at Pynes a very fine portrait by Vandyke of the Earl of Northumberland, wearing what appears to be a Chancellor's robe.

With the exception of a few more memoranda about the payment of money, the present Note Book throws no light on Sir John's personal history. But it seems certain that various MSS. of his were in existence about the middle of the last century, and we may hope that the present publication may have the effect of causing them to be discovered. We can hardly doubt that a man who took careful notes (and who took them exceedingly well) for a few weeks in 1640, and for a few days in 1661, and who lived till 1676, must have written much more of the same kind.

He was one of those who took the "Solemn Protestation" on May 3, 1641, and he was created a Baronet on July 16, in the same year. I do

not find that he ever took the Covenant, although he must have constantly acted with the Presbyterian party.

During the first year of his attendance in Parliament he seems to have kept silence and learnt his business, as became a new member. At the beginning of his second year he was the hero of a curious "scene" in the House, for the report of which we are indebted to Sir Simonds D'Ewes.

It was Friday, the fourteenth of January, 1641-2. Charles had made his spring at the Five Members, had missed his intended prey, and had slunk away from London in an agony of shame, "never to return till the day of a terrible and "memorable reckoning had arrived." The Five Members had been brought back in triumph. The four thousand freeholders of Bucks had ridden up to Westminster, and the Houses were in a state of unprecedented excitement.

"Sir H. Cholmely moved that he understood "there were divers jealousies and fears put into "the King's head, and the Queen's, as if we meant "to diminish his authority, and impeach the Queen "of high crimes, and therefore desired that we "might think of some speedy way of removing "these jealousies between the King and Parli- "ament. Others desired that we might first move "the Lords to join with us to command the "Marquis Hartford upon peril of his life to go

“to the Court (at Hampton) and to take the young
“prince into his custody, having been formerly
“appointed Governor of his Highness by the King
“himself.

“When some offered to speak against it, others
“interrupted them, although it was yet no order of
“the House, having not passed upon the question.
“Sir John Norcott said plainly that this would
“rather increase the jealousies between the King
“and us than any way diminish them, it being
“already reported by some *that there was an in-*
“*tention to crown the Prince and make him King.*
“But he was so interrupted as he was fain to give
“over before he had intended, and divers called to
“have the order read, which made me (D'Ewes),
“in respect of the weight of the business itself,
“and the orders of the House so extremely broken,
“to speak, &c.”

Sir Simonds then gives us the substance of one of his instructive lectures in the “superior person” style. As to the rest of the debate, he merely observes that “Divers spoke after me, and, though all was not pursued which I had moved, yet a good part of it was.”

It was then resolved “that the Lords should be moved to join with this House to command Marquesse Hartford, being formerly appointed by his Majesty to be governor of the Prince, should take care of him and attend his person, and take care that he might not be carried

“beyond the seas ; and that whosoever should “give that advice or attend him on his passage “shall be declared a public enemy to the king- “dom.” It was also resolved, on the motion of Sir Hugh Cholmley, to move the Lords to join in desiring his Majesty not to permit the Prince to be carried out of the Realm.

This was the memorable day on which Mr. Oliver Cromwell carried his motion “that a Com- “mittee might be named to consider of means to “put the kingdom in a posture of defence.”

Mr. Forster was misled by a very small error in his transcript of D'Ewes's notes into stating that Sir John Northcote said that *he* would rather increase the jealousies between the King and Parliament than diminish them. Having seen both the transcript and the original, I can confidently state that the word is *this*, *i.e.*, the proposal of Sir H. Cholmeley. The mistake is an example of the effect which a misreading of one syllable may sometimes produce in more important matters of history. The declaration which Mr. Forster attributes to Sir John Northcote would indeed have been a most audacious one at that time, when it was still the practice to mention the King personally in terms of most obsequious loyalty. Even in August, 1643, Henry Martin was sent by the House to the Tower for speaking against his Majesty. It is enough that Sir John was certainly the first to

mention in the House the idea which had been suggested in conversation out of doors, that the habitual duplicity of the King left no hope of a satisfactory arrangement being made with him, and that the least dangerous course to adopt, in a choice of evils, was to depose him in favour of his son.

It is evident that Sir John did not give this as his own opinion, but he may have mentioned it as a means of testing the feeling of the House. That it was his real opinion is, I think, clear from the whole course of his life, and in this view his career during the next twenty years appears perfectly consistent. Nor would it be easy, even after the event, to suggest any scheme that would have been more likely to succeed. Lord Macaulay, writing with all the experience derived from two hundred additional years of English history, came to exactly the same conclusion as did Sir John Northcote.

“When a country is in the situation in which England then was, when the kingly office is regarded with love and veneration, but the person who fills that office is hated and distrusted, it should seem that the course which ought to be taken is obvious. The dignity of the office should be preserved ; the person should be discarded.”

Had it been possible to place Charles the Second on the throne in 1642, with Hampden

for his governor, Bedford for Prime Minister, and Pym for Chancellor of the Exchequer and leader of the House of Commons, it seems probable that the Revolution of 1688 might have been anticipated, and that England might have been spared the miseries of the Civil War, the dominion of the Puritans of 1648, and the dominion of the Cavaliers of 1661.

In April, 1642, several members of the House of Commons subscribed money "towards the speedy reducing of the rebels in Ireland," and we find that Sir J. Northcote put down his name for the sum of £450.

On June 15th he spoke in the House in favour of the appointment of Thomas Fuller as one of the Lecturers of the Savoy. It is pleasing to record that, even at that crisis, he was able to appreciate a good and wise man of the opposite party.

At this time both parties were preparing for war in England. The Houses of Parliament entrusted the work of raising the militia in Devonshire to the Earl of Bedford and other Commissioners, among whom Sir John Northcote was one of the most active. The King sent his Commission of Array to the Earl of Bath, and under him the principal leader seems to have been Sir John's Royalist relative, Sir Hugh Pollard, sometime member for Beeralston, who had been expelled the House and imprisoned

for his share in the Army Plot, but had been released on bail at the instance of his cousin.

Among the De la Warr papers preserved at Knole are some letters written during that eventful summer and autumn.

On Sept. 25th, Sir Hugh Pollard wrote from King's Nympton to the Earl of Bath :

“The Earl of Bedford is now at Taunton, in want of men and money ; he hath sent to his sure friends Chudleigh, Bampffield, and Northcott, for a supply of both, whose oratory cannot get one trained man to move, nor above eight volunteers ; and their credits cannot procure him a groat. I hear divers reports of an accommodation, but believe none ; and, my Lord, depend upon it, his Majesty is in no ill condition.”

This letter receives a curious comment from the succeeding ones. At that very time the Earl of Bedford was issuing orders for the arrest of Sir Hugh Pollard, and four days afterwards Sir George Chudleigh and Sir John Northcote wrote to Major Carey, expressing their approval of Captain Dewett's conduct in capturing the Earl of Bath.

“Northcote's oratory” resulted in placing him at the head of a regiment of 1200 men, which he appears to have commanded during the first two years of the civil war. He was slightly connected with several of the leaders in the West. His father's first wife, as has been already mentioned,

was a sister of Francis Rous. His brother Robert married a daughter of Sir Richard Strode of Newnham, member for Plympton, and brother of the more famous William Strode, member for Beeralston. A sister of the Strodes was married to Sir George Chudleigh, perhaps the chief leader in Devonshire at the commencement of the war. At the beginning of the siege of Plymouth, we find Sir George "Governor of Plymouth, Mount "Wise, and other Castles thereabouts," having under his command about 2000 foot and 500 horse. Another sister was married to Sir Francis Drake, the first baronet, and their son had married a daughter of Pym.

In November, 1642, Sir George Chudleigh, Sir John Northcote, Sir Samuel Rolle, and Sir Nicholas Martyn, were proclaimed traitors by the King, and specially excepted from his offer of grace and pardon to all other offenders in Devonshire. The House of Commons sent up to the Lords a Declaration for their defence and protection. D'Ewes records the circumstances at some length, as he himself was named by Northcote and Hollis to be the messenger, "being the first "message I was ever sent up withal since my "being in this Parliament." Poor Sir Simonds was evidently proud of being selected, but the circumstances induce us to suspect that it was really a trap for him. His loyalty to the Parliament was considered very doubtful, and this

was an opportunity to compel him to declare himself. He went up very complacently, and told the Earl of Manchester, who acted as Speaker of the House of Lords, that the Declaration was "for the vindication of some worthy members of the House of Commons and others *who have laboured to preserve the peace of the kingdom in the county of Devon!*"

Four days afterwards, Sir Simonds appears to have seen reason to doubt the accuracy of his description of their conduct. In his journal for Dec. 24 we find that—

"Sir John Northcote brought in certain Articles for an association to be made between the county of Devon and one or two other counties, which were read." As usual, D'Ewes proceeds to give his own speech, from which we have to gather what the proposal really was.

"After which I stood up and spake in effect following :—

"That I conceived there were some particulars in the said Articles which might be of dangerous consequence. As first in forcing men to take a Protestation, which perhaps many who would be very willing to assist against Sir Ralph Hopton may perhaps be unwilling to enter into any such Protestation. The next particular is concerning Martial Law, which is here permitted to some private men in a county, whereas we would by no means allow it to the general of our Royal

“Army when it was in the North the last year
“during the sitting of this Parliament. The third
“and last particular is to have power to seize
“horses for the service of the war, without excep-
“tion of so much as the very horses that must
“serve for ploughing the lands, by which in time
“a famine and dearth must be brought upon those
“parts.”

Sir Simonds had as yet hardly realized what a civil war was.

“After I had spoken, Sir John Northcote stood
“up, and showed that the Protestation was only to
“assist against Sir Ralph Hopton and his forces,
“and that, for the other two particulars, how large
“soever the power that was given them was, *they*
“*would use it but moderately (!)*

“Whereupon the House passed the said
“Articles,” and Sir Simonds shook the dust off
his feet.

“After which I departed out of the House
“between 4 and 5 of the clock this afternoon, and
“returned no more thither again this day.”

Sir John Northcote, having obtained the full powers he asked for, went off to take part in the defence of Plymouth, which began to be pressed by the Royal forces. A local annalist records that “Barronet Norcot,” with his regiment, was quartered near Roborough Down, in order to hinder the passage from Cornwall by Saltash, where Sir Nicholas Slanning had 1000 men on

the King's side. Robert Northcote commanded a troop of horse at the same time and place. In the "Siege Window," erected in the new Guildhall of Plymouth, "in memory of besiegers and besieged," the arms of the Northcotes have been introduced, in honour of the part which they bore in the defence of the town.

At the beginning of February the Houses received a letter from the Earl of Stamford, informing them that he was besieged in Plymouth. On the 27th they received news of a victory won at Modbury "by the forces under Lieut. Gen. "Ruthen, Sir J. Bampfield, and Sir John Northcote, over the Lord Hopton's forces." About one hundred men were slain, and sixty taken prisoners. Nearly a thousand stand of arms were captured, and some artillery.

The Houses were much delighted at first, but were not so well satisfied afterwards. It appeared that the Cornish militia had run away, and that, if the Devonshire men had followed up their victory, the war in the West might have been at once terminated. The Parliament began to suspect that their soldiers were not anxious to bear too hard upon their enemies, and this suspicion was soon verified. Within a fortnight after the battle at Modbury, the Parliamentary gentlemen of Devonshire, among whom was Sir John Northcote, and the Royalist gentlemen of Cornwall, had arranged preliminaries for an "associa-

“tion” or peace among themselves, which would have had the effect of neutralizing the two Western counties. It was arranged that the treaty should be ratified at Exeter, but the Houses received information of it, and hastily sent down Commissioners, who succeeded in preventing its completion.

We all know how the nation had “drifted into “war,” without any definite resolution. What was at first a constitutional opposition became something more, and was met by the King with acts of violence. The military demonstration, with which the Parliament hoped to over-awe the Sovereign, was replied to by the Commissions of Array. The collision had become inevitable, but, as long as the conduct of the war was chiefly in the hands of country gentlemen, it was carried on only in a half-earnest sort of way, with constant attempts at accommodation, until at last the affair passed into the control of a fiercer spirit, possessed by a desire for very different objects, and utterly despising a rose-water revolution.

The fortune of war now changed in the West. The Royalists were victorious, and Exeter was besieged during a great part of the year 1643. On September 5 it capitulated to Prince Maurice on liberal articles, one of which provided that his Highness should procure “a free and general “pardon” for all persons in the city, among whom the Earl of Stamford, Sir J. Northcote,

and other superior officers, were mentioned by name. This article was "much disgusted" in Parliament, and not unnaturally, as it seemed to admit that they were guilty of treason.

We next hear of Sir John at the siege of Sherborne. He is mentioned by Clarendon as having been sent by the Earl of Bedford, the Parliament's General of Horse, to negotiate a treaty with the Marquis of Hertford. His portrait appears in the magnificent illustrated copy of the History in the Bodleian Library.

Shortly after this he must have been taken prisoner, as we find by the Journals of the House of Commons for Oct. 16, 1644.

"Mr. Bond reports the case of the absence of " Sir John Northcott, a member of this House, a " prisoner to the King's Forces at Exon, and " come up upon his Parole, to solicit his exchange " for Colonel Gibson, a prisoner in the Tower.

"The humble Petition of Sir Jo. Northcote " was read, desiring that the Report concerning " him may be made, and his exchange expedited.

"*Resolved*, That this House doth allow that Sir " Jo. Northcote, a prisoner on his Parole to the " King's forces, shall be exchanged.

"That this House doth allow and approve of " the exchange of Sir Alexander Denton, a prisoner " to the Parliament, in the Tower, for Sir Jo. " Northcote, a Prisoner to the King's Forces.

"*Ordered*, That it be referred to the Committee

“of Prisoners, to take caution of Sir Alex. Denton; and to limit him a time to go to solicit his exchange, not exceeding the time limited and remaining to Sir Jo. Northcote.”

This affair must have taken some time, as it is not until May 7, 1645, that we find it

“*Resolved*, That Sir Jo. Northcott be forthwith admitted to take his place, and to sit as a member in the House.”

On June 3rd Sir John Northcott and Mr. Bond were appointed on the Committee for Plymouth, Lyme, and Poole.

On the same day Sir John's name appears in a long list of members who were to have “an allowance of Four Pounds per week, for their present maintenance,” probably on account of their estates being in the power of the enemy.

On the 24th Nov., 1645, some suspicion appears to have been excited, and it was

Ordered, “That it be referred to the Committee of Examinations, to examine Sir John Northcote's servant, who was prisoner at Winchester, concerning any letter supposed to be carried by him to the Lord Digby. And likewise that the business concerning the Cypher, wherein Sir John Northcote was named, be by them likewise examined.”

The result of this examination does not appear. On the 20th August, 1646, the order for the allowances of four pounds a week to certain

members was discharged, the whole country being now under the control of the Parliament.

It is pretty certain that Sir John never served in the field after the "self-denying ordinance." Having drawn his sword for the ancient liberties of England, he had no love for a military despotism, and he seems to have been constant in his opposition to the Cromwellian system. Even the author of the *Mystery of the Good Old Cause* does not accuse him of having made a profit of his political principles. He was one of the members "secluded" by the army in 1648, before the trial of the King, and in 1651 his name was omitted in the new Commission of the Peace for the County of Devon.

In 1654 the Protector called a Parliament, to be elected according to a scheme of Reform invented or adopted by himself. Devonshire had eleven members allotted to it, and of these Sir John Northcote was one. We may be sure that he went very heartily into opposition, which increased his popularity in his native county.

In the list of the Parliament of 1656 he appears as the first, or perhaps we may say the Captain, of the eleven. But this time Cromwell allowed no member to take his seat unless he had first obtained a certificate of having been "approved "by the Council." Some of the excluded members were bold enough to publish a Remonstrance, which may still be read, reflecting in unmeasured

language upon the tyranny of the Lord Protector, and among the signatures to that document we find the name of John Northcote.

Oliver died, and Richard Cromwell called a Parliament on the old system. Devonshire had again only two representatives, and the first of these was Sir John Northcote. His long experience of public affairs, as well as his opposition to Cromwell, had now evidently made him a man of considerable mark. He was placed upon many Committees, and at least once sent up with a message from the House to the Protector. We find by *Burton's Diary*, with which Goddard's Notes are incorporated, that he was at this time a frequent speaker in Parliament. Mr. Towill Rutt, the editor of that work, gives us a facsimile of his signature on the same page with those of Oliver and Richard Cromwell, Thurloe, Earle, Hesilrige and Vane.

His chief speeches which have been preserved were delivered in this Parliament, against the recognition of Cromwell's House of Lords. He appears as an enthusiast for representative government, and as entertaining a contempt for the pretended Peers which might have moved the admiration of an old Cavalier. On March 1, 1658,

SIR JOHN NORTHCOTE said: "It was minded "you by my learned countryman (Maynard) that "no law was rightly made but by King, Lords,

“and Commons. I am sure this law was not
“made so. If you admit this for a law, you give
“away all the rights and liberties of the people at
“once ; such a thing as never was done. How
“that law was made, I shall not examine. The
“Triennial Bill had taken care for calling Par-
“liament, if the Petition and Advice had not ; or
“the *lex naturæ* directs us how Parliaments should
“be called.

“In the Saxons’ time, every May-day, the
“chief officer and the great council were chosen.
“All power, I do affirm, was derivative from the
“people. After the Conquest, in Henry the
“Third’s time, the Lords were not hereditary.

“The first hereditary Lord was one Beaumont,
“in Henry the Sixth’s time. If usage can make
“a right, they had it, but not for themselves, but
“for the good of the nation.

“I would have this examined, whether it be for
“the good or destruction of the nation that
“this House now in being should stand. They
“ventured their lives, but not their fortunes.
“The other Lords did venture both, and that
“they should be excluded and these advanced, is
“not just nor reasonable. I would have you first
“put the question, whether the Petition and
“Advice be a law.”

Again, on March 5, Sir John Northcote said :

“We thought in the Long Parliament we
“might restrain the inordinate power of the Chief

“ Magistrate. That was the ground of our quarrel
“ in the late war; but by this argument we cannot,
“ and it seems we cannot bound these Lords’
“ exorbitant powers. I am sorry to observe
“ the argument.

“ It is said, we must take care we bring not
“ ourselves under Major Generals. I did not
“ expect that argument in this place. I did fight
“ against an exorbitant power in the King’s hands,
“ *and I will fight against it again to the last drop*
“ *of blood*, if his Highness command me, whenever
“ such power shall be set up, if it be to-morrow,
“ and in whatever hands it be.

“ It is objected that Lord Lieutenants heretofore
“ sat in the other House. That was introduced
“ but in Queen Elizabeth’s days, and was then
“ complained of. Besides, they were great lovers
“ of the people. The Lieutenants were persons of
“ quality, and the captains men of estates. The
“ common soldiery were the yeomanry. None
“ had any pay. These are mean people, and
“ must be paid by you.

“ You bring yourselves into the old condition
“ of slavery, if you go to establish those with this
“ external power. If you establish them not by a
“ law, if they be established in their power, you
“ establish slavery perpetually upon the people.
“ If the civil and military power be joined together
“ there by a law, some of them that offered force to
“ Parliaments, and disturbed us, are sitting there.

“What they have done they may do. Joab would not take part with Absalom,¹ but he did with Adonijah.

“I cannot be satisfied but that those persons, in consequence, may join to set up themselves, and pull down both the single person and this House. I would have such an addition as may so bound them, that they may not enslave the people.”

Richard Cromwell and his Parliament passed away, and the remnant of the Long Parliament returned to their House. Sir John does not appear at first to have taken any part in their proceedings. It is probable that few or none of the members secluded in 1648 took their seats on this occasion. It seems not unlikely that Sir John went down to his county to raise the militia for the defence of Parliament against the army, as he had once raised it for the defence of Parliament against the King. We next hear of him as a prisoner, and though, as on a former occasion, we are left to infer the fact of his imprisonment from the fact of his liberation, I think there can be little doubt that Lambert, when he again expelled the remnant of the House of Commons, took the precaution of arresting Sir John Northcote. After the second return of the members of that famous assembly, he is repeatedly mentioned in the

¹ 2 Sam. xiv. 29; 1 Kings, i. 7.

Journals. On Feb. 21st, 1659-60, it was ordered, That Sir John Norcott, Sir William Courtenay, Sir Richard Temple, and Sir Copleston Bampfield, *be discharged of their imprisonment.*¹ On Feb. 27, he was appointed one of a committee to consider "who are in Prison, and who are fit to be discharged." On Feb. 29, he was placed on the Committee for Settling of Ministers and matters concerning Religion. He was also on the Committee for settling the Militia, and on some others, although the Parliament only lasted till the 16th of March.

The Convention Parliament met on the 25th April. The number of Knights of the Shire for Devon was again only two, and of these Sir John Northcote was one, his colleague being no less a personage than the Lord General Monk, destined soon to confer a crown, and himself to receive a ducal coronet. It must be considered a striking proof of Sir John's influence in his native county, that one so deeply compromised in the commencement of the rebellion should have been returned to Parliament in the first burst of reviving loyalty. Like Markham Everard in Sir Walter Scott's *Woodstock*, he cordially con-

¹ In the Clarendon Correspondence is a letter from Mr. Broderick, stating that "the gentlemen of Devon take the imprisonment of Sir Copleston Bampfield and the rest so much to heart, that they are

"sending to General Monk and the City a declaration to live and die with them in obtaining a free Parliament." See a paper on *Quarter Sessions under the Commonwealth*, in Fraser's Magazine, May, 1877.

curred in promoting the Restoration. Indeed, he showed his loyalty by moving a grant of £7000 to buy jewels for his Majesty at the Coronation, the former ones having been stolen, which was seconded by Lord Valentia, and carried, with the amendment that the sum should be £10,000. Such a motion, proceeding from a private member, would hardly be approved by a modern Chancellor of the Exchequer. It seems possible, judging from Sir John's constant appearance in debate and on almost every Committee at this time, and from his being the colleague of General Monk, that he may have held some office during the Convention Parliament. But, though he had become convinced, or perhaps always had been convinced, that the re-establishment of the Monarchy was necessary for the well-being of the country, he was not carried away by the violent re-action which tended to prostrate the ancient liberties of England at the feet of Charles the Second. He spoke repeatedly in favour of pardon and amnesty, and, when necessity arose, he seems to have confronted the triumphant Cavaliers in debate as boldly as he had met them, or their fathers, in the field.

A few fragments of his speeches have been preserved. In a debate on a Conference between the two Houses concerning the Indemnity Bill, Aug. 18, 1660, Colonel Jones exclaimed, "What will the world think of those that speak for the King's murderers?"

“Sir John Northcote got up and desired he might be called to the Bar or explain himself: Upon which the Colonel stood up again and said he did not reflect upon any person.” So early was the practice established of using words in a “Parliamentary” sense. In the same debate Sir Richard Brown the younger said he was for mercy, but it was for all the people in the land, and not for such horrid murderers as these were. “Sir John Northcote moved for a free conference, and, if the Lords would not agree with them, then to agree with the Lords as to their exceptions. Serjeant Hales said that the Proclamation did not imply that those who came in should be pardoned, though they did presume upon it,” &c.

In a debate in the Commons on Religion, 16 July, 1660 (perhaps on the bill “for the confirming and restoring of Ministers,” 12 Charles II. Cap. XVII.), “Sir John Northcote began the debate by speaking very highly against Deans and Chapters, but spared the Bishops, saying the former did nothing but eat and drink and rise up to play, or something worse; upon which Mr. — stood up and reprovèd him, but he was justified by Sir Walter Erle.”

Sir John Northcote again moved in behalf of the ministry, and said “Many of those who were ordained by Presbyters were active in bringing in the King.” Sir Anthony Ashley said our religion was too much mixed with interest, &c.

On August 10 there was a debate in the Commons on the question whether the Money Bill should precede the Act of Grace. A motion was made by Mr. Annesley for carrying up the Money Bill, which had already been prepared, and only waited for the Royal assent. Sir John Northcote said, "That his duty to his King and his love for his Country made a conflict within him, and desired the Bill for Money might not be carried before the Act of Indemnity was passed." To which Mr. Pierpoint answered.

Sir John seems to have been sufficiently advanced to favour the Rights of Women. On Nov. 10 in the same year Mr. Ferrers brought in a bill for preventing the voluntary separation and living apart of Women from their Husbands, and that they should not be allowed Alimony, or have their debts paid, if they went away without consent. The bill was read a first time. In the course of the debate Sir John Northcote said, "It was not improper for an old man to speak in behalf of the women. That perhaps a young man marrying a rich old woman, might also take it into his head to part from her, and so the woman might be ruined." He therefore moved to throw out the Bill, but was beaten on a division by 116 to 96.

We find his notions of finance expressed by a motion "to borrow money of the Hollanders at 6 per cent., and to give the excise for security."

On Nov. 13 the House resolved itself into a Grand Committee for consideration of the Public Debts. Mr. Knight moved to raise money by a Land Tax. Sir John Northcote was for not paying any of Cromwell's debts; *and to leave the raising money by a land tax to the last way of all.* On another occasion he even opposed a proposal to allow the cost of the funeral expenses of Cromwell and Bradshaw out of the forfeiture of their estates.

On Nov. 20, there was a debate on a seditious pamphlet "penned and published by William "Drake," arguing that the Long Parliament was still legally in being, and that the Convention Parliament was an unlawful assembly. Mr. Annesley said he did agree that the book was seditious, but the man repented of it, and had formerly merited; that it was hard to ruin a man for the first fault; and moved to forbear a while the severity of his punishment, but to burn the book. Sir John Northcote said it was not safe or honourable for them to spare him; and moved to agree in all with the Committee but the imprisonment. Mr. Howard said that he was writing a *Mene Tekel* upon the wall against them, &c.

Sir John was not returned to the Parliament of 1661, and it does not appear that he was a candidate. He was succeeded by his Cavalier cousin, Sir Hugh Pollard. It is probable that very few

who had ever borne arms against the King were returned in the midst of that loyal delirium. The old Parliamentarian must have felt a melancholy interest in haunting for a while the familiar scene, and observing the undoing of the great deeds of that House in which he had sat twenty years before. This interest is testified by a single sheet of foolscap which has been preserved, containing brief memoranda of the proceedings of the House of Commons in May and June, 1661.

His name was replaced on the Commission of the Peace for Devon, and he was for some years a regular attendant at Quarter Sessions. We may fancy him employing himself in his latter years by the erection of the monument of his father, and by the composition of the various mottos and epitaphs in English, French, and Latin, which are inscribed upon it. It may be that he felt rather weary and out of place in the England of Charles the Second, though not discontented, and not ashamed of the part which he had played among the men of a greater generation. So at least, we may interpret the inscription near the kneeling effigy of himself at the foot of his father's tomb :

“*ITA VIXI UT NON PUDET VIVERE, NON PIGET MORI.
JOHANNES NORTHCOTE, QUI HUNC TUMULUM
IN MEMORIAM PARENTUM FIERI FECL.*”

He died in 1676, having attained the age of 77.

His wife had died in the preceding year, and they were both buried in the Church of Newton St. Cyres. No additional memorial of him marks the spot, nor is any required. There are two portraits of him at Pynes, one representing him in breastplate and gorget, as when he led his regiment to Plymouth, the other taken when he was an old man, with long white hair, and a stern expression of countenance, as when he sat in the Convention Parliament.

Sir John was succeeded by his son Sir Arthur, who seems to have been of a different shade in politics, if we may judge from the fact of his having been nominated one of the Knights of the projected Order of the Royal Oak, and from his concurrence with the majority of the Justices in signing the violent orders against Nonconformists issued at the Quarter Sessions of Devon about the time of the Rye House Plot. He married first the heiress of James Welsh of Alverdiscot, and secondly a daughter of Sir Francis Godolphin, and sister of that Sidney Godolphin who became Lord High Treasurer of England. From the latter lady is descended the present Chancellor of the Exchequer, who is also the representative of Tristram Risdon, a name dear to Western antiquaries as that of the author of the Survey of Devon in 1630. We need not repeat facts which are to be found in Baronetages and similar publications, but it may be worth recording that

certain members of the house seem to have sympathised with the exiled Stuarts. Several good portraits of that ill-fated race are preserved at Pynes, and it is recorded that a mass of correspondence with the Jacobites was destroyed in a season of danger.

The Northcotes have ever been a long-lived family. The present Baronet is only the eighth who has held the title in a space of 236 years. Not only his friends and followers, but most Englishmen, will join in the hope that he may long be spared for the service of his country in quieter times than those in which was cast the lot of his ancestor.

*** The coat of arms on the cover is copied from Sir John Northcote's own seal.

INTRODUCTION

TO THE NOTE BOOK.

SIR JOHN NORTHCOTE'S Note-book, which I have now the pleasure of introducing to the reader, is a small volume, about eight inches in length by four in breadth, of a convenient size and shape to be readily slipped into the pocket, stoutly bound in calf, and shewing the remains of two small brass clasps which once fastened it. It has been preserved continuously in the family of its writer, and there can be no doubt whatever of its authenticity. It is a genuine relic of that great epoch in English history which commenced in 1640.

Those who care for such matters may understand the pleasure of handling a manuscript book, which was frequently carried in and out of the House of Commons at the commencement of the Long Parliament, and of deciphering sentences traced by a hand perhaps warm from the pressure of the hand of Pym or Hampden, and guided by an eye which, when withdrawn for a moment from the paper, rested

upon the face and figure of Falkland or Cromwell.

The leaves of the book are closely filled with writing on both sides, with the exception of two or three fly-leaves at each end, which contain miscellaneous memoranda. The report commences nearly in the middle of the volume, with the sitting of November 24th. The House had met three weeks before, and we may fancy that the writer intended to enter in the first part of the book the previous proceedings, as he might obtain them from some other source. But he omitted to do this, and, when he got to the end of his Note-book, he turned back to the beginning, and continued his report without a break. This seems to me an incidental confirmation, if any were needed, of the notes having been actually taken on the spot. No man copying out another person's notes, or even his own, would be likely to do it in such a way, unless compelled by a dearth of paper more severe than any that existed in the London of Charles the First.

The handwriting is small, hasty, and somewhat cramped, with many contractions, and rather trying to patience and eyesight, but sufficiently regular to offer no insuperable obstacle to one accustomed to decipher manuscripts of that period. Though some passages have cost me more trouble than would be imagined by those who have not tried a similar operation, and

though one can hardly be quite sure of such contractions as *con*, or *com*, which might stand for common, commons, committee, convocation, concerning, canons, council, county, commission, and so on, I think I may say that there is scarcely a single word about which I feel any doubt, which is more than one would be disposed to say of the deliberate caligraphy of certain eminent living authors.

When we contemplate the fact of these Notes having been written amid the discomforts and distractions of the House of Commons of 1640, in the cold and gloom of a London winter, in a chapel destitute of stoves, and in an age undreaming of gas, we must form a high idea of the industry and determination of Sir John Northcote. And when we observe how well, without using short-hand, he took the chief points of a speech, and transferred them to his book in two or three pithy sentences, we must entertain an equally favourable opinion of his talent for Parliamentary life.

One or two of the speeches which he records, such as that of Falkland on Ship-money, and that of the Lord Keeper Finch in his own defence, have been preserved at some length by the historians of the Long Parliament, and so serve as a test of Sir John Northcote's powers of reporting. The celebrated Petition of the City of London against the Bishops, &c., has no doubt

been preserved *verbatim*. Sir John's notes of it shew just sufficient discrepancy to prove that they were taken when it was read *vivâ voce*, and therefore indicate the points which struck a very accurate observer as the most important at that moment.

I cannot pretend to claim for these Notes that they will alter the generally received views of English History. If they contained evidence proving that Pym was a Jesuit, that Laud was a Puritan, that Hampden was in the pay of the King, and Strafford a martyr for liberty, they would no doubt attain a wide popularity. All I can claim for them is that they furnish a few additional facts concerning matters that were in some measure previously known, that they indicate the line taken by various eminent men in particular debates, that they shew us a number of gentlemen generally supposed to have been mute inglorious members taking part in the discussions, and that they make us a little more familiar with the mode of transacting business in that famous assembly to which they refer.

I have met somewhere with the remark that the epoch was so great that no details concerning it can be small. Some readers may perhaps recognise, here and there, a touch that lets in a glimpse of light upon an obscure point. For instance, in presenting the Report upon Strafford on November 24, Pym observed that "altering

“of Laws was to be avoided,” which seems to prove that the Committee had already discussed the question whether to proceed by attainder or by impeachment.

We find in this little Note-book the record of the inception of great events, which afterwards shook the country from end to end. A few drops of water, trickling through a small crack in the embankment of the Mississippi, are the prelude to a deluge that sweeps away everything that stands in its way, and inundates many square miles of country. Even such were the proceedings of the first few weeks of the Long Parliament.

Those proceedings were very far removed from an age of shorthand writers, and telegraphs, and daily newspapers, and summaries of debates, and “Essences of Parliament,” and “Sketches in the House of Commons,” and “Our London Correspondents,” and photographs, and caricatures, and all the apparatus which we are accustomed to see employed for turning the fiercest light of publicity upon our statesmen and politicians. There was no privilege of Parliament more jealously guarded at that time than the privilege of secrecy. The House of Commons discouraged in general any report of its proceedings, absolutely forbade the publication of its debates, and even visited with its displeasure the members who took notes for their own private satisfaction.

Sir Simonds D'Ewes, "the principal note-taker "in the House," records that he had to defend his conduct in that respect, and to protest that he should not communicate his journal to any man living. "If you will not permit us to write, we "must go to sleep, as some among us do, or go "to plays, as others have done,"—an awful scandal among Puritans. On that occasion Sir Walter Earle and Sir Henry Vane spoke against the practice, and Sir Edward Alford was required to give up to the Speaker some notes which he had taken.

Lord Digby's conduct in publishing a speech of his own was referred to a Committee, and he only escaped expulsion by being suddenly raised to the Peerage. His speech was burnt by the hangman. Sir Edward Dering for a similar reason was actually expelled the House and committed to the Tower. The member who moved that his speech should be burnt was Mr. Oliver Cromwell. He declared that Sir Edward was guilty of (1) discovering the secrets of the House; (2) disgracing the acts of the House; (3) naming members of the House to their disgrace.

On February 4, 1640-1, Mr. Francis Nevil, a member, was committed to the Tower for breach of privilege *in the preceding Parliament*, "by "discovering to the king and council what words "some members did let fall in their debate in

“that House.” It appears that any member who took notes was suspected of being a spy of the king, and was regarded with the same feelings with which a school-boy who “tells tales” is regarded by his companions.

On the occasion of the debate on the impeachment of Lord Strafford, with which Sir John Northcote’s notes commence, an order was made “that no member should offer to go forth.” The “outward rooms” were cleared, and the outward door kept locked, and so continued for four or five hours.

In this Note-book we may observe a remarkable entry on the 1st December. Sir John Hotham spoke “against Mr. Rushworth taking “notes by shorthand.” A committee was appointed “to view the Clerk’s book every Saturday, to allow of what they think fit to be “preserved, *and no copies of arguments.* And to “examine what copies have been given, and to “whom.” Again, on Dec. 3rd, we find Pym obtaining an order for secrecy of those that were to be present at the examination of witnesses against Strafford, and “the Committee did “severally protest secrecy.”

Sir John Northcote reports at some length the heads of a speech made by Mr. Holborne on Dec. 15 in defence of the new Canons, or rather of the Bishops. Of this speech Nalson, writing about the year 1680, only says, “Mr. Holborne

“argued two hours in justification of them, but I
“have not been able to gratify the reader with his
“arguments, it being the constant method of that
“age to discourage the printing of anything that
“did oppose them, by which means very few
“speeches or arguments of the loyal party have
“been rescued from oblivion, or transmitted to
“posterity.” He goes on to say, with his usual
unfairness, that the proceedings of the other party
were “with great care and industry divulged and
“spread abroad through the nation ;” but this is
certainly not generally true respecting their
speeches in Parliament.

I have modernised the spelling of the “Notes,”
as it appears to me that the retention of the
antique mode of spelling is wearisome both to
the writer and reader, when continued through
many pages, though it is often effective in an
isolated quotation. I have made an exception
with regard to proper names, as their original
orthography is somewhat curious. Sir John
Northcote’s spelling is generally more regular and
consistent than was usual in that age, but in
the case of proper names he was, if possible, more
careless than his contemporaries. The name of
the great leader of the House of Commons,
though it only consisted of three letters, is spelt in
three, if not four, different ways. It is never
Pym, the form which has been adopted in modern
times. We find it spelt Pim, Pimm, Pimme, and

in one case I am inclined to think that it is represented by *Pem*. It is often represented simply by Mr. P.,—a tribute to Pym's importance, as there were plenty of other members whose names began with the same letter. Hampden's name is never spelt in the modern way. He is Hamden, or Hambden. The latter form seems to have been the correct one at that time, and is retained by Hume in his History. St. John is sometimes St. Johns, and Strode is always Stroud. Hyde is always spelt Hide, and Palmer is sometimes Paulmer. Sir John Strangways' name is spelt in various ways, which is very pardonable, and the difficulty is often avoided by simply calling him "Sir Jo. Strang." "Haselrig" and "Fiennes" also give considerable opportunities for variation. It is characteristic that, though the name may be contracted, the title of Mr., or Sir, is always prefixed. Cromwell does not appear at all in the debates of these weeks, and Hampden very seldom.

It would be absurd to affect ignorance of two works with which this Note-book may naturally be compared, Sir Ralph Verney's Notes, edited by Mr. Bruce for the Camden Society, and Sir Simonds D'Ewes's Reports of the Proceedings in the Long Parliament, which still remain in manuscript in the British Museum, but which have been made well known to the world by Mr. Carlyle and Mr. Forster.

Sir Ralph Verney's Notes cover a larger space of time than Sir John Northcote's, but in no other respect do they appear to me superior. A great part of them consists, like the Journals of the House, merely of resolutions without the debates, and those speeches which he reports are often set down without the names of the speakers. I may be prejudiced, and very likely am, but it appears to me that Sir Ralph was not so quick as Sir John in seizing the material points of a speech, and setting them down in a very few words. However, there is a great resemblance between the two, and it is curious that they do not in the least interfere with each other. Sir John Northcote's notes end on the 28th of December. Sir Ralph Verney's do not begin till the 10th of February, except as regards the Committee on Mr. Hobby's election, which Sir John dismisses in exactly three words.

The work of the other great note-taker of the Long Parliament, Sir Simonds D'Ewes, is of a very different character. It may almost rank with Pepys's Diary among the curiosities of literature. It is impossible for any careful student of the history of that period to feel otherwise than grateful to the writer of such a work, or to refuse a tribute of admiration to his extraordinary perseverance and industry. But Sir Simonds' manuscripts are not mere reports of the debates. It seems to me, having spent some time over them, that they were clearly intended to serve as

materials for a complete History of the Long Parliament, and that, if their author's life had been prolonged, and his literary ability had been equal to his assiduity, he might have left us a book scarcely inferior to the History of Clarendon. But, like the History of Clarendon, it would have been a book written for a definite purpose. Clarendon wrote his History to exalt a party. Sir Simonds D'Ewes wrote his Journal, as he wrote his Autobiography, to exalt himself. He generally gives the speeches of other men in a brief, fragmentary style. His own speeches are given at length, often fairly copied out by a clerk, and, I suspect, written, or at least improved, after the predictions contained in them had been verified. There are passages in speeches delivered in 1642 which foretell the destruction, not only of the Monarchy, but of the Parliament, by the army that was being created, and which, if we believe their date, establish the speaker's claim to superhuman sagacity. His usual style is, "The House fell into a most unnecessary debate," &c. ; "Whereupon, after three or four had spoken, I stood up, and spake in effect following." Then comes a long speech, bristling with Latin, and adorned by copious quotations from the rolls of ancient Parliaments. "Then followed a great *plaudite* or approbation in the House, many speaking out loud, Well moved, Well moved!" "Divers expressed their approbation." "After

"me, divers spake to small purpose!" "Mr. ——" "spake long, and all of little moment!"

Once, after giving a long speech of his own, he honestly adds the memorandum, "This was not "spoken." Finding his success not equal to his merits, he became jealous of the leaders, "that "insolent proud fiery spirit Mr. Pym, whom I once "much esteemed for the piety I conceived had "been in him," and "his cunning companion Mr. "Hamden." It is curious to observe the small proportion of space allotted by Sir John Northcote and Sir Ralph Verney to the eloquent member for Sudbury, who, according to his own account, was the chief speaker in the House. It seems impossible to doubt that his careful, though unfinished, sketch of that great epoch, of the melancholy and dignified King, of the brilliant Strafford, of Pym, and Hampden, and Falkland, and Strode, and all the wise statesmen and dashing debaters of the House of Commons, was intended principally as a background for the principal figure, the great ME,—ME, Sir Simonds D'Ewes, Knight and Baronet, of Stowlangtoft, sometime High Sheriff of the County of Suffolk, heir of all the D'Eweses and of all the Simondses, husband of the heiress of all the Cloptons, the wise, the good, the eloquent, the learned, the depository of all the records of all the Parliaments of England, the elect of Sudbury in this world, but destined for a higher place in the world to come.

The commencement of the Long Parliament was one of those rare and brief periods when all honest men may be said to belong to one party. From every part of the kingdom the most prominent country gentlemen and lawyers had been sent up to Westminster, charged to put an end to the intolerable abuses of the preceding years. That fair brotherhood was afterwards dissolved in blood, but, for the time, Hyde, Falkland, and even Digby, were as eager as Pym and Hampden to pull down the minions who had almost ruined England. One of the most curious proceedings reported by Sir John Northcote is the appointment of a Committee to "interview" the Judges. Two members were to go to each judge separately, and get all the information they could out of him respecting the "solicitations" used by the Lord Keeper Finch to induce him to give an opinion favourable to the King on the question of ship-money. Of all this business it is evident that Falkland and Hyde were the prime movers.

The counties of Devon and Cornwall, and the boroughs with which they were then so thickly studded, sent up a strong Western Alliance. These men were indignant, not only at the general grievances of the country, but at the special wrongs of their own district,—the Stannary Courts and the pressing and billeting of soldiers and sailors in the neighbourhood of Plymouth.

Besides, they were closely bound together by the memory of the murdered Eliot. Their chief, the greatest Parliamentary leader that England had as yet seen, was John Pym, member for Tavistock. His colleague was a son of the House of Russell. William Strode sat for Beeralston, and his elder brother for Plympton. Totnes sent up Oliver St. John, soon to be Solicitor-General, and John Maynard, who was destined to play an important part in the revolutions of fifty years, and who, born in the reign of Elizabeth, lived to hold office under William the Third. Edward Hyde, afterwards Lord Clarendon, sat for Saltash. Robert Holborne, who had been counsel for Hampden, was chosen for St. Michael's, and George Peard, another rising lawyer, for Barnstaple. Hampden himself, now member for his native county, had been first returned to Parliament, twenty years before, for the borough of Grampound. Such was the party among whom John Northcote took his seat, a new member, but soon to be a very active one, though his energy at this period of his life developed itself rather in deeds than in words.

A close acquaintance with the proceedings of the Long Parliament cannot but increase our admiration of the courage with which, under the guidance of Pym, they entered upon their work. It must always be a subject of astonishment, how an assembly of squires and lawyers, drawn

together from various quarters, many of them with no Parliamentary experience, none of them with recent Parliamentary experience, utterly unaccustomed to act together as an organised body, did, within a few days of their meeting, proceed to attack the fortress of tyranny which it had taken so many years to raise. Within a very few weeks they pulled down the principal promoters of despotism. They impeached the great Lord Lieutenant and the powerful Archbishop, the subtle Lord Keeper and the Popish Secretary of State, half the Bench of Bishops and the majority of the Judges. The worst offenders were safely lodged in the Tower. A judge of the King's Bench was arrested while sitting in his own Court. Finch and Windebank fled into exile. The less dangerous offenders were only bailed in enormous sums. And all these officials, whom the Commons were attacking, were men who, in case of failure, would certainly have had the lives and fortunes of their assailants at their disposal. The event shewed that, in such circumstances, the most extreme daring was the truest wisdom. When Strafford was struck down, no other instrument of tyranny could feel safe. Among all the able men of that age he was undoubtedly the ablest. Upon his life or death hung the destinies of England. Had he lived, the history of the next few years would probably have been entirely different. His

talents appear to have been exactly of the kind most required in a civil war. Had Strafford been by the King's side in 1642, I believe that the Parliament would have been thoroughly beaten. On the other hand, had Strafford been a leader of the Parliament, I believe that Cromwell would never have risen above the rank of a Major-General. It is the highest proof of Pym's sagacity, that he clearly saw the key of the position, and succeeded in seizing it.

Lord Macaulay, in one of his early essays, after observing that "two men exercised a paramount influence over the legislature and the country, Pym and Hampden," ventures to assert that "by the universal consent of friends and enemies, the first place belonged to Hampden." It may be doubted whether he would have expressed this opinion after further research. It is true that Hampden was one of the best and wisest of men. It is true that his persecution by the Government, the dauntless courage with which he had met it, his sound judgment, his perfect honesty, his considerable abilities, his sweet temper, and his attractive manners, set off by the advantages of wealth and position, had made him most popular with the whole country as well as with his friends. The mode of his death, as in the case of Falkland, has added to the interest with which he has been regarded by succeeding generations. But in the

rare and peculiar talent which is required for leading the House of Commons, there seems no reason for supposing that he was equal to the statesman upon whom the Royalists, with a just appreciation of his power, fixed the nickname of "King Pym."

This opinion of the supremacy of Pym will be found fully confirmed in Sir John Northcote's Notes. Without official position, without rank, without wealth, without, so far as we know, any formal election, he was undoubtedly the leader of the House by the right of the ablest. Not only in the greatest affairs, such as the impeachments of Strafford and Laud, but in the every-day business of Parliament,—in conducting the frequent conferences with the Lords,—in questions as to the proper way of proceeding,—even in appointing the day for the Christmas recess,—we find the House voluntarily deferring to the advice of the member for Tavistock.

It may be convenient to refresh the reader's memory by a brief notice of the proceedings of the Long Parliament up to the commencement of this Note-book.

The Houses met on the 3rd November, a day already memorable as the anniversary of the meeting of that Parliament which pulled down Wolsey, and reformed the church. The King made a short speech, followed by a long one from the Lord Keeper. The House of Commons unani-

mously chose William Lenthall for their Speaker, on the nomination of Sir Henry Vane, senior.

On the 5th the Speaker was presented to the King, and made an elaborate oration, after the fashion of the period. The House then appointed its principal Committees, and at once proceeded to business. Petitions were poured in from all quarters, complaining of "grievances," the first being those of Bastwick, Burton, and Prynne. The House seems at once to have assumed administrative and judicial powers, ordering the liberation of prisoners, and the committal of officials and monopolists.

On the 7th speeches were made by numerous members, recounting the various grievances of the country. Of these the historians have preserved some record, especially of the speeches of Pym, Rudyard, Bagshaw, and Holland. By this time the petitions were so numerous that the House was divided into above forty Committees to examine them, "but the main were reducible into four heads :"

I. Committees concerning Religion, Innovations in the Church, and grievances by Ecclesiastical Courts.

II. Committees concerning public affairs in general, and particularly concerning Ireland and Scotland.

III. Committees relating to Ship-money, Judges, and Courts of Justice.

iv. Committees concerning Popery, the Popish Hierarchy, the Pope's Nuncio, Plots, Designs, &c.

These Committees went to work at once, and soon produced their reports.

A solemn Fast was decreed by both Houses on Nov. 9, and on that and the following days speeches on grievances were delivered by Lord Digby, Sir John Culpeper, Harbottle Grimston, Sir Edward Dering, Sir John Wray, and others.

On the 11th Pym declared that he had "something of importance to acquaint the House with." Strangers were compelled to withdraw, and he then brought forward his accusation of Strafford, and obtained the appointment of a Committee of seven, whose report is the first matter noted by Sir John Northcote.

So the sittings went on, the principal business being the charges against Papists and Monopolists, and the consideration of the state and maintenance of the Scotch and English armies, which were still confronting each other in the Northern Counties.

On the 24th November, as I have already observed, Sir John Northcote began his Notes. They relate chiefly to the subjects already mentioned, and contain concise reports of debates, some of which were certainly conducted in strict secrecy. Brief as they are, they give us some idea of the preliminary proceedings against Strafford and Windebank, against Laud and the other

Bishops, against Finch and the other Judges. They also preserve the essence of certain discussions on the Canons, on Ship-money, on the Armies, on Priests and Recusants, on the London Petition, on the Revenue, and on some other matters. There is also a sort of Budget, presented five years after the money had been spent.

It may be observed that the speakers constantly refer to precedents, even of Roman Catholic times, and that their tone is exactly the reverse of that which prevailed during the great Revolution in France. So far from cutting themselves loose from former ties, they always professed, and probably believed, even when they were encroaching on the King's prerogative, that they were merely restoring the constitutional liberties of ancient times.

This short introduction, and also some of the notes which I have added to Sir John Northcote's concise memoranda, may probably be open to the charge of being too trite and simple. I am conscious of having inserted certain facts which "every school-boy knows,"—at least every school-boy who has the advantage of being within the circle of a critic's acquaintance. But I have endeavoured to make this little book readable by those who have no special knowledge of the period to which it refers. I can hardly hope, however, that Sir John Northcote's reports will be really appreciated by any but those who have

small need of my annotations,—those whose minds are, so to speak, saturated with the history and literature of those eventful years,—who are able to clothe the dry bones with living flesh and blood,—who can call up before their mind's eye the actors in that great drama in their habits as they lived,—who can represent to themselves the tones in which their words were uttered, and the gestures with which they were accompanied ;—even as the poet represents the same characters passing by in the vision of Cromwell :—

“ There, as he gazed,—a wondrous band,—they came,
Pym's look of hate, and Strafford's glance of flame,
There Laud, with tott'ring steps and glittering eye,
In priestly garb, a frail old man, went by,
His drooping head bowed meekly on his breast,
His hands were folded, like a saint's at rest.
There Hampden bent him o'er his saddle-bow,
And Death's cold dews bedimmed his earnest brow,
Still turned to watch the battle,—still forgot
Himself—his fortunes, in his country's lot.
There Falkland eyed the strife that would not cease,
Flung back his tangled locks, and murmured, 'Peace.' ”

SIR JOHN NORTHCOTE'S NOTE BOOK.



[The notes commence without heading or date. The day, as we know from other sources, was Tuesday, Nov. 24, 1640. On that morning the "Outward Room" was cleared, the doors were locked, the keys laid on the table, and in secret session the great Parliamentary leader brought forward the charge against "the wicked Earl."]

[PROCEEDINGS AGAINST THE EARL OF STRAFFORD.]

MR. PIMM'S¹ REPORT. Long known the person charged by acts of friendship.

No use of Logic or Rhetoric.

Altering of Laws to be avoided.

1. It exceeds in extent—

Divers great treasons.

Murder, rapines, extortions.

2. In the Malignity against persons, justice, Nature, the public good.

3. The Mischievous effects.

Bereaves Crown of its glory.

Takes away Liberty of subject.

Seven Articles charging him with treason.

¹ John Pym was member for Tavistock, his colleague being Lord Russell, eldest son of the Earl of Bedford. The select Committee for preparing the accusation against Strafford, appointed on Nov. 11,

consisted of Pym, Strode, St. John, Serjeant Grimston, Lord Digby, Sir John Clotworthy, Sir Walter Earle, and Hampden. Whitlocke and others were added afterwards.

Voted high treason (inserted afterwards).

1. He hath traitorously endeavoured to subvert the fundamental Laws and Government of England and Ireland, and to introduce tyrannical arbitrary government, against Law, giving his Majesty advice to enforce his subjects to submit to it. Information of Sir George Radclif's² words in Ireland, that with the Armies of Ireland and England the King need want no money.

One of his blood charged to say that England was sick of peace.

Lord S. himself to have said to a peer of Ireland, T³ . . . speaking of a case of his that he should have no other Law but what came out of his breast.

Five or six witnesses that he advised the King to make use of the Irish Army to reduce England, and to draw in the Nobility to assist with their fortunes and lives.

Musketeers sent to levy money in the North.

That he should say that those that refused to maintain these soldiers were little better than traitors. Warrants upon pain of death.

2. That he hath traitorously assumed regal power over the lives, lands, and goods of his Majesty's subjects, and exercised the same to the subversion of

² Sir George Radcliffe, an intimate friend and instrument of Strafford in his Irish policy. He was afterwards impeached by the Commons. Pym said, "In the crimes committed by the Earl there appears more haughtiness and fierceness, being acted by his own principles. In those of Sir George

Radcliffe there seems to be more baseness and servility, having resigned and subjected himself to be acted by the corrupt will of another."

³ This word is doubtful in the MS. It looks like *Teulcon*. There can be little doubt that it ought to be Dillon.

many. Judgement of death upon a peer, which was indicted in time of peace, when Courts of Law were open.

i. Lord Mountnorris's⁴ case.

ii. Hath bereaved of lands, goods, offices, upon petition to himself alone and the board. Whole counties lost their estates by Council orders.

iii. Displaced Judges and officers, and placed others of his own.

Lord Chancellor⁵ removed, and the Chief Baron in his room.

iv. Laid impositions upon merchants (himself being farmer of Customs). To be proved by Remon-(strance) of Ireland. Restrained trade by monopolies for his own advantage.

3rd Article. Endeavoured to enrich himself. Hath detained his Majesty's revenue without giving Legal account to his own use, notwithstanding his Majesty's necessities. Compositions of papists in North. Allow Revenue no perfect account. 40,000 taken out of the exchequer of Ireland for buying tobacco, himself being farmer of Customs.

4th Article. Abused the power of his Government to the encouraging of papists, by their help to accomplish his designs. Erecting of Monasteries. Exercising Jurisdiction from Rome. Raised Army three parts papists, and better paid than protestants.

5th (Article). To stir enmity between his Majesty's subjects of England and Scotland. Acknowledged

⁴ Lord Mountnorris was sentenced to death by a court martial for "speaking words" against Strafford. The sentence was not

carried out, but Lord M. was deprived of the manor of Timmouth.

⁵ Lord Chancellor Loftus.

before the Council that he advised his Majesty's blocking up the sea. Counsell'd it from Ireland.

6th (Article). Broken his Majesty's trust of Lieutenant-General by betraying the Army⁶ at Newbor(n) and Newc(astle). He had information that the King's Army was not able to encounter the Scots.

Writes to Lord Conway that he should fight, come what will. This without the King's knowledge, when he was near. Received counsel that Newc(astle) could not be kept without works, and yet neglected.

My Lord Conway to produce his Letter.

7th (Article).—Laboured to subvert rights of parliaments and incense his Majesty against parliaments. In Ireland summoned Liberties by *quo warr(anto)*, though they appeared the same day, because they would not choose as *etc.*

Sir G. Radc(liffe) hath threatened some for doing their duty in parliament.

For these they impeach him of high treason.

Pray that he may be put to answer according to Law.

The Committee to prepare Interr(ogations) upon these Articles, to be sent up to the Lords.

[THE JUDGES, &c.]

SIR JO. STRANGWAYES.⁷ The Judges not competent judges of ship-money, which concerns the whole kingdom,

2. Against the petition of right.

⁶ A part of the King's army under Lord Conway was beaten by the Scots at Newburn, near New-castle, in August, 1640.

⁷ Sir John Strangways, of Mel-

bury, Dorset, member for Weymouth, maternal ancestor of Lord Ilchester. He was disabled in 1642.

Old patents to Judges were *dum se bene gesserint*.

Proclamations questioned.

Fines upon them granted at a rent.

MR. WHISTLER.⁸

November 24th (25th?).

[PETITIONS, &c.]

Divers imprisoned for refusing oath *ex officio*.
Petitioners.

MR. WHITE⁹ charged Dr. Leyfield with divers words and acts of popery.

Ordered to be sent for as a delinquent, though he be of Convocation.

Sir H. Spiller refused to receive an indictment in Sessions against recusants. Referred to the Committee concerning him.

Idem. (Same day?)

St. Gregor. Church. £1,500 bestowed four years since. My Lord Treasurer¹ and Lord Cottington

⁸ Mr. Whistler, "of Gray's Inn," member for the City of Oxford. He was disabled in 1646.

⁹ Mr. John White, member for Rye, afterwards a Royalist; "disabled," Feb. 5, 1643. He reported from the "Committee of Religion" that Dr. Layfield was charged with "setting the Communion Table altar-wise," causing rails and images to be set up, bowing to the images, setting up the letters I.H.S. in forty places, saying that the people saw Christ with their fleshly eyes, and telling them to confess their sins to him

(Dr. L.), &c. A debate arose on the question whether members of Convocation did not enjoy the same privilege as members of Parliament. Dr. Layfield was imprisoned, but admitted to bail in January, himself in £1000, and a surety in £500. He was Vicar of All Hallows Barking, London.

¹ The Lord Treasurer was William Juxon, Bishop of London, and Archbishop of Canterbury after the Restoration. He died in 1663. The Church of St. Gregory, near St. Paul's, had been pulled down by order of the Lords

ordered the pulling it down, confirmed by order from board, against consent of parishioners, who addressed several petitions to the board, and were forced to pull (it down) to save materials. After that part of Paul's was repaired, they petition again. Answered that either must build a new church, or distributed at appointment of Lord Treasurer.

Committee desire the Church may be re-edified. And that it be sent up as a grievance.

[LORD STRAFFORD.]

LORD DIGBY² sent with a message to the Lords to desire a conference of the Committee of both houses concerning the Interrogations against Earl of Strafford, upon Sir John Hotham's motion.

[LOAN.]

ALDERMAN PENNINGTON.³—That the Lord Mayor hath sent to those that have underwritten to bring in their money, being about £28,000.

25th (November 26th?).

BOOK OF CANONS.⁴

of the Council, as mentioned in the text. Selden was Chairman of the Committee on this subject.

² Lord Digby, member for Dorset, at this time a violent member of the Opposition. He seceded from the reforming party on Strafford's attainder, and became attached to the King. He was called up to the House of Lords in 1641, in order to prevent his being expelled the House of Commons. He is said to have advised the King to seize the Five Members.

Sir John Hotham, Bart., member for Beverley, Governor of Hull at the beginning of the Civil War, was beheaded in 1643, together with his son, for treason against the Parliament.

³ Alderman Isaac Pennington, member for London, and afterwards Lord Mayor, an important personage in securing the support of the City for the Parliament. He was one of the regicides.

⁴ The question of the Book of Canons, which occupies a considerable space in this Note Book,

Election for Tewkesbury⁵ recommitted.

The Convocation called as assistant to the houses by writ.

All oaths constituted by Parliament.

Opposes the King's supremacy that government of the Church shall be by Bishops, etc.

MR. GLINN.⁶ What the Convocation did, not-

may be studied at great length in Nelson's Collection. After the Short Parliament was dissolved in May, 1640, Convocation continued to sit on, and, under the direction of Laud, passed seventeen Canons for the regulation of religion. It also imposed, under the name of a benevolence, a tax of four shillings in the pound on all benefices for a term of six years. These proceedings were confirmed by the King under the Great Seal of England, on the 30th of June, without giving Parliament any opportunity of expressing an opinion on them. They became the subject of long debates in the House of Commons, and formed the chief ground of the impeachment of Laud and the other Bishops. The Oath, which is so often mentioned, was imposed by the 6th Canon on all clergymen, graduates of the Universities, physicians, professors, schoolmasters, and so forth. It was commonly called the *Etcætera* Oath, from the *etcætera* which appears in the middle of it. It was said to deny that the King was a Governor of the Church, unless he was included in the word *etc.*, "a scandalous place for his Majesty." It ran as follows:—"I A. B. do swear, That I do approve the Doctrine and Discipline or Government established in the Church of England, as con-

taining all things necessary to Salvation; and that I will not endeavour by myself or any other, directly or indirectly, to bring in any Popish Doctrine, contrary to that which is so Established; nor will I ever give my consent to alter the Government of this Church by Archbishops, Bishops, Deans and Archdeacons, &c., as it stands now Established; and as by right it ought to stand, nor yet ever to subject it to the Usurpations and Superstitions of the See of Rome. And all these things I do plainly and sincerely acknowledge and swear, according to the plain and common sense and understanding of the same words, without any Equivocation, or mental Evasion or secret reservation whatsoever, and this I do heartily, willingly, and truly, upon the Faith of a Christian, So help me God in Jesus Christ."

⁵ Sir Edward Alford, being chosen for Tewkesbury and Arundel, made his election for the latter.

⁶ John Glyn, member for Westminster. He was a barrister, "a swearing, profane fellow," according to D'Ewes. At the Restoration he "ratted," was made one of the King's Serjeants, and joined with Maynard in prosecuting Vane. He was nearly killed by

withstanding his Majesty's Licence preceding and confirmation subsequent, void.

1. What Law was before Sta. 25th H. 8 was, and what power the clergy had. No Canon can bind without Parliament.

Before Lateran Council every man might pay tithes where he would. That Canon which settled it being received by continuance is good law.

No Canon can bind without common consent. By Stat. 24th H. 8, all convocations to be held by King's writ. All Canons to have confirmation from him. That all of them may be committed to 32 persons, and being by them allowed then to be confirmed by Parliament, provided that no Canon be made contrary to laws, customs, and statutes of this realm.

Henry the Eighth would not have prayed the aid of an act of Parliament if by law he could have done it of himself. Not a word to make the King to do more than what was before that law.

No Canons can be made with(out) King's consent, but no mention in provision concerning King's consent.

No oath but by Parliament. And therein the Canon against Common Law.

MR. WHITE. 1. The Author of those that made them.

2. The Convocation themselves.

3. What penalty the makers have incurred.

1. That they have no power. Those matters that

his horse falling on him at Charles the Second's Coronation, greatly to the delight of Mr. Pepys. The Statute 25 Henry VIII., which will be found frequently quoted in

debate, was for "the submission of the clergy, and restraint of appeals," &c., and placed the King to a great extent in the position of the Pope.

concern divine truth, if contrary to law of God, must be void.

Can make no Canon that trenches upon King's prerogative, or Common Law, or usage of kingdom.

A dangerous plot⁷ to blow up all religion. Not only at present, to blast future hopes. To overthrow our Liberties and Laws.

Supreme power given to Kings by God himself. No Minister ought to speak against it.

In the first institution of Kings,⁸ God did set laws to limit them.

Against their making holyday for the King's inauguration, against the Statute what shall be kept and no other.

Against the oath. Binding all ministers from exercising till taken in.

15 E. 3,⁹ such oath by act of Parliament yet revoked because contrary to the laws and customs of kingdom.

Petition of Right, not to be put to any oath not warranted by laws of this kingdom.

25 Ed. 3,¹ the prelacy established by the King and

⁷ Allusions to the Gunpowder Plot are common in the debates.

⁸ "And Samuel said unto Saul, Thou hast done foolishly; thou hast not kept the commandment of the Lord thy God, which he commanded thee, for now would the Lord have established thy kingdom upon Israel for ever. But now thy kingdom shall not continue."

¹ Sam. xiii. 13, 14.

⁹ The second Statute 15 Edward III. repealed the first statute of the same year, reciting that

"certain articles expressly contrary to the laws and customs of our realm of England, and to our prerogative and rights royal were pretended to be granted by us by the manner of a statute."

¹ The Statute 25 Ed. III., called the Statute of Provisors, recites that "the holy Church of England was founded in the estate of prelacy, within the realm of England, by the said grandfather (of the King) and his progenitors, and the earls, barons, and other

his nobles. Therefore they (the Bishops) trench upon prerogative to bind it to themselves.

1 *Ma.* cap. 3, for restoring Bishop(ric) of Durham, which was taken by a former King.

The least punishment incurred is a *premunire*.

MR. PEARD.² The whole book of Canons is a bait and a hook. The whole book the bait. The oath the hook.

Brazen Serpent.

Keeper of a park.

28th November.

[ALDERMAN ABEL'S MONOPOLY.]

MR. GLIN. Report of Committee of grievances. Alderman Abell³ threatening the vintners that petitioned the house in their Common hall, how they durst proffer petition without Licence of Company.

To be sent for as delinquent.

The petitioners to take copies of the writings brought in by Abell, Rowl. Wilson and Conradus, and the petitioners to be likewise sent for to charge them.

[MURDER OF MR. HAYWARD.⁴]

Report by SIR ARTHUR INGRAM and Mr. GLINN concerning him that stabbed Justice Hayward.

nobles of his said realm, and their ancestors," &c. &c.

² Mr. George Peard, member for Barnstaple, "a lawyer of good repute in his profession." He afterwards moved the printing of the Grand Remonstrance, as an appeal to the nation. He died in 1646.

³ Alderman Abel had a mono-

poly of soap, wine, &c. He appears to have exacted 40s. on every tun of wine imported. He was taken into custody, and bail for him refused in January, when Wilson and Conradus, who seem to have been his partners, were liberated on bail.

⁴ Mr. Haywood, a Justice of

Motion that a bill be preferred to make it felony without clergy.

MR. PIM. Not to take away his life, but to lose his hand and his goods, and perpetual imprisonment.

SIR BENJAMIN REDYARD.⁵ That his brother is in Court of Wards for lunatic, and that himself hath been often so, and therefore that he lose no more than what by the law.

One condemned to be boiled to death, judged in Parliament for poisoning a man before it was felony.

James his business recommitted, and to enquire of the lunacy.

CONCERNING SHIP-MONEY.

SIR THOMAS WIDDRINGTON.⁶ Upon a doubt whether Acts of Parliament can take away ship-money, being an inherent right of the Crown.

MR. PIMME. That former judgments in Parliament against it. And therefore to rely upon them and not to argue it.

MR. ST. JOHNS.⁷ The opinion of Judges and

the Peace who had distinguished himself by his activity in prosecuting "Popish recusants," was stabbed in the Palace of Whitehall by John James, son of Sir John James of Feverham.

Sir Arthur Ingram was member for Callington.

⁵ Sir Benjamin Redyard, member for Wilton, an old member of Parliament, and a very eloquent speaker. Sir Ed. Dering called him "that silver trumpet." He was a poet as well as an orator, and a friend of Ben Jonson, who praised him in some of his minor poems, as thus,—

"Writing thyself, or judging
other's writ,
I know not which thou'st most,
candor or wit;
But both thou'st so, as who affects
the state
Of the best writer and judge should
emulate."

He was secluded in 1648.

⁶ Sir Thomas Widdrington, member for Berwick.

⁷ Oliver St. John, member for Totnes, appointed Solicitor General in Jan. 1640-1. He had been counsel for Hampden, and professed Strafford.

their reasons for it rather the grievance than the ship-money. No true ground. Wheresoever the kingdom is concerned the king may charge.

The power of Parliament questioned by it, in respect of many former judgments in Parliament.

Interpretation of laws belong to Judges, and not to Parliament. Added after the direction sent the Judges about ship-money.

[PETITION OF RIGHT.]

A clause desired to be added to the Petition of right.⁸ Refused by the house. Destructive to the Petition upon the (words?) for the safety and protection of his people.

That a Committee be appointed to report former judgments, and to consider the proceedings in Parliament upon the Petition of Right.

[TONNAGE AND POUNDAGE.]

MR. SELDEN.⁹ That Judgment in *Chequer primo Car.* for tonnage and poundage, and the decree there against replevins when the King's officers are possessed of a distress, be likewise referred to the Committee.

MR. PIMM. That another Committee be appointed to consider of tonnage and poundage, and to think of a recompense to his Majesty.

[DR. MANNERING, &c.]

Dr. Mannering's¹ book to be considered.

⁸ The Petition of Right of the year 1628 is sufficiently known. It asserted the privileges of subjects, and recounted their grievances, especially in the four points of illegal exactions, arbitrary commitments, quartering of soldiers

or sailors, and infliction of punishment by martial law.

⁹ John Selden, the celebrated jurist and statesman, sat for the University of Oxford.

¹ Dr. Manwaring, Bishop of St. David's.

Dr. Beele's² doctrine delivered in a sermon in Cambridge.

[LORD STRAFFORD.]

A message for a conference concerning some of this house to be joined with the upper house about the examination of the E. of Strafford.

Mr. PIM. Difference twixt free conference where any of this house may speak as well as hear.

Answer returned that they are in great business, and will in convenient time send messengers of their own.

REPORT BY COMMITTEE OF RELIGION.

To consider of the special licence in the statute. A Committee.

MY LORD DIGBY for answer to the Lords for a conference. Divers arguments that some of the lower house ought to be present at the examinations of witnesses in the upper house.

Committee of six to consider of the opinions of the house, and upon their report a Committee of 60 to return answer to the Lords.

CONCERNING THE MONEY.

SIR J. HOTHAM.

The bond agreed upon.

[COMMUNION.]

Mr. Dowse³ admitted to Communion.

² Dr. Beale, a member of the Lower House of Convocation, was accused of preaching sermons "tending to the disturbance of the state of this Realm."

³ Edward Dowse was afterwards member for Portsmouth. The House received the Sacrament as a test of their Protestantism. The

arrangements were made by a Committee, of which Sir Robert Harley was chairman, and no member who did not receive the Sacrament was to be allowed to sit. Mr. Dowse was admitted, although his return had not been received.

No Committees to sit this afternoon in regard of preparation.

Sir Th. Barrington⁴ and Mr. Peard to receive the tickets of those that receive.

[MONEY FOR THE ARMY.]

Sir Wm. Udall⁵ to receive the money and dispose of that for our Army. The rest to carry to Rippon to be delivered to the Committee of the North for contributions to be paid to Scots Army.

ALD. PENNINGTON. That the City money will be ready by night, and the most of them will require no security.

Ult. November.

[PETITIONS.]

Concerning bailing Mr. Hen. Darley⁶ upon petition of Ric. —

Referred to the Committee of grievances.

Mr. Wilson's⁷ petition to be read.

Petition of New Sarum against Sergeant Hide's⁸ election, upon a schedule of divers misdemeanors. Referred to the hearing of a select Committee. And the petition of Mr. George⁹ referred to the same Committee.

⁴ Sir Thomas Barrington, Bart., member for Colchester, "an ancient parliament-man." Hedied in 1644.

⁵ Sir W. Udall, or Uvedale, member for Petersfield, and "treasurer for wars." He was an officer of the army raised against the Scots at this time, and took the King's side in the Civil War.

⁶ Richard Darley, member for Allerton, presented a petition from his brother Henry, a prisoner in

York Castle. Henry Darley was elected for Malton.

⁷ Mr. Wilson had been sequestered from his living for not reading the Book of Sports on the Lord's Day.

⁸ Serjeant Robert Hyde was member for Salisbury. Edward Hyde, afterwards Lord Clarendon, sat for Saltash. They were both royalists in 1642.

⁹ Mr. John George was member

One that is not in the house may not be named of a Committee, for that he hears not the direction of the house.

Wednesday morning appointed for hearing of all those that are under custody, meanwhile to go under security.

SIR JO. CLOTWORTHY.¹ Concerning remonstrance presented to Deputy of Ireland, upon report of a knight and a burges^s lately come thence.

Their petition read, and the petition to his Majesty, and answered that in convenient time they should be taken into consideration.

REPORT. MR. MAYNARD.²

Concerning presence of some Commons at examination of Lord Strafford. Agreeable to all proceedings in capital business at Common Law.

No Interr(ogation) to be presented in writing to the Lords. Those that are from this house to attend the business may put in writing. Needs no precedent, because constant course of law warrants. But (precedents) must be produced by Lords in denial of it.

[CONFERENCE WITH LORDS.]

A Committee of 60 sent to the conference with the Lords.

[MR. WALKER.]

Mr. Walker's³ petition read. Called in to avow his petition, and referred to select Committee.

for Cirencester. He followed the King to Oxford, and was of course disabled.

¹ Sir John Clotworthy, member for Malden.

² John Maynard, member for

Totnes. He was Chairman of the Grand Committee for Privileges and Elections, which consisted of 47 members.

³ It we may believe Nalson, Walker had published a counter-

Moved by MR. CONTROLLER⁴ that no direction from the board, but only for commitment to examine from whom the order for the cruelty used did proceed. *Tuesd. in Cheqr. Chamber.*

Ordered that copies of all petitions against delinquents be granted.

Committee for Monopolies to sit this afternoon in Court of Requests.

[BURTON AND PRYNNE.]

Mr. Burton and Mr. Prynne⁵ called in to avow their petitions.

Time given to Mr. Prin till Wednesday morning to add to his petition what he thinks fit, and to have a copy of that petition exhibited by his servants. Mr. Burton the like.

[BISHOP OF ROCHESTER.]

Petition against Bishop of Rochester.⁶ Parson of a church in London. For excommunicating the petitioner for refusing the iis. ixd.

Referred to Committee of religion.

feit petition against Episcopacy, in the name of the County of Chester.

⁴ Sir Thomas Jermyn, His Majesty's Comptroller, sat for Bury St. Edmund's. He was disabled in 1643. I may mention once for all that the members who were expelled for siding with the King were said to be "disabled." Those who were arrested or ejected by the Army in 1648 were said to be "fecluded."

⁵ The cases of Burton, Bastwick, and Prynne, are well known as examples of the brutality of the Star Chamber. They were all members of the learned professions, the first being a clergyman, the

second a physician, and the third a lawyer. For having written against the Bishops and the Government, they were sentenced to pay a fine of £5000 each, to have their eais cut off, to stand in the pillory, and to be imprisoned for life in the distant castles of Lancaster, Launceston, and Carnarvon, whence they were afterwards transported to Jersey, Guernsey, and Scilly. One of the first deeds of the Long Parliament was to bring them up to London in triumph, and to impeach their judges.

⁶ John Warner, Bishop of Rochester.

[DURHAM.]

Ordered that three pictures erected at Durham⁷ be pulled down and brought by Dean and Chapter to the house, and to be enquired who set them up,

[MONEY FOR THE ARMY.]

Report from the Lords' Committee for matter of monies. They left it to the house, but their advice (that the) whole (be) delivered to Sir Wm. Udall to go to Rippon. For the money to King's Army, to have his fees. For that for the Scots, he offers to give in a bill of charges. The like for the money from the City.

[SIR G. RADCLIFF.]

SIR WALTER EARLE.⁸ That Sir Geo. Radcliff be refrained from going to the Tower.

Mr. Speaker⁹ hearing of it had granted warrant for his apprehension, and ordered that (*sic*) Lieutenant of Tower, that he may not himself, nor by interchange of letters, have access to Lord Lieutenant, being sent for upon information of high treason.

[THE ARMY.]

SIR JO. HOTHAM. One with report that Lord General should mend.

Concerning popish officers removing.

Ordered that message be sent him.

⁷ See the curious Articles against Dr. Cofins. "There were (in this church) the ruins of two Seraphims, with the picture of Christ between them," erected in Queen Mary's time, and demolished in Queen Elizabeth's time, which Dr. Cofins, being Treasurer, "caused

to be repaired, and most gloriously painted."

⁸ Sir Walter Earle, member for Weymouth, secluded in 1648.

⁹ The Speaker, of course, was William Lenthall, member for Woodstock, at this time a Bencher of Lincoln's Inn.

MR. THREER (*Treasurer*).¹ Answer from Lord General. Concerning sending officers of Army to their charge.

For husbanding the money.

Lord Crawford's troops unnecessary. Their pay to hold till 8th of next month. *Ordered.*

Reformadoes. Most of LORD MARQ.² regiment. Stand £1,400 month. To be removed.

Conveyance of Artillery. 3,638 per month. Conceived by Committee that £1,500 might be abated, but reporter's opinion 500 for extraordinary charges. 140 the pioneers per month. The last respited till Committee have debated till to-morrow morning. And payments upon sending payment to be made upon a new Muster-roll, which my Lord General to be desired to make. *Ordered.*

Proportioning the Money.

That £30,000 to the King's Army, and 20,000 to Northern Counties.

1st December.

[ECCLESIASTICAL COURTS.]

A bill read for reformation of Ecclesiastical Courts.

[COUNTY OF DURHAM.]

A bill read for County of Durham to send Knights and Burgesses. County, Durham, Hartlepoole, and Barnycastle.

¹ "Mr. Treasurer." Sir Henry Vane, sen., was Treasurer of the King's Household, as well as Secretary, and sat for Wilton. Sir H. Vane, jun., was Treasurer of the Navy, jointly with Sir William

Ruffell, and sat for Hull.

The Lord General was the Earl of Northumberland.

² "Lord Marq." perhaps Lord Marshal, or the Marquess of Hamilton.

Whether a sheriff that hath received his patent may be returned burges for another county.

Referred to a select Committee.

[PRIESTS AND JESUITS.]

MR. GLIN. Report.³ Sixty-four priests and Jesuits discharged within four years, some by privy signet, others by warrant from Commission, most by Sec. Windebank.

Seventy-four letters of grace within fourteen years past.

Committee find (from) two messengers, Lane and Newton, that warrant was granted by Sec. Windebank to protect one⁴ condemned, and the houses that he should frequent.

Eleven houses protected by being her Majesty's servants.

Some under King's own hand at instance of Ambassadors or Queen mother, but with clause that they be conveyed out of kingdom, save one Mosse, that was condemned, but upon misinformation that he was (only) indicted, when in truth was condemned.

Another warrant under two Archbishops' hands with Lords' commission.

Twenty-nine under Sec. Windebank('s hand) for discharge of priests and Jesuits.

One Cannon⁵ discharged by verbal warrant of Sec. Windebank to keeper of Clink, and the priest said he

³ Report from the Committee to enquire about Priests and Jesuits.

Sir Francis Windebank, Secretary of State, a concealed Roman Catholic, was member for Corfe

Castle. He fled to France to avoid impeachment.

⁴ Muskett, a condemned priest.

⁵ "Carrell, a secular Priest."

was employed about business of state and Lords' Council, which Sec. Windebank knew.

Petition of parish St. Giles against increase of popery. Instance three priests, and named twenty-one they had perverted.

Order given by board for prosecution.

Two of them after(wards) discharged by Sec. Windebank.

One Smith,⁶ a priest, bailed by him, and had a note that none should molest him.

Mr. Reade's⁷ letter for payment of fees. Close (of the letter), "it may be he means to keep you more free from trouble hereafter."

Upon petition of a priest in favour of himself and four others indicted of treason, Sec. Windebank orders suspending proceedings.

The letters of grace not entered in Signet office.

The frequenting Ambassadors' houses and Denmark house.

Printing books, making beads, etc., a trade.

Commission for compounding with recusants, from 3^o Car. what revenue hath been answered by sheriffs. £4,083 in thirteen years. Nineteen peers and two countesses recusants; none of them convicted.

[TAKING NOTES.]

SIR JO. HOTHAM against Mr. Rushworth⁸ taking notes by short-hand.

⁶ "One Smith, a Priest, called Gunpowder Smith."

⁷ Robert Reade, Under Secretary to Windebank.

⁸ John Rushworth, assistant clerk of the House of Commons, the principal Clerk being Henry

Elfyng. He was Secretary to Fairfax in 1647. To the voluminous "Historical Collections" of Rushworth we are indebted for much of our knowledge of the Long Parliament. He died in 1690, aged about 83.

A Committee to view Clerk's book every Saturday, to allow of what they think fit to be preserved, and no copies of Arguments. *Ordered.* And to examine what copies have been given out, and to whom.

[PRIESTS, RECUSANTS, &c.]

Letter to Sheriff (of) Suffex not to prosecute Commission of Recusants, signifying his Majesty's pleasure at instance of her Majesty. Sec. W. sent the like to divers other sheriffs.

Letter from his Majesty to Sir Jo. Bancks Attorney,⁹ and his successors.

For Sir H. Beningfield¹ at instance of Queen Mother, dated 1634.

That petition be framed to his Majesty upon his protestation, 1^o Car. (that), notwithstanding his then match, she should not intermeddle with matters of religion.

Concerning priests in Oxford.

Concerning Pope's Nuncio.

Ordered, That Committee make a charge against Sec. Windebank, to be sent (to) the Lords.

2. For a petition to his Majesty.

3. Preparation of Act against Recusants.

4. For Pope's Nuncio.

What powder and munition hath been sold to Papists.

Prayers in Lanca(hire) by order from Nuncio for prospering some great design.

Lo. Worster's² com(mission).

⁹ Sir J. Banks, Attorney General, afterwards Chief Justice of the Common Pleas.

¹ "A Letter of Grace for ex-

empting Sir Henry Beddingfield and his family from the danger of the laws against Recusants."

² Henry, 5th Earl of Worcester,

Horwood being under-sheriff Hamp. c. (county), upon letter from Sec. Windebank not to prosecute, imprisoned for doing somewhat against Recusancy, and entered bond not to prosecute any recusants, and to deliver up bonds by him taken. *Referred to this Committee.*

Secr. Windebank to answer to-morrow morning to such questions as shall be put to him by the House.

[CONFERENCE WITH LORDS CONCERNING
STRAFFORD.]

Message from Lords to desire present conference by the same Committee, concerning the matter of the free conference.

The Committee give meeting presently.

Report. Lord Keeper,³ that the Lords had reported to their house, and resolution that such of Committee as they shall choose be present at examination. And the Lords did desire a free conference. Lord Keeper, question whether they desired examination in house or at Committee.

MR. MAYNARD. Report of Conference. Lord Keeper, that for some they had resolved, some not, and herein desired free Conference.

1. To examine some of this house they were ready.
2. For members of Upper house, that all peers shall be examined upon oath when required.
3. That examination be speedy and private.

The Lords will have a speedy and strict examination of Lord Strafford.

held Ragland Castle for the King from 1642 to 1646.

³ Lord Keeper Finch, the chief instrument of the King in enforce-

ing the payment of ship-money. A great part of these notes relate to the proceedings against him.

For free conference, that some of lower house be present. Lord Keeper, that (he) spoke for himself, not the house, but Lords retired and gave no resolution.

That witnesses be examined concerning Lord Strafford to-morrow morning by Committee that frame the charge, and no examination to be public till the business be ripe.

That Message be sent to Lords that a Committee will be ready to examine witnesses to-morrow, and that all those present may be examined before they stir.

[SHIP-MONEY.]

Committee for ship-money to meet in Chequer Chamber, 3 o'clock.

[SIR G. RADCLIFFE.]

Sir G. Radcliff to appear on Thursday. To move the Lords on a proclamation to fetch him.

[LOAN.]

MR. HARRISON for time for raising the other £25,000.

2nd December.

[LOAN.]

ALDERMAN PENNINGTON. That out of the first money by the Act the Citizens be repaid, and that order of the house that it be secured by Act.

MR. HARRISON.⁴ That the money first paid may be first repaid, but submits it to the house. *Ordered.*

⁴ William Harrison, member for Queenborough. He was son of "Sir John Harrison of the Customs." He offered to advance

£50,000 on the security of certain members who had volunteered to raise money for the Army. Nalson says he was a monopolist, who

[PETITIONS.]

Mr. Chambers,⁵ petition avowed by him.

Mr. Vaffall's⁶ complaint of like.

Sixteen times committed. £5,000 damage. Loss of his trade, £10,000 more. His credit impaired. Total, £20,000.

Referred to Committee.

[LOAN.]

MR. PIM. That the house be bound by no order ; for that there may be occasion to borrow more, and that it be no breach of promise if they make use of this money longer.

Message to Lords that they are ready with their witnesses to be examined concerning E. Strafford.

[THE ARMY.]

SIR WALTER EARLE. But 640 to be spared out of Artillery.

My Lord General's warrant to be discharge.

And for soldiers to be discharged, to receive no money unless they submit to their cashiering, and to time the money conveniently (?)

MR. THRES. Report of Lord General's⁷ answer concerning popish commanders for reformed. Deferred till Lord General's answer.

hoped to mitigate his offence and obtain the favour of the House. He was disabled in 1643.

⁵ Richard Chambers, an eminent merchant, whose goods had been seized in the Custom House, and who was ruined by the Star Chamber for comparing the Government of England to that of

Turkey.

⁶ Samuel Vaffall, merchant, member for London. His complaint was of the same nature as that of Chambers. He was seclued in 1648.

⁷ This should be the King's answer, "that he knew not of any popish commanders."

[SECRETARY WINDEBANK.]

Mr. Secr. Windebank to be first examined by Lords, and therefore his answer deferred to his accusation.

[BREACH OF PRIVILEGE.]

Petition from Leicestershire concerning affront done Sir Arthur Hefilrigg⁸ (*sic*) at his election by Mr. Hallford.

Called in says that if he made no better speech than last he heard they would have little cause to joy in their choice.

LORD GRAY.⁹ That he is no gent. That in memory of divers he kept hogs.

SIR ART. HASEL(RIG). That the petition moved not from him, nor expects reparation.

Offence to the house, because after election. To the County.

Ordered. To be sent to Tower, to make humble submission, to be drawn here, in house, and at Leicester assizes, and go to Tower.

[MESSAGE FROM LORDS.]

Report from Lords. They are now in serious debate, and will return answer in convenient time by their own (messenger).

[MR. WARNER.¹]

Petition against Sheriff of Warwick, removing

⁸ Sir Arthur Haslerig, the celebrated member for Leicestershire. Clarendon calls him "an absurd, bold man." The House of Commons was already becoming tyrannical. Mr. Richard Holford had said "They had chosen a man for the Knight of the Shire who had more will than wit, and it was

to the disparagement of the county." His "humble submission" appears afterwards.

⁹ Lord Grey of Groby, member for Leicester, eldest son of the Earl of Stamford, and one of the regicides.

¹ George Warner, Sheriff of the County of Warwick.

election from place to place, denied the poll, and granting poll, broke it up before 'twas done, and returned another. Ordered to the Tower, £100 fine, and to make submission in the house and at next assizes in county, as the house shall appoint.

Denying the poll to Mr. Speaker for Gloucester.² Referred to Committee of privileges, the first if his witnesses be ready.

December 3rd.

[SERGEANT HIDE.]

Report concerning complaints against Sergeant Hide. 1. Hinderer of the school. 2. Opposite to lectures. 3. Furtherer of ship-money. All fairly excused by the report. Much urged on both sides, but upon the question laid aside to further time.

[SIR G. RADCLIFFE.]

SIR WM. PENNYMAN.³ That Sir G. Radcliff has attended.

[RECUSANTS.]

MR. PEARD. That order go from house to the Sessions at Newgate for quick proceeding against Recusants, that they may be convicted next Sessions. *Ordered.*

MR. MAYNARD. That a bill be passed that such as will not conform may stand convicted.

[PRISONERS TO BE BAILED.]

Upon Mr. Controller's motion for discharge of

² The Speaker had been nominated for Gloucester, but the poll was denied, and Thomas Pury and Henry Brett were returned.

³ Sir William Pennyman, mem-

ber for Richmond, a friend of Strafford's, commanded a regiment in the expedition against the Scots in 1640. He was disabled in 1642.

the officer that brought up Mr. Prinn, to be upon bail.

The prisoners in Sergeant's hands to be bailed.

MR. SELDEN. That the names of the bailers and the fums be first presented to the house.

[LORD STRAFFORD.]

Message concerning examination of E. of Strafford. They have deputed some of theirs, and are ready to examine in presence of some deputed by this house.

[MR. BURTON.]

Mr. Burton's petition that he may have counsel assigned, and that he may take copies out of Star Chamber gratis. Called in, but was not here.

[SECRETARY WINDEBANK.]

An intimation to be sent to Secr. Windebank to come presently to the house, if it may stand with his Majesty's affairs. Answer that is gone sick to bed.

Appointed to-morrow morning.

[MR. PRYNNE.]

Mr. Prinn's petition read. To take consideration of his eight years sufferings.

Petition of some Chestermen,⁴ Calvin Bruen, that were summoned to the High Commission at York for visiting Mr. Prinne.

[PETER LEE.]

Another petition. Peter Lee and Colborne gave Dr. Merrick £35, two butts of sack to Archbishop, 12 to one of his servants, to get access and favour from Archbishop, to their damage of £1000 in

⁴ Calvin Bruen, Peter Leigh, and Richard Golburn, of Chester, were sentenced by the High Commission at York for visiting Prynne on his way to Carnarvon Castle.

trade, being forced to leave country for not making submission enjoined by High Commission. The form of submission read.

Dr. Snell's sermon (against them).

[MR. PRYNNE.]

Mr. Prinn's man's petition read.

Interr(ogation) against him about carrying the letter C. presenting one side Pope's head, other Army of men.

Archbishop vowed he should never be discharged unless he would confess or——.

MR. BAGSHAW.⁵ For special committee for High Commission. *Ordered.* To sit to-morrow in Star Chamber.

[STAR CHAMBER.]

SIR T. WIDDR(INGTON). Report concerning Mr. Hunt's complaint against Star Chamber. To have power to send for records, and examine the exorbitancy of that Court, and the Military Charges for County of Leicefter.

MR. SPEAKER. For reading general bills.

December 3rd (4th).

[ORDERS.]

That all take their places and keep silence upon pain *xii*d. to sergeant and poor.⁶

After *xii* o'clock no new motion be made without leave.

⁵ Edward Bagshaw, member for Southwark. He distinguished himself by attacking the Ecclesiastical Courts as Reader at the Middle

Temple, as well as in Parliament, but afterwards joined the King, and was disabled in 1643.

⁶ "*Ordered,* That whosoever

[SECRETARY WINDEBANK.]

Motion concerning Secretary Windebanck's flight.

Ordered to be sent for, both he and Mr. Reade, by the Sergeant's man, for 100 g. b. (good bail?)

SIR P. STAPYLTON.⁷ Concerning warrant to Stockden Castle from officers of Army, to declare such as will not lend blankets and sheets enemies to the State, by Francis Trafford. Copy of the warrant avowed by Mr. H. Fowles.

[LORD STRAFFORD.]

MR. PIM. That order be made for secrecy of those that are to be present at the examinations. As the Lords have done.

The Committee did severally protest secrecy. Five of the Lords, and any four of the eight of Commons.

MR. PIM. Lord Digby, Sir W. Earle, Mr. Grimston, Mr. Stroude.

[FORESTS.]

MR. GRIMSTON.⁸ Report concerning enlarging bounds of forests. That the judges have given opinion that King may make forest of any man's land.

Committee of all that will come to the business of forest. Chequer Court.

does not take his place when he comes into the House, or removes out of his place to the disturbance of the House, shall pay 12*d.* to be divided between the Sergeant and the Poor; and whosoever speaks so loud in the House when any Bill or other Matter is reading, as to disturb the House, shall pay the like Forfeiture."

⁷ Sir Philip Stapylton, or Stapleton, member for Boroughbridge, He was a fellow-commissioner with Hampden and Nat. Fiennes in Scotland in 1641. He was disabled in 1647.

⁸ Harbottle Grimstone, member for Colchester, Speaker in 1660, and afterwards Master of the Rolls.

SIR THO. BARRINGTON. That Lord Keeper said as before.

Mr. Burton called to avow his petition.

[THE ARMY.]

SIR JO. HOTHAM. The disorders of soldiers, that houses fired, and Minister's hand cut off by them.

SIR HU. CHOMLEY.⁹ That their own trained bands committed the insolencies charged upon soldiers.

That E. of North(umberland) be moved to send for Col. Trafford.

MR. FINES.¹ That the house may do it.

MR. PIM. That the Lord General will give satisfaction, and that all due respects be held with him.

SIR H. ANDERSON.² That a Committee may present a draught to Lord Admiral.

Capt. Yeoward Sergeant Major to Sir Wm. Pennyman, with musketeers.

SIR WM. P. That he is not to answer for indiscretion of his officers.

SIR H. CHOMLEY produced Sir Wm. Pennyman's warrant for levying fortnight's pay upon — with the Musketeers; and that such as paid not should serve in person, and would fetch troop of horse to carry them away. Sent warrant Easter last for discharge of trained men, paying 15s. to officers. Upon that most of trained men changed.

Ordered that Committee consider of these illegal warrants.

⁹ Sir Hugh Cholmondeley, member for Scarborough; disabled in 1643.

¹ Nathaniel Fiennes, member for Banbury, the eminent Parlia-

mentary speaker, second son of Lord Saye. He was secluded in 1648.

² Sir H. Anderson, member for Newcastle; disabled in 1643.

Message by 2 Chief Justices.

The Lords desire present conference touching business of two kingdoms, about another month's cessation (of arms).

December 4th (5th), 1640.

Ordered. That no person (?)

[SHIP MONEY.]

Sheriff Hartford,³ rigorous levying shipmoney. Referred to Committee of any of the knights of shires that will come.

[RECUSANTS.]

MR. PIM. A bill of divers abuses in levying recusants' money in North.

[CUSTOMS.]

ALD. PENNINGTON. About wines stayed at Custom House for impost remitted 1636, the owner offering bond to answer all duties.

Sir Thomas Dawe⁴ sent for.

[THE ARMY.]

SIR WM. UDALL. For an order for Lord General's granting warrants for issuing the money, and the form of the acquittance from Northern Committees. Ordered for the money to King's Army. The latter referred to Committee to draw it.

[LORD COKE.]

Ranfacking Lord Cook's⁵ study at his death.

³ Thomas Cunningsby, Esq., High Sheriff of Hertfordshire.

⁴ Sir Thomas Dawes seems to have claimed a monopoly of French wines. He was "sent for" by the

House.

⁵ Sir Edward Coke's books, papers, and MSS. had been seized, also Mr. Noy's.

Taking away 19 manuscripts and other books, 3 ready for press, from his man.

Order. Committee gone to search.

Mr. Noye's books taken away by warrant of Secr. Windebank. *To be added to order.*

[ST. GREGORY'S.]

Business for St. Gregory's referred to first Committee.

MR. WARNER and HARFORD.

Upon their petitions to make submission Monday next, and be released.

[LEAVE OF ABSENCE.]

One that sits in chair for privileges,⁶ upon motion to be absent, to leave the petitions for the day to another. To be agreed by Committee.

[LORD STRAFFORD.]

Sir W. Pennyman. Leave to go to Lord Lieutenant concerning his own estate.

Like for Sir Ric. Buller, upon protestation to speak of nothing else.

[SECRETARY WINDEBANK.]

By SIR T. ROWE.⁷ Desire of house that Sec. Windebank's study be searched for the books.

Monday appointed peremptorily for property (debate) of subjects' property. (*sic*).

ASSESSMENTS.

MR. SOLICITOR.⁸ Report concerning £10,000

⁶ "One that sits in Chair for privileges," *i.e.* Maynard.

⁷ Sir T. Rowe, or Roe, member for Oxford University.

⁸ The Solicitor was Sir Ed. Herbert, member for Old Sarum,

Attorney General in Jan. 1640-1. He was impeached for framing articles of High Treason against the Five Members, and expelled the House.

(100,000). To be assessed in place of dwelling for his whole estate, or where the land lies. *Laid aside* after long debate.

December 7th.

[PRIESTS AND RECUSANTS.]

Mr. Hanham's petition, that he would discover priests. Sir Tob. Mathew, Mr. Cotton, Mr. Sands, but they were all gone upon the proclamation.

Order for sending to all Justices to proceed at next Sessions against Recusants.

[PROPERTY OF SUBJECTS, AND SHIP MONEY.]

Report concerning property, and Clerk to take notes.

MR. ST. JOHN.⁹ 1. Commission of Loan.

2. Commission of assize.

3. Addition to the Petition of Right desired by Lords.

Commission for Loans read. Being for necessary defence of Kingdom, which would not permit calling Parliament.

Report that Committee find that both this and Upper house consider unlawful.

2. Commission for Assize. 2 Carol. For raising money for defence of King and people in extremest hazard. This Commission never enrolled. Sealed at Board. Copy of it read, taken when the commission was brought into the house, and then damned.

⁹ Mr. St. John's Report on Ship Money, "which is very frequent, is not entered upon the Journal." (Nalfon.)

This by imposition or otherwise to raise money upon subjects.

Committee report that this in Parliament 3^o Ca. adjudged by consent illegal, and desired to be cancelled. Lord Keeper presented it cancelled in King's presence.

3. Additions desired by Lords to Petition of Right. Copy of Journal in Lord's house read, viz., We present this petition to your Majesty not only to preserve own liberty, but to keep entire prerogative.

This taken into consideration.

Mr. Noye¹ presented exception against it to Lords,

¹ Shipmoney is said to have been invented, or rather re-introduced, by William Noy, whom Hallam calls a man "of venal diligence and prostituted learning." But he died in 1634, and the scheme was carried out and extended by Finch.

The question of Ship-money is generally understood, but it may make the following debate, and the proceedings against the Lord Keeper, clearer, if we quote the case submitted by the King to the Judges, and the "extra-judicial opinion" which they gave upon it.

"THE CASE.

"CHARLES R.

"When the Good and Safety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether may not the King by Writ under the Great Seal of England command all the subjects in his Kingdom at their charge to provide and furnish such number of Ships, with Men, Victuals, and Munition, and for such time as he shall think fit, for the Defence and Safeguard of the Kingdom from such Danger and

Peril; and by Law compel the doing thereof in case of refusal or refractoriness? And whether in such case is not the King the sole Judge both of the Danger, and when and how the same is to be prevented and avoided?"

To which the Judges returned this answer:

"May it please your most Excellent Majesty, We have, according to your Majesty's Command, severally and every man by himself, and all of us together, taken into serious Consideration the case and questions signed by your Majesty, and inclosed in your letter. And we are of Opinion, That when the Good and Safety of the Kingdom in General is concerned, and the whole Kingdom in danger, Your Majesty may by Writ under your Great Seal of England Command all the Subjects of this Your Kingdom, at their Charge to provide and furnish such Number of Ships with Men, Victuals, and Munition, and for such time as Your Majesty shall think fit, for the Defence and Safeguard of the Kingdom from

who not accepting it, the second time sent, and then resolved not to be added. That this of itself, without relation to the petition, was lawful, but added to it, make it destructive of itself.

Report. The King though for safety, &c., cannot compel subjects to aid without consent in Parliament.

Violations stand on three legs.

1. Extrajudicial opinions of Judges.
2. The Ship-writs.
3. The judgment in Mr. Hamden's case.

The opinion of Judges read, upon his Majesty's letter to them and the case laid down, when the good and safety of Kingdom, &c. Their answer, that he may, and that he is sole judge. Judgment in Chequer accordingly.

2. Ship-writs. *Salus regni et populi periclitatur*, thereupon commanded that inhabitants of county should provide ships of war for 26 weeks, for which sheriff had power to (af)sefs and levy, and to commit refractory persons. One of the writs read.

Judgment in Chequer and process upon it.

Message from Lords with a bill for the Queen's jointure.

Committee conceive that the Judges' opinion, and ship-writs, to be referred to consideration of house.

such Peril and Danger; and that by Law Your Majesty may compel the doing thereof in case of refusal or refractoriness. And we are also of Opinion, That in such case Your Majesty is the sole Judge both of the Danger, and when and how the same is to be prevented and avoided.

"JOHN BRAMSTON, WILLIAM

JONES, ROBERT BERKLEY, JOHN FINCH, THOMAS TREVOR, FRANCIS CRAWLEY, HUMPHREY DAVENPORT, GEORGE VERNON, RICHARD WESTON, JOHN DENHAM.

"MR. JUSTICE HUTTON and MR. JUSTICE CROOK were against it, but afterwards they also subscribed it too."

MR. CRUE.² That if Committee have thought of any course to propose it.

MR. ST. JOHN. Upon resolutions of this house, Judgment, and ship-writs. Committee conceived all to be against law and petition of right. Commission of Loan and Commission of Assize upon more urgent causes than *salus regni*.

That it be put to several votes. Opinion of Judges by self, writs and Judgment by themselves.

The charge imposed upon subjects for providing ships and assessments for ship-money, against Law of Realm, subjects' property, resolutions in Parliament, and petition of right.

MR. SOLICITOR. To provide otherwise for the Navy.

Voted illegal, and entered, nullo contradicente.

2. Extrajudicial opinions of Judges, published in Star Chamber, and enrolled in Courts at Westminster. *Ut supra* in all particulars. *Voted, nullo contradicente.*

3. Question. That the writ is against Law of Realm, &c., *Voted, nullo contradicente.*

4. Question. The Judgment in Chequer in Mr. Hambden's case, against Law, *ut supra.* *Voted, nemine contradicente.*

MR. ST. JOHN. Select Committee to see the entries of resolutions of house in this, and for Commission of Loan, of assize, and petition of right. *Voted, same Committee.*

SIR TH. ROW. That Committee prepare the

² John Crew, member for Brackley; included in 1648.

resolutions of this house to be presented to Lords.
Voted.

SERGEANT WILD.³ That the Judgments be taken off the file.

MR. ST. JOHN. That to be respited till the resolution of the Lords.

LORD FAWKLAND.⁴ Against Judges. They make *salus populi sola et suprema lex*. That could not stay 40 days for Parliament, and yet seven months for ship-money. Not so many to approve the judgment as those that judged it. All our sufferings from this, that a most excellent Prince hath been extremely abused. To take away judgment and judges together. Proceedings against S(trafford) for subverting laws. One excellent Solicitor⁵ though abominable Judge. Joined his industry with his injustice. That 'tis not in power of Parliament to take it from King. Lord Keeper named. Dangerous to infuse into King's ear. The late declaration, undone us by wholesale, and now hath power put in his hands to undo us by retail.

MR. GOODWIN.⁶ That the same committee prepare charge against Lord Keeper and rest of Judges.

SIR J. STRANGWAYS. That Lords first vote the cause.

³ Serjeant Wylde, member for Worcesterhire.

⁴ Falkland, "that incomparable young man," as Clarendon calls him, was member for Newport, Hants. His speech is given by Rushworth, the only one in this debate. The chief point, the attack on the Lord Keeper, is sufficiently indicated in this

summary.

⁵ An "excellent Solicitor." He had *solicited* the Judges.

⁶ There were three Goodwins in the Long Parliament; Arthur, Hampden's colleague for Bucks; Ralph, member for Ludlow, and Robert, who sat for East Grinstead.

MR. HIDE.⁷ All our sufferings from the original of ship-money. That property of subjects not in their Judgment, but Parliament's. Of tampering and solicitation of the Judges. That some of the house be sent to the Judges to know what solicitations.

MR. PEARD. That Jones lying *in extremis* be sent to.

SIR JO. HOTHAM. That to have first concurrence of votes of Lords.

MR. RIGBY.⁸ That it may require long discussion, and to prepare charge presently.

SIR FRANC. SEYMER.⁹ That proof be first made.

MR. PELHAM.¹ That it will amount to high treason, and to prepare present charge.

SIR JO. WRAY.² The pose of his grandfather, Just and True. Sir Ed. Cook (said) whoever shall go about to overthrow Common Law, the Common Law will overthrow him. His motion, *Curat lex*.

SERGEANT EVERS.³ To have first the votes of Lords.

SIR P. STAPYLTON. That Mr. Peard be sent to Judge Jones.

SIR JO. STRANGWAYES. That Justice Crook be sent to.

⁷ Mr. Hyde. No one was keener in opposition at this time than the future Lord Clarendon. The curious suggestion to send members to "interview" the Judges proceeded from him.

⁸ Alexander Rigby, member for Wigan.

⁹ Sir Francis Seymour, member for Marlborough—created Baron

Seymour in Feb. 1640-1.

¹ Henry Pelham was member for Grantham. He was excluded in 1648.

² Sir John Wray sat for Lincolnshire.

³ Serjeant Sampson *Eure* was member for Leominster. He was disabled in 1643.

LORD FAWKLAND. That they be sent to all at once.

SIR NEVILL POOLE.⁴ That Lord Keeper be forthcoming.

MR. CONTROLLER. That respect be had to Judges. That none be urged to be accuser, but concluded that all be sent to.

SIR JO. CULPEPER.⁵ Of twelve one was a Judas. To send to all the Judges that gave the Judgment, and to send immediately.

MR. ST. JOHN. The Judges are assistants to Lords. Whether they may be examined without leave of the Lords.

MR. HOLLIS.⁶ That they have been sent to without leave, and desires that two members be sent to each.

SIR JO. STRANGWAYS. That he was sent to Lord Brook without leave.

SIR ARTH. HESILRIG. To go up presently and charge them before the Lords.

MR. TREASURER. That no danger of Lord Keeper going away. That the same Committee may have time to consider of sending to Judges, and to prepare charge.

MR. ST. JOHN. That it be instant and present.

Question. That some members go to several Judges to know what solicitations for their extra-judicial opinions. *Voted ut supra.*

⁴ Sir Nevill Poole, member for Malmesbury. He was secluded in 1648.

⁵ Sir John Colepeper, member for Kent, Chancellor of the Ex-

chequer in 1641, disabled in 1643, and raised to the Peerage in 1644.

⁶ Denzil Hollis, member for Dorchester, one of the Five Members.

SIR GUY PALMES.⁷ The like message sent heretofore, two to each Judge.

[SIR E. COKE.]

SIR THO. ROW. Report from his Majesty that the books (of) Sir E. Cook were by his order delivered Mr. Attorney, and returned to Sec. Windbank. Where now are his Majesty knows not, but within two or three days to cause them to be looked up.

December 8th.

Mayor of Norwich sent for for saying prerogative was triumphing.

To-morrow appointed for Canons.

[ELECTIONS.]

MR. HAMDEN'S⁸ motion that his double election may not be questioned, no complaint being brought within fourteen days.

A new election for Windsor.

MR. MAYNARD reports Sir Robt. Cran(e's)⁹ election good.

Inhabitants of Windsor have voice in election.¹
SIR T. ROW.

And for want of notice given them Mr. Holland's election voted void.

REPORT FROM JUDGES.

LORD FAWKLAND. Brampton (said) that he had not been solicited in matter of ship money. Lord

⁷ Sir Guy Palmes, member for Rutlandshire, disabled in 1643.

⁸ The great patriot sat for Bucks, but he had also been returned for Wendover.

⁹ Sir Robert Crane, member for Sudbury, Sir Simonds D'Ewes's colleague. He died in 1644.

¹ That is, not the Mayor and Corporation only.

Chief Justice Finch brought a case, Michaelmas term, before judgment. He had heard that order was given to some Judges to conceal.

MR. HIDE. Lord Chief Baron denied any solicitation, nor knew of it till the case was delivered in Sergeant's Inn Hall.

MR. GOODWIN. Justice Jones was spoken to by Finch in fair way, but was not threatened. Dying men use to speak the truth, but reporter was persuaded he meant not yet to die. For reasons of his opinion referred himself to his action.

LORD WAYNMAN (Wenman).² Baron Trevor (said) about 9^{ber} 1635, Lord Keeper came to his chamber with a writing, and desired him to subscribe it. Copy read. I am of opinion that where good of whole, etc. For my Brother Trevor. Subscribed by him a day or two after. No threatenings used. For solicitations, Lord Keeper told him 'twas for King's service and good of Kingdom. Told him 'twas subscribed by most other Judges. That Lord Keeper in this enjoined him secrecy.

SIR MILES FLETWOOD.³ Justice Crook (said) Lord Keeper had (been) several times with him. That by King's special order case drawn, and that King enjoined upon allegiance to be secret. That all Judges had set their hands.⁴ (On the) Wednesday

² Lord Wenman, member for Oxfordshire. He was secluded in 1648.

³ Sir Miles Fleetwood, member for Hindon.

⁴ Of the twelve judges who gave judgment in the case of Hampden, seven, namely, Finch,

Chief Justice of the Common Pleas, Jones, Berkley, Vernon, Crawley, Trevor, and Weston, decided for the Crown. Brampston, Chief Justice of the King's Bench, and Davenport, Chief Baron, pronounced for Hampden on technical grounds, but for the

before argument Lord Keeper pressed him to do as four Judges had argued. If not, you do the King great disservice. For setting his hand, his opinion was involved in (that of) the greater number. That he meant the King was sole judge of danger in Parliament, where has a negative voice.

SIR FR. SEYMER. Baron Weston (said) that (he) was never threatened nor solicited by writing under his hand. That records were brought him by a Judge, which he first said was Lord Finch.

SIR JO. STRANGWAYS. Justice Barkley (said) that a paper was shewn him by Keeper, that was, his Majesty's pleasure was that he should give his opinion in the case brought him, which he subscribed, that all kingdom (was) chargeable as well as maritime parts. After sent paper, that debate between him and Judge Crook, that there was solicitation of them two.

SIR ARTH. HESILRIG. Justice Crawley (said he was) never solicited nor threatened, nor any of the Judges to his knowledge. Lord Keeper gave him case, as to all other Judges, and enjoined secrecy.

LORD FAUKLAND. That members (of the) house (had heard) that Judge Hutton was weary of his life by solicitations of Lord Keeper.

MR. PEARD. That Sir Edw. Askew to hear him (say) that (he) was never weary being Judge till now, through his solicitations.

Averred by Sir. R. Askewe.

Crown on the principal question. Denham, being very ill, sent a short written judgment in favour of Hampden. Croke and Hutton were decidedly in favour of Hamp-

den, though they had signed the opinion for shipmoney on a previous occasion, giving way to the majority of the Judges.

2. That letter to Judge Denham from Lord Keeper to solicit him.

MR. HAMDEN. That has seen letter to him with some relation to ship-money.

MR. DRAKE.⁵ That had seen it, but was so obscure as he understood it not. That Mr. Denham be spoken with in it.

3. That with evidence we have to give charge.

MR. GRIMSTON. Concerning Judge Crook, that subscribed case but against his heart, Judge Jones urged him, You see in Star Chamber, Council table, and other Courts, major part carries it, and that his vote was involved. But when he found it presented *nullo contradicente*, was much troubled at it. That went to Lord Keeper Coventry⁶ to acquaint the King that (it) was against his opinion and judgment.

MR. PALMER.⁷ Common fame that Lord Keeper in his charge (said) that ship-money so inherent in King, that Act of Parliament could not take it away.

MR. ST. JOHN. That Baron Denham sent a paper that was for plaintiff. That Lord Keeper went to King (and told him) that Baron Denham (had) given his opinion for King, and told him of it, but he denied it.

SIR. FR. SEYMOR. That had heard him say that shipmoney was binding till Act of Parliament took it away.

MR. NICHOLLS.⁸ The same.

⁵ William and Francis Drake both sat for Amertham.

⁶ Thomas Coventry, Lord Keeper, died in 1640.

⁷ Geoffrey Palmer, member for

Stamford, disabled in 1642.

⁸ Edward Nicholas, member for Newton, Hants; was made Secretary of State, and knighted in 1641. Serjeant Robert Nichols sat

MR. STROUD.⁹ That same Committee may draw up charge.

MR. PERPOINTE.¹ That Sir W. Earle said last Parliament that a hundred Acts of Parliament could not take it away. He vouched Sir R. Hopton² for hearing the like in Chequer Chamber. That at Dorchester he gave his opinion that Parliament could not take it away.

SERGEANT WILD. That there was an offer of an argument in Chequer, whether it was so inherent or no.

MR. JANE.³ That Keeper speaking of ship-money said that was so inherent in the Crown that Act (of) Parliament could not take it off.

MR. LANE.⁴ That Baron Denham told him that Lord Keeper had said to him that if the King would make it annual he would be against it.

MR. WHITLOCK.⁵ That the Lords might be sent to to have him sequestered.

MR. PIM. That first a charge be presented to the house.

SIR JO. CULPEPER. That the Judges be likewise referred to Committee.

for Devizes, and Anthony Nicoll for Bodmin.

⁹ William Strode, the celebrated member for Beeralston, and probably the most violent politician in the House at this time. D'Ewes calls him a firebrand, "a notable profaner of the Scriptures," &c. He died in 1645.

¹ There were two Pierpoints, Francis, member for Nottingham, and William, for Great Wenlock.

² Sir Ralph Hopton, member

for Wells, the gallant Royalist commander, "Hopton of the West." He was created Baron Hopton in 1642.

³ Joseph Jane, member for Liskeard; disabled in 1643.

⁴ Thomas Lane, member for Wycombe; secluded in 1648.

⁵ Bullstrode Whitelocke, member for Marlow, the well-known lawyer, statesman, and author. He died in 1676.

MR. STROUDE. That Sir Randall Crew⁶ be sent to to know what was the cause of his putting out.

That the gentlemen sent to the Judges be added to this Committee.

That they consider the denying *Habeas Corpora*, and Prohibitions. Meetings of Judges with ecclesiastical Judges. Concerning Jurisdictions of Courts and the Adm^{tie}. (Admiralty?) Not allowable to divide the Inheritances of subjects.

MR. STR. That Lord Keeper's charge may not stay upon rest of Judges.

Voted that all go to one Committee.

SIR R. HOPTON. Lord Privy Seal gave his opinion to the Judges concerning legality of ship-money. That he be referred to Committee.

MR. PIM. That the time not yet fit, coming upon Lord Keeper's words, being party culpable.

Committee to meet in Star Chamber to-morrow afternoon.

9th December.

[THE CANONS.]

⁷ 25. H. 8. Statute requires for Canons (that) they had

1. The King's Writ.
2. The King's Royal Confirmation.
3. Proviso that they make no Canons contrary to the Law, etc.

No positive words in Statute that they shall have

⁶ Sir Ranulph Crewe, Chief Justice of England, displaced in 1626, and succeeded by "Nick Hyde."

⁷ According to D'Ewes, this speech was delivered by Dr. Eden, member for Cambridge University.

power to make Canons. They had power before the Statute.

At Synod only Clergymen meet.

At Convocation others meet.

Why should Laymen be bound by Constitutions of Clergy? he by that means may be excommunicated, and so deprived of benefit of Law, and their estate. Notwithstanding that reason they may, for that they are parties to the statute by which 'tis done.

MR. BAGSHAW. Of legality of Canons, not of *præmunire*.

1. No Canons can be made to bind laity without our common consent.

2. Canons made by neither Synod nor Convocation void.

3. The whole Canons against law.

Clergy divided in five ranks, first 500 years till Constantine's time. Canons made by Emperors and Kings, not by Clergy. From Constantine to William Conqueror, Canons made by Civil Magistrate. From thence to E. 3rd's time. Anselm first brought in Pope's Jurisdiction, though raised of nothing to the Archbishopric, and said to King, *Tibi consilium, Papæ obedientia*.

In Henry 2nd's time a Council at Clarendon⁸ undid what Anselm had done.

In H. 3rd's time Common Law set afoot, and no Common Law in force from E. 1st's time to 25 H. 8.

The Act 25 H. 8. no new law, but declaration of old Common Law.

Cowell's book, *Int.*⁹ Parliament for advancing

⁸ "The Constitutions of Clarendon," A.D. 1164.

⁹ Dr. Cowell's book, the *Interpreter*, was published about 1607.

prerogative above law burnt, and by proclamation never to be printed, yet within seven years taken the boldness of printing it twice.

Three exceptions to oath. 1. No oath can be imposed but by Act of Parliament. Shall bring in no popish doctrine contrary to that established, which must relate to some popish doctrine. But upon confirmation have without warrant left out word popish, which alters oath. A Covenant against King's prerogative by Archbishops. Left out King, unless included in *etc.*,—an unworthy place for King. *Potestas ordinis, potestas jurisdictionis, jure divino.* Latter from the King. Difference 'twixt see of Rome and Church of Rome. One makes men traitors.

Benevolence granted by Clergy is against law.

MR. RIGBY. In preface to Archbishop's¹ speech in Star Chamber, says that not safe to govern by one way, the humours of men being various.

That the Canons in every part illegal.

25 E. 3rd, Oath do stand, *Jur(amentum) de parendo mandatis eccle(sicæ)*. This oath taken by a Proctor *ex officio*. Give power to Archbishop every three years to make visitory articles, to which that oath will bind.

Conclude whole Canons illegal.

MR. BRIDGMAN.² That the Canons are illegal.

He attributed the most absolute power to the King, and was attacked by the House of Commons, who succeeded in getting the book suppressed by royal proclamation.

¹ Laud had published his speech

on the censure of Baftwick, Burton, and Prynne, in 1637.

² Orlando Bridgeman, member for Wigan. He was a royalist lawyer, and was disabled in 1642.

1. Whether can make Canons.
2. Whether after Parliament.
3. Whether pursued it.

[SIR G. RADCLIFFE.]

Sir G. Radcliff prisoner to the gate-house, and none speak with him but in his keeper's presence.

[IRISH PORTS.]

That the Irish Ports are still stopped. Mr. Treasurer to clear his Majesty's direction and intention.

December xth.

Mr. Marsh my Lord Marshall's servant. (Sent?) to Lord Marshall.

[NEW WRIT.]

A new writ for election³ in Secr. Windebank ('s place). And ordered that if he come not in tomorrow a charge to be preferred against him.

[PETITION.]

A letter sent by Mayor of Salisbury found upon the downs, and directed unto the most honourable assembly of the House of Parliament, for benefit of his Majesty's Kingdom of England.

Debated whether to be opened without sending to the Lords.

A petition of all well-willers of the Realm of England.

That Justice hath of late been neglected, vices cherished.

MR. THREA. That two or three may read it in

He was created a Baronet in 1660, and Lord Keeper in 1667.

³ Mr. Burlace was elected for

Corfe Castle, on the flight of Secretary Windebank. He was disabled in 1643.

Committee Chamber, and if they find it scandalous to be laid aside, otherwise to report to the house, there being none to justify the petition.

(Written afterwards). Report that they think (it) fit to be burnt.

[ALGIERS.]

MR. PIM. Concerning Argier prisoners. That petition to be read.

SIR THO. ROW. That the Committee for trade have taken (it) into consideration, and shall prepare it without trouble to the house.

Referred to Select Committee.

[SUBSIDIES.]

MR. SOLICITOR. Concerning the raising of the £160,000, whether at place of dwelling, or where the lands lie.

Put to question.

Subsidies given to particular uses, and not to the King, thrice in Ric. 2. time.

That sum in every county may not exceed what was last subsidy.

xith December.

[ELECTIONS.]

Malton and Allerton, Yorkshire, towns restored to send Burgeses.

Upon the question whether (at) Tewkesbury Bailiff, burgeses, and commonalty, all the inhabitants are to give voices, and not the freemen only. After long debate referred to a Select Committee and all the Lawyers.

[THE LONDON PETITION AGAINST BISHOPS.]
(Presented by Alderman Pennington.)

Petition from Citizens of London, 15,000 names to it. *Read.*

Government of Archbishops, &c., dangerous to Commonwealth, and of human ordinance. Pray that the said government may be abolished.

Particulars of evils.

Subjecting ministers to their authority, which makes them faint-hearted to preach the truth.

The encouragement of ministers to despise magistracy.

The removing able zealous ministers.

5. Suppressing godly design for buying in impropriations.

6. Increase of idle and dissolute ministers.

8. Printing idle books to the increase of vices.

9. Hindering godly books against Arminianism and popery.

Publishing Arminian books, that no man has property.

Increase of priests. Making of crucifixes.

Impositions and customs.

Archbishops the same way of government as in Rome.

Others that have reversed popery have cast out prelates.

Also restrained ministers from praying for conversion of Queen.

The several habits of priests.*

* "The likenesses to the Church the Hood, and the Canonical of Rome in vestures * * * the Coat," &c.
Cope and Surplice, the Tippet,

Enumeration of ceremonies and invocations.

The Liturgy out of Romish Mass-book.

Canons in Law. Sacred Synod.

Countenancing plurality of benefices.

Enjoining reading book of toleration of sports upon Sundays.

Citing for working upon holydays.

Abuse of ordinance of excommunication.

Increase of whoredom by⁵ commutations.

They claim their office *jure divino*, send process in their own names.

Imposing oaths and various articles upon churchwardens.

Oaths *ex officio*. Judges of late awed by them in granting prohibitions.

Many gone into (foreign) parts and translating trade from hence.

SIR MIL(ES) FLEET(WOOD). That many parts of it are worthy of consideration.

LORD FAIRFAX.⁶ That it follow Book of Canons.

SIR NE(VILL) POOLE. That many parts of it scandalous.

SIR SYM. D'EUX⁷ (D'EWES). That in twenty years more we should have lost religion. Archbishops have Pales (palliums?) from Pope. In

⁵ The corrupt administration of Justice, taking money for the "commutation of Penance."

⁶ Ferdinando Lord Fairfax, member for Yorkshire. He died in 1647, and was succeeded by his more famous son.

⁷ Sir Simonds D'Ewes, member for Sudbury, whose autobiography and Notes have made him, and the House of Commons in which he sat, so well-known to our generation. He was sequestered in 1648, and died in 1650.

ancient times by preaching godly bishops they have got King's lands, and he wants them.

MR. TREASURER. That the matter of petition not seasonable. Doth scandalize many things settled by Parliament. Many of petitioners Brownists. Scandalous against kneeling at Communion. Take care that own divisions bring not worse evils than papists.

MR. STROUD. Not to give reproof to the multitude in their just complaints. To refer it to Committee of Religion.

LORD DIGBY. Of greatest consequence ever came to house. House not to enter into the business precipitately, but dismiss them and reserve it to hearing of whole house.

ALD. P(ENNINGTON). That 'tis not inconsiderately done, but that many should come to countenance.

MR. CAPELL.⁸ That roll of hands be sealed up, that no man's name be seen.

MR. CRADDOCK.⁹ Against the disorders and oppressions of Bishops suppressing preaching.

MR. PIM. That the names be sealed. That the Alderman dismiss them with fair answer, and that Thursday next be appointed for hearing it again.

MR. FINES. In justification of petition. That nothing in it is scandalous. In Gloucester eleven

⁸ Arthur Capel, member for Hertfordshire, was the first member who stood up to complain of the grievances of his country. He was created Lord Capel in 1641. He was a distinguished

Royalist, and was beheaded in March, 1648-9.

⁹ Matthew Craddock, member for London, died soon after this time.

parishes and but four sermons. Living under Bishops, &c., and served by shoemakers, &c., being finging-men. A free school, 400 scholars. Lecture and school taken away. The trade of the city wholly decayed.

LORD FAWKLAND. That every member may have copy of petition to consider against (the) day.

[COMMISSIONERS FOR SCOTLAND.]

That their Army in great distress and want of clothes, and therefore desire by Mr. Pim that the other 30,000 might be speedily sent, and debated to-morrow morning.

MR. PARGETER'S¹ petition referred to Committee for Judges, that fits this afternoon.

Ellis, a constable, inquiring in my Lord Marshall's house for recusants, reproved by Mr. Marsh.

December xiiib.

MR. HOBBIE'S² ELECTION.

QUEEN'S JOINTURE, read.

SIR B. RUDYER.³ God blest his Majesty with hopeful and fruitful progeny. To put in mind to

¹ Mr. Pargeter of Northamptonshire had been committed for refusing to pay 5s. towards arming men against the Scots, and Sir Robert Berkley had refused to admit him to bail.

² Mr. Hobby's election is the only matter mentioned in the notes of Sir Ralph Verney, as well as in those of Sir John Northcote. Sir R. Verney's regular notes begin on February 10. Mr. Burlace disputed Mr. Hobby's return for

Great Marlow, and the question was referred to a Committee, of which Sir R. Verney took notes. Mr. Hobby retained his seat, and Mr. Burlace found another at Corfe Castle.

³ Sir Benjamin Rudyard's speech is very characteristic. He is described by May as eager in exposing grievances, but always sparing the King, like a loyal gentleman.

provide for them. The first prince born amongst us this 100 years. Queen's good affection to Parliament. Concern her Majesty to uphold the glory and government of this Kingdom. The house to pass the bill with cheerfulness, and speedy reading it again.

SIR JO. STRANG(WAYS). That it may have certain day for reading.

MR. SOLICITOR. Concerning reading it Tuesday morning.

MR. PE(PEARD?). Against second reading for certain day. We servants of Commonwealth. No such bill twice read. And therefore to stay.

LORD FAWKLAND. For certain day.

REPORT.

MR. KING.⁴ That ten Turkish Pirates upon Western Coasts. Committee advise that his Majesty be moved to send two ships from the Downs.

Mr. Treasurer and Capt. Rainsborow⁵ sent about it presently.

[MONEY FOR ARMY.]

SIR J. HOTHAM for sending the rest of money

ALDER. PENYMAN (Pennington?). That the speeding the bill of subsidy will be first expected.

MR. SOLICITOR. That order be given to the Committee to attend this afternoon about it.

Lord General's answer delivered by Mr. Treasurer, and that part of the £50,000 may go to the payment of E. Crawforth's troops.

Referred to Committee to provide for garrisons,

⁴ Richard King sat for Melcombe Regis. He was disabled in 1642.

⁵ Captain Rainsborough was member for Aldborough. He died in 1641.

and to consider the state of them. And the words *justly suspected*⁶ explained by them.

SIR JO. HOTHAM. Upon Sir Wm. Udall's motion that Lord General's warrant may serve for issuing the money.

SIR T. ROW. The speeding the money. Whether City mean not to part with more money till bill be pass, that they might have security for other £25,000. The bill will hardly pass Royal assent under twenty days. That the money may be ready in a week.

ALD. PENNINGTON. That upon the last they told City that bill would not pass under fourteen days. That to speak of twenty days more they will hardly pay their money without security.

MR. TREASURER. That no time lost in preparing the bill. That citizens return answer that in four or five days the bill will be prepared.

MR. HARRISON. That he hath not taken bond of many noble gen(tlemen), and tenders them to the City. That he hath one-half of the rest ready.

[PETITIONS AGAINST JUDGES AND BISHOPS.]

Petition of Browne, Juryman of Hertford, about removing Communion Table, for which Judge Barkley reproved and committed them, and next day caused all the Jury to retract what they had presented.

SIR JO. HOTHAM. That (it) be referred to the Committee for drawing charge against Judges.

SIR WM. LITTON.⁷ That the Judge required

⁶ The words *justly suspected* occurred in the Order of the House concerning Recusants that held office in the Army. These words were to be explained by the Com-

mittee.

⁷ Sir William Litton, knight, member for Hertfordshire; secluded in 1648.

him to tear the presentment and tread it under his foot.

MR. STROUD. That the Judges are ready to comply with the Bishops. That at the Sessions, where he seldom comes, Sergeant Atkins had given the charge.

MR. WINGATES.⁸ A large relation of the manner of Justice Barkley's carriage. Sir Jo. Lamb and Dr. R. terrible to that country, yet not so much as this. Not to make new or more laws, but to have new or better Judges. His pressing the Jury to reveal secrets of their companions.

Petition of parishioners of Beckington⁹ in Bath Diocese. About placing Communion Table altarwise. For refusing Bishop excommunicated Churchwardens. Upon appeal, Archbishop granted inhibition, and enjoined penance in three churches. Bishop said, What, dost prate of a Parliament? When the sky falls we shall catch larks. That the King referred all Church matters to Bishops. That divers ministers cut down rails about table, and placed it altarwise. Mr. Alex. Huish the principal parson there. Lord Keeper charged for countenancing the business at Assizes, and bound over Jury for finding indictment

⁸ Edward Wingate, member for St. Alban's; secluded in 1648.

⁹ A Petition of the inhabitants of Beckington against Mr. Alexander Huish their parson. Nalson says, "Upon every parish pique and unkindness (which seldom is wanting) between the Minister and any of his parishioners, Petitions were exhibited against them, and pressing of conformity was now

become so criminal, that it certainly procured a petition and articles, those a summons, and vexatious attendance upon the Committee, with all the charges of the messengers' fees and others incident," &c. "That arbitrary power which was so much pretended to be feared from the Crown and Mitre, was really to be felt from the Cloak, and the then House of Commons."

of riot. Fined petitioners 2500, and six months' imprisonment for advising parson not to remove table, and £100 charg(es) to parson. That the parson said he would willingly pay ship-money on condition there might never be parliament again.

Ordered, That the parsons be sent for as delinquents. The business referred to select Committee.

[CHRISTMAS RECESS.]

To resolve a time for recess.

MR. PIM. That two days before Christmas, and Tuesday following the house to be called.

[COMMITTEES.]

MR. CAGE.¹ That course be taken that none come to Committee but members of the house and parties.

[JUDGES.]

MR. MALLORY.² That the Judges require as a due presents from the sheriffs, which were formerly of courtesy.

[PETITION.]

Petition against one Ric. Greenburg for saying the petition³ sent into the North was an insolent petition. To be sent for as delinquent.

December 13th.

[SIR W. RUSSELL.]

Petition of Mr. Haselwood against Sir. Wm. Ruffell, deputy lieutenant there, said to be a recusant.

¹ William Cage, member for Ipswich, "an ancient parliament-man," died about 1644.

² William Mallory, member for

Ripon, disabled in 1642.

³ The petition presented to the King at York, requesting him to summon a Parliament.

Under pretence of levying 600 pressed men, pressed 3000, and taken rewards.

MR. GOODWIN. That he is no recusant, neither that he had not been at Church this twelvemonth.

SERGEANT WILDE in his defence. *Cried down.*⁴

SIR JO. HOTHAM. That a bill be prepared for a legal way for Deputy Lieutenants to walk, much of what hath been lately done being illegal.

SIR H. HERBERT.⁵ That Sir Wm. Ruffell said none could be saved but in Church of Rome. Three other petitions against him. Being High Sheriff there, he went not to Church, but stayed in the street to attend the Judges. That he hath had four or five removes in his religion, and not at Church this six years.

[LORD AND DEPUTY LIEUTENANTS.]

Committee to enquire of the misdemeanours of Lord and Deputy Lieutenants of Leiceſter, and all officers whatſoever in the aſſeſſment and levying all ſums of money; and all other Lord Lieutenants and Deputies, and Clerks of Peace; and prepare Bill for regulating the actions of them, and rating Army. All petitions of that nature referred to ſame Committee.

MR. KIRTON. That courſe be taken to regulate Lords of Council too, for they do nothing but by their bid (ding).

SIR JO. STRANGWAYS. That ſoldiers changed for money like oxen. Coſt the County Dorſet £2000.

⁴ D'Ewes ſays that he moved and carried a formal reſolution that Serjeant Wilde "ſhould hold his peace"!

⁵ Sir Henry Herbert, knt.,

member for Bewdley, diſabled in 1642.

Edward Kirton, member for Milborne Port, diſabled in 1642.

[KING'S REVENUE.]

MR. ST. JOHN. Resolved shipmoney against Law, and monopolies. These things not paid (palliated?) for Crown, when his Majesty sees the illegality of them. Crown Land taken away, and these taken away, Crown left poor. To provide a high subsistence for Majesty. That a Committee (be) appointed to consider of King's revenue.

MR. PIM. That his expences be likewise looked to. To intimate the intention to his Majesty. That all officers may be sent to. Cromwell, Lord Treasurer, brought into the house particulars of King's expences in Henry VIII's time.

SIR ROBERT PYE.⁶ That the King's officers may compute Revenue to his Majesty by Monopolies, and the disadvantage to subjects.

MR. HIDE. That consideration of issuing money of Exchequer last two years. Enough to conquer Germany.

MR. WHISTLER. Concerning Escuage and Court of Wards.⁷ To give his Majesty constant revenue above it, and be favers by it. That his Majesty be moved for liberty to treat. That a Committee may consider of last six years, and accordingly proportion. To examine what customs have been paid by subjects and not answered to King since last Parliament; and then need no impositions.

⁶ Sir Robert Pye, member for Woodstock, secluded in 1648.

⁷ Escuage and Court of Wards. The tenures by knight's service, and all the burdens connected with them, which pressed heavily on the

landed gentry, and were therefore more hateful to the Cavaliers than to the Roundheads, were finally abolished immediately after the Restoration.

MR. SELDEN. That Message and answer from his Majesty concerning leave to treat may precede.

MR. TREASURER. That the way of proposing the particulars will be grateful to his Majesty. That subsidies in Queen Elizabeth's time came to greater sums than what hath since been raised by extraordinary ways.

Ordered, That the affections of house be presented to his Majesty, and desire of leave to treat of his revenue and expenses.

[THE JUDGES.]

MR. STROUD. For despatch of the Judges. Concerning ship-money, that Committee may have power to send some to examine witnesses and the judges. That the select Committee may have power to draw heads against Lord Keeper, and examine all things concerning him or them.

SIR JO. HOTHAM. That Committee had two charges to prepare, voting against ship-money for the Lords, and charge against Judges. That the agreeing of Lords would conduce to the condemning the Judges in that Judgment.

Committee may make sub-committees. Select Committee is dividing of themselves for preparing businesses.

[THE CANONS.]

MR. WHISTLER. Report that they have not yet looked upon former writs how they agree with last writ for Convocation.

That they have no power at all to make canons to bind Kingdom.

2. That their canons bind not themselves, *ad*

consentiendum juris quod ex communi consilio regni contigerint ordinari.

Stat. 21 Henr. VIII.⁸ gives not King power in all things that the Pope had usurped.

Stat. 1 Eliz. concerning ceremonies (altered to *ornaments*) that shall continue till otherwise ordered.

SIR T. WIDDR(INGTON). Parliament summoned 13th of April. Writs to Bishops to appear day after. Another Commission to make Canons. Parliament ends 5th May. 2 Com. (second Commission) 12th May, in revocation of former. Doctors thus assembled make Canons. Three questions. 1. Whether (Canons) made by them and royal assent bind Commons without consent (of Parliament). 2. Admitting Convocation's order, where these bind? 3. Whether these thus made shall bind?

To 1st. That shall not bind. If so, either reviving former or introducing new. If affirming former, allowed, but as new, cannot bind, for that must be as altering former. Case 1607. Canon, Clerk to be chosen by parson. Resolved that, notwithstanding by custom, vestrymen shall choose, by judgment in several Courts. That no mention in books that any Canon before Stat. 25 Henry VIII. binds the Laity.

2. Parliament ended, their making those Canons illegal. *Ad consentiendum* Convocation men have relative power to Parliament. Like a man lying

⁸ The Statute 21 Hen. VIII. c. 13, abridging spiritual persons from having pluralities of livings, &c.

Rushworth gives us two long speeches delivered in this debate

by Sir Edward Dering and Nathaniel Fiennes, and a short one by Sir Benjamin Rudyard, but does not mention any other speakers.

speechless can make no will. Thirty two persons by that statute to consent to Canons.

3. Whether these Canons (shall bind). They are of very ill report. Concerning declaration of regal power, trenched upon all Courts for determining prerogative. Taken on them in pulpits to dispute of property. Well when Doctors preach against non-residence. Bad judges of property. Canon against sectaries, provided that not derogate from any former (canon) against them. Doctors were of opinion that (they were) able to take away former canons against Recufants. No proviso, therefore their intention was to dispense with penal laws against Recufants. Oath. That *cannon* charged with three bullets, excommunication, suspension, deprivation.

For the punishment. Let them be laid in their grave by this honourable assembly. Their burial will be more honourable than their birth.

SIR WM. STRICK. They have punished many for being at unlawful conventicles. That they might be called to answer for the abominable proceedings in their conventicle.

SIR FRANCIS SEYMOUR. In their professing to suppress Popery they have brought in crucifixes, images, and themselves worshipped them. King left out of Canons, who certainly is supreme head of Church, notwithstanding what has been said by Dr. Cosins to contrary. Knows not whether Canons or canon-makers more grievous to people. That the Canons may be burnt by hangman, but rather desires reformation than ruin of makers.

MR. P. That sense of house is that they are un-

lawful in respect of the authority or themselves. For manner of taking them away to leave it to house. For makers, to consider them to-morrow, and put to question their illegality.

1. Whether⁹ * * *

2. Whether those thus made * *

3. Whether clergy have power to impose oath.

4. Whether benevolence granted be not void in law.

Precedent of an oath imposed by clergy against Lollards, condemned in Parliament, 20 Ric. IInd.

MR. HOLBORNE. Against putting it to question, and will be ready to argue it to-morrow.

[*Debate Adjourned.*]

14th of December.

[SIR W. PENNYMAN.]

Mr. Burdett called to give evidence concerning Captain Yeoward¹ levying money with muskets. By Warrant under Sir William Pennyman's hand.

SIR W. P. Had no such authority from him. The warrant subordinate to an agreement amongst all deputy lieutenants. The Scots had possessed themselves of all bishopric (of Durham). Country prevailed with him to come with his regiment. At Yarm, many irregularities committed, and another law amongst us, and rather put himself upon mercy of the house than the insolency of the Scots.

SIR H. CHOMLEY. That other deputy lieutenants

⁹ The first two points are given in p. 61. officer in Sir William Pennyman's Regiment. (Rushworth.)

¹ Captain Ralph Yoward, an

had no hand in this warrant, nor privy to raising money for his fortnight's pay. This money levied but at the coming to Parliament, and so no necessity. No necessity for securing the country, if so, the prest soldiery had been fitter than the trained bands. But these trained bands had special relation to Lord Lieutenant, and kept them to act his designs.

SIR WILLIAM PENNYMAN about to reply, but SIR WALTER EARLE says against the order of the house.

MR. PYM. That for matter of fact the party may speak, but for matter of judgment he is to withdraw.

MR. PEARD. That it be referred to Committee for Lord Lieutenants, etc.

SIR WILLIAM P. That Sir Hugh Chomley lately made Deputy Lieutenant. That the order may reach all late Deputy Lieutenants, and that he thought he would not appear a faint.

SIR JOHN HOTHAM. About letters for a levy for money for shiptimber, to which at Sessions returned a denial, and afterwards some of the money levied by Sir William Pennyman's Warrant.

[PETITIONS.]

MR. PYM. Mr. Mallevery's² and Mr. Moiser's petition about multiplying issues. Where to appear to receive knighthood, for want of which £400 hath

² James Mauleverer, of Arncliffe, Yorkshire. The oppressive fees required from those who received the honour of knighthood, and the severe fines imposed upon those who declined it, are well

known as among the principal causes of the King's unpopularity. As appears by the text, the profits of this system were often intercepted by the courtiers.

been levied upon him and issues returned for above £2000, and begged by a courtier.

The petition averred.

SIR R. PYE. That this will give a good remonstrance to His Majesty how much more levied than answered to King's purse.

[THE CANONS.]

MR. HOLBORNE.³ The persons concerned, the clergy in Convocation, and laity in Parliament. As am *servus reipublicæ*, so *filius ecclesiæ*. Question whether these Canons good in law or not. (1.) In respect *constituentis* without confirmation in Parliament, (2) after Parliament. Whether Convocation drawn together became dead body by dissolving Parliament. Another respect—constitution upon the proviso to make none contrary. Whether Convocation can make Canons to bind without Parliament. Not in power to alter prerogative, positive or statute law, for clergy bound to obey magistrate, and can make no canon against it. The canons *quoad mores*, 'tis in power of Convocation to make them with King's consent, by practice, not to speak of power of councils, whose canons regularly hold where they are not at first refused. So in provincial convocations, practice in England from the Conquest to Henry the VIth. Compilation by Linwood,⁴ no confirmation of those, scarce of any one canon by Act of Parliament.

³ Adjourned Debate on the Canons. Nelson says that Holborne argued for two hours in defence of them, but he had been unable to obtain any record of his arguments. The speech was

evidently an elaborate display of legal learning.

⁴ William Lyndwood, Bishop of St. David's, died 1446. He wrote "Provinciale, seu Constitutiones Angliæ."

From Henry VI. to 25th Henry the VIIIth divers convocations. Yet no confirmation in Parliament, yet generally these did bind. Parliament 37th Henry the VIIIth Canon to bar Lay Chancellors held till another Parliament took it away. From 25 Henry the VIIIth submission of clergy not to make canons without King's license, but with profession of confidence in that King. So the Church conceived (it) could not but (at) first be voluntary to have King's consent, *à fortiori* the Parliament's consent not necessary. From that time to this they never came for confirmation, so as, if some law be not produced against it, this practice is proof of the canons and the power of the Church. *Quoad mores* Convocation, for estate the Parliament. Conveniency to have corroboration from Parliament, but not necessity. The King hath sent mandates to Convocation not to trench upon some cases. The Parliament sometimes petitioned the King not to consent to their petitions of Clergy, but that could not be concerning their Canons, but for somewhat else. Canon that Clergymen should not answer a temporal court, against common law. Standish's case in Kelway. Books that Clergy may make canons to bind Church 30 Henry VIth 13, 20 Edward IVth 45, 4 Henry IVth ca. 3 stat. The Archbishop did promise that in a provincial Convocation (he) would make a constitution, and show it the King before next Parliament. Stat. of 25 Henry the VIIIth. They did not yield it then, but did submit it. And before that time did it without King's consent. The Writs from King to restrain them in some argues that they might in others. (In)

8th King James, the opinion of Judges was asked in the point, and answered that they might do it with the limitation of the statute. These Canons were not made without some consideration of the legality. They cannot bind the temporal, but may the Church. In things indifferent they may do somewhat to bind laity. Many instances in Linwood.

2. Whether now they have power, Parliament being dissolved, and whether they then are a dead body and incapable of a commission. The mistake upon not looking into the several writs. First for a parliament *ad consentiendum*, but they (had) another writ *ad tractandum et consulendum*. This makes them Convocation, *ad defensionem ecclesie*. This writ no way relative to a Parliament. Find the very writs from and before Henry VIII's time. Of late times they have seldom made proxies to Parliament—16 Henry VII. in Convocation book—20 Henry VII. ; 14 Henry VIII. The 21 Henry VIII, the very writs. Convocation after Parliament dissolved remain a body. Twenty precedents of them when no Parliament—18 Ed. 3. Parliament roll. Several writs went out. They were not come before Parliament. King spoke to Archbishop to punish them.

Whether, if good power, they have well pursued it. This will trench deeply upon some of them, but not touch some of them.

The Canon for Benevolence. The Clergy may bind themselves. Before Henry VIII. many such grants without mention of confirmation in Parliament. No confirmation of the grants of Clergy till 32 Henry VIII.

Objection. Excommunicate and deprive for not payment. 'Tis but concurrence of law, and not their act that they are imprifoned.

Was a benevolence, and not to be forced. True 'twas benevolence before given, but of right afterwards.

Canon for keeping King's inauguration. That against statute that appoints holydays. But this is but to go to prayers, and no holydays. Against 1^o of Elizabeth, which appoints book of Common Prayer. This book not made by Convocation. Against 37 Henry VIII, concerning lay Chancellors exercising censures eccles(iastical.) The Canon may stand with it. In 34 Eliz. and 39 of Eliz. Canons that excommunication should not be made by layman.

What to be condemned in the Canons. First, the Oath. And what the power of making an oath. They have power to make an oath in what belongs (to) their jurisdiction. Many oaths made in Linwood. Oath of Simony, 1^o King James, a new oath.

18 E. III. an oath made by King and Lords. No act. Oath for judges against divers things, and against corruption. If he broke it, the King to have power of his life and estate. One indicted upon his oath rebellious, and judged to be hanged, and upon the King's asking the Lords it was approved. Dislikes putting doctrine and discipline together. The government of bishops ought to stand. To swear to it little better than perjury. To tie to human laws which may alter with times, hard law. If supreme power alter it, they are freed of their oaths, but if sworn not to give consent, his vote is bound up.

Dislikes first Canon meddling too much with powers of Kings. For property of goods, makes a show as though we were beholding to them. If they meant no more by the oath than has been prest in several places, it may be a slip, and not error of will.

SIR JOHN WRAY. To ask Mr. Holborne where and when he received the communion. (*Answer?*) That he is a due receiver of communion at his parish, but not since the Parliament.

MR. STRANGWAYS.⁵ No order made.

MR. ST. JOHN. That there may be convocations out of Parliament, but whether, wanting consent in Parliament, any canons can bind. Canons merely ecclesiastical. Cannot bind clergy by consent. For therein we are bound, for we pay them their wages and tithes, out of which they are bound. If all usurped jurisdiction of Pope given to the King, the clergy shut out of doors, and then no power. Queen Elizabeth declares her restriction of power given by former acts, to have jurisdiction in all causes civil and temporal. 3rd Henry I. at Malmesbury spirituality and temporality met. 51 Edward III. 46. 15 Edward III. 26. Consent of Commons to acts of Clergy.⁶

Resolved upon the question. *Voted*, that the clergy convented in any convocation, synod, or otherwise, have no power to make any canons, etc., in doctrine, discipline, or otherwise, to bind the clergy

⁵ Giles Strangways, member for Bridport, disabled in 1643.

⁶ Nalson gives a speech of Sir Benjamin Rudyard, ending thus: "Religious concordance will never be late nor well at quiet, until

these heavy drossy *Cannons* with all their base metal be melted and dissolved. Let us then dismount them and destroy them, which is my humble motion."

or laity without consent in parliament. *Nullo contradicente.*

MR. K.⁷ Not with the King's consent.

Voted nullo contraicente.

2. Question, that the several canons treated upon by archbishops, etc., in their meeting of 1640, being made without consent in Parliament, are made contrary to laws of the land, and not to bind the clergy or laity or either of them.

MR. PEARD. That a select committee (be appointed) to enquire of the makers and prosecute their crime.

SIR JO. CULPEPPER. To have a bill prepared for reviving such canons as shall be thought necessary.

[ELECTIONS.]

MR. MAYNARD. Report concerning election at Bramber. Sir Edward Bishop's election void for bribery, and made incapable for this Parliament. The election for Mr. Onslow likewise voted void. Sir Edward Bishop's man Jo. Bramsden for misdemeanour called to the bar, but not here, and sent for as delinquent.

[PETITION.]

Ordered that Mr. Malleverye's petition be referred to the committee for drawing the charge against judges.

[MONEY.]

MR. TREASURER and MR. STROUD. For speeding the bill of subsidies, and to the city, and Mr. Harrison to go on in providing the money.

⁷ Mr. K's addendum is not in Nalson or Rushworth, Mr. K. may have been King or Kirton.

MR. HARRISON. That he has £15,000 ready, and the rest he will speedily make ready, and rest upon the bill and goodness of the house,

[CANONS.]

SIR ED. HUNGERFORD. To punish the makers of canons, and transmit. *Corpus cum causâ*. That there has been a solicitor amongst them as well as among the judges.

MR. PALMER. That the canons not only against the law, against property. In some tending to sedition, not to consent to alter, etc. The great commotions 'twixt King and clergy, that they had taken an oath to see of Rome, and therefore could not consent. This clause is like the setting up another Pope again. In other canon, *in generali juramento semper excipitur si leges Angliæ permittant*. The saving in the oath of homage, Crime charged upon Bishop of Exeter⁸ for receiving homage of his tenants without expressing the saving homage to King, for which condemned in a fine. Giving the oath to others in clergy, schoolmasters, and all scholars.

MR. FINES. That they contain some things destructive of fundamental laws of kingdom. Take upon them to define order of kings⁹ by divine ordinance. Then democracy and aristocracy are

⁸ The Bishop of Exeter at this time was Joseph Hall, "the English Seneca." Perhaps the speaker may have referred to a former Bishop.

⁹ The first Canon declared that "The most high and sacred order of Kings is of Divine right, being

the ordinance of God himself," &c. Also that "Tribute and Custom, and Aid and Subsidy, and all manner of necessary support and supply be respectively due to Kings from their Subjects by the Law of God, Nature, and Nations," &c.

against law of God. All taxes and aids due by law of God and nature.

[MESSAGE FROM LORDS.]

Message by two Chief Justices.

Lords desire conference touching business of Scots, if with convenience.

MR. PIM. That we are entered into matter of great consequence, and that will send answer by messenger of our own.

SIR T. ROWE. To give present meeting.

MR. GOODWYN. For putting it off.

MR. STROUDE. For the weight of the message.

After long debate, to be answered by messenger of own.

[CANONS.]

Question for canons. That these canons and constitutions ecclesiastical are in many of them contrary to the laws and statutes, the King's prerogative, the property and liberty of subjects, and some of them tending to sedition, and of dangerous consequence.

SIR T. WIDDRINGTON. To be added, Against the right of Parliament.

Nullo contradicente.

SIR FRANCIS SEYMOUR. That a committee (be appointed) to prepare it for sending to the Lords, and to consider of the makers.

SIR JOHN HOTHAM. That Lord of Canterbury has been principal active spirit in this business. That every member of house charge him with what he knows.

MR. P. That there was a conspiracy 'twixt Lord Strafford and Lord Canterbury to overthrow the

temporal and ecclesiastical government of kingdom. This prelate greatest incendiary betwixt the two kingdoms.

SIR H. ANDERSON. Out of the canons that the principal actors have concluded themselves treasonable.

MR. RIGBY. Words of the book, By advice of our Metropolitan. That the Bishop's book¹ that Episcopacy is *jure divino* be referred to Committee.

MR. BAGSHAW. Apology concerning Archbishop's displeasure against him. Produced proclamation and opinion of Judges obtained by Lord of Canterbury for keeping courts in their own name.

MR. GRIMSTON. That this is charged against the Judges by the Committee.

Committee appointed to consider who (were) promoters of Canons, and collect the particulars, and draw up a charge against Lord of Canterbury.

SIR W. EARLE. Seventeen years since, speaking of danger of declining to Popery, that if ever it came about, it must be by the way of Scotland. And last year moving for readiness to confer he said it was an Episcopal war. Lord of Canterbury.

MR. PELHAM. That Lord Canterbury has monopoly of fines in High Commission, where no mitigation but from him, which in other Courts is by a Commission. To examine how far (he is guilty) in the subversion of laws.

MR. WESTON. That many did not consent to

¹ "Episcopacie by Divine Right. Asserted by Joseph Hall, Bishop of Exon." London, 1640.

A Committee of thirty-nine

was appointed. The names are given by Nelson. Pym appears to have been chairman.

the Canons. That they may have notice of the resolution of house, that they may declare how they were surpris'd at Committee. Committee meet at 3 o'clock. That if any have taken or ministered this oath, (they should) be incapable to sit.

CONFERENCE WITH LORDS [CONCERNING THE
ARMIES.]

To know the resolution of house, that they might rely on and deliver to Scots.

To appoint a time to consider of supply of both armies, that they may answer the desire of the Lords for a free conference.

SIR JOHN HOTHAM. To press the city to resolve the money.

MR. VASS(ALL). That they expect the passing of the bill.

MR. P. That Mr. Harrison's £15,000 may be presently sent away. And that the Northern parts may now have a greater share in proportion to what Yorkshire had last.

ALDERMAN PENNINGTON. That he presumes if the bill were once read the money would be ready.

The House to name committees in the several counties for levying the money. The knights and burgessees to give names to-morrow. *Voted* upon the question.

MR. STROUD. To press the city to accept security, for that the bill cannot be passed in little time.

SIR T. ROW. That the resolution of house may be prepared to answer Lords to-morrow morning concerning the armies and the money. The Scots

expect to have £30,000 of this money besides the arrears. That the Scots commissioners will be pressing upon it.

MR. TREASURER. That Alderman P. had informed (him) that they had £20,000 underwritten. That the city would send answer to-morrow morning, and that in the meantime that the paper for the conference be considered.

MR. GRIMSTON. That (a) gentleman of the house would furnish the money. Not name him, but if any scrivener had been sent to they would have done it upon that security.

15 December.

[SIR JOHN ELIOT,]

A committee to take into consideration the commitment of Sir John Elliott and the rest² committed 3^o *Caroli*, and the reason of dissolving that Parliament. To-morrow 2 o'clock in Court of Wards.

[LORD KEEPER FINCH.]

MR. P. No reading by the clerk, but for a public business.

MR. ROLLS.³ A letter from Attorney 1 *Caroli*, not suffered to be read.

The substance of it.

Takes notice of the charge, and desires that he may first in person give satisfaction to the house.

MR. P. The like granted to Lord St. Alban's,

² "The rest" were Sir Peter Hotham, Hampden, Fym, and Hayman, Hollis, Strode, Valentine, Sir Walter Earle.
³ John Rolle, member for Hobart, Crewe, Bellasis, Sir J. Truro.

and that, if he will first get leave of the upper house, that 'tis usual to be granted.

MR. PERPOINT, one of the committee. That the charge will be ready to deliver to the house to-morrow.

MR. GLIN. That there being yet no charge, 'tis too soon to order that he shall be heard.

MR. HARRISON. That an order be passed the like of the last, to warrant Sir William Udall to receive his £25,000 beginning of next week, and for him to pay it.

LORD DIGBY. Moved upon another part of Lord Keeper's letter, of his esteem of good opinion of this house.

MR. STROUD. That he sat here when the house could not make him speak,⁴ who now desires to be heard. He knows not whether he means before or after the charge.

[THE SCOTS' ARTICLES.]

MR. P. Report from committee of both houses.

That Lords' committee had papers from Scots to both houses. Lord Bristol, to both houses from Scots. First, an account of the treaties, and of the articles treated by the commissioners.

2. That, after articles read, to present declaration of distress of army.

3. Of state of King's army.

4. Some accusations presented by Scots against two great persons.

Articles read by our clerk.⁵

⁴ Finch, when speaker of a former Parliament, having received orders from the King, had refused to put the question on a remon-

strance that had been moved in the House.

⁵ The communications from the Scots were, as may be supposed,

1. That His Majesty would publish the Acts of Parliament. This formally condescended to, for in these they had power for religion and peace.

2. That the castles⁶ might be secured.

Condescended to.

3. That all may have liberty to swear the Covenant. Agreed that those that live there may so.⁷

4. That incendiaries⁸ receive censure (for) that. This much debated. Of two sorts. English to be proceeded (against) here, Scots there.

5. That ships and goods (may be) restored.

6. That damages may be repaired. Not yet concluded till consulted with the kingdom.

7. That declaration (against us as) traitors be recalled.

8. Removing garrisons (from the Borders), and establish a firm peace.

Paper representing necessity of these armies read. That some of our committee had undertaken sending by Parliament two months' pay. Upon this no violence done. The army in great distress, having received but a week ('s pay) for two months. Forced to disperse themselves through those (parts) and Cumberland and Westmoreland, to undoing of in-

very long. Sir John Northcote gives the best part of them very concisely.

⁶ The Castle of Edinburgh, "and other strengths of the Kingdom of Scotland."

⁷ "Condescended to thus far: That such as are of the Scottish Nation dwelling as Inhabitants in England or Ireland shall be subject to the Laws of that Kingdom

wherein they live, and so the like to be allowed to our Nation dwelling in Scotland reciprocally, but this not to extend to such as only trade as Merchants and are not Inhabitants."

⁸ "Fourthly—That the Common Incendiaries, who have been the Authors of this Combustion in his Majesty's Dominions, may receive their just Censure."

habitants. Except the other £30,000 be speedily sent, are not to be blamed, that their patience is sufficiently known. Lord Bristol (said) that in these expressions they intended not threats.⁹ That since coming in had not above twopence a day.

3. Motion for supply (of) King's army. That disorder might come by this necessity. That speedy course for supply, that might be ready to stay disorders. Incendiaries named, C. and Str. (Canterbury and Strafford). Scots commissioners had given remonstrance against them. *Read.*

[THE SCOTS' CHARGE AGAINST LAUD.]

Innovations in religion. Cause of commotion and our present trouble. Alterations pressed against law. New book of Canons. New Liturgy. Of all these prelate of Canterbury (was Author), by fourteen letters subscribed by him to a bishop there; that they should wear whites; for High Commission sitting in Edinburgh; taking down gallery there to make way for altars. Book of canons devised for tyrannical government of clergy; sent by Canterbury, interlining with his own hand. Canons not to come from synods, but from prelates and king's prerogative. That he would put power in their bishops over the consciences, liberty, and property of people. Pressing the Service book. Speaking at *Jointo*¹ of the arch-

⁹ The Earl of Bristol said that the Scots Commissioners had informed the English Commissioners that, if there were not a present supply of money afforded them, their Army must of necessity plunder; and that this was not spoken by way of threatening, but

out of a sense they had of the extreme wants of their army.

¹ After the Pacification at Berwick, he "spared not openly in the hearing of many, often before the King, and privately at the Council Table and the privy *jointo*, to speak of us as Rebels and

rebels and traitors, that the pacification was dishonourable. Oaths devised by him upon their countrymen. Railing against their Assembly. His hand for the restraint of our commissioners. When late Parliament would not contribute to war against them, he after made canons to preach against them, and granted six subsidies. Prayer by him against their nation as traitors. Ready to prove his innovations by Bishop of Edinburgh's and others' papers. That this great firebrand may be removed from His Majesty's presence. Prelates of England, some more, some less, inclinable to Popery.

2. (CHARGE) AGAINST LORD LIEUTENANT READ.

Whose malice set his wits a-working against Church of Scotland.

No less zeal than Canterbury, as appears by advancing Dr. Bramble, his chaplain, to be bishop of Derry, a man forward ("for exalting of Canterburian Popery"). Another chaplain to Dublin (University).

Burning a confession against innovations, pressed by Primate of Ireland, by hand of hangman, though confirmed by former Parliaments.

Countenancing *Lyfimachus Nicanor*,² and other books against them.

Calling Scots nobility and gentlemen in Ireland to

Traitors," &c.

He made Canons, ordaining that the Clergy should preach four times in the year against the doctrine and proceedings of all Reformed Kirks, &c. "And which is yet worse, and above which Malice itself cannot ascend," he caused a Prayer to be said in all churches during the time of Divine

Service, "against our Nation by name of Traitorous Subjects, having cast off all obedience to our Anointed Sovereign, and coming in a rebellious manner to invade England, that shame may cover our faces, as enemies to God and the King."

² A pamphlet against the Scottish Reformation.

frame petition, correcting (the petition) himself, containing oath of renunciation of covenant. Such as refused kept close prisoners. Which (Covenant) they had taken forty years before. Many thereupon forced to flee. Some indicted of high treason for refusing it.

By his means Parliament called, and six subsidies granted, that forces should be raised against us as rebels. That would give precedent to Parliament in England. Ships and goods taken in Ireland.

This done, comes into England, and at coming away said he would leave of Scots nor root nor branch.

Stir up King and Parliament here against us, but failing, took course for breaking Parliament, and used all means to be General, to kill and slay. Gave order to officers to give battle. When His Majesty was inclinable (to peace), yet in assembly of Lords (at York) breathed calumnies, that he would whip us out (of England). When cessation was granted, he endeavoured hostility. Governors of garrisons (of Berwick and Carlisle) received order from him. Ports of Ireland stopped. That His Majesty be moved that this incendiary be put to trial.

Last, to present humble desire that might go upon certainty with Scottish Commissioners.

Lord Keeper ended (by saying) that when we had considered upon these, the Lords desire free conference. That Lords desire the papers be returned, and shall be sent back again.

To put two points, (1) for supply, (2) at desire of Scots that Archbishop might be sequestered.

MR. GRIMSTONE.³ The source of all our infection, the advancer of all that with himself have done (acted). The bringer in of Strafford. Secretary Windebank the broker and pandar to the whore of Babylon. Man(nering), the (Bishop) of Oxford, Bath, Wrenn, these have devoured flock. Guard all projects these ten years. The tobacco licenses. Only man. Scarce complaint brought in, but he interwoven in it. Dangerous that such stand near the King. The course against Earl of Strafford. To resolve to go up and accuse him of high treason.

MR. HARRISON. That this morning he hath sent two gentlemen to get money in gold. That no time given, but immediately charged.

MR. P. In chair against him. The divers heinous things offered him. That seconded Earl Strafford in dangerous counsel to King. That message go up to accuse him.

Question. That William Laud, Archbishop, shall be forthwith charged to the Lords of high treason.

Voted, nullo contradicente.

The like message for Earl Strafford, accuse him of high treason in name of Commons. That he be sequestered and committed, and in convenient time a charge shall be preferred against him and presented to their lordships.

MR. HOLLIS sent with the message.

[SUPPLY OF ARMIES.]

ALDERMAN PENNINGTON. That the city will make ready the money without security.

³ Mr. Grimstone's speech is given by Nalson and Rushworth. Dr. Mainwaring was Bishop of St. David's, Bancroft of Oxford, Pierce

SIR JOHN HOTHAM. For proportioning the money, £30,000 to North, King's army £20,000. To enlarge the number of subsidies. That the army to the 30th of December, £2,000.

MR. TREASURER. That the last £30,000 pays not by £18,000 to the 8th. Sad condition to leave this army unpaid. This £50,000 will be ready. That Durham (had paid) £25,000. Northumberland paid nothing. That they be considered in the first place, and for enlargement of provision.

MR. P. That the bill be read to-morrow, and then consider of enlargement. To lay burden upon the authors of it, and not Commonwealth.

MR. WHISTLER. That the bill will not be ready to-morrow, though in good readiness.

SIR WILLIAM WIDDRINGTON.⁴ Not so much paid in Northumberland by reason of contract between Lords and them before agreement at Ripon. That five troops are now levying the arrears.

MR. HAMDEN. For settling the proportioning the money to-morrow.

Resolved upon question, *nullo contradicente*, that £50,000 now to be paid, to be proportioned £20,000 to King's army, £30,000 to North. And to take into consideration for further subsistence of King's army. To send to Lords for free conference.

Moved that Sir Edw. Sans (Edwin Sandys) may have leave to stay from his charge a fortnight.

of Bath and Wells, and Wren of Ely, "the least of all these birds, but one of the most unclean."

⁴ Sir William Widdrington was

member for Northumberland. He was disabled in 1642, created Baron Widdrington in 1643, and killed at the battle of Worcester.

SIR JOHN HOTHAM. That no such leave be given here, but left to Lord General if he see cause.

[MESSAGE FROM LORDS.]

That the Lord Canterbury, according to desire of the House, committed to gentleman usher.

The King's revenue to-morrow.

[CHARGE AGAINST LORD KEEPER FINCH.]

MR. ST. JOHN.⁵ Report that charge against Lord Keeper ready, and charge him with high treason and other misdemeanours. That a charge may be sent him as yesterday. That for the shipping business and articles a conference be desired. 1st Article against him. That traitorously endeavoured to subvert law of kingdom, and to introduce tyrannical government. Many particulars. That though one of them would not make treason, yet all put together would shew his malice sufficiently. Trace his whole course from being Speaker, and in all practised against Law and Liberty. In this house refused something to be read conducing to preservation of King and Kingdom. Concerning his carriage in Forest of Waltham, refused jurors returned by Sheriff, and chose whom he liked, and required them to give presently verdict for King with threats. Promised that judgment should not be entered, but country left at liberty to traverse, which

⁵ The "Particulars" upon which the Lord Keeper was voted a Traitor, and which were afterwards expanded into an impeachment, were—

i. For refusing to read the Remonstrance against the Lord Treasurer Weston, *4to Caroli*, when the Parliament desired it.

ii. For soliciting, persuading,

and threatening the Judges to deliver their opinion for the levying of Ship-money.

iii. For several illegal actions in Forest matters.

iv. For ill offices done in making the King to dissolve the last Parliament, and causing his Declaration thereupon to be put forth.

he refused in Common Pleas, contrary to his oath to maintain laws. Contrived an opinion for warranting ship-writs, and solicited the Judges in it, enjoining secrecy, and to do it presently. After, procured letter from his Majesty to Judges for their opinions. Justices Hutton and Crook refusing, unless he would declare to King that they conformed against their opinions, but he delivered it as their clear opinion. That he laboured B(aron) Denham to retract his opinion (in the case of Hampden). In his circuits did declare what Judges had done, and that (the right of ship money) was so inherent (in the King) as could not be taken (away) by Parliament. Did in Common Pleas subvert order of Court by making orders in his chambers. That did make warrants to set at liberty men in execution, those before judgment to pay five nobles, those after judgment five marks. What concerns Chancery shall be made ready. Being a Councillor, did advise breaking the last Parliament, and set out Declaration.⁶

Of these the Committee received proof to their satisfaction.

That it should be transmitted with the ship-money. That Message be sent to charge him with high treason at bar.

MR. FINCH.⁷ To renew yesterday's motion, that he may be admitted to speak for himself before.
Voted. (written afterwards.)

MR. P. Being charged with treason, against

⁶ See afterwards, page 94, *note.* chelsea, a kinsman of the Lord Keeper.

⁷ John Finch, member for Win-

course of house (to hear him). (It) was his own rule, that King's counsel was not to be disclosed.

LORD DIGBY. That, being not charged with treason till it be voted, it may be heard.

SIR ED. DEERING. If it may stand with the justice of the house, he is sure it will stand with the honour of the house.

SIR T. MASHAM. That before charge no grand jury hears the party.

SIR FR. SEYMOUR. That may have a short time to come.

MR. NICLAS. The Committee have voted. That we may go to vote too.

SIR H. MILDMAY. The resolution in Lord St. Alban's business. That, if he desired it, he ought to be heard.

SIR W. STRICKLAND. That the motion may be granted.

SERGEANT EVERS (Eure). That the charge of Committee is but an opinion. And that it may be read (heard?). *Inauditi quasi innocentes pereunt.*

MR. GLIN. A person in question. No charge yet against him. If question against him, to what? Nothing against him. Instances of Lord Bacon, and Duke Buck(ingham). Lord Bacon's charge but for injustice, not treason, in which case he may be heard by counsel and witnesses by oath. In felony or treason, not allowed. Duke of Buckingham was charged, and voted, and then desired to be heard.

MR. WALLER. Present at argument in Chequer of ship-money. A general groan; and upon Judge Crook's going other way, expression of joy. That

thereupon Keeper (did) rise in great charge, that he would not spare the best man there. If we hear his eloquence that would not hear our groans, much beholden. . Though Grand Jury hear not delinquent, yet those that commit him did. That not fear his eloquence, and that may be heard. If any of the Grand Jury desire to hear the party charged, 'tis granted,⁸ to satisfy desire of the members.

MR. FINES. That cannot stand with order of house, being he had no orderly notice of it.

SIR T. ROW. That he may take notice by the Committee sent to him and Judges. That he comes not to answer heads of charge. Stand with honour of house to find men innocent (rather) than guilty. God would go down to see, &c. That he may be heard. *Inauditus et indefensus tamquam innocens perire videatur.*

MR. STROUD. That large Committee have brought opinion, none dissenting. If once satisfied that 'tis treason. Whether this the same with those that have been charged without hearing.

SIR R. HOPTON. That he may be heard.

LORD FAUKLAND. If we should not accuse him of treason, we accuse ourselves of charging the others with it. That, there being no charge against him, he can but make a speech in general. That it be put to question presently.

MR. CAPELL. Happily he may submit himself to this house. That he desires he may be heard.

MR. BELLASIS. That if, upon intimation from

⁸ *Quere*, was an accused person ever heard before a Grand Jury?

the gentleman that moved, he come to the door and desire to be heard, he may be admitted.

SIR H. ANDERSON. That he may go away, and therefore be presently charged.

MR. TREASURER. That before the report made he desired to be heard, and moved the Lords for leave. The greatest in the Kingdom, being charged from this house, are pressed down with the weight of it. If Lord Strafford or Canterbury had come (the) day before the charge, should have had it. An intimation given by this Lord Keeper to St. Alban's of the charge. That he may have Monday morning to come in.

MR. WIN(GATE). Birds upon wing fly swiftly. Finches sing sweetly. That it be made sure that we lose him not.⁹

SIR TH. HEALE. That he stand body for body (?)

SIR JO. HOTHAM. That it may be heard Monday.

MR. COOKE. To have it resolved, if he be heard, how he shall come into the house.

December 21.

[MONOPOLIES, &c.]

Petition of Weymouth and Melcombe Regis, that they are not prest for Alderman Abell's imposition upon wines, salt, soap. Pressing of soldiers. Coat and conduct money. Sealing of clothes abused.¹

⁹ Mr. Wingate was right as to the escape of the Lord Keeper. It was thought that he had friends in the House, who contrived to give him the opportunity.

¹ Sir John Culpeper said, Nov. 9, 1640, "It is a nest of wasps, or swarm of vermin, which have over-cropt the land, I mean the Monopoles and Polers of the people."

SIR JO. STRANG (WAYS.) That goods distrained be restored upon security.

SIR ROBT. PYE. That it may be examined and so appear what the subject loses, and what the King has gained by it, by particular Committee.

MR. WARWICK.² That Lord Treasurer have lately received letters from His Majesty for freeing imposition upon salt.

MR. TRELAWNY.³ That exactions of Customers be referred to Committee. It will appear the King hath been abused five or six hundred thousand pounds. Special Committee of means and all the burgesses of ports to examine four of King's officers and all under customers of London and other ports.

[SIR EDWARD COKE.]

SIR T. ROW. Council books, will belong to executor of Sir E. Cook, that his Majesty will before Christmas day cause them [to be] delivered to surviving executor Sir Rand. Crewe. That original of Magna Charta is in hands of Sir Jo. Cook.

MR. COOK. That the books are entailed.

Sir Jo. Cook's son that he hath sent to his father but yet no answer.

These, like the frogs of Egypt, have gotten possession of our dwellings, and leave scarce a room free from them. They sup in our cup. They dip in our dish. They sit by our fire. We find them in the dye-vat, wash-bowl, and powdering-tub. They share with the butler in his box. They have marked and sealed us from head to foot. They will not bate us a pin. We may not buy our own clothes

without their brokage."

² Philip Warwick, member for Radnor, disabled in 1643, afterwards Secretary to the King.

³ Robert Trelawny, Royalist member for Plymouth. He was expelled and imprisoned in 1641 for saying that the House had no power to appoint a guard for themselves without the King's consent. Rushworth omits his name from his list of members.

[MR. HOLLIS.]

Sergeant sent for three that arrested three of Mr. Hollis his servants.

[LORD KEEPER FINCH.]⁴

Clerk to take notes of Lord Keeper's speech. A chair to sit on, and stool to lay the purse.

SIR SYM. D'EWES. De la Poole⁵ Duke of

⁴ The debate on the ceremonies to be observed in the admission of the Lord Keeper is rather characteristic of the House of Commons, or perhaps of any assembly of Englishmen. Sir S. D'Ewes also tells us that it was disputed whether he should sit or stand, whether he should wear his hat like a member, or stand bare-headed like a petitioner. The question was compromised, or evaded, by a chair being placed, and its being left to his own discretion whether to sit or stand. "The serjeant came in before him, and he brought the purse with the great seal in it himself, and, having made three reverences, he laid the purse on the chair, and stood by it, leaning his left hand on it, and so he made a long and well-composed speech." Before he began to speak, the Speaker said, Your Lordship may sit down if you please. "But he spake standing, and so, having ended his speech, after a reverence made, took up the purse and departed."

Lord Campbell, who classes Finch with Jeffreys as the two worst men who ever disgraced the English ermine, refuses to allow the praise of ability to this famous speech. But such was certainly not the opinion of those who heard it, nor, probably, will it be the opinion of those who read it, either

in the full report in Nalson's Collection, which may have been furnished by Finch himself, or in the brief summary in which Sir John Northcote has so well taken the salient points. It is not too much to say that, if no other report existed, a very good speech might be restored from these notes. It must be remembered that the speech was made to a hostile audience, by a man on the very brink of ruin, who might expect at the next moment to be consigned to the Tower, and thence perhaps to the scaffold. It is difficult to conceive any speech better calculated to conciliate the favour of the House, or, if that could not be, at least to test its feeling. That having been ascertained, the Lord Keeper took a boat, dropped down the river, and early next morning was on his way to Holland. He lived to return twenty years afterwards, and to sit in judgment on the regicides.

⁵ Sir Simonds D'Ewes "vouching a record" is very characteristic. The case of De la Pole, so often alluded to, is mentioned by Bacon as a precedent, probably to found an argument in his own case. Michael De la Pole, earl of Suffolk, was attainted of high treason in the 11th year of Richard II. (1387.)

Suffolk came into the house without either, and came within the bar.

SIR RO. PYE. That before he be condemned that honour is to be done [to] the seal.

SIR GILBT. GERARD.⁶ That when Lord Southam (pton) came they stood till Mr. Speaker gave order for stool and that [he] might be covered by direction of house.

MR. CONTROLLER. That chair be set, and left to his discretion how to demean himself.

SIR JO. STRANG. and MR. HOLLIS. That no chair (be) placed till he come in and desire to speak.

MR. D. To place chair on left, and that the mace may stand on right.

[THE LORD KEEPER'S DEFENCE.]

First thank for admittance. No desire to preserve self or fortunes, but their good opinion. Rather go from door to door,⁷ than live without their favour. No intention to justify words or actions or opinions, but make a clear relation of himself and leave to judgment of house. Rather been a suitor that another might have done it. Not with a studied speech, but to speak my heart. If a word slip to give good construction, etc. For religion, he hopes none doubts. Lived thirteen years Bencher in Gray's Inn. Doctor Sibs⁸ had best encouragement from him against one that would weary him. Fifteen years (of) King's Council. Not adviser of any

⁶ Sir Gilbert Gerard, member for Middlesex, secluded in 1648.

⁷ "And crave *Da obolum Belisario*," &c. Rigby said, "He

would have made us all *Belisaraffes*, to beg for halfpennies."

⁸ Dr. Sibs, "a reverend preacher in my time."

project. Preferred to two places of judicature.⁹ Far from thought of one and ambition of other, but King's pleasure. In these hands never touched bribe, eyes never blinded with gift, took heed to friendship and hate which misguides a Judge.¹ I know not particulars of this ill opinion, therefore weakly armed, but in general hope to speak somewhat in allay of ill opinion. Once sat in that chair. Appeal if not served with fidelity and candour, done no ill, but good offices. That last unhappy day, had great share of sorrow for it. Many in House know his expressions of it. After adjournment for two or three days, His Majesty sent for him. That he desired to adjourn once more, but could not discern that he meant to dissolve it. That (the King said) there should be no further speeches, but that after message (he should) come to him. That if voted he should not dare to sit. All these commands delivered by His Majesty before his Council.

For ship business, which in opinion lies heavy on me, shall clearly deliver my carriage in it. Far from justifying, but submit all. Ignorant of first writ, neither authorised nor advised, nor since, for setting forth either.

Made Chief Justice four days before going out of first writ, so as within his time, but not knowledge. His Majesty commanded Lord Richardson,² Chief Baron, and self to consider precedents and report to him. His Majesty after that (said) if whole kingdom

⁹ Chief Justice of Common Pleas, 1634, and Lord Keeper, 1640.

¹ This sentence is not in the speech given by Nalson.

² Sir Thomas Richardson, Chief Justice of Common Pleas, 1626-31, of King's Bench, 1631, and afterwards Chief Baron.

concerned, not reasonable to lay burden only upon ports. Upon that, without his knowledge, the King put them the case. Confess was of opinion for it in case of danger. Michaelmas following His Majesty commanded to go to all judges to require their opinions. Not intended by him to be binding opinion to themselves, but for His Majesty's private satisfaction. Did then think that self and judges were bound by oaths to return their opinions. Vow that never used menaces or promises. Left at liberty by His Majesty, and he so left them. The God of Truth will make appear. The discourse of this never so little between judges in business of weight than in this. Not one of judges that subscribed that needed solicitation. None made scruple but Hutton and Crook. The last (scrupled) not at the thing, but (the) introduction, and did subscribe. Justice Hutton never subscribed. When His Majesty would have sent for him again, he moved to leave him to his conscience. A long time after had no speech with any of them till February 26th, (1636), when, by command by His Majesty, judges did assemble in Sergeant's Inn, where much debate, and not deny but did use best arguments could for maintenance of opinion. Then those two did differ in this, whether King were sole judge of danger, not in the rest. Fifteen months' difference from first opinion to this debate. After published in Star Chamber by predecessor. Reason of those two subscriptions was that where most gave votes the rest involved. After came to argument in Chequer,³ amongst rest he

³ Hampden's case.

argued. Copies enough of his argument, so as cannot falsify. Only of the necessity, that all the judges were of opinion, in apparent danger. He did deliver that it appeared that danger was so, did deliver that King could not innovate, nor lay any Charge, but by Common Consent. That this judgment did warrant nothing against it, but only danger where whole kingdom concerned. There every man bound. That taking the loss of narrow seas in great danger. He makes protestation he gave opinion never that money to be raised, but that ships be provided according to writ. Humbly submit it to favour and judgment. Far from his thought to introduce new government.

About forest business.⁴ That learning far out of way of his study, but commanded to go as attorney upon Mr. Noye's sickness. When came, did King and kingdom service, with extreme danger of himself and fortunes. Concerning perambulation, great difference of opinion. Before did anything, (did) acquaint judges with his objections. They thought them such as fit to be presented. The country upon conference unanimously subscribed. After, commanded to attend service at Essex, and King told him the bounds of forest narrower than ought. He thought to enlarge them no further than Havering. Country refusing conference with him, produced the records for His Majesty's service, but never go about to overthrow charter of forest.

When a judge or two delivered opinion that King

⁴ Great discontent was caused by the King's pressing his forestal claims, and constantly encroaching on private property. "The royal

forests in Essex were so enlarged that they were hyperbolically said to include the whole county." (Hallam.)

might afforest what kind he would, when he came to be judge did declare against it, the King being restrained by the statute but in his own demesnes. In this humbly submit his opinions.

Concerning declaration,⁵ 'tis the King's. Bound by duty not to speak without his licence. When may have leave will make it appear that not deserved the least censure.

Humbly thank for patience. If may know what is charged he hopes to give satisfaction. He that was after God's heart was not for wanting infirmities, but that hard heart right to God. Beg that, if not live to serve you, may die in favour and good opinion.

MR. RIGBY. Concerning His Majesty's double capacity, natural and politic, first subject to infirmity, second free from all imperfections. That great crime fallen from Lord Keeper in his narration. That was commanded by King that if being in chair were voted should not sit. That should not lay imputation to the King. That was not authority of that. Expected that would have laid it upon some other, not King. 3rd. Message by secretary for meeting at Sergeant's Inn,—all reflecting on King.

MR. MALLORY. That this favour of his being

⁵ The King's Declaration to his loving subjects, concerning his reasons for dissolving the Parliament in May 1640, in which he spoke of the "finiter and malicious courses," and the "audacious and insolent way" of the "ill-affected persons of the House of Commons."

The conclusion of the speech is not in Nalson or Rushworth.

The only other speech they give on this occasion is that of Rigby, and their version of it is quite different. Sir S. D'Ewes lays, "After his (the Lord Keeper's) departure divers spake; and it was the general sum of all of them that he had rather aggravated than mitigated his crimes by his speech."

heard be no precedent to any other. If any desire it, that may be heard at Committee, not in House.

MR. LANE. Resembled a park. Laws the pale, subjects deer, King owner. He, the keeper, is charged to pull down pale to make park a forest. Secondly, to dispose to destroy deer by framing ship writ, which subverts property and liberty. Third, the greatest crime, to counsel his master that pale was broken, and not only to make park a forest, he went to make this forest a wilderness, to move the King that we met here with seditious intentions. That he said that Scots and French were joining against us. That was instrument of taking away the King's weapons, the people's affections. For his words, question whether our judgment shall be guided by words or actions, but must give vote with Committee, that (he was) culpable and criminal.

ALDERMAN PENNINGTON. That *optimus orator pessimus homo*,⁶ and that he was moved little with his eloquence. That may go to vote.

SIR G. PALMES. That he heard nothing from him but rather in aggravation than extenuation of his offence, and desires to vote it.

MR. STROUD. That it be drawn no more in example. He came in great humility. Would God he had been so when a Judge! As Speaker here, that testimony would be given with him, that never knew

⁶ Nalson represents Rigby as saying, "*optimorum putrefactio pessima*," and "Had not this Syren so sweet a tongue, surely he could never have effected so much mis-

chief," here ascribed, no doubt correctly, to Wingate, who previously made the small joke about finches singing sweetly.

abler man in Chair, but made that obstruction in case of favourite, would not put vote till went to Whitehall. Crime to vouch Majesty that no vote should be put for an adjournment. His silence then cause of all miseries since. Much troubled at what was said of his Majesty commanding concerning Priests and Jesuits. Hoped no more of that kind spoken of his Majesty. [As] to forest, said that part of forest which was not destroyed he left entire. That to his being in Court of Justice nothing said. For voting.

MR. WINGATES. Had not this Syren a sweet tongue, could not have done so much mischief.

MR. BRIDGMAN. Doubt whether to charge him with high treason. The other [charges] were for subverting of Laws and backed with force. Precedents of subverting, without force not high treason. Instance of Cardinal Wolsey for like, and but *pre-munire*. 10 R. 2. Like of Mich. de la Poole, in Parliament, and not adjudged treason.

MR. WHITELOCKE contrary, yet willing to go the milder way. Whether within Stat. 25 E. 3, those are treasons against King's person, and others left to Parliamentary proceedings, 22 E. 3. Interest of making laws is all we have for our lives, etc. This taken away is as great treason against Commonwealth as any can be against King's person. That when he was in Chair, left it against word of the house, refused to move what was for good of Kingdom. Look upon an individual, it may be thought not treason, but looking upon consequence. Endeavoured to raise own fortunes upon ruin of Commonwealth.

That endeavoured to overthrow Charter (of) forest. In Common Pleas 'fought to bring it to arbitrary decision of causes in ship business. Used all persuasions and threatenings. Subsidies still given by parliament for setting out ships. He devised a way that the King should not need us. Strength of an Army, as Lo. Str. (Lord Strafford) (said) not so much as armed with power of judicature, which not so easily resisted as the other might (be). That may go up to charge him with high treason.

MR. CONTROLLER. Whether will stand with judgment and clemency of house. Whether to charge him according to statute or according to judgment of house.

MR. PIM upon difference twixt E. Str. (Earl Strafford) and this. Upon their power to dissolve Parliament. The Articles presented by Committee he does, agree, though not in Art. 25. 'Twas treason before, and left so. Takes away legislative power of Parliament. Takes away honour of King to be protector of people and goods. The occasion of troubles in Spain, Scots, and here. Cases of Wolfey and Ea. De la Poole. Courts cannot go higher than offences require, but may go lower. Liberty of subject not so assaulted in those times as now.

SIR. H. M. (MILDMAY).⁷ That five or six past parliaments have been to make up breaches of Commonwealth. Nothing passes from King but

⁷ Sir Henry Mildmay; member for Malden, Essex, and therefore interested in the "forest business." He was the "master of the jewel-house," and was accused, after the

Restoration, of having taken some of the jewels. He was one of Charles the First's judges, though he did not sign the sentence.

upon reference to his Council and Judges. And therefore all depends upon their returns. His concern in Emanuell College,⁸ built by his grandfather, that he was principal helper in upholding that College. Dr. Sibs told him that he had been turned out but for his help. Moved to enquire if there were not Judges that embarked in the ship business before him.

MR. WHIST(LE). To be wary that in preserving our liberties we lose not the fairest of them. Not to leave liberty to make treason what will. If not in words of statute, then by parliament. And that must be by bill, and to leave it to the Lords. To declare it treason not safe for them or us.

MR. PE(ARD). 25 E. was to chalk out the way to Judges, but this treason at Common Law. This person charged 1^o, in the Chair, monopolies, and Ship-money. If Speaker will be silent, we are dumb. That blowing up the house without gunpowder.⁹ To have an Idle Parliament no Parliament. By saying the King commanded increases the offence. The King would have leaned (to) that Councillor that disadvised. Had been his part to have done

⁸ Emmanuel College at Cambridge was founded in 1584 by Sir Walter Mildmay, Treasurer to Queen Elizabeth. Its orthodoxy was suspected. One of the articles in the "Considerations for the better settling of the Church Government," presented by Laud to King Charles in 1629, was "That Emanuel and Sydney Colleges in Cambridge, which are the nurseries of Puritanism, may from time to time be provided of grave and

orthodox men for their governors." Cromwell was of Sidney Susssex College.

⁹ Sir S. D'Ewes seems to have understood Peard's speech differently. "Mr. Peard spoke exceedingly well to shew that this denying to put the vote of treason was to blow up the Parliament without gunpowder." Whereas he appears to have been blaming Finch for not putting the vote for a remonstrance in a former Parliament.

the King right, and upon his conscience he thought he had done the King wrong. More than army to conquer by colour of Law. 2. Forest. Presenting prevented fire and meat, but their lands really taken from them. 3. Ship money. Take away all ownership. When judgment was given, thought that not his gown (was his own). We must thank the King, not Judges, if we had anything. Belknap's case, that if Judge gave judgment against Law was treason, that was very broken in the business. One of Judges dying said, that villain Finch undid me, for he made me to subscribe. Four declarations. Not deny that 'twas his Child. If a man arraigned will not deny is worthy to be hanged. Story of foxes.¹

MR. HOLBORNE believes the matter of report, but doubts of judgment in Law, fearful in matter of blood, doubtful of consequence, and making treason by inference. Whether this a subversion or rather perversion of law. One to govern according to will. But when question what is the law in forest and ship-money, never said but King must be governed by law. But great perversion here. The laws not rightly observed. If that be *ex errore*, no great crime. Subversion he thinks clearly treason. This not treason in the statute. Clear that there are others at Common Law, but these courts not try them, but by Parliament. In absolute monarchy *rex est lex*, but where there is

¹ The "Story of foxes" has been unfortunately lost. Allusions to field sports have always been popular with an English audience. In a very successful speech delivered

by a statesman of the present day, a parallel was drawn between the duties of the Leader of the House of Commons and those of a master of foxhounds.

law, he is bound to govern so, and the dissolution of these treason. Less to give up forts than to destroy bulwark of laws. Empson's² case, Henry VIII.'s time, plotted *subvertere leges*, said *proditorie in subversione legis*. Wolsey's maintaining setting up legatine power against our laws. Question upon the Acts in forest and upon the law in ship money. And so perversion, not subversion.

MR. CREW to point of law. That Tresilian³ was no swordsman, and that must be wary of proposing to the Lords what is treason but by Bill. It cannot hurt if we declare that subversion of law is treason. We have done the like to Lo. Str. (Strafford) and C. (Archbishop of Canterbury). If Petition of Right be law, judgment in ship money (is) subversion of fundamental laws. Difference of saying he is guilty, and giving a charge in matter of suspicion. Like proceedings many have suffered. Who shall have his vote for pity, and he for justice.

MR. HIDE. 'Tis treason to kill a judge, much more to slay justice itself.

Voted to be accused of high treason and other misdemeanours.

Voted that message be forthwith sent to Lords to accuse, and to be sequestered and committed. And in convenient time the charge shall be presented to their Lordships.

LORD FAWKLAND sent.

² Sir Richard Empson and Edmond Dudley, the instruments of Henry VII.'s extortions, executed for high treason in 1510.

³ The allusion is probably to Chief Justice Tresilian, who was attainted of high treason with De la Pole, under Richard II.

22nd December.

[THE JUDGES.]

Lord Keeper's charge read.

MR. ST. JOHN. That the accusation of Lord Keeper be sent. That (he) being gone, the lords be moved to take caution of judges.

SIR JO. HOTHAM. That the judges charged may be named, and the Lords sent to.

SIR JO. STOWELL. That the same caution be taken of Bishop of Bath as of Ely.

MR. ST. JOHN. Brampton, Chief Baron, Jus. Barkley, Crawley, Trevor, Weston.

MR. P. That messenger go presently after Lord Fawkland to move that they give present caution.

MR. CHADWORTH.⁴ That Baron Trevor was solicited by Duke of Buckingham in business of loan 2 Car. to leave out that it should not be drawn into precedent, did oppose rest of judges in many other particulars.

LORD DIGBY. In states no compensation of good actions for ill.⁵ That for many motives he yesterday

⁴ "Mr. Chadworth." William Chadwell sat for St. Michael's. He was disabled in 1643.

⁵ This was not the opinion of Lord Macaulay. "Ordinary criminal justice knows nothing of set-off. The greatest desert cannot be pleaded in answer to a charge of the slightest transgression. If a man has sold beer on Sunday morning, it is no defence that he has saved the life of a fellow-creature at the risk of his own. . . .

But it is not in this way that we ought to deal with men who, raised far above ordinary restraints, and tried by far more than ordinary temptations, are entitled to a more than ordinary measure of indulgence. . . . Their good and bad actions ought to be fairly weighed; and if on the whole the good preponderate, the sentence ought to be one, not merely of acquittal, but of approbation." *Essay on Lord Clive.*

gave his noe, but now moved that others involved in fame crime may not give the slip.

MR. HOLLIS. That the meſſage againſt judges be firſt ſent to make them ſure.

MR. WALLER. That they might forthwith be imprifoned to prevent tampering of witneſſes this Chriſtmas.

Voted, that whereas there are ſeveral informations againſt the judges, that meſſage be ſent they may put in caution by themſelves and others forthwith.⁶

[SUPPLY.]

MR. HARRISON. That he had this morning paid in the laſt of his money, and ſo performed what he had undertook.

Bill of ſubſidies read. Mr. Whiſtler in the chair.

[PETITIONS.]

Petition againſt Sir Ro. Banniſter, High Sheriff of Warwick, by a conſtable for refuſing to obey his warrant for levying ſhip money. Strangely abuſed and committed. Referred to committee for ſhip money.

A petition againſt a debauched parſon, charging him with lewd language againſt Parliament. Sent for by a ſergeant.

[RECESS.]

Receſs at Thursday noon, to meet Tueſday, the Houſe to be called Thursday.

⁶ A meſſage was ſent to the Lords by Mr. Waller, to deſire that the Lord Chief Juſtice Bramſton, Lord Chief Baron Davenport, Mr. Juſtice Berkeley, Mr. Juſtice Crawley, Baron Trevor, and Baron Weſton ſhould put in good

ſecurity to abide the judgment of Parliament, for informations of Crimes of a high nature againſt them. The Lords complied with the requeſt, and the Judges accordingly entered into recognizances.

[SUPPLY.]

SIR H. VANE. For sending the money speedily to the army, and consider farther supply.

[JUDGES.]

Report by MR. WALLER. That their lordships ordered several judges enter recognizance, 10,000 each, to give like bond with sureties this day seven night.

LORD FAWKLAND. That the Lords resolve instantly to sequester Lord Keeper. That, for commitment, he was fled. That when charge is brought against him, to be to same committee.

MR. PYM. That several committees have complaints against Archbishop and judges. That may be ordered to bring them to the select committee.

23rd December.

[COURTS AT YORK, &c.]

Committee to consider of the courts at York⁷ and Ludlow. Taking of four counties from the last. All knights and burgessees of several counties and all the lawyers. Thursday seven night to consider of the foundation and institution of those courts. Court of Wards.

[LOAN.]

ALDERMAN PENNINGTON. That they have 13,500

⁷ The Court of York, properly the Court of the President and Council of the North, was first established by Henry VIII. after the Northern Rebellion. It was reported on by Hyde in April 1641. The House resolved that its jurisdiction was illegal, and

that the Court was unprofitable to His Majesty, and grievous to his subjects. And Mr. Hyde was directed to lay the matter before the Lords, which he did in a long and bitter speech, preserved by Nalson.

ready. To-morrow they have court of aldermen to settle the whole, and those that have subscribed and fail he will bring their names.

MR. STROUD.

[THE STANNARIES.]

MR. OLDSWORTH.⁸ Leave to go to Lo. Cant.

To consider court of Stannaries. That the knights and burgeses of west may be appointed of that committee, formerly appointed for committee of Mr. Coriton.

[CHARITY.]

SIR RO. HARLOW.⁹ Account of the distribution of the offerings to the preachers and poor of Westminster.

[THE ARMIES.]

MR. THRER. (Treasurer). For reading the letters from Sir Ja. Ashley and Sir Jo. Conyer, and after reading moved concerning martial law, by message from Lord General.

SIR JO. HOTHAM. 3,000 to Bar(wick), 1,000 to Carlisle, 16,000 to army. For (those who were) justly suspected (of recusancy), that oath of allegiance and supremacy be tendered. Ordinance and munition of kingdom liable to danger in Hull and Yorkshire. That for drawing the army near in a body and in posture of defence. That the officers repair to (their) charges. Hath been sent 50,000, as much now going. This pay to the 4th January. There

⁸ Michael Oldsworth, member for Salisbury.

⁹ Sir Robert Harley, member for Herefordshire, secluded in 1648.

The money collected at the time of the Members receiving the Sacrament amounted to £78 16s. 2d.

will be 75,000 more due, so as a new supply, or no subsistence for army.

Distribution of the 20,000 voted as before.¹

For (the) justly suspected, that taking oaths and receiving communion (be enforced).

MR. PIM.² Not to make compulsory order here for receiving communion.

Voted for taking the oaths.

Lords Commissioners have thought of a course for returning the monies.

SIR JO. STRANGWAYS. To have our army regulated, that if Scots army break out against will of commanders, that they may be repressed. That the officers of this House may go to their charges. Lord General being sick, that His Majesty be moved to appoint some Commander-in-chief.

MR. STROUD. For reading subsidy bill. That before commanders of the House be sent down, the business for the army be debated in the House, and some of Lords' committee be desired to assist.

MR. PALMER. Upon the request of Sir John Conyers about Martial Law, that it may not pass by colour of approbation of this House. While Courts of Justice open, no Martial Law.

MR. THURER. (Treasurer). That no such thing done, but desire of direction only. No such imputation left on him.

House resolved into Grand Committee to consider of bill of subsidies and to enlarge it.

¹ Sir J. Northcote refers to this in a memorandum on the fly-leaf of the Note Book.

² Pym would appear to have

been enlightened enough to object to the Sacramental Test, which was actually enforced so lately as 1828.

SIR BEN. RADYER (Rudyard). That timely provision be made, or it may cost us more than money, and we not able to sit here and give it. (To) stand hucking here for little money may lose all. If overplus remaining we can soon dispose of it.

MR. CREW. That if any be against 4 subsidies we may hear his reasons, otherwise go on.

SIR JO. CULPE(PER). To give but so much as to keep army to the time of cessation.

SIR ROB. P. (PYE). For preservation of navy, or else submit ourselves and all we have to King of France. Five or six weeks spent about this business. North country never gave subsidies in Queen Elizabeth's time.

MR. CAPELL.³ Less than 4 subsidies cannot be granted. The expence of three will be out by 4th January. If army should then disband, would require money to send them into country.

SIR H. VANE. A paper that 40,000 of year part to be supplied. 16,000 ordinary expence of Navy, without which ships will be lost. 5,000 for repair of ships set out. Other particulars which will attend committee. 10,000 for next year's supplies. That 60,000 presently supplied for navy, or our walls will be much broken.

MR. GRIMSTONE. Business of navy of great importance. That four subsidies are the least. The

³ According to Sir S. D'Ewes, the value of two subsidies amounted to about £160,000. This agrees with a letter of Mede's, mentioning that a subsidy was *not above*

£80,000. Sir J. Wray is represented as saying that a subsidy in the time of Queen Elizabeth was equal to £12,000. This should no doubt be £120,000.

flow proceedings of the bill, and will require time for levying.

MR. STROUD. To give three now and another when House is full, that country may see we do it upon necessity and by degrees.

SIR JO. WRAY. That Justice being restored to its splendour, it will be more welcome to give four subsidies than four pence to ship money.

Message by Sergeant Ayleff and Whitfeild. An Act for sale of lands for payment of debts of late E. of Winchelfie.

For equal proportioning subsidies. Beginning of Q. Elizabeth £12,000, now greatest estates not above £50, taken of (off?) by certificates.

MR. POTTS.⁴ For 4 subsidies, and that they be not enhanced, but that the rich be not suffered to go so low.

MR. PEM (*sic*). That but two subsidies, but those brought to the height of 28th of Q. Elizabeth.

MR. PRICE.⁵ That Northern Counties deserve no relief, for that they made no resistance.

SIR THOS. WIDD(RINGTON). That their arms were taken from them.

MR. HOLLIS. But for 3 subsidies. The bill being ready, it will easily pass. For two more if there be cause.

SIR FR. SEYMOUR for 4. The Clergy being not named in it, will fall very short.

MR. P. That the present necessity, not satisfaction

⁴ Sir John Potts was member for Norfolk. He died soon after this time.

⁵ Herbert Price was member for Brecon. He was afterwards disabled.

of country, be looked to. And for 4 subsidies. (We) Have our own treasurer, and many offenders which may bear the future burden.

Question. That 2 subsidies be added to the 2 formerly agreed on, to the use of the former, and to such uses as shall be further declared by house. *Voted nullo contradicente.*

The first payable 10th Feb., second the 10th of May, *so voted.*

MR. THURER. That sense of house was that Mr. Harrison should receive first 50,000, citizens other 50,000.

Mr. Harrison names for his treasurers Mr. Capell, Sir Ro. Pye, and Sir Thomas Barrington. They all severally undertook it. The city to appoint three more.

MR. HARRISON. That they may name them, and to have a joint trust.

Exemption heretofore of Cinque Ports and Rumney Marsh.

SIR JO. CULPEPER. The Cinque Ports have divers charters, and were never poorer.

MR. MAYNARD. The charters are exemptions against King, but not to the use of commonwealth.

SIR P. HAYMAN.⁶ That they more charged than others. Subject to pres for mariners and pilots, to keep perpetual watch with soldiers, and to furnish 50 ships. Lying upon the sea, are charged with repairing the banks. Never were charged to any payment

⁶ Sir Peter Hayman, member for Dover, died soon afterwards. The Writ was issued in February

following. The local members evidently stood up for the privileges of their constituents.

before or since Conquest. That till now never had Burgeffes of their country, but recommended. And for refusing, charged by du (Duke?) with billeting. If, now they have half of their country, it should pass, they do them ill service.

MR. ST. JOHN. They are to find 57 ships, 21 men and boys in each, to serve fifteen days. This service not required since Henry VII.'s time. Have been discharged from army, but (this) being discontinued, it would be considered whether now to be freed.

SIR JO. CULPEPER. That they have never denied. Till then, that they may enjoy their charters.

SIR P. HAYMAN. That in Portugal voyage, Cales, and all where His Majesty concerned, they have always set out some. For army they are as deep charged as any.

MR. PIM. That they came in as adventurers, and upon return had shares, and not otherwise charged than other parts.

Report by MR. WHISTLER to the house, the Speaker (having) returned to the chair, what had been done. Upon his putting the same questions, all voted by the house *ut supra*.

The alterations of the bill referred to same committee to make ready against to-morrow.

[BUSINESS OF HOUSE.]

MR. THER. The paper upon Tuesday. The ballast (*sic*) of King's revenue now to be brought. That the motion for navy be brought first to that committee.

Sir Edward Savage for contempt of privilege in

administration and sold goods. Mr. Cambell to be sent for, but upon motion of Sir Ro. P. and Mr. Pim stayed, and referred to Committee of privileges to meet this afternoon.

24th December.

[MISCELLANEA.]

Alderman Abell to put in caution. Order to justices to return names of all recusants, and such as pretend to be protected by the lords to return their names, and by whom protected.

MR. MAYNARD reports Mr. Goodwin's⁷ election for East Greenstead. *Voted good.*

Wednesday appointed for making reports. Mr. Pim for Irish affairs, Mount Norris, Kildare, Dillon, and Chancellor, be first reported.

MR. HAMDEN. That those that sit in chairs may then present a brief sum of the petitions in their hands conducing to the great causes in hand. *Ordered.*

[THE BISHOPS.]

A draught of articles against Lord of Cant. shall be presented, Wednesday.

That the sub-committee meet Tuesday afternoon.

MR. BAGSHAW. That Bishop Bath and Wells is going. That message be sent to make him sure.

SIR ROB. PYE. That upon enquiries he is satisfied to contrary. He did refuse to give orders *ex institutione* unless take new oath. Enforced payment of new benevolence. If refused he would put arms on them, for that it was *bellum episcopale*. Enjoined penance

⁷ Robert Goodwyn, member for East Grinstead, Suffex.

on churchwardens for catechising, and convented others for preaching in afternoons.

SIR JO. STOWELL.⁸ That convented minister and gave oath *ex officio*. Whether not preach twice upon Michaelmas Day to hinder church ales. Did excommunicate Mr. Chambers for not reading book of sports.

SIR HENRY MILDMAY. That he gloried in it that he had put down all lectures. That he had injured divers gentlemen in their patronages.

Message voted for divers heinous crimes tending to the subversion and corruption of religion in that diocese.

SIR HENRY MILDMAY (sent to the Lords).

MR. PEARD (He) is crafty fox, unkennel him.

MR. STROUD. The disorder of carrying messages.

Sergeant sent.

[SUPPLY FOR ARMY.]

SIR W. EARLE attended Lords Commissioners for this house yesterday, concerning receiving and ordering the monies. The Lords answer that four of the committee, Warwick, Mandevil, Paget, Wharton, might receive the money. That they should go for relief of northern counties, to avoid mentioning Scots' army. They desired to know where to receive the money.

ALDERMAN PENNINGTON. That 13,000 in Chamber of London. Moved that might be order for receiving 38,000 out of Chamber of London; 25,000 from C——, 5,000 from Sir W. Udall. *Voted.*

⁸ Sir John Stowell, or Stawell, member for Somerset, an active Royalist, disabled in 1642.

[MESSAGE.]

Report, That Bishop of Bath was not present, but they had sent for him, and would take caution of him as desired.

[ANNUAL PARLIAMENTS.]

MR. STROUD.⁹ That noised giving 4 subsidies. That somewhat to comfort the people. That Act for yearly holding parliaments. *Read*. That the Tuesday after Easter they assemble without summons, if not a summons by a King's writ before Tuesday after Ash-Wednesday, and sheriffs to send Warrants for choosing, as if writs had been sent. And if Sheriff fail, then the freeholders and Citizens and burgeses to assemble and make choice, and sheriffs to make returns as upon writs. If any proclamation published to contrary, the party to incur penalty of Sta. 16 R. 2. Sheriffs failing their duty to forfeit £500, Citizens 200, and burgeses 200, and freeholders 1000. No parliament to be dissolved within 40 days of meeting without consent of King and both houses.

SIR SIDNEY MOUNT(AGUE).¹ That preamble of bill of subsidies naming Majesty's subjects the Commons is excepted against by Lords, and not used till 1^o and 3^o Car. That it may breed difference twixt Lords and us.

The bill first read in the house.

⁹ This was the Bill which became afterwards the Triennial Act. Cromwell moved the second reading. Clarendon evidently follows Strode's introduction in his mention of it: "It was thought necessary that the people should be refreshed with some behoveful law,

at the same time that they found themselves charged with the payment of so many subsidies."

¹ Sir Sidney Montague was member for Huntingdonshire and a Royalist. He was disabled and committed to the Tower, Dec. 1642.

December 28th, 1640.

[SUPPLY.]

Bill of subsidie read.

MR. PARTRIDGE.² That the Cinque Ports be exempt.

Referred to Committee, Thursday morning, of whole house.

SIR H. VANE. That speedy course be taken for the Navy.

SIR ROBT. PYE. That the general balance of King's revenue be first considered. That it will require two months to prepare it.

That the Lords be sent to for voting the ship-money.

[KING'S REVENUE.]

SIR ED. WARDER called in with a balance of King's revenue made five years since.

First gave thanks that Sir Rob. Pye is joined with him. That he may receive directions from house for drawing new balance, because divers Monopolies likely to be taken off. Revenue £618,990 per annum. Not half answered into Exchequer by reason of defalcations. Recusant's compositions not answered into Exchequer, but into other hands. That in Exchequer always at his Majesty's command. Other monies not so. Assignations duly paid to prejudice of Exchequer. Whole revenue for two years anticipated. That his Majesty may have some supply from the house.

² Mr. Partridge, I presume, member for Sandwich. He was was Sir Edward Parteriche, Bart., secluded in 1648.

Balance read. Receipts. Great Customs, 150,000.
Petty farmes, 60,000. Compo. for house, 38,330.

SIR RO. P. That this war hath cost the King
and kingdom two millions.

(A separte list.)

Qn. (Queen).	32,594.
Q. Boh. (Bohemia).	19,150.
Cofer.	107,920.
Robes.	5000.
Child(ren).	15,833.
Ward.	26,221.
House.	16,071.
. . . . (?)	1310.
Jewels.	5810.
Sta. (stables?).	41,570.
Castles.	13,500.
Pensions.	131,000.

MR. PIM. For present consideration of Navy.
That customers forbear any payments save to King's
house. That the money be assigned for Navy. (Mem.
inserted afterwards). *Ordered to make no payments but
ut supra.* That if might have all our desires, if King
were not better provided for than we found him.³
Work not done.

MR. THRE. (Treasurer). That King's revenue in
such distraction that nothing but Parliament can
repair it. That some Patents from the King be
called in. That a preparative balance may be brought
in in 7 or 8 days. Provisions for Navy to be made
at this time of year at much easier rates.

³ Pym said, on one occasion, that they would make the King the
richest King in all Christendom.

SIR H. VANE. Method of Navy. Divide expence in ordinary and extraordinary, 38,000 for 40 ships and setting out 4, which was clearly paid till this year 16,000 behind for payment of wages, &c. Hull ships for fraught, for King's ships paid off, but others daily expected to be provided for. For next, the ordinary will be same. That money be forthwith assigned, for summer guard, suitable to ships for other princes. Lord Admiral, expence (of) 20 ship, 12 or 13,000 present pay for victuals. Stores to be supplied, so as 20,000 will be presently necessary.

[SIR G. RADCLIFFE.]

MR. PIM. From Committee for charge against Lord Strafford. Sir Geo. Radcliff so interweaved and combined as cannot go without. There being no accusations against him, Lords made some scruple of examining his articles prepared by Committee against him. Upon reading them to send to Lords to charge him with treason.

Six Articles.

1. That conspired with Earl Strafford to subvert government, and 'been counsellor in bringing in Irish Army to England. Sir Rob. King (brings it) fully home (to him.) King⁴ 400,000. 30,000 soldiers and sword by his side, if want more not to be pitied. By conference with two others of Ireland, the same. Lord Lieutenant (said) absolute power in the King best government. Sir Ro. King replying that would be tyrannical. Sir Geo. Radcliff (said) that government is easiest so,

⁴ That is, Sir G. Radcliffe said 30,000 soldiers, so that he might take whatever he pleased.

2. Confederate with him in assuming regal power, and exercised the same over subjects in Ireland. Proofs by extrajudicial proceedings upon paper petitions, fining and imprisoning customers for not conforming.

3. For enabling these designs, taking great sums out of exchequer, 30 or £40,000 at one time employed for tobacco.⁵

4. Abused their power by countenancing papists. Priory built on his own land, and great resort of priests to it. That dissuaded recusants of Ireland from charging him in England.

5. That had stirred up enmity and war twixt Ireland and Scotland. That he spoke in Parliament there that an Army coming from Scotland in Ireland, to incense them.

6. That laboured to subvert rights of Parliament. Mr. Barnwell for standing upon sending parliament men for ancient boroughs, Sir G. R. told him would *session* (billet?) 500 soldiers upon his house.

All during his being councillor there, contrary to his oath and allegiance.

Voted to charge him with high treason.

Voted that these articles should be ground of accusation.

Voted that message forthwith sent to Lords to accuse him, *nullo contradicente*.

MR. STROUD named, but apologized that of late men not so fit have been employed. *Read at bar*.

Message. To know whether it be our desire to have Sir G. Radcliff made sure.

⁵ "And converting the profits of the same to their own use."

Answer by MR. PIMM. That (he) being in custody, they forbore to say anything of that till the Articles should be presented, which will be very shortly. Since their Lordships have sent, that they take such course for his further restraint as shall seem fit, and that their Lordships will be pleased to examine such witnesses as shall be produced speedily and secretly.

[MISCELLANEA.]

MR. PRYDEAUX.⁶ That Dr. Bastwick's petition be referred to Committee for Burton and Prinne.

Mr. Shepheard sent for as a delinquent for sending Mr. Speaker's servant to Newgate, and saying that if any parliament man break the peace, he would lay him by heels.

[On a separate page.]

Sir Jo. Holland's⁷ profession of his integrity in Religion notwithstanding his *wive's* recusancy ordered to be entered.

[END OF THE NOTES OF 1640.]

⁶ Edmund Prideaux, member for Lyme Regis, afterwards Attorney General, and Custos Rotulorum of Devon under the Commonwealth.

⁷ Sir John Holland, Bart.,

member for Castle Rising, Norfolk. This should have been entered under Nov. 24. Sir John H. was one of the first who spoke upon grievances at the commencement of the Long Parliament.

ENTRIES ON THE FLY LEAVES OF
NOTE BOOK.

I.

(In a clerk's hand, not Sir J. Northcote's.)

August 16th, 1633.

Keniside. Thomas Johnson hath surrendered to Isabell his daughter, now wife of W^m. Dickson, a tenement there called Whitebanck rented xx^d.

Saving a moiety thereof to him y^e said Tho. Johnson and Katharine his wife and y^e longer liver of them.

Dregg. John Kitchin to John his sonn a tenem^t there rented 2^d, and y^e said John y^e father hath compounded for 2 fines, one upon my late Lord's death, y^e other upon this surrender.

Carlton. The same John hath likewise surrendered to Hugh his sonn one tenement there rented xii^d, and hath likewise compounded for 2 fines *ut supra*.

II.

(*In Sir J. Northcote's handwriting.*)

Understood the debate at Committee concerned by his place.¹

Though of greater value, to quit it, desiring to further general good.

To offer to consideration that the general Liberty

¹ A note of the speech of some member, perhaps Sir H. Vane.

(be granted) to any that will to put to Sea, without com^{on} (commission?) or rendering account, I mean of their actions, not of the prizes taken.

Not to retard the intention (?), but provide against the mischief, and submit it to Judgment of house.

III.

Rec. May 6th, 1640. .

		£	s.	d.
<i>Nunm.</i>	Robert Barker	1	0	0
	Rog. fforster	0	10	0
<i>Topc.</i>	Tho. Stevenfon	1	0	0
<i>Wros.</i>	Hen. Dixon Lic.	0	10	0
<i>Thornton.</i>	Ric. Hill Lic.	0	10	0

IV.

Remem. for Nort. Lad. 1640.

To take present course for settling of Corbridge.

To Moone for repairing the bridge with timber.

To call upon the rent for Ovingham Mill. Mem.

Wilome fishing.

To settle the tenements in question at Tynmouth.

To enquire concerning Mr. Crage's petition.

To fend proces for Jo. Wolfe, Tho. Lambert, and Tho. Thorpe of North Sheeles for rescous (rescue?) upon the bailiff.

V.

Rem. for year 1640.

To enquire of the Dutch ship brought in by a Dunkirk at Scarborough, and the corn fold.

Mem. The recovery for Newton upon Darwent delivered Mr. Elmhirft May 6th 1640, to be returned upon all occasions.

VI.

The 20,000 now sent, deducting 4000 for the Garrison will pay but to the beginning of December, so as there is yet no provision to the 4th of January.

To move the Committee concerning executing Martial Law, without which not in the power of officers to prevent disorders in the country.²

VII.

	£	s.	d.
Taken with me March 31 st , 1640, } for Riding Charges }	21	0	0

Unde

from London to York and at York } from the last of March to the 9th of } April, ix ^l vi ^s i ^d . }	9	6	1
--	---	---	---

Whereof Mr. Henderfon to pay 1. 11. 10.

VIII.

Paid my brother Geo. Potter ³ towards } the purchase of the Lands in Idsley, } May 22. }	50	0	0
---	----	---	---

² See Notes, p. 105. This may be a memorandum of what Sir John Northcote himself intended to say in Parliament.

³ George Potter, here called "my brother," was probably a cousin of Sir John Northcote. His first cousin had married Dr. Barnabas Potter, Bishop of Carlisle,

who died in 1642, being the last bishop who died a member of the House of Lords. Perhaps George was a son of his, or he may have been a brother justice. Iddefleigh is a parish in North Devon. The manor still belongs to Sir Stafford Northcote.

	£	s.	d.
More paid Mr. Ball's man by my brother's appointment.	114	0	0
More paid Mr. Arthur Chapple upon a bill from my brother, June 16, 1640.	36	0	0
Paid Mr. Keeling by Sir Jo. Melton's appointment, June 5 th .	12	0	0
More delivered him for Sir Jo. Melton's use, June 14 th , 1640.	5	0	0
Lent Mr. Morris Mrs. Gates her sonne upon his bill, June 13 th .	2	0	0

(The last three entries are crossed out.)

IX.

To Mr. Selden for drawing his Lordship's ⁴ commissions as General, by his Lp's appointment, July 13 th , 1640	20	0	0
To his Clerks	0	11	0
More to his clerks			
To Mr. Harris by Mr. Budd's appointment, July 13 th	3	0	0
For Maps for his Lordship	0	4	0
To W ^m . Knight to be repaid to my brother at Michaelmas	1	0	0
Lent Mr. Ash of Petherton, July 23, 1640	8	0	0
To Mr. Ellis upon his bill of disbursements in executing Commissions from the Adm ^{tie} , July 21 st , 1640, per bill	6	6	8

⁴ Probably the Earl of Northumberland, Lord General. It may possibly mean the Earl of Bedford, Lord Lieutenant of Devonshire, under whom Sir John Northcote served at one period of the Civil War.

	£	s.	d.
Disburfed for Sir Jo. Melton, July 28 th , 1640, for the fees of his policy. .	7	12	0
More paid Mr. Pryor as so much laid out for him, per bill	10	0	0

X.

To the Clerk of the Parliament for copies of Scots Articles against Lord of Cant. and Lord Lieutenant for his Lord- ship, Janu. 12 th	1	0	0
---	---	---	---

ABSTRACT OF AN ACT OF PARLIAMENT.

On a separate half-sheet of paper.

This is a specimen of an Act of the Commonwealth, long since expunged from the Statute Book. It may have had some special interest for Sir John Northcote, as his wife was a Somersethire lady, and Sir John Stowell was member for that county. George Villiers, second Duke of Buckingham, was the well-known courtier and minister of Charles II. Lislebone Long was elected Speaker of Richard Cromwell's House of Commons in 1658, but died a week afterwards. He was member for Wells.

The estates of Sir John Stowell, G. Duke of Buckingham, etc., declared by the Act, July 15th, 1651, to be forfeited for their several treasons against the Parliament.

Enacted that all the manors, lands, tenements and hereditaments, with the appurtenances which they, the said Sir John Stowell, G. Duke of Buckingham, etc., or any of them, or any for their use, or in trust for any of them, were seized or possessed of in possession, reversion or remainder, on the 20th of May, 1642, or any time since, and all rights of entry to any the said manors, etc., which they or any of them had the said 20th of May or any time since, be and are hereby vested, settled, adjudged and deemed to be in the real and actual possession and seizin of William Skinner, William Robinson, etc., the survivors and survivor of them and their heirs and assigns, and that they and the survivors, etc., may have the advantage of the said rights of entry, etc. And that they shall

hold all the premises of the manor of East Greenwich in socage, upon trust nevertheless, That the said W. Skinner, etc., shall hold and enjoy all the premises subject to such uses as by this Act or by Authority of Parliament shall be hereafter directed.

Saving to every person, bodies politic and corporate, their heirs, successors, etc., other than the said Sir John Stowell, G. Duke of Buckingham, etc., or any of them, and all claiming from them since the 20th of the May 1642, and other than the rights of dower of respective wives of any of them, all such estates, interests, rents, incumbrances, charges, rights in law or equity, which any of them had to the said manors, etc., before the said 20th of May;

As also all the estates and interests given, granted, demised, etc., by any Act or Order of Parliament to any who have constantly adhered to this Parliament, if such persons, etc., make their title appear and obtain allowance thereof before Lislebone Long, Ric. Edwards, etc., who are appointed a committee for removing obstructions in the sale of the said lands, and are empowered to receive claims in writing, and to examine and allow them upon proof by oath, and to do all acts which former committees for sale of lands might do before the 1st of December, 1651. Their allowance to be transmitted to the trustees, who are to observe such orders and directions as they shall receive from the said committee.

The said William Skinner, etc., shall stand seized of all the premises vested and settled in them and their heirs, except rectories impropriate, parsonages impropriate, tithes, etc., until the conveyance be

made to the purchaser, etc., for satisfying the respective lenders within this Act, and unto such further use as shall be declared by Parliament.

The Trustees to appoint surveyors, etc., who are to return the values of the several premises.

The Trustees to send for particulars of the several lands to the clerk of the commissioners for compounding.

That out of these particulars, they cause abstracts to be made of the said lands in each county.

Provided that they contract not with any other than the immediate tenants for thirty days after his return of the survey.

The several rates they are to sell at.

Instructions for the Trustees, for the Register, the Treasurers, Register Accountant, Surveyor-general, Controller.

Provided that if any double any sum upon forged debentures or false certificates, etc., to forfeit treble the sum of the moiety to the state, the other moiety to the informer.

Provided always, That every person having any estate, right, title or interest, of, in, or to any the lands, tenements, or hereditaments by this Act intended to be put to sale, or that hath any statutory judgment, recognizance, or rent, to which they are liable, and shall make it appear to the committee that such estate, etc., was without fraud had and made before any treason committed, and shall obtain allowance thereof by the committee before the 29th of September, 1651, that then the same shall be good and effectual to such person, etc., to all intents and purposes.

Several favings to particular persons.

Page 1392 mentions 8 per cent. for interest.

Page 1394 allows but 6 per cent.

That is for interest due before the act for reducing it to 6 per cent.

MEMORANDA OF THE SESSION OF 1661,

On a separate sheet of paper,
Folded in the form of the Note Book.

Parliament met on May 8, 1661. Sir John Northcote was not a member, but he may have frequented the House from his interest in public affairs. It is possible that he may have been a candidate at the election, and may have claimed the seat by petition, which would account for his presence during the first month or two of the Session. These notes are very different from those of 1640, and of inferior interest. They contain little that might not have been derived from the information of a friend, or from the Journals of the House, but, from the appearance of the manuscript, they would seem to have been taken on the spot. They are not identical with the Journals.

May 18th, 61.

Bill enabling Churchwardens to levy rates for repair of churches, signed by two next justices.

House called over.

Message to Lords for concurrence in burning the Covenant. Vote to deface it in all Churches.

20th.

Report for election of Mr. Evelin and Mr. Morrise at Petersfield.¹

Petitions of Mr. Chute and some of the Electors read for recommitting it. The bailiff to be taken into custody and brought to the house by the Sergeant to-morrow.

Bill² making it treason to attempt anything against

¹ *Petersfield.* Hazlemere in the Journals, as in the next page.

² This was the Act 13 Charles II. cap. 1.

his Majesty's person or government, and Premunire to preach, print, or speak, against the present government, to say the Long Parliament is yet in being. This to be in force after June 24th.

MR. SWINFEN offered a Proviso that it should not impeach the Act of Indemnity.

Sergeant Maynard, Mr. Solicitor, and Mr. Swinfen to supply it.

MR. LEAR for a longer day, and that it might not concern —— (a blot) that all might take notice.

LORD FALKLAND. Report from the Lords that they would send by messenger of their own (concerning the) Covenant.

Conference upon letter from Parliament of Scotland to his Majesty concerning settling some horse and foot for securing the peace of that kingdom. That only natives may be employed. *Ordered* to be debated Monday next.

Message from his Majesty that he is willing to pardon any miscarriage in Sir Jo. Morley, and desires he be admitted into the house.

21st.

Bill enabling Mr. Milward to sell land in Derbyshire.

Bill for Mr. Hunt to sell land.

Bailiff of Hazelmere brought to the bar to return Mr. Evelin and Mr. Morris.

Bill for securing his Majesty's person and government. *Voted* to be sent to the Lords.

Lords return their order for burning the Covenant.

Bill for settling Militia. Committed to a grand Committee.

The house to meet 29th to commemorate his Majesty's restoration. Dr. Pierce to preach.

SIR RIC. SPENCER offered a bill for supplying the bill of (indemnity?)

SIR ROB. ATKINS. That provision be made for his Majesty's subsistence, the £120,000 falling much short.

Complaint by a member³ against an officer of the Lords' house for uncivil usage. *Ordered* the complaint to be sent the Lords.

[May 22.]

Bill for settling Mr. Arlebye's⁴ estate committed.

All of Bedfordshire to vote.

SIR RALPH ASHTON's scruple concerning receiving sacrament⁵ allowed.

ALD. FOWK speaking against the order taken off, and resolved that liberty be granted to none to speak against it.

SIR HENEAG FINCH⁶ to the chair.

Concerning bill for Militia.

1 paragr. voted.

2nd after long debate deferred till Monday, and then *de die in diem*.

³ The member was Mr. George Weld.

⁴ Mr. "Arlebye." George Orlibear in the Journals.

⁵ It had been ordered on May 13 that all members should receive

the Communion.

⁶ Sir Heneage Finch, Attorney General in 1670, Lord Keeper in 1673, Lord Chancellor, 1675, and Earl of Nottingham, 1681.

May 25th (24th in Journals).

Motion for leave to proceed in suit against Mr. Willyams a member, denied.

Bill for confirming an act for sale of Sir Rob. Howard's land.

Bill for mending highways ordered to be read friday.

Bill for incorporating adventure in Lord of Bedford's Level.

And another bill for the 2nd Adventure committed.

Ordered that the King's supply be first upon Monday.

2nd parag. of bill of Militia voted.

Act of indemnity to be read Tuesday.

May 27th.

Bill concerning Earl of Worcester.⁷

Order that Committee of trade bring in a bill for regulating trade in great Corporations.

Petition of Covent Garden.

SERGEANT CHILTON concerning Lords not returning answer. Concerning burning covenant, and concerning King's marriage.

Act for High Court of Justice⁸ voted to be burnt.

Act declaring the people of England to be a Commonwealth, to be burnt.

Act for the Engagement to be burnt.

Act for renouncing King to be burnt.

⁷ *Earl of Worcester.* "Clothiers of the City of Worcester" in the Journals.

⁸ "That traitorous cursed writing called an Act."

Act for securing the Protector and preserving peace of Nation to be burnt.

Bill enabling Sir Anth. Browne to sell land.
Committed.

Governor of St. Mawe's⁹ to appear.

Letter from Scotland, to be read.

Thanks to be given to Dr. Gunning¹ and Mr. Carpenter, and to print their sermons. Ser. Morrice said Dr. Gunning's was a scandalous sermon.
Militia.

2 parag. voted.

May 28th.

The Six adjacent Counties² to the Level to have voices, if not concerned.

Order from the Lords for preventing Riots and tumultuous Petitions.

Bill enabling Sir Ralph Bath to sell Lands, ordered second reading.

Act for confirming Judicial Proceedings, with amendments, to be ingrossed.

Ordered that the Committee bring in a second Bill for those that are omitted.

Lords return the bill for securing his Majesty's person, etc., with saving peerage.³

⁹ The governor of St. Mawe's was Colonel Lewis Tremayne.

¹ Dr. Peter Gunning was consecrated Bishop of Chichester in 1670, and translated to Ely in 1674.

Mr. Carpenter was Chaplain of the House of Commons. Was he the Richard Carpenter who is

said to have gone over five times from the Church of England to that of Rome, and *vice versa*?

² That is, the members for the six adjacent counties.

³ Proviso that no peer should be tried except by his peers, &c., see p. 134.

May 30th.

Mr. Milward's Bill committed.

Bill for Mr. Howard's invention for tanning without bark, to second reading.

May 31st.

Day of humiliation for great rains.

Bill for Naturaliz,⁴ a second reading.

Mr. Harbin's bill to be engrossed.

Bill for Sir Robert Hitcham's (settlements?)

Bill against gathering hands to tumultuous and popular Petitions (13 Charles II. cap. 5).

Bill for highways committed.

June 5th.

Bill for packing butter cast out.

Bill for naturalizing Sabran⁵ committed.

Bill for regulating Elections.

Bill concerning Droitwich committed.

Bill enabling Sir Anthony Browne to fell Land, committed.

Mr. Tremayne, Governor of St. Mawe's, to appear to answer misdemeanours.

Letter from Parliament of Scotland for withdrawing garrisons, or that they may be of Natives.

Bill for incorporating Clothiers of Worcester, committed.

⁴ Bill for naturalizing Francis, son of Lord Brudenell, afterwards Earl of Cardigan, and his sister Anna Maria, Countess of Shrewsbury.

bury, the "wanton Shrewsbury" of Pope.

⁵ Ranée de Sabran.

Bill to enable Sir Ralph Bash to fell, Committed.
Free conference concerning Peerage. Lords adhere.

June 6th.

Nonellye's complaint against Sergeant.

[*June 7th.*]

Bill to enable Mr. Alg. Peyton to fell.

The like for Mr. Nevill to fell.

Bill sent from the Lords for E. of Dorset's transferring a rent-charge to his hospital, etc., upon Knoll, upon other lands.

Bill for free Present to his Majesty (13 Ch. II. cap. 4).

Quarrel 'twixt Sir Ph. Howard and Sir Rich. Everard. Composed.

Bill disabling Clergymen to bear temporal offices to be repealed. (13 Charles II. cap. 2.)

June 8th.

Bill concerning Wells.

Bill concerning Sir Jo. Hutchinon's seizing monies as belonging to delinquents, but indeed to Orphans.

Bill for Present to his Majesty committed to whole house.

Bill for Militia.

Bill settling salaries upon the Masters of Chancery, and an office to be erected near the Rolls.

Ordered, no private business after 9.

Bill for free Present, second reading.

Lords concur to amendments concerning Peerage.

Committee voted repeal of the Bill excluding Bishops.

June 11th.

Mr. Harbin's bill for felling, past.

Mr. Peck's bill ordered to be read.

Bill for repeal of Act disabling Bishops. *Voted* to be ingrossed. -

13th.

Report concerning the fens.

Bill for restoring Mr. Radcliff to his lands in England and Ireland.

Bill for Marquis Winchester against Mr. Wallop.

Election for Northampton voted void. The Mayor committed.

Bill for free present.

Bill repealing the Act disabling Bishops to sit in the Lords' house passed and sent to the Lords.

Ordered that the Committee for observing Receivers of Sacrament report.

Sir Ph. Warwick⁶ to bring in Particulars how the £120,000 assigned for his Majesty falls short.

[*June 14th.*]

Bill for repairing churches committed. All to have voices.

⁶ Sir Philip Warwick, author had sat for Radnor in the Long of the Memoirs of Charles I. He Parliament.

Act for confirmation of several bills last Parliament, and concerning Act of Indemnity, adjourned.

June 15th.

Petition for removing Assizes from Launceston to Bodmin. Laid aside.

Mr. Thomas voted for Cardiff.

Mr. Fitz James for Poole.

Sir Jo. Talbot claims Privilege for a servant of his arrested. The offender sent for.

Report concerning exaction for Ballast. The payment of it to cease till it be heard.

[*June 18.*]

SIR. PH. WARWICK. Estimate of Revenue. Wine Licences £250,000;⁷ now short.

Norwich. Petition against Excise. Offer *xiii*d. per quarter upon Malt.

[*June 19th.*]

Militia.

None be charged with horse and foot in one county. None under £100 per annum charged towards horse.

[*June 20.*]

Bill for fees to Masters in Chancery passed.

Grand Committee for Courts of Justice to examine all fees.

⁷ Wine Licences, £25,000 in Journals.

Mayor of Northampton at bar. Dismissed with reproof.

Letters from Speaker to several Counties for bringing arr. of Sessn. (arrears of assessments).

Chippenham. Election voted void for want of timely notice and refusing Poll.

Bill for regulating Corporations.

[*June 21.*]

Sir. H. Fredr. Thin's⁸ bill for confirming his father's settlement committed.

Mr. Ch. Howard's bill for tanning committed to Committee of trade.

Lime Regis continued Anniversary for raising the King's siege.

⁸ Sir Henry Frederick Thynne, probably one of the first English gentlemen who ever bore two of the Marquis of Bath. He was Christian names.

THE END.

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