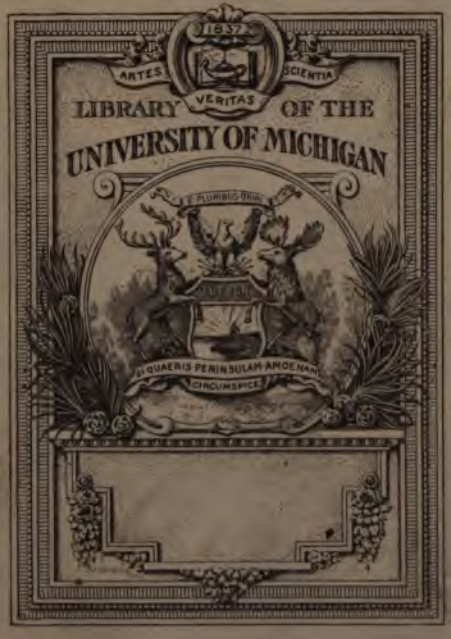
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THE

PARLIAMENTARY

OR

CONSTITUTIONAL

History of England;

Being a

FAITHFUL ACCOUNT

Of all the

Most remarkable TRANSACTIONS

In PARLIAMENT,

From the earliest TIMES,

TO THE

Restoration of King CHARLES II.

COLLECTED

From the JOURNALS of both HOUSES, the RECORDS, original MANUSCRIPTS, scarce SPEECHES and TRACTS; all compared with the several Cotemporary Writers, and connected, throughout, with the History of the Times.

By SEVERAL HANDS.

VOL. VII.

From the Second Year to the Fourth of King *Charles* I.

LONDON,

Printed; and Sold by *Thomas Osborne*, in *Gray's Inn*;

AND

William Sandby, against St. *Dunstan's Church*, *Fleet-street*.

MDCCLI.

THE PARLIAMENTARY HISTORY OF ENGLAND.

ON the 20th of *April* the Commons resolv'd upon the Question, 'That setting all other Business aside, they would proceed in the great Affair of the Duke of *Buckingham*, Morning and Afternoon, till it was done. To the end that they might next proceed to the Consideration of Satisfaction to his Majesty's Message about the Supply.'

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The Commons resolve to proceed against the Duke of Buckingham.

But whilst the Lower House were busy in carrying on, what is called in their *Journals*, *The Cause of Causes*, and finishing their Articles against the Duke, the Lords were employed in the Trial of the Earl of *Bristol*. The first Day of *May*, the Usher of the Black Rod brought the said Earl to the Bar, where he was ordered to kneel, because he was accused of High Treason: When the Lord Keeper acquainted him, 'That the King had commanded his Attorney General to charge his Lordship with High Treason, and other Offences and Misdemeanors of a very high Nature, that they

The Attorney-General charges the Earl of Bristol with High Treason, before the Lords.

 might

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might proceed in a legal Course against him, according to the Justice and usual Proceedings of Parliament.' Then the Attorney General, Sir *Robert Heath*, exhibited the following Articles, as a Charge against the said Earl.

He desires to be first heard against the Duke of Buckingham.

But when he had begun to read the said Charge, the Earl interrupted him, and said, 'That he had exhibited a Petition to the House, that he might come up and be heard in his Accusation against the Duke of *Buckingham*; and that, thereupon, he, being a Peer of this Realm, was charged with High Treason. That he had heretofore informed the late King, of blessed Memory, of the unfaithful Service of the said Duke; and thereupon the Duke laboured that he might be clapped up into Prison, presently after his Return out of *Spain*: And called upon the Lord Chamberlain, to testify whether the Lord Marquis of *Hamilton* had not told him as much. That the Duke had, since, laboured to keep him from this King's Presence, and now he was charged with High Treason.'

'That he had been often employed, as Ambassador, in weighty Affairs, and never came home tainted; and, at his last coming out of *Spain*, he did his utmost with the late King *James*, that he might be heard before himself, and his Majesty promised it. I pray God, said the Earl, that Promise did him no Hurt, for he died soon after. For the said King's Promise, he vouched the Lord Chamberlain: And, earnestly, desired their Lordships to take all these into their Considerations; and to consider, also, that this House is already possessed of his said Petition and his Accusation of the said Duke; and required that their Lordships would first receive his Charge against the Lord *Conway*, and not to invalidate his Testimony against them by the King's Charge against him. He protested, that he spoke for the King; that he was a Peer and a free Man of the Realm; and desired not to be impeached, untill his Charge, which was of so high a Nature, was first heard.'

The

The Earl then tendered to the House his Articles, in Writing, against the Lord *Conway*, which the Lords received; and, being withdrawn, the Petition of the said Earl presented to the House on the 19th of *April*, wherein he desired he might be heard in his Accusation against the Duke, was read; and, after a long Debate, it was agreed upon the Question, That the King's Charge against the said Earl, and the said Earl's Charge against the Duke and against the Lord *Conway*, should be presently read: All which were read by the Attorney General, as follows: An. 2. Charles I. 1626.

ARTICLES *of several* HIGH TREASONS, *and other great and enormous Crimes, Offences, and Contempts, committed by* JOHN *Earl of* BRISTOL, *against our late Sovereign Lord King* JAMES, *of blessed Memory, deceased, and our Sovereign Lord the King's Majesty, which now is; wherein the said Earl is charged, by his Majesty's Attorney General, on his Majesty's Behalf (a), in the most High and Honourable Court of Parliament, before the King and his Lords there.*

OFFENCES *done and committed by the Earl of* BRISTOL, *before his Majesty's going into* SPAIN, *when he was Prince.*

I. THat the said Earl being trusted and employed by the said late King as his Ambassador to *Ferdinando*, then and now Emperor of *Germany*; to *Philip* IV. then and now King of *Spain*, *in Annis* 1621, 22, and 23. And having Commission, and particular and special Direction, to treat with the said Emperor and the King of *Spain*, for the plenary Restoring of such Parts of the Dominions, Territories, and Possessions of the Count *Palatine* of the *Rhine*, who married the Most Excellent Lady *Elizabeth*, his now Royal Consort, the only Daughter of the late King *James*; which were then wrong- The Articles against the Earl of Bristol.

(a) These are taken from *Rushworth*, but collated with the *Lords Journals*: The Variations and Omissions in the former are printed in *Italick* between Crotchets.

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fully, and in hostile Manner taken, and possessed with and by the Armies of the said Emperor, and King of *Spain*, or any other; and for Preserving and Keeping such other Parts thereof, as were not then lost but were then in the Protection of the said late King *James*; and to the Use of the said Count *Palatine* and his Children: [*and for the Restoring of the Electoral Dignity unto them*] And also to treat with the said King of *Spain*, for a Marriage to be had between the most High and Excellent Prince *Charles*, then Prince of *Wales*, the only Son and Heir Apparent of the said King *James*, and now our most Sovereign Lord, and the most illustrious Lady *Donna Maria* the *Infanta* of *Spain*, Sister to the now King of *Spain*: He the said Earl, contrary to his Duty and Allegiance, and contrary to the Trust and Duty of an Ambassador, at *Madrid* in the Kingdom of *Spain*, to advance and further the Designs of the said King of *Spain* against our said Sovereign Lord, his Children, Friends, and Allies; falsly, wilfully, and traiterously, and as a Traitor to our said late Sovereign Lord the King, by sundry Letters and other Messages sent by the said Earl from *Madrid*, in the Years aforesaid, unto King *James* and his Ministers of State of *England*, did confidently and resolutely, inform, advise, and assure the said late King, that the said Emperor and King of *Spain* would really, fully, and effectually make Restitution and plenary Restoration to the said Count *Palatine* and his Children, of the said Dominions, Territories, and Possessions of the said Count *Palatine*, and of the said Electoral Dignity: And that the said King of *Spain* did really, fully, and effectually intend the said Marriage between the said Lady his Sister, and the said Prince our now Sovereign Lord, according to Articles formerly propounded between the said Kings: Whereas in Truth, the said Emperor and King of *Spain*, or either of them, never really intended such Restitution as aforesaid: And whereas the said King of *Spain* never really intended the Marriage according to those Articles propounded; but the said Emperor and

and the King of *Spain* intended only by those Treaties, to gain Time to compass their own Ends and Purposes, to the Detriment of this Kingdom; (of all which, the said Earl of *Bristol* neither was nor could be ignorant) the said late King *James* by entertaining those Treaties, and continuing them upon those false Assurances, given unto him by the said Earl, as aforesaid, was made secure, and lost the Opportunity of Time; and thereby the said Dominions, Territories, and Possessions of the said Count *Palatine* and the Electoral Dignity became utterly lost; and some Parts thereof were taken out of the actual Possession of the said King *James*, unto whose Protection and safe Keeping they were put and committed by the said Count *Palatine*; and the most excellent Lady *Elizabeth* his Wife, and their Children, are now utterly dispossessed and bereaved thereof; to the high Dishonour of our said late Sovereign Lord King *James*, to the Disherison of the said late King's Children and their Posterity of their antient Patrimony; and to the [*disanimating and*] discouraging of the rest of the Princes of *Germany* and other Kings and Princes in Amity and League with his Majesty.' An. 2. Charles I. 1626.

II. 'That the said Earl of *Bristol*, being Ambassador for his late Majesty King *James*, as aforesaid, *in Annis supradictis*, and having received perfect, plain, and particular Instructions and Directions from his said late Majesty, that he should put the King of *Spain* to a speedy and punctual Answer, touching the Treaties aforesaid: And the said Earl well understanding the Effect of those Instructions and Directions so given unto him, and taking precise Knowledge thereof; and also knowing how much it concerned his late Majesty in Honour and Safety (as his great Affairs then stood) to put these Treaties to a speedy Conclusion: Yet nevertheless he the said Earl, falsly, wilfully, and traiterously, contrary to his Allegiance, and contrary to the Trust and Duty of an Ambassador, continued those Treaties upon Generalities; without effectual pressing the said King of *Spain* unto

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particular Conclusions; according to his Majesty's Directions as aforesaid; and so the said Earl intended to have continued the said Treaties upon Generalities, and without reducing them to Certainties and to direct Conclusions, to the high Dishonour of his said late Majesty, and to the extreme Danger and Detriment of his Majesty's Person, his Crown and Dominions, Confederates and Allies'

III. 'That the said Earl of *Bristol*, being Ambassador for his said late Majesty as aforesaid, in the Years aforesaid, to the intent to discourage the said late King *James* from the taking up of Arms, and entering into Hostility with the said King of *Spain*, and for resisting him and his Forces from attempting the Invasion of his said late Majesty's Dominions, and the Dominions of his said late Majesty's Confederates, Friends, and Allies; the said King of *Spain* having long thirsted after an Universal Monarchy in these Western Parts of the World: Hath many Times, both by Word and Letters to the said late King and his Ministers, extolled and magnified the Greatness and Power of the said King of *Spain*; represented unto his said late Majesty the supposed Dangers which would ensue unto him, if a War should happen between them; and affirmed and insinuated unto his said late Majesty, That if such a War should ensue, his said late Majesty, during the rest of his Life, must expect neither to hunt nor hawk, nor eat his Meat in Quiet: Whereby the said Earl of *Bristol* did, cunningly and traiterously, strive to retard the Resolutions of the said late King to declare himself an Enemy to the said King of *Spain* (who under colour of Treaties and Alliances, had so much abused him) and to resist his Arms and Forces; to the loss of Opportunity of Time, which cannot be recalled or regained, and to the extreme Danger, Dishonour, and Detriment of this Kingdom.'

IV. 'The said Earl of *Bristol*, upon his Dispatch out of this Realm of *England*, on his Ambassage aforesaid, had Communication with divers

vers Persons of *London*, within this Realm of *England* before his going into *Spain*, in and about his Ambassage concerning the said Treaty; for the Negotiation whereof the said Earl was purposely sent: And he the said Earl being then told, that there was little Probability that these Treaties would or could ever have any good Success, he the said Earl acknowledged as much; and yet, nevertheless, contrary to his Duty and Allegiance, and to the Faith [*and Trust*] of an Ambassador, he the said Earl said and affirmed, 'That he cared not what 'the Success thereof would be; for he would take 'care to have his Instructions [*perfect*] and pursue 'them punctually; and howsoever the Business 'went, he would make his Fortune thereby,' or used Words at that Time to such Effect; whereby it plainly appeareth, That the said Earl, from the Beginning herein, intended not the Service or Honour of his late Majesty, but his own corrupt and sinister Ends, and for his own Advancement.'

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V. 'That from the Beginning of his Negotiation, and throughout the whole Managing thereof by the said Earl of *Bristol*, and during his said Ambassage, He the said Earl, contrary to his Faith, and Duty to God, the true Religion professed by the Church of *England*, and the Peace of this Church and State, did intend and resolve, That if the said Marriage, so treated of as aforesaid, should by his Ministry be effected, that thereby the *Romish* Religion and Professors thereof should be advanced within this Realm, and other his Majesty's Realms and Dominions, and the true Religion and Professors thereof discouraged and discountenanced: And to that End and Purpose, the said Earl during the Time aforesaid, by Letters unto his late Majesty, and otherwise, often counselled and persuaded his said late Majesty to set at Liberty the *Jesuits* and Priests of the *Romish* Religion; which, according to the good, religious and [*politic*] Laws of this Kingdom, were imprisoned or restrained; and to grant and allow unto the *Papists* and Professors of the *Romish* Religion free Toleration, and silenc-

ing

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ing of all Laws made, and standing in Force, against them.'

VI. 'That by the false Informations and Intelligence of the said Earl of *Bristol*, during the Time aforesaid, unto his said late Majesty, and to his Majesty that now is, (being then Prince) concerning the said Treaties and by the Assurances aforesaid given by the said Earl; his said late Majesty, and the Prince (his now Majesty) being put in Hopes, and by the said long Delay used, without producing any Effect, their Majesties being put into Jealousies and just Suspicion that there was no such Sincerity used towards them as they expected, though so many [*Assurances*] from the Earl on their Part had been undertaken; the said Prince, our now gracious Sovereign, was inforced, out of his Love to his Country, to his Allies, Friends, and Confederates, and to the Peace of *Christendom*, who all suffered by such intolerable Delay, to undertake in his own Person, his long and dangerous Journey into *Spain*; that thereby he might either speedily conclude those Treaties, or perfectly discover that, on the Emperor's and the King of *Spain*'s Part, there was no true and real Intention to bring the same to Conclusion, upon any fit and honourable Terms and Conditions; and did [*accordingly*] and speedily break them off. By which Journey, the Person of the said Prince, being then Heir Apparent to the Crown of this Realm, (and in him, the Peace and Safety of this Kingdom) did undergo such apparent and such inevitable Danger, as at the very Remembrance thereof, the Hearts of all good Subjects do even tremble.'

OFFENCES *done and committed by the said* EARL, *during the Time of the Prince's being in* SPAIN.

VII. 'THat at the Prince's coming into *Spain*, during the Time aforesaid, the Earl of *Bristol*, cunningly, falsly and traiterously, moved and persuaded the Prince, being then in the Power of

of a foreign King of the *Romish* Religion, to change his Religion, which was done in this Manner. At the Prince's first coming to the said Earl, he asked the Prince for what he came thither; the Prince, at first not conceiving the Earl's Meaning, answered, 'You know as well as I.' The Earl replied, 'Sir, 'Servants can never serve their Masters industriously, 'although they may do it faithfully, unless they 'know their Meanings fully. Give me Leave there-'fore to tell you what they say in the Town is the 'Cause of your coming, That you mean to change 'your Religion, and to declare it here.' And yet, cunningly to disguise it, the Earl added further; 'Sir, I do not speak this that I will persuade you to 'do it, or that I will promise you to follow your 'Example, though you will do it; but, as your 'faithful Servant, if you will trust me with so great 'a Secret, I will endeavour to carry it the discreetest 'Way I can.' The Prince being moved at this unexpected Motion again, said unto him, 'I wonder 'what you have ever found in me, that you should 'conceive I would be so base and unworthy, as for 'a Wise to change my Religion.' The said Earl replying, 'He desired the Prince to pardon him, if 'he had offended him, it was but out of his Desire to 'serve him.' Which Persuasions of the said Earl were the more dangerous, because the more subtile; whereas it had been the Duty of a faithful Servant to God and his Master, if he had found the Prince staggering in his Religion, to have prevented so great an Error, and to have persuaded him against it, so to have avoided the dangerous Consequence thereof to the true Religion, and to the State, if such a Thing should have happen'd.'

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VIII. 'That afterwards, during the Prince's being in *Spain*, the said Earl having Conference with the said Prince about the *Romish* Religion, he endeavoured, falsely and traiterously, to persuade the Prince to change his Religion, and to become a *Romish-Catholick*, and to become obedient to the usurped Authority of the *Pope* of *Rome*: And, to that End and Purpose, the said Earl traiterously used

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used these Words unto the said Prince, 'That the 'State of *England* never did any great Thing, but 'when they were under the Obedience of the *Pope* 'of *Rome*, and that it was impossible they could do 'any thing of Note otherwise.'

IX. 'That during the Time of the Prince's being in *Spain*, the Prince consulting and advising with the said Earl and others, about a new Offer made by the King of *Spain* touching the *Palatine*'s eldest Son to marry with the Emperor's Daughter, but then he must be bred up in the Emperor's Court; the said Earl delivered his Opinion, That the Proposition was reasonable; whereat, when Sir *Walter Aston*, then present, falling into some Passion, said, 'That he durst not for his 'Head consent to it:' The Earl of *Bristol* replied, 'That he saw no such great Inconvenience in it; 'for that he might be bred up in the Emperor's 'Court in our Religion.' But when the extreme Danger, and, in a manner, the Impossibility thereof was pressed unto the said Earl, he said again, 'That, without some great Action, the Peace of '*Christendom* would never be had;' which was so dangerous, and so desperate a Counsel, that one near the Crown of *England* should be poisoned in his Religion, [*and put into the Power of a foreign Prince*] and an Unfriend to our State, that the Consequences thereof, both for the present and future Times, were infinitely dangerous; and yet hereunto did his Disaffection to our Religion, and Blindness in his Judgment, misled by his sinister Respects and the too much Regard he had to the House of *Austria*, lead him.'

OFFENCES *done and committed by the said* EARL, *after the Prince's coming from* SPAIN.

X. 'THat when the Prince had clearly found himself and his Father deluded in these Treaties, and hereupon resolved to return from the Court of *Spain*; yet, because it behoved him to part fairly, he left the Powers of the Desponsories with

with the Earl of *Briſtol*, to be delivered upon the Return of the Diſpenſation from *Rome*, which the King of *Spain* inſiſted upon; and without which, as he pretended, he would not conclude the Marriage. The Prince foreſeeing and fearing leſt after the Deſponſories, the *Infanta*, that ſhould then be his Wife, might be put into a Monaſtery, wrote a Letter back to the ſaid Earl from *Segovia*; thereby commanding him not to make uſe of the ſaid Powers, until he could give him Aſſurance, that a Monaſtery ſhould not rob him of his Wife; which Letter the ſaid Earl received, and with Speed returned an Anſwer thereto into *England*, perſuading againſt this Direction, yet promiſing Obedience thereunto. Shortly after which, the Prince ſent another Letter to the ſaid Earl into *Spain*, diſcharging him of his [*former*] Command. But his late Majeſty, by the ſame Meſſenger, ſent him a more expreſs Direction, not to diſpatch the Deſponſories, untill a full Concluſion were had of the other Treaty of the *Palatinate*, with this of the Marriage; for his Majeſty ſaid, 'That he would not have one 'Daughter to laugh, and leave the other Daughter 'weeping.' In which Diſpatch, although there were ſome Miſtaking, yet in the next following, the ſame was corrected, and the Earl of *Briſtol* tied to the ſame Reſtriction; which himſelf confeſſed in one of his Diſpatches afterwards, and promiſed to obey punctually the King's Command therein; yet, nevertheleſs, contrary to his Duty and Allegiance, in another Letter ſent immediately after, he declared, 'That he had ſet a Day 'for the Deſponſories,' but without any Aſſurance, or ſo much as a treating of thoſe Things which were commanded to him as Reſtrictions; and that ſo ſhort a Day, that if extraordinary Diligence, with good Succeſs in the Journey, had not concurred, the Prince's Hands might have been bound up; and yet he neither ſure of a Wife, nor any Aſſurances given of the Temporal Articles. All which, in his high Preſumption, he adventured to do, being an expreſs Breach

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of

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of his Instructions; and, if the same had not been prevented by his late Majesty's Vigilancy, it might have turned to the infinite Dishonour and Prejudice of his Majesty.

XI. 'Lastly, That he hath offended in a high and contemptuous Manner, in preferring a scandalous Petition to this honourable House, to the Dishonour of his Majesty of blessed Memory deceas'd, and of his Sacred Majesty that now is, which are no way sufferable in a Subject towards his Sovereign; and in one Article of that Petition specially, wherein he gives his now Majesty the Lie, in denying and offering to falsify that Relation which his Majesty affirmed, (*b*) and thereunto added many Things of his own Remembrance to both Houses of Parliament.'

ROBERT HEATH.

ARTICLES *of the Earl of* BRISTOL, *whereby he chargeth the Duke of* BUCKINGHAM, *bearing Date the First Day of* May, 1626.

Articles of the Earl of Bristol's Charge against the Duke of Buckingham.

I. 'THat the Duke of *Buckingham* did secretly combine [*and conspire*] with the Conde of *Gondomar*, Ambassador from the King of *Spain*, before his, the said Ambassador's, last Return into *Spain*, in the Summer, *An.* 1622. to carry his Majesty (then Prince) into *Spain*, to the End he might be instructed in the *Roman* Religion, and thereby have perverted the Prince, and subverted the true Religion established in *England*: From which Misery this Kingdom (next under God's Mercy) hath, by the wise, religious, and constant Carriage of his Majesty, been almost miraculously delivered, considering the many bold and subtile Attempts of the said Duke in that Kind.'

II. 'That Mr. *Porter* was made acquainted therewith, and sent into *Spain*; and such Messages at his Return framed, as might serve for a Ground to set on foot this Conspiracy; the which was done accordingly, and thereby the King and Prince highly

(*b*) In the Duke of *Buckingham*'s Narrative. See Vol. 6. P. 19.

highly abused, and their Consents thereby first gotten to the said Journey; that is to say, after the Return of the said Mr. *Porter*, which was about the End of *December*, or the Beginning of *January*, 1622, whereas the said Duke had plotted it many Months before.' An. 2. Charles I. 1626.

III. 'That the said Duke, at his Arrival in *Spain*, nourished the *Spanish* Ministers, not only in the Belief of his own being *Popishly* affected, but did (both by absenting himself from all Exercises of Religion constantly used in the Earl of *Bristol*'s House, and frequented by all other *Protestant English*, and by conforming himself to please the *Spaniards* in divers Rights of their Religion, even so far as to kneel and adore their Sacrament) from Time to Time give the *Spaniards* hope of the Prince's Conversion; the which Conversion he endeavoured to procure by all Means possible; and thereby caused the *Spanish* Ministers to propound far worse Conditions for Religion, than had been formerly, by the Earl of *Bristol* and Sir *Walter Aston*, settled and signed under his Majesty's Hand; with a Clause in the King of *Spain*'s Answer of *December* 12, 1622, that they held the Articles agreed upon sufficient, and such as ought to induce the *Pope* to the Granting of the Dispensation.'

IV. 'That the Duke of *Buckingham* having several Times, in the Presence of the Earl of *Bristol*, moved and pressed his late Majesty, at the Instance of the Conde of *Gondomar*, to write a Let- to the *Pope*; and, to that Purpose, having once brought a Letter ready drawn, wherewith the Earl of *Bristol*, by his Majesty being made acquainted, he did so strongly oppose the Writing of any such Letter, that during the Abode of the said Earl of *Bristol* in *England*, the said Duke could not obtain it; yet, not long after the Earl was gone, he procured such a Letter to be written from his said late Majesty unto the *Pope*, and to have him stiled *Sanctissime Pater*.'

V. 'That the *Pope*, being informed of the Duke of *Buckingham*'s Inclination and Intention in point of

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of Religion, sent unto the said Duke a particular Bull in Parchment, for to persuade and encourage him in the Perversion of his Majesty then Prince.'

VI. 'That the said Duke's Behaviour in *Spain* was such, that he thereby so incensed the King of *Spain* and his Ministers, as they would admit of no Reconciliation, nor further Dealing with him. Whereupon the said Duke seeing that the Match would be now to his Disadvantage, he endeavoured to break it, not for any Service to the Kingdom, nor Dislike of the Match in itself, nor for that he found (as since he hath pretended) that the *Spaniards* did not really intend the said Match, but out of his particular Ends and his Indignation.

VII. 'That after he intended to cross the Marriage, he put in Practice divers undue Courses; as namely, making use of the Letters of his Majesty (then Prince) to his own Ends, and not to what they were intended; as likewise concealing divers Things of high Importance from his late Majesty, and thereby overthrew his Majesty's Purposes, and advanced his own Ends.

VIII. 'That the said Duke, as he had with his Skill and Artifices formerly abused their Majesties; so, to the same End, he afterwards abused both Houses of Parliament by his sinister Relation of the Carriage of Affairs, as shall be made appear almost in every Particular that he spake unto the said Houses.'

IX. 'As for Scandal given by his personal Behaviour, as also the Employing of his Power with the King of *Spain* for the Procuring of Favours and Offices, which he bestowed upon base and unworthy Persons for the Recompence and Hire of his Lust: These Things, as neither fit for the Earl of *Bristol* to speak, nor indeed for the House to hear, he leaveth to your Lordships Wisdom, how far you will be pleased to have them examined; it having been, indeed, a great Infamy and Dishonour to this Nation, that a Person of the Duke's great Quality and Employments, a Privy-Counsellor, an Ambassador, eminent in his Master's Favour, and solely

solely trusted with the Person of the Prince, should leave behind him, in a foreign Court, so much Scandal as he did by his ill Behaviour.' An. 2. Charles I. 1626.

X. 'That the Duke hath been, in great Part, the Cause of the Ruin and Misfortune of the Prince *Palatine* and his Estates, in as much as those Affairs had Relation unto this Kingdom.'

XI. 'That the Duke of *Buckingham* hath, in his Relations to both Houses of Parliament, wronged the Earl of *Bristol*, in point of his Honour, by many sinister Aspersions which he hath laid upon him *(c)*, and, in point of his Liberty, by many undue Courses through his Power and Practices.'

XII. 'That the Earl of *Bristol* did reveal unto his late Majesty, both by Word and Letter, in what Sort the said Duke had disserved him and abused his Trust: And that the King, by several Ways, sent him Word, 'That he should rest assured he would hear the said Earl, but that he should leave it to him to take his own Time:' And thereupon, a few Days before his Sickness, he sent the Earl word, 'That he would hear him against the said Duke, as well as he had heard the said Duke against him.' Which the Duke himself heard; and, not long after, his blessed Majesty sickened and died, having been, in the Interim, much vexed and pressed by the said Duke.'

BRISTOL.

ARTICLES *of the Earl of* BRISTOL *against the Lord* CONWAY, *bearing Date* May 1, 1626.

I. 'THat the Lord *Conway* is so great a Servant of the Duke of *Buckingham*'s, that he hath not stuck to send the Earl of *Bristol* plain Word, 'That if Businesses could not be accommodated betwixt him and the Duke, he must then adhere and declare himself for the said Duke;' and therefore is unfit to be a Judge in any thing that concerneth the Duke or the Earl.' And of his Charge against Lord Conway.

II. 'That the said Lord *Conway* professeth himself to be a Secretary of the Duke of *Buckingham*'s

(c) Narrative *ut supra*, p. 53.

Crea-

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Creation, and so acknowledgeth it under his own Hand: And, although he be the King's Secretary of State, and a Privy-Counsellor, he usually beginneth his Letters to the Duke, *Most gracious Patron.*'

III. 'That as a Creature of the said Duke's, the said Lord *Conway* hath been made the Instrument of keeping the Earl of *Bristol* from the King's Presence, and of imprisoning of him by Warrants under his own Hand only; for which he cannot (as the Earl conceiveth) produce any sufficient Warrant.'

IV. 'That by the Space of twelve Months last past, the said Lord *Conway* hath been the Cause of the Earl's Restraint, only by misinforming his Majesty, and procuring a Letter of Restraint upon undue Grounds: And when it was made apparent unto him, that the said Earl was restored to his Liberty, freely to follow his own Affairs, by his late Majesty of blessed Memory; He replied, 'That that Liberty given him by his Majesty expired with the King's Death.'

V. 'That the Earl of *Bristol*'s Mother lying sick upon her Death-Bed, desired, for her Comfort, to see her Son, and to give him her last Blessing: Whereupon the Earl writ to the Lord *Conway*, to desire him to move the King for his Leave; which he putting off from Day to Day, told the Person employed, 'That, by reason of the Duke's Sickness, he could not find Opportunity to get the Duke's Leave to move the King; and, having spoken with the Duke, he made a negative Answer in the King's Name.' Wherewith the Earl acquainting the King by some of his Bedchamber, his Majesty was in very great Anger, swearing the Secretary had never moved him, and that to deny the said Earl Leave was a barbarous Part; and thereupon sent him presently free Leave, which the Secretary hearing of, sent afterwards a Letter of Leave, but with divers Clauses and Limitations differing from the Leave sent him from the King's own Mouth.'

VI.

VI. 'That he having the Buſineſſes of the Earl of *Briſtol* in his own Hands, and the Earl being commanded by the King to addreſs himſelf in his Occaſions unto his Lordſhip, he would never deliver any Meſſage from the ſaid Earl, without firſt acquainting the ſaid Duke, and receiving his Directions, and in a noble Manner of Freeneſs ſtuck not to ſend him Word.' An. 2. Charles I. 1626.

VII. 'That the Earl of *Briſtol* having received from the Lord *Conway* twenty Interrogatories in his late Majeſty's Name, drawn up by a Commiſſion of the Lords appointed to ſearch into the Proceedings and Employments of the ſaid Earl, in which Search there was more than two Months ſpent, divers of the ſaid Interrogatories involving Felony and Treaſon: And his Majeſty having been pleaſed to aſſure the ſaid Earl, both by Meſſage and Letters, that, upon Satisfaction given to himſelf and the Commiſſioners by his Anſwers, he would preſently put an End to the Earl of *Briſtol's* Buſineſs; the Earl of *Briſtol* having ſo fully anſwer'd as would admit of no Reply; and that many of the Commiſſioners declared themſelves to be fully ſatisfied: The ſaid Lord *Conway* (being the Secretary in the Commiſſion, to whom it properly belonged to call the Lords to aſſemble) perceiving the Earl of *Briſtol* was like to be cleared, never moved for any further Meeting, neither have they ever been permitted to meet untill this Day; whereby the Troubles of the Earl of *Briſtol* have been kept on Foot till this preſent, and the ſaid Earl's Impriſonment hath been encreaſed twenty Months. And by the Artifices of the ſaid Duke of *Buckingham* and the ſaid Lord *Conway* (as ſhall be made appear) the ſaid Earl hath been inſenſibly involved and ſtalked into the Troubles he is now in, which he doubteth not but your Lordſhips will judge to be a very conſiderable Caſe.'

VIII. 'That for a Colour of keeping the Earl from his late Majeſty's Preſence, it being pretended after the Anſwer to the twenty Interrogatories, that there were ſome few Queſtions more to be

An. 2. Charles I. 1626.

added, whereunto when he ſhould have anſwered, his Majeſty ſwore ſolemnly, that without any Delay, he ſhould be admitted to his Preſence, and that within two or three Days he ſhould have the ſaid Queſtions ſent unto him; the Lord *Conway*, notwithſtanding he acknowledged under his Hand, that he had received his Majeſty's Directions for the ſending of the ſaid Articles, and was often thereunto ſollicited on the Behalf of the ſaid Earl, would never ſend the ſaid Queſtions; and at laſt anſwered, That he had no more to do with the Earl's Buſineſs.'

IX. 'That the Earl of *Briſtol* being ſet free by his late Majeſty to come to *London*, to follow his own Affairs as he pleaſed, and thereupon having his Writ of Parliament ſent unto him, without any Letters of Prohibition; yet the Earl of *Briſtol*, out of his great Deſire to conform all his Actions to that which he ſhould underſtand would beſt please his Majeſty, ſent to know, 'Whether his coming or ſtay would be moſt agreeable unto his Majeſty?' Who was pleaſed to anſwer by a Letter from my Lord Duke of *Buckingham*, 'That he took in very good Part the ſaid Earl's Reſpect unto him; but wiſhed him to make ſome Excuſe for the Preſent:' The which accordingly he did, and moved, 'That he might have a Letter under the King's Hand to warrant his Abſence; but under Colour of this Letter of Leave, upon the Earl of *Briſtol*'s own Motion and Deſire, the Lord *Conway* ſent a Letter from his Majeſty, abſolutely forbidding his Coming to Parliament; and therein likewiſe was inſerted a Clauſe, 'That the Earl ſhould remain reſtrained as he was in the Time of his late Majeſty; and ſo thereby a Colour of Reſtraint, under his Majeſty's Hand, was gotten, which could never be procured in his late Majeſty's Time; whereby the Earl of *Briſtol* hath been unduly reſtrained ever ſince, without being able to procure any Redreſs, or to make the Lord *Conway* willing to underſtand his Caſe, although he ſent him all the Papers, whereby he might clearly ſee, that

that the Earl was not under Restraint in his late Majesty's Time; but never other Answer could be procured from him, but 'That he judged the said Earl to be under Restraint, and that his Liberty was expired by the late King's Death, as is aforesaid.' An. 2. Charles I. 1626.

X. 'That the Lord *Conway*, knowing that the Match for the Marrying of the King of *Bohemia*'s eldest Son with the Emperor's Daughter, and being bred in the Emperor's Court, was allowed and propounded by his late Majesty: And that his Majesty by his Letters to his Son-in-Law, declareth, 'That he thinketh it the fairest and clearest Way for the Accommodation of his Affairs, and that he will take sufficient Care of his Breeding in true Religion:' And notwithstanding that the said Earl received a Copy of the said Letter by the said late King's Order, with other Papers, setting down all that had been done in the said Business, and his Majesty's Assent thereunto from the Lord *Conway* himself; yet hath he suffered it to be charged, as a Crime against the Earl of *Bristol*, both in the twentieth Interrogatory and in his Majesty's last Letter, that he should consent to the Breeding of the young Prince in the Emperor's Court. And, further in the Interrogatory, he alledgeth it as an Aggravation against the said Earl, That the Breeding of the said Prince in the Emperor's Court, referred to the Perversion of his Religion, when he knew that his said Breeding was never thought nor spoken of by the King, nor any other, but with that express Clause and Condition, 'That he should be bred in his own Religion, and have such Tutors and Servants as his Father should appoint.'

XI. 'That the Lord *Conway* hath been the Cause of all the Earl of *Bristol*'s Troubles, by his dubious and intrapping Dispatches, and inferring, That the said Earl hath failed in his Directions, when it shall be made appear, that his Dispatches contained no such Directions as he hath alledged were given.'

BRISTOL.

An. 2. Charles I. 1626.

After the Reading of these very different Accusations, the House not being satisfied to commit the Earl to the *Tower*, let him remain where he was before, with the Gentleman Usher; and further ordered, 'That the King's Charge against the Earl of *Bristol* be first heard, and then the Charge of the said Earl against the Duke; yet so that the Earl's Testimony against the Duke be not prevented, prejudiced, or impeached.

Resolutions of the Lords thereupon.

The Day following, *May* the 2d, the Lord-Keeper delivered a Message from the King to the House of Lords.

The King's Message to them concerning the Earl of Bristol's Charge against the Duke.

'THAT his Majesty taketh Notice of the Articles exhibited against the Duke of *Buckingham* by the Earl of *Bristol*; and he observeth, 'That many of them are such, as himself is able 'to say more of his own Knowledge than any 'Man for the Duke's sincere Carriage in them: 'That one of them, touching the Narrative made 'in Parliament in the One and Twentieth of 'King *James*, trencheth as far upon himself, as 'the Duke; for that his Majesty went as far as 'the Duke in that Declaration; and that all of them 'have been closed in the Earl's own Breast, now 'for these two Years, contrary to his Duty, if 'he had known any Crime of that Nature by the 'Duke; and now he vents it by way of Recrimination against the Duke, whom he knows to 'be a principal Witness to prove his Majesty's 'Charge.'

'And therefore, That his Majesty gave them 'Thanks, that they gave no Way to the Earl of '*Bristol*'s unreasonable Motion, of putting the 'Duke under the same Restraint that they had put 'the Earl; thereby eschewing what the Earl aimeth at, to alter their dutiful Proceedings toward 'his Majesty: [*so often in this Parliament expressed*] 'That thereby they had made his Majesty confident, that as they have, so they will put a Difference between his Majesty's Charge against one

'that

That appeareth as a Delinquent, and the Recrimination of the Earl of *Briſtol* againſt his Majeſty's Witneſs; and not to equal them by a Proceeding *pari Paſſu*; [*nor to match the Impriſonment of the one with the other, as the Earl of* Briſtol *deſired*; *the Ground being ſo different and unequal.*'] An. 2. Charles I 1626.

May the 6th, the Earl of *Briſtol* was again brought to the Bar of the Houſe of Lords, when the Attorney-General read the foregoing Charge unto him. The Earl, being permitted to ſpeak for himſelf, firſt craved Pardon of their Lordſhips for his earneſt Speeches there the other Day; confeſſing that he ſpake in a Paſſion; ſaying, 'That unexpected Accuſation of High-Treaſon would warm any honeſt Heart, and he liked his Heart never the worſe for it; but, that he would hereafter mend that Fault.'

Then he rendered all their Lordſhips moſt humble Thanks for this Manner of Proceeding againſt him; and deſired to know, from Mr. Attorney, Whether that was his whole Charge, or no? The Attorney anſwered, That he had Commandment to open no more againſt him; perhaps, upon ſome Incidents of his Anſwer, ſome other Particulars may ariſe, and be urged; but no new Matter ſhould. Then the Earl deſired to know and underſtand who was his Accuſer? The Attorney anſwered, 'The King himſelf, out of his own Mouth, had given Directions for the Charge againſt him, and corrected and added many Things to it.

Then the Earl made the following SPEECH.

'I Will not conteſt with the King, neither doth it beſeem me ſo to do; neither eſteem I my Life or my Fortunes ſo much as to ſave them by conteſting with my Sovereign; and therefore I would make no Reply nor Anſwer, were it not that my Honour and Religion were The Earl's Defence.

An. 2. Charles I. 1626.

After the Reading of these very different Accusations, the House not being satisfied to commit the Earl to the *Tower*, let him remain where he was before, with the Gentleman Usher; and further ordered, 'That the King's Charge against the Earl of *Bristol* be first heard, and then the Charge of the said Earl against the Duke; yet so that the Earl's Testimony against the Duke be not prevented, prejudiced, or impeached.

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'mination of the Earl of *Bristol* against his Ma-
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'Proceeding *pari Passu*; [*nor to match the Im-*
'*prisonment of the one with the other, as the Earl of*
'Bristol *desired*; *the Ground being so different and*
'*unequal.*']

An. 2. Charles I 1626.

May the 6th, the Earl of *Bristol* was again brought to the Bar of the House of Lords, when the Attorney-General read the foregoing Charge unto him. The Earl, being permitted to speak for himself, first craved Pardon of their Lordships for his earnest Speeches there the other Day; confessing that he spake in a Passion; saying, 'That unexpected Accusation of High-Treason would warm any honest Heart, and he liked his Heart never the worse for it; but, that he would hereafter mend that Fault.'

Then he rendered all their Lordships most humble Thanks for this Manner of Procceding against him; and desired to know, from Mr. Attorney, Whether that was his whole Charge, or no? The Attorney answered, That he had Commandment to open no more against him; perhaps, upon some Incidents of his Answer, some other Particulars may arise, and be urged; but no new Matter should. Then the Earl desired to know and understand who was his Accuser? The Attorney answered, 'The King himself, out of his own Mouth, had given Directions for the Charge against him, and corrected and added many Things to it.

Then the Earl made the following SPEECH.

'I Will not contest with the King, neither doth
'it beseem me so to do; neither esteem I
'my Life or my Fortunes so much as to save
'them by contesting with my Sovereign; and
'therefore I would make no Reply nor Answer,
'were it not that my Honour and Religion were

The Earl's Defence.

An. 2. Charles I. 1626.

'jointly questioned with my Life; but they being to descend to my Posterity, for their Sake I am an humble Suitor to his Majesty, that he would not take Indignation at my own just Defence; yet I will be ready to make any humble Submission to his Majesty; and I heartily desire, that some Means may be made, that I may make it Personally unto himself, wherein I will submit myself most willingly to any Act of Humiliation and Submission (not wronging my Innocence) that ever Subject did towards his Sovereign: And I also desire that his Majesty would be pleas'd to set himself here on his Throne of Justice, and declare, That out of his Royal Justice, he leaves the Duke of *Buckingham* and me upon equal Terms; and that neither of our Causes shall be advanc'd before the other. These my humble Petitions, I beseech your Lordships to present unto his Majesty, on my Behalf; and withall, what a Disservice it will be to his Majesty hereafter, in Embassages, if my Accuser shall be my Judge, his own Witness, and have my Confiscation.'

'As touching the Charge itself, I have once answered all (except that of my Petition) and I doubt not but to clear myself of every Particular thereof. I expected not to have heard of these again. I expected a Remonstrance of some Practice, with *Spain*, against the State; or to be charged with the Receipt of Ten or Twenty Thousand Pounds, for the persuading and procuring the Delivering up of some Town, that the Crown was in Possession of, as might be the *Brill* or *Flushing*, or the like; or for being the Means of the Delivery of the King's Ships to serve a foreign Nation against those of our own Religion; or for the Revealing of his Majesty's highest Secrets, which none but two or three did know of; or for treating of the greatest Affairs, as it were by my own Authority, without formal Instructions in the Point; or, as the Law calls it, to have committed some Overt Act of

'Dis-

'Disloyalty, and not to be charg'd, after seven Ambassages, with Discouragements and Inferences.' An. 2. Charles I. 1626.

'I desire your Lordships that I may have a 'Copy of my Charge, in Writing, and Time 'for my Answer, and Counsel assign'd me.'

'There is a great Difference between the Duke 'of *Buckingham* and me; the Duke is accused of 'Treason, and yet at large, and in the King's 'Favour; and I being accused but of that which 'I had long since answered, am a Prisoner; and, 'therefore, I beseech your Lordships, that we 'may be put into equal Condition. And, forasmuch as I have exhibited Articles against the 'Lord *Conway*; I humbly desire that his Lordship may not meddle in this particular Business, 'nor use the King's Name against me, *ex Officio*, 'as Secretary of State; and that your Lordships 'would be Suitors unto his Majesty on my Behalf, 'that all the particular Dispatches of my own Ambassages, and Sir *Walter Aston*'s, may be brought 'hither, and I to make use of them for my Defence as my Evidences.

'And since his late Majesty hath heretofore in 'the Presence of many Lords here present, affirmed, That I had neither committed Treason nor 'Felony in my late Ambassages, and permitted divers of his Servants to come unto me; and his 'Majesty that now is then said, That he thought 'me an honest Man; and hath lately said, That 'my Faults were little criminal, in the Presence of 'divers of your Lordships and others; and that 'the Lord *Conway* did lately offer me to come to 'my Trial, but he thought the Coronation-Pardon would free me; and yet now my Offences 'are made High Treason; and for that when I 'saw I could get no Redress from his Majesty, by 'means of the Duke of *Buckingham*, I did address 'my Petition unto this House concerning his (the 'Duke's) Cunning who hath made the King a 'Party against me: And for my Accusation of 'him I am made a Traitor, and he a Judge to 'vote against me. I do therefore humbly beseech

'your

An. 2. Charles I. 1626.

'your Lordſhips to diſtinguiſh of this. And al-
'tho' I have been too tedious already, to ſuffer me
'to proceed and preſent my Caſe unto you.

This being granted, he went on thus,

'At the Prince's coming out of *Spain* I was in
'Favour with his Highneſs, and with the late King
'alſo at his Return into *England*. But I having
'acquainted the Prince (at his being in *Spain*) with
'my Letters which I wrote unto the late King, of
'the Duke's unfaithful Dealing, which Letter his
'Highneſs forbade me to ſend; and the Duke,
'at his Return, having got a Sight of thoſe Letters
'(*hinc ille Lachrymæ*) he laboured with the Duke
'of *Richmond* and the Marquiſs of *Hamilton*, for
'my Commitment to the *Tower*, ſo ſoon as I
'ſhould return into *England*; and he moved the
'Marquiſs to deal with my Lord Chamberlain for
'my Commitment, tho' but for a Time, untill
'Things were ſettled, leſt my coming to the King
'ſhould diſturb all. I deſire the Lord Chamber-
'lain, who is here preſent, to deliver his Know-
'ledge herein.

'Then the Duke accuſed me in the Parliament,
'of the Prince's dangerous Journey into *Spain*,
'which I will prove to have been plotted by the
'Duke himſelf aforehand, with Conde de *Gondo-*
'*mar* the *Spaniſh* Ambaſſador. And I will alſo
'make it appear unto your Lordſhips, that there
'are very many Contrarieties in the Duke's Rela-
'tion to both Houſes. I hearing of this, and the
'many Dangers threatned me, offered to come
'home preſently, but my Letters were anſwered
'that I might ſtay and come at leiſure; yet I
'came with as much Speed as conveniently I could,
'conſidering my long Journey, and that I brought
'up my Wife and Family with me; and being at
'*Calais* with above forty Pounds worth of the
'King's Jewels, I could not procure ſhipping from
'thence to paſs me over, but was enforced to en-
'ter in a Boat with ſix Oars, I making haſte to
'come before the Parliament ſhould end; and the

'Duke

'Duke using all the Means he could to put off my coming untill the Parliament was ended. An. 2. Charles I. 1626.

'At my coming to Land a single Letter was 'sent of some six Lines, from the Lord *Conway*, 'of his Majesty's Pleasure not to come to the 'Court, but to remain in my own Lodgings; 'being there I petitioned the King that I might 'answer in the Parliament, and his Majesty said 'that the Parliament was so incensed against me, 'that it was not safe for me to be brought thither, 'but in a few Days I should have an End of my 'Troubles.

'At last I had Articles sent me, by Commis-'sioners appointed to enquire of my Proceedings, 'which Articles contained the Substance of this 'Charge, and I fully answered them in Writing; 'and the late King read them all, and was so well 'satisfied therewith, that he sent me word that he 'would see me; whereupon the Duke of *Buckingham* desir'd his Majesty that I might first answer 'some four other Questions; which being delay'd, 'and I petitioning the King for them to be sent 'me, his Majesty gave Orders to have them pre-'sently sent; yet they came not, divers Days were 'sought, and at last the Lord *Conway* wrote me a 'Letter, that they were ready, but he thought it 'better I did accommodate the Business.

'Though I often solicited the Lord *Conway*, 'yet his Lordship perceiving I should be cleared by 'the Commissioners, would never send those Que-'stions, nor suffer the Commissioners once to 'meet; and at last answered, He had no more to 'do with me.

'Then the late King sent me a Message, to 'write but a fair Letter unto *Buckingham* for a 'Reconciliation, and that I should leave the rest 'unto him; the Duke hereupon sent one Mr. '*Clark* unto me: What fair Propositions I should 'make were these, only to retire into the Country 'and not come to the Court, but permit his 'Grace to dispose of the Vice-Chamberlain's 'Place. And I shewing Mr. *Clark*, by way of

'private

An. 2. Charles I. 1626.

'private Conference, what Papers I had to produce against the Duke, his Grace then required 'a Retractation, which I denied; and so all Reconcilement broke off. Afterwards the Duke 'sent me certain Propositions in a Letter, which 'I should acknowledge; and the Preface of that 'Proposition saith, It is not granted that the Earl 'of *Bristol* hath by his Answer satisfied either the 'King, the Prince, or me, of his Innocency; (a 'strange Conjunction of a Subject) and the Duke 'would not be satisfied with less than a direct Acknowledgment.

'Upon this I petitioned the late King, that I 'might be at Liberty to follow my Affairs freely, 'which his Majesty condescended unto, and signified his Pleasure by the Duke, that he was satisfied, and that therefore I had my Freedom: 'But when I had an Intent to come to my Lodging at *Whitehall*, and made the Duke acquainted 'therewith, he seemed much displeased thereat, 'and moved his Majesty, that I might first make 'an Acknowledgment of my Fault, which his 'Majesty refused to compel me unto; saying, He 'might then be thought a Tyrant to force a Man to 'acknowledge that which he was not guilty of. 'And his Majesty sent me word, that I should 'make no Acknowledgment unless I would freely 'confess myself guilty. Yet the Duke caused a 'Message to be sent me, that his Majesty expected 'that I should make the Acknowledgment and 'confess myself guilty. And thus it stood with 'me when the late King (my blessed Master) sickned and died.

'When his Majesty that now is came to the 'Crown, he was pleased to send me a gracious 'Message upon the Occasion of a great Sickness I 'had, and my Writ of Parliament was freely sent 'me; but, out of Respect, I desired to know 'what would best please the King, my Coming 'or my Stay from the Parliament; and the Duke 'of *Buckingham* did write unto me, that his Majesty took that Respect very well at my Hands,

'but

'but would have me excuse my Coming; for which I craved a Letter of Licence from the Parliament, instead whereof I received from the Lord *Conway* a Letter of Prohibition, and Restraint, and Confinement, under the King's own Hand, whereas before I was restrained only by the Lord *Conway*.

An. 2. Charles I. 1626.

'After this I continued quiet almost a Year in the Country untill the Coronation, and then I wrote a most humble Letter unto his Majesty, and to the Duke of *Buckingham*; but received a Letter from his Majesty, written in a great *Roman* Hand, inclosed in one from the Duke, so differing from those gracious Messages his Majesty had made to my Wife and others, that I knew not what Judgment to make of the said Letters; and divers Copies of them were divulged abroad.

'Then my Writ of Parliament being denied, I several Times caused the Lord Keeper to be moved for it, but could procure no Redress; and when I petitioned the House for my Writ, the Duke thereupon took Occasion (to my great Disgrace) to read the above specify'd Letter in the open House; and a Letter of Prohibition was sent me (with my Writ) to stay me from the Parliament (*d*). Upon this I petitioned the House for Redress against the Duke of *Buckingham*'s Wrongs unto me, and accused him of divers Crimes. And since the House was possessed of this my Petition I have been charged with Treason, having been offered from his Majesty but few Days before, to rest in Security, and not to be questioned: But I thinking it fit for the clearing of mine Honour, to have Recourse unto this House, do find myself a restrained Man, and the Duke at Liberty, sitting as one of my Judges; which I hope your Lordships will speedily redress.

'I humbly desire your Lordships to take my Cause into your Lordships Consideration, having put myself wholly into your Hands.'

This

(*d*) See this Letter in Vol. VI. p. 478.

An. 2. Charles I. 1626.

This being ſpoken by the Earl of *Briſtol*, he was withdrawn.

Then the Lord Chamberlain being required by the Houſe to deliver his Knowledge of that which the Earl had vouched of him, he ſaid, 'The Marquiſs of *Hamilton* told me, in a Speech which he the ſaid Marquiſs had with the Duke of *Buckingham*, that the Duke told him, that his Niceneſs, the Duke of *Richmond*'s, and mine, in not giving way to the Earl of *Briſtol*'s Commitment to the *Tower*, would prejudice the Cauſe; for if he came to the King, he would put new Hopes into his Majeſty, whereby the Breach of Treaties with *Spain*, touching the *Marriage* and the *Palatinate*, would be hindred.'

The Houſe having debated and agreed, how far to allow of the Earl's Requeſts, he was brought to the Bar again, and the Lord Keeper ſignified unto him, That their Lordſhips require him the ſaid Earl to put in Writing the ſhort Heads of thoſe Petitions, which he deſires this Houſe to preſent unto the King on his Behalf, and of what elſe he will deſire their Lordſhips to be Mediators for him to his Majeſty; which the Earl promiſed to do on *Monday* next.

The Lords allow him Counſel.

The Lord Keeper further told him, 'That the Houſe had granted him a Copy of the King's Charge againſt him, and that he ſhould have Counſel allow'd him to plead his Cauſe. And that he is to let their Lordſhips know at what Time he ſhall be ready to make his Anſwer. The Earl deſired to have Time till this Day Se'night, for that many of his Diſpatches are in the Country, which he would ſend for up in all Speed.

Mr. Attorney ſignified to their Lordſhips (being demanded from what Time he would charge the ſaid Earl) that he had Directions to charge him no further than with the Diſpatches of 1621, and downwards; whereupon the Earl beſought their Lordſhips, that on *Monday* next he might ſignify when he may be ready to make his Anſwer, which being

being granted by the House, he rendered their Lordships most humble and hearty Thanks for their honourable Proceedings; and so he was withdrawn.' An. 2. Charles I. 1626.

May 8th, The Lord Keeper deliver'd a Message from the King to this Effect, *viz.*

'Whereas the Earl of *Bristol* hath made Request 'unto the House for Counsel to be allowed to 'plead his Cause; his Majesty understands that 'the not using of Counsel for a Defendant, in 'Cases of Treason and Felony, is an antient and 'fundamental Law of this Kingdom: And there'fore his Majesty desires, That forasmuch as he 'hath committed this Cause to the Honour and 'Justice of this House, that your Lordships would 'proceed with all Caution, that this antient and 'fundamental Law may receive no Prejudice or 'Blemish.' Which is disagreeable to the King.

The Duke of *Buckingham* moved the House, That the Lord Chamberlain might again declare his Knowledge of that which the Earl of *Bristol* had vouched him for.

Whereupon the Lord Chamberlain, by Commandment of the House, did again declare his Knowledge therein, to the same Effect he had on *Saturday* last; and the Duke presently spake as followeth.

My Lords,

'I Can do no less on the Behalf of this noble 'Lord, of whom I will not leave it uncer'tain in your Lordships Opinions, that he hath 'alledged any Thing of a Friend that is dead, that 'he might not very well say; nor suffer my dead 'Friend, who cannot answer for himself, to be 'thought that he had in the least Kind broken the 'Trust I reposed in him; but to acknowledge, on 'the Behalf of them both, that I have often said 'unto him and others, (not under the Seal of Se'crecy) That if the Earl of *Bristol* have Access 'unto his Majesty with new Hopes, he would go 'near to alter the Resolution taken by Advice of 'both The Duke of Buckingham's Speech against the Earl of Bristol.

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'both Houses. And I added thus much farther, '(not out of any Malice unto his Person) That if 'the Earl of *Bristol* had been my Brother, con-'sidering his Carriage in this Business, I should have 'thought the *Tower* the fittest Lodging for him.'

Then a Petition of the Earl of *Bristol* was read, *in hæc Verba*, viz.

To the Right Hon. the Lords of the Higher House of Parliament.

The humble PETITION of JOHN Earl of BRISTOL,

Humbly sheweth unto your Lordships,

The Earl's Petition that the Duke and he may be put upon equal Terms.

THAT whereas it appeareth by the Title of the Charge exhibited against the Earl of Bristol, *in this Honourable House, that the Earl of* Bristol *is to answer before his Majesty and the Peers; and that his Majesty is his Judge, and by Mr. Attorney's Confession, this Charge is by his Majesty's Relation, and so he standeth by his Majesty accused: And that several Points of the said Charge are grounded only upon private Conferences with his Majesty; so that his Majesty, by his Testimony, becometh a Witness: And in case the said Earl should be convict, his Confiscation cometh to the Crown. For this Regard and divers others, he humbly beseecheth your Lordships to take into Consideration of what Consequence such a Precedent may be; and therein most humbly to move his Majesty, for the declining, at least, of his Majesty's Accusation and Testimony, in such Sort as you in your high Wisdoms shall think fit; whereunto the said Earl doth most willingly submit himself. And forasmuch as the said Earl is so unhappy, as he understandeth, to have fallen into his Majesty's high Displeasure, for which he is most heartily sorry; and the Duke of* Buckingham *against whom he contesteth, standeth so eminent in his Majesty's Favour, whereat the Earl presumeth not in the least Measure to repine; but holdeth most just, that his Majesty should, according*

to

to his affectionate and good Pleasure of his own Royal Heart, favour, prefer, or make Difference of Persons, in all Points of Grace and Favour, and Mediation. Yet in a Case of Justice, wherein two Peers of the Realm; two that have been Privy-Counsellors, and Ambassadors employ'd in the same Affairs, and thereupon do now contest in Point of Honour and their Loyalty. He most humbly beseecheth your Lordships to be Intercessors unto his Majesty, that their Causes may, by his Majesty, be equally referred to the Justice of this honourable House, and their Persons remain in equal Condition. Further, he humbly beseecheth your Lordships, so far to favour him, as to present unto his Majesty the true Sorrow and Grief of his Heart, for having ever offended his Majesty; and to make Offer unto his Majesty, on the said Earl's Behalf, of all the Acts of Humiliation and Submission (not tending to the Wronging of his Innocency) that ever Subject made unto his Sovereign; and that your Lordships would be earnest Mediators herein, for him, to his Majesty.

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That your Lordships would be pleased to move his Majesty, to give Leave that all the Dispatches concerning the Negotiations of the Years 1621, 1622, *and* 1623, *may be brought into this High Court, and that he may make use of them as his Evidence.*

That his Majesty may be moved that my Lord Conway *may not use his Majesty's Name,* ex Officio, *in any Thing that may concern the Earl of* Bristol *or his Cause.*

And he shall pray, *&c.*

BRISTOL.

'Unto this Petition was also annexed as follows, *viz.* The Names of such Counsel as the Earl of *Bristol* humbly desireth may be assign'd to him,

Mr. Serjeant *Hedley*, Mr. Serjeant *Crawley*,
Mr. Serjeant *Bramston*, Mr. *Anthony Lowe*.

The

An. 2. Charles I. 1626.

'The Earl of *Bristol*, concerning the Time of putting in his Answer, saith, *That though the Charge looketh no further back than* 1621, *yet the Inferences thereof are drawn from his Dispatches of far antienter Date, so that he is constrained to send Post for some of them to his House in the Country, which he hath done; and therefore desired the Space of Eight Days, assuring your Lordships, that if in shorter Time (as he nothing doubteth) he shall be able to finish it, he will presently advertise your Lordships thereof.*

'The said Earl further prayeth, *That being in Custody of Mr.* Maxwell, *Gentleman Usher of this House, and there being many Things that in the Interim may happen wherein he may need your Lordships further Order, that your Lordships would be pleased now to order, that Mr.* Maxwell *may present unto your Lordships such further Petitions or Requests, on the Behalf of the said Earl, as he shall have Occasion to prefer unto your Lordships.*

BRISTOL.

Hereupon it was ordered, That Mr. *Maxwell* may present unto the House any Petition which the Earl shall have Occasion to make hereafter. Then the House was put into a Committee, that their Lordships might the more freely debate the Contents of this Petition; and the Petitions were read in Parts, and each Part consider'd of by itself; but before any Conclusion was had thereof, a Message came from the House of Commons, whereupon their Lordships proceeded no further herein at this Time, and the House was resum'd.

Message from the Commons, by Mr. Vice-Chamberlain and others. 'That the Commons desire a Conference between a Committee of both Houses, if it shall so please their Lordships, and at such Time after this Morning as their Lordships shall appoint.'

The Commons desire a Conference.

Answer. 'A Committee of this whole House will meet a Committee of the whole House of Commons at Two this Afternoon, in the *Painted Chamber*,

Chamber, to receive what shall be propounded to their Lordships. An. 2. Charles I. 1626.

The Messengers being departed, the House appointed these Lords to report what the Commons should propound at this Committee, *viz.*

The Lord President.	Earl of *Clare*.
The Lord Chamberlain.	Lord Viscount *Say* and *Seale*.
Earl of *Dorset*.	Lord Bishop of *Norwich*.
Earl of *Bridgwater*.	
Earl of *Devonshire*.	

And it was agreed, that these eight Lords should have the first and most convenint Places at this Committee.

We now go back a little, to take a View of the Duke of *Buckingham*'s Affair in the House of Commons.———

April the 22d, the Commons had perfected their Charge against him, and sent the Duke Notice of it by Sir *John Hippesley* and Mr. *Giffard*, two of their Members. The Heads of it, from the Clerk's Books, they were allowed to deliver to him, *verbatim*, but to leave no Notes of them with him. His Answer was also required in two Days Time, before them, if he pleased. The Commons give the Duke of Buckingham Notice of their Charge against him.

April the 24th, the Gentlemen, sent to the Duke, made this Report to the House, 'That they had acquainted his Grace with the Message, who told them he could not give Answer to it, till he had informed the House of Lords about it. That this Forenoon having asked Leave of the Lords, they would by no Means consent to it. However, he dictated some Answer to them, which being put into Writing was read to the House, as follows:

'THAT he should, with great Care, make all due Acknowledgement of your Respect and Favours in giving him this Notice; which though it do invite him to render unto you such a Satisfaction that, he hopes, may acquit and restore him to your good Opinion, and might prevent The Duke's Answer.

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'vent your Proceedings, which otherwise by a 'Parliamentary Course are like to follow: Yet 'according to his Duty, he moved the Lords of 'the Upper House, upon your Notice given him, 'who would by no Means, as Things now stand, 'give him Leave to answer, in regard he is not 'ignorant you are presently to enter into Consideration of his Majesty's Message; and that by a 'Delay therein your own Purposes will be in some 'sort disappointed, and the Affairs of *Christendom* 'much prejudiced; but for that, upon a Resolution, 'you have deferred and respited that Service untill 'those Things depending against him be first determined, he, out of Fear that his necessary Defence would spin out a great deal of Time, which 'is more precious, is the willinger to obey their 'Lordships; that so he might hasten, without 'Obstacle or Interruption given unto him, to 'keep Day with his Majesty; and this he doth, 'as he conceives, to his own infinite Prejudice, 'knowing how grievous it is to be transmitted as 'a Grievance by the Voice of this House; but he 'doth profess he will rather hazard the Safety of 'his Fortune, Reputation and himself, than to be 'the least Occasion of any thing that may work Disaffection or Misunderstanding between the King 'and his People: And it is his Protestation, that 'whatsoever Interpretation is made of his Actions, 'his Endeavours shall be, as long as he hath any 'Favour with his gracious Master, to take Opportunity of doing good Offices to this House, 'and of rendering all that he can be able for the 'Safety of the State, and the general Good of the 'Common-Wealth. And this he saith you may 'the easier believe, because his Majesty can witness that he hazarded in his Father's Time the 'Loss of the best Affection of the best of Masters 'to obtain for them their Desire. In this Zeal he 'was desirous to have apppeared unto you ever 'since the Beginning of this Parliament, and in 'this Zeal he doth now present himself unto you. 'But to return to the main Point, he, lest we should

'should be mistaken, gave us Occasion, in plain 'Words, to remember you, that it is not he that 'doth refuse to answer, but the Lords commanded 'him not to answer; which he the chearfullier 'obeyed, in respect of his Fidelity to prefer the 'Universal Weal before his own Particular; and, 'in the mean time, he desireth the charitable Opi-'nion of this noble House, untill he be convinced 'that he shall appear not worthy of it, which his 'own Innocency maketh him confident that he 'shall not.'

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Notwithstanding this complaisant Message of the Duke's, the House proceeded to several Resolutions and Votes against his Administration; and having finished their Charge, the next Day, *April* the 25th, the Commons went upon the Supply, according to an Order made for that Purpose. It was first moved for by Sir *Benjamin Rudyard*, who also desired the House to take into their Consideration the Fall of *Subsidies*. That other Rents, since the 1st of *Elizabeth*, had been generally improved; but the King's had wasted, except what is paid by the Nobility and Clergy. That one great Cause of this Fall, was the Multiplicity of Commissioners, who are the Assessors of themselves; with Certificates, *&c.* He moved that a Search might be made into former Schedules of Subsidies; and that the Four Shillings a Pound Rate on Lands, and the Number of Subsidies, may be increased by this Grant. Lastly, That some Forts might be erected, and some Ships maintained, for the Defence of the Kingdom, *&c.* at the Country's Charge.

Motion for a further Supply,

This Motion was seconded by Sir *George Moor*, who said, That to help the Decrease of Subsidies, they ought to give one *Subsidy* and one *Fifteenth* more, payable after the three now agreed on were come in. On another Motion, a grand Committee was appointed to go upon this immediately; but what was done at it is not now mentioned in the *Journals*. A Bill for a Grant of *Tonnage* and *Poundage* was also preparing by the House; and a

An. 2. Charles I. 1626.

Remonstrance to the King ordered to be drawn up, concerning his taking those Duties without Grant of Parliament.

Which is agreed to.

Some Days after, the Addition of a fourth *Subsidy*, to what was already voted, was agreed unto by the House, to be rated and paid after the usual Manner, the last Day of *July* come Twelvemonth. When the Account of the whole Grant was signified to the King, he said, 'That he accepted it in 'very good Part, but desired such Speed might be 'used in it that it might do him good.'

A further Charge against the Duke.

The same Day that this last Affair was in Agitation, *April* 27, a new Matter was started against the Duke, concerning a Plaister and a Posset given to the late King *James*, in his last Sickness. Mr. *Glanvile* made the Report of it from the Committee of Examinations into the Duke's Conduct; and said, That the sworn Physicians had testified before them, that they had agreed upon certain Directions in the King's Sickness, particularly that he should have neither Meat nor Drink for some Hours before his Fit. That upon this and other Matters, the Committee were of Opinion this should be annexed to the Duke's Charge, as a transcendent Presumption of dangerous Consequence.

On this a Debate arose, and the House divided on the Question, Whether the grand Committee of the whole House should now sit, to take Consideration of this Business? And it was carried in the Affirmative, by 191 against 150.

The next Day Mr. *Wandesford* reported from the grand Committee, concerning the Duke of *Buckingham*, a general Agreement amongst all the King's sworn Physicians, that nothing should be administred to the King without the joint Consent of them all, *&c.* Upon Question, it was *resolv'd*, 'That a Plaister was applied, and a Drink given, to the late King, in the Time of his last Sickness, without the Advice of his sworn Physicians, and not made by his sworn Apothecaries or Surgeons, contrary to the general Directions of the Physicians, and after being particularly disliked by them.

Re-

Resolved, That the Application of the Plaister and giving of the Drink to the late King, as agreed upon in the last Question, was an Act of transcendent Presumption, and of dangerous Consequence. An. 2. Charles I. 1626.

Resolved, That this Drink was given to the late King by the Duke, and the Plaister applied to him by the Duke's Direction.

Resolved, That this shall be annexed to the rest of the Duke's Charge.

The Day after, *April* 29th, the King sent a Message to the House, by the Chancellor of the Exchequer, intimating, 'That he having given 'Way to their Enquiries about the Duke of *Buck-* 'ingham; and hearing there is new Matter intend- 'ed to be brought in; in respect to the Season of 'the Year, and the Affairs of State, desireth the 'House will avoid Loss of Time therein; and 'leaveth them to their own Way, either by pre- 'senting the Complaint to himself or to the Lords.' The King's Message thereupon.

Thanks was ordered to be returned, by the said Chancellor and others, to the King for his gracious Message.

The Commons having now entirely finished all their Articles against the Duke, and agreed upon the Members who should defend each of them; on the 8th of *May* they sent a Message to the Lords, desiring a Conference with them concerning the Impeachment and Accusation of a great Peer of that House, with as much convenient Speed as their Occasions would permit. Accordingly, at the Time appointed, the Commons went up with their Impeachment, which was to be managed by eight of their Members, and sixteen others as Assistants to them. The Names of the eight chief Managers were, Sir *Dudley Diggs*, Mr. *Herbert*, Mr. *Selden*, Mr. *Glanvile*, Mr. *Whitby*, Mr. *Pymme*, Mr. *Wandesford*, and Sir *John Elliot*. Eight Managers appointed for the Duke's Charge.

The next Day, upon a Question, That the House do move the Lords, that the Duke of *Buckingham* may be committed to Prison, the House divided; *Ayes* 225; *Noes* 106. The *Commons Journals* inform us, That the *Noes* would have yielded;

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but the *Yeas* would not accept it, desiring to be numbred.—This was done, no doubt, to let the Duke see how little Interest he had in the House.—A Committee of Twenty Members was also nominated to consider of the Manner how the Commitment should be prayed.

We shall not give the Charge against the Duke, till we come to the Report made of it in the House of Lords, by the noble Peers appointed to take Notes for that Purpose. But we now shall go on with the Proceedings of that House for some few Days, in order to introduce it in its proper Place.

Which he desires may be hastened.

May the 9th, The Duke of *Buckingham* moved the Lords, 'That forasmuch as the Business, which the Committee of the Commons had begun the Day before to declare unto a Committee of this House, was not then finished, that their Lordships would give them a speedy Meeting again this Morning concerning the same.' This Motion was agreed to, and a Message was sent to the Commons accordingly. To which this Answer was returned: 'That at the Meeting of both Houses Yesterday, the Committee of the Commons did impeach a great Lord of divers Crimes and Misdemeanors, which could not then be finished for want of Time; and the Gentleman who was appointed to proceed in the next Part of the Charge, is so visited with Sickness, that the Commons are enforced to make use of one of his Assistants. Therefore they desir'd that their Lordships would appoint any Time they pleased, for the next Meeting, after this Morning.' Answer, 'The Lords do appoint Eight o'Clock the next Morning, in the former Place for the Purpose; and then either the aforesaid Gentleman may be recovered, or his Assistant better provided to perform the same.'

Questions proposed to the Judges relating to the Earl of Bristol.

The same Day the Lord Keeper put the House in mind of the Earl of *Bristol*'s last Petition to them, appointed to be heard as to Day; when, the Judges being sent for, the following Questions were agreed upon to be put to them and left to their Considerations.

§ 1. Whe-

1. 'Whether, in Case of Treason or Felony, 'the King's Testimony was to be admitted or not.' An. 2. Charles I 1626.

2. 'Whether Words spoken to the Prince, who 'is after King, makes any Alteration in this Case?' The Judges were ordered to deliver their Opinions herein on the 13th Instant.

On the 11th of *May* early in the Morning, the King came to the House of Lords, and, being seated on the Throne, made the following Speech to them:

My Lords,

THE Cause, and only Cause of my coming to you this Day, is to express the Sense I have of all your Honours; for he that toucheth any of you, toucheth me in a very great Measure. I have thought fit to take order for the punishing some insolent Speeches spoken [to you Yesterday, by way of Digression.] *I have been too remiss heretofore in punishing such Speeches as concern myself; not that I was greedy of their Monies, but that* Buckingham, *through his Importunity, would not suffer me to take notice of them, lest he might be thought to have set me on, and that he might come the forwarder to his Trial. And to approve his Innocency as touching the Matters against him, I myself can be a Witness to clear him in every one of them.* The King takes Offence at the Managers Behaviour,

I speak not this to take any thing out of your Hands; but to shew the Reason why I have not hitherto punished those insolent Speeches against myself. And now I hope you will be as tender of my Honour, when Time shall serve, as I have been sensible of yours.

After which his Majesty departed.

The King's coming to the House and making this Speech, was occasioned by the Behaviour of two of the Managers for the Commons against the Duke; who, in their Speeches had let fall some Expressions, as was reported, that were highly resented by his Majesty; and he had, accordingly, committed them both to the *Tower*. The Consequence of which will fall better in another Place. Two of whom he commits to the Tower.

The

An. 2. Charles I. 1626.

The same Day a Message came from the Commons, brought by Sir *Nathaniel Rich* and others, which was to this Purport:

The Commons desire the Duke may be committed to safe Custody.

'THE Knights, Citizens, and Burgesses of the Commons House of Parliament, taking into their most serious Consideration the main Mischiefs and Inconveniences which this renowned Kingdom doth now suffer, threatning apparent Danger to the King and Common-Wealth, have by Search and Disquisition into the Causes thereof, found that they do principally flow from the exorbitant Power and abusive Carriage of the Duke of *Buckingham*; whereof he hath in this Parliament been impeached before their Lordships by the Commons, besides an Accusation of a Peer in their own House, who hath charged him (as they are informed) of High Treason; They therefore with one Voice make an entire Declaration, That they hold it a thing of dangerous Consequence both for the present and future Times, that a Man of so great Eminence, Power and Authority, being impeached and accused of such high Crimes and Offences, should yet enjoy his Liberty, hold so great a Part of the Strength of the Kingdom in his Hands, sit as a Peer in Parliament, and be acquainted with the Counsels thereof, whereby inevitable Mischief may suddenly fall upon the Kingdom. Wherefore they have thought it their Duty to recommend this their unanimous Desire to their Lordships, as agreeable to Law and Reason, That they would be pleased forthwith to commit the Person of the said Duke to safe Custody.'

The Reply the Lords made to the Messengers was, That they would take their Message into Consideration, and return an Answer to it in convenient Time. And, after the Commons were withdrawn, the Duke of *Buckingham* got up and spake as follows:

My

My Lords, An. 2. Charles I. 1626.

'IF I hold my Peace, it will argue Guilt, and 'if I should speak, it may argue Boldness; 'being so foully accused. Your Lordships see 'what Complaints are made against me, by the 'House of Commons; how well I stood in their 'Opinions, not long since, your Lordships know; 'and, what I have done since to lose their good 'Opinion, I protest, I know not. His Defence.

'I cannot so distrust my own Innocency and 'Heart, which abhors Guilt, as to offer to decline 'any Course or Court of Justice; and, had they 'not brought my Cause to your Lordships, I so 'much trust in the Justice and Equity of this 'House, that it should have been my Work to 'have done it. So as in this, only, they have done 'me a Favour, to deliver me out of their Hands 'into your Lordships.

'And now, my Lords, whilst I protest mine 'Innocency, I do not justify myself from all Er-'rors, as if I was an Angel amongst Men; I 'know, very well, that Offices and Places of 'high Trust and Eminence, may be discharged by 'Men whose Abilities are better than the best of 'mine, and still the Management of them may 'lye open to Exceptions.

'The King and the State shall have few to serve 'them, if for their Favour, if for their Reward 'of Service, if for every Particular that may hap-'pen in the Success of Things; for doing Things 'better than some could wish, for refusing to do 'all they wish, they shall be given up, in the 'Time of their Master's Wants, for a Grievance 'or a Sacrifice. For, this I shall confidently speak, 'from such Crimes as truly deserve Punishment 'from the State, I hope I shall ever prove myself free, 'either in Intention or Act. My Lords, I speak not 'this arrogantly; nor will I speak any thing else to 'cast Dirt at those who have taken Pains to make 'me so foul; but to protest my Innocency, in that 'Measure, which I shall ever hope to prove, nay, 'am confident of, being before such just Judges.

'I

An. 2. Charles I. 1626.

'I humbly beseech your Lordships to be sensible 'of me in this Point, what Dishonour I have sustained, not only at Home but Abroad; wherefore, I humbly desire your Lordships to hasten 'my Trial, as soon as may be, that I may no 'longer suffer than I must needs; and yet I further desire of your Lordships that no such Precipitation may be used, as may disadvantage or 'may prejudice my Cause.

'And here, my Lords, I had a Purpose to offer unto your Lordships my voluntary Absence 'from this Place, even now in the Beginning of 'the handling of my Cause; as your Lordships 'may perceive in part, by my former Carriage towards the Earl of *Bristol*. For, doubting least 'my Presence might any way disturb him and put 'him into Passion, or any other way disadvantage 'him in his Cause, I did voluntarily, as your Lordships saw, absent myself. *But, now that my 'Accusers have, not only, been content to make my 'Process, but to prescribe to your Lordships the Manner of my Judgment, and to judge me before 'I am heard; I shall not give way, in my own 'Particular, to any of their unjust Demands; but 'yet, I do submit myself in this, and in all Things 'else, to your Lordships Consideration.*'

This pathetic Speech of the Duke's is, miserably, curtailed and mangled in *Rushworth* (*e*); but, as it stands upon the *Lords Journals*, is another Evidence, if not of his Innocency, of his great Politeness in Expression. Especially, considering, that this Speech, following the Message aforesaid, must have been unpremeditated. The Lords took no further Notice of the Message that Day; and only ordered that the eight Lords, appointed to report what was delivered by the Commons, against the Duke, at the Conference, should do it fully and intirely. And, to that end, if they pleased, they were to read the same out of their Notes; and it was further agreed that each Lord is, and ought, to report

(*e*) *Rushworth*, Vol. I, p. 358.

report all to the House, not to qualify the same in any Part; and that nothing, so spoken and delivered, should be imputed to the Reporter. Also, that they might help their Memories with the Gentlemen of the House of Commons, who spoke at that Conference.

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May the 13th, the Day to which the Lords had adjourned to hear this Report, an Order of the House was read, concerning the Judges Opinions, on the two Questions in the Earl of *Bristol*'s Case before-mentioned; whereupon they were called upon for that Purpose. When the Lord Chief Justice said:

May it please your Lordships,

According to your Commands, we appointed a Time to have taken into our Consideration the two Questions propounded by your Lordships, First, *Whether in case of Treason and of Felony the King's Testimony is to be admitted?* Secondly, *Whether Words spoken to the Prince, being afterwards King, made any Difference in the Case? But, before our Meeting, Mr. Attorney General, (to whom it belongs, according to the Duty of his Place to have an Eye of Care and Vigilancy in Cases concerning the King) desired to know the Time of our Meeting, and we told him accordingly. But, before that Time, he brought unto us a Message from the King, signifying his Pleasure to this Effect: That his Majesty was resolved, in this and all other Causes, to proceed justly and with that Moderation as became a just and gracious King. And that his Majesty was so sensible of his Honour, that he would not suffer the Right of his Crown, which may justly be preserved, to be diminished in his Time. Therefore, his Majesty's Pleasure was, That in any particular Case, or Question, which may arise in the Cause of the Earl of* Bristol, *and wherein the Lords desired our Opinions, that, upon mature Deliberation, we should deliver the same according to our Consciences. His Majesty assuring himself, that in all Things we will deliver ourselves, with that Justice and Evenness, between the King*

The Judges forbid by the King to give their Opinions in the Earl of Bristol's Case.

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King and his People, as shall be worthy of our Places. That to these general Questions, of which his Majesty could not discern the Consequence which might happen to the Prejudice of his Crown, each particular Case varying according to Circumstances, so as it was very hard and dangerous to give a general Rule, according to the Latitude of those Questions; his Majesty's Pleasure was, therefore, that we should forbear to give an Answer thereto.

The House next proceeded to hear the Report of the Duke of *Buckingham*'s Charge, which was to be made as this Day by the eight Lords appointed for that Purpose.

Mr *Rushworth* hath given us the several Speeches, made by the Managers of the House of Commons, in enforcing the Charge. But, several of these are put down in his *Collections*, in so different a Manner from the *Lords Journals*, that we chuse to give them from the latter Authorities, *verbatim*; not doubting but the Subject Matter of the Complaint against this great Man, will amply compensate for the extreme Length of it:—As for the Articles of Impeachment, in Mr. *Rushworth*, they tally exactly with the *Lords Journals*.

The Report of the Charge against the Duke of Buckingham.

Here follow the Reports of the Conference with the Commons, on *Monday* the 8th of *May* in the Afternoon, and on *Wednesday* the 10th of *May* in the Forenoon, which was appointed to be reported unto the House by these Lords following, *viz.*

The Lord President,	The Earl of *Clare*,
The Lord Chamberlain,	The Lord Viscount *Say* and *Seale*,
The Earl of *Dorset*,	The Lord Bishop of *Norwich*.
The Earl of *Bridgwater*,	
The Earl of *Devonshire*.	

The Lord President began the same in this Manner, *viz.* *Sir* Dudley Diggs *to induce the Conference, prayed by the Commons of your Lordships, used this Introduction.*

My

My Lords,

An. 2. Charles I. 1626.

'THERE are so many Things of great 'Importance to be said in little Time, this 'Day, that I conceive it will not be unacceptable 'unto your Lordships, if, setting by all rhetorical 'Affectations, I only in plain and Country Lan-'guage humbly pray your Lordships Favour, to 'include many Excuses necessary for my manifold 'Infirmities, in this one only Word:—I am *Com-'manded*, that is, by the Knights, Citizens, and 'Burgesses of the House of Commons, to present 'unto your Lordships their most affectionate 'Thanks for your ready and speedy condescending 'to this Conference; which, out of Confidence 'in your Wisdoms and your Justice, for the Ser-'vice of his Majesty, and the Welfare of the 'Kingdom, they desired upon this Occasion.'

Which is open'd by Sir Dudley Digges.

'The House of Commons finding, by a fatal and 'universal Concurrence of Complaints from all 'the Sea-bordering Parts of this Kingdom, that 'there was a great Interruption and Stopping of 'Trade, the base Pyrates of *Sally* ignominiously 'infesting our Coasts, taking our Ships and Goods, 'and leading away the Subjects into barbarous 'Captivity; so that, to our Shame and Hindrance 'of Commerce, the Enemies did, as it were, 'block up and besiege our Ports, and River's 'Mouths!

'Finding also a great Diminution of the antient 'Honour of the Crown and Reputation of our 'Nation, insomuch that our Friends, upon small 'Occasions, made Embargoes of our Merchants 'Goods, and every Nation was ready to contemn 'and slight us!

'The Commons were much troubled hereat, 'calling to Remembrance, how formerly in *France*, 'in *Spain*, in the *Holy Land*, and every where by 'Sea and Land, the Valour of this Kingdom had 'been better valued; and even, in later Times with-'in Remembrance, when there was no Alliance 'with *France*, with *Denmark*, nor in *Germany*;

'no

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'no Friends in *Italy*, *Scotland* disunited; to say no more, *Ireland* not settled in Peace, and much less Security at Home; when *Spain* was as ambitious as it is under a King they call their wisest, *Philip* the II. The House of *Austria* as great, and strengthened with a malicious League of Persons ill-affected in *France*; and when the *Low Countries* had no Being!

'Yet by constant Counsels of old *English* Ways, even that *Spanish* Pride was cooled; the Greatness of the House of *Austria*, so formidable to us now, was well resisted; and to the *United Provinces* such a Being, Growth and Strength was given, as gave us Honour over all the World.

'The Commons wondering at these Evils, debating of the Causes, found that they were many, drawn like Lines to one Centre; and meeting all in one great Man, as the Cause of all, whom I am here commanded to name, that is, *The Duke of Buckingham*.

'Here he made a Pause, and the Preamble of the Duke of *Buckingham's* Titles being read, all enumerated, at large, as they are set down in the Rolls, *viz.*

'George, *Duke*, *Marquis*, *and Earl of* Buckingham, *Earl of* Coventry, *Viscount* Villiers, *Baron of* Whaddon; *Great Admiral of the Kingdoms of* England *and* Ireland, *and of the Principality of* Wales, *and of the Dominions and Islands of the same*, *of the Town of* Calais *and of the* Marches *of the same*, *and of* Normandy, Gascoign, *and* Guienne; *General Governor of the Seas and Ships of the said Kingdoms*; *Lieutenant-General*, *Admiral*, *Captain-General and Governor of his Majesty's Royal Fleet and Army lately set forth*; *Master of the Horse of our Sovereign Lord the King*; *Lord Warden*, *Chancellor*, *and Admiral of the Cinque-Ports*, *and of the Members thereof*; *Constable of* Dover *Castle*; *Justice in Eyre of the Forests and Chases on this Side the River* Trent; *Constable of the Castle of*

of Windsor; *Gentleman of his Majesty's Bed-Chamber; one of his Majesty's most Honourable Privy-Council in his Realms both in* England, Scotland, *and* Ireland; *and Knight of the most Noble Order of the Garter.* An. 2. Charles I. 1626.

He then proceeded thus to his Second Part.

My. Lords,

'THE lofty Titles of this Mighty Prince 'doth raise me higher:——And now, to 'speak with a *Paulo majora canamus*, let it not displease your Lordships, if for a Foundation I 'compare the beautiful Composition, and fair 'Structure of this Monarchy and Commonwealth wherein we live, to the great Work of 'God, the World itself; wherein there is the 'solid Body of incorporated Earth and Seas, which 'I conceive in regard of our Husbandry, our 'Manufacture and Commerce, by Sea and Land, 'may well resemble us the Commons.

'It is encompassed with Air and Fire, and 'Spheres Celestial, of Planets and a Firmament 'of fixed Stars; all which receive their Heat, their 'Light, their Life and Lustre, from one great 'glorious Sun, even like the King our Sovereign 'Lord.

'That Firmament of fixed Stars I take to be 'your Lordships; the Planets, the great Officers 'of the Kingdom; that pure Element of Fire, 'to be the most religious and pious Clergy; the re-'verend Judges, Magistrates and Ministers of Law, 'and Justice, to be the very Air wherein we 'breathe; all these encompassing round, with 'cherishing Comfort, this Body of the Commons; 'who do, in Truth, labour for them all; and 'tho' they be the Footstool and the lowest, yet 'may they truly be said to be the settled Centre 'of the State.

'Now, my good Lords, if this glorious Sun, 'by his powerful Beams of Grace and Favour, 'shall draw from the Bowels of this Earth an

'Ex-

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'Exhalation that shall take Fire, and burn, and 'shine out like a Star; it cannot be marvelled at 'if the poor Commons gaze and wonder at the 'Comet; and, when they feel the Effects, im-'pute all to the corruptible Matter of it.

'But if such an Apparition like that in the last 'Age, in the Chair of *Cassiopeia*, happen amongst 'the fixed Stars themselves; where *Aristotle*, of 'the old Philosophers, conceived there was no 'Place for such Corruptions; then, as the learned 'Mathematicians were troubled to observe the ir-'regular Motions, the prodigious Magnitude of 'ominous Prognosticks of that Meteor: So the 'Commons, when they see such a blazing Star in 'a Course so exorbitant in the Affairs of the 'Commonwealth, cannot but look upon it; and, 'for want of Perspectives, commend the nearer 'Examination to your Lordships, that may be-'hold it at a better Distance.—Such the Commons 'apprehend the great Duke of *Buckingham* to be; 'against whom and his Ways there are, by learned 'Gentlemen, *legal Articles* of Charge to be de-'livered, which I am commanded first to open 'generally.'

Here he began the CHARGE.

'THE Offices of the Kingdom that are the 'Eyes, the Ears, the Hands of the Com-'monwealth; How have they been engrossed, 'bought and sold, and many of them held in his 'own Hand, which in former Ages severally gave 'sufficient Content to great Favourites, and were 'Work enough for the wisest Counsellors?

'By Means hereof there have ensued infinite 'Neglects:—The Seas unguarded; Trade di-'sturbed; the Ships, even one of the Royal Ships 'delivered over into Foreign Hands, and employ'd 'to the Prejudice, almost the Ruin, of our Friends 'of our own Religion!

'For Honours, those most precious Jewels of 'the Crown, a Treasure inestimable, wherewith

'your

'your Ancestors, my Lords, have been rewarded 'for their eminent Services in the Commonwealth; 'and for Exploits abroad, when in Blood and Dust 'they sweated for the Service and Honour of this 'Realm: What Back-ways and Bye-ways have not 'been since found out? Whereas, antiently, it was 'the Honour of *England*, as amongst the *Romans*, 'that the Way to the Temple of *Honour* was 'through the Temple of *Virtue*. But I am com-'manded to press this no further than to let your 'Lordships know, that an Instance may perhaps 'be given, of some one Lord compelled to pur-'chase Honour.'

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And here he ended with this Second Part.

The third was exhausting of the Revenue; of this he spake little, but left it all to the Party to whom it was assigned, (who indeed handled it fully and forcibly) and then went on thus:

'THE last Part of the Charge, my Lords, 'that is prepar'd, will be an Injury offer'd 'to the Person of the late King, of blessed Me-'mory, that is with God; of which, as your 'Lordships may have heard heretofore, so you 'shall anon have further Information: But, upon 'this Occasion, I am commanded by the Com-'mons to take Care of the Honour of the King 'our Sovereign that now lives, (and long may he 'live to our Comfort and the Good of the Chris-'tian World!) as also his blessed Father that is 'dead; on whom, to the Grief of the Commons 'and their Dislike, the Lord Duke they conceive 'did unworthily cast some ill Odour of his own 'Ways; whereas antiently Servants were wont 'to bear, as indeed they ought, their Masters Faults, 'and not to cast their own on them undeservedly.

'It is well known the late King, now with 'God, had the same Power and the same Wisdom 'before he knew this Duke, and, I add, the same 'Affections too; by which, as a good and gracious 'Master, he advanced and raised some Stars in

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'your Lordships Firmament, in whose Times 'this exorbitant Will, this transcendent Power, 'this placing and displacing Officers, this irregular 'running into all the Courses of the Planets, this 'sole and singular managing of the great Affairs 'of State, was never heard of!

'So that, to my Lord Duke and his Procurement and Misinformations these Faults complained of are, alone, to be imputed.

'And for our Sovereign that now lives, whose 'Name hath been used and may be for Justification; we well know that, amongst his Majesty's 'Royal Virtues, his Piety unto his Father hath 'made him a pious Nourisher even of his Affections to my Lord Duke; in whom, out of that 'Consideration, he hath wrought a kind of Wonder, making Favour hereditary; but the Abuse 'of it must be my Lord Duke's own, and the 'Misinformations his, if there have been any Commands at all that have procured them:—For the 'Laws of *England* have taught us, that Kings 'cannot command ill or unlawful Things when 'they speak even by Letters Patent; if the Thing 'be evil, those Letters Patent are void; and 'whatsoever ill Event succeeds, the Executioner 'of such Commands must answer for them.

'Thus, my Lords, I have been long troublesome; but think it now high Time to crave 'your Pardon; and make way for a learned 'Gentleman to begin a particular Charge.'

Then the Lord Chamberlain made his Report of Mr. *Herbert*'s Speech, at the said Conference, in this Manner, *viz.*

Mr. Herbert's Speech in Support of the first Article.

My Lords,

'I Will not waste a Moment of your Lordships 'Time with any Apology for myself; I have 'it in Charge to deliver the Truth of Facts, the 'Weight, the Danger, the Inconveniency of the 'first Parts or Articles of the great Declarations of 'Impeachment against the Duke of *Buckingham*, 'whereof your Lordships have heard the general

'Heads

'Heads mentioned: And I am commanded, before 'I do this, to read the Articles.

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Here he read the Preamble to the Charge, and the first Article thereof, as follows:

FOR the speedy Redress of great Evils and Mischiefs, and of the chief Cause of these Evils and Mischiefs, which this Kingdom of England *now grievously suffereth, and of late Years hath suffered; and to the Honour and Safety of our Sovereign Lord the King, and of his Crown and Dignity; and to the Good and Welfare of his People: The Commons in this present Parliament, by the Authority of our said Sovereign Lord the King, assembled, Do, by this their Bill, shew and declare against* George, *&c.* [*as before*] *The Misdemeanors, Misprisions, Offences, Crimes, and other Matters, comprised in the Articles following; and him the said Duke do accuse and impeach of the said Misdemeanors, Misprisions, Offences and Crimes.*

The Commons Declaration and Impeachment against the Duke of Buckingham.

I. *That whereas the Great Offices, expressed in the said Duke's Stile and Title, heretofore have been the singular Preferments of several Persons, eminent in Wisdom and Trust, and fully able for the weighty Service, and greatest Employments of the State; whereby the said Offices were both carefully and sufficiently executed by several Persons, of such Wisdom, Trust, and Ability: And others also, that were employed by the Royal Progenitors of our Sovereign Lord the King in Places of less Dignity, were much encouraged with the Hopes of Advancement. And whereas divers of the said Places, severally of themselves, and necessarily, require the whole Care, Industry, and Attendance of a most provident, and most able Person: He the said Duke, being young and unexperienced, hath, of late Years, with exorbitant Ambition, and for his own Profit and Advantage, procured and ingressed into his own Hands the said several Offices; both to the Danger of the State, the Prejudice of that Service which should have been performed in*

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them, and to the great Discouragement of others; who, by this procuring and ingrossing of the said Offices, are precluded from such Hopes, as their Virtues, Abilities, and public Employments might otherwise have given them.

And then he proceeded:

'In this so great Power gotten, with exorbitant Ambition, into a young and unexperienced Hand, for particular Profit, your Lordships do observe the Commons sensible of the Danger and the Prejudice, to the Performance and Execution of the Offices; and the Discouragement of others, by whose Virtues and Abilities and Employments, there might have been a better Execution.

'My Lords, For the Danger; when the Commons had fallen into a careful Consideration of the Good of the Kingdom, and the Safety of his Sacred Majesty; when they had but entered into this, they had a Representation made unto them of the Imminency of the present Danger wherein themselves, your Lordships, and his Majesty, were involved; for the Prevention whereof a large and speedy Relief and Contribution was moved: This Danger was press'd to an Appearance of being so true and so near, as it wrought upon them, first, to the inverting a constant Order in their House, of declaring an Intention of giving in the Beginning of a Session, which they had never used to do but in the End; and, in the next Place, it made them extend the Measure of their Gift, at least, to the uttermost of their Abilities (*b*).

'If the Danger of being found unprovided, (which was said must be, without a Contribution) by a potent and provok'd Enemy, were thus great; it could not but be an extreme Danger to his Majesty and the Kingdom, that so much of the Power, the Strength, the Ships, the Forts, the Rivers of the Kingdom should be found, by a mighty and enraged Enemy, in an unexperienced, and therefore in an unsufficient, Hand; and this Danger seemed multiplied, when, in a

(*b*) See Vol. VI. P. 440, &c.

'sad

'ſad Diſquiſition of the Cauſes of the *Ills* under 'which the Kingdom ſuffered, they had found this 'too great Power, in ſo unfit a Hand, was amongſt 'the principal Cauſes of that ſo near and ſo great a 'Danger. In this vaſt Power your Lordſhips will 'obſerve this unfortunate Complication of Danger 'and Miſchief to the State; that, by this too great 'Power, the Duke hath too much Ability, if he 'be falſe, to do Harm, to ruin the Kingdom; and 'too little Ability, if he be faithful and never ſo 'induſtrious, to do Good; being divided amongſt 'ſo many great Places, whereof every one would 'employ the whole Induſtry of a provident, an 'able, and an experienced Man.

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'My Lords, For the Inſufficiency of Performance, 'or the Prejudice of the great Service of the State, 'that ſhould be in theſe Places, it may well ap-'pear; if, from a running and curſory Survey of 'the Compaſs and Latitude of ſo great a Power 'and ſo many Offices, your Lordſhips obſerve an 'Impoſſibility of juſt Performance, by one ſuch 'Hand:——The Command of the Strength and 'Walls of the Kingdom (the Shipping) each one 'being a Royal Fort; to the faithful Keeping of 'which, a Truſt as high as Allegiance hath been, 'through a Succeſſion of moſt renown'd Princes, 'by Law annexed; the Breach whereof hath been 'Treaſon: And with this (the Keys and Ports of 'the Kingdom) beſides the moſt neceſſary Atten-'dance on his Court-Places, the immenſe Care 'of a Counſellor of Eſtate of three mighty 'Kingdoms:——I ſhall mention no more of his 'great Titles for the Diſcouragement of others. 'I ſhall decline to conſider that as a Theme or 'Subject of Learning, wherein it would be hard to 'be ſhort: I ſhall only preſent it as the Senſe of 'the Houſe of Commons, (the well-examined and 'meaſured Senſe and Apprehenſion of the general 'Body of the People) after a ſerious and deliberate 'View of the State of the Common-Weal; and 'in this Contemplation it will have Weight with 'your Lordſhips.

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'When your Lordships have seen the Danger, the Disservice, and the Discouragement of this great Power; I am commanded to read the Articles of buying the two great Offices of Admiral and Cinque Ports; that shew it to be, besides too great a Power, an ill-gotten Power.

Then he read the second and third Articles.

II. *Whereas, by the Laws and Statutes of this Kingdom of* England, *if any Person whatsoever, give or pay any Sum of Money, Fee, or Reward, directly or indirectly, for any Office or Offices, which in any wise touch or concern the Administration or Execution of Justice, or the keeping of any of the King's Majesty's Towns, Castles, or Fortresses, being used, occupied, or appointed for Places of Strength and Defence: The same Person is immediately, upon the same Fee, Money, or Reward, given or paid, to be adjudged a disabled Person in Law, to all Intents and Purposes, to have, occupy, or enjoy the said Office or Offices, for the which he so giveth or payeth any Sum of Money, Fee, or Reward; Yet he the said Duke did, in or about the Month of* January, *in the sixteenth Year of the late King* James *of famous Memory, give and pay to the Right Honourable* Charles, *then Earl of* Nottingham, *for the Office of Great Admiral of* England *and* Ireland, *and the Principality of* Wales, *and for the Office of General Governor of the Seas, and Ships of the said Kingdoms, and for the Surrender of the said Offices, then made to the said King by the said Earl of* Nottingham, *being then Great Admiral of the said Kingdoms and Principality of* Wales, *and General Governor of the Seas and Ships; to the Intent the said Duke might obtain the said Offices to his own Use, the Sum of* 3000 *l. of lawful Money of* England: *And did also about the same Time procure from the said King a further Reward, for the Surrender of the said Office to the said Earl, of an Annuity of* 1000 *l.* per Annum, *for and during the Life of the said Earl; and by the Procurement of the said Duke, the said late King, of famous Memory, did, by his Letters Patents*

Patents, dated the 27th of January, *in the said sixteenth Year of his Reign, under the Great Seal of* England, *grant to the said Earl the said Annuity; which he, the said Earl, accordingly had and enjoyed, during his Life, and by reason of the said Sum of Money so as aforesaid paid by the said Duke. And on this the said Duke's Procurement of the said Annuity, the said Earl of* Nottingham *did, in the same Month, surrender unto the said late King his said Offices, and his Patents of them; and thereupon, and by reason of the Premisses, the said Offices were obtained by the Duke for his Life, from the said King, of famous Memory, by Letters Patents made to the said Duke, of the same Offices, under the Great Seal of* England, *dated the 28th of* January, *in the said sixteenth Year of the said late King. And the said Offices of Great Admiral and Governor, as aforesaid, are Offices that highly touch and concern the Administration and Execution of Justice, within the Provision of the said Laws and Statutes of this Kingdom; the which notwithstanding, the said Duke hath unlawfully, ever since the first unlawful obtaining of the said Grant of the said Offices, retained them in his Hands, and exercised them against the Laws and Statutes aforesaid.*

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III. *The said Duke did likewise, in or about the Beginning of the Month of* December, *in the twenty-second Year of the said late King* James, *of famous Memory, give and pay to the Right Honourable* Edward, *late Lord* Zouch, *Lord Warden of the Cinque-Ports and of the Members thereof, and Constable of the Castle of* Dover, *for the said Offices, and for the Surrender of the said Offices of Lord Warden of the Cinque-Ports, and Constable of the said Castle of* Dover, *to be made to the said late King, of famous Memory, the Sum of* 1000 *l. of lawful Money of* England; *and then also granted an Annuity of* 500 *l.* per Annum *to the said Lord* Zouch, *for the Life of the said Lord* Zouch; *to the Intent that he the said Duke might thereby obtain*

An. 3. Charles I. 1626.

tain the said Offices to his own Use.' And for, and by reason of the said Sum of Money, so paid by the said Duke, and of the said Annuity so granted to the said Edward *Lord* Zouch, *he the said Lord* Zouch, *on the 4th of* December, *in the Year aforesaid, did surrender his said Office, and his Letters Patent of them, to the said late King: And thereupon, and by reason of the Premisses, he the said Duke obtained the said Offices for his Life, of the said late King, by his Letters Patents under the Great Seal of* England, *dated the 6th of* December, *in the aforesaid Year. And the said Office of Lord Warden of the Cinque-Ports, and of the Members thereof, is an Office that doth highly touch and concern Administration and Execution of Justice; and the said Office of Constable of the Castle of* Dover, *is an Office that highly concerneth the Keeping and Defence of the Town and Port, and of the said Castle of* Dover, *which is, and hath ever been esteemed for a most eminent Place of Strength and Defence of this Kingdom; the which notwithstanding, the said Duke hath unlawfully, ever since this first unlawful obtaining of the said Office, retained them in his Hands, and exercised them against the Laws and Statutes aforesaid.*

And of the second and third Articles.

'In these Articles your Lordships observe the 'Sense of the Commons, both for the Unlawfulness and Inconveniency of the obtaining those 'Offices, and the Disability of holding them; and 'first, my Lords, the Commons declare the Duke 'wholly disabled to hold those Offices, and hath 'been so from the first Instant of his obtaining 'them.

'Of the Bane and Mischief to the Common-'Wealth, by buying and selling of Offices of Trust 'and Judicature, in the general, your Lordships 'will hear much in a proper Place: I shall therefore 'trouble your Lordships with little of that, and 'nothing at all with any Point of Learning con-'cerning it, or how it might be enlightened or 'exampled in other States. I will only observe the

'Sense

'Sense and Understanding of Parliaments, that as this now before your Lordships is the Sense of the Commons in Parliament; so your Lordships may be pleased to observe it to be the Sense not of the Commons alone, but of the King and Lords in former Parliaments, how baneful, how destroying a Mischief the Buying of Offices is. The express Law of 5. *Edw.* VI. that disables the Duke to hold these Offices, was grounded upon this Foundation, that the Buying of such Places doth necessarily introduce corrupt and insufficient Officers, to the Ruin and Subversion of the Foundations of the public Good. In the Parliament of 12 *Edw.* IV. there is a Declaration of singular Note: It is there declared, and by the whole Parliament, That those, who thus unlawfully buy their Places, *do* (these are the express Words) *enforce themselves to be Extortioners and Offenders*; as if they apprehended it warrantable, or as if there lay an Obligation upon them, that if they bought they should sell again. The Instance here is Law, if your Lordships consider the Offices before you; and it is very right to carry the Sense of that Parliament to buying Offices of so high a Nature, as the Custody and Command of the Strength of Walls, and Keys and Ports, of the Kingdom: For tho' a Difference might be constituted betwixt the Buying of ordinary Places; yet the Buying of these (which is a Beginning of the Way to set a Price upon the Trust and Command of the Walls, the Gates of the Kingdom) needs rather a round and speedy Remedy, a quick and weighty Judgment to make it exemplary, than any Enforcements to shew the Mischiefs of it.

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'Your Lordships have thus seen the Dangers and Inconveniences, whereof the Commons appear sensible, particularly in these several Articles; and your Lordships may observe, that tho' they are not presented under the Names of Crimes and Offences, nor those Names mentioned in the speaking of them; and that because they are not against any particular Law, which designs any

'Penalty

An. 3. Charles I. 1626.

Penalty for them, other than hath been said from such Ground as ordinarily the Name of the Offence grows; yet they may be justly offered as the Roots and Causes of the great following Crimes; and even now they hold so much of the Nature of an Offence, that, as particular ordinary Offences are therefore so, because they break and subvert some particular Law; so these, as far as they subvert the Good and Welfare and Safety of the People, so far are they against the highest Law, and assume the Nature of highest Offences: And, my Lords, the Welfare and Safety of the People and State is the supreme Law; thus they are fit for so great a Council as the Commons of *England* to declare; and fit for so great a Power as your Lordships have, to judge.

Now besides these, if your Lordships shall find, out of the following Parts, that the Duke hath broken his Duty and Trust in not guarding the Seas, and suffered Infestation of our Coasts; if he hath unjustly stayed the Ships, and seized the Goods of other Nations; if he hath, by colour of his Place, for his own Profit, stayed our Ships, extorted from our own Merchants, and interrupted our Trade; if he hath delivered, contrary to the Duty of his Place, our Ships to foreign Nations: These will be more than Arguments; they will be particular Demonstrations of too dangerous a Power, and in too unfit a Hand. The Weight and Dangers your Lordships have seen; and the Truth of the Facts will appear, in every Particular alledged, by these Proofs, which I am commanded to offer unto your Lordships.

The PROOFS *for* PLURALITY *of* OFFICES *and* BUYING *of the* ADMIRALTY, *and the* WARDENSHIP *of the* CINQUE PORTS.

PLURALITY *of* OFFICES.

The Patents prove this.

BUYING

BUYING *of the* ADMIRALTY'S PLACES *with* 3000 *l. and a Pension of* 1000 *l. out of the King's Customs.* An. 2. Charles I. 1626.

'The Fact proved, 1. By the concurring Records of the Earl of *Nottingham*'s Surrender and of the Duke's Patent.

2. 'By Sir *William Mounson*, that the Lady *Nottingham* saith, the 3000 l. was paid, and the 1000 l. Pension out of the Customs granted, on that Consideration.

3. 'By Sir *Robert Pye* and Mr. *Rotherby*, that the Money was my Lord Duke's own.

BUYING *the* WARDENSHIP *of the* CINQUE PORTS.

1. 'The Duke said before both Houses, that he bought it with his Money.

2. 'Mr. *Rotherby* confirmed it, both for the Money, and for the Annuity of 500 l. *per Annum.*

3. 'Sir *John Bacchus* saith, That the Lord *Zouch* acknowledged to have had 1000 l. and 500 l. Annuity; as also, that Capt. *John Bawker*, Mr. *Samuel Moore*, and one *Hibbins*, Master of my Lord *Zouch*'s Horse, told him as much.

4. 'Sir *Edward Poynings* saith, That my Lord *Zouch* told him as much.'

Then the fourth Article was read as follows:

IV. *Whereas the said Duke, by reason of his said Offices of Great Admiral of the Kingdoms of* England *and* Ireland, *and of the Principality of* Wales, *and of the Admiral of the Cinque Ports, and General Governor of the Seas and Ships of the said Kingdoms, and by reason of the Trust thereunto belonging, ought at all Times, since the said Offices obtained, to have safely guarded, kept, and preserved the said Seas, and the Dominion of them; and ought also, whensoever they wanted either Men, Ships, Munition, or other Strength whatsoever, that might conduce to the better Safeguard of them, to have used, from Time to Time, his utmost Endeavour for the Supply*

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Supply of such Wants, to the Right Honourable the Lords and others of the Privy-Council, and by procuring such Supply from his Sovereign, or otherwise: He the said Duke hath, ever since the Dissolution of the two Treaties mentioned in the Act of Subsidies of the twenty-first Year of the late King James, *of famous Memory, (that is to say the Space of three Years last past) neglected the just Performance of his said Office and Duty, and broken the said Trust therewith committed unto him; and hath not, according to his said Offices, during the Time aforesaid, safely kept the said Seas: Insomuch that by reason of his Neglect and Default therein, not only the Trade and Strength of this Kingdom of* England *hath been, during the said Time, much decayed; but the same Seas also have been, during the same Time, ignominiously infested by Pirates and Enemies, to the Loss both of very many Ships and Goods, and of many of the Subjects of our Sovereign Lord the King; and the Dominion of the said Seas (being the antient and undoubted Patrimony of the Kings of* England) *is thereby also in most imminent Danger to be utterly lost.*

The Earl of *Dorset* made his Report of Mr. *Selden*'s Speech at the said Conference, in Manner following, *viz.*

Mr. Selden's Speech upon the fourth Article.

'After the Duke's Disability shewed, and the 'unjust executing of those Offices, especially 'that of Great Admiral of *England* and *Ireland*: 'Yet that, tho' disabled by Law to retain them, 'still, because he so bought them, he was bound 'justly to execute them, so long as, *de facto*, he 'detained them.

'That, by his Patent, he is made *Magnus Ad-* '*mirallus Angliæ, Hiberniæ, Walliæ, Normaniæ,* '*Aquitaniæ, Villæ Calesis & Marchiarum ejusdem,* '*& Præfectus Generalis Classium & Marium dic-* '*torum Regnorum.*

'The Seas of *England* and *Ireland* are commit- 'ted to him, as being a Part of the Demains and 'Pos-

'Possessions of the Crown of *England*; not as if 'he should thereby have Jurisdiction only, as in 'the case of the Admirals of *France* and *Spain*. An. 2. Charles I. 1626.

'This might be proved variously by Testimonies of our own Nations, but especially by an 'Acknowledgment of the Procurators of all, or 'most, of the maritime Parts of *Europe*, remaining to this Day in the *Tower*: This was made 'under *Edward* I.

'Those of the States of *Genoa*, *Catalonia*, and 'other Maritime Parts of *Spain*; the Sea Towns 'of *Almaine*, *Zeland*, *Holland*, *Friesland*, *Denmark*, '*Norway*, and other Parts of the Empire, shew, 'that the Kings of *England*, by reason of their said 'Realm, have used, Time out of mind, to be in 'peaceable Possession, and are sovereign Lords of 'the Seas of *England* and of the Islands belonging 'unto them.

'And tho' that *Hollander* [*Hugo Grotius*] wrote 'of purpose to destroy all Dominion in the vast 'Ocean, yet he speaks nothing against the Dominion of our *English* Seas, (however he hath been 'misapprehended) but expresly elsewhere says, that

Meta Britannis
Littora sunt aliis.

'The utmost Limits of the Demains of the 'Crown of *England* are the Shoars of the neighbouring Countries; the whole Sea, or the *Territorium Marinum* that intervenes, being Parcel of 'the Possession of the Crown.

'The Keeping and Safeguard of these Seas committed to the Lord High Admiral, by the Names 'of *Præfectus Marium* & *Admirallus*, which were 'both the same antiently.

'Before the Word *Admiral* came in, (which 'was under *Edward* I.) the Admirals had the 'Titles of *Custos Maris*; as, in Parl. 47. *Henry* III. *Thomas de Moleson*, *Capitaneus* & *Custos* '*Maris*. And *Hugh de Crequer* was *Custos quinque* '*Portium Maris in Partibus illis*; which is the 'same

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'same as Admiral of the Cinque Ports to this Day. '*Præfectus* also denotes as much in *Præfectus Ægypti, Urbis, &c.*

'The Safeguarding of the Seas hath, from an'tient Time, been specially undertaken by the 'Kings of this Realm, and committed generally 'to none else but the Admirals.

'And this *Præfectura*, or *Custodia*, or Office of 'safeguarding the Seas, binds him to all Care and 'perpetual Observance of whatsoever conduces to 'that Safeguard; as in *Custos Sigilli, Custos Mar'chiarum, Custos Portuum, Custos Comitatuum*, a'greeable to the Practice of former Times.

1. 'In certifying yearly, at least, to the King 'and his Council, the many Forces, both of the 'King's Ships, and Ships of Merchants; the Names 'of the Owners, and Number of Mariners, *&c.* 'so that the King and his Council may always 'know his Force by Sea.

2. 'In shewing Want of Ships, *&c.* yearly for 'the safeguarding of the Seas, with the Estimate of 'the Supplies, that so they might be procured.

3. 'In their personal Attendance upon the Ser'vice of guarding the Seas, upon all Occasions of 'Weight. In 7th *Henry* IV. *Nicholas Blackborne*, 'and *Richard Clideroe*, one of the Knights for '*Kent*, were made Admirals for keeping of the 'Seas: Upon Consideration had of it in Parliament, 'the other Knight, being *Robert Clifford*, it was 'agreed in Parliament, that he should have the 'Voices of both, because *Clidero* must of necessity 'be absent: And they both, amongst other Things, 'petitioned the Council, that if the King, in his 'Person, should come on the Sea, they might have 'such Liberty to wait upon him, as that they 'might make their Lieutenants during the Time 'for the Service of their Places; but the Council 'that allowed the rest, or most of their Demands, 'answered to that, *Le Conseil ne le peut faire.*

4. 'And so in preserving the Possession *que l'Ad'miral de la dit Mere depute par le Roy d'Angle'terre*,

'*terre, et toutes ses autres Admirals par mesme ce-* An. 2. Charles I.
'*luy Roy d'Angleterre, et ses Ancestres jades Rays* 1626.
'*d'Angleterre, essent dettre en paisible Possession de la*
'*dit Sovereigne Gard*, and had exercised Jurisdic-
'tion in all Cases, saving where there was Appeal
'from them to the King, and *de Surete prendre de*
'*la P***** (*c*).

'The particular Neglects of his Duty.

1. 'In not certifying the Ships, Mariners, *&c.*
'so that the Force of the Kingdom and the State
'of it may be known.

2. 'In not shewing the Want of Ships, Men, *&c.*
'nor procuring Supply for any Wants of them.

3. 'In no personal Attendance.

4. 'In not preserving the Possessions of the Sea,
'nor taking any other Care to prevent the Spoils
'made by Enemies, as the Duty of the Office re-
'quires.

'The Reply to two obvious Objections.

1. 'That there is Want of Money.

2. 'That the Patent gives Leave to make Vice-
'Admirals.

'To the *first*, That his Power hath been so great
'in procuring vast Sums, both in the Revenue of
'the Crown, and of whole Sums in gross, (as ap-
'pears in a following Article) that he might also
'for this Purpose, which so properly belonged to
'his Office, have done the like; and that most of
'the Customs of *Ireland*, and that of Poundage
'there, and other Subsidies of that Country, being
'of their own Nature proper for the Defence of
'that Kingdom and the Seas of it, come yearly
'thro' his Hands; tho' he pays a Rent of 60,000 l.
'yearly, and has the half of the Profits taken there,
'as also in that other Article will anon appear.

'To

(*c*) Thus far of this Quotation from the old *French* Record, with some Difficulty, we have made out pretty clear; but the rest of it is so mangled in the copying, thro' the Ignorance of Clerks, that it is quite unintelligible: And, as a considerable Part of Mr. *Selden*'s Speech is omitted in *Rushworth*, this Passage could not be supplied from thence.

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'To the *second*, That the Power of Deputation is, *ut melius et commodius exequi possit Officium suum*; and the Officers deputed by him are appointed to be *sub se necessarii, idonei et opportuni pro dicto Officio:* So that whatsoever is wanting in the safeguarding of the Seas, is his Default, while their Office is but the same with his, and at his Appointment.

'And there is no Doubt but that his Power of providing Supplies could not have been transferred to any Deputies; therefore therein his own Person was still necessary.

'The Nature of the Offence may be,

1. 'The Consequences that follow, by not guarding the Seas.

2. 'The Complaints of like Nature, and Punishment inflicted upon such Kind of Offences.'

'The Nature of the Offence by the Consequents.

1. 'The Losses already shewed.

2. 'The Prevention of Trade, which gives Life and Increase to the Wealth of the Kingdom.

3. 'The weakening of the Naval Strength; for whilst the Sea is so kept, and open Trade is safely exercised, the Naval Strength is increased; when not, that presently diminishes, the Merchants being so discouraged from their building Ships which they cannot use, *&c.*'

'In 1. *Ric.* 2. the Commons opened the two chief, and almost sole, Causes of the weakening of the Kingdom at that Time:

1. 'Neglect of Chivalry, or eminent Virtue not regarded nor rewarded.

2. 'The Decay of Trade, since the Navy was grown weak.'

'Besides all this, the Loss of the quiet Possession of so large a Territory, as the Seas of *England* and *Ireland*; by the free Use of which that antient Greatness and Glory of the Crown of *England* hath so constantly subsisted.

'The

'The Complaints of like Nature and Punishment inflicted.' An. 2. Charles I. 1626.

'This very Offence, and thus committed by a Lord Admiral made by Patent, is not found; therefore of the Case, every Way, we can have no just Example.'

'But amongst the Complaints against *Michael de la Pole*, Lord Chancellor; one is, That in 10. *Ric.* II. certain Subsidies were given *pro salvâ Custodia Maris* (as appears in the Roll) and the Money was spent otherwise; and the Seas left unguarded, whereby many Mischiefs had happened and were like to happen through Default of the said Chancellor *(d)*: But the Case being, that some other Lords of the Council had been particularly trusted by the Parliament, together with him, therefore the Lords thought it not fit that he should be impeached *par soi mesme sans les Compagnons*, &c.

'In the Bill of Articles of Misprisions and horrible Offences, against *William*, Duke, Marquis and Earl of *Suffolk*, one is, That whereas divers *Subsidies* and *Fifteens* were granted for the Safeguard of the Sea, he hath caused great Part of the Revenue to be employed to other Uses and Dispenses, not profitable to the King, or to the Defence of the Realm; and the Safe-guarding of the Sea he had not kept, to the great Impoverishing of the Realm. This Duke was Admiral; not in his own Right, but by reason of the Wardship of *Henry* Duke of *Exon*, who was a joint Patentee in the Office of his Father, and being in Ward to the Duke, the Duke exercised it for about three Years before. The rest of the Articles in that Bill is for no Offence of a greater Nature; and for these only, in this Bill, he was commanded by the King into Banishment *(e)*.

'The Punishment of such as have broke their Trust in their Offices, as Sheriffs or other Keepers of Prisons, upon Escapes, &c. might be mentioned:

(*d*) See Vol. I. p. 398. (*e*) Vol. II. p. 257, *et seq.*

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'tioned: A voluntary Escape of a Felon, Felony; 'a negligent Escape fineable, *&c.*

'But rather to the Examples of Parliament-'Law; that is either done in Parliament, or al-'lowed there for good Law: And the Lords pro-'tested, antiently, that they would proceed nei-'ther by Common Law, nor Civil Law, but by 'Law of Parliament.

'Nothing nearer the not Safe-guarding the Seas 'or losing the Possession or Use of it, being the 'antient Possession of the Crown, than the not 'Safe-guarding Towns, or Castles, or Forts by 'them to whom they were committed.

'*Edward* III. committed the Safe-guard of the 'Town of *Berwick* to the Lord *Greystock*, the 'King being in *France*; the Lord *Greystock* went 'thither to wait on him, and left a valiant Gentle-'man, *Robert de Ogle*, as his Lieutenant of the 'Town. While he was with the King, upon a 'fierce Assault made by those of *Scotland*, (where-'in yet the Lieutenant fought bravely, and he 'himself with two of his Sons died in the Place) 'the Town being lost, the Lord *Greystock* was ar-'raigned before *John* King of *Castile*, (*f*) and 'divers other Lords, who adjudged, That because 'he had *l'Empire de soulement garder mesme la Ville, 'sans partist de la sans Mandement de mesme le Roy*, 'and so the Town *fut perdue en Absence du dit 'Baron*, it was adjudged to have been lost in De-'fault of him, and thereupon Judgment was gi-'ven against him *de Vie et de Membre*, and that 'he should forfeit all his Estate.

'In the first of *Ric.* 2. the Commons desired 'that all such, as had lost any Castles by Default 'or without inevitable Compulsion, should be 'questioned before the Lords and them, and to be 'punished by Award *du Baronage*, &c.

'*William de Weston* is accused for losing the 'Castle of *Outbrewith* in *Normandy*, committed 'to him: He shews how it was often assaulted, 'that he sent home for Reinforcements to the 'Coun-

(*f*) *John of Gaunt*, Duke of *Lancaster*.

'Council; could have none; and desir'd it otherwise, but could have none; and that at length there was no considerable Number of Persons, nor any Colour of further Defence, and so by common Assent they were forced to render the said Castle for saving their Lives, *&c.* and that he had spent a great Part of his own Estate upon it also, and so was the Case in Truth. An. 2. Charles I. 1626.

'But as in the Parliament upon the Case of the Lord *Greystock*, so they resolved that in this also, because *William de Weston* had lost the Castle *sans nulle Duresse ou Defaults de Victuals, contre sa Ligeance*, &c. he should suffer Death, and be drawn and hang'd.

'Thence it was, that the Lords Appellants 11. *Ric.* II. conceived it was Treason in the Appellees, that they had taken no other Care of some Castles and Forts in *France* committed to them, but that the Possession of them were lost for want of safe-keeping them; but this was adjudged not to be Treason, though no Doubt can be but the Offence was very great.'

Then the fifth Article was read:

V. *Whereas about* Michaelmas *last past, a Ship called the* St. Peter *of* Newhaven, *(whereof* John Mallerau *was Master) laden with divers Goods, Merchandize, Monies, Jewels, and Commodities, to the Value of* 40,000 *l. or thereabouts, for the proper Account of Monsieur* de Villieurs, *the then Governor of* Newhaven, *and other Subjects of the* French *King, being in perfect Amity and League with our Sovereign Lord the King, was taken at Sea by some of the Ships of his Majesty's late Fleet, set forth under the Command of the said Duke, as well by Direction from him the said Duke as Great Admiral of* England, *as by the Authority of the extraordinary Commission which he then had for the Command of the said Fleet, and was by them, together with her said Goods and Lading, brought into the Port of* Plymouth, *as a Prize among many others, upon Probabilities that the said Ship or Goods belong'd to the*

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Subjects of the King of Spain: *And that divers Parcels of the said Goods and Lading were there taken out of the said Ship* St. Peter; *(that is to say)* 16 *Barrels of Cochineal,* 8 *Bags of Gold,* 23 *Bags of Silver,* 2 *Boxes of Pearl and Emeralds, a Chain of Gold, Jewels, Monies, and Commodities, to the Value of* 20,000 *l. or thereabouts; and by the said Duke were delivered into the private Custody of one* Gabriel Marsh, *Servant to the said Duke; and that the said Ship, with the Residue of her Goods and Lading, was from thence sent up into the River of* Thames, *and there detained; whereupon there was an Arrest at* Newhaven *in the Kingdom of* France, *on the 7th of* December *last, of two* English *Merchants Ships trading thither, as was alledged in certain Petitions exhibited by some* English *Merchants trading into* France, *to the Lords and others of his Majesty's most honourable Privy-Council; after which (that is to say) on the 28th of the said Month, his Majesty was pleased to order, with the Advice of his Privy-Council, That the said Ship and Goods, belonging to the Subjects of the* French *King, should be re-delivered to such as should re-claim them; and accordingly Intimation was given to his Majesty's Advocate in the Chief Court of Admiralty, by the Right Honourable Sir* John Cook, *Knt. one of his Majesty's principal Secretaries of State, for the freeing and discharging the said Ship and Goods in the said Court of Admiralty: And afterwards, that is to say, on the 26th of* January *last, it was decreed in the said Court by the Judge thereof, with the Consent of the said Advocate, That the said Ship with whatsoever Goods so seized on or taken in her, (except* 300 Mexico *Hides,* 16 *Sacks of Ginger, one Box of gilded Beads,* 5 *Sacks of Ginger more, mentioned in the said Decree) should be clearly released from further Detention, and delivered to the Master; and thereupon under Seal a Commission was in that Behalf duly sent out of the said Court to Sir* Allen Appesly, *Sir* John Wolstenholme, *and others, for the due Execution thereof: The said Duke, notwithstanding the said Order, Commission and Decree, detained still to his own*

Use

Use the said Gold, Silver, Pearls, Emeralds, Jewels, Monies, and Commodities, so taken out of the said Ship as aforesaid: And for his own singular Avail and Covetousness, on the 6th of February *last, having no Information of any new Proof, without any legal Proceeding, by colour of his said Office, unjustly caused the said Ship and Goods to be again arrested and detained, in public Violation and Contempt of the Laws and Justice of this Land, to the great Disturbance of Trade, and Prejudice of the Merchants.*

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Upon this Article Mr. *Selden* observ'd, 'That 'the Staying the Ship *St Peter* of *Newhaven*, and 'detaining great Part of her Lading, was against 'the Marine-Laws of *England*: And,

The fifth Article supported by Mr. Selden.

'That the second Staying and Detaining of the 'Goods was against the Common Law, against 'the Law of Merchants, and so, by consequence, 'of Nations; all which he was to observe.

'Against the Marine Laws of *England*.

'By the Marine Laws (agreeable to the Civil 'Laws) a Sentence, given for any Subject or other 'against the King, may upon new Proof be re-'voked; but not without new Proof.

'The Duke is made, by his Patent, a Judge of 'all Marine Cases, as well as a Keeper of the Sea; 'his Jurisdiction to be exercised *juxta Leges nostras* '*Civiles et Maritimas*; and accordingly to hear all 'Cases emergent, and to proceed *ex Officio, mere* '*mixto vel promoto, secundum Leges nostras Civiles* '*et Maritimas*.

'After Sentence given, the 26th of *January*, 'without any Pretence either then used or since 'offered, he commanded this Stay, without any 'kind of Proceeding according to those Laws.

'By 2 *Edward* III. *Cap.* 8. neither the Great 'Seal, nor Petit Seal, shall be obeyed in De-'nial of Common Right. And by 20 *Edward* III. '*Cap.* 1. That our Justices do Execution aright, and 'according to Law, (as far as in them lies) with-'out letting to do so for any Commandments or

An. 2. Charles I. 1626. ‘ Letters, which may come to them from the King, ‘ or from any other, or by any other Cause.

‘ Against the Law of Nations.

‘ Against what is agreed on by the League be- ‘ tween us and foreign Nations, that the Subjects ‘ of Nations in Amity with us shall be used and ‘ permitted without Molestation, for what Cause ‘ or Occasion soever, according to the Laws and ‘ Customs of the Places where they then shall be; ‘ and the Law of Merchants, to have *celerem Justitiam*. That there was not only bare Injustice ‘ to deny the just Execution of the Decree in the ‘ Admiralty; but also a detaining of the Goods ‘ to his own Use; and such delivering of them to ‘ his Servants (not being *bona peritura*) as that neither could he have any just Account of them, ‘ nor the Owners, nor the King, to whom of ‘ Right (being taken by his Command) they had ‘ belonged, if they had been *Spanish*, taken *Jure* ‘ *Belli*.

I. ‘ The Consequent of his Offence.
II. ‘ The Punishment given to those of the like Kind.

‘ The Consequent.

1. Great Damage done to our *English* Mer- ‘ chants, that have suffered by reason of it in foreign Parts, as they alledge.

‘ 2. Discouragement to the Merchants that are ‘ subject to the Marine Jurisdictions.

‘ 3. An Example that may serve hereafter to ‘ justify all absolute Authority in the Admiral, ‘ without Law or legal Course, over the Ships and ‘ Goods of all Merchants whatsoever, and so no ‘ Security to Merchants.

The Punishment given to Offences of this Nature.

‘ One of the Misprisions and horrible Offences ‘ against *William* Duke of *Suffolk* is, That whereas ‘ several

'several Writs of Appeal of Murther had been sued 'against *William Talbois* by divers Women, an 'Exigit upon one of them was directed to the 'Sheriff of *Lincolnshire*; but the Duke entreated 'the Sheriff not to execute it, and procured also 'a Letter from the King to that Purpose, and a 'Pardon to the Sheriff; and all this in express Sub-'version of the Laws.

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'And in the 3d *Edward* VI. in the Case of the 'Duke of *Somerset*, after many Particulars recited 'of the Offences, the taking to his own Use 'Goods piratically taken, and expressly against the 'Order determined by the Lord Protector and the 'whole Council, whereunto his own Hand had 'been, for the Restitution of them: (As this very 'Case is, where foreign Princes took Displeasure at 'their Subjects great Losses, and to the Peril of 'breaking the Leagues and Treaties of Amity be-'twixt the King's Majesty and the other foreign 'Princes, as their Ambassadors here have plainly 'declared) This was brought as a great Addi-'tion or Confirmation of the rest against him, to 'be Treason, and he by Act of Parliament was 'adjudged to be a Traitor.

Mr. *Selden* concluded thus:

'And so, my Lords, having gone through the 'Articles committed to my Charge, and having 'offered to your Lordships these Testimonies and 'Examples: By the same Command that I have 'spoken, I leave them all wholly to your Lordships 'Judgments.

The Earl of *Bridgewater* made his Report of Mr. *Glanville*'s Speech, at the Conference, in Manner following, *viz.*

My Lords, *The fourth Part of this Charge, which was delivered by a Gentleman of the House of Commons, falls to my Share; and because your Lordships may remember it took up much Time when he spoke before your Lordships, I will not waste more Time than needs I must, whilst I render unto you an Account*

An. 2. Charles I. 1626. *Account of that Charge which hath been, in this Business, imposed on me.*

In the Beginning of this Narration he told your Lordships, That he was to read some Things and to speak some Things; and I desire, as he did, that the sixth Article may be read.

The sixth Article was read accordingly:

VI. *Whereas the Honour, Wealth, and Strength of this Realm of* England *is much increased by the Traffick, chiefly, of such Merchants as employ and build great warlike Ships; a Consideration that should move all Counsellors of State, especially the Lord Admiral, to cherish and maintain such Merchants. The said Duke abusing the Lords of the Parliament, in the twenty-first Year of the late King* James, *of famous Memory, with Pretence of serving the State, did oppress the* East-India *Merchants, and extorted from them* 10,000 *l. in the subtil and unlawful Manner following*, viz.

About February, *in the Year aforesaid, he the said Duke, hearing some good Success that those Merchants had at* Ormus, *in the Parts beyond the Seas; by his Agents cunningly, in or about the Month aforesaid, in the same Year of the said late King, endeavoured to draw from them some great Sum of Money; which their Poverty, and little Gain by that Success at* Ormus, *made those Merchants absolutely to deny: Whereupon he the said Duke perceiving that the said Merchants were then setting forth, in the Course of their Trade, four Ships, and two Pinnaces, laden with Goods and Merchandize of very great Value, like to lose their Voyage if they should not speedily depart: The said Duke, on the 1st of* March *then following, in the said Year of the said late King, did move the Lords then assembled in the said Parliament, whether he should make Stay of any Ships which were then in the Ports, (as being High Admiral he might) and namely, those Ships prepared for the* East-India *Voyage, which were of great Burthen, and well furnished;*

nished; which Motion being approved by their Lordships, the Duke did stay those Ships accordingly: But the 5th of March *following, when the Deputy of that Company, with other of those Merchants, did make Suit to the said Duke for the Release of those Ships and Pinnaces; he the said Duke said, He had not been the Occasion of their staying, but that having heard the Motion with much Earnestness in the Lords House of Parliament, he could do no less than give the Order they had done; and therefore he willed them to set down the Reasons of their Suit, which he would acquaint the House withall; yet in the mean Time gave them Leave to let their said Ships and Pinnaces fall down as low as* Tilbury. *And the 10th of* March *following, an unusual joint Action was, by his Procurement, entred in the Chief Court of Admiralty, in the Name of the said late King and of the Lord Admiral, against them, for 15,000 l. taken piratically by some Captains of the said Merchant Ships, and pretended to be in the Hands of the* East-India *Company; and thereupon the King's Advocate, in the Name of Advocate for the late King and the said Lord Admiral, moved and obtained one Attachment, which, by the Sergeant of the said Court of Admiralty, was served on the said Merchants in their Court, the 16th of* March *following: Whereupon the said Merchants, though there was no Cause for their Molestation by the Lord Admiral, yet the next Day they were urged in the said Court of Admiralty to bring in the 15,000 l. or go to Prison. Wherefore immediately the Company of the said Merchants did again send the Deputy aforesaid, and some others, to make new Suit unto the said Duke, for the Release of the said Ships and Pinnaces; who unjustly endeavouring to extort Money from the said Merchants, protested, That the Ships should not go, except they compounded with him; and when they urged many more Reasons for the Release of the said Ships and Pinnaces, the Answer of the said Duke was, That the then Parliament must first be moved. The said Merchants therefore being in this Perplexity, and in their Consultation, the 23d of that Month, even ready to give*

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over

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over that Trade, yet considering that they should lose more than was demanded by unlading their Ships, besides their Voyage, they resolved to give the said Duke 10,000 *l. for his unjust Demands. And he the said Duke, by the undue Means aforesaid, and under colour of his Office, and upon false Pretence of Rights, unjustly did exact and extort from the said Merchants the* 10,000 *l. and received the same about the 28th of* April *following the Discharge of those Ships, which were not released by him, till they the said Merchants had yielded to give him the said Duke the* 10,000 *l. for the said Release, and for the false Pretence of Rights made by the said Duke, as aforesaid.*

And then his Lordship proceeded with his Report thus:

The Gentleman divided the Charge into two Parts, 1. *The* East-India *Company, for which he read the sixth Article.* 2. *The* French Rochelle *Business for the Ships; and because the seventh and eighth Articles concern that, he reserved the Reading of them, till he came to the second Part. He open'd the Matter thus:*

My Lords,

Mr. Glanville opens the sixth Article with a particular Narrative in Proof thereof.

'IN the Impeachment against the great Duke of *Buckingham*, I am commanded by the 'Commons in Parliament, to bear a Part of no 'small Importance. The Articles allotted to my 'Charge I shall treat as briefly and clearly as I can: 'But first beg Leave to read the following Narrative.

The SUBSTANCE *of the* COMMONS EVIDENCE *against the Duke of* BUCKINGHAM, *touching the* 10,000 *l. unlawfully exacted and extorted of the* EAST INDIA COMPANY, *by colour of his Office of Lord Admiral of* England.

'IN a Treaty, the 18th of *August*, 1604, be'twixt the King of *Great Britain*, &c. and '*Philip* III. King of *Spain*, it was agreed, that 'there

'there ſhould be perfect Amity and Peace to endure for ever by Land, Sea, and freſh Waters, 'between them, their Heirs, and Succeſſors, their 'Dominions, Liegemen, and Subjects, then being 'or which ſhould be; and that each Party ſhould 'then after abſtain from all Depredations, Offences, 'and Spoils, by Sea and Land, and freſh Waters, 'in whatſoever Dominions or Governments of 'the other, and ſhould cauſe Reſtitution to be made 'of all Depredations which then after ſhould be 'committed, and the Damages growing by Means 'thereof; and that the ſaid Kings ſhall take Care 'that their Subjects ſhould, from henceforth, abſtain from all Force and wrong doing; and that 'they likewiſe ſhall revoke all Commiſſions and 'Letters Patent, or Reprizal, or Mart, or otherwiſe containing Licence to take Prizes, all which 'are declared by the ſaid Treaty to be void; and 'that whoſoever ſhould do any Thing contrary 'ſhould be puniſhed, not only criminally, according 'to the Merit of his Offence; but ſhould alſo be 'compelled to make Reſtitution and Satisfaction, 'for the Loſſes, to the Party damnified requiring 'the ſame.

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'And that between them, and every of their 'Subjects, there might be free Commerce in all 'their Dominions by Sea, Land, and freſh Waters, 'in which, before the Wars, there hath been Commerce; like and according to the Uſe and Obſervance of the antient Leagues and Treaties before 'the War, *&c.* the Cuſtoms, as they were at that 'preſent rated according to the Ordinances of the 'Places, being paid.

'The late King *James* did, by his Letters Patent, dated *Sept.* 14. *Anno Reg.* 13. grant and 'confirm to the ſaid Company, in caſe they be 'juſtly provoked or driven thereunto, in Defence 'of their Perſons, Goods, or Ships, by any Diſturbance or Hindrance in their quiet Courſe of 'Trade, or for Recompence or Recovery of their 'Perſons, Ships, or Goods, of any of his Majeſty's 'Subjects that had been already in or near the *Eaſt*

'*Indies*

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'*Indies*, or for any other just Cause of their Defence, or Recompence for Losses sustained; that then the Captain, or principal Commanders of the said Companies, or any other under their Government, should, or might, attempt, surprize, and take the Persons, Ships, and Goods, of any Prince or State, by whose Subjects they should sustain any Wrong or Loss in Manner aforesaid, as by the said Letters Patent appeareth.

'Under Pretext that the said Treaty was broken, there was some Interruption and Violence offered, by the King of *Spain*'s Subjects in some Parts of the *East Indies*, to the Merchants of our *East India* Company trading into those Parts, whereby they were much damnified; and thereupon suspecting that it would be in vain to complain for Redress in an ordinary Course of Justice in the *East Indies*, or in default thereof to return into *Spain* to make Complaint to that Purpose, where nothing was likely to be done till they had sent from thence again into the *East Indies*, and received an Answer; and after all this, upon Denial of Justice in *Spain*, to come into this Kingdom for Letters of Request, without which, in ordinary Course, they should not use Reprizal, and many Years would be spent before they could come to have an End of those Suits. It is true, that thereupon, partly in their Defence, and partly for Amends, and partly for Revenge, they did, by Pretext of the said Letters Patent, take some Goods of the *Portuguese* in the *East Indies*, Subjects of the King of *Spain*; and afterwards, being commanded by the King of *Persia* to transport certain Forces of his into *Ormus*, an Island situated in the Gulph of *Persia*, some Goods of the *Portuguese*, Subjects to the King of *Spain*, were there taken by Capt. *Blyth*, Capt. *Wedel*, and others of their Company, being Servants, and in Pay under the *East India* Company.

'In *July* 1623, two Ships, called the *Lion* and the *Jonas*, being Part of a Fleet belonging to the said

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'Company, returned to *Ormus* aforesaid, out of an *East India* Voyage, and arrived in the *Downs*, 'richly laden with Goods and Merchandize law-'fully belonging to the said Company, of the Va-'lue of 100,000 l. The Duke of *Buckingham*, in 'or about *October*, 1623, being advertised thereof, 'and thinking it a fit Subject for him to exact and 'extort some great Sum of Money from the said 'Company, out of the Profits of the Ships and 'their Loading, by Colour of the said Office of 'Lord Admiral of *England*; and, out of his Power 'and Greatness, his Office being used for a Ground-'work of his Design therein, did pretend, that the 'Loading of the said Ships was for the most part of 'Goods piratically taken at Sea by the said Ships, 'in Parts about *Ormus* aforesaid, and that a tenth 'Part, or some other great Share thereof, did be-'long to him, in right of his said Office of Lord 'Great Admiral of *England*, and by virtue of his 'Letters Patent and Grants from his late Majesty 'in that Behalf; alledging withall, howsoever the 'said Company might peradventure answer the 'Matter, yet there would or might be strong Op-'position against them; and in the Months of '*November*, *December*, *January*, and *February*, 'then next following, had divers Treaties, by him-'self and his Agents, with the then Governors and 'others of the said Company, for the effecting of 'his said Designs; wherein he still unlawfully pre-'tended that a tenth Part, or some other great 'Shares out of the Loading of the said Ships, be-'longed unto him; albeit the said Company, upon 'right Information of their Case to their Counsel, 'both Civilians and common Lawyers, were ad-'vised, that there did no Tenths, nor any such 'Shares belong to the said Duke, as he pretended.

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'And whereas the said Duke, finding that he 'could not prevail to get his Ends by any fair 'Course, and well knowing that the said Com-'pany had then four Ships, called the *Great James*, 'the *Jonas*, the *Star*, and the *Eagle*, and two Pin-

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'naces, called the *Spy* and the *Scout*, (the said Ships 'and Pinnaces, with their Victuals, Stores and 'Ordnance, being of the Value of 54,000 l. and 'more, loaden with Cloth, Lead, and other Mer-'chandize in them to the Value of 20,000 l. and 'more, and about 30,000 l. in Reyals of *Spanish* 'Money, in all 100,000 l. and more,) which were 'well near ready to set Sail for a Voyage into the '*East Indies*, by the first Day of *March*, in the '21st Year of his late Majesty's Reign: And also 'well knowing how great an Hindrance it would 'be to the said Company, if the said Ships and 'Pinnaces should be staid for any long Time, the 'rather in regard that if they did not set Sail about 'that Time of the Year, and within few Days 'after, then by reason of the Course of Winds, 'called the *Monsoons*, which were constant six 'Months Easterly and six Months Westerly every 'Year, in the Parts of *Africa*, about the Cape of '*Bona Speranza*; of which Winds the said Ships 'were to make their Use in the usual and due 'Time in their said Voyage, or else utterly to lose 'their Voyage, for the Opportunity and Season of 'those Winds, by the Course of the Year, would 'have been spent before the Ships and Pinnaces 'could have come to the Place where they should 'have made Use of them, had they stayed but a 'while longer from setting forth out of *England* in 'a Voyage for the *East Indies*, the Middle of '*March*, and not beyond the 20th of that Month, 'being the ordinary and best Time to set forth 'from *England* in such a Voyage.

'The Duke, upon the said first Day of *March*, '1623, to effect his Designs upon the said Company, 'and intending to get that by Circumvention and 'Surprize which he could not do legally, both 'Houses of Parliament must be used for Colour; 'and thereupon he did, that Day, put the Lords in 'mind touching the great Business likely to ensue 'upon the Dissolution of the then Treaties with '*Spain*; and that a speedy Resolution thereof was 'ne-

'necessarily required, for that the Enemy would 'pretermit no Time; and if we should lose the 'Benefit of that Spring, he said, it would be irre-'vocable; and thereupon he took Occasion to 'move that House, whether he should make any 'Stay of any Shipping which were then in the 'Ports, (as being High Admiral he might) and 'namely the said Ships which were prepared for the '*East India* Voyage, which were of great Burden, 'well furnished, and fit to guard our own Coasts; 'which Motion was generally approved by the 'whole House, they knowing nothing of the Duke's 'secret Designs or private Intentions: And the same 'Day a Motion was made, amongst the Commons 'in Parliament, to the same Effect, by Sir *Edward* '*Seymour*, the Duke's Vice-Admiral in the County 'of *Devon*; which, in respect of the Time when, 'and the Person by whom it was propounded, is very 'suspicious that it moved all from one Spirit, and 'that he was set on by the Duke, and is fit to be 'examined into. By Colour of this Order of the 'House of Lords in Parliament, the Duke caused 'Stay to be made of the said Ships and Pinnaces; 'Howbeit, notwithstanding all the Occasion then 'pretended for the Defence of the Realm, we find 'not any other Ships stayed at this Time.

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'On the 5th of *March*, 1623, the *East India* 'Company sent to the Duke for a Releasement of 'the said Ships and Pinnaces; whereunto the 'Duke replied, That he had not been the Cause of 'their Stay, but having heard the Motion in the 'House of Lords, he could do no less than order 'as they had done; yet told them withall, that he 'had something in his Pocket that would do them 'good, and willed them to set down what Reasons 'they could for their Suit, and he would acquaint 'the House therewith.

'Nevertheless, about this Time, he presumed 'of himself, at *Theobald*'s, to give Leave for the 'said Ships and Pinnaces to fall down as far as '*Tilbury*, there to attend such further Directions 'as should be given unto them, with Leave so to

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'signify by Word of Mouth, to the Sergeant of 'the Admiralty; for that the Duke had then no 'Secretary with him.

'On the 10th of *March*, 1623, being out of the 'usual Terms, Dr. *Ryves*, as Advocate for the 'King and the Lord Admiral, made an Allega-'tion in the Admiralty, That it appeared, by Ex-'aminations there taken, that 15,000 l. and more, 'piratically taken by the said Captains *Blyth* and '*Wedel*, and Accomplices, upon the Seas near *Or-'mus*, and in other Parts within the Jurisdictions 'of the Admiralty, was come to the Possession of 'the Treasurers of the *East India* Company, and 'remained in their Hands; and prayed it might be 'attached, and the said Treasurers admonished 'to appear the *Wednesday* then next following, and 'then to bring in the said 15,000 l. to remain in 'Deposites with the Register of that Court.

'The same 10th of *March* a Warrant issued 'accordingly, directed to the Marshal of the said 'Court; and upon the said next *Wednesday*, the '17th of *March*, the said Warrant was returned 'by the said Marshal, the Day before he had at-'tached the said Monies in the Hands of Mr *Stone*, 'then present in the Court, and had admonished 'him and Mr. *Abbot* the Deputy, and divers others 'then present, to bring in the same.

'Upon the same *Wednesday* also, Mr. *Stone*, 'and all that had Interest in the Money, were 'prayed by the Advocate that they might be pro-'nounced as in Contumacy, and therefore to be 'arrested and detained untill the 15,000 l. were 'brought into the Register.

'Hereupon Sentence of Contumacy was pro-'nounced, but the Pain respited 'till *Friday* follow-'ing, upon which, the 17th of *March*, 1623, 'Mr. *Stone*, Mr. *Abdy*, Mr. *Brown*, and Mr. *Bo-'nest*, Officers of the said Company, informed the 'Court how their Governor was lately dead, and 'buried but a Day; that, upon *Thursday* next 'following, they had appointed a Court for Elec-

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'tion of a new Governor, and untill then they could resolve of nothing, and desired a further Respite: The Advocate did again earnestly press their Imprisonment, but the Judges took Time to advise on it. An. 2. Charles I. 1626.

'The Company finding by these Courses the Drift of the Duke, and considering his Greatness and Power, and withall observing what a Streight they were cast into by reason of the Stay of their Ships; which, if it were much longer, would lose their Voyage, and the very unloading of them would endamage them to the Value of the Sum exacted; and being told that the Eye of the State was upon this Business, and that it would light heavy upon them; and hearing the Duke protest their Ships should not go, except they compounded with him; and finding that he made Difficulty of releasing their Ships, by saying, *The Parliament must be moved e'er they could be discharged*, albeit the Wind were now fair for them; and making Overture of some colourable Ground of Composition, by offering to grant Letters of Mart to the said Company for the future against the Subjects of the King of *Spain*, while yet the Peace or Treaties between his late Majesty and the King of *Spain* were not broken or dissolved; the said Company was drawn to make Offer of 6000l. to the said Duke, which was rejected as a base Offer; and the Time pressing them on very hard, some Consultations were had amongst them, whether it were better for them to make use of a Clause in their Patent, allowing them three Years to draw home their Estates, and so to let their Company die or be dissolved, or else to yield to the Duke's Desires; yet in Conclusion they were drawn, and in some sort enforced, to offer him 10,000l. for their Peace, if it would serve, which Offer was made unto him accordingly, and at first he would not accept it: Howbeit about the 23d of *March*, 1623, they agreed to give him 10,000l. which he accepted; and forthwith, without moving the

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'Lords of Parliament, or acquainting them therewith, he released their Ships and gave them Leave to depart on their Voyage, which they accordingly did, setting sail the 27th Day of the same Month from the *Downs*: And afterwards upon the 5th of *April*, 1624, the Duke signified unto the Lords House of Parliament, that his Majesty, at the humble Petition of the *East-India* Merchants, had commanded him to discharge those *East-India* Ships which he had once stayed according to the Order of this House, made the said first Day of *March* then last past; and moved that the said Order might be countermanded, and thereupon it was ordered that the Clerk of that House should cross the said Order, of the first of *March*, out of his Book, which was done accordingly; and afterwards the said 10,000 l. was paid unto the Duke, which he received and accepted accordingly; and, upon the 28th of *April* aforesaid, suffered, colourably, a Sentence in the Admiralty, to be given against him for their Discharge, in such Sort as by the same Sentence it appeareth; and, for a further Colour, sealed and delivered unto the said Company a Deed of Acquittance and Release of the said 10,000 l. and of all his pretended Rights against them, as by the Deed thereof also appeareth.

'And whereas it may be imagined by some Misconceit, that out of this an Aspersion may be laid upon his late Majesty, in regard the Duke was pleased to say in the Conference between both Houses, the 18th of *March* last, That the said King had 10,000 l. of the said Company, by occasion of this Business: The House of Commons have been very careful in their Proceedings in this, as in all other Things they have and ever shall be, to do nothing which may reflect upon the Honour of their Kings: And, in this Particular, by that which hath been here at first declared of the Manner and Occasion of the said Goods and Monies taken from the said *Portuguexe*, and receiving the same as aforesaid,

'while

'while the said Peace was continuing, and the 'said Treaties indissolved; it appeareth that it 'had not been safe for the said Company to stand 'out a Suit concerning that Business, wherein 'they might have need of his Majesty's Mercy 'and Pardon; but it was both safe and good for 'them to give 10,000 l. and it well stood with 'his late Majesty's Honour, for that Sum to grant 'them a Pardon; which he did, to their great 'Contentment and Satisfaction; and yet we find, 'that this 10,000 l. also was paid into the Hands of 'Mr. *Oliver*, the Duke's Servant, but find not any 'Record, by which it doth appear unto us, that 'ever it came unto his late Majesty's Use. And 'it is observable in this Case, that the Oppression fell upon the same Company shortly after 'the great Affliction which happened unto some 'of them at *Amboyna*, in the *East Indies*, by 'means of the *Dutch*; which might have moved 'a Noble Mind rather to pity than to punish the 'Company, after such a Distress so lately suffered.

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'Having now finished the Narrative Part belonging to this Charge, I shall observe unto your 'Lordships upon the whole Matter, the Nature of 'the Duke's Offences by this Article complained 'of, and what Punishment it may deserve.

Then Mr. Glanville *inforced the Charge by Reasons and Precedents, as follows:*

My Lords,

'UPon this whole Case, it is easy to see wherein 'the Duke's Faults consist; and that it is extorting 10,000 l. as for a Composition for Right 'where he hath none, making his Pretence therein 'but a Ground or Colour to exact and extort 'upon; for, if his Right had been good, it would, 'peradventure, have been a fair Composition, but, 'his Pretence falling away, it was a naked Bribe, 'or unjust Extortion; for if Way should be given 'to take Money by colour of Releases of pretended 'Rights, Men, great in Power and in Evil, would

Mr. Glanville's Speech in support of the sixth Article.

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'never want Means to extort upon the meaner 'Sort at their Pleasures, with Impunity.

'It remains therefore, that I should prove unto 'your Lordships only two Things: First, That 'a Pretence of Right by the Duke, if he had none, 'will not excuse him in this Case; and, in the next 'Place, to shew, by Reason and good Warrant, 'that he had, in Law, no Right at all to release. 'And this will appear by two notable Precedents of 'Judgments in Parliament; the one ancient in '10 *Ric.* II. where the Earl of *Suffolk* (*g*) being 'impeached by Articles from the Commons, and 'amongst the rest by the fifth Article, charged that 'he would not give Livery to the chief Master of 'St. *Anthony*, of the Profit pertaining to that Order, 'untill he had given 3000 l. Security to pay 100 l. '*per Ann.* to him and *John* his Son, for their Lives; 'the Earl set forth a pretended Title, in his Son, 'to the chief Mastership of that Order, and 'that he took the 100 l. *per Ann.* for Composi-'tion for his Son's Right; which proving but a 'Colour, the Earl was sentenced and punished 'greatly for this Offence, amongst others, as by the 'Record appeareth.

'The other Precedent is more modern, in the 'Case of the Earl of *Middlesex* (*h*), late Lord 'Treasurer of *England*, who was charged by the 'Commons in Parliament for taking 500 l. of the 'Farmers of the Great Customs, as a Bribe for 'allowing of that Security for Payment of their 'Farm-Rent to the King, which, without such 'Reward of 500 l. he had formerly refused to al-'low of. The Earl pleaded for himself, That he had 'not only that 500 l. but 500 l. more, in all 1000 l. 'of the said Farmers, for a Release of his Claim to 'Four two-and-thirty Parts in the said Farm; but, 'upon the Proof, it appearing the said Earl had not 'any Parts of that Farm, as he pretended, it was the '13th of *May*, 22. *Jac.* judged by your Lordships 'in Parliament (which I think is yet fresh in your 'Memories) that the Earl for this, amongst other 'Things,

(*g*) See Vol. I. p. 399. (*h*) Vol. VI p. 141, & *seq.*

'Things, should undergo many grievous Censures; 'as by the Records of your Lordships House appears. An. 2. Charles I. 1626.

'It remaineth now to prove, that the Duke of 'Buckingham had no Title to any Part of the 'Goods by him claimed against the East-India 'Company; which is very manifest, if his Lord-'ship's Pretence by his own Allegations in the Ad-'miralty were true, that the said Goods were pira-'tically taken: For of such Goods it is very clear, 'by Reason and Authority, that no Part or Share 'is due to the Lord Admiral, in right of his Office 'or otherwise.

'First, for that the Parties, from whom the same 'are taken, ought to have entire Restitution; and 'it were an Injury to the Intercourse of Nations, 'if the contrary should be any way tolerated.

'Secondly, by Law, for so are the Statutes 'of this Kingdom, and more especially in 27. 'Edw. III. Cap. 13. whereby it was provided, that 'if any Merchant, Privy or Stranger, be robbed 'of his Goods upon the Sea, and the same came 'afterwards into this Realm; the Owner shall be 'received to prove such Goods to be his, and upon 'Proof thereof shall have the same restored to him 'again.

'Likewise in 2. and 3. Edw. VI. Cap. 18. in 'the Act of Parliament touching Sir Thomas Sey-'mour, Knt. Great Admiral of England, who 'therein, amongst divers other Things, is charged 'with this, That he had taken to his own Use 'the Goods piratically taken against Law, where-'by he moved almost all Christian Princes to con-'ceive a Grudge and Displeasure, and by open 'Wars to seek Remedy by their own Hands; and 'thereupon for this, amongst other Things, he 'was attainted of High Treason, as appeareth by 'that Act wherein the Law is so declared to be as 'before is expressed.

'But if it should be granted that the Duke had 'a Right in this Case, yet the Manner of his seek-'ing to try the same is clearly unlawful, in making 'the Parliament a Colour to obtain his private

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'Ends; and in his Proceeding to arrest and stay 'the Ships of Men not apt to fly, but that were 'well able to answer and satisfy any just Suits 'which he might have against them, though their 'Ships had gone on in their Voyage: In prosecut-'ing Things so unseasonably, and urging them so 'extremely, by his Advocate, for bringing in of so 'great a Sum of Money on the sudden, and for-'mally, under Colour of Justice and Service of the 'State: In reducing that Company to that Strait 'and Necessity, that it was as good for them to 'compound, though the Duke had no Title; as to 'defend their own just Right against him upon 'those Disadvantages, which, by his Power and 'Industry, he had put upon them.

'Now for the *French* and *Rochelle* Business, I 'desire that the seventh and eighth Articles may be 'read, which was done accordingly.

VII. *Whereas the Ships of our Sovereign Lord the King, and of his Kingdoms aforesaid, are the principal Strength and Defence of the said Kingdoms; and ought therefore to be always preserved, and safely kept, under the Command, and for the Service, of our Sovereign Lord the King, no less than any the Fortresses and Castles of the said Kingdoms: And whereas no Subject of this Realm ought to be dispossessed of any his Goods or Chattels without Order of Justice, or his own Consent first duly had and obtained: The said Duke, being Great Admiral of* England, *Governor-General and Keeper of the said Ships and Seas, and who therefore ought to have and take a special and continual Care and Diligence how to preserve the same; did nevertheless, in or about the End of* July *last, in the first Year of our Sovereign Lord the King, under Colour of the said Office of Great Admiral of* England, *and by indirect and subtile Means and Practices, procure one of the principal Ships of his Majesty's Navy-Royal, called the* Vantguard, *then under the Command of Capt.* John Pennington, *and six other Merchant Ships of great Bur-*

Burthen and Value, belonging to several Persons inhabiting in London, *the natural Subjects of his Majesty, to be conveyed over, with all their Ordnance, Munition, Tackle and Apparel, into the Ports of the Kingdom of* France; *to the end that, being there, they might the more easily be put into the Hands of the* French *King, his Ministers and Subjects, and taken into their Possession, Command and Power: And accordingly the said Duke, by his Ministers and Agents, with Menaces, and other ill Means and Practices, did there, without Order of Justice, and without the Consent of the said Masters and Owners, unduly compel and enforce the said Masters and Owners of the said six Merchant-Ships, to deliver the said Ships into the said Possession, Command and Power of the said* French *King, his Ministers and Subjects: And by reason of his Compulsion, and under the Pretext of his Power as aforesaid, and by his indirect Practices as aforesaid, the said Ships aforesaid, as well the said Ship Royal of his Majesty, as the others belonging to the said Merchants, were there delivered into the Hands and Command of the said* French *King, his Ministers and Subjects, without either sufficient Security or Assurance for Re-delivery, or other necessary Caution in that Behalf taken and provided, either by the said Duke himself, or otherwise by his Direction; contrary to the Duty of the said Offices of Great Admiral, Governor-General, and Keeper of the said Ships and Seas, and to the Faith and Trust in that Behalf reposed, and contrary to the Duty which he oweth to our Sovereign Lord the King in his Place of Privy-Counsellor; to the apparent weakening of the Naval Strength of this Kingdom, to the great Loss and Prejudice of the said Merchants, and against the Liberty of those Subjects of our Sovereign Lord the King that are under the Jurisdiction of the Admiralty.*

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VIII. *The said Duke, contrary to the Purpose of our Sovereign Lord the King, and his Majesty's known Zeal for the Maintenance and Advancement of the true Religion established in the Church of* England, *know-*

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knowing that the said Ships were intended to be employed by the said French *King against those of the same Religion at* Rochelle, *and elsewhere, in the Kingdom of* France, *did procure the said Ship Royal, and compel, as aforesaid, the said six other Ships to be delivered unto the said* French *King, his Ministers and Subjects, as aforesaid; to the End the said Ships might be used and employed, by the said* French *King, in his intended War against those of the said Religion in the said Town of* Rochelle, *and elsewhere within the Kingdom of* France: *And the said Ships were, and have been since, so used and employed by the said* French *King, his Ministers and Subjects, against them. And this the said Duke did, as aforesaid, in great and most apparent Prejudice of the said Religion, contrary to the Purpose and Intention of our Sovereign Lord the King, and against his Duty in that Behalf, being sworn Counsellor to his Majesty, and to the great Scandal and Dishonour of this Nation. And notwithstanding the Delivery of the said Ships by his Procurement and Compulsion, as aforesaid, to be employed, as aforesaid, the said Duke, in cunning and cautelous Manner, to mask his ill Intentions, did, at the Parliament held at* Oxford *in* August *last, before the Committee of both Houses of Parliament, intimate and declare, that the said Ships were not, nor should they be so used and employed against those of the said Religion, as aforesaid; in contempt of our Sovereign Lord the King, and in Abuse of the said Houses of Parliament, and in Violation of that Truth which every Man should profess.*

Then Mr. *Glanville* read the following Narrative.

The COMMONS EVIDENCE *against the Duke of* BUCKINGHAM, *touching the* SHIPS *which were put into the* Power *and* Service *of the* FRENCH, *and employed afterwards* against *the* ROCHELLERS.

Mr. Glanville reads a Narrative to prove the Seventh and Eighth Articles.

'IN or about the 22d Year of our late Sovereign Lord King *James*, of famous Memory, there being then a Treaty between our said late Sovereign

'reign and the *French* King, for a Marriage to be had between our then Prince and now King, and the *French* King's Sister, our now Queen, and for entering into an active War against the King of *Spain* and his Allies, in *Italy* and the *Valtoline*: Our said late Sovereign passed some Promises to the *French* King's Ambassador here, the Marquis *D'Effiat*, for the procuring or lending some Ships to be employed by the *French* in that Service upon reasonable Condition; but without Intent that they should be employed against the *Rochellers* or any others of our Religion in *France*; for it was pretended by the *French* King's Ministers to our King, that the said Ships should be employ'd particularly against *Genoa* and not otherwise: But afterwards, some Matters of Suspicion breaking forth from those of our Religion in *France*, that the Design for *Italy* was but a Pretence to make the Body of an Army to fall upon the *Rochellers* and others of our Religion in that Kingdom; the King grew so gracious in his Conditions, that as he would perform his Promise to send his Ships, so to preserve those of our Religion, he contracted or gave Directions that the greater Part of the Men in the same Ships should be *English*, whereby the Power of them should be ever in his Hands: And the Duke of *Buckingham*, then and yet Lord Great Admiral of *England*, well knowing all this to be true, pretended he was and would be very careful and proceed with Art, to keep the Ships in the Hands of our King and upon our own Coasts; and yet nevertheless, underhand, he unduly intended, practised, and endeavoured the contrary: For afterwards, by his Direction and Procurement in or about the 22d Year aforesaid, a Ship of his Majesty's, called the *Vantguard*, being one of his Majesty's Royal Navy, was allotted and appointed to be made ready for the Service of the *French* King; and seven Merchant-Ships, of great Burthen and Strength, belonging to several Persons the natu-

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'ral Subjects of our said late Sovereign Lord, were 'impressed; as for the Service of his said late Ma'jesty, and willed to make themselves ready ac'cordingly.

The Names and Tonnage of the said seven Merchant Ships were as followeth, *viz.*

1. 'The *Great Neptune*, whereof Sir *Ferdinan*'*do Gorges* was Captain, 500 Tons Burthen.

2. 'The *Industry*, of 450 Tons, whereof *James* '*Mowyer* was Captain.

3. 'The *Pearl*, of 450 Tons, whereof *Anthony* '*Tench* was Captain.

4. 'The *Marygold*, of 300 Tons, whereof '*Thomas Davies* was Captain.

5. 'The *Loyalty*, of 300 Tons, whereof *Jas*'*per Dare* was Captain.

6. 'The *Peter and John*, of 350 Tons, where'of *John Davies* was Captain.

7. 'The *Gift-of-God*, of 300 Tons, whereof '*Humphrey Lewen* was Captain.'

'Also about the same Time a Contract was 'made, by and between Sir *John Cook* and other 'the Commissioners of his Majesty's Navy, as on 'the Behalf of his Majesty, for his said Ship the '*Vantguard*; and on the Behalf of the Captains, 'Masters and Owners of the said seven Merchant 'Ships (but without their Privity or Directions) for 'the *French* King's Service; upon Conditions pre'tended to be safe and reasonable for our King, this 'Realm and State, as also for the said Captains, 'Masters and Owners of the said seven Mer'chant Ships, and for their Companies.

'For Sir *John Cook* drew the Instructions for the 'Direction of the said Contract, which Instruc'tions passed, and were allowed by the King and 'such of the Council as were made acquainted 'with and used in this Business: In which Instruc'tions, as Sir *John Cook* hath since alledged in the 'House of Commons, there was Care taken for

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'Provision to be made that the Ship of his Majesty, called the *Vantguard*, should not serve against the City and Inhabitants of *Rochelle*, or those of our Religion in *France*; nor take into her more Men of the *French* than she could, from Time to Time, be well able to command and master; but whether the Instructions for the said Merchant Ships and King's Ships were all one, is not yet clear'd unto the Commons; howbeit, it appeareth not but that the Intent of our King and State was to be alike careful for both. An. 2. Charles I. 1626.

'Nevertheless a Form of Articles, dated the 25th of *March* in the 23d Year of his said late Majesty's Reign, was prepared, engrossed, and made ready to be sealed, without the Knowledge of the Captains, Masters, and Owners of the said Merchant-Ships; between the said Marquis *D'Effiat* the Ambassador, of the one Part, and the several Owners of the said Merchant-Ships respectively on the other Part, *viz.* A several Writing or Instrument for every of the said Ships respectively, whereby amongst other Things, as by the same appeareth, it was covenanted and agreed by and on the Part and Behalf of the said Owners, to and with the Marquis *D'Effiat* to this Effect, namely,

'1. That their said several Ships respectively, with a certain Number of Men limited for every of them, with Ordnance, Munition, and other Necessaries, should be ready for the *French* King's Service by the 13th Day of *April*, then next following.

'2. That they should go in that Service under a *French* General, to be as Captain in every of the said Merchant-Ships respectively, at the Appointment of the *French* King or his Ambassador.

'3. That they should serve the *French* King against any whatsoever, but the King of *Great Britain*.

'4. That they should take in as many Soldiers into their several Ships as they could stow or carry, besides their Victual and Apparel, *&c.*

'5. That

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'5. That they should continue six Months or 'longer, in the Service, so the whole Time did 'not exceed eighteen Months.

'6. To permit the *French* to have absolute 'Command of their Ships for Fights and Voyages.

'And it was thereby amongst other Things co-'venanted and agreed, by and on the Part and Be-'half of the said Marquis *D'Effiat*, as for and 'on the Part of the *French* King, amongst other 'Things, to this Effect:

'1. That there should be paid to the said Own-'ers a Month's Freight, in Hand, after the Rate 'agreed on; and Freight for two Months more 'after the same Rate, within fifteen Days after the 'Date of the Articles, the Computation of the 'Months to begin from the said 28th of the same *March*.

'2. That the Ships should be re-delivered unto 'a certain Form prescribed, at the End of the Ser-'vice.

'When all Things were in a Readiness for Cir-'cumvention and Surprisal of the Owners of the 'Merchant-Ships, then, and not before, they were 'suddenly pressed to seal the Counterparts of the 'said prepared Articles; and they were, about the 'same Time, released and discharged from the Im-'prest of his Majesty's Service, and made ac-'quainted with the Design to serve the *French* 'King; the said three Months Pay being offered, 'and afterwards paid unto them afore-hand, as a 'Bait to draw in and entangle them in the Busi-'ness.

'Nevertheless, the Captains and Owners of the 'said Merchant-Ships doubted upon some Points, '*viz.* 1. Against whom they should be employed. '2. What foreign Power they should be bound to 'take into their Ships. And, 3. What sufficient 'Security they should have for their Freight and 'Re-delivery of their Ships.

'But there were private Instructions given to 'Capt. *John Pennington*, of the King's Ship the

'*Vant-*

'*Vant-guard*, as for him and the whole Fleet, that he should observe the first Instructions, *viz.* Not to serve against those of our Religion; and to take into his Ship no more *Frenchmen* than he could master. An. 2. Charles I, 1626.

'The Pretence for *Genoa*, and this private Instruction to *Pennington*, were a further Artifice to trail the Ships into *France*, and to conceal the breaking forth of the Matter here in *England*; and, the more to endear and confirm them in an Opinion of right Intention, they were commanded to conceal these private Instructions, as if the Duke and his Agents had trusted them more than the Ambassador.

'By these and other like cunning and undue Proceedings of the Duke, the said Marqus *D'Effiat* sealed the one Part, and the Owners of the Merchant Ships respectively sealed the other Part of the said prepared Articles; trusting that they should not be bound to the strict Performance thereof, by reason of the said private Instructions to the contrary.

'After passing of these Articles, the said Ships being formally ready, the said Duke the 8th of *May*, 1625, issued a Warrant under Seal to call the Companies on Board which had been raised and fitted for the said *French* Service, according to former Instructions, and with the first Opportunity to go to such Part as the *French* Ambassador should direct, *&c.* there to expect the Direction of the Party that should be Admiral of the said Fleet so prepared, with a Requiry of all Officers to be assistant hereunto.

'Capt. *Pennington* being Admiral of this whole Fleet, in *May*, 1625, went with the King's said Ship and seven Merchant-Ships to *Diepe* in *France*. There instantly the Duke *De Montmorancy*, Admiral of *France*, would have put 200 Soldiers on board the Ship called the *Industry*, being no more Men than she could stow, but a far greater Proportion of Men than her proper Company was

'able

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'able to command or master; and offered also to 'do the like to every the said Ships, telling the 'said Capt. *Pennington*, and other the said Captains 'and Owners and their Companies, in direct 'Terms, that they were to go, and should go, 'and serve against the City and Inhabitants of *Ro-* '*chelle*, and against those of our Religion; where-'unto they shewing themselves unwilling, there 'were Chains of Gold and other Rewards offered 'unto some of the Captains, Masters, and Owners, 'to induce them; all which they utterly refused, 'and protested against the Design; and would not 'take in above a fit Number of Men, such as they 'might be able to command.

'Also the Company of the King's Ship did there 'inform Capt. *Pennington* of this Overture made 'to go against *Rochelle*, and exhibited a Petition to 'him against the same; subscribing their Names 'to the Petition in a Circle or Compass, that it 'might not appear who was the Beginner of the 'same, and then they laid it under his Prayer-'Book, where he found and read it.

'Hereupon Capt. *Pennington* and the rest con-'sulted more seriously of the Matter; and, by a 'general Assent, returned all back to the *Downs*, 'where they arrived about the End of *June*, or 'Beginning of *July*, 1625.

'From thence Capt. *Pennington* sent a Letter 'to the Duke of *Buckingham* by one *Ingram*, with 'the said Petition enclosed, and employed him to 'become a Suitor to get a Discharge from serving 'against *Rochelle*.

'*Ingram* delivered the Letter to the Duke, and 'saw him read it, together with the said Petition; 'whereby, as by other former and latter Means, 'he had full Notice of the Design and Intent of 'the *French* to go against the *Rochellers*. Capt. '*James Mowyer* also about the same Time came 'to Court, and had Conference with Lord *Conway* 'and Sir *John Cook*, now Mr. Secretary, acquaint-'ing them what had passed at *Diepe*, praying them

'to

'to acquaint the Duke, which they did; the Duke 'delivered the said Letter and Petition to Sir *John* '*Cook*. An. 2. Charles I. 1626.

'The Duke *De Chevereux* and Monsieur *De Villaclare*, being come into *England* as extraordinary 'Ambassadors from the *French* King, they and 'the Marquis *D'Effiat* (more especially *D'Effiat*) 'sollicited and got a Letter from the Lord *Conway* by the Duke's Means, dated the 10th of '*July*, 1625, directed to Capt. *Pennington*; 'whereby he took upon him to signify his Majesty's express Pleasure to be, that his Majesty had 'left the Command of the said Ships to the *French* 'King; and that therefore the said Capt. *Pennington* should receive into them so many Men as that 'King should please for the Time contracted; 'and recommended this Letter to be a sufficient 'Warrant in that Behalf.

'All this while the King, or Body of the Council, were never made acquainted with any other 'Design than that of *Genoa*; nor heard any thing 'of the Passages at *Diepe*, nor the Design for *Rochelle*; nor of our Masters and Companies Petitions, Informations, or Complaints thereof.

'This Letter was sent by the Packet from *Hampton* Court unto *Pennington*, being now about the '*Downs*, and was not long after delivered into his 'Hands.

'About this Time Mr. *de la Touche* and others, 'from the Duke of *Rohan* and the *Protestant* Party 'in *France*, sollicited our King and Council against 'the going of our Ships, and had good Words and 'Hopes from both; but from the Duke the contrary, who told them, the King his Master was 'obliged, and therefore the Ships must and should 'go.

'The Ships remained still at the *Downs*, and afterwards, *viz.* about the 15th of *July*, 1625, there 'was a Treaty at *Rochester* between the three Ambassadors extraordinary of *France*, and *James* '*Mewyer* and *Anthony Tench*, for themselves and

'other

An. 2. Charles I. 1626.

'other the *English* Captains and Masters of 'Ships, *&c.* The said *Mowyer* and *Tench* being 'by Message commanded to attend the Duke of '*Buckingham* at *Rochester*, for a Conclusion and 'Settlement to be had of this Business.

'The said Ambassadors did there offer to the 'said *Mowyer* and *Tench* an Instrument in *French*, 'purporting this, *viz.*

'1. That their Captains and Companies should 'consent and promise to serve the *French* King a-'gainst all, none excepted but the King of *Great* '*Britain*, in Conformity with the Contract for-'merly passed between *D'Effiat* and them.

'2. That they should consent and agree, in 'Consideration of the Assurance given them by 'the Ambassador, *viz.* the Articles of the 25th of '*March*, 1625, whereby the *French* King should be 'made Master of the said Ships by indifferent In-'ventory; that then they should be by him war-'ranted against all Hazard of Sea and Fight; and 'if they miscarried, then the Value thereof to be 'paid by the *French* King, who should also con-'firm this new Proposition within 15 Days, after 'the Ships should be delivered to his Use, by good 'Caution in *London*.

'3. And if the *French* King would take any 'Men out of the said Ships he might, but with-'out Diminution of Freight, for or in respect 'thereof.

'The said *Mowyer*, having gotten the same In-'strument interpreted, answer'd,

'1. They would not go to serve against *Ro-'chelle*. 2. Nor send their Ships without a good 'Warrant for their going. And, 3. Not without 'sufficient Security to their liking for Payment of 'their Freight, and re delivering of their Ships, or 'Value thereof; for the Ambassador's Security 'was not by them taken to be sufficient; and they 'protested against, and refused his proffered In-'strument.

'Here

'Here also Sir *John Hippesley* and Sir *Thomas Love* An. 2. Charles I. 1626.
'dissuaded the Duke from his Enterprize, telling
'him he could nor justify nor answer the Delivery
'of the Ships to the *French*.

'The Lord Duke being at *Rochester*, and there
'acquainted with all these Proceedings, commanded
'the said *Mowyer*, *&c.* before the Ambassadors,
'that they should obey the Lord *Conway*'s Letter,
'and return to *Dieppe* to serve the *French*; and
'that so was our King's Pleasure; howbeit his
'Majesty's Pleasure herein appeared not, but the
'contrary: Yet, privately at the same Time, the
'Duke told them, that the Security offered, or
'formerly given, by the Ambassador, was insuffi-
'cient; and that tho' they went to *Dieppe*, yet
'they might and should there keep their Ships
'in their own Power 'till they had made their
'Conditions to their own liking.

'And the 16th of *July*, 1625, the Duke *De*
'*Chevereux* and M. *De Villaclare*, finding they
'could not accomplish their Desires at *Rochester*,
'but that they must be fain to defer the gaining
'thereof 'till the coming of the Ships back again
'to *Dieppe*, where it was thought that better Op-
'portunity and more Advantage for their Ends
'would be had; did to that Purpose make and or-
'dain the Marquis *D'Effiat* their Deputy, to con-
'tract with the Masters and Captains of the *Eng-*
'*lish* for the *French* King's Service, as effectually
'as themselves might do; thereby transferring
'their Power in that Behalf to the said *D'Effiat*,
'who intended to go over to *Dieppe* forthwith
'about this Business.

'The Duke of *Buckingham*, having thus the
'second Time dealt with the Captains and Masters
'to go to *Dieppe*, and armed and prepared *D'Effiat*
'how and in what Manner there to circumvent
'them, sent over to *Dieppe*, privately and under-
'hand, his Secretary, Mr. *Edward Nicholas*, to-
'gether with the said Marquis *D'Effiat*.

'Mr. *Nicholas*, at and before his going over,
'had Instructions from the Duke, by Words, to

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'see the Execution of the King's Pleasure signified 'by Letter from my Lord *Conway*; and to procure 'the Captains and Masters of the said Merchant-'Ships to deliver over their Ships into the Hands 'of the *French*; upon the Security proffer'd at '*Rochester* by the three *French* Ambassadors, and 'by them delivered to the Duke of *Buckingham*; 'who committed the same to the said Mr. *Nicho-'las*, as the Secretary, which in that Behalf he 'was to take and accept.

'Mr. *Nicholas*, according to these Instructions, 'went to *Dieppe*, with *D'Effiat*, and was there 'very urgent to get the Ships deliver'd according to 'his said Instructions.

'At their coming over to *Dieppe*, *D'Effiat* en-'tered a Suit or Protest against our Captains and 'Masters on their original Articles; the better to 'enforce them to perform the same, without Re-'spect to the Duke's verbal Pretences or Allega-'tions, made to the Captains and Masters at *Ro-'chester*, and in other Places, formerly, to the 'contrary.

'The Captains and Masters came over again to '*Dieppe*, about the 20th of *July*, where they 'found themselves in a Strait by reason of the 'said Protest; the Duke's Instructions, by word, 'being too weak to exempt them from obeying 'the Contract under their Hands and Seals; also 'Mr. *Nicholas* using the King's Name, with threat-'ening Words, was there very earnest with them 'from Day to Day, and very vehemently pressed 'them to deliver over their Ships before Security 'given to their Content; contrary to their former 'Propositions, *viz.* the Lord Duke's Word to 'them at *Rochester*, *&c.* which they refusing to 'yield unto, Advertisement thereof was speedily 'sent to the Duke of *Buckingham*, and his Agents, 'into *England*; and Mr. *Nicholas* continued still 'in *Dieppe* about the former Negotiation.

'On the 27th of *July*, 1625, Sir *Ferdinando* '*Gorges*, *Anthony Tench*, *James Mowyer*, *Henry* '*Lewen*, *Thomas Davies*, *Jasper Dare*, and *John* '*Davies*,

'*Davies*, as Owners and Captains of the seven '*English* Ships hired for the *French*, did express, in 'Writing, that they held it fit that they should not 'quit their Ships untill they had made their reason-'able Condition, and were freed from the Questions 'and Troubles they were in; and, in particular,

1. 'They prayed to be freed of the said Protest, 'that they might the better treat of their Affairs.

2. 'If the *French* King would have Delivery of 'their Ships into his Power and Possession, then 'that they might have Security by Money, depo-'sited in *London*, without Revocation, *&c.* for Sa-'tisfaction of their Entertainment and Re-delivery 'of their Ships; the former Security by Merchants 'being insufficient, and a Stop already made of their 'Pay, which, upon that Security, they knew not 'how to come by.

3. 'Their Ships being Fortresses of this King-'dom, and the Delivery of them over to a foreign 'Prince without good Warrant, concerned their 'very Lives; that therefore they ought to have a 'Warrant under the Great Seal of *England*, before 'they should be bound so to deliver them over.

4. 'And to be free of their Bonds entered into 'for not selling their Ordnance, and also free of 'Punishment in that Behalf; and they shewed 'how they ought to be more cautious herein, for 'that Commissioners drew the first Articles, which 'were now wholly broken, and these Articles were 'to be done by themselves.

'And this they sent from their Ships by one Mr. '*Basset Cole*, to be presented ashore to the Mar-'quis *D'Effiat*, at *Dieppe*, appointing the said Mr. '*Cole* to treat for a speedy Conclusion according to 'their Articles, who treated accordingly; and the 'Marquis *D'Effiat*, to induce him to yield to his 'Ends, shewed him a Letter in *French*, signed by 'the Duke of *Buckingham*, whereby the Duke 'promised his Endeavours to get the Marquis '*D'Effiat's* Turn served touching their Ships.

'The next Day, *viz.* *July* 28, 1625, Mr. *Ni-'cholas* came on board the *Neptune*, declaring in

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'Writing, under his Hand, how and why he was 'sent over by the Duke of *Buckingham*, as before; 'and craved the Captains and Masters Answer in 'Writing, under their Hands, whether they would 'conform to the Lord *Conway*'s Letter, and to the 'Instrument proffered at *Rochester*, for Delivery 'over of the Ships, offering to procure them a suf-'ficient Discharge to their Contentment.

'The same Day Sir *Ferdinando Gorges* and the 'rest, by Writing under their Hands subscribed, did 'declare under their Hands as followeth, namely,

'That they were willing to obey our King, &c. 'but held not the Security proffered at *Rochester* by 'the three Ambassadors to be sufficient, tho' ho-'nourable; and therefore they absolutely refused to 'deliver their Ships upon that Security, desiring bet-'ter Caution in that Behalf, *viz.*

1. 'By Merchants at *Paris*.
2. 'To be transferred to *London*.
3. 'Irrevocable.
4. 'And such as might not be protected by Pre-'rogative. And to have this under the Hands and 'Seals of both Kings.

'All this while our King, or Body of the Coun-'cil, knew nothing of any other Design of the '*French*, than only of their Pretence against *Genoa*; 'and believed that all the Articles or Instruments, 'that had passed between the *French* and us, or the 'Captains, Masters, and Owners of the *English* 'Ships, had been penned and contrived with full 'and good Cautions accordingly, for Prevention 'of all Dangers that might grow by the contrary.

'Also the same 28th Day of *July*, 1625, the said 'Captains and Masters, taking Notice of Mr. *Ni-'cholas*'s pressing them to deliver their Ships before 'Security given them to their Content, contrary to 'former Propositions, (which they held unreason-'able) did make Answer to the Marquis *D'Effiat* in 'Writing; That, untill they should have Security 'to their own Contentment, they would not quit 'the Possession of their Ships unto the *French*;

'and

'and that they sent therewith a Valuation of their 'several Ships as they would stand to. An. 2. Charles I. 1626.

'They likewise demanded a Performance of all 'Things, formerly sent to his Lordship from 'them by Mr. *Nicholas*, (save only for the Security 'by Money deposited,) saying, that for all the rest 'they durst not proceed otherwise.

'Lastly, they prayed a present Answer, that the 'Delays in this Business might not appear to be in 'them.

'But *D'Effiat*, being confident upon the Duke of '*Buckingham*'s Letter, Promises, and Proceedings 'aforesaid, would not consent to the said reason-'able Demands of the Captains and Masters of the '*English* Ships, protracting the Time till he might 'hear further from the said Duke out of *England*.

'While these Things were thus in handling, 'both in *France* and in *England*, there were writ-'ten over, out of *France* into *England*, Letters of 'Advertisement, (how, or upon what Grounds, or 'by what Arts and Means procured or occasioned, 'appeareth not yet) from one Mr. *Larkin*, a Ser-'vant to the Earl of *Holland*, and a kind of Agent 'or Person some way employed by our State, or 'under some of our Ambassadors or Ministers in '*France*; that a Peace was concluded with those of 'our Religion in *France*, and that within fourteen 'Days the War should break forth or begin in '*Italy*, with a Design upon *Genoa*, a Matter of 'great Importance for annoying the *Spaniard*.

'This Letter of *Larkin* came to the *English* 'Court at *Richmond*, the 28th Day of *July*, 1625, 'when the Duchess *de Chevereux*'s Child was there 'christen'd; and the Contents thereof, as hath been 'alledged, were confirmed by the Ambassadors of '*Savoy* and *Venice*; by the Advantage and Colour 'whereof the Duke of *Buckingham* drew the King '(who all this while knew nothing of the Design 'upon *Rochelle*, or those of our Religion; but 'thought the former Articles had been safe and 'well penned, both for him and his Subjects, ac-

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'cording to the most religious and politic Intention and Instructions, on that Behalf originally given by his late Father) to write a Letter, dated at *Richmond* the same Day, directed to the said Capt. *Pennington*, to this Effect, *viz.*

His Majesty doth, by his said Letter, charge and command the said Capt. Pennington, *without Delay, to put his Majesty's former Command in Execution, for consigning the* Vant-Guard *unto the Hands of the Marquis* D'Effiat, *with all her Furniture, assuring her Officers his Majesty would provide for their Indemnity: And to require the seven Merchant Ships, in his Majesty's Name, to put themselves into the Service of the* French *King, according to the Promise his Majesty hath made unto him: And further, in case of Backwardness or Refusal, commanding him to use all forcible Means to compel them, even to Sinking, with a Charge not to fail; and this Letter to be his Warrant.*

'This Letter was sent by Capt. *Thomas Wilbraham* to Capt. *Pennington*, who was yet in the *Downs*.

'In the Beginning of *August*, 1625, Capt. *Pennington*, went over again to *Dieppe*, carrying with him the said Letter of his Majesty, and certain Instructions, in Writing, from the Duke of *Buckingham* to Mr. *Nicholas*, agreeable in Substance to the former verbal Instructions, given by the Duke to him at *Rochester*, as the said *Nicholas* alledgeth; who also affirmeth, That in all Things touching that Business, he did nothing but what was warranted by the Duke's Instructions to him; which, if it be true, then the Duke of *Buckingham*, who employed him, and commanded him herein, must needs be guilty of the Matters so acted by the said Mr. *Nicholas*.

'If there be any subsequent Act or Assent of Council, or of some Counsellors of State, for the going of these Ships to the *French*, or for putting them in their Power, it was obtained only for a

'Colour;

'Colour; and was unduly gotten by misrepresent- An. 2. Charles I. 1626.
'ing the Contents of the sealed Articles, and pre-
'tending the verbal Instructions to be the only
'true Substance of the Contracts, Conditions, and
'Instructions for his Service, and concealing the
'Truth; or by some other undue Means: Nei-
'ther can any such later Act of Council, in any
'Sort, justify the Duke's Proceedings; which, by
'the whole Series of the Matter, appear to have
'been indirect from the very Beginning.

'About the Time of Captain *Pennington*'s co-
'ming over to *Dieppe* the second Time, Mr. *Ni-*
'*cholas* did, in his Speeches to the Captains and
'Owners of the said seven Merchant Ships, threa-
'ten, and tell them, that it was as much as their
'Lives were worth, if they delivered not their
'Ships to the *French* as he required; which put
'them in such Fear that they could hardly sleep:
'And thereupon two of them were once resolved to
'have come away with their Ships; and because
'the former Threats had made them afraid to re-
'turn into *England*, therefore to have brought and
'cast their Ships in the *Downs*, and themselves,
'for Safety of their Lives, to have gone into *Hol-*
'*land*.

'Capt. *Pennington* being the second Time come
'to *Dieppe*, there forthwith delivered and put the
'said Ship, called the *Vant-Guard*, into the abso-
'lute Power and Command of the *French* King,
'for his Use, to be employed in his Service, at his
'Pleasure; and acquainted the rest of the Fleet
'with his Majesty's Letter, and commanded and
'required them also to deliver and put their Ships
'into the Possession, Power, and Command of the
'*French* King accordingly.

'The Captains, Masters, and Owners of the
'seven Merchant Ships refused so to do; as con-
'ceiving it was not the King's Pleasure they should
'so do, without Security for Re-delivery of their
'Ships, or Satisfaction for the same, *&c.* to their
'good Contentment.

'Here-

An. 2. Charles I. 1626.

'Hereupon *Pennington* went ashore at *Dieppe*, 'and there spake with *D'Effiat*, the Ambassador; 'and shortly after returned on board, and gave the 'Captains, Masters, and Owners an Answer, in-'sisting upon the Validity, and urging the Per-'formance, of the former Contract made and per-'fected in *England*.

'Then the said Masters and Captains prepared 'to be gone, and weighed Anchor accordingly; 'whereupon Capt. *Pennington* shot at them, and 'forced them to come again to an Anchor, as 'yielding themselves, for Fear, to his Mercy and 'Disposal.

'Upon this Capt. *Pennington*, and the *French-'men* that now commanded the *Vant-Guard*, came 'aboard the Merchant Ships, and there proposed 'unto them a new Way for their Security touch-'ing their Ships, namely, to accept the Security of 'the Town of *Dieppe*; whereupon they all went 'ashore with Sir *Ferdinando Gorges*, who with his 'Ship, the *Great Neptune*, adventured to come a-'way, as not liking these new and unreasonable 'Propositions.

'At their coming ashore they spake with Mr. '*Nicholas*, and there, by his Enforcement, came to 'a new Agreement; to accept the Security of the 'Town of *Dieppe* upon certain hard Conditions, 'as by the same appeareth: Namely,

'The said Marquis *D'Effiat*, as Ambassador Ex-'traordinary in *England*, and as having Power by 'Deputation from the Duke *De Chevereux* and 'M. *De Villaclare*, on or about the 6th Day of '*August*, 1625, did agree and promise to the said '*Mowyer*, *Tench*, *Thomas Davies*, *Dare*, *John* '*Davies*, and *Lewen*, as Captains and Owners of 'the said Ships, called the *Industry*, the *Pearl*, the '*Marygold*, the *Loyalty*, the *Peter and John*, and 'the *Gift of God*, then being in the Road of the 'said Town of *Dieppe*, that the *French* King 'should give and furnish to the said Owners (they 'being present, and accepting it in that Town)

'this

'this sufficient Security, That, within fourteen Days after the said *French* King shall be in Possession of the said Ships, he should give sufficient Caution in *London*, for the Sum of 213,000 Livres, whereat the said Ships are estimated, with all that appertaineth to them, as Cannon, and other Munitions of War, to wit, 50,000 l. An. 2. Charles I. 1626.

'And on or about the said 5th of *August*, 1625, the Commonalty of the said Town of *Dieppe* entered into Security, and bound the Goods of their Commonalty to the said *English* Captains and Owners, that the *French* King and his Ambassador should furnish the said Security within the City of *London*, for the Sum aforesaid.

'On or about the 6th of *August*, 1625, the said Marquis *D'Effiat*, as well in quality of his being Ambassador, as by virtue of his said Deputation, did, by a public Act, promise unto the said *Mowyer*, *Tench*, *Thomas Davies*, *Dare*, *John Davies*, and *Lewen*, to give and furnish them (they being present and requiring it in the Town of *Dieppe)* sufficient Security in the City of *London*, within fifteen Days after the *French* King should be in peaceable Possession of the said Ships, for the Sum of 213,000 *Livres Turnois*, whereat the said Ships were valued; which Security should remain for Assurance to pay every one of them the respective Prices of their Ships, in case they should be lost in the *French* King's Hands; with other Particulars in the said Act mentioned, without Derogation nevertheless from the Clauses of the said Contract of the 25th of *March*, 1625. Albeit, because the said Ambassador had found it good now to discharge the *English* Mariners out of the said Ships, that therefore the Freight agreed on by the said former Contract should not be wholly paid, but only for the Space of the first six Months; yet, if the *French* King would use them for twelve Months longer, or for any less Time, that then he should pay Freight for the same, according to a new and

'par-

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'particular Rate and Manner expressed in the said 'Act; and bound the Goods of himself, and the 'said Duke *De Chevereux* and M. *De Villaclare*, for 'the Performance thereof; as by the said Act itself, 'Reference being thereunto had, amongst other 'Things, more fully appeareth.

'This Act being passed and recorded at *Dieppe*, 'all the said seven Merchant Ships (except the '*Great Neptune*, who was gone away in Detesta-'tion of the Action intended by the *French*) were 'forthwith delivered into the absolute Possession, 'Power, and Command of the *French* King, and 'of his said Ambassador *D'Effiat*, and other the 'Ministers and Subjects of the said *French* King, 'to be employed by him in his Service, at his Plea-'sure; and not one of all this *English* Company, 'Man or Boy, other than only one Man, a Gun-'ner, as it should seem, would stay in any of the 'said Ships to serve against the *Rochellers*, or those 'of our Religion.

'As soon as these Ships were thus delivered into 'the Possession and Power of the *French*, the said 'Ambassador moved them, and dealt earnestly 'with them, for the Sale of their Ships.

'Mr. *Nicholas*, at his coming from *Dieppe*, re-'ceived a Diamond Ring worth 50 l. and a Hat-'band, set with Sparks of Diamonds, worth '100 Marks, of the Ambassador, as a Recompence 'for his Pains taken in this Employment; which, 'tho' it be an usual Thing with an Ambassador to 'confer greater Rewards sometimes, at their De-'parture, on Persons of Mr. *Nicholas*'s Quality, 'for less Service done; yet was it more than so ill 'an Office, as he was employed in, could in any 'Sort deserve.

'The said Capt. *Pennington* returned speedily in-'to *England*, and took his Journey towards the 'City of *Oxford*; where the Parliament was then 'sitting, by Adjournment from *Westminster* thither; 'and there several Propositions were taken into 'Debate for the good of our Religion, and the

'Supply

'Supply of his Majesty's Occasions; for the well-resolving and settling whereof, the true Knowledge how and upon what Terms the several Ships aforesaid were sent, delivered, employed, and to be employed, was very requisite. An. 2. Charles I. 1626.

'Afterwards, nevertheless, on the 9th of *August*, 1625, at a Meeting and Conference held between both Houses of Parliament in *Christ*'s-*Church-Hall*, after reading there his Majesty's most gracious Answer to a Petition of the Lords and Commons, formerly exhibited unto his Highness, touching our Religion, and much for the Good thereof: The Duke of *Buckingham* well knowing all the Premisses, which I have now related to your Lordships, to be true, did not only cautelously conceal the same; but also most boldly and untruly, by Colour of delivering a Message from his Majesty to both Houses, did affirm unto them, touching these Ships, unto this Effect, *viz.*

'*That it was not always fit for Kings to give Account of their Councils; and that five Months of the six were already past, and yet the said Ships were not employed against* Rochelle; *willing or advising the said Lords and Commons to judge the Thing by the Event; to which he seemed to refer the Matter (i):* By which cunning Speeches the Duke intended, and accordingly did make the Lords and Commons then to believe, that the said Ships were never meant, nor any way in Danger to be employed against the *Rochellers*, or those of our Religion in *France*: And herein he did great Injury and Disservice to his Majesty, to the great Scandal and Prejudice of our Religion and Affairs; and highly abused and wronged both the Lords and Commons by this cautelous and subtile Speech and Insinuation; and thereby gave them Occasion to forbear petitioning or suing to his Majesty for Redress in the Business while that the Time was passed; for the Ships were not then actually employ'd against the *Rochellers*, or

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(i) See Vol. VI. p. 392.

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'those of our Religion, albeit they were then delivered into the *French* King's Power.

'And some Time before the Parliament was dissolv'd, Capt. *Pennington*, who could have open'd the whole Truth of the Business, for the Service of the King and Realm, came to *Oxford*; but was there drawn to conceal himself, by means of the Duke, and not to publish in due Time his Knowledge in the Premisses, as was there shortly after reported; the Truth whereof the Lords, in this Parliament, may be pleased to examine as they shall see Cause.

'The Parliament at *Oxford* being shortly after, upon the 12th of the same *August*, unhappily dissolved; in or about *September* 1625, the said Ships were actually employ'd against the *Rochellers* and their Friends, to their exceeding great Prejudice and almost utter Ruin; the said Ship, the *Vant-Guard*, doing them that Spoil, that it hath been said by some of the *French*, that she mowed them down like Grass; to the great Dishonour of our Nation, the Scandal of our Religion, and to the Disadvantage of the great Affairs of this Kingdom and all *Christendom*.

'That the Ships were in imminent Peril to be utterly lost, for want of sufficient Security: And if they be come home since this Parliament met, and long after the Matter was here propounded and taken into Examination, it may well be presumed, that this has been done by some underhand Procurement of the Duke, and secret complying of the *French* with him, to colour out the Matter; which the Lords may examine as they see Cause.

'The one, and only *Englishman*, that presumed to stay in one of the Ships and serve against the poor *Rochellers*, of our Religion, at his Return was slain, in coming to charge a Piece of Ordnance not by him well sponged.

'In *February* last, M. *De la Touche* having Speech with Mr. *Thomas Sherwel*, a Member of

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'the Commons House, at *Salisbury*, as he was 'coming up to Parliament and M. *De la Touche* 'going down into *Somersetshire* to Mr. *John Pow-* 'lett's to see M. *Soubise*; he told Mr. *Sherwel* in 'the hearing of Mr. *John Clement* of *Plymouth*, 'who is now in Town, the Words that the Duke 'had spoken unto him the last Summer touching 'these Ships; and thereupon used these Words, '*Ce Duc est un mechant Homme.*

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Here he ended his Narrative, and then proceeded thus:

My Lords,

'UPON this whole Narrative of the Fact, 'touching the Matter of Delivery of these 'Ships to the *French*, divers Things may be ob- 'serv'd, wherein the Duke's Offences do consist.

Mr. Glanville's Speech in Maintenance of the Seventh and Eighth Articles.

'1. Betraying a Ship of the King's Royal Na- 'vy into a foreign Prince's Hand, without good 'Warrant for the same.

'2. The dispossessing the Subjects of this Realm 'of their Ships and Goods by many Artifices and 'Subtilties; and, in conclusion, with a high Hand 'and open Violence, against the Goodwill of the 'Owners.

'3. In violating his Duty as Lord Admiral 'and Guardian of the Ships and Seas of this King- 'dom.

'4. In varying from the original good Instruc- 'tions, and presuming to give others, of his own 'Head, in Matters of State.

'5. In violating the Duty of a sworn Privy- 'Counsellor to his Majesty.

'6. In abusing both Houses of Parliament, by 'cautelous Misinformations, under colour of a 'Message from his Majesty.

'7. In disadvantaging the Affairs of those of 'our Religion in foreign Parts.

'Offences of a high and grievous Nature! For 'the Proof of some Parts thereof, which are not

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'the least, I offer to your Lordships Consideration 'the Statutes of 3d and 4th of *Edward* VI. touch-'ing the Duke of *Somerset*, wherein it is recited, 'That, amongst other Things, he did not suffer 'the Ports called *Newhaven* and *Blackness*, in the 'Parts beyond the Seas, to be furnished with Vic-'tuals and Money; whereby the *French* were en-'couraged to invade and ruin the same: And for 'this Offence, amongst others, it was enacted, 'That a great Mass of his Lands should be taken 'from him. And if Nonfeasance in a Matter tend-'ing to lose a fixed Castle belonging to the King, 'be an high Offence; then the actual putting of a 'Ship Royal of the King's into the Hands of a 'foreign Prince, which is a moveable or more use-'ful Fortress or Castle of the Realm, must needs 'be held a greater Offence.

'I forbear to cite more Precedents of this kind, 'because some of those Gentlemen that have gone 'before me, have touched on divers Precedents of 'this Nature, which may be applied to this my 'Part: Only because the Abuse of the Parliament, 'which is the highest Council and Court of State 'and Justice in the Realm, is not the least Offence 'in this Business; I shall desire your Lordships to 'take into your Consideration the Statute of *West-'minster* the *First*, *Cap.* 29. whereby such as seek to 'beguile Courts of Justice are to be forejudged by 'the same Court, and punished as by that Statute 'appeareth.

'And thus I humbly leave myself to your Lord-'ships Favour, and my Lord Duke of *Bucking-'ham* to your Justice.

Then the Earl of *Bridgewater* added,

My Lords, *For my Part, I must crave your Pardon for having been so long troublesome to your Lordships; but being to deliver unto you the Words of another Man, I was of Necessity to report the same to your Lordships, which I have done, by reading them unto you as well as I could out of these Papers.*

These

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These four Lords having ended their Reports of thus much of the said Conference, and the Day being far spent, the House adjourned to the 15th.

Accordingly on that Day the Lords appointed to make Report of the Conference with the Commons, held the 10th Day of *May*, in the Forenoon, proceeded therein.

The Earl of *Devonshire* began, and reported his Part thereof in this Manner.

May it please your Lordships,

Seeing you have been pleas'd to lay this Burthen upon me, it is my Duty to obey your Commands; and I shall endeavour, as near as I can, to render unto your Lordships what was spoken by the fifth Gentleman from the House of Commons, at this Conference; which now is my Duty as a Reporter. And not daring to trust my own Memory, I shall, with your Lordships Favour, as my Lords that have gone before me, take Assistance from my Notes.

Mr. *Sherland* began thus:

My Lords,

Mr. Sherland's Speech in Support of the Ninth Article.

'IT hath pleased God, who hath the Events and Issue of all Things in his disposing, by Sickness laid on a Gentleman who should have performed this Part (*k*), and much more, I doubt not, to your Lordships Contentment; to cast this Task upon me which I had formerly declin'd, out of the Consideration of the Importance of this Business, the Greatness of this Presence, and my many Defects, best known to myself.

'But, since, by the Act of God, this Necessity on such a sudden is imposed upon me, and that I am snatch'd as a Bush to stop a Gap; I hope your Lordships will not expect from me that Composure, that Fulness, that Strength of Speech, which

(*k*) Mr. *Sherland* was appointed to act, upon the Indisposition of Mr. *Whitby*. See before p. 38.

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'which you have had from my Companions that 'went before me: For in these Straits of Time 'I shall, though plainly yet faithfully, as near as 'I can, according to the Sense of that House from 'which I receiv'd my Command and Direction a-'bout this Service, open and enforce this Part of 'the Charge which now falls to my Share.

'The particular Articles which fall to my Lot 'are concerning *Honour* and *Judicature*, two prime 'Flowers of the Crown; whereof I, being a poor 'Commoner, acknowledge myself most unfit to 'speak, in the Presence of so many great Persons 'of Honour, and of the supreme Judges of this 'Kingdom.

'But I am commanded from the House of 'Commons to say, that as your Lordships, tho' 'in a higher Sphere, yet are pleased so far to de-'scend as to be sensible of those Things which 'afflict and grieve the Commoners and Common-'Wealth; so we hope it will not be accounted 'Presumption in us to fall into Consideration of 'some of those Things, which may seem, at the 'first, more nearly and immediately to concern 'your Honours.

'And yet I must further let you know, that the 'mean Part of the Charge, concerning *Honour*, if 'well observed, toucheth the Commons as direct-'ly, if not more nearly, in Point of Liberty, than 'it doth the Peers in Point of Dignity; as you 'shall now perceive.

'Here, my Lords, I must desire that the ninth 'Article may be read.

IX. *Whereas the Titles of Honour of this Kingdom of* England *were wont to be conferred, as great Rewards, upon such virtuous and industrious Persons as had merited them by their faithful Service; the said Duke, by his importunate and subtile Procurement, hath not only perverted that antient and honourable Way, but also unduly, for his own particular Gain, he hath enforced some that were rich (tho' unwilling) to*

to purchase Honour: As, The Lord Robartes, *Baron of* Truro, *who, by Practise of the said Duke and his Agents, was drawn up to* London, *in or about* October, *in the two and twentieth Year of the Reign of the late King* James *of famous Memory, and there so threatened and dealt withall, that by reason thereof he yielded to give, and accordingly did pay the Sum of* 10,000*l.* *to the said Duke, and to his Use: For which said Sum, the said Duke, in the Month of* January, *in the two and twentieth Year of the said late King, procured the Title of Baron* Robartes *of* Truro, *to the said Lord* Robartes. *In which Practice, as the said Lord* Robartes *was much wronged in this Particular, so the Example thereof tendeth to the Prejudice of the Gentry, and Dishonour of the Nobility of this Kingdom.*

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The ninth Article being read, Mr. *Sherland* went on thus:

'The Parts of this Charge, as your Lordships 'may perceive, are two.

'The first more general, That this great Duke 'hath perverted the antient and honourable Way 'of obtaining Titles of Honour.

'The second, that, for his particular Gain, he 'hath enforced some unwilling to purchase Ho-'nour.

'And for the first I must say, by way of Pro-'testation, That the Commons repine not at any 'Man lately advanced to Honour: They think 'them not unworthy of it, but for their own Sake, 'and the Honour of the State, they wish their 'Virtues and Deserts had solely raised them there-'unto; without attributing it to this bottomless 'Gulph.

'They complain only against the unworthy 'Way to Honour, brought in by this great Man, 'for his own Lucre, and to the Diminution of 'that high Respect due to the antient and virtuous 'Nobility of this Kingdom.

'They fell upon it in this Manner, in their 'Disquisition of the Evils which the State at present

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' suffers; and these they reduced to two general ' Heads.

' I. Stoppage and Decay of Trade.

' II. Diminution of the Honour and Strength ' of the Kingdom.

' In their Enquiry touching the Causes of the ' Diminution of Honour, they pitch'd upon the ' Introduction of this new Trade and Commerce ' of Honour.

' That this Trade hath been exercised by this ' great Man, hath fallen from himself: You all ' had him *confitentem Reum*; only he endeavoured ' to stave off the Odium of being the first Beginner ' of it.

' All which notwithstanding, the House of ' Commons still conceive that Honour was a Vir- ' gin undeflowered; at least not so publickly pro- ' stituted, before the Times of this Man; who ' makes account that all Things, all Persons, ' should stoop and subject themselves to his loose ' Desires and vain Fancies.

' In viewing over the Article last read, I will ' shew,

' 1. That the Sale of Honour is an Offence.

' 2. What Offence, and of how ill Conse- ' quence it is.

' For the first, my Reason shall be drawn from ' the Nature of Honour.

' Honour is an immediate Beam of Virtue, and ' therefore can no more, by a Price, be fixed upon ' an unworthy Person, than Fire can be struck ' out of a Stick.

' Secondly, for the Subject of Honour, about ' which there is Controversy among the moral Phi- ' losophers; that Master of Learning, *Aristotle*, ' concludes it to be *in honorante non in honorando*.

' Now it is not the Price paid to a great Man ' for a Title, that can procure Honour and Re- ' gard from others, but his own noble Parts.

' Thirdly, from the Comparison of Honour, ' with the Price whereat it is set.

' There

'There are two Sorts of Inheritances, one base 'and terrestrial, *viz.* Land, for which the refin'd 'white and yellow Earth of Silver and Gold is 'equivalent. The other, namely, Honour, is a 'spiritual, sublime Inheritance; to which no earth-'ly Price can be answerable, which to clear fur-'ther, the Civilians divide all Prices thus: *Omne 'Pretium vel est ex Natura Rei vel ex Lege.*

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'For the second, there was never any Nation 'so barbarous, as to assess a certain Price for Titles 'of Honour.

'For the first, there must be some Proportion 'between the Price and the Thing appraised; and 'where this is not, there can be properly and na-'turally no Sale of Things; and therefore in this 'Rank of Things not vendible, the Casuists place 'these three Sorts of Things, 1. *Res inestimabiles.* '2. *Res sacræ et divinæ.* 3. *Res pro publico Usu.*

'1. Honour is above all Estimation, and there-'fore may well be resembled to Liberty, of which 'the Civilians have a Saying, *Libertas est inestima-'bilis:* So Honour certainly transcends all Price 'and Valuation.

'2. Honour is sacred: She had a Temple dedi-'cated to her among the *Romans*; nay, I can de-'rive it from Heaven, at least by way of Resem-'blance, upon the Authority of Scripture: Kings 'are therein stiled Gods; and therefore, by a good 'Analogy, our Barons, Viscounts, and Earls, may 'well, as in a Type, express the Principalities, 'Powers, and Dominions in the Angelical Hierar-'chy, that encompass more nearly the Divine Ma-'jesty, and attend his Throne.

3. 'Honour is a public Thing, and ought to be 'conferred as a Reward of public Service and De-'sert; according to *Aristotle* in his Rhetorics, *Ho-'nor pro Præmio dandus, non Præmium pro Honore.*

'For the Quantity and Quality of this Offence, 'it is greater and worse than it may seem at first 'Blush, if the ill Adjuncts and Consequents of it 'be well considered.

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1. 'It soils the most beautiful Flower of the 'Crown, and makes it vile and cheap in the Eyes 'of Lookers-on.

2. 'It takes away from the Crown one fair and 'frugal Way of rewarding great and deserving 'Servants; who will never be satisfied with that 'which they find so much slighted, and so easily 'purchased.

3. 'It is the Way to make Men more studious 'for Lucre than Virtue.

4. 'It shuffles, promiscuously and confusedly to-'gether, those of the inferior Alloy with those of 'the purest and most generous Metal.

5. 'It is a prodigious Scandal to this once fa-'mous Nation.

'For Example or Precedent of like Sort, I am 'confident there is none. I am confident your 'Lordships look for none; think there is none.

'Now is a fit Season to make a Precedent of this 'Man; who, being lately raised to a transcendent 'Height, thinks he cannot shine bright enough un-'less he dim and cloud the rest of his own Sphere; 'and render your Honour contemptible by the 'Commoness and Salableness of it.

'Yet hath this great Man gone one Step of 'Unworthiness further. He not only sets Titles 'of Honour to Sale, *buy that will*, and awards to 'his Agent a *Venditioni exponas* for them; but hath 'compelled others that were modest, and could 'have been contented to remain among their own 'Ranks, to take them at a Price set by himself.

'For a particular Noble Gentleman named in 'this Article (*l*), I am commanded to say of him, 'as *Tacitus* did of *Galba*, *Dignus imperare si non* '*imperasset:* So this Man might have well come to 'this Honour, so it had not been this Way; and 'in that we impute no Blame unto him, but that he 'did it *ad redimendam Vexationem*; but the Com-'mons think there may well be made the same Di-'stinction

(*l*) The Lord *Robartes*, Baron of *Truro*, whose Son was created Viscount *Bodmyn*, and Earl of *Radnor* by King *Charles* II.

'stinction between him and the Great Man, which 'Divines make between the active and passive 'Usurer; they condemn the active, but speak fa-'vourably of the passive. An. 2. Charles I. 1626.

'For the Matter itself, it seems very strange to 'the House of Commons, that this Great Man, 'who is taken Notice of to be the principal Pa-'tron and Supporter of a *Semi-pelagian*, *Semi-popish* 'Faction, dangerous to the Church and State, 'lately set on Foot amongst us, (who amongst 'other Things, hold a modified Freedom of Will 'in divine Things, and a Power and Liberty in 'a Man to receive or refuse divine Grace, offered) 'that this Man, I say, should be so incongruous, 'and so far depart from his Principles, as to deny 'a Man Freedom of Will in moral Things; and 'impose the Necessity of receiving the Grace of a 'King in a Title of Honour whether he would or 'no: What is this but to add Inhumanity to Op-'pression, Injury to Incivility?

'But here it is fit I answer a Precedent or two 'in our Law, of compelling Men to take Titles 'and Places upon them.

'In the 5th of *Henry* V. *Martin Babington*, 'and divers other learned Men, had Writs deli-'vered to them to be Sergeants; upon which, out 'of their Modesty and Love of Ease, they refused 'to appear: But, upon the Charge of the then 'Warden of *England*, they, after a long Day gi-'ven, appeared and took the Degree upon them. 'There is also a Writ in the *Register* to compel 'Men, in some Cases, by reason of their Tenure; 'and, in others, by reason of the Quantity of 'their Land, to come in and take the Degree of 'Knighthood.

'To these I answer, That it is the Wisdom and 'Policy of the Common Law, as appears in these 'Precedents, to draw Men in that are fit, though 'otherwise backward out of Modesty and other 'respects, to take on them these Degrees and Dig-'nities, which draw along with them the Burthen

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'of Service and Action in the Common-Wealth, in the Time of Peace and War, for the Public Good: 'But that any Man should be enforced by a private 'Subject, for his private Lucre, to take a Title or 'Degree upon him against his own Liking, is 'without all Example, against all Law, and of 'dangerous Consequence.

'For a Man of great Power may as well, nay 'better, compel a Man to buy a Piece of Land of 'him, or sell a Piece of Land to him at his own 'Price; he may enforce a Man to take a Wife 'with what Portion he pleaseth, *&c.* And what 'is this but to let in upon us an encroaching sub-'altern Tyranny of a Subject, under a most wise, 'most gracious, and most moderate King.

Then he desired that the tenth Article might be read.

X. *Whereas no Place of Judicature in the Courts of Justice of our Sovereign Lord the King, nor other like Preferments given by the Kings of this Realm, ought to be procured by any Subject whatsoever for any Reward, Bribe, or Gift; he the said Duke in or about the Month of* December, *in the eighteenth Year of the Reign of the late King* James *of famous Memory, did procure of the said King, the Office of High Treasurer of* England *to the Lord Viscount* Mandeville, *now Earl of* Manchester *(m)*; *which Office, at his Procurement, was given and granted accordingly to the Lord Viscount* Mandeville: *And, as a Reward for the said Procurement of the same Grant, he the said Duke did then receive to his own Use, of and from the said Lord Viscount* Mandeville, *the Sum of* 20,000 *l. of lawful Money of* England. *And also in or about the Month of* January, *in the sixteenth Year of the Reign of the said late King, did procure of the said late King, of famous Memory, the Office of Master of the Wards and Liveries (n), to and for Sir* Lionel Cranfield, *afterward Earl of* Mid-

(m) See Vol. V. P 381, and 476. Also Vol. VI. P. 96.

(n) See the Proceedings against this Peer in Vol. VI. p. 132, *et seq.*

Middlesex, *which Office was, upon the same Procurement, given and granted to the said Sir* Lionel Cranfield: *And, as a Reward for the same Procurement, he, the said Duke, had, to his own Use, or to the Use of some other Person by him appointed, of the said Sir* Lionel Cranfield, *the Sum of* 6000*l. of lawful Money of* England, *contrary to the Dignity of our Sovereign Lord the King, and against the Duty that should have been performed by the said Duke unto him.*

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This being also read, Mr. *Sherland* went on again thus:

Mr. Sherland's Speech upon the tenth Article.

'My Lords, Before I enter upon this, I must, 'as I did in the other Precedent, say somewhat 'by way of Protestation.

'*First*, From the House of Commons, I am 'directed, to the Honour of the King's Majesty, 'and all our Comforts, with humble Thankfulness, 'to acknowledge, That since his happy coming to 'the Crown, there have been as many of eminent 'Parts, Learning, and Integrity, preferred to the 'Seats of Justice, and other Places of Trust, as 'ever were, in so short a Time, in any King's 'Reign.

'*Next*, Concerning the first great Lord named 'in this Article last read, there is no Intention of 'any Reflection upon him; we think his own 'Deserts might well have raised him to that high 'Office, without any other Price; and might have 'continued him longer in it too, if he had not 'been shuffled out by some that shuffled and cut 'all in those Days.

'For the Thing charged in the last Article, *viz.* 'the Sale or Procurement of judicial Places and 'other Offices of Trust for Money. This is an 'Offence so clear, that to spend Time in proof of 'it, were all one as to go about to make Glass 'more transparent by painting it.

'I will take the Ground of what I shall say upon 'this Subject from *Magna Charta, Cap.* 29. these

'Words,

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'Words, *Nulli vendemus, nulli negabimus, nulli* 'differemus Justitiam. This, as you see, is spoken 'in the Person of the King, in the Behalf of him 'and his Successors; he therefore that abuses his 'Favour and Power with his Majesty to procure 'Places of Judicature unto others, for Money, 'doth, as much as in him lies, make the King 'break his Word with the People. This will ap- 'pear more clearly by looking into the other Parts of 'that Clause: For if any should procure the King 'to leave the Seats of Justice empty, and make no 'Judges, or to delay the Supply of vacant Rooms 'of Judges, when their Service might be requisite 'for the Administration of Justice; I think there is 'no Man but would say, *Magna Charta* were in- 'fringed; So is it certainly in the other Part too, 'when those, thro' whose Lips and Hands Justice 'is to run, are put to buy their Places; for it can- 'not but follow, and it must be expected, that 'they that buy must and will sell again, to make 'their own up with Advantage.

'Hence sprung the Resolution of *Alexander Se-* 'verus, which *Lampridius* mentioneth in his Life, '*Non patiar Mercatores Potestatem, quos, si patiar,* 'damnare non possum; erubesco enim punire eum 'Hominem qui emit & vendit.

'The ill Consequence that must needs follow 'upon the Sale of Places of Judicature, and other 'Offices of special Trust, are these,

1. 'Unworthy Men shall always, or for the 'most part, supply great Places; because, being 'conscious to themselves of their own Want of 'Worth, they must need hold themselves obliged 'to supply that with a greater Weight of Gold.

2. 'Contentions, Quarrels, and Suits will be che- 'rished and lengthened out by their Means that sit 'on the Seat of Justice; since that works for their 'Profit: And they think they do well, *omnibus Viis* '& *Modis*, to make it a good Bargain.

3. 'Men will far more endeavour to break their 'Brain to get Money, than Learning and Suffi- 'ciency.

4. 'These

4. 'Those that have the best Purses, tho' the worst Cause, shall find the best Measure in the Courts of Justice. An. 2. Charles I. 1626.

5. 'The great Men, that sell Places and Offices to others, must and will maintain the undue Exactions and Extortions of those whom they have so raised; both because they are their Creatures, as also for that the more the Gain is increased, the greater Fine must be paid the next Vacancy by their Successors.

6. 'If good and able Men, by some special Providence, be placed at any Time in some eminent Offices, Quarrels will be pick'd, and some Faults found or made in them; that, by their Displacing, Way may be made for such as stand ready with their Money in their Hands to leap into the Saddle, and who will be more dependent.

'Upon these and the like Reasons, moral Heathens have given special Caveats, and made Laws against this Offence. *Arist.* 5. *Polit. Cap.* 8. *Cavendum est in Rebus, ne Lucrum ex Magistratibus proveniat.* And the same Author, 3. *Polit. Cap.* 3. *Apud Thebanos Lex est, ut Nemo habilis esset ad Munera Reipublicæ suscipiendum, nisi, per decennium, a Mercatura destitisset.*

'The Civilians and Casuists, descanting upon this last Law of the *Thebans*, shew the Reasons of it to be double: Because the Merchant's Trade consists wholly in buying and selling in the Companies of Merchants; and he is thought the best Merchant that can gain most: Therefore, if there should not be some good Time limited, wherein they might have Leisure to forget their former Course of Life; it is feared they would, even in Places of Judicature, walk in the same Ways they did when they were Merchants; and sell Justice, thinking him the best Judge that could make most of his Place.

'I may well bring in the *Popes* next to the *Pagans*, a Generation none of the purest (I may safely say) from Corruption; yet even they have

'shewed

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'shewed their Dislike and Detestation of this foul 'and hateful Offence.

'In the second Tome of the *Papal Constitutions* 'there is a Bull of *Pius Quintus*, wherein he inflicts 'the Penalty of Confiscation of Goods upon him 'that buys either an Office or Dignity, which hath 'Jurisdiction annexed; and adds *Condemnamus tam* '*ambitiosas Pecuniarum hujusmodi Receptores, quam* '*hujusmodi Stipulatores.*

'*Gregory* XIII. hath somewhat in his *Extra-* '*vagants* to the like Purpose, in a Title, *De Da-* '*tis & Promissis pro Gratia & Justitia, apud Sedem* '*Apostolicam, obtinendis.*

'And now, to come nearer home, to the Judg- 'ment of former Parliaments; which, I imagine, 'will chiefly weigh with your Lordships.

'I desire you, first, to observe, That the Statute of '5. and 6. *Edw.* VI. *Cap.* 16. formerly cited in this 'Place, is not introductive simply of a new Law, 'but only declarative of the antient Common 'Law.

'Next, that the selling, as well as the buying, 'of Offices of Trust, is an Offence condemned by 'the express Letter of the Law.

'And, lastly, that, by the Preamble, it appears, 'that the Parliament did then conceive, that the 'same Offence caused two great Inconveniences:

1. 'Corruption of those that execute the Places 'obtained for Money: And

2. 'Hinderance of Men, meet to be advanced, 'from their due Preferment.

'In the 2d and 3d *Edward* VI. in the Duke of '*Somerset*'s Case, one of the Offences, for which 'he was adjudged by Parliament, appears, by the 'Record, to have been the disposing of Offices in 'the Common-Wealth for Money.

'And it is undoubtedly most just, that those 'that will stile themselves Patriots and public Per- 'sons; and yet shew, by such Practices as these, 'that they aim at their own private Avail, and not 'the Public Good, in the equal and free Distribu-

'tion

'tion of Justice, should return back into the public Treasure of the King and Kingdom, what their avaricious Thirst hath gathered and heaped together. An. 2. Charles I. 1626.

'And so, humbly craving Pardon of your Lordships for my Boldness, and the tumultuary Confusedness of my Speech, occasioned thro' Want of due Time for my Preparation for this Work; I leave myself to the Judgment of your Favour and Charity, and this great Lord to the Sentence of your Wisdom and Justice.'

The Earl of *Devonshire* added, *For myself, my Lords, I crave your Pardon, if I have not so exactly reported this Speech as my Lords that went before me have done theirs.*

Next the Earl of *Clare* reported his Part of the Conference on this Manner, *viz. I will leave nothing out, I will add nothing. The sixth Gentleman spoke thus:*

My Lords,

'I Am fully convinced, that Want of Oratory will be no Disadvantage to this Cause; for your Lordships are such Judges as will proceed to the Proportion of Matter, and not measure Things by Art or Expression: I shall therefore fall to the Matter, your Lordships Time being so very precious.' Mr. Pymme's Speech in support of the eleventh Article.

Then he read the Eleventh Article.

XI. *That he the said Duke hath, within these ten Years last past, procured divers Titles of Honour to his Mother, Brothers, Kindred and Allies; as, the Title of Countess of* Buckingham *to his Mother, while she was Sir* Thomas Compton's *Wife; the Titles of Earl of* Anglesey *to his younger Brother,* Christopher Villiers; *the Titles of Baron of* Newnham Padocks, *Viscount* Fielding, *and Earl of* Denbigh, *to his Sister's Husband, Sir* William Fielding; *the*

An. 2. Charles I. 1626. *the Titles of Baron of* Stoak *and Viscount* Purbeck, *to Sir* John Villiers, *elder Brother unto the said Duke; and divers more of the like Kind to his Kindred and Allies; whereby the noble Barons of* England, *so well deserving in themselves, and in their Ancestors, have been much prejudiced, and the Crown disabled to reward extraordinary Virtues in future Times with Honour; while the small Estates of those for whom such unnecessary Advancement hath been procured, are apparently likely to be more and more burthensome to the King, notwithstanding such Annuities, Pensions, and Grants of Lands annexed to the Crown, of great Value, which the said Duke hath procur'd for those his Kindred, to support these their Dignities* (o).

'My Lords, the Matter of Fact needs no Proof, 'being so notorious; and therefore I shall insist only 'upon the Consequence which made this Fact of 'the Duke's a great Grievance in the Common-'Wealth; and conclude with strengthening the 'whole with some Precedents.

'Every Offence presupposes a Duty: The first 'Work is to shew the Duke was bound to do 'otherwise; I need to alledge nothing else, but 'that he was a sworn Counsellor and Servant to 'the King; and so ought to have preferred his 'Master's Honour and Service before his own 'Pride, in seeking to enoble his own Relations.

'There are some Laws peculiar, according to 'the Temper of several States; there are other 'Laws that are co-essential and co-natural with 'Government, which being broken, all Things 'run into Confusion.

'Such is that Law, of suppressing Vice and en-'couraging Virtue by apt Punishments and Re-'wards.

'Who-

(o) In *Rushworth* are only the *Initial Letters* of *some* of the *Persons* and *Titles*, mentioned under the 9th, 10th, and 11th Articles: Probably for fear of giving Offence to particular Families at that Time:—But these are supplied here from the *Lords Journals*.

'Whosoever moves the King to give Honour, 'which is a double Reward, binds himself to 'make good a double Proportion of Merit in that 'Party that is to receive it; the first of Value and 'Excellency; the second of Continuance. An. 2. Charles I. 1626.

'As this Honour lifts them above others, so 'should they have Virtue beyond others: And 'as it is also perpetual, not ending with their 'Persons, but depending upon their Posterity; 'so there ought to be, in the first Root of this Ho-'nour, some such active Merit to the Common-'Wealth as may transmit a vigorous Example to 'their Successors, to raise them to an Imitation of 'the like.

'I forbear Reflections on those Persons to whom 'this Article collaterally relates; since the Com-'mands I have received from the Commons con-'cern the Duke of *Buckingham* only: I shall there-'fore leave the first Point concerning the Offence, 'and come to the next Point, *viz.* the Grievance, 'which, in the Articles, is expressed in three Re-'spects.

'*First*, Prejudicial to the Noble Barons.

'*Secondly*, To the King, by disabling him from 'rewarding extraordinary Virtue.

'*Thirdly*, To the Kingdom, which compre-'hends all.

'*First*, It is prejudicial to this high Court of 'Peers. I will not trouble your Lordships with 'Recital, how antient, how famous, this Degree 'of Barons hath been in the Western Monarchies. 'I will only say, The Baronage of *England* hath 'upheld that Dignity, and doth conceive it in a 'greater Height than any other Nation.

'The Lords are great Judges, a Court of the 'last Resort; they are great Commanders of State, 'not only for the present, but as Lawmakers and 'Counsellors for the Time to come; and this, not 'by Delegacy and Commission, but by Birth and 'Inheritance.

'If

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'If any be brought to be a Member of this great 'Body, who is not qualified to the Performance of 'such State Functions, it must needs prejudice the 'whole Body; as a little Water put into a great 'Vessel of Wine, which, as it receives Spirits from 'the Wine, so doth it leave therein some Degrees 'of its own Infirmities and Coldness.

'*Secondly*, It is prejudicial to the King; not that 'it can disable him from giving Honour, for that 'is a Power inseparable from the Crown; but, by 'making Honour ordinary, it becomes an incompe-'tent Reward for extraordinary Virtue: When Men 'are made Noble, they are taken out of the Press of 'the common Sort; and how can it chuse but fall 'in Estimation, when Honour itself is made a Press?

'*Thirdly*, It is prejudicial to the Kingdom. 'Histories and Records are full of the great Assist-'ance which the Crown hath received from the Ba-'rons, on Foreign and Domestic Occasions; and 'not only by their own Persons, but their Retinue 'and Tenants; and therefore they are called by '*Bracton*, *Robur Belli*: How can the Crown ex-'pect the like from those who have no Tenants, 'and are hardly able to maintain themselves? Be-'sides, this is not all, for the Prejudice goes not 'only privatively from thence, in that they can-'not give the Assistance they ought; but positive-'ly, in that they have been a greater Burden to 'the Kingdom since, by the Gifts and Pensions 'they have received; nay, they will even stand in 'need to receive more for the future Support of 'their Dignities.

'This makes the Duke's Offences greater, that, 'in this Weakness and Consumption of the State, 'he hath not been content, alone, to consume the 'Public Treasure, which is the Blood and Nou-'rishment of the State; but hath brought in others 'to help him in this Work of Destruction: And, 'that they might do it the more eagerly by enlar-'ging their Honour, he hath likewise enlarged their 'Necessities and Appetites.

'I

'I shall second this Charge with two Precedents, the first, 28. *Henry* VI. in the Complaint against the Duke of *Suffolk*, that he had married his Niece to the Earl of *Kendal*, and procured him 1000 l. *per Annum* in the Duchy of *Guyenne*; and yet this Party was the Son of a Noble and well-deserving Father. An. 2. Charles I. 1626.

'The second, in 17. *Edw.* IV. An Act of Parliament for the degrading of *Thomas Neville*, Marquis of *Montagu*, and Duke of *Bedford*: The Reason exprest in the Act is, Because he had not a Revenue to support that Dignity; together with another Reason, That when Men are called to Honour, and have not Livelihood to support it, it induceth great Poverty, and causeth Briberies, Extortions, Embraceries and Maintenance.

'But how far these Precedents shall sway your Judgments in the present Case, I humbly submit to your Lordships; and desire that the Twelfth Article may be read.'

Then the Twelfth Article was read accordingly.

XII. *He the said Duke, not contented with the great Advancement formerly received from the late King, of famous Memory, did, by his Procurement and Practice, in the fourteenth Year of the said King, for the Support of the many Places, Honours and Dignities conferred on him, obtain a Grant of divers Manors, Parcel of the Revenue of the Crown, and of the Duchy of* Lancaster, *to the yearly Value of* 1697 *l.* 2 *s.* ¾ *d. of old Rent, with all Woods, Timber, Trees, and Advowsons; Part whereof amounting to the annual Sum of* 747 *l.* 13 *s.* 4 *d. was rated at the Sum of only* 320 *l. tho', in truth, of so far greater Value. And likewise, in the sixteenth Year of the same King's Reign, did procure divers other Manors, annexed to the Crown, of the yearly Value, at the old Rent, of* 1338 *l. or thereabouts, according as in a Schedule hereunto annexed appeareth: In the Warrant for passing of which Lands, he, by his great Favour,*

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Favour, procured divers unusual Clauses to be inserted, viz. *That no Perquisites of Courts should be valued, and that all Bailiff-Fees should be reprised in the Particulars upon which those Lands were rated; whereby a Precedent hath been introduced, which all those who, since that Time, have obtained any Lands from the Crown, have pursued to the Damage of his late Majesty, and of our Sovereign Lord the King that now is, to an exceeding great Value. And afterwards he surrendered to his said Majesty divers Manors and Lands, Parcel of those Lands formerly granted unto him, to the Value of* 723 *l.* 18 *s.* 2½ *d.* per Annum; *in consideration of which Surrender, he procured divers other Lands of the said late King to be sold and contracted for, by his own Servants and Agents, and thereupon hath obtained Grants of the same, to pass from his late Majesty to several Persons of this Kingdom; and hath caused Tallies to be stricken for the Money, being the Consideration mentioned in those Grants in the Receipt of the Exchequer, as if such Monies had really come to his Majesty's Coffers; whereas the Duke (or some other by his Appointment) hath indeed received the same Sums, and expended them upon his own Occasions. And notwithstanding the great and inestimable Gain made by him, by the Sale of Offices, Honours, and by other Suits by him obtained from his Majesty, and for the Countenancing of divers Projects, and other Courses, burthensome to his Majesty's Realms, both of* England *and* Ireland; *the said Duke hath likewise, by his Procurement and Practice, received into his Hands, and disbursed to his own Use, exceeding great Sums that were the Monies of the late King, of famous Memory, as appeareth also in the said Schedule hereunto annexed: And, the better to colour his Doings in that Behalf, hath obtained several Privy-Seals from his late Majesty, and his Majesty that now is, warranting the Payment of great Sums to Persons by him named, causing it to be recited in such Privy-Seals, as if those Sums were directed for secret Services concerning the State, which were, notwithstanding, disposed of to his own Use; and other*

Privy-

Privy-Seals have been procured by him for the Discharge of those Persons without Accompt; and by the like Fraud and Practice, under Colour of free Gifts from his Majesty, he hath gotten into his Hands great Sums which were intended by his Majesty to be disbursed for the preparing, furnishing and victualling of his Royal Navy; by which secret and colourable Devices the constant and ordinary Course of the Exchequer hath been broken, there being no Means, by matter of Record, to charge either the Treasurer or Victualler of the Navy with those Sums which ought to have come to their Hands, and to be accompted for to his Majesty: And such a Confusion and Mixture hath been made between the King's Estates and the Duke's, as cannot be cleared by the legal Entries and Records, which ought to be truly and faithfully made and kept, both for the Safety of his Majesty's Treasure, and for the Indemnity of his Officers and Subjects whom it doth concern. And also in the sixteenth and twentieth Years of the said King, he did procure to himself several Releases from the said King, of divers great Sums of Money of the said King by him privately received, and which he procured, that he might detain the same for the Support of his Places, Honours and Dignities. And these Things, and divers others of the like Kind, as appeareth in the Schedule annexed (p), hath be done, to the exceeding Diminution of the Revenue of the Crown, and in Deceit both of our Sovereign Lord the King that now is, and of the late King James, *of famous Memory, and to the Detriment of the whole Kingdom.*

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Then Mr. *Pymme* proceeded thus:

Mr. Pymme's Speech upon the Twelfth Article.

'This Article, my Lords, consists of several 'Clauses; which, in some respect, may be called so 'many Charges, tho' they all tend to one End, the 'diminishing the King's Treasure, yet it is by several Ways.

(p) These Schedules are omitted in *Rushworth*, but supplied from the *Lords Journals*, and follow after Mr. *Pymme*'s Speech in support of this Article.

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'Therefore I shall break them into Parts, and 'select the most material, either in point of Offence, 'or of Grievance; then add the Proofs; and afterwards the Reasons and Enforcements which 'shall be most conducible to the Judgment, which 'the Commons expect from your Lordships.

'There be two main Branches of this Article.

'The *first* concerns Lands obtained from the 'Crown.

'The *second* concerns Money in Pensions, Gifts, 'Farms, and other Kinds of Profit.

'*First*, For the Lands, the Sum, according to 'the old Rent, *viz.* 3035 l. *per Annum*, besides the 'Forest of *Lyfield*; and all this within ten Years.

'The Grievance is, That in a Time of Necessity, so much Land should be conveyed to a private Man; this concerns others as well as him, 'but none in so great a Measure.

'And, because the Commons aim not at Judgment only but at Reformation, they wish that, 'when the King bestows any Lands for support of 'Honours, those antient Cautions might be revived, of annexing the Land to the Dignity; 'lest, being wasted, the Party returns to the Crown 'for a new Support; by which Provision the 'Crown will reap this Benefit, that as some Lands 'go out by new Grants, others will come in by 'extinct Entails.

'I will not trouble your Lordships with the Law 'made for preventing the Alienation of the King's 'Lands, and for resuming them when they had 'been alienated; nor the Ordinances made, in the 'Higher House, for that Purpose, and Fines set 'upon the Breakers of them.

'This I only add as a further Enforcement of 'the Grievance, that when the King's Revenues 'are too unable to defray public Necessities, the 'Commons must needs be more burdened for supplying the King.

'The *second* is the unusual Clauses, which, by 'his Greatness, he hath procured to be inserted in-

'to

' to the Warrants for passing those Lands, which ' are two. An. 2. Charles I. 1626.

1. ' That the casual Profits should not be rated ' in the Particulars.

2. ' That all Bailiffs Fees should be reprized.

' This is to be proved by the Warrants remaining with the Auditor of the Rates, and with the ' other Auditors.

' The Considerations arising thereupon are,

' Ingratitude, in thus labouring to strain the King's ' Bounty beyond his Intention.

' Unfaithfulness, in that being a sworn Counsellor, he should force the King into Courses of ' so much Prejudice.

' For by this the King did not only sustain great ' Loss for the present, but it opened a Way of Prejudice, which ever since have continued; for all ' those, that have since passed Lands from the ' Crown, have followed the same Precedents. ' Nor was the King left to be Master of his own ' Liberality, either in Proportion or Certainty: ' for it might so fall out that what so passed from ' him, might be treble to that he intended.

' The third Point of the first Branch concerning ' Lands, is the Surrender of divers Parcels of those ' Lands back to the King, after he had held them ' some Years, and taking others from the King in ' Exchange.

' Hence the best of the King's Lands, by this ' Course, being passed away, the worst hung upon ' his Hand; so as, having Occasion to raise Money, ' such Lands could not supply him.

' Opportunity was also hereby left to the Duke, ' to cut down Woods, to enfranchise Copyholders, ' to make long Leases; and yet, the old Rent remaining still, the Land might be surrendered at the ' same Value. Whether this be done I am uncertain, not having Time to examine, but I recommend it to your Lordships to enquire after it; ' and the rather for that the Mannor of *Gouphill* in

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'*Lincolnshire* was so dismembred, and by a Surrender turned back to the King after 17 l. *per An.* old Rents had been sold out of it.

'The fourth Point of this Branch, *viz.* Colourable Tallies.

'Divers Parcels of Lands were sold and contracted for by his own Agents, and the Money received to his own Use; and yet Tallies struck as if the Monies had come into the Exchequer.

'This is to be proved by his own Officers, by the Officers of the Exchequer, and by the Tallies themselves, which Tallies amount to 44,090 l. 5 s.

'Whence I observe, 1. That there ran one Thread of Falshood towards the King, through all his Dealings. 2. That it was a Device to prevent the Wisdom of Parliament, if it should be thought fit, from making a Resumption; for, by this Means, these Grants seem to have the Face of a valuable Consideration, whereas they were free Gifts. 3. If the Title of these Lands prove questionable, yet, it appearing by Record as if the King had received the Money, he was bound in Honour to make the Estate good; and yet the Duke had the Profit.

'The second general Branch of the twelfth Article is concerning Monies.

'And herein the first Point is that the total Sum, receiv'd by the Duke in ten Years, amounts to 162,995 l. besides a Grant of above 3000 l. *per Annum* of the Third imposed upon Strangers Goods, and besides the Moiety of 7000 l. out of the Customs of *Ireland*, which he is bound to pay every Year to the King; but whether so done the Commons know not. This Estimate may be more, but not less; and the Total ariseth by free Gifts, by Pensions to himself, by the Profit of Farmers, by Pensions to others for Offices whereof he receiv'd the Benefit, *viz.* the Admiralty,

'the

'the Mastership of the Horse, &c. All which will 'appear by the Schedule annexed to this Charge 'delivered in: That it was a great Aggravation in 'this Time of Want, when the Expence of the 'King's House can hardly be supplied; when his 'Forts and Castles are unfurnished; when there 'appear great Wants and Hazards of the King-'dom for the Provision of the Navy and Guard 'of the Seas (his own proper Charge) the King-'dom threatned with Invasions and potent Ene-'mies; and that he preferred the serving his own 'Turn before his Duty or the Safety of the King-'dom.

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'The second Point in this Branch is, That, un-'der Pretence of secret Service, he hath procured 'great Sums of Money to be issued by Privy-Seals 'to sundry Persons named by himself; and the 'Monies employed to his own Use.

'This is proved by two Instances.

'The one of 8000 l. paid to Sir *Robert Pye*, 'the 12th of *August* 1623, of which Sum the 'said Sir *Robert* was discharged by another Privy-'Seal the 4th of *January* following; and this 'Money paid towards the Purchase of *Berkeley*.

'The second Instance is 60,000 l. paid to Mr. '*Burlemache* (q), the 12th of *August*, 1625, which 'Time is the rather to be noted because the Par-'liament at *Oxford* was, at that Time, dissolv'd for 'refusing to grant a Sum no greater, nay, far less.

'The Quality of the Fault I leave to your 'Lordships, in what Proportion of Judgment you 'will rate it:

'Whether to that Crime which, in the Civil 'Law, is called *Crimen Peculatus*; which was 'when any Man did unjustly turn to his own Use 'that Money, which was either *sacra*, dedicated 'to God's Service; or *religiosa*, which was used 'about Funerals and Monuments of the Dead; or

(q) A *Dutch* Merchant employ'd by the Duke in remitting Money for the Service of the Government.

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'*Publica*, of which kind the Business now in Question is; the rather because public Treasure was held in the same Reputation with that which was dedicated to God and Religion. And this Offence, by that Law, was Death and Confiscation.

'Or whether the Lords will think it to carry Proportion with that Crime, which is called in the Civil Law, *Crimen Falsi*; and is defined to be when any shall *Simulatione Veri suum Compendium, alieno Dispendio, facere, viz.* by Semblance of Truth make Gain to himself out of others Losses; which, in the Case of a Bondman, was Death, and, in the Case of other Men, was Banishment and Confiscation, as the Nature of the Fact required.

'Or whether the Lords will esteem it according to the Sentence of the Star-Chamber ordinary, in Cases of Fraud.

'Or according to the Common Law, which so much detests this Dealing, which they term *Covin*, as it doth vitiate ordinary and lawful Actions.

'Or lastly, Whether the Lords will estimate it according to the Duke's own Judgment in his own Conscience: For direct Actions are not afraid to appear open-faced, but ill Dealings desire to be masked with Subtilty and Closeness. And therefore it were Offence sufficient, were there no more than a cunning Concealing of what he receiv'd from the King: Since that argues either Guilt of Unthankfulness, in hiding his Master's Bounty; Guilt of Unworthiness, as if he durst not avow the Receipt of that which he had not merited; or Guilt from Fear of Punishment, by these Inquisitions into his Actions which now are come to pass.

'The third Point in this Branch is, That he hath receiv'd sundry Sums of Money, intended for the Maintenance of the Navy.

'To instance the one of 20,000l. the other of 30,000l. both in *January* 1624.

'By

'By the Privy-Seal with which these be issued, 'they appear to be free Gifts; but by the Affir- 'mation of some, in Answer for the Duke, it hath 'been said, he was only the Hand to convey it over 'to the Treasurers of the Navy.

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'If the Truth be according to the Privy-Seal, it 'is to be added to the former Sums as Parcel of his 'own Gain; if according to the aforesaid Allega- 'tion, it may prove a Precedent of greater Damage 'to the King than the Money is worth: For by this 'Way his Majesty hath no Means, by matter of 'Record, to charge the Treasurer of the Navy 'with these Sums; and shall lose the Benefit of 'the Act 13. *Eliz.* whereby Accomptants Lands 'are made liable to the Payment of their Debts, 'and in many Cases may be sold for his Majesty's 'Service.

'The fourth Point of this Branch is, That he 'hath caused so great a Mixture and Confusion be- 'twixt the King's Estate and his own, that they 'cannot be distinguished by the Records and En- 'tries, which ought to be clear for that Purpose.

'This is proved by divers Reasons.

'One is already alledged, and the others fol- 'low:

'By the Wisdom of the Law, in the Constitu- 'tion of the Exchequer, there be three Guards set 'upon the King's Treasurer and Accompts.

'The first, a legal Impignoration, whereby the 'Estates, Personal and Real, of the Accomptants, 'are made liable to be sold for the Satisfaction of 'their Debts.

'The second, an Act of Controulment, that 'the King relies not upon the Industry nor Since- 'rity of any one Man; but, if he fail in either, it 'may be discovered by the Duty of some other 'Officer sworn to take Notice of it.

'The third, an Evidence and Certainty, not for 'the present Time only, but of Perpetuity; because 'the King can neither receive nor pay any thing 'but by Record.

'All

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'All these Ways have been broken by him; 'both in the Case next before recited, and in these 'that follow.

'The Custom of the Exchequer is the Law of 'the Kingdom, for so much as concerneth the 'Revenue.

'Every Breach of the Law, by particular Of-'fence, is punishable; but such an Offence, as is 'the Destruction of the Law itself, is of a far 'higher Nature.

'The fifth Point of this second Branch is con-'cerning two Privy-Seals of Release, the one the '16th, the other the 20th *Jac.* concerning divers 'Sums secretly received to his Majesty's Use, but 'by virtue of these Releases to be converted to the 'Duke of *Buckingham*'s own Profit; the Proof 'whereof is referred to the Privy-Seals themselves.

'Hence appear the Duke's Subtilties, by which 'he used to wind himself into the Possession of the 'King's Money; and to get that by cunning Steps 'and Degrees which, peradventure, he could not 'have obtained at once: A good Master will trust 'a good Servant with a greater Sum than he would 'give him; yet after, when it is out of his Posses-'sion, will be drawn the more easily to release 'him from accounting for it, than to have made 'a Free-Gift at first.

'This is a proper Instance to be added to the 'Proof of mingling his own Estate with the King's; 'and of the same Kind be other Particulars men-'tioned in the Schedule, though not express'd in 'the Charge, *viz.* the 20,000 l. in part of the Earl 'of *Middlesex*'s Fine, which cannot be discovered 'whether part, or all, be converted to the Duke's 'Benefit (*r*); and yet it appears, by a Privy-Seal, 'to be clearly intended to the King's own Service 'for his Houshold and Wardrobe; 'till by the 'Practice of the Duke it was diverted into this 'close and Bye-way.

'Ano-

(*r*) *Wilson* tells us, It was reported the Duke got *Chelsea-House* from the Earl of *Middlesex*, as his Share of the Fine.

'Another Instance is, his Endeavour to get the 'Prize-Goods into his own Hands; and for this 'Purpose he first laboured that his Man, *Gabriel* '*March*, might receive it; yet it was thought fit 'some Partner should be joined with him; and di-'vers being tried, none of any Credit would be join'd 'with him: The Commons have Reason to think 'they had Cause to do so; since he is so ill an Ac-'comptant, that he confessed upon Examination in 'their House, that by Authority from the Duke he 'receiv'd divers Bags of Gold and Silver of the *Peter* 'of *Newhaven*, which he never told. When this 'Practice of getting some to join with his Man 'could take no Effect, then he procured a Com-'mission to Sir *William Russel*, (who is without 'Exception an able and worthy Officer) but that 'was not sufficient enough for the King's Secu-'rity; for, howsoever he receiv'd the Money, 'it was to be issued by the Duke's Warrant; which 'Course hath been altered since this was questi-'oned in Parliament, and now it is to be issued 'out by an immediate Warrant from his Majesty: 'But as it was before, it may be noted as an En-'croachment of the Duke's upon the Office of my 'Lord Treasurer, for the Advancement of his 'own base Purposes.

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'The last Point upon this whole Charge is a 'Connection of Land and Money into one Total; 'and to that Purpose the Lands may be valued at '40 Years Purchase, though some were sold for '30, and some were worth more than 100, (being 'old Rents) so as 40 Years is conceived an even 'Medium.

'The Lands granted by the late King to the 'Duke of *Buckingham*, at the Rate of 3035 l. *per* '*Annum*, come to 121,400 l. which being added 'to the Total of the Monies receiv'd, which were '162,995 l. amounts to the Sum of 284,395 l. (*s*) 'besides the Forest of *Leyfield*.

'This

(*s*) Upon calculating the Lands at 40 Years Purchase, and adding the Amount thereof to the Monies mentioned in the following Schedules, the whole amounts exactly to this Sum.

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'This is a great Sum in itself, but much greater by many Circumstances:—— If you look upon the Time past, never so much came into any one private Man's Hands out of the publick Purse. If you respect the Time present, the King had never so much Want, never so many Occasions, foreign, important and expensive; the Subjects have never given greater Supplies; and yet those Supplies unable to furnish those Expences.—— But as these Circumstances make that Sum the greater, so there be other Circumstances which make the Sum little, if it be compared with the inestimable Gain he hath made by the Sale of Honours and Offices, and Projects hurtful to the States both of *England* and *Ireland*; or if it be compared with his own Profuseness, witness, notwithstanding this Gift, his Confession before both Houses of Parliament to be indebted 100,000l. and above: If this be true, how can we hope to satisfy his immense Prodigality; if false, how can we hope to satisfy his Covetousness. And therefore no wonder the Commons so earnestly desire to be deliver'd from such a Grievance.

'I shall now produce the Precedents of your Lordships Predecessors: Precedents they are in Kind; but not in Proportion, for, in this View there are no Precedents.

'The first is the 10th *Ric.* II. which was in the Complaint against *Michael de la Pole*, Earl of *Suffolk*, out of which I shall take three Articles. The first, That being Chancellor and sworn to the King's Profit, he had purchased divers Lands from the King, more than he had deserved, and at an under Rate. The second, That he had bought an Annuity of 50 l. *per Annum*, which Grant was void; and yet he procured the King to make it good. The third, Whereas the Master of St. *Anthony's* being a Schismatick, had forfeited his Estate into the King's Hands, this Earl took it in Farm at 20 Marks the Year; converting the Overplus, which

'was

'was 1000 Marks, to his own Benefit, which 'should come to the King. An. 2. Charles I. 1626.

'The next Precedent, 11. *Ric.* II. out of the 'Judgment against *Robert de Vere*, and others, out 'of which I shall take two Articles, the 5th and '7th. The 5th was for taking Lands and Ma-'nours annexed to the Crown, whereby they them-'selves were enriched, and the King made poor. 'The 7th was intercepting the Subsidies granted 'for the Defence of the Kingdom.

'The third Precedent is 28. *Hen.* VI. in the 'Parliament-Roll, out of the Complaint against '*William* Duke of *Suffolk:* That, being next 'and privatest of Council to the King, he had 'procured him to grant great Possessions to divers 'Persons, whereby the King was much impove-'rished; the Expence of his House unpaid; Wages, 'the Wardrobe, Castles, Navy-Debts, unsatisfied; 'and so, by his subtile Counsel and unprofitable 'Labour, the Revenues of the Crown, Duchy of '*Lancaster*, and other the King's Inheritances, so 'diminished, and the Commons of the Realm so 'extremely charged, that it was near a final De-'struction: And that the King's Treasure was so 'mischievously diminished to himself, his Friends, 'and Well-wishers, that, for lack of Money, no 'Armour nor Ordnance could be provided in 'Time.

'These Precedents the Commons produce as 'Precedents in Kind, but not in Proportion; and 'because these great Persons were not brought to 'Judgment upon these Articles alone, it is to be 'noted, That Ravening upon the King's Estate is 'always accompanied with other great Vices and 'Faults.

'All these Considerations I humbly submit to 'your Lordships great Wisdoms; and conclude 'with hoping, That, as this great Duke has so 'far exceeded all others in his Offences, he may 'not fall short of them in Punishment.'

The

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The *Lords Journals* here give us a SCHEDULE of GRANTS *and* GIFTS *to the Duke of* Buckingham *himself, or to his* immediate Use (*t*).

	Yearly Value. *l.*	*s.*	*d.*
June 4. 1616 The Manour of *Biddlesden* and other Lands, Parcel of the Possession of the Lord *Grey*, in the County of *Buckingham*	700	0	0
July 23. 1616. The Manour of *Whaddon*, in the County of *Buckingham*	101	14	0
Nov. 9. 1616. The Lordship or Manour of *Harrington*, and divers other Lands	471	14	4½
The Manour of *Combe* and *Binley*, in the County of *Warwick*	317	14	0
Dec. 10. 1616. The Manour of *Bisley*, in the County of *Gloucester*	103	16	6½
The Manours of *Timberwood* and *Rainhursl*, in the County of *Kent*	309	17	9½
The Lordship and Manour of *West Harmes*, *Stockton*, *Stoke-Ivington*, and *Hope*, in the County of *Hereford*	205	11	4
The Manour of *Spalding*, in the County of *Lincoln*	224	7	9
The Grange of *Berkeley*, in the County of *York*	15	16	4
The Manour of *Over*, in the County of *Kent*	106	18	2¾
The Manour of *Lagston*, in the County of *Suffolk*	114	7	11¼
The Lordship or Manour of *Brampton*, in the County of *Huntingdon*	127	0	6¾

The

(*t*) We are apprehensive there may be some Mistakes in the Names of Places: Yet, as they stand thus in the *Lords Journals*, the attempting a Correction was not thought so adviseable as the leaving them to the Reader's Judgment.

	Yearly Value. *l.*	*s.*	*d.*	An. 2. Charles I. 1626.
The Park of *Rockingham* in the County of *Northampton*	26	1	2	
The Mannor and Lordship of *Brighton*, with Lands in *Melborne*, the Mannor of *Santon*, and the Grange of *Berkeley*, given in Exchange for *York*-House by Act of Parliament, *Jac.* 21.	210	0	0	
The whole Forest of *Leyfield* in the County of *Rutland*, within which the Woods yield to his Majesty's Use the yearly Rent of 130 l. (except *Beomond* Walk and *Rudlington* Park) granted to the Duke, *Sept.* 12. 1620, at the Fee-Farm Rent of only 16 l. 13 s. 4 d.				
For Lands sold by his own Agents, and the Money receiv'd by them, but Tallies thereof struck for Form only;				
1622. *Feb.* 11.	6000	0	0	
—— *Mar.* 7.	800	0	0	
—— —— 14.	4637	18	8	
—— —— 21.	4000	0	0	
1623. *July* 19.	8065	0	0	
—— *Dec.* —	1000	0	0	
—— *Ibid.*	1906	6	8	
—— *Jan.* —	1476	16	8	
1624. *April* 31.	3204	3	0	
—— *Oct.* 17. For the Mannor of *Newby*	3000	0	0	
1625. *May* 29. To the Earl of *Manchester*, in part of Satisfaction of 20,000 l. formerly paid to the Duke for the Office of Lord Treasurer	10000	0	0	
For this some Lands were sold at the yearly Value of 500 *l. or thereabouts.*				

To

An. 2. Charles I. 1626.

	l.	s.	d.
To Mr. *Rotheroy* in free Gift for secret Services	904	15	0
To Sir *Robert Pye*,	8000	0	0

This Money was paid Aug. 12. 1623. *for my Lord Duke's Purchase of* Berkeley, *and Sir* Robert Pye *discharged by another Privy-Seal* Jan. 4. *following.*

1624. *Jan.* 15. To *Philip Burlemache*	30000	0	0
—— —— 28. ——	20000	0	0
1625. *Aug.* 12.	60000	0	0

These Sums are paid to the Duke by a Privy-Seal of free Gift, but are alledged to be intended for the Navy.

Out of the Customs of *Ireland*, by virtue of a Lease granted, *Anno* 1618. for ten Years, for Support of his Dignity, 7000 l.

In one Pension out of the Revenue of the Court of Wards, granted *July* 17, 1624, 1000 l.

N. B. *The Duke is to pay, by Covenant, the Moiety of this* 7000 *l. unto the King.*

1615. *May* 27. A Pension of 5000 l. to the Earl of *Worcester*, for leaving the Mastership of the Horse to the Duke of *Buckingham*

1617. *Mar.* 29. The Profit of the Third upon Strangers Goods, over and above the Rent of 3000 l. *per An.* which that same Year amounted to 1000 l. and some Years less.

1619. *Jan.* 21. The late King granted to the late Earl of *Nottingham*, during his Life, a Pension, of 1000 l. for surrendering the Office of Admiralty

His

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	l.	*s.*	*d.*
His Endeavours to get Money to be made of Prize-Goods to be receiv'd by his Servant *Gabriel Marsh*, and to be disposed of by himself; and the great Quantity of Goods sold without Warrant, and without any legal Course taken to bring it to Account.			
Part of the Earl of *Middlesex*'s Fine, by a Privy-Seal to the Lord Treasurer and Chancellor of the Exchequer, appointed for the Houshold and for the Wardrobe; but, by the Practice of the Duke, diverted to his own Use.	20000	0	0

Divers GRANTS *to the Duke's* Brother, *and others of his* Kindred.

	l.	*s.*	*d.*
To his Brother, the Earl of *Anglesey*, 400 l. *per Annum*, valued at the Sum of	10000	0	0
To him more, the Forests of *Penseim* and *Blackmore*, of the yearly Value of 800 l. at the least, together with the Timber-Trees thereupon growing; and likewise divers Debts granted to him for Trees there formerly sold, valued at	20000	0	0
Sir *Lionel Cranfield*, Knt. who married his Kinswoman, was advanced to be an Earl, made Lord High Treasurer of *England*, and by means thereof, and of divers Places of Trust, he got to his own Use of his Majesty's Treasure at several Times, and out of his Majesty's Estate	120000	0	0

To

An. 2. Charles I. 1626.		l.	s.	d.
	To Sir *Edward Villiers* 500 Acres, Parcel of the Forest of *Dean* in the County of *Gloucester*, with the Timber thereupon growing, valued at	7000	0	0
	To him, in Money out of the Mint, in consideration of *Lea-Baylie*, Parcel of the Forest of *Dean*, presented him by his late Majesty.	3000	0	0
	1624. *July* 31. To him more in Pension, by Grant, out of the Profit of the Mint	5000	0	0
	The same Day in one other Pension, by Grant, out of the Court of Wards	5000	0	0

Then the Lord Viscount *Say* and *Seale* reported Mr. *Wandesford*'s Speech at the said Conference, as follows:

My Lords, The seventh Gentleman first desired the Thirteenth Article to be read.

XIII. *Whereas special Care and Order hath been taken by the Laws of the Realm, to restrain and prevent the unskilful Administration of Physick, whereby the Health and Life of Men may be much endanger'd: And whereas most especially, the Royal Persons of the Kings of the Realm, in whom we their loyal Subjects humbly challenge a great Interest, are, and always have been esteemed by us, so sacred, that nothing ought to be prepared for them, or administred unto them, in the way of Physick or Dyet, in the Times of their Sickness, without the Consent and Direction of some of their sworn Physicians, Apothecaries, or Chirurgeons: And the Baldness of such (how near soever to them in Place and Favour) who have forgotten their Duties so far as to presume to offer any thing unto them beyond their Experience, hath been always ranked in the Number of high Offences and*

Mis-

Misdemeanors. And whereas the sworn Physicians of our late Sovereign Lord King James, *of blessed Memory, attending on his Majesty in the Month of* March, *in the two-and-twentieth Year of his most glorious Reign, in the Times of his Sickness, being an Ague, did, in due and necessary Care of, and for the Recovery of his Health, and Preservation of his Person, upon and after several mature Consultations in that Behalf had and holden, at several Times in the same Month, resolve and give Directions, that nothing should be applied or given unto his Highness, by way of Physick or Diet, during his said Sickness, but by and upon their general Advice and Consents, and after good Deliberation thereof first had; more especially by their like Care, and upon like Consultations, did justly resolve, and publickly give Warning to, and for all the other Gentlemen, and other Servants and Officers of his said late Majesty's Bed-Chamber, that no Meat or Drink whatsoever should be given unto him, within two or three Hours next before the usual Time of, and for the coming of his Fit in the said Ague, nor during the Continuance thereof, nor afterwards, untill his cold Fit was past: The said Duke of* Buckingham, *being a sworn Servant of his said late Majesty, of and in his Majesty's said Bed-Chamber, contrary to his Duty, and the tender Respects which he ought to have had of his Majesty's most Sacred Person, and after the Consultations, Resolutions, Directions, and Warning aforesaid, did, nevertheless, without any sufficient Warrant in that Behalf, unduly cause and procure certain Plaisters, and a certain Drink or Potion to be provided for the Use of his said Majesty, without the Direction or Privity of his said late Majesty's Physicians, not prepared by any of his sworn Apothecaries or Chirurgeons, but compounded of several Ingredients to them unknown: Notwithstanding the same Plaisters, or some Plaister like thereunto, having been formerly administred unto his said Majesty, did produce such ill Effects, as that some of the said sworn Physicians did altogether disallow thereof, and utterly refused*

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to meddle any further with his said Majesty, untill these Plaisters were removed, as being hurtful and prejudicial to the Health of his Majesty: Yet, nevertheless, the same Plaisters, as also a Drink or Potion, was provided by him the said Duke; which, he, the said Duke, by colour of some insufficient and slight Pretences, did, upon Monday *the one-and-twentieth Day of* March, *in the two-and-twentieth Year aforesaid, when his Majesty, by the Judgment of his said Physicians, was in the Declination of his Disease, cause and procure the said Plaisters to be applied to the Breast and Wrists of his said late Majesty. And then also, at and in his Majesty's Fit of the said Ague, the said* Monday, *and at several Times within two Hours before the coming of the said Fit, and before his Majesty's then cold Fit was passed, did deliver, and cause to be delivered, several Quantities of the said Drink or Potion to his said late Majesty; who thereupon, at the same Times, within the Seasons in that Behalf prohibited by his Majesty's Physicians, as aforesaid, did, by the Means and Procurement of the said Duke, drink, and take divers Quantities of the said Drink or Potion.*

After which said Plaisters, and Drink or Potion, applied and given unto, and taken and received by his said Majesty as aforesaid, great Distempers and divers ill Symptoms appeared upon his said Majesty; insomuch that the said Physicians finding his Majesty the next Morning much worse in the Estate of his Health, and holding Consultation thereabout, did, by joint Consent, send to the said Duke, praying him not to adventure to minister to his Majesty any more Physick, without their Allowance and Approbation. And his said Majesty finding himself much diseased and affected with Pain and Sickness, after his then Fit, when by the Course of his Disease he expected Intermission and Ease, did attribute the Cause of such his Trouble unto the said Plaister and Drink, which the said Duke had so given, and caused to be administred unto him. Which said adventurous Act, by a Person obliged in Duty and Thankfulness, done to the Person

of

of so great a King, after so ill Success of the like formerly administred, contrary to such Directions as aforesaid, and accompanied with so unhappy Event, to the great Grief and Discomfort of all his Majesty's Subjects in general, is an Offence and Misdemeanor of so high a Nature, as may justly be called, and is, by the said Commons deemed to be, an Act of transcendent Presumption, and of dangerous Consequence. An. 2. Charles I. 1626.

Then he proceeded, as follows:

Mr. Wandesford's Speech upon the tenth Article.

'THus have your Lordships heard this Charge against the Duke of *Buckingham* briefly stated; and now may it please you to have represented also to your Wisdoms and Justice the Nature of this Offence in itself, and how it stands apparell'd with Circumstances.

'The various Composition and Structure of our Bodies, the several Natures and Degrees of Diseases, the Quality and Power of Medicines, are such subtle Mysteries of Nature, that the Knowledge thereof is not apprehended without great Study and Learning; nor perfected without long Practice and Experience. This tender Consideration induced, it seems, the Charity and Providence of that Law, which makes it penal for unskilful Empirics, and all others, to exercise and practise Physic, even upon common Persons, without a lawful Calling and Approbation; branding them that shall thus transgress, as *improbos, malitiosos, temerarios & audaces Homines:* But he that, without Skill and Calling, shall direct a Medicine, which, upon the same Person, had once wrought bad Effects, (enough to have dissuaded a second Adventure) and that when Physicians are present; Physicians selected for Learning and Art, prepared by their Office and Oaths, without their Consent; nay, even contrary to their Directions, and in a Time unseasonable, I say, must needs be guilty, albeit towards a common Person, of a precipitate and unadvised Rashness. ——But to practise, my Lords, such Experiments

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'upon the sacred Person of a King, so great, so 'good, so blessed a Prince, a Prince, under the Pro- 'tection of whose Justice, (to use the Words often 'recorded by himself) *Every Man sat under his 'own Vine, and eat of his own Fig Tree*, extends 'this Fault, this Attempt, beyond all Precedents, 'beyond all Example: For tho' the Days of the 'greatest Princes, like their meanest Subjects, be 'numbered, and a Time appointed which they 'cannot pass; yet, while they are upon the Earth, 'they are Vessels of Honour, set a-part for God's 'greater Works; his Vicegerents, not to be thought 'upon without Reverence; not to be approached 'unto without a proper Distance.

'And so pious, my Lords, are our Laws, to put 'the Subjects in mind of their Duties towards the 'sacred Persons of their Prince, that in the Attempt, 'even of a Madman, upon the Person of his King, 'his Want of Reason, which, towards any of his 'Fellow-Subjects, might acquit him of Felony, 'shall not excuse him of Treason.

'And how wary and how advised our Ancestors 'have been, not to apply any Thing of this Kind 'to the Person of a King, may appear by a Pre- 'cedent in the 32. *Hen.* VI. where *John Arun- 'del*, and others, the King's Physicians and Sur- 'geons, thought it not safe for them to administer 'any Thing to the King's Person, without the As- 'sent of the Privy Council, and express Licence 'under the Great Seal of *England*.

'I beseech your Lordships to behold the Diffe- 'rence of Times: The Modesty, the Duty of 'those Physicians restrained them from acting that 'which their Judgment and Experience might 'have justified: But I am *commanded* to say, The 'Boldness of this Lord admits no Warrant, no 'Command, no Counsel; but, transported by the 'Passions of his own Will, he ventures upon the 'doubtful Sickness of a King with a Kind of high, 'sole, and single counselling: The Effects whereof, 'as in all other Things, so especially in such as this,

'have

'have ever been decried as leading to Ruin and 'Destruction.

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'Surely, my Lords, *Si hæc fiant in viridi, in aridо quid fiat?* If this be offered to the anointed 'person of a King, what shall become of the 'common Person of a Subject?

'What Colour shall be given then, my Lords, 'what Excuse can be framed for a Servant, (a Servant too obliged as much as the Bounty of a great 'King, and Goodness of a Master could make 'him) so much forgetting his Duty as to hazard 'such a Majesty upon so slight, so poor Pretences.

'Admit, my Lords, (for that is all that can 'be alledged in this great Duke's Defence) that 'this sprang from Affection to his great Master, 'the Desire of his Preservation; yet could this 'Lord imagine, that any Medicine could be so catholicly good, at all Times, in all Degrees of 'Age, for all Bodies? But as I am *commanded* to 'say, What Belief, what Hopes could he have of 'this the second Time, when the former appeared 'so unsuccessful?

'It is a faint Affection, my Lords, where Judgment doth not guide. A well regulated Judgment should have directed a more advised, a more 'orderly Proceeding; but whether it were a fatal 'Error in Judgment only, or something worse, 'my Lords, in his Affections, the House of Commons leave to your Lordships to search into and 'judge: Only give me Leave to remember, that 'this Medicine found his Majesty in the Declination of his Disease, and we all wish it had left 'him so; but his blessed Days were soon turned 'into worse; and, instead of Health and Recovery, 'your Lordships shall hear, by good Testimony, '(that which troubles the poor and loyal Commons 'of *England*) of greater Distempers; as Drought, 'Raving, a fainting and intermitting Pulse; strange 'Effects, my Lords, to follow upon the applying 'of a meer Treacle-Plaister! But the Truth is, 'my Lords, these Testimonies tell us, that this

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'Plaister had a strange Smell and an invective Quality, striking the Malignity of the Disease inward, which Nature, otherwise, might have expelled outwards.

'And when I call to mind, my Lords, the Drink twice given to his Majesty by the Duke of *Buckingham*'s own Hands, and a third Time refused; and the following Complaint of that blessed Prince, the Physicians telling him, to please him for the Time, that this second Impairment was from Cold taken, or some other ordinary Cause. *No, no*, quoth his Majesty, *it was that I had from* Buckingham! A great Discomfort, no doubt, that he should receive any Thing, that might hurt him, from one that he so much loved and affected: This makes me call to mind the Condition of *Cæsar* in the Senate, *Et tu Brute, et tu Fili?*

'Here perhaps your Lordships may expect to hear what hath been done in like Cases heretofore. It is true indeed the former Charges were not without Example: But as *Solon* said of his Laws not providing against Parricide, his Reason was, because he thought no Man was so wicked as to commit it; so do we not find recorded to Posterity any Precedent of former Ages, of an Act offered to the Person of a King, so insolent, so transcendent as this; tho' it be true, that divers Persons, as great as this Duke, have been question'd and condemn'd for less Offences against the Person of their Sovereign.

'And not to trouble your Lordships with much Repetition: It was an Article, amongst others, laid against the Duke of *Somerset* for carrying *Edward* VI. away in the Night Time, of his own Head, but from *Hampton-Court* to *Windsor*; and yet he was trusted with the Protection of his Person. And whether this exceed not that Offence, my Lords, I humbly submit to your Judgments.

'Yet, as we used to say, where the Philosophers end, Physicians begin; so, Precedents fail-

'ing

'ing us in this Point, Common Law will in part 'supply us. An. 2 Charles I. 1626.

'The Law judgeth a Deed done in the Execu-'tion of an unlawful Act, Manslaughter; which 'otherwise would have been but Chance Medley: 'And that this Act was unlawful, the House of 'Commons do believe, as belonging to the Duty 'and Vocation of a sworn and experienced Physi-'an, and not to the Unskilfulness of a young Lord.

'And so precious are the Lives of Men in the 'Eye of the Law, that, tho' Mr. *Stanford* saith, 'A Physician taking one in Cure, if he dies under 'his Hands, it is no Felony, because he did it not 'feloniously; yet it is Mr. *Bracton*'s Opinion, That 'if one, that is no Physician or Surgeon, undertake 'a Cure, and the Party die in his Hands, this is a 'Felony: And the Law goeth further, making 'the Physicians and Surgeons themselves account-'able for the Death of their Patients, if it appear 'they have transgressed the Rules of their own 'Art; that is, the undertaking a Thing wherein 'they had no Experience; or, having done that, 'fail in their Care and Diligence.

'How much more then, my Lords, is this Lord 'subject to your Lordships Censure, upon all these 'Circumstances, for this so transcendent a Presump-'tion.

'And the House of Commons, my Lords, stiling 'it but a Presumption, speak modestly: But now 'that they have presented it to your Lordships, 'and brought it to the Light of your Examination 'and Judgment, it will appear in its own Colours.

'And I am further commanded from the House 'of Commons, to desire your Lordships, seeing 'this Duke hath made himself a Precedent, in 'committing that which former Ages knew not, 'your Lordships will, out of your Wisdoms and 'Justice, make him an Example for the Time to 'come.

'Finally, I am most humbly to beseech your 'Lordships, that you will not look upon this Lord's

'luxuriant

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'luxuriant Boldness, thro' the Infirmities an-
'Weakness of me the Speaker; but be pleased, in
'your Honour and Justice, throughly to examine
'the Truth; and then to judge, according to the
'great Weight and Consequence of the Matter, as
'it is represented to your Lordships against the
'Duke of *Buckingham*.'

Lastly, the Lord Bishop of *Norwich* made his Part of the said Report on this Manner, *viz.*

My Lords, *I humbly crave Favour to acquaint your Lordships, that, touching this Report I am to offer unto your Lordships, I could not get any Help from the Gentleman who maintain'd that Part of the Charge; and therefore, I hope, if any Thing be mistaken or misplaced in my Report, your Lordships will give it a favourable Construction.—The Gentleman who presented the* Conclusion *of the* Charge *began thus (u):*

My Lords,

Sir John Elliot sums up the Charge.

'YOur Lordships have heard, in the Labours
'of these two Days spent in this Service, a
'Representation from the Knights, Citizens, and
'Burgesses of the Commons House of Parliament,
'of their Apprehension of the present Evils and
'Dangers of this Kingdom; of the Causes of the
'same; and of the Application of them to the
'Duke of *Buckingham*; so clearly and fully, as I
'presume your Lordships expect I should rather
'conclude, than add any thing to his Charge.

'Your Lordships have heard how his Ambition
'was expressed, in procuring and getting into his
'Hands the greatest Offices of Strength and Power
'of

(u) In our Introduction to this Report of the Charge against the Duke of *Buckingham*, [P. 44.] we took Notice of the Variation between the Managers Speeches as given in the *Lords Journals*, and in Mr. *Rushworth*: This will appear upon Comparison.——But Sir *John Elliot*'s, as exhibited in the *Collections*, is exactly the same as that in the *Lords Journals*, except a few verbal Mistakes owing most probably to the Transcriber.

'of this Kingdom; by what Means he had attained 'them, and how Money stood for Merit. An. 2. Charles I. 1626.

'There needs no Argument to prove this, but 'the common Sense of the Miseries and Misfor'tunes which we suffer; adding but one, the 'Regality of our Narrow Seas, the antient Inhe'ritance of our Princes, lost or impeached.

'This I need not further to press; but from 'hence my Observation must descend to his other 'Virtues, and that by way of Perspective: I shall 'give it so near and short, as rather to exercise 'your Lordships Memory, than to oppress your 'Patience.

'*First*, I propose unto your Lordships the in'ward Character of the Duke's Mind, which is 'full of Collusion and Deceit; I can express it no 'better than by the Beast called by the Antients '*Stellionatus*; a Beast so blurr'd, so spotted, so full 'of foul Lines, that they knew not what to make 'of it: So do we find in this Man's Practice; who 'first inveigled the Merchants, drawing them to '*Dieppe* to be inthralled; then dealt deceitfully 'with the King to colour his Offences, his Design 'being against *Rochelle* and our Religion; next with 'the Parliament, to disguise his Actions: A Practice 'no less dangerous and disadvantageous to us, than 'prejudicial to our Friends and Allies.

Next, I present to your Lordships the Duke's 'high Oppression, and that of strange Latitude 'and Extent; not to Men alone, but to Laws, 'and Statutes; to Acts of Council; to Pleas and 'Decrees of Court; to the Pleasure of his Majesty: 'All must stoop to him, if they oppose to stand in 'his Way. This hath been expressed unto you 'in the Ship called the *St. Peter*, and those of '*Dieppe*; nay, he calls on the Colour of his Ma'jesty's great Name to shadow his Design.

'It had been his Duty, nay, the Trust of his 'Place, not to have transmitted them into the 'Hands of Strangers; nay, had his Majesty yielded 'in that Point, the Duke should have opposed it

'by

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'by his continual Prayers and Intercessions, making 'known unto his Majesty the Inconveniencies 'likely to ensue; and not to rest there, but to 'have reported it to your Lordships sitting in Coun-'cil; to have desired and prayed your Aid and 'Assistance in a Matter of so great Importance: 'And, if this had failed, he should have entered 'into a Protestation against it. This hath been 'done by worthy Predecessors in that Office, and 'this had been the worthy Discharge of the great 'Trust reposed in his Place.

'I heard the Ships were returned, but I know 'it not; but if I knew so, this neither excuseth 'nor qualifieth the Duke's Offence. The *French* 'in this Case are to be commended, not he to be 'excused; he left them in the Hands of a foreign 'Power, who, when they once had them, for any 'thing he knew, might easily have kept them.

'The *third* Head is, The Duke's Extortion, in 'exacting from the *East-India* Company, without 'Right or Colour, 10,000l. exquisitely expressed, 'and mathematically observed by the Gentleman, '(you know by whom employed) who, by his 'Marine Experience, learned this Observation, 'That if the Fleet gained not the Wind by such 'Time at the Cape, the Voyage was lost.

Here one of the Lords interposing privately, said, *It was the King that employed him*: Whereupon Sir *John Eliot*, in the Name of the Commons, made this Protestation: 'Far be it from the Commons to 'lay an Odium, or Aspersion, on his Majesty's 'Name; they hold his Honour spotless, nor the 'least Shadow of Blemish can be fixed upon him 'in this Business.' Then he went on thus,

'Next to his foul Extortion, is Bribery and 'Corruption, in the Sale of Honours and Offices of 'Command. That which was wont to be the 'Crown of Virtue and Merit, is now become a 'Merchandize for the Greatness of this Man; and

'even

'even Justice itself made a Prey unto him. All 'which Particulars your Lordships have heard 'opened, and enforced with Reasons and Proofs, 'what in themselves they are; and therefore I 'spare further to press them.

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'In the *fifth* Place, I observe a Wonder in Policy and in Nature; how this Man, so notorious 'in evil, so dangerous to the State in his immense 'Greatness, is able to subsist of himself, and keep a 'Being. To this I answer, That the Duke hath 'used the Help of Art to prop him up: It was apparent, that, by his Skill, he hath raised a Party 'in the Court, a Party in the Country, and a main 'Party in the chief Places of Government in the 'Kingdom: So that all the most deserving Offices 'that require Abilities to discharge them, are fixed 'upon the Duke, his Allies and Kindred. And 'thus he hath drawn to him and his, the Power of 'Justice, the Power of Honour, and the Power of 'Command, and, in effect, the whole Power of 'the Kingdom, both for Peace and War, to 'strengthen his Allies; and, in setting up himself, 'hath set upon the Kingdom's Revenues, the 'Fountain of Supply, and the Nerves of the Land.

'He intercepts, consumes, and exhausts the Revenues of the Crown; not only to satisfy his 'own lustful Desires, but the Luxury of others; 'and, by emptying the Veins the Blood should run 'in, he hath cast the Body of the Kingdom into an 'high Consumption.

'Infinite Sums of Money, and Mass of Land exceeding the Value of Money, nay, even Contributions in Parliament, have been heaped upon him; 'and how have they been employed? Upon costly Furniture, sumptuous Feasting, and magnificent Building; the visible Evidences of the express exhausting of the State: And yet his Ambition, which is boundless, resteth not here; but, 'like a violent Flame, bursteth forth, and getteth 'further Scope. Not satisfied with Injuries and 'Injustice, and dishonouring of Religion, his At-

'tempts

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'tempts go higher, to the Prejudice of his Sovereign, which is plain in his Practice. The Effects I fear to speak, and fear to think. I end this Passage, as *Cicero* did in a like Case, *Ne gravioribus utar Verbis quam Rei Natura fert, aut levioribus quam Causæ Necessitas postulat.*

'Your Lordships have an Idea of the Man, what he is in himself, what in his Affections: You have seen his Power, and some, I fear, have felt it: You have known his Practice, and have heard the Effects. It rests then to be consider'd, what, being such, he is in reference to the King and State; how compatible or incompatible with either? In reference to the King, he must be stiled the Canker in his Treasure; in reference to the State, the Moth of all Goodness. What future Hopes are to be expected, your Lordships may draw out of his Actions and Affections. I will now see, by Comparison with others, to what we may find him liken'd; I can hardly find him a Match or Parallel in all Precedents; none so like him as *Sejanus*, who is thus described by *Tacitus*, *Audax, sui obtegens, in alios Criminator, juxta Adulator & superbus.*

'To say nothing of his Veneries, if you please to compare them, you shall easily discern wherein they vary; such Boldness of the one hath lately been presented before you, as very seldom or never hath been seen. For his secret Intentions and Calumniations, I wish this Parliament had not felt them, nor the other before. For his Pride and Flattery, it is noted of *Sejanus*, that he did *Clientes suos Provinciis adornare.* Doth not this Man the like? Ask *England*, *Scotland*, and *Ireland*, and they will tell you. *Sejanus*'s Pride was so excessive, as *Tacitus* saith, he neglected all Counsel, mixed his Business and Service with the Prince, seeming to confound their Actions, and was often stiled *Imperatoris Laborum Socius.* How lately and how often hath this Man commixed his Actions, in Discourses, with Actions of the King's?

'My

'My Lords, I have done. You see the Man! 'Only this which was conceived by the Knights, 'Citizens, and Burgesses, should be boldly by me 'spoken, *That by him came all these Evils; in him 'we find the Cause; and on him we expect the Re-'medies*; and to this End we met your Lordships in 'Conference; to which, as your Wisdom invites us, 'so we cannot doubt, but in your Lordships Justice, 'Greatness, and Power, we shall, in due Time, 'find Judgment as he deserves.

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'I conclude, by presenting to your Lordships 'the particular Censure of the Bishop of *Ely*, re-'ported in 11. *Richard* II. and to give you a short 'View of his Faults. He was first of all noted to 'be luxurious. He married his own Kindred to 'Personages of the highest Rank and Places. No 'Man's Business was done without his Help. He 'would not suffer the King's Council to advise in 'Matters of State. He grew to such a Height of 'Pride, that no Man was thought worthy to speak 'to him. And, lastly, his Castles and Forts of 'Trust; he did *obscuris & ignotis Hominibus tra-'dere*. His Doom was this, *Per totam Insulam pu-'blicè proclametur; periat, qui perdere cuncta festi-'nat; opprimatur, ne omnes opprimat.*'

Then the Bishop of *Norwich* added:

My Lords, *After this the Gentleman presented to your Lordships the* Conclusion *of the* Charge, *and prayed it might be read, and so to present it to your Noble Care as follows*;

CONCLUSION. *And the said Commons, by Protestation, saving to themselves the Liberty of exhibiting, at any Time hereafter, any other Accusation or Impeachment against the said Duke, and also of replying to the Answers that the said Duke shall make unto the said Articles, or to any of them, and of offering further Proof also of the Premisses, or of any of them, as the Case shall (according to the Course of Parliament) require, do pray, that the said Duke may be put to answer all and every the Premisses; and that such Pro-*

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Proceeding, Examination, Tryal and Judgment, may be upon every of them had and used, as is agreeable to Law and Justice.

The Duke of Buckingham charges Sir Dudley Diggs with treasonable Words at the foregoing Conference.

After this long Report of the Duke's Charge was ended, his Grace rose up and affirmed to the House, 'That some Words were spoken at the late Conference by Sir *Dudley Diggs*, which so far trenched on the King's Honour, that they were interpreted Treasonable. And that, had he not been restrained by the Order of the House, he would have reprehended him for them. He, therefore, earnestly desired, because that divers Constructions had been made of those Words and variously reported, that the eight Lords would be pleased to produce their Notes taken at the said Conference.'

This Motion occasioned a long Debate, the House being often put into a Committee and resumed again, till, at last, thirty Lay-Lords and six Bishops, though there was no Order for it, made a voluntary Protestation, upon their Honours, *That the said Sir* Dudley Diggs *did not speak any Thing at the said Conference, which did or might trench upon the King's Honour; and, if he had, they would presently have reprehended him for it.*

Several Lords, by Protestation, clear him.

The Lord President [the Earl of *Manchester*] affirmed, 'That he had reported the Words in the same Sense they were delivered unto him by the Party himself; and, tho' the Dislocation of them required to be explained, yet he agreed with the rest of the Lords for the Party's good Meaning, and made the same Protestation. Some other Lords affirmed, They did not hear them at all; others said, They would make no Protestation untill they were commanded by Order; and only one, the Earl of *Holland*, thought the Words were fit to be explained and the Party questioned about them.

This is all that is said, in the *Lords Journals*, relating to Sir *Dudley Diggs*'s Case; for Sir *John Elliot*'s did not come before them. We shall now return back to the Proceedings of the other House, and learn how this Business went there.

The

The Commons highly resented the Imprisonment of their two Members; and, *May* the 12th, actually resolved, *Not to do any more Business till they were righted in their Privileges.* Sir *Dudley Carlton*, Vice-Chamberlain of the Houshold, observing a sullen Silence, as he termed it, in the House, began a Speech in order to bring them to better Temper. The Heads of this Speech is entered in the *Commons Journals* of this Day. Mr. *Rushworth* hath given us the same at length, except in an Expression or two, and is in these Words:

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The Commons resent the Imprisonment of Sir Dudley Digge and Sir John Eliot.

Sir Dudley Carleton's Speech on that Occasion.

'I Find, by a great Silence in this House, that it is a fit Time to be heard, if you please to give me the Patience. I may very fitly compare the Heavinesſ of this House unto some of my Misfortunes by Sea in my Travels: For as we were bound unto *Marseilles*, by Oversight of the Mariners we mistook our Course, and by ill Fortune met with a Sand: That was no sooner overpast, but we fell on another; and having escaped this likewise, we met with a third, and in that we stuck fast. All of the Passengers being much dismayed by this Disaster, as now we are here in this House for the Loss of those two Members: At last an old experienced Mariner, upon Consultation, affirmed, That the speediest Way to come out from the Sands, was to know how we came there: So, well looking and beholding the Compass, he found by going in upon such a Point we were brought into that Strait; wherefore we must take a new Point to rectify and bring us out of Danger.

'This House of Parliament may be compared to the Ship; the Sands to our Messages; and the Commitment, to the Sands that the Ship did stick fast in; and lastly the Compass, to the Table where the Book of Orders doth lie. Then I beseech you let us look into the Book where the Orders are, whether the Gentlemen did go no

'further

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'further than the Order did warrant them. If 'they did not, it is fit that we ſhould defend them 'whom we employed in our Behefts: But if they 'have exceeded their Commiſſion, and delivered 'that which they had not Warrant for, it is juſt 'that we let them ſuffer for this Preſumption; 'and this our Courſe will bring us from theſe Rocks.

'I beſeech you Gentlemen, move not his Ma-'jeſty with trenching upon his Prerogatives, leſt 'you bring him out of Love with Parliaments. 'You have heard his Majeſty's often Meſſages to 'you, to put you forward in a Courſe that will be 'moſt convenient. In thoſe Meſſages he told you, 'That if there were not Correſpondency between 'him and you, he ſhould be inforced to uſe new 'Counſels. Now I pray you conſider what theſe 'new Counſels are, and may be: I fear to declare 'thoſe that I conceive. In all Chriſtian King-'doms you know that Parliaments were in Uſe an-'tiently, by which their Kingdoms were govern-'ed in a moſt flouriſhing Manner, untill the Mo-'narchs began to know their own Strength; and 'ſeeing the turbulent Spirit of their Parliaments, 'at length they, by little and little, began to ſtand 'upon their Prerogatives, and at laſt overthrew 'the Parliaments throughout *Chriſtendom*, except 'here only with us.

'And indeed you would count it a great Miſe-'ry, if you knew the Subjects in foreign Coun-'tries as well as myſelf, to ſee them look not like 'our Nation, with Store of Fleſh on their Backs, 'but like ſo many Ghoſts, and not Men, being 'nothing but Skin and Bones, with ſome thin 'Cover to their Nakedneſs, and wearing only 'wooden Shoes on their Feet; ſo that they can-'not eat Meat, or wear good Clothes, but they 'muſt pay and be taxed unto the King for it. 'This is a Miſery beyond Expreſſion, and that 'which yet we are free from. Let us be careful 'then to preſerve the King's good Opinion of 'Parliaments, which bringeth this Happineſs to this

'Nation,

'Nation, and makes us envied of all others, 'while there is this Sweetness between his Majesty 'and his Commons; lest we lose the Repute of a 'free-born Nation, by Turbulency in Parliament. 'For, in my Opinion, the greatest and wisest Part 'of a Parliament are those that use the greatest 'Silence, so as it be not opiniative, or sullen, as 'now we are by the Loss of these our Members 'that are committed.

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'This good Correspondency being kept between 'the King and his People, will so join their Love 'and Favour to his Majesty with liking of Parlia-'ments, that his Prerogative shall be preserved en-'tire to himself, without our trenching upon it; 'and also the Privilege of the Subject (which is our 'Happiness) inviolated, and both be maintained 'to the Support of each other. And I told you, 'if you would hear me patiently, I would tell 'you what Exception his Majesty doth take at 'those Gentlemen that are committed. You know 'that eight Members were chosen to deliver the 'Charge against the Duke, but there were only six 'employed for that Purpose; and to these there 'was no Exception.

'As for Sir *Dudley Diggs*'s Part, that was the 'Prologue; and in that his Majesty doth conceive 'that he went too far beyond his Commission, in 'pressing the Death of his ever-blessed Father in 'these Words, That he was commanded by the 'House, to say concerning the Plaister apply'd to the 'King, *That he did forbear to speak further in re-'gard of the King's Honour*, or Words to that Ef-'fect. This his Majesty conceiveth to be to his 'Dishonour, as if there had been any underhand 'Dealing by his Majesty, in applying of the Plai-'ster; and this may make his Subjects jealous of 'his Doings: In this Point his Majesty is assured 'that the House did not warrant him. Now for 'that which is excepted against Sir *John Elliot*, 'his Over-bitterness in the Aggravation upon the 'whole Charge, and specially upon some of the 'Heads of it; [*as I never heard the like in Par-*

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'*liament before*; *but I have indeed heard the like* '*when a Criminal was indicted, or accused at a* '*Bar.*] For if you please to remember, when I 'moved for putting of the *St. Peter* of *Newhaven* 'out of the Charge against the Duke of *Buckingham*, and shewed my Reasons for that Purpose, 'you know how tender Sir *John Elliot* was of it, 'as if it had been a Child of his own; and so 'careful in the handling thereof by a Stranger, that 'he would not suffer it to be touched, tho' with 'never so tender a Hand, for fear it might prove a 'Changeling; which did manifest, how specious 'soever his Pretences were, that he had *Oculum in* '*Cauda:* And, I must confess, I was heartily sorry, 'when he delivered his Aggravation to the Lords, 'to see his Tartness against the Duke; when as 'he had occasion to name him, he only gave him 'the Title of *This Man*, and *The Man*; whereas 'the others observed more Respect and Modesty in 'their Charges against so great a Person as the 'Duke is, considering that then he was not con-'victed, but stood *rectus in Curia. Lastly*, for 'pressing the Death of his late Majesty, you know 'that the Sense of the House concluded, That it 'was only an Act of Presumption; nay, some of 'them expressly said, *Nay, God forbid, that I should* '*lay the Death of the King to his Charge.* If he, 'without Warrant from the House, insisted upon 'the Composition of the Plaister, as if there were '*Aliquid latet quod non patet:* This was beyond 'his Commission from our House, and this is that 'which his Majesty doth except against: And this, 'I say, drew his Majesty, with other insolent In-'vectives, to use his Regal Authority in commit-'ting them to the *Tower.* [*I move therefore, for* '*a Grand Committee to consider of the best Remedy* '*to get us out of this Strait.*] (*x*)'

The next Day, Mr. *Rolles*, from the Committee appointed by the House, reported, 'That the 'Words spoken by Sir *Dudley Diggs*, against which 'his

(*x*) The Passages in *Crochets* are supplied from the *Journals*.

'his Majesty had taken Exception, were, That 'he should say, by the Command of the House, on 'the Particular of the Plaister applied to the Bo-'dy of the late King, *That he did forbear to speak* '*any further, in regard of the King's Honour*; or 'Words to that Effect.' And that the Committee had resolved, 'That a solemn Protestation should 'be made by every Member of the House, absent 'or present, against their giving Consent to the 'speaking of any such Words. The Form of 'which was as followeth.'

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I protest, before Almighty God and this House of Parliament, That I never gave Consent that Sir Dudley Diggs *should speak those Words which he is now charged withall, or any Words to that Effect; and I have not affirmed to any that he did speak such Words, or any to that Effect.*

The Commons Protestation relating to Sir Dudley Diggs.

But the King having been better satisfied of Sir *Dudley Diggs*'s Innocency in this Respect, released him from the *Tower*; and the Day after he took his Seat in the House. He there made a Protestation, *That the Words charged on him were so far from being his Words, that they never came into his Thoughts.* What had let the King into this Error, was common Report; and, afterwards sending for five or six Note-Books, they seemed to confirm it.

He is discharged by the King.

But the Case of Sir *John Elliot* was somewhat different; tho' this Gentleman was released from his Confinement near as soon as the former. *May* the 15th, the Chancellor of the Exchequer delivered a Message from the King to the House, 'That the King was very careful not to enter upon their Privileges, good Testimony of which he had given by his Proceedings with Sir *Dudley Diggs*. But that the Business of Sir *John Elliot* was of another Nature; and altho' his Majesty, by the Information given him, disliked the whole Manner of his Delivery of that which he had Commandment from the House to speak, yet the King charged Sir *John Elliot* with Things *extrajudicial* to that Authority. He therefore wished they would proceed on chearfully with the Business of the House,

As is also Sir John Elliot.

Debate thereupon.

An. 2. Charles I. 1626. resting upon this, that the King would, by no means, violate any of their Privileges.'

But it being desired by some, That the Word *extrajudicial* might be explained. Mr. Chancellor said, 'It was the King's own Word, and therefore he could not do it, without his Majesty's Leave. But he would move the King for it, and then willingly satisfy the House about it. The Consideration of this Message was deferred to the next Day; and, by general Voice, Mr. *Herbert*, Mr. *Selden*, Mr. *Glanville*, Mr. *Sherland*, Mr. *Pymme*, and Mr. *Wandesford*, were clear'd from having exceeded their Commission, given them by the House, in any Thing which passed from them in the late Conference with the Lords.

But it was not till *May* the 20th, that a Motion was made in the House concerning Sir *John Elliot*, whether he should come and sit there, having been charged with high Crimes, *extrajudicial* to that House. The Ministers allowed of his coming; and accordingly Sir *John*, having taken his Place, Mr Vice-Chamberlain stood up and said, 'That he did not charge him with Crimes, but only gave him an Occasion to discharge himself of whatsoever might be objected against him, for any Thing which passed from him at the Conference. That all the other seven Managers used respective Words against the Duke; but for the Manner of his Speech, it was thought to be too harsh and tart towards the Person of his Grace. First, in the Matter; representing a Character of the Duke of *Buckingham's* Mind, comparatively with a strange Beast called *Stellionatus*; which was not in the Charge against him. Next, in saying something contrary to the Mind of the House; as his not knowing of the Return of the Ships out of *France*, *They say they are come but I know it not*: Which might be conceived to be a Doubt of the House; since he said, That in Obedience to the House he spoke it. His Phrase of *That Man*; in all Languages this accounted base, and a great Indignity to be used to Persons of Honour. That his Offence sounded very ill abroad in

in making historical Comparisons. As of *Sejanus*; of the Bishop of *Ely*; that he was *audax*, *superbus*, *Adulator*; and, speaking of *Sejanus*, said, He would not touch his Venefices and Veneries; wherein he was conceived to aim at the Duke. In the Main, That he cut off the Words of the last Charge, with a Quotation out of *Cicero*; as if some Things were in the Charge covered, which were not yet discovered. And all this contrary to his Directions from the House.' An. 2. Charles I. 1626.

To this Accusation Sir *John Elliot* replied, 'That he gave Thanks to Mr. Vice-Chamberlain, for his plain Dealing with him, and ministring Occasion for him to clear himself. He desired that the Complaints against him might be particularly charged, that he might answer them one by one distinctly. And moved, that if any other in the House could charge him further, they would now do it, that he might answer them severally.'

'*First*, For the Word *Stellionatus*: That for his Honours, Offices, *&c.* he sailed with his Ambition; but for his Deceit and Fraud, because no Word could decypher it, he used the Word *Stellionatus*; which is a Beast of so many Colours, as, one beholding of it cannot tell what Colour it is. The Instances herein were, in drawing Money from the Merchants:——His getting them to send their Ships into *France* there to be trapped:——To abuse the King therein, and also the Parliament: All these under the Word *Stellionatus*.——Next, for his saying, *He knew not that the Ships were come, and that in Obedience to the House*; he confessed he did not know, tho' he did hear they were returned; for it was true, he heard it in that House; but neither then, nor now, knoweth it certainly.——For the Words, *The Man*; he said he spoke not by the Book, but suddenly. That he did oft give the Duke his Titles, but for Brevity's sake, he used the Words, *The Man*; which is used in all Languages, as *Ille & Ipse*. He thought it not fit at all Times to reiterate his Titles; and yet thinketh him not to be a God.—— For *Sejanus* and the Bishop of *Ely*;

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for the first he had parallelled him in four Particulars, as (y) * * * * * * * * nor did he apply the Veneries and Venefices of *Sejanus* to him, but excluded them. If applied by the Duke to himself, he prayed, that his Misapplication might not make that, which he never intended, to be his Fault. To the Bishop he compared him for the exhausting and luxurious employing of the King's Revenue; conferring Honours upon obscure Persons, his Boldness; *& pereat ne omnes pereant.* But he protested that in none of these Examples, he meant to parallel Times to these, nor any other Person but to the Duke.——For the cutting off the last Charge in the Words of *Cicero*, he said, this fell not from him in the Conclusion; to evince which, he related the Particulars, and, as he remembred, the very Syllables of what he had then said.'

'*Lastly*, For the Manner of his Speech; as having too much Vigour and Strength:—He said, he could not excuse his natural Defects; but he then endeavoured, and ever did in this House, to avoid Passion; and only desired to do his Duty with the best Life he could. And, for exceeding his Commission; he desired to understand the Particulars wherein, and then he would give an Answer.'

After Sir *John Elliot* had ended his Justification, he withdrew, of himself, the House refusing to order it. And it was resolved upon the Question, 'That Sir *John Elliot* had not exceeded the Commission given him by the House, in any Thing which passed from him in the late Conference with the Lords.' The like was done for Sir *Dudley Diggs*; and both without one Negative.

We have chose to follow the much more authentic Testimony of the *Journals*, for this last Affair, tho' in a rougher Dress than the Account of it in the *Collections*: And shall conclude with some Observations, from an Historian of these Times, relating to it, and to the Imprisonment of Members formerly, on the like Occasions.

This

(y) *Hiatus* in the *Journals*.

This Historian (z) though, perhaps, a little too warm in the Royal Cause, says, 'That Sir *Dudley Diggs* and Sir *John Elliot*, whom he calls the *Van* and the *Rear* of the *Commons*, were beckon'd out of the House of Lords, at the Time of the Impeachment, to speak to two Gentlemen, who proved to be Messengers, with a Warrant to carry them both to the *Tower*: Where they laid, till the Judges joined in one Opinion, *That their Restraint was an Arrest of the whole Body, no Reason being given to the House for it; and a Breach of Privilege must follow.* That this being remonstrated to the King, they were discharged upon it.' An. 2. Charles I. 1626.

Remarks on the Imprisonment of Members of the Lower House by the Crown.

But adds our Author, 'What Grounds or Precedents the Judges had, besides this late Law of their own making, I know not. It was well known, That in the 35th of Queen *Elizabeth* (a), Mr. *Peter Wentworth* and Sir *Henry Bromley* petitioned the Upper House to be Supplicants, with them of the Lower, to her Majesty, *For entailing the Succession of the Crown, the Bill being drawn by them:* That they were, immediately, call'd before the Council and commanded to forbear the Parliament, and were secured in their own Lodgings. And, after further Examination, were committed, *Wentworth* to the *Tower*, and *Bromley*, with some others, to the *Fleet*.'

'Another Instance, one Mr. *Morrice*, a Member, for moving against the Justice of the Courts of Ecclesiastical Judges, Subscriptions, and Oaths, *was taken out of the House*, and committed to Prison. And when Mr. *Wroth* moved the House to be humble Petitioners to her Majesty for his Release, they were answered, *That the Queen must not account for Actions of Royal Authority, which might be of high and dangerous Consequence; nor did it become them to search into the Prerogative of Sovereigns.*'—— With so high a Hand did this Queen, *Patris ad Exemplum*, carry Matters towards her Parliaments!

These

(z) *Sanderson*'s Life of King *Charles* I. p. 45.
(a) See Vol. IV. p. 365, *et passim*.

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These Instances cited by our Historian, and others in former Reigns, the Truth of which appears from the Course of these Enquiries, must shew that the Imprisonment of *Commoners*, however unjustifiable in itself, was no unprecedented Stretch of the Royal Prerogative.——But we now return back to the Proceedings of the Lords in the Beginning of this Parliament, in order to take Notice of the Imprisonment of a *Peer*, which occasioned a good deal of Noise, at that Time, and created much Disturbance in that House.

The Lords resent the Imprisonment of the Earl of Arundel during the Session.

On the 14th of *March* the King had committed the Earl of *Arundel* to the *Tower*, but the Cause of his Commitment was not expressed (*b*). The Lords were highly discontented at his Commitment in Time of Parliament; and thereupon resolved to take the same into their Considerations; and so to proceed therein, as to give no just Cause of Offence to his Majesty, and yet preserve the Privileges of Parliament. This gave Occasion to the following Petitions, Answers, and Replies; which, being an Affair of so great Consequence to the Peerage, we shall give in a regular Series, without the Intervention of any other Matters.

On the 24th of *March* the Lord Keeper signified to the House, that having acquainted the King of their Lordships Resolutions in this Matter, he was commanded to deliver this Message from his Majesty unto their Lordships, *viz.*

That the Earl of Arundel *was restrained for a Misdemeanor which was personal to his Majesty, and lay in the proper Knowledge of his Majesty, and had no Relation to Matters of Parliament.*

Proceedings thereupon.

Hereupon the House was put into a Committee; and being resumed, the Lords Committees for Privileges, *&c.* were appointed to search for Precedents concerning the Commitment of a Peer of this Realm, during the Time of Parliament; and the

(*b*) Mr. *Rushworth* tells us, It was conceived to be about the Marriage of the Lord *Maltravers*, the Earl's eldest Son, to the young Duke of *Lenox*'s Sister, which was brought about by the Contrivance of the Countess of *Arundel* and the old Duchess of *Lenox*.

the Lord Chief Justice (*c*), Mr. Justice *Dodderidge*, and Mr. Justice *Yelverton* (*d*), were appointed to attend their Lordships in that Behalf. An. 2. Charles I. 1626.

'The Day after the Lord Keeper had deliver'd the above Message, the Lord *Ley*, Lord Treasurer, deliver'd another from the King *in hæc Verba:*

WHereas upon a Motion made by one of your Lordships, the Lord Keeper did Yesterday deliver a Message from his Majesty, that the Earl of Arundel *was restrained for a Misdemeanor which was personal to his Majesty, and lay in the proper Knowledge of his Majesty, and had no Relation to Matters of Parliament: His Majesty hath now commanded him to signify to your Lordships, that he doth avow the Message in sort as it was delivered, to have been done punctually, according to his Majesty's own Direction; and he knoweth that he hath therein done justly, and not diminished the Privileges of that House.*

And because the Committee appointed to search for Precedents, *&c.* had not yet made any Report to the House; therefore the Directions for this Business were suspended for that Time.

April 5. The Earl of *Hertford* made Report to the House, That the Lords Committees for Privileges had met; and that the first Question that arose among them was, Whether those Proxies were of any Validity which are deputed to any Peer, who sitteth not himself in Parliament? And it was conceived that those Votes were lost: Whereupon the Committee found this House to be deprived of five Suffrages by the Absence of the Earl of *Arundel*, unto whom they were intrusted: And the Committee finding by the *Journal-Book*, that the Sub-Committee, which was appointed to search Precedents for Privileges concerning the Commitment of a Peer in the Time of Parliament, had not yet made Report to the House: And then considering together their Notes of Precedents whereof they made Search, found that no one Peer had been

(*c*) Sir *Randolph Crew*. *Chron. Jurid.*
(*d*) See Vol. V. p. 391.

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been committed, the Parliament sitting, without Trial of Judgment of the Peers in Parliament; and that one only Precedent of the Bishop of *Winchester* in the Book-Case, in the Reign of *Edw.* III. which was here urged, cannot be proved to be in Parliament-Time; and this the Lords of the grand Committee thought fit to offer to the Consideration of the House.

'Hereupon the House was moved to give Power to the Lords Sub-Committees for Privileges, *&c.* to proceed in the Search of Precedents of the Commitment of a Peer of this Realm during the Time of Parliament; and that the King's Counsel might shew them such Precedents as they have of the said Commitment; and that the said Sub-Committee may make the Report unto the House at the next Access.

All which was agreed unto, and these Lords were call'd unto the said Sub-Committee, *viz.* the Lord Treasurer, Lord President, Duke of *Buckingham*, Earl of *Dorset*, Earl of *Devon*, Earl of *Clare*, the Viscount *Walingford*, Viscount *Mansfield*, and Lord *North*: The King's Counsel were also appointed to attend these Lords.

April 18. The Lord President reported the Proceedings of the said Sub-Committees for Privileges, *&c.* upon Commitment of the Earl of *Arundel*, *viz.*

'That the King's Counsel had searched and acquainted the Lords Sub-Committees with all that they had found in Records, Chronicles and Stories, concerning this Matter: Unto which the said Lords Sub-Committees had given full Answer, and also shewn such Precedents as did maintain their own Rights.'

The Precedents being read, it was resolved upon the Question, by the whole House, *Nemine dissentiente*,

'That the Privilege of this House is, That no Lord of Parliament, the Parliament sitting, or within the usual Time of Privileges of Parliament, is to be imprisoned or restrained without Sentence or Order of the House, unless it be for Treason or Felony, or refusing to give Surety of the Peace.'

And

And it was thereupon ordered, That the said Lords Sub-Committees for Privileges, *&c.* or any five of them, shall meet this Afternoon, to consider of a Remonstrance and Petition of the Peers concerning the Claim of their Privileges from Arrests and Imprisonments during the Parliament: Which was conceived by the Lords Sub-Committees for Privileges, according to the Order of the House, and was read openly, *viz.* An. 2. Charles I. 1626.

May it please your Majesty,

'WE the Peers of this your Realm, assembled in Parliament, finding the Earl of *Arundel* absent from his Place, that sometimes in this Parliament sat amongst us, his Presence was therefore called for: But thereupon a Message was delivered unto us, from your Majesty, by the Lord Keeper, that the Earl of *Arundel* was restrained for a Misdemeanor which was personal to your Majesty, and had no Relation to Matters of Parliament. This Message occasioned us to inquire into the Acts of our Ancestors, and what in like Cases they had done; that so we might not err in any dutiful Respect to your Majesty, and yet preserve our Right and Privilege of Parliament. And after diligent Search both of all Stories, Statutes and Records, that might inform us in this Case, we find it to be an undoubted Right and constant Privilege of Parliament, *That no Lord of Parliament, the Parliament sitting, or within the usual Times of Privilege of Parliament, is to be imprisoned or restrained, without Sentence or Order of the House, unless it be for Treason or Felony, or for refusing to give Surety for the Peace* (*d*). And to satisfy ourselves the better, we have heard all that could be alledged by your Majesty's Counsel learned at Law, that

(*d*) The Precedents in Favour of this Resolution, and also those produced against it by the Attorney-General, are all particularly recited at large in *Elsyng's Antient Method of Holding Parliaments*, (Lond. 1675) p. 187, to 212.

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'that might any way weaken or infringe this 'Claim of the Peers; and to all that can be shewed 'or alledged, so full Satisfaction hath been given, 'as that all the Peers of Parliament, upon the Que- 'stion made of this Privilege, have, *una Voce*, 'consented, that this is the undoubted Right of the 'Peers, and hath inviolably been enjoyed by them.

'Therefore we, your Majesty's loyal Subjects, 'and humble Servants, the whole Body of the 'Peers now in Parliament assembled, most hum- 'bly beseech your Majesty, that the Earl of *Arun-* 'del, a Member of this Body, may presently be 'admitted with your gracious Favour to come, 'fit, and serve your Majesty and the Common- 'Wealth in the great Affair of this Parliament. 'And we shall pray, *&c.*'

This Remonstrance and Petition to the King was approved by the whole House, who agreed, that it should be presented by the whole House to his Majesty; and it was further agreed, that the Lord President, the Lord Steward, the Earl of *Cambridge*, and the Lord Great-Chamberlain should presently go to the King to know his Majesty's Pleasure when they shall attend him.

These Lords returning, the Lord President reported, that his Majesty had appointed the next Day for the whole House to attend him with the said Remonstrance and Petition, in the Chamber of Presence at *Whitehall.*

And it was agreed, That the Lord Keeper should then read the same to the King, and present it to his Majesty.

April 20. The Lord President reported the King's Answer accordingly, to this Effect:

That their Lordships having spent some Time about this Business, and it being of some Consequence, his Majesty should be thought rash if he should give a sudden Answer thereto; and therefore will advise of it, and give them a full Answer in convenient Time.

April

April 21. It was ordered that the House should be called over on the 24th, which was done accordingly; and the Earl of *Arundel*'s Name being called, the Lord Keeper signified unto the House, that his Majesty had taken into Consideration the Petition exhibited by their Lordships on the 19th of *April*, concerning the Earl of *Arundel*, and will return an Answer thereunto with all Expedition. An. 2. Charles I. 1626.

May 2. It was ordered that the Lord Keeper should move his Majesty, from the House, for a speeedy and gracious Answer unto their Petition on the Earl of *Arundel*'s Behalf: And on the 4th the Lord Keeper signified unto their Lordships, that according to the said Order, he had moved his Majesty, from the House, on the Behalf of the Earl of *Arundel*; who answered,

It is a Cause wherein he hath had a great deal of Care, and is willing to give their Lordships Satisfaction, and hath it in his Consideration how to do it; and hath been interrupted by other Business, wherein Mr. Attorney hath had Occasion of much Conference with him (as their Lordships are acquainted): But will with all Conveniency give their Lordships Satisfaction, and return them an Answer.

May 9. The House being again moved to petition the King touching the Earl of *Arundel*, certain Lords were appointed to set down the Form of the said Petition; who reported the same in Writing, as followeth, *viz.*

May it please your Majesty,

'WHereas the whole Body of the Peers now 'assembled in Parliament, did, the 19th 'Day of *April*, exhibit to your Majesty an hum'ble Remonstrance and Petition concerning the 'Privilege of the Peers in Parliament, and in par'ticular touching the Earl of *Arundel*; whereupon 'we received a gracious Answer, that, in conve'nient Time, we should receive a fuller Answer, 'which we have long and dutifully attended: And 'now at this Time, so great a Business being in 'handling

An. 2. Charles I. 1626. 'handling in the House, we are pressed by that 'Business, to be humble Suitors to your Majesty, 'for a gracious and present Answer.'

This being read, was approved of by the House, and the said Committee appointed to present the same unto his Majesty from the House, at such Time as the Lord Chamberlain shall signify unto them, that his Majesty is pleased to admit them to his Presence.

On the 11th of *May* the Lord President reported the King's Answer to the said Petition:' *That he did little look for such a Message from that House; that himself had been of the House, and did never know such a Message from the one House unto the other: Therefore when he received a Message fit to come from them to their Soveregn, they shall receive an Answer.*

'The Lord President further reported, That the Lords Committees appointed to deliver the Petition to the King, did thereupon withdraw, and require him humbly to desire his Majesty to be pleased to let them know unto what Point of the said Petition he takes this Exception; and that his Majesty willed him to say this of himself, *viz.*

The Exception the King taketh, is at the Peremptorineſs of the Term, To have a present Answer; *and the King wonders at their Impatience, since he hath promised them an Answer in convenient Time.*

Hereupon the House altered their former Petition, leaving out the Word *present*, and appointed the former Committee humbly to deliver the same to his Majesty.

May 13. The Lord President reported the King's Answer to the Petition, *viz.*

IT is true the Word (present) *was somewhat strange to his Majesty, because they did not use it from one House to another; but now, that his Majesty knows their Meaning, they shall know this from him, that they shall have his Answer so soon as conveniently he can; and this his Majesty will assure them, it shall*

be

be such an Answer as they shall see will not trench upon the Privileges of their House. An. 2. Charles I. 1626.

May 17. Their Lordships being moved to renew their humble Petition to the King in favour of the Earl of *Arundel*, a Committee was accordingly appointed to draw up the same, which was as follows:

May it please your Majesty,

'THE Cause that moves us now to attend your Majesty, (as at first we did) is because we observe that the House of Commons have speedily received a Member of theirs who was committed (*e*): We the Peers, ambitious to deserve of your Majesty, and to appear to the Eye of the World as much respected in our Rights and Privileges as any Peers or Commons have ever been, acknowledging you a King of as much Goodness as ever King was; do again humbly beseech that the Earl of *Arundel*, a Member of our House, may be restored to us; it so much concerning us in point of Privilege, that we all suffer in what he suffers in this Restraint.'

The above Petition was ordered to be presented at such Time, as the Lord Chamberlain should signify his Majesty's Pleasure to admit their Lordships to his Presence.

On the 19th the Lord Chamberlain signified to their Lordships, that his Majesty being acquainted therewith, is pleased that this House attend him at Two this Day in the Afternoon, at *Whitehall*.

The next Day the King returned this Answer.

My Lords,

I See that in your Petition you acknowledge me a King of as much Goodness as ever King was; for which I thank you, and I will endeavour, by the Grace of God, never to deserve other: But in this I observe you contradict yourselves; for if you believe me to be such, as you say I am, you have no Reason to

(*e*) Sir *Dudley Diggs*.—See before, P. 163.

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to mistrust the Sincerity of my Promises: For, whereas upon often Petitions made by you unto me concerning this Business, I have promised to give you a full Answer with all convenient Speed: By thus again Importuning of me you seem to mistrust my former Promises; but it may be said there is an emergent Cause, for that I have delivered a Member of the Lower House.

In this, my Lords, by your Favour you are mistaken, for the Causes do no way agree; for that he that was committed of the House of Commons, was committed for Words spoken before both Houses; which being such as I had just Cause to commit him, yet, because I found they might be Words only misplaced, and not ill meant, and were so conceived by many honest Men, I was content upon this Interpretation to release him, without any Suit from the Lower House; whereas my Lord of Arundel's *Fault was directly against myself, having no Relation to the Parliament; yet because I see you are so impatient, I will make you a fuller Answer than yet I have done, not doubting but that you will rest contented therewith.*

It is true I committed him for a Cause which most of you know; and, though it had been no more, I had Reason to do it; yet, my Lords, I assure you that I have Things of far greater Importance to lay to his Charge, which you must excuse me for not telling you at this Time, because it is not yet ripe, and it would much prejudice my Service to do it; and this, by the Word of a King, I do not speak out of a Desire to delay you, but, as soon as it is possible, you shall know the Cause, which is such as I know you will not judge to be any Breach of your Privileges; for, my Lords, by this I do not mean to shew the Power of a King by diminishing your Privileges.

This Answer being read, it was ordered, That the Committee for Privileges should meet, and consider how to proceed farther, with dutiful Respect to his Majesty; and yet so as it may be for the Preservation of the Privileges of the Peers of this Land, and the Liberties of the House of Parliament.

On

On the 24th of *May*, the Lord President reported the Petition agreed on by the Lords Committees for Privileges, *&c. in hæc Verba:* An. 2. Charles I. 1626.

May it please your most Excellent Majesty,

'WHatever our Care and Desire is to preserve our Right of Peers, yet it is far from our Thoughts either to distrust, or press any thing that stands not with, the Affection and Duty of most dutiful and loyal Subjects: And therefore in all Humility we cast ourselves before your Majesty, assuring ourselves in the Word of a King, that with all Conveniency possible, your Majesty will please either to restore the Peer to his Place in Parliament, or express such a Cause as may not infringe our Privileges.'

This Petition was generally approved, and ordered to be presented to his Majesty by the whole House; and the Earl of *Carlisle* and the Lord *Conway* were sent to know the King's Pleasure when they shall attend his Majesty. Who, being returned, reported, That his Majesty had appointed that Afternoon for the same.

The next Day the Lord Keeper delivered the King's Answer, as follows:

My Lords,

YOUR often coming to me, about this Matter, made me somewhat doubt you did mistrust me; but now I see you rely wholly on me, I assure you it shall prevail more upon me than all Importunities: And if you had done this at first, I should have given you Content. And now I assure you, I will use all possible Speed to give you Satisfaction, and at the furthest before the End of this Session of Parliament.

This being read, the House was moved the second Time, That all Business might be laid aside, and that Consideration might be had how their Privileges may be preserved unto Posterity. And the House was put into a Committee for the freer De-

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bate thereof, and afterwards resumed: And it was ordered, That the House be adjourned till To-morrow, and all Business to cease.

The 26th of *May*, the Lord Keeper delivered this Message from the King to the House, *viz.*

THAT his Majesty hath willed him to signify unto their Lordships, that he doth marvel his Meaning in his last Answer should be mistaken: And for the better clearing of his Intention, hath commanded him to signify unto their Lordships his further Answer, which is, That their Lordships last Petition was so acceptable to his Majesty, that his Intent was then, and is still, to satisfy their Lordships fully in what they then desired.

Hereupon it was ordered, That all Business be adjourned till that Day Se'nnight.

At the same Time the Duke of *Buckingham* signified unto their Lordships his Desire to have the King's Counsel allowed him to plead his Cause: But the Lords would not hear him, because they would entertain no Business: And so the House was adjourned to the 2d of *June*. At which Time the House sitting again, the Lord Keeper delivered this Message from the King to the House, *viz.*

HIS Majesty hath commanded me to deliver unto your Lordships a Message touching the Earl of Arundel: *That his Majesty hath thought of that Business, and hath advised of his great and pressing Affairs, which are such as make him unwilling to enter into Dispute of Things doubtful: And therefore to give you clear Satisfaction touching that Cause, whereby you may more cheerfully proceed in the Business of the House, he hath endeavoured, as much as may be, to ripen it, but cannot yet effect it; but is resolved, that at the farthest, by Wednesday Se'nnight, being the 14th of* June, *he will either declare the Cause or admit him to the House. And addeth further, upon the Word of a King, That if it shall be sooner ripe, which he hath good Cause to expect, he will declare*

clare it at the soonest. And further, That if the Occasion doth enforce to stay to the Time prefixed, yet he doth not purpose to set such a short End to the Parliament, but that there shall be an ample and good Space between that and the End of the Session, to dispatch Affairs. An. 2. Charles I. 1626.

This Message being delivered, the House was adjourned *ad Libitum*, and put into a Committee: And being resumed, it was agreed, That all Business should cease, but this of the Earl of *Arundel*'s concerning the Privileges of the House; and the House to meet thereon To-morrow Morning, and to be put into a Committee to consider thereof.

Next Day the Lord Keeper delivered this Message from the King, *viz.*

THAT in the Matter concerning the Earl of Arundel, *his Majesty hath been very careful and desirous to avoid all Jealousy of violating the Privileges of this House; that he continueth still of the same Mind, and doth much desire to find out some Expedient, which may satisfy their Lordships in Point of Privilege, and yet not hinder his Majesty's Service in that Particular. But because this will require some Time, his Majesty, tho' his great Affairs are urgent and pressing, is unwilling to urge their Lordships to go on therewith, till his Majesty hath thought on the other: And therefore hath commanded him to signify his Pleasure, That his Majesty is contented their Lordships adjourn the House till Thursday next; and in the mean Time his Majesty will take this particular Business into further Consideration.*

Hereupon the Lords agreed, That the Lord Keeper do render unto his Majesty, from the House, their humble Thanks for his gracious Respect unto their Privileges; and adjourned accordingly.

June 8. The Lord Keeper delivered this Message to the Lords from his Majesty, *viz.*

THAT on Saturday last his Majesty sent Word to the House, That by this Day he would send

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them such an Answer concerning the Earl of Arundel, *as should satisfy them in Point of Privilege. And therefore to take away all Dispute, and that their Privileges may be in the same Estate as they were when the Parliament began, his Majesty hath taken off the Restraint of the said Earl, whereby he hath Liberty to come to the House.*

The Earl of Arundel, after a long Series of Messages and Addresses, discharg'd by the King.

The Earl of *Arundel* being returned to the House, did render his humble Thanks unto his Majesty for his gracious Favour towards him; and gave their Lordships also most hearty Thanks for their often Intercessions for him unto the King, and protested his Loyalty and faithful Service unto his Majesty.'

Having thus fully related the Proceedings of both Houses, on this important Point of Privilege, the Imprisonment or Restraint of their Members, we return to the Affair of the Earl of *Bristol.*

On the 15th of *May* the Lords took into Consideration the King's Message, sent to them on the 8th, about allowing the Earl of *Bristol* Counsel in his Trial (*f*). And, upon some former Orders of the House being read, it was agreed, upon the Question, that the Lord Keeper should deliver an humble Answer from their Lordships to the King concerning the said Message, which was to this Effect:

The Answer of the Lords to the King's Message concerning allowing Counsel to the Earl of Bristol.

'Whereas his Majesty had lately sent to them a Message concerning the Allowance of Counsel to the Earl of *Bristol*, their Lordships had with all Duty advised of that Business, and thereupon did humbly signify to him, that the Allowance of Counsel to the Earl of *Bristol* was ordered before his Majesty's Message to them. And that Order, as they conceive, did not prejudice any fundamental Law of the Realm; for, in the Parliament of the 22d of his Majesty's blessed Father, a general Order was made touching the Allowance of Counsel to Delinquents questioned in Parliament; at the voting whereof his Majesty, then Prince, was present

(*f*) See before, p. 29.

sent (g); and that Order extended further than this late one for the Earl of *Bristol*.' An. 2. Charles I. 1626.

Two Days after, *May* the 17th, the Lord Keeper brought a Reply from the King to the said Answer, which was,

That his Majesty had advised of it, and as he considered that himself had recommended this Cause to their Honour and Justice, altho' he knew that by the fundamental Laws of the Land or Custom and Use of Parliaments, Counsel was not to be allowed to a Person accused of High Treason; yet, since his Majesty might at his own Pleasure descend from his own Right and Prerogative; and that it may appear to all the World that his Majesty, in his gracious Goodness, is pleased to allow the Earl of Bristol *all Ways of Defence, in a more ample Measure than is due unto him by Law; he is content and doth hereby give full Licence, that, in this particular Case, the Earl of* Bristol *may have Counsel, both to advise him, and to speak and plead for him.* The King's Reply.

But whereas their Lordships Message put his Majesty in mind of a general Order, made the 22d of his blessed Father's Reign; he remembred that upon occasion of the Earl of Middlesex's *Cause, which was* only criminal *and not* capital, *an Order was made in the House, which his Majesty never, untill now, conceived to extend unto Causes capital; and he is well assured, that neither the Judges were advised with in making that Order, nor his late Majesty's learned Counsel heard for him; therefore his Majesty was not satisfied about that general Order, nor that Counsel should be allowed in Cases capital, without his Licence; and would advise further thereof, and then would send again to their Lordships touching the general.*

Upon the hearing of this Answer from the King, the Lords ordered that Mr. Sergeant *Hedley*, Sergeant *Bramston*, Sergeant *Crawley*, and Mr. *Anthony Low*, should be allowed as Counsel, to speak and plead for the Earl of *Bristol*. The Lords order Counsel for the Earl.

The same Day the Duke of *Buckingham* moved the House, to know whether he should answer the

(g) See Vol. VI. p. 335.

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whole Charge exhibited by the Commons against him, or such Parts thereof only as their Lordships shall appoint? Also, whether he should answer the Aggravations of the Commons, reported to this House? Which he was desirous to do, that he might clear all Matters therein.

Orders relating to the Duke of Buckingham's Trial.

Upon Consideration of this, the Lords ordered, 'That those Aggravations should be delivered to the Clerk, to be kept by him close from all except the Members of this House; and no Copies to be given to any but them. Likewise, That the Duke of *Buckingham* should answer the engrossed Articles of the Charge sent up by the Commons, but not the Aggravations; unless, upon Perusal thereof, he shall find any Thing fit to be answered, or that the House think proper for that Purpose. And, for Expedition's Sake, the Duke to have the Use of the original Aggravations.'

The Earl of Bristol brought to the Bar;

May 19. The Earl of *Bristol* was brought again to the Bar of the House of Lords; when the Duke of *Buckingham* desired that he might have Leave to retire, lest his Presence should give any Distaste to the Earl; and he withdrew himself accordingly. Then the Lord Keeper told the Earl, That their Lordships did expect his Answer to the Charge exhibited against him by the Attorney General (*b*): Upon which he said,

'That he had brought his Answer, but desired they would excuse the Length thereof; and, as to the Charge, he said, he did not see any direct Treason in it, that was laid to his Charge; only two Points came near it by Circumstances, *viz.* That he is ill-affected to our Religion, and well-affected to *Spain*. For clearing of which he made a large Remonstrance of Zeal to the true Religion, here established, even from his Youth to this Day; and of his constant and faithful Services to the present King, his Father of blessed Memory, and to the State.'

Where he delivers his Answer to the Articles against him.

Then he delivered in his Answer, written on Paper, but desired that it might be engrossed on Parch-

(*b*) See the Articles at large, p. 3.

Parchment, which he said had been done but for want of Time. He also desired that no Advantage might be taken of any illegal Form thereof; and further, that his own Counsel might read his Answer, which the House was pleased to allow of; the Earl sitting by on a Stool all the while, and explaining or enforcing any Part thereof. An. 2. Charles I. 1626.

The ANSWER *of* JOHN *Earl of* BRISTOL *to the* ARTICLES *of several* HIGH TREASONS, *and other great and enormous Crimes, Offences, and Contempts, supposed to be committed by him against our late Sovereign Lord King* JAMES *of blessed Memory, deceas'd; and our Sovereign Lord the King's Majesty that now is; wherewith the said Earl is charged by his Majesty's Attorney General, on his Majesty's Behalf, in the Most High and Honourable Court of Parliament, before the King and the Lords there.*

THE said Earl not acknowledging any of the supposed Treasons, Crimes, Offences, or Contempts, wherewith he is charged in and by the said Articles, to be true; and saving to himself all Advantage and Benefit of Exception, to the Uncertainty and Insufficiency of the said Articles, and several Charges in them contained: And humbly praying that his Cause may not suffer for want of legal Form, whereunto he hath not been inured; but may be adjudged according to such real and effectual Grounds and Proofs, as may be expected from an Ambassador, the Ground of the Charge growing thence: And that he may have Leave to explain himself and his own Meaning, in any Thing that may seem to admit of a doubtful Construction, for Answer saith as followeth:

To the FIRST ARTICLE *he saith,*

'That he did not advance or further the Design of the King of *Spain* against our late Sovereign Lord the King, his Children, Friends, and Allies; or traiterously, falsly, wilfully, or as a Traitor to our late Sovereign Lord the King, by any Letters,

or

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or other Messages, sent in the Years 1621, 1622, 1623, or at any other Time, inform, advise, or assure the said late King, that the Emperor and King of *Spain*, or either of them, would really, fully, or effectually make Restitution, or plenary Restoration, to the Count *Palatine* and his Children, of the Dominions, Territories, and Possessions of the said Count *Palatine*, or of the Electoral Dignity; or that the King of *Spain* did really, fully, or effectually intend the Marriage between the Lady his Sister, and the Prince our said Sovereign Lord, according to the Articles formerly propounded between the said two Kings, as by the said Article is alledged; neither does or did he, the said Earl, know that the Emperor and King of *Spain*, or either of them, never really intended such Restitution or Restoration as aforesaid, or that the King of *Spain* never really intended the said Marriage, as by the said Article is alledged; nor doth he the said Earl know, that the Emperor or King of *Spain*, or either of them, intended by the said Treaties, in the Article mentioned, to give Time for compassing their own Ends and Purposes, to the Detriment of this Kingdom, as by the said Article is also alledged; neither was the said late King *James* made secure upon any such false Assurances given unto him by the said Earl, or thereby lost the Opportunity of Time; nor were the Dominions, Territories, and Possessions of the Count *Palatine*, or the Electoral Dignity, thereby lost, or any Part thereof taken out of the Possession of the said King *James*; nor the said Count *Palatine*, the Lady *Elizabeth* his Wife, or their Children, dispossessed, disinherited, or bereaved thereof, or of any Part thereof, by any Act or Default of him the said Earl; nor did, or was he, the said Earl, the Cause of any Thing to the Dishonour of our said late Sovereign Lord King *James*, or to the Disherison of the said late King's Children, or their Posterity; to the disanimating or discouraging of any of the rest of the Princes of *Germany*, or any other Kings or Princes in Amity and League with his said late

late Majesty; nor did any Thing in or concerning the same, contrary to his Duty and Allegiance, or contrary to the Trust and Duty of an Ambassador, or falsly, wilfully, or traiterously, or as a Traitor to our said Sovereign Lord the King, in any such Sort, or by any such Means, Ways, or Inducements, as by the said Article is supposed, or by any other Ways or Means whatsoever: But the said Earl dealt therein, and in all his said Trusts as an Ambassador, carefully, faithfully, and honestly, and as became a faithful and loyal Subject, Servant, Counsellor, and Ambassador. And for a clear Demonstration of the Truth and Manner of his Proceedings, touching the Matter contained in the said Article, the same consisting of several Parts, *viz.* the Loss of the said *Palatinate*, and the Match with the said Lady of *Spain*, and of his several Employments; as of one extraordinary Ambassage to the Emperor, of another to the King of *Spain*, in the Years 1621, 1622, and 1623 aforesaid, he humbly craveth Leave of this most high and honourable Court to separate the Business, and to distinguish the Times.'

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'And, beginning with the *Palatinate* first, to give an Account of his Ambassage to the Emperor; and so to make as brief a Deduction as he can of his whole Carriage in that Business, from the Beginning of his Employment to the Time he left it.'

'In this Ambassage to the Emperor he propounded all Things faithfully according to his Instructions; and the Answers which he returned to his late Majesty, of blessed Memory, were the very same, and none other, than such as were given him by the Emperor, under his Hand and the Imperial Seal; the which, according to his Duty, he faithfully sent unto his said Majesty; and, withall, did honestly, faithfully, and truly advertise his said Majesty, what he understood and thought then upon the Place: But was so far from giving unto his said Majesty any ill-grounded Hopes in that Behalf, that he wrote unto the Lords of the Council, here in *England*, from *Vienna*, the 26th of *July*, 1621, in Sort as followeth, *viz.*

I am

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I am further to move your Lordships, that there may be Dispatch made presently into Spain, *to his Majesty's Ambassador and Mr.* Cottington, *that they there deal effectually for the preparing and ripening of the Business against my Coming; and that they use some plain and direct Language, letting the Ministers there know, that the late Letter sent by the King of* Spain *to the Emperor, was colder and more reserved than his Majesty had Reason to expect. I shall conclude with telling your Lordships, that tho' I despair not of good Success in this knotty Business, yet I hope his Majesty and your Lordships lay not aside the Care of all fitting Preparations for a War, in case a Peace cannot honourably be had; and, amongst other Things, I most earnestly recommend unto your Lordships, and, by your Lordships, unto his Majesty, the continuing abroad, yet for some small Time, of Sir* Robert Mansel's *Fleet upon the Coasts of* Spain; *which, in case his Majesty should be ill-used, will prove the best Argument he can use for the Restitution of the* Palatinate.

And the said Earl further saith, 'That this his Advice was really seconded by his Actions, by being the Cause, as he returned homeward out of *Germany*, of the bringing down of the Count *Mansfelt*, whereby the Town of *Frankendale* was relieved, and, by supplying of his Majesty's Army, then in great Distress, with Money and Plate, to the Value of 10,000 l. meerly out of his Zeal and Affection to the Good of the King and his Children, having no Order or Warrant for the doing of it; but might easily have excused it, either thro' Want of Order, or Want of Means; but that his Heart was ever really bent in Effects more than Shews, to serve the King's Son-in-Law and his Cause, as by the Discourse of this Business will appear. And how acceptable these Services then were, will appear by the Letters of the Queen of *Bohemia*, dated in *October*, 1621, in these Words following:

My Lord,

HAving understood from Heidelberg, *how you have shewn your Affection to the King and me in all Things,*

Things, and in the Help of Money you have lent our Soldiers, I cannot let such an Obligation pass without giving you many Thanks for it by these Lines, since I have no other Means to shew my Gratefulness unto you; howsoever, assure yourself, that I shall never be forgetful of the Testimonies you give me of your Love, which I entreat you to continue, in doing the King and me all the good Offices you can to his Majesty. You have been an Eye-Witness of the miserable Estate our Countries are in; I intreat you therefore to sollicit his Majesty for our Help. You have given me Assurance of your Affection, I intreat you now to shew it by helping us, in your good Endeavours to his Majesty, and you shall ever bind me to continue, as I am already, An. 2. Charles I. 1626.

Your very affectionate Friend,

ELIZABETH.

'The Earl likewise received several other Letters, about the same Time, both from the King of *Bohemia* and Council of *Heidelberg*, to the same Effect. And how much Satisfaction his late Majesty received in that Behalf, and touching that Business, will several Ways appear, and particularly by his Speech to the Parliament. And the said Earl likewise appealeth to both Houses of Parliament, to whom, by his late Majesty's Order, he gave a just and true Account of that Employment; with what true Zeal he proceeded, and how he pressed that single Treaties and Promises might no longer be relied on, but that a fitting Preparation for a War might go, Hand in Hand, with any Treaty of Accommodation (*i*); and, for a conclusive Testimony of his late Majesty's Approbation of his Carriage in this Employment, he humbly desireth that a Letter of the Duke of *Buckingham*'s, under his own Hand, bearing Date the 11th of *October*, 1621, being *verbatim* that which followeth, may be read.

My Lord,

I Am exceeding glad your Lordship hath carried yourself so well in this Employment, that his Majesty

(*i*) See Vol. V. p. 481.

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jesty is not only infinitely pleased for the Service you have done, for which he commanded me to give your Lordship Thanks in his Name, untill he see you himself; but that you have given all Men Cause to commend his Majesty's Choice of such a Man, that, unless your Heart had gone with the Business, could never have brought it to so good a Pass. Amongst other Things his Majesty liketh very well the Care of clearing his Honour, whereof he will advise further with your Lordship at your coming over. I hope you will not find your Negotiation with the Infanta *of such Difficulty as you seem to fear in your Letter, seeing my Brother* Edward *hath brought with him a Letter from his Majesty's Son-in-Law, whereby he putteth himself wholly to his Majesty's Advice and Pleasure for his Submission, as you will perceive by the Copy of the Letter itself, which I here send your Lordship; wherein, tho' there be many Things impertinent, yet of that Point you might make good Use for the Accomplishment of the Business, wherein I have written to the* Spanish *Ambassador to use his Means and Credit with the* Infanta, *which I assure myself he will effectually do; especially seeing the Impediments are taken away by Count* Mansfelt's *Composition. And as for the Money your Lordship hath so very seasonably laid out, his Majesty will see you shall sustain no Loss; holding it very unreasonable you should suffer any Thing by the Care of his Service, which you have shewed so much to his Contentment, and the great Joy of*

Your Lordship's faithful Servant,

GEORGE BUCKINGHAM.

'Having given this Account of his Employment with the Emperor, he humbly craveth Leave to make it known in what Sort, before this his Employment, he endeavoured to serve the Prince *Palatine* and his Cause; which will best appear by his Majesty's own Testimony, upon the going of Sir *Francis Nethersale* to the Prince *Palatine*; at which Time his Majesty being, out of his Royal and just Heart,

Heart, desirous to do a faithful Servant Right, commanded Sir *Francis Nethersale* to let the Prince *Palatine* understand how good a Servant the said Earl had been unto him, and how active in his Affairs; as will best appear by a Dispatch of Sir *Francis Nethersale*, written all in his own Hand, to Sir *George Calvert*, in answer to what was commanded him, dated at *Prague* the 11th of *August*, 1622, and sent by his late Majesty to the said Earl for his Comfort, being as followeth: An. 2. Charles I. 1626.

Right Honourable,

THat you may the better be assured, that I have neither forgotten nor neglected the Commandment received from his Majesty, by your Honour, you will be pleased to have the Patience to hear me report what I said to the King upon Delivery of my Lord Digby's *Letters to his Majesty, which was, that the King my Master, whose Justice is so much renown'd over the World, did use to shew it in nothing more than in vindicating his Servants from wrongful Opinions, whereof he knew noble Hearts were more sensible than of Injuries done to their Persons or Fortunes; that, out of his Royal Disposition, his Majesty having found my Lord* Digby *mistaken by some of his People at home, by occasion of his being by him employed in the Affairs with* Spain; *and having thereupon conceived a Jealousy that the said Noble Lord might also be misreported hither to the Prince* Palatine, *had, in that respect, given me a particular Commandment to assure the Prince, that his Highness had not a more truly affectionate Servant in* England; *and, for Proof thereof, to let the Prince understand, that whereas the Baron* Donagh, *now his Highness's Ambassador in* England, *had, since his coming thither, obtained but three great Points for his Master's Service, to wit, the Loan of Money from the King of* Denmark, *the Contributions in* England *of the City and Country, and the sending of Ambassadors to the contrary Party: That the Lord* Digby *had been the first Propounder of all those to the King my Master, before his Highness's Ambassador, or any other of his Servants in* England; *altho'*

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altho' his Lordship had been contented, that others who were but set on should carry away the Thanks and Prize; because his Lordship being known to be the first Mover therein, might possibly weaken the Credit he hath in Spain, *and so render him the more unable to serve both his own Master and the Prince; in which respect I humbly prayed his Highness also to keep this to himself.*

'By which Testimony it may appear, as the said Earl conceiveth, how he the said Earl behaved himself before his said Ambassage, and in his said Ambassage, with his said late Majesty's Approbation thereof.

'Now he most humbly craveth Leave to give your Lordships an Account how he proceeded after his Return from the Emperor's Court: As soon as he came into *England*, he discover'd to his Majesty and the Lords of his Council, in what great Want he had left the Forces in the *Palatinate*, and sollicited the present sending away of Money; and thereupon 30,000 l. was borrowed of Sir *Peter Vanlore*, Sir *Baptist Kirks*, and Sir *William Cockaine*, and presently sent into the *Palatinate*, besides the 10,000 l. which he had lent, for which he paid the Interest out of his own Purse six Months; having also given, not long before, 500 l. by way of Benevolence, to the Service of the said *Palatinate*. Now, in the *Interim*, betwixt his Return from the Emperor, which was in *November*, 1621, and his going into *Spain*, in *May*, 1622, he first gave an Account, as is aforesaid, of his Ambassage, to both the Houses of Parliament; and moved them to be as effectual as was possible for the supplying of his Majesty, and that the Money might be wholly employed for the Succour of the *Palatinate*. The Parliament being dissolved, he sollicited, with great Care and Industry, the settling of some Course for the supplying of the *Palatinate*; and his Majesty was persuaded to maintain 8000 Foot and 1600 Horse under his own Standard, and in his Pay, in the *Palatinate*, and to establish a certain Course for the

the due Payment of the said Army: And the Lord *Chichester* was upon his, the said Earl's Motion, sent for out of *Ireland*; and he, the said Earl, by his Majesty's Commandment, took Care of his Dispatch. In this Estate the said Earl left this Affair at his Departure towards *Spain*, in 1622, nothing doubting but all Things would have effectually and constantly been pursued, according to the Order which was settled and resolved on at his Departure. On his Arrival at the Court of *Spain*, he presently proceeded according to his Instructions, pressing the Business of the *Palatinate* as effectually as could be, and faithfully laboured, and effected from Time to Time, (as far as the Point of Negotiation) all the Particulars that were given him in Charge; as will appear by his late Majesty's Letters upon every particular Occasion. And, if by Accident, such as the Marquis of *Baden*, Count *Mansfelt*, and the Duke of *Brunswick*'s receiving each of them an Overthrow that Summer; or by Neglect, or ill-ordering the Affairs there, (whereof his late Majesty so far complained to his Son-in-Law, as to give Order for the withdrawing of his Forces, as will appear by his Majesty's Letters of the 3d of *June*, 1622, as also by his Letter to Sir *Horace Vere* and the Lord *Chichester*, if there were not a speedy Redress) those Businesses have miscarried, the Earl hopeth he shall not be liable to the Blame, it having no Relation to him or his Employment; having so far, and so honestly, with his best Affections, employed his Care and utmost Service in the Business: And his Majesty was pleased, by many several Letters, upon several Occasions, to signify his gracious Acceptance of his Service, as in his Letter of the 24th of *November*, 1622, from *Newmarket*, writing as followeth, *viz.*

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Your Dispatches are in all Points so full, and in them we receive so good Satisfaction, as in this we shall not need to enlarge any further, but only to tell you we are well pleased with the diligent and discreet

An. 2. Charles I. 1626. *creet employing of your Endeavours in all that concerneth our Service; so are we likewise with the whole Proceedings of our Ambassador,* Sir Walter Aston. *Thus we bid you heartily farewell.*

'And afterwards his Majesty was likewise pleased, in his Letter of the 7th of *January*, 1622, a little before our gracious Sovereign Lord the King, then Prince, his coming into *Spain*, to write as followeth, *viz.*

Concerning that other unfortunate knotty Affair of the Palatinate, *to say the Truth, as Things stand, I know not what you could have done more than you have done already.*

'And whereas it is objected, that the *Palatinate* should be lost by the Hopes he, the said Earl, gave by his Letters out of *Spain*, it is an Objection of Impossibility; for there was nothing left but *Manheim* and *Frankendale* when his first Letters, out of *Spain*, could possibly come to his late Majesty's Hands; for he did not begin there to negotiate in that Business untill *August*, 1622; and about that Time *Heidelberg*, and all but *Manheim* and *Frankendale*, was lost; and *Manheim* he had saved by his Industry, had it not been so suddenly delivered, as is by his Majesty acknowledged, by his Letter of the 24th of *November*, 1622, writing thus, *viz.*

And howsoever the Order given to the Infanta, *for the Relief of* Manheim, *came too late, and after the Town was yielded into the Hands of* Tilly; *yet must we acknowledge it to be a good Effect of your Negotiation, and an Argument of that King's sincere and sound Intention.*

'And *Frankendale* being by the said Earl's Means once saved, was again the second Time saved meerly by his the said Earl's Industry, in procuring a Letter from the King of *Spain*, dated the 11th of *February*, 1623, whereupon followed the Treaty of Sequestration, which hath since continued: And he the said Earl was so far from hindering Succours, by any Letter or Counsel of his, that he was the Solicitor, and, in great Part, the Procurer of

of most of the Succours that had been sent thither, as is formerly set down: And when his Royal Majesty that now is, arrived at the Court of *Spain* with the Duke of *Buckingham*, they found the said Business of the *Palatinate* in so fair a Way, that the *Spanish* Ministers told them the King should give his late Majesty a Blank in that Business to frame his own Conditions, as appeareth by his late Majesty's Letter of the 8th of *October*, 1623, as followeth, *viz.* An. 2 Charles I. 1626.

Our Son did write to us out of Spain, *that that King would give us a Blank in which we might frame our own Conditions, and the same be confirmeth to us now.*

'And the like touching the Blank was also acknowledged by the Duke of *Buckingham*, in his Speech in Parliament, after the Return of his Majesty out of *Spain* (*k*). It will appear by the Testimony of Sir *Walter Aston*, and by his and the Earl's Dispatches, that the said Earl wanted not Industry and Zeal in this Business; insomuch that the last Answer the Earl procured therein from the King of *Spain*, was fuller than he, the said Earl, was ordered by his late Majesty's latest Letters to insist upon; so as by that which hath been alledged, the said Earl hopeth your Lordships will be satisfied, not only that he wanted neither Will nor Industry; but that he hath, with all true Zeal and Affection, and with his own Means, faithfully served their Majesties and the Prince *Palatine* in this Cause. And forasmuch as, in that Affair, he had all the Assurances that could be betwixt Christian Princes; if therein there hath been any Deceit, (as by the said Article is intimated), which he never knew nor believed, he referreth it to God to punish their Wickedness; for, betwixt Princes, there can be no greater Tye than their Words, Oaths, Hands, and Seals; all which he procured in that Behalf: And both he, the said Earl, and Sir *Walter Aston*, were so confident that the Business would be ended to his late Majesty's Satisfaction, that, in a joint Dispatch to

(*k*) See Vol. VI. p. 20, *et seq.*

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his said late Majesty, of the 23d of *November*, 1623, after his now Majesty's Return into *England*, they wrote as follows:

We hope that your Majesty may, according to your Desire signified to me the Earl of Bristol, *by the Letter of the 8th of* October, *give to your Majesty's Royal Daughter, this* Christmas, *the comfortable News of the near expiring of her great Troubles and Sufferings; as also unto the Prince, your Son, the Congratulation of being married to a most excellent Princess.*

'Having thus given your Lordships an Account of his Proceedings touching the *Palatinate*, he will, by your Lordships good Favour, proceed to the other Part of the Charge concerning the Marriage.

'And, *first*, touching the Hopes and Assurances, that he is charged to have given to his late Majesty and Ministers of State here in *England*, of the *Spaniards* real Proceedings in the said Match, when it is said he knew they never meant it; he saith, He never gave any Hopes of their real Proceeding, but such and the very same that were first given unto him, without adding or diminishing; neither could he have done otherwise with Honesty or Safety. And he further saith, That the Hopes he gave were not upon slight and vain Intelligence; but, as well in that of the *Match*, as the other of the *Palatinate*, his Advertisements were grounded upon all the Assurances, both upon Word and Writing, that could pass betwixt Christians; as will be made evidently appear by his Dispatch of the 9th of *September*, 1623; which he humbly desireth may be read, if the Length of it may not displease: The Substance of it being to shew by all the Engagements and Promises of the King of *Spain*, that he really intended the *Match*; and the Cause why the Conde *D'Olivares* pretended to the Duke of *Buckingham*, that the *Match* was not formerly meant, was only thereby to free himself from the treating any longer with the said Earl, to the end he might treat for larger

larger Conditions, in point of Religion with the said Duke; the said Conde *D'Olivares* taking Advantage of having the Person of his Majesty, then Prince, in their Hands: And with this Dispatch the said Earl acquainted his Majesty that now is, then in *Spain*, before he sent it. And his Majesty, upon the reading of it, was pleased to say, That the Earl had proceeded with so much Caution and Care, that, in case the *Spaniards* should be false, he might be sure to shame them for their Falshood. By this Dispatch the said Earl doubteth not but it will appear to this Most Honourable Court, That whilst the treating of that Business was in his Hands, he proceeded in it, not only with Care and Industry, but with some Measure of Vigilancy. An. 2. Charles I. 1626.

'For the clearing of an Objection that hath been alledged, *viz. That the* Match *was never meant before the Duke's going into* Spain, *nor after*; the Earl craveth Leave to set down some few Reasons, of many, which caused him to believe that the said *Match* had been really meant; and that it was so conceived, by both their Majesties and the King of *Spain*, and their Chief Ministers on both Sides, for the following Reasons:

First, 'The Duke of *Buckingham* certified to his late Majesty, That the Business of the Marriage was brought to a happy Conclusion; whereupon his late Majesty was pleased to give Order to the said Duke and Earl to proceed in other Business, which his said late Majesty would not have treated untill the Marriage was concluded; as will appear by a Letter of his late Majesty jointly to the Duke of *Buckingham* and the said Earl, of the 23d of *July*, 1623.

Secondly, 'It will appear, by Letters of the Lord *Conway* to the Duke of *Buckingham*, bearing Date the 3d and 4th of *September*, 1623, that the said Duke had good Assurance of the Conclusion of the said *Match*; and, upon this Confidence, all Things were put in due Execution in *England*, as had been capitulated; and the Lord *Conway*, and others, fully settled and agreed all the Points of Immunity

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and Liberty for the *Roman Catholics* for the Use of their Religion, as was set down in the Declaration of the 9th of *August*, 1623, hereafter mentioned in the Answer to the 5th Article of this Charge.

Thirdly, 'The very Day that his now Majesty and the Duke of *Buckingham* departed from the *Escurial*, in *Spain*, towards *England*, the said Duke solemnly swore to the Treaty of the said Marriage, and the furthering of it all that should be in his Power, upon the Holy Evangelists, in the Presence of the said Earl and Sir *Walter Aston*.

Fourthly, 'The Treaty of Marriage had formerly been signed, sealed, and solemnly sworn to by the King of *Spain*; and when his Majesty and that King took their Leaves, the King of *Spain* did solemnly protest, on the Word of a King, faithfully and punctually to perform all that had been capitulated in the Treaty of the Marriage; and hereupon embraced his Majesty at his Departure: And the very next Day sent a Letter unto his Majesty, all written with his own Hand, and protesting to make good all that he had capitulated or promised to his Majesty at his Departure the Day before; so that if there were no true Meaning on the Part of *Spain* to make the Marriage, as by Mr. Attorney is pretended, yet certainly the said Earl hath not been slightly deceived: Neither can it be, as he conceiveth, any Fault in him; since not only his late Majesty, but his Majesty that now is and the Duke of *Buckingham*, being then both upon the Place, did confidently believe, (and that upon other Grounds than the Informations, Suggestions, or Persuasions of the said Earl) that the Marriage was really intended; and to that Effect, both his late Majesty, of blessed Memory, and his most excellent Majesty that now is, after his Return into *England*, wrote unto him, the said Earl, several Letters, assuring him that their Intents and Pleasures were to have the said *Match* proceeded in: And thereupon the Powers of his Majesty, then Prince, were again renewed, and sent unto the said Earl; so that the said Earl having so many and so great

great Causes to be assured that the *Match* was really intended on both Sides, he conceiveth it will be hard for Mr. Attorney to make good that Part of his Charge, wherein he affirmeth, That the Earl should know the contrary, or give Assurances upon false Grounds, as in the said Article is alledged.'

To the SECOND ARTICLE *the said Earl saith:*

'That he did not falsly, wilfully, or traiterously, or contrary to his Allegiance, or the Trust or Duty of an Ambassador, continue the Treaties upon Generalities, without effectual pressing the King of *Spain* unto particular Conclusions, according to his late Majesty's Instructions or Directions; nor intended to have continued the said Treaties upon Generalities, without reducing them to Certainties or direct Conclusions; nor did therein any thing to the Dishonour of his said late Majesty, or to the Danger or Detriment of his Majesty's Person, his Crown or Dominions, or of his Confederates or Allies, as by the said Article is alledged; but directly denieth all the supposed Offences wherewith he standeth charged by the said Article: And, for a clear Declaration and Manifestation of the Truth and Manner of his Proceedings, that it may appear to this high and most honourable Court, how far he hath been from offending in that Kind, nor continuing the said Treaties one Day longer than Necessity enforced, but rather pressing beyond than coming any way short of his Instructions and Directions: He farther saith, first, as to the continuing of the Treaties upon Generalities, That the Temporal Articles were, by Agreement on both Sides, not to be treated or settled untill such Time as the Articles of Religion were fully agreed; for that it was held most proper and honourable for both Sides, first to see if the Difficulties of Religion might be reconciled before they passed into further Enagements; and the said Articles of Religion, by reason of the Pope's new Demands sent into *England* by Mr. *Gage*, were not signed nor condescended unto by his late Majesty, nor his

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Majesty that now is, then Prince, untill the 5th Day of *January*, 1622, and then were sent away Post out of *England* to the said Earl by Mr. *Seymour Digby*, who arrived with them at *Madrid* in *Spain*, about the 25th of the same Month: But the Earl's Care was such to have no Time lost in the settling the Temporal Articles, that before he would condescend (so much as *de bene esse*) unto the Articles of Religion that they should be sent back again unto *Rome*, he procured the King of *Spain* to promise that within the Time limited for the procuring of the Dispensation (which was by *March* or *April* following at the farthest) all the Temporal Articles should be settled and agreed; to the End the *Infanta* might be delivered at the Spring, as, by the King of *Spain*'s Answer in Writing, was declared to be that King's Intention; and accordingly Sir *Walter Aston* and the said Earl did, not in general, but most industriously labour to settle all particular Articles, (as they did most of them) *viz.* That the Portion should be two Millions, it appearing that it was so agreed by the late King of *Spain*, the present King's Father; that, the Dispensation coming, the Desponsories should be within forty Days after, and the *Infanta*'s Departure from *Madrid* should be within twenty Days after that: And that Don *Duarte de Portigal* should be the Man that should attend the *Infanta* in the Journey: And all other Particulars necessary for the Conclusion of the said Treaty, were by Sir *Walter Aston*, the said Earl, and the *Spanish* Commissioners, drawn up into Heads in Writing; and after many Debates they were consulted with that King, and the 2d of *March*, 1622, *O. S.* the Conde *de Gondomer* and the Secretary Don *Andreas de Prada*, were appointed to come home to the House of the said Earl, to signify unto Sir *Walter Aston* and himself, (as they did) that the King of *Spain* had declared his Resolution in all the Particulars, and given them Order to come to a speedy Conclusion with them of all Things; and that King's Answer to that Conclusion the Earl saw and read, all writ-

written with the said King of *Spain*'s own Hand. An. 2. Charles I. 1626.

'On the 7th of the same Month of *March*, the King's Majesty, then Prince, and the Duke of *Buckingham*, arrived at *Madrid*, and then the *Spaniards* took new Hopes, and the Negociation was put into a new Form; so that where it is objected against the Earl, that he entertained and continued the Treaty so long upon Generalities, he conceiveth it is not meant of the Spiritual Articles, for they were such as were sent from *Rome* to *England*, and from thence they came to the Earl; and for the Temporal Articles, they not being to be settled or treated 'till the Articles of Religion were concluded, he conceiveth it cannot be alledged with any Colour, that in them his Majesty was entertained with Generalities; since from the Time that the said Articles of Religion were brought unto the said Earl by Mr. *Simon Digby*, being about the 25th of *January*, there were but six Weeks untill the 7th of *March* following, when his Majesty, then Prince, arrived in *Spain*; and in the Interim all the above specified Particulars were settled: And the Time that hath been spent in this Treaty hath not been through his the said Earl's Default, in continuing upon Generalities, without pressing to Particulars, but hath been caused as well by Difficulties which the Business brought with it, as also by exterior Accidents, *viz.* the Wars of *Bohemia*, the Death of two *Popes*, and of the late King of *Spain*, without the least Fault of the said Earl's, as is acknowledged by his late Majesty of blessed Memory, in the said Earl's Instructions of the 14th of *March*, 1621, neither could any Delay therein be attributed unto him the said Earl, for he was employ'd in those Times into *Flanders* and *Germany*; and Sir *Walter Aston* and Sir *Francis Cottington*, for the Space of three or four Years, were resident in *Spain*; from whence the Hopes they gave were upon all the discreet Grounds that Ministers can expect from a State: But the Earl resumed this Business only six Months before his Majesty's coming into *Spain*; and he was so desirous to see his

An. 2. Charles I. 1626. his Majesty, then Prince, bestowed, that he pressed nothing so much, both to the King and the Prince, as that the Prince might lose no more Time, and rather break the Match with *Spain*, than suffer any further Delays; as will appear by the Dispatches from his first Arrival at the Court of *Spain*, untill his Majesty, then Prince, his coming; for in his Letters of the 20th of *June*, 1622, being the first he wrote after his first Audience, he was so desirous that no Time might be lost, that in them he craveth Leave of his then Majesty, that in case he should find any Delays in *Spain*, he might (without expecting any new Order) take his Leave and come home. And upon the Return of Sir *Francis Cottington* in *September* following, he wrote both to the King and his Majesty, then Prince, *viz.* to the King as followeth:

I shall presume to add to that which Mr. Cottington *shall deliver unto your Majesty by Word of Mouth, of the present State of the Match, what I conceive to be the right Way to bring it to a speedy Issue; that your Majesty will be pleased positively to declare what will do in point of Religion, and that you will appoint me o certain limited Time, by which this King shall procure the Dispensation, or conclude the Match without it; that in case there should be any further Delay therein, then, I may declare your Majesty disengaged, and free to bestow the Prince in such Sort as you shall judge most convenient.*

'And to the Prince at the same Time he wrote in the subsequent Words, *viz.*

That which will be necessary for his Majesty presently to do on his Majesty's Part, is to declare himself how far he will be pleased to extend in point of Religion, in such Form as Mr. Cottington *will propound unto your Highness; and that he set me a prefixed limited Time to break or conclude the Match, either with the Dispensation or without it; and for the rest it may be left to my Negociation; but your Highness may be pleased to hasten this his Majesty's Resolution with all possible Speed.*

'And

'And the said Earl saith: That having receiv'd from his said late Majesty the Resolution in point of Religion, and a limited Time according to his Desire; he was so precise and punctual therein, that although the making or breaking of the Marriage depended upon it, he would not give one Month's longer Time for the procuring of the Dispensation, untill he had first acquainted his said late Majesty therewith, and received his Directions under his own Hand; as will appear by his said Majesty's Letters of the 25th of *October*, 1622, as followeth: An. 2. Charles I. 1626.

Right Trusty and well beloved Cousin and Counsellor, we greet you heartily well.

WHereas by your last Letters written to our Secretary, dated the 29th of September, *you are desirous to have our Pleasure signified unto you under our own Hand, whether we will be contented or not to have a Month's longer Time for the coming of the Dispensation from* Rome, *than we have already limited unto you, in case they shall there conclude all Things else to our Contentment, with a Resolution to send the* Infanta *hither next Spring; we do hereby declare unto you, that in such Case you shall not break with them for a Month's longer Delay; we also wish you not to trouble yourself with the rash Censure of other Men, in case your Business should not succeed, resting in that full Assurance of our Justice and Wisdom, that we will never judge a good and faithful Servant by the Effect of Things so contingent and variable; and with this Assurance we bid you heartily farewell.*

'And he further said, That when he had agreed unto the Articles of Religion, and that a settled Time was appointed for the coming of the Dispensation and a Conclusion of the Match, although he would bind himself to nothing without his Majesty's Approbation, yet, for that no Time might be lost, he agreed to the Propositions, *de bene esse*, sent by Mr. *Porter* on the 10th of *December*, 1622; to the end the Articles might be sent immediately to *Rome*,

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Rome, without losing so much Time as to hear first from *England*; and humbly moved, that, in case his Majesty should approve of the said Articles, he would send his Approbation directly to *Rome*, for the gaining of Time, which his Majesty was pleased to do: And at that Time he wrote both to his said late Majesty, and his now Majesty, then Prince, *viz.* to his Majesty, as followeth:

This is the true State of the Business as it now standeth; if your Majesty approve of what is done, I hope it will have a happy and short Conclusion; if your Majesty think it not fit to allow of these Articles, I have done the utmost of my Endeavours, and shall humbly persuade your Majesty not to lose a Day longer in the Treaty; so much it importeth your Majesty and your Kingdoms that the Prince were bestowed.

'And to the Prince, in Letters of the like Date, in this Sort:

I presume now to write unto his Majesty that which I think my Duty to say likewise unto your Highness; That in case you should not approve of what is new conditionally agreed, you permit not a Day more to be lost in this Treaty; for it is of so great Consequence that your Highness were bestowed, that it importeth almost as much that you were speedily, as willingly, married; but I hope that his Majesty, and your Highness, will in such Sort approve of this last Agreement, as you will speedily bring this long Treaty to a happy Conclusion. I am out of Hope of bringing Things to any better Terms, and therefore I deal clearly with your Highness; and do not only most humbly persuade, but, on my Knees, beg it of you, that you either resolve to conclude this Match as you may, or speedily to break it off, and bestow yourself elsewhere; for no less than the Happiness of your Kingdoms, and the Security of the King your Father and yourself, depend upon it.

'All which Things being consider'd, the Earl most humbly submitteth himself to the Judgment of this Most High and Honourable Court, whether those Delays, which several Accidents have brought forth in this Business, can be attributed to his Fault; since, on the one Side, he hopeth it will evidently appear

appear unto your Lordships, That he ever moved his Majesty and the Prince to admit of no Delays, but rather to think of some other Course; and, on the other Side, it will appear by all his Dispatches, That he pressed Things with the Ministers of *Spain* to as speedy a Conclusion, as the utmost Terms of fair Negotiation and good Manners would bear. And whereas it is pretended that the *Spaniards* should take Occasion, by entertaining the said Treaties, to abuse his late Majesty; (which he knoweth not) yet he saith, That he used all the Industry and Vigilancy that a careful Minister could do, and got from the *Spaniards* all the Assurances, by Oaths, Words, and Writings, which could be expected from Christians, the which he faithfully, without adding or diminishing, represented unto his said Majesty; and his said Majesty, in those Times, was pleased to conceive upon those Assurances, that they dealt really with him: And he conceiveth that his Majesty that now is, then Prince, and the Duke of *Buckingham*, were pleased to write as much to the late King's Majesty at their first coming into *Spain*; and that all which the said Earl had written touching that Employment, was there avowed by the Conde *D'Olivares*, and Conde *De Gondomar*, to the said Prince and Duke, at their Arrival at *Madrid*; and he hopeth that, when his Dispatches are perused, it will appear and be adjudged, That he served his Majesty with some Measure of Vigilancy, as well as Fulness of Fidelity. An. 2. Charles I. 1626.

To the THIRD ARTICLE *the said Earl saith,*

"That he did not either, by Word or Letters to his late Majesty or his Ministers, extol or magnify the Greatness or Power of the King of *Spain*; nor represented to his late Majesty the supposed Dangers, that would ensue unto him if a War should happen between him and the said King of *Spain*; nor affirmed, nor insinuated, as in the said Article is mentioned, to any such Intent as by the said Article is alledged. But if he did at any Time speak or write of the Power or Greatness of the King of *Spain*,

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Spain, or represented any Dangers to his late Majesty that might ensue, by entering into Hostility with the said King; it was as a faithful Counsellor and Servant to his Master, by way of Advice and Opinion, which he ever delivered sincerely, faithfully and truly, according to the present Occasion; and in no wise to any such Intents as in the said Article is mentioned, nor to any other evil Intent or Purpose whatsoever. But he hath been so far from dissuading his late Majesty to take Arms, that he hath upon all just Occasions advised, that all fitting Preparations for War might be made, as (beginning with the Year 1621, from which Time he is only charged,) will appear by his Speech in Parliament presently upon his Return out of *Germany*, 'That he hoped his Majesty would rely no 'longer upon single Treaties, but make all fitting 'Preparations for a War, and that the Parliament 'would enable his Majesty thereunto (*l*):' And by the Care he took before his going again upon his Ambassage into *Spain*, that the Establishment of an Army, under his Majesty's own Standard, of Horse and Foot, and in his own Pay, might be fully settled and provided for; as likewise his Advice to the Lords of the Council, that his Majesty might have a Curb upon the King of *Spain* upon all Occasions, by continuing of Sir *Robert Maunsel*'s Fleet upon the Coasts of *Spain*, as will appear by his Letter written from *Vienna*, of the 26th of *July* 1621, mentioned in the Answer to the first Article: By all which it will appear that he laboured and endeavoured, as much as in him lay, that his Majesty might be well prepared for any Occasion of War which should happen; and he no way remembreth to have discouraged, or to have spoken or written any Thing that might have been understood to have tended to the discouraging, his said late Majesty from the taking of Arms or entering into Hostility against *Spain*; or for resisting of him or his Forces from attempting the Invasion of his said late Majesty's Dominions, or the Da-

(*l*) See before Vol. V. p. 485.

Dominions of his late Majesty's Confederates, Friends, or Allies, as by the said Article is charged against him; nor remembreth that he hath had any Cause so to do: But if he hath in any kind spoken or written of *Spain*, or the Power of it, it may have been to his late Majesty, or to his Majesty that now is, by way of Discourse; speaking of the Solidness of the *Spanish* Proceedings, of their serious and deliberate Debating of Business before they resolved on them, and of their constant Pursuing of them when they were once resolved; wishing that *England* and other Nations would herein imitate them; for that he supposed the right Way to impede the *Spanish* Greatness, was to grow as wise as they, and to beat them at their own Weapons: But, otherwise, he is confident he hath never been heard to speak, or write, any Thing that might give any Terror or Discouragement to his late Majesty or his Chief Ministers; knowing that *England* need but little fear the Power of *Spain*, having almost in all Attempts and Enterprizes won Honour upon them. And as for his representing the Dangers that might ensue upon a War, though he knoweth not what is aimed at in that Particular, yet he is most confident, out of the Integrity of his own Conscience, that he hath neither said or advised any Thing but what befitted a faithful Counsellor and an Ambassador; which was truly to deliver his Opinion as he understood it upon the present Occasion: And as for the affirming that his Majesty's Quiet should be disturbed, and he not permitted to hawk or hunt, he remembreth not what Discourse he may have had or written to any Person how fit it might be, upon the being embroil'd in so great a War, seriously to attend it, and make it our whole Work: But as he is confident it will appear, that what Discourse soever it may have been, it wanted not the true Zeal and Affection which he hath ever borne to the King's Service; so he hopeth it will be found not to want that due Respect and Reverence, on his Part, which he ought to shew to so gracious a Master; neither can it be conceived, that the Considerations

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siderations of Hunting, Hawking, or Ease, should be Considerations worthy so great and prudent a King, to withhold him from a War for the Good of *Christendom* and his Kingdoms, if he should be unjustly provoked thereunto.

To the FOURTH ARTICLE *the said Earl saith,*

'That he did not any Thing contrary to his Duty and Allegiance, or contrary to the Faith and Trust of an Ambassador, as by the Article is alledged; but did endeavour the Service and Honour of his late Majesty, and no corrupt or sinister Ends of his own, or his own Advancement, as by the Article is alledged. And as for the Conference which is pretended he should hold concerning the Treaty, that being told there was little Probability that the said Treaties would or could have good Success, and that he should acknowledge as much; and yet say that he cared not what the Success thereof would be, but that he would take Care to have his Instructions perfect, and to pursue them punctually; and would make his Fortune thereby, or Words to that Effect; he doth not remember to have held any such Discourse, tho' it is true, that the Time hath been, many Years since, when he thought the Match very unlikely to be effected, in regard of the unequal Answers which were given in Prince *Henry*'s Time, and the Unlikelihood of accommodating the Differences of Religion and Faith. Further, as to the Reviving of the Treaty of the said Match for his Majesty that now is, that in the first he wished and advised a *Protestant* Match; but, in the Duty of a Servant, understanding that both their Majesties really desired the Match with *Spain*, he did seriously and faithfully intend the Service and Honour of their Majesties, and effectually endeavoured to procure their Ends; and it is very likely he might say would get his Instructions perfect, and to pursue them punctually, as he conceiveth was lawful and fit for him to do; but for the latter Part of this Conference, that he should say he would make a Fortune by it, or any Words

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to that Effect, he was in the Year 1621, and ever since, of that Rank and Quality, both in regard of his Employment, Fortunes, and his Master's Favour, that he assureth himself he did not; and dare answer so far for his own Discretion, that it was impossible for him to hold so mean and unworthy a Discourse. An. 2. Charles I. 1626.

To the FIFTH ARTICLE *the said Earl saith,*

'That he did not intend or resolve, that if the Marriage in the former Articles mentioned should have been effected, that thereby the *Romish* Religion or the Professors thereof should be advanced; or the true Religion and the Professors thereof discouraged or discountenanced, as by the said Article is alledged; nor did he, to any such End or Purpose, or otherwise, at any Time, counsel or persuade the late King's Majesty, to set at Liberty the *Jesuits* and Priests of the *Romish* Religion; or to grant or allow unto the *Papists* and Professors of the *Romish* Religion, a free Toleration or silencing of the Laws made and standing in Force against them, as in the said Article is also alledged; but contrarily, upon all Occasions, to the utmost of his Power, did labour to prevent all the Inconveniences in point of Religion, that might come by matching with any Princess of a differing Religion; as well appeareth by a Paper of his own Opinion, That his Majesty should marry with a Lady of his own Religion, as hereafter mentioned in his Answer to the Seventh Article: And for further Proof thereof he saith, that in the whole Treaty with *Spain* he ever stood stricter in point of Religion than by his Instructions he needed to have done, as will appear by the Testimony of Sir *Walter Aston*, and his Dispatches of the 12th of *December*, 1622, and other Dispatches, which he desireth may be read: And as for counselling or persuading to set at Liberty *Jesuits* or Priests, he utterly denieth to have done any such Thing, as before he hath answered; altho' it be true that the Ambassage of *Spain* being far different from Employments in other Places, whe

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there is a Body of our Reformed Religion, and where his Majesty hath Kindred and Allies, whereby his Majesty's Ministers may be informed of the necessary Occurrents of State, without the Help of a Priest or *Jesuit*; but in *Spain* there being none but *Roman-Catholics*, nor any other Manner of Correspondency or Intelligence but by them, the Ambassadors must make use of all Sorts of People, especially of *Jesuits* and Priests; and to that Purpose Ambassadors thither have always a particular Warrant under the King's Hand, to treat and make use of Priests, *Jesuits*, and all other Sorts of Men, unless it be such as be proclaimed Rebels; and divers Times the Ministers employed in *Spain*, to gratify some whom they there employed for the King's Service, as he believeth, at their particular Suit moved his Majesty to extend Grace and Favour to some particular Friend or Kinsman of theirs, being a *Roman-Catholic* and imprisoned in *England*; and this he remembreth to have happened to others, but doth not remember to have written himself to his late Majesty in that kind: And, as concerning his Advice and Counsel to set at Liberty *Jesuits* and Priests, the granting to the *Papists* a Toleration, or a silencing of the Laws against them, he saith, That his late Majesty was engaged by the Treaty of *Madrid* in 1617, in divers Matters concerning Religion, as likewise by Promises to the Conde *De Gondomar*, and his Letters to the King of *Spain*, of the 17th of *April*, 1620, wherein he is pleased to promise some Particulars in Favour of *Roman-Catholics*, as by the said Letter will appear. And, notwithstanding the said Earl had sufficient Warrant, under the King's own Hand, to assure the King of *Spain*, that whatsoever was agreed in the said Articles, or in the said Letter, his Majesty would sincerely perform; yet the said Earl was so cautious in that Point, that when, for the Conclusion of the Match, the other Articles of Religion being all agreed, it was pressed by the *Spanish* Ministers, that a Clause, if convenient, might be inserted, with Protestation, that the Form and Way thereof should

ſhould be wholly left to his Majeſty's Wiſdom and Clemency; and that his Majeſty's *Roman Catholic* Subjects ſhould acknowledge this Grace only to come from the King's Mercy and Goodneſs; yet the ſaid Earl would not condeſcend or aſſent thereunto, but only *de bene eſſe*, as by his Letters to Mr. Secretary *Calvert*, bearing Date the 8th of *October* 1622, will appear; thereby to give his Majeſty Time to take it into Conſideration, before he would engage or bind him in this Point. An. 2. Charles I. 1626.

'And the ſaid Earl ſaith, That he did not by Letters, or otherwiſe, ever counſel or perſuade his late Majeſty to grant and allow unto the *Papiſts* and Profeſſors of the *Romiſh* Religion, a free Toleration or ſilencing of the Laws made and ſtanding in Force againſt them, but ever proteſted againſt any ſuch Toleration; and when any ſuch Propoſition hath been offered to be made in *Spain*, he hath ever refuſed ſo much as to give Ear unto it, or to ſuffer it to be propounded; although it be true he hath ſince ſeen a Writing touching Pardons, Suſpenſions, and Diſpenſations, for the *Roman Catholics*, bearing Date the 9th of *Auguſt* 1623, ſigned by ſome of the Lords in *England*, wherewith he was never acquainted; but it was treated and concluded by others with the *Spaniſh* Ambaſſadors here in *England*, whilſt the ſaid Earl was in *Spain*; neither was his Advice or Counſel in it, for if he had known it he ſhould have proteſted againſt it, as far as with Duty and good Manners he might have done. And ſo the ſaid Earl leaveth it to your Lordſhips, to conſider of the Difference betwixt the Conditions of the Treaty of *Madrid* of the 12th of *December* 1622, concluded by him and Sir *Walter Aſton*, and of thoſe which were after concluded here in *England*, expreſſed in the ſaid Writing; which is ready to be ſhewn to your Lordſhips, if in your Wiſdoms it ſhall ſo ſeem fit; and then he doubteth not but your Lordſhips will judge the ſaid Earl to be very unfortunate to be charged with an Article of this kind.

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To the SIXTH ARTICLE *the said Earl saith,*

'That he gave not any false Information or Intelligence concerning the Treaties, in the said Article mentioned, either unto the late King's Majesty, or unto his Majesty that now is, then Prince; neither doth he know that his late Majesty, by Hopes taken from his the said Earl's Assurances, or by Jealousies or Suspicions from the Delays in the Proceeding with *Spain*, was enforced for the speedy Conclusion of these Treaties, or to the intent to discover the ill Intention of the King of *Spain* and the Emperor, to take his Journey into *Spain*, as by the said Article is supposed; for the said Earl saith, That the Assurances which he gave his late Majesty, and his Majesty that now is, concerning these Treaties, were such as it had been Dishonesty and Breach of his Duty and Trust, for him to have held back; being the same that were given him by the Emperor, and the King of *Spain*, and their Ministers, upon as great Assurances as can pass betwixt Ministers of Princes in the like Cases: And as for the Delays of *Spain*, they could never be so ill, and with so little Colour complained of, as at the Time of his Majesty's coming thither; for that a certain Time was, before then, prefix'd for the coming of the Dispensation, *viz.* in *April* 1623, at the furthest, which was the next Month after the Prince's Arrival at *Madrid*; and the Desponsaries were to have been within forty Days following, and the *Infanta* to begin her Journey into *England* within twenty Days after: So as three Months Patience longer would have shewed the Issue of the Business, without putting the Person of the Heir apparent of the Crown into so imminent Hazard for the trying an Experiment; and it is an odd Kind of Argument, that, because the *Spaniards* were suspected to have dealt falsly, and so the less to be trusted, therefore the Person of the Prince should be put into their Hands to try Conclusions; but the Truth is, that though that was made the pretended Ground and Occasion of the

the Journey, it was neither the Assurances of the said Earl nor the Jealousies of *Spain*, but other Motives, that were the original Cause of his Majesty's said Journey; as shall be sufficiently made appear in due Time: And the said Earl having got an Inkling thereof, by something that was let fall by the Conde *De Gondomar* to that Purpose, instantly dispatched away Mr. *Gresley* to his late Majesty, to have the Journey prevented; who, upon the Confines of *France*, met his Majesty and the Duke of *Buckingham* on their Journey towards *Spain*, and told them as much: So that altho' he confesseth what is said in the said Charge to be true, *viz.* That, by the said Journey, the Person of the Prince and the Peace and Safety of this Kingdom did undergo such apparent Danger, as, at the Remembrance thereof, the Hearts of all good Subjects do tremble; yet the Blame of it is due to the Authors and Advisers of the said Journey and not to the said Earl: And altho' it pleased God, to the exceeding great Joy and Comfort of the said Earl and of all good Men, to send his gracious Majesty home with Safety; yet never was the Person of any Prince, upon such Grounds, exposed to so great a Hazard; and in such Cases, not the Success but the Counsels ought to be consider'd.'

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To the SEVENTH ARTICLE *the said Earl saith*,

'That he did not move nor persuade his Majesty, then Prince, to change his Religion, neither in the Manner in the said Article mentioned, nor in any other Manner whatsoever; neither did he conceive that the Charge in itself, as it is laid, will, in any reasonable Construction, bear any such Inference as is made thereupon; so as he conceiveth he needeth not to make any further or other Answer thereunto; yet that it may appear that the Motion he made unto the said Prince was not traiterously, falsly, or cunningly, or without Ground, nor to any such Intent as in the said Article is supposed; and to manifest unto this high and honourable Court, how far he was from any such Inten-

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tion, he saith, That he doth acknowledge that within few Days after his Majesty's coming into *Spain*, whilst he had that great Honour to have his Majesty lodge in his House, and to have so Royal a Guest; finding, by the *Spanish* Ministers, that there was a general receiv'd Opinion in that Court, that his Majesty's coming thither was with Intentions to become a *Roman Catholic*; and the Conde *De Gondomar* having that very Morning pressed the Earl not to hinder so pious a Work (as he term'd it) of his Majesty's Conversion, and seeming to be assured of the Duke of *Buckingham*'s Assistance therein; his Majesty being all alone in a withdrawing Room in the said Earl's House, the said Earl kneeled unto him and told him, That he had a Business to impart unto him which highly imported his Majesty to know, so he might be sure his Boldness therein might be pardon'd, which his Majesty graciously promised; and thereupon the said Earl told his Majesty, That the general Opinion in the Court was, that his Majesty's coming thither was with Intention to be a *Roman Catholic*, and there to declare it; and confesseth that, at the same Time, in regard of those Things which he had heard, he humbly besought his Majesty to deal freely with him, as with a Servant of whose Fidelity he might be confident, or Words to that Effect: But he was so far from persuading his Majesty to be a *Roman Catholic*, that without expecting his Majesty's Answer, he declared himself to be a *Protestant*, and so should always continue; yet, he said, he would serve his Majesty, and labour to advance his and the King his Father's Affairs, with as much Fidelity and Honesty as any *Catholic* whatsoever: And his Majesty was pleased then to make unto the said Earl a full and clear Declaration of his Religion, and of his constant Resolution therein; and seemed to be much displeased that any should have so unworthy an Opinion of him, as to think he would, for a Wife, or any earthly Respect whatsoever, so much as to waven in his Religion: Whereupon the said Earl besought his Majesty to pardon his Boldness, and then in-

intreated him not to suffer his Business to be overthrown, by permitting that Conceit of his Conversion any longer to remain in the *Spaniards*, nor to do any Thing that might give them Hope therein; alledging, that it was impossible the Marriage could be without a Dispensation, and so long as the *Spaniards*, who were to procure this Dispensation, should have the least Hope of his Conversion, they would rather clog the Dispensation than hasten it; for whilst they should have any Hope at all of his Conversion, they would never content themselves with the Part to which they were tyed by the Articles agreed upon with the said Earl and Sir *Walter Aston*. At which Time his Majesty was pleased to approve of his Opinion, and said, he would expect the Dispensation; and did thereupon afterwards send Mr. *Andrews* to *Rome* to hasten it. And the next Day the said Earl dealt very roundly with the said Conde *D'Olivares* and *Gondomar*, telling them, It was a discourteous Manner of Proceeding, to press his Majesty beyond the Conditions which had been formerly agreed upon in point of Religion; and to make his Condition the worse for the great Obligation he had laid upon them, by putting himself into their Hands: Whereat they took such Offence, that they estranged themselves from him for a long Time after. And that the said Earl did thus proceed with the Condes, and that this is not a new-framed Answer to satisfy the present Objection, but that which really and indeed passed, will appear by his Dispatches sent unto his late Majesty of blessed Memory, before his Majesty, that now is, came out of *Spain*; and were first there shewed unto his Majesty, bearing Date the 9th of *September* 1622; so that altho' it be true that the said Earl did not dissuade his Majesty (for there was no Cause for it) yet without expecting his Majesty's Answer, he first made a true and clear Profession of his own Religion; and when his Majesty had declared unto him his Zeal and Constancy, he humbly besought him that the *Spaniards* might

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not, for any Respect, be held longer in any Hopes in that Point.'

'And because a Point of Religion is that which all Men of Honour and Honesty should chiefly desire to clear, especially having Imputations of that Nature laid upon them, as the said Earl hath in the said Article; he humbly beseecheth your Lordships that he may not seem to digress from the Charge, in tendring to your Lordships Satisfaction in that Particular, not by the aforesaid verbal Discourse only (which he protesteth was with much Zeal to Religion, and dutiful Care to the Prince, in that kind) but by some written Testimony of his former Opinion; both to the Match and Religion, when he was first employed into *Spain* for the treating of this Marriage in the Year 1617: For his late Majesty having commanded him to give an Account thereof unto his Majesty that now is; he, at his Departure towards *Spain*, presumed to give unto his Majesty his Opinion in Writing, signed with his own Hand, to be kept as a Testimony of his future Actions; the Copy whereof is this that followeth.

SIR,

THE Opinion which I have ever presumed humbly to offer to his Majesty concerning your Highness's Marriage, hath been that, both in regard of Conscience, Satisfaction to his Majesty's People and Allies, as likewise for the Security and Quiet of his Majesty's Estates, your Highness might take to Wife some Protestant *Princess, altho' she were neither Daughter to a King, nor had so ample a Portion as might relieve the King's present Necessities; for that there might be many Ways found for the helping the King's Wants, either by some few Years Providence and Frugality, or by winning the Affections of the People to the supplying of his Majesty by way of Subsidies in Parliament: Whereas contrariwise, if the Number and Power of the* Papists *shall be encreased, as undoubtedly it will by your Highness's matching with any* Catholic *Princess whatsoever,*

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through the Allowance which must, of Necessity, be made for the Exercise of her Religion for herself and Family within your Highness's Court; and thereby, by Degrees, the two different Religions shall grow to an Equality of Power, it will be of great Hazard and Disquiet to the State, and not to be redressed without greater Danger and Courses of Violence than is proper or usual for this State to put in Practice: But in case his Majesty, out of his Wisdom and Considerations best known to himself, holds it fittest that your Highness match with France *or* Spain, *or any other* Catholic, *either for that the present Time affordeth no* Protestant *Princess who is for Years or Blood suitable to your Highness, or that can in any considerable Measure by her Portion supply his Majesty's present Wants; I then conceive that the Match by which this State shall suffer least Inconveniences and Cumbers, and whereby his Majesty's Necessities shall, by the Greatness of the Portion, be the most relieved, is with* Spain; *if such a Match may be made with such Conditions of Religion, as other* Catholic *Princes will content themselves withall.*

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Thus much I thought fit humbly to represent unto your Highness, for that I see my Employment is liable to the Censure of many worthy and religious Men; with whom tho' I concur in my Opinion, yet I seem much to differ from them in my Ways; for that it is more proper for me to be true to my Master's Ends and Service, than by declaring this to procure their Satisfaction: Only to your Highness I thought fit to make this Declaration, and shall be a Suitor unto you for your Favour, as you shall really see me labour to put this in Effect: And if his Majesty shall, either by the Motion of Parliament, or any other Proposition which may be made unto him, think it fit to proceed with a Protestant *Match; as I shall wish as well unto it as any Man living, so I hope in such Sort to manage the present Business that I have in Hand, as it shall rather much further than any Way cross or hinder it: But in case his Majesty shall not be drawn to hearken to any Proposition for a* Protestant *Match, I then conceive that your Highness doth, and will,*

approve

An. 2. Charles I. 1626. *approve that I really and effectually labour to procure a Match for your Highness with* Spain, *upon such Conditions, in point of Religion and Portion, as to his Majesty shall seem fit.*

'Besides which Declaration of the said Earl's Opinion, he hath all his Life, in all Places, lived and avowed himself a *Protestant*, never having done the least Act that was not suitable to the same Profession; and that in all his foreign Employments, for the Space of fourteen Years, of more than 500 Persons of all Qualities that have attended him, there was never any one perverted in his Religion, save two *Irish* Footmen, who in *Ireland* had been bred *Papists:* And he humbly desireth the Testimony of Dr. *Mawe* and Dr. *Wrenn*, and of Mr. *Sampford*, one of the Prebends of *Canterbury*, Mr. *Boswell*, Parson of *St. Lawrence* in *London*, and Mr. *Frewen*, Divinity-Reader in *Magdalen-College* in *Oxon*, (all of whom were his Majesty's Chaplains in *Spain*) as well for the frequent Use of the Sacrament, and constant Profession and Exercises of Religion; and the Testimony also of such Catholics as are known to have been his antient Acquaintance and Friends, and to examine them upon Oath, whether either publickly or privately in *Spain* or in *England*, they have known him in any kind to make Shew, or so much as forbear upon all Occasions avowedly to declare the Religion that he professeth; and that the said Mr. *Frewen* and Mr. *Wake*, his now Chaplains, may be also examined, whether in Extremity of several Sicknesses, whereunto he hath of late Years fallen, he hath not ever settled his Conscience with them towards God, and made a Confession of his Faith, resolving as befitted a *Protestant* and a good Christian.'

To the EIGHTH ARTICLE *the said Earl saith,*

'That he did not at any Time, or in any Place, endeavour to persuade the Prince to change his Religion, and to become a *Roman Catholic*, or to be obedient to the usurped Authority of the *Pope* of *Rome*;

Rome; neither did the said Earl, to that End or Purpose, or otherwise, use unto his Majesty, then Prince, the Words in the Article mentioned, *viz. That the State of* England *did never any great Thing, but when they were under the Obedience of the* Pope *of* Rome; *and that it was impossible they should do any Thing of Note otherwise*, as in the said Article is charged: But the said Earl acknowledgeth, That upon occasion of a Letter, which came to his Majesty, then Prince, putting his Majesty in mind of the great Actions of his Royal Progenitors in the Holy Wars; and that the great Kings of those Times did not only employ their Forces, but, in their Persons, went into the Holy Land; the Earl believeth, that, by way of Discourse only, and not otherwise, he may have said, That in regard of the Difference of Religion, it were of more Difficulty to undertake such great Actions now than in former Ages; and it might well be instanced in the present Treaty of Marriage, wherein the *Pope*'s Consent was to be obtained; and to this Effect, and upon the like Grounds, he was confident there were very many that have, nay few of Nearness about his late Majesty that have not, often heard his Majesty say, That he was the true Martyr, that suffered more for his Religion than all the Princes of *Christendom* besides; instancing in divers Particulars, but especially in that he could not match his Children with Kings of their own Rank, without the *Pope*'s Leave; But the said Earl saith, That he never alledged any such Thing to other Purpose, than to shew that only Conscience, and Love to Truth, (in which regard Protestants suffered much) and not any temporal Respects, made us constant and zealous to the Profession of our Religion; by which Discourses he ever attributed much to the Sincerity and Honour of the Protestant Religion; but never used it as an Argument to persuade, as in the Accusation is insinuated. Besides, he conceiveth, that, by way of Answer thereunto, the same Question may be asked which his Majesty was

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pleased

Anno Charles 1. 1626. pleased to talk of the said Earl in the 7th Article, viz. *What the said Earl saw in his Majesty, that he should think him so unworthy as to change his Religion for a Wife, or any earthly Respect whatsoever?* So why should it be thought, that the becoming more fit to undertake great Actions in the World, (being a meer moral temporal Respect) should be an Argument to persuade, in Conscience, so religious and wise a Prince, and so well instructed as his Majesty is; as tho' the Soul of a Christian Prince was to be wrought upon, in point of Truth and Belief, by temporal and worldly Respects of Conveniences and Greatness. It were necessary, for Proof of this Assertion, *The Earl's persuading his Majesty touching his Religion*; to produce some Arguments that he used out of the Scriptures to satisfy him, in point of Conscience, in some Tenet of the *Romish* Church; of that he procured any Conference with learned Men for his Satisfaction in point of Religion; otherwise, the Argument used in this Article against the said Earl doth, as he conceiveth, carry little Strength to prove the Charge of persuading of his Majesty, either in regard of itself, or indeed in regard of his Majesty's Piety.'

To the NINTH ARTICLE *the said Earl saith,*

'That there was a Discourse in *Spain*, of the Way of accommodating the Prince *Palatine's* Affairs; and, by way of Discourse, it was moved, That the Marriage of his eldest Son with a Daughter of the Emperor, and his Son to be bred in the Emperor's Court, would be the fairest Way for pacifying and accommodating those Businesses; and the Earl, by way of such Discourse, and not otherwise, did say, That he thought his late Majesty would not be averse, either to the said Match, or the breeding of the Prince *Palatine's* Son with the Emperor; so as thereby the whole Patrimonial Estate of the Prince *Palatine*, with the Dignity Electoral, might be fully restored; that his Son might be brought up in his own Religion, and have such

such Preceptors and such a Family as his said late Majesty, and his Father, (meaning the Prince *Palatine*) should appoint, and they to have free Exercise of their Religion; for so his late Majesty had often declared himself to the said Earl, and wished him to lay hold of any Occasion for entertaining of any such Proposition; and otherwise than so, and upon the Terms aforesaid, and by that way of Conference and Discourse only, he delivered not any Opinion to his Majesty, at his Majesty's being in *Spain*; for the said Earl is very confident that his Majesty was returned out of *Spain*, before any Proposition was made for the said Marriage, other than by way of Discourse, as aforesaid; the same, as the said Earl believeth, being first moved and debated on, by way of Proposition, here in *England*, betwixt Mr. Secretary *Calvert* and the Ambassador of the King of *Spain*, about the 2d of *October*, 1623; and his late Majesty, upon Relation made unto him by a Letter of Mr. Secretary *Calvert*, approved of the Proposition, and declared the same to be the only Way, as he supposed, with Honour, to accommodate those great Businesses; and wrote to that Purpose to his Son-in-Law, the Prince *Palatine*, by his Letters, dated the 19th of *October*, 1623, a Copy of which Letter, together with a Copy of Mr. Secretary *Calvert*'s Relation, the Lord *Conway*, by his late Majesty's Commandment, sent unto the said Earl; the Tenor of which Letter, translated out of *French*, is as followeth:

We have thought good, that the Way to provide best and most securely for your Affairs, and not barely to procure, but also to insure your Peace, is to cut up, by the very Roots, that Evil which hath been settled in the Heart of the Emperor, by the great Displeasure and Enmity which he hath conceived against you: For the removing and quite extinguishing of which, it seemeth to us no better or more powerful Means can be used, than that a good Alliance may be proposed by us between your eldest Son and the Daughter of the said Emperor, upon the Assurance we have that we shall

not

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not be refused in this Overture, if you, on your Part, will give your Consent: And for the more Surety of the good Success thereof, we are determined, before any such Proposition be made to the Emperor, to interest the King of Spain *with us in the Business; who, we trust, will lend us his helping Hand, as well for the effecting and bringing of it to a good Conclusion, as in procuring likewise, that if the Conditions of it happen that the Emperor should demand that your said Son, during his Minority, should be brought up in his Court; we then tell you, that we, for our Part, see no Reason why you should stick at it upon such Conditions as he might be tied unto; to wit, that the young Prince should have there with him such a Governor as you shall please to appoint him, so that he be no* Roman Catholic; *and that neither he, nor any of his, should be any way forced in Matters of their Conscience: And our Meaning is so to order our Proceedings in this Treaty, that before your said Son be put into the Hands of the Emperor, we will have as clear and certain Assurance of an honourable, entire, and punctual Restitution of all whatsoever belongeth unto you; as also we will take Care to provide accordingly, as fully and exactly for the Assurance requisite for the Liberty of Conscience of him and his Domesticks, as they shall have done here with us, touching those which have been granted them for the* Infanta; *and therefore seeing no Inconveniency at all that may cause your Averseness or Backwardness in this Business, which we, for our Parts, think to be the best, shortest, and most honourable Way that you can take, for the compassing of the entire Restitution, and making your Peace ever with the Emperor; we hope your Opinion will concur with ours herein, and shall intreat you, by the first, to send us your Allowance.*

'By which Letter, written after his Majesty's coming out of *Spain*, it appeareth unto your Lordships, that there was no Proposition of the Marriage betwixt the Son of the Prince *Palatine* and the Emperor's Daughter when that Letter was written; for

for therein his Majesty saith, he was determined to interest the King of *Spain* in the Business before any such Proposition should be made to the Emperor: And it will also thereby appear, what his late Majesty's Opinion was of the Conveniency thereof, which he, the said Earl, hopeth will acquit him, if, by way of Discourse only, he declared what he knew was his Majesty's Inclination; which, with Honesty, he could not have concealed. And the said Earl saith, That he doth not remember what Answer Sir *Walter Aston* made upon that Discourse, which he then delivered, nor what Replies the said Earl made; but sure he is, that whatsoever the said Earl said, or what Answers or Replies soever were made, as it was by way of Discourse, and not otherwise, so it was according to that which he then truly conceived to be the best and easiest Way to accommodate the Business, and to be his Majesty's Pleasure, which the said Sir *Walter Aston* might be ignorant of, as he is confident he was; and not out of any Disaffection to our Religion, or any sinister Respect or Regard to the House of *Austria*, as by the said Articles is intimated; for he did not conceive the breeding of the *Palatine*'s Son with the Emperor, having a Governor appointed by his late Majesty and his Father, and he and his Domestics to have the free Use of their own Religion, to be a Matter of Impossibility, or of such dangerous Consequence in point of Religion, as to imply his Conversion, as by the Articles is intimated; well knowing that, in the Emperor's Court, all Princes there, tho' his Prisoners, and others his Counsellors and Servants about his Person, and of great Command in his Armies, being avowed Protestants, have the free Use of their Religion: And it is not to be supposed that the Son of the Prince *Palatine*, Grand-Child to the King of *Great Britain*, should be matched, and no Care taken to capitulate for the Use of his Religion, it being ever granted to the meanest Princess that is bestowed; and his Majesty's Special Care in this Point is fully seen in the said Letter.'

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To

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To the TENTH ARTICLE, wherein the said Earl is charged *To have presumptuously broken his Instructions, in setting a Day for the Desponsories before he had Assurance that a Monastery should not rob the Prince of his Wife; and before a full Conclusion was had of the other Treaty of the* Palatinate *together with that of the* Marriage, *the same being supposed to be done contrary to the Prince's Commandment, by a Letter from* Segovia *and several Letters from his late Majesty, tying him to the same Restrictions; and that the said Earl himself had so confessed, with Promise of Obedience thereunto:* And, by way of Aggravation, is further charged, *That he had set so short a Day for the said Desponsories, that, without extraordinary Diligence, the Prince might have been bound, yet neither sure of a Wife, nor the Prince* Palatine *of any Restitution, nor any Assurance given of the Temporal Articles*, he saith,

'That by comparing the above Article, of his too much Forwardness, with the *Second*, whereby he is charged with *continuing the Treaties upon Generalities, without reducing them to Certainties and direct Conclusions*, your Lordships will perceive how impossible it was for him to avoid Exception: But for direct Answer to the present Charge, he saith, That he did not presumptuously, nor to his yet Knowledge, break his Instructions, nor set any Day at all for the Desponsories; but was therein meerly passive, in admitting the Day nominated by the King of *Spain*, according to the Capitulation long before made; nor did he presumptuously, wittingly, or willingly, disobey any Commandment or Direction of his late Majesty, or his Majesty that now is, then Prince, which he could understand not to be countermanded, or, by precedent or future Instructions, otherwise explained.

'And for the better Manifestation of the Truth of his Proceedings in and concerning the same, he saith, That on the Day of the Departure of his Majesty, then Prince, from the *Escurial* in *Spain*, his Highness deliver'd unto him, in the Presence of the Commissioners on both Sides, the Powers, with public

public Declaration taken in Writing by *Serica*, Secretary to the King of *Spain*, of the Prince's Pleasure, and how he, the said Earl, should use them, *viz.* That he should deliver them unto the King of *Spain*, upon the coming of the Dispensation cleared from *Rome*, according to that which had been agreed, which was to have been within ten Days after the coming of the said Dispensation. And he further saith, That it is true, that the Prince afterwards, by his Letters, sent by one Mr. *Clark*, commanded him, the said Earl, not to deliver the said Powers till he should have received Security that the *Infanta*, after being betrothed, should not enter into any Religious Order; and that before he proceeded, he should send unto his Majesty, then Prince, such Security as should be offered, that he might judge whether it were sufficient or not; whereupon the said Earl, as became a faithfull Servant, presented unto his late Majesty, and to his Majesty that now is, then Prince, such Assurances as were offered unto him for securing of that Point, together with such Reasons as, he conceived, were fit to be offered to their Considerations; which gave unto his late Majesty, and his Majesty that now is, then Prince, such Satisfaction, as they were pleased to dispatch a Post presently unto him, absolutely discharging him of that Commandment; as by their several Letters, dated the 8th of *October*, 1623, will appear; that of his late Majesty being as followeth:

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We have receiv'd yours, brought us by Gressley, *and the Copy of that to our dear Son; and we cannot forbear to let you know how well we esteem the dutiful, discreet and judicious Relation and humble Advice to ourself and our Son; whereupon having ripely deliberated with ourself, and communicated with our dear Son, we have resolved, with the Good-liking of our Son, to rest upon that Security, in point of Doubt of the* Infanta's *taking a Religious Order, which you, in your Judgment, shall think meet.*

And that other Letter of his Majesty that now is, then Prince, as followeth, *viz.*

Your

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Your Letters to the King and me, concerning the Doubt I made after I came from St. Laurence, *hath so satisfied us both, that we think it fit no longer to stick upon it; but leave it to your Discretion what Security you shall think sufficient.*

Hereby, the said Earl was absolutely freed from that Commandment; and being so freed thereof, he then remained under the Order which his Majesty, then Prince, had left with him at his Departure; which was to proceed according to the Capitulations, and his Highness's Declaration when he delivered the said Powers unto him; and so he intended to have done, till, by his Highness's Declaration, of the 13th of *November*, 1623, he was directly commanded the contrary; which Commandment he readily and punctually obeyed: And for such his Intention, till he was so countermanded, he conceived he had not only sufficient Warrant, but had highly offended if he had done otherwise: For,

1*st*, 'For his Proceeding to consummate the Match, he had Warrant and Instruction under his late Majesty's Hand.

2*dly*, 'It was the main Scope of his Ambassage.

3*dly*, 'He was enjoin'd to that by the King and Prince's Commission, under their Great Seals.

4*thly*, 'He had positive Orders, under his late Majesty's Hand, by Letter since.

5*thly*, 'It was agreed, by Capitulation, that it should be within ten Days after the coming of the Dispensation.

6*thly*, 'His late Majesty, and his Majesty that now is, then Prince, signified unto him by their Letters, at the same Time when they discharged him of his Commandment, touching the *Infanta*'s entering into a Religious Order, that they intended to proceed in the Marriage, as by his Majesty's Letter of the 8th of *October*, 1623, will appear.

7*thly*, 'The Powers were to that End left in his Hand, and renewed again after his Majesty's Return into *England*.

8*thly*, 'He had overthrown the Marriage without Order; for altho' Sir *Walter Aston* and himself

ſelf uſed all poſſible Means for the gaining of Time, and deferring of the Deſponſories, yet the King of *Spain* cauſed it formally to be proteſted, That in caſe the ſaid Earl ſhould inſiſt upon the deferring of the Deſponſories, he would hold himſelf freed from the Treaty by the ſaid Earl's infringing of the Capitulation. And, in Truth, altho' the King of *Spain* ſhould have condeſcended to have prorogued the Deſponſories untill one of the Days of *Chriſtmas*, as by the Letter (which is by this Article acknowledged to be miſtaken) was required, yet the Prince's Powers had before that Time been expired.

9thly, 'He durſt not, without a preciſe Warrant, put ſuch a Scorn upon ſo Noble a Lady, whom he then conceived likely to be the Prince's Wife, as to nominate a Day for the Marriage when the Powers were out of Date.

10thly, 'He was himſelf ſworn to the Treaty.

Laſtly, 'He could not, in Honour and Honeſty, but endeavour to perform that Truſt repoſed in him, when the Powers were depoſited in his Hands, with public and legal Declaration, taken into an Inſtrument by the Secretary of State to the King of *Spain*, leading and directing the Uſe of them; for the ſame being then *Inſtrumentum ſtipulatum*, as well the King of *Spain* was intereſted by the Acceptance of the Subſtitution, as the Prince by the granting of the Powers, and he could not in Honeſty fail that public Truſt, without clear and undoubted Warrant; which, as ſoon as he had, he obeyed: So, the Caſe ſtanding thus, the ſaid Earl is very confident, that the ſuppoſed Countermands, or Directions of Reſtriction, when they ſhall be peruſed and conſidered of, will appear to have been a very ſlender and inſufficient Warrant againſt the aforeſaid Orders and Reaſons, herein before ſpecified: And is alſo as confident, that what is aſſumed out of the ſaid Earl's Diſpatches, will alſo appear to be ſo underſtood; and that if he had proceeded to the Execution of the Deſponſories, before he received direct and expreſs Commandment to the contrary,

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by the aforesaid Letter of the 13th of *November*, 1623, which he readily and punctually obeyed, he had not, under Favour, broken his Instructions, nor deserved any Blame for lack of Assurance of Restitution of the *Palatinate*, or temporal Articles: And first, of the *Palatinate*, his Majesty did not send unto the said Earl express Direction not to dispatch the Desponsories untill a full Conclusion be had of the other Treaty of the *Palatinate*, together with that of the Marriage, as by the said Article is alledged; only his late Majesty, by the aforesaid Letters of the 8th of *October*, required the said Earl so to endeavour, that his Majesty might have the Joy of both at *Christmas*; whereas his Instructions of the 14th of *March*, 1621, were express, that he should not make the Business of the *Palatinate* a Condition of the Marriage; and his late Majesty's Letters, of the 30th of *December*, 1623, were fully to the same Effect: Yet did the said Earl, according to what was intimated by the said Letters of the 8th of *October*, so carefully provide therein, that before the Powers were to have been executed he had an absolute Answer in the Business of the *Palatinate*, that the same should be really restored, according to his late Majesty's Desire; and the Conde *D'Olivares*, both in his Master's Name and his own, desired the said Earl and Sir *Walter Aston*, that they would assure his Majesty of the real Performance thereof; and intreated them, if Need were, they should engage their Honours and Lives for it, as by their joint Dispatch, of the 23d of *November*, 1623, will appear; and so much the said Sir *Walter Aston* and the said Earl agreed should be delivered unto them in Writing before they would have delivered the Powers, and so the said Earl declared it; the which Answer in Writing should have been the same, which since was given them of the 8th of *January*, 1623: And both the said Sir *Walter Aston*, and the said Earl were so confident therein, as they, by their said Letters of the 23d of *November*, wrote to his late Majesty as followeth, *viz.*

That

That his Majesty might, according to his Desire signified to them, by his Letters of the 8th of October, *give, as well to his Majesty's Daughter, that* Christmas, *the comfortable News of the near expiring of her great Troubles and Sufferings, as to his Son, the Prince, the Congratulation of being married to a most worthy and excellent Princess.* An. 2. Charles I. 1626.

'By which it will evidently appear, he meant not to leave the Business of the *Palatinate* loose when he intended to proceed to the Marriage: But he confesseth he was ever of Opinion, the best Pawn and Assurance his late Majesty could have of the real Proceedings in the said Business of the *Palatinate*, was, that they proceeded really to the effecting of the Match: And of the same Opinion was his late Majesty also, and the Lords Commissioners here in *England*, as appeareth by his Instructions, dated the 14th of *March*, 1621; which Opinion still continued in them, as appeareth by his late Majesty's Letters of the 7th of *January*, 1622.

'Concerning the Temporal Articles, the said Earl saith, When the Desponsories were formerly appointed to have been, as he remembreth, on *Friday* the 9th of *August*, before the Departure of his Majesty, then Prince, (which was only hindered by the not coming of the Dispensation) the Prince appointed him and Sir *Walter Aston* to meet with the *Spanish* Commissioners; and they drew up the Heads of the Temporal Articles, wherewith the Prince and Duke of *Buckingham* were acquainted; and in case the Dispensation had come, and the Desponsories been performed on that Day, there had then no other Provision been made for them before the Marriage; but presently upon the Prince's Departure, he, the said Earl, caused them to be drawn into Form, and sent them to his late Majesty, the 24th of *September*, 1623, desiring to understand his Majesty's Pleasure with all Speed, especially if he disapproved any Thing in them; but never received Notice of any Dislike thereof untill the afore-

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said Letters of the 13th of *November*, 1623, which put off the Desponsories. So it appeareth the said Earl was so far from breaking his Instructions, or from having any Intention to have proceeded to the Execution of the Desponsories, before his Majesty and the Prince were satisfied in the point of the *Infanta*'s entering into Religion; or before convenient Assurance as well of the Restitution of the *Palatinate*, as for Performance of the Temporal Articles, that he deserved, as he conceiveth, (under Favour) no Blame, so much as in Intention; but if he had erred in Intention only, as he did not, and the same never reduced into Act, the Fault, as he conceiveth, was removed by his Obedience before the Intention was put in Execution; for so it is in Cases towards God himself.

And as to the Matter of Aggravation against him, *That he appointed so short a Day for the Desponsories, as that, without extraordinary Diligence, the Prince had been bound:* He thereto saith as before, That he set no Day thereto at all, nor could defer it after the Dispensation came from *Rome*, without a direct Breach of the Match so long laboured in, and so much desired; yet he and Sir *Walter Aston* used all possible Industry to discover how the Motion of deferring the Match would be taken; and finding an absolute Resolution in the King of *Spain* to proceed punctually in requiring the Powers, according to the Capitulations, within ten Days after the coming of the Dispensation; and at that Time also getting Advertisement from *Rome*, that the Dispensation was granted, and would presently be there: He, the said Earl, to the end that, in so great a Case, he might have a clear and undoubted Understanding of his late Majesty's Pleasure, sent a Dispatch, of the 1st of *November*, with all Diligence to the King; letting his Majesty know that it would not be possible for him to protract the Marriage above twenty-four Days, unless he should hazard the breaking of it, for which he had no Warrant: but that this was no new Resolution, nor the

King

King so straitened in Time, as by the said Article is pretended, will appear by the said Earl's Dispatch of the 24th of *September*, 1623; in which, upon the Scruple that was then made of the *Infanta*'s entering into Religion, he wrote to the same Effect. *viz.* An. 2. Charles I. 1626.

That if the Dispensation should come, he knew no Means how to detain the Powers above 24 Days.

'So that altho' that Difficulty happened not untill about the Middle of *November*, 1623, yet it was foreseen that it must of Necessity happen whensoever the Dispensation should come; and there was Warning of two Months Time given thereof, *viz.* from the 24th of *September* to the 29th of *November*; which was the Time appointed for the Desponsories: So he humbly submitteth himself to your Lordships which of the two Ways was the safer and most dutiful for him to take; whether, upon Inferences and Conjectures, to have overthrown so great a Business; or, on the other Side, first to have presented to his Majesty, with Truth and Sincerity, as he did, the true State of his Affairs, with his humble Opinion therein; with an Intention, if his Majesty should resolve to break the Match, that, for the said Earl's honest Discharge of the public Trust reposed in him, when the Powers were deposited in his Hands, and for his sufficient Warrant in so great a Cause, his Majesty would be graciously pleased to give him clear and express Orders, which he then had not; and, in the Interim, whilst his Majesty might take into Consideration the great Inconveniences that might ensue, the said Inconveniences might be suspended; and the Business kept upon fair Terms, that his Majesty might have his Way and Choice clear and unsoiled before him: And as for the evil Consequences which are pretended would have followed, if the said Earl had proceeded to the Consummation of the Match before he had express Warrant to the contrary, he must, and doth confess, he then understood the clean contrary; for he supposed that his Majesty should speedily have seen the Marriage (which he had so long sought) effected, and the

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Prince ſhould have a worthy Lady whom he loved; that the Portion was much greater than was ever given in Money in *Chriſtendom*; and that the King of *Spain* had engaged himſelf for the Reſtitution of the *Palatinate*; for which the ſaid Earl conceived a Daughter of *Spain* and two Millions had been no ill Pawn, beſides divers other Additions of Advantage to the Crown of *England*: Whereas, on the contrary Side, he foreſaw the Prince would be kept at leaſt a Year longer unmarried, a Thing which highly concerneth theſe Kingdoms; he doubted that the Recovery of the *Palatinate* from the Emperor and Duke of *Bavaria*, by Force, would prove of great Difficulty; and that *Chriſtendom* was like to fall in a general Combuſtion; ſo deſiring that his Majeſty ſhould have obtained his Ends, and have had the Honour and Happineſs not only to have given Peace, Plenty, and Increaſe to his own Subjects and Crowns; but to have compounded the greateſt Differences that had been theſe many Years in *Chriſtendom*; and, by his Piety and Wiſdom, to have prevented the ſhedding of ſo much Chriſtian Blood, as he feared would enſue, if theſe Buſineſſes were diſordered.

'Theſe Reaſons, he confeſſeth, and his Zeal unto his Majeſty's Service, made him ſo earneſtly deſire the effecting of this Buſineſs: And he cannot but think himſelf an unfortunate Man, that his Majeſty's Affairs being ſo near the ſettling to his Majeſty's Content, as he conceived they were, and hoping to have been to his Maſter not only a faithful but a ſucceſsful Servant, to ſee the whole State of Affairs turned upſide down, without any the leaſt Fault of his; and yet he the only Miniſter, on the *Engliſh* or *Spaniſh* Side, that remaineth under Diſgrace.'

To the ELEVENTH ARTICLE *the ſaid Earl ſaith*,

'That the ſaid Article is grounded upon a Petition, preferred by him to this Moſt Honourable Houſe, ſuppoſed to be ſcandalous; which your Lordſhips, as he conceiveth, according to the Cuſtom

ſtom and Privileges of the Houſe of Peers, would have been pleaſed firſt to have adjudged ſo to have been, either for Matter appearing in itſelf, or upon hearing of the ſaid Earl; for if the Matter appearing in the Petition itſelf be not excepted unto, it cannot, as he conceiveth, by collateral Averment, be taken for a Scandal, till it be examined and found falſe: But, for a plain and direct Anſwer thereunto, he ſaith, That the ſaid Petition doth not warrant any ſuch Inference, as by the ſaid Article is enforced; and that he hopeth to juſtify the Contents of his ſaid Petition in ſuch ſort as ſhall not diſpleaſe his Majeſty, nor deſerve that Expreſſion which is uſed in the Charge; but, contrarily, what he hath ſaid, or ſhall ſay therein, in his Defence, ſhall, in all Things, tend to the Honour and Service of his Moſt Royal Majeſty, by reducing unto his Memory divers Circumſtances, and laying before him the Paſſages of divers Particulars, which, by undue Practices, have been either concealed from his Majeſty, or miſ-related unto him. An. 2. Charles I. 1626.

'Having thus offered unto this High and Honourable Court ſuch Proofs and Reaſons as, he hopeth, ſhall, in your Lordſhips Wiſdom and Juſtice, clearly acquit him of any capital Crime, or wilful Offence: If it ſhall appear that, out of Error of Judgment, too much Fervency of Zeal to his Majeſty's Service, or Ignorance in the Laws, wherewith he hath not been able to be ſo well acquainted as he ought, by reaſon of his foreign Employments for the Space of 14 Years, or by any other Ways or Means he hath fallen into the Danger of the Laws, for any Thing pardoned in the general Pardon made in the Parliament held at *Weſtminſter*, in the 21ſt Year of the Reign of our late Sovereign Lord King *James* of *England*, of bleſſed Memory, he humbly prayeth Allowance of the ſaid Pardon, and the Benefit thereof; with this Clauſe, That he doth and will approve that he is none of the Perſons excepted out of the ſame: And tho' he is very confident that he ſhall not need the Help of

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any Pardon, having received several Significations, as well from his Majesty's own Mouth, that he had never offended his Majesty, as lately by several Letters from the Lord *Conway*, that he might rest in the Security he was and sit still, and should not be further questioned; yet he hopeth your Lordships will find him so free from Blame, that he shall need no Pardon; but that he hath served his late Majesty, of blessed Memory, and his most gracious Sovereign that now is, with Fidelity, Care, and Industry; and that your Lordships will take such Course, as you, in your Wisdoms, shall think fit, not only for the upholding of the Honour and Reputation of a Peer of this Realm, after so many Employments, but will likewise become humble and earnest Suitors to his Majesty on his Behalf, (which he humbly prayeth) that he may be restored to his Majesty's gracious Favour; which, above all worldly Things, he most desireth.'

The Earl of *Bristol*'s Answer being ended, the Lord Keeper demanded of him if he had any thing more to say.

'Whereupon the Earl complaining of the Inequality between himself and the Duke of *Buckingham*, and that, by reason of his Restraint he was disabled from proceeding against the Duke, and that his Counsel was disheartned to give him their free Advice; he earnestly urged their Lordships Promise to make them both equal; and said, That his Counsel informed him there was no Treason in all the Charge against him, save, only, what came near a Statute touching Religion, which he humbly submitted to the House: And besought their Lordships to take some Course, by the Resolution of the Judges, or otherwise as they should please, that it may be declared whether his Case be Treason or not, before he be further proceeded with: Likewise, that he might have Liberty to examine his Witnesses, and that Mr. Attorney might not take hold of any Matter of Form or Legality to his Prejudice.'

The Earl of Bristol desires the Lords to declare whether his Case be Treason or not, &c.

To

To this Mr. Attorney replied, That he would not, but only insist upon the Matter of the Charge; and desired, as the Earl had done, that the House would direct the Course how the Witnesses might be examined, and the Manner of his further Proceeding against the said Earl. An. 1. Charles I. 1625.

The Earl being withdrawn, the House agreed to give his Counsel Encouragement for their free and faithful Advice to him; and it was further ordered that the said Earl of *Bristol* should have Liberty to go abroad in the Custody of Mr. *Maxwell* the Usher, to take the Air for his Health's sake; which was granted at his humble Request. The Earl being called in again was made acquainted with this Order, as the King's own Consent (*m*), for which he returned his Majesty and their Lordships his most humble Thanks.

To go back once more to the Commons:—They proceeded for several Days, after the last mentioned Affair, in reading Bills, and doing other common Business of Parliament. But, in one of these Days Debates, Mr. *More*, a Member, dropped some Words, which were represented to the King, and, by him, back again to the House: On which a Committee was appointed to examine into the Matter; and, *June* the 3d, a Report was made, from thence, of the Words spoken by Mr. *More*, *That we were born free, and must continue free, if the King would keep his Kingdom*: Or Words to that Effect. And, in the same Discourse, upon Supposition what a Tyrant may do or not do, within this Kingdom, he added these Words; *As Thanks be to God, we have no Occasion, we having a just and pious King*. Mr. *More* was heard to explain himself and then withdrew. But tho' the *Journals* say that Mr. *More* was cleared of any ill Intentions, in speaking these Words, by all who spake in his Favour, which were many; yet, on the Question, Mr. *More* was sentenced to the *Tower*, and the Speaker pronounced it accordingly. The Commons commit a Member for reflecting on the King:

But

(*m*) See before, P. 29, 180.

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But he is released by his Majesty.

But, four Days after, the King was pleased to send a Message to the House, That he would remit his further Punishment. On which he was ordered to be enlarged.

The Commons lay a Penalty upon absent Members.

About this Time a Call of the House of Commons was made with great Strictness; and the absent Members ordered to be taken into Custody; a Penalty of 10 l. was laid upon any Member that did not appear at the Call, and yet absents himself from the Service of the House, without asking Leave.

They order a Letter of Reprimand to the University of Cambridge for chusing the Duke of Buckingham for their Chancellor.

June the 5th, after regulating some Affairs relating to an intended Conference with the Lords; and ordering a Committee to consider of Heads for framing a Declaration to his Majesty; Mr. *Herbert* made a Report from another Committee, That it appeared to them this House had just Cause of Complaint, on the Election of the Duke of *Buckingham* to be Chancellor of the University of *Cambridge*; and do think fit, that a Letter should be written to the Corporation of that University, to signify that Dislike; and to require them to send some of their Body instructed and authorized to inform and give Account to this House, of the Manner of their Proceeding in the said Election, *&c.*

The *Collector* acquaints us, 'That great Interest was made by the Court to carry this Point; and that several Letters were pretended to be sent, by the King himself, in order to discourage all Opposers. But, notwithstanding that the Heads of Houses and the Doctors were almost unanimously in the Duke's Interest; yet a strong Party was formed against him, amongst the Juniors; and, at the Election, he carried it by only five Voices; the Numbers being, for the Duke 108, and 103 for the Earl of *Berkshire*; besides that two of the Duke's were void by Statute, as being given to the Vice-Chancellor by Compromise, to dispose of as he should think fit.'

The Disgust of the Commons against the University was, that they should pretend to chuse a Man,

Man, who then stood impeached by them, for several high Crimes and Misdemeanors. Accordingly, the Opinion of the Committee for writing a Letter to *Cambridge, &c.* was readily complied with, and ordered to be done, by the whole House. But, *June* the 6th, when the Letter was read by Mr. *Pymme* and approved on, the Chancellor of the Exchequer, Sir *Richard Weston*, told the House, 'That the King, being acquainted with their Intention, had commanded him to signify his Pleasure to them, that they forbear to send the Letter.' Further Consideration of this Message was deferred to the next Day. And, *June* the 7th, the House, in a grand Committee, agreed upon the following Answer to it.

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'THAT they do acknowledge they were about to write to the University, because that the very Election itself, whereby the University is committed to the Government of one that is charged, and publickly complained of by the Commons in Parliament, whereof the Electors are a Part, is, in itself, a very great Grievance, and prejudicial in Example; whereof they have Reason to be the more sensible, because they are informed, that in the Manner of the Election there were many Passages likewise done in Contempt of the House: And do humbly beseech his Majesty to believe, That neither in this, nor any other Thing, this House did or shall intend to enlarge their own Power and Jurisdiction, to the Diminution of his Majesty's Right or Prerogative.'

Whereunto his Majesty replyed by the said Sir *Richard Weston.*

Which the King resents.

THAT the University of Cambridge *and all Corporations derive their Right and Privilege from him; and that he hath Reason to esteem the Universities above any other, and is resolved to defend them against any, which either wilfully, or by chance, shall go about to infringe their Liberties.*

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Concerning the Election itself, his Majesty is far from conceiving it a Grievance; for he never heard that Crimes objected, were to be taken as proved; or, that a Man should lose his Fame or good Opinion in the World, upon an Accusation only.

But whereas you say in the Manner of Carriage of the Election, there were many Passages done in it to the Contempt of the House: His Majesty is well pleased that you enquire and punish the Offenders, if there be any that have misbehaved themselves in that Respect. But for the Election itself, or the Form of it, his Majesty doth avow his first Message.

It is probable, that the House was in some Measure satisfied by the King's Reply, or seemed to be so; for tho' it was referred to a farther Consideration, yet it was so, from Time to Time, till we hear no more of it: Their Attention being taken off from this by higher Matters.

June the 8th, the Duke of *Buckingham* gave in his Answer to the House of Lords, concerning the Articles of his Impeachment. But before he delivered it, he made the following Speech (*n*):

The Duke of Buckingham's Speech upon presenting his Answer to the Commons Impeachment.

My Lords,

'IN a Cause of Pressure, considered by itself, I have a fair Beginning; as it is a Debt due to your Lordships for this noble Favour in leaving it to my Choice, whether I would answer to every Particular in the Aggravation, or not.

'I may, without lessening any Obligation, say, '[*The Favour is of greater Extent than at first may be imagined; for what is my Cause now may be yours*] or your Posterities hereafter.

'I have in a Manner tied myself [*only*] to my Charge, hoping, if I give your Lordships Satisfaction in that, the Aggravations will fall of themselves.

'I

(*n*) From the *Lords Journals*. The Omissions and Variations in the Duke's Speech, in *Rushworth*, are distinguish'd in Crotchets, as before.

'I could not well have followed the Aggravations, being composed of Words, which, I hope, my Actions have not deserved; and I am sure my Ears have not been acquainted with, without some Distraction of Spirit; yet I have left nothing of them unanswered that is material. An. 2. Charles I. 1626.

'I have used as much Speed to come to my Answer as conveniently I could, without Prejudice to my Cause, having [*already had*] my Reputation too long upon the Stage; and had your Lordships called for it sooner, I had been as ready, as now I am desirous, to detain your Lordships as little as may be, with the Expectation of my Particular, from weightier Business.

'I was also grieved that my Business should be the Cause of the Loss of this Year for foreign Attempts, and the Hinderance of those Resolutions that would have comforted our Friends abroad, and secured ourselves at home: But, in this, my Lords, I am sure, you will easily acquit me in your Thoughts.

'When I look upon my Charge in general, as the Commons did, without searching into the Integrity of my own Heart and Actions, which are yet unknown to most of them, I wonder not so much at their Proceedings, the Particulars not being voted against me unanimously; but had they taken the Means to have been better and more truly informed of the Particulars, or had given me Cause to have informed them, I assure myself they had not troubled your Lordships with this Charge.

'I confess there hath been that Contestation in the House of Commons concerning my Justification, that I cannot but acknowledge much Favour there from many; and if the Actions of some others of that House do not [*make them*] conclude me of a worse Disposition than I shall hereafter be found, there is none but may say with me, *I am at Peace with all.*

'I shall only, for the present, apply myself to the clearing my Reputation, and, for the future, to

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'those Actions and Endeavours which may repossess me of that I have accounted one of my greatest Losses, their good Opinions.

'I would not speak nor profess this before your Lordships, if Reason and my own Disposition did not warrant the Performance of it.

'For, first, who accused me? Common Fame. Who gave me up to your Lordships? The House of Commons

'The one is too subtle a Body, if a Body; the other too great for me to contest with: And I am confident, when my Cause shall be tried, neither the one or the other, or Part of either, will be found to [*have any Ground to*] be my Enemy.

'But as Fame is subtle, so it is often, and especially in Accusations, false; therefore tho' the House of Commons have not [*willingly*] wronged me: Yet I am confident it will at length be found, that common Fame hath abused both them and me.

'I presume the House of Commons have proceeded against me, out of an hearty and zealous Affection, to do their King and Country Service; and, I hope, out of Christian Charity, to punish or amend my Faults, (if Fame could have proved them) and not to [*ruin*] my Reputation, or destroy my Fortune. I shall never call such Proceedings wrong, which, seeking to cure my Errors, give me Opportunity to clear and publish my Innocency.

'For the State itself, I have a little to say, it is but a little: I will not abuse your Lordships Patience. I was born and bred in it, I owe it my [*Life*]. I have been raised to Honours and Fortunes in it, I freely confess, beyond my Merits. What I wanted in Sufficiency and Experience for the Service of it, I have endeavoured to supply by Care and Industry.

'Could there be the least Alienation hereafter of my Heart from the Service of the State, for any Thing that hath past, I should be the ungratefullest Man living.—Should but such a Thought

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'stain my Heart, I should be content it were let blood.—If my Posterity should not inherit the same Fidelity, I should desire an Invertion in the Course of Nature, and be glad to see them earthed before me.

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'My Answer to the several Points of my Charge, I shall crave Leave to deliver briefly [*in Writing*], and in Form of Law; but as naked as Truth loves to be: And so I leave myself and my Cause to your Lordships Justice.'

Then his Grace presented his Answer, and gave the same to the Lord Keeper, and his Lordship to the Clerk, which followeth *in hæc Verba*:

The HUMBLE ANSWER *and* PLEA *of* GEORGE *Duke of* BUCKINGHAM, *to the* DECLARATION *and* IMPEACHMENT *made against him, before your Lordships, by the Commons House of Parliament.*

THE said Duke of *Buckingham* being accused, and sought to be impeached before your Lordships, of the many Misdemeanors, Misprisions, Offences, and Crimes, wherewith he is charged by the Commons House of Parliament, and which are comprised in the Articles preferred against him; and were aggravated by those, whose Service was used by that House in the Delivery of them; doth find in himself an inexpressible Pressure of deep and hearty Sorrow, that so great and so worthy a Body should hold him suspected of those Things which are objected against him: Whereas, had that Honourable House first known the very Truth of those Particulars, whereof they had not there the Means to be rightly informed; he is well assured, in their own true Judgments, they would have forborn to have charged him therewith.

'But the Integrity of his own Heart and Conscience, being the most able and most impartial Wit-

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Witness, not accusing him of the least Thought of Disloyalty to his Sovereign, or to his Country, doth raise his Spirits again to make his just Defence before your Lordships; of whose Wisdom, Justice, and Honour he is so well assured, that he doth with Confidence, and yet with all Humbleness, submit himself and his Cause to your Examinations and Judgments; before whom he shall, with all Sincerity and Clearness, unfold and lay open the Secrets of his own Actions, and of his Heart; and, in his Answer, shall not affirm the least substantial, and, as near as he can, the least circumstantial Point, which he doth not believe he shall clearly prove before your Lordships.

'The Charge consisteth of thirteen several Articles, whereunto the Duke, saving to himself the usual Benefit of not being prejudiced by any Words, or want of Form, in his Answer; but that he may be admitted to make further Explanation and Proof, as there shall be Occasion; and saving to himself all Privileges and Rights belonging to him as one of the Peers of this Realm, doth make these several and distinct Answers following, in the same Order they are laid down unto him.'

To the FIRST ARTICLE, *which concerneth the* Plurality *of* Offices *which he holdeth*, he answereth thus,

'That it is true that he holdeth those several Places and Offices, which are enumerated in the Preamble of his Charge, whereof only three are worthy the Name of Offices, *viz.* the Admiralty, the Wardenship of the Cinque-Ports, and Mastership of the Horse; the others are rather titulary and Additions of Honour: For these Offices he humbly and freely acknowledgeth the Bounty and Goodness of his most gracious Master, who is with God; who, when he had cast an Eye of Favour upon him, and had taken him into a more near Place of Service about his Royal Person, was more willing to multiply his Graces and Favours upon him, than the

the Duke was forward to ask them; and, for the most part (as many honourable Persons, and his now Most Excellent Majesty, above all others, can best testify) did prevent the very Desires of the Duke in asking: And all these particular Places, he can and doth truly affirm, his late Majesty did bestow of his own Royal Motion, except the Wardenship of the Cinque-Ports only; and thereto also he gave his Approbation and Encouragement. And the Duke denieth, that he obtained those Places either to satisfy his exorbitant Ambition, or his own Profit or Advantage, as is objected against him; and he hopeth he shall give good Satisfaction to the contrary in his particular Answers ensuing, touching the Manner of his obtaining the Places of the Admiralty, and the Wardenship of the Cinque-Ports; whereunto he humbly desireth to refer himself. An. 2. Charles I. 1626.

'And for the Mastership of the Horse to his Majesty, he saith, It is a meer domestic Office of Attendance upon the King's Person, whereby he receiveth some Profit; yet but as a Conveniency to render him more fit for his continual Attendance; and in that Place, the Times compared, he hath retrenched the King's annual Charge to a considerable Value, as shall be made apparent.

'And for the Number of Places he holdeth, he saith, That if the Commonwealth doth not suffer thereby, he hopeth he may, without Blame, receive and retain that which the liberal and bountiful Hand of his Majesty hath freely conferred upon him. And it is not without many Precedents, both in antient and modern Times, that one Man, eminent in the Esteem of his Sovereign, hath, at one Time, held as great and as many Offices: But when it shall be discerned, that he shall falsly or corruptly execute those Places, or any of them; or that the Public shall suffer thereby, he is so thankful for what he hath freely received, that, whensoever his gracious Master shall require it, he, without disputing with his Sovereign, will readily lay down at his Royal Feet, not only his Places and

An. 2. Charles I. 1626. Offices, but his whole Fortune and his Life, to do him Service.

To the SECOND ARTICLE, *his buying the Admiral's Place*, the said Duke maketh this clear and true Answer,

'That it is true, that in *January*, in the 16th Year of his late Majesty's Reign, his late Majesty did, by his Letters Patent under the Great Seal of *England*, grant unto the Duke the Office of Lord Admiral for his Life; which Grant, as he well knoweth it, was made freely, and without any Contract or Bargain with the late Lord Admiral, or any other, and upon the voluntary Surrender of that Noble and well-deserving Lord; so he is advised it will appear to be free from any Defect in Law, by reason of the Statute of 5. *Edward* VI. mentioned in the Article of his Charge, or for any other Cause whatsoever: For he saith the true Manner of his obtaining this Office, and of all the Passages thereof, which he is ready to make good by Proof, was thus: That Honourable Lord, the late Earl of *Nottingham*, the Lord Admiral, being grown much in Years, and finding that he was not then so able to perform that which appertained to his Place, as in former Times he had done to his great Honour; and fearing lest his Majesty's Service and the Common-Wealth might suffer by his Defect, became an humble and earnest Petitioner to his late Majesty, to admit him to surrender his Office. His late Majesty was at the first unwilling unto it, out of his Royal Affection to his Person, and true Judgment of his Worth: But the Earl renewed his Petitions, and in some of them nominated the Duke to be his Successor, without the Duke's Privity or Fore thought of it. And, about that Time, a Gentleman of good Place about the Navy, and of long Experience, of himself, came to the Duke, and earnestly moved him to undertake the Place. The Duke apprehending the Weight of the Place, and considering his young Years, and want of Experience

:nce to manage so great a Charge, gave no Ear unto it; but excused it, not for Form, but really and ngenuously out of the Apprehension of his then Unfitness for it. The Gentleman not thus satisfied, (unknown to the Duke) applied himself to the late King, and moved his Majesty therein, and offered hese Reasons for it: That the Duke was the fittest Man at that Time, and as the State of the Navy then stood, for that Place, for he said it was then a Time of Peace: That the best Service that could be done for he present, was to repair the Navy and Ships Royal, which then were much in Decay, and to retrench he King's Charge and to employ it effectually: That before there was like to be personal Use of Service otherwise, the Duke, being young and active, might gain Experience, and make himself as it as any other: And that, in the mean Time, none was so fit as himself, having the Opportunity of his Majesty's Favour and Means to his Person, to procure a constant Assignment and Payment of Money for the Navy; the Want whereof was the greatest Cause of the former Defects.

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'These Reasons persuaded his late Majesty, and, upon his Majesty's own Motion, prevailed on the Duke to take the Charge upon him: And thereupon the Earl voluntarily, freely, willingly, and upon his own earnest and often Suit, surrendered the Place; without any precedent Contract or Promise whatsoever, which might render the Duke in the least Degree subject to the Danger of the Law, which was not then so much as once thought upon; and upon that Surrender, the Grant was made to the Duke: But it is true, that his Majesty, out of his Royal Bounty, for Recompence of the long and faithful Service of the said Earl, and for an honourable Memory of his Deserts to him and the Crown of *England*, did grant him a Pension of 1000 l. *per Annum* for his Life; which, in all Ages, hath been the Royal way of Princes, wherewith to reward antient and well-deserving Servants in their elder Years; when, without their own Faults, they are become less serviceable to the State: And the

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Duke also voluntarily and freely, and as an Argument of his noble Respect towards so honourable a Predecessor, who, to his Death, he called Father; and whose Estate, as he then understood, was fallen very low; did, with his late Majesty's Privity and Approbation, send him 3000 l. in Money; which he hopeth no Person of Worth and Honour will esteem to be an Act worthy of Blame in him. And when the Duke had thus obtained this Place of great Trust, he was so careful of his Duty, that he would not rely upon his own Judgment or Ability; but of himself humbly besought his then Majesty to settle a Commission of fit and able Persons for the Affairs of the Navy, by whose Counsel and Assistance he might manage that weighty Business with the best Advantage for his Majesty's Service; which Commission was granted, and yet continueth; and without the Advice of those Commissioners he hath never done any Thing of Moment; and, by their Advice and Industry, he hath thus husbanded the King's Money, and furthered the Service, that where before the ordinary Charge of the Navy was 54,000 l. *per Annum*, and yet the Ships were very much decayed, and their Provisions neglected, the Charge was reduced to 30,000 l. *per Annum*; and with that Charge the Ships all repaired and made serviceable, and two new Ships built yearly; and for the two last Years, when there were no new Ships built, the ordinary Charge was reduced to 21,600 l. *per Annum*. And now he dare boldly affirm, that his Majesty's Navy is in better State by much than ever it was in any precedent Time whatsoever.'

To the THIRD ARTICLE, *his buying the* Wardenship *of the* Cinque-Ports, he maketh this plain, ingenuous and true Answer.

'That in *December*, in the Twenty-second Year of his late Majesty's Reign, he obtained the Office of Lord Warden of the *Cinque-Ports*, and Constable of the Castle of *Dover* (being one entire Office)

Office) upon the Surrender of the Lord *Zouch*, then Lord Warden. The Manner of obtaining whereof, was thus: An. 2. Charles I. 1626.

'The Lord *Zouch* being grown in Years, and with his almost continual Lameness being grown less fit for that Place, he discovered a Willingness to leave it, and made several Offers thereof to the Duke of *Richmond*, and *Richard* Earl of *Dorset*, deceased; but he was not willing to part with it, without Recompence. Notice whereof coming to the Duke, by an Offer made from the Lord *Zouch*, he finding by Experience how much, and how many Ways both the King's Service might, and many Times did suffer; and how many Inconveniences did arise to the King's Subjects in their Goods, Ships, and Lives, by the Intermixture of the Jurisdictions of the Admiralty and Wardenship of the *Cinque-Ports*, and by the Emulation, Disaffection, and Contention of their Officers, as clearly appear by these Particulars, amongst many others which may be instanced.

1. 'Whereas the Admiral-Jurisdiction extends generally to all the narrow Seas; the Warden of the *Cinque-Ports* hath and exerciseth Admiral-Jurisdiction on all the Sea-Coasts, from *Show-Beacon* in *Essex*, to the *Red Nore* in *Sussex*; and within those Limits there have been continual Differences between the Lord Admiral and the Lord Warden, Whether the Lord Warden's Jurisdiction extends into the main Sea, or only as far as the Low-Water-Mark, and so much further into the Sea, as a Man on Horseback can reach with a Lance; which occasioneth Questions between those chief Officers themselves?

2. 'There are many and continual Differences in Executing of Warrants against Offenders: The Officers of the one, refusing to obey or assist the Authority of the other; whereby the Offenders protected or countenanced by either, easily escape.

3. 'Merchants and Owners of Goods questioned in the Admiralty, are often enforced to sue in

An. 2, Charles I. 1626. both Courts, and often enforced, for their Peace, to compound with both Officers.

4. 'The King's Service is much hindered; for the most usual and ordinary Rendevouz of the King's Ships, being at the *Downs*, and that being within the Jurisdiction of the Lord Warden; the Lord Admiral or Captains of the King's Ships have no Power or Warrant to press Men from the Shore, if the King's Ships be in Distress.

5. 'When the King's Ships, or others, be in Danger on the *Goodwins*, and other Places within the View of the Ports-Men, they have refused to help with their Boats, lest the King's Ships should command them on board; whereby many Ships have perished, and much Goods have been lost.

6. 'When Warrants come to press a Ship in the Road for the King's Service, the Officers take Occasion to disobey the Warrants, and prejudice the King's Service. For, if the Warrant come from the Lord-Warden, they will pretend the Ship to be out of their Jurisdiction; if the Warrant come from the Lord Admiral, they will pretend it to be within the Jurisdiction of the *Cinque-Ports*; and so, whilst the Officers dispute, the Opportunity of the Service is lost.

7. 'When the King's Ships lie near the Ports, and the Men come on Shore, the Officers refuse to assist the Captains to reduce them to the Ships without the Lord Warden's Warrant.

8. 'If the King's Ships, on the sudden, have any need of Pilots for the Sands, Coasts of *Flanders*, or the like, wherein the Port's-Men are best experienced, they will not serve without the Lord Warden's, or his Lieutenant's Warrant, who perhaps are not near the Place.

9. 'When for great Occasions for the Service of the State, the Lord Admiral and Lord Warden must both join their Authority; if the Officers for want of true Understanding of their several Limits and Jurisdictions, mistake their Warrants, the Service, which many Times can endure no Delay, is lost, or not so effectually performed.

'For

"For these, and many other Reasons of the like Kind, the Duke not being led, either out of Ambition or Hope of Profit, as hath been objected; (for it could be no Increase of Honour to him, having been honoured before with a greater Place; nor of Profit, for it hath not yielded him any Matter of Profit at all, nor is like to yield him above 500l. *per Annum* at any Time) but out of his Desire to make himself the more able to do the King and Kingdom Service; and prevent all Differences and Difficulties which heretofore had, or hereafter might hinder the same, he did entertain that Motion: And doth confess, that not knowing, or so much as thinking of the said Act of Parliament before-mentioned, he did agree to give the said Lord 1000l. in Money, and 500l. *per Annum*, in respect of his Surrender; he not being willing to leave his Place without such Consideration, nor the Duke willing to have it without his full Satisfaction; and the Occasion why the Duke of *Buckingham* gave that Consideration to the Lord *Zouch*, was, because the Duke of *Richmond* in his Lifetime had first agreed to give the same Consideration for it; and if he had lived, he had had that Place upon the same Terms: And when the said Duke of *Richmond* was dead, his late Majesty directed the Duke of *Buckingham* to enter upon that Place, and, for the Reasons before-mentioned, to put both these Offices together; and to give the same Consideration to the said Lord, which the Duke of *Richmond* should have given, and his late Majesty said he would repay the Money. And how far this Act of his, in acquiring this Office, accompanied with these Circumstances, may be within the Danger of the Law, the King being privy to all the Passages of it, and encouraging and directing it, he humbly submitteth to your Judgment; and he humbly leaves it to your Lordships Judgments, in what third Way an antient Servant to the Crown, by Age or Infirmity disabled to perform his Service, can, in an honourable Course, relinquish his Place; for, if the King himself gave the Reward, it

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it may be said it is a Charge to the Crown; if the succeeding Officer gave the Recompence, it may thus be objected to be within the Danger of the Law: And, howsoever it be, yet he hopeth it shall not be held in him a Crime, when his Intentions were just and honourable, and for the Furtherance of the King's Service; neither is it without Precedent, that in former Times of great Employment, both these Offices were put into one Hand by several Grants.

To the FOURTH ARTICLE, *whereby the not Guarding of the Narrow Seas in these two last Years by the Duke, according to the Trust and Duty of an Admiral, is laid to his Charge; whereof the Consequence, supposed to have been meerly through his Default, are, the ignominious Infesting of the Coasts with Pirates and Enemies, the Endangering of the Dominion of these Seas, the extreme Loss of the Merchants, and the Decay of the Trade and Strength of the Kingdom:* The Duke maketh this Answer,

'That he doubteth not but he shall make it appear, to the good Satisfaction of your Lordships, that albeit there hath happened much Loss to the King's Subjects within the said Time of two Years, by Pirates and Enemies; yet that hath not happened by the Neglect of the Duke, or want of Care and Diligence in his Place: For whereas in former Times, the ordinary Guard allowed for the Narrow Seas hath been but four Ships, the Duke hath, since Hostility began, and before, procured their Number to be much increased; for, since *June*, 1624, there hath never been fewer than five of the King's Ships, and ordinarily six, besides Pinnaces, Merchants Ships and Drumblers; and since open Hostility, eight of the King's Ships, besides Merchants of great Number, and Pinnaces, and Drumblers; and all these well furnished and manned, sufficiently instructed and authorized for the Service. He saith, He hath from Time to Time, upon all Occasions, acquainted his Majesty and the Council Board therewith, and craved their Advice, and used

used the Assistance of the Commissioners for the Navy in this Service: And for the *Dunkirkers*, who have of late infested these Coasts more than in former Years, he saith, There was that Providence used for the Repression of them, that his Majesty's Ships and the *Hollanders* joining together, the Port of *Dunkirk* was blocked up, and so should have continued, had not a sudden Storm dispersed them; which, being the immediate Hand of God, could not by any Policy of Man be prevented; at which Time, they took the Opportunity to rove abroad, but it hath been so far from endangering the Dominion of the Narrow Seas thereby, as it is suggested, that his Majesty's Ships or Men of War, were never yet mastered, nor encountred by them, nor will they endure the Sight of any of our Ships; and when the Duke himself was in Person, the *Dunkirkers* run into their Harbours. But there is a Necessity that, according to the Fortune of Wars, interchangeable Losses will happen; yet, hitherto, notwithstanding their more than wonted Insolency, the Loss on the Enemy's Part hath been as much, if not more, than what hath happen'd to us; and that Loss that hath fallen, hath chiefly come by this Means, that the *Dunkirkers* Ships being of late Years exercised in continual Hostility with the *Hollanders*, are built of a Mold as fit for Flight as for Fight; and so they pilfer upon our Coasts, and creep to the Shore, and escape from the King's Ships: But to prevent that Inconvenience for the Time to come, there is already Order taken for the building some Ships, which shall be of the like Mold, light and quick of Sail, to meet with the adverse Party in their own Way. And for the Pirates of *Sallie*, and those Parts, he saith, it is but very lately that they found the Way unto our Coasts, where, by Surprize, they might easily do Hurt; but there hath been that Provision taken by his Majesty, not without the Care of the Duke, both by Force and Treaty to repress them for the Time to come, as will give good Satisfaction. All which he is assured will clearly appear upon Proof.

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To the FIFTH ARTICLE the Duke maketh this Answer,

'That about *September* last, this Ship called the *St. Peter* (amongst divers others) was seized on as a lawful Prize by his Majesty's Ships, and brought into *Plymouth*, as Ships laden by the Subjects of the King of *Spain*; in the End of *October*, or Beginning of *November*, they were all brought to the *Tower* of *London*, all of them were there unladen but the *Peter*; and the Bulk of her Goods was not stirred, because they were challenged by the Subjects of the *French* King; and there did not then appear so much Proof against her, and the Goods in her, as against the rest. About the middle of *November*, Allegations were generally put in against them all in the Admiralty-Court, to justify the Seizure; and all the Pretendants were called in upon these Proceedings, divers of the Ships and Goods were condemned, and divers were released in a legal Course: and others of them were in Suspence till full Proof made. The 28th Day of *December*, Complaint was made on the Behalf of some *Frenchmen* at the Council-Board, concerning this Ship and others, when the King, by Advice of his Council (his Majesty being present in Person) did order, That the Ship of *Newhaven*, called the *Peter*, and the Goods in her, and all such other Goods of the other Prizes, as should be found to appertain to his Majesty's own Subjects, or to the Subjects of his good Brother the *French* King, or the States of the *United Provinces*, or any other Princes or States in Friendship or Alliance with his Majesty, should be delivered: But this was not absolute, as is supposed by the Charge, but was thus qualified, so as they were not fraudulently coloured; and it was referred to a judicial Proceeding.'

'According to this just and honourable Direction, the King's Advocate proceeded upon the general Allegations formerly put in the 26th of *January*, after there was a Sentence in the Admiralty, that the *Peter* should be discharged; and the King's Ad-

Advocate, not having then any Knowledge of further Proof, consented to it: But this was not a definitive Sentence, but a Sentence Interlocutory, as it is termed in that Court. Within few Days after, this Ship prepared herself to be gone, and was falling down the River: Then came new Intelligence to the Lord Admiral, by the Lieutenant of the *Tower*, That all those Ships were laden by the Subjects of the King of *Spain*; that the *Amirantasco* wafted them beyond the *North-Cape*; that they were but coloured by *Frenchmen*; that there were Witnesses ready to make good this new Allegation; neither was it improbable to be so, for Part of the Goods in that Ship have been confessed to be lawful Prize. This Ship being now fallen down the River, and being a Ship of the most Value of all the rest, the Duke acquainted the King therewith; and, by his Commandment, made stay of the Ship, lest otherwise it should be too late; which the Duke, in the Duty of his Place of Admiral, as he believeth, ought to have done, without such Command: And if he had not done so, he might worthily have been blamed for his Negligence; and then instantly he sent for the Judge of the Admiralty, to be informed from him, how far the Sentence already past, did bind, and whether it might stand with Justice to make stay of her again, she being once discharged in such Manner as before. The Judge answered, as he was advised, That it might justly be done, upon better Proofs appearing; yet discreetly, in a Matter of that Moment, he took Time to give a resolute Answer, that in the Interim he might review the Acts which had passed. The next Day, or very shortly after, the Judge came again to the Duke, and, upon Advice, answered resolutely, That the Ship and Goods might justly be stayed, if the Proofs fell out to be answerable to the Informations given; whereof, he said, he could not judge, till he had seen the Depositions. And according to this Resolution of the Judge, did five other learned Advocates, besides the King's Advocate, concur in Opinion, being intreated

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ed by the Duke to advise thereof; so cautious was the Duke not to do any unjust Act. Then he acquainted the King again therewith, and his Majesty commanded him to re-seize this Ship, and to proceed judicially to the Proofs; and the Duke often required the King's Advocate to hasten the Examination of the Witnesses; and many Witnesses were produced and examined, in Pursuance of this new Information. But the *French* Merchants, impatient of any Delay, complain'd again to the Council-Board, where it was order'd, not barely, That the Ship and Goods should be presently delivered, but should be delivered upon Security; and, upon Security, she had been then delivered, if it had been given; and Security was once offered, but afterwards retracted: And when all the Witnesses produced were examined, and published, the King's Advocate having duly considered of them, forthwith acquainted the Duke, that the Proofs came too short for the *Peter*; and thereupon the Duke instantly gave Order for her final Discharge, and she was discharged by Order of the Court accordingly.'

'By which true Narration of the Fact, and all the Proceedings, the Duke hopeth it will sufficiently appear, that he hath not done any thing herein, on his Part, which was not justifiable, and grounded upon deliberate and well-advised Counsels and Warrant. But for the doing of this to his own Lucre and Advantage, he utterly denieth it; for he saith, that there was nothing removed out of the Ship, but some Moneys, and some small Boxes of Stones of very mean Value, and other small portable things lying above the Deck, easily to be imbezelled: And whatsoever was taken out of the Ship, was first publickly shewed to his Majesty himself, and thence committed to the Custody of *Gabriel Marsh*, in the Article mentioned, by Inventory, then and still Marshal of the Admiralty, by him to be safely kept; whereof the Money was employed for the King's immediate Service, and by his Direction, and the rest was left in safe-keeping; and are all since delivered, and re-imbursed to the Owners,

Owners, or pretended Owners thereof; and not a Penny Profit thereof, or thereby, hath come to the Duke himself, as shall be made good by Proof: And whereas the Suggestion hath been made, That this Accident was the Cause of the Embargo of the Ships and Goods of our Merchants trading in *France*, he saith, That it is utterly mistaken; for divers of their Goods were embargoed before this happened; and if, in truth, the *French* had therein received that Loss, as either they pretend, or is pretended from them; yet the embargoing of the Goods of the *English* upon that Occasion, was utterly illegal and unwarrantable; for by the mutual Articles between the two Kings, they ought not to have righted themselves before legal Complaint, and a Denial on our Part, and then, by way of Reprizal, and not by Embargo. So that the Duke doth humbly leave it to the Consideration of your Lordships, whether the Harm which hath happened to our Merchants, hath not been more occasioned by the unseasonable justifying of the Actions of the *French*, which animated them to increase their Injuries, than by an Act, either of the Duke, or any other.'

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To the SIXTH ARTICLE, which consisteth of two main Points, *the one of the Extorting of Ten Thousand Pounds unjustly, and without Right, from the* East-India *Company*; *the other, admitting the Duke had a Right, as Lord Admiral, the Compassing it by undue Ways, and Abusing the Parliament, to work his private Ends*; the Duke giveth this Answer, wherein a plain Narration of the Fact, he hopeth, will clear the Matters objected; and in this he shall lay down no more, than will fully appear upon Proof.

'About the End of *Michaelmas* Term, 1623, the Duke had Information given him, by a principal Member of their own Company, that the Company had made a great Advantage to themselves in the Seas of *East-India*, and other Parts of *Asia* and *Africa*, by rich Prizes gotten there forcibly

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bly from the *Portuguese*, and others; and a large Part thereof was due to his Majesty, and to the Duke as Admiral, by the Law; for which, neither of them had any Satisfaction. Whereupon Directions were given for a legal Prosecution in the Court of Admiralty, and to proceed in such Matters as should be held fittest by the Advice of Counsel.'

'In the Months of *December* and *January*, in that Year, divers Witnesses were examined in the Admiralty, according to the ordinary Course of that Court, to instruct and furnish informative Processes in this Behalf. After the 10th of *March*, 1623, an Action was commenced in the Court, in the joint Names of his Majesty and the Admiral, grounded upon the former Proceeding; this was prosecuted by the King's Advocate, and the Demand, at first, was 15,000 l. The Action being thus framed in both their Names, by Advice of Counsel, because it was doubted in the Judgment of the Counsel, whether it did more properly belong to the one, or the other, or to both; and such Form of entring that Action being most usual in that Court, on the 28th of *April* 1624, the judicial Agreement and Sentence passed thereupon in the Admiralty Court, wherein the Company's Consent, and their own Offer, plainly appeareth; so that for the second Part of the Right, it were very hard to conclude, that the Duke had no Right, contrary to the Company's own Consent, and the Sentence of the Court, grounded on their Agreement; unless it shall fully appear, that the Company was by strong Hand enforced thereto, and so the Money extorted.'

'Therefore to clear that Scruple, That as the Matter of the Suit was just, or at least so probable as the Company willingly desired it for their Peace, so the Manner was just and honourable; your Lordships are humbly intreated to observe these few true Circumstances: The Suit in the Admiralty began divers Months before the first Mention of it in Parliament; and some Months before the Beginning

Beginning of it in that Parliament, it was prosecuted in a legal Course, and upon such Grounds as will yet be maintained to be just. The Composition made by the Company, was not moved by the Duke; but his late Majesty, on the Behalf of himself, and of the Duke, treated with divers Members of the Company about it, and the Duke himself treated not at all with them. The Company, without any Compulsion at all, agreed to the Composition; not that they were willing to give so much, if they might have escaped for nothing, but that they were willing to give so much, rather than to hazard the Success of the Suit: And upon this Composition, so concluded by his Majesty, the Company desired and obtained a Pardon for all that was objected against them. The Motion in Parliament about the stay of the Company's Ships then ready prepared and furnished, was not out of any Respect, to draw them the rather to the Composition; but really out of an Apprehension, that there might be Need of their Strength for the Defence of the Realm at home; and, if so, then all private Respects must give way to the public Interest. These Ships, upon the Importunity of the Merchants, and Reasons given by them, were suffered, nevertheless, to fall down to *Tilbury*, by his late Majesty's Directions; to speed their Voyage the better, whilst they might be accommodated for this Voyage, without Prejudice to the public Safety; and they were discharged when there was an Accommodation propounded and allowed, which was, That they should forthwith prepare other Ships for the home Service, whilst those went over with their Voyage; which they accordingly did. That the Motion made in the Commons House, was without the Duke's Knowledge or Privity. That when there was a Rumour that the Duke had drawn on the Composition by staying of the Ships which were then gone, the Duke was so much offended thereat, that he would have had the former Composition to have broken off, and have proceeded in a legal Course; and he sent to the Company

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pany for that Purpose; but the Company gave him Satisfaction, that they had raised no such Rumour, nor would, nor could avow any such thing, and intreated him to rest satisfied with such public Acts to the contrary. That after this, their Ships being gone, and, being careful of their future Security, they sollicited the Dispatch of the Composition; consulted with Counsel about the Instruments which passed about it, and were at the Charge thereof; and the Money was paid long after the Sentence; and the Sentence given after the Ships were gone; and no Security given at all for the Money, but the Sentence; and when this Money was paid to the Duke, the whole Sum (but 200 l. thereof only) was borrowed by the King, and employed by his own Officers, for the Service of the Navy. If these Things do, upon Proof, appear to your Lordships, as he is assured they will, he humbly submitteth it to your Judgments, how far verbal Affirmations or Informations extrajudicial, shall move your Judgments, when judicial Acts, and those Things which were acted and executed, prove the contrary.'

To the SEVENTH ARTICLE, (which is so mix'd with Actions of great Princes, as that he dareth not in his Duty publish every Passage thereof) he cannot for the present make so particular an Answer as he may, hath, and will do to the rest of his Charge. But he giveth this general Answer, the Truth whereof he humbly prayeth may rather appear to your Lordships by the Proofs, than by any Discourse of his; which, in reason of State, will haply be conceived fit to be more privately handled.

'That these Ships were lent to the *French* King at first, without the Duke's Privity: That when he knew it, he did that which belonged to an Admiral of *England*, and a true *Englishman*: And he doth deny that, by Menace, or Compulsion, or any other indirect or undue Practice or Means, he, by himself, or by any others, did deliver those Ships,

Ships, or any of them, into the Hands of the *French*, as is objected against him.' An. 2. Charles I. 1626.

'That the Error which did happen, by what Direction soever it were, was not in the Intention any ways injurious or dishonourable, or dangerous to this State, or prejudicial to any private Man, interested in any of those Ships; nor could have given any such Offence at all, if those Promises had been observed by others, which were professed and really performed by his Majesty and his Subjects on their Parts.'

To the EIGHTH ARTICLE, *wherein he is taxed to have practised for the Employment of the Ships against* Rochell, he answereth,

'That he was so far from practising or consenting that the said Ships should so be employed, that he shall make it clearly appear, that when it was discovered that they would be employed against those of the Religion, the Protestation of the *French* King being otherwise, and their Pretence being that there was a Peace concluded with those of the Religion, and that the *French* King would use those Ships against *Genoa*, (which had been an Action of no ill Consequence to the Affairs of *Christendom*) the Duke did, by all fit and honourable Means, endeavour to divert that Course of their Employment against *Rochel*. And he doth truly and boldly affirm, That his Endeavours, under the Royal Care of his Most Excellent Majesty, have been a great Part of the Means to preserve the Town of *Rochel*; as the Proofs, when they shall be produced, will make appear. And when his Majesty did find, that, beyond his Intention, and contrary to the faithful Promises of the *French*, they were so misemployed, he found himself bound in Honour to intercede with the Most Christian King, his good Brother, for the Peace of that Town, and of the Religion, lest his Majesty's Honour might otherwise suffer; which Intercession his Majesty did so sedulously, and so successfully pursue, that

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the Town and the Religion there do, and will, acknowledge the Fruits thereof.

'And whereas it is further objected against him, *That when in so unfaithful a Manner he had delivered those Ships into the Power of a foreign State, to the Danger of the Religion, and Scandal and Dishonour of our Nation*, (which he utterly denieth to be so) *that to mask his ill Intentions, in a cunning and cautelous Manner, he abused the Parliament at* Oxford, *in affirming before the Committee of both Houses, That the said Ships were not, nor should be so used or employed*, he saith, (under the favour of those who so understood his Words) That he did not then use those Words, which are expressed in the Charge to have been spoken by him; but there being then a Jealousy of the mis-employing of those Ships, the Duke having no Knowledge thereof, and knowing well what the Promises of the *French* King were, but was not then seasonable to be published, he hoping they would not have varied from what was promised, did say, *That the Event would show that it was no undertaking for them; but a Declaration of that in general Terms which should really have been performed, and which his Majesty had just Cause to expect from them.*'

To the NINTH ARTICLE, *That the Duke did compel the Lord* Robartes *to buy his Title of Honour*,

'He utterly denieth it; and he is very confident, the Lord *Robartes* himself will not affirm it, or any Thing tending that way; neither can he, nor any Man else, truly say so. But the said Duke is able to prove, That the Lord *Robartes* was willing before to have given a much greater Sum, but could not then obtain it; and he did now obtain it by Sollicitation of his own Agents.'

To the TENTH ARTICLE, *For the selling of Places of Judicature by the Duke*, which are specially instanced in the Charge, he answereth,

'That he received not, nor had a Penny of either of those Sums to his own Use: But the Truth is, The

The Lord *Mandeville* was made Lord Treasurer by his late Majesty, without contracting for any Thing for it; and after that he had the Office conferred upon him, his late Majesty moved him to lend him 20,000 l. upon Promise of Repayment at the End of a Year; the Lord *Mandeville* yielded it, so as he might have the Duke's Word that it should be repaid unto him accordingly. The Duke gave his Word for it; the Lord *Mandeville* relied upon it; and delivered the said Sum to the Hands of Mr. *Porter*, then attending upon the Duke, by the late King's Appointment, to be disposed as his Majesty should direct: And, according to the King's Direction, that very Money was paid out to others, and the Duke neither had, nor disposed of a Penny thereof to his own Use, as is suggested against him. An. 2. Charles I. 1626.

'And afterwards, when the Lord *Mandeville* left that Place, and his Money was not repaid unto him, he urged the Duke upon his Promise; whereupon the Duke being jealous of his Honour, and to keep his Word, not having Money to pay him, he assured Lands of his own to the Lord *Mandeville* for his Security: But when the Duke was in *Spain*, the Lord *Mandeville* obtain'd a Promise from his late Majesty of some Lands in Fee-Farm, to such a Value, as he accepted of the same in Satisfaction of the said Money, which were afterwards passed unto him; and, at the Duke's Return, the Lord *Mandeville* delivered back unto him the Security of the Duke's Lands, which had been given unto him as aforesaid.

'And for the 6000 l. supposed to have been received by the Duke, for procuring to the Earl of *Middlesex* the Mastership of the Wards, he utterly denieth it; but afterwards he heard that the Earl of *Middlesex* did disburse 6000 l. about that Time, and his late Majesty bestowed the same upon Sir *Henry Mildmay*, his Servant, without the Duke's Privity; and he had it and enjoyed it, and no Penny thereof came to the said Duke, or to his Use.'

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To the ELEVENTH ARTICLE the Duke answereth'

'That it is true, that his late Majesty, out of his Royal Favour unto him, having honoured the Duke himself with many Titles and Dignities of his Bounty; and, as a greater Argument of his princely Grace, did also think fit to honour those, who were in equal Degree of Blood with him, and also to ennoble their Mother, who was the Stock that bare them.

'The Title of Countess of *Buckingham*, bestowed upon his Mother, was not without Precedent; and she hath nothing from the Crown but a Title of Honour, which dieth with her.

'The Titles bestowed on the Viscount *Purbeck*, the Duke's elder Brother, were conferred upon him, when he was a Servant of the Bed-Chamber to his now Majesty, then Prince, by his Highness's Means: The Earl of *Anglesey* was of his late Majesty's Bed-Chamber; and the Honours and Lands conferred on him were done when the Duke was in *Spain*.

The Earl of *Denbigh* hath the Honours mentioned in the Charge; but he hath not a Foot of Land which came from the Crown, or of the King's Grant.

'But if it were true that the Duke had procured Honours for those who are so near and dear unto him, the Law of Nature, and the King's Royal Favour, he hopeth, will plead for his Excuse; and he rather believeth he were worthy to be condemned in the Opinion of all generous Minds, if, being in such Favour with his Master, he had minded only his own Advancement, and had neglected those who were nearest unto him.

To the TWELFTH ARTICLE his Answer is,

'That he doth humbly, and with all Thankfulness acknowledge the bountiful Hand of his late Majesty unto him; for which he oweth so much to the Memory of that deceased King, his most excellent Majesty that now is, and their Posterity, that

that he shall willingly render back whatsoever he hath received, together with his Life, to do them service: But for the immense Sums and Values which are suggested to have been given unto him, he saith, There are very great Mistakings in the Calculations, which are in the Schedules in this Article mentioned; unto which the Duke will apply particular Answers in another Schedule, which shall express the Truth of every Particular, as near as he can collect the same, to which he referreth himself *(o)*; whereby it shall appear, what a great Disproportion there is between Conjectures and Certainties: And those Gifts which he hath received, tho' he confesseth that they exceed his Merit, yet they exceed not Precedents of former Times. But whatsoever it is he hath, or hath had, he utterly denieth that he obtained the same, or any Part thereof, by any undue Sollicitation or Practice, or did unduly obtain any Release of any Sums of Money he received; but he having, at several Times, and upon several Occasions, disposed of divers Sums of the Moneys of his late Majesty, and of his Majesty that now is, by their private Directions, he hath Releases thereof for his Discharge; which was honourable and gracious in their Majesties, who granted the same for their Servant's Indemnity; and, he hopeth, was not unfit for him to accept of, lest, in future Times, he, or his, might be charged therewith, when he could not be able to give so clear an Account thereof, as he hopeth he shall now well be able to do.

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To the THIRTEENTH ARTICLE of the Charge, which is set forth in such an Expression of Words, as might argue an extraordinary Guiltiness in the Duke; who, by such infinite Bonds of Duty and Thankfulness, was obliged to be tender of the Life and Health of his most dread and dear Sovereign and Master, he maketh this clear and true Answer,

 'That

(o) The Schedule here mentioned, taken from the *Lords Journals*, follows at the End of the Duke's Answer to the Articles: But it is omitted in *Rushworth*.

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'That he did neither apply nor procure the Plaister or Posset-Drink, in the Charge term'd to be a *Potion*, unto his late Majesty, nor was present when the same was first taken or applied: But the Truth is this; That his Majesty being sick of an Ague, took Notice of the Duke's Recovery of an Ague not long before, and asked him how he had recovered, and what he found did him most good? The Duke gave him a particular Answer thereto, and that one, who was the Earl of *Warwick*'s Physician, had ministred a Plaister and Posset-Drink to him; and the chief Thing that did him good was a Vomit; which he wished the King had taken in the Beginning of his Sickness. The King was very desirous to have that Plaister and Posset-Drink sent for; but the Duke delayed it: Whereupon the King impatiently ask'd, Whether it was sent for or not? And finding by the Duke's Speeches he had not sent for it, his late Majesty sent *John Baker*, the Duke's Servant, and, with his own Mouth, commanded him to go for it: Whereupon the Duke besought his Majesty not to make Use of it but by the Advice of his own Physicians, nor untill it should be tried by *James Palmer*, of his Bed-Chamber, who was then sick of an Ague, and upon two Children in the Town; which the King said he would do. In this Resolution the Duke left his Majesty, and went to *London*; and in the mean Time, in his Absence, the Plaister and Posset-Drink was brought and applied by his late Majesty's own Command. At the Duke's Return his Majesty was in taking the Posset-Drink, and the King then commanded the Duke to give it him; which he did in presence of some of the King's Physicians, they then no ways seeming to dislike it, the same Drink being first tasted of by some of them, and divers others in the King's Bed Chamber: And he thinks this was the second Time the King took it.

'Afterwards, when the King grew somewhat worse than before, the Duke heard a Rumour as if his Physic had done the King Hurt, and that the Duke had ministred that Physic to him without Advice

Advice. The Duke acquainted the King therewith; to whom the King, with much Discontent, answered thus, *They are worse than Devils that say it.* So far from the Truth it was; which now notwithstanding, as it seemeth, is taken up again by some, and with much Confidence affirmed. And here the Duke humbly prayeth all your Lordships, not only to consider the Truth of this Answer, but also to commiserate the sad Thought which this Article had revived in him. An. 2. Charles I. 1626.

'This being the plain, clear, and evident Truth of all those Things which are contained and particularly expressed in his Charge, the rest, being general, and requiring no Answer: And he being well assured that he hath herein affirmed nothing which he shall not make good by Proof, in such Way as your Lordships shall direct, doth humbly refer it to the Judgment of your Lordships, how full of Danger and Prejudice it is to give too ready an Ear, and too easy a Belief unto Reports or Testimony without Oath, which are not of Weight enough to condemn any. He humbly acknowledgeth how easy it was for him in his younger Years, and unexperienced, to fall into thousands of Errors in those ten Years wherein he had the Honour to serve so great and open-hearted a Sovereign and Master; but the Fear of Almighty God, his Sincerity in the true Religion established in the Church of *England*, (tho' accompanied with many Weaknesses and Imperfections, which he is not ashamed humbly and heartily to confess) his Awfulness not willing to offend so good and gracious a Master, and his Love and Duty to his Country, have restrained and preserved him, he hopeth, from running into heinous and high Misdemeanors and Crimes: But whatsoever, upon Examination and mature Deliberation, they shall appear to be; lest in any Thing, unwittingly, within the Compass of so many Years, he shall have offended, he humbly prayeth your Lordships, not only in those, but as to all the said Misdemeanors, Misprisions, Offences, and Crimes wherewith he standeth charged

before

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before your Lordships, to allow him the Benefit of the free and general Pardon, granted by his late Majesty in Parliament in the 21st Year of his Reign, out of which he is not excepted; and of the gracious Pardon of his now Majesty, granted to the said Duke, and vouchsafed in like Manner to all his Subjects at the Time of his most happy Inauguration and Coronation; which said Pardon, under the Great Seal of *England*, granted to the said Duke, beareth Date the 10th Day of *February* now last past, and is here shewn forth unto your Lordships, on which he doth most humbly rely; and yet he hopeth your Lordships, in your Justice and Honour, upon which with Confidence he puts himself, will acquit him of and from those Misdemeanors, Offences, Misprisions, and Crimes wherewith he hath been charged; and he hopeth, and will daily pray, that for the future he shall, by God's Grace, so watch over his Actions, both public and private, that he shall give no just Offence to any.'

The ANSWER *of the* DUKE *to those* GRANTS *and* GIFTS *contained in the* Schedule, *which either were or are affirmed to have been to himself, or to his immediate Use.*

	l.	*s.*	*d.*
Charge. *The Manour of* Biddlesden, &c. (*p*) at	700	0	0
The Manour of Whaddon	101	14	0

Answer. 'The Duke had no Lands from the Crown before the 4th of *June*, 1616, at which Time his late Majesty, out of his gracious Bounty to him, whom he had not long before taken into nearer Service about his Royal Person, was pleased to grant unto him, for his better Support, the Manor of *Biddlesden*, and other Lands of the Lord *Grey*, being of the yearly Value of 700 l. at an im-

(*p*) To avoid Repetition in a Cause which our Readers perhaps think already long enough, we shall mention these Grants as briefly as possible; especially as they are already recited at large, at P. 140, & *seq.*

improved Rent, which came to the Crown by the Lord *Gray*'s Attainder; and about that Time also his late Majesty gave unto him the Mannor of *Whadden*, being 101 l. 14 s. *per Annum*, at an improved Rent; and upon that created him Baron of *Whadden*.' An. 2. Charles I. 1626.

	l.	*s.*	*d.*
Charge. *The Manour of* Harrington, *at*	471	14	4½
The Manour of Combe *and* Binley, *at*	317	14	0

Answer. 'In *November*, 1616, the late King *James* gave him, for a further Augmentation of his Means, and Support of the Honours he had conferred upon him, the Mannors of *Harrington*, *Combe* and *Binley*; whereof the first is valued at 471 l. 14 s. 4½ d. and the other two at 317 l. 14 s. all which are in Truth but 347 l. 18 s. 3 d. and so there is an Over-Account of 441 l. 10 s. 1½ d. and the said old Rent, which, in the whole, is but 347 l. 18 s. 3 d. is still reserved and doth continue payable, as a Fee-Farm-Rent to the Crown, upon the several Patents thereof made to the Duke; which he doth thus express, according to the Truth, not with a Purpose to lessen the King's Bounty towards him, but that it may appear how much was granted unto him, and what the Revenue of the Crown was lessen'd thereby.'

	l.	*s.*	*d.*
Charge. *The Manour of* Bisley, *at*	103	16	6½
The Manours of Timberwood *and* Rainhurst, *at*	309	17	9½
The Lordships and Manours of West-Harmes, Stockton, Stoke-Ivington, *and* Hope, *at*	205	11	4
The Manour of Spalding, *at*	224	7	9
The Grange of Berkeley, *at*	15	16	4
The Manour of Over, *at*	106	18	2½
The Manour of Lagston, *at*	114	7	11¼
The Lordship or Manour of Brampton, *at*	127	0	6¾
The Park of Rockingham, *at*	26	1	2

Answer.

An. 2. Charles I. 1626.

Answer. 'These Lands passed in *December*, 1616, whereof part, to the Value of 423 l. 18 s. 2½ d. were afterwards surrendered.

'Afterwards, when his late Majesty, out of his Favour and Grace, was pleased to confer more Honours upon him, he thought it fit, out of his Bounty, to augment his Means in some Proportion; and voluntarily, without the Duke's Suit, gave him other Manours and Lands, of the Value mentioned in the Charge; but upon this Grant the old Rent was reserved to the Crown as a Fee-Farm-Rent; and so the certain Revenue of the Crown is not thereby impaired: And for any unusual Clauses in any of the Grants in the Schedule mentioned, as is supposed by the Charge (*q*), he saith, That the Clause concerning the Reprizals of Bailiffs Fees is usual, and warranted by divers Precedents; and the Reason why the Stewards Fees are reprized, and that Perquisites of Courts are not valued, was, because the Demesnes of most of the Manors, which were granted unto him in Fee-Farm as aforesaid, were, at the Time of the Grants, in Lease for divers Years, some of long Continuance, others made to the Contractors, and some otherwise, at the old Rents; which Rents, as they passed to the Duke upon his Grant, so were they payable over to the Crown, being reserved as Fee-Farm upon the said Grants, as aforesaid: So that if Perquisites of Courts had been valued, the said Manour had been of small or no present Value unto him.'

	l.	s.	d.
Charge. *The Manour and Lordship of* Brighton, *the Manour of* Santon, *&c.*	210	0	0

Answer. 'As to these it appears, by the Act of Parliament, 21. *Jac.* that they were settled upon the Archbishop of *York* and his Successors, not altogether in Exchange for *York-House*, but likewise in respect of the Grace and Favour which his then Ma-

(*q*) See before, P. 131.

Majesty did bear to the said Church and See of *York*, as in the said Act is expressed; the said Manours being conceived to be more profitable and commodious for the said Church than the said House was. 'Tis true that, afterwards, it pleased his Majesty to confer the said House upon the said Duke, for his Habitation near the Court and the Royal Person of a King, on whom he was continually attendant; which, being meerly a Place of Habitation and Dwelling, subject to Charge in the continual Repair, was not likely to have brought any great Revenue to the Crown, if it had rested there.' An. 2. Charles I. 1626.

	l.	s.	d.
Charge. *The Forest of* Leyfield, *granted to the Duke*, Sept. 12. 1620, *at the Fee-Farm Rent of only*	16	13	4

Answer. 'A Part of this Forest was, upon the Disafforestation of the same, allotted to Commoners, for Satisfaction of such Common as they claimed to have within the said Forest. The Fee-Farm that is now reserved upon the Residue of the Forest, doth very near equal the clear yearly Value which hath heretofore been answered to the Crown, all Charges and Keepers Fees being deducted; so that, by this Grant, the Revenue of the Crown is little diminished.'

Charge. *For Lands sold by his own Agents, and the Money received by them, but Tallies thereof struck for Form only,*

	l.	s.	d.
1622. Feb. 11.	6000	0	0
—— Mar. 7.	800	0	0
—— —— 14.	4637	18	8
—— —— 21.	4000	0	0
1623. July 19.	8065	0	0
—— Dec. —	1000	0	0
—— Ibid.	1906	6	8
—— Jan. —	1476	16	8
1624. April 30	3204	3	0
—— Oct. 17. *For the Manour of* Newby	3000	0	0

Answer.

1. 2. Charles I. 1626.

Answer. 'For these Sums of Money he saith, That out of the Lands formerly granted unto the Duke by his late Majesty, it was agreed that the Duke should surrender Part of the same to the Value of 423 l. 18 s. 2½ d. to the Crown, being at the same Rates at which they were granted to him; there having been neither Lease, nor Estate, nor improved Rent, nor Profit by the Sale of Woods, or otherwise, made by, or to the Duke for such Time as they remained in his Hands before the said Surrender, tho' others have often done so in like Cases: In consideration whereof it pleased his Majesty to assign other Lands, of the like yearly Value, to have been conferred upon the said Duke, in lieu of the same so surrendered: But, before such Time as the same were granted to the Duke, true it is, that his Agents and Officers contracted for the Sale of the same to several Purchasers; and to avoid both Charge and Circuit in conveying of the said Lands first to the Duke, and then to the Purchasers; and to satisfy the Desire of the Purchasers who were unwilling that the Lands should be first past to the Duke, in consideration of the Surrender of the former, and so from the Duke to themselves, for fear of any Defects which might happen to be in Multiplicity of Assurances in that Kind; therefore it was advised, that the Purchasers, or such as they trusted for them, should take immediate Estates from the Crown, which they did; and the several Sums of Money which indeed they were to pay to the Duke, were paid to the King, into his Receipt of Exchequer, and Tallies were struck for the same: Howbeit, the Duke doth acknowledge that he had Privy Seals for Receipt of the said several Sums again out of the Exchequer: Yet, in all this, was there no Deceit to his Majesty, for that the Lands, so granted by his Majesty, were the Lands intended to have passed to the Duke, in lieu of the Lands surrendered; which Course of Proceedings was guided by former Precedents in the Point between other Parties; and by these Lands or Money the Duke had no new or other Advancement than he had before,

before, or than he might have had by the other Lands, if he had not surrendered them.' An. 2. Charles I. 1626.

	l.	s.	d.
Charge. *To the Earl of* Manchester, *in part of Satisfaction of* 20,000 *l. formerly paid to the Duke for the Office of Lord Treasurer*	10600	0	0

Answer. 'To this he refers himself to his Answer to that Article, which chargeth him with the *Selling of Places of Judicature.* The 20,000 l. was Money lent by the said Earl to the King, and not paid to the Duke as is pretended; and if his Majesty did make Sale of any Lands to re-pay the same, it nothing concerns the Duke.'

	l.	s.	d.
Charge. *To Mr.* Rotherby *in Free Gift for secret Services*	904	15	0

Answer. 'There was no Part of this Money employed to or for the Use of the Duke; but he thinks the same was otherwise employed for his late Majesty's Service, and by his special Direction, when the Duke was in *Spain.*'

	l.	s.	d.
Charge. *To Sir* Robert Pye	8000	0	0

Answer. 'This is confessed and thankfully acknowledged by the Duke.'

	l.	s.	d.
Charge. *Jan.* 15. 1624. *To* Philip Burlemache	30000	0	0
Jan. 28. 1624. *To ditto*	20000	0	0

Answer. 'These Sums of 30,000 l. and 20,000 l. were directed to be paid, by Privy-Seal, to the Duke as Free Gifts, and yet intended by his late Majesty for the Preparation of the Fleet. The Duke's Name was only used, for that his Majesty was not willing to have that Intention publickly discovered at that Time; and the same Sums were accordingly wholly employed in that Service, with 24,009 l.

An. 2. Charles I. 1626. 24,009 l. more of the Duke's own Money, as by the Proof will appear.'

		l.	s.	d.
Charge. *Aug.* 12. 1625. *To* Philip Burlemache		60000	0	0

Answer. 'Of this 60,000 l. warranted to be paid by Privy-Seal, there hath been received 58,890l. of which Mr. *Burlemache* hath issued for the Navy 26,000 l. and the rest hath been issued by *Burlemache*, by his Majesty's special Direction, towards Part of a far greater Sum expended in the Duke's Preparation and Performance of his Ambassage into *France*, and for bringing over the Queen into *England*; the Charge whereof was much more than was any way intended by the Duke himself, by the special Direction and Command of his late Majesty, and of his Majesty that now is, as upon Proof will clearly appear; which was the Reason that the Name of *Burlemache* was used in the said Privy-Seal.'

Charge. *Out of the Customs of* Ireland 7000 *l.* per Annum, *by virtue of a Lease for ten Years, granted,* Anno 1618, *for the Support of his Dignity.*

Answer. 'The Duke hath a Lease for ten Years, whereof about two are yet to come, of the Customs of *Ireland*: Before this Lease they yielded but 6000 l. to the Crown yearly; the Lease to the Duke is with a Render of 6000 l. yearly, which was the former Rent, and with a Covenant to pay the Moiety of the Increase above that Sum; which, by his Industry, having been improved to 13,000 l. *per Annum*, the King hath his 6000 l. Rent, and the one Half of the 7000 l. Increase; and the Duke hath the Residue; so that the Duke hath not thereby 7000 l. *per Annum*, as is supposed; but the one Half of it only, for which he hath done the Crown this Service.'

Charge. *A Pension of* 1000 *l. out of the Revenue of the Court of Wards.*

Answer. 'The Duke confesseth this Pension.'

Charge.

Charge. *Another Pension of* 5000 *l. paid to the Earl of* Worcester, *for leaving the Mastership of the Horse to the Duke of* Buckingham. An. 2. Charles I. 1626.

Answer. 'The King's Liberality cannot be imputed as a Crime to the Duke, being no Procurer of it, nor charged so to be.'

Charge. *The Profit of the Third upon Strangers Goods, over and above the Rent of* 3000 *l.* per An.

Answer. 'The Grant of the Third upon Strangers Goods, is of the Profits thereof which shall amount to above 3000 l. *per Annum*; which, if it be raised, is to be paid to the Crown, and the Overplus is granted to the Duke; which, for these three Years last, hath been nothing; and the fourth Year before was but 130 l. 9 s. 6 d. and no more; and, before that Time, sometimes 1000 l. *per Annum*, some Years less.'

Charge. *The late King likewise paid to the late Earl of* Nottingham, *during his Life,* 1000 *l. Pension for surrendering the Office of Admiralty.*

Answer. 'This was the late King's own Bounty to the late Earl of *Nottingham*, and not of the Duke's Procurement, as appeareth by his Answer to the second Article.'

Charge. *His Endeavours to get the Money to be made of Prize Goods,* &c.

Answer. 'He hath already answered this in the fifth Article, to which he referreth himself.'

	l.	*s.*	*d.*
Charge. *Part of the Earl of* Middlesex's *Fine, by a Privy-Seal to the Lord Treasurer and Chancellor of the Exchequer, appointed for the Houshold, and for the Wardrobe; but, by Practice of the Duke, diverted to his own Use*	20000	0	0

Answer.

An. 2. Charles I. 1626.

Answer. 'The Duke denies the Practice of diverting of the Sum to his own Use; neither did the said Fine, or any Part thereof, come to the Use of the Duke: But saith, That the Earl wanting Money, as it should seem, to pay the 20,000 l. his Majesty was pleased, at the Suit of the Duke, upon the earnest Sollicitation of the Earl, to accept of him the Sum of 5000 l. in Money, and a Lease of the Farm of the Sugars, whereof the said Earl was possessed, and his House at *Chelsea*, in full Satisfaction of the 20,000 l. which Lease and House were assured to his Majesty accordingly, and to his sole Use and Benefit; and the said 5000 l. was accordingly employed for the Houshold and Wardrobe.'

Divers GRANTS *to the Duke's* Brothers *and others of his* Kindred.

	l.	*s.*	*d.*
Charge. *To the Earl of* Anglesey 400 *l.* per Annum, *valued at*	10000	0	0
To ditto, the Forests of Penseim *and* Blackmore, &c. *valued at*	20000	0	0

Answer. 'These Gifts to the Earl of *Anglesey*, were the free Gift and Bounty of the King unto him, to support his Honour; and the Warrant for passing of them was given by the King, without the Procurement of the Duke, he being then in *Spain*; and they are not of that Value which they are supposed to be.'

	l.	*s.*	*d.*
Charge. *Sir* Lionel Cranfield, *Knt. who married his Kinswoman, and advanced to be an Earl, made Lord High Treasurer of* England, *and, by Means thereof, he got to his own Use, out of his Majesty's Estate*	120000	0	0

Answer.

Answer. 'The Earl of *Middlesex* hath been censured for his Offences (*r*), which are not to be imputed to the Duke; and this Earl was so well known to his late Majesty before his great Preferment, that his Majesty conceived him to be a fit Servant for the Crown; and, when he was in Place, he both did, and could do, what he thought best for himself without the Duke, and both had and followed his own Ways.' An. 2. Charles I. 1626.

Charge. *To Sir* Edward Villiers, 500 *Acres, Part of the Forest of* Dean, &c. *valued at,*	7000 0 0
To him, in Money out of the Mint, &c.	3000 0 0
To him more in Pension, by Grant, out of the Profit of the Mint,	5000 0 0
Another Pension out of the Court of Wards,	5000 0 0

Answer. 'These have been obtained by the Suit of Sir *Edward Villiers* himself, and not by the Duke's Procurement.'

After the Reading of the above Answer, the Duke made a short Speech, desiring their Lordships to expedite the Examination of his Cause, and then withdrew himself and departed.

In the Afternoon of the same Day (*June* 8.) the Earl of *Bristol*, being before their Lordships at the Bar, desired Leave to move two Points: The one, touching the Charge of Treason against himself; the other, touching the Articles exhibited by him (as an Ambassador) against the Duke of *Buckingham*, for his Unfaithfulness to the King and State.

Further Proceedings in the Earl of Bristol's Trial.

'As touching the first, he made a large Discourse, shewing the Manner of his Restraint, as in his former Speech *May* 6th (*s*); and that he was not charged with Treason untill he first exhibited his Petition to the House, wherein he accused the

(*r*) See his Trial in Vol. VI. P. 132. (*s*) See before, P. 21.

An. 2. Charles I. 1626.

Duke of *Buckingham*; and that thereupon he was immediately sent for up as a Delinquent, contrary to all former Proceedings that he ever observ'd: And it being contrary to the Order of this House, to be restrained of his Liberty, unless it be for Treason or the like, he is therefore charged with Treason: And hereupon he besought their Lordships to consider how prejudicial this Precedent might prove to all their Liberties; and that he might have a speedy Trial by Parliament, for that he feared no Man would be of his Counsel if the Parliament were once ended; and that it might be determined whether his Case be Treason or not.'

'As touching the Duke of *Buckingham*, he shewed that his Accusation of him is no Recrimination, for he originally intended it two or three Years since; neither hath the Duke any Charge depending against him. Then he recited the Particulars of Mr. Attorney's Charge against him; and that, whereas he is charged with the Prince's Journey into *Spain*, with seeking to convert the Prince to *Popery*, and the Loss of the *Palatinate*; he doth charge the Duke with plotting with *Gondomar* to bring the Prince into *Spain* and to convert him to *Popery*; and that the Duke is in more Fault than any other for the Loss of the *Palatinate*.'

'And that whilst he was in *Spain*, he wrote to the late King of the Duke's Unfaithfulness; so that it cannot now be said to be a Recrimination.'

'That yet he is restrained, and used as a Traitor; and contrariwise, the Duke of *Buckingham*, accused of Treason by him, (a public Minister of State) hath his Liberty.'

'Then he made two Requests unto their Lordships; the one, that there might be an Equality between him and the Duke herein; the other, that Mr. Attorney might proceed against the Duke upon his Accusation; and he would not only prove the Duke's Unfaithfulness to the late King and his Majesty; but that the Narration which the Duke made

made to both Houses in the late Parliament is very false (*t*).' An. 2. Charles I. 1626.

'The Earl, having concluded his Speech, delivered a Petition, which was read, *in hæc Verba:*

To the Right Honourable the Lords of the Higher House of Parliament.

The HUMBLE PETITION *of* John *Earl of* Bristol.

I. *HUmbly beseeching your Lordships that you will be pleased to declare, whether the Matter of the Charge against him be Treason or no; and that if your Lordships shall adjudge it not to be Treason, that the Words* Traitor *and* traiterously *may be struck out of the Charge; and some such Course taken, as to your Lordships shall seem meet, for the speedy Prosecution and bringing of the Cause to Hearing.* His Petition to the Lords relating to the Nature of his Charge, &c.

II. *That his own and Sir* Walter Aston's *Dispatches might be brought into the Court, (being his chiefest Evidence) to be used for his Defence.*

III. *That if Mr. Attorney, by his Reply, shall give the Earl Occasion to declare, for his Justification, such Matters of Secresy and Mysteries of State as are not proper to be divulged; your Lordships will then be pleased to move his Majesty to signify his Pleasure, to whom and in what Manner it shall be declared.*

IV. *And that the Earl may have Leave to come with Mr.* Maxwell *to the House, or wait upon the Committees when he shall find it needful, for the Prosecution of his Cause, attending your Lordships Leisure.*

BRISTOL.

The Petition being read, the Earl was withdrawn, and the House being put into a Committee, it was read again in Parts, and fully debated: The House being resum'd, it was read again; and these four Answers were made unto the four several Parts of the said Petition, and ordered as followeth, *viz.*

1. The House to sit To-morrow at Eight, and such Witnesses to be sworn as Mr. Attorney or the Earl to. The Answer of the House thereto.

(*t*) See this Narrative at large, in Vol. VI. p. 26.

An. 2. Charles I. 1626.

Earl of *Briſtol* ſhall procure; and then the Committee to proceed to take the Examinations; and the Anſwer to the reſt of this Part of the Petition to be deferred to further Conſideration, after a full Examination taken by the Committee, and reported to the Houſe.

2. All ſuch Diſpatches as Mr. Attorney ſhall make uſe of againſt the Earl, to be uſed by the ſaid Earl for his Defence; and the Houſe to be Suitors to the King for any other Diſpatches, to be brought hither for the ſaid Earl's Defence, as he ſhall particularly name.

3. When any ſuch Occaſion ſhall be offered, the Houſe will then conſider what Courſe to take herein.

4. This is to be granted.

Theſe being thus agreed and ordered by the Houſe, and their Lordſhips having alſo agreed to give the Earl of *Briſtol* a Reaſon why the firſt Part of his ſaid Petition is not fully anſwered; the Earl of *Briſtol* was brought again before their Lordſhips, and the Lord Keeper ſignified the ſaid Orders unto him: And, having read the firſt, told him, That the Houſe had not fully granted the firſt Part of his Petition, for two Reaſons, both in Favour to his Lordſhip: The firſt, that they are loth to proceed to declare their Opinions or Judgments upon the bare Charge of Mr. Attorney, before the true Caſe appears upon the Proofs: The ſecond, for that if they ſhould declare his Cauſe to be Treaſon, then his Teſtimony againſt the Duke of *Buckingham* would be weakened; and the Lord Keeper having read the ſecond, third, and fourth Orders alſo, the Earl of *Briſtol* gave their Lordſhips humble Thanks, and ſo was withdrawn.

The reſt of this Day's Work, which muſt have been a heavy one, was taken up with ſwearing ſeveral Witneſſes *pro & con*, in the Cauſe of the Earl of *Briſtol*. Nor was there any Thing material done in the Houſe of Lords, for ſome ſucceeding Days, till the 13th, when the Lord *Conway* put their Lordſhips in mind of ſeveral Articles delivered to them by the Earl of *Briſtol* againſt himſelf, the

The Lord Conway gives in his Anſwer to the Earl of Briſtol's Charge againſt him.

firſt

first of *May* last; and besought the Lords that he might then give in his Answer to the same; which being granted, it was read *in hæc Verba:* An. 2. Charles I. 1626.

The ANSWER *of the Lord* CONWAY *to the* ELEVEN ARTICLES, *deliver'd against him into the Upper House of Parliament by the Earl of* BRISTOL, *the first Day of* May (*u*).

To the FIRST ARTICLE *he saith,*

'HE doth acknowledge to owe a great deal of Respect, Love, and Service, to the Duke of *Buckingham*; and doth well remember that a worthy Gentleman did invite him to endeavour the Reconciliation of the Earl of *Bristol* with the Duke; to which also he made Answer, That he had both Affection and Readiness to do all the good Offices in his Power, and that for the general Duty which every Man oweth to the Works of Reconciliation, and for other special Motives; as being born in one and the same County, of long Acquaintance, nothing having ever passed between the Persons of the Earl of *Bristol* and the Lord *Conway* but Demonstrations of Goodwill; and an Interest of Blood being between the Lord *Conway*'s Children and the Earl; acknowledging withall many lovely Parts and Powers in him: And it is not unlikely but the Lord *Conway* might say, (according to the ingenuous Freedom which he useth and cherisheth in himself) that if Things should not be reconciled but break out into Opposition between the Duke and the Earl, he must then declare his greater Love to be to the Duke than to him; but this the Lord *Conway* limited to their particular Persons, and hopes it cannot, by any Justice, be interpreted to stain him as he is a public Minister, a Magistrate, or a Peer of the Realm. All Offices and Obligations, in those Respects, he owes to God and the King, but to no Subject; and doth profess and is confident he hath paid them hitherto; and hopes in God to continue so with unblameable Integrity.'

(*u*) See before p. 15.

An. 2. Charles I. 1626.

To the SECOND ARTICLE *he saith,*

'That the Artifice the Earl of *Bristol* useth, in mingling Truth with Untruth, makes it hard to clear it without much Prolixity; which the Lord *Conway* thinks this Article not worthy of, comparing it with the Honour and Reverence he owes to this great and noble Council; yet, by your Lordships good Favours he gives it this Answer, That he verily believes he never wrote in those Terms of being a Secretary by the Duke's Creation; altho' he never was, nor is, unapt to acknowledge infinite Obligations to the Duke, for his Favours freely conferr'd upon him; which he was ever, as he is yet, ready to testify by all due Attributes and Expressions: But for the Lord *Conway* to have acknowledged this in those Terms, had been to have forgotten what he owed to his gracious Master of glorious Memory; who when he gave him the Seals, in the Presence of divers Lords of the Council (the Duke being also present) told him, and took the Duke to Witness, that it was his own proper Choice to make my Lord *Conway* his Secretary; yet it may well be when our now gracious King and the Duke were in *Spain*, his late Majesty having commanded the Lord *Conway* to write (that they both might know it,) that he had appointed him, only, to be Secretary to receive the Dispatches from thence and return the Answers, that he might then write to the Duke that he was *his* Secretary: And as to the beginning of the Lord *Conway*'s Letters, with *Gracious Patron*, which the Earl of *Bristol* is pleased to note, it is true that, ever since the King gave him the Creation of Duke (which carries the Style of *Grace*) the Lord *Conway* hath given him that Title, with the Addition of *Patron*; with as true and plain a Heart as it is given ordinarily in other Countries, without particular Intention or Meaning: And the first Time that ever the Lord *Conway* gave this Style, was, when his late Majesty told him, he must in his Letters give the Duke the Style of *Grace*; and that this Letter

Letter he shewed to his Majesty, and twenty others of the same Style, and his Majesty neither reproved it nor forbid it.' An. 2. Charles I. 1626.

To the THIRD ARTICLE *he saith,*

'That it is a scandalous Article without Foundation; and that the Lord *Conway* never did any Thing to keep the Earl of *Bristol* from his late Majesty's Presence, but by express Commandment from his Majesty; which, as he was Secretary, he conceives to be sufficient Warrant.'

To the FOURTH ARTICLE *he saith,*

'This is in all a Scandal; and in one Part unthankfully and untruly wrested; for Mr. *Gresley*, coming to the Lord *Conway*, under the Pretext of Faith and Confidence, for Advice, to know of him whether it might be safe for his Lord, upon Consideration of several Restraints and Leaves, to come to *London* to follow his Business: Hereupon the Lord *Conway* answered him in the Presence of God (as a Man that would not betray another to save his own Head) that he thought he might not safely come without Leave from his Majesty; but this Advice he gave as a Friend, not as a Secretary, nor any way from his Majesty or in his Name.'

To the FIFTH ARTICLE *he saith,*

'He denies the Charge in general; and, for that Part, touching his speaking with the Duke, he remembreth that the Earl of *Bristol* did, in the Postscript of a Letter, desire him to move his Majesty in that Point; but the Lord *Conway* conceiving the State of Affairs to stand so between the Earl and the Duke, that good Respect required that an Office of Grace to the Earl should not pass without the Knowledge of the Duke, it is possible he might stay the Opportunity to acquaint the Duke; it being no Part of his Duty to his Master of glorious Memory, but a Thing free in the Choice of him, the Lord *Conway*, to do or not to do: And further, the Lord *Conway* doth verily believe, that he

was

An. 3. Charles I. 1626.

was informed that it was the Desire of the Earl that the Duke should be made acquainted with it.'

To the rest of this ARTICLE *he answereth*, 'That it gives him, (the Lord *Conway*,) the first Notice of any Displeasure taken by his late Majesty against him, for not moving him; or that he should call the denying the Earl Leave a barbarous Act: And the Lord *Conway* denies that he retarded the Leave from his Majesty; but, so soon as he received the Warrant, he obey'd it, without any Clause or Limitations more than the King commanded; and that he delayed not the Dispatch of it.'

To the SIXTH ARTICLE *he saith*,

'It appears by the Earl of *Bristol*'s acknowledging that he was directed to the Lord *Conway* for his Business, that the King had not found any Fault in the Lord *Conway*'s handling of the Earl of *Bristol*'s Occasions, as is alledged in the fifth Article: And for the Lord *Conway*'s refusing to do any Thing without the Duke, it is true that the Duke being so far engaged by the Relation he made to both Houses of Parliament, in the Presence, and with the Assistance, Avowal and Testimony, (in many Things) of the then Prince, now our gracious King; his late Majesty commanded the Lord *Conway* that nothing should be moved or done in the Earl of *Bristol*'s Business, without the Knowledge of the Duke.'

To the SEVENTH ARTICLE *he saith*,

'It is true that Commissioners were appointed for forming the Charge against the Earl of *Bristol*, in sundry Articles; which were the longer in handling by reason that some of the Committee were at *London*, for Occasions of the King's Service, and the Lord *Conway* tyed to attend the Court; yet the Lord *Conway* did come expresly to *London*, to attend the Committee to give that Business the greater Expedition; and doubteth not but the Commissioners will witness that the Lord *Conway* did shew all Manner of Forwardness to give Speed

to that Work: And as touching the King's Promises, the Lord *Conway* knows not any Thing of them, but he well knows that the King bestowed the Reading of all the Charge, and Answers, both at large and in brief, as they were made by the Earl of *Bristol* and directed to his Majesty; and doth verily believe, that if the Earl of *Bristol*'s Answers had been so full as to have admitted no Reply, his Majesty would have presently put an End to the Earl's Business; especially if he had promised it, as is alledg'd. Touching the Commissioners Declaration, the Lord *Conway* never heard any one of them declare himself satisfy'd; and the Earl of *Bristol*'s Answers being given to the King, it was in his Majesty's Heart and Pleasure to give Directions; which, if the Lord *Conway* had ever received he would have obeyed them; but the Commissioners had done their Work in forming the Charge; and, for ought the Lord *Conway* knows, had neither Warrant nor Matter to proceed farther upon. The Lord *Conway* knows of no Artifice of the Duke of *Buckingham*, to the Ends mentioned in this Article; nor was ever made acquainted with or believes there was any; and, for himself, when the supposed Articles are made appear, as is undertaken, the Lord *Conway* will be ready to make his just Answer.' An. 2. Charles I. 1626.

To the EIGHTH ARTICLE *he saith,*

'He never knew or heard of any such solemn Protestation of the King, touching the admitting of the Earl of *Bristol* to his Presence; but his late Majesty told the Lord *Conway*, That there was a farther Charge to be laid against the said Earl, which, perhaps, the Lord *Conway* might accordingly write unto him: The King never gave the Lord *Conway* Directions for any farther Charge, but moving his Majesty, upon some Sollicitation of the Earl of *Bristol*, his Majesty was pleased to answer, that the Earl was upon other Ways and Sollicitations; by which the Lord *Conway* took himself

An. 2. Charles I. 1626. himself to be discharg'd of that Business, and, perhaps, answered the Earl of *Bristol* so.[a]

To the NINTH ARTICLE *he saith,*

'He knows not what passed from the Earl of *Bristol* to his Majesty, or from his Majesty to him, by the Duke's Hand; but for his Majesty's Letter, which the Lord *Conway* acknowledgeth passed thro' his Hands, there was nothing inserted but by the King's Directions; and the Letter read, approved, and signed by his Majesty: For the latter Part of this Article, the Lord *Conway* refers himself to his Answer to the fourth Article, where the same Charge is laid against him.'

To the TENTH ARTICLE *he saith,*

'That the Treaty for marrying the King of *Bohemia*'s eldest Son with the Emperor's Daughter, and bringing him up in that Court, was handled by the Lord *Baltimore*; and the Lord *Conway* had never any Part in that Treaty, nor knew that his Majesty gave Consent to it, or advised it; but on the contrary, he ever understood that his Majesty was against the Breeding of the young Prince in the Emperor's Court; and ever said, That he would take upon him the Care of his Breeding: But the Lord *Baltimore* giving an Account of that Treaty, by his Letter to his Majesty then at *Newmarket*, and there being then a Dispatch going for *Spain*, his Majesty commanded the Lord *Conway* to send that Dispatch from the Lord *Baltimore*, in the Packet to the Earl of *Bristol*, which is all the Lord *Conway* had to do in it; and the Lord *Baltimore* being a Party in the Treaty, and a Commissioner in forming the Charge against the Earl of *Bristol*, the Earl may as well take Exceptions against him and the rest of the Commissioners, as against the Lord *Conway* for that Part of the Charge: But the Earl of *Bristol* is not charged for conforming himself to his Majesty and his Proceedings here, in that Point; but further, for moving it, and carrying it in

in such a Fashion in *Spain*, as Sir *Walter Aston* told him, *He durst not consent to it for his Head:* For the late Letter from his Majesty, the Lord *Conway* answereth, That he did nothing therein but by Direction from his Majesty, and by his Majesty's own Words or Pen.' An. 2. Charles I. 1626.

To the ELEVENTH ARTICLE *he saith,*

'That he never sent any Dispatches to the Earl of *Bristol* into *Spain*, without his Majesty's Directions, and first shewing them unto his Majesty, and receiving his Approbation and Warrant of them; whose Judgment would not have let dubious or entrapping Directions pass him without Reformation; and if the Earl be charged with any Thing more than the Directions import, the Dispatches will clear that: But the Lord *Conway* conceives that the Cause of the Earl of *Bristol*'s Troubles proceeds, truly, from his own large Promises on the Behalf of *Spain* and the Emperor, and the little Grounds the Effects shew he had for drawing of his Majesty into so deep and disadvantageous Engagements.'

'The Lord *Conway* having thus made a true and clear Answer to the several Articles exhibited against him, he humbly leaveth the same to your Lordships grave Consideration; reserving to himself, as well all just Advantages against any Part of those Articles in the Varieties and Contradiction of the Charge, as also, the Supply of any Thing in these his humble Answers that may be defective in point of Form; or which, by further Instance, or doubtful Interpretation, may require a clearer Explanation.'

This Answer being read, it was ordered that the Earl of *Bristol* may reply thereunto if he pleases.

We shall not trouble the Reader with the other Proceedings in the Earl of *Bristol*'s Cause, as they were no way momentous; and since, in a few Days more, a great Blow from above made all these Trials abortive. We shall, therefore, turn back

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back to the Commons, and see what they were about, before the King thought proper to put an End to this Parliament.

June the 9th, the Commons dispatched the Chancellor of the Dutchy to the Lords, to desire a Copy of the Duke's Answer; that, upon Consideration thereof, a Reply might be made by them, with as much Speed as possible. The Lords said, That they would take this Message into Consideration with all Speed. Hereupon the Duke of *Buckingham* stood up, and declared, 'That for the better clearing of his Honour and Fidelity to the State, in that Part of his Charge which is objected against him by the Seventh Article, he hath been an earnest and humble Suitor to his Majesty, to give him Leave in his Proofs, to unfold the whole Truth and Secret of that great Action; and hath obtained his Majesty's gracious Leave therein: And accordingly doth intend to make such open and clear Proof thereof, that he nothing doubteth, but the same, when it shall appear, will not only clear him from Blame, but be a Testimony of his Care and Faithfulness in serving the State.'

The Duke of Buckingham's further Defence upon the seventh Article.

The same Day a Letter from the King was delivered to the Speaker, the Tenor whereof follows:

Trusty and Well-beloved, we greet you well,

The King's Letter to the Speaker to hasten the Supply.

OUR House of Commons cannot forget how often, and how earnestly, we have called upon them for the speeding of that Aid which they intended us for our great and weighty Affairs, concerning the Safety and Honour of us and our Kingdoms; And now the Time being so far spent, that, unless it be presently concluded, it can neither bring us Money nor Credit by the Time which themselves have fixed, which is the last of this Month; and being further deferred would be of little Use, we being daily advertised from all Parts, of the great Preparations of the Enemy ready to assail us: We hold it necessary, by these our Letters, to give them our last and final Admonition, and to let them know, that we shall account all further Delays

and

and Excuses to be express Denials. And therefore we will and require you to signify unto them, that we do expect that they forthwith bring in their Bill of Subsidy, to be passed without Delay or Condition, so as it may fully pass the House by the End of the next Week at the furthest: Which if they do not, it will force us to take other Resolutions. But let them know, if they finish this according to our Desire, that we are resolved to let them sit together for the Dispatch of their other Affairs so long as the Season will permit; and, after their Recess, to bring them together again the next Winter. And, if by their Denial or Delay, any Thing of ill Consequence shall fall out either at home or abroad, we call God and Man to witness that we have done our Part to prevent it, by calling our People together to advise with us; by opening the Weight of our Occasions unto them; and by requiring their timely Help and Assistance in these Actions wherein we stand engaged by their own Counsels: And we will and command you, that this Letter be read publickly in the House.

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June the 10th, the Copy of the Duke's Answer was brought down to the Commons, by Mr. Baron *Trevor* and Sir *Charles Cæsar*; and they further signified, 'That the Duke had made a Request to their Lordships, which they, also, recommended to this House, that the Commons would proceed, with all Expedition, in their Reply to this Answer; that so they might go on with Business of much higher Concern.'

By the further Proceedings on the *Journals*, the Commons seem to have fallen upon the Consideration of the Duke's Answer immediately; tho' nothing is particularly entered about it. At this Time, also, the Commons had prepared a Petition to the King concerning *Popish Recusants*; a Business they had, from Time to Time, been upon, ever since the Beginning of this Session. And, having perfected their List, it was presented to his Ma-

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Majesty, along with their Petition, in the Form following (*x*):

To the KING's most Excellent Majesty.

The Commons Petition relating to Popish Recusants.

YOUR Majesty's most obedient and loyal Subjects, the Commons in this present Parliament assembled, do, with great Comfort, remember the many Testimonies which your Majesty hath given of your Sincerity and Zeal for the true Religion, established in this Kingdom; and, in particular, your gracious Answer to both Houses of Parliament at Oxford (*y*), *upon their Petition concerning the Causes and Remedies of the Increase of Popery; That your Majesty thought fit, and would give Order to remove from all Places of Authority and Government, all such Persons as are either Popish Recusants, or, according to Direction of former Acts of State, justly to be suspected; which was then presented as a great and principal Cause of that Mischief. But not having received so full Redress herein as may conduce to the Peace of this Church, and Safety of this regal State, they hold it their Duty once more to resort to your Sacred Majesty; humbly to inform you, that, upon Examination, they find the Persons underwritten to be either Popish Recusants, or justly suspected according to the former Acts of State, who now do, or, since the Sitting of the Parliament, did remain in Places of Government and Authority, and Trust, in your several Counties of this your Realm of* England *and Dominion of* Wales.

The Rt. Hon. Francis *Earl of* Rutland, *Lieutenant of the Counties of* Lincoln, Rutland, Northampton, *and* Nottingham, *a Commissioner of the Peace, and of Oyer and Terminer in the County of* York, *and Justice of Oyer from* Trent *Northwards: His Lordship is presented to be a* Popish Recusant, *and to have affronted all the Commissioners of the Peace within the* North-Riding *of* Yorkshire, *by*

(*x*) In the Reign of King *James* I. the Commons prepar'd a Petition of this Nature, with a List of *Recusants* in the same Manner. See Vol. VI. p. 322.

(*y*) Vol. VI. P. 378.

by sending a Licence, under his Hand and Seal, to his Tenant Thomas Fisher, *dwelling in his Lordship's Manour of* Helmsley, *in the said* North-Riding *of the said County of* York, *to keep an Ale-House; soon after he was, by an Order made at the Quarter-Sessions, discharged from keeping an Ale-House, because he was a* Popish Convict Recusant; *and to have procured a Popish School-Master, namely,* Roger Conyers, *to teach Scholars within the said Manour of* Helmsley, *that formerly had his Licence to teach Scholars taken from him, for teaching Scholars that were the Children of* Popish Recusants, *and because he suffered these Children to be absent themselves from Church whilst they were his Scholars; for which the said* Conyers *was formerly complained of in Parliament.* An. 2. Charles I. 1626.

The Rt. Hon. the Viscount Dunbar, *Deputy-Justice in Oyer to the Earl of* Rutland, *from* Trent *Northward, and a Commissioner of Sewers, and a Deputy-Lieutenant within the* East-Riding *of* Yorkshire: *His Lordship is presented to be a* Popish Recusant, *and his Indictment removed into the King's Bench; and his Wife, Mother, and the greatest Part of his Family are* Popish Recusants, *and some of them convicted.*

The Rt. Hon. William *Lord* Eure, *in Commission for the Sewers in the* East-Riding *of* Yorkshire, *a* Convict Popish Recusant.

The Rt. Hon. Henry *Lord* Abergavenny, *the Rt. Hon.* John *Lord Teynham, and the Rt. Hon.* Edward *Lord* Wooton, *in Commission for Sewers, justly suspected for* Popery.

The Rt. Hon. Henry *Lord* Morley, *Commissioner for Sewers in* Lancashire, *himself suspected, and his Wife a* Recusant.

The Rt. Hon. John *Lord* Mordaunt, *Commissioner of the Peace, Sewers, and Subsidy in* Northamptonshire; *and the Rt. Hon.* John *Lord* St. John *of* Basing, *Captain of* Lidley *Castle in* Hampshire, *indicted for* Popish Recusants.

The Rt. Hon. Emanuel *Lord* Scroope, *Lord-President of his Majesty's Council in the* North, *Lord-Lieutenant*

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Lieutenant of the City and Ainsty of York, *also of the County of* York, *and of* Kingston *upon* Hull, *presented the last Time; and continuing still to give Suspicion of his Ill-Affection in Religion, by these Instances:* 1. *By never coming to the Cathedral Church on those Days, wherein former Presidents have been accustomed.* 2. *By never receiving the Sacrament upon Common Days, as other Presidents were accustomed; but publickly departing out of the Church; with his Servants, upon those Days, when the rest of the Council, the Lord Mayor and Aldermen do receive.* 3. *By never, or very seldom, repairing to the Fasts, but often publickly riding abroad with his Hawks on those Days.* 4. *By causing such as are known to be firm in the Religion established, to be left out of Commission, which is instanced in* Henry Alured, *Esq; by his Lordship's Procurement put out of the Commission of Sewers; or else from keeping them from executing their Places, which is instanced in Dr.* Hudson, *D. D. to whom his Lordship hath refused to give the Oath, being appointed.* 5. *By putting divers others ill-affected Persons in Commission of the Council of Oyer and Terminer, and of the Sewers, and in other Places of Trust, contrary to his Majesty's gracious Answer to the late Parliament.* 6. *In* October *last, being certified of divers* Spanish *Ships of War upon the Coasts of* Scarborough, *his Lordship went thither, and took with him the Lord* Dunbar, *Sr* Thomas Metham, *and Sir* William Alford; *and lay at the House of the Lord* Eure, *whom he knew to be a* Convict Recusant, *and did notwithstanding refuse to disarm him; although he had received Letters from the Lords of the Council to that Effect: And did likewise refuse to shew the Commissioners, who were to be employed for disarming of* Popish Recusants, *the original Letters of the Privy Council, or to deliver them any Copies as they desired, and as his Predecessors in that Place were wont to do.* 7. *By giving Order to the Lord* Dunbar, *Sir* Thomas Metham *and Sir* William Alford, *to view the Forts and Store of Munition in the Town of* Kingston *upon* Hull, *who made one* Kerton,

a Convict Recusant, *and suspected to be a Priest, their Clerk in that Service.* 8. *By denying to accept a Plea, tendered according to Law by Sir* William Hilliard *Defendant, against* Isabel Simson *Plaintiff, in an Action of Trover, that she was a* Convict Popish Recusant, *and forcing him to pay Costs.* 9. *By the great Increase of* Recusants *since his Lordship's coming to that Government in* January 1619. *It appearing by the Records of the Sessions, that there are, in the* East-Riding *only, One thousand six hundred and seventy more convicted than were before; which is conceived to be an Effect of his Favour and Countenance towards them.*

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William Langdale, *Esq*; *convicted of* Popish Recusancy.

Jordan Metham, Henry Holme, Michael Partington, George Creswel, *and* Thomas Danby, *Esquires, Commissioners of the Sewers, and put in Commission by Procurement of the Lord* Scrope, *Lord President of the* North, *and who have all* Popish Recusants *to their Wives.*

Ralph Bridgman, *Esq*; *a* Non-Communicant.

Nicholas Girlington, *Esq*; *whose Wife comes seldom to Church.*

Sir Mamaduke Wyvil, *Knt. and Bart. presented the last Parliament, his Wife being a* Convict Popish Recusant, *and still continuing so.*

Sir Thomas Metham, *Knt. Deputy-Lieutenant, so made by the Lord* Scrope, *in Commission of the Council of the* North, *and of Oyer and Terminer, and other Commissions of Trust; all by Procurement of the same Lord President since the King's Answer; never known to have received the Communion; his two only Daughters brought up to be* Papists, *and one of them lately marryed to* Thomas Doleman, *Esq*; *a* Popish Recusant.

The Rt. Hon. Anthony *Viscount* Montague, *in Commission of the Sewers in* Sussex; *his Lordship a* Recusant Papist

Sir William Wray, *Knt. Deputy-Lieutenant, Colonel of a Regiment, his Wife a* Recusant.

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Sir Edward Musgrave, *Sir* Thomas Lamplugh, *Justices of the Peace and* Quorum, *and Sir* Thomas Savage, *Deputy-Lieutenant and Justice of the Peace, their Wives and Children* Recusants.

Sir Richard Egerton *a* Non-Communicant.

Thomas Savage, *Esq; a Deputy-Lieutenant, a* Recusant, *and his Wife indicted and presented.*

William Whitmore, *Esq; Commissioner of the Subsidy, his Wife and Children* Recusants.

Sir Hugh Beeston, *Knt. Commissioner of the Subsidy, his Daughter and many of his Servants* Recusants.

Sir William Massie, *Knt. Commissioner for the Subsidy, his Lady indicted for* Recusancy, *and his Children* Papists.

Sir William Courtney, *Knt. Vice-Warden of the* Stannaries, *and Deputy-Lieutenant, a* Popish Recusant.

Sir Thomas Ridley, *Knt. Justice of the Peace, his Wife and eldest Son* Popish Recusants.

Sir Ralph Conyers, *Knt. Justice of the Peace, his Wife a* Popish Recusant.

James Lawson, *Esq; a Justice of the Peace, and one of the Captains of the Trained-Band, his Children* Popish Recusants, *and Servants* Non-Communicants.

Sir John Shelley, *Knt. and Bart. and* William Scot, *Esq;* Recusants.

John Finch, *Esq; not convicted, but comes not to Church, in Commission of the Sewers.*

These are all *Convicted* RECUSANTS, or *Suspected* of POPERY.

Sir William Molineux, *Knt. Deputy-Lieutenant and Justice of the Peace, his Wife a* Recusant.

Sir Richard Houghton, *Knt. Deputy-Lieutenant, his Wife and some of his Daughters* Recusants.

Sir William Norris, *Knt. Captain of the General Forces, and Justice of the Peace, and Sir* Gilbert Ireland, *Knt. Justice of the Peace,* Recusants.

James

James Anderton, *Esq*; *Justice of the Peace, and in Commission*, *one of his Majesty's Receivers*, *his Wife a* Non-Communicant, *his Son and Heir a* Great Recusant, *and himself suspected.*

Edward Rigby, *Esq*; *Clerk of the Crown, Justice of the Peace, himself a* Good Communicant, *but his Wife and Daughters* Popish Recusants.

Edward Creswell, *Esq*; *Justice of the Peace, his Wife a* Popish Recusant.

John Parker, *Gent. Master-Mason for* Lancashire, *suspected for a* Popish Recusant.

George Ireland, *Esq*; *Justice of the Peace, his Wife a* Popish Recusant.

John Preston, *Esq*; *Bow-Bearer for his Majesty in* Westmoreland *Forest, a* Recusant.

Thomas Colvill, *Esq*; *Justice of the Peace and* Quorum, *his Daughter a* Recusant *Married.*

Sir Cuthbert Halsal, *Kt. Justice of the Peace, his Wife a* Recusant.

Richard Sherburn, *Esq*; *Justice of the Peace, himself* Non-Resident, *his Wife and Son* Recusants.

Sir George Heneage, *Kt. Sir* Francis Wenman, *Kt.* Robert Thorold, *Esq*; Anthony Monson, *Esq*; William Dallison, *Esq*; *in Commission of the Sewers, and are justly suspected for* Popish Recusants.

Sir Henry Spiller, *Kt. in Commission for* Middlesex *and* Westminster, *and Deputy-Lieutenant, and* Valentine Saunders, *Esq*; *one of the Clerks*; *both which are justly suspected to be disaffected in* Religion *according to the Act of Parliament.*

Sir Charles Jones, *Kt. Deputy-Lieutenant, and Justice of the Peace*, George Mason, *Esq*; *Justice of the Peace, and* Edward Morgan, *Esq*; *their Wives are all* Popish Recusants.

William Jones, *Esq*; *Deputy-Lieutenant, and Justice of the Peace, his Wife suspected to be a* Popish Recusant.

John Vaughan, *Captain of the Horse, suspected for* Recusancy.

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Benedict Hall, *Esq*; *Receiver and Steward of the Dutchy of* Lancaster, *he and his Wife are* Popish Recusants.

Sir Thomas Brudenell, *Knt. and Bart. Deputy-Lieutenant, a* Popish Recusant.

Cuthbert Heron, *Esq*; *now Sheriff of* Northumberland, *Justice of the Peace, his Wife a* Recusant.

Sir William Selby, Jun. *Knt. Justice of the Peace, his Wife a* Recusant.

Sir John Canning, *Knt. Justice of the Peace, his Wife a* Suspected Recusant.

Sir Ephraim Widdrington, *Knt. Justice of the Peace, suspected to be a* Recusant.

Sir Thomas Ridall, *Knt. Justice of the Peace, his Wife and eldest Son are* Recusants.

John Widdrington, *Esq*; *who came out of* Northumberland *before his Majesty's Proclamation was published, and is now at* London *attending the Council-Table by Commandment, and yet not dismiss'd.*

Sir Robert Pierpoint, *Justice of the Peace, his Wife a* Recusant.

Sir Anthony Brown, *Knt. Justice of the Peace, thought to be a* Recusant, *but not* Convict.

Sir Henry Beddingfield, *Knt. Deputy-Lieutenant, and Justice in Oyer and Terminer, and in Commission of Sewers, Justice of the Peace, and Captain of a Foot Company, his Wife nor any of his Children, as is informed, come to the Church.*

Thomas Sayer, *Captain of the Horse, his Wife comes not to the Church.*

Sir William Yelverton, *Bart. and Justice of the Peace, not Suspected himself, but his eldest Son and one of his Daughters are* Known Recusants.

Sir Henry Minne, *Knt. Justice of the Peace and* Quorum, *neither he, his Wife, or Daughters, can be known to have received the Communion, and have been presented at the Sessions for* Non-Conformity.

Robert Warren, *Clerk, a Justice of the Peace, justly Suspected, and that for these Reasons.* 1. *He being*

being in Trust for one Ratcliff *of* Bury, *deceased, for the Education of his Son; he took him from the School at twelve Years old, and sent him beyond the Seas to be brought up there in a Popish Seminary, where he hath remained six or seven Years, as was generally reported.* 2. *One of his Parishoners doubted in some Points of Religion, being sick and desired to be satisfied by him, who confirmed him in the Religion of the Church of* Rome, *which he told to his Brothers before his Death, who are ready to affirm the same, but this was divers Years since.* 3. *There being Letters directed to four Knights of that County, to call the Ministers and other Officers before them, and to cause them to present all such as absented themselves from the Church, and were popishly affected; he was desired to present those within his Parish-Church of* Welford, *some of which he accordingly did, but left out at least one half; and being asked, Why he did so? He answered, That he was no Informer: And being asked of some Particulars, Whether they came to the Church or not? His Answer was, They did not; and, Why then did he not present them; He said they might be* Anabaptists *or* Brownists, *and would not present them; all this certified by three Members of the House.* 4. *He having a Brother dwelling in* Sudbury *that was presented for not coming to the Church, he came to one of the Ministers, and told him, That he took it ill they presented his Brother, who answered, He did it not, but, if he had known of it, he would: Whereupon he replied, He was glad he had a Brother of any Religion.* 5. *One of his Parish, named* Fage, *having Intelligence that there was one of the said Parish, that could inform of a private Place, where Arms were in a* Recusant's *House in the Parish, came to some of the Deputy-Lieutenants in Commission, for a Warrant to bring the same in Form before them, to be examined concerning the same, and the said* Fage *delvered the Warrant to the Constable; he carried him before the said Mr.* Warren, *who rated the said* Fage *for that he did not come to him first, telling him, That he was a factious Fellow,*

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and laid him by the Heels for two Hours, which the said Fage *is ready to affirm.*

Sir Benjamin Tichburne, *Knt. and Bart. Justice of Oyer and Terminer, Justice of the Peace, and Deputy-Lieutenant, and in Commission for the Subsidy; his Wife, Children, and Servants, indicted for* Popish Recusancy.

Sir Richard Tichburne, *Knt. Justice of the Peace, his Wife presented the last Sessions, for having absented herself from the Church for the Space of two Months.*

Sir Henry Compton, *Knt. Deputy-Lieutenant, Justice of the Peace, and Commissioner for the Sewers, suspected to be a* Recusant.

Sir John Shelly, *Knt. and Bart. himself and his Lady* Recusants.

Sir John Gage, *Knt. and Bart. a* Papist Recusant.

Sir John Guildford, *and Sir* Edward Francis, *Knts. Their Ladies come not to Church.*

Sir Garret Kempe, *Knt. some of his Children come not to Church.*

Edward Gage, *Esq; Commissioner of the Sewers, a* Recusant Papist.

Thomas Middlemore, *Esq; Commissioner of the Sewers, comes not to Church.*

James Rolls, *and* William Scot, *Esqrs. Commissioners of the Sewers, both* Recusant Papists.

Robert Spiller, *Esq; comes not to Church.*

Sir Henry Guildford, *Knt. in Commission for Piracies, and for the Sewers, and* John Thatcher, *Esq; Commissioner for the Sewers, they are either Persons Convicted, or justly Suspected.*

Sir Richard Sandford, *Knt.* Richard Braithwait, *Esq; and* Gawen Braithwait, *Esq; their Wives are* Recusants.

Sir William Aubrey, *Knt. Justice of the Peace, a* Recusant.

Rees Williams, *Esq; Justice of the Peace, his Wife a* Convict Recusant, *and his Children popishly bred, as is informed.*

Sir

Sir John Colney, *Knt. a Justice of the Peace, and Deputy-Lieutenant, his Wife a* Popish Recusant. An. 2. Charles I. 1626.

Morgan Voyle, *Esq; Justice of the Peace, his Wife presented for not coming to Church, but whether she is a* Popish Recusant *is not known.*

John Warren, *Captain of the Trained-Band, one of his Sons Suspected to be Popishly Affected.*

Wherefore they humbly beseech your Majesty, not to suffer your loving Subjects to continue any longer discouraged, by the apparent Sense of that Increase both in Number and Power, which, by the Favour and Countenance of such like ill-affected Governors, accreweth to the Popish Party; but that according to your own Wisdom, Goodness, and Piety, (whereof they rest assured) you will be graciously pleased to command that Answer of your Majesty's to be effectually observed (z); *and the Parties above-named, and all such others to be put out of such Commissions and Places of Authority, wherein they now are, in your Majesty's Realm of* England, *contrary to the Acts and Laws of State in that Behalf.*

The next Thing of Note that we find the Commons went upon was, to prepare a Declaration, by way of Answer to the King's Letter about the Supply. This was read in the House and agreed to *June* the 14th, and ordered to be presented to his Majesty by the Speaker, attended by the whole House. Mr. *Rushworth* tells us that this Declaration was presented, and has given us the Speaker's Oration to the King at the doing of it; but says that the Copy of the Instrument itself he could not find. Yet, it does not seem clear, by the *Journals*, that it was presented at all; for they only inform us of a Message sent to the King, by four of their Members, to desire Access to his Majesty, when it should stand with his Pleasure to admit the Speaker and the whole House to his Presence. It was reported back by one of the Gentlemen, 'That they

(z) See Vol. VI. p. 378.

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they ſhould have an Anſwer to their Meſſage Tomorrow Morning.'

The next Day, *June* the 15th, ſoon after the Commons were met, and had done ſome Buſineſs, Mr. *Maxwell*, Gentleman-Uſher of the Black-Rod, came down to the Houſe, and acquainted them, 'That the Lords deſired the Commons to come up to them, to hear a Commiſſion read for the Diſſolution of this Parliament. Whereupon, Mr. Speaker, with the Houſe, went up accordingly.'

We ſhall give the Speaker's Oration to the King, on the Delivery of the Declaration, as above mentioned, from the *Collections*, ſince we have no other Authority; the Purport of which, tho' the other be loſt, expreſſes, in ſome Meaſure, the Nature of that Inſtrument.'

Moſt Gracious and Dread Sovereign,

The Commons Anſwer to the King's Letter to their Speaker.

'ACcording to that Liberty of Acceſs and Liberty of Speech, which your Majeſty and your Royal Progenitors have ever vouchſafed to your Houſe of Commons; your Majeſty's moſt humble and loyal Subjects, the Commons now aſſembled in Parliament, have been Suitors for this Acceſs to your Royal Throne.

'And out of their Conſideration of the Nature, and of the Weight and Importance of the Buſineſs, they have thought the Attendance of the whole Houſe, with their Speaker, not too ſolemn; and yet they have not thought fit barely to commit thoſe Words, which expreſs their Thoughts, to the Truſt of any Man's Speech; but are bold to preſent them in Writing to your gracious Hands, that they may not vaniſh, but be more laſting than the moſt powerful Words of a more able Speaker are like to be.

'I have much to read, and ſhall therefore, as little as I can, weary your Majeſty with Speeches.

'This Parchment contains two Things, the one by way of Declaration, to give your Majeſty an Account and humble Satisfaction of their clear and ſincere Endeavours and Intentions in

your

'your Majesty's Service; and the other, an humble Petition to your Majesty, for the Removal of that great Person, the Duke of *Buckingham*, from Access to your Royal Presence. An. 2. Charles I. 1626.

'For the first, They beseech your most excellent Majesty to believe, that no earthly Thing is so dear and precious to them, as that your Majesty should retain them in your Grace and good Opinion; and it is Grief to them, beyond my Expression, that any Misinformation, or Misinterpretation, should at any Time render their Words or Proceedings offensive to your Majesty.

'It is not proper for any one to hear the Echo of a Voice, that hears not the Voice; and if Echo's be sometimes heard to double and redouble, the Echo of the Echo is still fainter, and sounds not louder.

'I need not make the Application: Words misreported, tho' by an Echo, or but an Echo of an Echo, at a third or fourth Hand, have oft a louder Sound than the Voice itself; and may sound Disloyalty, tho' the Voice had nothing undutiful or disloyal in it.

'Such Misinformations, they fear, have begot Interruptions and Diversions, which have delayed the ripening and expedititing of those great Counsels, which concern your Majesty's important Service, and have enforced this Declaration.

'I pass from that to the Petition, in which my Purpose is not to urge those Reasons, which your Majesty may hear expressed in their own Words, in the Language of the People.

'I am only directed to offer to your great Wisdom, and deep Judgment, that this Petition of theirs is such, as may stand with your Majesty's Honour and Justice to grant.

'Your Majesty hath been pleased to give many royal Testimonies and Arguments to the World, how good and gracious a Master you are; and that, which the Queen of *Sheba* once said to the wisest King, may without Flattery be said to

you

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'your Majesty, *Happy are those Servants which stand continually before you.*

'But the Relations by which your Majesty 'stands in a gracious Aspect towards your People, 'do far transcend, and are more prevalent and 'binding, than any Relation of a Master towards 'a Servant; and to hear and satisfy the just and 'necessary Desires of your People, is more ho-'nourable than any Expression of Grace to a Ser-'vant.

'To be a Master of a Servant, is communicable 'to many of your Subjects; to be King of a People, 'is Regal, and incommunicable to Subjects.

'Your Majesty is truly stiled by that Name, 'which the greatest Emperors, tho' they borrow-'ed Names and Titles from those Countries which 'they gain'd by Conquest, most delighted in, *Pa-'ter Patriæ.* And the Desires of Children are 'preferred before those of Servants; for the *Ser-'vant abideth not in the House for ever, but the Son 'abideth ever.*

'The Government of a King was truly term'd 'by your Royal Father, *A politic Marriage between 'him and his People*; and, I may safely say, There 'was never a better Union between a married Pair, 'than is between your Majesty and your People.'

When the Lords had Notice of the Commission for dissolving this Parliament, the House seemed to be much concerned at it; and, immediately, joined in an humble Remonstrance to the King to prevent it. The Tenor whereof followeth:

May it please your Excellent Majesty,

The Lords Petition to the King against dissolving the Parliament.

WE your faithful and loyal Subjects, the Peers of this Kingdom, having received this Morning a Message from your Majesty, intimating an Intention to dissolve this Parliament; remembring that we are your Majesty's hereditary great Council of the Kingdom, do conceive, that we cannot deserve your Majesty's gracious Opinion expressed in this Mes-

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sage unto us, nor discharge our Duty to God, your Majesty, and our Country, if, after Expression of our great and universal Sorrow, we did not humbly offer our loyal and faithful Advice to continue this Parliament; by which those great and apparent Dangers at home and abroad, signified unto us by your Majesty's Command, may be prevented, and your Majesty made happy in the Duty and Love of your People, which we hold the greatest Safety and Treasury of a King; for the effecting whereof, our humble and faithful Endeavour shall never be wanting.

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This Petition was presented to the King by the Earl of *Manchester*, Lord President of the Council, with the Earls of *Pembroke*, *Carlisle*, and *Holland*; who besought his Majesty to give Audience to the *Whole House of Peers* on this Account: But the King answered, *That his Resolution was to hear no Motion for that Purpose; but that he would dissolve the Parliament.* Accordingly a Commission, in the usual Form, under the Great Seal, was sent to the House of Lords, which put an End to this Parliament.——*Saunderson* says that the King's Words to the Lords, that came to intercede for a longer Sitting, were, *No, not a Minute!* And that the very same Day that the Parliament was dissolved, the Earl of *Arundel* was confined to his House, and the Earl of *Bristol* committed to the *Tower* by the King's Order (*a*).

Which he refuses to hear; and instantly dissolves them.

Mr. *Rushworth* hath left us a Copy of a *Remonstrance*, which, he says, the Commons intended to have presented to the King; as also another of a *Declaration* from his Majesty, containing his Reasons for the Dissolution of this and the foregoing Parliaments. As these Instruments are directly Contrasts to one another; they, together, make up all that can be said on either Side, for the Conduct of King and Parliament, in the late unhappy Disagreement between them. They were as follows:

The

(*a*) Life of *Charles* I. p. 58.

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The KING's DECLARATION.

The King's Reasons for dissolving the Parliament.

THE King's Most Excellent Majesty, since his happy Access to the Imperial Crown of this Realm, having, by his Royal Authority, summoned and assembled two several Parliaments; the first whereof was in August *last, by Adjournment held at* Oxford, *and there dissolved; and the other begun in* February *last, and continued untill the* 15*th Day of this present Month of* June, *and then, to the unspeakable Grief of himself, and, as he believeth, of all his good and well-affected Subjects, dissolved also: Although he well knoweth, that the Calling, Adjourning, Proroguing, and Dissolving of Parliaments, being his great Council of the Kingdom, do peculiarly belong unto himself, by an undoubted Prerogative inseparably united to his Imperial Crown; of which, as of his other Royal Actions, he is not bound to give an Account to any but to God only, whose immediate Lieutenant and Vicegerent he is in these Realms and Dominions, by the divine Providence committed to his Charge and Government: Yet forasmuch as, by the Assistance of the Almighty, his Purpose is so to order himself, and all his Actions, especially in the great and public Actions of State, concerning the Weal of his Kingdoms, as may justify himself, not only to his own Conscience, and to his own People, but to the whole World; his Majesty hath thought it fit and necessary, as the Affairs now stand both at home and abroad, to make a true, plain, and clear Declaration of the Causes which moved his Majesty to assemble, and after enforced him to dissolve these Parliaments; that so the Mouth of Malice itself may be stopped, and the Doubts and Fears of his own good Subjects at home, and of his Friends and Allies abroad, may be satisfied, and the deserved Blame of these so unhappy Accidents may light upon the Authors thereof.*

When his Majesty, by the Death of his Dear and Royal Father, of ever-blessed Memory, first came to the Crown, he found himself engaged in a War with a potent Enemy; not undertaken rashly, nor without

just

just and honourable Grounds, but enforced for the necessary Defence of himself and his Dominions, for the Support of his Friends and Allies, for the redeeming of the antient Honour of this Nation, for the recovering of the Patrimony of his dear Sister, her Consort, and their Children, injuriously, and under Colour of Treaties and Friendship, taken from them, and for the Maintenance of the true Religion; and invited thereunto, and encouraged therein, by the humble Advice of both Houses of Parliament, and by their large Promises and Protestations to his late Majesty, to give him full and real Assistance in those Enterprizes, which were of so great Importance to this Realm, and to the general Peace and Safety of all his Friends and Allies: But when his Majesty entered into a View of his Treasure, he found how ill provided he was to proceed effectually with so great an Action, unless he might be assured to receive such Supplies from his loving Subjects, as might enable him to manage the same. An. 2. Charles I. 1626.

Hereupon his Majesty, being willing to tread in the Steps of his Royal Progenitors, for the making of good and wholesome Laws for the better Government of his People, for the right understanding of their true Grievances, and for the Supply of Monies to be employed for those public Services, he did resolve to summon a Parliament with all the convenient Speed he might; and finding a former Parliament already called in the Life of his Father, he was desirous, for the speedier Dispatch of his weighty Affairs, and gaining of Time, to have continued the same, without any Alteration of the Members thereof, had he not been advised to the contrary by his Judges and Counsel at Law; for that it had been subject to Question in Law, which he desired to avoid: But, as soon as possibly he could, he summoned a new Parliament; which he did with much Confidence and Assurance of the Love of his People, that those (who had, not long before, with some Importunity, won his Father to break off his former Treaties with Spain, *and, to effect it, had used the Mediation of his now Majesty, being then Prince,*

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Prince, and a Member of the Parliament, and had promised in Parliament their utmost Assistance for the enabling of his late Majesty to undergo the War, which they then foresaw might follow) would assuredly have performed it to his now Majesty; and would not have suffered him, in his first Enterprize of so great an Expectation, to have run the least Hazard thro' their Defaults.

This Parliament (after some Adjournment, by reason of his Majesty's unavoidable Occasions interposing) being assembled on the 18th Day of June, *it is true, that his Commons in Parliament, taking into their due and serious Consideration the manifold Occasions which, at his first Entry, did press his Majesty; and his most important Affairs, which, both at home and abroad, were then in Action; did, with great Readiness and Alacrity, as a Pledge of their most bounden Duty and Thankfulness, and as the first Fruits of the most dutiful Affections of his loving and loyal Subjects, devoted to his Service, present his Majesty with the free and cheerful Gift of two entire* Subsidies; *which their Gift, and much more the Freeness and Heartiness expressed in the giving thereof, his Majesty did thankfully and lovingly accept: But when he had more narrowly entered into the Consideration of his great Affairs, wherein he was embarked, and from which he could not, without much Dishonour and Disadvantage, withdraw his Hand, he found that this Sum of Money was much short of that which, of Necessity, must be presently expended, for the setting forward of those great Actions; which, by Advice of his Council he had undertaken, and were that Summer to be pursued. This his Majesty imparted to his Commons House of Parliament; but before the same could receive that Debate and due Consideration which was fit, the fearful Visitation of the Plague in and about the Cities of* London *and* Westminster, *(where the Lords and the principal Gentlemen of Quality of his whole Kingdom were, for the Time of this their Service, lodged and abiding) did so much increase, that his Majesty, without extreme Peril to the Lives of his good*

good Subjects, which were dear unto him, could not continue the Parliament any longer in that Place. An. 2. Charles I. 1626.

His Majesty therefore, on the eleventh Day of July *then following, adjourned the Parliament from* West-minster, *until the first Day of* August *then following, at the City of* Oxford: *And his Majesty was so careful to accomodate his Lords and Commons there, that as he made Choice of that Place, being then the freest of all others from the Danger of that grievous Sickness; so he there fitted the Parliament-Men with all Things convenient for their Entertainment: And his Majesty himself, being in his own Heart sincere, and free from all Ends upon his People, which the Searcher of Hearts best knoweth, he little expected, that any Misconstruction of his Actions would have been made as he there found. But when the Parliament had been a while assembled, and his Majesty's Affairs opened unto them, and a further Supply desired, as Necessity required; he found them so slow, and so full of Delays and Diversions in their Resolutions, that before any Thing could be determined, the fearful Contagion daily increased, and was dispersed into all Parts of this Kingdom; and came home even to their Doors where they assembled. His Majesty therefore, rather preferred the Safety of his People from that present and visible Danger, than provided for that which was more remote, but no less dangerous to the State of this Kingdom, and of the Affairs of that Part of Christendom, which then were, and yet are in Friendship and Alliance with his Majesty. And thereupon, his Majesty, not being then able to discern when it might please God to stay his Hand of Visitation, nor what Place might be more secure than other, nor what Time convenient for their reassembling, dissolved that Parliament.*

That Parliament being now ended, his Majesty did not therewith cast off his Royal Care of his great and important Affairs; but, by the Advice of his Privy Council, and of his Council of War, he continued his Preparations, and former Resolutions; and therein not only expended those Monies, which, by the two Sub-

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Subsidies aforesaid, were given unto him for his own private Use, whereof he had too much Occasion as he found the State of his Exchequer at his first Entrance; but added much more of his own, as by his Credit, and the Credit of some of his Servants, he was able to compass the same. At last, by much Disadvantage, by the retarding of Provisions, and Uncertainty of the Means, his Navy was prepared and set to Sea; and the Designs unto which they were sent and specially directed, were so probable, and so well advised, that, had they not miscarried in the Execution, his Majesty is well assured they would have given good Satisfaction, not only to his own People, but to all the World, that they were not lightly or unadvisedly undertaken and pursued: But it pleased God, who is the Lord of Hosts, and unto whose Providence and good Pleasure his Majesty doth, and shall submit himself, and all his Endeavours, not to give that Success which was desired: And yet were those Attempts not altogether so fruitless as the Envy of the Times hath apprehended, the Enemy receiving thereby no small Loss, nor our Party no little Advantage. And it would much avail to further his Majesty's great Affairs, and the Peace of Christendom, which ought to be the true End of all Hostility, were these first Beginnings, which are most subject to miscarry, well seconded and pursued, as his Majesty intended; and as, in the Judgment of all Men conversant in Actions of this Nature, were fit not to have been neglected.

These Things being thus acted, and God, of his infinite Goodness, beyond Expectation, assuaging the Rage of the Pestilence, and, in a Manner, of a sudden restoring Health and Safety to the Cities of London *and* Westminster, *which are the fittest Places for the Resort of his Majesty, his Lords and Commons, to meet in Parliament, his Majesty, in the Depth of Winter, no sooner descried the Probability of a safe assembling of his People, and, in his princely Wisdom and Providence, foresaw, that if the Opportunity of Seasons should be omitted, Preparations, both defensive and offensive could not be made in such Sort as was requisite*

quisite for their common Safety, but he advised and resolved of the summoning of a new Parliament; where he might freely communicate the Necessities of the State, and have the Counsel and Advice of the Lords and Commons in Parliament, who were the Representative Body of the whole Kingdom; and that this great Council of the Realm, might proceed in those Enterprizes, and be enabled thereunto, which concern the common Good, Safety, and Honour both of Prince and People; and accordingly, the sixth of February *last, a new Parliament was begun. At the first Meeting his Majesty did forbear to press them with any Thing which might have the least Appearance of his own Interest; but recommended unto them the Care of making good Laws, which are the ordinary Subject for a Parliament.*

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His Majesty believing that they could not have suffered many Days, much less many Weeks, to have passed by, before the Apprehension and Care of the common Safety of this Kingdom, and the true Religion profess'd and maintained therein, and of our Friends and Allies who must prosper or suffer with us, would have led them to a due and timely Consideration of all the Means which might best conduce to those Ends; which the Lords of the Higher House, by a Committee of that House, did timely and seasonably consider of, and invited the Commons to a Conference concerning that great Business: At which Conference there were opened unto them the great Occasions which pressed his Majesty; which making no Impression with them, his Majesty did, first by Message, and after by Letters, put the House of Commons in mind of that which was most necessary, the Defence of the Kingdom, with due and timely Preparations for the same.

The Commons House, after this, upon the 27th of March *last, with one unanimous Consent at first, agreed to give unto his Majesty* three entire Subsidies, *and* three Fifteens, *for a present Supply unto him; and, upon the 26th of* April *after, upon second Cogitations, they added a* Fourth Subsidy; *and ordered the Days of Payment for them all, whereof the first*

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should have been on the last Day of this present June. *Upon this the King of* Denmark, *and other Princes and States, being engaged with his Majesty in the common Cause, his Majesty fitted his Occasions according to the Times which were appointed for the Payment of those* Subsidies *and* Fifteens; *and hasted to the Lords Committes, and his Council of War, to perfect their Resolutions for the ordering and settling of his Designs; which they accordingly did, and brought them to that Maturity, that they found no Impediment to a final Conclusion of their Counsels, but want of Money to put Things into Action. His Majesty hereupon, who had, with much Patience, expected the real Performance of that which the Commons had promised; finding the Time of the Year posting away, and having Intelligence not only from his own Ministers and Subjects in foreign Parts, but from all Parts of* Christendom, *of the great and powerful Preparations of the King of* Spain, *and that his Design was upon this Kingdom, or the Kingdom of* Ireland, *or both, (and it is hard to determine which of them would be of worst Consequence) he acquainted the House of Commons therewith; and laid open unto them truly and clearly, how the State of Things then stood, and yet stand, and at several Times, and upon several Occasions, reiterated the same: But that House, (being abused by the violent and ill-advised Passions of a few Members of the House, for private and personal Ends, ill-beseeming public Persons trusted by their Country, as then they were) not only neglected, but wilfully refused to hearken to all the gentle Admonitions which his Majesty could give them; and neither did nor would intend any Thing, but the Prosecution of one of the Peers of this Realm, and that in such a disordered Manner, as being set at their own Instance into a legal Way, wherein the Proofs on either Part would have ruled the Cause, which his Majesty allowed, they were not therewith content; but, in their intemperate Passions, and Desires to seek for Errors in another, fell into a greater Error themselves; and not only neglected to give just Satisfaction to his Majesty*

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in several Cases which happened concerning his Regality, but wholly forgot their Engagements to his Majesty for the public Defence of the Realm: Whereupon his Majesty wrote the forementioned Letter to the Speaker, dated the 9th Day of June, 1626. An. 2. Charles I. 1626.

Notwithstanding which Letter read in the House, being a clear and gracious Manifestation of his Majesty's Resolutions, they never so much as admitted one Reading to the Bill of Subsidies; *but, instead thereof, they prepared and voted a Remonstrance or Declaration, which they intended to prefer to his Majesty, containing, (tho' palliated with glossing Terms) as well many dishonourable Aspersions upon his Majesty, and upon the Sacred Memory of his deceased Father, as also dilatory Excuses for their not proceeding with the Subsidies, adding thereto also coloured Conditions, crossing thereby his Majesty's Direction; which his Majesty understanding, and esteeming it, as he had Cause, to be a Denial of the promised Supply; and finding that no Admonitions could move, no Reasons or Persuasions could prevail, (when the Time was so far spent that they had put an Impossibility upon themselves to perform their Promises, and when they esteem'd all gracious Messages unto them to be but Interruptions) his Majesty, upon mature Advisement, discerning that all further Patience would prove fruitless, did, on the fifteenth Day of this present* June, *dissolve this unhappy Parliament; the acting whereof, as it was to his Majesty an unexpressible Grief, so the Memory thereof doth renew the hearty Sorrow, which all his good and well-affected Subjects will compassionate with him. These Passages his Majesty hath at the more Length, and with the true Circumstances thereof, expressed and published to the World, lest that, which hath been unfortunate in itself, thro' the Malice of the Authors of so great a Mischief, and the malevolent Report of such as are ill-affected to the State, or the true Religion here professed, or the Fears or Jealousies of Friends and dutiful Subjects, might be made more unfortunate in the Consequences of it; which may be of worse Effect than at first can be well apprehended: And his Majesty being best privy to the Integrity of his*

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own Heart, for the constant maintaining of the Sincerity and Unity of the true Religion professed in the Church of England, *and to free it from the open Contagion of* Popery, *and secret Infection of* Schism; *of both which, by his public Acts and Actions, he hath given good Testimony, and with a single Heart, as in the Presence of God, who can best judge thereof, purposeth resolutely and constantly to proceed in the due Execution of either; and observing the Subtilty of the adverse Party, he cannot but believe the Hand of* Joab *hath been in this Disaster; that the common Incendiaries of* Christendom *have subtilly and secretly insinuated those Things, which unhappily (and, as his Majesty hopeth, beyond the Intentions of the Actors) have caused these Diversions and Distractions; and yet notwithstanding, his Most Excellent Majesty, for the Comfort of his good and well-affected Subjects, in whose Loves he doth repose himself with Confidence, and esteemeth it as his greatest Riches; for the assuring of his Friends and Allies, with whom, by God's Assistance, he will not break, in the Substance of what he hath undertaken; for the discouraging of his Adversaries, and the Adversaries of his Cause, and of his Dominions and Religion; hath put on this Resolution, which he doth hereby publish to all the World: That as God hath made him King of this great People, and large Dominions, famous in former Ages both by Land and Sea, and trusted him to be a Father and Protector both of their Persons and Fortunes, and a Defender of the Faith and true Religion, so he will go on cheerfully and constantly in the Defence thereof; and, notwithstanding so many Difficulties and Discouragements, will take his Sword and Sceptre into his Hand, and not expose the Persons of the People committed to his Charge to the unsatiable Desires of the King of* Spain, *who hath long thirsted after the Universal Monarchy, nor their Consciences to the Yoke of the* Pope *of* Rome: *And that at home he will take that Care to redress the just Grievances of his good Subjects, as shall be every Way fit for a good King.*

And in the mean Time his Majesty doth publish this to all his loving Subjects, that they may know what

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to think with Truth, and speak with Duty, of his Majesty's Actions and Proceedings in these two last dissolved Parliaments. An. 2 Charles I. 1626.

The intended REMONSTRANCE *of the* COMMONS.

Most Gracious Sovereign,

'WE your loyal and faithful Subjects, the Commons assembled by your Majesty's most Royal Authority in this present Parliament, having, with all dutiful Affection, from the Time of our first Meeting, earnestly endeavoured to proceed speedily in those Affairs, that might best and soonest conduce to our Dispatch of the intended Supply of your Majesty's great Designs, to the Enlargement of your Support, and to the enabling of ourselves, and them whom we represent, to the full and timely Performance of the same; have notwithstanding, by reason of divers Misinformations, Interruptions, and other Preventions, been hitherto so retarded in the Prosecution of these Affairs, that we now thought it a necessary Part of our most humble Duties thus to declare both those Interruptions and Preventions, with the true, original, and continual Cause of them; as also, our most earnest Devotion to the parliamentary Service of your most Excellent Majesty, and to the careful Safety and Defence of your Dominions, Crown and Dignity: And we most humbly, therefore, beseech your most Excellent Majesty, to be graciously pleased here to cast your Eye on some Particulars, that have Relation, as well to your first Parliament, as to this; out of which we cannot doubt, but that your great Goodness may receive an ample Satisfaction touching our most loyal and faithful Intentions.

The Commons Remonstrance, in Vindication of their Proceedings.

'In the first Parliament of the first Year of your Majesty's most happy Reign over us, the Commons then assembled, after they had chearfully presented to your Majesty, as the first Fruits of their Affections, two entire Subsidies,

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'were exceedingly pressed by the Means of the 'Duke of *Buckingham*, and for his own Ends, as 'we conceive, to enlarge that Supply; which 'when he conceived would not be there effected, 'he procured, for the same Ends, from your Ma'jesty, an Adjournment of the Parliament to the 'City of *Oxford*; where the Commons, then 'taking into just Consideration, the great Mis'chiefs which this Kingdom variously hath suffer'ed, and that chiefly by reason of the exorbitant 'Power, and frequent Misdoings of the said Duke, 'were entering into a parliamentary Course of 'Examination of those Mischiefs, Power, and 'Misdoings: But no sooner was there any Men'tion made of his Name to this Purpose, but that 'he, fearing lest his Actions might so have been 'too much laid open to the View of your most 'Excellent Majesty, and to the just Censure that 'might then have followed; presently, through 'his Misinformations to your Majesty, of the In'tentions of your said Commons, (as we have 'just Cause to believe) procured a Dissolution of 'the said Parliament: And afterwards, also, in 'the same Year, through divers Misreports made 'to your Majesty in his Behalf, touching some 'Members of the said Commons, who had more 'particularly drawn his Name into just Question, 'and justly professed themselves averse to his Ends 'there, procured, as we cannot but conceive, the 'said Members to be made Sheriffs of several Coun'ties for this Year that followed (*b*); to the end 'that they might have all been precluded from 'being chosen Members of the present Parliament, 'lest they should again have there questioned him; 'and, by the like Practice also, (as we are per'suaded) he procured, soon after the said Dissolu'tion, another (*c*) Member of the said House, be'cause he had justly professed himself against his 'Ends, to be sent as Secretary of your Majesty's 'last

(*b*) Sir *Edward Coke*, and others. See Vol. VI. P. 422.

(*c*) Mr. *Glanvile*, one of the Managers of the Charge against the Duke. See P. 71.

'last Fleet, hereby indeed to punish him, by such drawing him from his Practice of the Law, which was his Profession, under Colour of an honourable Employment. An. 2. Charles I. 1626.

'It pleased your Majesty afterwards, in *February* last, to call this present Parliament; wherein, though none of those, whom the said Duke had so procured to be made High Sheriffs, have sate as Members; yet we (finding in ourselves the like Affection, first, to the Service of your Majesty, and next, to the Good of the Commonwealth) took into serious Consideration several Propositions; how, for the Safety and Happiness of your Majesty's Kingdoms and Allies, we might enlarge your Supports, and add to the military Strength without Charge to the poorer Sort of your Subjects; and give a larger Supply to your Majesty, for your instant and pressing Occasions, than hath ever yet, but once, been given in Parliament: Whereupon, for the enabling of ourselves, and those whom we represent, we conceive it, first, necessary to search into the Causes of those Mischiefs, which this your Kingdom suffereth, and divers of the Grievances that over-burden your Subjects; without doing of which, we could neither be faithful to your Majesty, nor to the Country that doth trust and employ us; as your Royal Father also, of blessed Memory, admonished the House of Commons in the fourth Session of his first Parliament (*d*). In this Consideration we found, that the most pressive and comprehensive Mischief that we suffered, was fundamentally settled in the vast Power and enormous Actions of the said Duke; being such, that by reason of his Plurality of Offices, all gotten by Ambition, and some for Money, expressly against the Laws of your Realm; his Breach of Trust in not guarding the Seas; his high Injustice in the Admiralty; his Extortion; his delivering over the Ships of this Kingdom into the Hands of a foreign Prince; 'his

(*d*) See Vol. V. P. 157.

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'his procuring the compulsory buying of Honours for his own Gain; his unexampled exhausting of the Treasures and Revenues of the Kingdom; his transcendent Presumption in that unhappy applying of Physick to your Royal Father of blessed Memory, a few Days before his Death; and some other his Offences carefully and maturely examined by us: We made a parliamentary Charge of the same Matters and Offences against him to the Lords, then by your Majesty assembled in Parliament; there expecting some Remedy by a speedy Proceeding against him: But, may it please your most Excellent Majesty, not only during the Time of our Examination of the Matters and Offences of the same Charge, we were diversly interrupted and diverted by Messages procured, through Misinformation, from your Majesty, which, with most humble Duty and Reverence, we did ever receive. Whence it first fell out, that so not only much Time was spent amongst us, before the same Charge was perfected; but also, within two Days next after the same Charge was transmitted by us to the Lords, upon untrue and malicious Misinformations, privately, and against the Privilege of Parliaments, given to your Majesty, of certain Words supposed to have been spoken by Sir *Dudley Diggs* and Sir *John Elliot*, Knts, (two of the Members of our House, in their Service of the transmitting of the said Charge, both of them having been especially employed in the Chairs of Committees with us, about the Examination of the said Matters and Offences) they were both, by your Majesty's Command, committed to close Imprisonment in the Tower of *London*, their Lodgings presently searched, and their Papers, there found, presently taken away; by reason whereof, not only our known Privileges of Parliament were infringed, but we ourselves, that upon full Hope of speedy Course of Justice against the said Duke, were preparing

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'with all dutiful Affection to proceed to the Dis- An. 2. Charles I. 1626.
'patch of the Supply, and other Services to your
'Majesty, were wholly, as the Course and Privi-
'lege of Parliament bind us, diverted for divers
'Days, to the taking into sole Consideration some
'Courses for the Ratifying and Preservation of the
'Privileges so infringed: And we think it our Du-
'ties, most Gracious Sovereign, most rightly to
'inform hereby your most excellent Majesty, of
'the Course held in the Commitment of the two
'Members; for whereas, by your Majesty's
'Warrant to your Messengers for the arresting
'them, you were pleased to command that they
'should repair to their Lodgings, and there take
'them; your Majesty's principal Secretary, the
'Lord *Conway*, gave the said Messengers, as they
'affirmed, an express Command, contrary to
'the said Warrants, that they should not go to
'their Lodgings, but to the House of Commons,
'and there take them; and if they found them
'not there, they should stay until they were come
'into the House, and apprehend them wherefo-
'ever else they should find them: Which, be-
'sides that it is contrary to your Majesty's Com-
'mand, is an apparent Testimony of some mis-
'chievous Intention there had against the whole
'House of Commons, and against the Service in-
'tended to your Majesty: All which, with the
'several Interruptions that preceded it, and the
'Misinformation that hath caused all of them, we
'cannot doubt but that they were wrought and
'procured by the Duke, to his own Behoof, and
'for his Advantage; especially, because the said
'Interruptions have, through Misinformation,
'come amongst us, only at such Times wherein
'we have had the Matters and Offences charged
'against him in Agitation; but your Majesty,
'out of your great Goodness and Justice, being
'afterwards informed truly of our Privilege, and
'the Demerit of the Cause that concerned our said
'two Members, graciously commanded the De-
'livery

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'livery of them out of the Tower, for which we 'render unto your Majesty most humble Thanks. 'And we were then again, by reason of our Hopes 'of the Dispatch of Proceedings with the Lords, upon our Charge against him the said Duke, in a 'cheerful Purpose to go on with the Matter of 'Supply, and other Services to your Majesty; 'when again these Hopes failed in us, by reason 'of some new Exorbitancies now lately shewed 'in the Exercise of his so great Power and Ambition: For by such his great Power and Ambition, notwithstanding our Declaration against him 'for his so great Plurality of Offices, he also procured to himself, by the Solicitation of his Agents, and of such as depended upon him, the 'Office of Chancellor of the University of *Cambridge*; whereas the same University, having 'two Burgesses in Parliament, did, by the same 'Burgesses, a few Weeks before, consent with us 'in the Charge against him for his Ambition for 'procuring such a Plurality of Offices; yet such 'was his Ambition to sue for it; such was his Power 'to make them give it him, contrary to what 'themselves had agreed in Parliament with all the 'Commons of *England*: And he procured also 'the same Office, by the special Labours and Endeavours, as we are informed, of a factious Party, who adhere to that dangerous Innovation 'of Religion, published in the seditious Writings 'of one *Richard Montague*, Clerk; of whom it 'is thence, and heretofore, upon other Reasons, 'also been conceived, that the said Duke is, 'and long hath been, an Abettor and Protector.

'These Actions of the said Duke have thus 'hindred the Service of your Majesty among us, 'by reason both of the Interruptions that have so 'necessarily accompanied them, and of the Prevention of our Chearfulness, which otherwise 'had long since been most effectually shewed in 'us; who have nothing else in our Cares, next

'to

'to our Duty to God, but the loyal Ser- An. 2. Charles I. 1626.
'vice of your Majesty, the Safety of your King-
'dom, and the Subsistence of ourselves and those
'whom we represent, for the Continuance of that
'Service and Safety, which we cannot now hope
'for: And we beseech your most Excellent Majesty,
'graciously to receive this our humble and free
'Protestation, That we cannot hope for it, so
'long as we thus suffer under the Pressures of the
'Power and Ambition of the said Duke, and the
'divers and false Informations so given to your
'Majesty on his Behalf, and for his Advantage;
'especially, when we observe also, that in such
'his Greatness, he preventeth the giving of true
'Information to your Majesty, in all Things that
'may any Ways reflect to his own Misdoings; or
'shew unto your Majesty the true State of your
'Subjects and Kingdoms, otherwise than as it may
'be represented for his own Ends: And to that
'Purpose also hath he procured so many Persons
'depending on him, either by Alliance or Ad-
'vancement to Places of Eminency near your Sa-
'cred Person. Through his Misinformations of
'that Kind also, and Power, we have seen, to
'our great Grief, both in the Time of your Ma-
'jesty's Royal Father of blessed Memory, and of
'your Majesty, divers Officers of the Kingdom
'so often by him displaced and altered, that with-
'in these few Years past, since the Beginning of
'his Greatness, more such Displacings and Alte-
'rations have, by his Means, happened, than in
'many Years before them: Neither was there in
'the Time of your late Royal Father of bles-
'sed Memory, any such Course held, before it
'was by the Practice of the said Duke thus
'induced; and since that Time, divers Offi-
'cers of the Crown, not only in this your King-
'dom of *England*, but also in *Ireland*, as they
'have been made Friends or adverse to the said
'Duke, have been either so commended, or mis-
'represented by him to his Sovereign; and by his
Procure-

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'Procurement so placed, or displaced; that he hath 'always herein, as much as in him lay, made his 'own Ends and Advantage the Measure of the 'Good or Ill of your Majesty's Kingdoms.

'But now at length, may it please your most 'Excellent Majesty, we have received from the 'Lords a Copy of the said Duke's Answer to our 'Charge transmitted against him; whereunto we 'shall presently in such Sort reply, according to 'the Laws of Parliament, that unless his Power 'and Practice again undermine our Proceedings, 'we do not doubt but we shall, upon the same, 'have Judgment against him.

'In the Times also, most Gracious Sovereign, 'of these Interruptions which came amongst us, 'by reason of the Procurement of two of our 'Members committed; a gracious Message was 'formerly received from your Majesty, wherein 'you had been pleased to let us know, That if you 'had not a timely Supply, your Majesty would 'betake your self to new Counsels; which, we 'could not doubt, were intended by your most Ex-'cellent Majesty to be such as stood with Justice 'and the Laws of this Realm: But these Words, '*New Counsels*, were remembered in a Speech 'made amongst us by one of your Majesty's Privy 'Counsel, lately a Member of us, who, in the 'same Speech, told us *(e)*, He had often thought 'of those Words, *New Counsels*; that in his Con-'sideration of them, he remembered that there 'were such Kinds of Parliaments antiently among 'other Nations, as are now in *England*; that in '*England*, he saw the Country-People live in 'Happiness and Plenty, but in these other Nati-'ons he saw them poor both in Persons and Ha-'bit; or to that Effect: Which State and Con-'dition happened, as he said, to them, where 'such *New Counsels* were taken, as that the Use 'of their Parliaments ended.

'This Intimation, may it please your Majesty, 'was such, as also gave us just Cause to fear there 'were

(e) Sir *Dudley Carleton*. See before, P. 160.

'were some ill Ministers near your Majesty, that 'in Behalf of the said Duke, and together with 'him, who is so strangely powerful, were so much 'against the Parliamentary Course of this King-'dom; as they might, perhaps, advise your most ex-'cellent Majesty to such *new Counsels* as these, that 'fell under the Memory and Consideration of that 'Privy-Counsellor. And one especial Reason a-'mong others hath increased that Fear among 'us, for that whereas the Subsidies of *Tonnage* and '*Poundage*, did determine upon the Death of 'your most Royal Father, our late Sovereign, and 'were never payable to any of your Majesty's An-'cestors, but only by a special Act of Parliament, 'and ought not to be levied without such an Act; 'yet, ever since the Beginning of your Majesty's 'happy Reign over us, the said Subsidies have been 'levied by some of your Majesty's Ministers, as 'if they were still due; although also one Parlia-'ment hath been since then begun, and dissolved 'by Procurement of the said Duke, as is before 'shewed, wherein no Act passed for the same Sub-'sidies. Which Example is so much against the 'constant Use of former Times, and the known 'Right and Liberty of your Subjects, that it is an 'apparent Effect of some *new Counsels* given a-'gainst the antient settled Course of Government 'of this your Majesty's Kingdom, and chiefly a-'gainst the Right of your Commons, as if there 'might be any Subsidy, Tax, or Aid levied upon 'them, without their Consent in Parliament, or 'contrary to the settled Laws of this Kingdom. 'But if any such do so ill an Office, as, by the 'Mis-representation of the State and Right of 'your Majesty's loyal Subjects, to advise any such '*new Counsels* as the levying of any Aid, Tax, 'or Subsidy, among your People, contrary to the 'settled Laws of your Kingdom, we cannot, most 'gracious Sovereign, but esteem them that shall so 'advise, not only as Vipers, but Pests to their 'King and Common-Wealth, (as all such were

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'to both Houses of Parliament expressly styled by 'your most Royal Father) but also Capital Ene-'mies, as well to your Crown and Dignity, as to 'the Common-Wealth. And we shall, for our 'Parts, in Parliament, shew as Occasion shall re-'quire; and be ready to declare their Offences of 'this kind such, as that they may be rewarded with 'the highest Punishment, as your Laws inflict on 'any Offenders.

'These, and some of these Things, amongst 'many other, most gracious Sovereign, are those 'which have so much prevented a right Under-'standing between your Majesty and us; and 'which have possessed the Hearts of your People 'and loyal Commons with unspeakable Sorrow 'and Grief; finding apparently all humble and 'hearty Endeavours misinterpreted, hindred, and 'now, at last, almost frustrated utterly, by the 'Interposition of the excessive and abusive Power 'of one Man; against whom we have just Cause 'to protest, not only in regard of the Particulars 'wherewith he hath been charged, (which Parlia-'mentary Way we are enforced to insist upon, as 'Matters which lie in our Notice and Proof) but 'also, because we apprehend him of so unbridled 'Ambition, and so averse to the Good and Tran-'quility of the Church and State, that we verily 'believe him to be an Enemy to both: And there-'fore, unless we would betray our own Duties to 'your Majesty, and those by whom we are 'trusted, we cannot but express our infinite Grief, 'that he should have so great Power and Interest 'in your Princely Affections; and under your Ma-'jesty wholly, in a manner, to engross to himself 'the Administration of your Affairs of the King-'dom, which, by that Means, is drawn into a 'Condition most miserable and hazardous.

'Give us then Leave, most dear Sovereign, in 'the Name of all the Commons of this your 'Kingdom, prostrate at the Feet of your Sacred 'Majesty, most humbly to beseech you, even for

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'the Honour of Almighty God, whose Religion 'is directly undermined by the Practice of that 'Party whom this Duke supports: For your Ho-'nour, which will be much advanced in the re-'lieving of your People in this their great and ge-'neral Grievance: For the Honour, Safety and 'Welfare of your Kingdom, which, by this 'Means, is threatned with almost unavoidable 'Dangers: And for the Love which your Maje-'sty, as a good and loving Father, bears unto your 'good People, (by whom, we profess in the Pre-'sence of Almighty God, the Searcher of all 'Hearts, you are as highly esteemed and beloved, 'as ever any of your Predecessors were) that you 'would be graciously pleased to remove this Per-'son from Access to your Sacred Presence; and that 'you would not ballance this one Man with all 'these Things, and with the Affairs of the Chri-'stian World; which do all suffer, so far as they 'have Relation to this Kingdom, chiefly by his 'Means. For we protest to your Majesty, and 'to the whole World, That untill this great Per-'son be removed from intermeddling with the 'great Affairs of State, we are out of Hope of 'any good Success; and do fear, that any Money 'we shall or can give, will, through his Misem-'ployment, be turned rather to the Hurt and Pre-'judice of this your Kingdom, than otherwise; 'as by lamentable Experience we have found, in 'those large Supplies formerly and lately given.

'But no sooner shall we receive Redress and 'Relief in this, (which, of all others, is our most 'insupportable Grievance) but we shall forthwith 'proceed to accomplish your Majesty's own De-'sire, for Supply; and likewise, with all Cheerful-'ness, apply ourselves to the perfecting of divers 'other great Things, such as we think no one 'Parliament in one Age can parallel, tending 'to the Stability, Wealth, Strength, and Ho-'nour of this your Kingdom, and the Support of

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'your

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'your Friends and Allies abroad: And we doubt 'not but through God's Bleſſing, as you are the 'beſt, ſo ſhall you ever be the beſt-beloved, and 'greateſt Monarch, that ever ſat on the Royal 'Throne of this famous Kingdom.'

Soon after the King publiſhed a Proclamation, taking Notice of the foregoing *Remonſtrance*, intended to have been preſented to him; 'Wherein, he ſaid, were many Things contain'd to the Diſhonour of himſelf, and his Royal Father of bleſſed Memory; and whereby, thro' the Sides of a Peer of this Realm, they wound their Sovereign's Honour: As alſo, that ſome Members of that Houſe, ill-affected to his Service, to vent their own Paſſions againſt that Peer, and to prepoſſeſs the World with an ill Opinion of him, before his Cauſe was heard in a judicial Way, had, before-hand, ſcattered Copies of that intended *Declaration*, thereby to detract from their Sovereign: Wherefore his Majeſty, for the ſuppreſſing of this inſufferable Wrong to himſelf, doth command, upon Pain of his Indignation and high Diſpleaſure, all Perſons of whatſoever Quality, who have, or ſhall have hereafter, any Copies or Notes of the ſaid *Remonſtrance*, or ſhall come to the View thereof, forthwith to burn the ſame; that the Memory thereof may be utterly aboliſhed, and never give Occaſion to his Majeſty to renew the Remembrance of that, which, out of his Grace and Goodneſs, he would gladly forget.'

A Proclamation for burning the foregoing Remonſtrance.

Whoever ſteer'd the Helm of Government, in *England*, at this Period, and ſome Time after, muſt be allowed to have guided it very ill. Theſe ſudden and frequent Diſſolutions of Parliaments, before they had concluded any Acts for the Good of the Public, being ſtrong Inſtances of it (*f*). The Noble

(*f*) In the *Lords Journals* is a Catalogue of 36 Acts, public and private, which had paſſed both Houſes, and lay ready for the Royal Aſſent this Parliament.

The Earl of *Clarendon* writes *(g)*, 'That the abrupt and unkind breaking up of the two last Parliaments, was wholly imputed to the Duke of *Buckingham*; and, of the next, principally to the Lord *Weston*, then Lord High Treasurer of *England*; at a Time when some Charges and Accusations were preparing, and ready to be preferred against those two great Persons.' For the Characters of these two eminent Ministers we refer to the said Noble Historian; the former, thro' his rash and precipitate Counsels to his Sovereign, was, from the greatest Height of popular Esteem that any Man ever ascended to, (insomuch that even Sir *Edward Coke*, blasphemously enough, call'd him *our Saviour*; and, in the first Parliament of this Reign, he was so much cried up as the Ornament and Honour of the Nation, that it was almost put to the Question, *What shall be done unto him whom the Houses will honour?*) by the same Breath, in a very small Time, blown down to the Depths of Calumny and Reproach.

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Deprived of any Parliamentary Aids, through the late Dissolution; the Court fell upon such Projects, as had been practised in like Cases, for raising Money without them. By an Order of Council, it was declared, That all Customs, Duties and Imposts on all Goods and Merchandizes exported and imported, which, for many Ages had been continued, and esteemed a principal and necessary Part of the Revenue of the Crown, should be levied and paid. Nevertheless, it was intended to have this settled by Parliament, as it had been, from Time to Time, for many Royal Successions; but the Dissolution of the last prevented it, before the Matters therein treated of could be brought to Perfection. Therefore, an Instrument was to pass, under the Great Seal, to authorize these Levies, until, as in former Times, it might receive an absolute Settlement by Parliament.

Projects for raising Money, by Loans, Benevolences, &c.

(g) *Lord* Clarendon's *History of the Rebellion*, Folio Edit. *Oxford*, 1702. Vol. I. P. 6.

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The Forfeitures, also, arising to the Crown by the Execution of the Laws against *Jesuits*, *Priests*, and *Popish Recusants*, were dedicated to the pressing Necessities of the State. A Proclamation was published, declaring the King's Resolution to make his Revenue certain; by granting his Lands, as well Copyhold as otherwise, to be holden in Fee-Farm. The King sent to the Nobility to acquaint them, That, according to the Customs of former Times, upon pressing Occasions, the Crown had ever had Recourse to raise Contributions on the Subject; and therefore he now expected from them such a large and cheerful Testimony of their Loyalty, as might be acceptable to himself and exemplary to his People.

From the City of *London* the King demanded a Loan of 100,000 l. which, all Excuses set aside, was ordered by the Council to be complied with. And, all the Sea-port Towns being ordered to fit out Ships for the guarding of their own Coasts, the City was appointed to set forth twenty of the best Ships that lay in the River; with all Manner of Tackle, Sea Stores and Ammunition, mann'd and victualled for three Months. There were likewise *Privy-Seals* issued to divers Persons; to others, the old Way of *Benevolence* was proposed.

The late Parliament had agreed to give the King *four Subsidies* and *three Fifteenths*; which was as much as the Court demanded. But then this Grant moved on so heavily, the Commons having tagg'd many Grievances to it, that the Slowness of the Gift was the Occasion of its never being taken. To prevent Misunderstandings, it was declared to the Country, That the Supplies, now asked, were not the *Subsidies* and *Fifteens*, intended to be given by Parliament; but merely a free Gift from the Subject to the Sovereign, upon such weighty and pressing Occasions of State. In this, Mr. *Rushworth* is more candid, in regard to taxing the Government with unlawful Dealings, than even Lord *Clarendon* himself; for the latter expressly says, 'That

' the *five Subsidies*, as he calls them, were ex- An. 2 Charles I. 1626.
'roughout the whole Kingdom with the
'r, as if, in Truth, an Act had passed
'ose.' Whereas the *Collector* only
' the Justices of Peace, in the dif-
.., were directed by the Privy-Coun-
. for Persons able to give; and to deal
., singly, by using the most prevailing
.ons (*h*).'

' yet this Loan did by no means pass current
ough the Kingdom; on the contrary, it bred a
eat deal of Disturbance; and laid the Foundation for more Grievances to be complained of next Parliament. Several Persons, and some of good Rank and Quality, refused to subscribe to it; these, in their several Counties, were bound over, by Recognizance, to make their Appearance at the Council-Table; from whence, divers of them were committed to different Prisons, not in their own, but in distant Counties: The Names of many of these Gentlemen are in the *Collections*; and are too remarkable to be slightly pass'd over (*i*).

Sir *Thomas Wentworth*, (afterwards Earl of *Strafford*,) and *George Ratcliffe*, Esq; (afterwards Sir *George*) *Yorkshire* Gentlemen, were sent for by Messengers, and removed out of the County of *York* into *Kent*. Names of Persons committed to Prison for refusing the Loan.

Sir *Walter Earl* and Sir *John Strangeways*, *Dorsetshire* Men, were confin'd in *Bedfordshire*.

Sir *Thomas Grantham*, and others of *Lincolnshire*, in *Dorsetshire*.

Sir *John Heveningham*, and others of *Suffolk*, into *Somersetshire*.

Richard Knightley, Esq; and others of *Northampshire*, into the Counties of *Southampton* and *Wiltshire*.

Sir *Nathaniel Barnardiston*, of *Suffolk*, and *William Coriton*, Esq; of *Cornwall*, in *Sussex*.

Sir *Harbottle Grimstone* of *Essex*, and Sir *Robert Pointz*, were secured in *Northamptonshire*.

(*h*) *Rushworth* Vol. I. p. 416.
(*i*) *Ibid.* p. 428.

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John Hampden, Esq; and others of the County of *Bucks*, were secured in *Hampshire:* And the like Course was taken with the Gentry of other Counties, who refused the Loan.

The Council also ordered, that all those refractory Persons before named (for so they are called in the Order) who are appointed, by his Majesty's Command, to their several Commitments, shall presently obey the Order of the Board sent with their Messenger in that Behalf, or be committed close Prisoners; any Pretence of Inability, Want of Conveniency, or other Excuse whatsoever notwithstanding.

Many of those Gentlemen were afterwards sent for by Pursuivants, out of those Counties where they had been confined by Order of the Council, and committed to several Prisons; some to the *Fleet*, some to the *Marshalsey* and *Gatehouse*, and others remained in Custody of the Messengers: And from the latter Sir *John Elliot*, who had render'd himself so remarkable, as a Manager against the Duke of *Buckingham* (*k*), sent the following Petition to his Majesty.

To the KING'*s most Excellent* MAJESTY.

The Humble PETITION *of Sir* JOHN ELLIOT, *Knt. Prisoner in the* Gatehouse, *concerning the* Loan,

Sheweth,

Sir John Elliot's Petition, from the Gatehouse, on that Account.

'THAT your poor Suppliant, affected with Sorrow and Unhappiness, through the long Sense of your Majesty's Displeasure; willing, in every Act of Duty and Obedience, to satisfy your Majesty of the Loyalty of his Heart, than which he hath nothing more desired; and that there may not remain a Jealousie in your Royal Breast, that any Stubbornness of Will hath been the Motive of his forbearing to condescend to the said Loan; low at your Highness's Foot, with a sad yet a faithful Heart, for an Apology to

(*k*) See before p. 152.

'to your Clemency and Grace, he now presumes 'to offer up the Reasons that induced him; which 'he conceiveth Necessity of his Duty to Religion, 'to Justice, and to your Majesty did inforce. An. 2. Charles I. 1626.

'The Rule of Justice he takes to be the Law; 'the impartial Arbiter of Government and Obe- 'dience, the Support and Strength of Majesty, the 'Observer of that Justice by which Subjection 'is commanded: This and Religion, added to 'this Power not to be resisted, bind up the Con- 'science in an Obligation to that Rule, which, 'without open Prejudice and Violence of these 'Duties, may not be impeached.

'In this particular, therefore, of the Loan, 'being desirous to be satisfied how far the Obliga- 'tion might extend; and resolving where he was 'left Master of his own, to become Servant to 'your Will, he had Recourse unto the Laws, 'to be informed by them; which, in all Humi- 'lity, he submitteth to your most sacred View, 'in the Collections following.

'In the Time of *Edward* the First, he findeth 'that the Commons of that Age were so tender 'of their Liberties, as they feared even their own 'free Acts and Gifts might turn them to a Bon- 'dage of their Heirs. Wherefore it was desired 'and granted,

'*That for no Business, such Manner of Aids, 'Taxes, nor Prizes, should be taken, but by com- 'mon Assent of the Realm, and for the common Pro- 'fit thereof* (*l*).

'The like was in force by the same King, and 'by two other Laws again enacted:

'*That no Tallage or Aid should be taken or levied, 'without the Good-Will and Assent of the Archbi- 'shops, Bishops, Earls, Barons, Knights, Burgesses, 'and other Freemen of the Land* (*m*).

'And that prudent and magnanimous Prince, '*Edward* III. led by the same Wisdom, having 'granted:

(*l*) See Vol. I. p. 82. (*m*) *Ibid.* p. 107.

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'*That the greatest Gift given in Parliament, for the Aid and Speed of his matchless Undertaking against* France, *should not be had in Example, nor fall to the Prejudice of the Subject in Time to come; did likewise add, in Confirmation of that Right, That they should not from thenceforth be grieved to sustain any Charge or Aid, but by the common Assent, and that in Parliament.*

'And more particularly upon this Point, upon a Petition of the Commons afterwards in Parliament, it was established:

'*That the Loans, which were granted to the King by divers Persons be released; and that none, henceforth, be compelled to make such Loans against their Wills, because it is against Reason, and the Franchises of the Land; and that Restitution be made to such as had paid such Loans* (*n*).

'And by another Act upon a new Occasion, in the Time of *Richard* III. it was ordained:

'*That the Subject in no wise be charged with any such Charge, Exaction, or Imposition called a Benevolence, nor such like Charge; and that such like Exactions be damned and annulled for ever* (*o*).

'Such were the Opinions of those Times, for all these Aids, Benevolences, Loans, and such like Charges, exacted from the Subject not in Parliament; which they held to be Grievances contrary to their Liberties, and illegal: And so pious were their Princes in Confirmation of their Liberties, that having secured them for the present, by such frequent Laws and Statutes, they did likewise by them provide for their Posterity; and in some so strictly, that they bound the Observation with a Curse, as in that of 25. *Edward* I. and also under Pain of Excommunication; which was to be denounced against all those that violate or break them (*p*):—All which Acts extend to us.

'And these Reasons he presents to your Majesty, as the first Motive taken from the Law.

'There

(*n*) Vol. I. P. 278. and 328.
(*o*) Vol. II. P. 397.
(*p*) Vol. I. P. 168.

'There are others alſo, which, in his humble 'Apprehenſion, he conceived from the Action it- 'ſelf, which he likewiſe tenders to your moſt ex- 'cellent Wiſdom. An. 2. Charles I. 1626.

'*Firſt*, That the Carriage and Inſtructions, 'accompanied with the Authority of the Great 'Seal, imported a Conſtraint; ſuch Requeſts to 'Subjects being tacit and implied Commands, and 'ſo preventing that Readineſs and Love, which, 'in a free Way, would have far exceeded thoſe 'Demands; whereas the wonted Aids given to 'your happy Anceſtors were *ex ſpontanea Vo-* '*luntate & Charitate Populi*, whereby they made 'that Conjunction of their Hearts at Home, which 'wrought ſuch Power and Reputation to their 'Acts abroad.

'And whereas the firmeſt Obligation of that Rea- 'dineſs and Love, is the Benignity of Princes, giving 'and preſerving to their People their juſt Rights 'and Liberties; which, to this Kingdom, are de- 'rived from the Clemency and Wiſdom of your 'Progenitors, to whom there is owing a ſacred 'Memory for them: He could not, as he feared, 'without Preſſure to theſe Immunities, become an 'Actor in this Loan; which, by Impriſonment 'and Reſtraint, was urged, contrary to Grants of 'the Great Charter, by ſo many glorious and 'victorious Kings ſo many Times confirmed; be- 'ing therein moſt confident of your Majeſty, that 'never King that reigned over us, had, of his own 'Benignity and Goodneſs, a more pious Diſpoſi- 'tion to preſerve the juſt Liberties of his Subjects, 'than your Sacred Self.

'Though he was well aſſured by your Majeſty's 'Royal Promiſe, whoſe Words he holds as Ora- 'cles of Truth, that it ſhould not become a Pre- 'cedent, during the Happineſs of your Reign; '(the long Continuance whereof is the daily Subject 'of his Prayers,) yet he conceived from thence a 'Fear, that ſucceeding Ages might thereby take Oc- 'caſion for Poſterity to ſtrike at the very Property

'of

2. Charles I. 1626.

'of their Goods, contrary to the Piety and Intention of your Majesty so graciously exprest.

'And these being the true Grounds and Motives of his Forbearance to the said Loan, (shewing such Inconveniences in Reason, and representing it an Act contradicting so many of your Laws, and most of them by the most prudent and happiest of our Princes granted; which could not, without Presumption beyond Pardon in your Supplicant, in taking to himself the Dispensation of those Laws, so piously enacted by them, be violated or impeached, in the least Degree;) in the Fulness of all Submission and Obedience, as the Apology of his Loyalty and Duty, he lowly offers to your most sacred Wisdom, for the Satisfaction of your Majesty: Most humbly praying your Majesty will be, graciously, pleased to take them into your princely Consideration; where when it shall appear, (as he doubts not, but from hence it will to your deep Judgment,) that no factious Humour, nor any Disaffection, led on by Stubbornness of Will, hath herein stirred or moved him; but the just Obligation of his Conscience, which binds him to the Service of your Majesty, in the Observance of your Laws; he is hopeful, presuming upon the Piety and Justice of your Majesty, that your Majesty, according to your innate Clemency and Goodness, will be pleased to restore him to your Favour, and his Liberty; and to afford him the Benefit of those Laws, which, in all Humility, he craves.'

But notwithstanding this most extraordinary Petition, Sir *John Elliot* continued a Prisoner in the *Gate-house*, till the general Order of Discharge came: — Sir *Peter Hayman* also, refusing to part with Loan-Money, was called before the Lords of the Council; who charged him with Refractorineſs, and with an Unwillingness to serve the King; and told him, if he did not pay, he should be put upon Service.

Accord-

Accordingly they commanded him to go into his Majesty's Service into the *Palatinate*: And having first settled his Estate, he undertook and performed the Journey, and afterwards returned into *England*. An. 2. Charles I. 1626.

Notwithstanding the vigorous Opposition to this Method of raising Money by Loans, a considerable Sum was raised, and some Things were done with it, which tended to public Service: Though what Sums these Exactions raised in the Kingdom is not, particularly, mentioned.

The next Year, a large Fleet of Ships was fitted out, and had a numerous Land-Army on Board, designed for a Descent on the Isle of *Rhee* in *France*, under the Conduct of the Duke of *Buckingham*. The bad Success of that Enterprize is too well known to need a Repetition here; and this joined to a general Defeat of the King of *Denmark*'s Army, by Count *Tilly*, near *Luttern* in *Germany*, gave a mortal Stroke to the *Protestant* Cause in those Parts; and rendered the Fate of the *Palatinate* still more desperate. So that, both at Home and Abroad, King *Charles*'s Affairs were then in a melancholy Situation. For,

The distressed State of the King's Affairs.

When the unfortunate Action at *Rhee* was known and published over the Kingdom, the Cry of the People was so great, and the King's Necessities so pressing, that it was in every Man's Mouth, *A Parliament must needs be summoned.* The Nation had now provoked two potent neighbouring Kings to be their Enemies; the Coasts and Ports were unguarded; the able Commanders worn out, or not employed; and the Marine Affairs were, every where, in as bad a Condition as possible.

Under these unhappy Circumstances, the King held a grand Council at *Whitehall*, how to extricate himself and the Nation out of such Difficulties. To this Council the famous Historian and Antiquary, Sir *Robert Cotton*, was called; whose Advice to the Lords there present, contains a succinct, tho' general, History of these Times, along with the best Advice

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vice how to settle Matters for the future, which we shall give in his own Words: For, tho' not strictly Parliamentary in itself, yet it induced the King and Council to believe there was no other Way, and obliged them to think of calling a Parliament for the general Good of the Nation (*q*).

My Lords,

Sir R. Cotton's Advice to the Council to call a Parliament.

AS soon as the House of *Austria* had incorporated itself into the House of *Spain*, and, by their new Discoveries, gotten to themselves the Wealth of the *Indies*; they began to affect, and have ever since pursued, a fifth Monarchy.

'The Emperor *Charles* would first have laid the Foundation thereof in *Italy*, by surprizing *Rome*: But from this he was hindered by the Force and Respect of Religion, *Henry* VIII. being made *Caput Fœderis* against him.

'He then attempted it in *High-Germany*, practising, by Faction and Force, to reduce those petty States to his absolute Power. In this *Henry* VIII. again prevented him, by tying the Lutheran Princes under his Confederacy and Assistance.

'His Son, *Philip* II. pursued the same Ambition in the *Nether-Germany*, by Reduction whereof he intended to make his Way further into the other. This the late Queen of *England* interrupted, by siding with the afflicted People on the one Part, and making herself Head of the Protestant League with the Princes on the other Side; drawing in, as a Secret of State, the Countenance of *France*, to give the more Reputation and Assistance to them, and Security to herself.

'*Spain* seeing his Hopes thus fruitless by these Unions and Sleights, began first to break, if he might, the Amity of *France* and *England*: But finding the common Danger to be so fast a Tye, he raiseth up a Party in that Kingdom of his own, by the which the *French* King was so distressed, that, had not the *English* Council and Assistance relieved

(*q*) From his Posthumous Works, published by *James Howel*, Esq;

lieved him, *Spain* had there removed that next and greateſt Obſtacle of his Ambition. An. 3. Charles I. 1627.

'His Council now tells him, from theſe Examples, that the Way to his great Work is impaſſable, ſo long as *England* lies a Lett in his Way; and adviſeth him, that the Removal of that Obſtacle be the firſt of his Intents. This drew on thoſe often ſecret Practices againſt the Perſon of the late Queen, and his open Fury, in the Year 1588, againſt the Body of the State; for which ſhe, following the Advice of a free Council, would never after admit of Peace; winning thereby the Hearts of a loving People, who ever found Hands and Money for all Occaſions at home; and by keeping ſacredly her Alliances abroad, ſecured her Confederates, all her Time, in Freedom from Fear of *Spaniſh* Slavery; and ended her old and happy Days in great Glory.

'*Spain* then, by the Wiſdom and Power of that great Lady, deſpoiled ſo of his Means to hurt, tho' not of his Deſire, makes up, with her peaceful Succeſſor of happy Memory, the Golden League; that (diſarming us at home by Opinion of Security, and giving them a Power in our Council by believing their Friendſhip and pretended Marriage) gave them Way to cheriſh amongſt us a Party of their own; and bereft of Power abroad, to lead in Jealouſy, and ſow a Diviſion between us and our Confederates; by which, we ſee, they have ſwallowed up the Fortune of our Maſter's Brother, with the reſt of the Imperial States, diſtreſſed the King of *Denmark* by that Quarrel, diverted *Sweden*'s Aſſiſtance by the Wars with the *Pole*, and moving of him now with the Offers of the *Daniſh* Crown; and now, whether from that Plot, or our Fatality, it hath caſt ſuch a Bone between *France* and us, as hath gotten themſelves, by our Quarrel of Religion, a faſt Confederate, and us a dangerous Enemy: So that now we are left no other Aſſurance againſt their Malice and Ambition, but the *Netherlands*; where the Tye of mutual Safety is weakened by daily Diſcontents bred and fed between us from ſome ill-affected to both our Securities: So that, from the Doubt-

An. 3 Charles I. 1627. Doubtfulness of Friendship, as we now stand, we may rather expect, thro' our own domestic Faction, if they grow too furious, they will sooner follow the Example of *Rome* in her growing; (that held it equally safe, honourable, and more easy, *dare Regem*, than *subjugare Provinciam*) considering the Power they have in their Hands, than give any friendly Assistance to serve the present Condition of Our State. You may see therefore in what Terms we stand abroad; and, I fear, at home, in no better.

'There must be, to withstand a foreign Invasion, a Proportion both of Sea and Land-Forces; for to give an Enemy an easy Passage, and a Port to relieve him in, is no less than to hazard all at one Stake. And it is to be considered, that no March by Land can be of that Speed to make Head against the Landing of an Enemy, nor no such Prevention as to be Master of the Sea. To this Point of necessary Defence there can be no less than 240,000l.

'For the Land-Forces; if it were for an offensive War, the Men of less Livelihood were the best spared, and were used formerly to make such War, *purgamento Reipublicæ*, if we made no further Purchase by it: But, for Safety of a Common-Wealth, the Wisdom of all Times did never intrust the Public Cause to any other than such as had a Portion in the Public Adventure. And this we saw in the Year 1588, when the Care of the Queen and Council did make the Body of that large Army no other than of Trained-Bands, which, with the Auxiliaries of the whole Realm, amounted to no less than 34,000 Men. Neither were any of those drawn out of their Countries, and proper Habitations, before the End of *May*, that they might be no long Aggrievance to the Public; such Discontentments being ever to us a more fatal Enemy than any foreign Force.

'The careful Distribution and Direction of the Sea and Land-Forces, being more fitting for a Council of War, than a private Man to advise of, I pass over; yet shall ever be willing and ready, when I shall be called, humbly to offer up such Ob-

Obſervations, as I have formerly gathered by the like Occaſions of this Realm. An. 3. Charles I. 1627.

'There are two Things requiſite to make up this Preparation, Money and Affections; for they cannot properly be ſever'd. It was well and wiſely ſaid by that great and grave Counſellor, Lord *Burleigh*, in the like Caſe, to the late Queen, *Win their Hearts, and you may have their Hands and Purſes.* And I find of late, that Diffidence having been a Defect in the one, it hath unhappily produced the ſame in the other.

'In gathering of Money for this preſent Need, there are required three Things, Speed, Aſſurance, and Satisfaction: And the Way to gather, as others in the like Caſes have done, muſt be by that Path, which hath been formerly called *Via Regia*, being more ſecure and ſpeedy; for, by unknown and untroden Ways, it is both rough and tedious, and ſeldom ſucceedeth well. This laſt Way, altho' it took Place as it were by Supply at firſt, and received no general Denial; yet, ſince, it hath drawn many to conſider with themſelves and others of the Conſequence; and is now conceived a Preſſure on their Liberties, and againſt Law. I much fear, if now again it be offered, either in the ſame Face, or by Privy-Seal, that it will be refuſed wholly. Neither find I that the Reſtraint of thoſe *Recuſants* hath produced any other Effect, than a ſtiff Reſolution in them and others to forbear. Beſides, tho' it went at firſt with ſome Aſſurance, yet, when we conſider the Commiſſions, and other Forms incident to ſuch like Services; as alſo how long it hung in Hand, and how many Delays there were, we may eaſily ſee that ſuch a Sum, granted by Parliament, is far ſooner and more eaſily gathered.

'If any will make the Urgency of Times an inevitable Neceſſity for enforcing the Levy, whether, in general, by Exciſe or Impoſition; or, in particular, upon ſome ſelect Perſons, which is the Cuſtom of ſome Countries; and ſo conclude it, for the public State, *ſuprema Lege*, he muſt look for this to be told him: That if Neceſſity muſt con-

clude

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clude always for gathering Money in the most speedy Way, (which cannot be fitter than by Parliament) the Consequence may be, that the Humours of the heedless Multitude, who are full of Jealousy and Distrust, and so unlike to comply to any unusual Course of Levy, will not submit but by Force; which, if used, the Effect is fearful, and hath been fatal to the State: Whereas that by Parliament resteth principally on the regal Person, who may, with Ease and Safety, mould them to fit his Desire, by a gracious Yielding to their just Petitions.

'If a Parliament then be the most speedy, assured, and safe Way, it is fit to conceive what is the best Way to act and work it to the present Need.

First, if the Time of the usual Summons, reputed to be 40 Days, be too large for the present Necessity, it may be shorten'd, since it is against no positive Law; so that Care be had that there may be one County Day, after the Sheriff hath received the Writ, before the Time of Sitting (*r*).

'If then the Sum to be levied be once agreed on, then, for the Advance of Time, there may be, in the Body of the Grant, an Assignment made to the Knights of every County respectively; who, under such Assurance, may safely give Security proportionable to the Receipts, to such as shall, in present, advance to the public Service any Sums of Money.

'The last and weightiest Consideration (if a Parliament be thought fit) is, how to remove or compose the Differences between the King and Subject in their mutual Demands. What I have learned amongst the better Sort of the Multitude, I will freely declare, that your Lordships may be the more enabled to remove those Distrusts, that either concern Religion, public Safety of the King and State, or the just Liberties of the Common-Wealth.

'For Religion, a Matter that lies nearest to their Conscience, they are led by this Ground of Jealousy to think some practise against it.

'First

(*r*) It appears by the Date of the Writ of Summons, *Anno* 14. *Edw.* II'. That, in case of absolute Necessity, a Parliament might be called within less than forty Days. See Vol. I. P. 233.

'First, for that the *Spanish* Match, which was broken by the grateful Induſtry of my Lord of *Buckingham*, out of his religious Care, as he there declares, that the Articles there demanded might lead in ſome ſuch Sufferance as might endanger the Quiet, if not the State of the Reformed Religion here: Yet there have (when he was a principal Actor in the Conditions with *France*) as hard, if not worſe, (to the Preſervation of our Religion) paſſed than thoſe with *Spain*: And the Suſpicion is ſtrengthened by the ſtrict Obſervance of this Agreement, in that Point, there concluded. An. 3. Charles I. 1627.

'It is no leſs an Argument of Doubt to them of his Affections; in that his Mother and others, and many of his Servants of near Employment about him, are ſo affected.

'They talk much of his advancing Men papiſtically devoted; ſome placed in the Camp, of nearest Service and chief Command; and that the *Recuſants* have gotten, theſe late Years, by his Power, more Courage and Aſſurance than before. If, to clear theſe Doubts, (which perhaps are worſe in Fancy than in Truth) he took a good Courſe, it might much advance the public Service, againſt thoſe ſqueamiſh Humours that have more violent Paſſion than ſettled Judgment, and are not the leaſt of the oppoſite Number in the Common-Wealth.

'The next is, the late Misfortunes and Loſſes of Men, Munition, and Honour in our late Undertakings abroad; which the more temperate Spirits impute to Want of Counſel, and the more ſublime Wits to Practice.

'They begin with the *Palatinate*, and by the Fault of the Loſs there, on the improved Credit of *Gondomar*; diſtruſting him for the ſtaying of Supplies to Sir *Horace Vere*, when Colonel *Cecil* was caſt on that Employment; by which the King of *Spain* became Maſter of the late King's Children's Inheritance.

'And when Count *Mansfield* had a Royal Supply of Forces, to aſſiſt the Princes of our Part, for the

An. 3. Charles I. 1627. the Recovery thereof, either Plot or Error defeated the Enterprize from us, to *Spain's* great Advantage.

'That Sir *Robert Mansel's* Expedition to *Algiers*, should purchase only the Security and Guard of the *Spanish* Coasts: To spend so many hundred thousand Pounds in the *Calais* Voyage, against the Advice of Parliament, only to warn the King of *Spain* to be in a Readiness, and so to weaken ourselves, is taken for a Sign of Ill-affection in him amongst the Multitude.

'The spending of so much Munition, Victuals, and Money, in the Lord *Willoughby's* Journey, is conceived an unthrifty Error in the Director of it; to disarm ourselves in fruitless Voyages; nay, to some over-curious, seems a Plot of Danger, to turn the Quarrel of *Spain*, our antient Enemy, that the Parliament petitioned and gave Supply to support, upon our Ally of *France*; and soon after, a new and happy Tye gave much Talk, that we were not so doubtful of *Spain* as many wish; since it was held, not long ago, a fundamental Rule of their Security and ours, by the old Lord *Burleigh*, That nothing can prevent an universal *Spanish* Monarchy, but a Fastness of those two Princes whose Amity gave Countenance and Courage to the *Netherlands* and *German* Princes, to make Head against his Ambition. And we see, by this Disunion, a fearful Defeat hath happened to *Denmark* and that Party, to the great Advantage of the *Austrian* Family.

'And thus far of the Waste of public Treasure in fruitless Expeditions: An important Cause to hinder any new Supply in Parliament. Another Fear that may disturb the smooth and speedy Passage of the King's Desires in Parliament, is the late Waste of the King's Livelyhood; whereby is like, as in former Times, to arise this Jealousy and Fear, That when he hath not of his own to support his ordinary Charge, (for which the Lands of the Crown were settled unalterably, and called *sacrum Patrimonium Principis*) that then he must of Necessity rest upon those Assistances of the People, which

which ever were collected and consigned, only, for the Common-Wealth. From hence it is like there will be no great Labour or Stiffness to induce his Majesty to an Act of Resumption; since such Desires of the State have found an easy Way in the Will of all the Princes from *Henry* III. to the last. But that which is like to pass deeper into their Disputes and Care, is the late Pressures they suppose to have been done upon the public Liberty and Freedom of the Subject; in commanding their Goods without Assent of Parliament; confining their Persons without special Cause declared; and that made good against them by the Judges lately; and pretending a Writ to command their Attendance in a foreign War: All which they are likely to enforce, as repugnant to many positive Laws and customary Immunities of this Common-Wealth. An. 3. Charles I. 1627.

'And these dangerous Distrusts are not a little improved by this un-exampled Course, as they conceive, of retaining an inland Army in Winter Season; when former Times of greatest Fear, as that of 1588, produced no such; and makes them, in their distracted Fears, to conjecture, idly, it was raised wholly to subject their Fortunes to the Will of Power, more than of Law; and so make good some further Breaches upon their Liberties and Freedoms at home, rather than defend us from any Force abroad.

'How far such Jealousies, if they meet with an unusual Disorder of lawless Soldiers, or an apt Distemper of the loose and giddy Multitude, may easily turn them away, upon any Occasion in the State that they can side withal, to a glorious Pretence of Religion and public Safety; when their true Intent will be only Rapine of the Rich, and Ruin of all, is worthy your provident and preventing Care!

'I have thus far delivered, with that Freedom you pleased to admit, such Difficulties as I have taken up amongst the Multitude, as may arrest, if not remove, Impediments to any speedy Supply in Parliament at this Time: How to facilitate which

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may better become the Care of your Lordships Judgments, than my Ignorance. Only I could wish, that, to remove away a personal Distaste of my Lord of *Buckingham* amongst the People, he might be pleased, if there be a Necessity of Parliament, to appear a first Adviser thereunto; and what Satisfaction it shall please his Majesty, of Grace, to give at such Time to his People, (which I wish to be grounded by Precedent of his best and most fortunate Progenitors, and which, I conceive, will largely satisfy the Desires and Hopes of all) if it may appear in some Sort to be drawn down from him to the People, by the zealous Care and Industry that my Lord of *Buckingham* hath of the Public Unity and Content; by which there is no Doubt that he may remain, not only secure from any further Quarrel with them, but merit an happy Memory amongst them of a zealous Patriot: For to expiate the Passion of the People, at such a Time, with Sacrifice of any of his Majesty's Servants, I have ever found it (as in *Edward* II. *Richard* II. and *Henry* VI.) no less fatal to the Master, than the Minister in the End.'

Actuated by such excellent Advice as this, the King and Council resolved, once more, to call a Parliament: But, previously, thought proper to release all the Gentlemen and others, confined for refusing the Loan. Many of whom, the *Collector* says, were chosen into the next Parliament; and carried more Resentment with them into the House, for their late ill Usage, than was agreeable to the Character of Peace-makers between King and People.

A Parliament called, Anno Regni 3. 1627.

Writs were sent out, near the Beginning of the Year 1628, to call a new Parliament to meet, at *Westminster*, on the 17th Day of *March*, in the third Year of this King. Mr. *Rushworth* tells us, 'That, before the Writs of Summons went forth, the King gave Direction for a Commission to raise Money by Impositions, in Nature of an Excise,

At Westminster.

to

to be levied throughout the Nation, to pass under the Great Seal. And, at the same Time, ordered the Lord Treasurer to pay 30,000 l. to *Philip Burlemache*, a *Dutch* Merchant in *London*, to be by him returned over into the *Low-Countries*, by Bill of Exchange, unto Sir *William Balfour* and *John Dalbier*, for the raising of a thousand Horse, with Arms both for Horse and Foot. The supposed Intent of which *German* Horse was, as was then feared, to inforce the Excise which was then setting on foot. And that the Council also had then under Consideration the Levying of Ship-money upon the Counties, to raise the King a Revenue that Way. But now that a Parliament was called, the Council held it unfit and unseasonable to debate these Matters any further Time.' An. 3. Charles I. 1627.

On the Day prefixed above, the King, having rode in State down to *Westminster* Abby, and heard a Sermon, came to the House of Lords; and sending for the Commons, the *Journals* tell us his Majesty was pleased to speak to both Houses as follows:

My Lords and Gentlemen,

THESE Times are for Action: Wherefore, for Example's Sake, I mean not to spend much Time in Words; expecting accordingly that your (as I hope) good Resolutions will be speedy, not spending Time unnecessarily, or (that I may better say) dangerously; for tedious Consultations at this Conjuncture of Time are as hurtful as ill Resolutions. The King's Speech at opening the Session.

I am sure you now expect from me, both to know the Cause of your Meeting, and what to resolve on: Yet I think that there is none here but knows that common Danger is the Cause of this Parliament, and that Supply at this Time is the chief End of it: So that I need not point to you what to do. I will use but few Persuasions: For if to maintain your own Advices, and, as now the Case stands, by the following thereof, the true Religion, Laws, and Liberties of this State, and the just Defence of our true Friends and Allies, be not sufficient; then no Eloquence of Men, or Angels, will prevail.

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Only let me remember you, That my Duty most of all, and every one of yours, according to his Degree, is to seek the Maintenance of this Church and Common-Wealth: And certainly, there never was a Time in which this Duty was more necessarily required than now.

I therefore, judging a Parliament to be the antient, speediest, and best Way in this Time of common Danger, to give such Supply as to secure ourselves, and to save our Friends from imminent Ruin, have called you together. Every Man now must do according to his Conscience: Wherefore if you (as God forbid) should not do your Duties, in contributing what the State at this Time needs; I must, in Discharge of my Conscience, use those other Means, which God hath put into my Hands, to save that which the Follies of some particular Men may otherwise hazard to lose.

Take not this as a Threatning, for I scorn to threaten any but my Equals; but an Admonition from him, that, both out of Nature and Duty, hath most Care of your Preservations and Prosperities: And (though I thus speak) I hope that your Demeanours at this Time will be such, as shall not only make me approve your former Counsels; but lay on me such Obligations, as shall bind me by way of Thankfulness to meet often with you: For be assured, that nothing can be more pleasing unto me, than to keep a good Correspondence with you:

I will only add one Thing more, and then leave my Lord Keeper to make a short Paraphrase upon the Text I have delivered you, which is, To remember a Thing, to the end ye may forget it. *You may imagine that I came here with a Doubt of good Success of what I desire, remembring the Distractions of the last Meeting: But, I assure you, that I shall very easily and gladly forget and forgive what is past, so that you will at this present Time leave the former Ways of Distraction; and follow the Counsel lately given you.* To maintain the Unity of the Spirit in the Bond of Peace.

The

The Lord Keeper seconded his Majesty on this Manner. An. 3. Charles I. 1627.

My Lords, and ye the Knights, Citizens, and Burgesses of the House of Commons,

IF I had been delighted in long Speaking, yet the Example and Commandment of his Majesty had been more than enough to restrain the Superfluity of that Humour. But there is yet more; for that short and excellent compacted Speech which you have heard from his Majesty, begins with a Reason, It is a Time for Action not for Speech. *Examples and Commandments master the Will, and Reasons master the Understanding; and therefore you may expect nothing from me but Brevity. You have heard the Matter, already; and, I doubt not, but with much Reverence, as the Weight and Authority of it requires. You should impr nt it in your Minds; and, the Matter being known, long Speeches from me, were but Babling to beat the Air* (s).

The Lord Keeper's Speech upon the same Occasion.

'Ye are assembled here in Parliament by his Majesty's Writ and Royal Command, to consult and conclude of the weighty and urgent Business of this Kingdom. Weighty it is, and great; as great as the Honour, Safety, and Protection of Religion, King, and Country: And what can be greater? Urgent it is: It is little Pleasure to tell or think how urgent: And to tell it with Circumstances, were a long Work: I will but touch the Sum of it in few Words.

'The *Pope* and House of *Austria* have long affected, the one a Spiritual, the other a Temporal Monarchy: And to effect their Ends, [*do join together*] to serve each other's Turn. The House of *Austria*, besides the rich and vast Territories of both the *Indies*, and in *Africa*, joined together, are become Masters of *Spain* and *Italy*, and the great Country of *Germany*. And altho' *France* be not under their Subjection, yet they have invironed it all about; (and in the very Bowels of

(s) This first Paragraph, and all the Passages, *between Crotchets*, are omitted in *Rushworth*, but supp'ied from the *Lords Journals*.

Charles I. 1627.

'that Kingdom swayed by the *Popish* Faction, 'they have gotten such a [*Party*] and such [*Interest*] 'in the Government; that under Pretence of Religion, to root out the Protestants and our Religion, they have drawn that King to their Adherence so far that, albeit, upon his Majesty's Interposition by his Ambassadors, and his Engagement of his Royal Word [*for just Performance, the War, between that King and his Subjects of the Religion was quieted; and his Majesty, as Protector of that Treaty, was interested and bound to procure a good Accomplishment of it: Yet, against it, and the strict Alliance between him and that King,*] the Treaty hath been broken; and those of the Religion have been put to all Extremity, and undoubtedly will be ruined, without present Help. So as that King is not only diverted from assisting the common Cause, but hath been misled to engage himself in hostile Acts against our King and other Princes; making way thereby for the House of *Austria*, to the Ruin of his own and other Kingdoms.

'Other Potentates, that in former Times did ballance and interrupt the growing Greatness of the House of *Austria*, are now removed and diverted. The *Turk* hath made Peace with the Emperor, and turned himself wholly into Wars with *Asia*. The King of *Sweden* is embroiled in a War with *Poland*, which is invented by *Spanish* Practices, to keep that King from succouring our Party. The King of *Denmark* is chased out of his Kingdom on this, and on that Side, the *Sound*; so as the House of *Austria* is on the Point to command all the Sea-coasts, from *Dantzick* to *Embden*, and all the Rivers falling into the Sea in that great Extent; so as besides the Power by Land, they begin to threaten our Party by Sea, to the Subversion of all our State.

'In the *Baltick-Sea*, they are providing and arming all the Ships they can build or hire; and have at this Time their Ambassadors treating at *Lubeck*, to draw into their Service the *Hans Towns*,

'whereby

'whereby taking from us and our Neighbours the *Eastland* Trade, by which our Shipping is supply'd, they expect, without any Blow given, 'to make themselves [*absolute*] Masters of that Sea. 'In these Western Parts, by the *Dunkirkers*, and 'by the now *French* and *Spanish* Admirals, to the 'Ruin of Fishing, (of infinite Consequence, both 'to us, and the *Low Countries*) they infest all our 'Coast, so as we pass not safely from Port to Port. 'And that Fleet which lately assisted the *French* at 'the Isle of *Rhee*, is now preparing at St. *Andrews*, 'with other Ships built on the Coast of *Biscay* to 're-inforce it, and a great Fleet is making ready 'in *Lisbon*; where, besides their own, they do 'serve themselves upon all Strangers Bottoms coming to that Coast for Trade: And these great 'Preparations are, no doubt, to assault us in *England* or *Ireland*, as they shall find Advantage, 'and a Place fit for their Turn.

An. 3 Charles I. 1627.

'Our Friends of the *Netherlands*, besides the 'Fear that justly troubles them, lest the whole 'Force of the Empire may fall down upon them, 'are distracted by their [*long*] Voyages into the '*East*; which hath carried both Men and Money 'into another World, and much weakned them, '[*and almost divided them*] at home.

'Thus are we even ready on all Sides to be 'swallowed up; the Emperor, *France*, and *Spain*, 'being in open War against us; *Germany* overrun; the King of *Denmark* distressed; the King 'of *Sweden* diverted; and the *Low-Countries* disabled to give us Assistance.

'I speak not this to increase Fears, unworthy of '*English* Courage, but to press to Provision worthy the Wisdom of a Parliament: And for that 'Cause his Majesty hath called you hither, that, 'by a timely Provision against these great and imminent Dangers, ourselves may be strengthened 'at home, our Friends and Allies encouraged abroad, and those great Causes of our Fear scattered and dispelled.

'And

An. 3. Charles I. 1627.

'And because in all warlike Preparations, Treasure bears the Name, and holds the Semblance of the Nerves and Sinews; and if a Sinew be too short or too weak, if it be either shrunk or strained, the Part becomes unuseful: It is needful that you make a good and timely Supply of Treasure, without which all Counsels will prove fruitless. I might press many Reasons to this End; but I will name but few.

'*First*, For his Majesty's Sake, who requires it. Great is the Duty which we owe him, by the Law of God; great by the Law of Nature, and [*natural*] Allegiance; great for his own Merit, and the Memory of his ever-blessed Father. I do but point at them: But, methinks, our Thoughts cannot but recoil on one Consideration touched by his Majesty, which, to me, seems to sound like a Parliamentary Pact or Covenant.

'A War was advised here, Assistance proffered, yea, and protested here: I do but touch it, I know you will deeply think on it; and the more, for the Example the King hath set you; his Lands, his Plate, his Jewels he hath not spared to supply the War: What the People hath protested, the King, for his Part, hath willingly performed.

'*Secondly*, For the Cause-Sake: It concerns us in Christian Charity to tender the Distresses of our Friends abroad; it concerns us in Honour not to abandon them, who have stood for us. And if this come not close enough, you shall find our Interest so woven and involved with theirs, that the Cause is more ours than theirs. If Religion be in Peril, we have the most flourishing and orthodox Church: If Honour be in Question, the Stories and Monuments in former Ages will shew, that our Ancestors have left us as much as any Nation: If Trade and Commerce be in Danger, we are Islanders; it is our Life. All these at once lie at Stake, and so doth our very Safety and Being.

'*Lastly*,

'*Lastly*, In Respect of the Manner of his Ma-'jesty's Demand, which is in Parliament; the 'Way that hath ever best pleased the Subjects of '*England*. And good Cause for it: For, Aids 'granted in Parliament, work good Effects for the 'People; they be commonly accompanied with 'wholesome Laws, gracious Pardons, and the 'like. Besides, just and good Kings, finding the 'Love of their People, and the Readiness of their 'Supplies, may the better forbear the Use of their 'Prerogatives; and moderate the Rigour of the 'Laws towards their Subjects.

An. 3. Charles I. 1627.

'This Way, as his Majesty hath told you, he 'hath chosen, not as the only Way, but as the 'fittest; not as destitute of others, but as most a-'greeable to the Goodness of his own most graci-'ous Disposition, and to the Desire and Weal of 'his People. If this be deferred, Necessity and 'the Sword of the Enemy make Way to the o-'thers. Remember his Majesty's Admonition, I 'say, remember it.

'Let me but add, and observe God's Mercy 'towards this Land above all others. The Tor-'rent of War hath overwhelmed other Churches 'and Countries; but God hath hitherto restrained 'it from us, and still gives us Warning of every ap-'proaching Danger, to save us from Surprise. 'And our Gracious Sovereign, in a true Sense of 'it, calls together his High Court of Parliament; 'the lively Representation of the Wisdom, Wealth, 'and Power of the whole Kingdom, to join toge-'ther to repel those hostile Attempts, which have 'distressed our Friends and Allies, and do threaten 'ourselves.

'And therefore it behoves all to apply their 'Thoughts unto Counsel and Consultations, wor-'thy the Greatness and Wisdom of this Assembly; 'to avoid Discontents and Divisions, which may 'either distemper or delay; and to attend that '*unum necessarium*, the common Cause; propound-'ing for the Scope and Work of all your Debates,

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An. 5. Charles I. 1627.

'the general Good of the King and Kingdom whom God hath joined together with an indissoluble Knot, which none must attempt to cut or untie. And let all, by Unity and good Accord, endeavour to pattern this Parliament by the best that have been; that it may be a Pattern to future Parliaments, and may infuse into Parliaments a kind of multiplying Power and Faculty, whereby they may be more frequent; and the King our Sovereign may delight to sit on his Throne, and from thence to distribute his Graces and Favours amongst his People.

'His Majesty hath given you Cause to be confident of this, by what you have heard from his own Royal Mouth; which, nevertheless, he hath given me express Command to redouble: If this Parliament, by their dutiful and wise Proceedings, shall but give this Occasion, his Majesty will be ready, not only to manifest his gracious Acceptation, but to put out all Memory of those Distastes, that have troubled former Parliaments.

'I have but one Thing more to add; and that is, As your Consultations should be serious, so let them be speedy. The Enemy is before-hand with us, and flies on the Wings of Success. We may dally and play with the Hour-Glass that is in our Power, but the Hour will not stay for us; and an Opportunity once lost, cannot be regained.

'And therefore, resolve of your Supplies, that they may be timely and sufficient, sorting the Occasion: Your Council, your Aid, all are but lost, if your Aid be either too little, or too late: And his Majesty is resolved, that his Affairs cannot permit him to expect it overlong.'

The next Day the Commons presented Sir *John Finch*, for their Speaker; whose Speech, for being excused from that Office, with the Lord Keeper's Reply,

ply, being purely ceremonial, we purposely omit; to come to the Speaker's Rejoinder, which is long enough, and shews the Height of oratorial Eloquence at that Time. The Copy given in *Rushworth* and the *Ephemeris Parliamentaria* is very incorrect: But the following is taken from an original Manuscript, communicated by Sir *John Napier*, Bart. in the Hand-Writing of his Great-Grand-Father, a Member of the House at that Time.

An. 3. Charles I. 1627.

The Speaker, Sir John Finch's Oration to the Throne.

'IT is now no longer Time, nor good Manners, to dispute with my Lord the King; but, with all Joy and Alacrity of Heart, humbly and thankfully to meet so great a Favour from the best of Masters, and the best of Men.

'Therefore, first, I lift up my Heart to him that sits on the Throne of Heaven, *per quem Principes imperant & Potentes decernunt Justitiam*; humbly begging at his Hands that made the Tongue, to give me Speech, and that framed the Heart of Man, to give me Understanding; for I am but as Clay in the Hands of the Potter, and he will mould me for Honour or Dishonour as best seems good unto him.

'Next I bow my Knees unto your Most Excellent Majesty, in all humble and hearty Acknowledgment of this and many other your great and gracious Favours.

'The Truth of my own Heart, full of Zeal and Duty to your Majesty and the Public as any Man's, quits me from all Fear of running into wilful and pregnant Errors; and your Majesty's great Goodness, of which I have been so large a Partaker, gives me strong Assurance, that having been, by your gracious Beams, drawn up from Earth and Obscurity, you will so uphold me, by a benign and gracious Interpretation of all my Words and Actions, that I fall not down again, like a crude and imperfect Vapour; but consume the Remainder of my Days in Zeal for your Majesty's Service.

'This

An. 3. Charles I. 1627.

'This great and glorious Assembly, made perfect by your Royal Presence; like a curious Perspective, the more I behold it, with the more Joy and Comfort I find a lively Representation of that true Happiness, which, under your Majesty's gracious Government, we all at this Time enjoy: A better Tongue were fitter to express it; but a rich Stone retains its Value, tho' ill set.

'Here, in the Fulness and Height of your Glory, like the Sun in the Exaltation of his Orb, sits your Most Excellent Majesty, the Sovereign Monarch of this famous Isle, in a Throne made glorious by a long Succession of many and great Princes. A Meditation worthy our better Thoughts, that we live neither enthralled to the Fury and Rage of the giddy Multitude, nor yet to the distracted Wills of many Masters; but under the Command of a King, the Stay and Strength of a People; one, as *Homer* saith well of Kings,

Πολλῶν ἀν]ἄξιος ἄλλων,

'not to be laid in common Ballance with other Men; for Kings know no other Tenure but God's Service, and their Value is only tried at his Beam: Whence the Poets said, the Parents of the first Kings were *Cœlum & Terra*; Divine Institution, and human Approbation. Besides, that it is a Sovereignty also hereditary; which makes the Common-Wealth the King's Care, as that which is the King's own Patrimony, and the Inheritance of his Children; when elective Monarchies quickly run to Ruin, and are commonly made poor by the enriching of several private Families.

'On your Right Hand are the Reverend, Religious, and Learned Prelates, the Lights of the Church, fit to be set in golden Candlesticks, and not made contemptible by Parity or Poverty: Lively Ideas of that Blessing above all the rest; which, by God's great Goodness, and your Majesty's great Piety, this Realm enjoys, the Liber-

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'ty of the Gospel, and the free Profession of God's true Religion. Your Majesty passed the fiery Trial in *Spain*, and gave us then Assurance that your Faith was built on that Rock, against which the Gates of Hell shall never prevail. Since your coming to the Crown, by your Royal Edict, you have banished those Incendiaries of *Rome*, the *Priests* and *Jesuits*, Enemies to our Church and State; so that now they are either gone, or lurk in Corners, like the Sons of Darkness. You have given Life to the Laws against *Recusants*; and, by your own pious Example, have drawn more than you have compelled to come to Church. Yet *Coge ingredi, ut impleatur Domus mea*, was his Command that made the great Feast, and is the Duty of Magistrates. And certainly, dread Sovereign, true Religion will ever be a Target to them that are a Buckler to it: No Cement so strong to hold your Subjects Hearts together in their due Obedience. Our Religion never bred a *Clement* or a *Ravilliac*: And that execrable Villainy, never to be forgotten here; when all of us, *horresco referens*, in an Instant should have been turned into Ashes, and those scattered in the Wind; was a Monster could never have been engendered, but by the *Devil* or the *Jesuits*.

An. 3. Charles I. 1627.

'On your Left Hand sit your Nobles, the Lights of Honour, full of Courage and Magnanimity; yet in a right Distance between Crown and People, neither overshadowing the one, or oppressing the other.

'Before your Throne, like the twelve Lions under *Solomon*'s Throne, sit the Lights of Justice, your grave Judges and Sages of the Law; learned and just as many Ages have known, and learning Justice by your great Example. Our Laws, as excellent as they are, (I am sure no human Laws excel them, nor could so well suit with the Constitution of this People) were they in the Power of corrupt or ignorant Men. (I know not which were worse, for one will perhaps oftener err than

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An. 3. Charles I. May.

'the other bribe) Justice could never keep her right 'Channel, nor run clear; as in your Majesty's 'happy Reign it ever hath.

'I must not forget the other Lights, the Knights, 'Citizens, and Burgesses, the Representatives of the 'third Estate; who, altho' they move lower, and 'at more Distance from your Royal Person, yet, 'I am confident, will ever be found constant to 'the Poles of Love and Loyalty.

'It is a gracious Favour of your Majesty and 'our former Kings, which I have often thought on, 'that when both Houses are humble Suitors for 'any Thing, they are never denied; *Le Roy s'avi-'sera*, (The King will advise of it) is the greatest 'Denial. And I assure myself your Majesty will 'find all your Subjects so full of Duty to your 'Crown, and of true and loyal Affection to your 'Royal Person, that you shall never have Cause 'to think your gracious Favours ill bestowed on 'them.

'This Union of Hearts, Sir, is a Greatness be-'yond that of the Kingdom to which you are Heir.

Et penitus toto divisos Orbe Britannos,

'is a Name of Advantage to this Island, if the 'Division be not among ourselves; which the 'God of Unity, for his Mercy's Sake, forbid; and 'so knit our Hearts in Love one to another, and 'all of us in Love and Loyalty to your Most Ex-'cellent Majesty, that this renown'd Island perish 'not by our Distractions; but may ever flourish, 'and be like *Jerusalem*, the City of God, where 'his Name may be for ever honoured.

'Great and glorious have been the Actions of 'your Royal Progenitors; yet greater remain for 'your Majesty; and most of theirs attend you for 'their Perfection and Consummation.

'The first Christian King of *Europe*; the first 'that abated the swelling Pride of the *Pope* of *Rome*, 'by banishing his usurped Power over God's true 'Vice-gerent; the first that established the true

'Re-

'Religion now profest, were all Kings of *England*; and the last a young one. An. 3. Charles I. 1627.

'Queen *Elizabeth*, tho' a Woman, yet *Spain* 'hath Cause to remember her; the Protestants of '*France* and the *Low Countries* will never forget 'her: And were *Henry the Great* alive, he would 'say, That, in Requital of the Love this Kingdom 'shewed him in her Days, he hath sent us one of 'his own Loins, your Royal Consort, our most 'gracious Queen, to propagate these Blessings to us 'and our Posterity for ever.

'Your Father, of ever blessed and famous Me-'mory, had a Reign like *Solomon*'s; for Religion, 'no Man knew more; nor no Man's Knowledge 'was of higher Lustre and Advantage to it: This 'Age shall deliver it to the next, and all Ages 'shall see it in his kingly Works.

'But while, under his glorious Reign, we abound-'ed in Peace and Plenty, our Hands had forgot to 'War, and our Fingers to fight; till at last, by 'your princely Mediation (*t*), upon the humble Suit 'of both these Houses, the two Treaties were dis-'solved; and a Foundation laid for your Majesty 'to restore us to our antient and military Honour; 'which I doubt will not quickly be.

'*Eritis sicut Dii*, was the Serpent's Counsel, 'and ruined Mankind; nor is it fit for private 'Men, much less for me, to search into the Coun-'sels or Actions of Kings; only, Sir, give me 'Leave, from an Heart full of Zeal to your Glory, 'and Greatness, to say to your Majesty, The 'Times require you, Religion calls upon you, to 'go on with that kingly Courage you have begun, 'till the State of *Christendom* be settled in the right 'Ballance again.

'We see how the Eagle spreads his Wings in '*Germany*, reaching with his Talons as far as the '*Sound* and *Baltick* Sea; *Denmark* and *Sweden* in 'Danger of utter Ruin; we see all the Electorates, 'the Choice of the Empire, invested, in a Manner, 'solely

(*t*) See Vol. VI. p. 86, *et seq.*

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'solely in the House of *Austria*; our Religion in '*France*, and every where, never so near a Period: 'And we know who it is for whom all this works; 'he of whom the Boast is made, *Ille cui Mo-* '*narchia Mundi nascitur*; who, by the Ruin of 'us and our Religion, will make a new Zodiack, 'and draw his Ecliptic Line thro' the *East* and '*West Indies:* But he that sits on high will, in his 'good Time, laugh them to Scorn; and, as that 'wise Woman said to King *David*. *God will make* '*to my Lord the King a sure House, if my Lord* '*shall continue to fight the Battles of Jehovah:* And 'let all *England* say, *Amen*.

'I have presumed too far upon your Royal Pa- 'tience; and therefore I will conclude with a few 'Words for them that sent me, who are humble 'Suitors to your Excellent Majesty:

I. 'For better attending the public and important 'Services of the House, that ourselves and necessary 'Attendants may be free, both in our Persons and 'Goods, from all Arrests and Troubles, according 'to our antient Privileges and Immunities.

II. 'That since, in all great Councils where 'Difference of Opinion is, Truth is best discovered 'by free Debates; your Majesty, according to our 'like ancient Use and Privilege, will be graciously 'pleased to allow us Liberty and Freedom of 'Speech; and, I assure myself, we shall not pass 'the Latitude of Duty and Discretion.

III. 'That upon all Occurrences of Moment, 'fit for Resort to your own Person, your Majesty, 'upon our humble Suit, at your own best Leisure, 'will vouchsafe us Access to your Royal Person.

IV. and *lastly*, 'That all our Proceedings, be- 'ing lodged in your Royal Heart with Belief of our 'Zeal and Loyalty, we may reap the Fruits of it 'by your Majesty's gracious and favourable Inter- 'pretation of all our Actions.

'One Word more I humbly beg for myself: 'That tho' it be but the Beginning of a Parliament, 'I may now and ever enjoy your Majesty's most 'gracious, general and free Pardon.'

To

To this the Lord Keeper answered. (*u*) An. 3. Charles I. 1627.

Mr. *Speaker*,

The Lord Keeper's Answer.

'HIS Majesty, with no less Content than Attention, hath heard your eloquent Discourse: He observes your beginning with his gracious Encouragement and Advice; not forsaking your humble Modesty, but adding to it Thankfulness, Alacrity, and Joy of Heart; a just and right Temper.

'He observes you derive these aright; *First*, From the Throne of Heaven: He looks thither with you, and joins in Prayer, that both he and all this Assembly may, by that divine Hand and Power, be moulded into Unity for the Honour, Safety, and Good of the Church and Kingdom. *Next*, You apply yourself to the Throne on Earth: His Majesty doth graciously accept your Protestations of the Truth of your Heart, the Fulness of your Zeal and Duty to his Majesty and the Public: He believes it; and that not in you alone, but in all this Assembly; so that you are secure not only from wilful and pregnant Errors, but from Doubt of sinister Interpretation.

'My Lord the King is as an Angel of God, of a quick, of a noble and just Apprehension; he strains not at Gnats; he will easily distinguish between a Vapour and a Fog, between a Mist of Error and a Cloud of Evil; Right he knows, if the Heart be right: *For out of the Abundance of the Heart the Mouth speaketh.*

'You proceed to a Survey of the Lustre of this great and glorious Assembly; and in that, as in a curious Crystal, you observe the true Happiness which we all here enjoy. You have distributed and divided aright; and whosoever sees it otherwise hath an evil Eye, or a false Glass. We have enjoyed it long, through the happy Means of gracious and good Princes; and the

(*u*) From the *Ephemeris Parliamentaria*, compared by the Manuscripts and *Rushworth*.

An. 3. Charles I. 1627.

'Way to enjoy it still, is to know and heartily to acknowledge it, and that *God hath not done so to any other Nation.*

'The prime Cause or Means of this our Happiness is, as you mention, the Form of Government under which we live; a Monarchy, and the best of Monarchies, where Sovereignty is hereditary; no *Inter-regnum*, nor Competition for a Crown; Descent and Succession are all one. The Spirit of God, by the Mouth of the wisest of Kings, long since proclaimed this Happiness, *Blessed art thou, O Land, when thy King is the Son of Nobles.*

'The Frames of other States are subject, some to inconstant Levity, some to Faction, some to Emulation and Ambition; and all to manifold Distempers, in which the People go to Wreck. Monarchy is the most natural, and in it Unity is the best Cement of all Government; principally in respect of the Unity of the Head, which commands the rest. And, therefore, other States, when they have tried a while, do, for the most part, resolve into this; as into the best, for Peace, for Strength, and for Continuance. But Forms of other Governments, tho' never so exact, move not of themselves, but are moved of their Governors: And, therefore, our Monarchy, (as you have truly said) and this glorious Assembly, the lively Image and Representation of our Monarchy, are made happy and perfect by the Royal Presence, that sits here in his highest Royal Throne; the Throne of the Law-Giver, glorious in itself, glorious by those happy Laws and Oracles which have issued from it, and most glorious by them that sit on it, his Majesty and his Royal Progenitors; incomparable Kings, that, with so much Honour, have swayed the Scepter of this Kingdom so many Successions of Ages.

'In the next Place, after the Throne of Majesty, you look into the Chair of Doctrine, the reverend Prelates; and upon the State of Religion,

'on, their proper Charge. This is the Bleſſing of all Bleſſings, the Pledge and Aſſurance that ſecures to us all the reſt; that as our Religion is moſt ſincere and orthodox, ſo our Clergy are eminent, both for Purity of Doctrine and Integrity of Life; our Prieſts are cloathed with Righteouſneſs, and their Lips preſerve Knowledge; and, therefore, God's Saints may and do ſing with Joyfulneſs. An. 3. Charles I. 1627.

'I muſt join with you in attributing this our tranſcendent Bleſſing, as in the firſt Place, to God's Goodneſs; ſo, in the ſecond, to his Majeſty's Piety; who, following the Steps of his ever-bleſſed Father, is careful that all the Lamps of the Church may be furniſhed with Oil; and eſpecially thoſe, which are ſet on golden Candleſtics, with the pureſt Oil. The Schools alſo, and Nurſeries of Learning, never ſo repleniſhed, eſpecially with Divinity, as in this laſt Age; and as they all ſhew his Majeſty's Piety, ſo are they infallible Arguments of his Conſtancy.

'The Trial, which you call the fiery Trial, undergone by his Majeſty in a Place of Danger, and againſt the Power and Policy of *Rome* and *Spain*, have approved his Reſolution immutable; and his own remarkable Example in his Cloſet and his Chapel, his ſtrict Over-ſight of, and Command to his Houſhold-Servants, and his Charge to his Biſhops and Judges, his Edicts, his Proclamations and Commiſſions, and the like, for the Execution of the Laws, and his general Care to preſerve the Fountain pure both from Schiſm and Superſtition, are fair Fruits and Effects of a pious and zealous Government.

'From the Chair of Doctrine, you turn to the State of Honour, unto the Nobles and Barons of *England* Theſe are *Robur Belli*, who, for the Service of the King and Kingdom, are to make good with their Swords what the Churchmen muſt hallow and bleſs by their Prayers. And, therefore, as the Prelates are the great Lights of the Church, ſo the Nobility are the Stars of the

An. 3. Charles I. 1627.

'State; and you know that the Stars have fought, 'and fought powerfully, against the Enemies of 'God.

'From the State of Honour, you come to the 'State of Justice, and to the twelve Lions under '*Solomon*'s Throne, the Judges and Sages of the 'Law; and as their peculiar Charge intrusted to 'them by our Sovereign, the Laws of the King-'dom: Laws undoubtedly fitted to the Constitu-'tion of this People, for *Leges Angliæ* and *Confue-'tudines Angliæ* are *Synonyma*, and *Consuetudo est 'altera Natura*; so as, besides the Justness and 'Rightness of the Laws, they are become natural 'to our People; and that is one of the powerfulest 'Means which begetteth Obedience: And such 'Laws, in the Mouths of learned and upright 'Judges, are like Waters in a pure Channel; 'which the fairer it runs, the clearer they run, and 'produce that whereof *Solomon* speaks, *Prov.* 29. 2. '*When the Righteous are in Authority, the People 'rejoice.*

'From the Law, you pass to the Knights, Ci-'tizens and Burgesses, or the third Estate, who 'represent the Commons of *England*, in whom 'the Scripture is verified; *In the Multitude of Peo-'ple is the King's Honour:* And, therefore, you 'may be sure that Distance of Place and Order 'breeds no Distance in Affection; for wise Kings 'ever lay their Honour next to their Hearts. 'Kings are *Pastores Populi*; and the Shepherd's 'Care is nothing less to the furthest, than to the 'next Part of his Flock; and it is as much towards 'the least of his Lambs, as towards the greatest 'Cattle. And as in the Natural Body, no Mem-'ber is so remote, but it is still within the Care of 'the Head: So in this great politic Body of the 'Kingdom, no Rank or Order of People is so low, 'or at such Distance from the Throne, but it dai-'ly feels the Influence and Benefit of the King's 'Care and Protection. And, to say the Truth, 'in a well-governed Kingdom, the superior Ranks 'of Nobles, of Judges, and of Magistrates, are

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'not ordained for themselves, but as Conduits for 'the King's Justice, Protection and Goodness to 'the lower Ranks of his People: And as the People 'are, so it is just Cause they should be, constant 'to the Poles of Love and Loyalty.

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'And thus having pursued both Houses by divided Parts, you join them together; and in that 'Junction, you observe truly and materially that 'the greatest Denial of their joint Requests, is, '*The King will advise*. A Note very remarkable: It shews the Indulgence of Kings; it shews 'also the Wisdom and Judgment of the Houses; 'the King not willing to deny his People; People not willing to press their King to a Denial; 'the One wise and modest in their Requests, and 'the Other moderate and sweet in the Answer: 'This is the ancient and right Way of Union in 'Parliament. May the God of Unity keep it in 'this, and all ensuing Parliaments!

'This Union you rightly call the Union of 'Hearts, and a Greatness beyond the Kingdoms 'which the King inherits: So then it is a Present 'fit for a wise People to offer to their Gracious 'King. Wise and magnanimous Kings are a special Gift from God, having Hearts capable of 'Greatness: Union of Hearts is Greatness, and 'Greatness was never unwelcome to Kings; and 'therefore present and offer it to your King, and 'you cannot doubt of Acceptance.

'Having spoken of Union, you fall presently 'into a Memorial of the great and glorious Actions of his Majesty's Predecessors, and into the 'Height and Contemplation of greater that remain. 'If I mistake not your Meaning, you would have 'it understood, that the Union of Prince and People made Way to those remarkable Acts of former Times; and that we that wish the like Success in our Time, should look back upon our 'Forefathers. Wisdom requires it; Honour and 'the Times require it, that we should shew ourselves the Sons of our Ancestors, at least, in 'holding that which they left us.

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'The Pride of *Rome* abated, as you say, by 'England, now lifts up her Horns again: Religion, God's Vine, planted and deeply rooted 'here, over-spread into our neighbour Countries, 'hath of late lost many of her goodly Branches. 'The *Austrian* Eagle, that wanted Feathers till 'of late now soars and preys at Will over all. '*Spain*, so often foiled by us, hath, by disguised 'Treaties, despoiled of their Patrimony those 'princely Branches of our Royal Cedar; and posts 'apace to his universal Monarchy, to the Ruin 'of us, our Friends and Religion.

'God hath his Time, and I trust a Time to 'stop their Course: I know not but we may expect it as well now as ever. There is a Resolution in our King, and there is, I trust, (for I am 'sure there was) a Resolution in our Parliament, 'for great Actions. Our King as he hath a *Solomon*, so hath he many *Davids* in the glorious 'Catalogue of his Royal Descent; and hath linked 'himself to the House of *Henry the Great*, who 'bears a glorious and auspicious Name suitable to 'his Thoughts and Desires: And, therefore, since 'Honour and Religion call for it; and since you 'have encouraged him to fight *Jehovah*'s Battles, 'let all put to their Hands, that our King and Nation may have the Honour to set *Christendom* in 'her right Balance.

'And now to come to the Petitions you have 'made for the House. His Majesty most graciously and readily grants them all, according to 'your true and antient Rights and Privileges of Parliament; which, his Majesty trusts, you will take 'Care not to exceed or transgress; and, therefore, 'you may go chearfully together, and speedily 'set about the Public Affairs. And may Almighty 'God prosper the Works of your Hands, I say, 'the Almighty God prosper your Handy-Work!'

The next Thing we meet with in *Rushworth*, is a long Affair concerning the Inconveniences and Grievances of the State; which, he says, was communicated

municated to the Members of the House of Commons, and was then called, *A Speech without Doors* (*x*).—But, as the Reader will find sufficient Employment in perusing the Speeches that were made *within*, this Session; we shall pass by the other, on purpose, to come to a more certain Account of Things delivered from the Mouths of the Members themselves. An. 3. Charles I. 1627.

It is said, by an Historian (*y*), That the Members return'd to serve in this present Parliament, were so rich, that they were able to buy the House of Lords three Times over. This, though probably an *Hyperbole*, yet is sufficient to shew to what a Height of Riches the Commons of *England* were arrived at in those Days.—But to our Journals.

March the 20th, the several Committees for Privileges and Elections, for Religion, for the Courts of Justice, for Grievances, and for Trade, being settled; and their several Days in the Week, for meeting, being appointed; the next Care of the Commons was, to begin their Work well by some primary Acts of Devotion. Accordingly, we find that the same Day it was ordered, 'That all the Members of that House should receive the Communion at St. *Margaret*'s Church, *Westminster*, on *Sunday* the 6th of *April* next. Particular Persons were assigned to see that each Member took the same; who were to have, and produce in the House, Certificates of it, before they were allowed to sit there. But, lest this Piece of Devotion should be termed, as it had been, an old stale Trick to catch concealed Papists by, it was followed by a Motion for a Committee to be appointed, to draw up a Petition to the King, for a General Fast, to be observed throughout the Kingdom. This Petition was drawn, read, and agreed unto, the next Day; and the Lords were desired to concur with them in it; which, being, also, consented to, The Commons receive the Sacrament.

(*x*) *Rushworth*, Vol. I. p. 449.
(*y*) *Sanderson*'s Life of King *Charles* I. p. 106.

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to, the Petition was presented to the King, *in hæc Verba* (z).

Most Gracious Sovereign,

Petition of both Houses for a Fast.

WE your most humble and loyal Subjects, the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; upon a tender and compassionate Sense of the extreme Calamities of the Reformed Churches abroad; and, with much Sorrow, apprehending the Displeasure of Almighty God, declared against ourselves, by the manifold Evils already fallen upon us and those which are further threatened; as by your Sacred Majesty were intimated unto us, even to the utter Destruction and Subversion of this Church and State; all which our Sins have most justly deserved: And being now, by your Majesty's gracious Favour, assembled in Parliament, as the Great Council of this your Kingdom, to consult of such Means, as we think fittest, to redress the present, and prevent the future Evils; wherein we, through God's Blessing, intend to employ our utmost Endeavours, [*With as good Hearts to your Majesty and the Public Service, as ever People did,*] humbly beseech your Majesty, that by your special Command, one or more Days may be, forthwith, solemnly set apart; wherein, both ourselves and the whole Kingdom may, by Fasting and Prayers, seek Reconciliation at the Hands of Almighty God; and with humble and penitent Hearts beseech him to remove those Miseries, that lie upon us and our neighbour Churches; to avert those which are threatened; to continue the Favours we yet enjoy; and, particularly, to bestow his abundant Blessing upon your Majesty, and this present Parliament; so that all our Councils and Resolutions, being blessed by his Divine Assistance, may produce much Honour, Safety, and Happiness to your Majesty, your People, and Allies.

To

(z) From *Rushworth*, corrected by the *Lord's Journals*.

To this Petition, the King, the next Day, returned an Answer, in Writing, to this Purport (*a*). An. 3. Charles I. 1627.

The King's Answer.

'That his Majesty was well pleased with their 'Request, and is well contented to have a Fast; 'as for the Time of keeping it, he appointed *Saturday*, *April* 5, in *London*, *Westminster*, and by 'both Houses. Before which Time, he hoped 'that they should have Cause to praise God for the 'good Success of what they shall, by that Time, 'resolve on; as, also, beg his Mercies towards 'others of the Reformed Religion, now under 'dangerous Calamities; and both these in one.' The King appointed the 21st of *April* for a General Fast throughout the rest of the Kingdom.

Debate upon public Grievances.

The Commons went now upon the old Topic of Grievances; and many Complaints were made against the Government, for Billetting of Soldiers; Raising Money by Loans, by Benevolences and Privy-Seals: And, what was too fresh in Memory, the Imprisonment of certain Gentlemen, who refused to lend, upon that Account; and, afterwards, bringing their *Habeas Corpus*, were, nevertheless, remanded to Prison. All these took Place before the Supply; nor did the House incline to grant any till these Grievances were redressed. In the Debate upon these Matters, several Speeches of the Members are preserved, both in Print and Manuscript; all which we have ranged in the best Order we could, distinguishing the several Authorities from whence they are taken: It happened on the 22d of *March*, and was opened by Sir *Francis Seymour*, to the following Effect (*b*).

Sir *Francis Seymour*. 'This is the great Council of the Kingdom; and here, if not here alone, his Majesty may see, as in a true Glass, the State of the Kingdom. We are all called hither, by his Majesty's Writs, to give him faithful Counsel; such as may

(*a*) *Journ. Procer.*

(*b*) From Sir *John Nalder*'s Manuscript.—Differently given in *Rushworth*.

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may stand with his Honour; but that we must do without Flattery: And being chosen by the Commons to deliver up their just Grievances; this we must do without Fear. Let us not be like *Cambyses's* Judges; who, being asked by him concerning something unlawful, said, Tho' there were no written Law, the *Persian* Kings might do what they list. This was base Flattery, fitter for Reproof than Imitation; and as Flattery, so Fear taketh away the Judgment. For my own Part, I shall shun both these; and speak my Mind with as much Duty to his Majesty as any Man, not neglecting the Public.

'But how can we speak our Affections while we retain our Fears; or speak of giving, till we know whether we have any Thing to give: For if his Majesty may be persuaded to take what he will, what need we to give?

'That this hath been done, appeareth by the billetting of Soldiers; a Thing no way advantageous to his Service, and a Burthen to the Common-Wealth: The Imprisonment of Gentlemen for the Loan; who, if they had done the contrary for Fear, their Faults had been as great as those who were the Projectors of it. To countenance these Proceedings, hath it not been preached in the Pulpit, or rather prated, *All we have is the King's Jure Divino?* But when Preachers forsake their own Calling, and turn ignorant Statesmen; we see how willing they are to change a good Conscience for a Bishoprick.

'It is too apparent the People suffer more now than ever: Will you know the true Reason? We shall find those Princes have been in greatest Wants and Necessities, that have exacted most of their Subjects. The Reason is plain: A Prince is strongest by faithful and wise Counsel: I would I could truly say such had been employed abroad. I speak this to shew the Defect proceeded not from this House.

'I must confess he is no good Subject that would not willingly and freely lay down his Life, when the End may be the Service of his Majesty, and the Good of the Common-Wealth; But he is no good Sub-

Subject, but a Slave, that will let his Goods be taken from him against his Will, and his Liberty, against the Laws of the Kingdom. In doing this we shall but tread the Steps of our Fore-fathers, who still preferred the public Interest before their own Rights, nay, before their own Lives. It will be a Wrong to us, to our Posterities, to our Consciences, if we shall forego this. This we shall do well to present to his Majesty.

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'I offer this in the general, thinking the Particulars fitting for Committees. What I may now say, or shall then, I submit to better Judgments.'

Sir *John Elliot* did passionately and rhetorically set forth our late Grievances; he misliked much the violating of our Laws; urged many good Arguments for our propugning them; and concluded, with Sir *Francis Seymour*, for a Committee (*c*).

Sir *Humfrey Maye*. 'Let us take heed of distrusting the King, who is young and vigorous, full of Spirit and Courage, and may be won to our Desires by our complying:—He alledged all these illegal Proceedings were Actions of Necessity, and the like; with other Things, by way of Excuse (*d.*')

Sir *Thomas Edmonds*. 'The King congratulating this present Parliament, he prays for a speedy Supply; he assures us of his gracious Inclination towards us, and of the Consequences of this Meeting; doth intimate how much the Safety of ourselves and Confederates abroad depends upon the good Success thereof; and he wisheth a general Oblivion of Things that are past, lest they cause Distractions anew, without a primary and free Supply to his Majesty (*e*).'

Sir *Robert Philips*. 'I read of a Custom amongst the old *Romans*, that once every Year they had a solemn Feast for their Slaves; at which they had Liberty, without Exception, to speak what they would, thereby to ease their afflicted Minds; which being finished, they severally returned to their former Servitude.

'This

(*c*, *d*, *e*) From the *Ephemeris Parliamentaria*, corrected by the Manuscript.

An. 3. Charles I. 1627.

'This may, with some Resemblance and Distinction, well set forth our present State; where now, after the Revolution of some Time, and grievous Sufferance of many violent Oppressions, we have, as those Slaves had, a Day of Liberty of Speech; but shall not, I trust, be hereafter Slaves, for we are free: Yet what new illegal Proceedings our States and Persons have suffered under, my Heart yearns to think, my Tongue falters to utter. They have been well represented by divers worthy Gentlemen before me; yet one Grievance, and the main one, as I conceive, hath not been touched, which is our Religion: Religion, Mr. Speaker, made vendible by Commission; and Men, for pecuniary annual Rates, dispenced withall; whereby *Papists* may, without Fear of Law, practice Idolatry.'

'For the Oppressions under which we groan, I draw them under two Heads; Acts of Power against Law, and Judgments of Law against our Liberty.

'Of the first Sort are, strange Instructions; violent Exactions of Money thereupon; Imprisonment of the Persons of such who (to deliver over to their Posterity the Liberty they received from their Fore-fathers, and lawfully were in possession of) refused so to lend; and this aggravated by the remediless Continuance and Length thereof: And chiefly, the strange, vast, and unlimited Power of our Lieutenants and their Deputies; in billeting of Soldiers, in making Rates, in granting Warrants for Taxes as their Discretions shall guide them: And all this against the Law.

'These last are the most insupportable Burdens that, at this present, afflict our poor Country; and the most cruel Oppression that ever yet the Kingdom of *England* endured. These upstart Deputy-Lieutenants (of whom, perhaps, in some Cases and Times, there may be good Use, being regulated by Law) are the worst of Grievances; and the most forward and zealous Executioners of those violent and unlawful Courses which have been commended unto them; of whose Proceedings, and for the qualifying of

of whose unruly Power, it is more than Time to consult and determine. An. 3. Charles I. 1627.

'Judgments of Law against our Liberty there have been three; each latter stepping forwarder than the former, upon the Right of the Subject; aiming in the End to tread and trample under Foot our Law, and that even in the Form of Law.

'The first was the Judgment of the *Postnati* (*f*); whereby a Nation (which I heartily love for their singular good Zeal in our Religion, and their free Spirits to preserve our Liberties far beyond many of us) is made capable of any the like Favours, Privileges, and Immunities as ourselves enjoy; and this especially argued, in the Exchequer Chamber, by all the Judges of *England*. The second was, the Judgment upon Impositions, in the Exchequer Court by the Barons; which hath been the Source and Fountain of many bitter Waters of Affliction unto our Merchants. The third was, that fatal late Judgment against the Liberty of the Subject imprisoned by the King, argued and pronounced but by one Judge alone.

'I can live, altho' another who has no Right be put to live with me; nay, I can live altho' I pay Excises and Impositions more than I do; but to have my Liberty, which is the Soul of my Life, taken from me by Power; and to have my Body pent up in a Goal, without Remedy by Law, and to be so adjudged: O improvident Ancestors! O unwise Fore-fathers! To be so curious in providing for the quiet Possession of our Laws, and the Liberties of Parliament; and to neglect our Persons and Bodies, and to let them lye in Prison, and that *durante Beneplacito*, remediless! If this be Law, why do we talk of Liberties? Why do we trouble ourselves with a Dispute about Law, Franchises, Property of Goods, and the like? What may any Man call his own, if not the Liberty of his Person?

'I am weary of treading these Ways; and therefore conclude to have a select Committee deputed, to frame a Petition to his Majesty for Redress of these

(*f*) The *Scots*.

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these Things; which being read, examined and approved by the House, may be delivered to the King; of whose gracious Answer we have no Cause to doubt, our Desires being so reasonable; our Intentions so loyal, and the Manner so humble: Neither need we fear this to be the critical Parliament, as was insinuated, or this a Way to Distraction; but assure ourselves of a happy Issue. Then shall the King, as he calls us his great Council, find us his true Council, and own us his good Council. Which God grant (*g*)!'

Mr. *Godwin*. 'It hath pleased his Majesty, in his last Speech, to intimate unto us the Cause of our Meeting; which is to grant Supply against the great and common Dangers that threaten the Ruin of this Kingdom; and as the Time of our Sitting cannot be long, he therefore wisheth us to avoid all tedious Resolutions. In conformity whereunto I propound, That, laying aside all other Matters, we address ourselves to that for which we were called hither; wherein, as in the first Place, we have well begun, in our pious Humiliation towards Almighty God; so let us now proceed to serve and supply the King; yet so as to satisfy our Country that sent us hither, and preserve our Rights and Privileges; which have as surely been broken and infringed, as undoubtedly they belong to us (*b*).'

Sir *Benjamin Rudyard*. 'It is the Goodness of God, and the Favour of the King, that hath brought us again to this Place, and if we be thankful to both, as our Duty to both requires, our Meeting certainly will be crowned with a Blessing.

'This is the Crisis of Parliaments; by this we shall know whether Parliaments will live or die: Besides, the Eyes of Christendom are upon us; the King and the Kingdom will be valued, and disvalued, both by Enemies and Friends, according to the Success of this Parliament. The Council here in

(*g*, *b*) From the *Ephemeris Parliamentaria* and Manuscripts.—Sir *Robert Philips*'s is differently given in *Rushworth*; and Mr. *Godwin*'s omitted.

in this House will have an Expectation upon all the Councils of Christendom; our Lives, our Fortunes, and our Religion depend upon the Dissolution of this Assembly, wherefore we had need to be wise. An. 3. Charles I. 1627.

'His Majesty hath already begun in Affection, proclaiming, through the whole Kingdom, that he relies wholely upon our Loves; which, if we do not answer in our Actions, we are worse than unworthy of his. The Cause why we are called hither is, to save ourselves; and Self-Preservation is a Thing so natural, as sure, no Man needs to be persuaded to it.

'Mr *Speaker*, we are not now upon the *bene esse* of the Kingdom, we are upon the very *esse* of it; whether we shall be a Kingdom or no; when we have made it sure that *England* is ours, then may we have Time to prune and to dress it. Is it a small Matter think you, that we have actually invaded the Territories of two of the most powerful Kings of Christendom, provoking them only, without weakening them at all? Nay, that they are both united, and become better Friends, than ever they meant to have been? Seems it a small Thing unto you, that we have beaten ourselves, more than our Enemies could have done? And shall we still continue to do so by our Divisions, by our Distractions? Men and Brethren, what shall we do? Is there no Balm in *Gilead*? Is there no Remedy here? Then is it no where to be found, but in Ruin? If we persevere, the King to draw one Way, the Parliament another, the Common-Wealth must sink in the Midst: But I hope better Things of so grave, so wise an Assembly.

Mr *Speaker*, I am no Man's Advocate, for I ever held it a Thing beneath the Dignity, against the Integrity of this House, to respect any particular, but as he concerns the general; neither am I so wise, or so presumptuous, as to condemn whatsoever hath been determined by a major Part, in this Place. Yet, Sir, give me Leave to say this, That

An. 3. Charles I. 1627. That one Parliament may instruct another, as one Day telleth another. Out of which Consideration, I humbly beseech this House, to be curiously wary and careful to avoid all Manner of Contestation, personal or real. The Hearts of Kings are great, as are their Fortunes; then are they fitted to yield, when they are yielded unto. It is comely and mannerly, that Princes, in all fair Appearance, should have the better of their Subjects. Let us, Mr *Speaker*, give the King a Way to come off like himself; for I do verily believe, that his Majesty doth, with longing, expect the Occasion.

'Notwithstanding, it is not only lawful for us, but it is our Duty, both to advertise and advise the King, concerning the weighty Affairs of the Kingdom, else are we so far from being a great Council, as we are no Council at all. But the Way to shew that we are the wise Counsellors that we should be, is, to take a right Course to attain the End of our Counsels; which, in my Opinion, (always submitting to the better Judgment) may, by this Means, be compassed.

'By trusting the King, thereby to breed a Trust in him towards us; for, without mutual Confidence, a good Success is not to be expected; by giving a large and ample Supply, proportionable to the Greatness and Importance of the Work in Hand; for Counsel without Money is but a Speculation.

'By prostrating our Grievances and Advices, modestly and humbly at his Majesty's Feet; for from thence are they likeliest to find a Way to his Majesty's Heart.

'By making it appear, that whatsoever we shall omit or abate, proceeds merely out of a dutiful and awful Respect to the King only; for the Body of a Parliament acknowledgeth but one Head: And, to say all at once, Mr. *Speaker*, let our whole Labours and Endeavours be, to get the King on our Side, for then shall we obtain whatsoever we can reasonably expect or desire.

'And

'And this may be no hard Matter to effect, considering the Nearness of Relation, between the King and his Subjects, is such, as neither can have Existence without the other. An. 3. Charles I. 1627.

As concerning the Bill brought in by that honourable and reverend Person, [Sir *Edward Coke*] it is, no Doubt, necessary, for the Preservation of the Liberty of the Subject; for this I speak resolutely, he, that is not safe in his Person and his Goods, dwells not at home.

'These Particulars, I humbly offer to the Consideration of the House, wherein, I have declared myself freely and sincerely (*i*).'

Sir *Thomas Wentworth*. 'May this Day's Resolution be as happy, as I conceive the Proposition, which now moves me to rise, to be seasonable and necessary: For whether we shall look upon the King or his People, it did never more behove this great Physician, the Parliament, to effect a true Consent amongst the Parties than now. This Debate carries with it a double Aspect; towards the Sovereign, and towards the Subject; tho' both be innocent, yet both are injured; both to be cured. In the Representation of Injuries I shall crave your Attention; in the Cure, I shall beseech your equal Cares and better Judgments.

'In the greatest Humility I speak it, these illegal Ways are Punishments and Marks of Indignation; the raising of Money by Loans, strengthened by Commission, with unheard-of Instructions; the billetting of Soldiers by the Lieutenants and Deputy-Lieutenants, have been as if they could have persuaded Christian Princes, nay Worlds, that the Right of Empire was to take away Goods by strong Hand; and they have endeavoured, as far as was possible for them, to do it.

'This hath not been done by the King, (under the pleasing Shade of whose Crown, I hope we shall

(*i*) From Sir *John Napier's* Manuscript. —— In the *Ephemeris Parliamentaria*, *Rushworth*, and a *Manuscript Account* of the Proceedings of this Parliament in the *Harleyan Library*, there are only a few broken Hints of this Speech.

An. 3. Charles I. 1627. ever gather the Fruits of Juſtice) but by Projectors: Theſe have extended the Prerogative of the King beyond its juſt Limits, which marrs the ſweet Harmony of the whole.

'They have rent from us the Light of our Eyes; enforced Companies of Gueſts worſe than the Ordinances of *France*; vitiated our Wives and Daughters before our Faces; brought the Crown to greater Want than ever it was, by anticipating the Revenue: And can the Shepherd be thus ſmitten, and the Flock not be ſcattered?

'They have introduced a Privy Council, raviſhing, at once, the Spheres of all antient Government; impriſoning us without Bail or Bond. They have taken from us, what ſhall I ſay? Indeed what have they left us? They have taken from us all Means of ſupplying the King, and ingratiating ourſelves with him, by tearing up the Roots of all Property; which, if they be not ſeaſonably ſet into the Ground by his Majeſty's Hand, we ſhall have, inſtead of Beauty, Baldneſs.

'To the making of all theſe whole I ſhall apply myſelf, and propound a Remedy to all theſe Diſeaſes. By one and the ſame Thing hath the King and People been hurt, and by the ſame muſt they be cured: To vindicate what? New Things? No; our antient, lawful, and vital Liberties, by reinforcing of the antient Laws made by our Anceſtors; by ſetting ſuch a Stamp upon them, as no licentious Spirit ſhall dare hereafter to enter upon them. And ſhall we think this a Way to break a Parliament? No: Our Deſires are modeſt and juſt. I ſpeak truly, both for the Intereſt of the King and People. If we enjoy not theſe, it will be impoſſible to relieve him: Therefore let us never fear but they will be accepted by his Goodneſs.

'Wherefore I ſhall deſcend to my Motion, which conſiſts of four Parts; two of which have Relation to the Perſons, and two to the Property of our Goods.

'*Firſt*, For our Perſons, the Freedom of them from Impriſonment, and from Employments abroad,

broad against our own Consents, contrary to the antient Customs of this Kingdom. An. 3. Charles I. 1627.

'The *second*, for our Goods, That no Levies may be made but by Parliament; and no Billeting of Soldiers.

'It is most necessary that these be resolved, that the Subjects may be secured in both.

'Then, for the Manner, it will be fit to determine it by a grand Committee (*k*).'

Sir *Edward Coke*. '*Dum Tempus habemus, Bonum operemur*. I am absolutely for giving Supply to his Majesty; yet with some Caution. To tell you of foreign Dangers and inbred Evils, I will not do it; the State is inclining to a Consumption, yet not incurable; I fear not foreign Enemies; God send us Peace at Home: For this Disease, I will propound Remedies; I will seek nothing out of my own Head, but from my Heart; and out of Acts of Parliament. I am not able to fly at all Grievances, but only at Loans. Let us not flatter ourselves. Who will give Subsidies, if the King may impose what he will? And if, after Parliament, the King may enhance what he pleaseth? I know the King will not do it. I know he is a religious King, free from personal Vices; but he deals with other Men's Hands and sees with other Men's Eyes. Will any give a Subsidy, if they are to be taxed, after Parliament, at Pleasure? The King cannot lawfully tax any by way of Loans. I differ from them, who would have this of Loans go amongst Grievances; for I would have it go alone.

'I'll begin with a noble Record: It chears me to think of it, 26. *Edward* III. It is worthy to be written in Letters of Gold: *Loans against the Will of the Subject, are against Reason, and the Franchises of the Land; and they desire Restitution* (*l*): What a Word is that Franchise? The Lord may tax his Villain high or low, but it is against the Franchises of the Land, for Freemen to be taxed, but

(*k*) From a Manuscript in the *Harleyan* Library: But there is an Abstract of it in *Rushworth*. (*l*) See Vol. I. p. 278.

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but by their Consent in Parliament. Franchise is a *French* Word, and in *Latin* it is *Libertas*. In *Magna Charta* it is provided, that, *Nullus liber Homo capiatur, vel imprisonetur, aut disseisetur de libero Tenemento suo, &c. nisi per legale Judicium Parium suorum, vel per Legem Terræ*: This Charter hath been confirmed by sundry good Kings, above thirty Times (*m*).'

Sir *John Cooke*, Secretary of State. 'I had rather you would hear any Man than me. I will not answer what hath been already spoken. My Intent is not to stir, but to quiet; not to provoke, but to appease: My Desire is, that every one resort to his own Heart to reunite the King and the State, and to take away the Scandal from us. Every one speaks from the Abundance of his Heart: I do conclude, out of every one's Conclusion, both to give to the King, and to redress Grievances; all the Difference is about the Manner. We are all Inhabitants in one House, the Commonwealth: Let every one amend his own House, for somewhat is amiss in every one: But if all the House be on Fire, will ye then think of mending what is amiss? Will ye not rather quench the Fire? The Danger all apprehend; the Way that is propounded, I seek not to decline. Illegal Courses have been taken, it must be confessed; the Redress must be by Laws and Punishment: But, withal, add the Law of Necessity: Necessity hath no Law, you must enable the State to do, what you do, by Petition, require. It is wished that we begin with Grievances: I deny not that we prepare them, but shall we offer them first? Will not this seem a Condition with his Majesty? Do we not deal with a wise King, jealous of his Honour? All the Subsidies we can give cannot advantage his Majesty so much, as that his Subjects do chearfully agree to supply him: This will amaze the Enemy more than ten Subsidies: Begin, therefore, with the King, and not with ourselves.

But

(*m*) This and the following from *Rushworth*, p. 502, corrected by the Manuscripts.

But neither this Day, nor the next, produced any Resolutions; the Time being spent in a general opening of Grievances from all Parts of the Kingdom. An. 3. Charles I. 1627.

We are obliged to Mr. *Rushworth* for the following Debates, on the Supply, *&c.* which were opened, by Secretary *Cook*, on the 24th of *March*, to this Effect (*n*);

'We all think fit, that both Supplies and Grievances go hand in hand together; but let me put you in Mind of that which concerns the King: Let him have the Precedency of Honour, if not of Time: Let the Heads of the King's Supply first be propounded; this will be an Honour to the King, and will do Service to the House; the End of this Parliament is the Subsistence of the King, as he himself hath declared; and such a Command is not now to be slighted: The King himself propounded it, and then he will agree with us in other Requests that are fit for a King to give: We, that have the Happiness to attend his Majesty, can tell you, that no King is more ready to hear the Complaints of his Subjects; and, withal, you know no King is more sensible of all Reproaches which touch his Honour.

'Will it not be fit to grant him this Honour, to have the Precedency? It was the Speech of an antient Parliament-Man, Let us deal gently with our King: By these Laws that we make, we do bind ourselves; and it is an Addition to his Power: None dies, but he leaves his Heir to the Favour of the King: We having made our first Union with God, it is next intended, that we be at one with our King: Is it not fit we be at Peace with our Head? His Majesty desires it, and expects it. After this Unity with our Head, there is Consideration to be had of Unity with ourselves; after this, we shall be all knit in one Body; we shall all pronounce, clearly *Shiboleth*; and we shall consider of the Grievances and Irregularities of the

(*n*) This Speech is not in any of our Manuscripts or Pamphlets; and the *Journals* are silent about it.

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Times, which none desires to be reform'd more than his Majesty, and those whom you think most averse: Let us take the best Way for Reformation: And will not this be an happy Union, if the whole Body concur to reduce all into Regularity? If Laws be our Birth-Rights, we shall hereby recover them and their Splendor: This will have a good Aspect abroad, and will give Courage to our Men that have been despised; it will prevent Practices to continue Divisions amongst us, both at home and abroad.

'The first Sower of Seeds of Distractions amongst us, was an Agent of *Spain*, *Gondomar*, that did his Master great Service here and at Home. Since that we have had other Ministers that have blown the Fire: The Ambassador of *France* told his Master at home, what he had wrought here the last Parliament, namely, Divisions between King and People; and he was rewarded for it. Whilst we sate here in Parliament, there was another intended Parliament of Jesuits in *Clerkenwell*, and other Well-willers, within a Mile of this Place: That this is true, was discovered by Letters sent to *Rome*; the Place of their Meeting is changed, and some of them are there where they ought to be: If you look in your Kalendar, there is a Day of St. *Joseph*; it was called in the Letter the Oriental Day, and that was the Day intended for their Meeting. I speak this, to see God's Hand to work our Union by their Division; they are not more rent from us, than they are from themselves. I desire the meanest Judgment to consider what may follow by giving Precedency to his Majesty; and, by so doing, we shall put from ourselves many Imputations. If we give any Occasion of Breach, it is a great Disadvantage; if otherwise, it is an Obligation to the King, which his Majesty will not forget.'

Then he made a Motion, That the same Committee may hear Propositions of general Heads of Supply; and, afterward, go to other Businesses of the

the Day for Grievances. Others preferred the Consideration of Grievances, as a particular Root that invades the main Liberty of the Subject. It is the Law, said they, that glorious fundamental Right, whereby we have Power to give; we desire but that his Majesty may see us have that Right therein, which, next to God, we all desire; and then, we doubt not, but we shall give his Majesty all the Supply we can. The Time was, when it was usual to desire Favours for sowing Discords, as *Gondomar* did for Sir *Walter Rawleigh*'s Head.——But the Debates of this Day came to no Resolution. An. 3. Charles I. 1627.

March 25th, Mr Secretary *Cook* tender'd the House certain Propositions from the King, touching Supply; and told them, That his Majesty finding Time precious, expects that they should begin speedily; lest they spend that Time in Deliberation, which should be spent in Action: That he esteems the Grievances of the House his own, and stands not on Precedence in Point of Honour: Therefore to satisfy his Majesty, let the same Committee take his Majesty's Propositions into Consideration; and let both concur, whether to sit on the One in the Forenoon, or the Other in the Afternoon; it is all one to his Majesty.

Hereupon the House turned themselves into a Commitee; and commanded *Edward Littleton*, Esq; into the Chair; and ordered the Committee to take into Consideration the Liberty of the Subject, in his Person, and in his Goods; and also to take into Consideration his Majesty's Supply. In this Debate, the Grievances were reduced to six Heads, as to our Persons. 1. Attendance at the Council-board. 2. Imprisonment. 3. Confinement. 4. Designation to Foreign Employment. 5. Martial Law. 6. Undue Proceedings in Matter of Judicature.

The first Matter debated, was the Subject's Liberty in his Person: The particular Instance was, in the Case of Sir *John Heveningham*, and those other

An. 3. Charles I. 1627. other Gentlemen, who were imprisoned about Loan-Money; and thereupon having brought their *Habeas Corpus*, had their Case argued, and were, nevertheless, remanded to Prison; and Judgment, as it was then said, was entered.

Hereupon Mr *Creskeld*, of *Lincoln's-Inn*, spake to this Purpose (*o*).

'I stand up to speak somewhat concerning the Point of the Subject's Grievance, by Imprisonment of their Persons, without any Declaration of the Cause; contrary to, and in Derogation of, the fundamental Laws and Liberties of this Kingdom.

'I think I am one of the Puisnes of our Profession, that are Members of this House; but howsoever, sure I am, that, in respect of my own Inabilities, I am the Puisne of the whole House: Therefore, according to the usual Course of Students in our Profession, I may, as the Puisne, speak first in Time, because I can speak least in Matter.

'In Pursuance of which Course I shall rather put the Case, than argue it; and therefore I shall humbly desire, first of all, of this honourable House in general, that the Goodness of the Cause may receive no Prejudice by the Weakness of my Argument; and next, of my Masters here of the same Profession in particular, that they, by their learned Judgments, will supply the great Defects I shall discover by declaring of my unlearned Opinion.

'Before I speak of the Question, give me Leave, as an Entrance thereunto, to speak first of the Occasion.

'Ye all know that Justice is the Life and the Heart's-Blood of the Commonwealth; and if the Commonwealth bleed in that Master-Vein, all the Balm

(*o*) There is only an Abstract of this Speech in *Rushworth*, in which this Gentleman is called *Creswell*: The following is taken from Sir *John Napier's* Manuscripts: There is also an incorrect Copy of it in the *Ephemeris Parliamentaria*.

Balm in *Gilead* is but in vain to preserve this our Body of Policy from Ruin and Destruction. Justice is both *Columna & Corona Reipublicæ*; she is both the Column and the Pillar; the Crown and the Glory of the Commonwealth. This is made good in Scripture by the Judgment of *Solomon*, the wisest King that ever reigned on Earth For first, she is the Pillar; for he saith *That by Justice the Throne is established:* Secondly, she is the Crown; for he saith *That by Justice a Nation shall be exalted.* An. 3. Charles I. 1627.

'Our Laws, which are the Rules of Justice, are the *ne plus ultra* to both the King and the Subject; and, as they are *Hercules*'s Pillars, so are they the Pillars of *Hercules* to every Prince, which he must not pass.

'Give me Leave to resemble Justice to *Nebuchadnezzar*'s Tree; for she is so great, that she doth shade not only the Palace of the King, and the House of Nobles; but doth also shelter the Cottage of the poorest Beggar.

'Wherefore, if either now the Blasts of Indignation, or the unresistable Violator of Laws, Necessity, hath so bruised any of the Branches of this Tree; that either our Persons, or Goods, or Possessions, have not the same Shelter as before; yet, let us not therefore neglect the Root of this great Tree; but rather, with all our possible Means, Endeavours, and unfeigned Duties, both apply fresh and fertile Mould unto it, and also water it even with our own Tears; that so these bruised Branches may be recovered, and the whole Tree again prosper and flourish. For this I have learned from an antient Father of the Church, that tho' *Preces Regum sunt armatæ* yet *Arma Subditorum* are but only *Preces & Lachrymæ.*

'I know well that *Cor Regis inscrutabile*; and that Kings, although they are but Men before God, yet they are Gods before Men. And therefore to my Gracious and Dread Sovereign, (whose Virtues are true Qualities ingenerate, both in his Judgment and Nature) let my Arm be cut off; nay, let my Soul not live that Day, that I shall dare to lift

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lift up my Arm to touch that forbidden Fruit; those Flowers of his princely Crown and Diadem.

'But yet in our *Eden*, in this Garden of the Common-Wealth, as there are the Flowers of the Sun, which are so glorious that they are to be handled only by Royal Majesty; so are there also some Daisies and wholsome Herbs, which every common Hand, that lives and labours in this Garden, may pick and gather up, and take Comfort and Repast in them. Amongst all which this *Oculus Diei*, this *bona Libertas* of which I am now to speak, is not one only, but the chief.

Thus much, in all Humbleness, I presume to speak for the Occasion.

'I will now descend to the Question: Wherein I hold, (with all dutiful Submission to better Judgments) that these Acts of Power, in imprisoning and confining of his Majesty's Subjects, in such Manner, without any Declaration of the Cause, are against the fundamental Laws and Liberties of this Kingdom.

'And for these Reasons, thus briefly drawn, I conclude.

1. 'From the great Favour which the Law doth give unto, and the great Care which it hath ever taken of, the Liberty and Safety of the Bodies and Persons of the Subjects of this Kingdom.

'I shall not need to take the Question in Pieces, nor handle it in the Parts dividedly, but as one entire Body; because I hold no other Difference between Imprisonment and Confinement than only this, that the one hath a less and straiter, the other a greater and larger Prison. And this Word *Confinement* not being to be found in any one Case of our Law, if therefore it is become the Language of State, it is too difficult for me to define.

'To proceed therefore in maintenance of my first Reason; I find our Law doth so much favour the Liberty of the Subject's Person, that the Body of a Man was not liable to be arrested or imprisoned for any other Cause at the Common Law, but for Force, and Things done against the Peace: For the Com-

Common Law, being the Preſerver of the Peace of the Land, ſo abhorreth Force, that thoſe, that commit it, ſhe accounts her capital Enemies; and therefore did ſubject their Bodies to Impriſonment. But by the Statute of *Marlebridge*, *Cap.* 23. which was made 52. *Henry* III. (who was the eighth King from the Conqueſt) becauſe Bailiffs would not render Accounts to their Lords, it was enacted, That their Bodies ſhould be attached. And afterwards, by the Statute 23. *Edw.* III. 17. (who was the eleventh King after the Conqueſt) becauſe Men made no Conſcience to pay their Debts, it was enacted, That their Bodies ſhould likewiſe be attached: But, before theſe Statutes, no Man's Body was ſubject to be taken, or impriſoned, otherwiſe than as aforeſaid; whereby it is evident how much the Common Law favoured the Liberty of the Subject, and protected his Body from Impriſonment. An. 3. Charles I. 1627.

'I will enforce this Reaſon further by a Rule in Law, and ſome Caſes in Law upon that Rule.

'The Rule is this, That *Corporalis Injuria non recipit Eſtimationem de futuro:* So that if the Queſtion be for a Wrong done to the Perſon, the Law will not compel him to ſuſtain it, and afterwards expect a Remedy; for the Law holds no Damages a ſufficient Recompence for a Wrong which is corporal.

'The Caſes in Law to prove this Rule ſhall be theſe.

'If one menace me in my Goods, or that he will burn the Evidences of my Lands, which he hath in his Cuſtody, unleſs I make unto him a Bond: There I cannot avoid the Bond by pleading of this Menace. But if he reſtrains my Perſon, or threatens me with Battery, or with burning my Houſe, which is a Protection for my Perſon, or with burning an Inſtrument of Manumiſſion, which is an Evidence of my Enfranchiſement; upon theſe Menaces, Durance, or Dares, I can avoid the Bond by Plea.

'So if a Treſpaſſer drives my Beaſt over another Man's Ground, and I purſue to reſcue it; there I am

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am a Trespassor to him on whose Ground I am: But if a Man assault my Person, and I, for my Safety, fly over into another Man's Ground; there I am no Trespassor to him; for *Jure evenit, ut quod quis, ob tutelam sui Corporis, fecerit, id Jure fecisse existimatur.*

'Nay, which is more, the Common Law did favour the Liberty, not only of Freemen, but even of the Persons of Bondmen and Villains, who have no Right of Property, either in Lands or Goods, as Freemen have: And therefore, by the Law, the Lord could not maim his Villain; nay, if the Lord commanded another to beat his Villain, and he did it, the Villain should have his Action of Battery against him for it.

'If the Lord made a Lease for Years to his Villain; if he did plead with his Villain; if he tendered his Villain to be Companion for him in a Writ of Right; any of those Acts, and many others which I omit, were, in Law, Infranchisements, and made these Villains Freemen: Nay, in a Suit brought against one, if he, by Attorney, will plead that he is a Villain, the Law is so careful of Freedom, that it disallows this Plea by Attorney; but he must do it *propria Persona*, because it binds his Posterity and Blood to be Villains also. And thus much in the general for my first Reason.

2. 'My next Reason is drawn by an Argument *a minori ad majus:* I frame it thus. If the King has no absolute Power over our Lands or Goods, then, *a fortiori*, not over our Persons, to imprison them without declaring the Cause: For our Persons are much more worthy than either our Lands or Goods; which is proved by what I have already said; and Christ himself makes it clear, where he saith. *An non est Corpus supra Vestimentum? Is not the Body more worth than Raiment?* where the Canonists say, that *Vestimentum* comprehended all outward Things, which are not in the same Degree with that which is corporal. And our Law maketh it also plain; for if a Villain purchase Frank-Land,

Land, this maketh it Villain-Land according to the Nature of his Person; but it holds not, *e converso*, Frank-Land shall not free the Person. Now, that the King hath no absolute Power over our Lands or Goods, I will only, at this Time, put a Case or two; for, without Proof of the Premisses, my Conclusion would not follow. An. 3. Charles I. 1627.

'*First*, for Land: The King cannot, by his Letters Patent, make the Son of an Alien Heir to his Father, nor to any other; for he cannot disinherit the right Heir, saith the Book, nor do Prejudice to the Lord of his Escheat. The King, by his Prerogative, shall pay no Toll for Things bought in Fairs and Markets; but a Custom for paying Toll to go over the Soil and Freeholds of another shall bind the King; for this toucheth the Inheritance of the Subject, and therefore the King shall not have so much as a Way over his Lands without Payment; and, if not a Way, then certainly not the Land itself.

'*Next*, for Goods: If a Man hath a Jewel in Gage for 10 l. *&c.* and is attainted for Treason, the King shall not have this Jewel, if he pays not the 10 l. So, if Cattle be distrained, and the Owner of them afterwards be attainted; yet the King shall not have them untill the Party be satisfied for that for which they were distrained. And if in these Cases, where the Owners of Goods are such capital Offenders, the King cannot have them; much less shall he have them when the Owner is innocent, and no Offender.

'Nay, I may well say, that almost every Leaf and Page of all the Volumes of our Common Law prove this Right of Property; this Distinction of *meum* and *tuum*, as well between King and Subject, as one Subject and another: And therefore my Conclusion follows, That if the Prerogative extend neither to Land nor to Goods; then, *a fortiori*, not to the Person; which is of more Worth than either Lands or Goods, as I said before. And yet I agree that, by the very Law of Nature, the Ser-

An. 3. Charles I. 1627. Service of the Person of the Subject is due to the Sovereign; but this must be in such Things which are not against the Law of Nature: But to have the Body imprisoned, without any Cause declared, and so to become in Bondage, I am sure is contrary unto and against the Law of Nature; and therefore not to be enforced by the Sovereign upon his Subjects.

3. ' My next Reason is drawn *ab inutili & incommodo.* For the Statute, *de frangentibus Prisonam*, made 1. *Edw.* II. is, *quod nullus, qui Prisonam fregerit, subeat judicium Vitæ vel Membrorum pro fractione Prisonæ tantum; nisi Causa, pro qua captus et imprisonatus fuerit, tale Judicium requirat.* Whence this Conclusion is clearly gathered, That if a Man be committed to Prison, without declaring for what Cause; and then, if either the Malefactor do break the Prison, or the Jailer suffer him to escape, albeit the Prisoner so escaping had committed *Crimen læsæ Majestatis*; yet neither the Jailer, nor any other that procured his Escape, can, by Law, suffer any corporal Punishment for setting him at large; which, if admitted, might prove, in consequence, a Matter of great Danger to the Common-Wealth.

4. ' My next Reason is drawn *a Regis Honore*; from that great Honour the Law doth attribute unto Sovereign Majesty; and therefore the Rule of Law is, that *solum Rex hoc non potest facere, quod non potest injuste facere:* And therefore if a Subject hath the Nomination, and the King the Presentation to a Church, whereunto the King presents without the Subject's Nomination; here the *quare impedit* lies against the Incumbent *tantum*, and the King is in Law no Disturber.

' And *Hussey*, Chief Justice in 1. *Hen.* VII. *Fol.* 4. saith, That Sir *John Markham* told King *Edward* IV. he could not arrest a Man either for Treason or Felony, as a Subject might; because that if the King did wrong, the Party could not have his Action against him.

' What

'What is the Reason that an Action of false Imprisonment lies against the Sheriff, if he doth not return the King's Writ, by which he hath taken the Body of the Subject, but this; because the Writ doth *breviter enarrare Causam Captionis*; which, if it doth not, it shall abate, and is void in Law; and being returned, the Party, when he appears, may know what to answer, and the Court what to judge. And if the King's Writ, under his great Seal, cannot imprison the Subject, unless it contains the Cause, shall then the King's Warrant otherwise do it without containing the Cause; that so his Judges upon return thereof, may likewise judge of the same, either to remand, bail, or deliver the Party imprisoned? An. 3. Charles I. 1627.

'I should argue the Point more closely upon the Statute of *Magna Charta*, 29. *quod nullus liber Homo imprisonetur*; the Statute of *Westminster* 1. *Cap.* 15. for letting Persons to Bail; and the Judgment lately given in the King's Bench: But the latter of these Statutes having been by that Honourable Gentleman (*p*) (to whom the Professors of the Law, both in this and all succeeding Ages, are, and will be much bound) already expounded unto us; and that also fortified by those many cotemporary Expositions and Judgments by him learnedly cited; and there being many learned Lawyers here, whose Time I will not waste, who were present, and some of them perhaps of Counsel in the late Cause adjudged in the King's Bench; where you, Sir (*q*), to whose Person I now speak, do well know I was absent, being then of Counsel in a Cause in another Court; and my Practice being in the Country, far remote from the Treasures of Antiquity and Records, conducing to the clearing of this Point; therefore the Narrowness of my Understanding commends unto me sober Ignorance, rather than presumptuous Knowledge; and so commands me no further to trouble your Patience.

'But

(*p*) Sir *Edward Coke*.
(*q*) *Edward Littleton*, Esq; the Chairman, afterwards Lord Keeper.

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'But I will conclude with that which I find reported by Sir *John Davis*, who was the King's Sergeant; and so, by the Duty of his Place, would no doubt maintain, to the uttermost of his Power, the King's Prerogative Royal; and yet it was by him thus said, in those Reports of his upon the Case of *Tanistry Customs*, 'That the Kings 'of *England* always have had a Monarchy Royal, 'and not a Monarchy Signoral; where, under the 'first, saith he, the Subjects are free Men, and 'have Property in their Goods, and Freehold and 'Inheritance in their Lands; but, under the latter, 'they are as Villains and Slaves, and have Property in nothing. And therefore, saith he, when a 'Royal Monarch makes a new Conquest, yet, if 'he receives any of the Nation's antient Inhabitants into his Protection; they, and their Heirs 'after them, shall enjoy their Lands and Liberties 'according to the Laws.' And there he voucheth this Precedent and Judgment following, given before *William the Conqueror* himself, *viz.*

'That one *Sherborn*, at the Time of the Conquest, being Owner of a Castle and Lands in *Norfolk*, the Conqueror gave the same to one *Warren*, a *Norman*; and, *Sherborn* dying, the Heir 'claiming the same by Descent according to the 'Law, it was, before the Conqueror himself, adjudged for the Heir, and that the Gift thereof by 'the Conqueror was void (*r*).'

'If then it was thus in the Conqueror's Time, and by his own Sentence and Judgment, and hath so continued in all the Successions of our Kings ever since, what Doubt need we have, but that his Most Excellent Majesty, upon our humble Petition prostrate at his Feet, (which, as was well said, is the best Passage to his Heart) will vouchsafe unto us our antient Liberties and Birthrights, with a thorough Reformation of this and other our just Grie-

(*r*) *De cest Judgment* Cambden *fait Mention en le Description de* Norfolk, *et* Calthrop *Justice disoit, que il a vieu un authentique Copy de cest Judgment, en le Libraric de Sir* Christopher Heydon, *al* Baconsthorp, *en* Norfolk. See Davis's Reports, Lond. 1628, p. 41.

Grievances: And so I humbly crave Pardon of this Honourable House, that I have made a short Lesson so long, by making more Rests than Notes.'

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Upon this and other Arguments made in this Case of the *Habeas Corpus*, the House referred the whole Business to a Committee, to examine all the Proceedings; concerning which Mr. *Selden* afterwards made Report to the House, 'That Mr. *Waterhouse*, a Clerk in the Crown-Office, being examined before the Committee, did confess, That, by Direction from Sir *Robert Heath*, the King's Attorney General, he did write the Draught of a Judgment in the Case before mentioned; which was delivered to Mr. Attorney. And Mr. *Keeling* being examined before the Committee did confess, That after *Michaelmas* Term last, the Attorney-General wished him to make a special Entry of the *Habeas Corpus*. To which he answered, He knew no special Entry in those Cases, but only a *Remittitur:* But said to Mr. Attorney, That if he pleased to draw one, and the Court should afterwards assent to it, he would then enter it. The Attorney did accordingly make a Draught; and the Copy thereof Mr. *Keeling* produced to the Committee. And further said, That he carried this Draught to the Judges; but they would not assent to a special Entry: Nevertheless the Attorney-General divers Times sent to him, and told him, There was no Remedy, but he must enter it. Yet, a Week before the Parliament met, the Attorney-General called for the Draught again; which accordingly he gave unto him, and never heard of it more.'

A Committee appointed to inquire concerning the Judgment against the Refusers of the Loan.

Sir *Robert Philips*, upon this Report, gave his Opinion, 'That this intended Judgment in the *Habeas Corpus*, was a Draught made by some Man that desired to strike us all from our Liberties; tho' the Judges justly refused it: But if the Judges did intend it, we sit not here, said he, to answer the Trust we are sent for, if we present not this Matter to his Majesty. Let this Business be further searched into, and see how this Judgment lies against us,

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us, and what the Judges do say concerning the same.'

Sir *Edward Coke* said, 'This Draught of the Judgment will sting us, *quia nulla Causa fuit ostenta*; being committed by the Command of the King, therefore he must not be bailed! What is this but to declare upon Record, that any Subject, committed by such absolute Command, may be detained in Prison for ever? What doth this tend to, but the utter Subversion of the choice Liberty and Right belonging to every free-born Subject of this Kingdom? I fear, were it not for this Parliament, that followed so close after that Form of Judgment was drawn up, there would have been hard putting to have had it entered: But a Parliament brings Judges, Officers, and all Men into good Order.'

The Commons afterwards, upon further Debate of this Matter, desired, That the Judges of the King's Bench might declare themselves concerning this Business; which was ordered accordingly, and will appear in the Sequel.

The King's Propositions for Supply.

The same Day, *March* 25, the Propositions, which had been tendered by Secretary *Cook*, from his Majesty, were received and read, but the Debate thereof was referred to the 2d of *April*. The Propositions were these, *viz.*

1. To furnish with Men and Victuals thirty Ships, to guard the Narrow-Seas, and along the Coasts.

2. To set out ten other Ships for the Relief of the Town of *Rochel*.

3. To set out ten other Ships for the Preservation of the *Elbe*, the *Sound*, and *Baltick-Sea*.

4. To levy Arms, Cloathes, Victuals, and Pay, for transporting an Army of 1000 Horse and 10,000 Foot, for Foreign Service.

5. To pay and supply 6000 more, for the Service of *Denmark*.

6. To supply the Forts of the Office of Ordnance.

7. To

7. To supply the Stores of the Navy. An. 4. Charles I. 1628.

8. To build twenty Ships yearly for the Increase of the Navy.

9. To repair the Forts within the Land.

10. To pay the Arrears of the Office of Ordnance.

11. To pay the Arrears of the Victualler's Office.

12. To pay the Arrear of the Treasurer of the Navy.

13. To pay the Arrears due for the Freight of divers Merchant Ships employed in his Majesty's Service.

14. To provide a Magazine for Victuals for Land and Sea-Service.

A Conference had been desired by the Lords with the Commons, about joining with them in a Petition to the King, for putting the Laws in Execution against *Recusants*; at which, Secretary *Cook*, who was appointed to manage this Conference, spoke to this Effect (*s*);

Secretary Cook's Speech at a Conference concerning enforcing the Laws against Recusants.

'We are sent to attend this Conference from the Knights, Citizens and Burgesses of the House of Commons. And first we acknowledge, all due Honour both unto the Reverend Fathers of the Church, and to you, noble Lords; in that you have shined before us, as worthy Lights in the Encouragement and Maintenance of God's true Religion, being the true Support of all your Dignities and Honours. And this Forwardness of yours is the more remarkable, when that viperous Generation, as your Lordships justly stiled them, do, at Ease, with Tooth and Nail, essay to rent the Bowels of their Mother. For, give me Leave to tell you what I know, that these now both vaunt at home, and write to their Friends abroad, that they are now in Peace; that they hope all

(*s*) Taken from the Manuscript before-mentioned, and compar'd by the Lords Journals: —— But is also in the *Ephemeris* and *Rushworth*.

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will be well, and doubt not to prevail, and win Ground upon us.

'And a little to awake the Care and Zeal of our learned and grave Fathers, it is fit that they take Notice of that Hierarchy which is already established in Competition with their Lordships; for they have a Bishop consecrated by the Pope; this Bishop hath his subalternate Officers of all Kinds, as Vicars-General, Archdeacons, Rural-Deans, Apparitors, and such like. Neither are these nominal or titular Officers alone; but they all execute their Jurisdictions; make their ordinary Visitations through the Kingdom; keep Courts, and determine ecclesiastical Causes; and, (which is an Argument of more Consequence) they keep ordinary Intelligence by their Agents at *Rome*, and hold Correspondence with the Nuncios and Cardinals both at *Brussels* and in *France*.

'Neither are the Seculars alone grown to this Height, but the Regulars are more active and dangerous; and have taken deep Root; they have already planted their Societies and Colleges of both Sexes; they have settled Revenues, Houses, Libraries, and Vestments, with all necessary Provisions to travel or stay at home; nay, even at this Time, they intend to hold a concurrent Assembly with this Parliament.

'But now, since his Sacred Majesty hath extended his Royal Arm, and since the Lords of his Council have, by their Authority, caused these Nests of Wasps to be digged out of the Earth, and their Convocations to be scatered; and since your Lordships join in Courage and Resolution, at least, to reduce this People to their lawful Restraint, that they may do no more Hurt; we conceive great Hope and Comfort, that the Almighty God will, from henceforth, prosper our Endeavours both at home and abroad.

'But now, my Lords, to come to the chief Errand of this our Meeting; which is to make known to you the Approbation of our House of that

that Petition to his Majesty, wherein you were pleased to desire our Concurrence. An. 4. Charles I. 1628.

'The House hath taken it into serious Consideration; and, from the Beginning to the End, approves of every Word, and much commends your happy Pen; only we are required to present unto you a few Additions, whereby, we conceive, the Petition may be made more agreeable to the Statutes, which are desired to be put in Execution; and to a former Petition granted by his Majesty, recorded in both Houses, confirmed under the Broad-Seal of *England*, and published in all our ordinary Courts of Justice. But these Things we propound not as our Resolutions, or as Matters to raise Debate or Dispute, but commend them only as our Advice and Desire; being ready, notwithstanding, to join with your Lordships in the Petition, as now it is; if your Lordships shall not find this Reason to be of Weight.'

These Additions, which were but few, were approved of by the Lords, and inserted in the Petition, on the 29th of *March*. Two Days after it was presented to the King by both Houses; and, at the Delivery thereof, the Lord-Keeper made the following Speech (*t*).

Most Gracious Sovereign,

The Petition of both Houses on that Subject, with the King's Answers.

'THE Lords Spiritual and Temporal, and Commons in this present Parliament assembled, out of the due Care of the Glory of Almighty God, and of the Honour and Safety of your Majesty; do, with all Humbleness, and with one unanimous Consent, present to your Royal Hands, the most loyal Desires of all their Hearts; which is set down in a most dutiful Petition, which is, to quicken the Laws against the Perturbers of the Peace of the State: We cannot, nor do not forget your Majesty's most gracious Acts and Answers on the like Petition; they are visible to the World, to your Majesty's Honour and Comfort: We bend our Knees and

(*t*) From *Rushworth* corrected by the *Lords Journals*.

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'Hearts, blessing God and your Majesty therefore; 'yet let it not seem needless, that we repair again 'to your Majesty: The Husbandman knows, that 'Weeds are not destroyed at one weeding: These 'are growing Evils, they are Weeds of a spread-'ing Nature: And, we, that come from all Parts, 'do think it our Duty to tell your Majesty, that 'God's Vineyard is not yet cleansed. And God 'himself requires, that we pray to him often, e-'ven for what he means and promiseth to bestow 'on us. But my Message comes from the Pen of 'both Houses; and, therefore, I humbly beseech 'your Majesty, to lend a gracious Ear to hear me 'read the Petition.'

After the reading thereof, his Majesty made this short Speech.

My Lords and Gentlemen,

I Do very well approve the Method of your Proceedings in this Parliament, a Jove Principium; *hoping that the rest of your Consultations will succeed the happier. And I like the Preamble of my Lord-Keeper; otherwise, I should have a little suspected, that you had thought me not so careful of Religion as I have been, and ever shall be, wherein I am as forward as you can desire. And for the Petition, I answer first in general, That I like it well, and will use these as well as other Means, for the Maintenance and Propagation of that Religion, wherein I have lived, and do resolve to die. But for the Particulars* [because they consisted of many Points] *you shall receive a more full Answer hereafter. And now will I only add this, That as we pray to God to help us, so we must help ourselves: For we can have no Assurance of his Assistance, if we do lie in Bed, and only pray, without using other Means. And, therefore, I must remember you, that if we do not make Provision speedily, we shall not be able to put one Ship to Sea this Year.* Verbum sapienti sat est.

Afterwards the Lord-Keeper signified unto the House, That his Majesty had now given his Answer

swer unto the Petition exhibited by both Houses against *Recusants*; and had commanded his Lordship to read the same Answer in this House; and Mr Secretary to read it in the House of Commons. Whereupon the Clerk read the first Article of the said Petition; and the Lord-Keeper read his Majesty's Answer unto the same, and to each Article thereof. An. 4. Charles I. 1628.

The which Petition, with the Answers, follow, *in hæc Verba.*

Most Gracious Sovereign,

'WE your Majesty's most loyal and obedi-
'ent Subjects, the Lords Spiritual and
'Temporal, and Commons, in Parliament as-
'sembled, having, to our singular Comfort, ob-
'tained your Majesty's pious and gracious Assent
'for a Public Fast, to appease the Wrath of Al-
'mighty God kindled against us; and to prevent
'those grievous Judgments, which do apparently
'press upon us, do, in all Humility, present unto
'your Sacred Majesty all possible Thanks for the
'same. And, because, the public and visible Sins
'of the Kingdom, are the undoubted Causes of
'those visible Evils that are fall'n upon us; amongst
'which Sins, (as is apparent by the Word of God)
'Idolatry and Superstition are the most heinous
'and crying Sins; to the End that we may con-
'stantly hope for the Blessing of God, to descend
'upon this our Public Humiliation, by abandon-
'ing those Sins which do make a Wall of Seperation betwixt God and us:'

Article I. 'We most humbly and ardently
'beg, at the Hands of your most Sacred Majesty,
'That your Majesty will be pleased to give conti-
'nual Life and Motion to all those Laws, that
'stand in force against Jesuits, Seminary Priests,
'and all that have taken Orders, by Authority of the
'See of *Rome*, by exacting a more due and serious
'Execution of the same: Amongst which Number,
'those,

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'those, that have highly abused your Majesty's 'Clemency, by returning into the Kingdom after 'their Banishment, contrary to your Highness's 'express Proclamation, we humbly desire, may 'be left to the Severity of your Laws, without 'admitting of any Mediation or Intercession for 'them. And that such of your Majesty's unsound 'and ill-affected Subjects, as do receive, harbour, 'or conceal any of that viperous Generation, 'may, without Delay, suffer such Penalties and 'Punishments, as the Laws justly impose upon 'them.'

His Majesty's Answer.

To the first Point, his Majesty answereth, That he will, according to your Desire, give both Life and Motion to the Laws that stand in force against Jesuits, Seminary Priests, and all that have taken Orders by Authority of the See of Rome: *And, to that End, his Majesty will give strict Order to all his Ministers, for the discovering and apprehending of them, and so leave them, being apprehended, to the Trial of the Law. And, in case, after Trial, there shall be Cause to respite Execution of any of them, yet they shall be committed, according to the Example of the best Times, to the Castle of* Wisbech, *and there be safely kept from exercising their Functions, or spreading their superstitious and dangerous Doctrine; and the Receivers and Abettors shall be left to the Law.*

II. 'That your Majesty would be pleased to 'command a surer and straiter Watch, to be kept 'in and over your Majesty's Ports and Havens; 'and to commit the Care and Charge of searching 'of Ships, for the Discovery and Apprehension, 'as well of Jesuits and Seminary Priests brought 'in, as of Children and young Students, sent o-'ver beyond the Seas, to suck in the Poyson of 'Rebellion and Superstition, unto Men of approv-'ed Fidelity and Religion: And such as shall be 'convicted to have connived or combined at the 'bringing

'bringing in the one, or conveying of the other out, that the Laws may pass upon them with speedy Execution.' An. 4. Charles I. 1628.

Answer. *To the second Article, his Majesty granteth all that is desired therein; and, to this End, will give Order to the Lord Treasurer, Lord Admiral, and Lord Warden of the Cinque-Ports, that, in their several Places, they be careful to see this Article fully executed; giving strict Charge to all such as have Place and Authority under them, to use all Diligence therein. And his Majesty requireth them, and all other his Officers and Ministers, to have a vigilant Eye upon such as dwell in dangerous Places of Advantage or Opportunity, for receiving or transporting of any such as are here mentioned. And his Majesty will take it for good Service, if any will give Knowledge of any such, as have connived or combined, or shall connive or combine, as is mentioned in this Article, that Justice may be strictly done upon them.*

III. 'That considering those dreadful Dangers, never to be forgotten, which did involve your Majesty's Sacred Person, and the whole representative Body of your Majesty's Kingdom, plotted and framed by the free and common Access of *Popish Recusants* to the City of *London*; and to your Majesty's Court; your Majesty would be graciously pleased to give speedy Command for the present putting in Practice those Laws, that prohibit all *Popish Recusants* to come to the Court, or within ten Miles of the City of *London*; as, also, those Laws, that confine them to the Distance of five Miles, from their Dwelling-Houses; and that such, by past Licences not warranted by Law, as have been granted unto them, for their Repair to the City of *London*, may be discharged and annulled.

Answer. *To the third; his Majesty will take Order to restrain the Resort of* Recusants *to the Court; and, also, for the other Points in this Article,*

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cle, his Majesty is well pleased, that the Laws be duely executed; and that all unlawful Licences be annulled and discharged.

IV. 'That, whereas, it is more than probably 'conceived, that infinite Sums of Money have, 'within these two or three Years last past, been 'extracted out of the *Recusants*, within the King-'dom, by Colour of Composition; and a small 'Proportion of the same returned unto your Ma-'jesty's Coffers, not only to the sudden enriching 'of private Persons, but to the emboldening of '*Romish Recusants*, to entertain Massing Priests 'into their private Houses; and to exercise all 'their mimique Rites of their gross Superstition, 'without Fear or Controul, amounting, as, by 'their daily Practice and Ostentation, we may 'conceive, to the Nature of a concealed Tolera-'tion; your Majesty would be graciously pleased 'to take this particular, more nearly, into 'your Princely Wisdom and Consideration; and 'to dissolve this Mystery of Iniquity, patched up 'of colourable Leases, Contracts, and Precon-'veyances; being but Masks, on the one Part, of 'Fraud to deceive your Majesty; and Stales, on 'the other Part, for private Men to accomplish 'their corrupt Ends.'

Answer. *To the fourth Article; his Majesty is most willing to punish, for the Time past, and prevent, for the future, any of the Deceits and Abuses mentioned in this Article; and will account it a good Service in any, that will inform Himself, his Privy-Council, Officers of his Revenues, Judges, or learned Council, of any Thing that may reveal this Mystery of Iniquity. And his Majesty doth strictly command every of them, to whom such Information shall be brought, that they suffer not the same to die, but, do their uttermost Endeavour to effect a clear Discovery, and bring the Offenders to Punishment. And to the Intent no concealed Toleration may be effected, his Majesty leaves the Laws to their Course.*

V. 'That

V. 'That as the Persons of Ambassadors from 'Foreign Princes, and their Houses, be free for 'the Exercises of their own Religion, so their 'Houses may not be made free Chapels and Sanc-'tuaries unto your Majesty's Subjects, popishly 'affected, to hear Mass; and to participate in all 'other Rites and Ceremonies of that Superstition, 'to the great Offence of Almighty God, and 'Scandal of your Majesty's People, loyally and 'religiously affected: That either the Concourse 'of *Recusants* to such Places may be restrained; 'or, at least, such a vigilant Watch set upon 'them, at their Return from those Places, as they 'may be apprehended, and speedily proceeded 'against, *Ut qui palam peccaverunt in Luce pu-'niantur.*' An. 4. Charles I. 1628.

Answer. *To the fifth; his Majesty is well pleased to prohibit and restrain their Coming and Resort to the Houses of Ambassadors; and will command a vigilant Watch to be set, for their taking and punishing, as is desired.*

VI. 'That no Place of Authority and Com-'mand, within any of the Counties of this your 'Majesty's Kingdom, or any Ships of your Ma-'jesty's, or, which shall be employed in your 'Majesty's Service, be committed to *Popish Recu-'sants*, or to *Non-Communicants*, that have been 'so by the Space of a Year past; or to any such 'Persons, as, according to Direction of former 'Acts of State, are justly to be suspected; as the 'Place and Authority of Lords-Lieutenants, De-'puty-Lieutenants, Justices of the Peace, or Cap-'tains, or other Officers or Ministers mentioned 'in the Statute, made in the third Year of the 'Reign of your Father of Blessed Memory: And 'that such, as, by Connivance, have crept into 'such Places, may, by your Majesty's Command, 'be discharged of the same.'

Answer. *To the sixth; his Majesty is perswaded, that this Article is already observed with good Care; never-*

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nevertheless, for the avoiding, as much as may be, all Errors and Escapes in that Kind, his Majesty will give Charge to the Lord Keeper, that, at the next Term, he call unto him all the Judges, and take Information from them, of the State of their several Circuits; if any such, as are mentioned in this Article, be in the Commission of the Peace, that due Reformation may be made thereof; and will likewise give Order to the Lord Admiral, and such others, to whom it shall appertain, to make diligent Enquiry; and certifie to his Majesty, if any such there be in Place of Authority and Command, in his Ships of Service.

VII. 'That all your Majesty's Judges, Justices, and Ministers of Justice, unto whose Care and Trust, Execution, which is the Life of your Majesty's Laws, is committed, may, by your Majesty's Proclamation, not only be commanded to put into speedy Execution those Laws, which stand in Force against *Jesuits*, *Seminary Priests*, and *Popish Recusants*; but that your Majesty would be further pleased to command the said Judges, and Justices of Assize, to give a true and strict Account of their Proceedings, at their Returns out of their Circuits, unto the Lord-Keeper; by him to be presented unto your Majesty.

Answer. *To the seventh, his Majesty doth fully grant it.*

VIII. 'And for a fair and clear Eradication of all Popery for the Future; and for the breeding and nursing up of a holy Generation, and a peculiar People, sanctified unto the true Worship of Almighty God; that, until a provisional Law can be made, for the training and educating of the Children of *Popish Recusants*, in the Grounds and Princples of our Holy Religion, which we conceive will be of more Power and Force,

'Force, to unite your People unto you in Fast- An. 4. Charles I. 1628.
'ness of Love, Religion, and loyal Obedience, 'than all pecuniary Mulcts and Penalties that can 'possibly be devised: Your Majesty would be 'pleased to take into your own Princely Care 'and Consideration, these our humble Petitions, 'proceeding from Hearts and Affections, loyally 'and religiously, devoted to God and your Majesty's Service, and to the Safety of your Majesty's Sacred Person; which we most zealously present to your Princely Wisdom, craving your Majesty's chearful and gracious Approbation thereof.'

Answer. *To the eighth, his Majesty doth well approve it, as a Matter of necessary Consideration; and the Parliament now sitting, he recommendeth to both Houses the Preparation of a fitting Law to that Effect. And his Majesty doth further declare, that the Mildness, that hath been used towards those of the Popish Religion, hath been upon Hope, that Foreign Princes, thereby, might be induced to use Moderation towards their Subjects of the Reformed Religion; but not finding that good Effect which was expected, his Majesty resolveth, unless he shall very speedily see better Fruits, to add a further Degree of Severity, than that which, in your Petition, is desired.*

April 2. The King's Propositions concerning the Supply were taken into Consideration; and a long Debate ensued upon it in the House of Commons. The Members that spoke, and the Arguments they made Use of were these; and, first, Mr. *Alford* (*u*). Debate on the Supply.

'That to answer punctually to every Article, was but to discover the King's Wants; which is neither safe nor fit, as the World now goes; nor is it good for him to ask more than we can give, nor for us to offer disproportionably; withall it might be

(*u*) The Speeches in this Debate distinguished by * are taken from *Rushworth*. The other are not in his *Collections*; but are supplied from the *Ephemeris Parliamentaria*, and corrected by the before-mentioned Manuscripts.

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Sir *Robert Mansell.* 'It had been much better for us to have taken Care for these Provisions three Years ago: That his Majesty's Desire is not to have the Commons overburdened; yet that seven of these Propositions are not to be neglected, *viz.* the safe guarding of the Coasts; the Defence of the *Elbe*; the Defence of *Rochelle*; the increasing of the Navy; the repairing of the Forts; the Discharge of the Arrears of Merchant Ships; and the Defence of the King of *Denmark:* The other seven to be deferred till our next Meeting at *Michaelmas.*'

* Sir *Francis Seymour.* 'It is said, that the greatest Grievance is want of Supply; but I hold it a greater Grievance that his Majesty is brought into these Necessities; especially considering the Supplies that of late have been given to the King; two Subsidies granted by Parliament, over and above Privy-Seals, and the late Loan, whereby five Subsidies were forcibly and unadvisedly taken; and we have yet purchased to ourselves nothing by all these, but our own Dishonour; we have drawn and provoked two powerful Enemies upon us: It is not then what the Subjects do give, unless his Majesty employ Men of Integrity and Experience to disburse, otherwise all that we give will be cast into a Bottomless Bag.'

* Sir *Nathaniel Rich.* 'Some Propositions we shall not meddle with; as, a sovereign Army to be transported: We are not fit for that yet; but we will not reject it; for great Princes, who give out Rumours of raising great Armies, do put their Enemies to great Fears. Then the Defence of our Coasts: Nothing is more necessary; but the Bill of Poundage is for that particular Supply. And how far it may prejudice us for a future Precedent, to give other Supply, let us be advised.'

Sir *Peter Hayman.* 'Vast Propositions are delivered to us in shew, which I desire the Gentleman that first brought them in may give an Estimate of.

Mr.

Mr. *Pymm*. 'In no Case is it fit to examine the Propositions, especially of the Arrearages of the Merchant Ships, and for Preparation for the foreign Wars.' An. 4. Charles I. 1628.

* Mr Secretary *Cook*, observing a Distinction upon the Propositions, as if some of them were to be omitted, said, 'I know you will do it upon Deliberation: Some there are not possible to be omitted; as, the guarding of the Seas; Defence of the *Elbe* and *Rochell*; and these draw on all the rest. Ships must have Men and Munition, and we cannot divide any of these. This House is tender of the Country. The King will not lay a Burden that cannot be born. We may supply his Majesty without this. Give we now what we please, the King may delay making Use of it, till the People are able to pay; and by this we shall not only make his Majesty subsist, but advance his Reputation in the World, by the Unity of his People, more than by any Treasure.'

Sir *Dudley Diggs*. 'To try and examine faithfully the Propositions. I refer it to the Judgment of the House, whether it be fit to handle the Business in order, or to give in gross; considering that the Bill of Tonnage and Poundage is now brought into the House; which, I think, is to be given for the Safe-guarding of the Seas.'

Mr. *Spencer*. 'In no Case enter into Particulars. There hath formerly five Subsidies been given for the repairing of the Forts, and not one Penny has been bestowed on them, but the Money wasted in Dishonour.'

* Sir *John Elliot*. 'Indeed there may be some Necessity for a War offensive; but, looking on our late Disasters, I tremble to think of sending more abroad.

'Let us consider those two great Undertakings at *Cadiz* and *Rhee*; at *Cadiz*, that was so gloriously pretended, where our Men arrived and found a Conquest ready, namely, the *Spanish* Ships, a Satisfaction sufficient and fit for us; and this confessed by some then employed; and, never but granted

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granted by all, that it was feasible and easy: Why came this to nothing? After that Opportunity lost, when the whole Army was landed, with Destruction of some of our Men; why was nothing done? If nothing was intended, why were they landed? And, why were they ship'd again? For *Rhee*'s Voyage, was not the whole Action carried against the Judgment of the best Commanders? Was not the Army landed? Not to mention the Leaving of the Wines; nor touch the Wonder that *Cæsar* never knew, the enriching of the Enemy by Courtesies. Consider what a Case we now are in, if, on the like Occasion, or with the like Instruments, we shall again adventure another Expedition. It was ever the Wisdom of our Ancestors here, to leave foreign Wars wholely to the State, and not to meddle with them.'

* Sir *Edward Coke*. 'When poor *England* stood alone, and had not the Access of another Kingdom, and yet had more and as potent Enemies as now it hath, yet the King of *England* prevailed.

'In the Parliament-Roll, in the 42. *Edw.* III. the King and the Parliament gave God Thanks for his Victory against the Kings of *Scotland* and *France*; he had them both in *Windsor* Castle as Prisoners. What was the Reason of that Conquest? Four Reasons were given. 1. The King was assisted by good Counsel. 2. There were valiant Men. 3. They were timely supplied. 4. Good Employment.

'In 3. *Richard* II. the King was invironed with *Flemings*, *Scots*, and *French*; and the King of *England* prevailed.

'In 13. *Richard* II. the King was invironed with *Spaniards*, *Scots*, and *French*; and the King of *England* prevailed.

'In 17. *Richard* II. Wars were in *Ireland* and *Scotland*; and yet the King of *England* prevailed, and Thanks were given to God here; and I hope I shall live to give God Thanks for our King's Victories.

'7. *Henry*

'In 7. *Henry* IV. One or two great Men about the King so mewed him up, that he took no other Advice but from them; whereupon the Chancellor took this Text and Theme in his Speech at the Parliament, *Multorum Consilia requiruntur in magnis, in Bello qui maxime timent sunt in maximis Periculis.* Let us give, and not be afraid of our Enemies; let us supply bountifully, chearfully, and speedily, but enter not into particulars. *Solomon's* Rule is, *Qui repetit separat*, nay *separat fœderatos.* We are united in Duty, *&c.* to the King: The King hath fourscore thousand Pounds a Year for the Navy, and to scour the Narrow Seas; it hath been taken, and we are now to give it; and shall we now give more to guard the Seas? Besides, when that is taken of our Gift, it may be diverted another Way.

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'It shall never be said we deny all Supply; I think myself bound, where there is *commune Periculum*, there must be *commune Auxilium.*'

* Sir *Thomas Wentworth.* 'I cannot forget that Duty which I owe to my Country; and unless we be secured in our Liberties, we cannot give. I speak not this to make Diversions, but to the end, that giving, I may give chearfully. As for the Propositions to be considered of, I incline to decline them, and to look upon the State of our Country, whether it be fit to give or no. Are we come to an End for our Country's Liberties? Have we trenched on the Rates of the Deputy-Lieutenants? Are we secured for Time future?'

* Sir *Henry Martin.* 'We all desire Remedies for our Grievances, and, without them, we shall neither be willing, nor able, to give; for my Part, I heartily desire Remedy; but which is the best and wisest Way, that is the Question: As we have made some Progress in our Grievances, so let us now go on to supply. There is a Proverb, *Non bis ad idem.* Dash not the Common-Wealth twice against one Rock. We have Grievances; we must be eased of them; who shall ease us?

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No Nation hath a People more loving to the King than we; only let the King think it and believe it; there is a Distance betwixt him and us; which, before we can have his Heart, we must remove. Our Disease is not so great, but that it may be cured: It is the *King's Evil*, which must be cured with Gold. Let us imitate *Jacob*, who wrestled with the Angel, and would not let him go: I would we could wrestle with the King in Duty and Love, and not let him go, in this Parliament, till he comply with us. We must take heed of too much Repetition, and over-beating of Grievances; it is dangerous, and may make a further Separation: He that talks too much of Grievances, makes the Party that is the Cause of it make an Apology, and so justify it; and that is dangerous. Let us do as Poets in a Tragedy, that sometimes have comical Passages; and so a generous Mind will sink presently. Sure a due Presentation of Grievances to such a King, with Moderation, will take Place with him. In all Deliberations go the safest Way: The old Way, I have heard, is first to remove Grievances: We must not tie and bind ourselves by all that was done before. I have gone over the *Thames*, in former Times, on Foot, when it was all an Ice; but that is no Argument to persuade me to do the like now because I did so once.'

Mr. *Kirton*. 'He desires to know the Rock, to the end we may avoid it; and not to go back, but forward in our Consultations.'

Sir *Robert Philips*. 'His good Hopes are in his Majesty's Royal Care and Wisdom. That the free and great Council is the best; but Time and Hope of Change is coming towards us; *Rome* and *Spain* trench deeply into our Counsels. That heretofore there hath been a fair Progress on both Parts, according to the Saying of the late King, *If the Parliament did, or should give more than the Country could bear, they gave him a Purse with a Knife in it.*'

Sergeant *Hoskins*. 'That knowing our own Rights, we shall be better enabled to give. Two

Legs

Legs go best together, our just Grievances and our Supply, which I desire may not be separated; for, by presenting them together, they shall be both taken or both refused.' An. 4. Charles I. 1628.

The House still waving the Debate of the Propositions for Supply, proceeded with the Grievances of Confinement, and Designation for foreign Employments; on which Points several Members delivered their Opinions; and, first, Mr. *Selden* spoke as follows (*x*):

Debate on Confinement;

'Confinement is different from Imprisonment, and it is against the Law that any should be confined, either to his House, or elsewhere. I know of nothing that is call'd a Punishment, but there is some Ground of it, or Mention thereof, either in Acts of Parliament, Law-Books, or Records; but, for this of Confinement, I find none: Indeed *Jews* have been confined, in former Times, to certain Places; as here, in *London*, to the *Old Jewry*. The Civilians have perpetual Prisons, and coersive Prisons, upon Judgments in Court. *Carcer domesticus* is a Confinement for Madmen.'

Sir *Thomas Hobby*. 'I was employed in the Year 1588 in that Service: It was then thought fit that Recusants should be confined in strong Places; but it was not held legal; and when the *Spanish* Navy was dispersed, they were set at Liberty, and the Parliament petitioned the Queen for a Law to warrant the Confinement.'

And Foreign Employment.

Next the House proceeded to the Debate concerning Designation to foreign Employment, in which Sir *Peter Hayman* opened his own Case thus:

'I have not forgot my Employment into the *Palatinate*. I was call'd before the Lords of the Council,

(*x*) From *Rushworth* only; none of the Speeches in this Debate are in the *Ephemeris Parliamentaria* or our Manuscripts. Notwithstanding the curious Reader may observe, occasionally, some few Variations; for which we are obliged to a Copy of *Rushworth's Collections*, corrected in many Places by Sir *John Goodriche*, a Member of this Parliament.

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Council, for what I knew not; but I heard it was for not lending on a Privy-Seal. I told them, If they will take my Estate, let them; I would give it up, lend I would not. When I was before the Lords of the Council, they laid to my Charge my Unwillingness to serve the King. I said, I had my Life and my Estate to serve my Country and my Religion. They told me, that if I did not pay, I should be put upon an Employment of Service. I was willing. After ten Weeks waiting, they told me I was to go with a Lord into the *Palatinate*; and that I should have Employment there, and Means befitting. I told them I was a Subject, and desired Means. Some put on very eagerly, some dealt nobly. They said I must go on my own Purse. I told them, *Nemo militat suis Expensis.* Some told me I *must* go. I began to think, What, *must* I! None were ever sent out in that Way. Lawyers told me I *could not* be so sent. Having this Assurance I demanded Means, and was resolved not to stir but upon those Terms; and, in Silence and Duty, I denied. Upon this, having given me a Command to go, after twelve Days they told me they would not send me as a Soldier, but to attend on an Ambassador. I knew that Stone would hit me, therefore I settled my troubled Estate, and addressed myself to that Service.'

Mr. *Hackwell.* 'This is a great Point, that much concerns the Common-Wealth, if the King cannot command a Subject to his necessary Service; and, on the other Side, it will be little less than an honourable Banishment to the Subject, if he may. Our Books say, The King cannot compel any to go out of the Realm; and, upon an Action brought against him, he cannot plead in Bar, that he is by Command from the King in foreign Service, but the King may give him his Protection. 5. *Edw.* III. N. 9. in the Parliament-Roll, there was an Ordinance, whereby the King had Power to send some to *Ireland*; it was ordained by the Sages of the Law, that Soldiers, where need shall be, tho' they refuse to go, and excuse themselves; if their Excuses be not

not reasonable, the King may do to them according to Right and Reason. If the King, by Law, could do this of himself, and send them to *Ireland*, (his own Dominion) he would never have taken Power from his Parliament; and if Men do not according to that Law, still there is no Imprisonment prescribed.' An. 4. Charles I. 1628.

Sir *Edward Coke*. 'No Restraint, be it ever so little, but is Imprisonment; and foreign Employment is a Kind of honourable Banishment. I myself was designed to go to *Ireland*. I was willing to go; and hoped, if I had gone, to have found some *Mompessons* there: There is Difference when the Party is the King's Servant, and when not. In 46. *Edward* III. was the Time when the Law was in its Height. Sir *Richard Pembridge* was a Baron, and the King's Servant, and Warden of the *Cinque-Ports*: He was commanded to go to *Ireland*, and to serve as Deputy there; which he refused: He was not committed, but the King was highly offended; and, having Offices, and Fees, and Lands, *pro Servitii sui impenso*, the King seized his Lands and Offices. I went to the Parliament-Roll, 47. *Edward* III. where I found another Precedent for foreign Employment: They that have Offices *pro Consilii*, or *Servitii impenso*, if they refuse, those Lands and Offices so given are seized; but no Commitment.'

Sir *Thomas Wentworth*. 'If any one owes a Man Displeasure, and shall procure him to be put into foreign Employment, it will be a Matter of high Concernment to the Subject: We know the Honour and Justice of the King, but we know not what his Ministers, or the Mediation of Ambassadors may do, to work their own Malice and Resentment upon any Man.'

Sir *John Elliot*. 'If you grant this Liberty, what are you the better for other Privileges? What Difference is there between Imprisonment at home, and constrained Employment abroad? It is no less than a temporal Banishment; neither is it for his Majesty's Service to constrain his Subjects to Em-

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ployment abroad: Honour and Reward invite them rather to seek it; but, to be compell'd, stands not with our Liberty.'

These Debates so engrossed the Attention of the Commons, that the Consideration of the Supply was put off for two Days longer.

April 3. Mr. Secretary *Cooke* brought the House this Message from the King.

A Message from the King in Vindication of the Duke of Buckingham.

His Majesty having understood that some Rumours were spread abroad of a sharp Message, Yesterday delivered by me, and of some malicious Words, that the Duke should speak Yesterday at the Council-Board; he commanded me to tell you of the Malice of these false Reports; for that nothing fell from the Duke, at that Board, but what was for the Good of this Assembly: He would have you to observe the Malice of those Spirits that thus put in these Jealousies. Had the Duke so spoken, he should have contradicted himself; for all of us of the Council can tell that he was the first Mover and Persuader of this Assembly of Parliament to the King. Esteem of the King according to his Actions, and not these Tales: His Majesty takes Notice of our Purpose, that on Friday *we will resolve upon Supply, which his Majesty graciously accepts of; and that our free Gift, without any Condition, should testify to the World that we will be as far from incroaching upon his Prerogative, as he will be to incroach upon our Liberties: And this shall well appear when we present our Grievances to him; and then we shall know that he hath no Intention to violate our Liberties; only let us not present them with any Asperity of Words He counts it his greatest Glory to be a King of Freemen, not of Villains. He thought to have delivered this Message himself, but that he feared it would take us too much Time.*

Then Mr. Secretary said he would add a Word or two of his own: 'Yesterday after Dinner we attended his Majesty, and he ask'd us what we had done. We said, we had entered into the Consideration of Supply, and that the final Resolution was de-

deferred till *Friday*; and that this was done for just Reasons, to join the Business of his Majesty and our Country together; that this would further his Majesty, and give Content to the Country; and that this Union here might be spread abroad in the World. His Majesty answered, *For God's Sake, why should any hinder them of their Liberties? If they did, I should think they dealt not faithfully with me.* You may thus see a true Character of his Majesty's Disposition: Let us proceed with Courage, and rest assured his Majesty will give great Ear unto us; and let us all join to make a perfect Union to win the King's Heart: We shall find a gracious Answer from the King, and a hearty Co-operation from those that you think to be averse to us.'

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Upon the Delivery of this Message some stood up, and profess'd they never heard of any such sharp Message, or Words, the Day before; or that any was so bold as to interpose himself. They acknowledged his Majesty had put a threefold Obligation on them: *First*, In giving them Satisfaction. *Secondly*, In giving them Assurance (which is a great Law) that he will protect and relieve them. *Thirdly*, In giving them Advice, as may besit the Gravity of that Assembly and his own Honour. So they concluded to carry themselves as their Progenitors before had done; who never were mark'd for stepping too far on the King's Prerogative; and they returned their humble Thanks to his Majesty.

The same Day, Mr *Littleton*, one of the Committee for taking into Consideration the Liberty of the Subject in Person and Estate, which was set on Foot by reason of the late Commitments, made a Report that they proceeded, in that Business, with such Gravity and Leisure, as would add much to their Honour in the following Resolutions.

The Commons Resolutions relating to the Liberty of the Subject.

1. *Resolved*, upon the Question, That no Freeman ought to be committed, or detained in Prison, or otherways restrained by Command of the King, or the Privy-Council, or any other; unless some

Cause

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Cause of the Commitment, Detainer, or Restraint be expressed, for which, by Law, he ought to be committed, detained, or restrained.

2. *Resolved*, That the Writ of *Habeas Corpus* cannot be denied, but ought to be granted to every Man, that is committed or detained in Prison, or otherwise restrained, by the Command of the King, the Privy-Council, or any other; he praying the same.

3. *Resolved*, upon Question, That if a Freeman be committed or detained in Prison, or otherwise restrained, by Command of the King, Privy-Council, or any other, no Cause of such Commitment, *&c.* being expressed; and the same be returned upon an *Habeas Corpus*, granted for the said Party; that then he ought to be delivered or bailed.

4. *Resolved*, upon Question, That the ancient and undoubted Right of every Freeman, is, That he hath a full and absolute Property in his Goods and Estate; and that no Tax, Tallage, Loan, Benevolence, or other like Charge, ought to be commanded, or levied by the King or his Ministers, without common Assent of Parliament.

All these Resolutions of the Committee were unanimously agreed to by the whole House.

Mr. *Rushworth* hath given us the Substance of the Speeches made by a Committee, appointed to manage a Conference with the Lords, to induce them to join in a Petition to the King, for ascertaining the Rights and Liberties of the Subject; which was afterwards called the *Petition of Right.* —The same is in the Lords *Journals*; entered there as a Report made by the Lord-President and three other Lords, to that House, of what passed at this Conference; which, his Lordship introduced in this Manner:

My Lords,

Report of a Conference with the Lords on that Subject.

THE Conference which was lately held with the Lower-House, was about the Liberty of the Subject; and to set this forth they employed four Speakers.

Speakers. The first was Sir *Dudley Diggs*; a Man of Volubility and Elegance of Speech; and his Part was but the Introduction. An. 4. Charles I. 1628.

'The second was Mr. *Littleton*, a grave and learned Lawyer; whose Part was to represent the Resolutions of the House, and the Grounds whereupon they went.

'The third was Mr. *Selden*, a great Antiquary and a pregnant Man; his Part was to shew the Law and Precedents in the Points.

'The fourth was Sir *Edward Coke*, that famous Reporter of the Law; whose Part was to shew the Reasons for all that the others had said; and that it all was but an Affirmance of the Common-Law.'

Now, to report the first Man, Sir *Dudley*; but how his Words will come off from my Tongue, I cannot tell; I shall acquaint you with the Matter of them as well as I can.

'The Knight hoped to begin the Conference, auspiciously, with an Observation out of Holy Writ. In the Days of good King *Josiah*, when the Land was purged of Idolatry, and the great Men went about to repair the House of God; whilst Money was sought for, there was found a Book of the Law, which had been neglected. He was confident, that we would, as chearfully, join with them, in acknowledging God's Blessings in our good King *Josiah*, as they did. He thankfully remembered your Lordship's truly honourable Invitation of them to the late Petition, for cleansing the Land from *Popish* Abominations; and, as then, so now, while they were seeking for Money, they found, he could not say a Book of our Law, but main and fundamental Points of the Law, neglected and broken; and this occasioned their Desire of a Conference. Wherein, he was commanded to shew,

'That the Laws of *England* are grounded on Reason, more ancient than Books, consisting much in unwritten Customs, yet so full of Justice and true

An. 4. Charles I. 1628. true Equity, that your most honourable Predecessors and Ancestors often defended them with a *nolumus mutari*; and so ancient, that, from the *Saxon* Days, notwithstanding the Injuries and Ruins of Time, they have continued in most Part the same; as may appear in old remaining Monuments of the Laws of *Ethelbert*, the first Christian King of *Kent*; *Ina* the King of the *West-Saxons*; *Offa* of the *Mercians*, and of *Alfred* the great Monarch, who united the *Saxon* Heptarchy, whose Laws are, as he says to that End, *Utpote qui sub uno Rege, sub una Lege regerentur*. And, tho, the Book of *Litchfield*, speaking of the troublesome Times of the *Danes*, says, then, *Jus sopitum erat in Regno, Leges & Consuetudines sopitæ sunt*; and, *Prava Voluntas, Vis & Violentia magis regnabant quam Judicium vel Justitia:* Yet, by the Blessing of God, the good King *Edward*, commonly called St. *Edward*, did awaken those Laws; and, as the old Words are, *Excitatas reparavit, reparatas decoravit, decoratas confirmavit*; which *confirmavit* shews, that good King *Edward* received those Laws, and did not give them; which *William* the Conqueror, and all his Successors, since that Time, have sworn unto.

'And here, my Lords, by many Cases, frequent in our modern Laws, strongly concurring with those of the ancient *Saxon* Kings, I might, if Time was not more precious, demonstrate, that our Laws and Customs were the same.

'I will only entreat your Lordships Leave to tell you, That, as we have now, so even in those *Saxon* Times they had their Court-Barons, and Court-Leets, and Sheriffs-Courts; by which, as *Tacitus* says of the *Germans*, their Ancestors, *Jura reddebant per Pagos & Vicos*; and I do believe, as we have now, they had their Parliaments; where new Laws were made, *cum Consensu Prælatorum, Magnatum & totius Communitatis*; or as another writes, *cum Consilio Prælatorum, Nobilium & sapientium Laicorum*. I will add nothing out of *Glanville*, that wrote in the Time of *Henry* II. or *Bracton*,

Bracton, that wrote in the Days of *Henry* III. only give me Leave to cite that of *Fortescue*, the learned Chancellor to *Henry* VI. who, writing of this Kingdom, says, *Regnum istud Moribus Nationum & Regum Temporibus, eisdem, quibus nunc regitur, Legibus & Consuetudinibus, regebatur.* But, my good Lords, as the Poet said of Fame, I may say of our Common Law;

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Ingrediturque Solo, et Caput inter Nubila condit.

'Wherefore, the cloudy Part being mine, I will make haste to open Way for your Lordships, to hear more certain Arguments.

'Be pleased then to know, that it is an undoubted and fundamental Point of this so antient Common Law of *England*, That the Subject hath a true Property in his Goods and Possessions, which doth preserve as sacred, that *meum & tuum*, that is the Nurse of Industry and Mother of Courage; and without which, there can be no Justice, of which, *meum & tuum* is the proper Object. But the undoubted Birthright of free Subjects hath, lately, not a little been invaded and prejudiced by Pressures; the more grievous, because they have been pursued by Imprisonment, contrary to the Franchises of this Land: And when, according to the Laws and Statutes of this Realm, Redress hath been sought for in a legal Way; by demanding *Habeas Corpus* from the Judges, and a Discharge by Trial according to the Law of the Land, Success hath failed: This now enforceth the Commons, in this present Parliament assembled, to examine, by Acts of Parliament, Precedents and Reasons, the Truth of the *English* Subject's Liberty; which I shall leave to a learned Gentleman to argue.'

The rest of this Report, being very long in the *Journals*, because of the many Law-Cases, Records, &c. cited (y), we shall give it as we find it, somewhat abridged in *Rushworth*.

Mr.

(y) These are all to be found, at large, in the *Ephemeris Parliamentaria*, p. 56. *et seq.*

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Mr. *Littleton*. 'Your Lordships have heard, that the Commons have taken into Consideration the Matter of personal Liberty; and, after long Debate, they have, upon a full Search, and clear Understanding of all Things pertinent to the Question, unanimously declared, That no Freeman ought to be committed, or restrained in Prison, by the Command of the King or Privy-Council, or any other, unless some Cause of the Commitment, Detainer, or Restraint be expressed, for which by Law he ought to be committed, detained, or restrained: And they have sent me, with others of their Members, to represent unto your Lordships the true Grounds of their Resolution; and have charged me particularly, leaving the Reasons of Law and Precedents for others, to give your Lordships Satisfaction, that this Liberty is established and confirmed by the whole State, the King, the Lords Spiritual and Temporal, and Commons, by several Acts of Parliament; the Authority whereof is so great, that it can receive no Answer, save by Interpretation or Repeal by future Statutes. And these I shall mind your Lordships of, are so direct in the Point, that they can bear no other Exposition at all; and sure I am, they are still in Force: The first of them is the Grand Charter of the Liberties of *England*, first granted *Anno* 16. *John*, and renewed in 9th *Henry* III. and since confirmed in Parliament above thirty Times; the Words there are, Chap. 29. *Nullus liber Homo capiatur, vel imprisonetur, aut disseisietur de libero Tenemento suo vel liberis Consuetudinibus suis; aut utlagatur, aut exuletur, aut aliquo Modo destruatur; nec super eum ibimus, nec eum mittemus, nisi per legale Judicium Parium suorum, vel per Legem Terræ.*'

He then proceeded to open, and argued learnedly upon, the several Particulars in the last recited Clause of *Magna Charta*; and further shewed, 'That no Invasion was made upon this personal Liberty, till the Time of King *Edward* III. which was soon resented by the Subject; for, in 5. *Edward* III. Chap. 9. it is enacted, That no Man from

from henceforth shall be attached on any Occasi- An. 4. Charles I. 1628.
on, nor fore-judged of Life or Limb, nor his Lands, Tenements, Goods, nor Chattels, seized into the King's Hands, against the Form of the Great Charter, and the Law of the Land. And in 25. *Edward* III. Chap. 4. it is more full, and expounds the Words of the Grand Charter, which is thus; 'Whereas it is contained in the Grand Charter of the Franchises of *England*, that none shall be imprisoned, nor put out of his Freehold, nor Free-Custom, unless it be by the Law of the Land; it is awarded, assented, and established, That from henceforth none shall be taken, by Petition or Suggestion made to our Lord the King, or to his Council, unless it be by Indictment or Presentment of his good and lawful People of the same Neighbourhood; which such Deed shall be done in due Manner, or by Process made by Writ original at the Common Law; nor that none be outed of his Franchises, Office, nor Freehold, unless he be duly brought to answer, and be fore-judged of the same, by the Course of the Law; and that if any Thing be done against the same, it shall be redressed and holden for none. And 28. *Edw.* III. Chap. 3. it is more direct; this Liberty being followed with fresh Suit by the Subject; where the Words are not many, but very full and significant; 'That no Man, of what State and Condition he be, shall be put out of his Lands or Tenements, nor taken, nor imprisoned, nor disinherited, nor put to Death, without he be brought to answer by due Process of the Law.' Several other Statutes were cited by him, in Confirmation of this Point of the Liberty of the Subject.

The King's Counsel afterward made Objections to the said Argument; yet acknowledged, 'That the seven Statutes, urged by the House of Commons, are in Force; yet said, That some of them are in general Words, and therefore conclude nothing, but are to be expounded by Precedents; and some of them are applied to the Suggestion of Subjects,

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Subjects, and not to the King's Command simply of itself; and that *per Legem Terræ*, in *Magna Charta*, cannot be understood for Process of Law and original Writ; for that in criminal Proceedings, no original Writ is usual at all; but every Constable, either for Felony, or Breach of the Peace, or to prevent the Breach of the Peace, may commit without Process or original Writ; and it were very hard the King should not have the Power of a Constable. They also argued, That the King was not bound to express the Cause of Imprisonment; because there may be in it Matter of State, not fit to be revealed for a Time; lest the Confederates thereupon make Means to escape the Hands of Justice. Besides, that which the Commons do say, That the Party ought to be delivered or bailed, is a Contradiction in itself; for Bailing doth signify a Kind of Imprisonment still; Delivery is a total freeing: And besides, Bailing is a Grace or Favour of a Court of Justice, and they may refuse it.'

To this it was replied, 'That the Statutes were direct in Point; and though some of them speak of Suggestions of the Subjects, yet they are, in equal Reason, a Commitment by Command of the King, as when the King taketh Notice of a Thing himself. And for the Words, *per Legem Terræ*, original Writs only are not intended, but all other legal Process, which comprehendeth the whole Proceedings of the Law upon Cause other than Trial by Jury; and the Course of the Law is rendered by due Process of the Law; and no Man ought to be imprisoned by special Command without Indictment, or other due Process to be made by the Law. And, whereas, it is said, there might be Danger in revealing the Cause; that may be avoided, by declaring a general Cause; as for Treason, Suspicion of Treason, Misprision of Treason, Felony, without expressing the Particulars; which can give no greater Light to a Confederate, than will be conceived upon the very Apprehension or upon

on the Imprisonment, if nothing at all was expressed. And as for bailing the Party committed, it hath ever been the Discretion of the Judges to give such Respect to a Commitment, by Command of the King or Privy-Council, which are ever supposed to be done in just and weighty Cases; that they will not suddenly set them free, but bail them to answer what shall be objected against them, on the King's Behalf; but if any other inferior Officer do commit a Man without shewing Cause, they do instantly deliver him, as having no Reason to expect their Leisure; so that Delivery is applied when the Imprisonment is by Command of some mean Minister of Justice; and Bailing, when by Command of the King or his Council: And tho' Bailing is a Grace and Favour of the Court in case of Felony and other Crimes; for that there is another Way to discharge them, in a convenient Time, by their Trial: Yet where no Cause of Imprisonment is return'd, but the Command of the King, there is no Way to deliver such Persons, by Trial or otherwise, but that of the *Habeas Corpus*; and if they should be then remanded, they might be perpetually imprisoned without any Remedy at all: And, consequently, a Man that had committed no Offence, might be in a worse Case than a greater Offender; for the latter should have an ordinary Trial to discharge him; the other should never be delivered.'

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Mr. *Selden*. 'Your Lordships have heard, from the Gentleman that spoke last, a great Part of the Grounds upon which the House of Commons, upon mature Deliberation, proceeded to that clear Resolution, touching the Right of the Liberty of their Persons: The many Acts of Parliament, which are the written Laws of the Land, and are expressly to the Point, have been read and opened; and such Objections as have been, by some, made unto them, and Objections also made out of other Acts of Parliament, have been cleared and answered. It may seem now perhaps, my Lords, that

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that little remains needful to be further added, for the Enforcement and Maintenance of so fundamental and eſtabliſhed a Right and Liberty, belonging to every Freeman of the Kingdom.

'The Houſe of Commons taking into Conſideration, that in this Queſtion, (being of ſo high a Nature, that never any exceeded it in any Court of Juſtice whatſoever) all the ſeveral Ways of juſt Examination of the Truth ſhould be uſed; have alſo moſt carefully informed themſelves of all former Judgments or Precedents concerning this great Point either Way, and have been no leſs careful of the due Preſervation of his Majeſty's Prerogative, than of their own Rights. The Precedents here are of two Kinds; either meerly Matter of Record, or elſe the formal Reſolutions of the Judges, after ſolemn Debate in the Point.

'This Point that concerns Precedents, the Houſe of Commons have commanded me to preſent to your Lordſhips; which I ſhall, as briefly as I may, ſo I do it faithfully and perſpicuouſly: To that end, my Lords, before I come to the Particulars of any of thoſe Precedents, I ſhall firſt remember to your Lordſhips, that which will ſeem as a general Key for the opening and true Apprehenſion of all thoſe on Record; without which Key, no Man, unleſs he be verſed in the Entries and Courſe of the King's Bench, can poſſibly underſtand.

In all Caſes, my Lords, where any Right or Liberty belongs to the Subject by any poſitive Law, written or unwritten; if there were not alſo a Remedy by Law, for enjoying or regaining of this Right or Liberty, when it is violated or taken from him, the poſitive Law were moſt vain, and to no Purpoſe; and it were to no Purpoſe for any Man to have any Right in any Land or other Inheritance, if there were not a known Remedy; that is, an Action or Writ, by which, in ſome Court of ordinary Juſtice, he might recover it. And in this Caſe of Right of Liberty of Perſon, if there were not a Remedy in the Law for regaining it when it is

is restrained, it were to no Purpose to speak of Laws that ordain it should not be restrained. An. 4. Charles I. 1628.

'The Writ of *Habeas Corpus*, or *Corpus cum Causa*, is the highest Remedy in Law for any Man that is imprisoned; and the only Remedy for him that is imprisoned by the special Command of the King, or the Lords of the Privy-Council, without shewing the Cause of Commitment; and if any Man be so imprisoned by any such Command, or otherwise whatsoever thro' *England*, and desire, by himself, or any other in his Behalf, this Writ of *Habeas Corpus* for the Purpose in the Court of King's Bench, that Writ is to be granted to him, and ought not to be denied; and is directed to the Keeper of the Prison, in whose Custody the Prisoner remains, commanding him, That after a certain Day he bring in the Body of the Prisoner, *cum Causa Detentionis*, and sometimes *cum Causa Captionis*; and he, with his Return, filed to the Writ, bringeth the Prisoner to the Bar at the Time appointed, and the Court judgeth of the Sufficiency or Insufficiency of the Return; and if they find him bailable, *committitur Marescallo*, the proper Officer belonging to the Court, and then afterwards *traditur in Ballium*. But if upon the Return of the *Habeas Corpus* it appear to the Court, that the Prisoner ought not to be bailed, nor discharged from the Prison whence he is brought, then he is remanded and sent back again, to continue till by due Course of Law he may be delivered; and the Entry of this is, *Remittitur quousque secundum Legem deliberatus fuerit*; or, *Remittitur quousque*, &c. which is all one, and the highest Award of Judgment that ever was or can be given upon a *Habeas Corpus*.

'Your Lordships have heard the Resolution of the House of Commons, touching the Enlargement of a Man committed by Command of the King, or Privy Council, or any other, without Cause shewed of such Commitment; which Resolution, as it is grounded upon Acts of Parliament already shewn,

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(the Reason of the Law of the Land being committed to the Charge of another to open unto you) so it is strengthened by many Precedents of Records.'

He then produced twelve Precedents, full and directly in the Point, to prove that Persons so committed, ought to be delivered upon Bail; which were distinctly opened and read to their Lordships. Then he also offered to their Consideration other Kind of Precedents; which were solemn Resolutions of Judges, Things not of Record but yet remaining in authentic Copies; which Precedents and Authorities we omit for the Length thereof.

He then proceeded and said, 'The House of Commons (desiring with all Care to inform themselves fully of the Truth of the Resolution of the Judges in the 34th Year of the late Queen, cited in the Case of Sir *John Heveningham*, by the King's Counsel, as Arguments against his not being bailed) have got into their Hands a Book of select Cases, collected by the Reverend and Learned Judge, Chief Justice *Anderson*, all written with his own Hand; which he caused to be read (z). These Precedents, saith he, do fully resolve for the Maintenance of the antient and fundamental Point of Liberty of the Person, to be regained by *Habeas Corpus* when any one is imprisoned.'

Then he concluded, 'That having thus gone thro' the Charge committed to him by the House of Commons, he should now, as he had Leave and Direction given him, lest their Lordships should be put to much Trouble and Expence of Time, in finding and getting Copies at large of those Things which he had cited, offer also to their Lordships authentic Copies of them all; and so left them, and whatsoever else he had said, to their Lordships further Consideration.'

Sir *Edward Coke*. 'Your Lordships have heard seven Acts of Parliament in Point, and thirty-one Precedents summarily collected, and with great Un-

(z) See this Case at large in *Rushworth*, p. 511.

Underſtanding delivered; which I have peruſed, and underſtand them all thoroughly. Twelve of the Precedents are *in Terminis terminantibus*, a whole Jury of Precedents, and all in the Point. I am tranſported with Joy, becauſe of the Hope of good Succeſs in this weighty Buſineſs, your Lordſhips being ſo full of Juſtice, and the very Theme and Subject both promiſe Succeſs; which was *Corpus cum Cauſa*, the Freedom of an *Engliſhman*, not to be impriſoned without Cauſe ſhewn; which is my Part to ſhew, and the Reaſon and the Cauſe why it ſhould be ſo; wherein I will not be prolix; for to gild Gold were idle and ſuperfluous.' An. 4 Charles I. 1628.

After that he had cleared ſome Doubts made of the Statute of *Weſtminſter*, which ſaith, *That the Sheriff, and others, in ſome Caſes, may not replevin Men in Priſon*, he proceeded further and ſaid, 'That all thoſe Arguments offered unto your Lordſhips in this laſt Conference, are of a double Nature: 1. Acts of Parliament. 2. Judicial Precedents. For the firſt, I hold it a proper Argument for your Lordſhips; becauſe you, my Lords Temporal, and you, my Lords Spiritual, gave your Aſſent unto thoſe Acts of Parliament; and therefore, if theſe cannot perſuade you, nothing can. For the ſecond, which are judicial Precedents, it is *Argumentum ab Authoritate*, and *Argumentum ab Authoritate valet affirmative*; that is, I conceive (tho' it be no good Argument to ſay negatively) the preſent Judges gave no Opinion in this Point. 3. It is good Law, which I fortify with a ſtrong Axiom *Neminem oportet ſapientiorem eſſe Legibus*. Now theſe two Arguments being ſo well preſſed to your Lordſhips by my Colleagues, I think your Lordſhips may wonder what my Part may be: It is ſhort, but ſweet; it is the Reaſon of all thoſe Laws and Precedents; and Reaſon muſt needs be welcome to all Men; for all Men are not capable of underſtanding the Law, but every Man is capable of Reaſon. And theſe Reaſons I offer to your Lordſhips, in Affirmance of the antient Laws and Precedents made

An. 4. Charles I. 1628. for the Liberty of the Subject, against Imprisonment, without Cause expressed.

1. ' *A Re ipsa.*

2. ' *A minori ad majus.*

3. ' From the Remedies provided.

4. ' From the Extent and Universality of the same.

5. ' From the Indefiniteness of the Time.

6. ' *A Fine.*

' The first general Reason is, *A Re ipsa*, even from the Nature of Imprisonment, *ex Visceribus Causæ*; for I will speak nothing but *ad idem*, be it close or other Imprisonment; and this Argument is threefold; because an imprisoned Man, upon Will and Pleasure, is,

1. ' A Bond-Man.

2. ' Worse than a Bond-Man.

3. ' Not so much as a Man; for *mortuus Homo non est Homo*; a Prisoner is a dead Man.

1. ' No Man can be imprisoned upon the Will and Pleasure of any, but he that is a Bond-Man and Villain; for that Imprisonment and Bondage are *propria quarto modo* to Villains: Now *propria quarto modo*, and the *Species*, are convertible; whosoever is a Bond Man may be imprisoned, upon Will and Pleasure; and whosoever may be imprisoned, upon Will and Pleasure, is a Bond-Man.

2. ' If Freemen of *England* might be imprisoned at the Will and Pleasure of the King, or his Commandment, then were they in worse Case than Bond-Men or Villains; for the Lord of a Villain cannot command another to imprison his Villain without Cause, as of Disobedience, or refusing to serve, as it is agreed in the Year-Books.'

And here he said, ' That no Man should reprehend any Thing he said out of the Books or Records. He said, he would prove a Freeman, imprisonable upon Command or Pleasure without Cause expressed, to be absolutely in a worse Case than a Villain; and if he did not make this plain, he desired their Lordships not to believe him in any Thing else; and then produced two Book-Cases,

7. *Ed-*

7. Edward III. *Fol.* 50 in the new Print, 348 old Print; *A Prior had commanded one to imprison his Villain; the Judges were ready to bail him, till the Prior gave his Reason, that he refused to be Bailiff of his Manour, and that satisfied the Judges.* Second Case, 33. *Edward* III. Title *Trespass* 253. in *Faux Imprisonment*: It was of an Abbot, *who commanded one to take and detain his Villain; but the Cause being demanded, he gives it, because he refused, being thereunto required, to drive his Cattle. Ergo,* Freemen imprisoned, without Cause shewn, are in worse Case than Villains, that must have a Cause shewn them why they are imprisoned. An. 4. Charles I. 1628.

3. 'A Freeman imprisoned without Cause, is so far from being a Bond-Man, that he is not so much as a Man; but is indeed a dead Man, and so no Man. Imprisonment is in Law a civil Death; *perdit Domum, Familiam, Vicinos, Patriam,* and is to live amongst wretched and wicked Men, Malefactors, and the like. And that Death and Imprisonment was the same, he proved by an Argument *ab Effectis,* because they both produce the like immediate Effects: He quoted a Book for this; *If a Man be threatened to be killed, he may avoid Feofment of Lands, Gifts of Goods,* &c. So it is if he be threatened to be imprisoned: The one is an actual, the other is a civil Death. And this is the first general Argument, drawn *a Re ipsa,* from the Nature of Imprisonment, to which *Res ipsa Consilium dedit.*'

The second general Reason he took from his Books; 'For, he said, he had no Law, but what, by great Pains and Industry, he learned at his Book; for, at ten Years of Age, he had no more Law than other Men of like Age. And this second Reason is, *a minori ad majus:* He takes it from *Bracton, Minima Pœna corporalis est major qualibet pecuniaria.*

'But the King himself cannot impose a Fine upon any Man, but it must be done judicially by his Judges, *per Justitiarios in Curia, non per Regem in Camera*; and so it hath been resolved by all the

An. 4. Charles I. 1628. Judges of *England*. He quoted 3. *Richard* II. *Fol.* 11.

'The third general Reason is taken from the Number and Diversity of Remedies, which the Laws give against Imprisonment, *viz.*

'*Breve de Homine replegiando.*

'——— *de Odio & Atia.*

'——— *de Habeas Corpus.*

'An Appeal of Imprisonment.

'*Breve de Manucaptione.*

'The two latter of these are antiquated; but the Writ *de Odio & Atia* is revived, for that was given by the Statute of *Magna Charta*, *Cap.* 29. and by Statute of 42. *Edward* III. it is declared, That all Statutes made against *Magna Charta* are void.

'Now the Law would never have given so many Remedies, if the Freemen of *England* might have been imprisoned at Will and Pleasure.

'The fourth general Reason is from the Extent and Universality of the pretended Power to imprison; for it would extend not only to the Commons of this Realm, and their Posterities; but to the Nobles of the Land, and their Progenies; to the Bishops and Clergy of the Realm, and their Successors. And he gave a Cause why the Commons came to their Lordships, *Commune Periculum commune requirit Auxilium.* Nay, it reacheth to all Persons, of what Condition, or Sex, or Age soever; to all Judges and Officers, whose Attendance is necessary, *&c.* without Exception; and therefore an Imprisonment of such Extent, without Reason, is against Reason.

'The fifth general Reason is drawn from the Indefiniteness of the Time; the pretended Power being limited to no Time; it may be perpetual during Life: And this is very hard. To cast a Man into Prison, nay, to close Prison, and no Time allotted for his coming forth, is a hard Case, as any Man would think that had been so used. And here he held it an unreasonable Thing, that a Man had

a

a Remedy for his Horse or Cattle, if detained, and none for his Body thus indefinitely imprisoned; for a Prison, without a prefixed Time, is a Kind of Hell. An. 4. Charles I. 1628.

'The sixth and last Argument is, *A Fine*; and *sapiens incipit a Fine*; and he wish'd he had begun there also. This Argument he made threefold.

'*Ab honesto.* This being less honourable.

'*Ab utili.* This being less profitable.

'*A tuto.* This Imprisonment, by Will and Pleasure, being very dangerous for the King and Kingdom.

1. '*Ab honesto.* It would be no Honour to a King or Kingdom, to be a King of Bond-Men or Slaves; the End of this would be both *Dedecus & Damnum*, both to King and Kingdom, that in former Times hath been so renown'd.

2. *Ab utili.* It would be against the Profit of the King and Kingdom, for the Execution of those Laws before remembred, *Magna Charta.* 5. *Edward* III. 28. *Edward* III. 42. *Edward* III. whereby the King was inhibited to imprison upon Pleasure. You see, quoth he, that this was *vetus Querela*, an old Question, and now brought in again, after seven Acts of Parliament: I say, the Execution of all these Laws are adjudged in Parliament to be for the common Profit of the King and People; and he quoted the Roll, 'This pretended Power being against the Profit of the King, can be no Part of his Prerogative.'

He was pleased to call this a binding Reason, and to say, 'That the Wit of Man could not answer it; that great Men kept this Roll from being printed, but that it was equivalent in Force to the printed Rolls.

'3. *A tuto.* It is extremely dangerous to the King for two Respects; first, of Loss; secondly, of destroying the Endeavours of Men. First, if he be committed without an Expression of the Cause, though he escape, albeit in Truth it were for Treason or Felony, yet this Escape is neither Felony nor Treason; but if the Cause be expressed for Suspicion of Treason or Felony, then the Escape, though

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though it be innocent, is Treason or Felony. He quoted a Case in Print like a Reason of the Law, not like a *Remittitur* at the rising of the Court, for the Prisoner *traditur in Ballium, quod Breve Regis non fuit sufficiens Causa*; *i. e.* the King's Command. He quoted another famous Case. The Commons in Parliament, incensed against the Duke of *Suffolk*, desire he should be committed: The Lords and all the Judges, whereof those great Worthies, *Prescot* and *Fortescue*, were two, delivered a flat Opinion, That he ought not to be committed without an especial Cause. He questioned also the Name and Etymology of the Writ in Question, *Corpus cum Causa*: *Ergo*, The Cause must be brought before the Judge, else how can he take Notice thereof?

'*Lastly*, he pressed a Place in the Gospel, *Acts* 25. last Verse, where *Festus* conceives it an absurd and unreasonable Thing, to send a Prisoner to a *Roman* Emperor, and not to write along with him the Cause alledged against him: Send, therefore, no Man a Prisoner, without his Causes along with him, *hoc fac & vives*. And that was the first Reason, *a tuto*, that it was not safe for the King, in regard of Loss, to commit Men without a Cause.

'The second Reason is, That such Commitments will destroy the Endeavours of all Men. Who will endeavour to employ himself in any Profession, either of War, Merchandise, or of any liberal Knowledge, if he be but Tenant at Will of his Liberty? For no Tenant at Will, will support or improve any Thing, because he hath no certain Estate; *ergo*, to make Men Tenants at Will of their Liberties, destroys all Industry and Endeavours whatsoever. And so much for these six principal Reasons:

A Re ipsa.
A minori ad majus.
A Remediis.
From the Extent and Universality.
From the Indefiniteness of the Time.
A Fine.

Loss of { Honour. Profit. Security. Industry.

These were his Reasons.

Here

Here he made another Protestation, 'That if Remedy had been given in this Case, they would not have meddled therewith by no Means; but now that Remedy being not obtained in the King's Bench, without looking back upon any Thing that hath been done or omitted, they desire some Provision for the future only. And here he took Occasion to add four Book-Cases and Authorities, all in the Point, saying, That if the learned Counsel on the other Side, could produce but one against the Liberties, so pat and pertinent, Oh! how they would hug and cull it. 16. *Henry* VI. Tit. *Monstrance de Fait*, 182. by the whole Court, The King in his Presence cannot command a Man to be arrested, but an Action of false Imprisonment lieth against him that arresteth: If not the King in his Royal Presence, then none others can do it. *Non sic itur ad Astra.* 1. *Henry* VII. 4. *Hussey* reports the Opinion of *Markham*, Chief-Justice to *Edward* IV. that he could not imprison by Word of Mouth; and the Reason, because the Party hath no Remedy; for the Law leaves every Man a Remedy of causeless Imprisonment: He added, that *Markham* was a worthy Judge, though he fell into Adversities at last by the Lord *Rivers*'s Means. *Fortescue*, Chap. 18. *Proprio Ore nullus Regum usus est* to imprison any Man, *&c.* 4. *Elizabeth*, (Times blessed and renowned for Justice and Religion) in *Pl.* 235. The Common Law hath so admeasured the King's Prerogative, as he cannot prejudice any Man in his Inheritance; and the greatest Inheritance a Man hath, is the Liberty of his Person, for all others are accessary to it; for thus he quoteth the Orator, *Major Hæreditas venit unicuique nostrum, a Jure & Legibus quam a Parentibus.*

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'And these are the four Authorities he cited in this Point; Now he propounded and answered two Objections; *First*, in Point of State; *Secondly*, in the Course held by the House of Commons.

Obj. 'May not the Privy-Council commit, without Cause shewed, in a Matter of State where Secre-

An. 4 Charles 1628. Icy is required? Would not this be an Hindrance to his Majesty's Service?

Answ. 'It can be no Prejudice to the King as to Matter of State, for the Cause must be of higher or lower Nature. If it be for Suspicion of Treason, Misprision of Treason, or Felony, it may be by general Words couched; if it be for any other Thing of smaller Nature, as Contempt, and the like, the particular Cause must be shewed; and no *Individuum vagum*, or uncertain Cause to be admitted.

Obj. 'If the Law be so clear as you make it, why needs this Declaration and Remonstrance in Parliament?

Answ, 'The Subject hath in this Case sued for Remedy in the King's Bench, by *Habeas Corpus*, and found none; therefore it is necessary to be cleared in Parliament.'

Here Sir *Edward Coke* ended his Discourse: And then he made a Recapitulation of all that had been offered unto their Lordships, That generally their Lordships had been advised by the most faithful Counsellors that can be, *viz.* Dead Men; these can't be daunted by Fear, nor muzzled by Affection, Reward, or Hope of Preferment; and therefore your Lordships might safely believe them; particularly, their Lordships had three several Kinds of Proofs.

'1. Acts of Parliaments, judicial Precedents, good Reasons. *First*, you have had many antient Acts of Parliament in the Point, besides *Magna Charta*; that is, seven Acts of Parliament, which, indeed, are thirty-seven, *Magna Charta* being confirmed thirty Times; for so often have the Kings of *England* given their Royal Assents thereunto.

2. 'Judicial Precedents of grave and reverend Judges, *in Terminis terminantibus*, that long since departed the World, and they were many in Number. Precedents being twelve, and the Judges, four of a Bench, made four Times twelve, and that is forty-eight Judges.

3. 'You

3. 'You have, as he termed them, *vividas Rationes*, manifest and apparent Reasons. Towards the Conclusion, he declared to their Lordships, That they of the House of Commons have, upon great Study and serious Consideration, made a great Manifestation unanimously, *Nullo contradicente*, concerning this great Liberty of the Subject; and have vindicated and recovered the Body of this fundamental Liberty, both of their Lordships and themselves, from Shadows; which, sometimes of the Day, are long, sometimes short, and sometimes long again; and therefore we must not be guided by Shadows: And they have transmitted to their Lordships not *Capita Rerum*, Heads or Briefs; for these *Compendia* are *Dispendia*; but the Records at large, *in Terminis terminantibus*.' And so he concluded, 'That their Lordships are involved in the same Danger, and therefore, *ex congruo & condigno*, they desired a Conference; to the end their Lordships might make the like Declaration as they had done, *Commune Periculum commune requirit Auxilium*; and thereupon take such further Course, as may secure their Lordships and them, and all their Posterity, in enjoying of their antient, undoubted, and fundamental Liberties.' An. 4. Charles I. 1628.

April 8. After the foregoing Report was made, the Lords took into Consideration the Business sent up by the Commons, touching their antient Liberties; and, after some Debate, it was agreed to hear the King's learned Counsel, the Morrow in the Afternoon, what they could say on the King's Behalf, relating to the Claim of the Commons against him. The Arguments made Use of by the Attorney General, assisted by others of the King's Counsel, which we find, by the *Journals*, lasted two Days, are not entered there; nor are they mentioned by *Rushworth*. What we find in the former Authorities, is, That when Mr. Attorney had done, the Judges of the King's Bench, and the rest of the Judges in Town were ordered to be sent for to take their Opinions in this great Affair; and par-

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particularly to declare what the Judgment was in the King's Bench, which the Commons complain'd of.——But we shall leave this Affair for some Time to return to that House.

The *Collector* acquaints us, that on the 4th of *April*, the King's Supply was again taken into Consideration. It was introduced by a Message from his Majesty, delivered by Secretary *Cook*, to this Effect:

The King's Message to hasten the Supply.

'His Majesty hath again commanded me to put you in Mind, how the Eyes and Interest of the Christian World are cast upon the good or ill Success of this Assembly. He also graciously taketh Notice of that which is in Agitation amongst us, touching the Freedom of our Persons, and Property of our Goods: And that this particular Care (which he no way misliketh) may not retard our Resolution for the general Good, he willeth us chearfully to proceed in both, and to express our Readiness to supply his great Occasions; upon Assurance that we shall enjoy all our Rights and Liberties, with as much Freedom and Security in his Time, as in any Age heretofore, under the best of our Kings: And whether we shall think fit to secure ourselves herein, by way of Bill or otherwise, so as it be provided for with due Respect of his Honour and the Public Good, (whereof he doubteth not but that we will be careful) he promiseth, and assureth you, that he will give Way unto it; and the more Confidence you shall shew in his Grace and Goodness, the more you shall prevail to obtain your Desires.'

Debate thereon.

Hereupon Sir *Benjamin Rudyard* spoke as follows (*a*):

'The Dangers and Necessities of our present State, Mr. Speaker, are so obvious to every Man's Eye and Understanding; and therefore so well known, as to make a large and particular Rehearsal of them would rather astonish our Judgments, than

(*a*) Omitted in *Rushworth*.——Taken from a Manuscript in the *Harleyan* Library.

than refresh our Memory: Wherefore, in short and in gross, I will only reflect on the desperate Condition of the King's Uncle, the King of *Denmark*; engaged from hence, (even to the Hazard of his own Kingdom, in the Quarrel of that Royal and gallant Lady his Majesty's Sister) for the Recovery of her and her Children's Patrimony, with the Preservation and Re-establishment of our Religion in those Countries: So that the King is bound in Nature, in Policy, and in Religion, to relieve and assist both the Persons and the Cause to the utmost of his Power.

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'Believe it, Mr. Speaker, the Hinge of most of the Businesses moved in *Christendom* turn on the Affairs of *Germany*: For, if that great Body were once united under one Head, it would crush all the rest with the Weight of it.

'Next let us look a little over into *France*: There shall we find the poor Men of our Religion, exposed to the Fury of an inraged King; with a juster Pretence against them than hath been at any Time heretofore: Besides, which is worse, the Kings of *Spain* and *France* are united against them and us, and made better Friends than ever they meant to have been: So that, not to succour and support the Professors of our Religion, will not only be Infidelity and Cruelty, but Improvidence and Folly; for their Ill is ours.

'If *Rochel* should be lost, which is now in losing, and his Majesty not able to set out one Ship to help it; if it should be lost, it would hazard the total Extirpation of the Religion; besides, it would be an extraordinary Advantage to the King of *France* for Shipping, and as great a Disadvantage to us in respect of his Neighbourhood: And if the *Sound* should be lost too, how should we escape from being swallowed up by a *Spanish* Invasion? This Island would be more like a Prison than a Kingdom, for we should not then be able to walk abroad.

'These are Dangers too many, yet have I willingly abridged them; for I had rather come to the Re-

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Remedy, and so should we all: This consists only in Money, plentifully and speedily brought in, wisely and judiciously laid out. I doubt not but we are all resolved to give: Wherefore, Mr. Speaker, let us prepare ourselves to give plentifully to satisfy the Public Occasions, and to heave his Majesty out of Necessity; for Necessity is the worst Counsellor, and I shall be very sorry that we, of all others, should be guilty of placing such ill Counsel about the King: And now to think of sparing, when all lies at the Stake, were the most undoing Kind of Frugality.

'Let us give speedily; for Delay is the greatest Danger of all Dangers: It will not only lose that which we give, but that also which we would give. And this I propound, not as the King's Business, but our own, wherein every Man in this House hath particular Interest; if his Fortune, his Life, his Religion, be any Thing unto him. Neither speak I this to divert the great Business in Hand, but to hasten it; for I love as well, Mr. Speaker, to tread upon *English* Ground, as any Man here doth.'

* Mr. *Pymm*. 'In Business of Weight, Dispatch is better than Discourse: We came not hither without all Motives, that can be, towards his Majesty, had he never sent in this Message: We know the Danger of our Enemies; we must add Expedition to Expedition; let us forbear Particulars. A Man in a Journey is hindred by asking too many Questions. I do believe our Peril is as great as can be; every Man complains of it, and that doth encourage the Enemy. Our Way is to take that which took away our Estates; that is, the Enemy: To give speedily is that which the King calls for. *A Word spoken in Season is like an Apple of Gold set in Pictures of Silver*; and Actions are more precious than Words. Let us hasten our Resolutions to supply his Majesty.'

Five Subsidies voted.

Hereupon, after some Debate, the Commons came to this unanimous Resolve, *That Five Subsidies*

dies be given to his Majesty: And Mr. Secretary *Cook* was appointed to acquaint his Majesty with the Resolution of the House. An. 4. Charles I. 1628.

April 7. Mr. Secretary *Cook* reported to the House the King's Acceptance of the Subsidies; 'and that 'his Majesty was pleased to ask, *By how many* '*Voices they were gained?* I said, *But by one.* His 'Majesty asked, *How many were against him?* I 'said, *None*; *for they were voted by one Voice, and* '*one general Consent* His Majesty was much af-'fected therewith, and called the Lords in Council; 'and there I gave them an Account of what had 'passed: Besides it gave his Majesty no small Con-'tent, that altho' *Five Subsidies* be inferior to his 'Wants, yet it is the greatest Gift that ever was 'given in Parliament; and now he sees, that with 'this he shall have the Affections of his People, 'which will be greater to him than all Value. He 'said, *He liked Parliaments at first, yet since, (he* '*knew not how) he was grown to a Distaste of them*; '*but was now where he was before*; *for he loves them,* '*and shall rejoice to meet with his People often.* At which the King declares his great Satisfaction.

'(*b*) *That this Day he had gain'd more Reputation* '*in* Christendom, *than if he had won many Battles.* 'And to secure our further Fear, and to create fur-'ther Confidence, he assureth us, that we shall 'enjoy as great Immunities in his Time, as ever 'we did possess, or had, under the Reign of any the 'best Kings of this Realm.'

Mr. Secretary at the same Time acquainted the House, that upon his informing the King of their giving of *Five Subsidies*; the Duke of *Buckingham* addressed himself to his Majesty, at the Council-Table, as follows: The Duke of Buckingham's congratulatory Speech to the King, on that Occasion, laid before the Commons.

SIR,

'MEthinks I now behold you a great King; 'for Love is greater than Majesty: The 'Opinion that the People lov'd you not, had al-'most

(*b*) The last Paragraph is supplied from Sir *John Napier's* Manuscript.

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'most lost you in the Opinion of the World; 'but this Day makes you appear as you are, a glorious King, loved at home, and now to be feared abroad.

'This falling out so happily, give me Leave, I 'beseech you, to be an humble Suitor to your Majesty: First, for myself, that I, who have had 'the Honour to be your Favourite, may now give 'up that Title unto them; they to be your Favourites, and I to be your Servant. My second 'Suit is, That they having done all so well, you 'will account of them all as one; a Body of many Members, but all of one Heart.

'Opinion might have made them differ, but 'Affection did move them all to join with like 'Love in this great Gift; for the Proportion, altho' it be less than your Occasions may ask, yet 'it is more than ever Subjects did give in so short 'a Time; nor, I am persuaded, will it rest there; 'for this is but an Earnest of their Affections, to 'let you see, and the World know, what Subjects 'you have, that when your Honour, and the 'Good of the State is engaged, and Aid asked in 'the ordinary Way of Parliament, you cannot 'want.

'This is not a Gift of *Five Subsidies* alone, but 'the opening of a Mine of Subsidies that lieth in 'their Hearts. This good Beginning hath wrought 'already these Effects; they have taken your 'Heart, and drawn from you a Declaration that 'you will love Parliaments. And again this will 'meet, I make no Question, with such Respect, that 'their Demands will be just, dutiful, and moderate; 'for they that know thus to give, know well what 'is fit to ask. Then cannot your Majesty do less 'than out go their Demands, or else you do less 'than yourself or them; for your Message begot 'Trust; their Truth and your Promises must 'then beget Performances. This being done, then 'shall I, with a glad Heart, behold this Work as 'well ended as now begun; and then shall I hope

'that

Parliaments shall be made hereafter so frequent, by the Effects and good Use of them, as they shall have this further Benefit, to deter from approaching your Ears all Projectors and Introducers of Innovations, as Disturbers both of Church and Common-Wealth. An. 4. Charles I. 1628.

'Now, Sir, to open my Heart, and to ease my Grief, please you to pardon me a Word more. I must confess I have long lived in Pain; Sleep hath given me no Rest; Favours and Fortunes no Content; such have been my secret Sorrows, to be thought the Man of Separation, that divided the King from his People, and them from him; but I hope it shall appear they were some mistaken Minds, that would have made me the evil Spirit that walketh between a good Master and loyal People, by ill Offices; whereas, by your Majesty's Favour, I shall ever endeavour to approve myself a good Spirit, breathing nothing but the best Services to them all.

'Therefore this Day I account more blessed to me than my Birth; to see myself able to serve them; to see you brought into Love with Parliaments; to see a Parliament express such Love to you: And God so love me and mine, as I joy to see this Day!'

Mr. Secretary *Cook*, also at this Time, repeated the Substance of the King's Answer to the Petition of both Houses concerning *Recusants*, pursuant to his Majesty's Order (*c*).

This being done, Sir *John Elliot* stood up and spoke as follows (*d*):

'I presume we have all received great Satisfaction from his Majesty, as at other Times, so now in his gracious Answer and Resolution for the Business of this House; his Answer to our Petition for Religion so particularly made; his Resolution in that other

Which is resented by Sir John Elliot.

(*c*) See before, p. 391.

(*d*) From the *Ephemeris Parliamentaria*, corrected by the Manuscript. There is only an Abstract of it in *Rushworth*.

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other Consideration concerning the Point, already settled here, in Declaration of our Liberties; and for the Parliament in general; that he hath taken so good a liking to our Manner of Proceeding, as it hath gained his Promise therein to meet us often; whereby I am confident, as of his Grace to us, so of our Loyalties, that to thus good a Beginning we shall add so happy a Conclusion, as shall increase that Liking and good Opinion in his Majesty; and from henceforth make him more and more in Love with Parliaments.

'As thus in general, so in my own particular, I receive so great Satisfaction herein, that I have not Words enough sufficiently to utter it. And yet, I confess, that Extremity of Joy is not without Trouble, which must likewise be declared; to disburden this Affection which cannot, otherwise, so lively and so faithfully, express my Devotion to the Service of this House, as I had resolved.

'I know not by what Fatality or Infortunity it has crept in; but I observe, in the Close of Mr. Secretary's Relation, Mention made of another in Addition to his Majesty; and that, which hath been formerly a Matter of Complaint, I find here still: A Mixture with his Majesty, not only in his Business, but in Name. Is it that any Man conceives the Mention of others, of what Quality soever, can add Encouragement or Affection to us, in our Duties and Loyalties towards his Majesty; or give them greater Latitude or Extent than naturally they have? Or is it supposed, that the Power or Interest of any Man can add more Readiness to his Majesty, in his gracious Inclination towards us, than his own Goodness gives him? I cannot believe it. —— And as the Sweetness and Piety of his Majesty, which we have in Admiration, make me confident in this; so the Expression of our Duty, so perspicuous and clear as already hath been given, is my Assurance for the other.

'But; Sir, I am sorry there is Occasion that these Things should be argued; or this Mixture, which

which was formerly condemned, ſhould appear again. I beſeech you, Sir, let it not be hereafter; let no Man take this Boldneſs within theſe Walls, to introduce it; though, I confeſs, for my own particular, I ſhall readily commend, nay, thank that Man whoſe Endeavours are applied to ſuch Offices as may be advantageable for the Public; yet in this Manner, ſo contrary to the Cuſtoms of our Fathers, and the Honour of our Times, as I cannot, without Scandal, apprehend it; ſo I cannot, without ſome Character or Exception, paſs it. And therefore I deſire that ſuch Interpoſition may be let alone; and that all his Majeſty's Regards and Goodneſſes, towards this Houſe, may ſpring alone from his Confidence of our Loyalty and Affections.

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'Now let us proceed to thoſe Services that concern him; which, I doubt not, in the End, will render us ſo real unto him, that we ſhall need no other Help to endear us to his Favour.'

Although it is expreſsly ſaid before, in *Ruſhworth*, that the Commons voted a Supply of five *Subſidies* on the 4th of *April*; there is not one Word of it mentioned in the *Journals*, till ſeveral Days after; The Houſe ſeeming to be buſy in preparing their *Petition of Right*, which, they were reſolved, ſhould go Hand in Hand with the other. And, it ſeems very probable, That no ſuch Vote was yet paſſed, by what follows in the *Collections*, which now, exactly, coincides with the *Journals* of the Commons.

April the 10th, Mr. Secretary *Cook* delivered this Meſſage from the King, 'That his Majeſty deſi-'red this Houſe not to make any Receſs theſe '*Eaſter* Holidays; that the World may take No-'tice, how earneſt his Majeſty and we are for the 'Public Affairs in Chriſtendom, which, by ſuch 'a Receſs, would receive Interruption.'

The King's Meſſage deſiring the Commons not to make any Receſs at Eaſter.

This Meſſage for Non-Receſs, was not well pleaſing to the Houſe: Sir *Robert Philips* firſt re-

Debate thereon.

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sented it, and took Notice, 'That in 12th and 18th *Jac.* upon the like Intimation, the House resolved it was in their Power to adjourn or sit: Hereafter, said he, this may be put upon us by Princes of less Piety. Let a Committee consider hereof, and of our Right herein, and make a Declaration.' Accordingly this Matter, touching his Majesty's Pleasure about the Recess, was referred to a Committee, who were to consider the Power of the House to adjourn itself; to the End, that it being now yielded unto in Obedience to his Majesty, it might not turn to Prejudice in Time to come.

Sir *Edward Coke.* 'I am as tender of the Privileges of this House as my Life; and they are the Heart-Strings of the Common-Wealth. The King makes a Prorogation, but this House adjourns itself. The Commission of Adjournment we never read, but say, *This House adjourns itself.* If the King write to an Abbot for a *Corody*, for a *Valet*, if it be *ex Rogatu*, though the Abbot yields to it, it binds not. Therefore, I desire that it be entered, that this is done *ex Rogatu Regis.*'

Hereupon a Message was sent to the King, That the House would give all Expedition to his Majesty's Service, notwithstanding their Purpose of Recess. To which Message, his Majesty returned this Answer, That the Motion proceeded from himself, in regard of his Engagement in the Affairs of Christendom; that he wished them all Alacrity in their Proceedings, and that there be no Recess at all.

Further Debate on the Supply.

The next Day, Secretary *Cook* moved the expediting of *Subsidies*, and turning of the Votes into an Act: 'We have many Petitions to the King, said he, and they are Petitions of Right. We have freely and bountifully given *Five Subsidies*, but no Time is appointed; and *Subsidy* without Time is no *Subsidy*: Let us appoint a Time.'

Sir *Dudley Diggs.* 'We have freely concluded our Liberties; we have offered *Five Subsidies*; his Majesty

Majesty hath given us gracious Answers; we have had Good by our Beginnings: What have we hitherto done for the King? Nothing is done that the King can take Notice of. The World thinks that this Parliament hath not expressed that Resolution that it did at first. How much doth it concern the King, that the World be satisfied with his Honour? Our Success and Honour is the King's. Princes want not those that may ingratiate themselves with them, by doing ill Offices. There is a Stop; and never did a Parliament propound any Thing but it hath been perfected sooner than this is. May not the King say, What have I done? They grow cold. Have I not told them, I will proceed with as much Grace as ever King did? He will settle our Properties and Goods. Have we not had a gracious Answer. Are we Hand in Hand for his Supply? Shall it be said that this Day it was moved, but denied? It may put our whole Business back: Wherein can this disadvantage us? I dare say, confidently, we shall have as much Favour from his Majesty as ever any Subjects had from their King.' An. 4. Charles 1628.

Sir *Thomas Wentworth*. 'When we set down the Time, let us be sure the Subjects Liberties go Hand in Hand together; then to resolve of the Time; but not report it to the House, till we have a Ground, and a Bill for our Liberties: This is the Way to come off fairly, and prevent Jealousies.'

Hereupon, the Committee of the whole House resolved, That Grievances and Supply go Hand in Hand.

April the 12th, Mr Secretary *Cook* delivered another Message from the King, *viz.* (*e*) 'His Majesty, having given timely Notice to this House, as well of the Pressure of the Time, as of the Necessity of Supply, hath long since expected some Fruit of that which was so happily begun; but Another Messa from the Kin to hasten it.

(*e*) From Sir *John Napier*'s Manuscript: The Passages in Crochets are omitted in *Rushworth*.

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finding a Stop beyond all Expectation [*nay beyond all Example*] after so good Beginning, he hath commanded me to tell you, That, without any further or unnecessary Delay, he would have you to proceed in his Business; for, however, he hath been willing that his Affairs and ours should concur and proceed together; yet his Meaning was not, that the one should give Interruption to the other; nor the Time to be spun out upon any Pretence, [*to hinder that Resolution*] upon which the common Cause of [*this Kingdom, and even, of all*] Christendom doth so much depend: He bids us, therefore, take Heed, that we force not him [*by our tedious and unnecessary Delays*] to make an unpleasing End of that which was so well begun.

'I will discharge my Duty. —— I humbly desire this honourable House, not to undervalue or overstrain this Message; if we conceive any Thing in it to tend, as if his Majesty threatened to dissolve this Parliament, we are deceived; his Majesty intends the contrary; and to put us in such a Way, that our Business may have speedy Success. His Majesty takes Notice of a peremptory Order, whereby he conceived, that his Business was excluded, at least for a Time; and that which doth most press his Majesty is Time: Believe me the Affairs now in Hand press his Majesty's Heart more than us. Let us remove Delays that are more than necessary; let us awaken ourselves; he intends a speedy Dispatch. I must, with some Grief, tell you, that Notice is taken, as if this House pressed not only upon the Abuses of Power, but upon Power itself; this toucheth the King, and us who are supported by that Power: Let the King hear of any Abuses of Power; he will willingly hear us; and let us not bend ourselves against the Extention of his Royal Power, but contain ourselves within those Bounds, that we meddle only with Pressures and Abuses of Power; and we shall have the best Satisfaction that ever King gave. I beseech you all to concur this Way, and use that Moderation we have not had the Honour yet to gain.'

Being

Being moved to explain what he meant by the Word *Power*, which, he said, we did oppose; he answered, 'I cannot descend to Particulars, or go from that his Majesty gave me Warrant or Power to deliver.' An. 4. Charles I. 1628.

This Message was very unpleasing to the House, and many Debates succeeded thereupon. Debate thereon.

Sir *Robert Phillips* said, 'He hoped their Moderation would have given his Majesty a right Understanding of their Loyalty.'

Others proposed to find out a Way, by God's Providence, to make this Message happy to King and People. It concerns the King's Honour abroad, and our Safety at home, that this Parliament be happy: 'Let us prevent, said they, these Mischiefs, which, by frequent Messages, thus obstruct us: Let those Gentlemen near the Chair see, that we have endeavoured to apply ourselves to his Majesty's Service, notwithstanding this Message. In the 12th *Jacobi*, a Message of this Nature produced no Good: Nothing so endangers us with his Majesty, as that Opinion that we are Anti-monarchically affected; whereas such is, and ever hath been our Loyalty, if we were to chuse a Government, we should chuse this Monarchy of *England*, above all Governments in the World.'

Mr. Secretary *Cook* again. 'All Negociations of Ambassadors are at a Stop while the House sits; this Stop is as a Frost upon the Earth, that hinders the sweet Vapours between his Majesty and his Subjects; and as Matters stand, the Soldiers can neither be disbanded, nor put in Service.'

Mr. *Wandesford*. 'This Motion comes unexpectedly, but it is fit to receive some Satisfaction: The proceeding now with our Grievances will open the Stop that hinders his Majesty's Affairs.'

Sir *Humphrey May*. 'Sweetness, Trust, and Confidence are the only Weapons for us to deal with our King: Coldness, Inforcement, and Constraint will never work our Ends: If we compass all

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all we desire, and have not his Majesty's Heart, what Good will a Law or any Thing else do us?'

Sir *Thomas Wentworth* (*f*). 'I cannot help lamenting the unlawful Courses and Slights, for which the only Excuse is, Necessity.

'We are required to give; but, before we can resolve to give, it must be determined what we have to give; what heavy Fogs have of late darkened our Hemisphere, and yet hang over us, portending our Ruin, none is so weak as to be ignorant of. What unsteady Courses, to dispel these Mists, have been pursued, and thereby raised near us great Storms, I take no Pleasure to remember: Yet, in all Bodies diseased, the Knowledge precedes the Cure. I will shortly tell the Principals; next their Remedies. I must reduce them into two Heads: One, whereby our Persons have been injured; the other whereby our Estates have suffered. Our Persons have been injured, both by Imprisonment without Law; nay, against Law, boundless and without Bank; and by being design'd to some Office, Charge, and Employment, foreign or domestic, as a Brand of Infamy and Mark of Disgrace.

'Oh! Mr. Speaker, when it may not be safe to deny Payments upon unjust Exactions, but we must go to Prison for it; nor, in this Place, to speak our Consciences, but we must be stamped to unwilling and unfitting Employments!

'Our Estates have been racked two Ways; one in the Loan, wherein *Five Subsidies* were exacted; and that by Commission of Men of Quality, and Instructions to prosecute the same with an Asperity which no Times can parallel. And hence the other Consideration, of the Projectors and Executioners of it: Nay, this was not all, but Ministers, in their Pulpits, have preached it as Gospel, and damn'd the Refusers of it; so then we are already doom'd to Damnation! The second Way wherein our Estates have suffered, hath been, and yet is in being, by billeting of Soldiers in most Counties in this Kingdom.

'These

(*f*) This Speech is not in any of the printed Books: And we give it upon the Authority of a Manuscript in the *Harleian Library*.

'These rough Ways lead neither to the King's Profit, nor the Kingdom's Safety: The former may appear by the Emptiness of the Exchequer, and Sale of the antient Crown-Lands: The latter by the imminent and deep Dangers that are ready to swallow us up: But I take no Pleasure in touching these Strings. An. 4. Charles 1. 1628.

'I conclude with this Motion, That we name a Committee to consult on these Grievances, and to digest them, moderately, discreetly, and truly, into an humble Petition; and let no Man distrust his Majesty, or judge this Way a Break-neck of Parliaments; but a Way of Honour to the King, nay of Profit; for, besides the Supply which we shall readily give him suitable to his Occasions, we give him our Hearts. Our Hearts, Mr. Speaker, a Gift that God calls for, and fit for a King.'

Hereupon it was ordered, 'That a special Committee of ten Members do, presently, withdraw themselves, and consult together upon some Heads, and upon the Substance of a fair Representation to his Majesty; which the Speaker shall deliver in his Speech to his Majesty, on *Monday* next, if the King please to give Access; and at the same Time to deliver the Petition against billeting of Soldiers.' —— This was done accordingly, and, upon the Report, agreed to by the House, as follows:

The INSTRUCTIONS *of the* COMMONS *to their* SPEAKER, *in answer to the* KING'S MESSAGE *of the* 11*th of* April, *by Secretary* Cook (*g*).

I. THAT it is the antient Right of Parliament to dispose of Matters, there debated, in their own Method.

II. 'That it is their antient Custom, to consider of Grievances before Matters of Supply.

III. 'That yet nevertheless, in this Parliament, to express our Affection to his Majesty, contrary to our or-

(*g*) These are omitted in *Rushworth*, and in the *Journals*; but are supplied from the *Harleian Manuscript* before mentioned.

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ordinary Proceedings, we have proceeded in the Supply, as far as we could, in that Committee.

IV. 'This we have been so far from delaying, that, postponing the common and pressing Grievances of the Nation, we have given Precedency to the Supply; joining with it only the fundamental and vital Liberties of the Kingdom, that give Subsistance to the Subject.

V. 'Further to express the Fulness of our Loyalty and Affection to the King, we have exceeded our Order in that Particular concerning the Supply; which, tho' later in Proposition, yet hath been first made ready for Conclusion in the Committee.

VI. 'No Person or Council can be greater Lovers of, or more careful to maintain, the sacred Rights and Prerogatives of the Crown than we: And we do conceive, that the maintaining of the fundamental Rights and Liberties of the Subject is an essential Means to establish the Glory of a Monarch; and that by it his Subjects are the better enabled to do him Service; which hath been formerly the Cause of many glorious Victories won by this Nation, above other Kingdoms of larger Territories, and greater Number of People.

VII. 'What Information is given to his Majesty contrary to this, doth proceed from such Persons as, to serve their own Ends, under Colour of advancing his Majesty's Prerogative, do, in Fact, weaken the Royal Power.

VIII. 'We trust to be cleared in his Majesty's Judgment, that there hath been no unnecessary Stop, but a most chearful Proceeding in the Matter of Supply: And therefore we do humbly desire that his Majesty will take no Information, in this, or any other Business, from private Relations; but to judge of our Proceedings by such Resolutions as shall be presented to his Majesty from this House.

IX. 'Being thus rightly and graciously understood, we assure ourselves that the End of this Parliament shall be more happy than the Beginning.'

In

In purſuance of theſe Inſtructions the Speaker introduced the Petition of the Commons to the King, relating to the billeting of Soldiers, with the following Speech, on the 14th of *April*, being *Eaſter-Monday*. An. 4. Charles I. 1628.

Moſt Gracious and Dread Sovereign (b),

The Speaker's Speech to the King, on preſenting the Petition againſt billeting of Soldiers.

'YOur dutiful and loyal Commons here aſſembled, were lately humble Suitors to your Majeſty for Acceſs to your Royal Preſence: The Occaſion that moved their Deſires herein, was a Particular of Importance, worthy your princely Conſideration; and which, as it well deſerves, ſhould have been the only Subject of my Speech at this Time.

'But ſince your gracious Anſwer for this Acceſs, obtained by a Meſſage from your Majeſty; they have had ſome Cauſe to doubt, that your Majeſty is not ſo well ſatisfied with the Manner of their Proceedings, as their hearty Deſire is you ſhould be; eſpecially in that Part which concerns your Majeſty's preſent Supply, as if, in the Proſecution thereof, they had uſed ſome Slackneſs or Delay.

'And, becauſe no Unhappineſs of theirs can parallel with that which may proceed from a Miſunderſtanding in your Majeſty of their clear and loyal Intentions, they have commanded me to attend your Majeſty with an humble and ſummary Declaration of their Proceedings, ſince this ſhort Time of their ſitting; which they hope will give your Majeſty abundant Satisfaction that never People did more truly deſire to be endeared in the Favour and gracious Opinion of their Sovereign; and withall to let your Majeſty ſee, that as you can have no where more faithful Counſel, ſo your great Deſigns and Occaſions can no way be ſo ſpeedily or heartily ſupported, as in this old and antient Way of Parliament.

'For this Purpoſe they humbly intreat your Majeſty to take into your Royal Conſideration, 'that

(b) From *Ruſhworth*, corrected by the Manuſcript.

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'that, altho' by antient Right of Parliament, the 'Matters there debated are to be digested in their 'own Method and Order; and that their constant 'Custom hath been, to take into their Consideration the common Grievances of the Kingdom, 'before they enter upon the Matter of Supply; 'yet to make a full Expression of that Zeal and 'Affection which they bear to your Royal Person, 'equalling at least, if not exceeding the best Affections of their Predecessors to the best of your 'Progenitors; they have in this Assembly, contrary to the ordinary Proceedings of Parliament, 'given your Majesty's Supply Precedence before 'the common Grievance of the Subject, how pressing soever; joining with it, only, those fundamental and vital Liberties of the Kingdom, which 'give Subsistance and Ability to your Subjects.

'This was their original Order and Resolution; 'and was grounded upon a true Discernment, that 'these two Considerations could not be severed; 'but did both of them equally concern your Majesty's Service; consisting no less in enabling and 'encouraging the Subject, than in proportioning a 'Present suiting to your Majesty's Occasions and 'their Abilities: Nay, so far have they been from 'using any unnecessary Delays, that tho', of the 'two, the Supply were the later Proposition amongst 'them, yet the Grand Committee to which both 'were referred, hath made that first ready for Conclusion.

'And to be certain that your Majesty's Supply 'might receive no Interruption by the other, they 'have, differing from Usage and Custom (in Cases 'of this Nature) sent up, of those that concern the 'Subjects, by Parcels, some to your Majesty, and 'some to the Lords; to the End your Majesty 'might receive such speedy Content, as suited with 'the largest and best Extent of their first Order.

'Sir, you are the Breath of our Nostrils, and 'the Light of our Eyes; and besides those many 'Comforts, which under you and your Royal Progenitors, in this Frame of Government, this Na-

'tion

'tion hath enjoyed, the very Religion we profess 'hath taught us whose Image you are; and we do 'all most humbly beseech your Majesty to believe, 'that nothing is or ever can be more dear unto us 'than the sacred Rights and Prerogatives of your 'Crown: No Person or Council can be greater 'Lovers of them, nor be more truly careful to 'maintain them: And the preserving those funda-'mental Liberties, which concern the Freedom of 'our Persons, and Property in our Goods and 'Estates, is an essential Means to establish the true 'Glory of a Monarch.

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'For rich and free Subjects, as they are best go-'verned, so they are most able to do your Majesty 'Service, either in Peace or War; which, next 'under God, hath been the Cause of the happy 'and famous Victories of this Nation, beyond other 'Kingdoms of larger Territories, and greater Num-'bers of People.

'What Information soever contrary to this shall 'be brought unto your Majesty, can come from 'no other than such as for their own Ends, under 'Colour of advancing the Prerogative, do indeed, 'in truth, undermine and weaken the Royal 'Power; and, by impoverishing the Subject, ren-'der this Monarchy less glorious, and the People 'less able to serve your Majesty.

'Having (by this that hath been said) cleared our 'Hearts and Proceedings towards your Majesty; 'our Trust is, that, in your Royal Judgment, we 'shall be free from the least Opinion of giving any 'unnecessary Stop to our Proceedings in the Mat-'ter of Supply; and that your Majesty will be 'pleased to entertain Belief of our Alacrity and 'Chearfulness in your Service; and that, hereaf-'ter, no such Misfortune shall befall us as to be 'misunderstood by your Majesty in any Thing.

'We all most humbly beseech your Majesty to 'receive no Information, in this or any other Bu-'siness, from private Relations; but to weigh and 'judge of our Proceedings by those Resolutions of 'the House, that shall be presented from ourselves.

'This

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'This being rightly and graciously understood, 'we are confident from the Knowledge of your 'Goodness and our own Hearts, that the Ending 'of this Parliament shall be much more happy than 'the Beginning; and be to all Ages stiled the *Blessed* '*Parliament*, for making perfect Union between 'the best King and the best People; that your 'Majesty may ever delight in calling us together, 'and we rejoice in the Comforts of your gracious 'Favour towards us.

'In this Hope, I return to my first Errand; 'which will best appear by that which I shall 'humbly desire your Majesty to hear; it being an 'humble Petition from the House of Commons, 'for redressing of those many Inconveniencies and 'Distractions, that have befallen your Subjects by 'the billeting of Soldiers, in private Men's Houses, 'against their Wills.

'Your Royal Progenitors have ever held their 'Subjects Hearts the best Garrison of this King-'dom; and our humble Suit to your Majesty is, 'that our Faith and Loyalty may have such a Place 'in your Royal Thoughts, as to rest assured that 'all your Subjects will be ready to lay down their 'Lives for the Defence of your sacred Person and 'this Kingdom.

'Not going ourselves into our Countries this '*Easter*, we should think it a great Happiness to 'us, (as we know it would be a singular Comfort 'and Encouragement to them that sent us hither) 'if we might but send them the News of a graci-'ous Answer from your Majesty in this Particu-'lar; which the Reasons of the Petition, we hope, 'will move your Most Excellent Majesty graci-'ously to vouchsafe us.'

The PETITION concerning the billeting of Soldiers.

To the KING's Most Excellent Majesty.

IN all Humility complaining, sheweth unto your Most Excellent Majesty, your loyal and dutiful Commons, now in Parliament assembled, That whereas,

by

by the fundamental Laws of this Realm, every Freeman hath, and of Right ought to have, a full and absolute Property in his Goods and Estate; and that therefore the billeting and placing Soldiers in the House of any such Freeman against his Will, is directly contrary to the said Laws, under which we and our Ancestors have been so long and happily governed; yet, in apparent Violation of the said antient and undoubted Right of all your Majesty's loyal Subjects of this your Kingdom in general, and to the grievous and insupportable Vexation and Detriment of many Counties and Persons in particular, a new and almost unheard-of Way hath been invented and put in practice, to lay Soldiers upon them, scattered in Companies here and there, even in the Heart and Bowels of this Kingdom; and to compel many of your Majesty's Subjects to receive and lodge them in their own Houses, and both themselves and others to contribute towards the Maintenance of them, to the exceeding great Disservice of your Majesty, the general Terror of all, and utter Undoing of many of your People; insomuch as we cannot sufficiently recount, nor, in any Sort proportionable to the lively Sense that we have of our Miseries herein, are we able to represent unto your Majesty the innumerable Mischiefs and most grievous Exactions that, by this Means alone, we do now suffer; whereof we will not presume to trouble your sacred Ears with particular Instances; only, Most Sacred Sovereign, we beg Leave to offer to your most gracious View and compassionate Consideration, a few of them in particular.

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1. *The Service of Almighty God is hereby greatly hindered, the People, in many Places, not daring to repair to the Church, lest, in the mean Time, the Soldiers should rifle their Houses.*

2. *The antient and good Government of the Country is hereby neglected, and almost contemned.*

3. *Your Officers of Justice, in Performance of their Duties, have been resisted and endangered.*

4. *The Rents and Revenues of your Gentry greatly and generally diminished; Farmers, to secure them-*

selves

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selves from the Soldiers Insolence, being, by the Clamour and Solicitation of their fearful and injured Wives and Children, enforced to give up their wonted Dwellings, and to retire themselves into Places of more secure Habitation.

5. *Husbandmen, that are as it were the Hands of the Country, corrupted by ill Example of the Soldiers, and encouraged to idle Life, give over Work; and rather seek to live idly, at another Man's Charge, than by their own Labour.*

6. *Tradesmen and Artificers almost discouraged; by being inforced to leave their Trades, and to employ their Time in preserving themselves and their Families from Violence and Cruelty.*

7. *Markets unfrequented, and our Ways grown so dangerous, that the People dare not pass to and fro upon their usual Occasions.*

8. *Frequent Robberies, Assaults, Batteries, Burglaries, Rapes, Rapines, Murders, barbarous Cruelties, and other most abominable Vices and Outrages are generally complained of from all Parts, where these Companies have been and have their Abode; few of which Insolencies have been so much as questioned, and fewer, according to their Demerit, punished.*

These and many other lamentable Effects, most Dread and Dear Sovereign, have, by the Billeting of Soldiers, already fallen upon us your loyal Subjects; tending no less to the Disservice of your Majesty, than to their own impoverishing and Destruction; so that, thereby, they are exceedingly disabled to yield your Majesty those Supplies for your urgent Occasions, which they heartily desire; and yet they are further perplexed with Apprehension of more approaching Danger; one in regard of your Subjects at home, the other of Enemies from abroad; in both which Respects it seems to threaten no small Calamity.

For the First, the meaner Sort of your People being exceeding poor, whereof in many Places are great Multitudes, and therefore, even in Times of more settled and constant Administration of Justice, not easily ruled, are most apt, upon this Occasion, to cast off the Reins of Government; and by joining themselves

selves with those disordered Soldiers, are very like to fall into Mutiny and Rebellion: This, in faithful Discharge of our Duties, we cannot forbear most humbly to present to your high and excellent Wisdom; being possessed with probable Fears that some such Mischief will shortly ensue, if an effectual and speedy Course be not taken to remove out of the Land, or otherwise to disband, those unruly Companies. An. 4. Charles I. 1628.

For the Second, we do most humbly beseech your Majesty to take into your Princely Consideration, That many of those Companies, besides their dissolute Disposition and Carriage, are such as do openly profess themselves Papists; *and therefore to be suspected that, if Occasion serve, they will rather adhere to a foreign Enemy of that Religion, than to your Majesty, their liege Lord and Sovereign; especially some of their Captains and Commanders being as popishly affected as themselves, and having served in the Wars, on the Part of the King of* Spain *and the Arch-Duchess, against your Majesty's Allies; which, of what pernicious Consequence it may prove, and how prejudicial to the Safety of your Kingdom, we leave to your Majesty's high and princely Wisdom.*

And now upon these, and many more which might be alledged, most weighty and important Reasons, grounded on the Maintenance of the Worship and Service of Almighty God, the Continuance and Advancement of your Majesty's high Honour and Profit, the Preservation of the antient and undoubted Liberties of your People, and therein of Justice, Industry, and Valour; all which nearly concern the Glory and Happiness of your Majesty and your Subjects; and the preventing of Calamity and Ruin both of Church and Common-Wealth: We your Majesty's most humble and loyal Subjects, the Knights, Citizens, and Burgesses of your House of Commons, in the Name of all the Commonalty of your Kingdom, who are, upon this Occasion, most miserably disconsolate and afflicted, prostrate at the Throne of your Grace and Justice, do most ardently beg a present Remove of this insupportable Burden; and that your Majesty would be graciously pleased to secure us from the like Pressure in the Time to come.

An. 4 Charles I. 1628. To the foregoing Petition his Majesty made the following Reply *(k)*.

Mr Speaker and you Gentlemen,

The King's Answer. *WHEN I sent you my last Message, I did not expect a Reply, for I intended it only to hasten you*; [not to find Fault with you]. *I told you, at your first Meeting, this Time was not to be spent in Words, and I am sure it is less fit for Disputes; which if I had a Desire to entertain, Mr. Speaker's Preamble might have given me Ground enough.*

The Question is not now, What Liberty you have in disposing of Matters handled in your own House; but rather at this Time what is fit to be done: Wherefore I hope you will follow my Example, in eschewing Disputations, and fall to your important Business.

You make a Protestation of your Affection and Zeal to my Prerogative, grounded upon such good and just Reasons that I must believe you: But I look that you use me with the like Charity, to believe what I have declared, more than once since your Meeting, which is, That I am as forward as you for the necessary Preservation of your true Liberties. Let us not spend so much Time in this, that may hazard both my Prerogative and your Liberties to our Enemies.

To be short; go on speedily with your Business without any [Fear or] *more Apologies; for Time calls fast, which will neither stay for you nor me: Wherefore it is my Duty* [to press you] *to hasten, as best knowing the* [Truth and Necessity] *of it; and yours to give Credit to what I say, as to him that sits at* [and guides] *the Helm.*

As to what concerns your Petition, I shall make Answer in a convenient Time.

The same Day, *April* 14th, a Case of a very extraordinary Nature came before the Commons. This is wholly omitted, in *Rushworth*, and we give it from those greater Authorities, the *Journals*. In-

(*k*) The Passages in Crochets are omitted in *Rushworth*, and supplied from the *Lords Journals*.

Information was given to the House, by Mr. *Kirton*, that a Lord [the Earl of *Suffolk*] had said, two Days before, *That a Gentleman of this House* [*Mr.* Selden] *deserved to be hanged for razing a Record*; with some other Speeches to the like Purpose. An. 4. Charles I. 1628.

Sir *James Strangewayes* was named for the Person who heard the Words; and he was ordered, by the House, to declare his Knowledge therein. Sir *James* said, 'That going up to the House of Lords to speak to a Lord, about other Business, he was asked by one who met him, *If he had heard nothing?* After this, going into the Committee-Chamber of the Lords, to the best of his Remembrance, the Words used by the Earl of *Suffolk* were these; *Sir* James Strangewayes *will you not hang* Selden? To which he answered, *My Lord, I know no Cause for it.* The Earl swore, by God, *He had razed a Record and was worthy to be hanged for it,*

Upon this Mr. *Selden* was called upon to justify himself in this particular of razing a Record. 'Who first denied the Charge in general; and next in particular. That he delivered in to the Lords diverse Copies of Records examined by himself, and several other Members of the House; wherein he was far from doing any such Thing as was charged upon him.'

The Commons Complaint against the Earl of Suffolk, for aspersing a Member of their House.

Upon Question it was resolved, 'That Sir *James Strangewayes* shall set down the Words spoken by the Earl of *Suffolk* of Mr. *Selden*; and that Sir *Robert Philipps* shall go up with a Message to the Lords to charge the Earl of *Suffolk* with the Words; and to desire Justice from the Lords against him; for a Wrong, done to the House of Commons, in general; and to a Member thereof [Mr. *Selden*] employed in their Service, in particular. And, in his Introduction, to intimate how far it is from this House to do any Thing, which might interrupt the good Amity and Correspondency between both Houses.'

Sir *Robert Philipps*, being returned from the Lords, reported, That their Answer was; '*First*, A Signification of the Desire their Lordships had to

An. 4 Charles I. 1628.

continue, and, if possible, increase the good Correspondency between both Houses: That they had presently taken Consideration of the Message; and that the Earl of *Suffolk* had there, openly, protested, *Upon his Honour and Soul, he had used no such Words to Sir* James Strangewayes.'

But this did not satisfy the Commons; a select Committee was, instantly, appointed to consider of the Words, and make further Disquisition of the Proof, and all Incidents thereto, with Power to send for any Witnesses.

The next Day Sir *James Strangewayes*, publickly, avowed the Words he had charged the Earl with the Day before; and said, 'That he, positively, spake them; and that he was ready to make good the same, in any Course the House should be pleased to direct, either as a Member of it, or a Gentleman of Honour.' Sir *William Owen* stood up and said, 'That Yesterday Sir *Christopher Neville* told him, that he heard the Earl of *Suffolk* speak the same Words, which Sir *James Strangewayes* charged upon him.'—— Referred to the former Committee.

April the 17th, Sir *John Elliot*, from the said Committee, reported, 'That Sir *Christopher Neville* had testified before them, That, on the 12th inst. he was at a Committee of the Lords, when the Earl of *Suffolk* told him, That Mr. Attorney had cleared the Business, and made the Cause plain on the King's Side; and further said, *That Mr.* Selden *had razed a Record, and did deserve to be hanged; and this House would do well to join with the Lords in a Petition to the King to hang him.* And added, *That Mr.* Selden *went about to divide the King and his People.* Upon Expostulation, the Earl did again justify, *That Mr.* Selden *had razed a Record.* That Mr. *Littleton*, being examined, said, 'That he stood not very near my Lord, but heard thus much, which he said, *That he would not be in Mr.* Selden's *Case for* 10,000l. *and that he deserved to be hanged.*'

These,

These, and some other strong Circumstances, too long to insert, brought the Committee to the following Resolutions; *First*, 'That the Earl of *Suffolk*, notwithstanding his Denial, had laid a most unjust and scandalous Imputation on Mr. *Selden* and the House. *Secondly*, That they are fully satisfied, That Sir *James Strangeways* asserted nothing but Truth. *Thirdly*, That these Particulars should be presented to the Lords, and the Earl, again, charged at the Bar; and that the Lords should be desired to proceed, in Justice, against him; and to inflict such Punishment upon him as so high an Offence, against the House of Commons, doth deserve. Which Resolutions were agreed unto by the whole House. An. 4. Charles I. 1628.

Sir *John Elliot* was immediately sent up to charge the Earl of *Suffolk*, at the Bar of the Lords, with the Words in the Manner aforesaid; who, returning, said, 'That they would take it into due Consideration, and return Answer by Messengers of their own.' And this is all we hear of the Matter in the House of Commons.

This Charge against the Earl of *Suffolk* is, also, entered in the Lords *Journals*; and carried as far as Sir *John Elliot*'s Remonstrance to them on that Subject, and their Answer; but, it is probable, by some Compromise after, the Matter was dropp'd, for we meet with no more about it.

And now comes on the further Debate concerning the Prerogative of the Crown and the Liberty of the Subject; on which depended the famous *Petition of Right*; which the Commons had resolved should go Hand in Hand with the Supply: ——But this, being an Affair of great Length, and greater Consequence, will begin our next Volume.

The END of the SEVENTH VOLUME.