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PROBLEMS SUGGESTED BY
A STUDY OF
SIR THOMAS PEYTON'S MANUSCRIPT JOURNAL
OF THE
LONG PARLIAMENT

.....

A Thesis
submitted to the Faculty of the Graduate School
of the
University of Minnesota
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Carrie Osborn Upham
in partial fulfillment of the requirements
for the degree of
MASTER OF ARTS

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R E P O R T
of
C O M M I T T E E O N T H E S I S

THE undersigned, acting as a committee of the Graduate School, have read the accompanying thesis submitted by Miss Carrie Osborn Upham for the degree of Master of Arts. They approve it as a thesis meeting the requirements of the Graduate School of the University of Minnesota, and recommend that it be accepted in partial fulfillment of the requirements for the degree of Master of Arts.

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SIR THOMAS PEYTON.

Sir Thomas Peyton was born in 1617. He was the eldest son of Sir Edward Peyton of Cambridgeshire and his second wife, Jane, the daughter of Sir James Calthorpe. The elder Peyton had been a stout Puritan since 1627, when the Duke of Buckingham had brought about his removal from the office of Keeper of the rolls for Cambridge. By 1638 he had made himself so obnoxious, mainly by his writings, that Laud and the Ecclesiastical Commission Court issued a warrant for his arrest. To save his property from confiscation he divided a large part of it among his sons. To Thomas, who is described as Sir Thomas Peyton of Rougham, Suffolk, he gave the manor of Wicken. After getting rid of his property, Sir Edward became more active than before. He published several sharp pamphlets on questions of political interest, particularly on the arrest of the Five Members in 1642. His enthusiasm led him to active fighting on the parliament side. In the article on Sir Edward Peyton in the Dictionary of National Biography, ^{Sidney} Sir Lee says that 'he claims to have fought at Edgehill, Newbury, and Naseby'. In the Army List published in 1642, he is mentioned as being a

captain in the Earl of Peterborough's regiment.¹

Of Peyton before 1640 we know very little. He had married² the daughter of Sir Peter Osborne and taken up his residence in Knowlton³, Kent. He was returned in 1640 as a baron for Sandwich, one of the Cinque Ports.

With one exception, all our knowledge of what he thought of the acts of the first two years of the Long Parliament, is negative. Peyton was not one of the 56

1. Most of these facts have been taken from the article on Sir Edward Payton in the D.N.B. There is an account of Sir Edward in Wood's Athenae Oxonienses III, p. 320, which is colored by the intense partisanship of the biographer.

For the genealogy of the Peyton family Copinger (County of Suffolk IV, p.304) refers to Gipp's account in Suffolk Institutes IV, 370 and VIII, 188; and to Harl. MSS. 155, 639; 1,103; 1,177; 1,449; 1,484; 1,560; Addl. 5, 524; and 14,311. Rawl. B. 79; 144; 319. Tanner CCLVii.

There is an off chance of there being more than one Sir Thomas Peyton. This, however, is hardly likely. This biography is based on the notices in the Commons' Journals as a framework. From their character, orders to attend more regularly, expulsion from the House, etc., these items must refer to a member and there is only one Sir Thomas Peyton filling that requirement. No one item has contradicted any other, Peyton has never been intriguing on the Continent when he was under lock and key in the Tower.

2. For his marriage see Dorothy Osborne's Letters to Sir William Temple ed. by E.A. Parry New York, 1889, pp.101; 104; 159; et al, and for the date Peyton's own statement p.146, that on August 2, 1641 he went into Kent with his wife and family.

3. Note by Parry in Dorothy Osborne's Letters, p. 101.

who voted on April 21st, against the attainder of the Earl of Strafford. At least his name was not in the list of 'Straffordians'.¹ His name is not mentioned in any of the lists of committee members appointed by the House. That he was included in the order of the Commons on July 22, 1642² is proved by the list of names given by Sir Roger Twysden of the committee sent by Parliament to the assizes in Kent.³ When the Commons assembled for the second session, in October 1641, Peyton was absent. He did not leave Kent until the 3rd of November, and between the 3rd and 16th he was 'occupied by many businesses' which, he says, diverted him from the service of the House.⁴ A true description of the absentees, a very large class, lies midway between Sanford's characterization of them as 'trimmers and waiters-on-Providence'⁵ and the follow-

1. Rushworth, IV, p. 248.

2. C.J. II "Ordered, That the Knight of the Shire, Sir H. Heyman, and the rest of the gentlemen of the County of Kent, do take care, and use their best endeavour, that the Judge in his Circuit do publish the Order of both Houses, concerning the Commission of Array".

3. Roger Twysden's Journal in Archaeologia Cantiana II, p. 181.

4. Peyton, p. 148.

5. Sanford, p. 416.

ing description in a letter written by Secretary Nicholas: "The late crosse orders and unusual passages in Parliament a little before the recess are so distasteful to the wiser sort, as it hath taken off the edge of their confidence in parliamentary proceedings"¹ That this 'trimmer' or 'one of the wiser sort', as one pleases, returned when he did is noteworthy: he was present at the debates on the Remonstrance, Clarendon ranks the Remonstrance, together with several other acts of about the same time, as 'artificially vented to try the pulse of the House, and whether they were sufficiently inflamed with the new discoveries'². According to the same historian, there were many in the House who had been kept in the dark as to the motives actuating the extreme wing of the Puritan party, and these had been led 'to many preparatory actions who would never have consented to those conclusions which naturally resulted from those premises'.³

The remonstrance was directed against them as well as the new Royalist party and the King⁴. This action

1. Evelyn's Diary, IV, p. 75.

2. Clarendon, History of the Rebellion IV, p. 32. Macray ed.

3. Clarendon, History of the Rebellion II, p. 129.

4. Sanford says (p. 437) it was 'directed as much against the new Royalist party -- as against the King himself'.

was equivalent to a challenge to the party of the undecided to show their hands. Without it the leaders of the extreme party were merely heads of a faction among the Puritans; with it, they became representatives of the entire movement against absolutism. The Remonstrance passed the House with a majority of eleven, the vote being 159 to 148¹. There is no evidence to show on which side Peyton cast his vote, but it is not impossible that he may have been summoned by the new Royalist party to add a vote against the bill. Clarendon accuses the popular party of trying to influence voters;² his own friends without doubt did the same.

Nine years later, when Peyton went through his journal and put in marginal notes, he inserted a phrase that showed disapproval of the Remonstrance. The note, which is opposite an entry for November 10, 1640 concerning the appointment of a committee to draw up a Remonstrance against the grievances of the time, reads: "The Seeds of the great Remonstrance sewing presently after

1. C.J.II, p. 125. Nov. 21, 1641.

2. Clarendon IV, pp. 50-52.

the conviction [?].” The only impression Peyton dared or wished to record at the time was that it was ‘ a tedious debate beyond all example and President, even till 2 a . clocke next morning.’²

The main entry for the 24th of November, which, by the way, should be the 25th, is a piece of unconscious confession.³ “This day the king came with great pompe and solemnitie to guildhall to dinner, with the citty; and at night was carryed home to Whitehall with the like honour and solemnitie: and being drawn away with these curiosities, I attended nott the Commons house”. The king had just returned from Scotland, and many of his party interpreted this welcome by the city as a political move, to show dissatisfaction with the Remonstrance.⁴ Mme. de Motteville attributes the attitude of the city to the endeavours of the Queen to gain friends for the King.⁵ Peyton could not have been so easily ‘drawn away’ if he had felt a deep interest in the proceedings in the House.

1. Peyton, p. 10. Schoolcraft The Genesis of the Grand Remonstrance [Urbana, 1902] traces the the Remonstrance back to this debate. See review by Firth in Eng. Hist. Rev. 1903, p.402.
2. Peyton, p. 149.
3. Peyton, p. 150. (IV, 137 ff. "Ovatio Caroli".
4. Sanford, p. 439. Clarendon IV, 32. also Somers's Tracts.
5. "Memoire sur Henriette Marie" Cam.Soc. Misc.VIII, p.22.

The only piece of internal evidence on the positive side is the sarcastic comment on the panic, in May, 1641. One of the members broke through a loose board in the balcony with a loud crash. The whole House lost their heads and the panic spread through the city. Before the real state of affairs was found out, imagination had made some members declare they smelled gunpowder. At the end of his description of the confusion Peyton adds: "And thus in a ridiculous jest ended the too hasty feares and unadvised apprehensions of the Honorable house of Commons".¹

From the first of January 1642 Peyton's journal is hardly more than an index, and very incomplete, at that. This was more than a mere lack of interest in the note-taking itself, a lack of interest which almost everyone who has kept a diary has experienced. Peyton accounts for nearly every day, but dismisses many important sessions with 'nihil notatu dignum' or 'non bene curavi'. Thursday, the 29th of March, 1642, is the last day of which he makes any note.²

Either then, or very shortly after, Peyton started a policy of absenteeism which resulted in a series of summons from Parliament to appear. The first was issued November 12, 1642.³ Peyton and 27 other

1. Peyton, p. 121.
 2. Peyton, p. 186.
 3. C.J. II, p. 282.

members were ordered to 'be forthwith summoned by the serjeant's man, and brought up in safe Custody, at their own charges: And that likewise they bear the charges of these messengers that are sent for them and pay them ^{their} for Pains'. This list probably shows the political affinities of Peyton; among the 27 are only two who voted against the attainder of Strafford: Mr. Fanshawe and Mr. Thomas Cooke.¹ Mr. Maynard, in a conversation with Sir John Bramston, expressed the opinion of many as to the execution of Strafford: "Now we have done our work. If we could not have effected this, we could have done nothing".²

Peyton probably attended irregularly for a few months, though he did not take notes, at least not in the note-book he used at first. The Portland manuscript collection has a letter from Theophilus - Philo - Britannicus to ----- written February 9, 1643.³ Mr. Richard Ward, the editor of the Historical Manuscripts Commission volumes relating to the Portland collection, surmises that the writer may be Thomas Peyton, but gives

1. It is interesting to note that Sir Thomas 'combaron', Sir Edward Partherick Partridge was not among the absentees.

2. John Bramston Autobiography, p. 75 [Cam. Soc.]

3. Portland MSS., I, p. 95.

no reasons for his supposition. Whoever the writer is, he wishes to borrow 350 l. from the person to whom the letter is addressed. This financial aim seems to be the main object of the letter, but the writer throws in a little information as to the debate in the House of Commons on February 8th,¹ and a dismal prophecy, "you may judge by this what liklihood there is of another end save by the sword".

Perhaps this unhappy state of affairs caused Peyton's second withdrawal from the House. That he did absent himself is evident from an order of April 5, 1643, 'That Sir Tho. Peyton be forthwith summoned to attend the Service of the House'.² This summons proved ineffectual, and on May 11th it was resolved, 'That Sir Tho. Payton be sent for in safe Custody'.³ That attendance or absence cannot be taken as proofs of puritanical or royalist tendencies is shown by the fact that a stout Puritan like D'Ewes was summoned, though in a less peremptory manner, on the same day.⁴

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1. C.J. II, p. 95.
 2. C.J. III, p. 31.
 3. C.J. III, p. 80.
 4. C.J. III, p. 80.

Peyton was taken under guard to London, and, if we may accept the statement of Mr. Parry¹, the editor of Dorothy Osborne's Letters, imprisoned. Mr. Parry quotes a most interesting sentence from a letter written by Sir Thomas, during his imprisonment, to his brother, "If to wish on earth peace, good-will to men, is to be a malignant, none is greater than your affectionate brother".²

At the petition of the Committee for Kent,³ the House passed an order for the sequestration of the estates of Sir Thomas,⁴ 'for his long and wilful neglecting and deserting the Service of the Commonwealth'. About six months later the House ordered that 36 members, among whom was Peyton, should be discharged and disabled for sitting for deserting the Service of the House, and being in the King's Quarters, and adhering to that Party'.⁴

1. This brief account of Sir Thomas Peyton contains several interesting facts which I have not met. Mr. Parry (p.101) gives no reference to his sources. He is inaccurate (or at least he disagrees with what I have found) in the following items: He says that Peyton was born in 1618, Sir Sidney Lee in D. N. B. says 1617. Mr. Parry says that Peyton was committed to the Tower after the Kentish uprising in 1648. C. J. V., 592 says he was committed to Windsor Castle.

2. Dorothy Osborne's Letters, p. 101.

3. Portland MSS. I, 714 - June 24, 1643.

4. C. J. III, 256.

5. C. J. III, 389 - Feb. 5, 1644.

It is interesting to note with whom the House grouped Peyton. In the list appear the names of Sir Thomas Jermyn¹, Philip Warwick² and John Bodvile³.

The phrase 'being in the King's Quarters' might imply that Peyton was with Charles at Oxford at that date, February 4, 1644. His name is not in Rushworth's list⁴ of the members of the House of Commons adjourned to Oxford who signed the letter to the Earl of Essex, of January 27. If this list can be considered a complete enumeration of the Commons at Oxford⁵, Peyton must have arrived after January 27.

1. Sir Thomas Jermyn was the father of the Henry Jermyn who was such a favorite with the Queen.
2. Sir Philip Warwick was one of the 'Straffordians'. He was with the King at the Anti-Parliament at Oxford.
3. John Bodvile, the member for Anglesey, whose notes for the first days of the Long Parliament Sir Symonds D'Ewes used.
4. Rushworth V, pp. 573-75.
5. The following quotation seems to show that Rushworth intended the list to be a complete list of all present: "And thereupon on the 27th of the same January dispatched a Letter away under the hands of the Prince---- and 118 members of the House of Commons there present, (many others of us by reason of distance of Place, Sickness, and other Employment in his Majesty's Service, and for want of timely notice of Summons not being then come thither".) Rushworth V, p. 566.

In one of her letters Dorothy Osborne has described her brother-in-law, whom she seems to have admired greatly, as 'not wanting in civility (tho he is not a man of much compliment unless it be in his letters to me), nor an unreasonable person in anything,----- as easily gained with compliance and good usage as anybody I know, but by no other way'.¹ In attempting to correct his malignancy, Parliament followed the very means most likely to drive a man of his stamp to an open declaration of partisanship with the King.

The only references to him between 1644 and 1648, when he took part in the Kentish Insurrection, are in regard to his being admitted to composition for his delinquency.²

Peyton's one appearance in a conspicuous position was in 1648 when he was appointed lieutenant-general of the Kentish forces in the unsuccessful and premature insurrection in that county. Clarendon describes the political situation in Kent in picturesque terms: "At this same time there appeared general throughout Kent the same indigested affection to the King and inclination to serve him, as was among the seamen, and was conducted with much less order and

1. Dorothy Osborne's Letters, p. 282. These letters were written about 1652.

2. C. J. III, p. 674. Oct. 23, 1644. Order that he be admitted to composition.

C. J. IV, p. 72. Mar. 6, 1645, composition to be 1000 l.

C. J. IV, p. 168, June 9, 1645, composition accepted.

caution, neither the one or the other having been designed by those who did take care of the King's affairs and who did design those insurrections which happened in the other parts of the kingdom".¹ The insurrection had been planned cleverly; the Kentish leaders were lying quietly in London to avoid suspicion until Fairfax and the army should be drawn to the North, when a combination between Kent, the Londoners, and the navy was to attack Parliament.² The outbreak of the Kentish Loyalists before the time planned was brought about by the refusal of the Committee for Kent to allow the Loyalists to present a petition to Parliament.³ The general of the Kentish forces was Sir Edward Hales, the richest man in the county, and, according to Clarendon, one who affected hospitality and good fellowship, 'a vice generally spread over that country'.⁴ Hales seems to have been utterly incompetent, and his flight with his wife, who had helped stir up the insurrection, to get away from his Puritan grandfather's and mother-in-law's scolding, gives an almost farcical touch to the uprising.⁵ In a letter written in

1. Clarendon, XI, p. 25.
2. Gardiner, IV, p. 138; Clarendon XI, 24 and 25.
3. Gardiner, IV, p. 133 ff.
4. Clarendon, XI, p. 26.
5. Clarendon, XI, p. 39.

1653, Peyton characterizes Hales, for Dorothy Osborne's enjoyment, as 'a purse-proud and wilful person'.¹

It is unusual for Gardiner to make so much of the military side that he neglects the political. In this case he has wholly passed over the negotiations between the insurgents and Parliament which led up to the declaration on May 29 that the matter should be put in the hands of General Fairfax. The Calendar of State Papers for 1648-49 contains an abstract of a pamphlet which Gardiner apparently has not used. Its title explains the trend of these negotiations: "A Declaration of the several proceedings of both Houses with those in Kent now in arms against the authority of Parliament, manifesting the desires and endeavours of the Houses for avoiding the effusion of blood".² The House was evidently anxious to have this peaceable disposition known, at any rate the pamphlet was printed by Edward Husband, by order of Parliament. According to this account, notice was given to Parliament of the insurrection on May 22nd. The Earl of Thanet was appointed as intermediary between the Kentish gentry and Parliament, with instructions to offer them indemnity, if they would disband and return quietly to their

1. Dorothy Osborne's Letters, p. 165, date Sept. 22, 1653.
2. Cal. St. Pap. Dom. 1648-49, pp. 95-97.

homes.¹ Evidently the instructions would not allow the Earl of Thanet to make any promise concerning the petition, since, in their answer, delivered by Sir Thomas Peyton on Sunday, May 28th to the Committee of Lords and Commons at Derby House, the insurgents insisted upon the petition as the sine qua non.² The letter was presented to the House of Commons on the following day, and 'the affairs of Kent' were put into the hands of Fairfax, who put an end to the insurrection by capturing Maidstone on June 1st.³

For Sir Thomas Peyton the failure meant ten years in and out of prison. He was taken by Sir Thomas Barnardiston⁴ before the committee on delinquents⁵, who ordered that he be imprisoned in Windsor Castle⁶. An attempt, which was made in August of the same year, to have him exchanged for a Mr. Smith probably came to nothing.⁷

Between September 19th and October 10th some friends of Peyton's in the House worked for and finally effected his release.⁸ The tellers for the yeas, on the question of his being allowed fourteen days in which to procure bail, were

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1. L. J. X, 282.
 2. L. J. X, 290.
 3. Cal. St. Pap. Dom. 1648-49, p. 86.
 4. Thomason Tracts I, p. 631. E 447 (1.)
 5. Portland MSS. I, p. 458.
 6. C. J. V, p. 592; Cal. St. Pap. Dom. 1648-49, pp. 127-128.
 7. C. J. V, p. 668.
 8. C. J. VI, pp. 23; 34; 47; 49.

John Boys¹ and Mr. Annesley, the member for Radnor County, a Royalist.² Sir Thomas was a much more important figure in parliamentary debates when he was in prison in Windsor than he had been when he sat as a member for Sandwich. So close was the vote on October 9th that only the Speaker's ballot prevented his release.³ There is nothing to show that Peyton succeeded in raising his bail except that he was captured again in 1651.⁴

In the year 1649 Peyton must have read over his journal and put into it his impressions of the later period, as marginal notes. Not all the notations belong to this period. There are two groups, one of notes in the same handwriting as the body of the journal, and evidently merely to help in finding the place: and a second style in a much more painstaking hand, being mainly spiteful interpretations of the notes. The one on page 24 proves the date, "Mr. Selden would be desired to deliver his mind now, in a [nn] o 1649". Mr. Selden had just been saying 'England hath noe Lawe butt what is knowne to us by Act of Parliament and by Custome'.

1. C. J. VI, p. 47.

2. Owen M. Edwards Wales [London, 1902] pp.359-60.

3. C. J. VI, p. 47.

4. Cal. St. Pap. Dom. 1651, p. 174, May 1, 1651.

There is no doubt that the 23 years old Peyton was thoroughly impressed with the greatness of the House of Commons and of himself as part of it. It takes the dignity of 23 to point out as definitely the danger of admitting members under 21 into the house, as Peyton did on one occasion. "Soe that herein is to bee seene the danger of admitting Infants into the house, where it may come to their single vote to overthrowe any Lawe."¹ For the first few months he was very exact in noting down any rule of order or case of privilege. But the mature Peyton saw more deeply into things and his comments are half spite and half common sense. It is probable that, when in 1640 the house was so stirred up by rumors of papist plots that it was willing to go through the formality of changing from a committee to a regular session and then back to a committee in order to read an anonymous letter, Peyton was as convinced of the necessity of this as any alarmist in the House. The mature Peyton noted beside this proceeding, "The Parliament about this time caught at anything which might come"². Peyton was basing his remark on personal experience in this case: "More estates began to be took notice of likewise"³. It was largely spite that prompted the note that "wordes free

1. Peyton, p. 95.

2. Peyton, p. 15.

3. Peyton, p. 17.

for a man to speake extende not to Treason or Blasphemy etc. Butt to speake non=sense it is very free".¹ Even opinion in 1640 would bear out Peyton's footnote in regard to Pym's statement that if men would not lend money Parliament had the right to force them to. "The Earl of Strafford pursued by Mr. Pim for wordes and speeches not soe destructive of the liberty and properties of the Subject, as these here, which if spoken at the Counsell Table etc. had bin Treason etc."² In 1640 Sir Simond D'Ewes pointed out the danger in such a doctrine.

Both the second and the third 'Journall Bookes' have the inscription 'Ira viri justitiam dei non exsequitur'.³ This may mean very little, and, on the other hand, may be important. It is in the earlier type of handwriting. It would be interesting to imagine that Peyton put his real feeling as to the trial of Strafford into these words.⁴

Peyton's activity against Parliament did not wholly vent itself in sarcastic comments. In May, 1651 he made himself objectionable in some way or other and the Council of State ordered 'to take away the horses of all malignants'

1. Peyton, p. 132.

2. " p. 89.

3. " pp. 59 and 197.

4. The footnotes and marginal notes in this handwriting are on pp. 10; 13; 15; 17; 19; 24; 28, 132; 89; 50:

and to send up Sir Thomas Peyton and others in safe custody:¹ One of the others was Sir John Boys. One wonders whether this was the Mr. John Boys who voted in favour of Peyton's being allowed to pay composition in 1648.² Peyton was evidently put in the Fleet pending examination, and called up before the Committee for examinations on May 16.³ On that day the committee ordered his release on condition that he promise to take the Engagement and to offer 8000 l. surety.⁴

His taking the Engagement did not weigh heavily enough upon him to make him give up the Stuart cause, though he was by no means a conspicuous figure. He has been almost supernaturally clever in keeping out of Clarendon, Ludlow and Whitelocke. About this time Sir Thomas may have been one of a group in which the ringleader was Henry Marten, an extremist in the Puritan party in politics, but certainly far from a Puritan in life. In his letters to his 'Lady of Delight' Marten speaks in an intimate manner of 'Tom Peyton'⁵.

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1. Cal. St. Pap. Dom. 1651, pp. 193 and 201.
 2. See above p. 16.
 3. Cal. St. Pap. Dom. 1651, p. 201.
 4. Cal. St. Pap. Dom. 1651, p. 203.
 5. Henry Marten Familiar Letters to his 'Lady of Delight' published 1662 and 1685. Letters 6 and 9.

Aubrey¹, in describing Challoner, gives a good picture of that group: "He was as far from a Puritan as the east from the west. He was of the natural religion, and of Henry Martyn's gang, and one who loved to enjoy the pleasures of this life". In his autobiography, Adam Martindale² complains that he lay under the suspicion of being a roundhead, and 'could not clear myself from it by swearing and debauchery'.

When Daniel O'Neill,³ one of the principal intriguers for the Stuart cause secretly visited London in March, 1645, in order to estimate the prospects of a Royalist rising, he described Peyton as 'one of the discreetest affectionatest friends I found you Charles have here'.⁴ Peyton's pseudonym 'Mr. Plume' is mentioned in O'Neill's letter. Possibly it was merely a cipher, and not a nom de plume. I have not met any proof that Sir Thomas followed his father's example in the matter of political writing. Dorothy Osborne wondered that her sister did not try to persuade her husband 'to alter his style and make it a little more intelligible.'⁵

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1. Lives II, p. 282.
 2. Autobiography, [Chetham Soc] IV, p. 35.
 3. A.F. Pollard in D.N.B., O'Neill.
 4. Nicholas Papers II, p. 221, dated London, Mar. 8, 1655.
 5. Dorothy Osborne's Letters, p. 158.

That Peyton came under the proclamation of the Protector and Council issued in 1655, 'commanding all who have been of the party of the late King or his sons to depart London and Westminster'¹ is shown by orders² in Council allowing him to leave England immediately after the proclamation was announced. In less than two years, Peyton was involved in what Burton³ describes as the 'heinous plot' which had been 'hatched in Flanders'. The chief agent on the Continent was Boys (the one who had done Peyton a good turn in 1648 and had been arrested with him in 1651.). Peyton 'being suspected to hold close correspondence with Charles Stuart' was in the Tower. His room was searched, and he managed to slip some notes into the hands of a serving maid. They were afterwards discovered, and Peyton was taken to the dreaded prison on the Island of Guernsey⁴. After about ten months in this fortress, Peyton was transferred to Windsor. The warrant seems to imply that Lady Peyton had effected the

1. Cal. St. Pap. Dom., 1655. pp. 232-233.
2. Cal. St. Pap. Dom., 1655. pp. 592 and 594.
3. Burton Cromwellian Diary I, pp. 353-355.
4. Cal. St. Pa. Dom., 1657-58.

release: "To send Sir Thomas Payton, husband of Lady, Payton,----to Windsor Castle".¹ This was the second Lady Peyton, described by Dorothy Osborne as 'of a free, jolly humour', a person who 'loves cards and company', This Lady Peyton must have been very different from the 'melancholy , retired woman' fond only of her books and her husband's company, the picture Dorothy Osborne draws of her sister, Peyton's first wife.²

There are two letters dated July, 1659 which show that Peyton's spirit was still unbroken, and that he stood in high favor with Charles Stuart. One was a letter from John Mordaunt to Charles, in which the writer complains of the 'tame spirit' of many calling themselves Royalists 'but ---wholly given up to their own ease and pleasure and willing to live slaves, under the worst of governments, than virtuously to assert your [Charles] title and their own liberties'.³ The other is a letter from Mr. Hyde to John Mordaunt, expressing the King's pleasure in the news that Sir Thomas Peyton

1. Cal. St. Pap. Dom. 1658-9, p. 581.

2. Dorothy Osborne's Letters, p. 158-159.

3. Hist. MSS. Com. vol. 24, p. 211. Lord Bray's MSS.

had joined his party¹. Early in 1660 the King advised Col. Whiteley to confide the Royalist plans to Sir Thomas Peyton.²

Peyton lived twenty-three years after the Restoration, but very little can be learned of his life during that time. The only other time he sat in Parliament was in 1661, when he represented the county of Kent. In 1680, three years before his death, he is mentioned as one of the justices of the peace who were to be 'kept in'.³

While Peyton as an individual occupies a very minor place in history, the class to which he belonged is far from inconspicuous. Of the factions, if even that conservative term can justly be applied to the indefinitely marked divisions of the House of Commons in the early months of the Long Parliament, the most conspicuous in point of numbers was that of the moderate reformers. Baxter attributed the unanimity of the House not to the unanimity of the interests of its members, but much more to the complexity of their ambitions and the fear that if they did

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1. Hist. MSS. Comm. vol. 24, p. 206. Lord Bray's MSS.
 2. Cal. St. Pap. Dom. 1659-60. p. 333. Sec. Nicholas to Col. Whiteley, Jan. 28, 1659, Feb. 7, 1660.
 3. H. M. Comm. vol. 25, p. 181.

not mutually support each other's schemes the opportunity for any action at all would vanish.¹ This is the explanation of the support given by men of Peyton's stamp to the radical reformers of Church and State, to whom they were, if anything, antagonistic. A man to whom the ^{debate} thrilling on the Remonstrance was merely a 'tedious debate'² and who saw little more in the first fast day kept by the Parliament than the amusing confusion when the precentor and reader started to chant the psalm and read the lesson at the same time and tried to drown each other's voices³ could hardly have been vitally interested. When the moderate faction broke up he laid himself open to the charge of inconsistency, a charge which probably deterred many from breaking with the Parliament, and others from joining with the King. He followed up his apparent inconsistency with such steadfast loyalty to the Stuart Family in the interests of peace that it can be confidently said of him that he gave his best years to a consistent assertion of the principle he set forth in his letter to his brother: "If to wish on earth peace, good-will to men, is to be a malignant, none is greater than your affectionate brother."⁴

1. Baxter, p. 18.
2. Peyton, f. 149.
3. Peyton, f. 18.
4. see above, p. 10.

PEYTON'S MANUSCRIPT JOURNAL OF THE LONG PARLIAMENT.

The identification of Sir Thomas Peyton with the author of the Manuscript Journal of the Long Parliament is certain from the entry for August 2, 1641,¹ in which the writer refers to Sir Edward Parthericke as his combaron. Sir Thomas Peyton and Sir Edward Parthericke, or Partridge, represented Sandwich in the Long Parliament.²

The Journal is very clearly a diary, although in some instances the events of several days may have been written up at one time. The neatness in writing, evenness in spacing, and the proportion in recording debate are proof positive that the notes were not taken on the spot. In this respect the diary of Sir Thomas Peyton differs from the journals of D'Ewes, Northcote, Verney and Palmer.³ The size of the Journal may be additional evidence that the notes were not taken within

1. Peyton, f.146.

2. M. of P. p. 497.

3. The appearance of D'Ewes and Palmer's journals is quite convincing proof that they were written on the spot. For Northcote see intro. p. XLVIII and for Verney, intro. p. VI.

St. Stephen's Hall, although D'Ewes' note book was still more bulky and yet that inveterate note-taker always carried it around with him.¹

The almost invariable accuracy in the order of events favors the theory that the notes were recorded within a very short time after the events had taken place. It is quite clear from the appearance of the book that in most cases one day was entered at a time. One entry may be in a hurried, cramped writing, and the next in a careful, even, elaborate hand.

An estimate of the value of Sir Thomas Peyton's Journal can be hazarded only in comparison with the other accounts of the same Parliament. The sources for this period of the Long Parliament are the Commons' Journals, Rushworth's and Nalson's Collections, the Diurnall Occurrences, printed speeches, and the unofficial note-books of D'Ewes, Northcote, Verney, and others.² The line of demarcation between the official and the unauthorized accounts is not as clear as such a distinction is

1. Peyton is about 12 in. by 7 in. Northcote's note-book was about 8 in. by 4 in. (Intro. p. XLVII). Verney's notes were taken on small sheets of paper (Intro. p. VI). The photograph's of Palmer's MSS. measure about 8 in. by 5 in.

2. There are, without doubt, many other diaries covering parts of this period of the Long Parliament. In the British Museum are the following: Manchester Memoirs, Addl. MSS. 15, 567. Sir Franklingham Gawdy's Notes of what passed in Parliament, 1641-1642, Addl. MSS. 14, 327;

to-day. The official and the unofficial documents overlap in many instances. Rushworth's and Nalson's accounts are compilations of a later date,¹ based on state papers pieced together with the semi-official speeches and items in the Diurnall Occurrences, many of them far from accurate.²

Even the Journals, the official registers of the House, nod at times. There was a committee to look over the records kept by the clerk, and according to D'Ewes, additions and possibly changes were made by the members of this committee.³ Because of the interrelation between the official and unofficial sources, private

14,828. Moore's Diary, Harl. MSS. 477. Gardiner IX, p. 341 mentions also a Brief Journal, March 1. - May 3 1641

1. See Articles by C.H.Firth in D.N.B. on Rushworth and Nalson.

2. See below p. 102, note 1.

3. D'Ewes CLXII, f. 72. Sir Symonds unfortunately breaks forth into very complicated Latin at this point, although there seems to have been no particular reason for it: "Tum in delegatorum cameram dictam ego Guido Palmes miles Mr. Rouse et alii recessimus; ubi Diarium clerici Domus Communis uti delegati fuimus ut illuseremus ? ; ibi acta aliquot dierum ante quod ipse ad Comitium accesseramus lustrabamus aliqua induximus, aliqua addidimus et caetera approbavimus."

diaries are of value in checking the accuracy of the authorized accounts as well as for filling in details of debates. Of the private journals, D'Ewes' manuscript easily holds the first place. D'Ewes recorded not merely a huge mass of facts, but also an interpretation of much of the action of the House. Carlyle's estimate is none too high: "We call these notes the most interesting of all manuscripts. To an English soul who would understand what was really memorable and godlike in the History of his country, distinguishing the same from what was at bottom unmemorable and devil-like: who would bear in everlasting remembrance the doings of our noble heroic men, and sink into everlasting oblivion the doings of our low ignoble quacks and sham heroes,--what other record can be so precious?"¹

The unevenness of Peyton's Journal makes it impossible to judge of its value and accuracy as a whole. That one hundred and forty-eight pages are devoted to the first term and only thirty-eight to the second is an indication of the lack of proportion in the diary

1. Miscellanies IV, pp. 338-339.

as a whole.¹ The quality of the records kept of the two sessions is just as uneven. This lack of proportion, while interesting as an index to Peyton's political beliefs, is to be regretted from the standpoint of the value of the diary as an historical document.

The faults of Peyton's Journal are mainly sins of omission. There are very few instances in which our journalist is mistaken in the actual order of events, though in some cases the dates are wrong. Even in these instances Peyton is usually correct in the day of the week. In one or two places a mistaken dating on Monday is consistently followed out through a week. Such slips make one suspect that, in those cases at least, six days were entered at once. Inaccuracy in quoting the titles of bills would be expected, and occurs in many instances. In one case Peyton's mis-statement of the wording of the title of an act is the only explanation I have been able to find of the nature of the legislation.²

1. In the first session the same want of proportion is observable. The events before the end of the Strafford trial are related with about three times as much detail as the later happenings of the first term.

The main worth of the diary lies in the fragments of debates which even D'Ewes has missed. While Sir Symonds' legal mind saw the constitutional drift of a debate as a whole, Peyton caught only the rhetorical figures embellishing the argument, particularly the strong language. He was impressed with the importance of Pym, Glynn, Whistler, and Clotworthy on the Puritan side, and Kirton and Strangeways, among the King's supporters. As a result, trivial phrases of these conspicuous figures are given prominence, to the exclusion of vital speeches of less prominent members. Such a deficient proportion, however, offers a suggestion to the historian. After all, the majority of the Commons saw with the eyes of Peyton rather than with those of D'Ewes. To the legal minds of the House the leaders of the Puritans offered precedents, to the country gentlemen they threw out the suggestion that one could rake Hell and not produce such a monster as Strafford. Peyton, then, is recording the arguments which influenced the moderate center to follow the lead of the radical wing.

The Journal is sufficiently complete to offer aid in the solution of several problems in the order of

events. The matter of the first Christmas vacation of the Long Parliament is one of these tangles. The Journals and Nalson say the Commons reassembled on December 29th, Diurnall Occurrences, Rushworth, and Northcote¹ set the 28th as the date of the first meeting after the recess. Northcote's evidence may be set aside because of his general inaccuracy in dating and because he reports for the 28th items which the Journals have for the later date. D'Ewes and Peyton throw their weight on the side of the Journals and Nalson². It is interesting to find a case in which Rushworth apparently followed the Diurnall Occurrences instead of the Journals.³

Even Gardiner⁴ has fallen into the trap set by the panic of May 1641. Rushworth, Nalson and the Diurnall Occurrences date it the 5th of May⁵. The Journal, naturally, does not record the undignified proceeding.

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1. C.J. II, pp. 58-59; Nalson I, p. 701; D.O., p. 17; Rushworth IV, p. 133; Northcote, p. 112.
 2. D'Ewes CLXII, f.100, Peyton f.57.
 3. Rushworth and D. O. make a gross mistake immediately after this, saying that the House adjourned on Dec. 30, and did not meet again until January 9. D.O. p. 18, Rushworth IV, p.134.
 4. Gardiner IX, p. 359.
 5. Rushworth VIII, pp.744-745. Nalson II, pp.191-192. D.O. p. 95.

D'Ewes and Peyton¹, independent, contemporary accounts, put it on the 19th. It is worth mentioning that both dates fall on Wednesdays. The three authorities for the earlier date may be reduced to the one contemporary account, the Diurnall Occurrences. The entry of an event two weeks before it must have happened is explainable only by the theory that the Occurrences were put together carelessly some time after the events had taken place.²

It is evident that in several instances Peyton has entered into his Journal merely careful summaries made from printed copies of the important speeches.³ There is something ironical in the thought that what the journalist considered most valuable has the least worth for us. His general accuracy in dating the shorter entries makes the Journal a valuable check on the other accounts of the first two years of the Long Parliament. His unconsciously confessed attitude toward the Parliament furnishes a key to the opinions of the large group of members who, after the death of the Earl of Strafford, thought the Parliament had done its work.

1. Peyton, f.121. D'Ewes CLXIII, f.558 B, referred to by Sanford, p.373-374.

2. Many other inaccuracies in D.O. support the theory.

3. This is usually indicated by a phrase in the margin as on f. 3: "This speech gett a good copy of."

THE ELECTIONS TO THE LONG PARLIAMENT.

The activity of the first six months of the Long Parliament has been an increasing cause of wonder to all historians. In this short time the Commons brought about the execution of Strafford, the impeachment of Laud and the abolition of the canons; the impeachment of the judges and the condemnation of the ship-money which they had supported; the overthrow of the extraordinary courts of justice and the reversal of many of their decrees. The only explanation of this activity lies in the character of the membership. A large majority of the members went up to London with minds set to redress the grievances in Church and State, but by constitutional means. A minority of extreme court partisans endeavored to hold the majority down to a temporary rectification of the most conspicuous grievances without taking vengeance upon the authors of the abuses. On the other hand, a minority of extreme Puritans attempted to drag the majority along towards a complete annihilation of prerogative. After the death of the Earl of Strafford the majority was broken up, the royalist section going more and more over to the court

interests, and the Puritan members taking the side of the radicals. Before this split, however, the moderate party followed the lead of Pym and Hampden.

The problems connected with the elections are, then, the return of a moderate majority which would act with the radicals up to a point when reformation seemed to imply the use of unconstitutional means; the elections of leaders able to organize the complaints into invincible arguments; and, lastly, the overwhelming defeat of the court partisans.

The return of members eager for reform is due to much more than the actual elections, in a sense the membership of the Long Parliament can be called the result of the eleven years of misrule since Charles dismissed the Parliament in 1629. However, if the membership were due to that and nothing more, the Short Parliament¹, which was composed to a great extent, of the same men, would have accomplished the desired results. The failure and dissolution of the Short Parliament, the coming of the Scots, and the cry of England as a whole

1. Sanford, pp. 270-283, lists the members of the Long Parliament. There were 526, of whom 323 sat in the Short Parliament.

for another parliament, stirred the electors to a point of frenzy, and the result was a House of Commons determined to force from the King a recognition of their constitutional rights.

A complete account of the elections must, therefore, take up all these factors. The responsibility of the popular leaders in organizing the demands for another parliament is beyond dispute. The fact that the heads of the Puritan party were favorable to the coming of the Scots is equally unquestioned, though the exact degree to which they complicated themselves in the Scotch plans is a matter of dispute.

The share which the ring around Pym took in the dissolution of the Short Parliament can be nothing more than a matter of conjecture. There is ground for the theory, at least, that they felt that the Parliament of April 1640 did not have the temper necessary to put through thorough-going reforms. The often quoted conversation between St. John and Hyde¹ is a point in proof of the truth of this statement.

1. Clarendon II, p. 78.

Hyde regretted the unseasonable dissolution of 'so wise a Parliament'. St. John was confident that all was well, that things would have to be worse before they could be better, and that the Short Parliament would never have done what was necessary to be done. Whether the theory that Pym and his colleagues were not satisfied with the personnel of the Short Parliament can be pushed to the conclusion that they intrigued, with the connivance of Sir Henry Vane, senior, for the breaking up of that body is a matter on which I am not able to offer an opinion. Certain it is that the misunderstanding between the King and Parliament could have been avoided by the exercise of a little tact. The Commons understood that the King refused to accept less than twelve subsidies,¹ which they were unwilling to grant. The King, who would perhaps have taken less,² met their refusal with a dissolution. Contemporary opinions differ as to the responsibility of Sir Henry Vane³, the intermediary between

1. For the King's message delivered by Vane, May 4, see Rushworth III, p. 1154.

2. Warwick, p. 147, 'the'it is said he i.e. Vane had commission to have fallen to six which he us'd not'.

3. Clarendon II, p. 76, lays the blame on Vane. Branston, p. 66, is uncertain whether Vane 'played the King's cards so ill' a 'a knave or a fool': Heylin (Land, pp. 421-422) puts no responsibility on Vane.

the King and Parliament. Brodie makes a good point for the innocence of Vane, that the King's continued confidence in him is proof that Charles, at least, did not feel that his secretary had betrayed him into his opponents' hands.¹

The most conspicuous figures in the agitation leading up to the calling of the Long Parliament were Pym, Hampden, and William Fiennes, Lord Say. Forster says that in the opinion of the great mass of the people Pym was the author of the Parliament.² Fiennes took the part of the link between the leaders of the party, who valued him for his bitter opposition to ship-money in Oxfordshire and Gloucestershire,³ and the rather conservative masses of the Puritans, who, according to Clarendon, 'believed him to be a wise man and of a very useful temper in an age of license, and one who would still adhere to the law'.⁴

1. Brodie II, p. 215, note, refers to Hardwicke St., Pap. II, pp. 151 ff. for confidential letters sent by the King to Windebanke and written by Vane.

2. Forster, Statesmen, p. 176; based on a pamphlet written some time after the King's attempted arrest of the Five Members. The name of the pamphlet is not given.

3. Cal. St. Pap. Dom. 1636-37, pp. 122; 194; 210.

4. Clarendon III, p. 26.

The keystone of the plan of the popular leaders was the Scotch army. Popular belief as to the coming of the Scots is probably expressed in the following doggerel of which Hampden is supposed to be the speaker:

"Did I for this bring in the Scot,
 "For 'tis no secret new, the plot
 "Was Say's and mine together?"¹

Mr. Firth is of the opinion that, whatever the negotiations between the leaders of the opposition in England and Scotland may have been, there is no authority for believing them to have been of a treasonable nature.²

There can be no doubt of the use Pym made of the Scots when they were once over the border.³ Both sides realized the importance of the attitude which the people at large were going to adopt in respect to the Scotch. An interesting article could be written on

1. Quoted by C.H.Firth in his article on Hampden, in D.N.B., from Rump I, p. 9. Popular opinion as to the responsibility of Pym and Hampden given in Clarendon III, p. 10, Wood III, p. 547.

2. C. H. Firth in article on Hampden in D.N.B.

3. For evidences of constant communication between the Scotch and English see Clarendon St. Pap. II, p.133, and note by Lord Montagu of Beaulieu in Hist. MSS. Comm. Montagu of Beaulieu MSS., p.128. Note also the following estimate of the value of the Scotch army to the Puritans, given by Baillie, the head of the Scotch commissioners in London: Letters I, p. 275. "Nothing frays all here so much as our quick agreeing with the King and the disbanding of our army thereupon. Under God, they all everywhere professe that they are aughtin to that armie their religion, liberties, parliaments, and all they have: That, if we take conditions for ourselves, they say they are underdone."

the struggle over the word 'rebels'. Before the King left for the North he issued a proclamation declaring the Scots rebels and authorized a prayer for the conversion of his rebellious subjects.¹ The Council found difficulty in enforcing the use of the word.² One of the grounds of difference between the opposition lords and the Council was the neglect of the former to call the Scots rebels, 'the indecency of it', as the Earl Marshall wrote to Vane.³

The levers used by Pym and the Puritan managers were the financial straits of the King and the disorder throughout the Kingdom. Laud prophetically wrote: "If once want and disorder meet, farewell all".⁴ There can be no doubt about the disorder through the length and breadth of the land. In spite of an attempt

1. Whitelocke I, p. 35.

2. Cal. St. Pap. Dom. 1640-41, pp. 114-115; Clarendon St. Pap. II, p. 125, notes of examination of one David Mallard who said the Scots were honest men and no rebels.

3. Treaty at Ripon [Cam. Soc.] p. 79. Note in this connection the fact that the King called them rebels in his opening speech on Nov. 3 (Rushworth IV, p. 12) and was obliged to retract the word on Nov. 5. (Rushworth IV, p. 17). Also note the use of the word by Sir Wm. Witherington see Nov. 10, and the objection taken by the House. Peyton f.9).

4. Hist. MSS. Comm. 9th Rep. p. 432. Laud to Lord-----, dated Oatlands, Aug. 2.

at a stricter collection of ship-money¹ the sheriffs were unable to collect the prescribed sums². One letter-writer in Northampton picturesquely says that the demand for more money was followed by a great noise of copper and brass money.³ There was also universal objection to the coat and conduct money.⁴ Mobs of soldiers and country people vented their anger in tearing up the new rails in the churches.⁵

1. Cal. St. Pap. Dom. 1640, p. 146. May 11, 1640, order of Council setting June 24th as the latest day for the sheriffs to pay in arrears of ship-money, and threatening severe punishment if they fail.

2. Cal. St. Dom., 1640, p. 183. Examination of sheriff of Hereford, who said as soon as the writs for Parliament (Short Parliament) were issued the chief constables refused to levy the money.

Cal. St. Pap. Dom., 1640, p. 59. Note that D'Ewes, Sheriff of Suffolk brought in on April 21, 1640 only 200 l. of the 8,000 l. he was supposed to have collected.

3. Hist. MSS. Comm. 9th Rep. App. 3, p. 499.

4. Cal. St. Pap. Dom., 1639, p. 336.

5. Hist. MSS. Comm. 9th Rep. p. 432. Laud writes: "In Essex the soldiers are very unrulye, and nowe beginn to pull up the Railes in Churches, and in a ma'ner to say they will reforme since the Laws everywheare are broken".

Cal. St. Pap. Dom. 1639, p. 336, meeting of 600 soldiers at Bungay. Hist. MSS. Comm. Rutland MSS. I, p. 523: Heylin, Laud, p. 347.

In Suffolk the popular hatred of the innovations in church government was expressed by nailing the new book of canons to the Ipswich pillory.¹ In London the people were enraged by the high prices, which they attributed to the monopolists and customers whom the King countenanced.²

It would be interesting to untangle the problem of the exact state of the army in York. There was a decided difference of opinion as to its strength. Probably the most extreme court partisans, seeing that, for them, a parliament spelled destruction, were trying to persuade Charles that he would still be able to conquer his enemies single handed.³ There is evidence, however, that the officers were quarrelsome and the men mutinous.⁴

1. Cal. St. Pap. Dom. 1640, p. 518.

2. For the bad economic conditions see the complaints sent to Parliament, given in Hist. MSS. Comm. Portland MSS. III, pp. 71-73. See also Sir Thomas Roe's report on the alarming scarcity of gold and silver in the kingdom in Cal. St. Pap. Dom. 1640-41, p. 281. For the high prices note Portland MSS. I, p. 524: "All things is like to be very deare, especially fewel. Coales is almost xxxs. a chalderne." Kennyon MSS., p. 59: "Sope is fall 2 d. in 5 d." i.e. after the beginning of the Parliament.

3. Cal. St. Pap. Dom. 1640-41, p. 63, Dr. Packington to Sir John Lambe, the queen's chancellor: "Their the Scots' army is poor, beggarly, and weak, without armour or any considerable munition; if the King would give our men leave to advance, and they would fight and not basely run away and throw their arms away as they did before, the Scots could not withstand them at all". See also ib., pp. 61-62.

4. Hist. MSS. Comm. 9th Rep. p. 432. Laud, writing concerning the soldiers in York, says: "and it seems they have not been well co'manded". Cal. St. Pap. Dom. 1640-41, p. 61, Sept. 14, Secretary Vane writes that the English army cannot be ready to fight in six weeks. Hist. MSS. Comm. 9th Rep. App. 3, p. 499, "Many souldiers

The opinion was general that the only way in which this disorder could be ended was by a Parliament with sufficient power to reform the abuses at the root of the confusion.¹ The Puritan leaders achieved a

 are gone and daily goe into the north but are vehemently bent against Papists and will scarcely be ruled by their captaynes."

1. Cal. St. Pap. Dom. 1640-41, p. 151. Sec. Vane to Sec. Windebanke, Sept. 22 - "a Parliament, without which it is believed impossible to settle mens' hearts and minds."

Hardwicke St. Pap. II, p. 210. Earl of Northampton writes, "One word of 4 syllables, like the dew of Heaven."

Cal. St. Pap. Dom. 1640-41, p. 112. Edmund Rossingham, a royalist, writes: "We are all mad with joy here that his Majesty calls his Parliament".

Cal. St. Pap. Dom. 1640-41, pp. 18-19. Political squib purporting to be from Lucifer to the Pope, congratulating himself that if only a Parliament be not called England will fall into their hands.

Cal. St. Pap. Dom. 1640-41, p. 131. Elizabeth of Bohemia to Sir Thomas Roe: "All true honest hearts here wish the King would call a Parliament and there let them find out who have done well or ill!".

Treaty at Ripon [Cam. Soc.], pp. 70; 71; 76. Cal. St. Pap. Dom. 1640-41, pp. 59-60 for feeling in Scotland.

Winthrop, Journal, Original American Narratives, vol. VII pt. II, p. 19. "They brought in news of---the calling of a parliament, and the hope of a thorough reformation etc., whereupon some of us began to think of returning back to England".

Hardwicke St. Pap. II, pp. 181; 184. Trevelyan Papers [Cam. Soc.] III, p. 193. Adam Martindale [Chetham Soc.] p. 29. Slingsby [Cam. Soc.] p. 64. Cal. St. Pap. Dom. 1640-41, p. 84.

master-stroke of politics in organizing the scattered dissatisfaction into petitions to the King. To use Sir Philip Warwick's phrase, all sides of the net were drawn at once.¹ Each strand of the net was in itself unbreakable. The petition of the lords, signed at first by twelve and later by sixteen peers, showed Charles that even in the great council of his peers which he had called there were seeds of disaffection.² The London petition carried great weight, as Charles was at the time, attempting to negotiate a large loan with the city.³ The Scots' request for a parliament was the equivalent of a threat.⁴ Besides these three demands, from his nobles, his financiers, and his enemies, there were petitions without number from the counties.⁵ There is some evidence to point

1. Warwick, p. 149.

2. Clarendon St. Pap. II, pp. 94; 110-113. Cal. St. Pap. Dom. 1640-41, pp. 16; 73-74. Cam. Soc. Misc. VIII, p. 2(?)
Treaty at Ripon [Cam. Soc.] p. 79. Hist. MSS. Comm. 9th Rep. pp. 390-391, C. J. II, p. 30, vote of thanks passed by House, Nov. 18. Peyton p. 19 for list of 16 peers who signed the petition.

3. Nelson I, p. 436. Cal. St. Pap. Dom. 1640-41, pp. 73; 84; 90. Portland MSS. III, p. 66.

4. Cal. St. Pap. Dom. 1640-41, p. 62.

5. Cal. St. Pap. Dom. 1640-41, pp. 56-57. Hardwicke St. Pap. II, p. 189. Bramston, p. 76. Hist. MSS. Comm. 9th Rep., p. 499.

to the sending of an army petition,¹ which was pressing the matter very near home. The cooperation of the various branches of the Puritan party is described with seventeenth century vividness by Anthony Wood: "And what embryos were conceived in the country were shaped in Greys-inn-lane near London where the undertakers for the isle of providence did meet, brought them to pass, and put them out to nurse in London."²

The court party, realizing the dangerous effects which these petitions would have on public opinion, attempted to head them off. The Council demanded from the aldermen an explanation of the Londoners' petition³ and immediately received an assurance from the lord mayor that the aldermen had had no hand in con-

1. Warwick, p. 149, mentions a petition from the army. Hist. MSS. Comm. 2nd Rep., p. 23, has a mere mention of a letter from the Lord General Northumberland. It is impossible to say whether this letter was personal or official, mere advice or a request.

2. Athenae III, pp. 546-547. Pym and Hampden lodged in Greys-Inn-Lane. The places in the country which Wood is referring to are Knightley's house in Northamptonshire and Lord Say's in Oxfordshire.

3. Cal. St. Pap. Dom. 1640-41, pp. 67-68.

triving the request for a parliament.¹ If we may believe Sir Henry Vane, four aldermen had actually signed the petition.² It would be very interesting to know how these four names, and the names of the two aldermen representing the city in November would compare. Strafford seems to have been successful in subduing among some angry Yorkshire men an incipient disposition to petition.³

What finally persuaded Charles to call a parliament is a problem in psychology rather than history. As late as the 18th, six days before the final decision, he was still wavering,⁴ although the Council had advised him to summon a parliament while he might still have the credit of doing it himself.⁵ Sir Philip Warwick

1. Cal. St. Pap. Dom. 1640-41, p. 90. Clarendon St. Pap. II, p. 123. Windebanke to the King, Sept. 25, speaks of the mayor's answer as 'a cunning piece, and no way satisfactory' and asks whether the Council shall take the matter up. Charles' marginal note is significant: "The maior now with the Citie ar [sic] to bee flatered, not threatened".

2. Cal. St. Pap. Dom. 1640-41, p. 84.

3. Cal. St. Pap. Dom. 1640-41, pp. 56-57.

4. Hardwicke St. Pap. II, p. 181, Sec. Vane to Sec. Windebanke.

5. Cal. St. Pap. Dom. 1640-41, pp. 67-68. For the previous opposition of the Council see Hardwicke St. Pap. II, pp. 168-170.

attributed the final resolve to the advice of Strafford, who was so confident of his own innocence that he was willing to risk being called to account by Parliament.¹ It is much more likely that if Strafford did advise the King to call together his Lords and Commons, he was trusting rather to a plan to forestall his opponents by accusing Pym, Hampden, Fiennes, and some others of the Puritan leaders, of treasonable negotiations with the Scotch, than to his easy conscience.

The King's feeling, if not his own words, is given in the Eikon Basilike.² "This last Parliament I called, not more by others' advice, and necessity of my affaires than by My owne choice and inclination; who have alwaies thought the right way of Parliaments most safe for My crown, as best pleasing to My People; and altho' I was not forgetful of those sparks, whiche some mens' distempers formerly studied to kindle in Parliaments, (whiche by forbearing to convene for some yeares, I hoped to have extinguished) yet resolving with My selfe to give all just satisfaction to modest and sober desires, and to redress all publique grievances in Church and State: I hoped by My freedom, and their moderation, to prevent all misunderstandings and miscarriages in this".³

1. Warwick, p. 150.

2. Gardiner IX, p. 216, this was, however, written many years later.

3. Eikon Basilike, p. 1.

As Sir John Bramston wrote, the 'King was in the trap or snare which he had so long labored to avoide'.¹ Not merely was a parliament to convene, but the House of Commons was certain to be composed of men who felt that through their petitions² they had established a precedent which could be followed, if necessary, in the case of still further entrenchments upon the King's prerogative. Without any doubt the popular belief that Pym was responsible for calling the Parliament added greatly to the influence of the extreme radical wing over the moderate majority.

The court faction realized that the counties would be certain to send a majority favorable to a reformation of abuses from the roots up to the smallest branches, and attempted eleventh hour reparation. To quote the phrase of one of the extreme royalists; it was felt among the King's friends that 'even after a bad harvest one must sow'³. Clarendon says that the

1. Bramston, p. 73. Sir John Bramston's father, as the Chief Justice, gave the judgment favorable to ship-money, and was, consequently, in the same trap.

2. Bramston, p. 76, note that most of the petitions from the counties were delivered by men who had been knights for the shires in the Short Parliament.

3. Cal. St. Pap. Dom. 1640-41, p. 130 Nathaniel Tompkyns to Sir Jo. Lambe: "Etiam post malam messem serendum est."

Lord Lieutenant was left in York to stir up greater loyalty to the King and indignation against the Scots.¹ The King sent orders to the Council to release all who had been committed to prison because of a refusal to pay coat and conduct money, or for any offense liable to raise dispute in the ensuing Parliament.² Secretary Vane cautioned the Councillors that it was not the will of the King or Council in the north that Cornelius Burgess, one of the forwarders of the London petition, should be committed.³ A few days later Vane wrote to Laud that it was the King's pleasure that the enforcement of the obnoxious canons and the etcetera oath should be suspended for the time.⁴

The King's order brought about the release of several prisoners.⁵ The case of Ogle of Northumberland is significant. The man had been arrested on the charge of having carried letters between the opposition in

1. Clarendon II, p. 117. Note also Strafford's attempt to influence Grimston, as reported by Bramston, p. 76.

2. Hardwicke St.Pap. II, pp. 189;190.

3. Cal St.Pap. Dom. 1640-41, p. 84. Note previous order of Council that Burgess' house should be searched, in Cal.St.Pap.Dom. 1640-41, p. 73.

4. ib., p. 119.

5. ib., p. 305, Clarendon St.Pap. II, p.133.

England and the Covenanters in Scotland. Charles instructed Windebanke to let him out, on bond, to appear, however, when summoned.¹ He was no doubt destined to serve as a witness in the process against the Puritan leaders suspected of treasonable negotiations with the Scotch. The avowed purpose of this leniency was that thereby the minds and hearts of the King's servants might be 'the better prepared and sweetened for a Parliament'.²

That the King allowed the election of the mayor of London to pass unquestioned is proof of his anxiety to curry popular favor at any sacrifice. Contemporary accounts enlarge on the excitement and popular heat on the day of the elections.³ It had been the custom, for three hundred years, according to Windebanke, that the eldest alderman should succeed the retiring mayor. According to this tradition, the office would have passed to Acton, a royalist who had made himself unpopular by his strict enforcement of tannage and poundage. At first

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1. Clarendon St. Pap. II, pp.132-133, and marginal note.
 2. Hardwicke St. Pap. II, p. 190.
 3. Clarendon St. Pap. II, pp. 126; 127; 128; 130; 132; 133. Montagu of Beaulieu MSS., p. 128.

the choice of the citizens seemed likely to fall upon Soame,¹ who was seventh or eighth in the list. Wright, the second in age, was ultimately chosen. Charles' marginal note instructing the Council as to what attitude they should take shows how genuine his attempts at reform really were: " I like the opinion of the Lords well so that there [sic] intentions may be executed without hindering my loane of monie; but so that wee may get that let innovat, and spare not; it may be a good example for me to do the lyke upon occasion hereafter".²

The popular resentment against the court to secure could be trusted, the defeat the King's candidates and to send a majority favorable to reforms. A study of the test of 'Straffordians'³ reveals several important facts as to the distribution of the court partisans.

1. Soame was sent to Parliament as one of the burgesses for London.

2. Clarendon St. Pap. II, pp. 126-127.

3. Verney, p. 59, gives a complete list, containing 59 names. Rushworth IV, p. 248, and Nalson II, p. 188, name only 56. The list, with the exception of Lord Digby and John Selden, is an enumeration of the most extreme court partisans. According to Sir John Coke, junior, as many as 200 did not vote (Cowper MSS. II, p. 283). So the list of the 'Straffordians' cannot be said to include all the royalists.

Of the fifty-nine listed by Verney, thirteen came from Cornwall and Wales and eleven from York and Northumberland. Evidently the southwest and north were the geographical centers of royalist support.¹ The location of the sixteen counties which sent no 'Straffordians' is equally significant. The centers of court opposition were the counties around Buckinghamshire where ship-money and coat and conduct money struggles had been especially bitter; the counties in which the great Puritan lords, Warwick, Essex, Bedford, and Say had the preponderating influence; and the district around London which Clarendon describes as 'the sink of all the ill humours of the kingdom'.²

The fact that in a large number of cases³ the Straffordians were knights of the shires is worth noticing as indicative of the social distribution of the extreme court partisans.

Both elections in 1640 show a marked tendency on the part of the boroughs to resent interference from the peers in the way of recommending candidates, The

1. See map on next page and Appendix I.
2. Clarendon III, p. 57.
3. 9 were knights of shires, see map and Appendix I.



The counties sending 'Straffordians' are colored pink, the figures denote the number returned.

objection to candidates recommended by authorities outside of the boroughs is due to the lapse of thirteen years since the last parliamentary elections. During that time a new power had been growing up in the boroughs, a younger generation which did not feel the same responsibility to elect the nominees of the peer who had a particular interest in the borough which habit had instilled into their elders. At the same time a new group had been forming at court, especially around the Queen. Court candidates were sure to be judged by the standards set by Endymion Porter, Toby Matthews, and Sir John Lambe, the most unpopular of all the men in influence with the Queen. It is not strange, then, that the old balance between the Court and the people was completely upset, and the court candidates were rejected everywhere, whether recommended by the peers or by the King himself.

The lords resorted to the custom of nominating placemen to the towns within their patronage,¹ but met with little success if their candidates were of the unpopular party. The response which met the Earl of Dorset's recommendation of Sir John Suckling to be one of the burgesses

1. Hist. MSS. Comm. Rye MSS., pp. 209; 210. 9th Rep., pp. 311; 312. 12th Rep., p. 246. Grego, pp. 13-14. Grego says the Cinque Ports especially were looked upon as certain to return the suggested candidates.

of Yarmouth was non-committal, to say the least.¹ The bailiffs answered that they had named Sir John as one of the candidates 'amongst such others as are to stand for it to the general vote of the Assembly, leaving the success to divine providence by which all the actions of men are governed'. The Earl of Northumberland suggested to the same town that it was the usual thing for the seaports to give their votes to the nominees of the Admiralty Department. The bailiffs answered that the town had already chosen two of its own burgesses.² Ludlow in Shropshire refused Sir Robert for the Short Parliament, although he was recommended by his uncle, the Earl of Strafford.³ The action of the Corporation of Reading in the elections to the Short Parliament is an indication of the same tendency. Sir Edward Herbert, Archbishop Laud's candidate, received twenty votes; Sir John Berkeley, recommended by the Earl of Holland, came off with sixteen votes, and six members voted for neither, 'as being strangers to the Corporation'.⁴ The town of King's Lynne, Hampshire, carried the rejection of recommended candidates a step further, and enunciated the

1. Hist. MSS. Comm. 9th Rep., p. 311 b.
2. Hist. MSS. Comm. 9th Rep. App.1, p. 312.
3. Lady Brilliana Harley's Diary [Cam. Soc], p. 87.
4. Hist. MSS. Comm. 11th Rep. App. 6, p. 186.

principle that they would choose only such as were residents of the Corporation.¹ The elimination of all candidates except borough members was not practiced in all the boroughs, Cromwell's election to the town of Cambridge, of which he was not a citizen, is a striking example of a non-resident member.

If the returns given in the Members of Parliament may be considered accurate,² an interesting comparison can be drawn between the Parliament called in March, 1627-28 and the Long Parliament. Among the members of the earlier Parliament there were thirteen aldermen or recorders, officers appointed by the boroughs themselves. In the Long Parliament the number had nearly doubled, twenty-five of the burgesses being officers of the cities or towns.

It is difficult to draw the line between opposition based on the principle of excluding non-residents and the general objection to Court partisans. In 1640 the boroughs had the reputation of favoring the Puritans.³

1. Southampton and Lynn MSS. p. 178.

2. The possibility of a mistake on the part of the compilers of the Members of Parliament is negligible, as their work consisted merely in copying the original returns in the Public Record Office, checked with those at the Crown Office. The two inaccuracies which I have found are probably due to mistakes in the original returns. One incongruity I have already noted, see below, p. 64. The other inaccuracy is in regard to Sir William Allanson, one of the members for York City. According to the M. of P. Hoyle was an alderman and Allanson was not. He is called an alderman in Cal. St. Pap. Dom. 1640-41, p. 158 and in Rutland MSS. I., p. 523, and in Sarcastic Notices of the Long Parliament, p. 7.

3. Cal. St. Pap. Dom. 1640-41, p. 198. Francis Read to Robert Read: "It seems the opinion is grown general that whoever

The King's own recommendation of members to the Long Parliament seems to have been equally unsuccessful. Among the State Papers there are several notices of orders sent from the King to Windebanke in regard to his choice of members for the coming Parliament. Unfortunately the calendars invariably omit the lists of nominees.¹ Without doubt, the majority of court partisans represented boroughs in which the King or Queen had some direct influence such as would be occasioned by the neighborhood of a large royal estate. Slingsby,² the secretary of the Earl of Strafford,

is not Scottishly must be Popishly affected, the brethren of corporations especially being verily stiff in this opinion."

1. Cal. St. Pap. Dom. 1640-41, pp. 122; 127; 125. In the last instance the list is made up of the lawyers approved by the King. It can be surmised that Holbourne, Gardiner, John Lambe, Peter Ball, and John Selden were on the list. The fact that Charles was obliged to choose Lenthall, who was not a court partisan, and who later went over entirely to the Parliament, shows that he was not successful in having the lawyers he favored elected.

See also Hardwicke St. Pap. II, p. 190.

2. Cal. St. Pap. Dom., 1639-40, p. 198, mention of large estates of the Queen's near Knaresborough. Slingsby represented Knaresborough.

Baptist Noel,¹ and Sir Christopher Hatton,² all three 'Straffordians', can be accounted for on this supposition.

In one instance it seems as if the Queen had been unable to secure the election of her candidate even in a constituency in which she had an interest. 'Carlisle City' was proposed for Sir John Lambe, Henrietta Maria's chancellor³. If he accepted the nomination, of which there is no direct proof, he was defeated. The very fact that he was not in either of the Parliaments of 1640 is noteworthy. Even Secretary Windebanke came dangerously near being without a seat in the Long Parliament. He lost the election in the City of Oxford to John Whistler,⁴ the recorder of the city. The return of Whistler was a great victory for the popular

1. Noel was superintendent of the game preserves on the Queen's large estate of Oakham, Rutland, (W.A. Shaw, article on Noel in D.N.B.). This is probably the explanation of his representing Rutland.

2. Sir Christopher Hatton had been for several years the steward of large royal estates in Northamptonshire. He represented Higham Ferrers, Northampton, in both the Short and the Long Parliaments. (Goodwyn, article on Hatton in D.N.B.).

3. Cal. St. Pap. Dom. 1640-41, p. 130.

4. Clarendon St. Pap. II, p. 131.

party. He came to the front at once as the chairman of the grand committee on Irish affairs,¹ one of the strongest props of the process against Strafford. The matter was finally adjusted by giving Windebanke Henry Jermyn's right to Corse-Castle. As a result of the shuffling, Jermyn lost out altogether. The court party eventually lost Corse-Castle into the bargain, as Windebanke was obliged to flee to France early in the first session.

The tendency of the boroughs to elect their own candidates in preference to court candidates, even when backed by the King or Queen, is not sufficient explanation of the wholesale defeat of the Royalists. There must have been men in places of high trust with the King who were unwilling to declare openly against him, but who secretly opposed his candidates. Clarendon suggests the existence of such a class in the matter of the peers' petition. He says that many who were unwilling to join the opposition by signing their names to the petition, advised the King to call a Great Council, confident that the larger body would be the inevitable

1. C. J. II, and D'Ewes passim.

result.¹ The same historian suggests that Pembroke, upon whose good efforts in favor of court candidates Charles relied, unexpectedly used his influence on the Puritan side.²

There is ground for the suspicion that in one instance, at least, Sir Henry Vane, the King's secretary and treasurer, played his master false. On October 12th Attorney-General Banks wrote to Windebanke³ that his Majesty had given directions at York that certain officers of the King's and Queen's households⁴ should endeavour to secure places in the ensuing Parliament. Banks writes further that he has found that the persons have not been

1. Clarendon II, p. 95.

2. Clarendon III, p. 1. Clarendon also suggests that the defeat of Gardiner was due to Pembroke's failure to give him the proper support. Sir Sidney Lee (article on Pembroke in D.N.B.) accepts Clarendon's statement.

3. Cal. St. Pap. Dom. 1640-41, p. 166.

4. The officers were the King's advocate, Dr. Tho. Rives; the Queen's Attorney-General, Sir. Edw. Herbert; the Princes Attorney-General, Sir Rich. Lane; the Council of Wales, the only ones of whom I could find being the Earl of Bridgewater, Sir Marmaduke Lloyd, Sir Edw. Waties, and Sir Nich. Overbury; the Judges in Wales, of whom Samsom Euer is the only one I could run down; and the surveyor-general, Sir Charles Harbord. The only successful candidates among all these were Sir Edward Herbert and Samson Euer.

notified. There is no suggestion of any suspicion of Vane except possibly in the sentence: "I thought good to inform you thus much that it may yet be done". Sir Henry Vane was in constant communication with Windebanke all this time¹, and the question arises whether the omission was due to negligence or to treachery.

The causes determining the defeat of the court candidates naturally contributed to the election of the leaders of popular sentiment. Roughly speaking, the centers of Puritan influence corresponded with the centers of opposition to ship-money; and the most conspicuous opponents of that tax proved the most powerful factors in the elections.²

York was one of the few counties in which the representation in the Long Parliament differed materially from that of the earlier assembly of the same year, the change being entirely in favor of the Puritans. The main

1. Cal.St. Pap. Dom. 1640-41, pp. 104-144 passim.

2. Lord Say in Oxfordshire and Gloucestershire (Cal. St.Pap.Dom. 1636-37, pp. 122; 194; 210). The Earl of Essex in Herefordshire (Portland MSS. III, 65). The Earl of Warwick in Essex and Suffolk (Cal.St.Pap.Dom. 1634-35, p. xxxlii). Sir Christopher Wray in Lincolnshire (Victoria County History, Lincoln, II p.280).

points of vantage gained by the popular party were the elections of the knights of the shire and the burgesses of the city of York.

The knights of the shire in the Short Parliament had been Sir Henry Bellasis and Sir William Savile.¹ In October 1640 the county returned Sir Henry Bellasis and Sir Ferdinando Fairfax, who, in the Short Parliament, had been merely a burgess for Boroughbridge.² The election of Fairfax was a victory for the whole party. Sir William Savile and Mr. Nevill had gained the opprobrium of the Puritans by revealing at the Council-table words spoken in Parliament by Sir Henry Bellasis and Sir John Hotham in a debate on ship-money.³ It is worth noting that Nevill, also, lost his seat in the elections to the Long Parliament.

In the Short Parliament Sir Edward Osborne, the vice-president of the Council in the North, and Sir Roger Jaques⁴ sat as burgesses for the city of York. In the

1. In this case the M. of P. notes that no return has been found. That Savile and Bellasis were the knights for York is clear from Cal.St. Pap. Dom. 1640, passim.

2. The members for York in the Short Parliament are given in M. of P. on p. 484, for the Long Parliament in Ib. pp. 496-497.

3. Cal.St. Pap. Dom. 1640, pp. 154-155.

4. M. of P. says that Jaques was an alderman of York. If there is anything in a name, he was not a Puritan.

elections in October Jacques seems to have dropped out of sight, and Sir Edward Osborne and Sir Thomas Witherington¹ were put up against two stout Puritans, Allanson and Hoyle. Sir Thomas Witherington, writing to the Earl of Rutland, reports that the election was troublesome and disorderly, and that he and Sir Edward Osborne had been rejected by undue means.²

Sir Edward's attempt in another quarter was equally unsuccessful. At the suggestion of Sir John Conyers³ he was chosen one of the burgesses for Berwick, Northumberland. On December 7, 1640 the House voted the elections for Berwick void,⁴ and the vice-president was again without a place.

A detailed account of the local scheming and

 1. This Witherington must not be confused with the stout Puritan lawyer of the same name who sat for Berwick, Northumberland.

2. Portland MSS. I, p. 523.

3. Cal. St. Pap.Dom. 1640-41, p. 258.

4. C. J. II, p. 47. Note that in M. of P. it says Scowin was elected in place of Osborne who resigned. The loss of Sir Edward's place was not a loss to the party, Scowin was a 'Straffordian'.

plotting would demand the use of unpublished county records.¹ While such details would be interesting, they are not necessary to the understanding of the elections as a whole.

The elections were the occasion of great excitement. In the *Eikon Basilike* Charles regrets 'to heare with what partiality and popular heat elections were carried in many places'.² Both sides attempted to win votes by fair means or foul. To every Royalist tale that Oliver Cromwell won the election of Cambridge³ by promising to oppose the unpopular project of draining the fens,⁴ the Puritans can match an account of the threats used by Serjeant Hide, later a Straffordian, to awe the people of Salisbury into voting for him.⁵

1. von Ranke II, p. 224 ft. note mentions a "Pamphlet of 1643, on the elections of 1640." It is impossible to locate this pamphlet. It is evidently from the court standpoint, from the one sentence von Ranke quotes: "We elected such as were not known to us by any virtue, but only by crossness to superiors."

2. Eikon Basilike, p. 2. See also Hist. MSS. Comm. 9th Rep., p. 391.

3. Coke Detection, p. 302 --a rather doubtful authority.

4. Unpopular because they feared it would cut off their connection by water with Lyme-Regis. Coke, p. 302.

5. D'Ewes CLXii, f. 44.

There is evidence that, in a few cases at least, electioneering was begun before the King declared for a Parliament.¹ Sir Edward Deering, who had very unexpectedly been defeated in March, renewed his pretensions as knight for Kent some time before September 2nd.² There is another instance in the same county; John Sedley resolved, before he heard that the King had summoned a Parliament, to run for Maidstone, feeling sure that there must soon be a general assembly.³ Francis Read, the cousin of Windebanke's secretary, was more prudent. He wrote to Robert Read asking for early intelligence, as he was loath to labour for a place until he heard whether Parliament were to be called or not.⁴

1. Sept. 24. Hardwicke St. Pap. II, pp. 186; 188.

2. Proceedings in Kent [Cam. Soc.] , pp. 8-9. Mr. Larking, the editor of the Cam. Soc. volume on Proceeding in Kent in 1640 says that Deering was elected to be one of the leaders of the church reform party. p. xxxvi.

3. Ib., p. 13. His efforts were unsuccessful in spite of his forehandedness.

4. Cal. St. Pap. Dom. 1640-41, p. 107. The letter is dated September 28, but Read did not know when he wrote it that Charles had decided to call a parliament. The item in the Members of Parliament, p. 491 that Sir Wm. Carnaby and John Fenwicke were returned for Morpeth Borough, Northumberland, on September 19 is inexplicable. The fact that the other members for Northumberland were returned in the first week of October makes Oct. 19, as an alternative, also doubtful.

The resort to a purchase of men's minds and breaths, to use D'Ewes exalted phrase, was common in 1640. It is impossible to determine whether the subsequent introduction of a bill into Parliament to reduce the election expenses¹ is a proof of an extraordinary amount of bribery. We have a very interesting itemized account of the election expenses of Sir John Coke,² and

1. C.J.II, p. 114. Mar. 30, 1641. "An Act for the reformation of some Disorders in the election of Knights, Citizens, and Burgesses of Parliament". The title Peyton, p. 107, gives the bill explains the nature of the abuses: "A Bill for rectifying the undue expense of Burgesses and knights at Elections, and to secure them wages from the places for which they serve".

2. Sir John Coke joined the popular party, although his brother, Mr. Thomas Coke, was a royalist to the extent of voting against Strafford. Hist. MSS. Comm. 12th Rep. App. 3, pp. 138-141. The following account with the landlord at the Rose and Crown will show the scale on which Sir John entertained:

	l.	s.	d.
For Wednesday night supper 46 men	1	10	8
" Thursday dinner 133 men	4	8	8
" " breakfast 7 "	0	3	6
Buns, cheese, butter, and bread	1	3	2
Tobacco and pipes	0	9	0
Two hogsheads of ale	3	0	0
Horses	3	0	0

	13	2	6

This is only one of several such accounts.

an estimate of the amount spent by Mr. Morris.¹ Sir John's total amount 276 l., 1s,9 d., and Mr. Morris' 155 l. 9 s. 6 d., make Slingsby's complaint that he spent at least 16 l. rather ridiculous.²

A certain number of broken pates would be sure to follow such lavish hospitality.³ More delicate means of influencing votes than cudgeling the voters were resorted to in many instances. It is established beyond contradiction that the times at which the elections were to be held were often tampered with by one party or the other. Whenever it is reported that the candidate received a unanimous vote there is room for the suspicion, at least, that his party had the election rushed through at a time when the opposition could not be present. One such instance is the unanimous election of

1. William Morris was probably a court candidate. He could hardly expect success in Hereford, a county where the Earl of Essex had a very strong influence, see Hist. MSS. Comm. Portland MSS III, p. 65 for interest of Earl of Essex in Hereford.

2. Slingsby's p. 64. "There is an ill custom at these Elections to bestow wine in all the Town, which cost me 16 l. at the least and many a man a broken pate".

3. Hist. MSS. Comm. Gawdy MSS., p. 176. Sir John Holland's request that Sir Framlingham Gawdy would pass over the faults of a certain Howse, who seems to have been too efficient in the elections. See also Cal. St. Pap. Dom. 1640-41, p. 29.

Henry Marten as one of the knights of Berkshire.¹ It is hard to believe that a man of Sir Henry Marten's reputation unsavoury[^] would have been elected without a dissenting voice.² Another doubtful case is that of Sir Francis Knowles and his son who were unanimously elected to stand as burgesses for the Reading Corporation.³

1. Aubrey I, p. 435. "About 1641 he was chosen knight of the shire of that countie Berks , nemine contradicente." Aubrey wrote this at least years afterwards, and may be untrustworthy. He wrote, however, from the Royalist standpoint and would not be likely to exaggerate the support given by the county to a man of the opposite political principles.

2. Note that Wood, who relied to a great extent upon Aubrey, gives a different version in this case; Athenae III, p. 1238: "In the beginning of the year 1640, he was elected one of the knights of Berks----, and again (tho' not legally) in October----."

3. Reading Corporation MSS. p. 186. The unanimity of the 42 voters, or thereabouts, in this corporation (see above p. 35) is less remarkable than the case of Henry Marten's being elected knight of the shire without a dissenting voice. The other candidates in the Reading case were Tanfield Vachell who was elected after the death of Knowles senior (M. of P. p. 485), Sir Humphrey Forster, a Justice of the Peace (Cal. St. Pap. Dom. 1640, p. 353) and Edward Clarke, about whom I can find nothing. It is strange that no one voted for Vachell or Forster.

The fact that two of the strongest 'Straffordians'¹ came from Lancashire shows that there was a party in the county favorable to the court interests. Alexander Rigby, however, the member from Wigan, was one of Pym's staunch allies, keeping the fear of papist plots alive with frequent tales of nunneries and fast-days in his county. Since the elections in this case were of national interest, and since the means used were typical, I will quote a part of Rigby's letter to his brother: "I pray you procure Mr. Ashton of Middleton and some other gentlemen of qualitie, my good friends, who will be this day in towne, to goe to Mr. Maior of Wigan, and first, in a friendly manner require him to give unto my brother Mawdesley, or to some other whom you and he shall think fitt, three days warning, at least, of the tyme of the election of the burgesses of the Parliament, to the end that they may have notice and be present at the election. And if he will not consent

1. Orlando Bridgeman, chief justice of Chester (article by Osmund Airy in D.N.B.); and Sir Rich. Wynne, the queen's treasurer and receiver (Cal. St. Pap. Dom. 1629-31, p. 37). Note that the Queen had large estates in that county. (Cal. St. Pap. Dom. 1639-40, p. 197.).

or promise soe to doe in curtesy, then let them signifie to him that it is his duty, that if he doe otherwise they will appeale to the Parliament house for justice. But let this be soe carried that I may not appeare in this course, but that it may be soe their owne acte---. I pray you put Mr. Ashton in mynd to send the warrant to Wigan for me, but I fear that Richard Worseley will prevent it." ¹

One of the most conspicuous cases of corruption was in the election of the knights for Warwickshire. The sheriff returned the names of James Lord Compton ² and Mr. Combes. On December 2nd the House of Commons declared the elections void on the plea that the sheriff had at first denied the poll, and then, having allowed the election to start, had broken it off suddenly and returned Lord Compton, and Mr. Combes, although they had not been duly elected. ³

1. Hist. MSS: Comm. Kenyon MSS., p. 58. date Oct. 13.

2. Cal. St. Pap. Dom. 1640-41, p. 113. Letter from Spencer, Earl of Northampton, Lord Compton's father to Countess Mary: "Be mindful about making James Lord Compton knight of the shire----. I have sent to the sheriff and to Mr. Chamberlain".

3. C. J. II, p. 43, D'Ewes CLXII, f.40. Warner, the sheriff confessed and was sent to the Tower.

In spite of the shortness of time between the 24th of September and the 3rd of November, the elections were complicated by an unaccountable delay in the delivery of the writs. On September 24th Finch, the Lord Keeper, ordered the clerk of the Crown to prepare the writs with all possible haste, as the King was anxious that no time should be lost.¹ The summons had not reached Kent as late as October 5th² and were not delivered in London until some time after the 11th.³ Their non-appearance in London started the rumor that the King was only making a pretense of calling a parliament, in order to induce the skeptical Londoners to lend their money.⁴ Charles immediately ordered the Council to investigate the delay,⁵ the excuse given by the messenger was that he had had to lose time

1. Cal. St. Pap. Dom. 1640-41, p. 89. Hist. MSS. Comm. 2nd Rep., p. 23.

2. Proceedings in Kent, p. 14.

3. Clarendon St. Pap. II, pp. 130; 132. Hardwicke St. Pap. II, p. 199.

4. Clarendon St. Pap. II, p. 130. Note suspicion in another locality that the King was not in earnest; Joseph Crosse to Edward Harley, Oct. [?], 1640: "We yet hear of no writs, for it is feared there will be no Parliament in haste". Portland MSS. III, p. 66.

5. Hardwicke St. Pap. II, p. 199. Cal. St. Pap. Dom. 1640-41, p. 194.

in delivering the writs for Lincolnshire.¹

It is impossible to determine whether this delay was a political maneuver. The fact that the Royalists congratulated themselves that Sir Henry Spiller² was to superintend the delivery of the writs³, as had been the case in the Short Parliament, shows that they hoped to make political capital out of executing the writs at carefully planned times. The one notable case in which the elections may have been affected by the postponement of the writs was all in favor of the Puritan side. Clarendon harps on the fact that the writs were returned so late and the execution of them was delayed so long that Charles did not find out until the morning of November 3rd that Gardiner, his choice for

1. Several constituencies further from York than London received their writs earlier. The dates of the following returns is evidence of this: Bossiney, Cornwall, Oct. 16; Bristol, Gloucester, Oct. 12; Newport, Isle of Wight, Oct. 18.

2. Sir Henry Spiller was a decided court partisan. He was Justice of the Peace for Middlesex (Cal. St. Pap. Dom. 1640-41, pp. 130; 208; 356.)

3. Cal. St. Pap. Dom 1640-41, p. 130.

the speakership, had lost his election in London and several other constituencies.¹ On the surface Clarendon's account seems credible, especially as it had been generally known as early as the 10th of October that Gardiner was designed for the speakership,² and the Puritans would have been sure to have worked for his defeat. Charles must have known that Gardiner had lost his election in London, as the city sent in its returns on October 20th.³ If Clarendon's memory was trustworthy on this matter, the places for which Gardiner may have stood can be limited to constituencies returning their members just long enough before November 3rd so that the news of the elections would not have reached the King.⁴

1. Clarendon III, p. 1.

2. Cal.St. Pap.Dom. 1640-41, p. 157. Letter of Leonard Pinckney, Oct. 10. "Mr. Recorder Gardiner shall be Speaker of the Parliament".

3. M. of P., p. 491.

4. M. of P., pp. 484 ff. Bedford Borough, Nov. 1; Nottingham County, Nov. 2; Warwick County, Nov. 2.

Warwick County elected two Royalists and a third would hardly have run in the same place, see above p. 69 ft. note

His running for the shire of Nottingham seems also doubtful, as he would have stood little chance of election in a community where the Puritan Sir John Hutchinson had so strong an influence, see Lady Hutchinson's Life of Sir John Hutchinson, passim.

This narrows Clarendon's -several- down to Bedford Borough.

In the two elections in 1640 there appears a tendency to extend the franchise to a greater number of the inhabitants of the corporations. There is very little evidence on the subject, and what there is seems to point to the conclusion that the tendency was due rather to electioneering interests than to the assertion of an abstract principle.¹ The voters under the limited franchise objected,² possibly on the ground that men with little property interest were thus allowed two votes, one in their own corporation, and one for the knights of the shire.³

1. Southampton and Lynne MSS. pp. 148-149.

2. Ib. Mr. Jeaffreson, the editor of the volume, finds proof of this objection in the order of the Commons on October 15, 1642 (C.J.II, p. 810) that the burgesses should receive the same pay that burgesses elected under the limited franchise received.

3. Victoria County History, Essex II, p. 229. Letter of Mr. Nevill of Essex concerning his defeat in the elections to the Short Parliament: "The corporations in Essex consisted mostly of Puritans, who, having had their voices in electing their own burgesses, there for them to come and elect knights is more than the greatest lord in England has. In their boroughs the multiplicity of the people are mean-conditioned, most factious, and few subsidy men, therefore no way concerned in the election".

On this subject note the stand taken by the House of Commons, in declaring the elections of Mr. Windsor, Berkshire, void on the ground that 'the charter being an Incorporation of Inhabitants; the Inhabitants ought of Right to choose, and not the special Men'. (Dec. 8, 1640. C. J. II, p. 47, D'Ewes, CLXii, p. 58.).

Without doubt, the managers of the Puritan party took a direct hand in the manipulation of the local elections. In Essex, where the victory was so decisive in March that the county returned practically the same delegation in October,¹ the Earl of Essex called upon the assistance of the train-bands², and Stephen Marshall³ preached Puritan politics from the pulpits. As would be expected, Essex sent no

1. The one important change was in the election of Sir John Clotworthy for Malden. Carte (p.108), writing more than 50 years later and from a royalist point of view, claims that Clotworthy was an Irishman, merely temporarily living in England for the sake of stirring up public sentiment against Strafford.

2. Victoria County History, Essex II, p. 229. Letter of Nevill, the defeated candidate: "Before the election the earl of Warwick made good use of his train-bands, who, having power to charge the people with arms, they durst not offend, which brought many to his side". For another case of use of train-bands see Hist.MSS. Comm. 9th Rep. p. 498.

3. Ib. "Those ministers who voted for the Earl of Warwick, as Mr. Marshall and others, preached often out of their own parishes before the election." Note that Clarendon (IV, p. 33) says that the influence of Burgess and Marshall over the Commons was as great as that of Laud had been over the Court. The part taken by the clergymen in the elections is undoubtedly one source of their subsequent authority.

'Straffordians' to Parliament. Among the members sitting for that county are the names of Harbottle Grimston¹ and Mr. Masham², extremists on religious questions.

According to Anthony Wood, Pym rode from county to county to promote the elections of the Puritan candidates.³ It is strange with what avidity historians have seized upon this account of Pym's exertion on the eve of the Long Parliament, and used it as the interpretation of the return of Puritans and defeat of court candidates. The phrase has gone through many variations; several writers have combined

1. Grimston made a speech on December 16 accusing Laud of being the 'root and ground' of all the abuses in the Church; immediately after his speech Pym moved the impeachment of the archbishop. C.J. II, p. 54. D'Ewes CLXii, f. 72; 82; 86.

2. In January 1640 Masham presented the Essex petition for utter abolition of episcopacy. D'Ewes CLXii, f.142.

3. Athenae III, p. 73: "He rode about the country to promote elections of the puritanical brethren to serve in parliament, wasted his body much in carrying on the cause, and was himself elected twice in 1640, to serve in the two parliaments then called".

it with a sentence in Wood's Life of Hampden.¹ As a result of the confusion these writers have Hampden accompany Pym on his rides,² and one authority attributes the activity to Hampden alone.³

Surely the part taken by the leaders of the Puritan party in calling together the remarkable body of men composing the Long Parliament deserves more than an inaccurate statement of their exertions at the eleventh hour before the Parliament met. In making articulate the demand of all the social and economic forces of England for a parliamentary government, they were the authors of a House of Commons composed of men who felt themselves responsible to their constituencies for preserving the constitutional rights of Englishmen, even at the expense of the prerogative of the King of England.

1. Athenae III, p. 59. "And Hampden---did not only ride, for several years before the grand rebellion broke out, into Scotland---but kept his circuits to several puritanical houses in England."

2. Lord Nugent, Hampden, p. 153. Forster Statesmen, p. 176. Green Short History, p. 537.

3. Taswell-Langmead, p. 463.

PARLIAMENTARY PROCEDURE

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PARLIAMENTARY PROCEDURE

The importance of the rules of parliamentary practice in force during the constitutional period of the Long Parliament can hardly be exaggerated. From the point of view of parliamentary procedure in general, this period is critical: it is the point at which a large body of unwritten customs crystallized into the forms in which the business of the House was conducted in the nineteenth century.¹ Redlich, an eminent student of parliamentary practice, says of this period that it is the first time in English history when there appears 'a clear recognition of the indissoluble connection of parliamentary form with the fundamental problem of constitutional law, in fact, with the whole domestic policy'.² Viewed from the standpoint of the long interval of non-parliamentary government, such an appreciation of the importance of parliamentary practice is remarkable. That its results survived the revolutionary years of the Long Parliament and the other parliaments before 1660³ is still

1. Sir Reginald Palgrave in the intro. to May, p. VI "The parliamentary procedure of 1844 was essentially the procedure on which the House of Commons conducted business during the Long Parliament".

2. Redlich, I, p. 46.

3. Redlich, I, p. 51. "We need not consider how the regulation of business and procedure was dealt with in the revolutionary times of the Long Parliament; or the forms adopted in the parliaments called by Cromwell as Lord Protector. In both cases we should have to deal with temporary phenomena."

more to be wondered at. The demand for the forms harmonizing with the principles of their liberty is a most valuable index to the actions of the men of this period. The excuse for incorporating a discussion of parliamentary practice into a thesis dealing with an unofficial journal is that it will explain much in the text that might otherwise be obscure, and, a more important consideration, that our journalist, an observant new member, has recorded several items which throw additional light on the subject of procedure. I shall attempt to describe only those particulars of usage which the period introduced or emphasized and which are, therefore, an aid in interpreting the constitutional years of the Long Parliament. When the remarkable body of men making up the House of Commons came together they found forms in which the parliamentary order of to-day was outlined. In arranging my material, I shall follow the well-used paths of division: the House of Commons in relation to the Crown, the Upper House, the members of the Lower House, and the world at large. In general the gains of the House of Commons over the Crown, the Lords, and the body of constituents were along the line of an extension of privileges. The progress made by the abstract ideal of the House of Commons over the human components was brought

about by a stricter organization of debate and an attempt to reduce the powers of committees.

In gaining the support of the Speaker, the House wrested a distinct victory from the Crown. The Speaker, as the intermediary between the Commons and the King, empowered to decide upon the order of procedure and to declare whether the acts of the House were consistent with parliamentary practice and the royal prerogative, was an "influence which the Commons, at the very outset, saw they must have on their side. During the Tudor and Stuart periods the Speakers were in the pay¹ of the Crown and selected from among the faction favoring the King.² The Commons won their point in the matter of the choice of a Speaker by procuring the defeat in several constituencies of Gardiner, Charles' selection for the office.³

It is impossible to trace the definite steps in the evolution of a Speaker who was the servant of the Commons rather than of the Crown. The process had reached an advanced stage when, on January 4, 1642 Lenthall uttered the famous words: "May it please your majesty, I have neither Eyes to see, nor Tongue to speak in this Place,

1. Porrit I, p. 436.

2. Porrit I, p. 435, quotes a phrase written by Eliot in 1625 'an office heretofore frequently filled by nullities, men selected for mere court convenience'.

3. Clarendon III, p. 1.

but as the House is pleased to direct me, whose servant I am here; and humbly beg your Majesty's Pardon that I cannot give any other answer than this, to what your Majesty is pleased to demand of me".¹

It is strange that at a time when innovations were made in other directions the dependence on the Speaker for the carrying on of business was so absolute. The possibility of choosing a substitute in the place of the Speaker was not put into execution until the 19th century.² If the Speaker were absent, the only alternative to adjournment was the turning of the House into a committee.² Peyton adds the bit of information that when the Speaker was not present, it was against the orders of the House to read a report.³ To prevent delay, at important times, the House was reduced to the expedient of ordering the Speaker to be present at committees.⁴ Peyton records a protest made by Pym against the situation which such dependence on the Speaker^{brought} about.

1. Rushworth IV, p. 478.
2. Redlich II, 159 ff.
3. Peyton, p. 73.
4. Peyton, p. 14.

"It is a new doctrine that we can do nothing without the Speaker and the mace."¹

The Commons weakened another support of the Crown in forcing from Charles a concession allowing the Lords of the Council to act as witnesses in the Strafford trial. The Councillors had been under oath to the King to keep secret the proceedings at the Council table; in their victory the Commons added an important step to the theory of the responsibility of the state to Parliament rather than to the King.²

The principle that it was a breach of privilege for the King to take notice of an action pending in either of the Houses was put on a firm footing in the Long Parliament. The earliest statement of the principle was made in 1407 in the so-called 'schedule of indemnity'; this declaration, however, referred to money bills only.³

1. Peyton, p. 70.

2. C. J. II, p. 38. L. J. IV, p. 99. Clarendon III, pp. 45-46. Clarendon says the Council advised Charles to consent: I can find no notice of this in the Cal. St. Pap. Dom. Peyton, p. 20.

3. "Provided always that the lords on their part and the commons on theirs, make no report to the king of any grant granted by the commons, and agreed to by the lords, nor of the negotiations of the said grant, before the said lords and commons shall be of one assent and of one accord in the matter, and then in the manner and form customary, that is to say by the mouth of the speaker of the said commons for the time being, to the end that the said lords and commons should have the agreement of our said lord the king". Albert B. White, The Making of the English Constitution, pp. 382-383.

In the 17th century an attempt was made to extend the right to carry through money bills without interruption to cover all kinds of action.¹ During the parliaments of Charles the principle lost ground. There are innumerable cases of the king's interrupting business by sending messages as to his desire in the matter. It is worth noticing that, while the members objected, they did so on the score of inconvenience merely, rather than as a breach of privilege.² The Commons in the Long Parliament realized the necessity of the right to carry on business without interruption and cleverly made it a matter of privilege. On November 12, 1640 Charles interposed in a debate in the House concerning the release of several papists by Secretary Windebanke. The King's message that the papists had been released at his order, was deeply resented. Glyn and Pym at once sprang to their feet and moved to know 'who had given the King notice of the business agitated in the House'.³ A still better opportunity to assert the privileges offered in December of 1641, when Charles sent word to the Upper House that he would be willing, upon certain conditions, to consent to the Impressment Bill.

1. Redlich II, p. 159 cites the incident in 1607 where the Speaker advised the House to have nothing to do with a certain matter because the King had taken notice of it.

2. Note two speeches of Sir John Elliott's: Grosvenor MSS. for 1628, folio, p. 5 A. "Would have the King acquainted that such messages as wee received from his majestie have hindered his own businesses." Nicholas MSS. for 1629, folio, p. 33.

"See many messages, see many interruptions to our businis: that those mis-reports which begett see many messages are the causes of our losse of tyme." 3. Peyton p. 14.

Lords and Commons alike objected to this breach of their privileges.¹

The attempt made by Charles early in 1642 to seize the Five Members, and the subsequent cries of "Privilege" form one of the most spectacular scenes of the Long Parliament². As proof of the thesis that the Commons gained ground upon the Crown through an extension of their privileges, this case is much weaker than the one cited above. In objecting to the King's interference in unfinished legislation, the Commons were asserting a comparatively new theory as to the relation between the Crown and Parliament. Behind the outcry for their privileges in the Five Members case, lay a well defined custom.³ If the treason had been committed within the House, only the Commons could make the accusation; if the offense had been committed without the House, still the House must be convinced of the truth of the charge before it could be asked to give up its members.

1. L.J. IV, p. 473; C.J. II, p. 342; Peyton, p. 163.

2. C.J. II, p. 368; Peyton, p. 160.

3. Gardiner I, pp. 143-144 based on D'Ewes CLXii, p. 384 b.

Peyton¹ records fragments of an interesting debate on the Militia Ordinance. The argument was based on sophistry, pure and simple; it came to nothing, and has not even been reported in any of the other accounts I have read for that date, February 8, 1642. On the last day of January the House had passed an act conferring upon persons in each county, the persons to be named later, the power to train the inhabitants of the county for war and to name deputy lieutenants.² The Ordinance had been presented to the King, as a Petition from the Lords and Commons. On February 7, the King's answer had been reported to the Houses:³ he was willing to assent to the Militia Ordinance provided the lists of appointees be presented to him for his approval. Peyton's notes give an incomplete account of the debate on the day after the King's message had been received. There was an attempt made to have the act which had been passed upon by both Houses and the King, though conditionally by the latter, regarded as an Act of Parliament. If it were an act of Parliament it could not be nullified by the King's refusing to accept the names presented, since an act of parliament can be made void only by another act of parliament.

1. Peyton, pp. 176-177.

2. C.J. II, p. 406.

3. C. J. II, p. 416: Peyton, p. 176.

The changes effected in the privileges of the Lower House in relation to the Lords were all in favour of the former, as was the case between the Commons and the Crown. The main issues between the two Houses as to matters of privilege center around the trial of the Earl of Strafford. On March 13 it was resolved that the Commons should be present as a Committee at the trial in Westminster Hall.¹ The members of the Lower House, ever jealous of their privileges, raised the question as to whether or not they would be allowed to sit with their hats on.² It was the custom that the members should be covered only when the House was in regular session.³ The issue, then, was whether the Commons were to attend the trial in their official or unofficial capacity. Clarendon says that there was much discussion, but the point was finally yielded⁴ lest 'such a little circumstance might disturb the whole design'. Evidently the Commons felt keenly the humiliation of their first appearance in Westminster Hall. It is amusing to note the protests of some of the members when they returned to St. Stephen's

1. C. J. II, p. 104 for the general order; also the orders passed in each regular session during the time of the trial to meet the next morning as a committee, etc.

2. C. J. II, p. 108.

3. Scobell Memorials, p. 6.

4. Clarendon, III, p. 96.

Chapel.¹ When the form of the impeachment was changed from a judicial to a legislative act by the introduction of a bill of attainder, the relative positions of the Houses shifted. On April 15² a serious question arose as to whether the Commons should continue, during the debate on the bill of attainder, to go to Westminster every morning as a committee. Pym and Hampden favored a continuance of the judicial proceedings, arguing that such action would in no way prejudice their right to decide in favor of attainder. D'Ewes, Clotworthy, and Maynard advised a compromise, suggesting that the Houses meet on terms of equality in the Lords' or the Commons' House, rather than at Westminster. Some of the extremists, among whom Marten's is the only name mentioned, advised against hearing Strafford's lawyers under any circumstances. After a debate of two hours -- before eight o'clock in the morning -- the Commons adopted the middle course and sent a message to the Lords desiring

1. Peyton, p. 103. "Mr. Hollis tooke some exceptions, That the Commons being a House of Parliament, should sitt with their hatts off: Hee said that all strangers tooke notice of it, and it did derogate from the dignitie of there sic house. Mr. Waller said: hee never sawe that any were allowed to sitt, butt they putt on their hatts alsoe etc.:"

2. The only account of this discussion is given by Sanford, pp. 340-342, based on D'Ewes CLXIII, p. 443 A.

a conference.¹ The Lords answered that they intended to proceed with the trial.² On the next day, April 16th, Pym and Hampden succeeded in persuading the House to allow the judicial form of impeachment to remain in force until the Bill of Attainder should be definitely accepted or rejected.³

Another important suggestion made by Sanford and based on D'Ewes or the Gawdy account is that when the Lords and Commons met in conference on April 29 to hear the arguments on law from the Commons lawyer, St. John, the Lords were not in their long robes, and the Lord Steward sat among his peers⁴. This was an assertion that the Houses were meeting on terms of equal dignity, and explains Peyton's note that Mr. Sollicitor St. John, when he argued, was to stand among the Commons at about the middle of the rail.⁵

1. C.J., II, p. 121.

2. L.J. IV, p. 218.

3. Gardiner IX, p. 337, based on D'Ewes CLXiii, p.48.

4. Sanford, p. 347, no reference; has been using D'Ewes CLXIV p. 984 ff. and Ad'dl. MSS. 15,559 (Gawdy) p.31 ff.

5. Peyton, p. 116.

During the first part of the trial, when the impeachment of the earl depended on the vote of the Lords, the Commons attempted in several ways to limit the number of voters in the Upper House. They requested that the new peers that had been created since the beginning of the action against Strafford should not have votes, since they had taken part among the Commons in accusing the earl.¹ The Lords refused to exclude the new peers,² although some of them did not vote, if we may believe Clarendon, to curry favour with the Commons.³ The use of proxies for absent Lords was, however, forbidden by the Upper House.⁴ The best known instance of the attempt to restrict the number of peers eligible to vote was the bishops case. On the 20th of March the prelates withdrew. Their absence was based on 11th chapter of the Constitutions of Clarendon⁵, forbidding prelates to be present in cases

1. Clarendon III, p. 99: L. J. IV, p. 191.

2. L. J. IV, p. 191.

3. Clarendon III, 104, says Lord Littleton did not vote.

4. L. J. IV, p. 191.

5. "et sicut barones ceteri, debent interesse judiciis curiae domini regis cum baronibus, usque dum perveniat in iudicio ad diminutionem membrorum vel mortem".

of life and limb, confirmed by Canon Law.¹

Clarendon, as we should expect, brings out the irony of the situation, that the Commons should have based their argument upon one of the canons, 'the only one they acknowledged for orthodox'.²

In the management of the preparatory examinations of witnesses in the trial of the Earl of Strafford, the Commons succeeded in obtaining a very broad interpretation of their privileges. As accusers they were authorized to secure the witnesses; the examination of the evidence lay within the province of the Upper House. In the case of Archbishop Usher's testimony the Commons gained a double victory. They threw out the examination made by the Lords on the ground that no members of the Lower House were present at the time it was taken. The Lords yielded to the strength of the sentiment among the Commons and resolved that Usher should be examined by a committee of members of the Lords and Commons, and that the Commons should have the right to cross-question him.³

1. May, p. 631, reference to Gibson Codex 124-125. Clarendon III, pp. 98-99 says it was based on Grat. Decret. II, can. xxiii qu. 8 c. 30.

2. Clarendon's point is rather doubtful - the Commons, on Dec. 16, 1640, voted that the canons made by the late convocation were illegal; the one concerning the right of bishops to vote in cases of capital punishment was not one of these.

3. C.J. II, p. 113: L. J. IV, pp. 200 and 201: Peyton, p. 107.

The cause of this demand was an apprehension that the Lords might not bring out the evidence which the Commons wished to have used. In this case, as in many of the incidents which I have cited, the Commons were acting with a view to the immediate future rather than to such an abstraction as the balance of power between the Houses as expressed in parliamentary practice.

In 1642 the Commons protested against the Lords' bailing the twelve bishops, basing the objection on the fact that, since the Lower House had accused the prelates, it was a breach of privilege for the Lords, without the Commons' permission, to allow bail.¹ In the Lords' Journal there is an entry that at the 'humble' request of the Commons, the Lords had ordered that the bishops be remanded to the Tower.²

Porrit³ says that during these years the tradition that bills which affected the rights of the peerage⁴ (except in cases of treason) should originate in the Upper House, ^{fell into disuse.} The two Bishops Exclusion Bills are cases in this category.⁵

1. C. J. II, p. 436.

2. L. J. IV. p. 590.

3. Porrit I, p. 562.

4. Porrit uses a loose interpretation of the word 'peerage' in applying it to the bishops. Because of the bishops' inability to vote with the other members of the House of Lords in cases of life and limb a distinction grew up between the spiritual and temporal members. In 1692 a declaration was made by the House of Lords that the bishops were not peers but only lords of parliament. White, pp.305-306.

5. C. J. II, pp.131;291; 293.

Peyton's diary contains several incidental notices of events, trifling in themselves, but indicative of the jealousy with which the Commons guarded the dignity of their House. The discussion as to whether a letter directed to the High Court of Parliament could be opened in the House of Commons is interesting, especially in view of the fact that the Commons persuaded themselves that it was proper for them to read it.¹ One of the members protested against the term 'the Upper House' saying he knew of only two Houses, the Lords' and the Commons'.² Mr. Manaton's reproof of the speaker for lifting his hat before the messenger from the Lords' House had made his third bow to the chair gives a hint of the formality hedging in the dignity of the House.³

The members of the Long Parliament had a deep sense of the dignity of the House of Commons as an institution. Peyton notes two instances in which the duration of the august body was defined as but one day, in the legal sense.⁴ The justifiable desire to strengthen

1. Peyton, p. 43.
2. Peyton, p. 104, the member was Peard.
3. Peyton, p. 66.
4. Peyton, pp. 129 and 133.

the abstract institution at the expense of its fallible human members may have degenerated, as selfish motives crept in. Redlich is of the opinion that the preference of the House for select rather than grand committees was a scheme of the majority to protect themselves from interference by the loyalist party.¹ The discussion on one of the first days of the session as to whether the Irish matters should be presented before a grand or a select committee is very interesting.² It is worth noticing that the vote was very close, 165 for and 152 against a grand committee. It is also significant that the tellers for the 'Noes' were Sir John Clotworthy and Sir Henry Mildmay, who were hand in glove with the Puritan managers. The policy of the party leaders was to have all the discussion of Strafford's government in Ireland carried on by a few chosen members.

Peyton's note as ^{to} inconveniences arising from a grand committee is interesting, as an explanation of the preference for select committees from the disinterested point of view.³ "For Every one that will come to have voice at a Committee is a great inconvenience

1. Redlich II, p. 210.

2. C. J. II, p. 21. date Nov. 6, 1640.

3. Peyton, p. 151, See also ib. pp. 56 and 66.

to business there; for one day a matter may be made ripe by debate and good consideration, and the day next after, it may be overthrowne again by new men, that heard nott the reasons of the first, etc."

The power of committees, select or grand, was limited in several directions. In December, 1640 it was ordered, at the suggestion of Mr. Whistler, that the committee on elections should decide on matters of fact merely, matters of law being left to the whole House.¹

Mr. Maynard, according to Peyton, denied to committees the right, formerly practiced, of sending for or enlarging delinquents.²

During the discussion on the rights of committees of the whole House, a discussion called forth by the Strafford Attainder Bill, it was decided that in committees a member could speak against parts of a bill, but not against it as a whole, and though the committee should be against the bill, they could not reject it.³

1. Peyton, p. 38.

2. Peyton, p. 72.

3. Palgrave, p. 37; Sanford, p. 339. Neither author gives the source of the debate, it is probably from D'Ewes.

The following quotations from Peyton's diary¹ will show the means used by the House to preserve her^{to} rules of order, and will also show the opportunity which the regulation offered to members neglectful of the spirit of the law: "And such is the Dignitie and Honour of this supreme Court, and soe spare is shee of the violation of the least of her privileges; That if any member stand up to vindicate her in any point thereof, hee shall be heard before any motion, Report, or other business whatever." "I have observed, That when a man cannott make a motion for Reports, or others that stand up before him, or, would take off an impertinent tedious speeche of another, ore, Quitt the house of a slight and frivolous debate of which the House is in possession: Such a person to force a way for himselfe to bee heard, will pretend to speake to the orders of the house." This custom had been observed in earlier parliaments, but the increased emphasis put on it in 1640 makes it worthy of mention.

At this time a new interpretation was put upon parliamentary usage in cases of divisions. The rule followed in earlier parliaments provided that the affirmative side should go out when the Speaker called for a division of the House.² The principle was established

1. Peyton, p. 34. See also ib., p. 17, and Scobell p.30.

2. Scobell, pp. 61-62. Stuart Tracts I, p. 7.

in 1640 that the side which voted for a reversal of the orders of the House should go out.¹ The purpose of such a regulation is not far to seek. The members who gave their votes against the rules of the House were compelled to face the double disadvantage of being considered radicals, and having to lose their seats.² The Speaker was empowered to declare, in doubtful cases, which side could be said to be voting for the reversal of the order of the House.³ Tradition firmly established the rule that in voting an adjournment the yeas went out, in a vote as to whether a report should be accepted they kept their seats.⁴

To guard against the preparing of a debate outside of the House, strict emphasis was put upon the rule forbidding members to read their speeches.⁵ The speaker, however, was allowed to refer to notes in case his memory failed. In his final arraignment of Strafford

1. Peyton, p. 43. Scobell, p. 24.

2. Although courtesy reserved certain members' seats, the majority of seats were not reserved. Note the order in the Journals "That neither Book nor glove may give any man Title or Interest to any Place, if they themselves be not here at Prayers". C.J., II, 36.

3. Scobell, p. 29.

4. Scobell, pp. 25-26.

5. Peyton, pp. 50 and 128. C.J., I, pp. 272 and 294.

Pym was obliged to turn to his notes.¹

The Commons succeeded in wresting a broader interpretation of their privileges from their constituents as well as from the Crown and the Upper House. A well-defined custom protected members and their servants, except in cases of treason, from arrest during the session and for 40 days before and the same period after their actual attendance at Westminster.² In 1640 the privilege was stretched to include witnesses in the service of the House. The test case was that of Crosbie, a witness against Strafford, who was liable to arrest for several offenses.³

In the sentence passed upon Sir William Savile and Mr. Nevill the Commons voiced the theory of freedom of speech within the House. The two delinquents, who had been members of the Short Parliament, were sent to the Tower for revealing at the Council-table speeches made in the House. As a result of their revelations

1. Gardiner IX, p. 334.

2. Porrit I, pp. 567-8, based on D'Ewes Journals p. 612. Peyton, pp. 23; 130; 133. Twysden Certain Considerations pp. 164-172.

3. L. J. IV, p. 143, Cf. C. J. II, p. 107.

Hotham and Bellasis were sent to the Tower¹ by the Council. Peyton's notice of Mr. Glyn's statement of the principle that members of the House could not be held accountable by their constituents for what they said or did in the House is worth quoting: "That hee that spoke in Parliament spoke with an authority legislative, and by vertue of that was free from any impeachment for words there".²

Peyton records three instances of discussion on the power of the House to send for delinquents upon the testimony of a single member.³ The recurrence of the discussion indicates that this was a question on which usage was not fully settled. The decision in all three cases was that the evidence of one member was sufficient proof of delinquency.

The publication of speeches was a vital point in the relations between the House of Common and the wor world at large. In the parliaments of Elizabeth secrecy had been an invariable requirement.⁴ The tendency in

1. C. J. II, p. 78. Nalson I, p. 747. Peyton, p. 80 a.

2. Peyton, p. 132. Debate of June 19, 1641 on the Act of Oblivion. Glyn's argument was offered on the point as to whether the Scotch could remand the Scotch members of the English Parliament into Scotland to be tried for what they had done in the English House of Commons.

3. Peyton, pp. 22; 100; 185.

4. Redlich II, p. 36.

the 17th century was in the direction of making public what passed within the House.

One is more and more impressed with the keenness with which the popular party seized upon any chance of advantage to themselves. Richard Baxter¹ remarks the fact that the speeches of Lord Falkland, Lord Digby, Mr. Grimston, Mr. Pym, and Mr. Fiennes², which were printed and 'bought up greedily throughout the land' increased the popular apprehension of danger. Pym, like all alarmists, was anxious to have his scare sufficiently appreciated. The influx of reports concerning plots to cut all Protestants' throats was probably a result of the spreading of these speeches. In spite of an apparent increase in the publication of the proceedings of the House, the Long Parliament was retrogressive in this respect.³ Only the speeches passed upon by the Committee for publication were allowed to be printed. To prevent

1. The Life of Richard Baxter, Pt. I, p.18.

2. These are probably the speeches of these members on Nov. 9, 1640 dealing with the grievances of the time.

3. "During the sessions of 1641 and 1642 there are twenty-one entries of occasions upon which the House took steps to prevent publication of debates". Redlich II, p. 37 note.

the spreading of unofficial reports the House looked with disfavour upon note-taking. D'Ewes notes 'a long dispute and altercation about one John Ruchford's [Rushworth's] noteing in characters'. In this case D'Ewes persuaded the House that the clerk's shorthand was justified by precedent and permissible because he had 'delivered out noe copies of aniething'.¹ In 1642 Sir Henry Vane sen. protested against D'Ewes note-taking.²

In spite of restrictions, news leaked out in one way or another. The decision of the Speaker on Dec. 30, 1641 may suggest how information reached the public: 'that noe one who went up into the committee-chamber should speak to any out of the windows, or throw any writing unto them'.³ As a result of the policy of repression the unauthorized speeches, though

1. D'Ewes, CLXii, p. 36.

2. Forster, The Grand Remonstrance, p. 124 note, refers to D'Ewes under date of Mar. 5, 1641-2.

3. D'Ewes CLXii, p. 294 B.

often inaccurate,¹ were eagerly read.²

Whatever the motives actuating the leaders of the majority may have been, it is certain that the members as a whole acted on the principle that a greater freedom in parliamentary practice was a prerequisite to a successful assertion of constitutional rights. If they had gained nothing more than the right to carry on business without interruption by the King or the country, they would have earned the gratitude of subsequent parliaments.

1. Proceedings in Kent, [Cam. Soc.] Intro. p. XLiii. Sir Edward Deering to his wife, Jan. 24, 1641-2. "you write of a speech of Mr. Hamden's, but no word of it was sayd heere, nor of the poore phrases ascribed to Sir Benjamin Rudyard." Ib. p. 47, Sir Edward Deering to his wife, "There are 6 several copys of Strafford's speeches, none very right".

2. Proceedings in Kent, [Cam. Soc.] p. 75. Notes by Sir Edw. Deering of a conversation: "You have burnt my booke, and thereby rayed the price, and rayed the desires of such as would have it."

APPENDIX I.

THE DISTRIBUTION OF THE 'STRAFFORDIANS' BY COUNTIES.

CORNWALL

1. Slayning
2. Godolphin
3. Parry
4. Arundel
5. Holbourn
6. Trevanion
7. Jane
8. Edgecombe

WALES

1. Lloyd
2. Griffith
3. Ch. Price
4. Price
5. Warwick

DORSET

1. Lord Digby +
2. Strangeways
3. Dr. Turner

SHROPSHIRE

1. Lee +
2. Newport

CINQUE PORTS

1. Weston
2. White

YORK

1. Danby
2. Geo. Wentworth
3. Geo. Wentworth
4. Penniman
5. Slingsby
6. Mallory
7. Rich. Alborough

NORTHUMBERLAND

1. Carnaby
2. Wm. Witherington +
3. Scowen
4. Fenwick

SOMERSET

1. Portman
2. John Digby
3. Kirton

LANCASTER

1. Wyn
2. Bridgeman

SUSSEX

1. Lord Buckhurst
2. Alford

BERKSHIRE

1. Fettiplace +
2. Wm. Taylor

CUMBERLAND

1. Curven +

OXFORD UNIVERSITY

1. Selden

RUTLAND

1. Noel +

LINCOLN

1. Holles

GLOUCESTER

1. Alford

DEVON

1. Pollard

SUFFOLK

1. Cornwallis

NOTTINGHAM

1. Clifton

WORCESTER

1. Porter
2. Coventry

CAMBRIDGE

1. Chicheley +

WARWICK

1. Lord Compton +

HERTFORD

1. Fanshawe

CHESTER

1. Venables +

NORFOLK

1. Rob. Hatton

WILTSHIRE

1. Hyde

LEICESTER

1. Thos. Cooke

UNCERTAIN

1. Herbert
2. Weston

Note: the + indicates members who were knights of the shires.

APPENDIX II.

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